

1 THE COURT: One man and two women.

2 THE WITNESS: Yes.

3 THE COURT: And were they wearing like police  
4 uniforms or were they in plain clothes?

5 THE WITNESS: Plain clothes, not uniform.

6 THE COURT: Just regular clothes, okay. Thank you.

7 Mr. Pesci.

8 MR. PESCI: Thank you, Judge.

9 BY MR. PESCI:

10 Q Okay, ma'am, don't say what was said. What I  
11 want to understand is did you talk to the police about the  
12 relationship that TJ had with PK?

13 A Yes.

14 Q Okay. Did you talk to the police about the  
15 relationship that TJ had with Little Lou?

16 MR. ARRASCADA: Your Honor, I'm going to object. It  
17 lacks foundation. It's lacks relevance and it's calling for  
18 hearsay.

19 THE COURT: Overruled.

20 BY MR. PESCI:

21 Q Do you know who Little Lou is?

22 A The son of Palomino Club.

23 Q How do you know that?

24 A Because he tell me.

25 MR. GENTILE: Objection. Foundation --

1 THE WITNESS: TJ tell me.

2 THE COURT: Sustained.

3 MR. GENTILE: Move to strike.

4 THE COURT: Sustained.

5 The only relevance is to what information the police  
6 had and why they directed their investigation in a particular  
7 way. So you can ask her questions just going to that,  
8 Mr. Pesci.

9 MR. GENTILE: Is it stricken, Your Honor?

10 THE COURT: Sure.

11 BY MR. PESCI:

12 Q Have you been into the Palomino?

13 A Yes.

14 Q And when you were at the Palomino, did you ever  
15 come into contact with anybody there by the name of Little  
16 Lou?

17 A I worked there one night.

18 Q Okay. Did you ever come into contact with  
19 someone by the name of Little Lou that night?

20 A Yes. He's -- he's my boss.

21 Q That night when you were there, Little Lou was  
22 your boss?

23 A Yes.

24 Q Okay. So you actually had personal interaction  
25 with the person named Little Lou?

1 A Yes.

2 Q Now --

3 MR. PESCI: Court's indulgence.

4 Pass the witness.

5 THE COURT: All right. Any cross from --

6 MR. GENTILE: Yes, please.

7 THE COURT: All right.

8 CROSS-EXAMINATION

9 BY MR. GENTILE:

10 Q These things that you told the police about the  
11 relationship between TJ and PK, that's stuff that TJ told you;  
12 am I right?

13 A Yes.

14 Q These things that you told the police about the  
15 relationship between TJ and Little Lou, those are things that  
16 TJ told you, correct?

17 A I talked to Lou, yes, Little Louis, yes.

18 Q You talked to Lou?

19 A Yes.

20 Q Okay. Now, I have some questions. You say  
21 that Deangelo -- you called him Angelo?

22 A Yes.

23 Q But you know his name is Deangelo, right?

24 A Yes, Deangelo.

25 Q Describe him for us.

1 A He's black.  
2 Q Okay.  
3 A Short, 5 -- about 5 --  
4 Q What did his hair look like? Do you remember?  
5 A What his hair look like? Short.  
6 Q When you knew him, he had short hair?  
7 A Yes.  
8 Q Okay. And when he came to your house, he had  
9 short hair?  
10 A Yes.  
11 Q He didn't have curly dreadlock type hair?  
12 A No.  
13 Q Okay. Have you seen him since TJ died?  
14 A One time.  
15 Q And that was at your house?  
16 A No, at the border -- the court.  
17 Q At the court?  
18 A Yes.  
19 Q Okay. He had short hair then, right?  
20 A Yes.  
21 Q All right. When he came to your house, you say  
22 he had short hair?  
23 A Yes.  
24 Q All right. And he -- can you see this man  
25 here? See him?

1 A One time, yes. First night I worked.  
2 Q Okay. He's never been to your house, has he?  
3 A No.  
4 Q Okay. What other people who work at the  
5 Palomino were at your house?  
6 A Only Deangelo.  
7 Q Only Deangelo, right?  
8 A Yes.  
9 Q Okay. And TJ and Deangelo were friends; am I  
10 correct?  
11 A I thought -- yes.  
12 Q You thought so?  
13 A I thought so.  
14 Q Right. TJ and Deangelo used to work together?  
15 A Yes.  
16 MR. PESCI: Objection. Calls for hearsay.  
17 THE COURT: Lay a foundation.  
18 MR. GENTILE: Okay.  
19 BY MR. GENTILE:  
20 Q You used to drop TJ off at the Palomino Club?  
21 A Yes.  
22 Q You used to pick him up at the Palomino Club?  
23 A Yes.  
24 Q TJ -- you saw that TJ worked out in front of  
25 the Palomino Club?

1 A Yes.

2 Q He was a doorman?

3 A Yes.

4 Q He let people out of cabs and into the club?

5 A Yes.

6 Q Okay. And you saw that he worked together with

7 Deangelo, did you not?

8 A I don't saw, but I seen him, he's been around.

9 Q Okay. This name Linda, is that your real name?

10 A My nickname.

11 Q Your nickname?

12 A Yes.

13 Q You're a dancer, aren't you?

14 A Yes.

15 Q Okay. And you use the name Linda when you're

16 dancing?

