

MONDAY, DECEMBER 7, 1993

E. K. McDaniel, et al.

9

1 Q. As you said, would there be a microfilm
2 copy of the homicide file, also, at the second floor
3 of the Stewart facility?

4 A. That could happen, yes.

5 Q. Is that the general practice?

6 A. General. We usually hold them so long
7 before they're microfilmed. I mean, we don't hold
8 them, but when homicide is ready to give them to us,
9 then we film them.

10 Q. What is in the homicide file?

11 A. The incident report, autopsy reports,
12 property reports, evidence impound, voluntary
13 statements, maybe an officer's report. If there's --
14 sometimes newspaper clippings, copy of any property
15 that was released, anything like that.

16 Q. How about an officer's personal notes that
17 they take as they are investigating. Do those go in
18 the file, as well?

19 A. I think sometimes they do have them in
20 there.

21 Q. What kind of personal notes do officers
22 keep?

23 A. Just little notes that they've made from
24 phone calls, and that, and from suspect contacts.

25 Q. Are these usually handwritten?

10

1 A. I think they usually are. Sometimes they
2 will do, like, a follow-up report if they talk to
3 someone on the phone, which is a formal officer's
4 report.

5 Q. But they also have handwritten notes?

6 A. Sometimes. I don't see very many.

7 Q. Where are those specifically kept in the
8 file?

9 A. In that file, I believe they keep them in
10 chronological order by date and time.

11 Q. Is everything in the file Bates stamped?

12 A. I know what a Bates stamp is, but do you
13 mean as far as the date and time?

14 Q. Yes.

15 A. Not everything. It's like a time stamp.
16 Whether their notes are time stamped, I don't know.
17 Probably handwritten date and time.

18 Q. And are they organized chronologically?

19 A. I believe they are.

20 Q. Are there any particular types of files
21 that you have in the filing system, or is it just all
22 one of type of file that is just organized
23 chronologically?

24 A. All the different reports are filed in the
25 order in which they are created.

11

1 Q. Question, I guess, is: Do you separate
2 out among types of reports? Is there a report for
3 incident files and a report for the autopsy reports?

4 A. No, no.

5 Q. It's just all put together?

6 A. Together.

7 Q. Chronologically?

8 A. Yes. It's very possible that an
9 investigator on a particular case he is handling,

10 maybe just the newspaper clippings he may keep
11 separated at the back of the folder and photos at the
12 back of the folder.

13 Q. What about Secret Witness?

14 A. I know nothing about Secret Witness except
15 for its purpose.

16 Q. Do they keep any files at Secret Witness?

17 A. I am not aware of any files that Secret
18 Witness keeps.

19 Q. Do they keep any documents over there that
20 you know of?

21 A. I do not know. As far as I know, I do not
22 receive them in police records.

23 Q. So if they're creating records, you never
24 see them; is that correct?

25 A. Yes. I really doubt that they're creating

12

1 a lot of records.

2 Q. Do you ever deal with the records section
3 of the Clark County Detention Center?

4 A. Yes. I talk to Lynne Cavalieri, just
5 business. We fax or send via computer-typed arrest
6 reports, if there is a problem or they need a report,
7 something like that, sure.

8 Q. What other types of things do you deal
9 with at the Detention Center?

10 A. That's really about it, if there is any
11 type of problems with distribution or anything like
12 that.

13 Q. In the course of keeping files, have you
14 come across cases where the Metro Police officers or
15 detectives are dealing with police officers or
16 detectives from other agencies or from other states?

17 A. Yes. Sometimes you will see a
18 correspondence letter in that event file or a
19 homicide file, sure.

20 Q. Do you receive police reports from other
21 states, as well?

22 A. Sometimes we do.

23 Q. What would happen to those documents, the
24 correspondence from other states, for example?

25 A. It depends. If someone was a victim of a

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1 crime in Las Vegas and they didn't have time to make
2 a report, they went to their local agency, let's say,
3 in California and filed a report there, that agency
4 would send that report to us, and we would consider
5 it a courtesy report. We would put -- issue it a
6 number and enter it in the computer.

7 Q. Let me give you another example.

8 A. If it were with the homicide file, if they
9 sent us a copy, it would go in the homicide file.

10 Q. Let me give you a more concrete example.
11 Say, you had a homicide case here, but you had
12 another crime that was going to be used in the
13 sentencing part of the homicide case in another
14 state. So the police officers here were working with
15 police officers from another state in investigating
16 that prior criminal offense. Would the documents
17 that the police officers from the other state send
18 here go into the main homicide file?

19 A. I believe they would.

20 Q. How about the correspondence between Metro
21 and the out-of-state law enforcement agency?

22 A. I believe they would.

23 Q. What about if a particular witness were
24 given some sort of appearance fee for testifying at
25 trial, where would the records of that be kept?

14

1 A. I do not know.

2 Q. Have you ever seen any documents like that
3 before?

4 A. No. Only witness statements.

5 Q. But never any type of agreement to either
6 give the witness some type of inducement for the
7 testimony?

8 A. Never.

9 Q. And never an agreement to --

10 A. Never.

11 Q. -- pay the witness anything to testify?

12 A. Never.

13 Q. Have you ever been heard of that
14 happening?

15 A. No. I mean, not in a specific case, no.
16 I'm sure it happens.

17 Q. What about SCOPE reports; where do those
18 appear in the files?

19 A. Sometimes they're in the homicide files on
20 the individuals involved. Sometimes they're not. It
21 depends on the investigator.

22 Q. What about NCIC?

23 A. Sometimes there are NCIC transactions in
24 there.

25 Q. And those also appear in the actual

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1 homicide file?

2 A. Yes. Perhaps this person, they were not
3 arrested, and they were -- a warrant was put out and
4 that's put into NCIC. So how it was entered would be
5 in that file.

6 Q. What are the various sections of the
7 Metropolitan Police Department that keep records?
8 We've talked about homicide. That's one type of
9 record. What are the other types?

10 A. Intelligence, special privilege
11 investigations, sometimes in traffic.

12 Q. Let's go through these. What does
13 intelligence do?

14 A. Intelligence? They usually work with
15 organized crime, that type of problem.

16 Q. What would be in their files?

17 A. I don't know what would be in their
18 files. I'm assuming anything to do with their
19 investigations.

20 Q. Who has physical custody of their files?

21 A. Probably their bureau commander.

22 Q. The bureau commander personally would have
23 them?

24 A. For that unit.

25 Q. What different intelligence units are

16

1 there in Clark County?

2 A. As far as I know, we have -- the Las Vegas
3 Metropolitan Police Department has our intelligence
4 section, organized crime bureau.

5 Q. So as such the commander would have the
6 custody of their physical files?

7 A. Yes.

8 Q. What about, I think you called it the
9 "special privilege" investigation?

10 A. That's for special licensing.

11 Q. Where are their files located?

12 A. In their office. They are eventually
13 microfilmed.

14 Q. So if I were looking for records in a
15 homicide case, where should I look?

16 A. You would contact us, police records. You
17 would contact the homicide detail. You would contact
18 the photo lab. The homicide detail should have all
19 the lab reports, and then detention records would
20 have them as far as the inmate activity.

21 Q. What about criminalistics, do they have
22 their own records?

23 A. They probably have a copy or a type of
24 original of what they've sent over to homicide.

25 Q. So they may have their own set of files?

17

1 A. They might.
 2 Q. If a record request came to you in a
 3 homicide case for all the documents on the case, who
 4 would be contacted? Would you contact all those
 5 people that you just named?
 6 A. Whoever was requesting the documents, I
 7 would provide them with everything that I had within
 8 the scope of what isn't privileged, and I would refer
 9 them to whoever else they need to refer to.
 10 Q. What types of documents does your office
 11 consider privileged?
 12 A. Convicted person registration that's not
 13 our agency. If it's not a Las Vegas Metropolitan
 14 Police Department arrest conviction, I consider that
 15 privileged. I consider the F.B.I. rap sheet
 16 privileged.
 17 Q. How about detective notes, would you copy
 18 those and turn those over?
 19 A. If I had them, yes.
 20 MR. COHEN: Point of clarification?
 21 MR. O'TOOLE: Sure.
 22 MR. COHEN: Would it depend on what the
 23 contents of the detective notes were? If, for
 24 instance, there were an informant's name or something
 25 in there, would you reproduce those and give them

18

1 out?
 2 THE WITNESS: I would pick up the phone
 3 and call you, Mitch, to get a legal opinion.
 4 MR. O'TOOLE:
 5 Q. Now, we have issued a couple of subpoenas
 6 in this case to your office. One dealt with the
 7 information concerning Robert Allan Savage and Allen
 8 Floyd Gavillet. Can you tell me what was done to
 9 produce responses to that subpoena?
 10 A. Yes. The first thing we do is run a SCOPE
 11 query, make a printout, and we work from that
 12 printout.
 13 We pull the arrest file, make a copy of
 14 everything in the file, and then we -- any street
 15 number or IR number mentioned, we make copies of
 16 those.
 17 We check the purge file to see if anything
 18 may have been purged from the computer, something
 19 like an old traffic accident or old robbery report
 20 where the person was a victim.
 21 We would check the records management
 22 system, which is an incident automated, incident
 23 report system where we put our incident reports in
 24 now, and the new Law RMS, which is simply an upgrade
 25 of RMS. We run all those systems. We go as

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1 thoroughly as we can.
 2 Q. So you ran all the computer checks for
 3 Mr. Savage/Gavillet?
 4 A. Yes.
 5 Q. And when you mentioned the purged file,
 6 how can you tell what is in the purged file?
 7 A. There is a little notation. I believe
 8 it's a little number sign in SCOPE, and it lets us
 9 know that that file has been purged. There is old
 10 information that is no longer on line. It's
 11 basically index information.
 12 Q. So after you run the computer check,
 13 what's next?
 14 A. We pull all the documents.
 15 Q. Are all the documents always listed on the
 16 computer file, or have you had situations where you
 17 found files that were weren't listed on the computer?
 18 A. It's very possible that they are not all
 19 in SCOPE, and that's why we run RMS and Law RMS.
 20 Q. Now about with respect to our subpoena
 21 regarding Mr. Savage/Gavillet, were the homicide
 22 files checked?
 23 A. Oh, yes.
 24 Q. And that also includes the detective
 25 files?

20

1 A. We had the homicide file delivered to
 2 police records, too, a copy.
 3 Q. Is that with regard to Mr. Haberstroh, as
 4 well?
 5 A. I believe everyone. The whole homicide
 6 file on that case.
 7 Q. And with respect to Secret Witness, were
 8 their records checked at all?
 9 A. I do not remember any -- I did not check
 10 with Secret Witness. I never have. As far as I
 11 know -- I do not know that they possess any paper
 12 records. There's maybe phone records. I really
 13 don't know.
 14 MR. COHEN: Another point of
 15 clarification. Arlene, do you know if Secret Witness
 16 is an arm of Metro or not?
 17 THE WITNESS: It is staffed by two Metro
 18 employees.
 19 MR. COHEN: Do they have their own board?
 20 THE WITNESS: There is a board, I believe.
 21 MR. COHEN: Do you know --
 22 THE WITNESS: I think it's a Metro and
 23 citizens or a business community-type thing.
 24 MR. COHEN: Do you know for sure what kind
 25 of entity Secret Witness is, whether it's a

21

1 corporation or a government agency?

2 THE WITNESS: All I know is it is part of
3 the department. It may not be totally. There may be
4 some funding there by outside. There may be some
5 federal funding or state funding. I really don't
6 know.

7 MR. COHEN: You are certain it's part of
8 the department?

9 THE WITNESS: It is staffed by two Metro
10 employees. That I know, Mitch.

11 MR. O'TOOLE:

12 Q. We talked with the Detention Center folks
13 about unofficial records. Are there unofficial
14 records in the Metro department, as well?

15 A. Well, a record could be an electronic
16 thing, it could be computerized, any kind of piece of
17 paper, calendars.

18 Q. Well, let me be more specific. The
19 Detention Center, apparently, particular captains
20 keep their own files separate from the official
21 records. Does that happen with the Las Vegas
22 Metropolitan Police Department, too?

23 A. I would need to know what kind of records,
24 specifically, that a captain would keep. I know at
25 an area command, they would keep certain records that

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1 are in reference to the daily functions the officers
2 who -- their work schedule, that type of thing.

3 Q. Say, for example, in a homicide case, a
4 detective takes some notes and then has a file at
5 their own desk. Would they keep those notes and that
6 file in their desk and conceivably never send those
7 notes off to the main record section?

8 A. That is a possibility, but I've never seen
9 that.

10 Q. You've never heard of that happening?

11 A. No.

12 Q. All right. I'm referring now to the
13 answers to the subpoena --

14 A. Okay.

15 Q. -- which we'll mark as Exhibit 1.
16 (Whereupon, Plaintiff's Exhibit 1
17 was marked for identification and is
18 attached to the original transcript
19 of this deposition.)

20 MR. O'TOOLE:

21 Q. With regards to Responses 1, 2, 3 or 4,
22 let me see if my understanding of this is correct.
23 You have done a search, now, of all the computer
24 files with regard to our request concerning
25 Mr. Savage/Gavillet?

23

1 A. Yes.

2 Q. And also with regard to our request
3 concerning Mr. Haberstroh?

4 A. Yes.

5 Q. And you have now provided all of those
6 documents to Mr. Cohen, is that correct?

7 A. Yes.

8 Q. And Mr. Cohen has provided us, or will
9 provide us, with all those documents for which he
10 does not assert some sort of privilege.

11 MR. COHEN: I think we already have, just
12 for the record.

13 MR. O'TOOLE: As far as "already have,"
14 let's just clarify the record on that. Was there
15 another installment of documents that was supposed to
16 come over?

17 MR. COHEN: Okay. Regarding Officer
18 Blatney's deposition.

19 MR. O'TOOLE: Right.

20 MR. COHEN: Those were records not coming
21 from Arlene.

22 MR. O'TOOLE: Right. But as far as Arlene
23 goes, we have gotten everything that she provided to
24 you that you are not asserting the privilege for, is
25 that correct?

24

1 MR. COHEN: As far as the substance as
2 opposed to -- well, I think even as far as records.

3 THE WITNESS: I know I provided all the
4 records that I had.

5 MR. COHEN: On Savage/Gavillet and on
6 Haberstroh?

7 THE WITNESS: Uh-huh.

8 MR. COHEN: And I think there might be one
9 or two documents you're relating to the department's
10 record policy. The department manual -- record
11 section manual, some sections were taken out relating
12 to computer records?

13 THE WITNESS: How to access the different
14 systems.

15 MR. COHEN: And I think on No. 5 here,
16 personal history printouts, you had raised a problem
17 with that, so I've got those right now. Everything
18 else should have been provided.

19 MR. O'TOOLE:

20 Q. Just to clarify, what was the problem with
21 the personal history printouts?

22 A. On these SCOPE printouts, SCOPE stands for
23 Shared Computer Operation for Protection and
24 Enforcement, and LVMPD is not the only agency using
25 that system. Boulder City Police Department,

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1 Sanderson Police Department, North Las Vegas, I
2 believe Reno PD, and I cannot testify or verify the
3 accuracy or the timeliness of what records they would
4 have in there.

5 Now, you could of the SCOPE printouts, but
6 as far as anything from another agency would have to
7 be blacked out because we would be violating the
8 inter-local agreement.

9 Q. With regard to Request 13 on the subpoena,
10 I believe that dealt with records police access.

11 A. Okay. Go ahead.

12 Q. What was provided in response to that?

13 A. We gave you the retention schedule,
14 okay. As far as a police access list, we have -- for
15 those that are not law enforcement, they have a
16 non-disclosure agreement on file with us, and those
17 are perhaps people that are doing pre-employment
18 background checks, maybe a private investigator, they
19 are given very limited information.

20 We have records on file. Also, there are
21 certain agencies, perhaps like the Federal Public
22 Defender, we have a Rolodex, and it says what they
23 have access to, what forms they would need to fill
24 out, and that's just a general Rolodex that we keep.

25 Q. You did not provide that?

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1 A. I did not provide that Rolodex. It would
2 just take an enormous amount of time and all the
3 Xeroxing. It's not anything you could feed through a
4 Xerox machine.

5 Q. Let's go back to number -- I guess we've
6 gone through No. 4 on Exhibit 1. So we're at copies
7 of juvenile records; is that correct?

8 A. That's No. 5.

9 Q. Right. And as far as the response to
10 that, it deals with personnel?

11 A. There is reference to our policy, the
12 department policy, in the LUNPD manual, and then we
13 also mention it in our police records procedural
14 manual.

15 Even law enforcement, they must come in to
16 the front counter and fill out a form. Only our law
17 enforcement get that. Others are referred to Clark
18 County Juvenile Court Services.

19 Q. With respect to 7 and 8, and that would be
20 policies concerning crime scenes, what was provided
21 in response to that?

22 A. There is a section in the department
23 manual as far as the evidence vault and the
24 disposition of seized property, what they do with
25 it. The best I would get is perhaps a copy of a

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1 property report or a copy of a property release.

2 Q. As far as No. 8, which is Secret Witness,
3 was that also sent to us through a --

4 A. That is right in the department manual.

5 There is an index there, if you look up Secret
6 Witness, that will state the policy.

7 Q. And is the policy that you sent us
8 regarding Secret Witness, the policy that your office
9 continues to follow? I'm referring specifically to
10 the 4/105.10 in the Secret Witness reference

11 reports. Why don't I make this Exhibit 2.

12 A. Yes, that is correct, in reference to that
13 Secret Witness reference.

14 MR. COHEN: It looks like it is out of the
15 department manual.

16 THE WITNESS: It is, Mitch.

17 MR. O'TOOLE: Let's go off the record for
18 a second

19 (Whereupon, Plaintiff's Exhibit 2
20 was marked for identification and is
21 attached to the original transcript
22 of this deposition.)

23 MR. O'TOOLE: Back on.

24 Q. Just for the record, we marked the section
25 of the Metropolitan Police Department manual

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1 regarding Secret Witness referencing reports as
2 Exhibit 2.

3 And my question earlier was whether or not
4 the section of Exhibit 2, I think it's 4/105.10, is
5 still departmental policy?

6 A. Yes, it is, to the best of my knowledge.

7 Q. While we were off the record, we also
8 discussed the manuals for other departments, and you
9 said you believed that other departments have their
10 own particular manuals. Do you know which
11 departments would have their manuals?

12 A. I do not.

13 Q. Do you know some of them?

14 A. Detention records, police records.

15 Q. Are there any other ones that you know
16 of?

17 A. No. Because I do not work in those
18 units. I never have worked in those units.

19 Q. Earlier we talked about privileged
20 documents, and you said that you wouldn't turn over
21 privileged documents in response to a request for
22 records?

23 A. I would mark what I thought would be
24 privileged and forward it to Mitch.

25 Q. When you go through the files, do you read

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1 the contents of each document to ensure there is not
2 a privileged document that's going in?

3 A. I have a pretty good idea as I go through
4 it. I don't read everything word for word. There
5 just isn't the time. Too many subpoenas. But we do
6 sown through it pretty well.

7 Q. As we discussed, you don't know what other
8 divisions have particular manuals; is that correct?

9 A. No. I do not.

10 Q. Do you believe that the divisions, other
11 divisions do have their own manuals?

12 A. I would say most of them do.

13 Q. We talked earlier about Juvenile Court
14 records. Would the records that are at the Juvenile
15 Court be the same as the juvenile records that the
16 police officers have access to at Metro?

17 A. I believe so. Probably whatever type of
18 forms Juvenile Court initiates. I don't know if they
19 have certain ones that we never receive. It's
20 internal.

21 Q. But the police reports themselves would
22 probably be the same at Metro as they would at the
23 Juvenile Court?

24 A. Yes.

25 Q. As far as your responses to our subpoena,

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1 you were delivering all of the documents and the
2 policy statements that were under your control; is
3 that correct?

4 A. That is correct.

5 Q. But are there other agencies at Metro that
6 may have information with regard to these subpoenas
7 that has not been checked?

8 A. I have reference to who I feel would need
9 to be checked as far as what you are asking for, and
10 I really wouldn't know of any others.

11 Q. Just to summarize, which agencies were
12 those?

13 A. Do you mean agencies or units?

14 Q. Units.

15 A. Well, we have detention records and
16 criminalistics and homicide, photo lab, evidence
17 vault.

18 Q. And you've checked in all those places?

19 A. Yes. Fingerprint would probably have the
20 fingerprint information. And then the microfilm
21 detail is part of the police record section, so that
22 would all be gathered.

23 Q. Have you checked in all those various
24 places that you just described?

25 A. I did not check fingerprint. I did not

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1 check dispatch. I did not check detention records;

2 because those are not records under my hand.

3 Q. What did you check?

4 A. Exactly what was under my hand.

5 Q. Just to repeat, what was that?

6 A. I checked the I.D.; I checked each name

7 and ran it through the SCOPE computer. We pulled the
8 whole I.D. file and made a copy of everything. We
9 ran all the events and the ER numbers.

10 Q. That would have included homicide files;
11 is that correct?

12 A. That is correct.

13 Q. And detective files?

14 A. Yes.

15 Q. And criminalistics files?

16 A. If we had them, I made copies of them.

17 They would all be referenced under each file number
18 that pertains to them.

19 Q. What other divisions are under your
20 control?

21 A. I have -- police records is a section, and
22 microfilm is a detail.

23 Q. And all of those are under your control?

24 A. That's correct.

25 Q. Is there anything else under your control?

32

1 A. No.

2 Q. I'm going to introduce Exhibit 3 now,
3 which is a copy of your retention schedule.

4 A. Yes. I'm familiar with it.

5 MR. COHEN: Another point of
6 clarification. I think it was ambiguous. Is
7 homicide under your control?

8 THE WITNESS: What records that I have,
9 yes. But they keep, Mitch, particularly on those
10 that aren't solved or still open, they have all the
11 originals there. We may have a microfilm copy or a
12 copy but --

13 MR. O'TOOLE:

14 Q. So some of homicide's records are in your
15 physical custody, and then other of homicide's
16 records, the homicide division has them in its own
17 physical custody?

18 A. Yes.

19 Q. So you are the custodian of some of
20 homicide's records; is that correct?

21 A. Uh-huh. Usually if I receive a subpoena
22 on a homicide file, I usually pick it up or it's
23 delivered to me.

24 Q. And with regard to this particular
25 subpoena, I think you mentioned earlier that all of

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1 homicide's records were physically delivered to you?
 2 A. I believe they were, yes, to the best of
 3 my recollection.
 4 Q. Do you remember who from homicide was in
 5 charge of getting the records together and delivering
 6 them to you?
 7 A. I'm not positive. I believe I did talk to
 8 Detective Dave Hatch.
 9 MR. O'TOOLE: Off the record.
 10 (Off the record discussion.)
 11 (Whereupon, Plaintiff's Exhibit 2
 12 was marked for identification and is
 13 attached to the original transcript
 14 of this deposition.)
 15 MR. O'TOOLE:
 16 Q. With respect to Exhibit 2 --
 17 A. Yes.
 18 Q. -- on the Bates stamped page that's marked
 19 240.
 20 A. Okay. All right.
 21 Q. There is an entry called "case files of
 22 arrested persons." Can you tell me what would be in
 23 this?
 24 A. That would probably be the case file that
 25 the detective has when he's working a case.

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1 Q. Where would that be kept?
 2 A. He will keep it until the case is closed
 3 or there is a disposition on it, and then it would be
 4 sent to police records.
 5 Q. And that would be under your control?
 6 A. If it were a paper copy, yes.
 7 Q. What if it were not a paper copy?
 8 A. If a detective had a computer file, I
 9 don't know that he would or not, that he just uses
 10 for his own reference. You know, I have no idea, but
 11 I would have all paper copies.
 12 Q. How long has the department been
 13 computerized?
 14 A. I believe we joined SCRS in 1971 or
 15 1972. We put in a computer-assisted microfilm
 16 retrieval unit. That went on line January of 1986.
 17 The CAD system, I believe, came in in January of
 18 '91. The records management system came in in
 19 January of 1992.
 20 Q. As far as a particular detective keeping a
 21 computerized case file, that could have happened
 22 since 1986, is that correct?
 23 A. That could. That would be, like, just an
 24 index program that he would use just to reference.
 25 Q. How are those files stored?

35

1 A. I have no idea.
 2 Q. What about a case log, the daily case log;
 3 what is in the daily case log?
 4 A. I believe that is something that they keep
 5 internally within the investigative units.
 6 Q. Are those records ever sent to the records
 7 section?
 8 A. As far as a log of all the cases a
 9 detective handles, no.
 10 Q. What would be in the daily case log?
 11 A. I believe they list which officer is
 12 handling which event.
 13 Q. Do they take any notes of the daily case
 14 log?
 15 A. I don't know.
 16 Q. And with respect to both the case file of
 17 arrested persons and the daily case log, does the
 18 notation by the subjects that says "permanent" mean
 19 that those files are kept permanently?
 20 A. It says here -- 3171 is my budget number,
 21 that "3171" record. So if they say "case log daily,"
 22 probably what they are talking about is a list of
 23 what's going on with the case. I was thinking of
 24 just a log that they keep within the units of who is
 25 handling which case, that they just use as a

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1 reference.
 2 But as far as a case log of what was going
 3 on with the case, witnesses they contacted, etcetera,
 4 that would all be in the event file, and that would
 5 have then been provided to you if it were there.
 6 Q. So in response to a request for subpoenas
 7 for all documents, you would provide both the case
 8 log and the case files?
 9 A. Yes. As long as I had them, you would
 10 have them.
 11 Q. Let me follow up on something that you
 12 just mentioned. You said 3171 means --
 13 A. That's police records. That's just our
 14 budget number.
 15 Q. What is 3172 on the next page?
 16 A. Information system section.
 17 Q. What does information system section keep?
 18 A. They're our computer techs.
 19 Q. Would they be the ones who would have
 20 access to an officer's specific computer records if
 21 the officer were keeping those?
 22 A. No.
 23 Q. What about 3173?
 24 A. That is Metro communications. They have
 25 their tapes.

37

1 Q. What kind of tapes?

2 A. Just phone calls that come in and what

3 they handle.

4 Q. How are the tapes kept?

5 A. They're computerized.

6 Q. Do you know where the tapes are physically

7 stored?

8 A. I believe they are kept over at Metro

9 communication. I don't know if they have a duplicate

10 off site or not.

11 Q. 3174, would that be the fingerprint

12 section?

13 A. Yes.

14 Q. What does fingerprint section keep?

15 A. Their cash register receipts for what they

16 bring in as far as the work cards and convicted

17 person registration, whatever they charge. A record

18 of the fees, fingerprint cards, the receipts for the

19 work cards. They keep the registrations of convicted

20 persons and sex offenders. We also receive a copy.

21 And then the standard procedure for user

22 documentation for their automated fingerprint

23 information.

24 Q. Are those records in your control?

25 A. No.

38

1 Q. So the only ones that are physically in

2 your control are the 3171 records; is that correct?

3 A. Yes. We may have some old fingerprint

4 cards.

5 Q. But as a general matter, the fingerprint

6 records are in someone else's custody?

7 A. Yes. The actual cards, yes.

8 Q. Whose custody is that, do you know?

9 A. Frances Walker. She's the director of

10 fingerprint. You know, the work referral slips that

11 they do over there, they are sent to police records.

12 They are microfilmed.

13 Q. The work referral fingerprint section?

14 A. For anyone in Clark County to get a work

15 card for working in a hotel casino.

16 Q. And who is in control of the communication

17 section?

18 A. That should be the commander of the

19 communications bureau. I know they have a research

20 assistant. Right now, Captain Dennis Cobb is the

21 bureau commander.

22 Q. What about information systems?

23 A. David Garcia is the director.

24 Q. And how about criminalistics, who is in

25 charge of criminalistics?

39

1 A. Linda Errichetto is the forensic lab

2 director.

3 Q. She would have physical possession of all

4 the documents and all the evidence that is kept by

5 criminalistics?

6 A. I believe she would.

7 MR. COHEN: As long as we are here,

8 Linda's in charge of the forensic lab?

9 THE WITNESS: Yes. So she probably

10 wouldn't have everything. I would have to have a

11 copy of my department phonebook of organizational to

12 make sure that I'm covering all the bases as far as

13 criminalistics.

14 MR. COHEN: Non-lab-related criminalistic

15 stuff?

16 THE WITNESS: Phil Kulis is the photo lab

17 supervisor.

18 MR. O'TOOLE:

19 Q. On Page 338, there is something called

20 statistical files, statistical annual.

21 A. Those are probably the statistics they use

22 for the annual report, how many calls for service,

23 how many homicides for the year, how many officers we

24 have, how many civilian employees we have, that type

25 of thing.

40

1 Q. Do you keep homicide statistics for each

2 year?

3 A. Yes, we do. Uniform crime reporting is

4 part of the record section duties. In October -- I

5 don't remember the exact date in October it was moved

6 down to crime analysis. But, yes, they are published

7 in the F.B.I. and what they call it Crime in the

8 United States. It's a yearly publication.

9 Q. Where can I find that publication, do you

10 know?

11 A. Probably find it in the library.

12 Q. And those are statistics that are kept by

13 the Las Vegas Metropolitan Police Department about

14 homicides?

15 A. Yes. You could probably also get them

16 through crime analysis.

17 Q. Who is in crime analysis that would keep

18 that?

19 A. Kurt Kinner.

20 Q. What types of information is on the

21 homicide statistical report?

22 A. How many there were, how many were solved,

23 maybe how many were committed by adults, how many by

24 juveniles, that type of thing.

25 Q. Do they have any factual description of

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1 the homicide or the victims?
 2 A. I don't believe they do, no.
 3 Q. Do you know if they keep any statistics by
 4 race, either of the perpetrator or the victim?
 5 A. They do with the monthly.
 6 Q. They do with the monthly statistics. What
 7 type of monthly statistic is that?
 8 A. Just uniform crime statistics. We submit
 9 a report to the state every month.
 10 Q. What state agency?
 11 A. Department of Motor Vehicles, public
 12 safety. It's state repository, UCR.
 13 Q. Do you know who submits the report from
 14 Metro?
 15 A. Right now, it would be -- it's submitted
 16 by crime analysis, but before it's sent up to the
 17 state, it is approved by the director, the bureau
 18 commander, and the chief, and it probably goes up to
 19 the under sheriff.
 20 Q. And then the report is submitted to DMV?
 21 A. It's to UCR, the Uniform Crime Report
 22 people.
 23 Q. Who has access to that, do you know?
 24 A. To the Uniform Crime Report?
 25 Q. Yes. Is it a public document?

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1 A. I believe -- I'm not positive if it is or
 2 not. I do know we give the statistics out.
 3 Q. So if we were to call one of these people
 4 at Metro?
 5 A. And say you need to know how many
 6 homicides were for a certain year or for the past
 7 five years, that could be provided.
 8 Q. Do you know how far back that goes?
 9 A. Probably as far back as when we produced
 10 the UCR that has been going on probably since the
 11 '60s, at least, if not before.
 12 Q. Do you have all this on computer? Is
 13 there a database for this?
 14 A. I don't know what Kurt Zimmer has on
 15 computer, but what we have is strictly paper form or
 16 microfilm.
 17 Q. But Kurt Zimmer is the officer at Metro
 18 who is responsible for the yearly statistical
 19 reports?
 20 A. Right now, yeah. He has only been working
 21 on it a couple months now.
 22 Q. Who was there before him?
 23 A. Me.
 24 Q. You did that before?
 25 A. Yes. I didn't actually do it, but it was

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1 under me, under my section.
 2 Q. And you had those prepared. What other
 3 information was on the reports, do you remember?
 4 A. Robbery, the top crimes, top major crimes.
 5 Q. It was just the numbers?
 6 A. Yes. How many were cleared by arrest, how
 7 many were unfounded, that type of thing.
 8 Q. The yearly reports did not have any racial
 9 statistics, but the monthly reports did?
 10 A. You know, I would have to look at it
 11 because I didn't actually compile it, and we're
 12 talking -- the UCR is made up of different parts.
 13 There are different parts and different forms that
 14 are provided by the F.B.I., and we fill in the
 15 information.
 16 Q. And then those were sent to the F.B.I.
 17 from there?
 18 A. They are sent to the state. They used to
 19 be sent directly to the F.B.I., but now they are sent
 20 to the state because the state has a state program
 21 and they gather up some of these statistics and they
 22 do a state report.
 23 Q. Is that also under the Department of Motor
 24 Vehicles, the yearly ones, as well?
 25 A. They have the yearly information, yes.

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1 They forward it -- once they receive their
 2 information, they send it on to the F.B.I. as a
 3 package for the whole state, all the participating
 4 agencies.
 5 Q. And that would be the Department of Motor
 6 Vehicles?
 7 A. The UCR people.
 8 Q. Do you know the names of the UCR people?
 9 A. I believe Grace George is in charge of it
 10 right now. She's the main person.
 11 Q. Is she in Carson City?
 12 A. Carson City.
 13 Q. When you said that homicide sent their
 14 entire file over to you in regard to the Haberstroh
 15 and Savage/Owvillet matters, how did you know it was
 16 the whole file? Who did you talk to there?
 17 A. I don't remember exactly who I talked to.
 18 Usually a receptionist picks up the telephone and
 19 refers me to one of the homicide detectives.
 20 Sometimes it's Lieutenant Peterson, and sometimes
 21 it's whoever handled the case.
 22 Q. So one of the detectives came over and
 23 said, This is everything?
 24 A. Yes. Either I went over there and picked
 25 it up or it was sent by courier. If I have the time

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1 to pick it up, I will pick it up personally. They
2 are kept in big black binders. It's not like it's
3 just random. They are kept in binders in order.

4 Q. And there are no loose papers?

5 A. No.

6 Q. So this was everything in their physical
7 file. Was it in a box?

8 A. They are kept on shelves.

9 Q. Over at the detective bureau; is that
10 correct?

11 A. Uh-huh.

12 Q. And that is on Charleston?

13 A. Yes. And they are kept in big binders. I
14 believe they're three-ring.

15 Q. And the notes are also kept in those
16 binders?

17 A. To the best of my knowledge. I mean, I
18 see notes in there when we copy them.

19 Q. Is there anyone from the District
20 Attorney's Office, Criminal Division, who comes over
21 to the Metropolitan Police Department to review your
22 records?

23 A. No.

24 Q. Is there anyone from the Criminal Division
25 in the D.A.'s office who reviews the homicide files,

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1 to your knowledge?

2 A. Not to my knowledge. I'm sure that
3 whoever at the D.A.'s office who is involved with the
4 prosecution. I mean, how long they keep their files,
5 I don't know.

6 Q. But how would a D.A. learn what was in in
7 a Metropolitan Police Department file?

8 A. They may ask us to send a copy.

9 Q. But you would usually be the one telling
10 them, Hey, Mr. or Ms. District Attorney, this is in
11 our file. Would you like a copy? Is that how you
12 know they would learn that something is in your
13 files?

14 A. I rarely call them and say that. Usually
15 if we receive a subpoena, I'll let them know what's
16 going on, and if they request a copy, I will send
17 them a copy. They usually don't.

18 Q. And there is no one, to your knowledge,
19 that has the job of coming over and inspecting any of
20 the Metropolitan Police Department files?

21 A. No.

22 Q. Is that done on a regular basis, to your
23 knowledge, an inspection by a District Attorney in a
24 particular case?

25 A. No.

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1 Q. It was mentioned in one of the earlier
2 depositions that if a defense lawyer wanted to come
3 in and look at the Metropolitan Police Department
4 files, that would be okay. Is that department
5 policy?

6 A. That a defense attorney could come in? It
7 would create a hardship because they wouldn't know
8 how to work the computers, and there might be certain
9 information from other files, like on file, numbers
10 go in chronological orders sometimes, sometimes they
11 are random, of running across something that they
12 should not be viewing.

13 Q. Like what, in particular?

14 A. When we file, we may have a robbery under
15 an event number, and then the next event number may
16 be a traffic collision. And if he wasn't doing
17 automatic retrieval, if he just happened to decide to
18 scan to the next page or back a page, he may run into
19 another report in another file.

20 MR. CHEN: For clarification, let me
21 object. I don't recall that being said in the past.

22 MR. O'TOOLE: It was actually said during
23 Sharon Dean's deposition, and not by you, by the
24 attorney for the criminal --

25 MR. CHEN: Just a point of clarification.

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1 Sharon Dean is not a Metro employee.

2 MR. O'TOOLE:

3 Q. Right. I was just trying to clarify,
4 because I didn't think that was the policy.

5 A. No.

6 Q. I wanted to make sure that my
7 understanding --

8 A. No. Usually if a defense attorney wants
9 something and if it's not just what they could have
10 as a public record, we're subpoenaed, and we make the
11 copies.

12 Q. Have you ever heard of defense lawyers
13 coming over and actually looking through the
14 Metropolitan Police Department files?

15 A. No. Not on a criminal, no.

16 Q. What would happen if the Attorney
17 General's Office were to ask you to retrieve a
18 particular document for them?

19 A. We would retrieve it for the Attorney
20 General's Office.

21 Q. Have you done that before?

22 A. I cannot think of a specific instance, but
23 I'm sure we would.

24 Q. What would happen if the Attorney
25 General's Office called and asked you to provide a

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1 document to the defense?
2 A. I would ask to have it in writing so that
3 I had a signature.
4 Q. Now if you got a letter plus a phone call
5 from a particular Attorney General saying to turn a
6 document over to a Federal Public Defender, would you
7 do that?
8 A. Yes. But I would let Mitch know what we
9 were doing.
10 Q. With the agreement that we had before
11 about continuing the deposition after we've reviewed
12 all these documents more carefully, I think that is
13 the last question I have.
14 MR. COHEN: I don't think I have any
15 follow-up right now.
16 (Thereupon, the deposition
17 adjourned at 1:15 p.m.)
18
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1 CERTIFICATE OF DEPOSITION
2 PAGE LINE CHANGE REASON
3
4
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7
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9
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11
12
13
14
15 *****
16 I, ARLENE C. BALBOVSKY, deponent herein, do
17 hereby certify and declare under penalty of perjury
18 the within and foregoing transcription to be my
19 deposition in said action; that I have read,
20 corrected and do hereby affix my signature to said
21 deposition.
22 ARLENE C. BALBOVSKY
23 Deponent
24
25 Subscribed and sworn to before me this
day of , 1998.

NOTARY PUBLIC

51

REPORTER'S CERTIFICATE

1
2
3 STATE OF NEVADA }
4 COUNTY OF CLARK } ss
5
6 I, Marilyn Waggoner, a duly commissioned
7 Notary Public, Clark County, State of Nevada, do
8 hereby certify:
9 That I reported the taking of the
10 deposition of the witness, Arlene C. Balbovsky,
11 commencing on Monday, December 7, 1998, at the hour
12 of 1:15 p.m.
13 That prior to being examined, the witness
14 was by me duly sworn to testify to the truth, the
15 whole truth, and nothing but the truth.
16 That I thereafter transcribed my said
17 shorthand notes into typewriting and that the
18 typewritten transcript of said deposition is a
19 complete, true and accurate transcription of my said
20 shorthand notes taken down at said time.
21 I further certify that I am not a relative
22 or employee of an attorney or counsel of any of the
23 parties, nor a relative or employee of any attorney
24 or counsel involved in said action, nor a person
25 financially interested in the action.

52

1 IN WITNESS WHEREOF, I have hereunto set my
2 hand and affixed my official seal in my office in the
3 County of Clark, State of Nevada, this day
4 of , 1998.
5
6
7
8
9 Marilyn Waggoner,
10 Not. No. 113

ARLENE C. RALBOVSKY - VOLUME II

THURSDAY, JANUARY 28, 1999

Page 1 to Page 117

**CONDENSED TRANSCRIPT AND CONCORDANCE
PREPARED BY:**

**Laurie Webb & Associates
517 South Ninth Street**

**Las Vegas, NV 89101
Phone: (702) 386-9322
FAX: (702) 386-9825**

ARLENE C. RALBOVSKY - VOLUME II
THURSDAY, JANUARY 28, 1999

NSA

XMAZ(173)

Page 1

(1) DISTRICT COURT
(2) CLARK COUNTY, NEVADA
(3)
(4)
(5) RICHARD HANSENSTROM,
(6) Petitioner,
(7) vs. Case No. C074013
(8) E. K. McDaniel, Warden of
(9) the NEVADA STATE PRISON
(10) at ELI, NEVADA,
(11) Respondent.

(12) DEPOSITION OF ARLENE C. RALBOVSKY
(13) VOLUME II
(14) Taken at the Office of the
(15) Federal Public Defender
(16) 330 South Third Street, Suite 700
(17) Las Vegas, Nevada
(18) On Thursday, January 28, 1999
(19) At 9:34 a.m.
(20)
(21)
(22)
(23)
(24)
(25) Reported by: Lisa A. Fogelbach, C.C.R. No. 288

Page 2

(1) APPEARANCES:
(2) For the Petitioner: TIMOTHY P. O'TOOLE, ESQ.
(3) Assistant Federal Public
(4) Defender
(5) 330 South Third Street
(6) Suite 700
(7) Las Vegas, Nevada 89101
(8) For the LWOP: MITCHELL N. COHEN, ESQ.
(9) Deputy District Attorney
(10) Civil Division
(11) 500 South Grand Parkway
(12) Las Vegas, Nevada 89106
(13) Also present: Elizabeth Moulton, CIA
(14) I N D E X
(15) WITNESS
(16) ARLENE C. RALBOVSKY PAGE
(17) Examination by Mr. O'Toole 3
(18) Examination by Mr. Cohen 110
(19) Further Examination by Mr. O'Toole 112
(20) DEPOSITION EXHIBITS IDENTIFIED
(21) 1 - LWOP Document titled "Chapter 1,
(22) Introduction" 8
(23) 2 - LWOP "Partners with the Community,"
(24) page 193 20
(25) 3 - LWOP "Partners with the Community,"
(26) page 189 31
(27) 4 - Subpoena Duces Tecum for Custodian of
(28) Records, LWOP 32
(29) 5 - LWOP "Partners with the Community,"
(30) pages 366 to 369, and page 189 88
(31) 6 - LWOP "Partners with the Community,"
(32) page 24 59
(33) 7 - LWOP "Partners with the Community,"
(34) pages 190 and 191 64
(35) 8 - LWOP Criminalistics Bureau, Field
(36) Services Section Manual 67
(37) 9 - Detective Bureau Manual 77
(38) 10 - LWOP Evidence Vault Section Manual 94
(39) 11 - Inventory Item Catalog 103
(40) 12 - LWOP Forms Index 104
(41) 13 - Criminal History Sealing Procedures 106

Page 3

(1) Whereupon,
(2) ARLENE C. RALBOVSKY,
(3) having been first duly sworn to testify to the
(4) truth, the whole truth and nothing but the truth,
(5) was examined and testified as follows:
(6)
(7) EXAMINATION
(8) BY MR. O'TOOLE:
(9) Q. Could you state your name for the
(10) record.
(11) A. Arlene C. Ralbovsky, R-a-l-b-o-v-s-k-y.
(12) Q. And just for the record, you've been
(13) deposed previously in this case?
(14) A. That is correct.
(15) Q. And this is a continuation of your prior
(16) deposition?
(17) A. Yes.
(18) Q. And one more time, just for the record,
(19) prior to the deposition today, Mr. Cohen and you
(20) and Miss Moulton and me had a discussion about the
(21) document production that has been made pursuant to
(22) the subpoena in this case; is that correct?
(23) A. Yes.
(24) Q. And we discussed what you, from the
(25) Metropolitan Police Department, had produced; is

Page 4

(1) that correct?
(2) A. Yes.
(3) Q. And what various items had been
(4) withheld?
(5) A. Yes.
(6) Q. Thank you.
(7) And during the course of that discussion, we
(8) agreed that you would provide our office with a
(9) copy of the police access list for the Federal
(10) Public Defender's; is that correct?
(11) A. Yes.
(12) Q. Just to start with an organizational
(13) question, the Metropolitan Police Department is
(14) divided into various divisions; is that correct?
(15) A. Correct.
(16) Q. And one of the divisions is the
(17) Technical Services Division; is that correct?
(18) A. Yes.
(19) Q. What is in the Technical Services
(20) Division?
(21) A. It consists of the Information Services
(22) Bureau, which consists of Information Systems
(23) section, Police Records section, and the
(24) Fingerprint section. Technical Services also
(25) includes Communications, and it includes General

Page 6

- (1) Services. General Services, they do our supplies,
(2) our facilities.
(3) Q. And within the Technical Services
(4) Division, are all the records kept within the
(5) Police Records section?
(6) A. No, because they're not all police
(7) records.
(8) Q. Where else are records kept in the
(9) Technical Services Division?
(10) A. I'm sure that General Services would
(11) keep things like copies of bills, copies of
(12) payments, copies of work orders, copies of
(13) supplies, copies of inventory.
(14) Q. Is there anywhere else within the
(15) Technical Services Division that they would keep
(16) records?
(17) A. Communications, they have their computer
(18) tapes. Their general office files, attendance,
(19) that type of thing.
(20) Fingerprint would have, I believe, I'm not
(21) positive, the fingerprint cards, some work
(22) application information, convicted person
(23) registration.
(24) Q. What about the computer systems
(25) management, is that a bureau or a division?

