

IN THE SUPREME COURT OF THE STATE OF NEVADA

TULY LEPOLO,

Appellant,

vs.

STATE OF NEVADA,

Respondent,

Supreme Court Case No. 85631
District Court Case No. C-20-345911-1
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**APPELLANT'S APPENDIX
Volume IV**

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1 A Well, I ain't want him -- I ain't felt like a referee. I just didn't
2 want him to get jumped.

3 Q You didn't want him to get jumped.

4 A Yes.

5 Q But you got a crowd of people together in the parking lot so
6 that he could have a fight.

7 A I ain't get a crowd of people in the parking lot.

8 Q Who did?

9 A They just --

10 Q Were invitations mailed out?

11 A They just came, like --

12 Q They just came, and I'm guessing they weren't just members
13 of the Lepolo family that came, right?

14 A I don't know. It was like, my family, they family, and I don't
15 know who else.

16 Q Okay. So members of both of your families were there and
17 my guess is members of both of your families were surrounding the two
18 combatants as they fought. Is that a fair statement? Or was your family
19 sitting back in lawn chairs watching politely?

20 A Well, everybody was surround -- surrounding.

21 Q Okay. And that's the fight got good as fights do, whether
22 we're in high school or whether we're Mike Tyson, as fights got good,
23 what did the people do? Did they kind of crowd in closer so that they
24 could get a better look?

25 A Well, from my angle, it seemed like they was, like, trying to

1 jump him. And I shot in the air --

2 Q Okay. From your angle it looked like they were trying to
3 jump him, right?

4 A Yeah.

5 Q You pled guilty based on your actions in this case, right?

6 A Yes.

7 Q And you're testifying because you got a sweetheart deal,
8 right?

9 A Not really.

10 Q Not really. Okay. So I suppose you trade places with my
11 client today?

12 MR. GIORDANI: Objection.

13 THE COURT: Sustained.

14 MR. MARGOLIS: Withdrawn. Pass the witness.

15 THE COURT: Redirect.

16 MR. GIORDANI: No, thank you.

17 THE COURT: Ladies and gentlemen.

18 [Sidebar at 3:48 p.m. not transcribed]

19 THE COURT: Henry, the jury has some questions for you,
20 okay?

21 THE WITNESS: All right.

22 THE COURT: If you had never interacted with Nana's dad,
23 how did you know the defendant is her dad?

24 THE WITNESS: Because there was -- it was afterwards that I
25 known the defendant was her dad.

1 THE COURT: After this took place you learned?
2 THE WITNESS: Yes.
3 THE COURT: Okay.
4 THE WITNESS: I did not know that was her dad at all.
5 THE COURT: Okay. What did Wayne Wayne say to you
6 when he gave you the gun?
7 THE WITNESS: I don't recall, like, when he gave me the gun.
8 I don't recall -- like, I don't remember what he said. I don't remember if
9 he said anything like --
10 THE COURT: You don't remember if he said anything?
11 THE WITNESS: No.
12 THE COURT: Okay. Did you ask Wayne Wayne to give you
13 the gun?
14 THE WITNESS: I probably did. I probably did.
15 THE COURT: Okay. What caliber of weapon was the gun
16 you used in front of Dana's apartment?
17 THE WITNESS: I believe it was a 9mm.
18 THE COURT: You believe it was a 9mm?
19 THE WITNESS: 9mm.
20 THE COURT: Was the same gun used at the first fight the
21 same one used when firing back at Lepolo in front of Dana's apartment?
22 THE WITNESS: I believe it.
23 THE COURT: You believe you used the same gun?
24 THE WITNESS: Yes.
25 THE COURT: When you fled back to Dana's

1 apartment -- yeah. When you fled back to Dana's apartment, were there
2 any of the Samoans with you?

3 THE WITNESS: No.

4 THE COURT: How many shots did you fire before the clip fell
5 out?

6 THE WITNESS: About like, three.

7 THE COURT: Three?

8 State, follow up?

9 REDIRECT EXAMINATION

10 BY MR. GIORDANI:

11 Q You said probably like three. Are you sure it's three, or are
12 you estimating?

13 A I'm just estimating like three.

14 MR. GIORDANI: Okay. I'll pass the witness.

15 RECROSS-EXAMINATION

16 BY MR. MARGOLIS:

17 Q How many are in the clip?

18 A I don't know.

19 MR. MARGOLIS: Okay. Thanks.

20 THE MARSHAL: Judge, I have one more question.

21 [Sidebar at 3:51 p.m. not transcribed]

22 THE COURT: When you shot the first shot, was the gun out
23 of your possession between the time you fired at Lepolo? So when you
24 shot in the parking lot, was the gun ever out of your possession between
25 then and the time you shot at Lepolo in front of the house?

1 THE WITNESS: I don't remember. Like --

2 THE COURT: I'm sorry?

3 THE WITNESS: I don't remember. Like, like if I was -- I don't
4 remember if I, like, shot the gun and came in with the gun and still had
5 the gun, but I know I -- it was the same gun, though.

6 THE COURT: Okay. Was Mr. Lepolo, the defendant, at the
7 fight in the parking lot between Wayne Wayne and Mula?

8 THE WITNESS: I don't remember. Like, I don't remember
9 him at the fight. Like, like to be honest, I don't remember. Like, I just
10 was watching the fight.

11 THE COURT: Okay. State?

12 MR. GIORDANI: No, thank you, Your Honor.

13 THE COURT: Defense? Mr. Margolis, do you have follow up
14 on that?

15 MR. MARGOLIS: No.

16 THE COURT: All right.

17 [Sidebar at 3:54 p.m., not transcribed]

18 THE COURT: Mr. Taylor, thank you so much for being here.
19 Please don't share your testimony with anyone else involved in the case
20 since it is ongoing. And you are excused.

21 MR. TAYLOR: Okay.

22 THE COURT: All right. Thank you, sir.

23 MR. TAYLOR: Okay. I can leave?

24 THE COURT: You can leave. Yes.

25 MR. TAYLOR: Okay.

1 THE COURT: State?

2 MR. GIORDANI: Nicole Mariam.

3 NICOLE MARIAM, STATE'S WITNESS, SWORN

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

6 THE WITNESS: Nicole Mariam, N-I-C-O-L-E, M-A-R-I-A-M.

7 THE CLERK: Thank you.

8 MR. GIORDANI: Your Honor, may we approach on a
9 scheduling issue?

10 THE COURT: Yeah.

11 [Sidebar at 3:57 p.m., not transcribed]

12 THE COURT: All right. So we're just going to switch up
13 witnesses due to some timing issues with the doctor that's about to
14 testify.

15 MR. GIORDANI: The State would now call Dr. Stephanie.

16 STEPHANIE YAGI, STATE'S WITNESS, SWORN

17 THE CLERK: Please be seated. Would you please state your
18 name and spell it for the record.

19 THE WITNESS: Sure. First name is Stephanie,
20 S-T-E-P-H-A-N-I-E, last name is Yagi, Y-A-G-I.

21 THE CLERK: Thank you.

22 DIRECT EXAMINATION

23 BY MR. GIORDANI:

24 Q Ma'am, what do you do for a living?

25 A I am a medical examiner at the Clark County Coroner's

1 Office.

2 Q And are you -- how long have you been with the coroner's
3 office?

4 A Approximately four weeks.

5 Q You're relatively new at our coroner's office, aren't you?

6 A I am.

7 Q What did you do prior to coming to the coroner's office?

8 A One year prior I was a forensic pathology fellow and
9 Associate Deputy Medical Examiner at the Los Angeles County Coroner's
10 Office.

11 Q Can you explain to the ladies and gentlemen of the jury what
12 that means?

13 A Sure. So a fellowship is a one-year post-residency training.
14 So it's additional specialized training after medical school and pathology
15 residency that focuses on forensic pathology for determining the cause
16 and manner of death.

17 Q What did you do prior to that?

18 A So prior to my one-year fellowship, I did four years of
19 anatomic and clinical pathology at Cedars Sinai Medical Center in Los
20 Angeles, California.

21 Q Can you tell the ladies and gentlemen of the jury what that
22 means?

23 A Sure. So pathology is the study of cause and effect of
24 disease. Anatomic and clinical pathology encompasses two portions.
25 So it involves the laboratory medicine side of things, as well as the

1 clinical or diagnostic portion of pathology, which would be tissue
2 examination, like determining types of cancer, as well as forensic
3 pathology, which again is determining the cause and manner of death.

4 Q I want to bring you now to your current employment with
5 our Clark County Coroner's Office. You indicated you're a medical
6 examiner.

7 A Correct.

8 Q What does that mean? What are your duties and
9 responsibilities as a medical examiner?

10 A So my primary role as a medical examiner is determining
11 cause and manner of death. And that is most often through the
12 procedure of an autopsy.

13 Q What is an autopsy?

14 A So again, the autopsy is a large medical legal death
15 investigation, but it encompasses many parts, including an external
16 examination where we look at the body and document any injuries that
17 we see. An internal examination is where we open the body almost like
18 a surgical-like procedure, where we evaluate all the different organs and
19 again evaluate for any natural disease or trauma or injury.

20 We also include any ancillary studies that we deem fit, which
21 would include things like radiographs, like x-rays, toxicology. We can
22 actually look at some of the tissue under the microscope if we feel
23 necessary, as well as get outside consultations.

24 Q I want to ask you a couple of questions about the autopsy in
25 general.

1 A Okay.

2 Q Is the purpose or goal of the autopsy to determine both the
3 cause and the manner of a person's death?

4 A Yes.

5 Q Can you explain to the ladies and gentlemen of the jury, the
6 different types of manner of death?

7 A Sure. We have five general categories within the realm of
8 manner of death, and those would include natural, so any type of natural
9 disease process. Suicide, homicide, accident, and undetermined where
10 we cannot determine a manner of death.

11 Q And essentially, what does homicide mean?

12 A Homicide is the death at the hands of another.

13 Q And in this particular case, did you conduct an autopsy on a
14 person? Did you yourself conduct an autopsy on a person?

15 A Can you be more specific?

16 Q Sure. In this particular case, did you can actually conduct the
17 autopsy on Raquel Stapinsky back in 2016?

18 A No.

19 Q Are you -- how is it that you became involved in this case?

20 A I am currently a medical examiner at the Clark County
21 Coroner's Office, and the original pathologist who did perform the
22 autopsy is no longer employed.

23 Q So were you brought in as essentially a substitute for that
24 person?

25 A Correct.

1 Q As a result of that, or in that role, do you review particular
2 things in order to prepare yourself to testify in front of a jury?

3 A Yes.

4 Q And what did you review in this particular case?

5 A I reviewed the investigation, or the investigative report that
6 our investigators document for us. I reviewed the radiographs or x-rays
7 associated with this case, as well as the forensic photographs that were
8 taken prior to and during the course of the autopsy, as well as the written
9 autopsy report that was formulated by the prior pathologist.

10 Q And after doing all of that, did you yourself come to an
11 independent determination as to the cause and manner of Ms.
12 Stapinski's death?

13 A Yes.

14 Q And everything you're testifying to today, with regard to your
15 opinion, that's yours and yours alone?

16 A Yes.

17 Q You're not sitting here saying, you know, Dr. so and so back
18 then believe this to be this. You're saying this is what I believe based on
19 everything I've reviewed?

20 A Correct.

21 Q And you indicated that there are photos. Is that common
22 during the course of an autopsy?

23 A Yes.

24 Q And are there numerous sometimes hundreds of photos
25 taken during the course of an autopsy?

1 A Yes.

2 Q And all of those are kept under a particular case number?

3 A Correct.

4 Q As is the autopsy report?

5 A Correct.

6 Q And in this particular case, is the autopsy case number 16-

7 03417?

8 A Yes.

9 Q Not to be confused with the Las Vegas Metro events number,

10 is that right?

11 A Correct.

12 Q So you have an autopsy case number and an event number

13 is something separate?

14 A Yes.

15 Q In this case, do you -- are you aware of who was present

16 during the course of the autopsy?

17 A I believe it was documented in the autopsy report.

18 Q Okay. And who was the original pathologist who conducted

19 the autopsy?

20 A Dr. Alane Olson.

21 Q And I'd like to ask you some questions generally about the

22 autopsy based upon everything you've reviewed.

23 A Okay.

24 Q How is it that Ms. Stapinski's body was received at the

25 coroner's office?

1 A So the body was received in a sealed body bag, which was
2 then opened by our forensic techs, and that was documented with
3 photographs.

4 Q And when a body is received, is it suppose -- in a body bag,
5 is it supposed to be in the condition in which it came from wherever that
6 body was found?

7 A Yes.

8 Q And then do you-- do you and the photographer's
9 throughout the course of this document as you process the body?

10 A Yes. The body is processed in a particular way. And each
11 step of that process is documented with photographs.

12 Q And you said you reviewed the photographs in this case?

13 A Yes.

14 Q Fair to say there's over 100 of them?

15 A I would approximate, yes.

16 Q And we've narrowed them down quite a bit for your
17 testimony today; is that fair?

18 A Yes.

19 Q Did Ms. Stapinski -- was Ms. Stapinski's body cleaned during
20 the course of this processing?

21 A Yes.

22 Q And is that something that's common?

23 A Yes.

24 Q Is the body photographed both before it's been cleaned and
25 afterwards?

1 A Yes.

2 Q After Ms. Stapinski's body was cleaned, was there a external
3 examination conducted?

4 A Yes.

5 Q And did you of course review those photographs?

6 A Yes.

7 Q Did you observe any injuries externally to Ms. Stapinski?

8 A Yes.

9 MR. GIORDANI: May I approach?

10 THE COURT: Yes.

11 MR. GIORDANI: And Mr. Margolis has seen these. May I
12 approach?

13 THE COURT: Yes.

14 MR. GIORDANI: I'm showing the witness what's been
15 marked as 250 through 262.

16 BY MR. GIORDANI:

17 Q Do you recognize all those photographs?

18 A Yes.

19 Q Do those all appear to be fair and accurate depictions of Ms.
20 Stapinski during the course of her autopsy?

21 A Yes.

22 Q As well as an item that was taken from her body during the
23 autopsy?

24 A Yes.

25 MR. GIORDANI: And I'd move for the admission of those.

1 THE COURT: Mr. Margolis?

2 MR. MARGOLIS: No objection.

3 THE COURT: Those will be admitted.

4 [State's Exhibits 250-262 admitted into evidence]

5 MR. GIORDANI: And I'm going to put those up on the
6 overhead now, with the Court's permission.

7 THE COURT: Okay. You can publish.

8 MR. GIORDANI: I want to start with State's 250.

9 BY MR. GIORDANI:

10 Q What are we looking at here?

11 A So this is a photo of the decedent prior to cleaning.

12 Q And what is this little placard thing here?

13 A The placard is both identification using the case number that
14 we deem at the Clark County Coroner's office, as well as a scale.

15 Q Okay. And the scale has inches and centimeters on it?

16 A Correct.

17 Q And then all of these should have the autopsy case number
18 16-3417 in them; is that correct?

19 A Correct.

20 Q I'm going to show you now up on the overhead State's 251.
21 What are we looking at here?

22 A This photograph shows the right upper extremity of the
23 decedent. And in this photograph, there are three gunshot wounds.

24 Q Where are those gunshot wounds?

25 A Can I use --

1 Q You can. Now, you can just toggle over them. Or if you
2 want, you can go down to the red crayon looking pen at the bottom, click
3 on that and then write on the screen if necessary.

4 A Okay. So we have one gunshot wound here.

5 Q What is here for the record?

6 A This would be the posterior lateral upper arm or the back of
7 the upper arm.

8 Q Upper --

9 A Right arm.

10 Q Right arm. Okay.

11 A We have a second gunshot wound just to the right of the
12 cursor here. This is also in the back of the right upper arm. And then the
13 third gunshot wound is where my cursor is placed now, which is in the
14 right axilla or the armpit region.

15 Q So the axilla would be the armpit region.

16 A Correct.

17 Q And are you able to tell if any of these various wounds are
18 entry or exit wounds?

19 A Yes.

20 Q How do you go about determining that?

21 A So for us, the appearance of a wound is the best, you know, I
22 guess characteristic that we use to determine entry or entrance -- or
23 entrance or exit wounds.

24 Q All right. Let me show you now State's 254. Are we looking
25 at the same three injuries here?

1 A Yes.

2 Q All right. Can you describe what you believe to be whether
3 they are entrance or exit wounds that we're looking at?

4 A Yes. So this first gunshot wound here where my cursor is,
5 which is in the posterior lateral upper arm, right arm, is consistent with
6 an entrance wound. It is very round and has a marginal abrasion.

7 Q What does that mean?

8 A It's a circumferential injury around the entrance hole, which
9 would be compatible with where the actual bullet pushes into the skin.

10 Q Can you move on down to the next bullet wound to the right
11 upper rear arm?

12 A Sure. So this next gunshot wound is most likely an exit
13 wound. I'll have to say that is atypical in the fact that the wound edges
14 are irregular and you can see tags of skin here and here.

15 Q Could that be an artifact of if someone's arm is down instead
16 of flopped up?

17 A Yes. Based on the positioning of gunshot wounds, I
18 conclude that this is an exit wound or what we call a short exit. It's
19 atypical in its appearance, and it's most likely due to the fact that that
20 arm was up against another surface.

21 Q And then down to that next one. Oh, and let me ask you this
22 before I move on. When you say up against another surface.

23 A Yes.

24 Q So there's no confusion. Are you talking about up against a
25 wall or could the other surface be the armpit?

1 A In this instance, given the orientation of the wounds, it's
2 most likely that that arm was against the side of the body.

3 Q Okay. And then can you move down to that third wound?

4 A Sure. So this third wound, again, is atypical in its
5 appearance. It doesn't have that nice round appearance as the first
6 entrance wound. But based on the fact that we have a retained projectile
7 in the body, and the orientation of the wounds, this is most likely a
8 reentrance wound.

9 Q When you say reentrance, what do you mean?

10 A So I conclude that the bullet entered in the arm at this first
11 entrance here, exited while this arm was against the body, and then
12 reentered the body at this last gunshot wound entrance.

13 Q Going into essentially the right armpit area?

14 A Yes.

15 Q I want to step back from the gunshot wounds for just a
16 moment. And were there a couple of other injuries observed to Ms.
17 Stapinski?

18 A Yes.

19 Q Showing you State's 258. What are we looking at here and
20 here?

21 A So this is the right side of the decedent's face. And these
22 injuries that are documented here are called abrasions, or scratch-like
23 injuries.

24 Q And State's 259. What are we looking at here?

25 A This is a photograph of the underside of the chin. Again, this

1 injury would be considered an abrasion or a scratch-like injury.

2 Q In your professional opinion, had someone been shot,
3 stumbled, and fell to the ground, could that cause the abrasions to the
4 chin and the eye area?

5 A It could be consistent with that.

6 Q Okay. I want to go back to the gunshot wounds. You
7 indicated that you believe that the bullet entered her right upper arm,
8 exited her right upper arm, and then entered into her armpit area; is that
9 right?

10 A Correct.

11 Q Was there a corresponding internal examination conducted?

12 A Yes.

13 Q And can you describe the process by which Dr. Olson did
14 that?

15 A So the internal examination is again, like a surgical
16 procedure. We open up the body and examine all the internal organs
17 and document any injuries to those organs or body cavities that we see.

18 Q And was there an internal -- sorry, internal examination
19 associated with these wounds that we're looking at?

20 A Yes.

21 Q And what did that reveal?

22 A So the internal examination revealed multiple injuries that
23 were associated with this gunshot wound.

24 Q And can you describe those?

25 Q Sure. So there was a perforation or hole in the right upper

1 lobe of the lung, as well as a fracture of one of the ribs on the right side.
2 There was also perforation and injury to the pulmonary artery, the aorta,
3 which is the main blood supply of the body. And there was also
4 perforation to the upper lobe of the left lung. Associated with those
5 injuries were bilateral hemothoraces, which is blood in the chest cavities,
6 and blood in the pericardium, which is the sac surrounding the heart.

7 MR. GIORDANI: I'm going to approach, if I may.

8 THE COURT: Um-hum.

9 MR. GIORDANI: With 259-A.

10 BY MR. GIORDANI:

11 Q Can you describe what you're looking at there?

12 A Yes. This is a photograph with an injury to the aorta and
13 resulting residual human pericardium which is blood in this sac
14 surrounding the heart.

15 MR. GIORDANI: So real quickly, I'm going to put this up on
16 the overhead.

17 BY MR. GIORDANI:

18 Q Describe real quick what you just were referring to?

19 A So here we have injury to the aorta and resulting blood
20 which is in the pericardium that is opened, which is the sac surrounding
21 the heart.

22 Q In your professional opinion, was Ms. Stapinski shot in the
23 heart?

24 A No.

25 Q Can you describe how that bullet ended up in her heart, or

1 struck her heart? I apologize.

2 A The bullet injured the aorta, which is the main blood supply
3 to the body.

4 Q Okay. And the aorta connects to the heart?

5 A Yes.

6 Q I'm going to take that down, and I'm going to ask you were
7 there x-rays conducted on Ms. Stapinski's body as well?

8 A Yes.

9 MR. GIORDANI: May I approach?

10 THE COURT: Yep.

11 BY MR. GIORDANI:

12 Q Showing you 248 and 249. Recognize those?

13 A Yes.

14 Q Do those appear to be x-rays conducted during this autopsy?

15 A Yes.

16 MR. GIORDANI: I move for the admission of those.

17 THE COURT: Mr. Margolis?

18 MR. MARGOLIS: No objection, Your Honor.

19 THE COURT: Those will be admitted. You can publish.

20 [State's Exhibit 248 and 249 admitted into evidence]

21 BY MR. GIORDANI:

22 Q Showing your State's 248. Can you describe what we're
23 looking at?

24 A Yes. This is a post-mortem x-ray of the decedent that is
25 documented by the name and the case number up in the right-hand

1 corner. This is a chest x-ray. And it demonstrates a radio dense or
2 metallic foreign object that appears to be a retained projectile.

3 Q States 249. Is this essentially a closer up image?

4 A Yes.

5 Q Of what you just described?

6 A Yes. The -- yes. Um-hum.

7 Q And on the left-hand side of the screen, is that the projectile
8 that you were just describing?

9 A Yes.

10 Q And that projectile, would it be on the left side of Ms.
11 Stapinski's body?

12 A Yes.

13 Q Does that mean that it entered her aorta and then went
14 through it and came out the other side?

15 A It injured the aorta.

16 Q Okay. And what would the medical result of that be? I guess
17 the physiological result of that be?

18 A The aorta is the main blood supply to the body and pumps
19 most of the blood to the body. Injury to the aorta would result in a large
20 amount of hemorrhage or blood.

21 Q And in your professional opinion, would that have caused
22 Ms. Stapinski's death?

23 A Yes.

24 Q That projectile you just described, was that removed from
25 Ms. Stapinski's body?

1 A Yes.

2 MR. GIORDANI: I believe these are already in. State's 260
3 through 262.

4 THE COURT: They are.

5 MR. GIORDANI: Can I publish them?

6 THE COURT: Yes.

7 BY MR. GIORDANI:

8 Q Showing State's 260. What are we looking at there?

9 A This is a photograph of a projectile on a white towel with the
10 label corresponding to the case number.

11 Q And 261. Same projectile, just a different angle?

12 A Correct.

13 Q 262. Is that the same projectile, just a different angle?

14 A Yes.

15 Q And during the course of that autopsy when that projectile
16 was removed, was it provided to Las Vegas Metropolitan Police
17 Department crime scene analyst for impounding?

18 A I don't know.

19 Q Okay. Well, was it documented as having been removed
20 from her body?

21 A Yes.

22 Q And then how is it retained, or would you know how it was
23 provided to whoever it was provided to?

24 A In general, once we remove a projectile from the body, it is
25 photographed and then it is sealed in a tube and given to law

1 enforcement who must sign and release a release of evidence waiver.

2 Q Okay. And you personally don't know because you weren't
3 there six years ago, right?

4 A Correct.

5 Q You indicated earlier that that wound to the aorta would have
6 been fatal to Ms. Stapinski?

7 A Yes.

8 Q Do you have a formal cause of Ms. Stapinski's death in your
9 professional opinion?

10 A Yes.

11 Q And what is that?

12 A Gunshot wound of right arm and axilla.

13 Q And what's the axilla?

14 A It's the armpit region.

15 Q And the manner of death?

16 A The manner of death is homicide.

17 MR. GIORDANI: I will pass the witness at this time. Thank
18 you.

19 THE COURT: Mr. Margolis?

20 MR. MARGOLIS: Thank you, Your Honor.

21 CROSS-EXAMINATION

22 BY MR. MARGOLIS:

23 Q So even though you weren't in the coroner's office six years
24 ago, you're familiar with the contents of this report, right?

25 A Yes.

1 Q And fair to say the report concludes, as you just testified to,
2 that Ms. Stapinski died of a gunshot wound to the right arm and axilla?

3 A Yes.

4 Q And that bullet, obviously, punctured the aorta, caused a lot
5 of internal damage as well, fair?

6 A Yes.

7 Q Since you're familiar with the contents of the rest of the
8 report, I wanted to ask a couple of questions about it. Despite the fact
9 that we know that Ms. Stapinski died of a gunshot wound, we don't
10 know who fired the bullet that caused the wound, right?

11 A Correct.

12 Q From this report.

13 A Correct.

14 Q Okay. And this report also includes a toxicology on what
15 was in Ms. Stapinski's system at the time, right?

16 A Correct.

17 Q And that showed that she had alcohol and marijuana in her
18 system.

19 A Correct.

20 Q And there was also an inventory of her clothing and her
21 property.

22 A Yes.

23 Q And in her right pocket, there was a hammer with a broken
24 claw; is that right?

25 A I recall seeing a hammer. I can't testify to whether there was

1 a broken part on it.

2 MR. MARGOLIS: Fair enough. Pass the witness.

3 THE COURT: Anything, Mr. Giordani?

4 MR. GIORDANI: Very briefly.

5 REDIRECT EXAMINATION

6 BY MR. GIORDANI:

7 Q And that was in her pocket?

8 A Yes. When the body was processed, a part of the process is
9 taking off the clothing and documenting. Per the photographs I
10 reviewed, there was a hammer as well as a pack of cigarettes and green
11 leafy substance that was taken out of the right pocket.

12 Q So the hammer wasn't taken out of her hand, right?

13 A Correct.

14 Q She didn't come into the autopsy with a hammer in her hand,
15 right?

16 A No.

17 MR. GIORDANI: Okay. I'll pass the witness.

18 THE COURT: Mr. Margolis?

19 MR. MARGOLIS: Nothing further, Your Honor.

20 THE COURT: Anything from the jury?

21 Doctor, thank you so much for your testimony. Please don't
22 share it with anyone else involved in the case since it is ongoing. But
23 you are excused.

24 DR. YAGI: Okay. Thank you.

25 THE COURT: Thank you.

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[Sidebar at 4:25 p.m., not transcribed]

THE COURT: All right. Ladies and gentlemen, that is it for today. We're going to come back on Monday for a full day at 9 a.m. And so that day we will have a lunch break, all right?

So please remember during this recess, do not discuss or communicate with anyone, including fellow jurors in any way regarding the case or its merits, either by voice, phone, email, text, internet, or any other means of communication or social media. Please do not read, watch, or listen to any news media accounts or comments about the case. Do any research such as consulting dictionaries, using the internet, or using reference materials.