17 A Yes.

18 Q Okay. And that's how you met TJ? You met him

19 at a bar?

20 A Yes.

21 Q And you were dancing at the bar?

22 A Yes.

23 Q And that was not the Palomino Club --

24 A No.

25 Q -- am I correct?

1 A No.

2 Q Different club?

3 A Yes.

4 Q You said that TJ worked by himself. He had his  
5 own business?

6 A Yes.

7 Q What business was that?

8 A He worked for tile.

9 Q Tile?

10 A Patio, yes.

11 Q He laid tile?

12 A Yes.

13 Q Okay. You worked at the Palomino Club one  
14 night?

15 A One night, yes.

16 Q Never again?

17 A No.

18 Q Never before?

19 A I wish I never been there.

20 Q And the only time that you had ever been to the  
21 Palomino other than working would be to pick up TJ or drop TJ  
22 off?

23 A Yes.

24 Q And then you would stay outside?

25 A Yes.

1           Q     Now, on the night that you went to the lake  
2 with TJ, the last night that you saw him, when he left you,  
3 did you know how much money he had with him?  
4           A     Not much, about --  
5           Q     That's not the question I asked you. I said,  
6 did you know --  
7           A     Yes.  
8           Q     How much?  
9           A     40 or 50 bucks. That's what I see.  
10          Q     You saw him with about 40 or \$50?  
11          A     Between that, yes.  
12          MR. GENTILE: If I may have a moment.  
13          THE COURT: That's fine.  
14 BY MR. GENTILE:  
15          Q     Now, you said that TJ -- his real name is  
16 Timothy?  
17          A     Yes.  
18          Q     He's also been called TJ; am I right?  
19          A     Yes.  
20          Q     And some people call him cash daddy, don't  
21 they?  
22          A     No.  
23          Q     He has a tattoo cash daddy, right?  
24          A     Yes. Yes, he has.  
25          Q     And some people call him cash daddy?

1 MR. PESCI: Objection. Asked and answered.

2 THE COURT: Overruled.

3 THE WITNESS: I don't know that.

4 BY MR. GENTILE:

5 Q You've never heard anybody call him that?

6 A No.

7 Q Okay. And Deangelo was at your home one time?

8 A One time, yes.

9 Q And how long before -- and this was after TJ  
10 left the Palomino Club --

11 A I don't remember.

12 Q -- after he didn't work there anymore; am I  
13 right?

14 A He still worked there.

15 Q When Deangelo came over?

16 A I believe he still worked there.

17 Q Okay. And did you see them cut up some money  
18 that night?

19 A I never see him cut up money.

20 Q You never saw that. Okay.

21 MR. GENTILE: Thank you.

22 THE COURT: Is that it, Mr. Gentile?

23 MR. GENTILE: That's it.

24 THE COURT: All right. Thank you.

25 Mr. Arrascada.

1 MR. ARRASCADA: Thank you, Your Honor.

2 CROSS-EXAMINATION

3 BY MR. ARRASCADA:

4 Q So you worked one night at the Palomino --

5 A Yes.

6 Q -- as a dancer?

7 A Yes.

8 Q TJ brought you there to dance that night?

9 A Yes.

10 Q And you knew that Anabel was the boss, correct?

11 A Yes.

12 Q And it was Anabel, the boss, that fired TJ; is  
13 that correct?

14 A He say he quit. I don't know he got fired.

15 MR. ARRASCADA: Court's indulgence.

16 THE COURT: That's fine.

17 BY MR. ARRASCADA:

18 Q That one night that you did dance, was that --  
19 that was when TJ was working at the club, correct?

20 A Yes.

21 Q And that was -- was that back in January of  
22 2005?

23 A I don't remember what, but I only remember one  
24 night.

25 Q One night dancing?

1           A     Yes.

2           Q     And that night that you worked there, did TJ

3 and Deangelo smoke marijuana?

4           A     I don't see it.

5           Q     Did you have an impression that TJ was high on

6 marijuana that night?

7           A     When that night?

8           Q     The night you worked at the Palomino.

9           A     I -- I worked. I don't know.

10          Q     Did you go home that night with TJ after you

11 worked?

12          A     We go together, yes.

13          Q     Okay. And was he high on marijuana, if you

14 know?

15          A     I don't remember.

16          Q     You don't remember?

17          A     He usually smoke at home.

18          Q     Okay. And with Deangelo?

19          A     No, not Deangelo.

20          Q     At home, not with Deangelo?

21          A     Deangelo only there one night.

22          Q     Okay. At the club when they're together,

23 they'd smoke together, though, right?

24          A     I don't see. I don't know.

25          Q     Okay. Now, out at the lake, you were speaking

1 about TJ's walkie-talkie phone, right?