Page 6

- (1) A. Information Services System, those are
(2) our computer people. They take care of the
(3) hardware, software, and also there's some data
(4) entry.
(5) Q. Would they keep their own records as far
(6) as those items?
(7) A. Computer tapes, that kind of thing, yes.
(8) Q. What about paper that they generate,
(9) where would that go?
(10) A. They have some records that they keep
(11) that aren't per se police arrest records. What
(12) they would process that would be a police record
(13) would end up up in my area. I'm talking about
(14) booking vouchers. They get a copy of the booking
(15) vouchers, they data the information, data enter it
(16) into SCOPE and send the voucher up to Police
(17) Records for filing.
(18) Q. So some items that they generate would
(19) stay within their section and then other items
(20) would be sent to Police Records?
(21) A. They're just their own general office,
(22) attendance, supply orders, that type of thing.
(23) Q. Okay. Moving on to the Investigative
(24) Services Division, let's go through the various
(25) bureaus there. There's the Detective Bureau; is

Page 7

- (1) that correct?
(2) A. Yes.
(3) Q. And then the Informants Bureau?
(4) A. I don't know of an Informants Bureau. I
(5) know we have Vice and Narcotics. I really couldn't
(6) tell you exactly unless I had the department phone
(7) book, just to name them offhand.
(8) Q. Okay.
(9) A. Juvenile, Juvenile Bureau would be in
(10) there.
(11) Q. What about Secret Witness Bureau?
(12) A. I'm not - I believe Secret Witness is
(13) with the Investigative Services. I'm not positive.
(14) Q. Okay. And as far as the Investigative
(15) Services Division, what records would be kept,
(16) where would the records generated by that division
(17) be kept?
(18) A. We receive most of them, sometimes they
(19) will keep - if they're working on a case, they
(20) usually have copies, and when they're done with
(21) their copies, they send them to Police Records and
(22) we double-check and make sure they're not
(23) duplicates. We usually end up filing the
(24) duplicates anyway, just to be sure.
(25) Q. And then as far as the Informants

Page 8

- (1) Bureau, do you ever get records from them?
(2) A. I don't think there is an Informants
(3) Bureau. I think each of the investigative units,
(4) some of the investigators may have informants, some
(5) of the detectives.
(6) Q. But there's no particular bureau,
(7) per se?
(8) A. No, not a specific one for that, no.
(9) Q. And what about Secret Witness records,
(10) would those come to the Police Records?
(11) A. I don't know of any that ever have, and
(12) I'm really not familiar with what they would keep.
(13) Q. What about the Patrol Division, do you
(14) get records from the Patrol Division?
(15) A. What they originate as far as taking an
(16) incident crime report or a voluntary statement,
(17) that is all forwarded to Police Records. They
(18) would just keep like who worked on certain squad
(19) attendance, that type of thing, but anything that
(20) would have to do with crime or incident reports
(21) goes to Police Records.
(22) Q. What about for the Special Operations
(23) Division, the same thing?
(24) A. We do receive the work referral slips.
(25) Their actual investigative papers, they maintain

Page 9

- (1) them in their office. We may microfilm them for
(2) them, but they maintain them in their office.
(3) Q. So they maintain their own records in
(4) the Special Operations Division, other than what
(5) you microfilm?
(6) A. Yeah.
(7) MR. O'TOOLE: I'm going to show you
(8) Exhibit 1, which is part of the Metropolitan Police
(9) Department Records Section Procedures Manual.
(10) (Whereupon, Deposition Exhibit 1
(11) was marked for identification and
(12) is attached to the original
(13) transcript of this deposition.)
(14) MR. O'TOOLE:
(15) Q. Are you familiar with the Records
(16) Section Procedures Manual?
(17) A. Yes.
(18) Q. I'm showing you page 1, which is stamped
(19) on our copy with a page number 625. The Central
(20) Records Detail, it shows the Central Records
(21) Detail --
(22) A. Yes.
(23) Q. -- and the Microfilm Detail. Can you
(24) describe what those two details do?
(25) A. We call police -- we call it Central

Page 10

- (1) Records in that we do have a detail, a group of
(2) people that do microfilm work. They merely film
(3) records when they are ready to be filmed. They
(4) develop the film. They verify the film against the
(5) original document. They are part of records, but
(6) they're just a separate detail.
(7) Q. And Central Records Detail, what would
(8) that be?
(9) A. That includes the front counter, it
(10) includes doing Teletypes. It includes transcribing
(11) reports, telephone reports, citizens' reports. It
(12) includes our Wanted Vehicle System, processing
(13) arrest packages.
(14) Q. And is Central Records Detail
(15) responsible for the files contained in the Police
(16) Records section?
(17) A. Yes.
(18) Q. How many employees are in the Police
(19) Records section, approximately?
(20) A. I have 120. Now, two of those people
(21) include the deputy chief and his secretary.
(22) Q. And are you in charge of all 120?
(23) A. I'm not in charge of the chief or his
(24) secretary, but --
(25) Q. But everyone else?

Page 11

- (1) A. Everyone else.
(2) Q. And just in general, what types of
(3) employees do you have, what are the basic job
(4) descriptions, just in general?
(5) A. Clerical, but on a high technical level.
(6) Q. All of the jobs, is that all 120 of the
(7) jobs?
(8) A. Just about, yes. Most people are
(9) trained in several job areas.
(10) Q. What would those be?
(11) A. Teletype Detail, which includes NCIC,
(12) what we call NLETS, National Law Enforcement
(13) Teletype System. That's all broken down in the
(14) procedural manual, the different job areas.
(15) Front counter includes public inquiry,
(16) officers, anybody involved in law enforcement,
(17) attorneys coming up to the front counter making
(18) requests. They also handle telephone inquiries.
(19) They provide reports, do research. We have
(20) technicians scheduled every day to do incident
(21) crime reports for citizens that just walk into the
(22) station and say I'm the victim of a robbery. We
(23) take the report.
(24) We transcribe arrest reports and officers'
(25) reports through our dictation system. We take a

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- (1) certain group of reports over the telephone.
(2) Again, you know, we do the Teletypes. We enter
(3) stolen material, missing people. We clear and
(4) cancel those records when necessary.
(5) Our Wanted Vehicles System includes data
(6) entry of stolen vehicle information on a local
(7) level. It's a local system. It includes recovery
(8) information, it includes all police impounds, and
(9) at one time it did include private impounds, but
(10) now we merely keep those. We keep index cards,
(11) which we do manually.
(12) We enter traffic accident reports. We have a
(13) procedure where we make copies for Carson City for
(14) the state, we send a copy to City Traffic
(15) Engineering and County Traffic Engineering so they
(16) can analyze where they need stop signs, traffic
(17) lights, et cetera.
(18) We do background checks for employment and
(19) for housing and we do insurance requests. In other
(20) words, we receive requests from insurance companies
(21) requesting incident reports where their clients
(22) have become victims, whether it's a traffic
(23) accident, robbery, burglary.
(24) Then we have the admin desk where we process
(25) the arrest report packages to ensure that the

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- (1) detectives and that the court have the complete
(2) arrest package for prosecution.
(3) Q. Let me go back to the last thing that
(4) you mentioned. Who does exactly what as far as
(5) ensuring that the Police Records has all of the
(6) records concerning a particular arrest or
(7) concerning a particular event?
(8) A. Well, when an officer makes an arrest,
(9) there is a case screening form, and on that form he
(10) lets us know which reports he has taken, so we know
(11) what should be there. When an officer makes an
(12) arrest and he turns in an arrest package, it is
(13) approved by his supervisor.
(14) Q. And so the officer's supervisor in the
(15) particular division would determine what gets sent
(16) to the Police Records?
(17) A. No, they have to send everything, but
(18) they would make sure that the officer, everything
(19) was completed, that everything he said was in the
(20) package was there.
(21) Q. Have you had -
(22) A. And they approve it, they have - they
(23) sign their name to it.
(24) Q. Have you had situations where not
(25) everything comes over?

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- (1) A. We have had situations where an officer
(2) said maybe there was a property report and there
(3) wasn't.
(4) Q. What about things like notes in their
(5) files?
(6) A. We rarely would day to day, we rarely,
(7) rarely ever have notes. Those are more with
(8) detectives, with investigators. If they have
(9) anything particular, if someone's a robbery victim
(10) and there's certain circumstances that need to be
(11) elaborated, they will do an officer's report, and
(12) that's included in the file.
(13) Q. But as far as the notes go, are those
(14) routinely sent over to Records?
(15) A. No.
(16) Q. Or go away?
(17) A. I think they just go away.
(18) Q. They could still be over in the
(19) detective's desk, but there's just no procedure for
(20) that?
(21) A. Correct, if it's a detective. Now, if
(22) this is coming from patrol, most likely there will
(23) not be notes. With the detective, they may have
(24) little sticky notes for that and those are kept and
(25) those are filmed.

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- (1) Q. Those are filmed by the Records section?
(2) A. Microfilm, sure. It's not often that
(3) there's anything, I mean that there are notes.
(4) Q. Does anyone go back to ask the officers
(5) do you have notes that you wanted to send over?
(6) A. No.
(7) Q. Or how do they get over?
(8) A. They just forward them to Police
(9) Records.
(10) Q. Let me go back really quickly. There's
(11) the Microfilm Detail?
(12) A. Uh-huh.
(13) Q. What happens once a document is
(14) microfilmed?
(15) A. After it is microfilmed, it is - each
(16) original document is verified against the film,
(17) each film image, to verify that it has been filmed
(18) correctly and that it is legible. And then it is
(19) kept for approximately three to four months and
(20) then it is shredded under a controlled environment.
(21) Q. Is there a certificate of destruction?
(22) A. Yes, there is a certificate.
(23) Q. And where would those certificates be
(24) kept?
(25) A. They are kept by the microfilm

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- (1) supervisor.
(2) Q. So there's an actual file containing the
(3) certificates of destruction for the records that
(4) have been microfilmed?
(5) A. They do not list every single piece of
(6) paper, that would be impossible. We go through
(7) millions, millions.
(8) Q. So the certificate of destruction would
(9) generally just say that this particular file had
(10) been destroyed?
(11) A. It would say that a group of event files
(12) were destroyed on a certain date.
(13) Q. And it would have the name of the event
(14) or would it just have the number?
(15) A. No, there are so many, it just -
(16) there's - it just would be impossible to do. It
(17) may say, you know, like from 0001 to 02000, but
(18) it's not going to list each separate one.
(19) Q. So it wouldn't list the event number
(20) separately, but it would just list a series?
(21) A. It may list a series, yes.
(22) Q. Would those be input into the computer?
(23) A. They're just kept just as - just to
(24) show that, you know, documents are being destroyed
(25) and

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- (1) Q. So if you had a case where you had
(2) destroyed the documents and you had the event
(3) number -
(4) A. Uh-huh.
(5) Q. - how would you find out that the
(6) documents had been destroyed?
(7) A. If it were on film, we would know the
(8) documents had been destroyed. Once it is filmed,
(9) we don't keep them, we just don't have the room.
(10) Q. Okay. One of the duties I think you
(11) testified previously, Police Records is to respond
(12) to subpoenas; is that correct?
(13) A. Yes.
(14) Q. What exactly happens when a subpoena
(15) comes into Police Records, who would receive it?
(16) A. I would receive it. I make sure that it
(17) is for me, because sometimes they will ask for
(18) something that does not belong to me. It may be
(19) all the 911 calls or something like that, but if it
(20) is for arrest documents, it usually comes to me,
(21) and we run the subject's name that they want the
(22) information on through various computer systems
(23) and -
(24) Q. Let me stop you right there. When you
(25) say "we," who physically would be running this?

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- (1) A. When I say "we," sometimes I run it.
(2) Usually my clerical assistant does the research.
(3) Q. And how many people do you have who
(4) respond to subpoenas in the Records section?
(5) A. Actually, the subpoenas are usually
(6) addressed to me or Custodian of Records. I have
(7) one person who helps me with them. If we have a -
(8) just happen to have an unusual number, I have a
(9) supervisor that will additionally help retrieve
(10) documents, but I go through them as they are signed
(11) to make sure that everything's there and
(12) everything's in order.
(13) Q. And do you routinely notify the district
(14) attorney's office that you've gotten a subpoena?
(15) A. Only if I have a question or if there's
(16) a problem or if I have or I believe that we need to
(17) file an objection.
(18) If it's like a sexual assault or if it's for
(19) juvenile information, sometimes we'll get a
(20) subpoena from out of state and they'll just send it
(21) through the mail or think they can fax it, and it's
(22) not really proper service.
(23) Q. So once you get the subpoena and you
(24) determine that it's properly sent to Police
(25) Records, what would you do in order to go look for

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- (1) the records that are sought in the subpoena?
(2) A. The very first thing we do is we run the
(3) name in what we call SCOPE. If there's anything in
(4) SCOPE, we make a printout of the screen. We work
(5) from there. We also check RMS and we check
(6) Law RMS, they have two computer systems.
(7) Q. What's RMS?
(8) A. It stands for Records Management System,
(9) and Law RMS is simply an upgrade of that system, a
(10) new version, and then we also check to see if
(11) there's any backup, any - not backup, but any
(12) update information that comes in just in the hard
(13) copy files, which we keep by date and number.
(14) Q. Now, what divisions would you go to, or
(15) what various bureaus would you go to to make sure
(16) that you had all the information that was being
(17) sought?
(18) A. Usually it's strictly within Records.
(19) Anytime it's a homicide, we always check with
(20) Homicide, always, no matter what, just to make sure
(21) that we have everything. And it's just to - we
(22) always check with the investigator, because the
(23) subpoena could be for a civil, and if the criminal
(24) is still open, we don't want to jeopardize the
(25) criminal.

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- (1) Q. That brings me to another question. I
(2) notice in one of the manuals that you gave us -
(3) Let me go off the record to mark this
(4) exhibit.
(5) (Whereupon, Deposition Exhibit 2
(6) was marked for identification and
(7) is attached to the original
(8) transcript of this deposition.)
(9) MR. O'TOOLE:
(10) Q. I'm showing you now Exhibit 2.
(11) A. Yes.
(12) Q. And this contains a balancing test, is
(13) what it's called in the document, to determine
(14) whether or not you can release information
(15) pertaining to a criminal proceeding.
(16) A. That's with an officer's report. If
(17) you're looking under where it says "Procedure, All
(18) requests for copies of investigative reports," I
(19) consider an investigative report an officer's
(20) report.
(21) Q. As far as this balancing test goes, who
(22) applies this balancing test within Metro?
(23) A. What they're talking about balancing
(24) tests, someone can come in and get a copy of their
(25) robbery report, but let's say that the detective

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- (1) who is working on the investigation thinks that
(2) maybe something's a little hinky with the victim,
(3) that maybe this is a phony report, and he may do an
(4) officer's report.
(5) Well, we're not -- if the person comes in,
(6) they want a copy of their incident report, we will
(7) give it to them, but we're not going to give them
(8) the officer's report. But if by some chance they
(9) found out an officer did do something, type a
(10) follow-up, they can do one of two things: They can
(11) subpoena, or we have a form which we will attach to
(12) a copy of the arrest report and send it up to the
(13) investigator, and it has to meet certain criteria.
(14) And if it meets that criteria, the
(15) investigator will decide if we can go ahead and
(16) release the officer's reports. Sometimes we can,
(17) because it's just basically -- it doesn't implicate
(18) anybody, it's just additional statement of
(19) information.
(20) Q. So that would be a situation where
(21) releasing that officer's report to the person who
(22) had come in might jeopardize the investigation
(23) because the officer had started to suspect --
(24) A. Yes.
(25) Q. -- the person who had filed the report?

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- (1) A. Uh-huh.
(2) Q. And who would be deciding that this
(3) would be the type of --
(4) A. We send it to the investigative unit and
(5) it's usually decided by a sergeant or lieutenant.
(6) Q. At the investigative unit?
(7) A. Yes. They send it back to me letting me
(8) know if it's okay to give it out or not, and that
(9) takes the responsibility off of me so that I don't
(10) jeopardize any type of investigation.
(11) Q. So a sergeant or lieutenant --
(12) A. Uh-huh.
(13) Q. -- would apply the balancing test, and
(14) they'd probably be alerted to it by you that
(15) someone had made such a request?
(16) A. No. We -- the cover sheet says who's
(17) requesting it, and we send a copy of the officer's
(18) report, the report the person's interested in, or
(19) the investigator can read it. We make it
(20) convenient for him. It's handy. It's right
(21) there. He looks at it and says, Yeah, I don't have
(22) a problem with this going to that person.
(23) Q. Okay. Now, as far as responding to a
(24) subpoena, you talked about documents that are under
(25) your hand. Which documents would you consider to

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- (1) be under your hand?
(2) A. Under my hand, whatever is in Police
(3) Records, whatever is in our files.
(4) Q. Okay. And anything that's not within
(5) the Police Records files is not something that you
(6) would be looking for in response to a subpoena?
(7) A. Correct, unless it was like a homicide,
(8) and then I would call Homicide, they would send
(9) over or I would pick up the binder, and then it
(10) would be under my hand and I would make copies and
(11) return it back to them.
(12) Q. So with regard to Homicide, you'd
(13) actually go and check with Homicide to make sure
(14) that there aren't any records that they have?
(15) A. I have to call anyway just to ask if I
(16) can pick it up or send it over because I have a
(17) subpoena.
(18) Q. And have you normally had situations
(19) where Homicide would have records that didn't make
(20) it over to Police Records until you called?
(21) A. Yes, yes.
(22) Q. How does that work?
(23) A. They may have had a witness come in and
(24) have taken a statement over in the Detective Bureau
(25) and it was just transcribed or recently

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- (1) transcribed, and then they'll send it over to us
(2) eventually, but they may not do it immediately
(3) because they want to review it.
(4) Q. Who decides from the Detective Bureau
(5) what gets sent to Police Records?
(6) A. I don't know. They know that we are
(7) supposed to be the keeper of the records and we
(8) always work with them. I mean we know that if we
(9) don't have it, that Homicide has it. We know where
(10) to get it from.
(11) Q. But there's someone in Homicide, or
(12) maybe more than one person in Homicide, who decides
(13) what Homicide will send and what the Detective
(14) Bureau will send?
(15) A. Not necessarily. I think it's the
(16) individual investigator. They have their binder,
(17) their workbook, and they just may not think to send
(18) a witness statement to us, but it's in the binder.
(19) It's there.
(20) Q. Does everything that they generate make
(21) it into the binders?
(22) A. Yes, I would say it does.
(23) Q. Including like personal notes?
(24) A. Yes. To the best of my knowledge, yes.
(25) Q. Is there a policy on that?

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- (1) A. I don't know. Notes, notes are
(2) records. To me, notes are records.
(3) Q. To you is everything generated in the
(4) course of an investigation a record?
(5) A. Yes. A phone call, phone slips are
(6) records.
(7) Q. Now, we talked earlier about records
(8) that are stored in the various division units and
(9) bureaus. Are there any criteria for determining
(10) what's stored in the individual unit or bureau and
(11) what's stored in Police Records?
(12) A. It specifies exactly in the department
(13) manual. Like with fatal traffic accidents, that
(14) sometimes they have the original package there
(15) until -- we will have copies of everything, but
(16) they'll have the originals until they're finished
(17) with the investigation, they have all the original
(18) signatures on there, and then it comes to us.
(19) That's one of the units.
(20) Q. And you said that all of the documents
(21) are provided for in the manual as to where they'll
(22) be stored and who will get them; is that correct?
(23) A. It talks about -- about Police Records
(24) and about the exceptions of which investigative
(25) units, you know, who -- which ones can keep their

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- (1) reports for a certain amount of time or do keep
(2) their reports.
(3) Q. Now, is there anyone in the Police
(4) Records files whose job it is to go through and
(5) review the records of the other bureaus and
(6) divisions and units to make sure that all the
(7) records that are supposed to be going to Police
(8) Records are actually getting there?
(9) A. No one has actually gone to the other
(10) areas and looked through all their records. I keep
(11) the retention schedule for the department when I do
(12) a records inventory, then I would do something like
(13) that.
(14) Q. Has there ever been a systematic check
(15) to make sure that everything is getting to Records?
(16) A. Not a formal inspection, no.
(17) Q. Have you had situations where you found
(18) documents in other divisions or bureaus that should
(19) have made their way to Records?
(20) A. Sometimes with Vice and Narcotics we may
(21) not get some of their -- they will have some of the
(22) original documents and we may not get them for
(23) maybe two or three years, but then we will get
(24) them, but that's standard, we realize that's
(25) standard.

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- (1) Q. And you stated that with Homicide
(2) sometimes you have to go over there to make sure
(3) that everything is coming over?
(4) A. No, we just -- we always get their file
(5) because we know that they have the most complete.
(6) They have the notes in it, they will have their
(7) newspaper clippings, and, like I say, if they have
(8) a witness statement that wasn't quite ready to be
(9) sent over, that's why we check with Homicide, to
(10) make sure we have all our bases covered, that we
(11) have everything, especially if it's an open file,
(12) it's not a closed case, you know, they're still
(13) working on it and they want to refer to their
(14) telephone notes and that.
(15) Q. And as far as an open file, I think we
(16) talked about this the last time, but a case remains
(17) open until when?
(18) A. Until it's solved.
(19) Q. Once there's a conviction, is that a
(20) closed file?
(21) A. Yes.
(22) Q. So just for example, the Haberstroh
(23) case, would that be considered a closed file?
(24) A. Yes, because there's a conviction, but
(25) we still keep the -- even though we may microfilm,

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- (1) usually on homicides we still keep the hard copy in
(2) instances like this, because it makes it so much
(3) easier. You just get better copies from the
(4) original than you would from microfilm, and it is
(5) just so labor intensive to be making copies of the
(6) film of each document.
(7) Q. Now, in the Haberstroh case, did you go
(8) back over to Homicide to get the Homicide file in
(9) response to our subpoena?
(10) A. It was delivered to us, I believe.
(11) Q. Were there documents in the Homicide
(12) file that were not in the Records files?
(13) A. Photographs, I think some newspaper
(14) articles. I believe that we had just about
(15) everything except like photos. Even if we
(16) microfilm photos, they don't come out very well.
(17) They keep the original photos and then the photo
(18) lab has the negatives. But on that, everything
(19) that they had is what we should have had on
(20) microfilm. It should be absolutely complete.
(21) Q. What about, say, Secret Witness files on
(22) the Haberstroh case?
(23) A. I am not aware of any Secret Witness
(24) files. There may have been some in there, but I
(25) don't recall. I don't recall.

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- (1) Q. There was an Informant, and I'm not sure
(2) if you're aware of this, in the Haberstroh case
(3) named George Dungee who had originally gone through
(4) Secret Witness and testified at trial and actually
(5) was paid by Secret Witness. Now, records
(6) pertaining to the payments, would those be kept in
(7) Police Records?
(8) A. Not that I know of. I don't recall ever
(9) seeing them. They might be in certain files, but
(10) I—I don't think so. I think they keep that
(11) separate.
(12) Q. So to your knowledge, has the Secret
(13) Witness file in this case ever been reviewed?
(14) A. To the best of my knowledge, no. I
(15) don't know. I just don't know.
(16) MR. COHEN: To clarify, I think her
(17) previous testimony, she didn't know if there was a
(18) Secret Witness file.
(19) THE WITNESS: Yes.
(20) MR. COHEN: Just to clarify, she has no
(21) knowledge of the file reviewing this case, assuming
(22) there is a file.
(23) THE WITNESS: I have no knowledge.
(24) MR. OTOOLE:
(25) Q. Now, in the Homicide file, if we

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- (1) received only documents that were typed, only typed
(2) reports, is it conceivable that that would be the
(3) entire file, the entire Homicide file?
(4) A. All typed.
(5) Q. So no notes?
(6) A. I don't—it was so long ago when we
(7) put this together, it's very difficult to remember
(8) exactly if there were any handwritten statements or
(9) anything like that. Usually, if there's a
(10) typewritten statement, it was transcribed from a
(11) tape, from a cassette tape. I don't keep those
(12) cassette tapes.
(13) Q. But what about the handwritten notes
(14) that would be transcribed or would then be
(15) transformed into a report, would those be kept?
(16) A. I've never seen a collection of
(17) handwritten notes that were—I've never seen a
(18) report and then a collection of handwritten notes
(19) that were used to make that report. I would have
(20) to go totally through those notes and compare and
(21) come to a conclusion that that's how that
(22) investigator, or that officer, made that officer's
(23) report, from those notes.
(24) Q. So normally you would just keep the
(25) notes?

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- (1) A. Sure.
(2) Q. What about the tapes, what happens? You
(3) said you don't have them. Where are the tapes?
(4) A. I do not know if they keep them over in
(5) Homicide or if they put them into evidence. I have
(6) no idea. They may, for all I know, they may review
(7) them after the transcription is done and the person
(8) signs the report.
(9) Q. And that would be up to the particular
(10) bureau, so to say the Detective Bureau could
(11) make—
(12) A. I just don't know what the Investigative
(13) Services Division—I just am not aware of what
(14) they would do with their tapes. I have no
(15) facility, I have no way of keeping tapes.
(16) (Whereupon, Deposition Exhibit 3
(17) was marked for identification and
(18) is attached to the original
(19) transcript of this deposition.)
(20) MR. OTOOLE: All right.
(21) Q. I'm showing you a document which has
(22) been marked as Exhibit 3. Are you familiar with
(23) this document?
(24) A. This is page 358 of the department
(25) manual. You have it marked here page 499.

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- (1) Q. That's correct.
(2) A. Yeah.
(3) Q. Near the bottom of the page it says "The
(4) Criminalistics Bureau will be responsible for
(5) providing the diagram," and it's talking about
(6) crime scene diagrams. Do you see that?
(7) A. Uh-huh.
(8) Q. Does that mean that the crime scene
(9) diagrams are kept within the Criminalistics Bureau
(10) itself?
(11) A. They're kept in the Homicide file. Once
(12) they're done, I believe they're kept in the
(13) Homicide file.
(14) Q. So that Criminalistics does not
(15) contain—does not possess the crime scene
(16) diagrams?
(17) A. I don't know if they would have a copy
(18) of it, but usually the crime scene diagram, I
(19) usually see them in the Homicide file.
(20) Q. Do you know whether you get the Homicide
(21) file or they send it to Police Records as well?
(22) A. Both, both.
(23) MR. OTOOLE: Okay. Now, we stated
(24) earlier that we had talked about what types of
(25) documents had been produced in response to our

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(1) subpoena, and let's just kind of go through exactly
(2) what was produced, and I'm showing you
(3) Exhibit 4.
(4) (Whereupon, Deposition Exhibit 4
(5) was marked for identification and
(6) is attached to the original
(7) transcript of this deposition.)
(8) MR. O'TOOLE:
(9) Q. Are you familiar with this subpoena?
(10) A. Yes, I am.
(11) Q. Let's go through item by item -- and I
(12) apologize, because I know there are a lot of
(13) them -- and just have you explain what you produced
(14) in response to each of these requests.
(15) A. Yes, okay.
(16) Q. For number one, which is basically all
(17) reports and other documents pertaining to
(18) Mr. Savage-Gavillet that were not produced on
(19) July 31st, 1998 to the federal public defender,
(20) what in general did you produce that was responsive
(21) to this request?
(22) A. We produced their complete ID files and
(23) we produced any other report that was linked to
(24) their name, any incident crime report, whether it
(25) had to do with this case or not.

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(1) Q. So to the best of your knowledge, every
(2) piece of paper within the Police Records section
(3) pertaining to Mr. Gavillet has been produced?
(4) A. Absolutely.
(5) Q. And let me go through it. To the best
(6) of your knowledge, every document contained within
(7) the Homicide section pertaining to Mr. Gavillet has
(8) been produced?
(9) A. Yes.
(10) Q. To the best of your knowledge, every
(11) document contained within the Criminalistics Bureau
(12) pertaining to Mr. Savage-Gavillet has been
(13) produced?
(14) A. Yes. I mean to the best of my
(15) knowledge.
(16) MR. COHEN: Yeah, I don't know what
(17) particular inquiries you made where you might want
(18) to lay some foundation.
(19) MR. O'TOOLE:
(20) Q. What inquiries were made to ensure that
(21) all documents possessed by Metro had been produced
(22) pertaining to Mr. Savage-Gavillet?
(23) A. They would have to be their ID files and
(24) the Homicide files. They should be complete.
(25) Criminalistics should not be holding back any

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(1) diagrams or anything like that. They may have a
(2) copy that I don't know, but that should all be with
(3) the Homicide file.
(4) Q. So if you were looking for any
(5) information within the Metropolitan Police
(6) Department pertaining to Mr. Savage-Gavillet that
(7) had not yet been produced, where would you look?
(8) A. That had not been -- after this amount
(9) of time? We should have it all.
(10) Q. Does that include Secret Witness?
(11) A. I have never seen Secret Witness, I do
(12) not recall seeing any Secret Witness records.
(13) Q. Does that include any documents from the
(14) Informants Bureau?
(15) A. We do not have an Informants. As far as
(16) anything from informants, if they took a statement
(17) from an informant, it would probably be in that
(18) Homicide file. I just don't recall every single
(19) document and every single statement or witness
(20) statement that was in there.
(21) Q. Well, if you were me, in looking for
(22) documents pertaining to Mr. Savage-Gavillet, is
(23) there anywhere else within the Las Vegas
(24) Metropolitan Police Department that you would
(25) look?

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(1) MR. COHEN: I'm going to object just
(2) because it's so broad. I don't know that she can
(3) effectively answer that, any scratch of paper
(4) related to Savage-Gavillet. We're a pretty big
(5) organization. We can make our best efforts.
(6) THE WITNESS: I check strictly my
(7) records, which is physically in Police Records and
(8) Homicide. I just have never contacted Secret
(9) Witness to say I need your files. If I received a
(10) subpoena that said Secret Witness files, I would
(11) tell them they need to subpoena Secret Witness.
(12) MR. O'TOOLE:
(13) Q. But you have contacted Homicide?
(14) A. Yes, absolutely.
(15) Q. And does that include the Detective, the
(16) entire Detective Bureau?
(17) A. Not the entire, it includes the
(18) Homicide.
(19) Q. Is there some difference between how
(20) records are kept in Homicide and how records are
(21) kept for the Detective Bureau?
(22) A. Other than homicides are very involved
(23) files and they keep them in binders because they're
(24) so large and they keep so much information because
(25) it's so important. It's a little bit different

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- (1) than a vandalism or a home burglary.
(2) Q. Would the General Detective Bureau have
(3) any information on a homicide that the Homicide
(4) unit did not?
(5) A. No.
(6) Q. Is there anywhere else besides Secret
(7) Witness that would normally, or may have
(8) information on Mr. Savage-Gavillet within the
(9) Investigative Services Division that has not been
(10) checked for records?
(11) A. Not to my knowledge.
(12) Q. Okay. Let's go to entry number two,
(13) which asks for copies of the Las Vegas Metropolitan
(14) Police Department policy or guidelines.
(15) Now, we spoke earlier off the record about an
(16) agreement that we had reached after the last
(17) deposition where we agreed that you would basically
(18) just produce various manuals in response to that.
(19) A. Yes.
(20) Q. Is that correct?
(21) A. Yes.
(22) Q. And which manuals were produced?
(23) A. I produced the department manual. I've
(24) produced the Police Records section manual. I
(25) produced the State of Nevada Guide for Retention,

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- (1) and I also provided the LVMPD, the department's
(2) current retention schedule.
(3) Q. And that's the information that you
(4) provided responsive to question two --
(5) A. Yes.
(6) Q. -- In compliance with our agreement?
(7) MR. COHEN: If I could just interpose.
(8) Did you provide any other manuals that would
(9) be covered under section two pursuant to our
(10) off-the-record discussions at the last deposition?
(11) THE WITNESS: In some of the other
(12) manuals that were provided by Communications and
(13) Fingerprint, I don't know if they have anything in
(14) there. I mean I didn't.
(15) MR. COHEN: But other manuals have been
(16) provided?
(17) THE WITNESS: Yes.
(18) MR. COHEN: Do you recall what those
(19) were?
(20) THE WITNESS: Oh, the other manuals?
(21) MR. COHEN: Uh-huh.
(22) THE WITNESS: The one from
(23) Criminalistics, Communications, Evidence Vault,
(24) Investigative Services, which includes Homicide,
(25) Fingerprint. I know the Criminalistics included

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- (1) the photo lab. I hope that's all of them. That's
(2) all that's coming to mind right now.
(3) MR. COHEN: Okay. Any Communications
(4) provided?
(5) THE WITNESS: Yes, Communications.
(6) MR. O'TOOLE:
(7) Q. And those were the documents that you
(8) provided in response to question three as well,
(9) would that be correct?
(10) A. Yes.
(11) Q. Now, I had a question about
(12) Investigative Services. Is there an Investigative
(13) Services manual?
(14) A. One was provided, Investigative Services
(15) Detective Bureau.
(16) Q. So the Detective --
(17) A. And Homicide would be under that.
(18) Q. The Detective Bureau manual would be the
(19) same manual for Investigative Services?
(20) A. Yeah.
(21) Q. And that would also contain the Homicide
(22) manual; is that correct?
(23) A. That's what Homicide goes by. I don't
(24) believe they have a specific manual. They just go
(25) by the one for their bureau.

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- (1) Q. Now, with regard to entry number three?
(2) A. Okay.
(3) Q. Would the answer be the same, that you
(4) provided the manuals?
(5) A. Yes. You have the retention schedules.
(6) Q. And would the answer to question number
(7) four be the same?
(8) A. We provided -- we referred to the LVMPD
(9) department manual, which was provided, and also you
(10) have the manual from the Evidence Vault.
(11) Q. What about question five?
(12) A. As far as the policy for the release of
(13) juvenile records, there is a section in the Police
(14) Records section manual, and then also in the
(15) department manual, the LVMPD manual.
(16) Q. What about entry number six, which would
(17) be the policy and guidelines for the disposition of
(18) seized property?
(19) A. That would be in the department manual,
(20) and when I refer to "department," I mean Las Vegas
(21) Metropolitan Police Department manual that each
(22) employee has.
(23) Q. What about entry number seven, which is
(24) the procedures for processing crime scenes?
(25) A. Those would all be in the manuals that

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- (1) were provided.
(2) Q. What about number eight, information
(3) pertaining to Secret Witness or informants?
(4) A. If there's anything in the department
(5) manual concerning Secret Witness, that would be the
(6) only thing that I was aware of. As far as Secret
(7) Witness having a separate manual or maintenance of
(8) their records, I am not aware of that.
(9) Q. What about number nine, pertaining to
(10) all forms?
(11) A. We gave a list of all our forms. Since
(12) we have so many, probably several hundred, I
(13) provided Mitch with the list of the forms.
(14) Q. What about entry number 10, which is the
(15) procedures for entry, validation, and sealing of
(16) criminal information?
(17) A. We did provide the sealing procedure.
(18) MR. OTOOLE: And as far as entry, I
(19) believe that we discussed off the record that an
(20) objection had been imposed to the information for
(21) entering criminal history records and we had agreed
(22) that we are not going to have any problem with that
(23) objection.
(24) MR. COHEN: Just on the record, for
(25) security reasons we didn't want to let out how you

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- (1) enter or alter criminal history information.
(2) MR. OTOOLE: And we think that's a
(3) perfectly reasonable objection.
(4) Q. Number 11, which would be copies of the
(5) procedure and guidelines for the filing and
(6) retention of incident arrest and traffic reports?
(7) A. That was provided.
(8) Q. Which documents were they?
(9) A. That would be in the Police Records
(10) section manual and also the LVMPD manual.
(11) Q. Entry number 12, which is copies of all
(12) Records Police Access Lists, the Records Retention
(13) Schedules and the master listing for records
(14) retention for the years 1986 to 1988.
(15) A. I think it was agreed that I would
(16) provide you with a copy of the index card that we
(17) would refer to as far as what the public defender
(18) would receive by just coming up to the counter.
(19) Q. And then the Records Retention Schedule
(20) we did receive; is that correct?
(21) A. Yes, you did.
(22) Q. Copies of all policies and procedures
(23) for what types of records, documents and evidence
(24) are released to various entities of criminal
(25) justice, law enforcement, defense attorneys,

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- (1) et cetera. What was provided pursuant to that
(2) entry?
(3) A. Usually in a lot of this, as far as
(4) defense attorneys and that, we go by NRS if we ever
(5) have a question. Usually we do receive a
(6) subpoena. Criminal justice agencies receive law
(7) enforcement. They receive anything and everything,
(8) basically.
(9) The subject, let's see. If it's a person
(10) themselves, they receive their arrest report. They
(11) receive their booking voucher, they receive their
(12) blood analysis. They don't get investigative
(13) reports unless it's done through subpoena or
(14) through the -- we send the copy of the
(15) investigative report, remember, with that cover
(16) sheet, see if the investigator wants to release
(17) it. The balancing act, that's from -- when they
(18) say balancing act, they're talking Donrey versus
(19) Bradshaw.
(20) Q. With regard to entry number 14, what was
(21) produced?
(22) A. On microfilm, that would be in the
(23) Records section procedural manual, and then also on
(24) the retention schedule it says what can be
(25) microfilmed and how long it has to be retained.

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- (1) Q. With regard to entry number 15
(2) concerning fingerprint records, crime analysis and
(3) graphic design documents, what types of policies --
(4) A. We have the Fingerprint manual, also the
(5) manual from the -- I don't believe crime analysis,
(6) if you're talking Criminalistics, you've received
(7) the manual from the crime lab.
(8) Crime analysis, they do computer work, and
(9) there isn't a manual, per se, they just run
(10) computer programs to obtain certain information
(11) such as how many robberies occurred at a certain
(12) location within the past five years.
(13) Graphic design, he does not have a manual.
(14) He merely receives work orders to create forms to
(15) create covers for training manuals. It's
(16) strictly -- it's mostly computer work.
(17) Q. With regard to entry number 16, as far
(18) as the Automated Fingerprint Identification System
(19) computer?
(20) A. That should be included, or at least
(21) mentioned in the manual from Fingerprint section.
(22) Q. What about with regard to entry number
(23) 17?
(24) A. Dispatch records, as far as retention,
(25) that's probably mentioned in the retention

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- (1) schedule. There may be something mentioned in the
(2) communications manual that you were provided. I do
(3) know that they do keep the calls that come in,
(4) that's kept on tapes.
(5) Q. Where are the tapes kept?
(6) A. They're kept over in Metro
(7) communications.
(8) Q. So those do not go to Police Records?
(9) A. No, they don't. They are, I believe,
(10) are the big spools.
(11) Q. What about number 18, the Records
(12) Management System records?
(13) A. We talk about the Records Management
(14) System in the manual. As far as a manual on the
(15) system, that is strictly how to do entry,
(16) et cetera, bringing up screens.
(17) Q. And you said the security objection was
(18) the one --
(19) A. Yes.
(20) Q. -- that prevented information on that.
(21) A. What we're really doing with that is we
(22) are data entering crime reports.
(23) Q. And what types of information are in the
(24) Records Management System?
(25) A. It's if you become a victim of a

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- (1) burglary, the information that you have reported
(2) will be in there and it will print out if you want
(3) a copy of it in a report form, a regular crime
(4) report form. Some of those are entered from -- an
(5) officer will turn in a handwritten report and it's
(6) data entered, or if it's just a one-on-one
(7) interview with the citizen, you sit there and you
(8) data enter right into the computer.
(9) Q. What about entry number 19, criminal
(10) case management?
(11) A. That should be in the investigative
(12) Services Division in the Detective Bureau manual as
(13) far as their case management.
(14) Q. And then entry number 20, which deals
(15) with Divisions, Sections, Bureaus, Teams, Units or
(16) Squads who maintain their own records?
(17) A. That should be in the department manual
(18) in the LVMPD manual.
(19) Q. And then the retention schedules to be
(20) utilized by division commanders, which is entry
(21) number 21?
(22) A. They use the LVMPD. If they have a
(23) question, they call me. If I cannot answer it, I
(24) call the State of Nevada.
(25) Q. Now, as far as responding to this

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- (1) subpoena, do you remember when exactly you put
(2) together the materials that you produced?
(3) A. I believe it was in 1997.
(4) Q. 1997 you put together the basic
(5) materials that were produced in response to this?
(6) A. We made the copies of the files and
(7) everything.
(8) Q. And what happened to those materials
(9) after 1997?
(10) A. They were, after everything was
(11) certified and we marked what we thought might be
(12) privileged, like FBI sheets, things that --
(13) convicted person, I think the convicted person
(14) registration, if it was from out of state, that was
(15) all brought over to Mitch, I believe. I think we
(16) brought everything in duplicate or triplicate.
(17) MR. COHEN: Triplicate, original and two
(18) or original and three.
(19) MR. O'TOOLE:
(20) Q. And that was all sent over in 1997?
(21) A. It was either 1997 or right after --
(22) well, it was probably 1997, beginning of 1998.
(23) Q. What's been done since then other than
(24) the manuals, because we know the manuals were put
(25) together pretty recently.

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- (1) A. Other than going over the subpoena and
(2) making sure that we felt we had all our bases
(3) covered, that we had checked everything possible.
(4) Q. Have you found any new documents since
(5) the original production?
(6) A. No, we have not. Everything that's like
(7) the subpoenas and that I have kept in my office in
(8) my files, so that's all here.
(9) MR. COHEN: To clarify, I think there
(10) were -- we produced sometime between July 1990 --
(11) was it '7? Weren't there a couple additional
(12) productions or we met --
(13) MR. O'TOOLE: I'm not sure. My
(14) recollection is kind of fuzzy on the dates, but I
(15) thought there was more than one production.
(16) MR. COHEN: I just wanted to clarify her
(17) testimony. I don't know if she recalls or not.
(18) THE WITNESS: I don't.
(19) MR. O'TOOLE:
(20) Q. Now, we talked earlier about what a
(21) defense lawyer could get by coming to the counter
(22) or through a letter. What if the letter contains
(23) an authorization from the person whose records are
(24) being sought?
(25) A. Uh-huh.

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- (1) Q. What types of response would there be to
(2) that?
(3) A. I would give them a copy of the booking
(4) voucher. I will give them a copy of the
(5) declaration of arrest. I'd give them the arrest
(6) report. I'd give them the release sheet that says
(7) when the person was released and of the temporary
(8) custody record, which is merely what the jail fills
(9) in when the person is booked. It's just the
(10) charge, the name, the height, the weight, the
(11) Social Security, that type of thing.
(12) Q. Would you get more information if you
(13) had the authorization plus a subpoena?
(14) A. Yes, if there were any officer's reports
(15) or that, yeah.
(16) Q. So the officer's reports would come --
(17) A. If -- yeah, if there were any.
(18) Q. Those would come pursuant to the
(19) subpoena but not the authorization?
(20) A. (Witness nods.)
(21) Q. What's the reason for waiting for the
(22) subpoena?
(23) A. Like I say, you know, we'll provide the
(24) arrest report, we'll provide a lab result, but as
(25) far as investigative reports, they're investigative

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- (1) reports, they're the detective's. They are perhaps
(2) maybe his opinion or maybe additional information
(3) he has he wanted to report. It's for his own,
(4) they're basically an police officer's report, they
(5) are his -- they are notes, I mean notes he has in
(6) his mind that he wants to put on paper so he
(7) doesn't forget.
(8) Q. What I'm going to do now is go through a
(9) few types of records, and you may or may not know
(10) where they're kept.
(11) A. Okay.
(12) Q. But I'm going to try and find out where
(13) they're kept.
(14) Okay, officer notebooks. The officer, we
(15) read in the manual, was supposed to keep some sort
(16) of log of what they're doing each day. Where would
(17) those be kept?
(18) A. You mean as far as what their daily
(19) assignments are?
(20) Q. Uh-huh.
(21) A. They keep that in their investigative
(22) Bureau.
(23) Q. So they would not be kept in Police
(24) Records?
(25) A. No.

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- (1) Q. What about NCIC information?
(2) A. Yes.
(3) Q. That would be kept in Police Records?
(4) A. Yes.
(5) Q. What about hot sheets regarding stolen
(6) property, where would that be kept?
(7) A. We produce a daily hot sheet and that
(8) hot sheet is a list of stolen vehicles and lost or
(9) stolen license plates. Attached to it is what we
(10) call a briefing sheet, which will list people who
(11) are wanted on gross misdemeanor felony warrants, or
(12) if we're looking for someone who is maybe an
(13) elderly person with Alzheimer's who has wandered
(14) off or something like that, kind of like an attempt
(15) to locate, an immediate type action thing. We
(16) don't have like -- that's what the hot sheet is.
(17) Q. And that would be kept in Police
(18) Records?
(19) A. We keep that in Police Records. That is
(20) done new every day and we only keep it probably
(21) back one month.
(22) Q. What about internal office memoranda to,
(23) say, someone in the Detective Bureau writes a memo
(24) to another person in the Detective Bureau?
(25) A. If that's just their own memo, just -- I

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- (1) mean it could be suggesting a new procedure or just
(2) I'm requesting vacation or this is why I followed
(3) up, they keep that upstairs.
(4) Q. Upstairs would be?
(5) A. In the bureau, in their investigative
(6) bureau.
(7) Q. So even if they're talking about a
(8) particular case, but if it's just internal
(9) correspondence, it would stay within the bureau?
(10) A. I've never seen where they've done like
(11) memorandums between a captain. Usually they just
(12) go and speak to each other.
(13) Q. What about correspondence from other
(14) agencies outside of Las Vegas Metropolitan Police
(15) Department referencing a particular case, for
(16) example?
(17) A. That would go in the file.
(18) Q. That would go in the Police Records
(19) file?
(20) A. Yes, it would.
(21) Q. Would it go immediately to the Police
(22) Records file or would it go into the -- would the
(23) copy go into the division file then be sent to
(24) Police Records?
(25) A. It depends. If it was addressed to just

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(1) a general metropolitan police department, we would
(2) receive the letter in Records. We'd make a copy
(3) for the original up to where the division or the
(4) area we think it needs to go to. They would keep
(5) that. They'd read it. They may keep it for a
(6) short while. Most likely they would return it to
(7) Records or keep it with their case file until the
(8) case is finished.
(9) Q. What about reports from other agencies
(10) that were sent, would the same be true?
(11) A. Yes, yes.
(12) Q. What types of documents would routinely
(13) be eliminated from records before they were sent to
(14) Records section? Are there any?
(15) A. Anything that would be an exact
(16) duplicate, just an extra copy of something, but if
(17) anything would have -- if I have two witness
(18) statements and one is just a typewritten witness'
(19) statement and one has a little handwritten note on
(20) it, or just an initial or something, we would film
(21) the original. If the original was completely just
(22) a typewritten, we would film that, but if we had a
(23) copy with just additional initial or some little
(24) scribble, we would film that also. Now, if the
(25) original had the handwritten on it and the copy had

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(1) absolutely nothing, we would just film that
(2) original.
(3) Q. Are there any other -- what happens --
(4) have you ever found someone who was not providing
(5) records to the Police Records section on a regular
(6) basis, or some division that was not?
(7) A. No.
(8) Q. You've never heard of that happening?
(9) A. I've heard of them keeping originals
(10) because they didn't want to send them to records
(11) because they had it in their mind that maybe they
(12) would get misplaced or something like that, or they
(13) felt they were so important that they wanted to
(14) keep a hold of them until they were done.
(15) Q. Are there any sanctions for someone
(16) who --
(17) A. Yes.
(18) Q. What are the sanctions?
(19) A. Well, not that they're sanctions, but if
(20) we find out something like that happens, we
(21) certainly contact their supervisor and let them
(22) know that original records belong with us, unless
(23) it's, you know, there's those certain instances.
(24) Say there's a fatal investigation, all those
(25) documents, all those signatures and the

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(1) investigations documents are complete.
(2) MR. OTOOLE: I'm showing you now what
(3) we're going to mark as Exhibit 5.
(4) (Whereupon, Deposition Exhibit 5
(5) was marked for identification and
(6) is attached to the original
(7) transcript of this deposition.)
(8) (Whereupon, a pause was taken
(9) in the proceedings from
(10) 10:41 a.m. until 10:46 a.m.)
(11) MR. OTOOLE:
(12) Q. I'm showing you now what's been marked
(13) as Exhibit 5.
(14) A. Okay.
(15) Q. And have you seen this document before?
(16) A. I know it's from the department manual.
(17) I have not read it where I am familiar with the
(18) procedure.
(19) Q. And so going down to page 507 and the
(20) entry that says "Informant File Maintenance and
(21) Security," are those files, informant files, stored
(22) in the Police Records section?
(23) A. No, no, they're not.
(24) Q. Do you ever see those files, informant
(25) files?