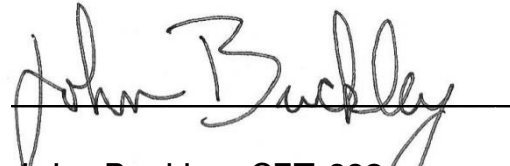
Please do not make any investigation, test the theories of the case, recreate any aspect of the case, or in any way attempt to learn or investigate the case on your own. And please don't form or express any opinion on the matter until it's formally submitted to you. Have a nice weekend. We'll see you tomorrow -- or excuse me, we'll see you Monday morning at 9 a.m. Thank you.

THE MARSHAL: All rise.

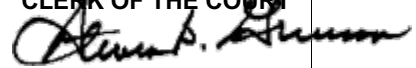
[Jury out at 4:26 p.m.]
[Proceedings adjourned at 4:27 p.m.]

* * * * *

1 ATTEST: I do hereby certify that I have truly and correctly
2 transcribed the audio/video proceedings in the above-entitled case to the
3 best of my ability.

4
5 
6 _____
7 John Buckley, CET-623
8 Court Recorder/Transcriber

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1 RTRAN

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7
8 THE STATE OF NEVADA,
9 Plaintiff,

10 vs.

11 TULY LEPOLO, #8471381,
12 Defendant.

)
) CASE#: C-20-345911-1
)
) DEPT. VI
)
)
)
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)

13 BEFORE THE HONORABLE JACQUELINE BLUTH
14 DISTRICT COURT JUDGE
MONDAY, AUGUST 22, 2022

15 **RECORDER'S TRANSCRIPT OF JURY TRIAL - DAY 4**

16
17 APPEARANCES:

18 For the Plaintiff:

JOHN GIORDANI, ESQ.
ELISA CONLIN, ESQ.

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20 For the Defendant:

JASON MARGOLIS, ESQ.

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25 RECORDED BY: DE'AWNA TAKAS, COURT RECORDER

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Las Vegas, Nevada, Monday, August 22, 2022

[Case called at 9:08 a.m.]

THE MARSHAL: All rise.

[Jury in at 9:08 a.m.]

THE COURT: All right. Thank you everyone. Please be seated.

We are on the record in State of Nevada versus Tuly Lepolo, C345911. Mr. Lepolo is present with Mr. Margolis, as well as paralegal Mendoza. Both deputy district attorneys Mr. Giordani, as well as Ms. Conlin are present on behalf of the State.

Do both parties stipulate to the presence of the jury?

MR. GIORDANI: We do, Your Honor.

THE COURT: All right. State, next witness, please.

MS. CONLIN: Shandra Lynch. And she'll be appearing via BlueJeans, Your Honor.

THE COURT: All right. So ladies and gentlemen, our next witness is going to be appearing via BlueJeans, which is our audio/video tech. So I just wanted to make sure, can everyone see that TV, or would you like me to kind of tilt it? Is everybody good? Okay.

And then I'm sure you noticed, but there's one over there and then there's one behind you if you feel like those work better.

All right. At this point in time, Ms. Lynch, could you please raise your right hand?

SHANDRA LYNCH, STATE'S WITNESS, SWORN

1 THE COURT: Oh Ms. Lynch, I'm sorry, you're muted.

2 There you go, now you're not.

3 THE WITNESS: Okay.

4 THE COURT: Thank you.

5 THE WITNESS: I do.

6 THE COURT: Okay. And then if you could please state and
7 spell your name for the record.

8 THE WITNESS: My name is Shandra Lynch. S-H-A-N-D-R-A
9 L-Y-N-C-H.

10 THE CLERK: Thank you.

11 MS. CONLIN: Thank you.

12 DIRECT EXAMINATION

13 BY MS. CONLIN:

14 Q Ms. Lynch, how are you currently employed?

15 A I'm a special agent forensic scientist with the Tennessee
16 Bureau of Investigation.

17 Q And how long have you been in that position?

18 A Close to a year and a half.

19 Q Prior to that, how were you employed?

20 A I was a senior crime scene analyst with Las Vegas
21 Metropolitan Police Department. And I was also a -- that was for about
22 10 and a half years. And for two and a half years I was in the forensic lab
23 in their firearms identification unit.

24 Q So back in April of 2016, were you employed as a senior
25 crime scene analyst?

1 A Yes, I was.

2 Q And what sort of training and education background did you
3 have for that position?

4 A My education, I have a bachelor's in anthropology, a
5 bachelor's in psychology and a bachelor's in biochemistry molecular
6 biology. And I have a master's of forensic science with a concentration
7 in crime scene investigation.

8 After hiring on with LVMPD, they put me through an
9 academy, about 10 to 12 weeks. And then about 12 weeks of field
10 training. And then I had various on the job training after that to learn
11 new techniques and to stay current in my field.

12 Q Okay. So as you were in that position, you had continuing
13 training while still in that position; is that right?

14 A That's correct.

15 Q And what were your major responsibilities as a crime scene
16 analyst?

17 A When requested by an officer or a detective, I would arrive
18 and I would document, identify, collect and preserve evidence.

19 Q As part of your duties, do you sometimes attend autopsies?

20 A Yes. If I was assigned to day shift, that was part of our job
21 duty.

22 Q And so in this case on April 5th, 2016, did you attend the
23 autopsy of Raquel Stapinski?

24 A Yes, I did.

25 Q And what was your responsibility as a crime scene analyst

1 there?

2 A When we attend the autopsy, we -- the decedent's body
3 becomes a crime scene and we document it. As I arrive, we document
4 the outside of the body bag and the tag to show the integrity of the seal,
5 that no one has entered or tampered with the body bag after it was
6 closed and sealed by the coroner investigators that responded to the
7 initial location of the decedent.

8 Then we document the decedent as found when we open the
9 bag. And they kind of become our scene, where we look for any
10 evidence on the person, in their clothing, in the sheet that's wrapped
11 around them. And we also document any injuries and identifying marks,
12 like scars and tattoos. And we do all of that in conjunction with the
13 medical examiner's office and their technicians.

14 Q As part of this process, would you also document or
15 photograph any x-rays that are taken at the autopsy?

16 A Yes. I would take photographs of the x-rays of the decedent.

17 Q Okay. So I'm going to show you what's already been
18 admitted as State's Exhibit 248. And do you recognize this photo?

19 A Yes, I do.

20 Q And would this have been one of the photographs to
21 document the x-ray on April 5th of 2016?

22 A Yes.

23 Q Showing you what's been already admitted as State's Exhibit
24 249. Do you recognize this photograph?

25 A Yes.

1 Q Is this another x-ray that you would have documented at the
2 time of the autopsy?

3 A Yes.

4 Q As part of your duties as a crime scene analyst, do you
5 impound any items?

6 A Yes. Just like at a crime scene, if there are items of evidence,
7 we collect and impound those.

8 Q And do you recall if you impounded any items in this case?

9 A Yes. I impounded the decedent's clothing and several other
10 items.

11 Q Did you impound a bullet that was recovered during the
12 autopsy as well?

13 A Yes, I did.

14 Q All right. And showing you what's been admitted as State's
15 Exhibit 260. I apologize. This is actually 261. Do you recognize what's
16 depicted in this photograph?

17 A Yes. That is the bullet that I recovered and impounded from
18 the medical examiner.

19 Q And showing you State's admitted Exhibit 262. Does that
20 appear to be just another angle of that same bullet?

21 A Yes, it is.

22 Q And showing you State's Exhibit 260. Does that appear to
23 just be another angle of that same bullet?

24 A Yes.

25 Q And you indicated as part of this process you impound these

1 items; is that correct?

2 A Yes, that's correct.

3 Q And could you just describe that impound process?

4 A When I impound an item for evidence, I fill out an evidence
5 impound report that gives a description of the item and where it was
6 recovered. I also -- the actual item itself, I will put in packaging. And this
7 particular item, the bullet, I would rinse off to make sure that there were
8 no biological substances on it to make sure that it wouldn't cause
9 corrosion or anything like that. I would put it in an aerated package and
10 that inside, usually a bag. That would be sealed with evidence tape and
11 a label would be applied with the event number, the item number, my
12 initials and my name, my personnel number and the location where it
13 was recovered.

14 Q And your personnel number, that's a number that's unique to
15 you?

16 A That's correct.

17 Q For this item, you would have placed the event number being
18 160403-3524; is that correct?

19 A That is correct.

20 MS. CONLIN: Court's brief indulgence.

21 I'll pass the witness, Your Honor.

22 THE COURT: Mr. Margolis?

23 MR. MARGOLIS: No questions, Your Honor.

24 THE COURT: Anything from the jury?

25 All right. Ms. Lynch, thank you so much for your testimony

1 today. Please do not share it with anyone else involved in the case, as it
2 is an ongoing trial. But you are excused. Thank you.

3 THE WITNESS: Thank you.

4 THE COURT: State?

5 MR. GIORDANI: State would call Nicole Mariam.

6 NICOLE MARIAM, STATE'S WITNESS, SWORN

7 THE CLERK: Please be seated. And will you please state
8 your name and spell it for the record?

9 THE WITNESS: Sure. Nicole Mariam. N-I-C-O-L-E M-A-R-I-
10 A-M.

11 THE CLERK: Thank you.

12 THE WITNESS: Thanks.

13 DIRECT EXAMINATION

14 BY MR. GIORDANI:

15 Q Ma'am, how are you currently employed?

16 A I'm a crime scene analyst with Henderson Police Department.

17 Q And how long have you been a crime scene analyst with the
18 Henderson Police Department?

19 A Since October of 2016.

20 Q What did you do prior to that?

21 A I was a crime scene analyst at Las Vegas Metropolitan Police
22 Department.

23 Q And how long were you with the crime scene analyst with
24 Metro?

25 A Since January 2011, so five and a half years.

1 Q Okay. How did you receive that employment? Did you get
2 some kind of special training or education in order to do so?

3 A I have two bachelor's degrees from UNLV, criminal justice
4 and psychology.

5 Q Okay. And ongoing training related to crime scene analysts?

6 A Yeah, sorry. Whenever I got hired on with Metro, we did a
7 crime scene academy, which was eight weeks. And then went into 12
8 weeks of field training, where I was partnered up with a more senior
9 crime scene person for 12 weeks, progressively getting more involved in
10 doing calls. And then ongoing training for the past almost 12 years.

11 Q With -- in your current capacity as a crime scene analyst with
12 Henderson, do you respond to crime scenes?

13 A Yes.

14 Q And can you just briefly describe what you do at crime
15 scenes for the jury?

16 A Sure. So it totally depends on what type of crime scene I'm
17 going to. But we pretty much document, identify, collect and process for
18 physical evidence. So photography, note taking, fingerprinting, making
19 diagrams, collecting evidence, bloodstain, bullet trajectory. Just
20 depends on what's actually present at the actual crime scene.

21 Q And were those duties and responsibilities essentially the
22 same back when you worked as a crime scene analyst for Metro?

23 A Yes. I do the exact same thing.

24 Q In your experience now with both agencies, have you
25 responded to several, I don't know, hundreds of crime scenes?

1 A Yeah. More than that. I believe I'm in the 1500s.

2 Q Okay. And can you describe generally the process when you
3 respond to a homicide scene?

4 A Sure. Whenever I respond to a homicide scene, typically
5 detectives are present or arriving. The scene should have been secured,
6 meaning there shouldn't be a suspect there, no one should be actively
7 needing medical attention. It should be calmed down when I arrive.
8 Patrol officers are there keeping the scene secure. And then I arrive with
9 whoever is coming with me. So another crime scene analyst, a
10 supervisor, detectives. We all arrive at approximately the same time.
11 And on homicide specifically, we generally meet up and do a briefing
12 with the detectives who have met with the patrol officers that were on
13 scene originally.

14 So the patrol officers will kind of tell us what they know, the
15 detectives will tell us what they've learned. We kind of all pow wow
16 together to figure out what's going on, what we have at the scene and
17 kind of our plan of attack of how we're going to work the scene.

18 Q And fair to say that on a homicide scene in particular, there
19 are several crime scene personnel and several detectives and a whole lot
20 of officers in uniform?

21 A Yes.

22 Q In this particular case, did you respond back in April of 2016
23 to a shooting call at 6501 West Charleston?

24 A I did, yes.

25 Q And did you respond with other crime scene personnel?

1 A Yes.

2 Q Do you recall how many and who they were?

3 A It would have been Noreen Charlton. And then our
4 supervisor, Kristin Grammas.

5 Q For the ladies and gentlemen of the jury, is everything done
6 on this crime scene under one particular event number?

7 A Yes.

8 Q Can you describe kind of what an event number is?

9 A Sure. An event number is the number that is going to be
10 assigned individually to this call. So it's comprised of the year, the
11 month and the day that it occurs, and also a four digit number of what
12 incident it is that took place that day. So if it's the first thing that
13 happened at 12:01 a.m., it's incident 0001. And so it kind of keeps adding
14 up and then so we can identify that specific call, specific event by that
15 number forever.

16 Q In addition, is every piece of evidence impounded under that
17 same unique event number?

18 A Yes.

19 Q And in this particular case, is that event number 160403-
20 3524?

21 A Yes.

22 Q So everything you're about to talk about, everything that was
23 impounded from this particular crime scene, would have been
24 impounded under that event number?

25 A As long as it happened -- well, yes. Even if it happened on a

1 different day they would still book it under that event number, yes.

2 Q Understood. Thank you. So I wanted to go through some of
3 your process as it applied to this particular crime scene. You described
4 some of the folks that were also there when you arrived. Can you
5 describe the briefing briefly and what you did initially?

6 A I don't know that I specifically remember the actual briefing,
7 it was six years ago.

8 Q Sure.

9 A But meeting with the detectives, being informed we did have
10 one female victim who was deceased. Kind of the layout of what patrol
11 officers had found. That they had found cartridge cases, cartridges,
12 which are unfired bullets and different pieces of evidence. Kind of what
13 part of the apartment complex we were working with. And then with our
14 -- as far as our crime scene personnel goes, we divide up who's going to
15 do what. So typically, one person is in charge of taking the photos on
16 the scene and then subsequently writing the report. The second person
17 is normally in charge of doing the evidence and drawing the diagram of
18 the scene, we sketch a diagram. And then the supervisor kind of helps
19 out with what we need, kind of bounces around and helps us when we
20 need it.

21 Q You mentioned an apartment complex?

22 A Yes.

23 Q Was that address that I just referenced?

24 A Yes. The Lantana Apartment Complex, I believe.

25 Q Okay. Showing you State's 5. Not showing you State's 5.

1 Switch over here. Do you recognize what we're looking at here?

2 A Yes. The 6501 West Charleston, in the center of the screen
3 there, that's the overhead view of the apartment complex.

4 Q So I'm tracing an outline of a square here. Goes from Torrey
5 Pines down to Bonanza -- oh I'm sorry. Del Rey Avenue. And then up
6 Redwood and across Charleston. Is that the entirety of this complex?

7 A Yes, it appears so.

8 Q Okay. And then let me zoom in a little bit and show you
9 State's 6. Does that appear to be that same complex?

10 A Yes.

11 Q And can you point the ladies and gentlemen of the jury to the
12 location where you responded?

13 A I believe it was in the southwest corner so -- is it touch screen
14 with the mouse?

15 THE COURT: Yeah.

16 THE WITNESS: All right. In this general area right there.

17 BY MR. GIORDANI:

18 Q All right. And then I'm going to get a little closer for you --

19 A Perfect.

20 Q -- with State's 7. Southwest corner of the complex.

21 A Yes. Sorry.

22 Q Okay. It's okay. State's 8, further zoomed in version of the
23 southwest corner of the complex?

24 A Yes.

25 Q And were your efforts focused specifically on the left hand

1 side -- well, essentially this whole map actually?

2 A Yes. The -- I would say the majority of the scene, the
3 majority of the evidence is in kind of this general vicinity. But it is
4 comprised -- we have stuff going pretty much the entirety of that photo.

5 Q Understood. And just for the record. When you said the
6 majority of it is in this vicinity, you're referring to the left hand side of the
7 exhibit in that little courtyard area, correct?

8 A Yes.

9 Q And then you indicated you had some additional evidence,
10 that we'll get into, kind of around this building in the center of the
11 exhibit?

12 A Yes. Around the elongated horizontal building.

13 Q All right. One more just so we're clear. State's 9. Same
14 area, just a little more zoomed in here; is that right?

15 A Yes.

16 Q And does this particular exhibit encompass the entirety of
17 the crime scene as it was narrowed down and canvased?

18 A Yes.

19 Q All right. So you indicated earlier that crime scene diagrams
20 are made?

21 A Yes.

22 Q And I want to ask you generally, what is a crime scene
23 diagram?

24 A So a crime scene diagram. On scene we sketch out
25 everything by hand, depending on the type of scene. So if it's a house,

1 we sketch out the bedroom or the whole house, depending on what
2 we're working with. In this case, it was an outside scene. So I sketched
3 the layouts of the apartment buildings, the sidewalks, measured all of
4 those and then later took them back to my office and did a computerized
5 diagram to scale with those measurements.

6 Q Okay.

7 MR. GIORDANI: And Your Honor, I've shown all these
8 photos to Defense counsel. I believe he's okay with me moving to admit
9 exhibits 10 through 249 as a whole, rather than going through all of
10 them.

11 THE COURT: Okay. Mr. Margolis; is that correct?

12 MR. MARGOLIS: It's correct.

13 THE COURT: All right. So those will be admitted, and you
14 can --

15 MR. GIORDANI: Thank you.

16 THE COURT: -- publish when needed so the jury may see.

17 [State's Exhibits 10-249 admitted into evidence]

18 MR. GIORDANI: Thank you, Your Honor.

19 THE COURT: Uh-huh.

20 BY MR. GIORDANI:

21 Q I'm going to start with 10. Do you recognize that?

22 A Yes.

23 Q Is this one of the crime scene diagrams?

24 A Yeah. So that's pretty much what we were looking at, the
25 Google Earth, the overhead view. That's my diagram, computerized

1 diagram that I made of that same general area. So the trees aren't there
2 obstructing it. So that's the general outline of that area.

3 Q Okay. And at the bottom here it has N. Howell and P
4 number.

5 A Uh-huh.

6 Q Is that your P number?

7 A Yes.

8 Q Your name is now Nicole Mariam, correct?

9 A Nicole Mariam is my maiden name. I was married
10 previously, so Howell was my married name.

11 Q Okay. So if we see exhibits with Howell on it, that's your
12 authorship; is that right?

13 A Yeah, that's me.

14 Q And so the jury understands, is this exhibit oriented north,
15 south, east, west?

16 A Yeah. So on the upper left hand corner there, you see the
17 north arrow pointing straight up, meaning that the up portion of this
18 picture is north.

19 Q And then just under that northern -- north arrow --

20 A Uh-huh.

21 Q -- appears to be some form of scale. Can you describe what
22 that is?

23 A So like I said, whenever I take measurements on scene, I take
24 actual measurements and not guesstimates. So whenever I put them
25 into the computer, each of those lines is drawn to scale. And so that

1 scale in the upper left hand corner will measure out the distance of those
2 actual lines that are on there.

3 Q So essentially, this exhibit should be a to scale
4 representation of all those aerial maps that we just saw?

5 A Yes.

6 Q Or at least as the crime scene looked back in 2016?

7 A Yes.

8 Q Who knows if that apartment complex --

9 A Right.

10 Q Right. So very quickly, I want to go back to 9 just for a point
11 of reference. Do you see these sidewalks that curve around the east --
12 I'm sorry. The west side of building 25 here?

13 A Yes. Those like 45 degree angle sidewalks there.

14 Q Okay. And then I'm going to go to 9 just as a point of
15 reference. We're referring -- that portion of the exhibit, the diagram, is
16 referring to these areas here?

17 A Yes.

18 Q Okay. And back to the diagram, there's a box with some
19 writing in it on the right side and a box just under that with some writing
20 in it. Can you describe what's in this box down here at the bottom?

21 A Sure. So that's the information about the call. So it's a
22 homicide. That's our event number that I explained before. So 160403,
23 means the 16 that happened in 2016. The 04 meaning the fourth month
24 of the year, so April. 03 is the third day of the month, so April 3rd, 2016.
25 And then that 3524 means this is the 3,524th event or call that was

1 created on that day.

2 Q So Metro responded to 3,524 crime scenes or crime --

3 A Calls.

4 Q -- calls at least?

5 A Calls for service.

6 Q Prior to this?

7 A Prior to this, yes. And then below that is the address, the
8 6501 West Charleston Boulevard. The victim, the decedent. Underneath
9 that is the date. Underneath that is my initials, prior initials and P
10 number. So that's N for Nicole, 14401 was my P Number, my personnel
11 number. H is Howell. And then diagram one of three. So I made three
12 diagrams for this specific scene, and this was the first one.

13 Q And on the right, what is in this box?

14 A So that is just a little legend saying what the numbers that
15 you can kind of see throughout the scene, what they represent. So
16 evidence item number one was a bracelet, two was a belt, three through
17 eight were cartridge cases. And then vehicle one, which was V1. It
18 identifies that as a 2004 white Chevrolet Suburban.

19 Q Okay. So three, four, five, six, seven, eight represent six
20 different cartridge cases?

21 A Correct.

22 Q Those numbers on the left should correspond with those
23 numbers on the map?

24 A Correct.

25 Q And that would have been their impound numbers? I'm

1 sorry their item numbers.

2 A Those are the item numbers, yes.

3 Q And we're going to go through some photographs here
4 momentarily. Would these numbers also correspond with yellow
5 evidence placards at the scene?

6 A Yes.

7 Q Okay. So anytime we're referring to a number on the actual
8 diagram, you can look to the legend and find out what that particular
9 item is?

10 A Correct.

11 Q Okay. And these six cartridge cases, these are not the only
12 six cartridge cases from this crime scene, right?

13 A Correct.

14 Q There's a whole lot of firearms evidence at this crime scene?

15 A Yes.

16 Q So as a result, did you make Exhibit 12 here?

17 A Yes.

18 Q And what are we looking at in this diagram?

19 A Do you mind flipping back to the last one?

20 Q Sure. Exhibit 10.

21 A Okay. So on this left side of the map here, you can see this
22 little dotted line rectangle. So this whole thing is an apartment building.
23 This dotted line rectangle is an alcove, so where you would turn in and
24 there are two apartments at the end of that alcove and then stairs that
25 take you up to the second floor. So that little dotted line on this diagram

1 is just indicating this cross-section that I will be diagramming in the
2 second one. So now if you want to --

3 Q Go to 12.

4 A -- put the other one.

5 Q Exhibit 12.

6 A So this rectangle portion here, is that indent that's in the
7 diagram before. So right here, these lines are the wall of that apartment
8 building. So you're walking down the sidewalk and you turn in to go to
9 the apartments, this is the alcove that you would walk into. These right
10 here, these lines on the bottom portion of this are the stairway to the
11 second floor. And then these little pie shaped segments over here are
12 the doorways to apartments 233 on top here and to 231 below it. So this
13 is just showing the directions that the doors swing in.

14 Q And similar to Exhibit 10, all of these numbers on the left
15 would correspond with the legend on the right?

16 A Yes.

17 Q And just in particular, these various numbers outside of
18 Apartment 231, those are on the first floor, they're not at the top of the
19 stairs?

20 A Correct. Everything in this diagram here, all the numbers
21 were on the first floor, like ground level.

22 Q Okay. And then I'm going to go to Exhibit 11. Is this your
23 third diagram?

24 A Yes.

25 Q What are we looking at here?

1 A So that is a more zoomed in portion of that first one that had
2 that bigger chunk of the apartment complex. This is that one building,
3 building 26. You can see the diagonal sidewalks here we had looked at.
4 And this dotted line here is that same alcove that we had looked at on
5 the previous diagram. So it's pretty much just zooming in even further
6 to that bottom left corner -- or I guess left side of the first diagram.

7 Q And I see here it says items number 9 through 35 and it
8 points to that alcove?

9 A Yeah. So just so if you're looking at this diagram, it indicates
10 that there's a lot of stuff going on in there. And we have an additional
11 diagram to look at and that will lay it out more detailed where the
12 individual items 9 through 35 were located.

13 Q Okay. And on this particular diagram, we have some labels
14 RP1, AB5. What do those all represent?

15 A So RP is reference point. So like I said, when I'm on scene I
16 actually take physical measurements, either with a rolling tape or with a
17 laser measurer. And so I need a reference point in order to make all of
18 my measurements off of.

19 So that just indicates that corner of the apartment building
20 was my reference point. So sometimes you may see that certain
21 evidence items were a foot north and two feet east of reference point
22 one. So that's just telling you where I measured it from.

23 Q And what does AB stand for?

24 A AB stands for apparent blood. So those are areas that I
25 swabbed and recovered apparent blood.

1 Q Going back to 12. We have some ABs on this and RPs.
2 Those would be reference points and apparent blood as well?

3 A Yes.

4 Q In addition to all of that that you've just described, do you
5 also document apparent bullet impacts at the scene?

6 A Yes.

7 Q And what are those represented by?

8 A Letters in this case.

9 Q Okay. Are they represented on the diagrams?

10 A No.

11 Q Okay. So those particular impacts we may see in photos?

12 A Correct.

13 Q But we won't necessarily see impacts on these diagrams?

14 A Correct. Photos and reports the trajectory will be labeled,
15 yes.

16 Q Understood. All right. I want to start with some
17 photographs. State's 15. What are we looking at in this photograph?

18 A So that is the parking lot, driveway area, whatever you want
19 to call it where you're driving your car through an apartment complex.
20 And over to the right hand side on that photo, that's where the buildings
21 in question we were just discussing are located. And that white
22 Suburban there, is the vehicle that was depicted in the diagram. The
23 2004 White Chevrolet Suburban.

24 Q Perfect. And I'm just going to go back briefly to our handy
25 diagram, State's 11.

1 A Uh-huh.

2 Q Would that be represented as V1?

3 A Yeah. So right at the top there, that rectangle portion
4 represents the covered parking spaces. So an aerial view. And then it
5 shows vehicle one there parked in the labeled spot number 73.

6 Q So spot 73 should correspond with the carport number, I
7 guess?

8 A Correct.

9 Q Showing you now State's 21. What are we looking at -- what
10 were we looking at there?

11 A So that is the back view of that car. So again, that's parking
12 spot 73 there, the white Chevrolet Suburban. And then that building on
13 the right hand side there, that's the building that was the main one in my
14 diagram with the alcoves. That's building 26. So it's just a more close
15 up version and a different angle at that vehicle one.

16 Q Okay. And then I want to show you State's 22 very briefly.
17 And I want to draw your attention to these two white SUVs on the left.

18 A Okay.

19 Q This is obviously V1 when I'm pointing to the Suburban?

20 A Yes.

21 Q And then it looks like it's super close to this white SUV that's
22 to its left in the photo.

23 A Okay.

24 Q Did you take other photographs that show maybe a different
25 angle of that?

1 A Noreen would have, yes.

2 Q Right. Noreen --

3 A Yes.

4 Q -- Charlton?

5 A Yes. Sorry, I just didn't want to claim the photos.

6 Q That's okay. So you're not actually taking these photos,
7 you're just out there documenting as a --

8 A Yes. I did evidence and diagram on this case.

9 Q State's 22A. Is that a better representation of the distance
10 between those vehicles?

11 A Yes. That's a straight on photo, so you can accurately see
12 how far spaced apart those vehicles were.

13 Q And State's 22B. Does that show the front side of the
14 Suburban?

15 A Yes. Whenever we photo vehicles, we generally take eight
16 photos of each car. So straight on each side and then all four corners.

17 Q Okay. Briefly going back to 22A. Were you and Noreen -- or
18 I'm sorry. CSA Charlton able to pass freely between these two vehicles,
19 although it's a tight fit?

20 A Yes.

21 Q In fact, showing you State's 22C. There was some actual
22 processing done on those vehicles, right?

23 A Yes.

24 Q I would presume that person has to be in between those
25 vehicles in order to do that process?

1 A Yes.

2 Q You didn't pull this other SUV out in order to do that, right?

3 A No. None of the cars were moved. This is the spots they

4 were all in.