2 A Yes.

3 Q That was his new phone, right?

4 A Yes.

5 Q His brand-new phone, correct?

6 A Yes.

7 Q It wasn't a Palomino Club phone, was it?

8 A No.

9 Q Okay. It was TJ's phone?

10 A Yes.

11 MR. ARRASCADA: Okay. Thank you.

12 THE COURT: Redirect?

13 MR. PESCI: Yes, thank you.

14 REDIRECT EXAMINATION

15 BY MR. PESCI:

16 Q Ma'am, you were just asked some questions about  
17 TJ quitting or being fired from the club. Do you remember  
18 that?

19 A Yes.

20 Q Okay. I think you said it was your  
21 understanding that TJ quit working at the club?

22 A Yes, he tell me he quit.

23 Q All right. Did he ever have conversations  
24 about going back to work at the club?

25 MR. ARRASCADA: Objection. Hearsay.

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1 THE WITNESS: No, he --  
2 THE COURT: She said there was never a conversation.  
3 THE WITNESS: He's not going back to work.  
4 BY MR. PESCI:  
5 Q He's not going back to work at the club?  
6 A Yeah. He tell me he's not going to.  
7 MR. ARRASCADA: Objection. Hearsay.  
8 THE COURT: Sustained.  
9 MR. PESCI: All right. They're asking you about  
10 whether he quit or whether he was fired --  
11 MR. ARRASCADA: Objection. That wasn't the  
12 question.  
13 MR. GENTILE: It was the answer.  
14 BY MR. PESCI:  
15 Q Do you remember being asked questions about --  
16 THE COURT: Right. I mean --  
17 BY MR. PESCI:  
18 Q -- quitting or fire -- or being fired from --  
19 A He tell me he quit.  
20 MR. GENTILE: Objection.  
21 THE COURT: Mr.Pesci.  
22 MR. PESCI: I'm just asking if she remembers.  
23 THE COURT: No, I -- everyone, that means everyone,  
24 not just the two of us, to visit, as pleasant as that might  
25 be.

1 (Off-record bench conference)

2 THE COURT: Just to clarify, you can ask that one or  
3 two other questions.

4 MR. PESCI: Okay.

5 BY MR. PESCI:

6 Q Just so it's really clear, you were asked a few  
7 minutes ago by Mr. Arrascada -- he was the second attorney to  
8 ask you questions on cross -- about whether or not Anabel  
9 Espindola had fired TJ. Do you remember that question?

10 A Yes.

11 Q Okay. And your answer was what, as far as  
12 whether TJ was fired or quit?

13 A TJ quit.

14 Q Thank you. That's it.

15 Showing you State's Proposed Exhibit 1, ma'am, can  
16 you tell me who's depicted in State's 1?

17 MR. GENTILE: It's beyond the scope.

18 MR. ARRASCADA: Objection, Your Honor, it's beyond  
19 the scope.

20 THE COURT: It is. I was waiting for that.

21 MR. GENTILE: Beyond the scope. Objection.

22 THE WITNESS: It's TJ --

23 MR. PESCI: We can recall her, Judge.

24 THE COURT: Yeah. I mean, you're right. It is  
25 beyond the scope of --

1 MR. GENTILE: I'll withdraw the objection. Let's  
2 get on -- I mean, excuse me. Let's go ahead.  
3 MR. PESCI: So the answer stands, Your Honor?  
4 THE COURT: Yes.  
5 MR. PESCI: Thank you. Pass the witness.  
6 THE COURT: Recross?  
7 MR. GENTILE: Nothing further.  
8 THE COURT: Anything, Mr. Arrascada?  
9 MR. ARRASCADA: No, Your Honor.  
10 THE COURT: Ma'am, thank you for your testimony.  
11 I'm about to excuse you, but before I do, I must admonish you  
12 that you're not to discuss your testimony with anyone else who  
13 may be called as a witness in this case.  
14 THE WITNESS: Yes.  
15 THE COURT: All right. Thank you. You are excused  
16 and just go ahead through the double doors. Thank you.  
17 MR. GENTILE: Can we approach?  
18 THE COURT: Yeah. I was actually going to take a  
19 recess.  
20 Ladies and gentlemen, let's just take a quit  
21 ten-minute recess.  
22 MR. GENTILE: Don't let her go.  
23 THE COURT: Jeff, would you just take the witness  
24 into the vestibule, please.  
25 All right. Ladies and gentlemen, we're going to go

1 ahead and just take a ten-minute recess, and once again,  
2 you're reminded that the admonition is still in place. During  
3 the recess, don't talk about the case. Don't do anything  
4 relating to the case. And notepads in your chairs and follow  
5 Jeff through the double doors. And we'll see you all back  
6 here in ten minutes.

7 (Jury recessed at 3:29 p.m.)

8 THE COURT: And, Mr. Gentile, the reason that you  
9 asked the witness to remain was you thought we had a juror  
10 question; is that right?

11 MR. GENTILE: I thought we had a juror question. I  
12 apologize.

13 THE COURT: So the witness can be excused.

14 MR. GENTILE: Yeah.

15 THE COURT: Basically we did have a jury -- just so  
16 you know, the way I do juror questions, if it's something that  
17 doesn't go to the witness or is clearly inadmissible, I just  
18 don't ask it, but I'll give it to you later.