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(1) A. I remember upon occasion seeing a
(2) statement from an informant, but it's just a rare
(3) occasion. I couldn't be specific.
(4) Q. Where would the informant files
(5) generally be kept?
(6) A. One may eventually trickle down into
(7) Police Records into probably an event file, not
(8) into an actual arrest file. Like I say, it's very
(9) far and few between and it's been so long ago since
(10) I've seen one, we're talking years ago, and
(11) probably before this type of procedure or policy
(12) was set in place.
(13) Q. So there's no particular procedure or
(14) policy requiring the informant files go to the
(15) Police Records section?
(16) A. There's nothing that says in here that
(17) they do. And briefly looking through here, they
(18) keep them up in their area and it looks like they
(19) are kept under lock and key big time.
(20) Q. And as far as "here," this would be
(21) Exhibit 5 that you're looking at?
(22) A. Yes.
(23) Q. And keeping them under lock and key
(24) would be in the individual -- would that be the
(25) individual bureau area commands?

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- (1) A. Well, yes. We'd have to read through
(2) here to say exactly whether it was kept in the
(3) captain's office, the bureau commander's office or
(4) lieutenant's, or exactly where it would be.
(5) Q. But the informant files, to the best of
(6) your knowledge, are kept in compliance with the
(7) policies that's contained in the Metro manual?
(8) A. Yes, that is correct.
(9) Q. And that does not include storing the
(10) files in the Police Records section?
(11) A. That is correct.
(12) Q. And would the same be true for citizen
(13) source of information files as opposed to
(14) informants' files pertaining to citizen informants?
(15) A. Yes.
(16) Q. So those files would also not be kept in
(17) the Police Records section?
(18) A. Correct.
(19) Q. And they would be kept under the policy
(20) that's set forth in Exhibit 5?
(21) A. Correct.
(22) Q. We talked at some point in the earlier
(23) deposition, or I believe we did, about intelligence
(24) files. Do you recall that?
(25) A. Yes.

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- (1) Q. And I believe that we discussed that
(2) intelligence files would be kept by which
(3) department was that?
(4) A. By our Organized Crime Bureau.
(5) Q. Now, as far as intelligence files on
(6) private citizens, where would those be kept?
(7) A. If it had anything to do with organized
(8) crimes, most likely it would be up in the
(9) intelligence.
(10) Q. Would any --
(11) A. When I say "intelligence," organized
(12) crimes. Throughout the years they've changed the
(13) names.
(14) Q. Right.
(15) A. But they're basically the same unit.
(16) They are the same unit.
(17) (Whereupon, Deposition Exhibit 6
(18) was marked for identification and
(19) is attached to the original
(20) transcript of this deposition.)
(21) MR. O'TOOLE:
(22) Q. So I'm referring now to Exhibit 6. Do
(23) you have that in front of you?
(24) A. Yes, I do.
(25) Q. With regard to the information discussed

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- (1) at the top of Exhibit 6 --
(2) A. Yes.
(3) Q. -- pertaining to intelligence
(4) information --
(5) A. Yes.
(6) Q. -- would that be kept in the Police
(7) Records section?
(8) A. No.
(9) Q. So there would be no intelligence
(10) information that would be routinely filed with your
(11) section; is that correct?
(12) A. That is correct.
(13) Q. What about warrant logs, where would
(14) those be kept?
(15) A. I -- we do not keep warrant logs. If
(16) someone is arrested on a warrant, we would have a
(17) copy of the booking voucher. The actual warrants
(18) themselves I believe are on file over in detention
(19) records.
(20) Q. What about fugitive detail records,
(21) where would those records be kept?
(22) A. Fugitive detail?
(23) Q. Uh-huh.
(24) A. Fugitive detail, they will receive
(25) copies of the arrest package. We usually have all

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- (1) the originals, unless perhaps maybe a letter from
(2) the agency, let's say San Diego wants that person,
(3) maybe they will send a letter direct to the
(4) detective, but that does -- eventually when they're
(5) finished with it, it ends up in the ID file.
(6) Q. And that's when the detective sends it
(7) over to records?
(8) A. Yes.
(9) Q. Now, we talked earlier about
(10) microfilming.
(11) A. Yes.
(12) Q. What types of records get microfilmed?
(13) A. Arrest files. Not the incident reports,
(14) since they are directly put into a computer, but
(15) those documents that accompany an incident report,
(16) such as a property report, a voluntary statement, a
(17) supplement where maybe the victim is calling in and
(18) saying I notice my television in the spare bedroom
(19) was also stolen. We film for Communications. We
(20) film, we call them -- they're little buff cards.
(21) We film for -- we film work applications. Every
(22) once in a while we do film the Homicide files.
(23) Q. When would that be?
(24) A. When they have some that are ready to be
(25) filmed that are perhaps closed. Like I say, we'll

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- (1) do the film and we usually send the hard copy back
(2) to them. We just film for different areas within
(3) the police department.
(4) Q. Who decides what gets microfilmed and
(5) what doesn't, is there a procedure on that?
(6) A. Usually like with training records or
(7) personnel records, after a certain amount of time,
(8) maybe someone retires or they're no longer
(9) employed, then the records come to us and they're
(10) put on film.
(11) Q. Their own personal records or --
(12) A. Police personnel, you know, just test
(13) scores and things like that. I don't maintain
(14) those records, but we simply provide a service of
(15) filming them so they don't have to be sent.
(16) Q. But as far as determining what's going
(17) to be microfilmed, how --
(18) A. We follow the retention schedule under
(19) the guidelines of the state.
(20) Q. Now, you stated earlier that incident
(21) reports are not microfilmed because they're on
(22) computer.
(23) A. They used to be microfilmed. Now, since
(24) they're directly data entered, it would be
(25) redundant. The only time we would film them is if

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- (1) the data entry, because it was just redundant to
(2) have the handwritten on a simple burglary and then
(3) also have it in the computer.
(4) Q. So for each case you would have an
(5) electronic file on the case plus a hard copy file
(6) on the case?
(7) A. Only on homicides.
(8) Q. Why only on homicides?
(9) A. If we would happen to put the dead body
(10) report into the computer, because it's a homicide
(11) case, in a homicide is such an important thing, we
(12) would just keep the hard copy, just it was
(13) handwritten and you keep it for evidence purposes.
(14) Q. But in all other cases, there's just an
(15) electronic file now, is that correct?
(16) A. On the -- just the incident report, but
(17) any attachments, it's going to be a microfilm or
(18) hard copy, just depending on how old it is.
(19) Q. So you would have both, you would have
(20) an electronic file for incident reports and a hard
(21) copy file for the, let's say, volunteer statement
(22) or whatever else exists?
(23) A. Yes, uh-huh.
(24) MR. O'TOOLE: I'm showing you now
(25) Exhibit 7, which is a copy of our Bates stamp

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- (1) it were a homicide, the original handwritten.
(2) Q. Now, as far as you say "data entered,"
(3) that means that the incident reports are put into
(4) the computer in each case?
(5) A. Yes.
(6) Q. And so you have an electronic file on
(7) each case?
(8) A. Yeah.
(9) Q. As well as a hard copy file; is that
(10) correct?
(11) A. Yes.
(12) Q. How does that work?
(13) A. The only actual thing, information that
(14) goes into the computer and to the Law RMS or the
(15) former RMS, is the actual incident report. If
(16) there's any volunteer statement or any diagrams,
(17) that is kept separately. It's either kept in hard
(18) copy form or it's microfilmed, except homicides.
(19) Homicide would keep the originals until it's
(20) closed, and then even after it's closed, if we film
(21) it, usually Homicide gets the hard copies returned
(22) back to them.
(23) Q. So for each case at least now, when did
(24) you start doing this?
(25) A. Approximately two years ago, as far as

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- (1) number 414.
(2) (Whereupon, Deposition Exhibit 7
(3) was marked for identification and
(4) is attached to the original
(5) transcript of this deposition.)
(6) MR. O'TOOLE:
(7) Q. Now, with regard to Exhibit 7, there's
(8) an entry near the bottom of the page, the first
(9) page. It's called "Purging Outdated Non-Criminal
(10) Files."
(11) A. Yes.
(12) Q. Are you familiar with that policy?
(13) A. Yes, I am. They are talking about
(14) reports, incident reports, burglaries, robberies,
(15) larcenies.
(16) Before we automated and had RMS and Law RMS,
(17) what we merely did, we would index the name and the
(18) number, the file name and the victim's name in
(19) SCOPE. We kept hard copy files. After a period of
(20) time we would microfilm. We could look them up by
(21) file number or run the name in SCOPE and it would
(22) give us a file number to refer to.
(23) SCOPE can only hold so much information. It
(24) is such a large system that after a certain period
(25) of time that index is purged from SCOPE, but that

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(1) doesn't mean it disappears, because that
(2) information is transferred to microfiche, so what
(3) we do is we go and check the purged file, and that
(4) will refer us to any of the things that have been
(5) purged.
(6) Q. Now, if we were making a records request
(7) and we wanted to get information that was purged
(8) off of SCOPE, is there anything special we would
(9) need to say in order to get that information?
(10) A. No. We would know just by looking at
(11) the SCOPE record that something was purged and we
(12) would automatically go to the backup and write down
(13) the file numbers and retrieve them for you.
(14) Q. Would that be in response to a subpoena?
(15) A. Yes, and it would be in response to this
(16) particular subpoena that was done.
(17) Q. Okay. So that was done in response to
(18) this?
(19) A. Absolutely.
(20) Q. Now, in the Police Records section, is
(21) it ever one of your duties to go collect records
(22) for particular Metro police officers? Say, for
(23) example, the police officer wanted to get records
(24) from New York pertaining to a suspect's criminal
(25) history in New York, would you ever do that for

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(1) them?
(2) A. Usually the way they would do that,
(3) normally, is to send us a Teletype request and we
(4) would send a Teletype to the agency saying that
(5) Detective So-and-so - that we are requesting
(6) such-and-such information, and then it would say to
(7) refer to a certain detective or to send to that
(8) address. Usually Teletype. I'm sure they have
(9) done it by letter, but usually Teletype is quite
(10) quick.
(11) Q. And where are the Teletypes kept?
(12) A. We do the Teletypes in Police Records.
(13) We will keep a hard copy file, the original in
(14) records, and we will send a copy to the
(15) investigator, to the person requesting the
(16) Teletype.
(17) Q. And if it were done by letter, would the
(18) same be true, would you keep a copy of the letter?
(19) A. Records would not initiate the letter,
(20) but if we were given a copy, yes, we would keep it.
(21) MR. O'TOOLE: I'm directing your
(22) attention now to Exhibit 8, which is the
(23) Criminalistics manual.
(24) ////
(25) ////

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(1) (Whereupon, Deposition Exhibit 8
(2) was marked for identification and
(3) is attached to the original
(4) transcript of this deposition.)
(5) MR. O'TOOLE:
(6) Q. This is to clarify some selected pages
(7) from the Criminalistics manual, and when I refer to
(8) those pages, I'm going to be referring to the label
(9) number that's on the bottom that we've put on
(10) there, not to the actual page from the manual.
(11) A. Okay.
(12) Q. On page 26, and this is labeled number
(13) 26, there's a discussion of work schedules. Where
(14) would the physical work schedules be kept?
(15) A. That, if they still had them, it would
(16) be kept over in the photo lab or the crime lab or
(17) forensics.
(18) Q. So those would not be kept in Police
(19) Records?
(20) A. No, they would not.
(21) Q. On page 27 of Exhibit 8, there's a
(22) section that's called "Overtime Requests." Where
(23) would the Overtime Request documents be kept?
(24) A. I would not keep them. Depending on how
(25) they do their overtime, I think at the time of this

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(1) particular case the overtime slips would be signed
(2) approved by a supervisor and forwarded to the chain
(3) to payroll.
(4) Q. So it would be kept in payroll records?
(5) A. Yes. It's very possible they may keep a
(6) copy of it in the originating unit. How long
(7) payroll is keeping them, I'd have to refer to the
(8) retention schedule and see if it is specifically on
(9) there. Sometimes on retention schedules it
(10) doesn't - we don't have every single type of
(11) document on there.
(12) Q. And if a document is not listed on the
(13) retention schedule, how would you deal with that as
(14) far as retention policies?
(15) A. I would pull the state retention
(16) schedule and see if there were something similar in
(17) there that I could go by, and if there were not, I
(18) would call the state and check with the archivist.
(19) Q. And that would be Mr. Rocha (phonetic)?
(20) A. Yes, either Mr. Rocha or
(21) Mr. Van Stratton, whoever was available.
(22) Q. Directing your attention to page 30, I
(23) think is the next page, you'll see that they
(24) reference Weekly Updates and Daily Activity
(25) Reports.

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- (1) A. Uh-huh.
(2) Q. Are those kept in the Police Records
(3) section?
(4) A. No. The Daily Activity Report, the DAR,
(5) that is simply a list of who is not there that day,
(6) who's on vacation, who's sick, perhaps who's in
(7) training. It's basically an attendance record.
(8) Q. What about the Weekly Updates, what's
(9) that?
(10) A. Weekly Updates. That is probably just a
(11) report that one of the supervisors will send to
(12) their chief, probably through their captain, to let
(13) them know of where they are, if there's any
(14) backlogs, any problems.
(15) Q. And are those kept in Police Records?
(16) A. No, that's just an internal thing within
(17) their bureau.
(18) Q. Like all the other internal
(19) communications, they just keep those themselves?
(20) A. (Witness nods.)
(21) Q. Was that a yes?
(22) A. Yes, sorry.
(23) Q. Directing your attention to page 37, it
(24) talks about in the middle of the page Officer's
(25) Reports, and I think it says . . . I'm sorry,

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- (1) above that it talks about reports that are dictated
(2) or typed or handwritten, above the Officer's
(3) Reports.
(4) A. Okay.
(5) Q. Who would do the transcription of those
(6) reports, if you know?
(7) A. I do not know.
(8) Q. Does the police --
(9) A. Other than an Officer's Report, some
(10) officer's reports are done by clerical personnel in
(11) investigative units, but usually they're done --
(12) they're transcribed by Police Records.
(13) Q. And if they're transcribed by Police
(14) Records, would they be kept in Police Records?
(15) A. Absolutely.
(16) Q. And if they're not transcribed by Police
(17) Records, would a copy be sent to Police Records?
(18) A. Usually the original.
(19) Q. And this would be for the crime scene
(20) reports?
(21) A. Usually the crime scene reports are not
(22) in an Officer's Report form. They are an actual
(23) form that says "Crime Scene Report," and we do not
(24) type those. Those are prepared over in the lab,
(25) and I really don't know whether the person who does

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- (1) the analysis, if they type that directly on a
(2) computer or if they have clerical, I'm not aware.
(3) Q. Jumping back to page 36 very quickly,
(4) you'll see where it says Homicide files, and it
(5) talks about how the Administrative Detail creates
(6) special files to homicides.
(7) A. Uh-huh.
(8) Q. Where would those files be kept?
(9) A. I am assuming that they would be keeping
(10) them in their unit.
(11) Q. So for this, this would be
(12) Criminalistics?
(13) A. Yes. We do receive these reports. They
(14) may be keeping a copy or an original there, but we
(15) do receive them.
(16) Q. In Police Records?
(17) A. Yes.
(18) Q. So they would be kept in Police Records
(19) and in the individual units; is that correct?
(20) A. Yes.
(21) Q. Okay. Directing your attention now to
(22) page 31, Field Reports, the same question, where
(23) would those reports be kept?
(24) A. If they are talking specifically their
(25) field reports, they eventually get sent to Police

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- (1) Records when they're completed. They may keep
(2) copies on file. It apparently says copies of all
(3) reports are kept in Criminalistics and that they
(4) are filed in an event -- by event number in a
(5) three-ring binder, and they keep them for a year.
(6) Q. So they would keep them for a year. How
(7) long would you keep them in Police Records section?
(8) A. Forever.
(9) Q. Thank you.
(10) A. If we did not have the hard copy, we
(11) would keep the microfilm, and it would be kept
(12) forever.
(13) Q. And that's in a homicide case; is that
(14) correct?
(15) A. Yes. When I say "forever," 85 years
(16) plus.
(17) Q. Directing your attention to page 36, I
(18) think we discussed this briefly before, crime scene
(19) diagrams, would those be kept in Police Records?
(20) A. Yes.
(21) Q. And would a copy also be kept in
(22) Criminalistics?
(23) A. I believe it would.
(24) Q. And did you state before that sometimes
(25) they would also be sent to -- the crime scene

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- (1) diagrams would also be sent to Homicide?
(2) A. Sometimes.
(3) Q. Is there any particular reason why they
(4) would or wouldn't be sent to Homicide?
(5) A. It just depends on the investigator, the
(6) person doing the lab work. There are some people
(7) that feel everybody needs a copy and some people
(8) that just do the minimal.
(9) Q. Directing your attention to page 38,
(10) you'll see that it discusses autopsy forms. Where
(11) are those kept?
(12) A. They are kept in the event file.
(13) Q. And that would be in Police Records?
(14) A. Yes.
(15) Q. What about gun diagram reports?
(16) A. Those are all kept in the event file.
(17) Q. So again, gun diagram reports would be
(18) with Police Records file?
(19) A. We should have that, uh-huh.
(20) Q. And somewhere on this page, page 38, it
(21) talks about Major Incident Logbooks, I believe it's
(22) about a third of the way down under the Autopsies
(23) heading.
(24) A. Yes.
(25) Q. Are you familiar with the major incident

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- (1) logbook?
(2) A. No, but I'm sure that they keep a log.
(3) We keep a log in Police Records, our person in
(4) microfilm that handles the Homicide files, and we
(5) list the victim name, the event number, the date,
(6) the time, the place, the suspect, if it's closed or
(7) not, and they probably keep something similar.
(8) It's kind of a quick reference.
(9) Q. Would the logbook or the pertinent entry
(10) on the logbook be produced in response to a
(11) subpoena?
(12) A. I would not have it to produce.
(13) Q. The one in Records?
(14) A. I would not -- no, that's just a
(15) general, it's just we use that as a reference of
(16) the -- it's an index. It's just an index of
(17) homicides. It lists them all just so that we have
(18) a quick reference.
(19) Q. Directing your attention to page 39, and
(20) you'll see that there's several entries for
(21) Serology Standards Kit, Sexual Assault Kit and DNA
(22) Kit.
(23) A. Uh-huh.
(24) Q. Would those be produced in response
(25) to --

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- (1) A. I would not have any of those kits.
(2) Q. Where would those kits be kept?
(3) A. I don't -- I really don't know whether
(4) they're kept in the crime lab or they're kept in
(5) the evidence vault.
(6) Q. But those would not be kept in the
(7) Police Records; is that right?
(8) A. No, no. We may have some of the reports
(9) as to the results, but the actual kits, we just
(10) don't have the facility for it.
(11) Q. Now, I'm not sure it talks about it
(12) here, but -- and we'll probably get to it later,
(13) but you mentioned some of the reports. Would the
(14) reports for these kits be sent to Police Records?
(15) A. If it gave us the analysis results,
(16) sure. Just on a document, sure.
(17) Q. Directing your attention to page 40, I
(18) believe we discussed the Daily Log Book and that
(19) would be also the same thing as the Calls For
(20) Service log. Would that be kept in Police Records?
(21) A. No.
(22) Q. And do you know where that would be
(23) kept?
(24) A. I'm assuming it would be kept in that
(25) unit; in this case, Criminalistics. It's merely

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- (1) their logbook of what they're doing and who's doing
(2) what. I just have no authority over that.
(3) Q. Would the same be true for on page 41,
(4) the film log that deals with -- apparently deals
(5) with where crime scene films are logged?
(6) A. Yes.
(7) Q. So that would not be kept in Police
(8) Records?
(9) A. No, no.
(10) Q. Directing your attention to page 47, as
(11) far as training goes, would the training materials
(12) for Criminalistics be kept in Police Records?
(13) A. No, no.
(14) Q. Do you know where the training manuals
(15) would be kept?
(16) A. The training manuals would either be
(17) kept over in our Training Bureau or they would be
(18) kept over in Criminalistics or perhaps Police
(19) Personnel. I don't have them.
(20) Q. And directing your attention to
(21) page 55 --
(22) THE WITNESS: Could I get some water?
(23) MR. OTOOLE: Yeah, we'll take a
(24) break.
(25) / / / /

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- (1) (Whereupon, a pause was taken
(2) in the proceedings from
(3) 11:19 a.m. until 11:35 a.m.)
(4) MR. O'TOOLE:
(5) Q. Page 55, we're dealing with negative
(6) storage. Do you know what negative storage means?
(7) A. That would be the negatives from the
(8) photographs kept in the photo lab.
(9) Q. Are those kept in Police Records?
(10) A. No.
(11) MR. O'TOOLE: And directing your
(12) attention to Exhibit 9, and that would be a copy of
(13) the Detective Bureau Manual. I think it's selected
(14) pages from that manual.
(15) (Whereupon, Deposition Exhibit 9
(16) was marked for identification and
(17) is attached to the original
(18) transcript of this deposition.)
(19) MR. O'TOOLE:
(20) Q. I'm directing your attention to Bates
(21) stamp page 71. Would this be the Law Records
(22) Management System you referred to earlier in the
(23) deposition?
(24) A. Yes.
(25) Q. Could you just describe what's going on

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- (1) In that chart very briefly?
(2) A. They're talking about the way the
(3) different reports are generated. They're either
(4) generated --
(5) MR. COHEN: 71? Okay.
(6) THE WITNESS: -- over the telephone,
(7) telephonic report, or out in the field, an officer
(8) takes a report out in the field, or they come into
(9) Police Records and make a report as just a
(10) walk-in. I'm here, I'm the victim of a burglary.
(11) Or perhaps they come into the police station
(12) and the officer sends them up to the Detective
(13) Bureau and maybe a detective will take a report up
(14) there, or they will go into one of our area
(15) commands, which is like a substation, and walk in
(16) and do a report. Like they do, same as a records
(17) walk-in, an area command walk-in would be the same
(18) thing. Instead of going down to the central police
(19) station, they would just go to their neighborhood.
(20) MR. O'TOOLE:
(21) Q. And when these reports are generated,
(22) where would they all go?
(23) A. They're entered into Law RMS. Once they
(24) are generated, someone types them. A supervisor
(25) goes in and reviews the report and approves them.

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- (1) When they are approved in Records or in an area
(2) command, they are electronically sent to the
(3) Detective Bureau. It says a report is
(4) automatically transferred, then from there to the
(5) proper detail.
(6) This is electronic. It will go to the
(7) assignment. If it's burglary, it will go to their
(8) assignment terminal, and then it's assigned to an
(9) investigator. Now, the investigator apparently
(10) looks like he keeps some type of hand log.
(11) Q. Where would the hand logs be stored?
(12) A. In the Detective Bureau.
(13) Q. Would those be stored in Police Records?
(14) A. No. They do have a form, and if -- and
(15) I don't know if that's the form they're using or if
(16) they have a separate log, but usually on the
(17) different steps they take, this one particular form
(18) they'll put who they've contacted, and it
(19) eventually ends up in records. Whether that's the
(20) same as the log they're talking about, I really
(21) don't know.
(22) Q. Now, you stated earlier that reports
(23) would be entered in once they're approved by the
(24) supervisor. What would happen to a report --
(25) A. Electronically disseminate.

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- (1) Q. What would happen to a report if it were
(2) not approved?
(3) A. It wouldn't end up being assigned --
(4) eventually it stays in the cube it's assigned.
(5) It's there, it will show on the screen.
(6) Q. The report itself will?
(7) A. The record of it, an index, and the
(8) supervisor will click on it and it will go in and
(9) review the different screens.
(10) Q. I'm directing your attention to page 61.
(11) Would these be the various sections in the
(12) Detective Bureau?
(13) A. Yes.
(14) Q. And for which of these sections would
(15) the Police Records keep the records of these
(16) sections?
(17) A. We would eventually -- if they weren't
(18) originated, or originally go through Police Record
(19) from the field, they would eventually come down to
(20) Police Records.
(21) Q. For all six of these different sections?
(22) A. Yes, uh-huh. You see with the Homicide
(23) section, I explained how they keep their binders
(24) with the hard copy originals.
(25) Q. Right. I'm directing your attention to

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- (1) page 68. And this would be the entry for the
(2) Homicide section?
(3) A. Yes.
(4) Q. We've discussed earlier how those
(5) records are kept; is that correct?
(6) A. Yes.
(7) Q. Is that the only part of the Homicide
(8) section, the Homicide Detail?
(9) A. Yes.
(10) Q. And that's the only -- that would be
(11) where the records would be generated, is that
(12) correct, from the Homicide section?
(13) A. Either generated or kept. I mean some
(14) of these records aren't generated, like from the
(15) crime lab, or the photo from the photo lab, or an
(16) officer maybe doesn't have it in impound.
(17) Q. Now, the Homicide investigators work
(18) with members from the District Attorney's office,
(19) like it says down here. Where would the records
(20) from those interactions be kept?
(21) A. If they sent anything, or they were
(22) working with a particular district attorney, it
(23) would probably say in the file, there would be some
(24) type of document, you know, that shows that there
(25) was some type of correspondence or which DA was

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- (1) working this case.
(2) Q. And that would be in the Metro file?
(3) A. Yes.
(4) Q. I'm directing your attention to
(5) page 72. On this document it talks about case
(6) log. Where would the case log be kept?
(7) A. Okay. It says, Case Monitoring and
(8) Closure. We're looking on page 75?
(9) Q. No, 72.
(10) A. Oh, I'm sorry. Case log. That would be
(11) kept up in the Bureau.
(12) Q. But not in Police Records?
(13) A. No, it would not.
(14) Q. What about the case folder documents?
(15) A. Those are just their case files, the
(16) documents, the paperwork that they have that
(17) pertains to that case, they would keep that.
(18) Usually they would be copies, we would have the
(19) originals.
(20) Q. But not always?
(21) A. Not always, but the norm is for us to
(22) have the originals.
(23) Q. And on page 73, the case monitoring
(24) form?
(25) A. Yes.

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- (1) Q. Where would that be kept?
(2) A. They keep that with their working file
(3) up in the bureau, and when the case is closed or
(4) they've come to a determination on it, it is sent
(5) to Police Records and we keep it.
(6) Q. Now, how long has the case monitoring
(7) form been in use that you know of?
(8) A. The particular sample that we have here
(9) doesn't have a date at the bottom. They usually do
(10) have a date. I'm sure that with the list provided
(11) from our graphic artist and/or our reply of the
(12) different forms, it would probably say that this is
(13) Investigative Services Division form, and it would
(14) give the dates in parentheses, but it's not on this
(15) particular one. I don't know why, if it didn't
(16) copy or if it was -- I have no idea why.
(17) Q. Okay.
(18) A. But I'm sure I could get a form number
(19) for you, you know, with the date on it, or it will
(20) say on those lists for case monitoring form.
(21) Q. I'm directing your attention now to
(22) page 82, District Attorney's Request for Further
(23) Information. Where would those forms be kept?
(24) A. Sometimes for further information,
(25) Police Records will receive requests from the DA's

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- (1) office and we have to research people who provide
(2) the additional information. They may send direct
(3) to the detective, I don't know, but I know that we
(4) do receive several in Police Records and we
(5) research and send them what they request.
(6) Q. Who are the people who are responsible
(7) for that?
(8) A. In Police Records?
(9) Q. Yes.
(10) A. We have two law enforcement support
(11) techs that receive these requests. They receive
(12) from district attorneys, city attorney, juvenile,
(13) DA.
(14) Q. And those are kept in the Police Records
(15) section?
(16) A. Yes. Now, sometimes these requests will
(17) have several event numbers on them, and we may not
(18) keep the actual request form with all one that has
(19) a whole list.
(20) Q. But the forms themselves would be in the
(21) Records section, it's just not positive that they
(22) would be kept with every case?
(23) A. Yes.
(24) Q. What about a "Notice of Denial of
(25) Request" to prosecute from the district attorney's

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- (1) office, where would those be kept?
(2) A. We usually do receive a request in
(3) Police Records. Many times the investigator is
(4) sent a copy of it. They eventually end up in the
(5) file. This all has to be data entered into a
(6) computer.
(7) Q. Now, on page 83 you'll note that it
(8) states that when additional information is sent to
(9) the district attorney's office, that Metro will fax
(10) the documents requested and obtain a fax receipt.
(11) Where would the fax receipts be kept?
(12) A. That must be up in the Detective
(13) Bureau. We do not fax unless it's an emergency
(14) type situation, because of the volume.
(15) Q. Directing your attention to page -- now,
(16) with respect to the Secret Witness files, I think
(17) we've discussed this before, but are those kept in
(18) the Police Records section?
(19) A. To the best of my knowledge, they are
(20) not.
(21) Q. Now, you'll note here that it says that
(22) a log will be maintained by Secret Witness office
(23) personnel. Do you see that part of that section?
(24) A. Yes.
(25) Q. The log is also not kept in the Police

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- (1) Records section?
(2) A. That is correct, we do not keep it.
(3) Q. Is that also true for the record
(4) maintained by Secret Witness office personnel of
(5) the information and the name of the person
(6) reporting the information?
(7) A. That is correct.
(8) Q. And again, Police Records does not keep
(9) any of the records dealing with Secret Witness
(10) monthly meetings and the Secret Witness monthly
(11) reports?
(12) A. No.
(13) Q. And you'll notice on page 89 of Exhibit
(14) No. 9 that it discusses reward receipts. Are
(15) reward receipts kept in the Police Records section?
(16) A. No.
(17) Q. So in the Habersatoh case, for example,
(18) if there were reward receipts, those would not have
(19) been produced by Police Records in response to the
(20) subpoena?
(21) A. No, we would not have them.
(22) Q. All right. I'm directing your attention
(23) now to page 135. I'm sorry, page 127.
(24) A. I think I've got some that are -- oh,
(25) here it is. It looks like they're a little bit out

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- (1) of order. It's page 69 of the Detective Bureau
(2) manual.
(3) MR. COHEN: Right.
(4) MR. O'TOOLE: It's after page 90.
(5) MR. COHEN: It's after page 90?
(6) MR. O'TOOLE: Uh-huh.
(7) THE WITNESS: And before page 97, Mitch.
(8) MR. COHEN: Okay.
(9) MR. O'TOOLE:
(10) Q. Does the records, Police Records
(11) section, keep property or items related to cases
(12) under investigation?
(13) A. I don't know exactly what you mean. You
(14) mean physical property?
(15) Q. Right.
(16) A. No.
(17) Q. Physical evidence, would you keep that
(18) in the Police Records section?
(19) A. We may keep checks. Once the file is
(20) filmed, we keep original checks, you know, for
(21) insufficient funds, that type of thing.
(22) Q. Directing your attention to page 97,
(23) where would the Inmate Line-up Forms be kept?
(24) A. I believe that would be kept over in
(25) Detention Records.

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- (1) Q. So those would not be kept in Police
(2) Records?
(3) A. No. At one time Police Records did keep
(4) the commissary cards, the visitor cards, the phone
(5) cards, and then at one point we stopped because a
(6) Detention Records was established, so I don't
(7) remember what year. I think it was in the '80s.
(8) MR. COHEN: Maybe to clarify, or you
(9) might want to continue your answer, but I'm not
(10) sure he's asking you about inmate records. These
(11) are line-ups using inmates.
(12) THE WITNESS: Oh, okay. You mean
(13) line-ups? I wouldn't have line-ups, no.
(14) MR. O'TOOLE:
(15) Q. Where would line-ups be kept?
(16) A. They would be kept up in the Detective
(17) Bureau. They may eventually send a copy down as
(18) far as results or something like that.
(19) Q. Just to back up real quick, you
(20) mentioned that at one point you kept visitor cards.
(21) A. I was thinking of some of the records
(22) they keep over in Detention Records when I saw the
(23) inmates. At one time there was a Detention Records,
(24) so all the jail as far as medical, visitors, that
(25) type of thing was kept in the ID file in Police

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- (1) Records.
(2) Q. And do you remember about when that was?
(3) A. I would merely be guessing, but it was
(4) in the '60s, in the 1980s, so anything that I
(5) wouldn't have as far as visitor cards, et cetera,
(6) if I didn't have anything on Haberstroh or any of
(7) these individuals mentioned, they would be provided
(8) by Detention Records.
(9) Q. And where would the visitor cards be
(10) kept when they were kept over in Metro?
(11) A. In the arrest file, in the ID file.
(12) Q. So those would have been in the Police
(13) Records file?
(14) A. Yes, you bet.
(15) Q. And directing your attention to page 99,
(16) the Line-up Identification Form.
(17) A. Yes.
(18) Q. Where would that form be kept?
(19) A. It would be in Investigative Unit. It
(20) most likely -- it would eventually, when they were
(21) done with the case, be forwarded to Police Records.
(22) Q. But not as the case was being
(23) investigated?
(24) A. Probably not, no.
(25) Q. Is the same true for page 100, which is

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- (1) the Notification Form?
(2) A. Yes. I don't see these very often.
(3) Q. Directing your attention to page 102.
(4) A. Yes.
(5) Q. Informant records, we've gone over that
(6) briefly, but would those be kept in Police Records?
(7) A. No.
(8) Q. Directing your attention to page 129,
(9) voluntary statements, where would those be,
(10) department?
(11) A. Police Records.
(12) Q. Would those go to Police Records
(13) immediately after they were taken?
(14) A. Not necessarily. Usually.
(15) Q. Usually they would and sometimes it
(16) would be at the end of the case?
(17) A. Sometimes they wait for the individual
(18) to come in and review their statement and sign it,
(19) that type of thing.
(20) Q. Fingerprint, directing your attention to
(21) page 130, which is Fingerprint Comparison Requests,
(22) where would those be kept?
(23) A. I believe that form does end up in
(24) Police Records.
(25) Q. And the same would be true for page 131,

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- (1) which is the actual form?
(2) A. Yes.
(3) Q. And would the information at the bottom
(4) left of that form indicate that this form was
(5) revised in June of '92?
(6) A. That is correct.
(7) Q. I'm now directing your attention to
(8) page 133, which has the heading "Request for
(9) Laboratory Examination." Would such a request be
(10) kept in the Police Records file?
(11) A. That form would eventually be sent to
(12) our file, yes.
(13) Q. And when you say "eventually" --
(14) A. From the crime lab when they were done
(15) with the document, with the work, it would go to
(16) Police Records.
(17) Q. And would the same be true for page 134,
(18) which is the Forensic Laboratory Examination
(19) Request file?
(20) A. This report does not look familiar to
(21) me. It does look like something that would end up
(22) in Police Records.
(23) Q. But not always?
(24) A. I -- I could not give you a good answer
(25) on that, I don't know.

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- (1) Q. Directing your attention to page 136,
(2) contact cards, do you know where those would be
(3) kept?
(4) A. I have seen them. I do not see a lot of
(5) them. They are probably most likely kept up in the
(6) bureau.
(7) Q. Would those be the types of records that
(8) would be sent to Police Records after the case is
(9) done?
(10) A. It would be a type of records we would
(11) receive.
(12) Q. But generally, these would be kept up in
(13) the Bureau as the case was ongoing?
(14) A. Yes.
(15) MR. COHEN: If I could, point of
(16) clarification, are the contact cards kept or is
(17) there some other record?
(18) THE WITNESS: Mitch, I've seen them once
(19) in a while. I mean I really don't see them often,
(20) and I don't know if the policy is -- I mean if this
(21) is something the Bureau keeps all the time. I have
(22) seen them. I mean things trickle through,
(23) but
(24) MR. COHEN: It looks like a contact card
(25) is something sent to someone's.

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(1) THE WITNESS: To say, you know, we
(2) need -- it's just the correspondence between the
(3) detective and the citizen as far as their case.
(4) MR. O'TOOLE:
(5) Q. And so this would be the card that's
(6) sent, but the card, a copy of the card itself,
(7) would not be kept, or sometimes it would be kept?
(8) A. I've seen them, but generally, no, I
(9) think you would have to check with the Detective
(10) Bureau on that.
(11) Q. Okay. And it mentions in that entry the
(12) "investigator's folder," the second paragraph, the
(13) first line. What's the investigator's folder?
(14) A. That's their case file.
(15) Q. And where is that kept?
(16) A. They keep that in the Bureau.
(17) Q. Do they keep it at their desk or is
(18) there a particular place?
(19) A. I do not know if they keep it at their
(20) desk or in a file cabinet, because that's not my
(21) work area.
(22) MR. O'TOOLE: All right. I'm directing
(23) your attention now to Exhibit 10, which is various
(24) excerpts from the Evidence Vault Section
(25) Manual.

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(1) (Whereupon, Deposition Exhibit 10
(2) was marked for identification and
(3) is attached to the original
(4) transcript of this deposition.)
(5) MR. O'TOOLE:
(6) Q. I'm directing your attention now to
(7) page 180. You'll notice that there's information
(8) that's redacted.
(9) A. Yes.
(10) Q. Do you know why that information was
(11) redacted?
(12) A. No, I do not. It is probably
(13) information that has to do with security code, how
(14) to get into the evidence vault, something like
(15) that.
(16) Q. So those that would have been redacted
(17) for the security reasons that we discussed earlier?
(18) A. Yes.
(19) MR. COHEN: It's my understanding -- who
(20) did the redaction?
(21) THE WITNESS: Evidence vault, must have
(22) been. I'm assuming it was the director, Tess
(23) Hitt. I certainly didn't do that.
(24) MR. O'TOOLE:
(25) Q. So as far as getting the Evidence Vault

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(1) Section Manual, where did you get that?
(2) A. I received it from the director.
(3) Q. And that was?
(4) A. Tess, T-e-s-s, Hitt, H-I-T.
(5) Q. And then you forwarded this to
(6) Mr. Cohen?
(7) A. Mitch, uh-huh.
(8) Q. But the redactions were not done by you?
(9) A. No.
(10) Q. Now, you'll note also on page 180 it
(11) talks about the Evidence Vault Logs. Would those
(12) be kept in the Police Records section?
(13) A. No.
(14) Q. Where would those be kept?
(15) A. Evidence vault.
(16) Q. I'm directing your attention now to
(17) page 182. At the bottom of the page it talks about
(18) reporting damage to evidence packaging, and it
(19) talks about interoffice memoranda regarding when
(20) evidence is damaged. Do those documents get sent
(21) to Police Records?
(22) A. I am not aware of it.
(23) Q. Do you know where those documents would
(24) be kept?
(25) A. Evidence vault.

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(1) Q. So, for example, if in a case the
(2) physical evidence were damaged during the handling
(3) by the evidence vault, that memoranda would be kept
(4) in the evidence vault itself and not sent to Police
(5) Records?
(6) A. To the best of my knowledge.
(7) Q. So let me just ask a hypothetical,
(8) because it relates to this case. If a piece of
(9) evidence such as blood evidence were mishandled so
(10) that DNA testing or ABO type blood testing could
(11) not be conducted, there should be some memorandum
(12) in the evidence vault file that would not be sent
(13) to Police Records; is that correct?
(14) A. I don't know for sure. I really don't
(15) know for sure.
(16) Q. But you have never seen such a
(17) memorandum in Police Records?
(18) A. I have never seen one.
(19) Q. Also on page 182 it talks about quality
(20) control checks. It's in the middle of the page in
(21) the longer paragraph, about four lines from the
(22) bottom, the large paragraph.
(23) A. Okay.
(24) Q. For those quality control checks, would
(25) any documents generated by those be stored in

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- (1) Police Records?
(2) A. Not that I'm aware of, no.
(3) Q. Where would they be stored?
(4) A. Evidence Vault.
(5) Q. Would the same be true for documents
(6) created with regard to the entry on page 183 in
(7) dealing with damage that occurs during laboratory
(8) analysis or anytime before laboratory analysis?
(9) A. Looking through there, it says that if
(10) the package is damaged in a way that cannot be
(11) repaired, contact supervisor and an Officer's
(12) Report is completed. So if there were any type of
(13) report, whether it was kept in -- over in the
(14) Evidence Vault or if it was forwarded to Police
(15) Record, it would be in the form of an Officer's
(16) Report.
(17) Q. And so those reports should be sent to
(18) Police Records?
(19) A. Well, it's including an AC number, and I
(20) don't know what they're talking about far as an AC
(21) number. I do not keep AC numbers. It looks like
(22) they're talking appropriate AC number in the ACE
(23) system, so the ACE system is an internal computer
(24) system that they have, so they probably keep a
(25) report in that system. I don't see where they're

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- (1) putting an event number on it, and if they don't
(2) have an event number on it or an ID number, it
(3) would not go to Police Records.
(4) Q. So those would be kept separately by the
(5) Evidence Vault?
(6) A. Yes.
(7) Q. Is there a records custodian for the
(8) Evidence Vault?
(9) A. No, not that I know of.
(10) Q. So where would they be kept in the
(11) Evidence Vault, just a storage room?
(12) A. I do not know, I've never been over to
(13) the evidence vault, and I do not believe this ACE
(14) system was installed at the time. This is a fairly
(15) new system.
(16) Q. I'm directing your attention now to
(17) page 184 near the bottom of the page where it says
(18) the "Run Team."
(19) A. Yes.
(20) Q. Under that heading where it says, the
(21) "Run Detail is responsible for," and one of the
(22) things it says is "notification of officers
(23) reference improperly impounded evidence," would
(24) documents generated from a report from the Run Team
(25) be stored in the Police Records section?

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- (1) A. Not that I know of, no.
(2) Q. So those would also be stored in the
(3) evidence vault?
(4) A. Yes.
(5) Q. I'm directing your attention now to
(6) page 185. Again, you'll note that there's some
(7) redactions on that page, and you did not do those
(8) redactions; is that correct?
(9) A. No, I did not.
(10) Q. And so you have no knowledge as to why
(11) those redactions were done?
(12) A. No. They are probably something in
(13) there has to do with security codes, or accessing
(14) entrance or information into the computer.
(15) Q. Okay. Now, I'm directing your attention
(16) to the middle of the page under the Utility Team
(17) section where it talks about quality control
(18) audits.
(19) A. Yes.
(20) Q. Where would the quality control audits
(21) be kept?
(22) A. Evidence Vault.
(23) Q. Those would not be kept in Police
(24) Records?
(25) A. No.

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- (1) Q. And then as far as correspondence
(2) regarding release of information or evidence which
(3) is under the heading of telephone release of
(4) information --
(5) A. I have -- I do not have telephone
(6) records from Evidence Vault.
(7) Q. Would you have correspondence regarding
(8) the release of information from the Evidence Vault?
(9) A. I may have.
(10) Q. So that type of correspondence may wind
(11) up in Police Records?
(12) A. It might. It might not. It would have
(13) to be -- I'd have to see something specifically.
(14) We do receive information as far as if a gun is
(15) released or if any property is released, we get
(16) that information. It's a computerized form.
(17) Q. So there would be a computerized form
(18) regarding the release of a gun?
(19) A. Oh, yes, yes.
(20) Q. And that would be kept in Police
(21) Records?
(22) A. Yes.
(23) Q. Directing your attention to page 188,
(24) and again, you did not do these redactions?
(25) A. No, I did not.