5 Q Okay.

6 A At this point.

7 Q All right. One more photo I want to show you is 22D. Can

8 you orient the jury here?

9 A Sure. So now we are looking straight on at that Chevrolet

10 Suburban, vehicle one. And on the left side of the photo is building 26.

11 That was that main building with the alcove in the diagram. So we are

12 just flipped around now staring at the front end of that car, as opposed

13 to before we were staring at the back end from the parking lot area.

14 Q And in the foreground in front of that Suburban, there's

15 actually a tree, right?

16 A Yes.

17 Q A pretty big tree frankly, right?

18 A It's a decent size tree, yeah.

19 Q I'm mean it's not a sapling?

20 A Yeah, I'm not --

21 Q Okay.

22 A -- a tree expert, but.

23 Q All right.

24 A It's a decent size.

25 Q So let me go to 23. This is the other side of the Suburban?

1 A Yes.

2 Q And just for the record. We're now kind of looking into the
3 alcove a bit between the Suburban and a Pontiac Sunfire; is that right?

4 A Correct.

5 Q And the Pontiac Sunfire is red?

6 A Appears to be, yeah.

7 Q Okay. I'm going to show you State's 25. What are we
8 looking at here?

9 A So in that bottom left hand corner there, you see the nose of
10 that Pontiac. In front or above that is the decedent lying on the sidewalk.
11 And then on that right hand side that building again is building 26, which
12 was the main one in my diagrams that we had looked at earlier. Just to
13 kind of put everything in perspective.

14 Q Okay. And did you and CSA Charlton document the
15 decedent?

16 A Yes.

17 Q I'm going to show some photos now of the decedent from
18 different angles up on the overhead, State's 26. Can you describe what
19 we're looking at here?

20 A So that's the decedent lying on the sidewalk. Her head is to
21 the north, which is pointing towards the vehicles in the parking lot. Feet
22 out to the south. There is a hair piece on the ground next to her head.

23 Q She's on her stomach?

24 A Yeah. She's on her stomach with her face facing the west.
25 Stomach side.

1 Q I'm going to show another photo of the decedent on the
2 overhead, State's 28. What angle are we looking at here for the record?

3 A So we're just looking behind her. So she's more on her side
4 than stomach. She's slightly rolled to the stomach, but more on her
5 right side. Again, her head is pointing to the north, which is towards the
6 parking lot, which is towards the Chevrolet Suburban. And her feet are
7 out to the south. And then kind of in front of her at the top part of this
8 picture is about where the building 26 is.

9 Q And in this particular picture, you can see on her right
10 shoulder some apparent injury or at least some apparent blood; is that
11 correct?

12 A Yes. There's blood on her right shoulder and arm area.

13 Q And that carries over to the back of her arm and shoulder?

14 A Yes.

15 Q For the record, her right?

16 A Her right, yes.

17 Q Just one more photo of the decedent up on the overhead,
18 State's 27. Very quickly, did she also have some blood coming from her
19 nose and mouth?

20 A Yes.

21 Q Move on now to -- actually one more photo that shows a
22 portion of the decedent, State's 31. What are we looking at here?

23 A So that's her stomach, torso area and the legs. So on the
24 right hand side of that photo there is building 26, the main building we
25 were looking at before. Her feet are pointing away from where the

1 vehicle was parked in the parking lot. And you can assume that her head
2 is pointing the opposite direction of her feet towards the north, which is
3 towards the vehicles.

4 Q State's 32. We've just gone a little further into the courtyard,
5 I guess?

6 A Yeah. So you can see the decedent's foot there on the
7 bottom right hand corner. So again, just continuing down that same
8 sidewalk where she was laying on. Building 26 is on the right hand side.
9 And then you can kind of see in the middle of that photo, the sidewalk's
10 taking that sharp angle further into the courtyard.

11 Q Out where these police officers and personnel are?

12 A Yes.

13 Q You referenced building 26, that was the building on the
14 right?

15 A Yes.

16 Q Showing 35. Is that building 26 there?

17 A Yes.

18 Q And as a point of reference, do you see this flip flop or
19 sandal?

20 A Yes. That's the alcove there too that was in that diagram. So
21 that's the alcove where apartments 231 and 233 were at the end of that.

22 Q Got you. Showing you now 39. Same alcove?

23 A Yes. So that's looking straight on into the alcove.

24 Q Obviously four apartment doors there?

25 A Yes.

1 Q And one of which is open?

2 A Yes.

3 Q State's 40. That just a closer version of that last photo?

4 A That's a closer version, yes. Of the first floor of those two
5 apartments and the staircase on the left.

6 Q And then State's 41?

7 A That's an even closer version of those two apartments, 231
8 and 233 at the end of that alcove, the west end of the alcove.

9 Q During the course of the photography --

10 A Uh-huh.

11 Q -- is the entirety of the scene documented as is before you
12 start dropping placards and cones?

13 A Before we do, yes. Sometimes when we arrive police
14 officers, patrol officers may have seen items of evidence and frequently
15 they put down their own cones to make sure people don't kick them.
16 Like cartridge cases or bullets, if they see little items of evidence, a lot of
17 times they'll put a cone over them or next to them. That way someone
18 doesn't walk by and accidentally kick them or step on them if they're not
19 looking for them or don't know it's there. But whenever we get there, we
20 don't do anything until we photo everything as it is when we get there
21 when we see it. And then from there, we do our numbering,
22 documentation, labeling, putting down cones, placards.

23 Q Okay. So this crime scene makes a little more sense, I'm
24 going to skip ahead to a bunch of evidence with cones and placards,
25 okay?

1 A Okay.

2 Q So I'm now showing you State's 42. One more photo of the
3 decedent on the overhead. What are we looking at here?

4 A So that's the decedent laying in the same position she was in
5 earlier. Next to her is a yellow tent marker or placard. Just a piece of
6 plastic with a number on a scale on it that we can use to identify items of
7 evidence in photographs like this. It's marking a broken bracelet. And
8 then again, that building on the right is building 26.

9 Q So evidence item number one, State's 43, is that bracelet?

10 A Yes. That's a close up of that broken bracelet. Again, you
11 can see the yellow tent marker with the item number one listed there,
12 which shows the close up version of that further away picture.

13 Q Possibly being overly thorough here, but let me just quickly
14 go back to 11.

15 A Uh-huh.

16 Q So now that we've seen an evidence placard, evidence item
17 one is documented in the diagram as well?

18 A Correct.

19 Q And then we can refer to the photo to see what evidence
20 item number one is, right?

21 A Correct.

22 Q State's 44. What are we looking at here?

23 A So again, that's one of those similar pictures, where we're
24 looking at the back of that white Chevrolet Suburban. This time there is
25 a yellow tent marker with the number two in the driveway area, parking

1 lot area, which is marking a belt.

2 Q State's 45. Two is that belt?

3 A Yes.

4 Q State's 46. What are we looking at here?

5 A So that is further northwest of vehicle one. So we're going
6 down the line of covered parking spaces. If you're looking at the back of
7 the vehicle, a couple over to its left. So we're at around parking spot 70
8 there, when vehicle one was in 73. So a few over to the right, just to
9 orient that. And there is a yellow tent marker labeled number three on
10 the ground there north of parking spot number 70.

11 Q State's 47. That same evidence placard three.

12 A Yeah. So that same number three. And then you can kind of
13 see the relationship to vehicle one there under parking spot 73, as well
14 as building 26, which is the main building in the center of that photo in
15 the background there. We take a lot of pictures just so you can see it
16 from different angles to be able to orientate yourself at different spots.

17 Q State's 48. Is that evidence item three?

18 A Yeah. So that's a close up of item three, which is a cartridge
19 case.

20 Q And is that the only cartridge case found out in the parking
21 lot area?

22 A Yes.

23 Q State's 49. What are we looking at here?

24 A So that's that same cartridge case. That's the head stamp, so
25 kind of on the bottom of the cartridge case. Different brands of

1 ammunition imprint different wording, letters numbers on the bottom of
2 their cartridge cases. So this one says Win nine millimeter Luger,
3 identifying that as a nine millimeter cartridge case.

4 Q Okay. And so the jury is aware, are cartridge cases different
5 from cartridges?

6 A Yes.

7 Q How are they different?

8 A So it's a little tricky because everyone calls everything a
9 bullet. So a cartridge is the whole thing. Like if you were going to load a
10 gun, you put a cartridge into the gun. The projectile that flies out once
11 you fire the gun is the bullet. And the part that's ejected when you fire
12 the gun is the cartridge case. So pretty much the cartridge, the whole
13 thing you load into the gun is comprised of the cartridge case, which has
14 the gunpowder and everything in that and the bullet, the projectile on
15 top of it. So when the gun fires, the bullet goes out, the cartridge case
16 gets ejected. So this is a cartridge case.

17 Q And everything you just referred to would of course be
18 referring to semi-automatic firearms?

19 A Correct.

20 Q Revolvers are a little different, right?

21 A Revolvers are different, they don't eject a cartridge case
22 themselves, you can manually take them out. But a revolver does not
23 eject a cartridge case.

24 Q Got you. So you indicated this was a nine millimeter
25 cartridge case?

1 A Correct.

2 Q Being a fired or spent cartridge case?

3 A Yes.

4 Q And the brand on it?

5 A Winchester, Win, W-I-N.

6 Q And then it says, Win nine millimeter Luger; is that right?

7 A Yes.

8 Q Okay. Was there additional firearms evidence located within
9 the courtyard area?

10 A Yes.

11 Q Going to State's 115. Could you orient the jury here?

12 A Sure. So again that's building 26. That's that same alcove
13 that we've been looking at this whole time. Now we're on the left side of
14 the alcove. Most of the stuff we were looking at before, the decedent
15 was on the right half of the -- right side of the building in reference to the
16 alcove. So on the left side there you can see placard numbers, they are -
17 - I believe four, five six, seven, eight. It isn't clear on one, but --

18 Q Yeah. Let me get a little closer for you. 117.

19 A Yeah. So that's that same area, left over -- south of that
20 alcove. Those yellow tent markers are placards four, five, six, seven and
21 eight.

22 Q And very briefly before I move on. Can you tell the jury
23 about how a cartridge case would typically eject from a semi-automatic
24 firearm?

25 A As far as like the direction it would --

1 Q Sure.

2 A -- typically go? Typically cartridge cases go right and to the
3 back. So if you're shooting a gun, the cartridge case spits out, it typically
4 flies backwards a little bit to the right side. It normally doesn't shoot out
5 forward or shoot out to the left. The most typical is back and to the right.

6 Q To be fair, there are some guns that shoot -- eject to the left,
7 correct?

8 A Yes.

9 Q And in addition, if I'm holding a firearm say instead of the
10 traditional way or I go like this and hold it sideways, where would those
11 potentially go?

12 A It depends on how you're holding the gun. But it typically,
13 you know, will shoot out back to the right. So if you're holding the gun
14 upside down, it can go a different direction. If you're holding it
15 sideways, it would launch more up and out. It just depends on --

16 Q Sure.

17 A -- the angle of your gun.

18 Q Understood. Going to State's 118. Is that just a closer up
19 four through eight -- seven?

20 A Yes.

21 Q 119.

22 A So now it's focusing in more on the four and five.

23 Q 120.

24 A And now this is close up of number four. It has been picked
25 up from its original positioning, turned over so you can read the head

1 stamp.

2 Q And what is the head stamp here?

3 A This one is Win40 S&W.

4 Q So this is a different caliber then what was in the parking lot?

5 A Yes. This one is a 40 caliber. The other one was a nine
6 millimeter.

7 Q State's 121. Item five?

8 A Yes, item five. So this is the same thing, a fired cartridge
9 case and it's also a 40 caliber.

10 Q Win40 --

11 A Win40 S&W I believe.

12 Q Got you. 122, are now looking at six, seven and eight?

13 A Yes.

14 Q 124. For the record, what are we looking at?

15 A So that is number six. Same thing, it's the expended or fired
16 cartridge case, and that's R-P40 S&W. So again, a 40 caliber --

17 Q 40--

18 A -- cartridge case.

19 Q 40 caliber, different brand?

20 A Different brand.

21 Q I should have shown this one, 123. This is how items six and
22 seven were before you flipped them over to show the head stamps?

23 A Yeah. So we always take a picture on how they are and then
24 the head stamps are pertinent, so we always take a picture flipped over
25 so you can read the head stamps.

1 Q 125, for the record.

2 A So that is number seven. That's also a fired cartridge case
3 and it's a 40 caliber, a different brand. And this is a Federal 40 S&W
4 head stamp.

5 Q And then State's 126.

6 A So this is number eight. Again, a 40 caliber. Another R-P40
7 S&W. So they all were -- those -- four, five, six, seven and eight were all
8 40 calibers.

9 Q And to be fair, those are all outside of the alcove that we've
10 been talking about?

11 A Yes. They're all in the dirt landscaping or sidewalk area
12 south, southeast of the alcove.

13 Q For reference, State's 116. You can see four and five here to
14 the left of the alcove and then we're starting with nine just inside the
15 alcove; is that fair?

16 A Yes.

17 Q 127. A closer look at the alcove?

18 A Yes. With the tent markers placed down.

19 Q 128 -- well, I won't waste time with that. Let me just get into
20 item nine here.

21 A Yes.

22 Q State's 129. What is that?

23 A So that is a cartridge. So that is an unfired cartridge. So that
24 is what you would load into a gun. So that has not been fired yet.

25 Q And I presume because it has a round trip, you can't flip it

1 over on scene and document the head stamp? I mean --

2 A I mean, it would be difficult for it to balance on its nose by
3 itself. We could flip it and look at the head stamp.

4 Q Sure. Can you just tell the jury what type of caliber that --

5 A That's a nine millimeter. I believe it was nine -- Win nine
6 millimeter Luger --

7 Q Okay.

8 A -- was the head stamp.

9 Q And that of course would be documented --

10 A It's in my evidence impound report with a specific head
11 stamp of the cartridge.

12 Q Got you. State's 130. What are we looking at here?

13 A So that is a left sandal or slide sandal.

14 Q Just within the alcove?

15 A Yes.

16 Q 131.

17 A There's a whole lot going on. Those are evidence 11
18 through, in this picture looks like at least 34. So that is a mix of cartridge
19 cases, which are fired, unfired cartridges, and I believe some pieces of
20 black plastic, a metal spring.

21 Q Okay. So I'm going to focus you in here on the right hand
22 side of the exhibit you're currently looking at. Now I'm showing you 133.

23 A Okay.

24 Q What are we looking at with these three?

25 A Okay. So 11 on the bottom there is an unfired cartridge. 12

1 and 13 are fired cartridge cases.

2 Q All nine millimeter?

3 A Yes.

4 Q So the unspent and the spent here 11, 12, 13 all nine
5 millimeter?

6 A Correct.

7 Q And you documented the head stamps of the cartridge cases,
8 correct?

9 A Yeah. So this is another Win nine millimeter Luger. That's
10 the cartridge case. That's the fired one, number 12.

11 Q And that was for the record, State's 134. 135?

12 A Same thing, just number 13. Fired cartridge case, Win nine
13 millimeter Luger.

14 Q Going back to 132. Now I want to draw your attention to the
15 left hand side and show you 136. What are you looking at here? Sorry.

16 A So those are items 14, 15 and 16. Item 14's a piece of black
17 plastic. It appears to be the bottom portion of a firearm magazine. And
18 15 and 16 are unfired cartridges.

19 Q For the folks on the jury who might not be familiar with
20 firearms, is the bottom of the magazine supposed to come off when
21 you're shooting a gun?

22 A Ideally no.

23 Q Okay.

24 A So should stay together.

25 Q Yeah. So it's not like a cartridge case, something that's

1 ejected as an artifact of firing a weapon. It's something clearly went
2 wrong here with a firearm, right?

3 A Yes.

4 Q Okay. 15 is a cartridge?

5 A Yes.

6 Q 16 is a cartridge?

7 A Yes.

8 Q Unfired both?

9 A Correct, both unfired.

10 Q And showing you 137. You can now see placard 17 in this
11 exhibit?

12 A Yeah. So that's a cartridge case. Again, fired cartridge case.

13 Q 138. What caliber is that?

14 A Nine millimeter.

15 Q Now back to 132. I'm going to go into 18, 19, 20 and kind of
16 go in order here, okay?

17 A Okay.

18 Q State's 139.

19 A That's 18. Again, unfired cartridge, nine millimeter.

20 Q 140.

21 A Two unfired nine millimeter cartridges.

22 Q 141.

23 A Four. Tricked me I thought it was just going to be three.

24 Q Oh.

25 A Four unfired cartridges, nine millimeter. That's 21, 28, 27 and

1 30, so.

2 Q Okay. And 142.

3 A Five unfired cartridges. So there's 22, 23, 24, 25 and 26.

4 Q And 30.

5 A Oh I can't see them.

6 Q Oh sorry. You can't see that, I can.

7 A Oh and 30.

8 Q All unfired?

9 A Correct.

10 Q Again, are cartridges, such as this, supposed to eject from a

11 firearm when it's firing in any way, shape or form?

12 A No. Those should be in the magazine or in the chamber

13 inside the gun until it is fired and then ejected as a cartridge case and a

14 bullet.

15 Q State's 143.

16 A So 29 and 30. Again, both unfired nine millimeter cartridges.

17 Q State's 144. Let me zoom in a little to --

18 A Yeah.

19 Q -- get more detail.

20 A So 33 up at the top is an unfired cartridge. 30 -- and then I

21 know I collected the piece of the black plastic with the spring. I'm not

22 sure if that's 32 or 31. If I can refer to my report, I can tell you specifically

23 which --

24 Q Absolutely or I can put your diagram of it on --

25 A Sure.

1 Q State's 12.

2 A Okay. So 31 is the metal spring and plastic piece. 32 is
3 another black plastic piece. There was a piece of hair attached to that.
4 And then 30 was the other one, right? Oh 33 is the unfired cartridge.

5 Q Got you. So again, with regard to 31, this spring with the
6 plastic at the end --

7 A Yes.

8 Q -- is that a firearms component that's supposed to come out
9 in the normal process of firing?

10 A No.

11 Q 32, that -- is that the black plastic?

12 A Yes. I believe that's the plastic piece.

13 Q And you thought there was -- or there was a hair on it?

14 A There was a hair, yeah. I impounded that as a separate item
15 as well later.

16 Q Okay. And when you're processing a scene, are you making,
17 I guess, a diligent effort to pick up items that may potentially be
18 evidence?

19 A Yes.

20 Q And sometimes, you know, it might not be relevant to your
21 scene?

22 A Yes. We go off of what information we have at the scene.
23 So I don't know everything that happened when I get there, I wish I did.
24 So we just try to do the best we can with the information that we have.
25 You know, common sense looking at the scene. And anything we

1 believe to be evidence, we collect.

2 Q Got you. State's 145. Now moving into the apartment?

3 A Yeah. So that's apartment 231. So that's the apartment that
4 had the open door. If you're looking at the two apartments at the end of
5 the alcove, that's the one on the left. And again, you can see 31, 32, 33
6 that we just talked about at the sidewalk, like the front little porch area
7 there. And then item 34 is just in the entry foyer in that open doorway.

8 Q Showing you 146.

9 A So that is a cartridge case, fired cartridge case. Win nine
10 millimeter Luger. So a fired nine millimeter cartridge case.

11 Q Okay. Now before I move on, I want to draw your attention
12 on Exhibit 145 to the threshold of the door here.

13 A Okay.

14 Q I don't see an evidence placard here now.

15 A Okay. Neither do I.

16 Q And I want to show you now 153. Do you now see an
17 evidence placard there?

18 A Yes, 35.

19 Q Okay. I'm showing you 154. What is that?

20 A So that's again a close up of that 35. And you can see likely
21 why we didn't see it immediately, it's kind of wedged in between the
22 door frame and that threshold area. So we're human, we don't see
23 everything the first time all at the same time. So we are constantly
24 looking for the entire time that we're at the scene. So we marked the
25 other items before and as we're going through we see that one, so then

1 we put the next item number marker by it and document it accordingly.

2 Q Got you. And one more before we proceed into the
3 apartment there. State's 211. What are we looking at here?

4 A So that's that same little front porch area of 231. The rug is
5 now flipped further up. So it was partially flipped up when we got there.
6 And then upon moving it further, we found another cartridge further
7 underneath that rug that wasn't visible with the rug down as it was when
8 we got there. So again, we numbered it, photo'd it and documented it.

9 Q State's 212. That's item 40?

10 A Yeah. So that's an unfired again cartridge, nine millimeter.

11 Q Before we proceed into the apartment, I want to go back to
12 Exhibit 12. So of the evidence items within the alcove, can you tell the
13 jury how many of those were actual fired cartridge cases?

14 A Four.

15 Q And were those all nine millimeter?

16 A Yes. They were all with Win nine millimeter Luger as their
17 head stamp.

18 Q There were also a whole bunch of unfired cartridges?

19 A Correct.

20 Q Were those all nine millimeters?

21 A Yes. Those were all the Win nine millimeter Luger as well for
22 the head stamp.

23 Q So everything within the alcove, nine millimeter; is that
24 right?

25 A Yes.

1 Q Everything out -- just outside the alcove, 40 caliber?
2 A Yes.
3 Q And then out in the parking lot, a single nine millimeter?
4 A Correct.
5 Q Cartridge case?
6 A Cartridge case fired, yes.
7 Q Did you proceed into the apartment?
8 A Into Apartment 231, yes, we did.
9 Q Yes, thank you. Showing you 148. What are we looking at?
10 A That is walking in the door of apartment 231. That's the
11 kitchen area and the little dining nook area in the back of the photo.
12 Q On the left of the exhibit is some form of hair piece here?
13 A Yes. It appears so on top of the counter by the stove.
14 Q Okay. 149, same kitchen area?
15 A Yes.
16 Q The very foreground of the exhibit?
17 A It's a set of keys it looks like.
18 Q The --
19 A Dishwasher being open on the right hand side. It looks like a
20 towel or washcloth on the floor a little bit further up.
21 Q 150.
22 A So that's walking in. That would be the right side of the
23 kitchen opposite of the stove where that dishwasher is open there.
24 Q And it's an open tub of party ice cream it says? Party
25 something --

1 A Yeah. Some type of -- yeah, party ice cream.

2 Q State's 151. You then get an overhead view of that party ice
3 cream and everything else?

4 A Yeah. There's different food look like it's been cooked or has
5 just been cooked on top of the counter and there's no ice cream in the
6 party ice cream bucket though apparently.

7 Q And it appears to be skewers of chicken --

8 A Yes.

9 Q -- or something?

10 A Yes.

11 Q Okay. And then some veggies up here?

12 A Correct.

13 Q And State's 152.

14 A So that's a table that was in that dining area, kind of further
15 in past the kitchen with some food, a cake, plates, and paper towels on
16 top.

17 Q Birthday cake here or a cake?

18 A A cake, yes.

19 Q Is there a patio? Is it out here?

20 A Yes, I believe so. That's the slider that's off the living room
21 and then it goes into one of the little apartment patios off the back.

22 Q Did you go out on the patio?

23 A Yes.

24 Q Showing you 194. Patio slider door was open?

25 A Yes. I'm not sure if it was open when we got there or if it

1 was --

2 Q Oh.

3 A -- open in the photo. But in this photo it's open, so I'm not
4 positive at that point.

5 Q Obviously you guys have to open it to get out there?

6 A Right.

7 Q So it could be that a crime scene analyst or someone
8 opened --

9 A Right. Yeah. I'm not sure if she would have opened it and
10 then re-shut it and photo did it or if it was open.

11 Q Fair enough.

12 A Typically we take a picture as it is. Like if it was open and we
13 had to walk out, we wouldn't mess with it. But we would have to open it
14 obviously to get outside, so.

15 Q Got you. 193, that same area?

16 A Yes. It's the corner of the patio.

17 Q And a kids bike there?

18 A Yes.

19 Q And then 195. What are we looking at here?

20 A So that's that same patio, you can see the sliding door there
21 on the right hand side. So if you walked out into the patio and look to
22 your right, that is the view there. The bike was on the -- if you looked left
23 would be the kid's bike.

24 Q And it appears there's some skewers or food at least on the
25 ground there?

1 A Yeah. There's -- looks like there's something on the ground
2 there, yes.

3 Q And then there's two charcoal bags?

4 A Yes.

5 Q Did you look inside those bags?

6 A Yes.

7 Q State's 196. What's that?

8 A So that's inside that charcoal bag that was upright. And
9 that's the butt of a gun. You can kind of see the gun itself amongst the
10 charcoal.

11 Q Showing you State's 200. Is that the gun?

12 A Yeah. So that was the gun that we pulled out of the charcoal
13 bag.

14 Q And that is a revolver; is that right?

15 A That is a revolver, yes.

16 Q Did you open up the cylinder?

17 A Yes.

18 Q Showing you 201. What are we looking at there?

19 A So that is -- it's a six shot revolver, meaning it holds six
20 cartridges. In this six shot revolver, five cartridges were in there. So
21 there was one empty chamber. And then five live rounds of
22 ammunition, five cartridges were in the cylinder.

23 Q And the caliber of those?

24 A They were all 357, except for one was a 38. The gun itself
25 was a 357 Magnum Revolver.

1 Q Got you. And that's different from a 40 caliber or a nine
2 millimeter?

3 A Correct.

4 Q Was there any other 357 or 38 firearms evidence located
5 anywhere, at least in our exterior scene?

6 A No.

7 Q Okay. So nothing related to this gun appeared to be in play
8 in the outdoors? Like you didn't find bullets, you didn't find cartridge
9 cases, you didn't find fired rounds?

10 Q So we found bullets, but I can't look at them and specifically
11 say. But none of these cartridges that are in this gun were fired. And I
12 did not find any cartridge cases that were 357s or 38s in the scene, so it
13 doesn't appear to be.

14 Q Got you. And you said there were some bullets, but that
15 wouldn't be you to look at those, right?

16 A I look at them and book them, but a firearms examiner is the
17 one that specifically goes into the bullet examinations.

18 Q Got you. And I'm talking about the actual projectile fired --

19 A Yes. The --

20 Q -- would be for someone else --

21 A -- actual projectile. Right.

22 Q -- to deal with? Okay. State's 202. What are we looking at
23 here?

24 A That is, I believe the southeast bedroom in Apartment 231.
25 So bedroom.

1 Q And it appears there's a backpack here?

2 A Yes.

3 Q In the center of the screen. And then a charging cord for
4 reference?

5 A Yes.

6 Q Showing you State's 203. What are we looking at here?

7 A So that's that same backpack on the top. The same charging
8 cord in the middle, middle left of the photo. There are some unfired
9 cartridges on the ground next to the charging cable.

10 Q State's 204. Those same cartridges?

11 A Yes.

12 Q And what caliber?

13 A Those were nine millimeter.

14 Q And State's 206. What is this?

15 A So that's inside the backpack. There was a box of
16 Winchester nine millimeter Luger ammunition --

17 Q And --

18 A -- cartridges.

19 Q Okay, cartridges.

20 A Yeah, sorry.

21 Q No, it's okay. Was that box later opened up?

22 A Yes.

23 Q State's 208. What are we looking at there?

24 A That's the contents that were inside that Winchester nine
25 millimeter Luger box.

1 Q And it looks to be four nine millimeter cartridges?

2 A Yes.

3 Q And finally, State's 209. Is that that same backpack?

4 A Yeah. So it's the same backpack with a lot more of those
5 unfired cartridges inside the backpack that probably spilled out of the
6 box.