19 MR. GENTILE: Okay.

20 THE COURT: If it's something that clearly I can  
21 ask, I may just go ahead and ask it without calling the  
22 attorneys to the bench. If it's something I have a question  
23 on that may be objectionable, I'll call the attorneys to the  
24 bench and show you the question, or if you'll already up here,  
25 I'll show you the question.

1           Anyway, the question was -- from the juror is  
2 clearly not for this witness. Why is Deangelo Carroll not  
3 testifying?

4           MR. PESCI: Judge, for the record, if I could really  
5 quick, I went out to check the hall. I had the door open.  
6 While I did, the jury walked out. I apologize I had the door  
7 open just so everybody knows.

8           THE COURT: I think that's fine. And just so you  
9 know, all of the -- the clerk writes on the jury -- for the  
10 record, Mr. Gentile, you might be interested in this. The  
11 clerk writes on the jury questions "asked" or "not asked" and  
12 then all of those are made a Court's exhibit.

13           All right.

14           MR. ARRASCADA: 15 minutes, Your Honor?

15           THE COURT: I said ten minutes and that was like two  
16 minutes ago.

17           (Court recessed at 3:31 p.m. until 3:47 p.m.)

18           (In the presence of the jury.)

19           THE COURT: All right. Court is now back in  
20 session. The record will reflect the presence of the State,  
21 the defendants and their counsel, the officers of the Court  
22 and the members of the jury.

23           Mr. Pesci, the State may call its next witness.

24           MR. PESCI: The State calls Kristin Grammas.

25           THE COURT: All right.

1 MR. PESCI: May I approach your clerk?

2 THE COURT: Sure.

3 Ma'am, just come on up here, please, to the witness  
4 stand and then just remain standing facing our court clerk.

5 KRISTIN GRAMMAS, STATE'S WITNESS, SWORN

6 THE CLERK: Please be seated and please state and  
7 spell your name.

8 THE WITNESS: Kristin Grammas, K-r-i-s-t-i-n,  
9 G-r-a-m-m-a-s.

10 MR. PESCI: May I proceed?

11 THE COURT: Yes, please.

12 MR. PESCI: Thank you.

13 DIRECT EXAMINATION

14 BY MR. PESCI:

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

16 A I am a senior crime scene analyst for the Las  
17 Vegas Metropolitan Police Department.

18 Q And what do you do in that job?

19 A We respond to crime scenes to collect and  
20 preserve any and all evidence.

21 Q And as a senior crime scene analyst, is your  
22 job different than if you're not a senior crime scene analyst?

23 A Yes. As a senior crime scene analyst, we  
24 respond to murders, officer involved shootings, serious person  
25 crimes whereas our Crime Scene Analyst Is only respond to

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1 property crimes.

2 Q All right. It's CSA, not CSI?

3 A We're CSAs, yes.

4 Q Is it like the TV show CSI?

5 A No, it's not.

6 Q I didn't notice a gun on your head as you  
7 walked in.

8 A Not today, no.

9 Q Do you have a Hummer here?

10 A No.

11 Q Now, did -- back on May 19 into May the 20th of  
12 2005, were you a senior crime scene analyst?

13 A I was a Crime Scene Analyst II.

14 Q Okay. And is that a step up from crime scene  
15 analyst?

16 A Yes. You could still handle person calls as  
17 long as there's a supervisor for the murders. Other than  
18 that --

19 Q Did you have a supervisor that night?

20 A Yes, we did.

21 Q Do you have any training and experience in this  
22 area?

23 A Yes. I attended the University of Nevada Las  
24 Vegas and the Community College of Southern Nevada with major  
25 course work in criminal justice and minor course work in

1 anthropology.

2 I've attended multiple bloodstain schools, crime  
3 scene investigation schools and crime scene photography  
4 schools. I've also completed the American Institute of  
5 Applied Science forensic science course. It's an extensive  
6 course in crime scene photography, crime scene diagramming,  
7 pretty much everything crime scene -- latent print processing.

8 And I'm the current secretary of the Nevada state  
9 division of the II, which is a forensic science organization.

10 Q Have you responded to numerous -- what kind of  
11 scenes did you call them, murder scenes or --

12 A Homicide scenes, yeah.

13 Q And on that day on May the 20th, 2005, had you  
14 responded to many crime scenes?

15 A Yes, I had.

16 Q Have you come to court before and testified in  
17 this capacity?

18 A Yes, I have.

19 Q If you were to guess, about how many times?

20 A Around 30 probably, 20 to 30.

21 Q All right. When you responded out that night,  
22 who did you respond with?

23 A Senior crime scene analyst Stephanie Smith and  
24 my supervisor Dave Refino.

25 Q And was there a breakdown as to who would do

1 what at the scene?

2 A Yes. When we arrive at the scene, our  
3 supervisor decides who's going to do what portions of the  
4 scene. I was tasked with evidence and the diagram and  
5 Stephanie was tasked with the photographs and writing a  
6 report.