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- (1) Q. It talks here about Temporary Evidence
(2) Property Control Logs. You see that on the bottom
(3) of the page?
(4) A. Yes.
(5) Q. Are you familiar with those documents?
(6) A. No, I am not.
(7) Q. So to the best of your knowledge, those
(8) documents are not kept in the Police Records
(9) section; is that correct?
(10) A. To the best of my knowledge.
(11) Q. And it also talks on this page about
(12) station logs. Are you familiar with those
(13) documents?
(14) A. No, I am not.
(15) Q. To the best of your knowledge, are those
(16) documents kept in the Police Records section?
(17) A. No.
(18) Q. We talked earlier about retention of
(19) records. What do you do about records that don't
(20) have any corresponding entry in the retention
(21) schedules, how do you determine when you're going
(22) to dispose of those records?
(23) A. What we do is we check the state
(24) retention schedule. If I don't have an answer
(25) there, I will check with Guy Rocha or

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- (1) Mr. Van Stratton up in Carson City, and if there's
(2) any doubt whatsoever, we keep it.
(3) Q. Now, do you know if Criminalistics
(4) follows the same retention policy?
(5) A. I know they keep their notes, their lab
(6) notes and that, that I do know they keep.
(7) Q. Do you know if they follow the retention
(8) schedules for other documents that they might have
(9) in Criminalistics?
(10) A. Yes.
(11) Q. They do?
(12) A. To the best of my knowledge they do.
(13) Q. And the Evidence Vault, would they do
(14) the same?
(15) A. Yes.
(16) Q. And so if an Officer's Report were
(17) prepared in Criminalistics and the type not sent
(18) over to Police Records -
(19) A. They usually all - if it's an officer's
(20) report, it usually would go to Police Records.
(21) That is the standard.
(22) MR. O'TOOLE: I'm directing your
(23) attention now to Exhibit 11, which would be the
(24) Inventory Item Catalog.
(25) ////

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- (1) (Whereupon, Deposition Exhibit 11
(2) was marked for identification and
(3) is attached to the original
(4) transcript of this deposition.)
(5) MR. O'TOOLE:
(6) Q. I'm directing your attention to
(7) page 154, where it says "Request to Purge
(8) Records."
(9) MR. COHEN: I'm sorry, which page?
(10) MR. O'TOOLE: Page 154.
(11) Q. Where are those documents stored?
(12) A. Request to Purge Records, that is
(13) apparently a form. I don't recall ever seeing that
(14) form. I may have. I do not recall it by just the
(15) title, and I don't know who would use it. I never
(16) recall seeing it in Records.
(17) MR. COHEN: If I could maybe clarify.
(18) Arlene, do you know if that might be related not to
(19) investigation but to Personnel Records?
(20) THE WITNESS: You know what, I think it
(21) might be, I think it may have to do - and I'm
(22) merely speculating - is to either personnel or
(23) Internal Affairs investigations on individuals.
(24) After a certain period of time a person could
(25) have, if they are, you know, found not guilty or

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- (1) something, they can have that removed from the
(2) record. Sometimes it's just a minor
(3) disciplinary-type thing.
(4) I'm sure that's what it is now that you bring
(5) it to mind, Mitch.
(6) MR. O'TOOLE:
(7) Q. And generally, Exhibit 11 describes the
(8) various types of forms and other types of items
(9) that are kept by the Metropolitan Police
(10) Department; is that correct?
(11) A. Yes.
(12) MR. O'TOOLE: I'm directing your
(13) attention to Exhibit 12, and that would be the
(14) Criminal History Sealing Procedures.
(15) (Whereupon, Deposition Exhibit 12
(16) was marked for identification and
(17) is attached to the original
(18) transcript of this deposition.)
(19) MR. O'TOOLE: Okay. Back on the record.
(20) Q. Could you just repeat what you had just
(21) stated off the record?
(22) A. Okay. On Exhibit 12, page 158, this is
(23) just a list, a legend I created personally in Word
(24) Perfect just to try to explain to you what some of
(25) the letters for different forms, what they meant or

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- (1) what division or what unit that they belong to,
(2) just so you had an idea.
(3) Q. And then the Forms Index itself, how
(4) does that differ from the previous document that we
(5) reviewed?
(6) A. The first one was from General Service,
(7) and those are like general forms that almost every
(8) employee would use, like an application for leave.
(9) The other list of forms, the one we're
(10) looking at now, which is Exhibit 12, was produced
(11) by our graphic artist, and they are a list of all
(12) the forms that are on file with the department that
(13) we use, certain areas use, or that they are
(14) designated for a specific purpose.
(15) If it says LVMPD, it is generally used
(16) throughout the department. If it says DSD, it
(17) would be something -- a form that's used in
(18) Detention Services Division. PD would be the form
(19) of Patrol Division, now it's called Field Services
(20) Division. HRD, Human Resources, those forms are
(21) usually unique to those areas, although we
(22) oftentimes will see some of them in other areas.
(23) Q. So for the most part, if the initial by
(24) one particular form says, for example, "DSD," that
(25) would be a form that's used only by the Detention

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- (1) Services Division?
(2) A. Yes.
(3) Q. But not always?
(4) A. Not always. We -- I might see a copy of
(5) something that was a DSD form.
(6) MR. O'TOOLE: All right. I'm directing
(7) your attention now to Exhibit 13, which is the
(8) Criminal History Sealing Procedures. I believe I
(9) stated Exhibit 12 was that, but for the record,
(10) it's going to be Exhibit 13.
(11) (Whereupon, Deposition Exhibit 13
(12) was marked for identification and
(13) is attached to the original
(14) transcript of this deposition.)
(15) MR. O'TOOLE:
(16) Q. With regard to Exhibit 13 --
(17) A. Yes.
(18) Q. -- where would documents relating to
(19) criminal history sealing be kept?
(20) A. The actual order request to seal
(21) originally goes down to the Sealing Detail, which
(22) is part of the Information Systems section, and
(23) they pull the concerned files and the concerned
(24) documents, they're removed from the file. If
(25) anything is on microfilm, that order is forwarded

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- (1) up to microfilm and microfilm does a diligent
(2) search to ensure that anything concerning that
(3) record that needs to be sealed, if it's on
(4) microfilm, that that is removed. And once it is
(5) sealed, the seal order itself is put in an envelope
(6) with an evidence sticker on it and it is kept in a
(7) secure location.
(8) Q. Where is that?
(9) A. I believe, since I'm no longer in charge
(10) of those files -- they're in a different section
(11) now. I believe they're kept on the lower level of
(12) City Hall by the sealing section, Sealing Detail.
(13) Q. There's a specific Sealing Detail?
(14) A. Yes.
(15) Q. Is it part of Police Records?
(16) A. It is two people, two technicians that
(17) work with the seal orders, and then I have two
(18) people in microfilm. Like I say, if it involves a
(19) microfilm file, they will pull the file and scratch
(20) the film, remove the information from the film with
(21) a razor blade.
(22) Q. Is the Sealing Detail, is that part of
(23) the Police Record section?
(24) A. No, it's not, but microfilm, although
(25) they're not a part of the Sealing Detail, they do

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- (1) work on that part of it that is microfilmed and
(2) then they seal up the record and then the microfilm
(3) supervisor signs the evidence sticker, signs and
(4) dates it, and then it's stored.
(5) Q. Is the Sealing Detail part of the
(6) Technical Services Division?
(7) A. Yes, it is.
(8) Q. But it's a separate unit?
(9) A. It belonged to the Information Services
(10) section, and I am in the Police Records section,
(11) and those two sections make up the Information
(12) Services Bureau.
(13) Q. Directing your attention back to
(14) Exhibit 12 very briefly, you'll note there's a date
(15) by each of the forms.
(16) A. Uh-huh.
(17) Q. Does the date indicate the date that the
(18) form was last reviewed?
(19) A. Yes.
(20) Q. So is there any indication here as to
(21) when the form itself was created?
(22) A. Not that I know of. This is either when
(23) it was created or the last revision, to the best of
(24) my knowledge.
(25) Q. Okay. So it could be either if the form

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(1) was never reviewed, then it would be the date it
(2) was created?
(3) A. There's some here from March of 1988 and
(4) they've been the same.
(5) Q. Directing your attention back to
(6) Exhibit 13, at the bottom of the page it says that
(7) the district attorney's office will send a petition
(8) to seal file to the Intelligence Bureau for review
(9) and comments. Do you know why that would be sent
(10) to the Intelligence Bureau?
(11) A. No, I don't, unless it's very possible
(12) that they may have some type of investigation going
(13) on that no one else may be aware of, or to make
(14) sure that they don't have some type of paperwork up
(15) there that needs to be sealed.
(16) MR. O'TOOLE: I believe that's all the
(17) questions that I have.
(18) THE WITNESS: Are you sure?
(19) MR. O'TOOLE: I think it is.
(20) THE WITNESS: I think, you know, like
(21) what they would do, like sending it up to
(22) Intelligence, let's say someone had put in an
(23) application for a license to open up or run a
(24) business, and maybe on that application they put --
(25) it says, Have you ever been arrested? and they

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(1) write that down there, and perhaps that arrest is
(2) the one that they're sealing, or the one that
(3) they're going to seal, so Intelligence has to know
(4) that so that can be sealed so that can be
(5) expunged. We really try to be thorough.
(6) MR. COHEN: I have two minor points of
(7) clarification.
(8)
(9) EXAMINATION
(10) BY MR. COHEN:
(11) Q. Arlene, regarding records that an
(12) investigating officer sends to Police Records.
(13) A. Yes.
(14) Q. What records get sent to you isn't a
(15) matter of the officer's discretion, is it?
(16) A. You mean from an investigator or from a
(17) field officer?
(18) Q. Either one.
(19) A. A field officer will send us all his
(20) original reports. It's possible that a detective
(21) and investigator in the bureau or investigative
(22) Unit, maybe a document was created up there like a
(23) witness statement where they brought in a witness'
(24) statement for interview or the case closure form,
(25) and he keeps that in his open case file until it is

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(1) completed, sometimes they will send us copies,
(2) sometimes they'll just wait until the case is
(3) closed.
(4) Q. Okay. Once the case is closed, the
(5) officers, are they required by department policy to
(6) send you --
(7) A. Yes, everything has to end up in Police
(8) Records.
(9) Q. And I think we've gone over the
(10) subpoena, and you mentioned the records that you've
(11) produced. I take it the manuals and things that
(12) were produced may have been subject to redaction or
(13) removal of pages for a variety of privilege
(14) reasons?
(15) A. Yes. When I requested -- I said if it
(16) was anything as far as accessing, you know, entry
(17) into an area or a computer system where it would
(18) say exactly how to get into a computer system, you
(19) know, that they did need to remove that, it would
(20) save us from going through all of that.
(21) Q. And the files regarding Mr. Haberstroh
(22) and Mr. Gavillet, those were also subject to
(23) redaction and removal as we discussed, I believe,
(24) with Mr. O'Toole on prior occasions?
(25) A. Yes.

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(1) MR. COHEN: Nothing further.
(2) MR. O'TOOLE: One more.
(3)
(4) FURTHER EXAMINATION
(5) BY MR. O'TOOLE:
(6) Q. The policy that sets out what a
(7) detective must send over to Police Records and what
(8) Homicide must send over to Police Records, where is
(9) that found?
(10) A. Exactly -- I mean it's just understood,
(11) and there's also, I believe, a part in the
(12) Las Vegas Metropolitan Police Department manual,
(13) originals belong in Police Records. There are
(14) certain exceptions and that should be in there. I
(15) can't cite it exactly. That's from the Police
(16) Records section manual itself.
(17) Q. And it's found somewhere in here, but
(18) you're not exactly sure where?
(19) A. I'm not sure the exact location. It's
(20) probably mentioned in our Records section
(21) procedures manual, but it should be in the LVMPD
(22) department, in the department manual.
(23) Q. And those policy manuals would say that
(24) all documents generated by Homicide must be sent to
(25) Police Records?

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- (1) A. It governs the exceptions. I don't
(2) remember it verbatim.
(3) Q. Now, if the policy were to say something
(4) to the effect of except those documents authorized
(5) to be maintained in operational units, do you know
(6) what documents would be authorized to be maintained
(7) in operational units?
(8) A. Like daily activity reports, squad
(9) schedules, the supplies they order, that type of
(10) thing.
(11) Q. But nothing having to do with the case
(12) itself?
(13) A. No, no, unless it were like
(14) intelligence, you know, that type of thing, where
(15) they keep their records.
(16) Q. Where the Intelligence Unit keeps its
(17) records?
(18) A. Yes.
(19) Q. But as far as Homicide goes, they don't
(20) have any discretion to keep their own records after
(21) the case is closed; is that correct?
(22) A. They can if they want to, as long as we
(23) have it on film or we have copies also.
(24) Q. So they must send you everything except
(25) for the individual logs?

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- (1) A. Yes.
(2) Q. Various other things?
(3) A. But we always check with them, and
(4) that's why we get the binder, just in case of
(5) something additional. Like I say, we do not have
(6) the photographs because we can't maintain them
(7) forever in our files, and if we microfilm them, so
(8) they usually keep the photographs and the original
(9) newspaper clipping. We may have copies of the
(10) newspaper clipping, but they keep the originals.
(11) MR. OTOOLE: Thanks for your patience.
(12) (Whereupon, the deposition
(13) concluded at 12:29 p.m.)
(14)
(15)
(16)
(17)
(18)
(19)
(20)
(21)
(22)
(23)
(24)
(25)

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- (1) CERTIFICATE OF DEPONENT
(2) PAGE LINE CHANGE REASON
(3)
(4)
(5)
(6)
(7)
(8)
(9)
(10)
(11)
(12)
(13)
(14)
(15)
(16) I, ARLENE C. RALBOVSKY, deponent herein, do
(17) hereby certify and declare under penalty of perjury
(18) the within and foregoing transcription to be my
(19) deposition in said action; that I have read,
(20) corrected and do hereby affix my signature to said
(21) deposition.
(22)
(23) ARLENE C. RALBOVSKY
(24) Deponent
(25) Subscribed and sworn to before me this
day of _____, 1999.
NOTARY PUBLIC

Page 116

- (1) REPORTER'S CERTIFICATE
(2)
(3) STATE OF NEVADA)
(4)) ss
(5) COUNTY OF CLARK)
(6) I, Lisa A. Fogleboch, a duly
(7) commissioned Notary Public, Clark County, State of
(8) Nevada, do hereby certify:
(9) That I reported the taking of the
(10) deposition of the witness, ARLENE C. RALBOVSKY,
(11) commencing on Thursday, January 28, 1999, at the
(12) hour of 9:35 a.m.
(13) That prior to being examined, the
(14) witness was by me duly sworn to testify to the
(15) truth, the whole truth, and nothing but the truth.
(16) That I thereafter transcribed my said
(17) shorthand notes into typewriting and that the
(18) typewritten transcript of said deposition is a
(19) complete, true and accurate transcription of my
(20) said shorthand notes taken down at said time.
(21) I further certify that I am not a
(22) relative or employee of an attorney or counsel of
(23) any of the parties, nor a relative or employee of
(24) any attorney or counsel involved in said action,
(25) nor a person financially interested in the action.

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(1) IN WITNESS WHEREOF, I have hereunto set
(2) my hand and affixed my official seal in my office
(3) in the County of Clark, State of Nevada, this
(4) _____ day of _____, 1989.
(5)
(6)
(7)
(8)

(9) Lisa A. Fogleboch
C.C.R. No. 298

(10)
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ARLENE C. RALBOVSKY - VOLUME II

THURSDAY, JANUARY 28, 1999

Page 1 to Page 117

**CONDENSED TRANSCRIPT AND CONCORDANCE
PREPARED BY:**

**Laurie Webb & Associates
517 South Ninth Street**

**Las Vegas, NV 89101
Phone: (702) 386-9322
FAX: (702) 386-9825**

ARLENE C. RALBOVSKY - VOLUME II
THURSDAY, JANUARY 28, 1999

MSA

XMAX(UT)

Page 1

(1) DISTRICT COURT
(2) CLARK COUNTY, NEVADA
(3)
(4)
(5) RICHARD HANSENTRICH,)
(6) Petitioner,)
(7) vs.) CASE NO. C076013
(8) E. K. McDANIEL, Warden of)
(9) the NEVADA STATE PRISON)
(10) at ELI, NEVADA,)
(11) Respondent.)

(12) DEPOSITION OF ARLENE C. RALBOVSKY
(13) VOLUME II
(14) Taken at the Office of the
(15) Federal Public Defender
(16) 330 South Third Street, Suite 700
(17) Las Vegas, Nevada
(18)

(19) On Thursday, January 28, 1999
(20) At 9:38 a.m.
(21)

(22) Reported by: Lisa A. Foglebeck, C.C.R. No. 299

Page 2

(1) APPEARANCES:
(2) For the Petitioner: TIMOTHY P. O'TOOLE, ESQ.
(3) Assistant Federal Public
(4) Defender
(5) 330 South Third Street
(6) Suite 700
(7) Las Vegas, Nevada 89101
(8) For the LWMO: MITCHELL M. COHEN, ESQ.
(9) Deputy District Attorney
(10) Civil Division
(11) 800 South Grand Parkway
(12) Las Vegas, Nevada 89106
(13) Also present: Elizabeth Moulton, CIA
(14) * * *

I N D E X

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(1) Whereupon,
(2) ARLENE C. RALBOVSKY,
(3) having been first duly sworn to testify to the
(4) truth, the whole truth and nothing but the truth,
(5) was examined and testified as follows:
(6)

EXAMINATION

(7) BY MR. O'TOOLE:
(8) Q. Could you state your name for the
(9) record.
(10) A. Arlene C. Ralbovsky, R-a-l-b-o-v-s-k-y.
(11) Q. And just for the record, you've been
(12) deposed previously in this case?
(13) A. That is correct.
(14) Q. And this is a continuation of your prior
(15) deposition?
(16) A. Yes.
(17) Q. And one more time, just for the record,
(18) prior to the deposition today, Mr. Cohen and you
(19) and Miss Moulton and me had a discussion about the
(20) document production that has been made pursuant to
(21) the subpoena in this case; is that correct?
(22) A. Yes.
(23) Q. And we discussed what you, from the
(24) Metropolitan Police Department, had produced; is

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(1) that correct?
(2) A. Yes.
(3) Q. And what various items had been
(4) withheld?
(5) A. Yes.
(6) Q. Thank you.
(7) And during the course of that discussion, we
(8) agreed that you would provide our office with a
(9) copy of the police access list for the Federal
(10) Public Defender's; is that correct?
(11) A. Yes.
(12) Q. Just to start with an organizational
(13) question, the Metropolitan Police Department is
(14) divided into various divisions; is that correct?
(15) A. Correct.
(16) Q. And one of the divisions is the
(17) Technical Services Division; is that correct?
(18) A. Yes.
(19) Q. What is in the Technical Services
(20) Division?
(21) A. It consists of the Information Services
(22) Bureau, which consists of Information Systems
(23) section, Police Records section, and the
(24) Fingerprint section. Technical Services also
(25) includes Communications, and it includes General

Page 5

- (1) Services. General Services, they do our supplies,
(2) our facilities.
(3) Q. And within the Technical Services
(4) Division, are all the records kept within the
(5) Police Records section?
(6) A. No, because they're not all police
(7) records.
(8) Q. Where else are records kept in the
(9) Technical Services Division?
(10) A. I'm sure that General Services would
(11) keep things like copies of bills, copies of
(12) payments, copies of work orders, copies of
(13) supplies, copies of inventory.
(14) Q. Is there anywhere else within the
(15) Technical Services Division that they would keep
(16) records?
(17) A. Communications, they have their computer
(18) tapes. Their general office files, attendance,
(19) that type of thing.
(20) Fingerprint would have, I believe, I'm not
(21) positive, the fingerprint cards, some work
(22) application information, convicted person
(23) registration.
(24) Q. What about the computer systems
(25) management, is that a bureau or a division?

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- (1) A. Information Services System, those are
(2) our computer people. They take care of the
(3) hardware, software, and also there's some data
(4) entry.
(5) Q. Would they keep their own records as far
(6) as those items?
(7) A. Computer tapes, that kind of thing, yes.
(8) Q. What about paper that they generate,
(9) where would that go?
(10) A. They have some records that they keep
(11) that aren't per se police arrest records. What
(12) they would process that would be a police record
(13) would end up up in my area. I'm talking about
(14) booking vouchers. They get a copy of the booking
(15) vouchers, they data the information, data enter it
(16) into SCOPE and send the voucher up to Police
(17) Records for filing.
(18) Q. So some items that they generate would
(19) stay within their section and then other items
(20) would be sent to Police Records?
(21) A. They're just their own general office,
(22) attendance, supply orders, that type of thing.
(23) Q. Okay. Moving on to the Investigative
(24) Services Division, let's go through the various
(25) bureaus there. There's the Detective Bureau; is

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- (1) that correct?
(2) A. Yes.
(3) Q. And then the Informants Bureau?
(4) A. I don't know of an Informants Bureau. I
(5) know we have Vice and Narcotics. I really couldn't
(6) tell you exactly unless I had the department phone
(7) book, just to name them offhand.
(8) Q. Okay.
(9) A. Juvenile, Juvenile Bureau would be in
(10) there.
(11) Q. What about Secret Witness Bureau?
(12) A. I'm not - I believe Secret Witness is
(13) with the Investigative Services. I'm not positive.
(14) Q. Okay. And as far as the Investigative
(15) Services Division, what records would be kept
(16) where would the records generated by that division
(17) be kept?
(18) A. We receive most of them, sometimes they
(19) will keep - if they're working on a case, they
(20) usually have copies, and when they're done with
(21) their copies, they send them to Police Records and
(22) we double-check and make sure they're not
(23) duplicates. We usually end up filing the
(24) duplicates anyway, just to be sure.
(25) Q. And then as far as the Informants

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- (1) Bureau, do you ever get records from them?
(2) A. I don't think there is an Informants
(3) Bureau. I think each of the investigative units,
(4) some of the investigators may have informants, some
(5) of the detectives.
(6) Q. But there's no particular bureau,
(7) per se?
(8) A. No, not a specific one for that, no.
(9) Q. And what about Secret Witness records,
(10) would those come to the Police Records?
(11) A. I don't know of any that ever have, and
(12) I'm really not familiar with what they would keep.
(13) Q. What about the Patrol Division, do you
(14) get records from the Patrol Division?
(15) A. What they originate as far as taking an
(16) incident crime report or a voluntary statement,
(17) that is all forwarded to Police Records. They
(18) would just keep like who worked on certain squad
(19) attendance, that type of thing, but anything that
(20) would have to do with crime or incident reports
(21) goes to Police Records.
(22) Q. What about for the Special Operations
(23) Division, the same thing?
(24) A. We do receive the work referral slips.
(25) Their actual investigative papers, they maintain

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- (1) them in their office. We may microfilm them for
(2) them, but they maintain them in their office.
(3) Q. So they maintain their own records in
(4) the Special Operations Division, other than what
(5) you microfilm?
(6) A. Yeah.
(7) MR. O'TOOLE: I'm going to show you
(8) Exhibit 1, which is part of the Metropolitan Police
(9) Department Records Section Procedures Manual.
(10) (Whereupon, Deposition Exhibit 1
(11) was marked for identification and
(12) is attached to the original
(13) transcript of this deposition.)
(14) MR. O'TOOLE:
(15) Q. Are you familiar with the Records
(16) Section Procedures Manual?
(17) A. Yes.
(18) Q. I'm showing you page 1, which is stamped
(19) on our copy with a page number 625. The Central
(20) Records Detail, it shows the Central Records
(21) Detail --
(22) A. Yes.
(23) Q. -- and the Microfilm Detail. Can you
(24) describe what those two details do?
(25) A. We call police -- we call it Central

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- (1) Records in that we do have a detail, a group of
(2) people that do microfilm work. They merely film
(3) records when they are ready to be filmed. They
(4) develop the film. They verify the film against the
(5) original document. They are part of records, but
(6) they're just a separate detail.
(7) Q. And Central Records Detail, what would
(8) that be?
(9) A. That includes the front counter, it
(10) includes doing Teletypes. It includes transcribing
(11) reports, telephone reports, citizens' reports. It
(12) includes our Wanted Vehicle System, processing
(13) arrest packages.
(14) Q. And is Central Records Detail
(15) responsible for the files contained in the Police
(16) Records section?
(17) A. Yes.
(18) Q. How many employees are in the Police
(19) Records section, approximately?
(20) A. I have 120. Now, two of those people
(21) include the deputy chief and his secretary.
(22) Q. And are you in charge of all 120?
(23) A. I'm not in charge of the chief or his
(24) secretary, but --
(25) Q. But everyone else?

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- (1) A. Everyone else.
(2) Q. And just in general, what types of
(3) employees do you have, what are the basic job
(4) descriptions, just in general?
(5) A. Clerical, but on a high technical level.
(6) Q. All of the jobs, is that all 120 of the
(7) jobs?
(8) A. Just about, yes. Most people are
(9) trained in several job areas.
(10) Q. What would those be?
(11) A. Teletype Detail, which includes NCIC,
(12) what we call NLETS, National Law Enforcement
(13) Teletype System. That's all broken down in the
(14) procedural manual, the different job areas.
(15) Front counter includes public inquiry,
(16) officers, anybody involved in law enforcement,
(17) attorneys coming up to the front counter making
(18) requests. They also handle telephone inquiries.
(19) They provide reports, do research. We have
(20) technicians scheduled every day to do incident
(21) crime reports for citizens that just walk into the
(22) station and say I'm the victim of a robbery. We
(23) take the report.
(24) We transcribe arrest reports and officers'
(25) reports through our dictation system. We take a

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- (1) certain group of reports over the telephone.
(2) Again, you know, we do the Teletypes. We enter
(3) stolen material, missing people. We clear and
(4) cancel those records when necessary.
(5) Our Wanted Vehicles System includes data
(6) entry of stolen vehicle information on a local
(7) level. It's a local system. It includes recovery
(8) information, it includes all police impounds, and
(9) at one time it did include private impounds, but
(10) now we merely keep those. We keep index cards,
(11) which we do manually.
(12) We enter traffic accident reports. We have a
(13) procedure where we make copies for Carson City for
(14) the state, we send a copy to City Traffic
(15) Engineering and County Traffic Engineering so they
(16) can analyze where they need stop signs, traffic
(17) lights, et cetera.
(18) We do background checks for employment and
(19) for housing and we do insurance requests. In other
(20) words, we receive requests from insurance companies
(21) requesting incident reports where their clients
(22) have become victims, whether it's a traffic
(23) accident, robbery, burglary.
(24) Then we have the admin desk where we process
(25) the arrest report packages to ensure that the

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- (1) detectives and that the court have the complete
(2) arrest package for prosecution.
(3) Q. Let me go back to the last thing that
(4) you mentioned. Who does exactly what as far as
(5) ensuring that the Police Records has all of the
(6) records concerning a particular arrest or
(7) concerning a particular event?
(8) A. Well, when an officer makes an arrest,
(9) there is a case screening form, and on that form he
(10) lets us know which reports he has taken, so we know
(11) what should be there. When an officer makes an
(12) arrest and he turns in an arrest package, it is
(13) approved by his supervisor.
(14) Q. And so the officer's supervisor in the
(15) particular division would determine what gets sent
(16) to the Police Records?
(17) A. No, they have to send everything, but
(18) they would make sure that the officer, everything
(19) was completed, that everything he said was in the
(20) package was there.
(21) Q. Have you had --
(22) A. And they approve it, they have -- they
(23) sign their name to it.
(24) Q. Have you had situations where not
(25) everything comes over?

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- (1) A. We have had situations where an officer
(2) said maybe there was a property report and there
(3) wasn't.
(4) Q. What about things like notes in their
(5) files?
(6) A. We rarely would day to day, we rarely,
(7) rarely ever have notes. Those are more with
(8) detectives, with investigators. If they have
(9) anything particular, if someone's a robbery victim
(10) and there's certain circumstances that need to be
(11) elaborated, they will do an officer's report, and
(12) that's included in the file.
(13) Q. But as far as the notes go, are those
(14) routinely sent over to Records?
(15) A. No.
(16) Q. Or go away?
(17) A. I think they just go away.
(18) Q. They could still be over in the
(19) detective's desk, but there's just no procedure for
(20) that?
(21) A. Correct, if it's a detective. Now, if
(22) this is coming from patrol, most likely there will
(23) not be notes. With the detective, they may have
(24) little sticky notes for that and those are kept and
(25) those are filmed.

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- (1) Q. Those are filmed by the Records section?
(2) A. Microfilm, sure. It's not often that
(3) there's anything, I mean that there are notes.
(4) Q. Does anyone go back to ask the officers
(5) do you have notes that you wanted to send over?
(6) A. No.
(7) Q. Or how do they get over?
(8) A. They just forward them to Police
(9) Records.
(10) Q. Let me go back really quickly. There's
(11) the Microfilm Detail?
(12) A. Uh-huh.
(13) Q. What happens once a document is
(14) microfilmed?
(15) A. After it is microfilmed, it is -- each
(16) original document is verified against the film,
(17) each film image, to verify that it has been filmed
(18) correctly and that it is legible. And then it is
(19) kept for approximately three to four months and
(20) then it is shredded under a controlled environment.
(21) Q. Is there a certificate of destruction?
(22) A. Yes, there is a certificate.
(23) Q. And where would those certificates be
(24) kept?
(25) A. They are kept by the microfilm

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- (1) supervisor.
(2) Q. So there's an actual file containing the
(3) certificates of destruction for the records that
(4) have been microfilmed?
(5) A. They do not list every single piece of
(6) paper, that would be impossible. We go through
(7) millions, millions.
(8) Q. So the certificate of destruction would
(9) generally just say that this particular file had
(10) been destroyed?
(11) A. It would say that a group of event files
(12) were destroyed on a certain date.
(13) Q. And it would have the name of the event
(14) or would it just have the number?
(15) A. No, there are so many, it just --
(16) there's -- it just would be impossible to do. It
(17) may say, you know, like from 0001 to 02000, but
(18) it's not going to list each separate one.
(19) Q. So it wouldn't list the event number
(20) separately, but it would just list a series?
(21) A. It may list a series, yes.
(22) Q. Would those be input into the computer?
(23) A. They're just kept just as -- just to
(24) show that, you know, documents are being destroyed
(25) and

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- (1) Q. So if you had a case where you had
(2) destroyed the documents and you had the event
(3) number --
(4) A. Uh-huh.
(5) Q. -- how would you find out that the
(6) documents had been destroyed?
(7) A. If it were on film, we would know the
(8) documents had been destroyed. Once it is filmed,
(9) we don't keep them, we just don't have the room.
(10) Q. Okay. One of the duties I think you
(11) testified previously, Police Records is to respond
(12) to subpoenas; is that correct?
(13) A. Yes.
(14) Q. What exactly happens when a subpoena
(15) comes into Police Records, who would receive it?
(16) A. I would receive it. I make sure that it
(17) is for me, because sometimes they will ask for
(18) something that does not belong to me. It may be
(19) all the 911 calls or something like that, but if it
(20) is for arrest documents, it usually comes to me,
(21) and we run the subject's name that they want the
(22) information on through various computer systems
(23) and --
(24) Q. Let me stop you right there. When you
(25) say "we," who physically would be running this?

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- (1) A. When I say "we," sometimes I run it.
(2) Usually my clerical assistant does the research.
(3) Q. And how many people do you have who
(4) respond to subpoenas in the Records section?
(5) A. Actually, the subpoenas are usually
(6) addressed to me or Custodian of Records. I have
(7) one person who helps me with them. If we have a --
(8) just happen to have an unusual number, I have a
(9) supervisor that will additionally help retrieve
(10) documents, but I go through them as they are signed
(11) to make sure that everything's there and
(12) everything's in order.
(13) Q. And do you routinely notify the district
(14) attorney's office that you've gotten a subpoena?
(15) A. Only if I have a question or if there's
(16) a problem or if I have or I believe that we need to
(17) file an objection.
(18) If it's like a sexual assault or if it's for
(19) juvenile information, sometimes we'll get a
(20) subpoena from out of state and they'll just send it
(21) through the mail or think they can fax it, and it's
(22) not really proper service.
(23) Q. So once you get the subpoena and you
(24) determine that it's properly sent to Police
(25) Records, what would you do in order to go look for

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- (1) the records that are sought in the subpoena?
(2) A. The very first thing we do is we run the
(3) name in what we call SCOPE. If there's anything in
(4) SCOPE, we make a printout of the screen. We work
(5) from there. We also check RMS and we check
(6) Law RMS, they have two computer systems.
(7) Q. What's RMS?
(8) A. It stands for Records Management System,
(9) and Law RMS is simply an upgrade of that system, a
(10) new version, and then we also check to see if
(11) there's any backup, any -- not backup, but any
(12) update information that comes in just in the hard
(13) copy files, which we keep by date and number.
(14) Q. Now, what divisions would you go to, or
(15) what various bureaus would you go to to make sure
(16) that you had all the information that was being
(17) sought?
(18) A. Usually it's strictly within Records.
(19) Anytime it's a homicide, we always check with
(20) Homicide, always, no matter what, just to make sure
(21) that we have everything. And it's just to -- we
(22) always check with the investigator, because the
(23) subpoena could be for a civil, and if the criminal
(24) is still open, we don't want to jeopardize the
(25) criminal.

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- (1) Q. That brings me to another question. I
(2) notice in one of the manuals that you gave us --
(3) Let me go off the record to mark this
(4) exhibit.
(5) (Whereupon, Deposition Exhibit 2
(6) was marked for identification and
(7) is attached to the original
(8) transcript of this deposition.)
(9) MR. O'TOOLE:
(10) Q. I'm showing you now Exhibit 2.
(11) A. Yes.
(12) Q. And this contains a balancing test, is
(13) what it's called in the document, to determine
(14) whether or not you can release information
(15) pertaining to a criminal proceeding.
(16) A. That's with an officer's report. If
(17) you're looking under where it says "Procedure, All
(18) requests for copies of investigative reports," I
(19) consider an investigative report an officer's
(20) report.
(21) Q. As far as this balancing test goes, who
(22) applies this balancing test within Metro?
(23) A. What they're talking about balancing
(24) tests, someone can come in and get a copy of their
(25) robbery report, but let's say that the detective

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- (1) who is working on the investigation thinks that
(2) maybe something's a little hinky with the victim,
(3) that maybe this is a phony report, and he may do an
(4) officer's report.
(5) Well, we're not -- if the person comes in,
(6) they want a copy of their incident report, we will
(7) give it to them, but we're not going to give them
(8) the officer's report. But if by some chance they
(9) found out an officer did do something, type a
(10) follow-up, they can do one of two things: They can
(11) subpoena, or we have a form which we will attach to
(12) a copy of the arrest report and send it up to the
(13) investigator, and it has to meet certain criteria.
(14) And if it meets that criteria, the
(15) investigator will decide if we can go ahead and
(16) release the officer's reports. Sometimes we can,
(17) because it's just basically -- it doesn't implicate
(18) anybody, it's just additional statement of
(19) information.
(20) Q. So that would be a situation where
(21) releasing that officer's report to the person who
(22) had come in might jeopardize the investigation
(23) because the officer had started to suspect --
(24) A. Yes.
(25) Q. -- the person who had filed the report?

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- (1) A. Uh-huh.
(2) Q. And who would be deciding that this
(3) would be the type of --
(4) A. We send it to the investigative unit and
(5) it's usually decided by a sergeant or lieutenant.
(6) Q. At the investigative unit?
(7) A. Yes. They send it back to me letting me
(8) know if it's okay to give it out or not, and that
(9) takes the responsibility off of me so that I don't
(10) jeopardize any type of investigation.
(11) Q. So a sergeant or lieutenant --
(12) A. Uh-huh.
(13) Q. -- would apply the balancing test, and
(14) they'd probably be alerted to it by you that
(15) someone had made such a request?
(16) A. No. We -- the cover sheet says who's
(17) requesting it, and we send a copy of the officer's
(18) report, the report the person's interested in, or
(19) the investigator can read it. We make it
(20) convenient for him. It's handy. It's right
(21) there. He looks at it and says, Yeah, I don't have
(22) a problem with this going to that person.
(23) Q. Okay. Now, as far as responding to a
(24) subpoena, you talked about documents that are under
(25) your hand. Which documents would you consider to

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- (1) be under your hand?
(2) A. Under my hand, whatever is in Police
(3) Records, whatever is in our files.
(4) Q. Okay. And anything that's not within
(5) the Police Records files is not something that you
(6) would be looking for in response to a subpoena?
(7) A. Correct, unless it was like a homicide,
(8) and then I would call Homicide, they would send
(9) over or I would pick up the binder, and then it
(10) would be under my hand and I would make copies and
(11) return it back to them.
(12) Q. So with regard to Homicide, you'd
(13) actually go and check with Homicide to make sure
(14) that there aren't any records that they have?
(15) A. I have to call anyway just to ask if I
(16) can pick it up or send it over because I have a
(17) subpoena.
(18) Q. And have you normally had situations
(19) where Homicide would have records that didn't make
(20) it over to Police Records until you called?
(21) A. Yes, yes.
(22) Q. How does that work?
(23) A. They may have had a witness come in and
(24) have taken a statement over in the Detective Bureau
(25) and it was just transcribed or recently

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- (1) transcribed, and then they'll send it over to us
(2) eventually, but they may not do it immediately
(3) because they want to review it.
(4) Q. Who decides from the Detective Bureau
(5) what gets sent to Police Records?
(6) A. I don't know. They know that we are
(7) supposed to be the keeper of the records and we
(8) always work with them. I mean we know that if we
(9) don't have it, that Homicide has it. We know where
(10) to get it from.
(11) Q. But there's someone in Homicide, or
(12) maybe more than one person in Homicide, who decides
(13) what Homicide will send and what the Detective
(14) Bureau will send?
(15) A. Not necessarily. I think it's the
(16) individual investigator. They have their binder,
(17) their workbook, and they just may not think to send
(18) a witness statement to us, but it's in the binder.
(19) It's there.
(20) Q. Does everything that they generate make
(21) it into the binders?
(22) A. Yes, I would say it does.
(23) Q. Including like personal notes?
(24) A. Yes. To the best of my knowledge, yes.
(25) Q. Is there a policy on that?

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- (1) A. I don't know. Notes, notes are
(2) records. To me, notes are records.
(3) Q. To you is everything generated in the
(4) course of an investigation a record?
(5) A. Yes. A phone call, phone slips are
(6) records.
(7) Q. Now, we talked earlier about records
(8) that are stored in the various division units and
(9) bureaus. Are there any criteria for determining
(10) what's stored in the individual unit or bureau and
(11) what's stored in Police Records?
(12) A. It specifies exactly in the department
(13) manual. Like with fatal traffic accidents, that
(14) sometimes they have the original package there
(15) until -- we will have copies of everything, but
(16) they'll have the originals until they're finished
(17) with the investigation, they have all the original
(18) signatures on there, and then it comes to us.
(19) That's one of the units.
(20) Q. And you said that all of the documents
(21) are provided for in the manual as to where they'll
(22) be stored and who will get them; is that correct?
(23) A. It talks about -- about Police Records
(24) and about the exceptions of which investigative
(25) units, you know, who -- which ones can keep their

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- (1) reports for a certain amount of time or do keep
(2) their reports.
(3) Q. Now, is there anyone in the Police
(4) Records files whose job it is to go through and
(5) review the records of the other bureaus and
(6) divisions and units to make sure that all the
(7) records that are supposed to be going to Police
(8) Records are actually getting there?
(9) A. No one has actually gone to the other
(10) areas and looked through all their records. I keep
(11) the retention schedule for the department when I do
(12) a records inventory, then I would do something like
(13) that.
(14) Q. Has there ever been a systematic check
(15) to make sure that everything is getting to Records?
(16) A. Not a formal inspection, no.
(17) Q. Have you had situations where you found
(18) documents in other divisions or bureaus that should
(19) have made their way to Records?
(20) A. Sometimes with Vice and Narcotics we may
(21) not get some of their -- they will have some of the
(22) original documents and we may not get them for
(23) maybe two or three years, but then we will get
(24) them, but that's standard, we realize that's
(25) standard.

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- (1) Q. And you stated that with Homicide
(2) sometimes you have to go over there to make sure
(3) that everything is coming over?
(4) A. No, we just -- we always get their file
(5) because we know that they have the most complete.
(6) They have the notes in it, they will have their
(7) newspaper clippings, and, like I say, if they have
(8) a witness statement that wasn't quite ready to be
(9) sent over, that's why we check with Homicide, to
(10) make sure we have all our bases covered, that we
(11) have everything, especially if it's an open file,
(12) it's not a closed case, you know, they're still
(13) working on it and they want to refer to their
(14) telephone notes and that.
(15) Q. And as far as an open file, I think we
(16) talked about this the last time, but a case remains
(17) open until when?
(18) A. Until it's solved.
(19) Q. Once there's a conviction, is that a
(20) closed file?
(21) A. Yes.
(22) Q. So just for example, the Haberstroh
(23) case, would that be considered a closed file?
(24) A. Yes, because there's a conviction, but
(25) we still keep the -- even though we may microfilm,

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- (1) usually on homicides we still keep the hard copy in
(2) instances like this, because it makes it so much
(3) easier. You just get better copies from the
(4) original than you would from microfilm, and it is
(5) just so labor intensive to be making copies of the
(6) film of each document.
(7) Q. Now, in the Haberstroh case, did you go
(8) back over to Homicide to get the Homicide file in
(9) response to our subpoena?
(10) A. It was delivered to us, I believe.
(11) Q. Were there documents in the Homicide
(12) file that were not in the Records files?
(13) A. Photographs, I think some newspaper
(14) articles. I believe that we had just about
(15) everything except like photos. Even if we
(16) microfilm photos, they don't come out very well.
(17) They keep the original photos and then the photo
(18) lab has the negatives. But on that, everything
(19) that they had is what we should have had on
(20) microfilm. It should be absolutely complete.
(21) Q. What about, say, Secret Witness files on
(22) the Haberstroh case?
(23) A. I am not aware of any Secret Witness
(24) files. There may have been some in there, but I
(25) don't recall. I don't recall.

OFFICER'S REPORT

D.R.A

POSSIBLE ESCAPE ATTEMPT - 5017

Subject

Division Reporting: D.S.D.-Security

Division Of Occurrence: D.S.D.-Security

Date And Time Occurred: 10/14/87/0633

Location Of Occurrence: 5017 - CCDC

DETAILS: BASED ON INFORMATION PASSED ON FROM SWING SHIFT THAT A PIECE OF METAL FROM A SHOWER SOAP DISH HAD BEEN TAKEN FROM HABERSTROH, RICKEY, #903552, A SHAKEDOWN WAS CONDUCTED IN MODULES 5C AND 5D DURING LINEN EXCHANGE ON THIS DATE. UPON ENTERING 5017, OCCUPIED BY SAVAGE, ROBERT, #913909, IT WAS FOUND THAT SEVERAL LARGE GOUGES HAD BEEN MADE IN THE WALLS THEREIN. AN "L" SHAPED GOUGE WAS NOTED ALONG THE SIDE OF THE SINK/COMMODORE. SAID GOUGE WAS DEEP AT THE CORNER OF THE "L", DOWN TO THE LATHING. A LARGE SQUARE GOUGE WAS FOUND UNDER THE DESK TOP ON THE WALL CONTAINING THE DUCTWORK FOR THE VENTS. ATTEMPTS TO CONCEAL THE GOUGES HAD BEEN MADE BY FILLING THEM WITH TOOTH PASTE AND TOILET PAPER. SAID TOOTH PASTE WAS FRESH AND APPEARED LESS THAN 24 HOURS OLD. THE TOILET PAPER WAS VERY WHITE, WITH NO DISCOLORING AND APPEARED NEW, AS WELL. SMALL PARTICLES OF MORTOR WERE FOUND UNDER THE BUNK.

I QUESTIONED SAVAGE, WHO INITIALLY DENIED ANY KNOWLEDGE OF HOW THE GOUGES GOT THERE OR WHO HAD ATTEMPTED TO CONCEAL SAME. HE STATED IT WAS JUST AS WE FOUND IT WHEN HE WAS PLACED INTO THE ROOM APPROX. TWO WEEKS AGO. WHEN CHALLENGED, SAVAGE FINALLY ADMITTED THAT HE "BECAME CURIOUS ABOUT WHAT WAS UNDER THE TOILET PAPER AND TOOTH PASTE AND DUG SAME OUT." WHEN ASKED WHEN HE DID THIS HE STATED THAT HE COULD NOT REMEMBER. I ADVISED THAT HE WAS LYING AND HE FINALLY ADMITTED THAT HE FILLED THE HOLES YESTERDAY BECAUSE HE DIDN'T WANT TO GET INTO TROUBLE. I BELIEVE THAT THE HOLES WERE FILLED AFTER HABERSTROH WAS MOVED TO 5C AND WORD GOT OUT THAT THE METAL WAS FOUND IN HIS CELL, DUE TO THE FRESHNESS OF THE TOOTH PASTE. AN EMPTY TUBE OF TOOTH PASTE WAS FOUND IN SAVAGE'S ROOM, STILL CONTAINING SMALL PIECES OF MORTOR AT THE MOUTH OF THE TUBE. BASED ON THE PHYSICAL EVIDENCE FOUND, SAVAGE WAS CAB'D ON CHARGES OF ALTERING, DAMAGING, DESTROYING JAIL PROPERTY, OR PROPERTY OF ANOTHER PERSON, AND MOVED TO 5C19 PENDING CAB HEARING.

Date/Time This Report: 10/14/87/0955

Officer: KESSEL, PATRICIA

Per. No: 1699

proved:

Officer:

Per. No:

SIGNATURE:

OFFICER'S REPORT
CONTINUATION

D.R.No:

[REDACTED]

[REDACTED] SAVAGE AND HABERSTROH HAD DECIDED THAT THEY COULD DIG THROUGH THE WALL AND GET INTO THE "PIPES" WHICH THEY BELIEVE GO STRAIGHT TO THE ROOF. AT THAT POINT THEY COULD GO THRU THE ROOF AND ACROSS THE BRIDGE TO THE PARKING GARAGE AND ESCAPE. THIS APPEARS TO BE THE SOLE REASON THAT THE METAL WAS REMOVED FROM THE SHOWER, ALTHOUGH NO ONE WOULD ADMIT TO WHO REMOVED THE METAL OR HOW LONG AGO IT WAS REMOVED. ALL ADMITTED KNOWLEDGE THAT THE METAL WAS MISSING FROM THE SHOWER. SAVAGE SLID THE METAL UNDER THE DOOR TO HABERSTROH WHILE MOVING HIS POSSESSIONS TO SC.

[REDACTED]

[REDACTED] HE HAD SEEN SAVAGE AND HABERSTROH OVER IN THE CORNER BY THE WINDOW TALKING ALONE ON SEVERAL OCCASIONS.

ALL VM'S INTERVIEWED WERE ASKED WHO THEY BELIEVED WOULD BE THE MOST LIKELY PERSON IN THE MODULE TO BE INVOLVED WITH HABERSTROH IN ANY WRONGDOING AND ALL STATED SAVAGE WAS THE MOST LIKELY CANDIDATE.

[REDACTED]

IT IS MY FEELING THAT HABERSTROH AND SAVAGE HAD DEVISED AN ESCAPE PLAN. I FEEL THAT WHEN SAVAGE SAW HABERSTROH BEING MOVED, HE DECIDED TO PROVIDE HIM WITH THE TOOL TO ACCOMPLISH GETTING THROUGH THE WALL. I FEEL HE INTENDED TO REMOVE ANOTHER SOAP DISH UP IN SD TO CONTINUE HIS OWN EFFORTS. INDEED, THE EASTERLY MOST SHOWER ON THE UPPER TIER HAS A SOAP DISH WHICH HAS BEEN TAMPERED WITH AND IT APPEARS THAT EFFORTS HAVE BEEN MADE TO REMOVE SAME.

ROOM SD17 WAS PUT OUT OF SERVICE THIS A.M. AT 0700 HRS UNTIL REPAIRED. PICTURES WERE TAKEN OF THE ROOM DAMAGES AND SUBMITTED, ALONG WITH THE TOOTHPASTE TUBE FOUND IN SAVAGE'S ROOM, TO CLASSIFICATION AS EVIDENCE IN HIS CAS CHARGES. A COPY OF THE CAS REPORT WAS DELIVERED TO SAVAGE BY ME THIS A.M. A WORK ORDER WAS SUBMITTED FOR ROOM REPAIR.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

Detention Services Division
Conduct Adjustment Report

1. DATE OF REPORT: 10/14/87

TIME OF REPORT: 0830

INMATE NAME: SAVAGE, ROBERT

ID NUMBER: 913909

HOUSING ASSIGNMENT: 5C19

UNSENTENCED:

SENTENCED: Y

SPECIFIC VIOLATION(S)

F16	Altering, damaging, destroying jail property, or property of another person

Violation

DATE OF INCIDENT: 10/14/87

TIME OF INCIDENT: 0600

2. DETAILS OF INCIDENT (WHO, WHAT, WHERE, WHEN, HOW, WHY): DURING A CELL INSPECTION AT APPROX 0600, CELL 5D17 OCCUPIED BY INMATE ROBERT A. SAVAGE 913909, HAD TWO HOLES DUG IN THE CEMENT WALL, ONE UNDER THE DESK AND THE OTHER ALONG SIDE THE SINK. CLEAN-NOT DISCOLORED TOILET PAPER AND TOOTH PASTE THAT APPEARS LESS THEN TWENTY FOUR HOURS OLD WAS USED TO CONCEAL THE HOLE BY THE SINK. PER SGT KESSELL, INMATE SAVAGE 913909 WAS MOVED TO 5C19.

Reporting Staff Person: OPPENBORN JEROLD C P#: 3344 Post Assignment: P
A hearing will be scheduled to be held within five (5) days (excluding weekends and holidays) to allow you to present your views concerning this incident. See posted inmate rules for an explanation of your right to a hearing and your right to request that witnesses be called. Hearing dates may be extended by the A/D of Security for just cause.

COPY DELIVERED TO INMATE BY: SGT. KESSEL DATE:

10/14/87 1030 HRS.

TIME:

Report Date 10/14/87

ID Number 913909

REPORTING STAFF PERSON'S COMMENTS AND RECOMMENDATIONS: INMATE SAVAGE STATED THAT THE HOLES WERE IN THE WALL WHEN HE MOVED INTO THE CELL. THE INMATE ALSO STATED THAT HE FILLED THE HOLE NEAR THE SINK BUT DID NOT WANT TO GIVE A TIME, HOWEVER IT WAS ESTABLISHED THAT THE HOLE WAS FILLED IN ON 10/13/87. THIS R/O RECOMMENDS THAT INMATE SAVAGE REMAIN IN 5C19 UNTIL THE INVESTIGATION IS COMPLETED.