7 Q And those same cartridges are the same not only caliber, but
8 they're the same brand as what's out in the alcove?

9 A They're the same head stamp and brand, yes.

10 Q Yeah. So nine millimeter --

11 A Win nine millimeter Luger.

12 Q Got you. And was -- well, showing you State's 210. What's
13 that?

14 A That is a Southern Nevada health district card that we found
15 in that apartment, in 231, in the name of Dwayne Junior Armstrong.

16 Q Okay.

17 A Dwayne Armstrong Junior.

18 Q Showing you now State's 247. What are we looking at here?

19 A So that's that box of the Winchester -- the Winchester box
20 that was in the backpack. So I collected all of that loose ammunition,
21 those loose cartridges that were also in the backpack, along with the
22 four, I believe, that we're in the box and just put it all together and then
23 booked that as evidence.

24 Q Got you. So you did not go out and like start picking them
25 up from the alcove. When the jury sees this photo, this represents

1 what's in the backpack only?

2 A Yes. The backpack and the floor right around that backpack.
3 Right in that area.

4 Q Got you. And we're going to go back out of the apartment.
5 And then go to Exhibit 11. And I'm going to refer you to items AB5 and
6 6.

7 A Okay.

8 Q What are those?

9 A So again, that's the apparent blood. And five and six is --
10 that's the fifth and sixth area that I swabbed.

11 Q And the apparent blood items five and six, are just outside
12 and to the north of the alcove?

13 A Yeah. They're on the exterior east wall of that apartment
14 building. So just right at the corner of the alcove if you were coming out
15 and making a left and rounding that corner.

16 Q Showing you 230.

17 A Yeah. So the pink arrow stickers there, that's the blood,
18 that's AB5 and 6. So on that left side, that dark portion, that's the alcove
19 going in. And then that's coming out and -- if you were coming out of
20 the alcove turning left heading north out of that alcove, those two pink
21 stickers represent area of blood -- apparent blood five and six.

22 Q And to remind the jury, the victim is found this way to the
23 right; is that right?

24 A Correct. The building -- the victim is north from there, which
25 is right on the photo.

1 Q And we'll ignore this green flag for now, but --
2 A Okay.
3 Q -- five and six AB are the pinks, right?
4 A Yes.
5 Q Okay. All right. You indicated that there were a bunch of
6 bullet impacts that were documented as well?
7 A Yes.
8 Q And I want to start with 95. You tell me if you can recognize
9 what we're looking at. And if not, I'll pull out a different photo.
10 A Just say the outside of an apartment building looking at --
11 Q Okay.
12 A -- that one without any--
13 Q Not sure which one that is?
14 A Yeah. Without any like markers or --
15 Q Got you.
16 A -- apartment numbers on the outside.
17 Q Let me go to 96. Do you recognize that?
18 A Yes.
19 Q And then 97.
20 A Even better. Yes.
21 Q Okay. What are we looking at when I go back to 95?
22 A Okay. So in that window, the lower left of those four
23 windows there, you can see one of the vertical blind panels is damaged
24 slash missing there. So this is the north face of Building 27. So that
25 window that has the damaged blind is one of the north facing windows

1 of Apartment 247.

2 Q Okay. And now I'm going to go back to Exhibit 10, so you
3 can orient the jury what we're looking at.

4 A Okay. So this is where we were focused before on this left
5 hand side here, Building 26. This is Building 27 with Apartment 247 right
6 here. So it's southeast and right in this area. This is its north wall here.
7 So the window's right around this vicinity, north facing window. So
8 there is -- that's the window we were looking at. So it's southeast of
9 Building 26 at Apartment 247.

10 Q Great. And now showing you 97. Describe just briefly what
11 we're looking at?

12 A So that is the damaged and missing vertical blind there. So
13 that's a bullet hole going through the screen and the glass of that
14 window. So now we've just labeled it with one of those green sticker
15 arrow stickers and labeled it A1.

16 Q Did you go inside apartment --

17 A 247.

18 Q -- 247?

19 A Yes.

20 Q State's 98. Took a little photo before you did?

21 A Yes.

22 Q And then State's 99. What are we now looking at?

23 A So that is the inside of that bedroom, looking at that same
24 damage vertical blind panel. So before we were looking from the
25 outside looking at it, now we're inside the bedroom looking at that same

1 bullet hole coming in through the window.

2 So you can see on the right hand central part of that picture
3 the A3. That's a hole in one of the vertical blinds, so that A3 is point at
4 that. Kind of underneath the vertical blind is another sticker as well.

5 Q Got you. Showing you now 100.

6 A So that's the inside. So that's looking at the bedroom
7 looking out the window. You can see on the left hand side there, that
8 little rectangle, that's A1. That's the sticker on the screen on the outside.
9 And this is A2, this is inside the bedroom. This is the broken glass
10 portion.

11 Q Okay. And that would be the -- A2 is this one on Exhibit 99
12 that's hidden here?

13 A Correct.

14 Q Okay. So these are all documented with A and then a
15 number afterwards?

16 A Correct.

17 Q Are you doing that for a particular reason?

18 A Yeah. So we label trajectory, which means like the path of
19 bullets. We do them with letters and then if there are multiple holes. So
20 if the bullets go through a screen, a window panel, a blind, a wall. But
21 we can tell that it's all the same path of the bullet, we will call all of those
22 A and then number one. This is the first hole, first impact. Two, this is
23 the second one it would have went through. Three, four and so on. So it
24 just identifies that it's the same path of one bullet.

25 Q 101. You referenced before is A3?

1 A Yes.

2 Q And that's on the -- one of the vertical blinds.

3 A Yes.

4 Q State's 102. What are we looking at here?

5 A So that is A4.

6 Q Okay.

7 A So that is the east wall of the bedroom. So the bullet went in
8 through the window, was traveling southeast and then hit the east
9 bedroom wall.

10 Q 103.

11 A So that's a close up of A4 on that east bedroom wall.

12 Q Showing 104. What's that?

13 A So that's A5. So you can see in the background there that
14 door is labeled 247, so that's the apartment that we were just in. So
15 that's kind of the outie hole. So it went through the screen, through the
16 windowpane, through the vertical blind, into the east wall of the
17 bedroom and now it's coming out that exterior wall of 247.

18 Q And State's 105. Just a close up of A5?

19 A Yeah. So that's coming out of that wall, the exterior.

20 Q And then State's 106?

21 A So it went from outside to above the doorframe of 249,
22 which was the apartment directly across from it.

23 Q And State's 107.

24 A So that's a close up of A6. You can see the bullet in there.

25 So that's where the bullet path ended obviously, which is why there's a

1 bullet.

2 Q So that's an actual bullet?

3 A Yes.

4 Q And that would have been impounded under our event
5 number?

6 A Correct.

7 Q For any potential further testing by firearms analysts later?

8 A Correct.

9 Q All right. So I'm going to first show you 111 as a point of
10 reference.

11 A Okay.

12 Q What are you seeing there?

13 A So that's a window with the label B1, and you can see kind of
14 the hole in the screen and the glass there.

15 Q Then I'm going to show you 108. Based on what I just
16 showed you, are you a little -- are you able to be oriented --

17 A Yes.

18 Q -- with this? And I can always show you the diagram.

19 A Yeah. So this is Building 27. So this is the one, not our main
20 building, this is the one we were just talking about. Right now we're
21 seeing the outside of Apartment 249. 247 is to the right. You can see the
22 little stairs in that dark corner there, that's the alcove of that apartment
23 building. So 247 is to the right, that's the one that had the A bullet
24 trajectory going through it. So now we're on the other side of that same
25 little alcove. And this is apartment 249. So this is the exterior north face

1 of 249.

2 Q Going back to Exhibit 10 very briefly. We're now here?

3 A Yes.

4 Q Being Apartment 249?

5 A Correct.

6 Q For the record.

7 A Their doors are set up differently than the 231 and 233.

8 Those were next to each other. Where 247 and 249 are across the alcove
9 from each other, so that gets a little confusing when you're thinking
10 about if the alcoves are laid out the same.

11 Q Got you. Now moving in a little, State's 109?

12 A So that is -- again, we're looking at the north side, the outside
13 of 249. Those two windows there. The east most, which is this one, you
14 can see a little defect right there in that window on the screen. So that's
15 where B1 is at. So B1 is the close up of that. But that's a more zoomed
16 out version of where the window is located in the building.

17 Q And 111. Just back to that. That would be B1?

18 A Yes.

19 Q Now let me show you 112 and ask you to describe what
20 we're looking at here.

21 A Sure. So this is the same corner of the building, 27 we were
22 just looking at. So this whole thing is Apartment 249. Right there you
23 can see that little green sticker, that's B1. So it went in there and this
24 sticker here, it went out the exterior east side of that building. So the
25 bullet went from there to there.

1 Q Were you able to go in to 249 and see the path on the inside
2 on this one?

3 A No, we were not. No one answered the door. We didn't gain
4 access into the apartment. So we just photo'd what we could on the
5 outside.

6 Q And you just described kind of essentially an exit. Is that
7 right?

8 A Yes.

9 Q And I'm showing you 114. Is that that same exit B2?

10 A Yes.

11 Q Was there any cartridge -- I'm sorry. Was there any bullet
12 recovered or associated with that?

13 A No. Associated probably. But recovered, no. So the bullet
14 went out, and so we don't know where it went. It didn't land anywhere
15 that we could see.

16 Q Got you. All right. And I want to return to our alcove. And
17 I'm going to start with 155. What are we looking at here?

18 A Okay. So now we're back to building 26, so the main
19 building we've been looking at most of the time with that alcove. And
20 then on the corner there, the right hand edge, like the north wall of the
21 alcove, you can see a green arrow sticker pointing up there on the east
22 face of the building. And that's labeled C1, if we get to it closer. And
23 then you can kind of see some more little green arrows on that north
24 wall of the alcove stuck to there with -- you can't really read them at this
25 point, but they're there as well.

1 Q Got you. I'll get there --
2 A Yeah.
3 Q -- momentarily.
4 A I figured.
5 Q Let me start -- or get a little closer and show you 156.
6 A So that's C1, so that's closer to what we were just looking at.
7 So that is the east face of the building. So again, the entrance to the
8 alcove is right there on the left, so that's labeled C1. So a bullet went
9 into that east face of the building.
10 Q And 157.
11 A So that's a close up of the same bullet hole, entry hole C1.
12 Q And you just said entry hole.
13 A Uh-huh.
14 Q That is what I was going to get at. Can you tell the jury what
15 you believe this to be here?
16 A It appears to be an entrance bullet hole. It's a --
17 Q Well, why do you say entrance versus an exit? That's what
18 I'm asking. I apologize.
19 A So based on the follow up photos and trajectory --
20 Q Okay. Understood.
21 A -- we can tell a little bit more.
22 Q Let me -- I want to draw the jury's attention to this here, this
23 white appears to be the back side of a sticker, right?
24 A Yes.
25 Q And then 158. Can you orient the jury and describe what

1 we're looking at?

2 A So down here on the bottom right is that C1. So again, this
3 is the exterior east side of that building. You can kind of see it there.
4 That's that white rectangular back of the sticker he was referring to. So
5 it's a little tricky, right here on the corner of this building you can kind of
6 see these, I don't know, two by four's, this little endcap of this corner of
7 the building here. There's a slight lip where this wood sticks out. Okay.
8 Perfect.

9 Q Just let me show you 160.

10 A Great. It's a little hard to describe. So again -- so that's C2,
11 so that's the backing of the sticker that we saw. So C1 is going to be on
12 this back face here and it comes out right in here. So that's C2. So that
13 goes in here, comes out here. So C1, C2.

14 Q 159?

15 A So now we're in the alcove. Looking at that north wall of the
16 alcove, you can C2 here. So again, C1's somewhere over here. You
17 can't see because the sticker's flush against the wall. Comes out C2, and
18 then you see C3 and C4. So the bullet went in, out and then kind of
19 skidded along the wall there.

20 Q State's 161.

21 A So that's a close up of C3 and C4 on that north wall of the
22 alcove showing the damage caused by the bullet kind of skimming along
23 the wall for --

24 Q And it appears that particular piece of wood is cracked all the
25 way down, right?

1 A Yes.

2 Q Were you able to tell based on your observations at the
3 scene whether that bullet was skipping straight down on the outside of
4 that wood, or did it appear that it was inside?

5 A I'm not sure. We just can see what we can see from the
6 outside, so we just see the holes there. So I don't know specifically what
7 inside of the wall looked like. We didn't tear the whole wall off the
8 building.

9 Q Understood.

10 A So I'm not sure. But there are for sure those two defects
11 there that line up with the path of C.

12 Q Okay. And I want to go to now State's 12. What we just
13 looked at --

14 A Uh-huh.

15 Q -- with the bullet path of C.

16 A Yeah.

17 Q Bullet C, would that be a straight shot down along the north
18 wall abutting Apartment 233?

19 A Yes. So it would have entered right around at this corner
20 and then skip down this wall here.

21 Q Now back to 161. At the top of that exhibit you can see a
22 new bullet path; is that right?

23 A Yes.

24 Q And that's what?

25 A D1.

1 Q Okay. D -- 162, it's D1?

2 A Yes.

3 Q And did that appear to be a bullet entry?

4 A Yes.

5 Q 163. You can see D1 here on the right?

6 A Yes.

7 Q And then E1 on the left?

8 A Yes.

9 Q Another bullet entry?

10 A Yes. Another bullet entry.

11 Q Were you able to gain access to Apartment 233?

12 A We were, yes.

13 Q State's 170. So you go inside that apartment there?

14 A Yes.

15 Q We just saw D and E. I want to show you now -- bear with

16 me a moment. 176.

17 A So that is a photo in the southeast bedroom of Apartment

18 233. So that -- you can see D2 there. That is on the interior east wall of

19 the bedroom. So that shares that same wall of the north wall, or the,

20 yeah, the north wall of the alcove. So D1, it went in. D2, this is where it

21 came out into that bedroom. D3, there's a hole in the pillow, so it came

22 in through the alcove, out the bedroom wall, in through -- into a pillow.

23 Q Let me show you 177. Is that helpful?

24 A Yes. So that's a further out picture of what we were just

25 looking at, the same pillows there. You can also see E2 in the upper-

1 right corner, and that matches -- corresponds to the E trajectory that we
2 also looked at, at the alcove wall. And then, you can see D4 on the
3 bottom there at that white pillow. That's another hole into the pillow.

4 So D2 came into the wall, through the maroon-brownish
5 pillow, and then into the white pillow.

6 Q Okay. Show you 109. What's that?

7 A So that is D4. That is the bullet. So that's the projectile. So
8 that's what comes out of the gun. That was in the pillow., the white
9 pillow.

10 Q Obviously, dug out, recovered, and impounded under our
11 event number?

12 A Yes.

13 Q Okay. And 197, that same bullet?

14 A Maybe. I'm not sure. I can look at my report to correspond
15 the --

16 Q Sure.

17 A -- the numbers. Can I refresh my memory with my report?

18 THE COURT: Yeah, of course, if that would help refresh your
19 recollection, go ahead and do so.

20 THE WITNESS: Thank you. Yes. So item number 36 is one
21 bullet removed from a pillow on the bed in the southeast bedroom of
22 apartment 233 corresponding to the trajectory labeled D4.

23 BY MR. GIORDANI:

24 Q Okay. All right. Now, going back to 177, you can see E2
25 there.

1 A Yes.

2 Q So we have E1 was on the outside. Bullet comes into the
3 bedroom? This is E2?

4 A Uh-huh. Correct.

5 Q 181?

6 A So that's E3. So the bullet went in the wall of the alcove, out
7 the bedroom wall behind the bed, and then it hit another wall by the
8 bathroom door in the bedroom.

9 Q Got you. And let me -- this is the one I was looking for. I
10 apologize.

11 A Okay.

12 Q Let me show you 172.

13 A Okay. Perfect.

14 Q Okay. What are we looking at here?

15 A So here you can see those green stickers are not there yet.
16 So it's a little bit different view of what we were just looking at. But you
17 can see the holes here in the wall.

18 Q And then --

19 A And this doorway here is the bathroom.

20 Q Thanks. And down to the right near the bathroom, more
21 holes?

22 A Yes.

23 Q Okay.

24 A You can see the two right --

25 Q Okay.

1 A -- there.

2 Q So we have -- showing you 165, we've got D, E, F, and G?

3 A Yes. So this is -- we're back out in the alcove now, so that
4 north wall of the alcove. So D1, E1, F1, and G1. So those are all
5 separate paths of four separate bullets.

6 Q Going back to Exhibit 172, D, E, F, and G?

7 A Yes. So D is behind that pillow, the dark pillow.

8 Q So we just looked at a closeup of E3, and now I want to back
9 out and show you Exhibit 180, so we're reoriented.

10 A So that's the bathroom door of the same bedroom. So it's a
11 bedroom with an attached bath. So the bathroom door is on the left, and
12 then on the right-hand side, you can see those two bullet holes that we
13 saw previously that were unlabeled. And now they're labeled as F3 and
14 E3.

15 Q 187?

16 A So that is inside the bedroom, or I'm sorry, inside the
17 bathroom. So if you look out the bathroom door, you can see the bed
18 there. It's dark, but you can see the bed. And on the left-hand side of the
19 picture there, you can see the sink. And above the sink is the green
20 sticker labeled F4. So F3 was the wall outside the bathroom, went in
21 then, and came out into the bathroom.

22 Q State's 188. What are we looking at here?

23 A So that is the shower in the bathroom. And as you can see,
24 the glass of the shower is shattered. So the bullet labeled F came in, F4,
25 above that sink, hit the shower, shattered the shower door, and then we

1 recovered a bullet that was laying on the ground in the shower.

2 Q 174?

3 A So that is the bullet that was on the floor of the shower
4 which corresponded with the F trajectory.

5 Q 192?

6 A So that is just that same bullet labeled F4, meaning it was
7 recovered from the area of F4.

8 Q And then of course, 198? That bullet was impounded as
9 well?

10 A Yep. So it was impounded as item number 37 in my report.

11 Q All right, 168? This is back outside in the alcove?

12 A Yes. So we're back still looking at that north wall of the
13 alcove of building 26.

14 Q G1 and H1?

15 A G1 and H1, yes.

16 Q 183, would be back inside the bedroom with the
17 corresponding G2 at the top here?

18 A Yes. So that's the F2 and G2.

19 Q 184, G2?

20 A Yes. So that's coming in in the south wall of the bedroom
21 there.

22 Q 185?

23 A So that is the door frame of the bathroom on the bedroom
24 side. So you can see the shower and stuff inside the bathroom. On the
25 top-right corner of that doorframe there, you can see that big damage;

1 top of the bullet struck that, and that's labeled as G3.

2 Q 186, a closeup. What material is that made out of?

3 A So it's metal. So you can see that it's kind of indented in as
4 opposed to punctured through.

5 Q And then, no bullet within the indent, right?

6 A Correct.

7 Q did you find a bullet that you thought corresponded with G3?

8 A We did.

9 Q Showing you 190.

10 A So that's the same bed in that bedroom. So the bullet
11 apparently bounced off that metal door frame back onto the bed. So the
12 bullet was just laying there on the bed. And then you can see up here,
13 just for reference, that's the D trajectory, so that's where D came in. So
14 but yes, this bullet is the one that bounced off the door frame where it
15 was labeled as G.

16 Q And that's just underneath a pillow on the left-side of the bed
17 if you're looking at the bed?

18 A Yes.

19 Q Little baby booger sucker?

20 A Yeah, that's a good -- yeah.

21 Q Excuse my --

22 A That's what it's called, too.

23 Q And 191?

24 A So that is -- it's labeled G3. So that's the bullet
25 corresponding with the G trajectory. So that's the closeup of the bullet

1 that was laying on the bed.

2 Q And this one looks a little different, obviously, to the naked
3 eye, than the one that we saw sitting in the shower, right?

4 A Yes. So it depends. That one obviously, hit something
5 metal. So once a bullet hits stuff, it can change shape, can fragment, so
6 it may look a little bit different because this guy directly slammed into
7 metal. So.

8 Q State's 199, that's G3?

9 A Correct.

10 Q And that was impounded as well as?

11 A 38.

12 Q Item number 38?

13 A Correct.

14 Q Almost done. Bear with me.

15 A I know there's a lot.

16 Q 169?

17 A So we're back again, at that wall of the alcove. So this is H1.

18 Q Was there any corresponding bullets?

19 A No. So we did not find any exits that matched up with this.

20 So it may have went into the area between the first and second floor
21 apartment, or in a wall dividing rooms, so we did not find an H2. We did
22 not find an "outie" to this "innie" bullet hole. So we just labeled what we
23 found, which was H1.

24 Q Okay. All right. Showing you now, 225. What are we
25 looking at here?

1 A So again, we're at the -- in the alcove at that north wall. So
2 these are -- you can see the yellow metal rods sticking out from that
3 alcove wall. So those are what we call trajectory rods. So they are just
4 metal rods that are sized to fit in the general size of bullet holes.

5 So we use those. We put them into bullet holes, and we can
6 see at which angle the bullet entered into the wall or the surface by
7 following the angle of that trajectory rod.

8 So kind of the easiest way to explain it, if you have pierced
9 ears, so you're ear has the earring hole going through it, if you're trying
10 to put your earring in there, your earring only goes in one way. You
11 know, you have to wiggle it around sometimes to figure out where the
12 hole lines up. Or if you're drilling a pilot hole, there's a hole drilled, and
13 that screw or that nail can only go in one direction. You can't put it at an
14 angle.

15 So same thing with trajectory rods. The bullet has already
16 made a hole, a path, through a wall. So we're putting these rods in and
17 just putting it in the hole and it can't go in at a different angle. The bullet
18 bore a path in a specific way, so that rod goes in the same direction as
19 the bullet. So with that, it's a visual representation. We can look at it.
20 We can measure it. We can see that, in this example, the bullets, how
21 this picture is laid out, kind of went from the bottom left to the upper
22 right for the most part.

23 Q Okay. Let me draw your attention to just the lower portion
24 here.

25 A Uh-huh.

1 Q So I see a rod -- trajectory rod in D, E, F, G. Is there one hear
2 in?

3 A I think that might be G -- there's not one in H because we
4 didn't have an out hole.

5 Q Got you. In addition, way at the bottom, I don't see a rod in
6 C; is that right?

7 A Correct. With C, it's just almost like a straight-line skimming
8 across. So that C was, pretty much, just straight on, whereas the other
9 ones we had the full-on entrance hole and exit hole through the room
10 that we could put the trajectory rod through.

11 Q Okay. So just going back to exhibit 230. I'm going to refer to
12 bullet C --

13 A Uh-huh.

14 Q -- trajectory C as, say, I'm going to call it the first shot.

15 A Okay.

16 Q So with regard to this, what I'm referring to myself as the
17 first shot, that's on the right-hand side of the alcove, and it's straight on,
18 almost straight on and flush down the right wall in the hallway.

19 A Correct.

20 Q Right? And then visually, the rest of them, D, E, F, and G, are
21 all up that same wall of the right side of the alcove if you're looking out
22 the alcove?

23 A Yes.

24 Q so C, D, E, F, G, in whatever order it may be?

25 A Right. They're all on a that north wall of the alcove

1 proceeding further in.

2 Q Okay. and then going back to the alcove in 221, we can see
3 C3 and 4 and again, there's no rod there because there's a bullet
4 skimming down and no actual holes to put a rod through?

5 A Right.

6 Q And then you've got D and E with rods in them?

7 A Yes. So with those straight on top, which is how we take the
8 trajectory to see, you can see the bullets were fired from the right-hand
9 side going left. So they came from this direction on the right, and went
10 left, and then impacted the wall of the alcove. So they weren't coming
11 straight down. They weren't coming this left, up. They were coming
12 right to left.

13 Q And I'm not going to get into angles with you, but are there
14 ways to calculate the angle of those bullets entering the wall?

15 A Yes, and we did that.

16 Q Okay. And I'm going to probably do that with a separate
17 witness, but what I want to ask you is I just referenced the first shot as C,
18 and then D, and kind of went up, but you can't tell, based upon the
19 angles, which shot was fired 1st, 2nd, 3rd, 4th, 5th --

20 A No.

21 Q -- right? And but you can tell the angle upon which they
22 entered the wall?

23 A Correct.

24 Q So E up here looks like a relatively flat angle. Do you -- are
25 you able to determine the entry angle at the scene?

1 A Yes.

2 Q And then, I want to show you 224. Do you see F down here

3 at the bottom?

4 A Yes.

5 Q G --

6 A Yes.

7 Q -- up here? And then H? You guys were able to --

8 A Okay. I guess we got that later then.

9 Q -- squeeze a rod there in H, right.

10 A Apparently so, yeah.

11 Q Backing out now, of the alcove a bit, and then go to 213. Can

12 you orient the jury?

13 A Okay. So that's the same alcove. So that's building 26.

14 That's the same alcove we've been in most of the time, but it is the

15 opposite wall. So all of the other trajectories are -- C through H, were on

16 the north wall of the alcove. So if you're walking in the wall to the right,

17 this is the south wall, or the wall to the left of the alcove.

18 Q Back to Exhibit 12. All those impacts we just looked at are

19 down the right wall.

20 A Uh-huh.

21 Q Now we're looking at the south wall?

22 A Correct.

23 Q And we're looking at?

24 A Right. At the southeast corner of the alcove.

25 Q Got you. 214? Is that that same impact?

1 A Yes. So that's the south wall of the alcove.
2 Q 215?
3 A So that's a close up of it labeled I1.
4 Q Did you believe that to be an entry?
5 A Yes.
6 Q And so now I1 is an entry in the opposite direction of all C, D,
7 E, F, G?
8 A Right. This one is on the south wall. All the other ones were
9 on the north wall.
10 Q Showing you 216.
11 A So this is the bedroom of apartment 233. So this is not
12 where all the other bullets entered. This is not the one with the broken
13 bathroom shower. This is a different apartment.
14 Q Back to 12.
15 A I'm sorry, 230. It's 231.
16 Q Oh, okay. Let me zoom in real quick.
17 A We were in 233 before with the broken bathroom.
18 Q Understood. So 231 is down here. We're now inside this
19 corner --
20 A Bedroom now, exactly.
21 Q 217?
22 A So that's I2. So right there. So this wall right here is the
23 north wall of the bedroom, which shares a wall with the south wall of the
24 alcove. So it went in the alcove came out here. That's I2.
25 Q And that's?

1 A And then went out there.

2 Q 218?

3 A And that's I3. So went out. So it just cut through the corner
4 of the bedroom, pretty much.

5 Q And 219?

6 A And so that's I4. Again, we have the alcove here. This is the
7 south wall of the alcove. So this is I4. So the bullet just went right
8 through this corner here of this bedroom. So it's I4. It exited out.

9 Q 220, that's I4?

10 A Correct.

11 Q And then 226; what are we looking at here?

12 A So that's one of those trajectory rods. They were able to
13 screw multiple trajectory rods together so we can make them really long.
14 So we actually fished the trajectory rod from the south wall of the alcove
15 through the bedroom out to the hole on the other side. So that shows
16 the general path that the bullet took cutting through that bedroom.

17 Q And not to be annoyingly thorough, but 229, what is that?

18 A So that's the inside of the bedroom. That's just showing the
19 trajectory rod on the other side connecting through to the bedroom.

20 Q Bear with me.

21 A Okay.

22 Q I'm switching gears here, showing you 233. Can you orient
23 the jury as to what we're looking at?

24 A So I believe that is the west face of building 25. So you can
25 see down here, kind of, the angled sidewalk. So in that diagram, where

1 that sidewalk took that 45-degree angle --

2 Q Is that it?

3 A So right there. So we are looking at this west face --

4 Q Okay.

5 A -- here. So building 26 is where we've been most of the time.

6 We're now looking at building 25, which is this long building, and we're

7 looking at its west side. So it faces building 26. So we're looking at

8 about this corner here.