7 Q All right. Let's start with the diagram and  
8 then we'll go to the evidence.

9 A Okay.

10 Q When you say you're tasked with the diagram,  
11 what does that mean?

12 A When I'm at the scene, I prepare a rough sketch  
13 of what I see basically so that I can bring it to a courtroom  
14 so it makes sense to you guys.

15 Q Let me stop you. Showing you State's Proposed  
16 Exhibit 148, do you recognize that?

17 A Yes, I do.

18 Q And how do you recognize that?

19 A This is the crime scene diagram that I prepared  
20 after a rough sketch into the computer system that we have.

21 Q Is the rough sketch what you did out at the  
22 scene?

23 A Yes.

24 Q Is this computer generated based on your rough  
25 sketch?

1 A Yes, it is.

2 Q How do you formulate your rough sketch?

3 A We do measurements at our scene and then we put  
4 those into the computer diagram so everything is placed  
5 exactly where it was at the scene.

6 Q Is this an accurate depiction of that sketch?

7 A Yes, it is.

8 Q Is this, in essence, a copy of it?

9 A Yes, it is.

10 MR. PESCI: Move for the admission of State's 148.

11 THE COURT: Any objection?

12 MS. ARMENI: No, Your Honor.

13 THE COURT: All right. 148 --

14 MR. ARRASCADA: No, Your Honor.

15 THE COURT: -- will be admitted.

16 (State's Exhibit 148 admitted.)

17 BY MR. PESCI:

18 Q How do you know it's specific to this event  
19 that you're hear testifying about?

20 A It has the event number on it, the location,  
21 and the victim's name.

22 Q All right. Just so the ladies and gentlemen of  
23 the jury know, what is an event number?

24 A The event number is generated at the beginning  
25 of the night, so the beginning of this night, because it was

1 on May 19th when this call came out, it's 05 for being in  
2 2005, May, '05, and 19th for the day. And then it's the  
3 3516th call we had that night.

4 Q Was this at the end of the day on the 19th?

5 A Yes, it was.

6 Q That's when you first responded?

7 A I responded on the 20th, yes.

8 Q Okay. I'm going to show you State's Proposed  
9 Exhibit 159 and ask if you recognize what's depicted there.

10 A Yes, I do.

11 Q And what do you recognize that to be?

12 A This is a -- it looks like a topical photo of  
13 the actual scene out there, the area.

14 Q Okay. Is that an aerial of that area?

15 A Yes, it is.

16 Q Does it depict the road that you responded to?

17 A Yes.

18 Q Is it an accurate aerial of that location?

19 A Yes.

20 MR. PESCI: Move for the admission of State's 159.

21 THE COURT: Any objection?

22 MR. ARRASCADA: No, objection, Your Honor.

23 THE COURT: That will be admitted.

24 (State's Exhibit 159 admitted.)

25 THE COURT: Isn't that 148?

1 MR. PESCI: Judge, this one was 159.

2 THE COURT: Oh, I'm sorry. Thank you.

3 BY MR. PESCI:

4 Q Looking at 148, I believe that's what we have  
5 up here right now, is this the diagram that you spoke of?

6 A Yes, it is.

7 Q All right. Now, when you told us the division  
8 of labor, you talked about the diagram and then you talked  
9 about evidence. What do you mean you're given the evidence?

10 A At the scene Stephanie would take all the  
11 photographs of everything, prior to us finding evidence, and  
12 then after with placards of what evidence there is. She takes  
13 all the notes on the actual scene. And then I'm responsible  
14 for ferreting out what evidence it is, putting the placards on  
15 it for it to be photoed and then collecting it and processing  
16 it the way we decide at the scene.

17 Q All right. So we'll come back to the  
18 photographing and processing in just a minuting. The  
19 collecting aspect, how does that help?

20 A At the scene after it's all been photographed  
21 and we're ready to leave, I take the evidence. It's placed in  
22 a brown paper bag or envelope, depending on what type of  
23 evidence it is. It's folded over so no contamination can get  
24 into it and then it's transported back to our crime scene  
25 section where later I will actually initial it and impound it

1 into evidence, put the red seal on the back and impound it.

2 Q All right. You spoke of a brown paper bag and  
3 then an envelope. Let's start with the bag first. Here's  
4 proposed Exhibit 155. Do you recognize that?

5 A Yes, I do.

6 Q And what do you recognize that to be?

7 A That is the pneumatic tube. It's item three on  
8 my diagram and it was collected at the scene on the shoulder.

9 Q Now, do you -- on your diagram, State's 148, do  
10 you have a legend on the side which corresponds to the  
11 particular items?

12 A Yes, I do.

13 Q And then where on this -- and I'm going to zoom  
14 in so we can see it better.

15 A Okay.

16 Q Where is -- number 3, you said?

17 A It's on the shoulder.

18 Q I apologize. When you say three, are you  
19 referring to the number that you assign to it?

20 A Yes. It's the number that we assign to it at  
21 the scene and then it's impounded under the same number.

22 Q All right. It's a different number that I just  
23 gave to you?

24 A Yes.

25 Q Okay.

1           A     Number three, right there. You can see number  
2 three.

3           Q     All right. Now, this particular piece of  
4 evidence, this envelope that we have here -- or bag, is that  
5 in the same or substantially similar condition other than the  
6 cut that's already been made along the side?