SIGNATURE:

OPPENBORN JEROLD C 3344

4. SUPERVISOR'S INVESTIGATION AND REVIEW: SAVAGE INITIALLY DENIED ANY KNOWLEDGE OF THE GOUGES IN THE WALLS, STATING THAT THEY WERE IN THERE WHEN HE CAME INTO THE ROOM. HE STATED THAT "YESTERDAY" HE GOT CURIOUS ABOUT WHAT WAS UNDER THE TOILET PAPER AND TOOTHPASTE USED TO CONCEAL THE GOUGES AND DUG IT ALL OUT - ALTHOUGH HE HAS BEEN HOUSED IN THE ROOM FOR APPROX. 2 WKS. WHEN I CHALLENGED HIM, HE FINALLY ADMITTED THAT HE FILLED IN THE HOLES "YESTERDAY MORNING" BECAUSE HE DIDN'T WANT TO GET INTO TROUBLE. AT NO TIME WOULD HE ADMIT HE ACTUALLY MADE THE GOUGES. HE DID NOT DENY, HOWEVER, SIMPLY STOOD MOUT AND DID NOT ARGUE WHEN TOLD HE WAS BEING CAB'D. I BELIEVE SAVAGE DID THE DAMAGE IN AN ATTEMPT TO ESCAPE. THE TOOTHPASTE WAS LESS THAN 24 HRS. OLD AND THE USED TUBE FOUND IN SAVAGE'S ROOM STILL HAD PIECES OF MORTAR AT THE MOUTH OF THE TUBE. THE TOILET PAPER WAS CLEAN AND WHITE AND ALSO APPEARED NEWLY DONE. AN INFORMANT CONFIRMED THAT SAVAGE WAS IN POSSESSION OF THE METAL SOAP DISH USED TO MAKE THE GOUGES AND PASSED SAME TO HABERSTROH WHEN TRANSPORTING HIS BELONGINGS TO 5C. DAMAGE IS SUBSTANTIAL TO ROOM 5D17. PICTURES AND TOOTHPASTE TUBE SUBMITTED TO CLASSIFICATION AS EVIDENCE. (SEE OFFICER'S REPORT ATTACHED.) I RECOMMEND THAT SAVAGE BE RECLASSIFIED TO MAX CUSTODY, BUT IS ALLOWED NO EXERCISE TIME WITH HABERSTROH AND ALL CONTACTS BETWEEN THE TWO BE RESTRICTED AS MUCH AS IS HUMANLY POSSIBLE.

5. ACTION TAKEN: SAVAGE MOVED 5C19 PENDING CAB HEARING.

DATE: 10/14/87

TIME: 0941

SUPERVISOR:

KESSEL, PATRICIA 1699 Sgt Sch

AS METROPOLITAN POLICE DEPARTMENT

Detention Services Division

INFORMATION REPORT

Reference Number:

II. SUBJECT - OR - INMATE INVOLVED

I. TO:

- A/D Security
- A/D Support
- X Watch Commander
- X Classification
- Medical
- Psych.
- Business Officer
- X Immediate Supervisor
- X Records
- Religious Coordinator
- Post #
- Food Service
- Laundry
- Transportation

Subject Or Inmate Name	Inmate ID	Housing Unit	Status
SAVAGE, ROBERT	913909	5C19	Found

Validate Inmate Information

?

INCIDENT DATE: 10/14/87 INCIDENT TIME: 0600

III. INFORMATION: DURING A CELL INSPECTION AT APPROX 0600, CELL 5D-17 OCCUPIED BY INMATE ROBERT A SAVAGE 913909, HAD TWO HOLES DUG IN THE CEMENT WALL, ONE UNDER THE DESK AND THE OTHER ALONG SIDE THE SINK. CLEAN NOT DISCOLORED TOILET PAPER AND TOOTH PASTE THE APPEARS LESS THEN TWENTY FOUR HOURS OLD WAS USED TO CONCEAL THE HOLE BY THE SINK.

IV. ACTION TAKEN BY INITIATOR: PER SGT KESSELL, INMATE SAVAGE 913909 WAS MOVED TO 5C-19

REPORT DATE: 10/14/87 REPORT TIME: 0740

V. INITIATED BY - Name - Employee Number - Post Assignment
 OPPENBORN JEROLD C 3344 P53

?

Richard Maherech

CELL RELEASE / TRANSFER INSPECTION SHEET

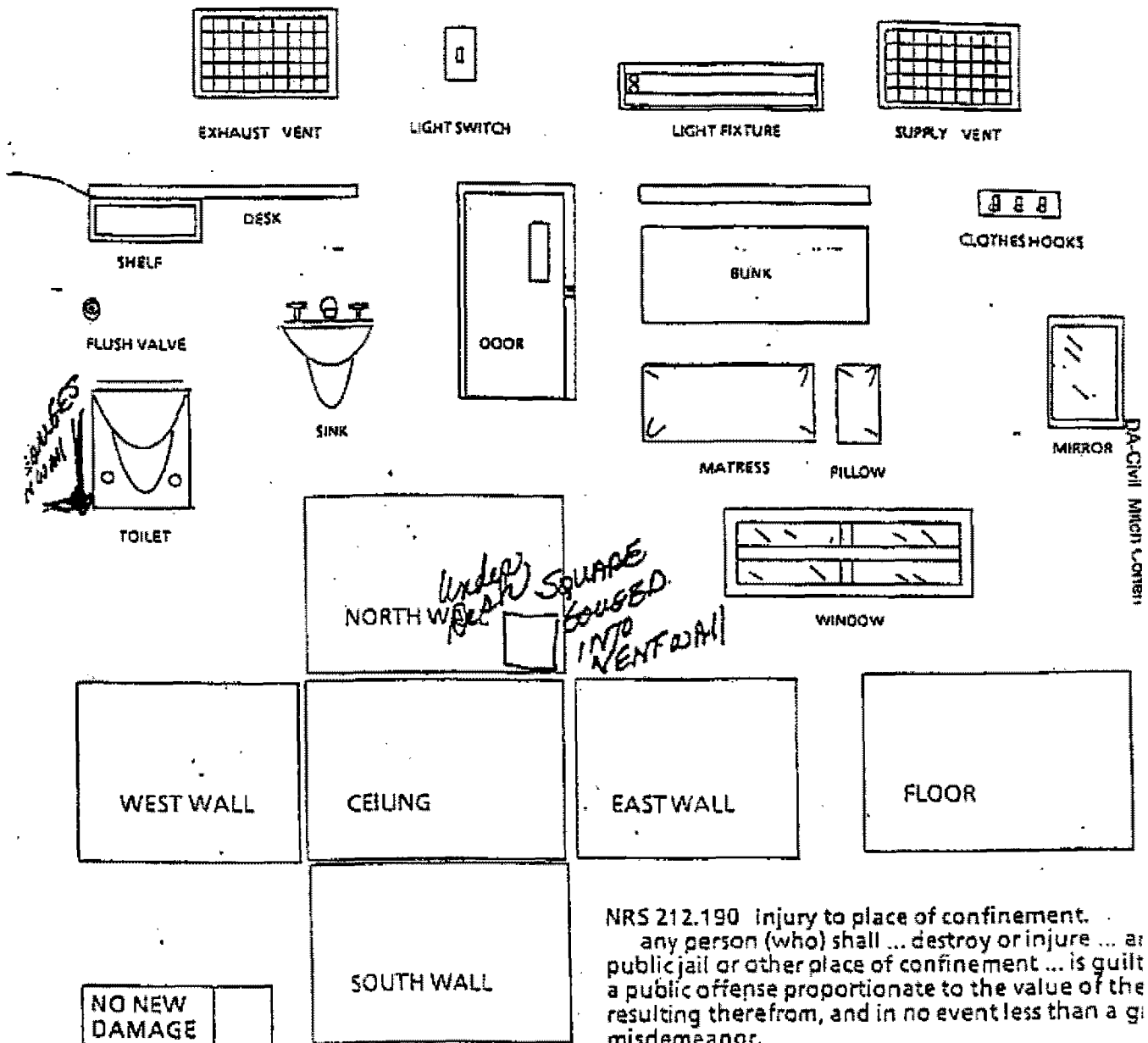
RELEASED..... ☐

TRANSFERRED..... ☒ (to SC 1)

MODULE VACATED..... 5D..... CELL VACATED..... 17

NAME / P.# OF OFFICER INSPECTING SET HOLT, SET KESSEL, TROEDSO.

DATE OF INSPECTION..... 10/14/87..... TIME..... 0700 HRS.




CELL ASSIGNMENT INSPECTION SHEET


INMATE'S NAME Smuriga, Robert A. I.D. # 913909


MODULE ASSIGNED 58 CELL ASSIGNED 8417

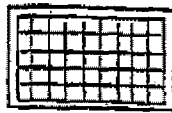
NAME/P.# OF OFFICER CONDUCTING INSPECTION 171 2552

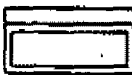
DATE OF INSPECTION 8-15-87 TIME 0945 HRS.

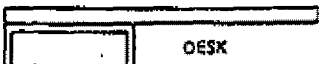

 EXHAUST VENT



 LIGHT SWITCH

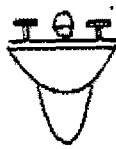

 LIGHT FIXTURE

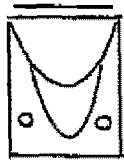

 SUPPLY VENT

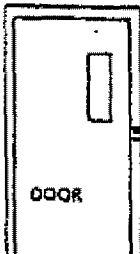

 SHELF

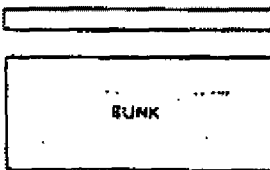

 DESK



 FLUSH VALVE



 SINK

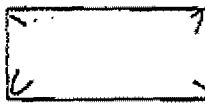

 TOILET



 DOOR

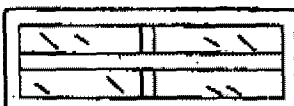

 BUNK


 CLOTHES HOOKS


 MIRROR


 MATTRESS


 PILLOW


 WINDOW

WEST WALL

NORTH WALL

EAST WALL

FLOOR

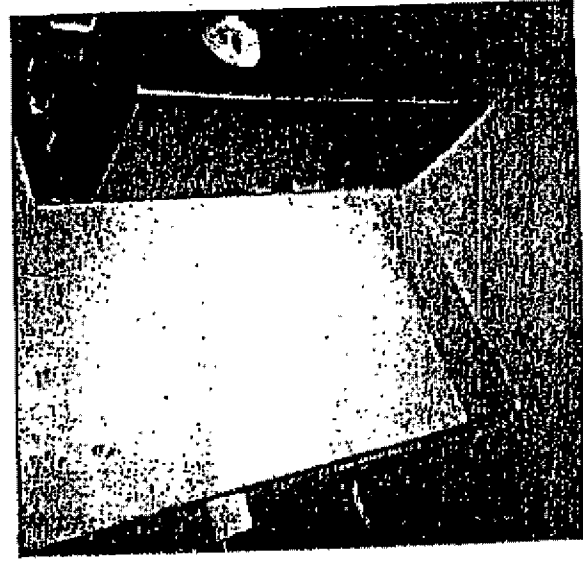
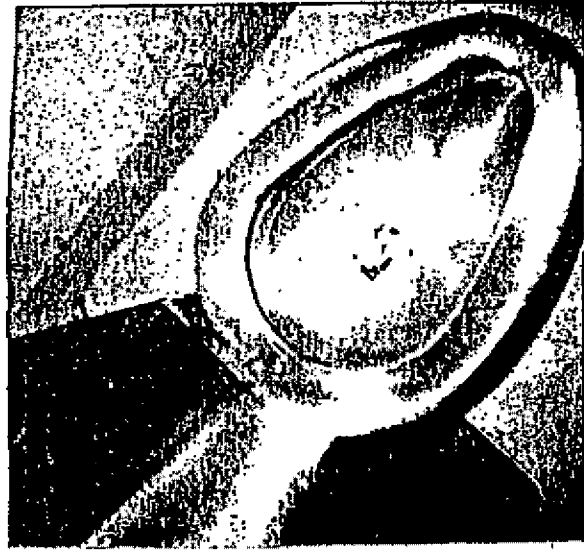
NO
DAMAGE

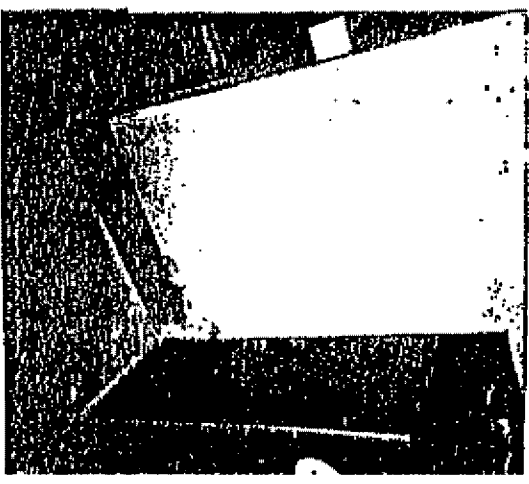
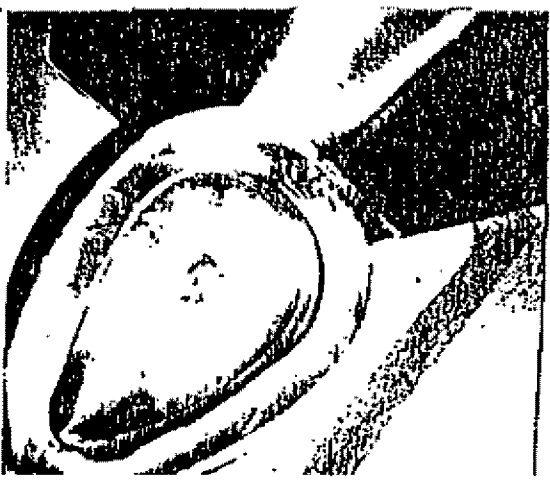
CEILING

SOUTH WALL

NRS 212.190 Injury to place of confinement.
 any person (who) shall ... destroy or injure ... or
 public jail or other place of confinement ... is guilty
 a public offense proportionate to the value of the
 resulting therefrom, and in no event less than a gr
 misdemeanor.

INMATE'S SIGNATURE RS Smuriga





Richard Haberstroh
RCVD 01/22/99 68
DA-Civil Mitch Cohen

DETENTION SERVICES
Facility Maintenance Request

Report Date
10/14/87

Report Time
0948

Job Order Number

MAINTENANCE ACTION REQUIRED

THE WALL UNDER THE DESK TOP AND NEXT TO THE SINK/COMMODE HAS BEEN DEEPLY GOUGED OUT, IN SOME PLACES DOWN TO THE LATHING. ROOM IS OUT OF SERVICE UNTIL REPAIRED. PLEASE REPAIR AS SOON AS POSSIBLE: THANKS.

MAINTENANCE ACTION DETAILS

MAINTENANCE USE ONLY

SIGNATURE OF INITIATOR

7

Employee Name

KESSEL, PATRICIA

Employee P Number

1699

Post Assignment

Sgt Sch

Richard Haberstroh
RCVD 01/22/99 69
DA-Civil Mitch Cohen

JA010373

LOS ANGELES METROPOLITAN POLICE DEPARTMENT

Detention Services Division

INFORMATION REPORT

Reference Number: 913909

II. SUBJECT - OR - INMATE INVOLVED

I. TO X A/D Security
 X A/D Support
 X Watch Commander
 X Classification
 Medical
 Psych.
 Business Officer
 X Immediate Supervisor
 X Records
 Religious Coordinator
 Post #
 Food Service
 Laundry
 Transportation

Subject Or Inmate Name	Inmate ID	Housing Unit	Status
SAVAGE, ROBERT	913909	5C19	Found

Validate Inmate Information

INCIDENT DATE: 10/15/87 INCIDENT TIME: 2222

III. INFORMATION: AT APPROX. 2222 HRS., ON 10/15/87, THIS R/O INTERCEPTED A MESSAGE (ON YELLOW LEGAL PAPER) THAT WAS TAKEN BY I/M WORKER MOTEN DANNY, ID.. 913909 (HOUSED IN 5C19). THE PASSING OF THE NOTE WAS VIEWED BY THIS R/O, AND WAS TAKEN FROM I/M MOTEN WITHIN 30 SECONDS AFTER THE PASS, AND BEFORE HE COULD MAKE CONTACT WITH ANYONE ELSE IN THE MODULE, THE SUBJECT NOTE WAS ADDRESSED TO "HABESTROBH"....

IV. ACTION TAKEN BY INITIATOR: ADMIN SGT. AND WATCH COMMANDER NOTIFIED OF THE ABOVE AND INSTRUCTED THIS R/O TO DOCUMENT SAME. COPIES SENT TO W/C AND ADMIN. SGT.

REPORT DATE: 10/15/87 REPORT TIME: 2240

V. INITIATED BY - Name - Employee Number - Post Assignment
 HORNSBY, T.H. 2248 P53

Richard Haberstroh

ORIGINAL Note
Given GEF

Courts Exhibit 7

HABERSTON.

LOOK. MAN I'M REAL SORRY FOR DOING

YOU THAT WAY IT WAS REAL STUPID!

MAN. YOU'RE GOING TO NEED MY TESTIMONY

SO GO AHEAD + SUBPOENA ME TOMORROW

I'LL CLEAR IT UP. NO HARD FEELINGS

I HOPE

R.

Richard Habershton



Detention Services Division

CONDUCT ADJUSTMENT BOARD DISPOSITION
Finding of Fact and Disposition

Report Date: 10/14/87

Report Time: 0830

INMATE NAME: SAVAGE, ROBERT

ID NUMBER: 913909

Disciplinary Hearing Convened on 10-19

, 1987

1. The Board was introduced and accepted by the inmate: yes
2. The Statement of Charges were read aloud and fully explained to the inmate: yes

PM

3. Inmate SAVAGE, ROBERT

entered a plea of Guilty

4. Inmate's defense: Savage stated that he had a piece of metal that he obtained from the shower to gouge holes in the wall in SD17. Savage stated that he "didn't want to be here anymore" and indicated that he intended to make a hole in the wall to go through in an attempt to escape from the facility. Savage claimed that he gave the metal to another inmate to "get rid of it."

5. Finding of fact: The Board finds that an incident occurred and Savage was involved. Savage admitted that he gouged the wall(s) in SD17. The evidence submitted was overwhelming in indicating the same. Due to the report submitted as well as Savage's admission(s), the Board finds sufficient cause to believe that Savage is guilty of damaging jail property.

6. Disposition, including reasons for disciplinary action chosen: The Board sentences Savage to 15 days in disciplinary detention. This incident is very serious. Savage admitted obtaining a piece of metal from the shower and using same in an aborted attempt to gouge a hole through the wall in his room. Savage also indicated that he passed the metal to another inmate. The data tends to show Savage as a security threat. As a result, the Board will order a Classification review prior to rehousing Savage anywhere. General population 10-29-87 if not reclassified.

7. The inmate was advised of his right to appeal and the procedure was explained to him: yes

APPEAL: Any inmate who desires to appeal the disciplinary action of the Conduct Adjustment Board may address his appeal to the A/D - Support within 5 days, not counting holidays and weekends. Should the inmate not receive satisfaction of the appeal, he/she may then direct an appeal to the Director of Detention Services within 5 days, not counting holidays and weekends.

SGT. B. PAYNE

Board Member

Board Member

Board Member

10-19-87

DATE

Richard Haberstroh
228

DETENTION SERVICES OF
INMATE REQUEST/GRIEVANCE

913904

DATE 11-2-87

NAME ROBERT SAVAGE #913909 FLOOR-HOUSING UNIT-BED# SC-19
(If this form is to be used for filing a grievance, it must be submitted within 72 hours of the incident).

☐ REQUEST ☒ GRIEVANCE SAME DAYS

SINCE I ~~WAS~~ ^{WAS} ~~SPAKS~~ ^{SPAKS} TO YOU ON THE 29TH OF OCTOBER,
I HAVE BEEN WAITING TO HEAR FROM YOU ON MY DIS-
POSITION AS FAR AS MY STATUS IS CONCERNED. YOU TOLD
ME AT THAT TIME THAT YOU WOULD LET ME KNOW THE
OUT COME THAT AFTERNOON BY PRAY OF DEE BLACKLEY AND
THAT IF I DIDNT HEAR FROM YOU THAT FA B1 PLACED
ON PENDING STATUS FORCING A DECISION IN 72 HOURS.
THIS IS THE 4TH DAY SINCE OUR DISCUSSION SINCE I KNOW
NOTHING WHEN I CONTACTED YOU THIS AFTERNOON (MON 11-2)
YOU SAID YOU WOULD TALK TO ME WHEN YOU GOT DONE
WITH THE PERSON YOU WERE TALKING WITH THAT NEVER
OCCURED AFTER TALKING WITH MY ATTORNEY I FEEL THAT
I AM NO LONGER A SECURITY THREAT I REALIZE THAT TO
RUN IS FOOLISH PLEASE ~~BELOW~~ ^{BELOW} ~~MIN~~ ^{MIN} TALK AT YOUR ~~BEHOLD~~ ^{BEHOLD}
CONVICTION

Inmate's Signature

Date

Staff Person Receiving

Date/Time

Issue has been resolved as follows:

I know what I told you and if I didn't say
the way you have it here I told you that the Class Committee
would be coming out and reach a decision within 72 hrs (week
don't count). Mr. Savage, please not to push a little more
I'm going to speed up the decision concerning your classification
and is my pleasure to your attorney or even your own opinion
someone from Classification will be talking to you prior to
Wednesday

Signature of employee who resolved the Request/Grievance Problem

Date/Time

ORIGINAL - INMATE
LVMPD 030 (11-1-87)

YELLOW - RETURNED TO INMATE WITH RESPONSE

PINK - INMATE RECEIVED

Richard Haberstroh
RCVD 01/27/99 413
DA-Civil Mitch Cohen

11-3-87

913909

SEAS METROPOLITAN POLICE DEPARTMENT

DETENTION SERVICES DIVISION
INMATE REQUEST/GRIEVANCE

DATE 11-3-87

NAME: ROBERT SAVAGE 913909 FLOOR-HOUSING UNIT-BED# 5C15
(If this form is to be used for filing a grievance, it must be submitted within 72 hours of the incident).

☐ REQUEST ☒ GRIEVANCE
(CHECK ONE)

SGT. PATRICK

I AM INQUIRING TO FIND OUT WHY YOU
STILL HAVE NO ANSWER FROM YOUR SUPERIORS?

I TALKED TO YOU AT YOUR WORK LAST THURSDAY, BUT
TO FIND OUT YOUR WORK MEANS NOTHING I REALIZE
YOUR POSITION AND RESPECT IT. UNLESS A MAN TELLS
ME HE'S GOING TO DO SOMETHING FOR ME AT A CERTAIN
TIME. BY A CERTAIN DATE I DON'T EXPECT TO HAVE
TO WAIT 5 OR 6 DAYS TO GET AN ANSWER. I WANT
OUT OF THE HOLE. I'VE DONE MY TIME & SOME. DON'T
KEEP ME HANGING. I DO APPRECIATE YOUR EFFORTS IN THIS
MATTER.

R. Savage
Inmate's Signature

11/3/87
Date

S. B.
Staff Person Receiving

12:30
11-3-87
Date/Time

Issue has been resolved as follows:

Reference our conversation a
decision concerning your custody status will be made
this date. Your expectations of the way you are or no
conceptual since you are not in a position of authority
or in a position to bargain.

S. B.

Richard Haberstroh
RCVD 01/27/99 414
OA-Civil Mitch Cohen

11-4-87

DETENTION SERVICES DIVISION
INMATE REQUEST/GRIEVANCE

ID 913909

DATE Nov 4, 1987

NAME Robert Savage 913909

FLOOR-HOUSING UNIT-BED# 5C15

(If this form is to be used for filing a grievance, it must be submitted within 72 hours of the incident).

☐ REQUEST ☐ GRIEVANCE
(CHECK ONE)

Classification Committee

Re: Appeal of Committee decision.

On Oct 14, 1987 at 11:00 hours. During a search in S.D. two
inmates found in my cell something in my replacement in S.C. per Sgt Kene
notes.

On Oct 19, 1987 I was interviewed by Sgt B. Payne at which time I openly admitted
stealing both keys and attempting to escape. At the time I felt that my immigration
was just being a lie. I did not commit the crime. I was positive I would not
commit the maximum sentence. I had no escape plan. I was just a prisoner
to endure in a foolish and (as Sgt Payne said) impossible escape attempt.

Since then my situation has drastically improved. On the 27th of Oct. 87
I entered a Plea in Judge Muffins Court. The plea was
accepted. I am now under a 2nd year sentence. I am present the night of the
crime has been obtained top of that my lawyer is trying for a 2nd consecutive
sentence to be commensurate with my time served in Kansas which is the

equivalent of 1/2 of 3 yrs.

I will reflect on my giving record you will see that I am not a inmate
inmate. I am a inmate in July 87 my record is moved only by this record.

I have used my authority in trying to escape, knowing that escape is not
capture is inevitable just want to do my time and get this behind me.

I am appealing this decision because I feel it is unfair. You are
officer (Sgt Payne) says that it was a failed attempt. I was charged with
possession and I was cited for disturbance of jail property. Yet I am still considered
a inmate.

I also feel that Sgt Payne is prejudiced in this matter. He accuses
me of being pushy. He accuses me of changing his mind and openly disrespecting
my situation. I have sent 2 kids to Sgt Payne to obtain a release.

R. Savage

11/4/87

Inmate's Signature

Date

J. J. J. 11-4-87

Staff Person Receiving

Date/Time

Issue has been resolved as follows:

Appeal denied. Next level of

appeal is to A/O Paul Martin

[Signature]

Richard Haberstroh
RCVD 01/27/99 412
DA-Civil Mitch Cohen

11-5-87
Date/Time

24716409.

DATE 11/4/67

Pat. Cit. Sample

(If this form is to be used for filing a grievance, it must be submitted within 72 hours of the incident).

5/19

Classification Committee

[illegible]

Respectfully

J. S. Sage

P. Salas
Inmate's Signature

Inmate's Signature

11/4/87
Date

Date _____

Thurmond
Staff Person Receiving

Staff Person Receiving

87 224
Date/Time

Date/Time

Issue has been resolved as follows:

See Page 1

Signature of employees who resolved the Request/Grievance Problem

Richard Haberstroh
RCVD 01/27/99 413
DA-Civil Mitch Cohen

11-5-87
Date/Time

ORIGINAL - INMATE FILE
VU0001011-1-50-1-1-1

YELLOW - RETURNED TO INMATE WITH RESPONSE

附註四：本公司之營業額係以新台幣表示。

Richard Haberstroh
RCVO 12/08/98 1
Pat Schmitt-Depe CCDC

IN 913909

DATE Dec 4, 1987

NAME Robert Savage 913909 FLOOR-HOUSING UNIT-BED# 3C15
(If this form is to be used for filing a grievance, it must be submitted within 72 hours of the incident).

☐ REQUEST ☐ GRIEVANCE
(CHECK ONE)

Classification Committee

Re: Appeal of Committee decision

On Oct. 14, 1937 at Abasco, Durango a downy woodpecker in S.C. this
bird was found in my collection in my apartment in S.C. per Sgt Kusch
order.

On Oct. 19, 1937, we interviewed Sgt. B. Pyles, at which time he openly admitted slipping both holes and attempting to escape. At the time of fall that my impression was not being a law, I did not permit the crime, I was positive I would sentence the maximum sentence. I had more regard for a dangerous inmate to include in a parole board (and had Sgt. Pyles and I) escape attempt.

Since then my reputation has drastically improved for the better. On Oct. 27, 1882, I entered in Alfred Plea in Judge Shufford's Court, the plea was accepted, it was evidence to show a second party was present the night of the fire has been obtained, it is of that my lawyer is trying for a 2-1 conviction. It is or to be in a court concurrently with justice served in Tennessee, which is the equivalent of 1/2 of 3 yrs.

it will reflect on my pricing record you will see that - I am not a irresponsible
inmate either. I am a fight in July 57 my record is marked only by this occa-
sion.

I have analyzed the stupidity in trying to escape, knowing that sooner or later capture is inevitable. I just want to do my time and get this behind me.

I am appealing the board's decision because I feel it is unfair and unreasonable. (Sgt. Payne) says that it's just a reasonable attempt, so maybe charges were filed and it was ruled for destruction of jail property. Yet I'm still considered a serious risk.

able to feel that Sgt. Payne was and is prejudiced in this matter. He accuses me of being prejudiced because I am of changing his words and openly disrespecting my situation. I have went 2 letters to Sgt. ^{III} Payne to obtain an answer

R. Swage 11/4/87 Julian 11-4-87
Inmate's Signature Date Staff Person Receiving Date/Time

Issue has been resolved as follows:

issue has been resolved as follows: Appeal denied
appeal is to A/D Paul Martin

Signature of employee who resolved the Request/Grievance Problem

11-5-85
Date/Time

Richard Haberstroh
RCVD 12/08/99 2
Pat Schmitt-Depe CCDC

DATE 11/4/87

Robert S. ...

FLOOR-HOUSING UNIT-BED#

56 19

(If this form is to be used for filing a grievance, it must be submitted within 72 hours of the incident).

Classification Committee:

[illegible]

Respectfully,

L. Sanger

P. Salas
Inmate's Signature

Inmate's Signature

11/4/87
Date

Date _____

Thurmond
Staff Person Receiving

Staff Foreign Receiving

2245

Date/Time:

Issue has been resolved as follows:

See page 1

Signature

Signature of employee who resolved the Request/Grievance Problem

11-5-87

Date/Time

ORIGINAL - INMATE FILE

YELLOW - RETURNED TO INMATE 黃姓 RESPONSE

PINK • INMATE KEEPS

SAVAGE, ROBERT

IO #: 912903

JAN

CLOSURE

NEXT

Number: 5C19

Initial Classification:

In Custody/Release

Your custody status in this institution was reviewed by the Classification Committee, and based on the criteria listed below, your custody status is as follows:

CLASSIFICATION

- | | |
|--|--|
| <input checked="" type="checkbox"/> Maximum Custody | <input type="checkbox"/> Protective Custody Required |
| <input type="checkbox"/> Close Custody | |
| <input type="checkbox"/> Medium Custody | |
| <input type="checkbox"/> Minimum Custody | |
| REASON: | |
| <input type="checkbox"/> Nature of Charge | <input type="checkbox"/> Sentenced/Prison |
| <input type="checkbox"/> Past History | <input type="checkbox"/> Sentenced/County |
| <input type="checkbox"/> Violence | <input type="checkbox"/> Program Involvement |
| <input type="checkbox"/> Institutional Behavior | <input type="checkbox"/> Other |
| <input checked="" type="checkbox"/> Escape Potential | |

FOR CLASSIFICATION COMMITTEE USE ONLY

COMMENTS:

The custody status of the above named inmate was reviewed by the Classification Committee and all decisions were made after careful consideration of all available information and pertinent circumstances involving this individual.

DATE 11-4-87

Classification
Committee

B PAYNE

E FRICKER

(Classification Copy)

Robert Allen Savage
CCDC records plup by GF
10/3/97

● ●

EXHIBIT 28

EXHIBIT 28

COPY

**IN THE
DISTRICT COURT
CLARK COUNTY, NEVADA**

RICHARD HARBERSTROH,

Petitioner,

-VS-

**E. K. McDANIEL, Warden of the
NEVADA STATE PRISON at ELY, NEVADA,**

Respondent.

Case No. C076013

**DEPOSITION
OF
SHARON DEAN
Thursday, October 15, 1998**



LAURIE WEBB & ASSOCIATES
COURT REPORTERS
517 South Ninth Street
Las Vegas, Nevada 89101
(702) 386-9322

DISTRICT COURT
CLARK COUNTY, NEVADA

RICHARD HABERSTROH,

Petitioner,

vs.

Case No. C076013

E. K. McDANIEL, Warden of
the NEVADA STATE PRISON
at ELY, NEVADA,

Respondent.

DEPOSITION OF SHARON DEAN

Taken at the Office of the
Federal Public Defender
330 South Third Street, Suite 700
Las Vegas, Nevada

On Thursday, October 15, 1998
At 11:34 a.m.

Reported by: Lisa A. Fogleboch, C.C.R. No. 298

LAURIE WEBB & ASSOCIATES (702) 386-9322

517 South 9th Street, Las Vegas, Nevada 89101

1 APPEARANCES:

2 For the Petitioner: TIMOTHY P. O'TOOLE, ESQ.
3 Assistant Federal Public
4 Defender
5 330 South Third Street
6 Suite 700
7 Las Vegas, Nevada 89101

8 For the Respondent: CHRISTOPHER J. LAURENT, ESQ.
9 Deputy District Attorney
10 200 South Third Street
11 Sixth Floor
12 Las Vegas, Nevada 89155

13 Also present: Elizabeth Moulton, CLA

14 * * * * *

15 I N D E X16 WITNESSPAGE17 SHARON DEAN

18 Examination by Mr. O'Toole	3
19 Examination by Mr. Laurent	11
20 Further Examination by Mr. O'Toole	19
21 Further Examination by Mr. Laurent	28
22 Further Examination by Mr. O'Toole	30

23 DEPOSITION EXHIBITSIDENTIFIED

24 1 - Breakdown of Teams and Tracks	5
25 2 - Clark County Records Retention Schedule	25

Laurie Webb & Associates (702) 386-9322

517 South 9th Street, Las Vegas, Nevada 89101

1 (Whereupon, Deposition Exhibits 1
2 and 2 were marked for identification
3 and are attached to the original
4 transcript of this deposition.)
5

6 Whereupon,

7 SHARON DEAN,

8 having been first duly sworn to testify to the
9 truth, the whole truth and nothing but the truth,
10 was examined and testified as follows:
11

12 EXAMINATION

13 BY MR. O'TOOLE:

14 Q. Okay. Can you just state your name for
15 the record.

16 A. Sharon Dean, D-e-a-n.

17 Q. And have you ever been deposed before?

18 A. Been to what?

19 Q. Been deposed before.

20 A. Yes.

21 Q. You have?

22 A. A long time ago.

23 Q. And you know what's going to happen in
24 the deposition? I'm to ask you questions and then
25 the court reporter's going to write down everything

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1 that we say.

2 A. Okay.

3 Q. And you're going to answer the questions
4 under oath.

5 A. Okay.

6 Q. Do you understand that?

7 A. Uh-huh.

8 Q. Okay. And is there any reason you know
9 of that would prevent you from providing truthful
10 and accurate testimony today?

11 A. (Witness nods.)

12 Q. Great. Okay. What's your job, Sharon?

13 A. Legal office specialist.

14 Q. Okay. And where do you work?

15 A. District Attorney's office, Clark
16 County.

17 Q. And what do you do in that job?

18 A. Overseeing the inactive files, records,
19 the discovery section and sealing of records.

20 Q. Okay. And so how are the files
21 organized, just basically?

22 A. Basically numerically by case number,
23 yeah, everything's basically numerically by DA
24 number, case number.

25 Q. By DA number, so does the District

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1 Attorney's office assign a number to each case?

2 A. Yes.

3 MR. LAURENT: Just for clarification
4 purposes, that is the same thing as the Justice
5 Court number, the DA number.

6 THE WITNESS: Some cases don't have
7 Justice Court numbers.

8 MR. O'TOOLE:

9 Q. Which cases would those be?

10 A. You know, some of the old ones, the
11 lifer cases, grand jury cases don't have Justice
12 Court numbers.

13 Q. Okay. Grand jury cases?

14 A. That's why I just said DA number.

15 Q.. Okay. So the cases are organized by DA
16 number; is that correct?

17 A. Right, numerically.

18 Q. Okay. So -- okay. And you said you
19 were in the discovery records department?

20 A. Records, yeah.

21 Q. I'm going to show you Exhibit 1. This
22 is what I believe to be a list of the different
23 departments in the District Attorney's office; is
24 that correct?

25 A. Uh-huh.

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1 Q. And you would be down in the corner of
2 that it says Inactive Records Discovery?

3 A. Uh-huh, yes.

4 MR. LAURENT: This is only the criminal
5 division.

6 MR. O'TOOLE:

7 Q. And this is only the criminal division?

8 A. Right.

9 Q. And so you would, as part of your job,
10 you keep track of all of the records in the -- all
11 of the records in the criminal division?

12 A. Yes.

13 Q. Okay. Where are those records
14 physically stored?

15 A. The courthouse, at the courthouse, and
16 310 South Third.

17 Q. Okay. Are they stored anywhere else?

18 A. No.

19 Q. So when a case is closed, the records
20 still are stored at the District Attorney's office
21 at the courthouse?

22 A. At the courthouse or 310 South Third.

23 Q. Oh, 310 South Third also?

24 A. Yes, Centennial building there, we have
25 the whole first floor there. It started out being

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1 all our inactive files and now they've got some of
2 the active files.

3 Q. So it's mostly inactive files at the
4 310 South Third?

5 A. Yes, uh-huh, yes.

6 Q. And then some active now at the
7 310 South Third; is that correct?

8 A. Yes.

9 Q. Okay. And what files are kept in the
10 District Attorney's office?

11 A. The part of the District Attorney's
12 office at the courthouse?

13 Q. Yes.

14 A. All the pending ones, the pending ones,
15 cases recently closed that are -- that still, you
16 know, could be going back in court, they're still
17 doing -- typing orders and stuff on it.

18 Q. Okay. So when you say an active case,
19 you mean a case that could still have some sort of
20 court action?

21 A. Right.

22 Q. And then you would say inactive case,
23 you mean a case where the court action is
24 essentially closed, there's no appeal, there's no
25 post-conviction, the case is just done?

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1 A. Uh-huh.

2 Q. Is that correct?

3 A. Right. On -- did you enter this as
4 Exhibit 2?

5 Q. I haven't yet, but why don't we do it
6 right now.

7 A. Okay. Because that has -- see, the
8 closed active, open active, open inactive.

9 Q. So this document is a description of
10 what case falls within active, what falls within
11 inactive, and how you define that?

12 A. Right.

13 Q. And --

14 A. See, on the next page, the third page
15 there it had what you are asking about.

16 Q. Okay.

17 A. Open active, open inactive, close
18 active, close inactive.

19 Q. All right. And that's how you
20 determined where you're going to store a particular
21 file?

22 A. (Witness nods.)

23 Q. Okay. And the open active and the --
24 the open active and the closed active are stored at
25 the District Attorney's office; is that correct?

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1 A. Uh-huh.

2 Q. And then the open inactive and the
3 closed inactive would be stored in the 310 --

4 A. Yes.

5 Q. Now, are there other people who are also
6 in charge of keeping track of the records?

7 A. Records, the records personnel, records
8 clerks.

9 Q. And who are they?

10 A. Where we have on -- let's see. On
11 Exhibit 1 where it says records.

12 Q. Uh-huh.

13 A. Okay, there, that's the records
14 supervisor, assistant, or the first, Vera is
15 Justice Court supervisor, Vicky's -- and Vicky
16 Lopez is District Court supervisor of the clerks.

17 Q. Okay.

18 A. And then they have the clerks under each
19 team.

20 Q. And then the -- there's a clerk in each
21 team as well?

22 A. Uh-huh.

23 Q. And the clerk on each team is
24 responsible for storing the records in that team?

25 A. For getting -- for pulling all the files

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1 for the deputies on that team for court.

2 Q. So they're responsible for compiling the
3 files and getting them to the deputies?

4 A. Uh-huh.

5 Q. And Vera and Vicky are more general,
6 they're in charge of storing the records; is that
7 correct?

8 A. No, I'm mostly the one on storing the
9 records.

10 Q. Okay. What do Vera and Vicky do as far
11 as --

12 A. They're supervisors over the personnel
13 in records.

14 Q. So Vera Cooper and Vicky Lopez are
15 responsible for overseeing the various clerks on
16 each track?

17 A. Yes.

18 Q. And they're also responsible for making
19 sure that each clerk gets the records to the right
20 district attorney?

21 A. Yes.

22 Q. Are the records organized in some sort
23 of understandable way?

24 A. Yes.

25 MR. LAURENT: Can we go off the record

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1 for just a minute.

2 MR. O'TOOLE: Sure.

3 (Discussion off the Record.)

4 MR. O'TOOLE: That concludes direct
5 examination.

6

7

EXAMINATION

8 BY MR. LAURENT:

9 Q. Okay, Sharon, let's just talk about the
10 records for a minute. There are various specialty
11 units that keep their own records; is that correct?

12 A. Yes.

13 Q. And what specialty units keep their own
14 records?

15 A. Sexual assault, crimes against women,
16 children, major violators unit, appellate and --

17 Q. What about the DUI team?

18 A. DUI team.

19 Q. Now, Kathy Hinkle (phonetic) is the one
20 in MVU or major violators unit who keeps the
21 records for that track; is that correct?

22 A. Yes.

23 Q. And she keeps them separate and apart in
24 her own closets and cupboards?

25 A. Yes.

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1 Q. The secretaries for the sexual assault
2 unit, also known as the crimes against women and
3 children's unit, keep their files after the case is
4 closed; is that correct?

5 A. Yes.

6 Q. Do they ever send over to the Centennial
7 unit?

8 A. Yes.

9 Q. They both do?

10 A. Yes.

11 Q. When do they send those files over to
12 the Centennial building?

13 A. When they're inactive, when they're not
14 using them, when they're not needed.

15 Q. And are those usually the red and white
16 files, the red being the MVU file and the white
17 file being the sexual assault file?

18 A. Yes.

19 Q. Do they send over the Pendaflexes with
20 the trial notebook and all that's in it to the
21 Centennial building?

22 A. Yes.

23 Q. The DUI team, do they use the same
24 procedure?

25 A. No, I haven't gotten any of theirs yet.

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1 Q. That's a recently new team?

2 A. Right, right, so far everybody's in
3 Barry's office?

4 Q. The District Attorney's office has a
5 Justice Court -- has Justice Court clerks and
6 District Court clerks; is that correct?

7 A. Yes.

8 Q. The District Court clerks maintain the
9 files of a case while it's in Justice Court?

10 A. Yes.

11 Q. Is that accurate?

12 A. Yes.

13 Q. Those files are maintained on the sixth
14 floor of the district attorney's office at present;
15 is that correct?

16 A. Yes, yes.

17 Q. And their supervisor is Vera Cooper?

18 A. Yes.

19 Q. She didn't actually do much more than
20 supervise and move people in and out to cover other
21 persons?

22 A. Yes.

23 Q. Vicky Lopez has the same responsibility
24 for the District Court clerks?

25 A. Yes.

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1 Q. Now, are District Court clerks
2 responsible for entering into CJIS or C Track, the
3 computer system run by the Justice Court that keeps
4 track of what happens in court?

5 A. Yes.

6 Q. Additionally, they maintain their files
7 on the sixth floor?

8 A. Yes.

9 Q. Their active files?

10 A. Yes.

11 Q. Those are all kept in a section for
12 Justice Court and one for District Court?

13 A. Yes.

14 Q. And they're kept by case number?

15 A. Yes.

16 Q. In addition to that, each of the clerks,
17 both the Justice Court and the District Court, keep
18 their files at their desk, the ones that they're
19 currently working on?

20 A. Yes.

21 Q. Is there any other place in the District
22 Attorney's office in the office proper in the
23 courthouse where we keep files?

24 A. No.

25 Q. Okay. How are files located that don't

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1 have case numbers?

2 Let me back up. Isn't it true that whenever
3 a case is submitted it's given a DA number?

4 A. Yes.

5 Q. Which happens to correspond to a Justice
6 Court number in most cases?

7 A. Yes.

8 Q. In cases where it doesn't correspond,
9 it's still given a DA number which reflects what
10 the Justice Court number would have been, but since
11 it didn't go to Justice Court, either because it
12 got dismissed, we didn't file charges or because
13 the DA's office decided to prosecute by way of a
14 grand jury indictment, those numbers have that DA
15 number, but it's not really a Justice Court number?

16 A. Yes.

17 Q. If someone were requesting documents and
18 a subpoena or trying to find out, say if I were a
19 public defender on another case, wanted to find out
20 if documents exist to a particular case and they
21 did not have the DA number, what would be the best
22 method for them to subpoena that, if they send a
23 subpoena to you or to me indicating they want to
24 see a certain file, what information should they
25 include in that so we could find that for them?

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1 A. You're looking for an answer other than
2 case number?

3 Q. Other than the DA case number. Isn't it
4 possible for us to put in information if you give
5 us the defendant's name --

6 A. Uh-huh.

7 Q. -- and Social Security number or Metro
8 ID number where we can pull up the case number and
9 pull up the file additionally, is that by event
10 number and case number?

11 A. Yes.

12 Q. Event number being the number that Metro
13 assigns to it or a number that NHP assigns to it or
14 Gaming Control Board?

15 A. Yes, any of the police agencies.

16 Q. Would there be any other information
17 coming over to subpoena that would assist them with
18 a subpoena records to make sure they narrow the
19 search?

20 A. That I can't think of.

21 Q. You talked about records being stored in
22 appeals. The appeal records stored in appeal are
23 only appellate documents?

24 A. Yes, appeal documents.

25 Q. It's not the actual trial file?

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1 A. Those like that, like that, just the
2 appeal transcripts.

3 Q. Can you explain to us what the retention
4 policy is for misdemeanors?

5 A. On misdemeanors, it's 90 days after the
6 close.

7 Q. So it's after final disposition, it's
8 90 days?

9 A. Ninety days.

10 Q. When a misdemeanor is denied, what is
11 the retention period? And before you answer --

12 A. All denials are one year.

13 Q. And when I mean denied, when a case is
14 submitted by a law enforcement agency to the DA's
15 office for approval of charges, sometimes they're
16 approved, sometimes we request further or
17 additional information, and sometimes it's denied,
18 and there are various reasons for denial; is that
19 correct?

20 A. Uh-huh, yes.

21 Q. And those files, you're telling us the
22 denials files are kept for one year from the date
23 of denial?

24 A. Yes.

25 Q. How long do we keep non-capital --

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1 non-life sentences files?

2 A. Non-capital?

3 Q. I mean non-life sentence people who
4 don't have a life sentence?

5 A. Depending on their time, depending on
6 their time. Once the case is -- they've been
7 discharged, released, we keep them for one year
8 then.

9 Q. So when you say discharged, released,
10 you mean either discharged from custody, discharged
11 from parole or discharged from probation?

12 A. Yeah, they've done all their time in
13 prison or out.

14 Q. We then keep that file for one year?

15 A. Yes.

16 Q. And then we destroy that file?

17 A. Yes.

18 Q. And what about life sentences?

19 A. Those we keep.

20 Q. And capital cases?

21 A. Yes, those we keep.

22 Q. And those we keep generally would be in
23 the Centennial building, correct?

24 A. Yes.

25 Q. 309 South Third?

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1 A. Yes. 310.

2 Q. 309 is the Public Defender's office?

3 A. Yes, 310.

4 MR. LAURENT: Is there any other
5 information you needed?

6 MR. O'TOOLE: I'd like to do some
7 questioning.

8 MR. LAURENT: I thought that would help
9 you out.

10 MR. O'TOOLE: That was very helpful.

11

12 FURTHER EXAMINATION

13 BY MR. O'TOOLE:

14 Q. Okay. Very briefly, let's go through
15 from the time you open a case to the time it goes
16 through.

17 A. Uh-huh.

18 Q. You said you open a case using the
19 Justice Court number or the grand jury --

20 A. The DA number.

21 Q. Okay. What goes into the file when you
22 open it?

23 A. Whatever the arresting police agency has
24 submitted or gave to us at that time.

25 Q. So you would get -- you would get police

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1 documents at that point?