9 Q Okay. And that would be directly across from the --

10 A Alcove.

11 Q -- apartment doors?

12 A Yes.

13 Q Okay. State's 235? Sorry, got to zoom out here again.

14 What are we looking at?

15 A So that's that same west face of building 25. You can see
16 that ladder on the left that was in that other picture we were just looking
17 at. And then you can see two green stickers there. Those are
18 trajectories J and K, so bullet hole paths J and K.

19 Q 236?

20 A So that is a close up of J1, which I believe was the higher of
21 the two green stickers in that picture we were just looking at.

22 Q And did you all believe that to be an entry as well?

23 A Yes.

24 Q And is that why it starts with 1?

25 A Correct.

1 Q So J1, and then 234?

2 A It's K1, so that's the lower green sticker on that more zoomed
3 out photo we were just looking at. So that's the entrance into the west
4 side of the building labeled K1 of building 25.

5 Q Were you able to go into the corresponding apartment?

6 A Yes. 216 is the apartment -- there you go -- that was in that
7 area of building 25 which K went into.

8 Q Showing you 237, that was 216. And then 238; what are we
9 looking at here?

10 A So that's K2. So that's the exit hole in a bedroom in 216. So
11 that's corresponding K1 went in, K2 went out into the bedroom.

12 Q 239, close up of K2?

13 A Yes.

14 Q 240?

15 A So I believe that's K3. So that's the opposite wall of that
16 same bedroom. So in K1, out the bedroom of K2, opposite wall of the
17 bedroom, went in the wall as K3 here.

18 Q 241? That's K3?

19 A So that is a close up of K3.

20 Q That looks really round --

21 A Yes.

22 Q -- to me. Appear to be an entry?

23 A Yes. Based on just the trajectory, yes.

24 Q Sure. Sure. State's 242. Now, where are we now?

25 A So this is the adjacent bedroom, the bedroom that kind of

1 butts up to the other room that shares the wall. So on the left-hand side
2 here, you can see a green sticker and then our right hand, on the door,
3 right of that sticker is another green one. So K4 is the left sticker right
4 here. So came through this bedroom, in at K3, out here at K4, went into
5 the open door at K5.

6 Q Oh, let me -- actually, let me put up 243. Maybe this will
7 help.

8 A So that's K5. We have shut the door. So before the door
9 was open. So how it was before it was the position it was in. We have
10 now shut it to show K5 and then here you can see K7. So K4 is over
11 here, came out K4, went in K5 which is the open door.

12 Q Let me show you 244.

13 A Perfect. So this guy here is K6. So we haven't seen that one
14 yet. So K4, out the door -- or I'm sorry, out the bedroom wall. K5 is right
15 here, so in the door, out the door at K6, and then hitting this picture on
16 the wall, going through the picture is K7.

17 Q State's 245?

18 A So that is K7, the bullet hole that goes through the picture.

19 Q Narrowly missing Grampa there, right?

20 A Yes.

21 Q One last series of photos to show you.

22 A Okay.

23 Q Was there also blood-related evidence found at the scene?

24 A Yes.

25 Q I'm going to show you, since we're on it, State's 231. Can

1 you orient the jury?

2 A Sure. So we're looking -- on the left-hand side, there is that
3 ladder. So that's propped up against the west side of building 25. So
4 that's what we were just looking at with J and K going into it. On the
5 right-hand side over here would be building 26, and then our victim is
6 further on the sidewalk, down, and to the right on that photo.

7 Q And there's a couple little orange cones in this photo.

8 A Correct.

9 Q What do those represent?

10 A Those are representing areas of blood or a blood trail.

11 Q Yeah. State's 232. Do you recognize this?

12 A Yes. That's a drop of blood labeled AB, so apparent blood
13 number 7.

14 Q And AB7 would be in the foreground of the Exhibit 231?

15 A Maybe. I know it's on the sidewalk west of 25. I'm not sure if
16 it's specifically that corner one further up, but it's on the sidewalk along
17 the west-side of building 25. But without being able to see it, I don't
18 want to promise you that it's that.

19 Q Understood. So can you just describe either referring to
20 report or if I can put up a diagram actually, maybe that will help.

21 A Sure.

22 Q Yeah. That will help.

23 A That's why I do them.

24 Q Let me show you State's 10, and let me zoom in quite a bit
25 here.

1 A So again, this is building 25, this long rectangular building,
2 again. And this is 26. This is where we've been most of the time. This is
3 25. So there is AB7 on this sidewalk here along the west side of the
4 building, and there's also AB1 on the sidewalk right at the southwest
5 corner --

6 Q Okay.

7 A -- of that one.

8 Q So let's start with AB7 --

9 A Okay.

10 Q -- that I just showed you.

11 A Sure.

12 Q 232. Is that AB7?

13 A Yes.

14 Q Okay. It appears that the blood is rounded at the top there
15 and kind of, I don't know if splashed is the right word, at the bottom,
16 but?

17 A There are spines extending from the blood drop.

18 Q Thank you.

19 A Yes.

20 Q And now I want to go to State's 50 and ask you now that you
21 look at this and you see the directions of the cones, do you believe this
22 front cone to be AB7 and then this --

23 A To be AB1, yes. Because AB1's on the more rounding the
24 corner portion of the building, whereas AB7 is on the straight part of the
25 sidewalk along the west. So.

1 Q Okay. So AB1, the cone is facing down this way toward
2 where the victim is, essentially?

3 A Correct.

4 Q And then AB --

5 A 1 --

6 Q --or I said AB7?

7 A Yeah, AB7 is in the foreground and AB1 is further back.

8 Q State's 53. Zoom out. It's real bad glare. I'll try to change
9 that. Focusing now, can you see the cones?

10 A I can see -- yes.

11 Q Okay.

12 A I'm pretty sure this is the southwest corner. Oh, okay.

13 Q Can you see the three cones that I'm pointing out, or no?

14 A The bottom one's cut off. Yeah. Yes. Now I see them.

15 Q What does this cone represent?

16 A I believe that one is AB1.

17 Q I'm showing you State's 54. Is that AB1?

18 A Yes.

19 Q Now if you could look at State's 55 and if you could orient
20 the jury there.

21 A Sure. So this is along the south side of building 25. So
22 building 25 is the long building. The bullets J and K came to the west
23 side, so that's the left. The parking lot area is north, which is up top. So
24 we're on the south. So we're -- you look at it as a rectangle were along
25 the bottom side of that long building.

1 Q Yeah.

2 A That's what's on the left. So we'd be walking parallel to
3 building 25 along its south side --

4 Q Okay.

5 A -- if that makes sense?

6 Q Let me go back to State's 10.

7 A Perfect. At least I'm trying. So again, North is up. This is
8 building 25. So we saw AB7 on the west side there, AB1 on that corner.
9 So the picture we were just looking at was a view taken from here
10 looking down that way, so looking east --

11 Q Okay.

12 A -- along the south side of building 25.

13 Q I see on here, AB1, AB2, AB3?

14 A Yes.

15 Q And then way up here --

16 A Right there.

17 Q -- AB4?

18 A Yes.

19 Q Correct? Okay. So now going back to our photo, 55, we're
20 looking down the south side of building 25?

21 A Correct.

22 Q And there are several cones, well, can you see several cones?
23 Are you aware of several cones?

24 A I cannot see them.

25 Q Okay. That's not coming through very well, so let me try

1 this. 56.

2 A There's one. Okay.

3 Q Wow. These are actually really camouflaged.

4 A Yeah.

5 Q This is one?

6 A Yes.

7 Q You see a cone here or no?

8 A Yes, now I do.

9 Q And then another one up on a rock almost here?

10 A Yes.

11 Q Okay. So in your diagram, going back to State's 10 --

12 A Uh-huh.

13 Q -- there are these boxes along the path. Is this basically

14 landscape?

15 A Yes. That's like a dirt planter area.

16 Q Okay. And so no one is confused, this, where AB2 is, this

17 isn't an alcove to an apartment, this is just a gap between the planters,

18 right?

19 A No, that's an alcove to the apartment.

20 Q Well, wouldn't the alcove be deeper in?

21 A Yeah. It leads into the alcove. So it's a gap between the

22 planters, but it leads into the alcove. Sorry.

23 Q I understand.

24 A Sorry. But it's sidewalk.

25 Q Got you. So let's go back. Did you follow that blood trail all

1 the way down the south side of building 25?

2 A Yes.

3 Q That's better. 57. State's 58. See a cone way down on the
4 bottom left here?

5 A Yes.

6 Q And some crime scene tape and then some tape on the
7 ground?

8 A Yes.

9 Q So for orientation, let me show you State's 59.

10 A Uh-huh.

11 Q And is that an alcove?

12 A Yes. So that's the one that we were just debating on if it was
13 an alcove or not. So that's the one -- that's the second from the west
14 alcove. So it leads into apartment 221, I believe, is within that alcove.
15 But we sampled, or I sampled apparent blood swab 2 from the ground in
16 that alcove. So one of those overturned cones is specifically marking the
17 area of blood that I swapped for AB2.

18 Q Showing State's 61. Is that AB2?

19 A Yes. So you can see the pink sticker on the ground there. So
20 the pink ones for blood. So that's AB2.

21 Q State's 63. That's AB2 there in the foreground?

22 A I believe so.

23 Q And then State's 62.

24 A So that's just showing 221. So that's just for a point of
25 reference, it's in the alcove outside of apartment 221.

1 Q State's 64?

2 A So that's a close up of the drop that was specifically swabbed
3 for apparent blood sample 2.

4 Q State's 65? Continue following that path?

5 A Yes. So now we're continuing to go along the south side of
6 building 25 heading west -- east, sorry.

7 Q State's 66.

8 A So you can see the cones. Were still just going down the
9 south side of the building.

10 Q State's 67. This particular cone, what does that represent?

11 A So now we are at the last alcove to the east. So we're all the
12 way at the east side of building 25 now opposite of where we started.
13 And so again, this overturned cone and you can see the pink rectangular
14 sticker on the ground there, that's marking, yes, apparent bloodstain 3.
15 So that's another area of blood that I swapped.

16 Q State's 68? Is that AB3 close up?

17 A Yes.

18 Q And then, you can see a few different, of course, I guess,
19 droplets?

20 A Right.

21 Q And those spines that you talked about before, they're kind
22 of pointing in the east -- to the east? Want me to go back?

23 A Yeah, without -- yeah. As long as that sticker is oriented in
24 that same direction where the writing is in that direction, then the spines
25 are pointing to the east.

1 Q Got you.

2 A Sorry. Without knowing which way it's oriented, I don't
3 know want to --

4 Q No, that's okay.

5 A -- tell you the wrong direction.

6 Q I appreciate it when you say -- you described sampling.
7 When you say that, what do you mean, for the jury?

8 A So sampling in itself is we take sterile cotton swabs, so kind
9 of fancy expensive Q tips, and put sterile water on them, and then we
10 swab the area of blood, and then cap it, cap the swab, and then we book
11 that as a swab of blood. So I can't take the sidewalk. I can't pick that up.
12 So I swab the blood, book the swab as evidence. So in this case, there
13 was a trail. So the blood drops were, were continuous. I could see that
14 they, they kept going. I was following, you know, Hansel and Gretel,
15 following the breadcrumbs like following along the south side of
16 building 25. So whenever we have a trail, typically will swab at the
17 beginning, at the end, and one or two depending on how long the trail is,
18 in the middle of the trail. So AB1 was about the beginning, AB4, which
19 we'll get to I'm assuming, was at the end, and then 2 and 3 were two
20 swabs that I just picked in the middle, nothing super amazing about
21 those areas of blood. They're generally just a substantial amount, so I
22 know when I swab I'm going to get a good sample of blood.

23 Q And going back to State's 67, this was AB3, in the --

24 A AB3.

25 Q -- foreground?

1 A Yes.

2 Q And then it appears the blood trail is flagged along the way,
3 and then there is a way to turn at the end of this building 25, right?

4 A Yes, so that's the southeast corner of building 25, and it
5 wraps around it.

6 Q I'm now showing you State's 69.

7 A So we see building 25 to the left there. So again that's the
8 southeast corner. So we just came from this left side here, and now you
9 can see the cones more in the central area of this photo going this way
10 towards the parking lot area.

11 Q State's 70. Just getting closer to the parking lot area?

12 A Yes.

13 Q Oops. Apologies. Can you see the cones?

14 A Yes.

15 Q Can you just point them out?

16 A Yeah. So there, there, there, there, and then you can see
17 these three on the ground in the parking area, in the back. This is a
18 different portion of the parking lot than the suburban was parked at, so
19 just to clear that up.

20 Q State's 10. What area?

21 A So Right now we're over here. So we went around the South
22 AB1, AB2, AB3, rounded the corner and AB4 is the parking lot at the
23 northeast corner of building 25, whereas vehicle one was over on the
24 other side of it.

25 Q State's 71. You can see those cones going out into the

1 parking area.

2 A Yes.

3 Q 72. We now have those same cones in the parking area?

4 A Yes.

5 Q 73.

6 A Yes. Those are the same cones. You can kind of see that

7 there's a sticker at the top cone there on the right-hand side. Yeah, right

8 there you can see that little pink rectangular sticker. So that's my label

9 for that blood swab 4. And our path terminates at an empty parking

10 spot?

11 A Yes, just on the ground in the parking spot, yes.

12 Q 74.

13 A So that's -- well, there's blood there, I promise. But that's

14 AB4. It's hard because it's dark-red blood on a black asphalt. So it's a

15 little tricky, especially with the exposure that we're working with.

16 Q Got it. And then again, State's 73. That would be here --

17 A Correct.

18 Q -- in the empty parking spot?

19 A Yes.

20 Q I guess along the side of the empty parking?

21 A Yes, the end of it.

22 Q All of those items that you just discussed for the last 12

23 hours or so, were those all impounded under our event number

24 160403352?

25 A Yes.

1 MR. GIORDANI: I'll pass the witness at this time.

2 THE COURT: All right. We're going to take a little recess,
3 stretch our legs. That's okay.

4 All right. Please, during this recess, remember not to discuss
5 or communicate with anyone including fellow jurors in anyway
6 regarding the case or its merits either by voice, phone, email, text,
7 internet, other means of communication or social media.

8 Please do not read, watch, or listen to an news, media
9 accounts, or commentary about the case, do any research, such as
10 consulting dictionaries, using the internet, or using any reference
11 materials.

12 Please don't make any investigation, test a theory of the
13 case, recreate any aspect of the case, or in any other way attempt to
14 learn or investigate the case on your own. And please don't form or
15 express any opinion, regarding the case, until it's submitted to you.

16 We'll see you at 11:30.

17 Thank you.

18 THE MARSHAL: All rise.

19 [Jury out at 11:18 a.m.]

20 THE COURT: We can go.

21 [Recess at 11:18 a.m., recommencing at 11:31 a.m.]

22 THE MARSHAL: All rise.

23 [Jury in at 11:31 a.m.]

24 THE COURT: All right, welcome back everybody. Please be
25 seated. Thank you.

1 We are on the record in State of Nevada v Tuly Lepolo, C-
2 345911. This is -- I apologize -- Mr. Lepolo is present with counsel, Mr.
3 Margolis. Both Mr. Giordani, as well as Ms. Conlin are present on behalf
4 of the State. CSA Mariam is still on the stand, still under oath.

5 Mr. Margolis, it's time for cross-examination whenever
6 you're ready, sir.

7 MR. MARGOLIS: Thanks, Your Honor.

8 CROSS-EXAMINATION

9 BY MR. MARGOLIS:

10 Q Analyst Mariam, was fair to say it was a pretty involved
11 scene there at Charleston?

12 A Yes.

13 Q What time did you arrive; if you remember?

14 A 10:35 p.m., around there.

15 Q And if you recall, what time did you leave?

16 A I don't recall. There's a crime scene log that patrol officers
17 have that they kind of check us in and check us out, so it would be listed
18 on there, but I'm not sure how long it took.

19 Q A couple hours?

20 A Yes.

21 Q At least, right?

22 A Yes. For sure.

23 Q Okay. And you explained pretty well to the jury how you
24 figured out, you know, and it entered this wall and exited that wall.

25 A Right.

1 Q All the trajectories and things like that.

2 A Uh-huh.

3 Q Ultimately, you were able to determine that at least two
4 firearms had been fired, correct?

5 A There was evidence of nine-millimeter cartridge cases and 40
6 caliber cartridge cases

7 Q Right.

8 A So yes.

9 Q And specifically in the alcove in front of apartments to 231
10 and 233, there appears to be some kind of exchange of gunfire there; is
11 that fair?

12 A There were cartridge cases and then bullet impact. So I
13 mean I don't --

14 Q You're not comfortable saying that there were two-way
15 traffic in terms of firearms there?

16 A In the alcove, there was evidence of the nine-millimeter
17 cartridge cases and then trajectories going in apparently opposite
18 directions. So.

19 Q Okay. And despite, you know, everybody's hard work for
20 hours and hours on that scene, you can't, as you sit here, tell the jury
21 which caliber weapon was fired, in which order, correct?

22 A In which order? No.

23 Q Okay. Thank you.

24 A Uh-huh.

25 THE COURT: Mr. Giordani?

1 MR. GIORDANI: No, thank you.

2 THE COURT: Anything from this witness?

3 Okay.

4 THE MARSHAL: Please pass them this way. Thank you.

5 Okay, thank you.

6 [Sidebar begins at 11:35 a.m.]

7 UNIDENTIFIED SPEAKER: Very similar to the last question,
8 Right, Sure.

9 [Sidebar ends at 11:35 a.m.]

10 THE COURT: What was the caliber of bullets recovered in
11 apartment 249, 233, and 216?

12 THE WITNESS: I don't know the caliber. That would be the
13 firearms examiners. They're the people that actually weigh them and
14 analyze the bullets. My job is just to recognize that they are bullets and
15 to book them appropriately. That way they can be analyzed later by the
16 appropriate people.

17 THE COURT: And then this is a similar question. Do we
18 know the caliber of the impact in the alcove?

19 THE WITNESS: No.

20 THE COURT: Any follow up to that?

21 MR. GIORDANI: Just yes, please, on that last question.

22 REDIRECT EXAMINATION

23 BY MR. GIORDANI:

24 Q If I understand you correctly, you cannot tell the caliber of a
25 bullet hole in an object?

1 A No, not necessarily. You never know. It depends on what
2 the surface it goes through is made of. Sometimes it fragments more.
3 So no. With us, same thing. We just recognize that it is a bullet hole,
4 and we document it to the furthest of our ability; so if it needs to be
5 analyzed any further later, we have all that documentation done.

6 Q And bullets themselves, the projectile portion, when those hit
7 surfaces, sometimes, they'll mushroom, sometimes they'll fragment --

8 A Uh-huh.

9 Q -- and turn into a bunch of little pieces, right?

10 A Yeah. So like when we talked about that one that hit that
11 metal door frame, how it looked different than the -- the bullets that were
12 more like pretty intact when they just went through, like, drywall; also,
13 flipping back to the size of the impact, that's why those little stickers
14 have scales on them, so that there is a measurement so that later on, if it
15 is determined that the size of the actual holes plays some type of part in
16 something, those scaled stickers are present in order to document the
17 approximate size of the impact holes.

18 Q Have you been on crime scenes before where, even though
19 you're thorough, you could potentially have missed cartridge cases or
20 bullets?

21 A Yes.

22 Q How did -- how do cartridge cases get missed if they do, or
23 can you answer that?

24 A Well, it depends. So there's a whole lot of fun stuff that
25 happens when you're human.

1 Q Sure.

2 A So you know, at this point, we came at 10:30 at night was
3 when we arrived. So I was working graveyard at this point, so my shift
4 was 10 p.m. to 8 a.m. So it's dark. So we try to look. We have, like I
5 said, a lot of detectives, patrol officers that will also look before we even
6 get there marking those cart cases, a supervisor that, kind of, wanders
7 around being extra eyes and extra sets of hands. So we try our best to
8 look. Everyone is, kind of, keeping an eye out. We use metal detectors if
9 we feel like we're missing bullets or cartridge cases, if for whatever
10 reason we know specific amounts of rounds that have been fired, then
11 we will try to make sure we find the appropriate number of cartridge
12 cases. Sometimes, in situations, we don't know how many were fired,
13 so we don't know what our goal is to find. So we are just as thorough as
14 we possibly can be, but sometimes cart cases fly into bushes.
15 Sometimes they get kicked by the fire department that arrives to render
16 medical aid. Life happens before we arrive. So they can be missed.
17 They can be removed. They can be kicked somewhere. They can be in a
18 bush, in a tree, and so --

19 Q Get stuck in a room?

20 A -- there's a lot of reasons. Yeah.

21 Q Maybe get stuck in a bush?

22 A Yes. Yeah, there's --

23 Q Okay.

24 A Yep. Or if it's in the street, like, a tire -- like a car can roll
25 over it and pick it up in its tire tread, like, there's different ways it could

1 disappear.

2 Q Same thing with bullets? I mean, you -- you do your best if
3 there are holes and you're seeing impact, your goal is to find the bullet at
4 the end of that impact?

5 A Yes. We always search. If there's a trajectory and we don't
6 see the bullet, we always, you know, kind of eyeball it with the trajectory
7 rod. Where did it come from? Where did it go? Which direction are we
8 looking into? Do we see any other holes in buildings or what general
9 direction did it go to? But a lot of times, if that bullet leaves and just
10 exits out into the abyss, we don't know how far it went until it stopped.

11 Q Thank you.

12 MR. GIORDANI: I'll pass the witness.

13 MR. MARGOLIS: No questions, Your Honor.

14 THE COURT: All right. Thank you so much for your time and
15 testimony. Thanks for coming back from last week. We appreciate that.
16 Please don't share your testimony with anyone else involved in the case
17 since it is an ongoing trial.

18 THE WITNESS: Thank you.

19 THE COURT: You are excused. Thank you.

20 State, whenever you're ready.

21 MR. GIORDANI: Angel Moses.

22 THE MARSHAL: Angel Moses.

23 Step up there and remain standing and raise your right hand
24 so the clerk can swear you in.

25 DINNAH ANGEL MOSES, STATE'S WITNESS, SWORN

1 THE CLERK: Will you please state your name and spell it for
2 the record?

3 THE WITNESS: First name, Dinnah, D-I-N-N-A-H, middle
4 name Angel, A-N-G-E-L, last name Moses, M-O-S-E-S.

5 THE CLERK: Thank you.

6 DIRECT EXAMINATION

7 BY MR. GIORDANI:

8 Q Good morning, ma'am.

9 A Morning.

10 Q How are you currently employed?

11 A I'm employed -- excuse me. I'm employed with the CCBi,
12 which is the City-County Bureau of Identification in Raleigh, North
13 Carolina.

14 Q Can you describe what you do on a daily basis in that role?

15 A I am a firearms examiner for that agency, and my main
16 duties is to examine fired ammunition components, such as bullets and
17 cartridge case, and determine if they've been fired from a particular
18 firearm as well as doing database entries.

19 Q And what did you do prior to your employment there?

20 A I worked for the Calgary Police Services in the same capacity.

21 Q And prior to that?

22 A With the Las Vegas Metropolitan Police Department in the
23 same capacity.

24 Q and in your role with the Las Vegas Metropolitan Police
25 Department, were you within the -- under the umbrella of the Las Vegas

1 Metropolitan Police Department forensic laboratory?

2 A Yes, I was.

3 Q How long were you in that role?

4 A For fourteen years.

5 Q And on a daily basis in that role, would you do the same type
6 of things that you described you do now?

7 A Yes, I did.

8 Q What type of training and education do you have in order to
9 do what you do?

10 A I earned my Bachelor's of Science degree from the
11 University of Illinois. I completed a two-year training course that
12 included extensive microscopic examinations of fired ammunition
13 components and functions of firearms analysis. I've gone on several
14 tours for firearms and ammunition plants. This gives me a better
15 understanding of how individual characteristics are created and imparted
16 on certain areas of a firearm contributing to its mechanical fingerprint.

17 Q Can you describe what a firearm is to the jury?

18 A A firearm is -- there are actually several different types, but
19 the ones I am predominantly trained and dealt with in my career were
20 small arms, which are pistols, shotguns -- or pistols, rifles, shotguns, and
21 revolvers. What these are are different mechanisms -- excuse me --
22 different types of firearms that are able to fire ammunition components.

23 Q And what are ammunition components?

24 A An ammunition is a round that -- or a cartridge such as this, if
25 I may use this?

1 Q Absolutely.

2 A A cartridge actually has four components. It has a case that
3 holds everything together, a primer seated at the bottom, gunpowder
4 within, and a -- usually a bullet seated within the mouth of this. This is a
5 unfired cartridge that is meant to be placed within a firearm. And once it
6 actually is fired within there, it will actually separate into two different
7 components with a bullet coming out at the muzzle at the end of a gun.

8 Q And so the bullet comes out the end. The bullet's what does
9 the damage, right?

10 A Yes.

11 Q And the cartridge case in the instance of a semi-automatic
12 firearm?

13 A For a semi-automatic firearm, it would be extracted and
14 ejected for the firearm so that it will actually be able to chamber a new
15 cartridge into there and be ready to fire.

16 Q And with regard to a revolver?

17 A Revolver would actually have multiple chambers around a
18 cylinder, anywhere from six to eight or so -- I'm sorry, five to eight, and
19 will have -- hold multiple cartridges, and will actually rotate around an
20 axis. So for a cartridge case after the firing process will actually remain
21 in the chamber of that cylinder and has to be manually ejected by a
22 person.

23 Q I want to ask you about several items of evidence you
24 received under Las Vegas Metropolitan Police Department event number
25 160403-3524. Are you familiar with that?

1 A Yes, I am.

2 Q And back in approximately April or May of 2016, did you
3 receive several items of firearms evidence?

4 A Yes, I did.

5 Q Do you know those off the top of your head, or would you
6 need to look at a report to reference them?

7 A I have my report in front of me.

8 Q Okay. How many cartridge cases did you receive?

9 A Let's see. I received 10 total.

10 Q and if you could, describe for the ladies and gentlemen of the
11 jury the various calibers of those cartridge cases.

12 A So the cartridge cases were actually two different calibers
13 that I received. One was a nine-millimeter Lugar, and the other one was
14 a .40 Smith and Wesson. These are two different calibers. They're
15 significantly different in size. The .40 caliber is approximately .40 inches,
16 so just slightly under half an inch, whereas a nine-millimeter is .357, so a
17 little bit smaller than that, about a third of an inch.

18 Q So the .40s are larger. And in your world, does that mean
19 that these are cartridge cases from separate firearms?

20 A Yes.

21 Q In other words, nine-millimeter ammunition can't fit into a
22 .40 caliber weapon, and vice versa, or?

23 A The .40 caliber -- excuse me. The .40 caliber cannot fit into a
24 nine-millimeter. It's too -- physically too big, so it can't fit into the
25 chamber of it. A nine-millimeter can fit in a .40, and there are some

1 instances where a nine-millimeter can be fired in a .40. This is not
2 always the case, and also, if that were to happen, there are physical
3 different characteristics that I would be able to see that would indicate
4 that it would be fired in a larger caliber firearm. In this case, that did not
5 occur, so that the nine millimeters appear to be normal in appearance
6 and had been fired in a correct caliber firearm.

7 Q Meaning a nine-millimeter firearm?

8 A Yes.

9 Q And as to the .40s, they're fired from a .40 caliber firearm?

10 A Yes.

11 Q And because we're seeing all these cart case -- cartridge
12 cases out at the scene, you're presuming that those are both semi-
13 automatic weapons; is that right?