7           A     Yes, it is. It's had a blue forensic seal  
8 attached which means it's been opened and a chain of custody  
9 with somebody at the forensics section and then it's --  
10 everything else is intact.

11          Q     Okay. Now, going over the seals, is there a  
12 red seal at the top?

13          A     Yes. The red seal is the one that I place when  
14 I impound it into evidence. It has my initials and my P  
15 number, which is my identification number with the department,  
16 and then the date that I seal it.

17          Q     All right. You spoke of a blue seal.

18          A     Mm-hmm.

19          Q     This?

20          A     Yes. There's a blue seal down here and it has  
21 a -- another person's initial and P number and the date they  
22 got it.

23          Q     In your training and experience, have you come  
24 across these blue seals before?

25          A     Yes, I have.

1 Q And the blue seals are associated with what  
2 part of the Metropolitan Police Department?

3 A Our forensic laboratory section. They do our  
4 comparison of DNA, of latent prints, firearms.

5 Q So is that seal put on after you impounded this  
6 piece of evidence with the vault?

7 A Yes, it was.

8 Q Okay.

9 MR. PESCI: Move for the admission of State's 155  
10 and its contents.

11 THE COURT: Any objection?

12 MS. ARMENI: No, Your Honor.

13 MR. GENTILE: No, objection.

14 THE CLERK: 155 and 155 A.

15 THE COURT: And contents.

16 MR. ARRASCADA: No, Your Honor.

17 (State's Exhibits 155 and 155A admitted.)

18 BY MR. PESCI:

19 Q All right.. Could you take out what's in 155.  
20 What are we looking at?

21 A This is a pneumatic bank tube. It was located  
22 on the side shoulder and it was out of place, so it was  
23 something that I collected.

24 Q Okay. Later on was that processed?

25 A Yes, it was processed for latent prints later.

1           Q     What does it mean to process something for  
2 latent prints?

3           A     Latent prints are prints that you can't see,  
4 you can't physically see, so we apply powders or chemicals to  
5 allow us to visualize it and to either photograph it or  
6 actually recover it with a tape lift or we have micro seal  
7 which is kind of a putty that's put on it and you can pull it  
8 off of weird surfaces like this.

9           Q     Was that done in this case?

10          A     Yes. In this case, we superglue processed it,  
11 and -- which is a process that we have a tape -- you put  
12 superglue in a tin, it heats it up, and then water will come  
13 in and actually it will deposit on the print that is on your  
14 item. And because of the type of surface this item was, I  
15 knew that it would work on this type of item.

16                Then I processed it with powder and was able to  
17 recover a partial print on it.

18          Q     All right. Now, you, I think, testified in the  
19 beginning that you have some training and experience on latent  
20 prints?

21          A     Yes, I do.

22          Q     All right. You just spoke of a partial print.  
23 What is a partial print?

24          A     A partial print is not a perfect print, so it's  
25 not an entire finger, it's not an entire palm print. It's

1 just a little piece of one of the sections of your hand.

2 Q How do you preserve or lift or obtain a print  
3 from the scene?

4 A In this case, I used the micro seal which we  
5 put it on and it adheres to the surface. It dries. And then  
6 when I lift it, you can actually see the print that was on it.

7 Q What do you do to lift it?

8 A The actual putty like substance is pulled off  
9 of it and then photoed and that is our lift in this case. In  
10 other cases we use tape.

11 Q Now, are you an examiner of fingerprints?

12 A No, I'm not.

13 Q So as far as comparing that fingerprint with  
14 something else, is that done by you or someone else?

15 A That would be done in our latent print  
16 section --

17 Q Okay.

18 A -- forensics.

19 Q Would you mind putting that back in 155.

20 I'm showing you State's Proposed Exhibit 152 and ask  
21 you if you recognize this.

22 A Yes, I do.

23 Q All right. How do you recognize that?

24 A It has the event number. It has my signature  
25 and the initials and date that I spoke of before on the back.

1 Q And has that been opened?

2 A Yes, it has.

3 Q Okay. Other than that opening, is it in the  
4 same or substantially similar condition as when you impounded  
5 or collected that piece of evidence?

6 A Yes, except for adding the evidence seal from  
7 our evidence vault.

8 Q That was something after you impounded it?

9 A After we impounded it, they put a label on it  
10 so that they can keep track of it.

11 Q Are you the person that impounded it?

12 A Yes.

13 MR. PESCI: I move for the admission of 152.

14 MS. ARMENI: No, objection.

15 MR. ARRASCADA: No, objection.

16 THE CLERK: What number?

17 THE WITNESS: 152.

18 MR. PESCI: And it's contents.

19 (State's Exhibit 152 admitted.)