2 A. Yes.

3 Q. And any court --

4 A. And copies.

5 Q. And any copies of any court proceedings
6 at that point?

7 A. Yes.

8 Q. And then who keeps that file when it
9 comes in, who does it go to?

10 A. It -- well, from the point where they
11 start, it goes to data input where they put it in
12 the computer.

13 Q. Okay.

14 A. It goes to the screening section. They
15 give it to one of the screening attorneys, okay,
16 and then the case is approved or denied. They type
17 up the complaint on it, it's updated again in the
18 computer, court date is set, and then it goes to
19 the clerk for whatever department it's been set in.

20 Q. So then the file would be sent to the
21 particular clerk for the department?

22 A. Yes, yes.

23 Q. And what is kept on the computer
24 record? You talked about a computer record.

25 A. The basic information, you know, they

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1 put in the computer on the person's name, birth
2 date, ID number, the event number from the agency,
3 okay, the DA number, next court date.

4 Q. But there's not an entry for each
5 document?

6 A. No.

7 Q. Okay. And after the case is assigned to
8 a particular track, does -- the file stays with the
9 records person for that track?

10 A. Yes.

11 Q. Until it leaves that track?

12 A. Yes.

13 Q. Is that correct?

14 A. Yes...

15 Q. How do documents that the police
16 generates after the case is opened get to your
17 office?

18 A. We call those the additional.

19 Q. Okay.

20 A. They go the same procedure, they come in
21 and they go to screening, they go to data input.
22 They run it on the computer to get the event
23 number, DA number, so it can be sent the route it's
24 supposed to go, which from data input then it goes
25 to discovery where we make a copy of it, attach it

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1 to the original, and it goes to the clerk that
2 handles the department that it's in. She pulls the
3 file, sees there's a defense attorney and forwards
4 the additional discovery to the defense attorney.

5 Q. So do you get hundreds of documents
6 every day from that and for the different
7 departments?

8 A. Yes.

9 Q. Is there anyone in your office that
10 reviews the files of the police departments to make
11 sure you have everything that the police have, or
12 did they just send the documents over?

13 A. I assume Metro sends everything.
14 They -- the office has what we call request further
15 if a screening deputy is looking at a case and
16 thinks I need some additional information on this
17 witness or did we get a statement from this
18 witness, can I have an estimate on this damage or
19 something like that.

20 Q. But your files are not merged with
21 Metro's files at any point?

22 A. No.

23 Q. Metro has its own file keeping?

24 A. Yes.

25 Q. Is there anyone in your office

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1 responsible for reviewing Metro's files?

2 A. Not that I know of. As far as I know,
3 the detectives, you know, bring what they have to
4 the attorneys --

5 Q. So basically --

6 A. -- on submission on a case.

7 Q. So basically you get what the police
8 agencies give you?

9 A. Uh-huh.

10 Q. And that's how you know what they have?

11 A. Uh-huh, yeah, they give us the
12 information.

13 Q. Okay. And everything that the police
14 agencies give you gets routed through the filing
15 system?

16 A. Yeah, goes to data input so they find a
17 number, you know, what number it is, next court
18 date and what track.

19 Q. Okay. That's very helpful. So you
20 talked about a destruction of file policy.

21 A. Document destruction.

22 Q. Exactly. How is that, how do you do
23 that exactly?

24 A. We have a contract with Silver State,
25 and they, when I call them, they come pick up our

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1 bins, document destruction bins, or I may even have
2 the stuff in boxes taped up and Silver State picks
3 it up and it's destroyed.

4 Q. And then once it's destroyed, is there a
5 certificate of destruction with that?

6 A. (Witness nods.)

7 Q. Is there any record made that the files
8 destroyed?

9 A. No.

10 Q. So it's just destroyed pursuant to your
11 policy?

12 A. Yes.

13 Q. Okay. And you were talking with
14 Mr. Laurent earlier about the trial notebooks.
15 What is in a typical trial notebook?

16 A. Should be the -- depending on the case,
17 you know, the police reports, statements, evidence,
18 some of the attorneys have, you know, subdivide
19 them up, have a directory on that.

20 Q. Sort of like this notebook?

21 A. Yes.

22 Q. And would attorneys have their notes in
23 the trial notebooks?

24 A. Case history.

25 Q. Where would the actual attorney note be

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1 kept, what file would they be kept in?

2 MR. LAURENT: Be more specific.

3 MR. O'TOOLE: In, say, for example, a
4 major violator's case.

5 MR. LAURENT: Sharon, for instance,
6 notes on what happened in court, where would those
7 be kept?

8 THE WITNESS: Case history.

9 MR. LAURENT: That's on the left hand of
10 a file?

11 THE WITNESS: When you open the file,
12 it's right there on the left page.

13 MR. LAURENT: Do you have any idea, for
14 instance, my case and I was writing notes on
15 certain witnesses, do you have any idea where I
16 would keep that?

17 THE WITNESS: If not on the case
18 history, on little stick-um, little stick-um notes
19 sticking on different pages throughout the file or
20 notebook.

21 MR. LAURENT: But that's just preference
22 of attorney, it could be anywhere; is that
23 correct?

24 THE WITNESS: Yes.

25 / / / /

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1 MR. O'TOOLE:

2 Q. So basically there's no formal system
3 for keeping track of the DA notes, they're just in
4 one of the many files?

5 A. There is case history, that's every time
6 it goes to court, they put down the date, the
7 department, that attorney's initials who was in
8 court, and then what happened in court that day,
9 yeah.

10 Q. But if they were, for example, in a
11 trial and were taking notes what was happening at
12 the trial to a legal pad, for example, those notes
13 could go pretty much anywhere?

14 A. I don't think they keep them in the
15 files.

16 Q. Did you say earlier that each district
17 attorney has their own personal file that they keep
18 on the case?

19 A. No.

20 Q. Okay.

21 A. No.

22 Q. Okay. Do you all have policy, a written
23 policy statement on how you keep records?

24 A. Written statement policy on how we keep
25 them?

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1 Q. The organization schedule.

2 A. Other than that there.

3 Q. Would it be Exhibit 2, Exhibit 2 would
4 be your written --

5 A. Yes.

6 Q. -- description of how you keep your
7 records?

8 A. Yes.

9 Q. All right. Do you have any records in
10 the office that you consider to be confidential,
11 such as -- let me give you an example.

12 A. Everything.

13 Q. Everything is considered confidential?

14 A. Yes...

15 Q. Okay. But so if someone came and asked
16 you to look at your files from the outside, they
17 couldn't?

18 A. No, we're not public record.

19 Q. Okay. And you're not government public
20 records?

21 A. Right.

22 Q. But say, for example, a case is before
23 the grand jury but there hasn't been an indictment
24 returned yet.

25 A. Uh-huh.

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1 Q. Would there be a file on that case?

2 A. There could be.

3 Q. And where would that file be kept?

4 A. With one of the two grand jury clerks.

5 Q. Okay. So the grand jury clerks would
6 keep it, but there's no set place for files that
7 are confidential as far as the information can
8 never be released to the public?

9 A. (Witness nods.)

10 Q. We talked a little bit earlier about
11 computerization, and you talked about data entry.
12 Can you explain that a little bit more?

13 MR. LAURENT: Do you want me to do this
14 again?

15 MR. O'TOOLE: Sure.

16

17 FURTHER EXAMINATION

18 BY MR. LAURENT:

19 Q. When a case is supplied to our office,
20 isn't it true that we have a unit called data
21 entry?

22 A. Yes.

23 Q. Or data input?

24 A. Yes.

25 Q. And what they do is they go into

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1 C Track, which is an old Legacy Promise system, and
2 they assign a number to it, they put all the
3 witnesses in, and that is what Justice Court uses?

4 A. Yes.

5 Q. They also put the submitting charges
6 down?

7 A. Yes.

8 Q. They also put down when the case is
9 approved by the deputy, they put down what the
10 charges are that were approved and make all the
11 changes to that?

12 A. Yes.

13 Q. Data input then forwards that on to the
14 screening deputy and the screening deputy looks at
15 it, and once that's approved, then it goes down.
16 The other time we enter data is the District Court
17 clerks enter data into C Track, because C Track is
18 not maintained by District Court; is that correct?

19 A. Yes.

20 Q. District Court, in fact, uses Blackston,
21 which is a different system?

22 A. Yes, district clerk's office.

23 Q. County clerk?

24 A. County clerk, yeah.

25 Q. And they don't communicate

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1 electronically?

2 A. No.

3 Q. So anything that happens in District
4 Court, if we want to get into C Track, has to be
5 entered by the district attorneys court clerks?

6 A. Yes.

7 Q. And those people are assigned
8 specifically a team, but they're still under Vicky
9 Lopez?

10 A. Yes.

11 Q. And that's the only computer information
12 that we currently maintain in the office; is that
13 correct?

14 A. Yes.

15 Q. Best of your knowledge?

16 A. Yes.

17 Q. Individual people may have their own
18 data bases, but are you aware of any?

19 A. No.

20 MR. O'TOOLE: Okay. That's very helpful
21 as well.

22

23 FURTHER EXAMINATION

24 BY MR. O'TOOLE:

25 Q. How long are the data input files

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1 maintained?

2 A. The information put into the computer,
3 how long is it there? Forever.

4 Q. There's no deletion policy?

5 A. No, not at this point.

6 Q. And you said that when a law enforcement
7 agency sends you over documents, that they go
8 directly to data input?

9 A. Yes.

10 Q. Is there some form of communication that
11 goes with the documents that are sent over by the
12 law enforcement agency?

13 A. If they have something on it saying this
14 is this case, this number, send it to this deputy.

15 Q. And that would go into the file --

16 A. Uh-huh.

17 Q. -- with the general case file?

18 A. Yes.

19 MR. O'TOOLE: Okay.

20 MR. LAURENT: That doesn't always occur,
21 does it?

22 THE WITNESS: Right, if that
23 information's not there, that's why it goes to data
24 input, so they can figure out what case it is.

25 MR. LAURENT: So it doesn't often

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1 occur?

2 THE WITNESS: No.

3 MR. LAURENT: But if it does, it goes
4 into the file?

5 THE WITNESS: Yes.

6 MR. LAURENT: MVU, particularly the
7 murder case, generally, are you aware if the
8 detectives just send the new discovery right to the
9 deputy and bypass that input, are you aware if that
10 happens?

11 THE WITNESS: Not unless the deputy
12 brings it to discovery.

13 MR. LAURENT: So what I'm saying is
14 sometimes it doesn't go to data input or
15 discovery?

16 THE WITNESS: Right.

17 MR. LAURENT: It goes straight to the
18 deputy?

19 THE WITNESS: It can go right from
20 officer, detective to attorney, yes.

21 MR. O'TOOLE: Okay.

22 Q. To your knowledge, there's no one in
23 your office who's just assigned to deal with law
24 enforcement agencies?

25 A. No.

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1 Q. So no one from your office knows what's
2 in Metro's files or what's in NHP files, they tell
3 you?

4 A. Right.

5 MR. LAURENT: You also know that
6 deputies and defense attorneys have the opportunity
7 to go and actually view Metro's files together, see
8 what's in there to prepare.

9 THE WITNESS: No, I didn't. I didn't, I
10 didn't know Metro's policy. I know Stewart has our
11 office, you know, basically --

12 MR. LAURENT: Has an open file policy?

13 THE WITNESS: Has an open file policy.
14 I didn't know if Metro did or not.

15 MR. O'TOOLE:

16 Q. And the destruction of records policy
17 that's currently the policy, has that always been
18 the policy?

19 A. Yeah, yeah, and we see it says 1991 and
20 it's still the same.

21 Q. And how long have you been in the
22 District Attorney's office?

23 A. Since 1980, January 1980.

24 Q. And the policy has been the same?

25 A. Yes.

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1 Q. All right. I've been told this, and it
2 could be wrong, but I'm told that after a defendant
3 is convicted that the file gets transferred to
4 parole and probation. Is that correct?

5 A. For sentencing for PSI, yes.

6 Q. What actually gets transferred to the
7 parole and probation?

8 A. The main file.

9 Q. The main file which consists of what?

10 A. The original submission and everything
11 that was in the file when it went to trial.

12 Q. And what stays at the District
13 Attorney's office when the file's sent over?

14 A. If there's any extra exhibits, you know,
15 stuff that can't fit in the folder.

16 Q. But the bulk of the main file goes over
17 to parole and probation?

18 A. Yes.

19 Q. And then after sentencing, is that
20 returned to your office?

21 A. Yes.

22 Q. Okay. Do you ever send files over to
23 the Secret Witness or Victim Witness Assistance
24 Program?

25 A. (Witness nods.)

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1 Q. You don't ever send files?

2 A. To Secret Witness, no.

3 Q. Do you get files from Secret Witness?

4 A. No.

5 Q. Okay. So there's no one in your office
6 who's responsible for coordinating with Secret
7 Witness?

8 A. No.

9 Q. Okay. The file on Robert Allen Savage
10 or Allen Floyd Gavillet --

11 A. Uh-huh.

12 Q. -- did you look for that file?

13 A. Yes, I did.

14 Q. What did you do to look for that file?

15 A. I ran the name on the computer to get
16 case number, ID number, so I could run that and see
17 if there's any other case numbers, and then looked
18 numerically on the shelf.

19 Q. Okay. And did you run it under both
20 names, Robert Allen Savage and --

21 A. Yes, I ran both names.

22 Q. And did you run it under the case
23 number?

24 A. 80803.

25 Q. 80803, that's correct.

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1 A. Yes, yes, I did.

2 Q. Okay. Did you have the major violators
3 unit look for the file as well?

4 A. Yes.

5 Q. Who looked for it there?

6 A. I spoke to Molly Rosen and Kathy Hinkle
7 and --

8 Q. And what did they tell you?

9 A. Molly took me down to Christopher's
10 office, and that's what we brought, what he had in
11 his office there, which he says now is the
12 appellate transcripts.

13 Q. In which case?

14 A. On Haberstroh.

15 Q. On Haberstroh. On the Savage/Gavillet
16 case, though, did you have them look for it as
17 well?

18 A. Yes, I did. I did check with them and I
19 was told by both of them no.

20 Q. Did you ask anybody else?

21 A. I started with his secretary, Nadine,
22 okay, and then it -- pertaining to the Haberstroh
23 case, that was handled by the major violators unit
24 of our office, so that's why I spoke to Molly and
25 Kathy, they're the secretaries for that unit.

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1 Q. Okay. And so those are all the people
2 that you asked for the file?

3 A. Yes.

4 Q. And they all said that they haven't seen
5 any file with his name on it?

6 A. Yes.

7 Q. And his name's not in the computer?

8 A. Right.

9 Q. And that's both by name and by case
10 number search?

11 A. (Witness nods.)

12 Q. Is there anywhere else that you can
13 think of that you could look for that file?

14 A. No.

15 Q. And is it possible it could be over at
16 the 310 Third Street address?

17 A. It's not there.

18 Q. It's not there?

19 A. I stopped there on the way here.

20 Q. You looked for it?

21 A. Yes.

22 Q. Great. When you ran

23 Mr. Savage/Gavillet's name on the computer, did any
24 case numbers come up?

25 A. This one, the 80803, and a '93 Justice

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1 Court number, which I didn't write down. I wrote
2 down the ID number.

3 MR. LAURENT: Do you recall if that '93
4 case was a felony or a misdemeanor?

5 THE WITNESS: It was a felony burglary.

6 MR. O'TOOLE:

7 Q. Did you find any files in connection
8 with the '93 case?

9 A. No, no. It was gone.

10 Q. So there's nothing that you know of in
11 the District Attorney's office dealing with Robert
12 Allen Savage/Allen Floyd Gavillet?

13 A. No.

14 Q. And if you found anything -- if you
15 found anything in the coming weeks before the
16 evidentiary hearing on December 4th, would you call
17 us and let us know that you had that information?

18 A. Yes, I will.

19 Q. Okay. Visitation cards, are visitation
20 cards ever stored at your office?

21 A. No, they keep those at the detention
22 center.

23 Q. Do the district attorneys ever keep
24 their own visitation records of when they go over
25 to the jail, to your knowledge?

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1 A. Not that I know of.

2 Q. So you've never seen a visitation record
3 like that in one of your files?

4 A. No.

5 MR. LAURENT: Are you asking do we ever
6 get copies of the visitation card and that are they
7 in the file?

8 MR. O'TOOLE: No.

9 MR. LAURENT: Are you asking that keep
10 his own personal --

11 MR. O'TOOLE: His own personal ones.

12 Q. But the ones from the visitation records
13 from the jail have -- it's possible that they could
14 be copied and placed in the file, but there are
15 none in the Savage/Gavillet case to your knowledge?

16 A. To my knowledge.

17 Q. Okay. And the information contained in
18 the computer record on Savage/Gavillet consisted
19 just of the case numbers?

20 A. Yes.

21 Q. Was there anything else on that on the
22 computer record?

23 A. An ID number. I wrote down an ID
24 number.

25 Q. What was that?

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1 A. X0005965.

2 MR. LAURENT: Now, is that in C Track
3 that you were looking.

4 THE WITNESS: Yes, CJIS.

5 MR. LAURENT: Did it contain a history
6 of the case, for example, the initial charges, the
7 appearance and negotiations and all that? Was it a
8 normal C Track entry?

9 THE WITNESS: Yes.

10 MR. LAURENT: So there would have been
11 an entry for each time Gavillet was in court?

12 THE WITNESS: Yes.

13 MR. LAURENT: Assuming that the District
14 Court clerk in our office actually entered the data
15 correctly when it got to District Court, because
16 Justice Court does it in District Court.

17 THE WITNESS: Yes.

18 MR. LAURENT: We could print that and
19 provide them with a copy; is that correct?

20 THE WITNESS: Yes, of CJIS.

21 MR. LAURENT: Could you do that for us?

22 THE WITNESS: Yes.

23 MR. LAURENT: Okay. The Haberstroh
24 file, how did you look for the Haberstroh file?

25 THE WITNESS: By name in the computer.

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1 case number, Haberstroh aka Patrick Hickey, which I
2 didn't write down his ID number, which was the case
3 number 76013.

4 MR. LAURENT: Okay.

5 THE WITNESS: Okay. And I looked
6 numerically, you know, for an out card, you know,
7 and didn't have any information on that. The case
8 was handled by major violators unit, so I contacted
9 Kathy and Molly, the secretaries for that unit.

10 MR. LAURENT: And what did they tell
11 you?

12 THE WITNESS: That's what they told me,
13 to get with Christopher, and just gave me the
14 appellate things on it.

15 MR. LAURENT: There are two boxes
16 there. They're in Kathy's room I was just there
17 today and I did have those copied and brought over
18 to you.

19 THE WITNESS: Okay.

20 MR. O'TOOLE:

21 Q. So to your knowledge, everything -- our
22 office has received copies of everything in the
23 Haberstroh file that's contained in the District
24 Attorney's office?

25 A. Yes.

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1 Q. Okay. Do you have any information that
2 you think is important about either of those cases
3 you'd like to tell us?

4 A. No.

5 MR. O'TOOLE: That's it then.

6 THE WITNESS: Okay. Thanks.

7 (Whereupon, the deposition
8 concluded at 12:11 p.m.)
9

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CERTIFICATE OF DEPONENT

<u>PAGE</u>	<u>LINE</u>	<u>CHANGE</u>	<u>REASON</u>
-------------	-------------	---------------	---------------

I, SHARON DEAN, deponent herein, do hereby
certify and declare under penalty of perjury the
within and foregoing transcription to be my
deposition in said action; that I have read,
corrected and do hereby affix my signature to said
deposition.

SHARON DEAN
Deponent

Subscribed and sworn to before me this
_____ day of _____, 1998.

NOTARY PUBLIC

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1 REPORTER'S CERTIFICATE

2

3 STATE OF NEVADA)
4) ss
5 COUNTY OF CLARK)

6 I, Lisa A. Fogleboch, a duly
7 commissioned Notary Public, Clark County, State of
8 Nevada, do hereby certify:

9 That I reported the taking of the
10 deposition of the witness, SHARON DEAN, commencing
11 on Thursday, October 15, 1998, at the hour of
12 11:34 a.m.

13 That prior to being examined, the
14 witness was by me duly sworn to testify to the
15 truth, the whole truth, and nothing but the truth.

16 That I thereafter transcribed my said
17 shorthand notes into typewriting and that the
18 typewritten transcript of said deposition is a
19 complete, true and accurate transcription of my
20 said shorthand notes taken down at said time.

21 I further certify that I am not a
22 relative or employee of an attorney or counsel of
23 any of the parties, nor a relative or employee of
24 any attorney or counsel involved in said action,
25 nor a person financially interested in the action.

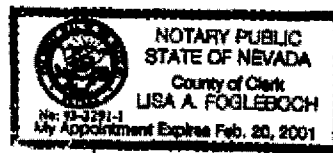
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1 IN WITNESS WHEREOF, I have hereunto set
2 my hand and affixed my official seal in my office
3 in the County of Clark, State of Nevada, this
4 4th day of November, 1998.

5
6
7 *L. A. Fogleboch*
8

9 Lisa A. Fogleboch
10 C.C.R. No. 298



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● ●

EXHIBIT 29

EXHIBIT 29

In The
DISTRICT COURT
CLARK COUNTY, NEVADA

RICHARD HABERSTROH,

Petitioner,

-VS-

E. K. McDANIEL, Warden of the
NEVADA STATE PRISON at ELY, NEVADA,

Respondent.

CASE NO. C076013

DEPOSITION
OF
ARLENE C. RALBOVSKY
Monday, December 7, 1998



TRAVELING
TRANSCRIPT™

Laurie Webb & Associates
(702) 386-9322

MONDAY, DECEMBER 7, 1998

E. K. McDaniel, et al.

DISTRICT COURT
CLARK COUNTY, NEVADA

RICHARD HABERSTADT,

Petitioner,

vs.

Case No. C074013

E. K. McDaniel, Warden of the
NEVADA STATE PRISON at ELV,
NEVADA,

Respondent.

DEPOSITION OF ARLENE C. RALBOVSKY

Taken at the Office of the Federal Public Defender
330 South Third Street, Suite 700
Las Vegas, Nevada 89101On Monday, December 7, 1998
At 1:30 p.m.Reported by: Marilyn Wagoner,
CCR No. 551

APPEARANCES:

For the Petitioner: TIMOTHY P. O'TOOLE, ESQ.
Assistant Federal Public Defender
330 South Third Street
Suite 700
Las Vegas, Nevada 89101For the Respondent: CHRISTOPHER J. LAURENT, ESQ.
Chief Deputy District Attorney
Capital Case Coordinator
300 South Third Street
Sixth Floor
Las Vegas, Nevada 89101For the LVMPD: MITCHELL M. COHEN, ESQ.
Deputy District Attorney
Civil Division
500 South Grand Central Parkway
Las Vegas, Nevada 89106

Also present: Elizabeth Moulton, CMA

I N D E X

WITNESS

PAGE

ARLENE C. RALBOVSKY

Examination by Mr. O'Toole

3

EXHIBITS

MARKED

Petitioner's

- | | | |
|---|---|----|
| 1 | Answers to the subpoena | 22 |
| 2 | LVMPD Partners with the Community | 27 |
| 3 | LVMPD Record Retention Schedule,
Mandatory Retention | 33 |

1 Whereupon,

ARLENE C. RALBOVSKY,

3 having been first duly sworn to testify to the truth,
4 the whole truth and nothing but the truth, was
5 examined and testified as follows:

EXAMINATION

BY MR. O'TOOLE:

9 Q. Could you state your complete name for the
10 record?

11 A. Arlene, A-r-l-e-n-e, middle initial C,
12 last name Ralbovsky, R-a-l-b, as in boy, o-v, as in
13 Victor, s-k-y, as in Yankee.

14 Q. What do you do for a living?

15 A. I am the director of the Las Vegas
16 Metropolitan Police Department Police Records
17 Section.

18 Q. And what do you do in your capacity in
19 that position?

20 A. I am in charge of the life cycle of most
21 of the records for that agency.

22 Q. Have you ever been deposed before?

23 A. Yes, I have.

24 Q. When was that?

25 A. Approximately two years ago.

1 Q. Do you remember what that was in
2 connection with?

3 A. It was a civil suit against the LVMPD.

4 Q. Do you remember the name of that case?

5 A. It was Linda Jacobs, the former director.

6 Q. She was the former director of records?

7 A. Police records, yes.

8 Q. What was the suit over?

9 A. It was a civil suit. I think it had to do
10 something with discrimination as far as why she lost
11 her job.

12 Q. When was she terminated?

13 A. I believe it was January of 1993.

14 Q. Do you know what the official reason was
15 that she was terminated?

16 A. No, I do not.

17 Q. What did you do in preparing for this
18 deposition today?

19 A. For this deposition today? I reviewed
20 what we had here, what was sent to me with the
21 subpoena, and then I also went through the different
22 points and listed reference material, where the
23 information could be found.

24 Q. Just for the record, we received the
25 responses to the subpoena on Friday, and Mr. Cohen

1 and I have entered into an agreement that we will be
2 continuing your deposition after today at a later
3 date after we've had a chance to review the records.

4 A. That's fine.

5 Q. Let's start off with a broad question.

6 Where are your records physically stored?

7 A. Most of them are physically stored in the
8 police records section at 400 East Stewart Avenue.

9 Q. What is stored at the Stewart facility?

10 A. We have event number documents; we have
11 I.D. documents; we do have some old DR's, which are
12 the equivalent of the current day's event number.
13 Some of the records are up on the second floor with
14 the microfilm detail.

15 Q. Now, what would be in the event number
16 documents?

17 A. Anything that would refer to an incident
18 report.

19 Q. Anything else?

20 A. Not that I can think of.

21 Q. Now about the I.D. number documents, what
22 would be in these files?

23 A. Arrest material.

24 Q. What kind of arrest material?

25 A. Someone who is either booked into the

1 Clark County Detention facility or the City of Las
2 Vegas facility.

3 Q. When you talked about the old DR's, what
4 are those?

5 A. I believe we began with the event numbers
6 in 1991, and that's when dispatch -- the numbers were
7 computerized, and they were automatically issued by
8 that CUB system. Before that, they were issued from
9 a big ledger book.

10 Q. What's a big ledger book?

11 A. Just a large book where we had a stamp,
12 and we numbered them consecutively.

13 Q. And so would the event number files and
14 the DR files be basically the same; it's just the DR
15 files were pre-1991?

16 A. Yes.

17 Q. Would arrest reports appear in the event
18 number files, as well?

19 A. Usually not, unless it were a copy, and
20 then juvenile arrests are under event numbers unless
21 the juvenile becomes a certified adult, then it's
22 transferred to an I.D. file.

23 Q. But incident reports would appear in the
24 event numbers; is that correct?

25 A. That is correct.

1 Q. And then all the follow-up investigation
2 reports would also appear in these files?

3 A. Yes.

4 Q. Are these kept by particular case?

5 A. Yes.

6 Q. So the event number would apply --

7 A. Not by case number, but they are kept by
8 event number.

9 Q. Right.

10 A. And then there is always reference to an
11 I.D. file, if there is an arrest, so we know to pull
12 from both places.

13 Q. If you were to get a request for
14 information with regard to a particular person, how
15 would you look for the information in response to
16 that request?

17 A. First, we would run it in SCOPF, get the
18 I.D. number, and then we would look for any reference
19 in that SCOPF printout to event numbers.

20 We would also check the microfilm, because
21 sometimes when numbers are very old, they are purged
22 from SCOPF; so we always check the back-up film in
23 the purge file.

24 Q. What is in the microfilm file?

25 A. The actual document that's been

1 microfilmed.

2 Q. So when do documents go from the event
3 number file or the I.D. file to microfilm?

4 A. That depends. We've been working on those
5 consecutively, and we're probably a good 10 years
6 behind. On the event numbers, usually 30 to 60 days,
7 except for certain files. If it's a homicide
8 usually, especially if it's an open case, they keep
9 the hard-copy file.

10 Q. Where would the hard-copy file be kept?

11 A. Most likely over in the detective bureau.

12 Q. Where is that?

13 A. I don't know their exact address, but it's
14 on West Charleston.

15 Q. How long does the homicide file stay at
16 the detective bureau?

17 A. If it's open, forever. But we always have
18 a microfilm copy. We microfilm it and we return it
19 to them.

20 Q. What does "open" mean?

21 A. There is not a -- it has not been solved.

22 Q. What about after there is a conviction?

23 A. Sometimes they do keep them.

24 Q. Over at the detective bureau?

25 A. Yes.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
CONVICTED PERSONS CHANGE OF ADDRESS FORM

ID NO

NAME: (FIRST) Robert (MIDDLE) Lee (LAST) Ward

ADDRESS (NO. STREET, CITY, STATE, ZIP): 1155 GLENN AVE. #100
11/11/89

OFFICE FOR WHICH
REGISTRATION DISTRICT - CM - 1st Post - 1st North
DAY NORTH
VE - 1st North

100-443886-100

DATE 1/11/71
SIGNATURE *[Signature]*

DATE ACCEPTED	5/1	5/1	TIME 1512	SIGNATURE OF PERSON ACCEPTING FORM
---------------	-----	-----	-----------	------------------------------------

1-10-1964

YELLOW
PINK

• TO INDIVIDUAL
• TO INTELLIGENCE DIVISION

1. _____

97

100

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Figure 1. The effect of the number of trials on the number of correct responses. The number of correct responses was significantly higher than the number of incorrect responses for all groups. The number of correct responses was significantly higher than the number of incorrect responses for all groups. The number of correct responses was significantly higher than the number of incorrect responses for all groups.

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

COLLEGE PARK
RODNEY SMITH

JA010338

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
CONVICTED PERSONS CHANGE OF ADDRESS FORM

L.D. NO. 706781

NAME (FIRST) Frederick (MIDDLE) Lafayette (LAST) McGowan

ADDRESS (NO. STREET CITY STATE ZIP) 1828 Wandering 71 C N.V. NV 89120

OFFENSE FOR WHICH REGISTRANT CONVICTED CCW / X FLE POSS FID / PROB BURG DATE OF CONVICTION 1977 1976

SIGNATURE Frederick Lafayette McGowan

DATE ACCEPTED DAY 11 MONTH 4 YR 89 TIME 10 25 SIGNATURE OF PERSON ACCEPTING FORM [Signature]

DISTRIBUTION: ORIGINAL - TO RECORDS BUREAU
YELLOW - TO INDIVIDUAL
PINK - TO INTELLIGENCE BUREAU

(LUMPH 2) (REV. 5-78)

Rodney Smith
REV 5 57103 MOP-31

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
 CONVICTED PERSONS CHANGE OF ADDRESS FORM

File No. 200751

NAME: (FIRST) Frederick (MIDDLE) Lafayette (LAST) Woodard

ADDRESS (NO., STREET, CITY, STATE, ZIP): 6137 Imperial Ln. Las Vegas, NV 89117

OFFENSE FOR WHICH REGISTRANT CONVICTED: ⁸³ CCW, ⁸¹ VEEL POSS F/A, ⁸¹ Prob Unl, Burg - 76

DATE OF CONVICTION: DAY MONTH YR

SIGNATURE Frederick Woodard DATE Mar 11 1984

DATE ACCEPTED DAY MONTH YR 11 5 84

TIME 1830 SIGNATURE OF PERSON ACCEPTING FORM R.A. Simpson

LVPD 22 (REV. 3-79)

DISTRIBUTION: ORIGINAL - TO RECORDS BUREAU
 YELLOW - TO INDIVIDUAL
 PINK - TO INTELLIGENCE BUREAU

Recovery Unit
 Rev'd 51703 MCGP-32
 Metropolitan Police Dept.

Date/Tm 1/8/76 1:30 P.M.

YES

☐ Narcotics

☒ F

☐ Sex Offense

☐ O

Name (First) FREDERICK

LAFAVETTE

WOODALL

Aliases (Include Maiden Name) NINE MALONEY

Age 19 Birthdate 3-1-56

LOS ANGELES, CA

Race W Sex M

Ht 71" Wt 145

BRN BRN

BRN

Complexion

MED.

Build MED.

None

MUSTACHE

Amputation

NONE

Marks, Scars, Tattoos (Describe) "P" UPPER LFT ARM; F.L.W. LEFT FOREARM

U.S. Citizen YES

Alien Reg. #

Marital Status

MARRIED

Normal Occupation MECHANIC

Present Occupation

STATION ATTENDANT

Present Employer & Address BUD HACKLEY 1212 TROPICANA

Length of Time in County 19 YEARS

Name of Nearest Relative EDWIN WOODALL

Relationship

FATHER

Relative's Address 4347 LA CIEGA

City & State LAS VEGAS, NV

Registrant's Vehicle Year 1958

Make

Model

Color

BLUE/WHITE

Present Local Address BOSTON MOTEL #6 LAS VEGAS, NV

Permanent Home Address 3515 STANLEY

City & State N. LVN

Offense for Which Registrant Convicted

PURG.

Factor What

Name FRED L. WOODALL

Location of Conviction (City and State)

LAS VEGAS, NV

Date of

Conviction

Type of Sentence 5 YRS. PROBATION

Imprisonment

Indefinite

Time Served (Yrs, Months, or Days) 21 DAYS

Date Released 9-15-75

☒ Probation Length of Time 5 YEARS

Date Released 1981

☐ Parole Length of Time

Date Released

ADDITIONAL PENALTY INFORMATION

Offense

TYPED BY NB P# 1236

Interviewer

By

Registrant's

Return Mail

JA010341

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
 CONVICTED PERSONS CHANGE OF ADDRESS FORM

3-7-58

I.D. NO.

200-11

NAME (LAST) *Joseph Mc* (LAST) *McDonald*

SUBJECT

ADDRESS IN LAST STATE ZIP

3919

DATE OF CONVICTION

10/1/57

OFFICIAL FOR RECORDS
 REGISTRAR GENERAL

DATE ACCEPTED

2-2-58
 10:00 AM
 10:00 AM

SIGNATURE OF PERSON
 ACCEPTING FORM

S. McArthur

FOR DISTRIBUTION: ORIGINAL TO RECORDS DEPT. & TO INTELLIGENCE DIV.

Rodney Emil
 1-2-58

ADULT PAROLE AND PROBATION
SCOPF REPORT

NAME: WOODALL, Frederick L. DOB: 200/81
ALIAS: SALUNNY, Mike DOB: 3-1 56
SSN: 530-51-8774 POB: Los Angeles, Calif.
FBI#: 220 220 S
CIN#: 4 704 688

Production XEROX
expired 1-9-81

DESCRIPTION: WMA/5'10"/145 lbs/BRO

is arrested prior to 1-9-81 notify adult parole
and probation. P must register.

Rodney Emili
Rev'd 8/1/83 MICOP-55
Metrol/Cohen Prot. Order

L.A.S. VEGAS METROPOLITAN POLICE DEPARTMENT
CONVICTED PERSONS CHANGE OF ADDRESS FORM

NAME: (FIRST) Robert (MIDDLE) L. (LAST) Woodall

ADDRESS (NO. STREET, CITY, STATE, ZIP): 1500 1st St. Apt. A

DATE OF CONVICTION: DAY 1 MONTH 1 YEAR 81

DATE RECEIVED FOR WHICH REGISTRANT CONVICTED: Robert

SIGNATURE: Robert L. Woodall **DATE:** 10-1-81

SIGNATURE OF PERSON ACCEPTING FORM: [Signature] **DATE:** 10-1-81

DISTRIBUTION: ORIGINAL TO INTELLIGENCE BUREAU
 PHK

FORM NO. 100-1

Rodney Emil
 Rev'd 3/7/03 MGP-23
 Mr. Cohen Post. C.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
CONVICTED PERSONS CHANGE OF ADDRESS FORM

FILE NO. 277-17

NAME: (FIRST) WILLIAM (MIDDLE) ALBERT (LAST) WILLIAMS

ADDRESS (NO., STREET, CITY, STATE, ZIP): 4444 Las Vegas Blvd. S. Las Vegas, NV 89103

OFFENSE FOR WHICH REGISTRANT CONVICTED: RECEIVING STOLEN PROPERTY DATE OF CONVICTION: 9/1/70

DATE RECEIVED: DAY 7 MONTH 10 YEAR 70 TIME 1:30 PM SIGNATURE [Signature] DATE 10-1-70
SIGNATURE OF PERSON ACCEPTING FORM [Signature]

LVFD 83 (REV. 6-74)

DISTRIBUTION: ORIGINAL - TO RECORDS BUREAU
PHOTOCOPY - TO INTELLIGENCE BUREAU

Rodney Emili
2744 517-735 MCOF-87

JA010345

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT
CONVICTED PERSONS CHANGE OF ADDRESS FORM**

I.D. NO. 200781

NAME (FIRST) **FREDERICK** (MIDDLE) **L.** (LAST) **HOODALL**

ADDRESS (NO., STREET, CITY, STATE, ZIP) **2113 DORSET, NORTH LAS VEGAS, NEVADA**

OFFENSE FOR WHICH
RECEIVED ANY CONVICTION? **BURGLARY**

DATE OF CONVICTION

DAY MONTH YR
16

SIGNATURE:

DATE

DATE ACCEPTED

DAY MONTH YR
1 4 77

TIME

1320

SIGNATURE OF PERSON
ACCEPTING FORM

DISTRIBUTION

ORIGINAL
PINK

TO RECORDS BUREAU
TO INTELLIGENCE BUREAU

FORM 10 (REV. 1-77)

Route 2m
David B. 1005 MCA-2-30
1-1-1977

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
 CONVICTED PERSONS CHANGE OF ADDRESS FORM

NAME (FIRST)

John A.

MIDDLE

(LAST)

DATE

ADDRESS (NO., STREET, CITY, STATE, ZIP)

3300 China Blvd

OFFENSE FOR WHICH
 REGISTRANT CONVICTED

DATE ACCEPTED

DAY MONTH YEAR
10 1 1981

TIME

SIGNATURE

SIGNATURE OF FORMER
 ACCEPTING AGENT

EMPLOYEE NO.

DISTRIBUTION

ORIGINAL
 FILE

TO RECORDS & COMM.
 TO INTELLIGENCE DIV.

Rodney Emil
 Rev'd 9/17/80 NCSP-53
 Metro-Cover Pro. Order

ADULT PAROLE AND PROBATION
SCOFF REPORT

NAME: WOODALL, FREDERICK L.
ALIAS: Mike Maloney
SSN: 530-54-8774
FBI#: 220 220 E
CITE: 4 704 638

ID#: 208/21
DOB: 3-1-56
POB: Los Angeles, Calif
Probation/Parole
expires: 10-1-81

DESCRIPTION: WMA, 5'10", 145#, Brn/Brn

If arrested prior to 10-13-81 notify Adult PBI
(F) - must register

RECEIVED
JUL 13 1981

Rodney Emili
Revised 8-17-83 MCSP-80
New Order

Exhibit 129(b)

✓
VERMONT METROPOLITAN POLICE
CONVICTED PERSONS QUESTIONNAIRE

INTK

Date/Time 8-5-87 2:55 PM WPC CES

ID	622627
FBI	866 062 R1
CII	A06063604

☐ Narcotics ☒ Felony Offense
☐ Sex Offense ☒ Other

SPC ☒ YES ☐ NO

Name (First) MARTIN (Middle) KENNETH (Last) KOBA

Aliases (Include Maiden Names) KORY KOBA

Age 30 Birthdate 7-21-57 Birthplace TORRANCE, CA Soc. Sec. # 549 72 7960

Sex M Hair BRN Eyes BRN Complexion MEN

Height 5'10" Weight 170 lbs Tattoos/Scars N/A

Marital Status DIVORCED

Present Occupation N/A

Length of Time in Vermont 1 Year Estimated Length of Stay INDEFINITE

Name of Nearest Relative NORMAN KOBA Relationship BROTHER

Relative's Address 80 BOX 106333 City & State S. LAKE TAHOE, CA

State & Lic. #

Registrant's Vehicle Year N/A Make Model/Color

Present Local Address SALVATION ARMY LVN

Permanent Home Address SAME AS ABOVE City & State

Offense for Which Registrant Convicted BURGLARY Under What Name MARTIN KOBA

Location of Conviction (City and State) LVN Date of Conviction 6-12-85

Type of Sentence 2 YRS NSP If Sentenced to Institution, Name and Address NSP

Time Served (Yrs, Months, or Days) 2 YRS Date Released 6-5-87

☐ Probation Length of Time Date Released

☐ Parole Length of Time Date Released

ADDITIONAL FELONY CONVICTIONS

Date & Place

If More Space Needed Use Reverse Side

CV-1131

Interviewer N

Martin Koba
Registrant's Signature

Rodney Emil

1. NAME 2. ADDRESS 3. CITY 4. STATE 5. ZIP		6. PHONE 7. FAX 8. E-MAIL 9. WEBSITE	
10. BUSINESS 11. INDUSTRY 12. PRODUCT 13. SERVICE		14. EMPLOYMENT 15. POSITION 16. DUTIES 17. RESPONSIBILITIES	
18. EDUCATION 19. DEGREE 20. INSTITUTION 21. YEAR		22. EXPERIENCE 23. COMPANY 24. POSITION 25. DATES	
26. REFERENCES 27. NAME 28. ADDRESS 29. PHONE 30. RELATIONSHIP		31. COMMENTS 32. RECOMMENDATION 33. DATE	

1. NAME
 2. ADDRESS
 3. CITY
 4. STATE
 5. ZIP
 6. PHONE
 7. FAX
 8. E-MAIL
 9. WEBSITE
 10. BUSINESS
 11. INDUSTRY
 12. PRODUCT
 13. SERVICE
 14. EMPLOYMENT
 15. POSITION
 16. DUTIES
 17. RESPONSIBILITIES
 18. EDUCATION
 19. DEGREE
 20. INSTITUTION
 21. YEAR
 22. EXPERIENCE
 23. COMPANY
 24. POSITION
 25. DATES
 26. REFERENCES
 27. NAME
 28. ADDRESS
 29. PHONE
 30. RELATIONSHIP
 31. COMMENTS
 32. RECOMMENDATION
 33. DATE

Name: Emil
 Address: 1234 Main St
 City: Anytown
 State: CA
 Zip: 90210
 Phone: (555) 123-4567
 Fax: (555) 123-4568
 Email: emil@anytown.com
 Website: www.emil.com
 Business: Software Development
 Industry: Technology
 Product: Custom Software
 Service: Software Development
 Employment: Self-employed
 Position: Software Developer
 Duties: Design, develop, test, and maintain software applications.
 Responsibilities: Manage project timelines, communicate with clients, and ensure high-quality code.
 Education: Bachelor's Degree in Computer Science
 Degree: Bachelor's Degree
 Institution: Anytown University
 Year: 2010
 Experience: 5 years
 Company: Anytown Software
 Position: Software Developer
 Dates: 2010 - Present
 References: John Doe, Jane Smith, Bob Johnson
 Name: John Doe, Jane Smith, Bob Johnson
 Address: 1234 Main St, 5678 Main St, 9012 Main St
 City: Anytown, Anytown, Anytown
 State: CA, CA, CA
 Zip: 90210, 90210, 90210
 Phone: (555) 123-4567, (555) 123-4568, (555) 123-4569
 Relationship: Former Client, Former Client, Former Client
 Comments: Excellent work, highly professional, delivered on time.
 Recommendation: Highly recommended.
 Date: 2010-2011

CONFESSIONS OF A CONVICT

[illegible][illegible][illegible]

Rodney Emil
Rovd 841703 MCoP-63
MetteCohen Prot. Order

COMMUNIST PERSONS CHANGE OF STATUS REPORT

627

NAME (Last, First, Middle Initial) *WILLIAM J. WILSON*

ADDRESS *1034 S. 10th St. Phoenix, Arizona*

DATE *10/25/54*

REASON FOR CHANGE *REMOVAL FROM LIST*

DATE OF BIRTH *10/25/1914*

DATE OF DEATH *10/25/1914*

DATE OF ENTRY *10/25/1914*

DATE OF EXIT *10/25/1914*

DATE OF REENTRY *10/25/1914*

DATE OF REEXIT *10/25/1914*

DATE OF REENTRY *10/25/1914*

DATE OF REEXIT *10/25/1914*

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DATE OF REEXIT *10/25/1914*

DATE OF REENTRY *10/25/1914*

DATE OF REEXIT *10/25/1914*

Rodney Emil
David 377 33 HCO 2-34
HCO 2-34 3-34 3-34

● ●

EXHIBIT 25

EXHIBIT 25

IN THE JUSTICE COURT OF LAS VEGAS TOWNSHIP
IN AND FOR THE COUNTY OF CLARK, STATE OF NEVADA

THE STATE OF NEVADA,
Plaintiff,

vs.

DOHA RAE KENNY 1479271

Case No. 3637

Docket No. 857

Defendant

CRIMINAL COMPLAINT

Personally appeared before me this day R. FREGEAU

of LAS VEGAS, in the County of Clark, State of Nevada, who, being first duly sworn,
complains and says that DOHA RAE KENNY

the Defendant above named, has committed the crime of POSSESSION OF CONTROLLED
SUBSTANCE (Felony-NRS 451.336)

in the manner following to wit: That the said Defendant on or about the 5th day of July
1985 at and within the County of Clark, State of Nevada, did

COUNT I

did then and there wilfully, unlawfully, feloniously, knowingly,
or intentionally possess a controlled substance, to-wit: Cocaine.

COUNT II

did then and there wilfully, unlawfully, feloniously, knowingly,
or intentionally possess a controlled substance, to-wit: Cannabis,
commonly known as Marijuana.

CLERK OF DISTRICT COURT
COUNTY OF CLARK
STATE OF NEVADA
JUL 10 1985

All of which is contrary to the form, force and effect of Statutes in such cases made and provided and
against the peace and dignity of the State of Nevada. Said Complainant, therefore, prays that a Warrant be
issued for arrest of the said Defendant in order that said Defendant may be dealt with according to
law.

R. Fregeau
R. FREGEAU

Subscribed and sworn to before me this 15th day of August, 1985

DA1368K177-1

JUSTICE COURT

CASE NO. 90-11-017

STATE VS.

YOUNG, DONALD E.

CHARGE

POSSESSION OF CONTROLLED SUBSTANCE

BAIL

DATE JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES -- HEARING

CONTINUED TO:

8-16-83
K. SLADE FOR
J. SIXLER FOR #3
S. WOLFSON, DA
R. REYNOLDS, CLK

DEFENDANT NOT PRESENT IN COURT
ACTIVATE WARRANT

1-29-90

O/R Per Judge Sixler

1-30-90
W. JANSEN FOR #3
Y. JOCCA, DA
S. KULISH, CR
M. MCCREARY, CLK

INITIAL ARRAIGNMENT
Def't not present in court
Appearance date set
OR CONTINUES.

2-20-90 1:15 #3

2-20-90
D. AHLSTROM
C. PAINE, DA
D. MARGULIS
M. MCCREARY, CLK

CONTINUED INITIAL ARRAIGNMENT
DEFT PRESENT IN COURT
ADVISED/WAIVES
Court orders case continued for def't to secure PD
OR CONTINUES.

2-21-90 1:15 #3

2-21-90
D. AHLSTROM
M. O'CALLAGHAN, DA
D. DE JULIO, PD
T. FERRICOLA, CR
M. MCCREARY, CLK

DEFT PRESENT IN COURT
Side bar conference held
Motion by defense to continue, granted
Possible negotiations
OR CONTINUES.