14 A Yes.

15 Q Okay. And based upon microscopic evidence? And we'll talk
16 about which evidence.

17 A Yes.

18 Q Okay. Can you describe for the ladies and gentlemen of the
19 jury what it is you do when you receive these cartridge cases?

20 A I -- once I receive it, I take some notations of the condition of
21 the evidence and the packaging, taking some descriptions within my
22 notes so that I can be better familiar with it as to what I did during court.

23 Once I have done some of the preliminary things, I will
24 actually look at the cartridge cases, or I'm sorry, the evidence, in which
25 case, to determine if there's cartridge cases, bullets, or et cetera; look at

1 any type of manufacturing stamping on there, such as in the cartridge
2 cases it would have been stamped .40 Smith and Wesson with a
3 manufacturer of them, and the nine-millimeters would have been
4 stamped nine-millimeter, also noting any type of other characteristic,
5 such as those not only from the manufacturer of the ammunition but
6 from any type of characteristics from the firing process of the gun.

7 For the bullets, I would also look at -- take pictures, look at
8 the conditions, take measurements such as weights, diameters, and
9 looking also to look at what characteristics were transferred from the gun
10 such as rifling characteristics, which is during the firing process can help
11 identify which type of firearm it is.

12 Q Okay. You mentioned bullets, and you previously described
13 receiving a bunch of cartridge cases. Did you also receive several
14 bullets?

15 A Yes, I did.

16 Q How many?

17 A I received, let's see, four bullets and one bullet core.

18 Q What is a bullet core?

19 A So a -- the bullet would -- is the portion that is seated at the
20 case, and when it's fired will actually be separated, but a lot of times, the
21 bullet will have a lead core, and for semi-automatics will have a jacket
22 around that core. The lead is really softer, so that jacket is there to give
23 it a little bit more hardness to it so that it can feed correctly into there as
24 well as giving it kind of a shell.

25 During the firing process, once it leaves the muzzle of the

1 gun, it can actually separate that jacket and the core as it goes through
2 different things or through the function and design of the ammunition, in
3 which case then, you may have a couple of different pieces such as a
4 bullet and the core itself. So a bullet core is just the inside piece missing
5 the jacket of it.

6 Q Understood. Now, I want to go through specifically the
7 bullets and the bullet core, and I want to refer to the items by the
8 numbers in which you have them documented. Do you document --
9 well, when you receive the items of evidence, do you have some
10 information as to who impounded it and what the item number was?

11 A Yes.

12 Q How do you get that information? What does it give you?
13 What does it tell you?

14 A The person who impounded it would have, as part of their
15 impound package, numbered their P number, and then followed by a
16 assigned item number that they give.

17 Q Okay. So I want to use an example here. For you, impound
18 item number number 36. I see the impound package, a P number 14401,
19 and then it has a dash after it for the package number, right?

20 A That's correct.

21 Q The 14401, do you know that to be Nicole Mariam, formerly
22 Howell [phonetic]?

23 A I'd have to look at my notes, but --

24 Q Could you do that?

25 A Sure. Sorry. My notes are a little cut off.

1 Q That's all right.

2 A I, unfortunately, did not take that person's name on there.
3 I'm sorry.

4 Q No, that's okay. but you know for sure that that particular
5 item, because of the P number, came from personnel 14401 with Metro?

6 A That's correct.

7 Q Correct? And as I've look at your report, I see every single
8 item of evidence came from impounds done by that person except for
9 one.

10 A Yes.

11 Q And the person who --

12 A Actually, I'm sorry, you're right. I do have it recorded in here
13 as Nicole Howell.

14 Q Oh, good.

15 A So yes.

16 Q Good. And that would be your -- all of the items of evidence
17 except for one were -- were Nicole, correct?

18 A That's correct.

19 Q And then, there is an item, a bullet that was impounded
20 under a different P number of 13206. Do you know who that person is?

21 A Yes.

22 Q Who is that?

23 A It's Shandra Lynch.

24 Q Okay. So if Shandra Lynch went to the autopsy and Nicole
25 Howell went to the crime scene, that would mean you received a whole

1 bunch of evidence from the crime scene, and you also received a single
2 item of evidence from the autopsy, right?

3 A That's correct.

4 Q Okay. And that item was a bullet?

5 A Yes.

6 Q What did you do with the, one, two, three, four bullets you
7 received and the bullet core?

8 A Once I did my preliminary examinations and documentation
9 of it, what I would then do is look for any similarities between them to
10 see if they were the same or similar calibers as well as the same general
11 rifling characteristics. When I talk about the general rifling
12 characteristics, these are characteristics that are transferred from the
13 gun, specifically, the rifling process within the muzzle or the barrel of the
14 gun. These characteristics are created and imparted prior -- sorry -- are
15 determined prior to manufacturing by a firearms manufacturer. They
16 can choose anywhere from a number of 4 lands and grooves with a right
17 twist or a left twist to anywhere to 18 lands and grooves. It's just
18 dependent on those manufacturers, what they determine to be.

19 What the rifling does is actually imparts a spin to the bullet
20 so that when it leaves the gun, it's actually more stable in air. But what it
21 does for me is impart striations within the side of the bullet on the case --
22 I'm sorry, the jacket of it that would allow me to look at the signature of
23 the firearm that's from the barrel itself.

24 So once I've recorded these and looked and seen that there
25 were some similar rifling characteristics among the bullets, I would then

1 look at them through a comparison microscope.

2 What a comparison microscope is is two compound
3 microscopes that are joined optically by -- sorry, by a optical bridge that
4 allows me to look at two separate objects side by side so that I can see
5 those -- that mechanical fingerprint from the barrel of the gun to see if
6 there are similarities in their marks, in quality and quantity that would
7 allow me to make a determination.

8 Q And you've indicated you've -- you received four bullets and
9 one bullet core. You did, I assume, that process you just described with
10 all those items?

11 A Yes, I did.

12 Q And during the course of that, did you document or take
13 photographs of your processes?

14 A Yes, I did.

15 MR. GIORDANI: May I approach, Your Honor?

16 THE COURT: Yes.

17 BY MR. GIORDANI:

18 Q First, I want to show you 318 to 322.

19 A Okay.

20 Q Do you recognize all of those?

21 A Yes, I do.

22 Q What are those?

23 A Those are the bullets and bullet core that I examined for this
24 case.

25 Q And then I want to show you 314 through 317.

1 Do you generally recognize those?

2 A Yes, I do.

3 Q And what are those?

4 A Those are microscopic examinations I took through my
5 microscope of the cartridge cases as well as the bullets that I examined.

6 Q And then I'm --

7 MR. GIORDANI: I'm going to move the admission of those,
8 Your Honor, which was 314 to 322.

9 THE COURT: Mr. Margolis?

10 MR. MARGOLIS: No objection.

11 THE COURT: Okay. Those will be admitted. You can publish
12 when needed.

13 MR. GIORDANI: Thank you.

14 BY MR. GIORDANI:

15 Q And then I'm going to show you State's 313, which is a disc.
16 There we go.

17 Ma'am, do you recognize the contents of this disc?

18 A Yes, I do.

19 Q And what are the contents on this disc?

20 A These are the photographs that I placed in the object
21 repository of the limbus system that was used by the forensic laboratory
22 that keeps all of the case notes.

23 Q Sorry.

24 A That's fine.

25 Q Are all of those photos the same as what I've just shown you,

1 314 to 322?

2 A Yes, they are.

3 Q But in this disc, you have actual labels on them to represent
4 and describe what you're looking at?

5 A That's correct.

6 MR. GIORDANI: I move the admission of 313 as well.

7 THE COURT: Mr. Margolis?

8 MR. MARGOLIS: No objection, Your Honor.

9 THE COURT: That will be admitted. You can publish when
10 needed.

11 BY MR. GIORDANI:

12 Q I'm going to open this file number 11. Perhaps you can tell
13 the jury what we're looking at here?

14 A So the -- the number 16-03245 is the laboratory internal
15 number from the lims, just to kind of keep it straight as to which one it is.
16 The item 11 is the lab item number that's assigned by the lab. It's
17 consecutively, just starts within that particular case.

18 This particular item is actually from back -- sorry -- package
19 number 14401-9, item 36.

20 Q Okay. so let me break that down a little bit. First off, we
21 have a lab number here, 16-03245?

22 A That's correct.

23 Q That is entirely different from a LVMPD event number under
24 which this item would have been impounded?

25 A That's correct.

1 Q This is a unique lab item number for your forensics work in
2 this case, right?

3 A Yes, and that is also unique to this particular Las Vegas
4 Metropolitan Police or agency case number.

5 Q Got you. And then it's item 11. Is that lab item 11?

6 A That's correct.

7 Q Again, this is your unique number, correct?

8 A Yes.

9 Q So just to confuse the issue further, that item not only has a
10 lab item number of 11 for you, but was impounded as an item number
11 by the CSA?

12 A That's correct.

13 Q And that would have been CSA item 36?

14 A Yes.

15 Q Correct? So if we see an evidence placard at the scene that
16 says 36 on it, that would represent lab item 11 now?

17 A Yes.

18 Q Got you. I'm going to show you now file number 12. What
19 are we looking at here?

20 A This is the next bullet, which would be item 37 from the
21 crime scene.

22 Q Item -- sorry, file number 13?

23 A 13 would be crime scene number 38, which is another bullet
24 that I examined.

25 Q File number 14?

1 A Is crime scene number 42, which is the bullet core.
2 Q Item number -- lab item 14, crime scene item 42?
3 A Yes.
4 Q And it looks a lot different than the last three that we saw?
5 A That's correct.
6 Q That's because this one's a core?
7 A That's correct.
8 Q All three of the bullets plus this core we're looking at now,
9 those were all impounded by Nicole Miriam or Howell?
10 A Yes.
11 Q And that would have been at the crime scene?
12 A Yes.
13 Q Now moving to file 15.
14 A This is from package 13206-5, which is, I'm sorry, Shandra
15 Lynch, and is her item number 8, which is also another bullet.
16 Q Okay. This would -- this is represented as lab item 15, but it
17 would have been Shandra Lynch's impound item 8, correct?
18 A Yes.
19 Q Okay. And are you aware that Shandra Lynch went to the
20 autopsy in this case?
21 A Yes.
22 Q Okay. So this bullet appears to be mushroomed. And can
23 you describe what we're looking at and how it may end up this way?
24 A The other bullets also were of similar design, but they didn't
25 open up and mushroom like this one did. What happened with those is

1 there were things that were caught in the nose of the bullet. What the
2 nose of the bullet is is this front portion in here, and what for some
3 ammunition types will have what's called a jacketed hollow point where
4 the center and tip of the nose will actually have a hole inside of there but
5 will still have a jacket around it. What this hole allows to do is that after
6 during impact, it will actually start to open up and mushroom as you see
7 in this one here. In some of the other bullets, even though they were
8 jacketed hollow points, they did not open up because there was material
9 stuck within the nose that made it act more like a full metal jacket and
10 did not mushroom and open up.

11 Q Okay. I want to bring you back to lab item 14. Did you do a
12 microscopic comparison on this particular item?

13 A Not through the comparison microscope as the jacket is not
14 there. This is just the core, and the jacket would hold all of that
15 mechanical fingerprint from the barrel of the firearm. And since that's
16 missing, I did not need to do that for this particular item.

17 Q Okay. So I said microscopic comparison. I meant to say
18 microscopic examination. So you look at this under a microscope.

19 A Yes.

20 Q There was -- the jackets missing, so there's no markings in
21 order for you to determine, I guess, if it was fired from the same firearm
22 as the other bullets you looked at?

23 A That's correct. Actually, I did take whatever measurements I
24 could, such as the weight. The diameter was slightly deformed on that,
25 so I could not take a good one, but based on the weight, this is really a

1 lot lighter than what the .40 caliber bullets are --

2 Q Okay.

3 A -- and is more consistent with a nine millimeter.

4 Q Okay. So lab item 14, which would have been crime scene
5 item 42, was a nine?

6 A By -- with all the measurements that I take, yes.

7 Q Okay. Back to lab item 11 here. What did you do with this
8 particular bullet?

9 A After doing the documentations, and the initial examinations,
10 and the general characteristics, I did compare this under the comparison
11 microscope to the other items of evidence. Particularly, I compared this
12 to item 15.

13 Q Okay. and I'm going back out to Exhibit 313, and I'm going
14 to go to file name 11215. What are we looking at here?

15 A This is a magnified photograph of a comparison of item -- my
16 item -- the lab item 11 to lab item 15. You'll see down the center a very
17 thin black line. This is just a dividing line to show that there's actually
18 two different objects on the left and the right side. And so I was -- this is
19 part of the examination that I did and is only a sample of a portion of the
20 areas that I looked at.

21 Q What does this tell you?

22 A This is just the documentation of the areas that I looked at,
23 and a lot of the agreement that is visible at a high magnification of the
24 marks that are present on those two different items.

25 Q You also have a mouse up there with a pointer. Can you

1 show the jury what you're talking about with agreements?

2 A So, there is a lot of agreement just within here. There is and
3 in also here and here. As you can see, it's a progression of their, not
4 only of just one line, but also the spatial relationship of those lines to one
5 another.

6 Q And are barrels of firearms unique?

7 A They may have some similarities amongst them, but there
8 are a lot of individuality amongst the different barrels that are made.
9 This is because during the manufacturing process there is a lot of
10 surface-to-surface contact with the tool that's making the barrel, and it's
11 as it's cutting, it will actually change during the cutting process. And is --
12 and that's what actually creates these mechanical finger -- excuse me,
13 mechanical signature that you see present on this particular one here.

14 So there is a change that occurs that happens each time things
15 pass through to one another. Barrels that would have some similarities
16 are particularly made in consecutively from one another so that they're
17 having the same type of material, same tool in there, however, even
18 though there are some carry over between barrel to barrel, there have
19 been lots of studies to show that each one has enough changes to be
20 able to be identified back to different -- different sources.

21 Q Okay. Based upon what you're looking at here, does it
22 appear these two bullets flew down the same barrel?

23 A This, as I said, is only a sample of it. I would have looked at
24 the whole surface of the bullet, and all of those present, to help me make
25 out my determination. So that is just this very small portion of what I did

1 examine. But yes, there does show that there is a lot of similarity
2 between the two to indicate that there's a similar source to them.

3 Q I'm now opening up file 11215 lab 2. What are we looking at
4 here?

5 A This is just a different area of the bullet that shows, yet again,
6 more agreement in there. You can see the agreement. The major ones
7 that you can see are these -- this area here and here. But you can see in
8 between those that there's a lot of agreement within the marks, within
9 those areas.

10 Q Based upon your analysis as a whole of lab items 11 and 15.
11 Did you come to a conclusion as to the source of those bullets?

12 A Yes, I did.

13 Q And what was that conclusion?

14 A I determined that they were fired from the same firearm.

15 Q And going back now to file number 11, you said this was a
16 .40 caliber?

17 A Yes.

18 Q And item 15? What's the caliber of item 15?

19 A .40 caliber as well.

20 Q And that was the bullet taken from the victim's body?

21 A Yes.

22 Q And these two, 11 and 15, came from the same firearm? And
23 what caliber would that firearm have been?

24 A .40 caliber.

25 Q Now I want to show you real quickly 12 and 13. Did you do

1 microscopic examinations on those bullets?

2 A Yes. I compared 12 and 13 to item 15 as well.

3 Q And item 11?

4 A No, I did not because I already had determined that 11 and 15
5 came from the same source. There wasn't any need to duplicate that
6 as they --

7 Q Okay.

8 A -- would have been both representative of the same gun.

9 Q Understood. If it -- were you able to tell, based upon your
10 examination, the caliber of 12 and 13?

11 A Yes. These were both .40 caliber as well. And as you can
12 see that there are some rifling marks on there, which are those kind of
13 parallel along the longitudinal -- longitudinal axis of the bullet. These are
14 part of the rifling marks that are pressed on there. Those are also similar
15 to the item 11 and 15 in the widths and measurements of them.

16 Q Did you compare, or did you come to a conclusion as to the
17 source of bullets?

18 A Not a conclusive one, but I did come up to with a conclusion.

19 Q What do you mean?

20 A Meaning that I determined that they bear similar
21 characteristics such as I mentioned, the number of lands and grooves.
22 And those measurements of those lands and grooves were similar to
23 item 11 and 15, however, I could not see that microscopic detail that was
24 visual -- that was present on the previous pictures of the close up of the
25 two, 11 and 15 to one another, that were present on these 11 and --

1 sorry, 12 and 13. There was just too much secondary damage that were
2 on these other two items for me to be able to closely find those
3 microscopic marks and come up with a better conclusion. So what my
4 conclusion conclusion is, is that although they are similar, I could not
5 determine that they've been fired from the same exact firearm, nor can I
6 eliminate that they had been fired from that same one. So it's a
7 possibility that they were, but I could not say specifically that they had
8 been.

9 Q Okay. So in sum, lab item 14 the bullet core, nothing for you
10 to see there to determine what gun it was fired from or if it was fired
11 from the same weapons as the .40?

12 A That's correct.

13 Q Lab items 11 and 15, one from the crime scene, one from the
14 victim's body, those were fired from the same 40 caliber firearm?

15 A Yes.

16 Q Lab items 12 and 13 had similar characteristics, but you
17 couldn't conclusively say they were fired from that same .40 caliber
18 firearm that fired 11 and 15?

19 A That's correct.

20 Q Okay. Now, you also previously indicated a whole bunch of
21 cartridge cases were submitted for your analysis as well?

22 A Yes.

23 Q And I want to go up to the file named 10 to 1 SBS. What are
24 we looking at here?

25 A So these are two different cartridge cases, specifically, my

1 lab item 10, oh, sorry. Which one was it? What were the file names
2 again?

3 Q Oh, it's up here on the left. I don't know if you can see that.
4 10 to 1.

5 A Yes. It's my lab item 10 to my lab item 1. These are nine-
6 millimeter cartridge cases, and as you can see this is from the
7 microscope. And you can see that center line and see that there are two
8 different objects on there.

9 Q And based upon this particular comparison, what did you
10 determine?

11 A As you can as you can see that there is very similar
12 characteristics on here such the shape of the firing pin, and it's also the
13 shape of the aperture and that there are marks similar in those areas
14 around there. But looking at this one and the next file photograph was
15 this one here is a more close up area of the left-hand side of that's called
16 the sheer area that has a lot of microscopic detail that allows me to
17 indicate and support my conclusion.

18 Q Now, before we get to your conclusion, you said a few
19 words. What do you mean by the firing pin leaving a mark?

20 A So the firing pin impression is this portion right here. You
21 can see it's kind of a -- we call it a elliptical that's more rectangular in
22 shape. And there is -- so the different shapes can be also circular,
23 hemispherical. So the shapes are different sizes, also rectangular, can
24 help eliminate or include those in different groups. So the firing pin
25 shape would have to be similar for me to proceed on with a more

1 microscopic detail. The aperture is this larger area here that gets
2 imprinted onto the primer. So what we're actually looking at is on the
3 cartridge case, this primary area here that will actually sit flush within a
4 gun. And we'll actually pick up the parts of the parts from the gun of the
5 parts that it comes into contact with. So when a bolt -- sorry -- when the
6 trigger is pulled on the gun that will actually the mechanism and release
7 the firing pin to hit the primer area here. So that's the firing pin
8 impression that I was referring to.

9 During the gas pressure that increases from there it will
10 actually have more contact and get pushed to the back of the the breach
11 face of the handgun or the -- sorry -- of the firearm and gets more, picks
12 up more of those marks from the aperture, of the breech face, and any
13 other part that it may touch such as extractor and ejector. There is one
14 other area that it can touch, which is the chamber of the gun that will
15 actually leave marks along the side of the case. It's here. All of these
16 places can lead to marks that I can examine and help support my
17 conclusions. For the next photograph that I mentioned, which was the
18 sheer --

19 Q Hold on one second. Let me --

20 A Well --

21 Q Oh, I'm sorry.

22 A Yeah. I wanted to tell --

23 Q Going back.

24 A Yeah. That part is actually this area right here. And what's
25 that happening is that as you can see, there's -- it's a little bit difficult, but

1 this is slightly elevated than this portion here of the breech face, and
2 when that happens it's protruding into a portion of the gun. And as it
3 comes out, it scrapes against there, picking up marks from that gun,
4 which is a lovely area for then leaves a lot of detail for me to look at. So
5 that's this area here. This is the breach face of the gun. This is the firing
6 pin of it as well. So. So.

7 Q Okay. And is this, moving now to file 10 to 1 sheer.

8 Q So this is a more magnified photograph of the comparison
9 with the sheers lined up with items 10 and 11 in -- side by side as a more
10 magnified and allows me to see the extensive detail that's present on
11 both items similarity.

12 Q I believe you said 10 to 11.

13 A I'm sorry, 10 - 1, sorry.

14 Q Right. Item -- lab items 10 to 1?

15 A Yes, I'm sorry.

16 Q No, that's okay. All right. So you receive five nine-millimeter
17 Luger cartridge cases, and those are represented as lab items 1, 7, 8, 9
18 and 10? And you also received five .40 caliber Smith and Wesson
19 cartridge cases, and those are represented as lab items 2 through 6.
20 With regard to the five nine-millimeter cartridge cases, did you come to
21 any conclusions?

22 A Yes, I did.

23 Q And what were your conclusions?

24 A After the microscopic examination, I determined that they'd
25 been fired from the same nine-millimeter Luger pistol.

1 Q With regard to the five .40 caliber Smith and Wesson
2 cartridge cases, did you come to any conclusions?

3 A I did come to a conclusion.

4 Q And what was that?

5 A I determined that the five .40 Smith and Wesson cartridge
6 cases bared the same class characteristics, so similar shape and firing
7 pin, same overall characteristics in the -- the breech face, however, there
8 was insufficient microscopic detail as such as you see here that was not
9 there to allow me to say that they had been fired from the same gun. I
10 could not say they weren't, so it was yet again inconclusive. So I
11 couldn't say they were fired from the same gun, but I can't eliminate it as
12 having not been fired from the same gun

13 Q Understood. All right, thank you ma'am.

14 MR. GIORDANI: I'll pass the witness, Your Honor.

15 THE COURT: Mr. Margolis?

16 MR. MARGOLIS: Will you put up that one that was 11 to 15, I
17 think I think?

18 MR. GIORDANI: Yes.

19 MR. MARGOLIS: It was the bottom half looks almost exactly
20 the same?

21 MR. GIORDANI: 11 to 15 file, this one or this one?

22 MR. MARGOLIS: The first one, the top of the two of them.

23 CROSS-EXAMINATION

24 BY MR. MARGOLIS:

25 Q I just had a couple of quick questions about this if you would.

1 I understand you're very experienced in this, and I am not. And I'm also
2 half legally blind. So I'm just going to ask the question in the form of a
3 bit of a statement. The bottom-half of the of those two images on the
4 side by side, to myself, and I would presume to every member of the jury
5 looked extraordinarily similar. The top half, however, looks very
6 different to me. And I don't -- I don't know what the explanation for that
7 is, but you know, you -- you told the jury that you were able to conclude
8 that item 11 and item 15, your numbers I think --

9 A Yes.

10 Q -- were fired from the same weapon, right?

11 A Yes.

12 Q And this is the side by side of those; is that right?

13 A Yes.

14 Q Explain for me, if you will, just how you can say that despite
15 what appear to be different visuals in the top half of that comparison
16 photo, please.

17 A Sure. First off, these are just for documentation purposes --

18 Q Sure.

19 A -- within the case --

20 Q Sure.

21 A -- and what the issue, the reason that you see one area really
22 clear in that is that first off, bullets are, without the damage, are very
23 rounded and curved. When you use a microscope of higher power, the
24 areas that stay in focus become very narrow in that respect. So you have
25 this curved area, and where you have a portion that is all in focus, the

1 rest of it starts to curve off, and you have a lack of ability to actually get
2 those all in focus. This is not my examination, as I said. This is only a
3 sample of the area that I looked at. When I do my examinations, it's very
4 dynamic. This is very static, meaning this is frozen and preserved as a
5 picture. But when I do my examination, I am moving the objects along
6 the whole length of it as well as the sides of it, so it's very dynamic in
7 movement, refocusing areas so that I can see different areas come into
8 focus and see the similarities among their spatial relationship. Due to
9 the magnification, the curvature of the items, this makes it difficult for it
10 to be very perfect as a picture, but this is just a sample of the areas that I
11 looked at.

12 Q Thanks. Another thing I think you testified to is that you
13 were able to conclude with certainty that all of the nine-millimeter
14 cartridge cases that you received were fired from the same gun, correct?

15 A Yes.

16 Q You were not able to say that with respect to the .40 caliber
17 casings that you received; is that correct?

18 A That's correct.

19 Q Okay. And I believe what you said was that while they
20 looked similar, you can't make a conclusive determination?

21 A Based on the cartridge cases -- .40 caliber cartridge cases,
22 that's correct.

23 Q That were turned over to you. Now, my next question, of
24 course, means then it's possible that they were fired by a number of
25 different .40 caliber weapons?

1 A With same similar characteristics, the same firing pin shape,
2 same --

3 Q Right.

4 A -- breach face characteristics. But yet again, there -- I just did
5 not have enough of that microscopic detail that was present on there.
6 And also, I did note that some of the cartridge cases had secondary
7 damage so -- meaning that once it leaves the gun, it can pick up other
8 damage from being stepped on, rolled over on, and such; that kind of
9 interfered with it and made it very difficult for that. But yes, that's
10 correct. I cannot say that they were fired from the same firearm. They
11 could have been fired from multiple ones with similar characteristics.

12 Q With similar characteristics, which brings me to another
13 question, and I just have to ask it. I apologize. I'm not real up on guns,
14 to be frank with you. Okay? But similar characteristics, my guess is that
15 there's a wide variety of guns available to the American consumer, right?

16 A Yes.

17 Q But most of them, and agree or disagree, I guess, with this
18 statement; most of them follow a typical format of manufacture? Like,
19 there was nothing -- let me rephrase. That's a terrible question.

20 There was nothing particularly extraordinary about the
21 patterns you saw on these particular .40 caliber cartridge casings that led
22 you to believe that this was a particularly exotic or extraordinary gun?

23 A No.

24 Q Thank you. I apologize for the bad question.

25 THE COURT: Redirect?

1 MR GIORDANI: Very briefly.

2 REDIRECT EXAMINATION

3 BY MR GIORDANI:

4 Q As to lab items 11 and 15 that Mr. Margolis just asked you
5 about the two .40 caliber bullets, correct?

6 A Yes.

7 Q 15, the autopsy bullet, that -- you didn't just look at the lands
8 and grooves along the outside of it? You weighed it and did a whole
9 bunch of other measurements on it, right?

10 A Right. I had did that prior to the microscopic to see if they
11 were both similar for me to proceed with the microscopic. If they
12 weren't similar, then I wouldn't have proceeded with there because there
13 would have been too many differences.

14 Q Okay.

15 A So.

16 Q And any doubt in your mind that the bullet from the autopsy
17 is a .40 caliber bullet?

18 A no. It's a .40 caliber.

19 Q Thank you.

20 RECROSS-EXAMINATION

21 BY MR. MARGOLIS:

22 Q Fair to say that that .40 caliber bullet from the autopsy had a
23 lot of damage to it secondary and otherwise?

24 A Actually, for the autopsy, it was -- had the best microscopic
25 marks along the side. And believe it or not, during autopsy -- or autopsy

1 bullets tend to have better marks than those recovered from the crime
2 scene because the body has a lot of soft parts and not as many hard
3 parts in there. So there's less damage that can actually be picked up
4 from there. Not that it can't, but if you hit softer portions of it, it actually
5 is a good cushioning for the bullet and leaves more microscopic detail to
6 be present.