20 MR. PESCI: Is that admitted, Your Honor?

21 THE COURT: Yes. I'm sorry.

22 MR. PESCI: I apologize.

23 BY MR. PESCI:

24 Q Ma'am, could you take out what's inside there.

25 A (Complying.)

1 Q And what do we have there?

2 A This is 33 Palomino Club advertisement cards.

3 Q And where were they found?

4 A These were found on the shoulder area next to

5 the victim. It's number two --

6 Q Okay. So going back to State's 148 --

7 everything that's circled now, marked on your legend is number

8 two --

9 A Yes.

10 Q -- and that appears next to the body?

11 A Yes.

12 Q Okay. Could you return those to the envelope,

13 please.

14 A Yes.

15 Q Thank you.

16 Was there other evidence found in the area where the

17 body is?

18 A Yes.

19 Q Showing you specifically State's 154, do you

20 recognize that?

21 A Yes, I do.

22 Q What is that?

23 A This is a -- 28 Palomino VIP cards.

24 Q And where did those come from?

25 A These came from the vehicle that you see here,

1 the Kia. They were --

2 Q Did you number that for the legend or is there  
3 any sort of numbering on there?

4 A No, there is not.

5 Q Was there any other car out there?

6 A No, it was the only car out there.

7 Q Okay.

8 A This was located in a bag on top of the front  
9 passenger seat.

10 Q Okay. Was that located at that time or later  
11 on?

12 A We did a cursory search there, but later we  
13 actually brought it back to our crime scene lab, sealed it,  
14 and then we opened it back at the lab and searched it and did  
15 our processing.

16 Q Okay. When you opened it back at the lab and  
17 did your processing, is that where you obtained the specific  
18 items?

19 A Yes.

20 Q And what's the number on those again?

21 A 154.

22 MR. PESCI: Move for the admission of 154 and its  
23 contents, Your Honor.

24 THE COURT: Any objection?

25 MS. ARMENI: No, objection.

1 MR. ARRASCADA: No, Your Honor.  
2 THE COURT: All right. Those will be admitted.  
3 (State's Exhibits 154 and 154 A admitted.)  
4 MR. PESCI: Thank you.  
5 BY MR. PESCI:  
6 Q And where did these come from?  
7 A Can I refer to my report?  
8 Q Would that refresh your recollection?  
9 A Yes.  
10 Q Sure.  
11 A Just to make sure.  
12 Q Is it safe to say this came from the actual Kia  
13 Sportage? Well, go ahead and look. I apologize.  
14 A Let me look real quick. Sorry.  
15 This one came from the Kia Sportage, 20.  
16 Q Okay.  
17 A I'm sorry.  
18 Q So what you have in front of you is State's  
19 Exhibits --  
20 A 154.  
21 Q Okay. And 154's contents came from the --  
22 A The Kia Sportage that I talked about earlier.  
23 Q All right. Is there a specific location within  
24 the Kia Sportage?  
25 A The front passenger bag that was on the front

1 passenger side, seat.

2 Q Okay. Thank you.

3 Did you find some other physical evidence within  
4 that vehicle?

5 A Yes, I did.

6 Q Showing you State's 195, do you recognize that?

7 A Yes, I do.

8 Q What is that?

9 A This is a Lateny [phonetic] National receipt  
10 for the area, recreational area receipt that was taped in the  
11 front driver's side windshield.

12 Q All right. For speed purposes, because it  
13 doesn't look like they're going to have an objection, did you  
14 impound this?

15 A Yes, I did.

16 Q And did you put your seal on it?

17 A Yes, I did.

18 Q And is it in the same condition?

19 A Yes.

20 Q All right.

21 MR. PESCI: Move for the admission, Judge.

22 MS. ARMENI: No objection.

23 THE COURT: All right --

24 MR. ARRASCADA: No objection.

25 THE COURT: That will be admitted.

1 MR. PESCI: All right.

2 (State's Exhibit 195 admitted.)

3 BY MR. PESCI:

4 Q And that was found inside the Kia?

5 A Yes, inside the windshield.

6 Q All right. And that has not been opened for --

7 A No, it hasn't.

8 Q All right. Showing you State's Proposed  
9 Exhibit 153, do you recognize that?

10 A Yes, I do.

11 Q And what do you recognize that to be?

12 A That is a black wallet with a Nevada commercial  
13 driver's license in the name of Timothy Hadland, two debit  
14 cards in the name of Timothy Hadland, one Social Security card  
15 in the name of Timothy Hadland, one medical examiner  
16 certificate in the name of Timothy Hadland, one Wells Fargo  
17 account card, miscellaneous business cards, one Palomino Club  
18 paycheck stub, one Sam's Club membership card and one Home  
19 Depot store credit card.

20 Q Where were those found?

21 A These were found in a pair of shorts that was  
22 located in the rear cargo area of the Kia.

23 Q And was the same process used as far as  
24 impounding this evidence?

25 A Yes, it was.

1 Q Sealed up under your P number?  
2 A Yes.  
3 Q It's in the same condition?  
4 A Except for being opened.  
5 MR. PESCI: I move for its admission.  
6 THE COURT: Any objection?  
7 MS. ARMENI: No objection.  
8 MR. ARRASCADA: No, Your Honor.  
9 THE COURT: All right.  
10 THE CLERK: One --  
11 THE COURT: What number was that again, Mr. Pesci?  
12 MR. PESCI: 153.  
13 THE COURT: All right. 153 is admitted.  
14 MR. PESCI: Thank you.  
15 (State's Exhibit 153 admitted.)  
16 BY MR. PESCI:  
17 Q Now, in this investigation you were just  
18 talking about how this -- these last items -- this was done  
19 and obtained in the lab. Do you remember that?  
20 A Mm-hmm.  
21 Q Is that a yes?  
22 A Yes.  
23 Q Okay. Thanks.  
24 Did you also process another vehicle back at the  
25 lab?