2-22-90 1:15 #3

2-28-90
D. AHLSTROM
F. PONTICELLO, "A"
R. HILLMAN, PD
L. JUD, CR
M. MCCREARY, CLK

DEFT PRESENT IN COURT
Motion by State to amend to reflect 1 count misd, granted
"Possession of drug not to be introduced into interstate
Commerce" Plea of guilty
\$145. fine plus \$35. AAF total \$200. due
R/S
OR CONTINUES.

5-31-90 1:15 #3

5-31-90
D. AHLSTROM
R. LUCHERINO, DA
S. KULISH, CR
M. MCCREARY, CLK
R. HILLMAN, PD

TIME SET FOR COLLECTION
DEFENDANT PRESENT IN COURT
PASSED BY COURT
\$35. PAID - PAYMENT DUE \$40.00
OR CONTINUES

6-29-90 1:30 #3

JUL 9 1990

MINUTES - CRIMINAL

FPD 01-239 EMIL, RODNEY
Prior Counsel - Patti Erickson

JA01035

Justice Court, Las Vegas Township

STATE VS.

VERDY, DONALD

CASE NO. 1617-857

Page 2

CHARGE

Possession of Controlled Substance

BAII

DATE, JUDGE
OFFICERS OF
COURT PRESENT

June 29, 1990
N. JANSEN for J3
C. Owens DA
S. Young CR
L. Lauby clk
R. Hillman PO

APPEARANCES - HEARING

Defc. PRESENT in Court
FINE PAID

CONTINUED TO:

11

CLOSED

2-11-90
30, 12/9

MINUTES - CRIMINAL

• •

EXHIBIT 26

EXHIBIT 26

CLARK COUNTY DISTRICT ATTORNEY
 CASE NO. 111

Supervisor _____
 Screening Officer _____
 Agency _____
 In Custody: Yes ☒ No ☐
 DEFENDENT NAME: _____
 MOODALL, FRED T. _____
 BIRTH: _____
 DOB: _____
 RACE: _____
 SEX: _____
 HEIGHT: _____
 WEIGHT: _____
 EYES: _____
 HAIR: _____
 SCARS: _____
 TATTOOS: _____
 OTHER: _____

CHARGE: PCS (2 Counts) / UNDER INFLUENCE CS
 Def. Dona Bas. Kenny not denied, should be approved

REASON FOR DENIAL

- ☐ 008 Victim declines to prosecute
- ☐ 082 Cannot connect Def. to crime
- ☐ 088 Insul. evidence to establish intent
- ☐ 101 Insufficient evidence
- ☐ 108 Jury conviction unlikely
- ☐ 114 Domestic or Personal matter
- ☐ 151 Constitutional grounds
- ☐ 208 Refuse to try case

OTHER: For agreement with Defendant for information on file

If any of the above legal defects can be cured by further investigation, Attorney recommends that the request be resubmitted to gather with such information. Other manner in which will strengthen the case upon reconsideration.

CLARK COUNTY DISTRICT ATTORNEY

FPD 01-239 EMIL RODNEY
 Prior Counsel - Paul Erickson
 Rec'd 2/15/01 PEX004600

I hereby certify that this is a full, true, and correct reproduction of a microphotographic film of the original document/affidavit on file with the Las Vegas Metropolitan Police Department.

 Date _____

DISTRIBUTION

IN THE JUSTICE COURT OF LAS VEGAS TOWNSHIP
IN AND FOR THE COUNTY OF CLARK, STATE OF NEVADA

THE STATE OF NEVADA,

Plaintiff,

DONA RAE KENNY #479273

Case No. 1637

Docket No. 837

CRIMINAL COMPLAINT

Defendant

Personally appeared before me this day R. FREGEAU

of LAS VEGAS, in the County of Clark, State of Nevada, who, being first duly sworn, complains and says that DONA RAE KENNY

the Defendant, above named, has committed the crime of POSSESSION OF CONTROLLED SUBSTANCE (Felony-NRS 451.13C)

in the manner following to wit: That the said Defendant on or about the 15th day of July 1981 at and within the County of Clark, State of Nevada, did

COUNT I

did then and there wilfully, unlawfully, feloniously, knowingly, or intentionally possess a controlled substance, to-wit: Cocaine.

COUNT II

did then and there wilfully, unlawfully, feloniously, knowingly, or intentionally possess a controlled substance, to-wit: Cannabis commonly known as Marijuana.

CLERK OF DISTRICT COURT
CLARK COUNTY
JUL 20 1981

All of which is contrary to the form, force and effect of Statutes in such cases made and provided and against the peace and dignity of the State of Nevada. Said Complainant, therefore, prays that a Warrant be issued for the arrest of the said Defendant in order that said Defendant may be dealt with according to law.

R. FREGEAU

Subscribed and sworn to before me this 16th day of August 1981

JUSTICE COURT		
CASE NO.	STATE VS.	CHARGE
DATE, JUDGE OFFICERS OF COURT PRESENT	APPEARANCES - HEARING	CONTINUED TO:
1-18-81 K. SLADE FOR M. KILMER FOR #3 A. BELFON, DA R. REYNOLDS, CLK	DEFENDANT NOT PRESENT IN COURT ACTIVATE WARRANT	CONTINUED TO: 1-23-90
1-23-90 W. JAMES FOR #3 F. HOGAN, DA R. HULISH, CR H. MCCREARY, CLK	C/R Per Judge Slade INITIAL ARRAIGNMENT Deft not present in court Appearance date set OR CONTINUES.	2-20-90 1:15 PM
2-20-90 D. AHLSTROM C. PAINE, DA D. HUNT, CR H. MCCREARY, CLK	CONTINUED INITIAL ARRAIGNMENT DEFT PRESENT IN COURT ADVISED/WAIVED Court orders case continued for deft to secure PD OR CONTINUES.	2-21-90 1:15 PM
2-21-90 D. AHLSTROM H. O'CALLAGHAN, DA D. DE JULIO, PD T. FERNICOLA, CR H. MCCREARY, CLK	DEFT PRESENT IN COURT Side bar conference held Motion by defense to continue, granted Possible negotiations OR CONTINUES.	2-28-90 1:15 PM
2-28-90 D. AHLSTROM F. FORTICELLO, DA R. HILLMAN, PD L. JUD, CR H. MCCREARY, CLK	DEFT PRESENT IN COURT Motion by State to amend to reflect 1 count misd, granted "Possession of drug not to be introduced into interstate Commerce" Plea of guilty \$145. fine plus \$55. AAF total \$200. due R/S OR CONTINUES.	3-11-90 1:15 PM
3-11-90 D. AHLSTROM A. LUCHERINI, DA R. HULISH, CR H. MCCREARY, CLK R. HILLMAN, PD	TIME SET FOR COLLECTION DEFENDANT PRESENT IN COURT PASSED BY COURT S.22 PAID - BAYARDI CLK \$40.00 OR CONTINUES	6-23-90 1:30 PM JUL 9 1990 1:30 PM

Justice Court, City of Chicago

STATE VS.

CRIM. DIST. CT.

CASE NO.

PAGE 2

CHARGE

Possession of Controlled Substance

BAI

DATE, JUDGE
OFFICERS OF
COURT PRESENT

June 13, 1990
W. JAMES for 13
C. GARRIS DA
S. Young CR
P. Lambly clk
R. Hillman PO.

APPEARANCES - HEARING

Date. PRESENT in Court
FINE PAID

CONTINUED TO

CLOSED

3-1 (Revised)
May 11/88

MINUTES

● ●

EXHIBIT 27

EXHIBIT 27

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
IDENTIFICATION DIVISION
WASHINGTON, D.C. 20537

NV0020100
PART 2

PCN 911510127508

- FBI IDENTIFICATION RECORD - FBI NO-220220P5

CHARGE-BURGLARY-2 ETS

4-ARRESTED OR RECEIVED 03/17/76

AGENCY-METRO POLICE DEPT LAS VEGAS (NV0020000)

AGENCY CASE-200781 NAME USED-WOODALL, FREDERICK LAFAYETTE

CHARGE 1-EX-FEL POSS FIREARM

5-ARRESTED OR RECEIVED 12/02/76

AGENCY-METRO POLICE DEPT LAS VEGAS (NV0020000)

AGENCY CASE-200781 NAME USED-WOODALL, FREDERICK LAFAYETTE

CHARGE 1-ATTN MURDER-3 ETS

DISPOSITION-NO FORMAL CHARGE

ADDITIONAL ARREST DISPOSITION-DENIED DA

6-ARRESTED OR RECEIVED 03/19/77

AGENCY-DEPARTMENT PRISON CARSON CITY (NV018035C)

AGENCY CASE-12763 NAME USED-WOODALL, FREDERICK L

CHARGE 1-BURGLARY

COURT-

DISPOSITION-CONVICTED-

CHARGE-BURGLARY

SENTENCE- 5Y CONFINEMENT

7-ARRESTED OR RECEIVED 06/05/78

AGENCY-METRO POLICE DEPT LAS VEGAS (NV0020000)

AGENCY CASE-200781 NAME USED-WOODALL, FRED LAFAYETTE

CHARGE 1-ATTEMPT BURGLARY

DISPOSITION-NO FORMAL CHARGE-

ADDITIONAL ARREST DISPOSITION-NCF

8-ARRESTED OR RECEIVED 09/24/79

AGENCY-DEPARTMENT PRISON CARSON CITY (NV018035C)

AGENCY CASE-12763-PV NAME USED-WOODALL, FREDERICK L

CHARGE 1-BURGLARY CS EX-FELON

CHARGE 2-POSSESSION OF A FIREARM

COURT-

DISPOSITION-CONVICTED-

CHARGE-BURGLARY CS EX-FELON

SENTENCE- 5Y CONFINEMENT

END OF PART 2 - PART 3 TO FOLLOW

Rodney Emil
Rev'd 6/17/03 MCOB-30

JA010314

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
IDENTIFICATION DIVISION
WASHINGTON, D.C. 20537

NV0020100
PART 3

PCN 911510127508

- FBI IDENTIFICATION RECORD - FBI NO-22022075

CS
DISPOSITION-CONVICTED-
CHARGE-POSSESSION OF A FIREARM
SENTENCE BY CONFINEMENT

9-ARRESTED OR RECEIVED 10/27/82

AGENCY-SHERIFF'S OFFICE HANTHORNE (NV011000)
AGENCY CASE-7845-C NAME USED-WOODALL, FREDRICK LAFAYETTE
CHARGE 2-DRIVING UNDER INFLUENCE
CHARGE 2-POSS STOLEN PROP
CHARGE 2-EX FELON/PA
CHARGE 1-POSS FALSAFIMATA
CHARGE 5-CCA

10-ARRESTED OR RECEIVED 07/05/83

AGENCY-METRO POLICE DEPT LAS VEGAS (NV0020100)
AGENCY CASE-200781 NAME USED-WOODALL, FREDRICK LAFAYETTE
CHARGE 1-PRIGRATION VIOLATION POSS CONTR SVEST-2 CTS

11-ARRESTED OR RECEIVED 05/14/84 SID-CA08222783

AGENCY-SHERIFF'S OFFICE PLACERVILLE (CA0090000)
AGENCY CASE-64950 NAME USED-WOODALL, FREDRICK LAFAYETTE
CHARGE 1-EX-FELON, CCW-POSS MFG/SELL DANG WEAPON

12-ARRESTED OR RECEIVED 01/12/83 SID-CA08222783

AGENCY-SHERIFF'S OFFICE FAIRFIELD (CA0480000)
AGENCY CASE-VZ70453 NAME USED-WOODALL, FREDRICK LAFAYETTE
CHARGE 1-PETTY THEFT

13-ARRESTED OR RECEIVED 08/30/88 SID-CA08222783

AGENCY-SHERIFF'S OFFICE FAIRFIELD (CA0480000)
AGENCY CASE-VZ83964 NAME USED-WOODALL, FREDRICK LAFAYETTE
CHARGE 1-GRAND THEFT PROPERTY

14-ARRESTED OR RECEIVED 08/30/88A SID-CA08222783

AGENCY-SHERIFF'S OFFICE FAIRFIELD (CA0480000)
AGENCY CASE-VZ83964 NAME USED-WOODALL, FREDRICK LAFAYETTE
CHARGE 1-BURGLARY
CHARGE 2-POSS STOLEN PROPERTY
CHARGE 3-POSS DRIVERS LIC ID TO COM FORSEY

15-ARRESTED OR RECEIVED 02/11/89 SID-CA08222783

END OF PART 3. PAGE 4 OF 4 PAGES

Rodney Emil
Rev'd 5/17/03 MCoP-31
Print Order

WASHINGTON, D.C. 20537

020202000

PC 921510127508

IDENTIFICATION RECORD - FBI NO-220220P

AGENCY - POLICE DEPARTMENT
1007

FACTORY DIRECT - 1-800-445-4464
FAX 800-445-4464
COSTA RICA

100% CASH

1974

MINISTERIO DE DEFENSA

15-CAP-122783

ACCOMPLISHES - 100%
NAME -
(CABLING)

CHARGE - MURDER IN THE 1ST DEGREE

CHARGE TO AMERICAN EXPRESS

THE NEW YORK PUBLIC LIBRARY

THE

[illegible]

(0000000000)

CHINA

CHECKED BY: J. H. STONE

10

RECORDED & INDEXED 06/26/91

Rodney Etnil

Rev'd 6/17/03 MCOB-32
Metro/Cohen Bros. Out

Exhibit 128(c)

7

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 11-17-01 BY 60322 UCBAW

STATE OF CALIFORNIA
DEPARTMENT OF JUSTICE
BUREAU OF IDENTIFICATION
P.O. BOX 11412, SACRAMENTO

21700

101-111111
244 511 111
GLT
IS FOR OFFICIAL USE

The following CII record, NUMBER
2 U 110 5
A 1 U 111 9

5 701 619

M W BRO BLU 6-1 170 MO 3-27-1943

BOND; KENNETH SAVERIO, SR.

DATE RECEIVED	DEPARTMENT AND NUMBER	NAME	CHARGE	DISPOSITION
	ALIAS: KENNETH SAVERIO PONO;	ALVIN KENNETH SCHRIER;		
*12-16-66	SO MOUNT CLEMENS MICH 22863	KENNETH SAVERIO BOND	DIST PEACE	308
*1-30-67	SO MOUNT CLEMENS MICH 22863	ALVIN KENNETH SCHRIER	L FROM BLOC	\$1100R 10DS
*5-5-71	PD MOUNTY CLEMENS, MICH 10665	KENNETH SAVERIO BOND	L U/\$100	DISM-COMPL W/ COULD NOT BE LOCATED
*2-8-75	PD SPRINGFIELD, FL 1037984	KENNETH SAVERIO BOND, SR.	ASLT & BATT RESIST ARR.	TRANS TO CO.
3-1-76	SO SAN DIEGO 797497	KENNETH SAVERIO BOND, SR.	49611 PC CRSP (EL. CAJON PD ARR)	
3-3-76	SO SAN DIEGO 1797497	KENNETH SAVERIO BOND, SR.	1551.1 PC FUG. (ARIZ)	8-26-76, #F45 37430; A, DIS OF JUSTICE; COMPL. FILED
5-14-76	SO SAN DIEGO 3797497	KENNETH SAVERIO BOND, JR.	1551.1 PC FUG.	11-29-76, #F. #37430; A, DI OF JUSTICE; TO ARIZ.
1-1-79	PD L-1 LEGAS, NEW, 294773	KENNETH S. BOND	1-POSS. STOLEN PROP., 2-IMPERS. A P.O.	INTERVIEW C.B.

Rodney Emil
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ENTRIES INDICATED BY ASTERISK (*) ARE NOT VERIFIED BY FINGERPRINTS IN CII FILES.

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NV020102

NO RECORDS SER/ SF73151

IN NCIC 2470

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Rodney Emil
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Metro/Cat...

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Information shown on this document is to be controlled and furnished only by functional components when disposition is not shown or further explanation of change or disposition is required. Do not change with agency controlling those fingerprints.

WK Cred
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Date 7/2/00

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STATE OF CALIFORNIA
DEPARTMENT OF JUSTICE
BUREAU OF IDENTIFICATION
P.O. BOX 12417, SACRAMENTO

67-4739
FBI# 913 028 F
SM# 379 46 6556
CL#

The following CI record, NUMBER

0 L 1 U 110 5
M 1 U 111 9

5,791 619

MA W BRO BU 5-1 170 MO 3-27-1948

IS FOR OFFICIAL USE ONLY

BOND, KENNETH SAVERIO, SR.

ARRESTED OR RECEIVED	DEPARTMENT AND NUMBER	NAME	CHARGE	DISPOSITION
LIAS: KENNETH SAVERIO BOND		ALVIN KENNETH SCHRIER		
2-16-66	SO MOUNT CLEMENS, MICH 22863	KENNETH SAVERIO BOND	DIST PEACE	305
3-30-67	SO MOUNT CLEMENS, MICH 22863	ALVIN KENNETH SCHRIER	IL FROM BLDG	\$1000 LODS
5-71	PD MOUNTY CLEMENS, MICH 10665	KENNETH SAVERIO BOND	L U/\$100	DISM-COMPL WITNESS COULD NOT BE LOCATED
8-8-75	PD SPRINGFIELD, FL 1037984	KENNETH SAVERIO BOND, SR.	ASLT & BATT RESIST ARR.	TRANS TO CO. COUR
3-1-76	SO SAN DIEGO 797497	KENNETH SAVERIO BOND, SR.	19621 PCJRSR (EL. CAJON PD ARR)	
3-3-76	SO SAN DIEGO 1797497	KENNETH SAVERIO BOND, SR.	1551.1 PC FUG. (ARIZ)	8-25-76, #F45358, 37480; A, DISM. FOR DE JUSTICE; NEW COMPL. FILED 11-29-76, #F46064, 37480; A, DISM. FOR DE JUSTICE; DEPT. TO ARIZ.
5-14-76	SO SAN DIEGO 3797497	KENNETH SAVERIO BOND, JR.	1551.1 PC FUG.	
10-12-79	PD LAS VEGAS, NEV. 294759	KENNETH S. BOND	1-POSS. TOLEN PRIME, 2-IMPERS. A R.	ENTERED C.S.

Rodney Emil
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Exhibit 128(d)

622627
 06/28/85
 ENTERED

UNITED STATES DEPARTMENT OF JUSTICE
 FEDERAL BUREAU OF INVESTIGATION
 IDENTIFICATION DIVISION
 WASHINGTON, D.C. 20537

Use of the following information is regulated by law. It is furnished for official use only and should not be used for purposes not intended. Where further explanation of arrest charge or disposition is needed, communicate directly with the agency that conducted the investigation.

Contributor	Subject Name	Subject Number	Arrest Date	Arrest Charge
CHARLOTTE CORRECTIONAL CENTER, NCPT	KOBA, MARTIN KENNETH	6022148	09/12/72	DRUNK DRIVING
CAD 190-7C	KOBA, MARTIN KENNETH	6022148	05/17/83	C-BANK ROBBERY D-CONVICTED- CONFINEMENT-2Y MANDATORY RELEASE-06/29/86
SHERIFF'S OFFICE, SAN DIEGO, CA	KOBA, MARTIN KENNETH	6022148	01/12/83	C-BANK ROBBERY
METRO POLICE DEPT, SAN DIEGO, CA	KOBA, MARTIN KENNETH	6022148	10/01/82	C-FORGERY
LAS VEGAS, NV	KOBA, MARTIN KENNETH	6022148	09/09/82	C-BANK ROBBERY
METRO POLICE DEPT, SAN DIEGO, CA	KOBA, MARTIN KENNETH	6022148	01/12/83	C-BANK ROBBERY
RED CORR INSTITUTE, SAN PABLO, CA	KOBA, MARTIN KENNETH	6022148	05/17/83	C-BANK ROBBERY D-CONVICTED- CONFINEMENT-2Y MANDATORY RELEASE-06/29/86

06/22/85

Use of this following FBI record NUMBER: 266-062 R is regulated by law. It is furnished FOR OFFICIAL USE ONLY, and should ONLY BE USED FOR PURPOSE REQUESTED. When further explanation of arrest charge and disposition is needed, communicate directly with the agency that contributed the fingerprints.

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Rev'd 6/17/03 MCoP-40
Metro/Cohen Prot. Order

11329-07343

JA010326

Felon Registration Records

Exhibit 129

Exhibit 129(a)

THE NEW YORK PUBLIC LIBRARY
ASTOR LENOX TILDEN FOUNDATION
500 5TH AVENUE
NEW YORK 17, N.Y.

1870

807.00

12/10/2017

11/17

ADULT	Y.O.	AGE

15/21		
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96/66

100

10

CONFIDENTIAL PERSON'S SIGNATURE

12/10/20

Accounting Clerk

100-443887-100

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YAL

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THE UNIVERSITY OF CHICAGO PRESS

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1990

100-443887-100

Journal Email

1992

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
 CONVICTED PERSONS CHANGE OF ADDRESS FORM

Name (Print)		10-2667811	
Address (Number and Street)		(City)	
4535 S. Nellis		Las Vegas NV 89121	
Currenting District		CONVICTION DATE	
Parole/Probation		F-1	
DATE AND TIME ACCEPTED		DAY	
MONTH		YEAR	
9		78-23	

Parole/Probation

SEARCHED

Handwritten signature
 Convicted Person's Signature Date 4-6-00

Handwritten signature
 4-1-00

LV400 33 (REV. 3-86) DISTRACTION: WHITE - POLICE ALSO COMES - CAMPUS - WITNESSES SECTION - PINK - INDIVIDUAL

EMERGED

Walter

ADDRESS (NO STREET, CITY, STATE, ZIP): 2303 Franklin St

[Handwritten signature]

Hand L. Woodall Aug-30-78

DATE RECEIVED	DAY	MONTH	YR	TIME	LOCATION	BY	REMARKS
	30	8	1	1030	1030	PP	1447

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 08-22-2011 BY 60322 UCBAW/BJP/ADL/JMK

Rodney Smith
 800-4-A-ROAD
 1-800-4-A-ROAD

ADULT ZYGOTE AND PROGENY SCORE REPORT

NAME: MOCALL, Frederick L.

ALIAS: MOCALL, M L

SS#: 530-54-B/94

7819: 220,220,5

CTM#: 4,704 688

ID# 20073

DOI# 3-21-54

PO# Los Angeles, Ca.

ENTERED
XS

PROBATION: 1-1-81

DESCRIPTION: 300/3-30/113/UT/BT

Probation reviewed 2-15-77 5 yrs NSP y/s for 26 days.

Rodney Emil
Rev'd 1:17:03 MGSB-4

MASSACHUSETTS METROPOLITAN POLICE DEPT.

CONVICTED PERSONS QUESTIONNAIRE

Date/Time 1-21-81

☒ Narcotics

☒ Felony/Governor

☒ Sex Offender

☐ Other

ID 200701

FBI 200701P

CIT 1

SFC ☒ YES ☐ NO

Name (First) Frederick (Middle) L. H. (Last) Wright

Address (Include Maiden Name)

Birthdate 7-1-36 City W. H. C. H. State MA Soc. Sec. 390-34-87

Place of Birth MA Date of Birth 7-1-36 Marital Status Married

Education High School Degrees None Occupations None

Current Car (Make/Model/Year) 1978 Ford Mustang

Current Address 655 Franklin St. #36 City W. H. C. H. State MA

Former Occupation None Present Occupation None

Present Employer None

Length of Time in Country 45 Years Estimated Length of Stay Indefinite

Name of Nearest Relative Rock, Anne Relationship Sister

Relative's Address 655 Franklin St. #36 City W. H. C. H. State MA

Registration of Vehicle: Year 1978 Make Ford Model Mustang

Present Local Address 655 Franklin St. #36 City W. H. C. H. State MA

Permanent Home Address None City None State None

Offense for Which Re-arrested Burglary Und. Stat. 90A:02

Location of Conviction (City and State) W. H. C. H. MA Conviction Yes

Type of Sentence 5 Years Name and Address of Institution None

Time Served (Yrs, Months, or Days) 4 Years Date Released 5-19-81

☐ Probation Length of Term None Date Released None

☐ Parole Length of Term None Date Released None

ADDITIONAL FELONY CONVICTIONS

Offense Ex-Felony Burg. Firearm Date 1-1-81 Sentence 5 Yrs

Offense Firearm Date 9-1-81 Sentence 5 Yrs

Offense None Date None Sentence None

Interviewer W. H. C. H. Date 1-21-81

Signature of Respondent Frederick L. H. Wright

Rodney Emil

LABORATORY OF POLICE DEPARTMENT
CONVICTED PERSONS CHANGE OF ADDRESS FORM

Form No. 100-181

NAME (Print) ROBERT E. JONES (Number) 100-100000

ADDRESS (Print) 3501 16th St. N.W.

CITY (Print) Washington, D.C. STATE (Print) D.C. COUNTY (Print) Dist. of Columbia

DATE OF BIRTH (Print) 10-10-1925 SEX (Print) M RACE (Print) W

DATE OF CONVICTION (Print) 10-10-1925 TYPE OF VIOLATION (Print) Prob. Violation

SIGNATURE (Print) Robert E. Jones DATE (Print) 10-10-1925

DAY (Print) 06 MONTH (Print) 11 YEAR (Print) 72

TIME (Print) 1235

TO RECORDS BUREAU
TO INTELLIGENCE BUREAU

Rodney E. Jones
100-100000

ADULT PAPER AND PAPER FOR SALE

ADULT PAPER AND PAPER FOR SALE

ADULT PAPER AND PAPER FOR SALE

200781

Los Angeles, CA

Los Angeles, CA

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Los Angeles, CA

Rodney Emil
REV'd 81703 MCOF-45
Harpachon Post. C-140

AS ANTEPOLIS POLICE DEPARTMENT

OFFENSE PERSONS QUESTIONNAIRE

Date/Time JULY 22, 1983 3:00 PM

FPC

YES

☐ Narcotics

☐ Sex Offense

☐ Sex Offense

☐ Other

ID 201 51

FBI 22 1208

Off 1

SP6 ☒ ☐

Name: (First) FREDERICK

Middle: LAFAYETTE

(Last) WOODALL

Aliases: (Include Maiden/Nicknames) FREDERICK LAFAYETTE WOODALL

Age 27 Birthdate 3-1-56

Birthplace L.A., CA

Sec. No. 01354871-

Sex M

Ht 510

Wt 168

Hair BRN

Eyes BRN

Complexion

FAIR

Build MED

Glasses

NO

Mustache/

YES

Amputations/

NONE

Beard

YES

Deformities

NONE

Scars/Tattoos (Describe)

NUMEROUS TATTOOS ON CHEST, ARMS & LEGS

U.S. Citizen YES

IN/A

Marital Status

MARRIED

Normal Occupation TAPER (DRY WALL)

Present Occupation TAPER

Current Employer Address

CONTINENTAL INTERIORS, LVN

Length of Time in Country 16 YRS.

Estimated Length of Stay

INDEF.

Name of Nearest Relative RICHHELLE PRATT

Relationship

SISTER

Relative's Address 1500 QUEEN ANGEL CT.

City & State

LVN

Register's Vehicle

Year

Make

Model/Color

State & Lic. #

Present Local Address

13405 EMMONS (H), NVLA

Permanent Home Address

SAME

City & State

Offense for Which Registrant Convicted

CW

Under What Name

SAME AS ABOVE

Location of Conviction (City and State)

WINTHROP, NV.

Date of Conviction

1983

Type of Sentence PROBATION

If Sentenced to Institution Name and Address

Time Served (Yrs. Months or Days)

Date Released

☒

Probation Length of Time 2 YRS.

Date Released

1985

☐

Parole Length of Time

Date Released

ADDITIONAL FELONY CONVICTIONS

Offense

Date & Place

Sentence

SEE SCOPE

More Space Needed Use Reverse Side

E. Phelan

Interviewer

157

P. Sc.

Registrant's Signature

Rodney Bml

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL RIPPO,
Appellant,
-vs-
E.K. McDANIEL, et al.,
Respondent.

No. 53626

FILED

OCT 19 2009

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

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2 3	Reporter's Transcript of Proceedings Re: Defendant's Motion to Disqualify District Attorney's Office	03/07/94	JA00403-485 JA00486-564

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3	Reporter's Transcript of Proceedings: Ruling on Defense Motion	03/11/94	JA00570-JA00574
17	Reporter's Transcript of Proceedings: Sentencing	05/17/96	JA04014-JA04036
15	Reporter's Transcript of Proceedings: Verdict	03/06/96	JA03403-JA03411
2	Response to Defendant's Motion for Discovery of Institutional Records and Files Necessary to His Defense	02/07/94	JA00351-JA00357
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2	State's Opposition to Defendant's Motion for Discovery and State's Motion for Reciprocal Discovery	10/27/92	JA00260-JA00263
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18	State's Opposition to Defendant's Supplemental Points and Authorities in Support of Petition for Writ of Habeas Corpus (Post-Conviction)	10/14/02	JA04154-JA04201
2	State's Response to Defendant's Motion to Strike Aggravating Circumstance Numbered 1 and 2 and for Specificity as to Aggravating Circumstance Number 4	02/14/94	JA00367-JA00370
18	State's Response to Defendant's Supplemental Petition for Writ of Habeas Corpus (Post-Conviction)	04/06/04	JA04259-JA04315
2	State's Response to Motion to Disqualify the District Attorney's Office and State's Motion to Quash Subpoenas	02/14/94	JA00358-JA00366
18	Supplemental Brief in Support of Defendant's Petition for Writ of Habeas Corpus (Post-Conviction)	02/10/04	JA04206-JA04256

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17 18	Supplemental Points and Authorities in Support of Petition for Writ of Habeas Corpus (Post-Conviction)	08/08/02	JA04052-JA04090 JA04091-JA04153
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16	Verdicts and Special Verdict	03/14/96	JA03835-JA03840

SAFETY METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT CONTINUATION

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DRNO. 83-32876/J.L. KENSLIK

_____ I don't. I got the impression from what, how he told me,
that I, and I explained it to _____ (whisper) _____

TD: He didn't say that?

A. No, he never said that.

TD: Just an impression.

A. It was an impression.

TD: Let's get back to the gun. You said that he made a remark, being
Todd made this remark about there's no way _____ backwards.

A. No. (laugh) I thought my conversation was backwards. (laugh)

TD: Ah, he made the remark that there is now way, that the, that the
police could have that gun, right? Is that what he said?

A. No.

TD: Then what did he say?

A. He said "weapon".

TD: Weapon. Okay, he didn't say gun?

A. No. He said weapon.

TD: Okay, but the, but the article was referring to a gun?

A. Right.

TD: So, he.

A. Right, I mean I, right, but he never stated that was the article
when it came down to it, there was no way (both talking) _____

TD: He showed you, he showed you the article?

A. He showed the article, right. And it made me believe it was, a
gun, but then, see there was something about him saying, "They
are saying that I had access to this weapon." You know, but he,

WITNESS: _____

WITNESS: _____

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT CONTINUATION

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when we got the newspaper, that's where the part about the crime.
You know, there is no way they could have that, you know.

TD: Did?

A. Or maybe he was referring to that, I, _____ we were talking about
the gun in there, and I was telling him about the _____

TD: Did he say anything specifically about why we couldn't have it?

A.No. I don't think he did, no. He just had my,
he had me believe that weapon was taken care of, where nobody would
find it, but he never said how, or who, or, I got the impression
that he knew for a fact that someone had possession of that gun,
I mean, that was the impression I got. He didn't say that.

_____ weapons _____ See, I mean, because it was in the paper,
it could _____ use the word gun.

Q. Did he say anymore about it? I mean, ah, the murder itself? Where
it took place? Why? Who? Anything like that?

A. Oh, he said something about, knowing that I read the paper too,
he mentioned something about ahm, but I was valet parking
oh, _____ ahm.....something about dope dealing
in the valet parking, you know I don't know any _____ and I
can't remember.

Q. Dope deal in what?

A. Dope dealing in the valet parker, this young kid.

TD: Is it the person that got killed?

A. Yeah.

TD: Was the valet parker?

A. That's what he said, but he was stating something about, when he

WITNESS: _____

WITNESS: _____

FPD01-280 5/11/77

INVESTIGATOR

JA010240

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT CONTINUATION

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DRNO. 83-32876/J.L. KENSLIK

goes to trial, how they are going to connect him with this valet parker and dope deal _____ and that's how he was referring, but I don't think exactly _____ words, words to that effect.

Q. I don't, I don't quite understand what you are saying. Are you saying that the person that was murdered was the valet parker, or that when Todd Leavitt goes to court he is going to relate the murder to a valet parking attendant, instead of himself? Do you see what I mean?

TD: He's trying to blame it on somebody who is a valet parker? Or is he, is he referring to the victim of this as being a valet parker?

A. He's talking _____ he's talking about the person who got killed.

TD: Okay, the victim of the homicide is how he is referring to a valet parking (both talking) person?

A. Person.

TD: Okay.

A. But he, but that came from in reference, he volunteered that because he knows that it was in the article in the newspaper.

TD: _____

A. That he had mentioned that ah, in reference to that, you know, and ahm, of course he was, he reiterated the fact that _____ high on _____ dopes, charging on my record, you know, period, and ah, except for two misdemeanors. They are trying to put me with a dope deal with a valet parker, and I was supposed to kill him, no way, are they gonna get me. In fact, he said he was going to keep every one of those newspaper articles and get some _____

WITNESS: _____

WITNESS: _____

LVMPD 36 (REV. 1-85)

FD-302 (REV. 1-85)

SIGNATURE OF PERSON GIVING STATEMENT

JA010241

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT CONTINUATION

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_____ for _____ and he's gonna bring them into court and use them in his trial. And then that's the way it ends, and he went on to state that ahm, ahm, he showed me some of the lies that were in the, the article about him being in the joint, he's never been in the joint, ahm, which he felt they, the District Attorney's Office, had probably put, sent that to the newspaper, _____ say about Rodney, he was _____ about it. And ah, _____

Q. But as far as the, when he was talking to you about how it happened, and he said that he hit him in the head, or something, and Rodney delivered the fatal blow, or, whatever?

A. Right. That's how he said _____ the fatal blow.

Q. Did he go into any more detail about the murder? Like I said, when it happened, where it happened, what happened after the murders?

A. Ah....he made a reference ah, I, when he, _____ reference made on the dates of March 2nd and 3rd. And ah, he says, no, no, don't have your, your testimony down pat because they, _____ like for instance, don't even mention the month, ah, this was this morning after I ah, ah, well before I went to talk to Chuck Lee. And he said the reason ahm, that ah, ah, they don't want it to begin to sound like it should be ah, that I was a coke dealer you know, _____

TD: Who, who said that?

A. Todd, Todd said this this morning.

TD: Todd said he doesn't want you, or did he say, they don't want you?

A. He was thinking on behalf of Rodney I think _____ and ahm, _____

WITNESS: _____

WITNESS: _____

LVMPD 83-32876-32

JA010242

LOS ANGELES METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT CONTINUATION

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DR NO. 83-32876/J.L. KENSLIK

- he mentioned that ahm, ahm, ahm, that they really don't know what day the murder happened.
- Q They, meaning us?
- A. Even before this, right, ah because ah, ah, it took them awhile to find the body, or something.
- TD: They said that?
- A. Yes, Rodney said that.
- TD: Did he say, and elaborate any more about why it took us so long to find the body?
- A. No, _____
- TD: Did he say anything about at all, about a car or.
- A. Well, that was in the newspaper and they didn't ah, you know, they didn't _____
I'll try and be really honest with you.
- TD: Yeah, well exactly what (both talking _____ to do.
- A. I'm not trying to flower it, or..
- TD: I don't want to hear no bullshit, I want to exactly what happened.
- A. I've gotta put it here. _____
- TD: No more, no less..
- Q. Well, I'm confused on something else to, why is he being specific as far as telling you to do ah, (both talking) _____
- A. He deals with Rodney, all around.
- Q. Let me finish first, ah, as far as mentioning the 2nd and the 3rd, were you, did he want you to testify anything specifically about those dates?
- A. Well, remember he, he ah, he hand wrote that ah, that piece of

WITNESS: _____

WITNESS: _____

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT CONTINUATION

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DR NO. 83-32876/J.L. KENSLER

paper.

Q. On your conversation, supposedly that you overheard with ah, Lafever?

A. Right, right ah, he did that on his own, yeah, because that night I said well, I, you know, we'll go over it in the morning, and he already had it written out for me.

Q. Right.

A. And that's where it came out about the _____ and ah, I said Mar...it said March 2nd or 3rd on the paper. And ah, he goes, well don't, you know, don't worry about the exact dates ah, like the month, just say the 2nd or 3rd.

Q. As far as what you over, supposedly overheard?

A. Right, right.

Q. Okay, all right, that's fine.

A. Ahm, and then ah, I don't know. That's about it.

TD: Nobody ever told you, whether it be Michael O'Callaghan, Chuck Lee, or Becky whatever her name is, to go pump anybody for information nobody ever told you that?

A. Absolutely not. No way.

TD: Okay, and you did _____

A. I wouldn't, I (both talking)

TD: You didn't do(both talking)

A. To be honest with you, I didn't do it ah, this, right now you have to understand that I'm in a position where ah, I know what my intentions are. I'm testifying to the truth, that any information that comes out, I'm surely not going to be soliciting information from them because I fear that they would know I might be going to the prosecution

WITNESS: _____

WITNESS: _____

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT CONTINUATION

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DR NO. 83-32876/J.L. KENSLIK

And I would never do that. Anything that was said to me was totally voluntarily from them.

TD: Will you testify in court to what you just told us here today?

A. _____

TD: Okay, and if it became ah, asking you, not to say that it will, but somebody says, well, you'd take the polygraph?

A. Oh, yes, I'll...

TD: Just on this.

A. This one.

TD: We don't ask about no bank robberies, just on this.

A. Right, I know _____

TD: (laugh) All right.

Q. Okay, this is.

TD: Oh, one other thing, nobody made you any promises about anything, right? Nobody offered you any ah, inducements, or, ah, any privileges you are going to get (both talking)

A. I had.....the only thing I ask for is my security. The only thing I ask for at this time, ah I didn't even elaborate or say anything to the effect of. .

TD: Why did, why did you come forward?

A. Well, basically because of the fact that I am ah, in the process of ah, testifying for the state on the Robert Weeks' trial, and ahm, I ah, I want it possibly put on the record that I, that there has nothing been promised me on that, ah particular case, and ahm ah, I felt that if I took the _____ for these individuals, that ah, I would be purging myself and thereby ah,

WITNESS: _____

WITNESS: _____

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT CONTINUATION

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hopeful ah, consideration of seeing daylight in the future ah,
was being diminished completely, and ahm, secondly, ah, ah, I
wanted to ah, as a matter of fact when I spoke to Mike O'Callaghan
and that's why I _____ Chuck Lee, that ah, I would not trust a
fly _____ you know, _____ (Inaudible)

TD: What you are trying to maintain here is your credibility.

A. Absolutely. When I went to trial and I had to take the stand,
ah, you know, ah, _____ concerned mind, you know,
but I know I spoke truthfully, and.

Q. Okay, this statement is being concluded. Same persons present.

DATE: 11/10/87 1716 HOURS

KG/ss Pages 1 through 4

KG/ke Pages 5 through 18

KG/ss Pages 19 through 35

WITNESS: _____

WITNESS: _____

EXHIBIT 12B.1

9 ROA (Tolley)

IN THE SUPREME COURT OF THE STATE OF NEVADA

RODNEY LYN EMIL,

APPELLANT,

VS.

THE STATE OF NEVADA,

RESPONDENT.

CASE _____

RECORD ON APPEAL

VOLUME 9

ATTORNEY FOR APPELLANT:

CHRIS MAGLARAS, JR., ESQ.
WARD & MAGLARAS
725 SOUTH SIXTH STREET
LAS VEGAS, NEVADA 89101

ATTORNEY FOR RESPONDENT:

REX BELL, DISTRICT ATTORNEY
200 SOUTH THIRD STREET
LAS VEGAS, NEVADA 89155

DISTRICT COURT
CLARK COUNTY, NEVADA

FILED

JUN 16 1983

LORETTA BOWMAN, CLERK
BY *[Signature]*
DEPUTY

ORIGINAL

THE STATE OF NEVADA,

Plaintiff,

vs

RODNEY LYNN EMIL,

Defendant.

CASE NO. C079346

DEPT. NO. VIII

(VOLUME V)

BEFORE THE HONORABLE:

MICHAEL J. WENDELL, DISTRICT JUDGE

MONDAY, NOVEMBER 16, 1987, 10:20 A.M.

APPEARANCES:

FOR THE STATE: MICHAEL N. O'CALLAGHAN, ESQ.

FOR THE DEFENDANT: ROBERT E. WOLF, ESQ.

REPORTED BY: PATSY K. SMITH, C.S.R. #190

1435

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1 A. United States Attorney's office.
2 Q. That wasn't the District Attorney's
3 office?
4 A. No.
5 Q. Was it my office?
6 A. No.
7 Q. And so, basically, you are a federal
8 prisoner right?
9 A. Right.
10 Q. And you are incarcerated at the Clark
11 County Detention Center?
12 A. That's correct.
13 Q. Do you have any outstanding charges
14 against you whereby the Clark County District
15 Attorney's office is prosecuting?
16 A. They don't have a detainer on me. I know
17 there are some old forgery charges there, but I
18 haven't heard anything about them since being in
19 federal custody.
20 Q. Has the State promised you anything
21 whatsoever for your testimony?
22 A. No.
23 Q. Have I indicated anything at all to you
24 whatsoever in exchange for your testimony?
25 A. No.

1 MR. O'CALLAGHAN: Pass the witness.

2 THE COURT: Cross examination?

3 CROSS EXAMINATION

4 BY MR. WOLF:

5 Q. Mr. Hanslick, you apparently have been
6 convicted of a felony, correct?

7 A. That's right.

8 Q. More than one felony?

9 A. Yes.

10 Q. How many felonies within the last ten
11 years?

12 A. I believe four or five.

13 Q. You can't recall?

14 A. Well, the last one, if you wanted to call
15 -- I haven't been sentenced on that or adjudged.
16 The case hasn't been handed down.

17 Q. What?

18 A. The adjudication of the sentence, I can't
19 say it's a felony until they sentence me.

20 Q. What was the charge?

21 A. Bank robbery.

22 Q. What was the one before that? Let me ask
23 you this. Withdraw that question.

24 The bank robbery conviction, is that your
25 last felony conviction or do you have something else

1 REDIRECT EXAMINATION

2 BY MR. O'CALLAGHAN:

3 Q. With regard to this specific case, you
4 weren't promised anything whatsoever?

5 A. No.

6 Q. And the Weeks' case is separate and apart
7 from anything else involving this case?

8 A. That's right.

9 Q. With regard to these charged slips that
10 you mentioned that Rodney Emil brought up, when he
11 brought it up during this conversation on the 7th of
12 November, did he mention how these charge slips were
13 prepared?

14 A. Well, charge slips actually came up
15 earlier than November 7th.

16 Q. When did those come up?

17 A. If I remember correctly --

18 Q. When did those come up?

19 A. It was a time when Rodney came back
20 saying, "Guess what; I found an alibi defense," and
21 he, at that time, explained, "Look, I have got
22 charge receipts that show that I was in a different
23 state at a different time where I was working."

24 Q. Did he say how those charge slips were
25 prepared?

EXHIBIT 12B.2

14 ROA (Tolley)

IN THE SUPREME COURT OF THE STATE OF NEVADA

RODNEY LYN EMIL,
APPELLANT,
VS.
THE STATE OF NEVADA,
RESPONDENT.

CASE _____

RECORD ON APPEAL

VOLUME 14

ATTORNEY FOR APPELLANT:

CHRIS MAGLARAS, JR., ESQ.
WARD & MAGLARAS
725 SOUTH SIXTH STREET
LAS VEGAS, NEVADA 89101

ATTORNEY FOR RESPONDENT:

REX BELL, DISTRICT ATTORNEY
200 SOUTH THIRD STREET
LAS VEGAS, NEVADA 89155

ORIGINAL

6

DISTRICT COURT

CLARK COUNTY, NEVADA

FILED

---000---

OCT 18 1988

THE STATE OF NEVADA,

Plaintiff,

vs.

TODD MITCHELL LEAVITT,

Defendant.

CASE NO. C79346

DEPARTMENT NO. XI

DOCKET NO. "S"

102511A-S...
DEPUTY

BEFORE THE HONORABLE ABDELIAH D. GUY, DISTRICT COURT JUDGE

REPORTER'S TRANSCRIPT ON APPEAL

JURY TRIAL

MONDAY, MARCH 28, 1988

APPEARANCES:

For the Plaintiff: MICHAEL N. O'CALLAGHAN, Esq.
Deputy District Attorney

For the Defendant: JAMES W. ERBECK, Esq.
302 East Carson Avenue, Suite 702
Las Vegas, Nevada 89101

Volume VI
Pages 559 - 731, Incl.

Reported by:

THEDA MOSS, CSR No. 196
Official Court Reporter

2310

JA010258

VOLUME VI

Monday, March 28, 1988

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STATE'S
WITNESSES:

DIRECT CROSS REDIRECT

Hanley, Michael (Recalled)
(Reopened)

563 576

Henslik, Joseph

(*) 580 (*) 606 (*) 621
638 669 699

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BY MR. ERBECK

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9 Autopsy photograph of victim

704

11 Photograph of Ross D. Tolley

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23 Glass jar containing neckties

705

28-A Certified copy of motor vehicle
registration

705

(*) Outside presence of the Jury

1 this period of time?

2 A I was -- I was a person who had been
3 incarcerated in the jail during the whole period of time.
4 I could fit in their puzzle defense conveniently for their
5 sake.

6 It was just a matter of me saying,
7 "Okay, I'll do it," because I had been there when LeFever
8 was housed with me who testified against Rodney.

9 Todd never confided in me or trusted
10 me until the fact when he realized that his co-defendant
11 was confiding in me and using me as a witness.

12 As a matter of fact, I always told
13 Todd, "Don't tell me anything about your case; I don't
14 want to hear it."

15 I told everybody that. I was already --
16 especially being involved in the Robert Weeks case, I
17 certainly had no desire to get involved in anybody's
18 cases whatsoever. No.

19 Q Have you ever been promised anything to
20 testify in this case?

21 A Promises, as far as security arrangements
22 for me, which have been breached by the State of Nevada,
23 which I will discuss after this hearing to the Judge
24 concerning that before I testify before a jury.

25 The only -- the only promises that have

1 my outstanding jurisdictions.

2 I was thinking personally of taking
3 the cover letters that they sent the parole board and
4 insert them with a letter to the jurisdictions, if there
5 are any left or remaining, to drop the detainers.

6 I don't have any commitments by the
7 District Attorney's Office on that matter.

8 Q And those letters would basically inform
9 those proper authorities of your testimony; is that correct?

10 A I would assume that the letter for the
11 parole board would say that, yes.

12 Q And you're fully aware of the fact that
13 we have no authority or control over either the federal
14 authorities or any other state; correct?