7 Q Well, my face is giving me away. So in other words, the
8 bullet 15 would actually be easier for you to read the markings on than
9 bullet 11 even?

10 A Yes. And actually, if, for my comparison, I used 15 as the
11 prime sample, meaning it had the best marks on there to compare all the
12 other bullets to.

13 Q Thank you.

14 THE COURT: Follow up, State?

15 MR GIORDANI: Just very briefly.

16 FURTHER REDIRECT EXAMINATION

17 BY MR GIORDANI:

18 Q Just when you look at item 15, it's mushroomed, and I
19 should have asked you this before, did you bend those mushroom arms
20 back? I don't know how else to --

21 A Yes, actually. So what you see there is -- these portions here
22 are what's called petals of that. So once it mushrooms, they can actually
23 open up into little petals. And what I did was bend these up so that I can
24 see the bearing surface where the rifling would have actually been in
25 contact with -- the barrel would have been in contact with this bullet to

1 see those microscopic detail.

2 Q Understood. No further questions.

3 Thank you.

4 FURTHER RECROSS-EXAMINATION

5 BY MR. MARGOLIS:

6 Q I'm sorry. I've got to beat the dead horse one more time.

7 So when it's bent back though, I mean, and first of all, when
8 it mushrooms in the first place, aren't those striations, or ridges, or
9 marks that are made from the firing, aren't they going to be bent, I mean,
10 for lack of a better term, like a stretch mark on a person or something
11 after?

12 A Actually, so what will happen, is with the jacketed hollow
13 point, it will mushroom out near the nose, but the base can stay very
14 protected as it's mushrooming --

15 Q Okay.

16 A -- especially if you're going into a softer material.

17 Q Okay.

18 A That base area will actually be protected a little bit more from
19 that mushrooming aspect from anything coming into contact with that.

20 If this were actually had gone through a harder material such
21 as glass or even a car prior to being hit in the bullet, I'm sorry, in the
22 body, then there may have been more damage. But in this particular
23 case, I didn't have any indication of that respect of any secondary
24 damage between the barrel and being collected.

25 Q And the contact with the body?

1 A And also, as you were saying, even though it's mushroomed,
2 that's just the nose area here. It's not the base. And actually, there's
3 less distortion at the base. So --

4 Q Because of the mushrooming, the base is protected?

5 A Right. And also, these petals are more along the curved
6 edge of the nose of the bullet. So that actually has very little rifling on
7 there, present on it. Most of it is going to be along the side and base of
8 the bullet.

9 Q Understood. Thank you.

10 MR. MARGOLIS: Nothing further.

11 THE COURT: Questions from the jurors?

12 [Sidebar begins at 12:28 p.m., not transcribed]

13 THE COURT: Ms. Moses, clarification of responsibilities: If
14 there was a firearm recovered, would that also come to you for
15 comparison with the cartridges, or are you just comparing cartridge to
16 cartridge?

17 THE WITNESS: Actually, so it's not the cartridge because
18 that would be live ammunition but cartridge case to cartridge case,
19 bullets to bullets is the examination. If there were a firearm that was
20 impounded and for this case, then yes, that would also go to me, in
21 which case, if there was a firearm, I would do a functions of test for that,
22 obtain test fires, and look at the test cartridge cases to evidence, test
23 bullets to evidence, and see if that's the particular firearm that had fired
24 these.

25 MR GIORDANI: May I?

1 THE COURT: Yeah.

2 FURTHER REDIRECT EXAMINATION

3 BY MR GIORDANI:

4 Q So a few questions based upon that. With regard to the -- all
5 the evidence related to the .40 caliber firearms; you did not receive any
6 .40 caliber weapon to compare to any of that stuff?

7 A Not during this -- during my examination, no.

8 Q Right. With regard to the nine-millimeter firearms evidence,
9 you didn't receive any nine-millimeter firearm to compare any of that to?

10 A That's correct.

11 Q Correct? Now, are you aware of a separate revolver that was
12 impounded at the scene?

13 A Not that I recall in any case note.

14 Q Okay. So you wouldn't have received that for any
15 comparison to this stuff?

16 A No.

17 Q Okay. Just understanding you're not aware of it, I'm going to
18 show you State's 200. Do you recognize generally, this -- what kind of
19 firearm this is?

20 A It is a revolver firearm.

21 Q Okay. And then, showing you State's 201. If I were to
22 represent to you that that is the cylinder of that same revolver, can you
23 tell what -- what caliber the revolver is?

24 A Yes, I can.

25 Q And what is that?

1 A It's a .357 magnum revolver.

2 Q Okay. And if there were prior testimony from a crime scene
3 analyst that indicated these are all live cartridges, is there anything you
4 could have done assuming those are all live cartridges, and this is the
5 revolver in comparing those to your other items of evidence?

6 A Well since these are unfired, there's -- as this is collected,
7 then I wouldn't have looked at live ammunition to fired ammunition,
8 however, the fact that one, this is, as I described earlier, this is a
9 revolver. And you can see how these cartridges, live or fired still remain
10 in the cylinder and would actually have to be manually ejected from
11 there. These cartridge cases were recovered outside of the gun, which
12 indicates more of a semi-automatic.

13 The other aspect is with it being a .357 magnum, although
14 this has similar diameter and bullet size to a nine-millimeter, it would be
15 more consistent and closer to looking at the nine-millimeter cartridge
16 cases and their bullets, but yet again, with a nine-millimeter bullet, or
17 sorry, cartridge case, those typically will not fit in or be fired in this
18 revolver unless there is what is called a moon clip that can actually hold
19 it in there.

20 What happens is the nine-millimeter, even though it can fit in
21 that -- in the cylinders, you can see this gap right here, there's one
22 missing. It would actually slide all the way through. For a revolver and
23 the cartridge semi-automatic, this is actually very similar to a semi-
24 automatic type one where this portion here is very similar in diameter to
25 the body. For a revolver, this portion here, which -- which as you can,

1 kind of, see, will, actually, be slightly bigger by, maybe, eighth of an inch
2 diameter to the case itself so that it can sit into the cylinder there.

3 So with the nine-millimeter being more straight, it would
4 actually fall through that cylinder chamber there.

5 Q Means it wouldn't -- wouldn't work, right?

6 A It would be, yeah. It wouldn't be able to be held back for the
7 firing pin to contact it. It would actually, kind of, slide forward.

8 Q Got it. And in addition to that, I believe you said earlier with
9 regard to the nine-millimeter cartridge cases that you did look at, all of
10 the cartridge cases that were nine-millimeter that did look at, those were
11 all matched to a single firearm?

12 A Yes. And --

13 Q And a single nine-millimeter firearm?

14 A And -- correct. And also, with the nine-millimeter
15 characteristics that we saw in the picture with that elliptical firing pin and
16 square aperture, the revolver would not have those characteristics. It
17 would actually be very different in that respect. I cannot think of a
18 revolver that has those characteristics of those firing pin shape and
19 aperture similar to what I saw in the nine-millimeter cartridge cases.

20 Q Thank you.

21 MR GIORDANI: I pass the witness, Your Honor.

22 THE COURT: Cross on that, Mr. Margolis?

23 MR. MARGOLIS: No questions, Your Honor.

24 THE COURT: Ms. Moses, thank you so much for your
25 testimony. Please don't share it with anyone else involved in the case as

1 it is still an ongoing trial, but we appreciate you coming here. You are
2 excused. Thank you.

3 All right. Ladies and gentlemen, we are going to take our
4 lunch break at this time. Please remember during this recess, do not
5 discuss, or communicate with anyone including fellow jurors in any way
6 regarding the case or its merits either by voice, phone, email, text,
7 internet, other means of communication or social media.

8 Please do not read, watch, or listen to an news, media
9 accounts, or commentary about the case, do any research, such as
10 consulting dictionaries, using the internet, or using any reference
11 materials.

12 Please don't make any investigation, test a theory of the
13 case, recreate any aspect of the case, or in any other way attempt to
14 learn or investigate the case on your own. And please don't form or
15 express any opinion, regarding the matter until it's formally submitted to
16 you.

17 I will see you at 1:35, 1:35. Have a nice lunch.

18 THE MARSHAL: All rise.

19 [Jury out at 12:35 p.m.]

20 [Recess at 12:35 p.m., recommencing at 12:36 p.m.]

21 THE COURT: Questions from Juror Number 9, and it states,
22 if we have additional questions for witnesses that have already
23 appeared, can they be called back?

24 So obviously I'll be writing no.

25 MR. MARGOLIS: They can take my gig anytime. Fire away.

1 THE CLERK: Back off the record, Your Honor?

2 THE COURT: Yes.

3 [Recess at 12:36 p.m., recommencing at 1:39 p.m.]

4 THE MARSHAL: All rise.

5 THE COURT: All right. Welcome back, everybody. Please be
6 seated. We are on the record in State of Nevada v. Tuly Lepolo, C-
7 345911. Mr. Lepolo is present with Mr. Margolis as well as paralegal
8 Mendoza. Both Deputy District Attorneys Mr. Giordani as well as Ms.
9 Conlin are present on behalf of the State.

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

11 MR. GIORDANI: Yes, Your Honor.

12 MR. MARGOLIS: Yes, Your Honor.

13 THE COURT: All right. State, next witness please.

14 MS. CONLIN: Your Honor, the State calls Max Kunzman.

15 THE MARSHAL: If you just step up there and remain
16 standing and raise your right hand so the clerk can swear you in.

17 MAX KUNZMAN, STATE'S WITNESS, SWORN

18 THE CLERK: Be seated. Will you please state your name and
19 spell it for the record?

20 THE WITNESS: Max Kunzman, M-A-X K-U-N-Z-M-A-N.

21 DIRECT EXAMINATION

22 BY MS. CONLIN:

23 Q Sir, how are you employed?

24 A I'm employed by the San Bernardino County Sheriff's
25 Department and I hold the current rank of sergeant.

1 Q And how long have you been with that department?

2 A A little over 14 years.

3 Q Back in April of 2017, were you in the same role and
4 position?

5 A No, I was not, ma'am.

6 Q And what was your position at that time?

7 A I was a detective assigned to the Valley Gang Regional
8 Enforcement Team.

9 Q And back in April of 2017, were you tasked with locating an
10 individual in coordination with Las Vegas Metropolitan Police
11 Department?

12 A Yes, I was, ma'am.

13 Q And was the person that you were tasked with finding Tuly
14 Lepolo?

15 A Yes, ma'am.

16 Q Ultimately, were you able to find this individual?

17 A Yes, ma'am.

18 Q And could you explain that process?

19 A So in law enforcement, we have different databases that
20 we're able to use to locate people's addresses and things of that nature.
21 So using those, we located an address for Mr. Lepolo in the city of San
22 Bernardino off the California street, at which point the Valley -- or my
23 team and I established surveillance on a residence and watched Mr.
24 Lepolo enter into a white Chevy Suburban and leave the residence. At
25 which point we followed Mr. Lepolo in our vehicles to Pronto's Pizza in

1 San Bernardino.

2 Q And the person that you were tasked with finding, Mr.
3 Lepolo, do you see that individual in the courtroom today?

4 A Yes, ma'am.

5 Q And could you please point and identify an article of clothing
6 that that person is wearing?

7 A He is seated to my left between counsel wearing a blue and
8 white striped shirt.

9 MS. CONLIN: And Your Honor, may the record reflect
10 identification of the defendant?

11 THE COURT: It will. Thank you.

12 MS. CONLIN: Thank you.

13 BY MS. CONLIN:

14 Q You mentioned that you saw the defendant get into a white
15 Chevrolet Suburban; is that right?

16 A Yes, ma'am.

17 MS. CONLIN: And Your Honor, if I may approach with
18 State's Exhibit 21?

19 THE COURT: Yes.

20 BY MS. CONLIN:

21 Q If you could just let me know, do you recognize what's
22 depicted in this photograph?

23 A Yes, ma'am.

24 Q And is that the Suburban that you saw during your
25 surveillance?

1 A Yes, ma'am.

2 THE COURT: And Ms. Conlin, just hit that blue button that's
3 -- look on the other side of the Elmo than where you are. Yep. Oh, sorry.
4 Like closer to the witness.

5 MS. CONLIN: Okay.

6 THE COURT: There you go. And then there you go. That
7 should go on there for you now.

8 The TV should come on in front of you and you should --

9 THE WITNESS: Yes, ma'am.

10 THE COURT: Is it on?

11 THE WITNESS: Yes. Thank you.

12 BY MS. CONLIN:

13 Q All right. So I'm showing you what's already been admitted
14 as State's Exhibit 21. You indicated that this was the white Chevrolet
15 Suburban that you saw back in April of 2017?

16 A Yes, ma'am.

17 Q And the license plate, was that 5FPB429?

18 A Yes, ma'am.

19 Q And was that a California plate?

20 A Yes, it was.

21 Q And so when you saw the defendant with the car -- could you
22 describe again what you saw him doing?

23 A Mr. Lepolo entered into the driver's seat and was the sole
24 occupant of the vehicle as he left the residence.

25 Q And did you continue surveillance from there?

1 A Yes, we did.

2 Q And could you explain what you did?

3 A Yes, ma'am. So my team and I followed him to Pronto's
4 Pizza where we established more surveillance on Mr. Lepolo and after
5 the period of about 30 minutes we contacted Mr. Lepolo and detained
6 him for the Metropolitan Police Department.

7 Q And from there, the Las Vegas Metropolitan Police
8 Department took over?

9 A We executed a search warrant at the residence Mr. Lepolo
10 left from at Metropolitan's direction and Mr. Lepolo was subsequently
11 transported to our sheriff's headquarters where Metropolitan detectives
12 interviewed him and that was outside of my scope at that point.

13 Q Understood.

14 MS. CONLIN: I'll pass the witness, Your Honor.

15 THE COURT: Mr. Margolis?

16 MR. MARGOLIS: Thank you.

17 CROSS-EXAMINATION

18 BY MR. MARGOLIS:

19 Q Sergeant, right?

20 A Yes, sir.

21 Q All right. Sergeant -- Kunzman?

22 A Yes, sir.

23 Q How long did you surveil Mr. Lepolo?

24 A Mobile or fixed? Like in a vehicle or at the residence?

25 Q Let's go fixed first and then mobile, I guess.

1 A To the best of my recollection, between one and two hours at
2 the residence.

3 Q Okay.

4 A And the distance from the residence to Pronto's Pizze is
5 maybe five to ten minutes.

6 Q Did you surveil him at all after he arrived at Pronto's Pizza?

7 A Yes, we did, sir.

8 Q Okay. And if you know, that was his workplace, right?

9 A Yes, sir.

10 Q Okay. And during the time you surveilled him at Pronto's
11 Pizza, he appeared to be working normally is fair to say?

12 A That would be outside of my knowledge base at that point
13 for what his job was.

14 Q All right. You didn't see him do anything extraordinary or
15 untoward that caught your attention?

16 A No, sir.

17 Q Thank you.

18 THE COURT: Ms. Conlin, anything based on that?

19 MS. CONLIN: No, Your Honor.

20 THE COURT: Ladies and Gentlemen, anything for the
21 sergeant? All right. Sergeant, thank you so much for your testimony
22 here today. Please don't share it with anyone else involved in the case
23 as it as ongoing trial, but you are excused. Appreciate it.

24 THE WITNESS: Absolutely, ma'am. Thank you guys.

25 THE COURT: State?

1 MS. CONLIN: Your Honor, our next witness is Noreen
2 Charlton and she will be appearing via BlueJeans.

3 THE COURT: Okay. If we could switch over please, Dolores,
4 whenever you can?

5 Ms. Charlton, can you hear me?

6 THE WITNESS: Yes, I can.

7 THE COURT: Okay. Great. Can you please raise your right
8 hand so that my clerk can swear you in, please?

9 NOREEN CHARLTON, STATE'S WITNESS, SWORN

10 THE CLERK: Will you please state your name and spell it for
11 the record?

12 THE WITNESS: Noreen Charlton, N-O-R-E-E-N C-H-A-R-L-T-
13 O-N.

14 THE COURT: Just one second, Ms. Conlin.

15 [Court and clerk confer]

16 THE COURT: Go ahead, Ms. Conlin.

17 MS. CONLIN: Thank you, Your Honor.

18 DIRECT EXAMINATION

19 BY MS. CONLIN:

20 Q Ms. Charlton, how are you currently employed?

21 A I am a product manager of a forensic software at Faro
22 Technologies.

23 Q And prior to that back in 2016, how were you employed?

24 A I was a senior crime scene analyst with the Las Vegas
25 Metropolitan Police Department.

1 Q And could you explain your training and education
2 background that led you to that position?

3 A Sure. I graduated from John Carol University outside of
4 Cleveland, Ohio with a Bachelor of Science in Biology. Shortly
5 thereafter, I was hired by the Las Vegas Metropolitan Police Department
6 as a crime scene analyst where I successfully completed a ten-week
7 academy followed by 12 weeks in the field training, an evaluation
8 program, and by the end of my first year, I had also completed the
9 American Institute of Applied Sciences Forensic Science 101 course.
10 Two years later in 2010, I progressed to the position of crime scene
11 analyst II, and in 2012, I promoted to the position of senior crime scene
12 analyst and I remained in that position until 2018 when I left LVMPD to
13 move back to the Cleveland, Ohio area.

14 Q What were your primary responsibilities as a senior crime
15 scene analyst?

16 A So as a senior crime scene analyst, I responded to a variety
17 of crime scenes from simple property crimes all the way up to homicide
18 and officer-involved shooting investigations. It was my job to document
19 the scene by way of photography or diagramming to identify, preserve,
20 and recover any potential evidence, to conduct any latent print
21 processing if necessary, and to generate all reports associated with my
22 cases.

23 Q All right. And in this case, did you respond out to a 6501
24 West Charleston Boulevard on April 3rd of 2016?

25 A Yes, I did.

1 Q And what did you do initially when you responded to that
2 area?

3 A So when I initially responded, I was met with several other
4 members from the crime scene unit as well as homicide detectives and
5 patrol officers from that area. And the first thing that we did was have a
6 briefing so it was the crime scene unit, the homicide detectives being
7 briefed by the initial responding patrol officers on what had occurred,
8 what they observed and details of the case as we knew them at the time.

9 Q Did you respond with other crime scene analysts to the
10 scene?

11 A Yes, I did.

12 Q And do you recall how you responded with in this case?

13 A Yes. I responded with Nicole Howell [phonetic] as well as the
14 supervisors, Jeff Smink [phonetic] and Kristin Grammas.

15 Q And as one of your tasks assigned at this scene, were you in
16 charge of looking at a vehicle that was found on scene?

17 A Yes, I was.

18 MS. CONLIN: Court's brief indulgence.

19 BY MS. CONLIN:

20 Q And as part of your duties, you indicated that you doc
21 through photography; is that right?

22 A That -- that's correct, yes.

23 Q I'm showing you -- I'm showing you what's been marked as
24 State's Exhibit 75; do you recognize what's depicted here?

25 A Yes, I do.

1 Q And do you see the vehicle that you were tasked with
2 processing as part of your duties here at the scene?

3 A Yes, it is the white Chevrolet Suburban.

4 Q Okay.

5 MS. CONLIN: Court's indulgence.

6 BY MS. CONLIN:

7 Q Showing you what's marked as State's Exhibit 76. Does this
8 appear to be a different angle of that same vehicle?

9 A Yes. That's correct.

10 Q I'm showing you State's Exhibit 77. Again, does that appear
11 to be from the other side of the vehicle?

12 A That's correct.

13 Q Showing you what's marked as State's Exhibit 78. Is this
14 from the front of the vehicle?

15 A Yes, it is.

16 Q I'm showing you State's Exhibit 79. Is that a head-on shot?

17 A Yes, it is.

18 Q And I want to direct your attention to the -- in the
19 photograph, the right-hand side. Were you able to walk between these
20 two vehicles?

21 A Yes, I was.

22 Q Showing you State's Exhibit 80. Is that just another angle of
23 the same vehicle?

24 A That's correct.

25 Q Showing you State's Exhibit 81. What are we looking at

1 here?

2 A That is the vehicle identification number or the VIN of that
3 vehicle.

4 Q Showing you State's Exhibit 82. What are we looking at in
5 this photograph?

6 A This is a photograph of the exterior driver side or left side of
7 the vehicle and you can see areas of latent print powder as well as tape
8 affixed to the exterior side.

9 Q And could you explain just in general, before we talk about
10 specifics, what your process is for the print processing?

11 A Yes. So after photographing the vehicle for its overall
12 condition and identification, I'm looking for areas of dust disturbance
13 first and foremost. And so once those are identified, the latent print
14 powder is affixed to -- in this case, I always use a magnetic latent print
15 wand -- and so I would dip the wand into the powder and apply that to
16 the vehicle to try to enhance any of the latent print detail on it. And so
17 that's kind of that purple and black color that you're seeing there on the
18 vehicle. Once I identified something that was of value for recovery, I
19 would affix pieces of latent print tape to those areas which is essentially
20 just like a clear tape that's placed on top of them. I would notate a
21 number for each of those latent print lifts and I would give it some type
22 of notation and directionality so that I could later identify exactly where
23 that lift came from. And then these are photographed in place for
24 identification of the location of those prints.

25 Q Okay. Showing you what's marked as State's Exhibit 83.

1 Could you explain what we're looking at here in this photo?

2 A Absolutely. So this is the exterior side of what I marked as
3 the FL -- so front left window. I drew an up arrow for orientation on the
4 window and a number 1 to indicate it was my first lift and these are
5 notes for myself so when I take those back to the lab and continue to
6 label them, I know exactly where that lift came from.

7 Q All right. And showing you what's marked as State's Exhibit
8 84. What do we see here?

9 A So this is just a closer image of the one that was previously
10 shown and you can see there are several other pieces of tape throughout
11 the exterior side there.

12 Q Showing you what's marked as State's Exhibit 85. What do
13 we see?

14 A So that is the tape number 10. And so again the up arrow for
15 orientation of its position on the vehicle, and then FL door for front left
16 door.

17 Q I'm showing you State's Exhibit 86. What are we looking at
18 here?

19 A Likewise, just another additional photo of the exterior of the
20 vehicle, but this time a closer view of several pieces of tape in that area.

21 Q And could you go through each tape that we see here on this
22 photograph?

23 A Sure. So there is number -- I can see number 2, number 3,
24 and what appears to be number 6, and those are all indicated with an up
25 arrow as well as FLB for front left B pillar.

1 Q And I'm going to initiate the tool where you can draw or you
2 know, point out certain things on the screen. And if you could point out
3 those items that you were talking about?

4 A Sure. So we have tape number 2 here -- it's a little bit
5 delayed so sorry about that. Tape number 3 is down here, and I can see
6 tape number 6 here as well. I see two additional pieces of tape on the
7 glass but I cannot see exactly which numbers those are. And then on
8 each one you can see the FLB here, and that's just indicating the -- I don't
9 know if that actually circled for me -- that's just indicating front left B
10 pillar.

11 Q Okay. And what is a B pillar?

12 A So on a vehicle, you have the A pillar, the B pillar and the C
13 pillar. And so the A would be at the front of the front driver or front
14 passenger door so that kind of sloped portion of the frame of the vehicle.
15 The B pillar is right there at the opening side of the door or you know,
16 toward the back of the seat, and then the C pillar would be the one to the
17 rear of that.

18 Q Okay. Showing you State's Exhibit 87. What do we see
19 here?

20 A So again, you have -- let me go ahead and annotate --
21 additional pieces of tape here. So I have number 3. This appears to be
22 number 4, and number 5.

23 Q And do those also have the additional writing of the FLB?

24 A The top one is FLB and I believe 4 and 5 -- I can't really see
25 them in this particular image but those would be the door; they're on the

1 door.

2 Q Okay. And on the right-hand side of this photograph, to the
3 right of the tape that you just pointed out, what are we looking at there?

4 A So what you're seeing there is the application of the powder.
5 With the way that the magnetic wand and magnetic powder work on a
6 vehicle, you have to do single kind of, strokes across the vehicle so that's
7 kind of what you're seeing there to try to see if there were any latent
8 prints available for recovery.

9 Q And as -- or before you began processing this vehicle, were
10 you directed to this vehicle by officers or detectives on scene?

11 A Yes, I was.

12 Q And were you directed to any specific part of this vehicle?

13 A Yes. So I was given the information that we had at the time.
14 I was directed to the exterior driver side of the vehicle.

15 Q Okay. Showing you State's Exhibit 88. What do we see
16 here?

17 A Okay. So this was in a previous image. I believe that was
18 number 2. That was the front left B pillar. And this is number 6, the
19 adjacent one, and then we can see tape lift 7 and I cannot tell exactly
20 what number this is but this is right below 7 here on the exterior rear left,
21 so RL, real left window.

22 Q All right. Let's see if we can zoom in. Does that zoom help at
23 all?

24 A Yes. So that's number 7, rear left window at the top and
25 number 8, rear left window at the bottom.

1 Q Okay. Showing you State's Exhibit 89. What do we see
2 here?

3 A This is one more tape here and this was labeled number 9.

4 Q Does this appear to be a zoomed in photograph of that last
5 image?

6 A Yes, it does.

7 Q And that's State's Exhibit 90. Showing you State's Exhibit
8 91. Is this the rear of the vehicle?

9 A Yes, it is.

10 Q Showing you State's Exhibit 92. Are we just looking at
11 another angle of this vehicle?

12 A Yes.

13 Q State's Exhibit 93 from the other side?

14 A That's correct.

15 Q And then in these last two photographs, we've seen these
16 stickers and this is State's Exhibit 94, could you explain what we're
17 seeing here?

18 A Sure. The vehicle was sealed prior to be towed back to the
19 CSI garage to prevent anyone from entering the vehicle before it made it
20 back to the CSI garage for further processing. So when I apply the seals
21 to the vehicle, I attach my name and my personnel number which is
22 what you see to the left. I have the primary detective who was
23 requesting the tow, the 311 line for information if anyone wanted to call,
24 and then the event number associated with the case.

25 Q Okay. And going back to 93, we see that there's multiple

1 stickers on the vehicle?

2 A Yes.

3 Q As well as we see those in 92?

4 A Yes.

5 Q And so you've pointed out those different tapes and the print
6 processing that you've done. What do you do with the print processing
7 and the tape?

8 A So after each piece of tape is photographed for its location
9 on the vehicle, each individual piece of tape is lifted and placed onto a
10 latent print card which is essentially just like an index card that has a
11 shiny side on it. The card itself is white to contrast with this bluish-
12 purple color that you're seeing with the powder. Those prints went back
13 with me to the CSI lab. A label was placed on each card and that label
14 contains my name and my personnel number, the event number
15 associated with this case, the address of the case, as well as the location
16 in which the latent print came from. So exterior front left door, etc. As
17 soon as those labels are placed on there, all of those latent prints are
18 placed into an envelope. All of the same information goes on the
19 exterior side of that envelope and it is sealed on the back with evidence
20 tape to include my initials and personnel number and the date that they
21 were sealed. Those would then be impounded into evidence under this
22 event number.

23 Q And you mentioned the event number would be placed on
24 there and so the event number 160403-3524 would have been placed on
25 that?

1 A That's correct.

2 MS. CONLIN: Your Honor, I'll pass the witness.

3 THE COURT: Mr. Margolis?

4 MR. MARGOLIS: Thank you, Your Honor.

5 CROSS-EXAMINATION

6 BY MR. MARGOLIS:

7 Q It's weird to know where to talk. Ms. Charlton, you collected
8 these prints. There's no way for you to know when they were deposited
9 on the Suburban, correct?