15 A That's correct.

16 MR. O'CALLAGHAN: No further questions.

17 THE COURT: Mr. Erbeck.

18

19 CROSS-EXAMINATION

20 BY MR. ERBECK:

21 Q Mr. Henslik, did you say that you want
22 to talk to the Judge before you testify in front of the
23 jury?

24 A That's correct.

25 Q Are you going to refuse to testify unless

1 serving my time I was raped by another inmate and I had
2 stabbed him and I had received additional time, which
3 is the reason for the battery with intent to kill.

4 Originally it was 15 years and it
5 was running consecutive to the six-year sentence. I
6 had served all of that time, almost to expiration of
7 that sentence. I did three years of that, a little over
8 half, and wasn't paroled for the 15-year sentence until,
9 I think, I only had a couple of months left of that term.
10 And then -- Okay. Your next question?

11 Q The federal court case in '79, the stolen
12 car, how long a sentence did you get on that?

13 A Originally it was a two and a half year
14 sentence. The judge took a year off the sentence later
15 on on a modification, so it wound up being a year and a
16 half.

17 Q And the forgery sentence?

18 A Four years.

19 Q That was in Nevada?

20 A That's correct -- No, no. That was in
21 Colorado.

22 Q Oh. And then at the present time you don't
23 know the status of the 11 different detainers pending
24 against you?

25 A That's correct.

1 Q These would be 11 different states that
2 have detainers on you?

3 A No.

4 Q How many different states want you?

5 A I never counted them up. I would say
6 probably six or seven.

7 Q Did Mr. Boyers ever package up the six
8 or seven different states that have detainers against you
9 to work out a deal?

10 A You did, if I recall correctly, Mr. Erbeck.

11 Q We tried to, but we couldn't find out where
12 they all existed.

13 A Oh, no, it was Dominic Gentile.

14 If you'll refresh your memory, Dominic
15 came to visit me and I was asking for a six-year sentence
16 on the bank robbery, and this was about three weeks prior
17 to you quitting the U. S. Attorney's Office, and Dominic
18 told me at the time that he probably could get that on
19 with you because of the fact that you were looking for
20 no flags that day, that he was aware of your current goals,
21 let's say.

22 In fact, I remember him commenting
23 something about you being from Boston or something. And
24 he told me you would get back to me the next day, he had
25 spoke to you the following day.

1 battery with intent to commit?

2 A Well, that was reduced to seven and a half.
3 I got credit for time served. I was paroled in '79,
4 February of '79.

5 Q Okay. Can you explain to the Judge what
6 kind of problems you're having now so we can get this
7 thing out in the open.

8 A The State had agreed on my testimony that
9 they would pick me up at the facility that I was housed
10 on and act as a courier, and they had made all the
11 arrangements.

12 THE COURT: Where are you housed?

13 THE WITNESS: Presently I'm housed in the
14 Clark County Detention Center in 2-C, upon my request.
15 I was placed in housing 5-C where I have these other
16 inmates who I could -- that you heard that testimony --
17 that I run into.

18 And the problem happens when you leave
19 this jail, people leave with you. And that jacket follows
20 wherever you go.

21 When I came here there was another
22 inmate I was housed with who knew all about this case,
23 was telling people that I was a rat, which went to untold -
24 I don't know how many people through how many different
25 institutions.

1 I certainly don't want to be put back
2 in that jeopardy by going back through federal marshal
3 transportation. The State elected that at the time,
4 because I was just -- it seemed like an easy way for
5 them to go.

6 THE COURT: You understand that you are
7 a federal prisoner and that it is the federal marshal's
8 duty to transport you back and forth? I have no juris-
9 diction over the federal marshals.

10 THE WITNESS: I'm a State prisoner presently
11 in custody and the State is responsible to have me returned
12 back to the penitentiary that I was serving time at.

13 THE COURT: Which penitentiary were you
14 serving time at?

15 THE WITNESS: Lewisburg, Pennsylvania.

16 THE COURT: United States federal penitential

17 THE WITNESS: U. S. penitentiary.

18 THE COURT: Then you are a federal prisoner,
19 sir.

20 THE WITNESS: That is correct, but they
21 had made arrangements for transportation that the State
22 of Nevada was going to pick me up. Mr. O'Callaghan can
23 verify that. I am right now --

24 THE COURT: Mr. O'Callaghan?

25 MR. O'CALLAGHAN: Your Honor, we had made

1 arrangements for Chuck Lee in our office and one other
2 investigator, I believe, would pick up Mr. Henslik from
3 incarceration in Pennsylvania and bring him out here,
4 at his request. I didn't understand the reason for his
5 request, and as a result we decided to go through the
6 Marshal's Office. Since then Mr. Henslik has explained
7 to me his situation with regard to how the U. S. Marshal's
8 Office flies prisoners around, and they intermingle the
9 prisoners, and I have told him that I would make arrange-
10 ments with my office to have the two investigators take
11 him back on a flight separate and apart --

12 THE COURT: Both of you understand that
13 I have no jurisdiction to order what way this federal
14 prisoner will be transferred back to --

15 MR. O'CALLAGHAN: I understand that --

16 THE COURT: Mr. O'Callaghan, please.

17 I have no jurisdiction to order this
18 federal prisoner to be taken back and forth across this
19 country in any way, form, or fashion. If anything is
20 arranged, it will be arranged between the District Attorney'
21 Office and the federal marshal, which would be a matter
22 of courtesy, but I have no jurisdiction to order it.

23 MR. O'CALLAGHAN: I know.

24 THE WITNESS: I was the one asking. I
25 understand, Your Honor. It's not Mr. O'Callaghan who is

1 raising the question.

2 THE COURT: Do you understand where my
3 jurisdiction ends?

4 THE WITNESS: I am going to take the word,
5 again, of the District Attorney's Office that that will
6 be handled.

7 The second problem is that my housing --
8 I was notified this morning that probably after my
9 testimony I'll be re-moved back to 5-C. I just -- With
10 the circumstances, being here as a courtesy hold for
11 the State of Nevada, testifying for the State, Mr. O'Callag
12 made arrangements to have me housed in 2-C upon my request
13 for my safety. Mr. Paul Martin feels that my safety is
14 fine in 5-C. I am asking the Court that as long as I
15 am testifying for the State of Nevada, which the Robert
16 Weeks case might come up next week -- if it's postponed
17 or not, I'm not sure what's going on -- that I remain
18 housed in 2-C as long as I am a prisoner testifying for
19 the State of Nevada.

20 THE COURT: I have no idea at this time
21 of what kind of arrangements were made for you or by
22 whom or by what. Nor at this moment can I tell you where
23 you will be housed. Mr. O'Callaghan has been able to
24 make those arrangements before; I'm quite sure he will
25 probably be able to make them again.

1 same housing area, that he came here the same time, and
2 I think that's maybe how you put it, "He sounds like a
3 defense witness."

4 I asked Charles what he was doing
5 here, and he goes, "I don't know," you know, that type
6 of remark.

7 He did tell other people during my
8 transportation here that I was a rat.

9 Q Did you tell the truth at the Emil trial?

10 A Yes, I did.

11 Q Did I fail in some manner to come through
12 with any of my promises?

13 A Just that security. Not really.

14 THE COURT: Gentlemen, I'm not concerned
15 with that aspect of it at this time. I would like to
16 get this jury back in here.

17 Unless you have more questions on
18 the same line as the last question --

19 MR. O'CALLAGHAN: No, Your Honor.

20 THE COURT: If you have, take a second
21 or two to think about it.

22 MR. O'CALLAGHAN: Think about what?

23 THE COURT: Nothing. I said if you have
24 any more questions in the line of the last question you
25 had --

1 MR. O'CALLAGHAN: Yeah; I want to find
2 out if there's anything that I've done wrong, or anything
3 that I've promised him.

4 THE COURT: Mr. O'Callaghan, I told you
5 you can go ahead and ask him.

6 MR. O'CALLAGHAN: Okay.

7 Q What did I promise you?

8 A Just the -- well, you didn't promise me
9 anything. Actually, it wasn't you directly. It was
10 Chuck Lee through the District Attorney's Office who
11 made the arrangements for the transportation. You haven't
12 breached any promises personally, no.

13 Q But what did our office promise?

14 A The only promise they haven't kept was the
15 transporting of me as a prisoner to these trials. That
16 was it.

17 Q Are there any other -- any promises that
18 you haven't told the Court about?

19 A No, there aren't any others.

20 Q Are there any promises that we did keep or --
21 What I'm getting at is, did you tell the Court everything
22 that our office has promised you in this case or the
23 Weeks case?

24 A That's correct.

25 MR. O'CALLAGHAN: No further questions.

1 get with the District Attorney's Office -- more specifical:
2 Ray Jeffers -- to find out what they would like to do.

3 But that's basically the reason why
4 I contacted the District Attorney's Office.

5 Q Now, you are testifying here today; is
6 that correct?

7 A That's correct.

8 Q And has the State of Nevada or the Clark
9 County District Attorney's Office promised you anything
10 for your testimony here today?

11 A The only thing I have been promised is
12 that I would get a letter to the parole board regarding
13 my testimony for this or any trials upcoming.

14 Q Now, you say this parole board. Is this
15 the federal parole board?

16 A That's correct.

17 Q It's not a state action, is it?

18 A No.

19 Q And you're fully aware that the District
20 Attorney's Office has no control or authority whatsoever
21 over the federal authorities; correct?

22 A That's correct.

23 Q Is there anything that you -- you may not
24 have been promised, but that you expect or that you hope
25 to gain by your testimony today?

1 A With my previous criminal history, with
2 the letters of what I have testified to, might have a
3 reflection on the decision of the parole board to maybe
4 cut my sentence a year or two.

5 The State of Nevada, if I should have
6 a detainer that -- there were detainers on me -- most
7 of them are forgery -- and by me testifying -- Well,
8 actually, when I received the 15-year bank robbery charge,
9 apparently a lot of these detainers automatically dropped,
10 because they know I'm going to be going to prison for
11 some time, which is normal to expect, but in the event
12 if there are any outstanding detainers, I have not been
13 promised, but I will ask the District Attorney's Office
14 if they would send a letter as to what I have testified to.

15 Other than that, no promises, except
16 for security, my well-being have been given for this.

17 Q And you're well aware that the State of
18 Nevada or the Clark County District Attorney's Office
19 has no control or authority whatsoever over any other
20 state agency in another state; correct?

21 A That's correct.

22 Q And so I've got this correct, the bottom
23 line is: What you're asking is these authorities be
24 notified by our office as to your cooperation in this
25 particular case; correct?

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 11-17-04 BY 60322

1 A That's correct.

2 Q Are these promises also extended to the
3 Weeks case?

4 A That's correct.

5 Q And are those all the promises and expect-
6 ations that you expect from testifying in this case and
7 the Weeks case?

8 A And Rodney Emil's case, yes.

9 Q And -- If I may?

10 Have you talked to anybody else with
11 regard to your involvement as a witness in this case?

12 A I may --

13 Q Yes or no?

14 A Yes.

15 Q And would these be other prisoners in the
16 Clark County Detention Center?

17 A Yes.

18 Q Would these be prisoners that may have
19 been on the flight that you took from Pennsylvania to
20 Las Vegas and any stopovers?

21 A Some there, yes, or one there.

22 Q And would that also include any jail personne
23 that you may have spoken to while being incarcerated
24 at the Clark County Detention Center?

25 A That's correct.

Exhibit 22

**CRIMINAL COMPLAINT RE
METROPOLITAN POLICE DEPARTMENT
LAS VEGAS, NEVADA**

12-24

Homicide

BUREAU

OR NUMBER: **84-62242**

DEFENDANT(S) NAME(S)	I.D. NUMBER	ATTACHMENTS
1. Rodney Lynn Emil (TN)	675027	<input checked="" type="checkbox"/>
2. Frederick L. Woodall (G)	200781	<input checked="" type="checkbox"/>
3. ALAN D. CATMACK (T)	601305	<input checked="" type="checkbox"/>
4.		
NUMBER OF CO DEFENDANTS		ARREST REPORT <input type="checkbox"/> AFFIDAVIT <input type="checkbox"/> SCOPE <input type="checkbox"/> FBI <input type="checkbox"/> C <input type="checkbox"/>

DISTRICT ATTORNEY USE ONLY

DEFENDANT(S)	CASE NUMBER	DATE SUBMITTED	SCREENING PROSECUTOR	BRANCH OFFICE	COURT APPEARANCE DATE	BAIL RETURN DATE
NUMBER 1	122561		GREEN			
NUMBER 2		DEC 18 1987	TK2			
NUMBER 3	6313		12-23			
NUMBER 4						

DATE OCCURRED: **6-17-84** TIME: **Approx. 1500** DETAIL: **Homicide** TEL: **3521**

LOCATION: **Dewey + Rainbow Blvd.** SUBMITTING OFFICER: **Det. T. Dillard #6**

VICTIM: **Charles Howard Emil** DATE REQUESTED: **12-18-87**

NAME: (Individual) SPECIAL NOTES: **Photos ordered**

NAME: (Business) **"Request immunity for Frederick**

NAME: (Private Owner) **L. Woodall."**

NO.	CHARGE	F/G/M	MPD CODE	SEQ NO.	CHG. NO.	SEARCH CODE	COURT CODE	NO. PAGE
1	MURDER w/USE OF WEAPON	F	011				011	
2	Access. to murder	F	0115					N/C
3	Access. to murder	F	0115					N/C

DISTRIBUTION:

ORIGINAL TO DISTRICT ATTORNEY'S OFFICE
ONE COPY TO RECORD

DEFENDANT INFORMATION W/ ... ET
TO ACCOMPANY REQUEST FOR COMPLAINT BY AFFIDAVIT

OR NUMBER: 84-62242

DEFENDANT'S NAME (Last, First, Middle)		AKA/NICKNAME		ID #		
Woodall, Frederick L.		Mike Maloney		200781		
DEFENDANT'S ADDRESS		CITY	STATE	ZIP CODE	ROOM NO.	APT. NO.
424 El Camino Real		Vicjo	CA			

DOB	SEX	HGT.	WT.	HAIR	EYES	RACE	PLACE OF BIRTH		SOCIAL SECURITY NO.
							CITY	STATE	
3-1-56	M	5-10	168	Bro	Bro	W	Los Angeles	CA	530 54 877

DATE OF CRIME	TIME OF CRIME	ADDRESS	CITY	OFFENSE QUADRA
6-17-84	1300	Dowey + Rainbow	Las Vegas	

CASE NUMBER:

ARREST DATE:

FPD 01-139 EMIL, RODNEY
... ..

JA010275

DEFENDANT INFORMATION W...ET
TO ACCOMPANY REQUEST FOR COMPLAINT BY AFFIDAVIT

OR NUMBER: 84-62242

DEFENDANT'S NAME: (Last, First, Middle)		AKA/NICKNAME		ID #		
CARMACK ALAN DEAN		ALAN CLARK		601305		
DEFENDANT'S ADDRESS		CITY	STATE	ZIP CODE	ROOM NO.	AFT. NO.
702 Summerland Dr.		Henderson	NV			

DOB	SEX	HGT.	WT.	HAIR	EYES	RACE	PLACE OF BIRTH		SOCIAL SECURITY NO
							CITY	STATE	
12-18-61	M	6-0	220	BLN	GRN	W	MADERA	CA	530 72 22

DATE OF CRIME	TIME OF CRIME	ADDRESS	CITY	OFFEN QUADR.
6-17-84	1300	Sawyer + Rainbow Blvd.	Las Vegas	

CASE NUMBER:

ARREST DATE:

FPD 01-239 EMIL RODNEY -
Prior Counsel - Paul Erickson
Rec'd 2/15/01 FE009339

JA010276

TRANSACTION
253

WITNESS WORK SHEET

CR NUMBER: 84-62242

DEFENDANT(S) NAME(S)	I.D. #	CASE NO.	WT C
1. Rodney Lynn Emil	675027		
2. ALAN DEAN CARMACK	601305		
3. Frederick L. Woodall	200781		
4.			

WITNESSES KNOWN TO INVESTIGATOR

WITNESS NAME	POLICEMAN: P-NUMBER, UNIT/DETAIL	STATE	ZIP CODE	PHONE	WT C
	LAY WITNESS: STREET ADDRESS, CITY				
1. LAST: Hendricks FIRST: William	636 Federal Henderson	NV	015	HOME: 504-2675 WORK:	
2. LAST: Shepard FIRST: Mike	Star RT 31 Blue Diamond	NV	89004	HOME: 364-2542 WORK:	
3. LAST: Cobb FIRST: OFF. D	BN 2520 LUMPD			HOME: WORK: 386-3117	
4. LAST: Gentry FIRST: Det. Mike	BN 312 LUMPD			HOME: WORK: 366-3521	2
5. LAST: Lewis FIRST: Curt	LUMPD Retired			HOME: WORK: 386-3521	
6. LAST: Emil FIRST: Marry	7116 Lakeland Rd. Las Vegas	NV	89128	HOME: 363-6103 WORK:	
7. LAST: Leavitt FIRST: Todd M.	Clark Co. Detention Ctr.			HOME: WORK:	
8. LAST: Gonzales FIRST: Camela	4684 Madre Mesa Las Vegas	NV	89108	HOME: 648-2497 WORK:	
9. LAST: Emil FIRST: Orlan	7116 Lakeland Rd Las Vegas	NV	89128	HOME: 363-7141 WORK:	
10. LAST: Kenny FIRST: Donna	424 El Camino Real Viejo Vallejo	CA	94590	HOME: 707 644-1711 WORK:	

TYPE OF WITNESS (CODE):

A CO-DEFENDANT

C CO-PROSECUTOR

Exhibit 30

NOTICE OF DENIAL
CLARK COUNTY DISTRICT ATTORNEY
CASE NO.

Supervisor: _____
Submitting Officer: DANIEL H. _____
Agency: B.P.D. _____
In Custody: Yes YOC No _____
Arrest Date: _____
Date Recd. by D.A.: _____
Date Denied: _____
Bail Date: _____
DEFENDENT NAME: _____
WOODALL, FRED L. _____
I.D. NO. _____
200731 _____
D.E. CHG. NO. _____
ENTERED
KS

CHARGE: PCS (2 Counts) / UNDER INFLUENCE OF CS
Def. Dona Rae Kenny not denied, she is approved for PCS 12 Count

REASON FOR DENIAL

- ☐ 006 Victim declines to prosecute
☐ 062 Cannot connect Def. to crime
☐ 068 Insuf. evidence to establish intent
☒ 101 Insufficient evidence
☐ 106 Jury conviction unusual
☐ 114 Domestic or Personal matter
☐ 151 Constitutional problems
☐ 206 Refer to city council
OTHER: For agreement with Defendant for information only

If any of the above legal defects can be cured by further investigation, the District Attorney recommends that the request be resubmitted together with such information or other matter as you feel will strengthen the case upon reconsideration.

CLARK COUNTY DISTRICT ATTORNEY

I hereby certify that this is a full, true, and correct reproduction of a microphotographic film of the original document/affidavit on file with the Las Vegas Metropolitan Police Department.

FPD 01-239 EMIL RODNEY
Prior Counsel - Patti Erickson
Rec'd 2/15/01 FE004600

Director of Police Records
Records Custodian

DISTRIBUTION
WHITE - [illegible]

IN THE JUSTICE COURT OF LAS VEGAS TOWNSHIP
IN AND FOR THE COUNTY OF CLARK, STATE OF NEVADA

THE STATE OF NEVADA,

Plaintiff,

DONA RAE KENNY 3479173

Case No. 3637

Docket No. 857

CRIMINAL COMPLAINT

Defendant

Personally appeared before me this day R. FREGEAU

of LAS VEGAS, in the County of Clark, State of Nevada, who, being first duly sworn, complains and says that DONA RAE KENNY

the Defendant above named, has committed the crime of POSSESSION OF CONTROLLED SUBSTANCE (Felony-NRS 453.332)

in the manner following to wit: That the said Defendant, on or about the 5th day of July 1985, at and within the County of Clark, State of Nevada, did

COUNT I

did then and there wilfully, unlawfully, feloniously, knowingly, or intentionally possess a controlled substance, to-wit: Cocaine.

COUNT II

did then and there wilfully, unlawfully, feloniously, knowingly, or intentionally possess a controlled substance, to-wit: Cannabis commonly known as Marijuana.

RECEIVED
CLERK OF DISTRICT COURT
CLARK COUNTY
NEVADA
JUL 10 1985

All of which is contrary to the form, force and effect of Statutes in such cases made and provided and against the peace and dignity of the State of Nevada. Said Complainant, therefore, prays that a Warrant be issued for arrest of the said Defendant in order that said Defendant may be dealt with according to law.

R. FREGEAU

Subscribed and sworn to before me this 16th day of August 1985

DA130738173/FM
DA130738173/FM

JUSTICE COURT

CASE NO. 3421-812

STATE VS. KENNY, DOUGLAS

CHARGE: POSSESSION OF CONTROLLED SUBSTANCE
BAIL

DATE JUDGE OFFICERS OF COURT PRESENT	APPEARANCES - HEARING	CONTINUED TO:
8-16-83 K. SLADE FOR J. BIXLER FOR #1 S. WOLFSON, DA R. REYNOLDS, CLK	DEFENDANT NOT PRESENT IN COURT ACTIVATE WARRANT	
1-29-90	O/R Per Judge Bixler	
1-30-90 W. JANSEN FOR #1 F. KOCKA, DA B. KULISH, CR H. MCCREARY, CLK	INITIAL ARRAIGNMENT Def't not present in court Appearance date set OR CONTINUES.	2-20-90 1:15 #3
2-20-90 D. AHLSTROM C. PAINE, DA D. NARGI, CR H. MCCREARY, CLK	CONTINUED INITIAL ARRAIGNMENT DEFT PRESENT IN COURT ADVISED/MAIVES Court orders case continued for def't to secure PD OR CONTINUES.	2-21-90 1:15 #3
2-21-90 D. AHLSTROM H. O'CALLAGHAN, DA D. DE JULIO, PD T. FERRIOLA, CR H. MCCREARY, CLK	DEFT PRESENT IN COURT Side bar conference held Motion by defense to continue, granted Possible negotiations OR CONTINUES.	2-28-90 1:15 #3
2-28-90 D. AHLSTROM P. FORTICELLI, DA R. HILLMAN, PD L. JUNE, CR H. MCCREARY, CLK	DEFT PRESENT IN COURT Motion by State to amend to reflect 1 count misd, granted "Possession of drug not to be introduced into interstate Commerce" Plea of guilty \$145. fine plus \$35. AAF total \$200. due R/S OR CONTINUES.	5-31-90 1:15 #3
5-31-90 D. AHLSTROM R. CUCCHININI, DA B. KULISH, CR H. MCCREARY, CLK R. HILLMAN, PD	FINESMENT SETTING TIME SET FOR COLLECTION DEFENDANT PRESENT IN COURT PASSED BY COURT \$350 PAID - BALANCE DUE \$40.00 OR CONTINUES	6-29-90 1:30 #5 JUL 9 1990 JUL 9 1990

MINUTES - CRIMINAL

FPD 01-489 EMIL, RODNEY
Prior Counsel - Paul Erickson

Justice Court, Las Vegas Township

STATE VS.

KENNY, Dona Sue

CASE NO.

Page 2

CHARGE

Possession of Controlled Substance

BAIL

DATE, JUDGE
OFFICERS OF
COURT PRESENT

June 19, 1990
W. JANSEN for JJ
C. Owens DA
S. Young CR
L. Lauby clk
R. Hillman PD

APPEARANCES - HEARING

Date. PRESENT in Court
FINE PAID

CONTINUED TO:

11

CLOSED

20-1 (Revised)
Rev. 12/78

MINUTES - CRIMINAL

4 ROA

IN THE SUPREME COURT OF THE STATE OF NEVADA

RODNEY LYN EMIL,

APPELLANT,

VS

THE STATE OF NEVADA,

RESPONDENT.

CASE _____

RECORD ON APPEAL

VOLUME: 4

ATTORNEY FOR APPELLANT:

CHRIS MAGLAKAS, JR., ESQ.
WARD & MAGLAKAS
725 SOUTH SIXTH STREET
LAS VEGAS, NV 89101

ATTORNEY FOR RESPONDENT:

REX BELL, DISTRICT ATTORNEY
200 SOUTH THIRD STREET
LAS VEGAS, NV 89155

DISTRICT COURT
CLARK COUNTY, NEVADA

ORIGINAL
FILED

Sep 21 12 13 PM '88

Antia L. Hansen
CLERK

STATE OF NEVADA,
Plaintiff,
vs.
RODNEY LYN EMIL,
Defendant.

CASE NO. C 082176
DEPARTMENT NO. VII
DOCKET NO. "P"

VOLUME II

REPORTER'S TRANSCRIPT OF
TRIAL PROCEEDINGS

BEFORE THE HONORABLE CARL J. CHRISTENSEN,
DISTRICT COURT JUDGE

THURSDAY MAY 26, 1988

REPORTED BY:

WILLIAM K. NELSON,
R.F.R., C.S.R. #191

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29	By Mr. Schieck	---	440	---	---

1 A I do.
2 Q You saw that happen, sir?
3 A Yes.
4 Q Have you received any type of benefits in
5 return for your testimony in this case?
6 A No.
7 Q You also testified, under oath previously, at
8 the time of the preliminary hearing in this matter?
9 A Yes, I did.
10 Q Was that on or about January 26, 1984?
11 A Yes.
12 Q You took the witness oath on that day?
13 A Yes, I did.
14 Q You were in a courtroom?
15 A Yes.
16 Q Did you describe, on that day, the shooting
17 of Mr. Emil on June 17, 1984?
18 A Yes, I did.
19 Q Did you identify, on that day, the
20 perpetrator of that crime?
21 A Yes, I did.
22 Q What person did you identify?
23 A Rodney Emil.
24 Q The defendant?
25 A Yes.

BILL NELSON & ASSOCIATES
Las Vegas, Nevada 89101
(702) 455-3416

VFO 91-389 EMIL, ROONEY
Prior Counsel - Paul Erickson
Rec'd 2/13/01 FKB0774

7

1 supervision by a probation officer?

2 A Yes, it does.

3 Q I alluded to this on direct, and I want to ask
4 you again, have you got any benefits, or favors, in return
5 for the information you gave on this case in 1988?

6 A No.

7 Q Are you getting anything now, as an inducement
8 for testifying in this courtroom?

9 A No.

10 Q Were you notified of that, and was a subpoena
11 sent to you, prior to the preliminary hearing in January
12 of 1988?

13 A Yes, it was.

14 Q You responded to that, didn't you?

15 A Yes, I did.

16 Q You didn't volunteer to come to the State of
17 Nevada, and say you wanted to be a witness in this case?

18 A No, I didn't.

19 Q In fact, you aren't particularly anxious to
20 have to be a witness, are you?

21 A No, I'm not.

22 Q You were subpoenaed to appear at the trial
23 this week?

24 A Yes.

25 Q And you have responded?

HILL NELSON & ASSOCIATES
Las Vegas, Nevada 89101
(702) 455-3416

785
FED 91-139 EDML. RODNEY
Inter Counsel - Paul Erickson
Rev'd 2/15/91 P5802003

5 ROA

IN THE SUPREME COURT OF THE STATE OF NEVADA

RODNEY LYN EMIL,

APPELLANT,

VS

THE STATE OF NEVADA,

RESPONDENT.

CASE _____

RECORD ON APPEAL

VOLUME: 5

ATTORNEY FOR APPELLANT:

CHRIS MAGLARAS, JR., ESQ.
WARD & MAGLARAS
725 SOUTH SIXTH STREET
LAS VEGAS, NV 89101

ATTORNEY FOR RESPONDENT:

REX BELL, DISTRICT ATTORNEY
200 SOUTH THIRD STREET
LAS VEGAS, NV 89155

DISTRICT COURT
CLARK COUNTY, NEVADA

ORIGINAL
FILED

SEP 21 12 13 PM '88

Laitha L. Simon
CLERK

STATE OF NEVADA,
Plaintiff,
vs.
RODNEY LYN EMIL,
Defendant.

CASE NO. C 082176
DEPARTMENT NO. VII
DOCKET NO. "p"

VOLUME II

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WILLIAM K. NELSON,
R.P.R., C.S.R. #191

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By Mr. Harmon

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16 By Mr. Harmon

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--- 680 ---

17 LYNN TEED

18 By Mr. Schieck
By Mr. Harmon

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--- 684 ---

19 DAVID DEITRICH

20 By Mr. Schieck
21 By Mr. Harmon

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--- 689 ---

22 MARY DEITRICH

23 By Mr. Schieck
24 By Mr. Harmon

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--- 722 ---

25

1 Q Mr. Woodall did return, and did testify at the
2 preliminary hearing?

3 A That's correct.

4 Q Did you ever offer Mr. Woodall any benefits in
5 return for his testimony in this case?

6 A No.

7 Q Did you have to offer him any type of
8 inducements to get him to give you the statement at
9 Vallejo, on December 1st, 1987?

10 A No.

11 Q Did you strike any type of deal, on behalf of
12 the Las Vegas Metropolitan Police Department, with
13 Frederick Woodall?

14 A No. In fact, I told him if he felt that he was
15 a principal in this situation, the best thing he could do
16 was keep his mouth shut and get an attorney, but if he
17 felt that he wasn't, then I wanted to talk to him.

18 Q What did you mean by "principal"?

19 A That he participated in the planning or actual
20 committing of the homicide.

21 Q After you explained the situation to him, and
22 suggested that perhaps he should stay quiet if he was in
23 fact involved as a principal in planning and perpetrating
24 this offense, did he then go on and speak to you?

25 A Yes, he did.



1 FRANNY A. FORSMAN
Federal Public Defender
2 Nevada Bar No. 00014
MICHAEL PESSETTA
3 Assistant Federal Public Defender
Nevada Bar No. 2437
4 REBECCA A. BLASKEY
Assistant Federal Public Defender
5 Nevada Bar No. 4065
330 South Third Street, Suite 700
6 Las Vegas, Nevada 89101
Phone (702) 388-6577
7 Fax (702) 388-5819

8 Attorneys for Petitioner

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JUN 17 PM 1:16
LANCE S. WILSON
CLERK
BY _____
DEPUTY

9 UNITED STATES DISTRICT COURT
10 DISTRICT OF NEVADA

11 RODNEY L. EMIL,

12 Petitioner,

13
14 E.K. McDANIEL, Warden, and BRIAN
SANDOVAL, the Attorney General of
15 the State of Nevada,

16 Respondents.

Case No. CV-N-00-654-DWH(VPC)

RENEWED MOTION TO COMPEL
PRODUCTION OF DOCUMENTS
FROM THE LAS VEGAS
METROPOLITAN POLICE
DEPARTMENT PURSUANT TO
COURT ORDER OF MAY 2, 2003

(Death Penalty Habeas Corpus Case)

17
18 Pursuant to this Court's order of May 2, 2003, petitioner Rodney Lyn Emil hereby moves for
19 an order compelling the Las Vegas Metropolitan Police Department in this capital case to produce
20 documents that remain at issue in the instant discovery proceedings. This motion is based upon the
21 attached memorandum of points and authorities and exhibits filed under seal in accordance with this
22 Court's order, and upon the entire file in this matter.

23 Respectfully submitted this 16th day of June, 2003.

24 FRANNY FORSMAN
Federal Public Defender


25
26 MICHAEL PESSETTA
Assistant Federal Public Defender

27
28 REBECCA A. BLASKEY
Assistant Federal Public Defender
Attorneys for Petitioner

SEALED

PETITIONER'S EXHIBITS IN SUPPORT OF RENEWED MOTION
TO COMPEL PRODUCTION OF DOCUMENTS FROM THE
LAS VEGAS METROPOLITAN POLICE DEPARTMENT
PURSUANT TO COURT'S ORDER OF MAY 2, 2003

126. Stipulated Protective Order signed by Deputy District Attorney Mitchell M. Cohen,
Assistant Federal Defender Rebecca Blasky, and Deputy Attorney General Victor-Hugo
Schulze, II, and approved by the Court
127. Notices of Denial of Request forms
- a. Fred Woodall and Alan Carmack (12/23/87)
 - b. John Meador and Fred Woodall (9/18/78)
 - c. Fred Woodall (7/19/90)
 - d. Alan Carmack (7/26/88)
 - e. Kenneth Bono (7/8/80)
 - f. Todd Leavitt (8/1/84)
 - g. Todd Leavitt, Rodney Emil, Robert Gadol (6/6/83)
 - h. Omitted
 - i. Omitted
 - j. Tracy Watson (8/22/85)
 - k. Tracy Watson (11/27/85)
 - l. Tracy Watson (7/30/86)
 - m. Tracy Watson (1/8/87)
 - n. Tracy Watson (2/13/87)
 - o. Tracy Watson (2/26/87)
 - p. Tracy Watson (3/24/87)
 - q. Tracy Watson (4/8/87)
 - r. Tracy Watson (8/27/87)
 - s. Tracy Watson (9/1/87)
 - t. Tracy Watson (9/17/87)
 - u. Tracy Watson (12/29/87)
 - v. Tracy Watson (1/10/89)
 - w. Tracy Watson (1/13/89)
128. NCIC records
- a. Dona Kenny
 - b. Fred Woodall
 - c. Ken Bono
 - d. Martin Koba
129. Felon registration records
- a. Fred Woodall
 - b. Martin Koba
130. Unredacted arrest report involving Todd Leavitt, 7/28/84
131. Work card application of Ken Bono
132. Prosecution note requesting a copy of the LVMPD case file
133. Signed Release of Todd Leavitt
134. Fax cover sheet from Becky Hansen to Mitch Cohen, 2/5/03
135. Declaration of Tom Casler, 6/16/03



Notices of Denial of Request Forms

Exhibit 127

Exhibit 127(a)

NOTICE OF DENIAL OF REQUEST
CLARK COUNTY DISTRICT ATTORNEY

D.A. CASE NO. _____

Supervisor: _____

Arrest Date: _____

Submitting Officer: T. DILLARD

Date Rec'd by D.A.: 12/18/87

Agency: LVMPD - HOMICIDE

Date Denied: 12/23/87

In Custody: Yes _____ No XXX

Bail Date: _____

DEFENDENT NAME:

I.D. NO.

D.R./CIT. NO.

WOODALL, Frederick L.

200781

84-62242

CARMACK, Alan Dean

601305

84-62242

CHARGE: ACCESSORY TO MURDER

REASON FOR DENIAL:

☐ 006 Victim declines to prosecute

☐ 106 Jury conviction unlikely

☐ 062 Cannot connect Def. to crime

☐ 114 Domestic or Personal matter

☐ 066 Insuf. evidence to establish intent

☐ 151 Constitutional problems

☐ 101 Insufficient evidence

☐ 206 Refer to city court

☐ OTHER: _____

If any of the above legal defects can be cured by further investigation or other action by your personnel, the District Attorney recommends that the request be resubmitted together with such information or other matter which you believe will strengthen the case upon reconsideration.

CLARK COUNTY DISTRICT ATTORNEY

CHUCK PAINE/sz

Deputy

Rodney Emil
Rev'd 5/17/83 MCeP-1
Metro/Cohen Prot. Order

JA010299

Exhibit 127(b)

NOTICE OF DENIAL OF REQUEST
FOR A REHEARING
CLARK COUNTY DISTRICT ATTORNEY

JOYCE HELM (Metro Records)
JAMES HARDY (Court Services)
J.G. MACKEY (Court Services)
JUSTICE COURT (Las Vegas)

11-27-70 74

100781

ATTN: DALLAS

Submittal Code:

Ball Date

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YOU ARE HEREBY NOTIFIED THAT THE REQUEST IS DENIED. The reasons for denial are

[illegible]

North Atlantic Treaty Organization of Western Europe

100-443887-100

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[illegible]

any of the above defects can be cured by further investigation or other action by you

that District Attorney's office will strengthen the case upon reconsideration.

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Exhibit 127(c)

NOTICE OF DENIAL OF REQUEST
CLARK COUNTY DISTRICT ATTORNEY

D.A. CASE NO. 9000781

Supervisor: _____

Arrest Date: 6/8/90 2104

Submitting Officer: PHILLIPS, RSP1271

Date Rec'd by D.A.: 7/16/90

Agency: JAMES

Date Denied: 7/19/90

In Custody: Yes No

Bail Date: _____

DEFENDENT NAME:

I.D. NO.

D.A.CIT. NO.

WOODALL, FREDERICK MARVIN

0200781

CHARGE: RESIST P.O.

REASON FOR DENIAL:

☐ 006 Victim declines to prosecute

106 Jury conviction unlikely

☐ 052 Cannot connect Def. to crime

114 Domestic or Personal matter

☐ 066 Insuf. evidence to establish intent

151 Constitutional problems

☐ 101 Insufficient evidence

206 Refer to city court

OTHER: Defendant facing felony and no need to pass up felony with misdemeanor.

DO NOT DESTROY EVIDENCE!

If any of the above legal defects can be cured by further investigation or other action by your personnel, the D.A. recommends that the request be resubmitted together with such information or other matter which you can will strengthen the case upon reconsideration.

CLARK COUNTY DISTRICT ATTORNEY

MICHAEL O'CALLAGHAN/GO

Deputy

DISTRIBUTION:

WHITE - Address BLUE - D.A. Union GREEN - Metro Records CANARY - Jail PINK - Jail GOLDENROD - Jail

NCIC Records

Exhibit 128

Exhibit 128(a)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
IDENTIFICATION DIVISION
WASHINGTON, D.C. 20537

The following FBI record, NUMBER 189 877 J6, is furnished FOR OFFICIAL USE ONLY.
Information shown on this Identification Record represents data furnished FBI by fingerprint contributors.
WHERE DISPOSITION IS NOT SHOWN OR FURTHER EXPLANATION OF CHARGE OR DISPOSITION IS
DESIRED, COMMUNICATE WITH AGENCY CONTRIBUTING THOSE FINGERPRINTS.

CONTRIBUTOR OF FINGERPRINTS	NAME AND NUMBER	ARRESTED OR RECEIVED	CHARGE	DISPOSITION
SO Fairfield CA	Donna Rae Kenny V 84771	8-11-71	647f PC under infl drugs	
SO Fairfield CA	Donna Rae Kenny 116150	10-8-75	1) drk dr on hwy 2) basic speed law 3) no lights	315 F 12 mos prob form prob w/superv on chg of 23102A dism on chgs of 22350 & 24250
SO Napa CA	Dona Rae Carruth D77 0642	1-27-77	DWI (CHP arr)	
SO Fairfield CA	Dona Rae Carruth 132766 SID 4 442 920	4-12-77	Furnishing drugs w/o prescript	see suppl
SO Napa CA	Dona Rae Kenny D77 0642/D77 1944 SID 4442920	9-3-77	23102a CVC DUI	
Metro PD Las Vegas NV	Dona Rae Kenny 479273	7-5-85	Poss contr subst(2 cts)	

Redney Emil
Rev'd 8/17/83 MCOB-23
Metro/Cohen Prot. Order

MASTER
1-4 (Rev. 7-19-77)

MASTER

171-100723
1-12-81

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
IDENTIFICATION DIVISION
WASHINGTON, D.C. 20537

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Use of the following FBI record, NUMBER 189 877 J6, is REGULATED BY LAW. It is furnished FOR OFFICIAL USE ONLY and should ONLY BE USED FOR PURPOSE REQUESTED. When further explanation of arrest charge or disposition is needed, communicate directly with the agency that contributed the fingerprints.

CONTRIBUTOR OF FINGERPRINTS	NAME AND NUMBER	ARRESTED OR RECEIVED	CHARGE	DISPOSITION
SO Fairfield CA	Dona Rae Kenny V251119 SID 04442920	12-9-86	Vallejo Muni Cse 70139 W1: 438PC Petty Theft	
SO Fairfield CA	Donna Rae Kenny 268553 SID 04 442 920	12-4-87	476aPC nonsufficient funds checks	
CAID Alameda Co Oakland CA	Dona Rae Kenny A88167 SID 04442921	11-11-87	11351(A)MS 704: of narcotic controlled sub- stance	
SO Fairfield CA	Donna Rae Kenny 271551 SID 04442921	2-11-88	21151-Robbery 50322-Embaras- ment	
SO Fairfield CA	Donna Rae Kenny 277360 SID 04442920	5-11-88	V16 super Wrt#31657 W1: 476a (a)PC Nonsufficient funds/checks	
SO Fairfield CA	Donna Rae Kenney 283423 SID 4442920	6-21-88	Fairfield Super Wrt#C24181: 476a(a)PC: nonsufficient funds: checks Fairfield Super Wrt #C24176 32PC:accessory	

Rodney Emil
Rev'd 6/17/83 MCoP-24
San Prot. Order

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UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
IDENTIFICATION DIVISION
WASHINGTON, D.C. 20537

Use of the following FBI record, NUMBER 189 877 J6, is REGULATED BY LAW. It is furnished FOR OFFICIAL USE ONLY and should ONLY BE USED FOR PURPOSE REQUESTED. When further explanation of arrest charge or disposition is needed, communicate directly with the agency that contributed the fingerprints.

CONTRIBUTOR OF FINGERPRINTS	NAME AND NUMBER	ARRESTED OR RECEIVED	CHARGE	DISPOSITION
CA Rehab Ctr Norco CA	Donna Kenny N6343 SID 04442920	10-21-88	New Commitment Solano C24176 ct 2 accessory 32 PC C24181 Ct 1 NSF cks 476AA PC CS	W&I 3051 2 yr 8 mths
Metro PD Las Vegas NV	Dona Rae Kenny 479273 SID NV00473452	1-20-90	poss. cont sub (2cts) F	

Rodney Emil
Rec'd 8/17/03 MCoP-23
MateriCohen Prot. Order

JA010308

MASTER

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UNITED STATES DEPARTMENT OF JUSTICE
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IDENTIFICATION DIVISION
WASHINGTON, D.C. 20537

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WHERE DISPOSITION IS NOT SHOWN OR FURTHER EXPLANATION OF CHARGE OR DISPOSITION IS
DESIRED, COMMUNICATE WITH AGENCY CONTRIBUTING THOSE FINGERPRINTS.

CONTRIBUTOR OF FINGERPRINTS	NAME AND NUMBER	ARRESTED OR RECEIVED	CHARGE	DISPOSITION
	132766 dism on chg of 11379 H&S proceedings susp formal term 24 mos F \$200 rest to co \$20 on chg of 11377a H&S: motion DA			
		SUPPLEMENT		

FBI CO 2044

Rodney Emil
Rcv'd 6/17/03 MCoP-26
Metra/Cohen Prot. Order

JA010309

Exhibit 128(b)

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Case Number	Case Name	Class	Received	Disposition
NV0020000 METRO POLICE DEPT LAS VEGAS, NV 200781	WOODALL, FREDERICK LAFAYETTE	06/20/75	06/20/75	C-BURGLARY D-CHARGE DISMISSED
NV0020200 POLICE DEPARTMENT NORTH LAS VEGAS, NV 12-14856	WOODALL, FREDERICK LAFAYETTE	06/20/75	06/20/75	C-BURGLARY D-CONVICTED-01/05/76 SENT SUSP-5Y PROB
NV0020000 METRO POLICE DEPT LAS VEGAS, NV 200781	WOODALL, FREDERICK LAFAYETTE	06/20/75	06/20/75	C-BURGLARY-2 CTS D-CHARGE DISMISSED
NV0020000 METRO POLICE DEPT LAS VEGAS, NV 200781	WOODALL, FREDERICK LAFAYETTE	06/20/75	06/20/75	C-BURGLARY D-NO FORMAL CHARGE D-DENIED CR
NV019035C DEPARTMENT PRISON CARSON CITY, NV 12785	WOODALL, FREDERICK LAFAYETTE	06/20/75	06/20/75	C-BURGLARY D-CONVICTED D-CONFINEMENT-5Y
NV0020000 METRO POLICE DEPT LAS VEGAS, NV 200781	WOODALL, FREDERICK LAFAYETTE	06/20/75	06/20/75	C-ATTEMPT BURGLARY D-NO FORMAL CHARGE D-NO

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FEDERAL BUREAU OF INVESTIGATION

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WASHINGTON, DC 20537

09/30/88

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Contributor Identifier (ORI) Name Case Number (OCA)	Subject Name State Name (SSIC)	Arrested or Received	C - D -
CONTINUED FROM PREVIOUS PAGE			
NV0180350 DEPARTMENT PRISON CARSON CITY, NV 12785-PV	WOODALL, FREDRICK L	07/25/79	C-BURGLARY CS EX-FELON D-CONVICTED- CONFINEMENT-5Y CS C-POSSESSION OF A FIREARM D-CONVICTED- CONFINEMENT-3Y
NV0110000 SHERIFF'S OFFICE HAWTHORNE, NV 7846-C	WOODALL, FREDRICK LAFLETTE	10/27/82	C-DRIVING UNDER INFLUENCE C-POSS STOLEN PROP C-EX-FELON/PA C-POSS PARAPHENALIA C-CCV
NV0020100 METRO POLICE DEPT LAS VEGAS, NV 200781	WOODALL, FREDERICK LAFLETTE	07/05/85	C-PROBATION VIOLATION POSS CONTR SUBST-E CTS
CONTRIBUTOR COPY NV0220100 METRO POLICE DEPT LAS VEGAS, NV			

Rodney Emil
Rev'd 6/17/83 MCOF-28
Metro/Cohen Prot. Order

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NV0020100

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FBI IDENTIFICATION RECORD - FBI NO. 270220P5
WHEN EXPLANATION OF A CHANGE OR DISPOSITION IS NEEDED, COMMUNICATE DIRECTLY WITH THE AGENCY THAT FURNISHED THE DATA TO THE FBI.

NAME: WOODALL, FREDERICK LAURENCE
FBI NO.: 220220P5
DATE REQUESTED: 06/22/75

SEX: M RACE: WHITE DATE BIRTH: 11/11/35 EYES: BROWN HAIR: BROWN
HT: 5'10" WT: 160 LBS BPO: 100

INTERVIEWED BY: [illegible]
DATE: 06/24/75
TIME: 11:00 AM

1-ARRESTED OR RECEIVED 08/12/73
AGENCY: METRO POLICE DEPT LAS VEGAS (NV0020000)
AGENCY CASE: 2007810
CHARGE: 1-BURGLARY

COURT: 01/12/74 DISPOSITION: CHARGE DISMISSED
CHARGE: BURGLARY

2-ARRESTED OR RECEIVED 09/20/75
AGENCY: POLICE DEPARTMENT MOORE LAS VEGAS (NV0020200)
AGENCY CASE: 1-1415 CHARGE: USED WOODALL, FREDERICK LAURENCE
CHARGE: 1-BURGLARY

COURT: 01/09/76 DISPOSITION: CONVICTED
CHARGE: BURGLARY
SENTENCE: 18 MONTHS
PRISON
RECEIVED 08/25/75
AGENCY: METRO POLICE DEPT LAS VEGAS (NV0020000)
AGENCY CASE: 2007810 CHARGE: USED WOODALL, FREDERICK LAURENCE
CHARGE: 1-BURGLARY

COURT: 01/09/76 DISPOSITION: CHARGE DISMISSED