10 A That is correct.

11 Q And does the age of the vehicle or the amount of debris in
12 the area where the vehicle is found, does that have anything to do with
13 the ability to obtain prints or the quality of those prints?

14 A No.

15 Q Okay. So ultimately, if you get a latent print, you could
16 demonstrate that someone was in or around that vehicle but there's no
17 way to contemporaneously say when they were in or around the vehicle,
18 correct?

19 A That is correct.

20 Q Thank you.

21 THE COURT: Anything based on that, Ms. Conlin?

22 MS. CONLIN: No, Your Honor.

23 THE COURT: Anything from the jurors?

24 All right. Ms. Charlton, thank you so much for being here
25 today. Please don't share your testimony with anyone else involved in

1 the case as it is ongoing. We appreciate you being here and we excuse
2 you at this time. Just feel free to click out of the BlueJeans link.

3 THE WITNESS: Thank you very much.

4 THE COURT: Thank you.

5 State?

6 MS. CONLIN: And Your Honor, we'll call Brad Grover.

7 THE COURT: Okay.

8 THE MARSHAL: And sir, if you could step up there, remain
9 standing and raise your right hand so the clerk can swear you in.

10 BRADLEY GROVER, STATE'S WITNESS, SWORN

11 THE CLERK: Please be seated.

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

13 THE WITNESS: Bradley Grover, B-R-A-D-L-E-Y G-R-O-V-E-R.

14 DIRECT EXAMINATION

15 BY MS. CONLIN:

16 Q Sir, back in 2016, how were you employed?

17 A I was a senior crime scene analyst with the Las Vegas
18 Metropolitan Police Department.

19 Q And are you currently retired from that position?

20 A Yes, I am.

21 Q Could you explain your education and training background
22 that led you to the senior crime scene analyst position?

23 A I have my Bachelor of Science Degree in biology from
24 University of Nevada, Las Vegas. I began my employment with Metro in
25 April of 1995, at which time I had 40 hours of in-service training followed

1 by three months of field training with a senior crime scene analyst.
2 During my first year of employment, I completed the American Institute
3 of Applied Science Forensic Course and since that time, I attended
4 numerous and various classes and professional conferences, seminars,
5 covering crime scene investigation topics. And of course, 27 years of
6 experience on the job.

7 Q So you were a crime scene analyst for 26 years?

8 A Twenty-seven.

9 Q Twenty-seven. As part of that training while in that position,
10 did you receive training regarding latent fingerprint processing?

11 A Yes, I did.

12 Q And what other responsibilities did you have as a crime
13 scene analyst?

14 A Well, we respond to crime scenes. We document the crime
15 scene using notes, reports, photography and diagrams. We identify,
16 collect, and preserve evidence, and then other duties as you stated that
17 may be required like fingerprint processing, shooting reconstruction,
18 mapping blood stains, that sort of thing.

19 Q As part of your job as a crime scene analyst, do you
20 sometimes analyze items back at a garage or space not on scene?

21 A Well, we don't necessarily analyze them but we may do
22 some processing in our -- we have a garage in our facility where we --
23 we'll bring vehicles into and we will do the processing of the vehicles
24 there. And we'll collect evidence, do some fingerprint processing,
25 photography, that type of stuff?

1 Q Okay. So in this case, on April 5th, 2016, did you do some
2 processing back at the garage?

3 A I did.

4 Q And do you recall what you were processing there in the
5 garage?

6 A There -- we had a white Suburban vehicle that had been
7 towed there.

8 Q Okay. And do you recall if the car was sealed when you
9 received it?

10 A Yes, it was.

11 MS. CONLIN: And Your Honor, if I may approach the
12 witness?

13 THE COURT: Yep.

14 BY MS. CONLIN:

15 Q Sir, I'm showing you what's marked as Exhibits 263 through
16 310. If you could just look through those quickly or look through each of
17 those.

18 A All right.

19 Q All right. Do you recognize those photographs?

20 A I do.

21 Q And how do you recognize them?

22 A These were the photographs that were taken by Shawn
23 Fletcher who was -- we were processing the vehicle together.

24 Q Okay. So Shawn Fletcher was also there at the same time
25 that you were and you were working together?

1 A Yes.

2 Q Okay.

3 MS. CONLIN: And at this time, Your Honor, I would move to
4 admit State's proposed Exhibit 263 through 310.

5 THE COURT: Mr. Margolis?

6 MR. MARGOLIS: No objection.

7 THE COURT: They'll be admitted. You can publish.

8 [State's Exhibits 263-310 admitted into evidence]

9 MS. CONLIN: Thank you, Your Honor.

10 BY MS. CONLIN:

11 Q So showing you State's Exhibit 263. Is that the license plate
12 from the vehicle that you were tasked with processing?

13 A Yes, it is.

14 Q And that's a California plate 5FPB429?

15 A Yes.

16 Q State's Exhibit 264. Is that just an overall -- an overall photo
17 of the vehicle?

18 A Yes.

19 Q Showing you State's Exhibit 265. And is that the other side
20 of the vehicle?

21 A Yes.

22 Q And I had asked earlier that when you received the vehicle it
23 was sealed; is that what those orange stickers are?

24 A Yes, that's what they are. And we typically will take these
25 photographs to show the vehicle but also to show that it's still in the

1 sealed condition when it arrived to us.

2 Q Okay. So these would be prior to any --

3 A Processing --

4 Q -- processing?

5 A Yes.

6 Q And during your processing of this vehicle, do you also go
7 inside the vehicle?

8 A Yes, we do.

9 Q I'm showing you State's Exhibit 266. What do we see here?

10 A This is inside the rear cargo area of the vehicle.

11 Q Showing you State's Exhibit 267. What do we see here?

12 A This is some paperwork that was in the vehicle. It's a
13 registration card.

14 Q Okay. And does this list the registered owner?

15 A It does.

16 Q And do you see the name there?

17 A Yes. Elyse Safada Famacino [phonetic] if I'm saying that
18 correctly.

19 Q Showing you State's 268. What are we looking at here?

20 A This was some other paperwork that was located inside the
21 vehicle with the name Elaine Lepolo on it.

22 Q Showing you State's 269. What do we see here?

23 A This is a Monster Energy drink can that was in the -- in the
24 holder in front of the center console.

25 Q State's 270. Does that appear just to be a little bit farther out

1 of the same thing we were looking at?

2 A Yes, it's another view of that same can.

3 Q State's 271. And what are we looking at here?

4 A This is a California driver's license, also in the name of Elyse
5 Safada Famacino.

6 Q And this was found inside the vehicle?

7 A Yes.

8 Q Showing you State's Exhibit 272. What do we see here?

9 A This is a photo showing where some of the latent
10 fingerprints were recovered. So this --

11 Q And you can use the mouse up there. You don't need to
12 click. You can just --

13 A So these areas in here where you can -- this is actually tape
14 which is part of the process of processing for fingerprints.

15 Q And you did -- excuse me -- again, you did the print
16 processing here?

17 A I did.

18 Q Showing you State's 273. What do we see here?

19 A This is another view of the -- of the prints. You can see the --
20 in this one, you can see better that they're numbered. So before we lift
21 them and recover them, we number them and document where they're
22 at and then we take a photo showing where they were recovered from.

23 Q So that numbering system was something you did --

24 A Yes.

25 Q -- as you were processing?

1 A Yes.

2 Q State's 274. We're still looking at the front hood and is that
3 another tape --

4 A Yes.

5 Q -- part of the process? State's 275. What do we see here?

6 A Similar thing where some latent prints were recovered. This
7 looks like the interior edge of the door. I'm thinking it's the left front
8 door.

9 Q And I see along with the numbers there's also additional
10 marking; could you just explain why you would put additional marking if
11 you can see --

12 A I'm not sure -- are you talking about the dark areas?

13 Q Let me zoom in. So I know you've previously discussed your
14 numbering process --

15 A Right.

16 Q -- but it also looks like there's additional marking --

17 A Oh, the arrow? Are you talking about the arrow right here?

18 Q Yes. If you could explain what this is?

19 A In -- so if I'm lifting a print from a vertical surface, I put an
20 arrow to orient the direction that that print was in so the latent print
21 examiner, the person who actually does the examination of the print can
22 tell what the orientation was -- what was up and down. If it's on a flat
23 surface, it's harder to do if it's flat. Then you don't have an up and down.

24 Q Understood. State's 276. What do we see here?

25 A This is another photo of the same area and we can see the

1 numbers and there's a print on the window as well.

2 Q And do we see what number that is?

3 A That looks like 9. Yep. 9.

4 Q State's 277. What do we see here?

5 A These are more latent fingerprints.

6 Q And the -- if you could just with the mouse circle where you
7 would have done the processing?

8 A Right in here and there. Looks like 10 and 11.

9 Q State's 278. Does that appear to be the -- a zoomed-in
10 version of what we were just looking at?

11 A Yes.

12 Q State's 279. What are we looking at here?

13 A More latent print tape.

14 Q And are we -- we've moved on to a different part of the
15 vehicle?

16 A Yes, and this one says 12 and 13.

17 Q And then does this appear to be a zoomed-in --

18 A Yes.

19 Q -- version of that last photograph?

20 A Yes, it does.

21 Q And State's 280. So going back to State's 279, if you could
22 just further explain where we're at in the vehicle and where you
23 would've marked the locations of those?

24 A It appears to be the -- the interior framework of the left rear
25 door.

1 Q Okay. And just again so zoomed in 280 of those prints?

2 A Same thing.

3 Q Showing you State's 281. What do we see here?

4 A More -- more fingerprint tape here and here. This is on the
5 exterior left side, rear of the rear door.

6 Q And the, if you're able to tell and I can zoom in if that's easier
7 to see the numbers.

8 A It looks like 14 and 15.

9 Q Okay. And then State's 282. Is that a zoomed in version of
10 what we were just looking at?

11 A Yes. That one says 14.

12 Q Fourteen. State's 283. Another zoomed in of the other tape
13 that was in that overall photo?

14 A Yes. And this one is 15.

15 Q State's 284. Where are we at on the vehicle here?

16 A This looks like it's on the rear window. And I cannot see a
17 number. I think it's too dark. I can't -- I can't tell.

18 THE COURT: Can you see a number on the picture itself, Ms.
19 Conlin?

20 MS. CONLIN: Maybe there's -- there's a --

21 BY MS. CONLIN:

22 Q In looking at this, you would have documented, as with all of
23 these numbers -- or as with all of the processing, the corresponding tape
24 number with the location of where you did the processing. Is that right?

25 A Yes.

1 Q And so would it be reflected in your report what number this
2 processing would be?

3 A Shan wrote the report.

4 Q Okay.

5 A And I don't know if she listed all the numbers corresponding.
6 That information is somewhere. It might be in my notes which I don't
7 have access to anymore. It's probably in my notes.

8 Q Understood. The --

9 A The department takes our notes. When I -- when we retire,
10 we turn our notes over to the department. So they're no longer in my
11 custody, so I don't have access to it.

12 Q Understood. I don't know if this will help. State's 285. Does
13 this appear to be a zoomed in version of that?

14 A It does, and it looks like it might say 16. It's not super clear,
15 but I'm pretty sure it says 16.

16 Q Would looking at the photograph perhaps help in -- up close?

17 A Can you see it?

18 MS. CONLIN: If I could approach?

19 THE COURT: Yeah.

20 THE WITNESS: I'm sure my eyes are not as good as yours
21 anymore so I cannot see that. I'm sorry.

22 MS. CONLIN: Okay.

23 THE WITNESS: It actually looks better on there when it's
24 lighter.

25 MS. CONLIN: Okay.

1 THE WITNESS: For me any way. I'm pretty sure it's 16.

2 BY MS. CONLIN:

3 Q Okay. And again, that -- show 284. Zoom out. We are on the
4 back of the --

5 A Yeah, the rear.

6 Q -- car?

7 A Like the cargo window or the rear windshield. Whatever you
8 want to call it.

9 Q Okay. Showing you 286. Are we still looking at the back of
10 the vehicle?

11 A Yes. There are several more pieces of tape on there.

12 THE COURT: So just one second. Ms. Conlin, would you put
13 your hand on top of the photo for me. For some reason it's -- it's not
14 focusing -- it's like a little bit digitized. It's not on my computer. Is it on
15 your computer?

16 THE WITNESS: No. Mine's -- mine's --

17 THE COURT: It is on the TV, though.

18 THE WITNESS: -- not too bad. But that one is definitely not
19 good on there.

20 THE COURT: Okay. Can you guys -- can the jurors see it --

21 UNIDENTIFIED SPEAKER: Yeah, it does --

22 THE COURT: -- clearly on that one? Okay. It's probably just
23 the -- the -- for some reason, the TV that I look at is digitized. Sorry. As
24 long as the jurors can see it clearly, we're good.

25 MS. CONLIN: Is everyone able to see --

1 THE COURT: Okay. Thank you.

2 THE WITNESS: Okay. So this one over here I don't know if
3 you can see the -- so this one over here it looks like it says 17, but I -- I
4 can't read the other ones.

5 BY MS. CONLIN:

6 Q Okay. Let's --

7 A That looks like 18.

8 Q And then it has it looks like maybe -- is that --

9 A It has an arrow.

10 Q -- an arrow next to it?

11 A Yep.

12 Q Okay. There's additional processing here?

13 A Yeah. Here's one down here on the -- on that door. That one
14 says 21.

15 Q Okay.

16 A So if I were to guess, these other two are probably 19 and 20.

17 Q I do you have a zoomed -- 287.

18 A Yeah, that's what it looks like. Nineteen here, and this one is
19 hard to read, but I'm pretty sure it's 20. Yeah, it looks like 20.

20 Q And --

21 A Nineteen.

22 Q -- we are still on the back of the Suburban?

23 A Yes.

24 Q State's 288.

25 A So now we're getting to the right rear corner of the vehicle,

1 and I see 22 and 23.

2 Q And could you just point with the mouse for --

3 A This is -- this is 22 here, and then this is 23 here.

4 Q State's 289. Where are we at on the vehicle?

5 A So this is on the right side just rear of the door, of the rear
6 door. And this tape here is labeled 24.

7 Q Okay. State's 290. What do we see here?

8 A So this is number 25, this piece of tape, which is on the -- the
9 interior frame of the right rear door.

10 Q And is there any other processing that you can see on this
11 image?

12 A Well the 24 from the other one is visible in this one also.

13 Q Okay. State's 291. Where are we at on the vehicle?

14 A This is the -- the edge of the -- the interior edge of the right
15 rear door, and this is number 26.

16 Q State's 292. What are we -- what part of the car are we
17 looking at here?

18 A So this looks like the exterior of the right rear door. There's
19 quite a few pieces of tape it looks like on here.

20 Q All right. I'm going to zoom in. And if you could just point
21 out where you see your processing.

22 A So here, here, here. All of these. And this is 31, 32, 33, 34,
23 35, 36, and 37.

24 Q Okay. Showing you State's 293. Maybe.

25 A There you go.

1 Q What part of the car are we looking at?

2 A This is the upper part of the right rear door.

3 Q I'll zoom in. Do you see any processing here?

4 A Yeah. This one says 27. I think this one is 28 and 29.

5 Q So this one that's focused on the center here. And again,

6 that's totally --

7 A It's pretty pixelated, but I'm -- it looked like 28 before you

8 zoomed in too much.

9 Q Okay.

10 A I think so.

11 Q And there was one next to it as well.

12 A Yeah, this one is 29.

13 Q And then zoom out. Is there additional processing?

14 A Yes. This -- this one right over here. And this is number 30.

15 Q Okay. State's 294. Where are we at on the car?

16 A Same place. Just another view of it.

17 Q Of the same ones that we've previously talked about?

18 A Yes.

19 Q State's 295. Are we in the same spot --

20 A Yeah.

21 Q -- on the vehicle?

22 A A different view of the lower part of the door and sort of the

23 upper part of the door.

24 Q Okay. And 296. Again, a different view of --

25 A Yes.

1 Q -- processing that we previously talked about?

2 A Yes.

3 Q State's 297. Where are we at on the vehicle?

4 A Now, we're moving up to the right front door.

5 Q And do you see any processing here in this photograph?

6 A I do. All up on -- on the upper frame up here and then down

7 along here as well.

8 Q I'm going to zoom in on the upper portion.

9 A This one looks like it says 43, 44. I can't tell from this angle

10 what the ones above that are.

11 Q Okay.

12 A Yeah, there's another photo of that.

13 Q State's 300. Is that a closer --

14 A Yes. 43, 44, and 45.

15 Q And is there --

16 A And 46.

17 Q Okay. So back to State's 297. I'll zoom back out.

18 A That was all of these up here at the top.

19 Q Okay. And then is there anything in the lower portion?

20 A Yes, there's some down here.

21 Q And what numbers do we see here?

22 A So this one says 39, 40, 41, and 42.

23 Q State's 298. Are we still in the same location on the vehicle?

24 A Yes, and you can see a couple of additional ones right here,

25 and they say 47 and 48.

1 Q And then the tape on the left-hand side are those ones
2 previously --

3 A Yes.

4 Q -- pointed out? State's 299. Where are we at on the vehicle?

5 A This is on the same door, and this one looks like it says 39.

6 Q And that was the front --

7 A Right.

8 Q -- right side?

9 A Yes.

10 Q State's 301. Just another closer look to some of the
11 processing you previously pointed out?

12 A Yes, the ones on the upper part of the door.

13 Q And the right front door?

14 A Yes.

15 Q State's 302. Where are we at on the car?

16 A So this area here would be like the right front quarter panel.
17 And there's some prints right here. It looks like maybe on the hood as
18 well.

19 Q Now, are you able to see any of the numbers for those
20 processing?

21 A Yes, 49 is this one, 50, and 51 up here.

22 Q State's 303. What do we see here?

23 A So this is the right front corner of the vehicle. And we have
24 several prints here which are -- this one's 52, this one's 53, this one's 54,
25 this one's 55, and this one is 56.

1 Q State's 304. Where are we at on the car?

2 A This is the -- the front of the hood, and there's several on
3 here. Looks like it's 57 is this one, 58, 59, and I think that one's 60, 61,
4 and 62.

5 Q State's 306. Are we on the other side of the hood now?

6 A Yeah, now we're more towards the -- like the left side of the
7 hood.

8 Q And do you see additional processing here?

9 A I do. One, two and three here. So it's -- it looks like 63, 64,
10 and 65.

11 Q State's 305. Where are we at on the car?

12 A This looks like the -- the center post between the two doors
13 on the left side of the vehicle, and that's number 66.

14 Q State's 307. What do we see here?

15 A There's some tape on here as well. This is the Monster drink
16 can. And it looks like it's 67 and 68.

17 Q And would that be the same can that we saw in State's 269?

18 A Yes.

19 Q And that would have -- so that would have been recovered
20 by you or Sean Fletcher [phonetic]?

21 A I don't know if the can was recovered, but the prints were
22 recovered from the can.

23 Q Okay. Showing you State's 308. Is that just a different view
24 of that same can?

25 A Yes, with some additional latent print tape on it. These are

1 69 and 70.

2 Q State's 309. What are these items?

3 A There's a CD and a couple of cologne bottles that were
4 located in the vehicle. And on the CD, there's a piece of tape numbered
5 71. I can't see the numbers on the bottles. This one down here looks like
6 73, but I can't read this one.

7 Q Okay. On the -- the upper tape?

8 A Yeah, the -- oh, wait. Wait, wait. Yeah, there you go, 72.

9 Q Okay. And then there is also another bottle as well. Is that
10 right?

11 A Yeah. And this one says 74 here and 77 there.

12 Q State's 310. What do we see here?

13 A This is a Chicken Run DVD that was in the vehicle, and
14 there's a piece of latent tape with the number 79 on it.

15 Q Going back to the Monster can, did you do any other
16 processing aside from latent print processing on this?

17 A I did. I took a swab for possible DNA from the mouth area.

18 Q And would that have been before or after the print
19 processing?

20 A We'll do that before the print processing.

21 Q And why is that?

22 A We don't want to contaminate the DNA with print powder.
23 We -- you always want to take the biological stuff first.

24 Q Did you do any additional DNA swabbing of the vehicle?

25 A I did. The steering -- the steering wheel and the shift lever.

1 Q After you're completed with both the print processing and
2 the DNA swabbing, what -- what do you do after that?

3 A We'll recover whatever evidence we decide to recover and --
4 do you want to know what other items were recovered? Is that what
5 you're getting at?

6 Q If there were other items recovered.

7 A Yeah. There was a -- there was a Raider's-style baseball cap
8 in the -- like in the front area on the -- between the center console and
9 the dashboard that we recovered. There was a piece of paper that had
10 some handwriting on it in the pocket on the back of the -- back side of
11 the driver's seat. And there was some clothing in the rear cargo area
12 that we recovered.

13 Q And as to the -- the print processing, what do you do with the
14 tape after you completed the entirety of the processing?

15 A So we have cards that we'll take -- we'll take the tape, tape up
16 -- put it on the card which and then we've recovered that fingerprint.
17 Would you like me to explain the entire process or just --

18 Q Yes, if you could explain your process, what you do after
19 you've completed the -- the tape process.

20 A Okay. Well -- well, first of all, the way that we process for
21 prints is that we call them latent prints and the word latent means like
22 unseen or hidden. So when you first look at the item, you don't see a
23 fingerprint on it, so we have to do something to make it visible. So in
24 this case, we applied a very fine black powder with a fine bristle brush.
25 And the powder itself is what's called hydroscopic which means it's

1 attracted to moisture. So the powder will then stick to the moisture of
2 the fingerprint that you don't see initially, and it develops it. So then it
3 becomes visible.

4 At that point, is when we put the tape that we've been
5 looking at, and we put the tape over it, smooth it down. The powder will
6 then adhere to the tape. So then we take the tape, lift the tape, put it on
7 a card, then smooth it out. We then label the card with all of the
8 information that's related to this particular event. Those cards then get
9 put into an envelope which is labeled with all the pertinent information,
10 sealed. And then it gets dropped into a vault where the latent print
11 examiners will come and get that, and then they do their examination.

12 Q And is that pertinent information that you mentioned that
13 goes on the envelope does that involve your personnel number?

14 A Yes, it has my -- my personnel number, it has the event
15 number on it, the address, that type of information.

16 Q And so, in this case, you would have put the event number
17 160403-3524.

18 A Yes.

19 Q Is that right? Do you do the same for the DNA swabbing that
20 you do?

21 A Yes. So the DNA swab will go into an envelope that's
22 labeled. That goes into a bigger envelope that's sealed, and with the
23 same information on it. And that gets dropped in the vault also.

24 Q Understood.

25 A So that the DNA examiners can --

1 MS. CONLIN: And Your Honor, I'll pass the witness next.

2 THE COURT: All right. Mr. Margolis.

3 MR. MARGOLIS: Thank you, Your Honor.

4 CROSS-EXAMINATION

5 BY MR. MARGOLIS:

6 Q Mr. Grover, you said there were like nearly 80 latent
7 fingerprints that you identified in the course of the Suburban and its
8 contained items inside? Fair enough?

9 A Yes.

10 Q Okay. And you don't, as I sit here talking, do you know when
11 fingerprint 1 or 75 or 73 was deposited, right?

12 A I do not.

13 Q And there's no way to know that, correct?

14 A Agreed. I'd say that's a fair statement.

15 Q Now, I mean, certainly there are things that might preserve a
16 fingerprint for longer or things that might make a fingerprint more
17 difficult to recover even if it was left five minutes ago?

18 A Absolutely.

19 Q But generally speaking, there is not, as we sit here today, a
20 way to time and date stamp a fingerprint in that manner, right?

21 A That is true. Yes.

22 MR. MARGOLIS: Thanks.

23 THE COURT: Anything based on that, Ms. Conlin?

24 MS. CONLIN: No, Your Honor.

25 THE COURT: Anything from the jurors? All right.

1 Sir, thank you so much for your testimony. Please don't
2 share with anyone else involved the case as it is an ongoing trial. We
3 appreciate you being here. You are excused.

4 THE WITNESS: Thank you.

5 THE COURT: All right. How are we doing, ladies and
6 gentlemen? Do we need a bathroom break before the next witness?
7 Anyone does just shyly raise your hand. No? We're good? Okay.

8 UNIDENTIFIED JUROR: Just -- just stand up.

9 THE COURT: Just stand up? Oh, yeah. Just go ahead and
10 stand up and stretch while we're bringing the next witness in. You all
11 can.

12 MR. GIORDANO: Can we approach?

13 THE COURT: Yeah, of course.

14 [Sidebar begins at 2:50 p.m.]

15 MR. GIORDANO: We just have the forensic examiner now
16 and that's it for the day so [indiscernible].

17 THE COURT: How long [indiscernible]?

18 MS. CONLIN: It's pretty -- I mean --

19 THE COURT: It's extensive, right?

20 MS. CONLIN: Yeah.

21 THE COURT: Okay. I'm going to give them a break.

22 MR. MARGOLIS: Can we take it now? Yeah. I got to --

23 THE COURT: Yes.

24 MR. GIORDANO: Boys' room.

25 [Sidebar ends at 2:50 p.m.]

1 THE COURT: So we only have one witness left, but it's quite
2 a lengthy witness, so we're going to take a little bit of a break.
3 Otherwise, I feel like you're going to need one in the middle of the
4 witness. So sorry about that. You can continue stretching outside.

5 Please remember during this recess to not discuss or
6 communicate with anyone including fellow jurors in any way regarding
7 the case or its merits either by voice, phone, email, text, internet, or
8 other means of communication or social media. Please do not read,
9 watch, or listen to any news, media counts, or comments about the case,
10 do any research such as consulting dictionaries, using the internet, or
11 using reference materials. Please do not make any investigation, test a
12 theory of the case, recreate any aspect of the case, or in any way attempt
13 to learn or investigate the case on your own. Please do not form or
14 express any opinion regarding the case until it is formally submitted to
15 you. I'll see you in 15 minutes at 3:05. Thank you.

16 THE MARSHAL: All rise.

17 [Jury out at 2:51 p.m.]

18 [Recess at 2:51 p.m., recommencing at 3:06 p.m.]

19 [Jury in at 3:06 p.m.]

20 THE COURT: All right. Welcome back, everyone. Please be
21 seated.

22 We're on the record in the State of Nevada versus Tuly
23 Lepolo, C345911. Mr. Lepolo is present, represented by Mr. Margolis as
24 well as paralegal Mendoza. Both Deputy District Attorneys Mr. Giordani
25 as well as Ms. Conlin are present on behalf of the State.

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

2 MR. MARGOLIS: Yes, Your Honor.

3 MR. GIORDANO: Yes, Your Honor.

4 THE COURT: All right. Next witness, please, State.

5 MS. CONLIN: Heather Gouldthorpe.

6 THE MARSHAL: Please step up there, remaining standing,
7 and raise your right hand so the clerk can swear you in.

8 MS. GOULDTHORPE: Thank you.

9 THE MARSHAL: Thank you.

10 HEATHER GOULDTHORPE, STATE'S WITNESS, SWORN

11 THE CLERK: Please be seated.

12 THE WITNESS: Thank you.

13 THE CLERK: Will you please state your name and spell it for
14 the record.

15 THE WITNESS: Yes. My name is Heather Gouldthorpe.

16 Heather, H-E-A-T-H-E-R, Gouldthorpe, G-O-U-L-D-T-H-O-R-P-E.

17 THE CLERK: Thank you.

18 DIRECT EXAMINATION

19 BY MS. CONLIN:

20 Q Ma'am, how are you employed?

21 A I'm a forensic scientist in the latent print unit at the Las Vegas
22 Metropolitan Police Department Forensic Lab.

23 Q And how long have you been so employed?

24 A I've been a forensic scientist for 11 years. And prior to that, I
25 was a forensic laboratory technologist in the latent print unit for a little