1 A Yes, we did.

2 Q And what vehicle was that?

3 A It was a white Astro van.

4 Q Showing you State's Proposed Exhibit 150, do  
5 you recognize that?

6 A Yes, I do.

7 Q What is that?

8 A 42 Palomino Club business cards.

9 Q And where did that come from?

10 A These were located in the glove compartment of  
11 the van.

12 Q And then is that the Astro van you just spoke  
13 of?

14 A Yes.

15 Q And did you process this along with Stephanie  
16 Smith?

17 A Yes, we processed both vehicles.

18 Q Okay. Was there a search warrant obtained in  
19 relation to this?

20 A In this case, yes.

21 Q Okay. You're talking about the Astro --

22 A On the van, yes.

23 Q Okay.

24 MR. PESCI: And we move for the admission of State's  
25 150 and its contents.

1 MS. ARMENI: No, objection.

2 MR. ARRASCADA: Objection.

3 THE COURT: All right. That will be admitted.

4 (State's Exhibit 150 admitted.)

5 BY MR. PESCI:

6 Q Do you recall where in the van those were  
7 located?

8 A These were in the glove compartment.

9 Q All right. Thank you.

10 And that's it for physical evidence.

11 State's 149, do you recognize that?

12 A Yes, I do.

13 Q And what is that?

14 A This is miscellaneous paperwork including a  
15 Farmer's insurance certificate in the name of Simone's Auto  
16 Plaza, a letter from the DMV in the name of Deangelo Carroll,  
17 a DMV registration in the name of Anabel Espindola, an  
18 envelope with Simone's Auto Plaza on the front containing the  
19 DMV registration in the name of Anabel Espindola, and a Bank  
20 of America cashier's check receipt in the name of Deangelo  
21 Carroll and an envelope from the DMV in the name of Deangelo  
22 Carroll.

23 Q Now, were these items found within the same  
24 Astro van?

25 A Yes, they were found in the glove compartment

1 also.

2 Q Okay. And did you impound them?

3 A Yes, I did.

4 Q And is this in the same or substantially  
5 similar condition?

6 A Yes, it is.

7 MR. PESCI: And you know -- would it be all right,  
8 Your Honor, if we opened the stapling along the cut?

9 THE COURT: That's fine.

10 BY MR. PESCI:

11 Q And then do you recognize what's contained  
12 therein?

13 A Yes, I do.

14 Q Are these the items that you just listed out?

15 A Yes, they are.

16 Q Now, when you read off that list, is that  
17 something that the police department generates to keep track  
18 of what's in this particular item?

19 A Yes. We have to log every item that is in  
20 the -- whatever we're collecting so that we -- they know  
21 exactly what we have and what we packaged.

22 Q Okay.

23 MR. PESCI: I move for the admission of State's 149  
24 and its contents.

25 THE COURT: Any objection?

1 MS. ARMENI: No.

2 MR. ARRASCADA: No, Your Honor.

3 THE COURT: All right. That's admitted.

4 MR. PESCI: Thank you very much.

5 (State's Exhibit 149 admitted.)

6 BY MR. PESCI:

7 Q All right. Now, you said that you were in  
8 charge of the diagram and impounding the evidence, correct?

9 A Yes.

10 Q And Stephanie Smith was in charge of  
11 photographs?

12 A And the report, yes.

13 Q And report. Okay.

14 Now, even though she took the photographs, were you  
15 physically there when the photographs were taken?

16 A Yes, I was.

17 Q Did you see the items that were photographed?

18 A Yes.

19 Q Okay. I'm showing you what's been previously  
20 admitted as State's 5 through 10. Do you recognize those?

21 A Yes, I do.

22 Q And State's 11, 12, 14, and 15, do you  
23 recognize those?

24 A Yes, I do.

25 Q Okay. And these are the ones taken by

1 Stephanie Smith?

2 A Yes, they were.

3 Q All right. I'm going to show you something  
4 that has not been admitted quite yet, 13. Do you recognize  
5 State's Proposed Exhibit 13?

6 A Yes, I do.

7 Q And how do you recognize that?

8 A The evidence placard is in place, as I had  
9 stated prior. It is number one and it is the eyeglasses.

10 Q Is this found out at the scene near the body?

11 A Yes, it was.

12 Q Is it a fair and accurate depiction of how the  
13 evidence was seen that day?

14 A Yes, it is.

15 MR. PESCI: Move for the admission of State's 13.

16 THE COURT: Any objection?

17 MS. ARMENI: No.

18 THE COURT: All right.

19 MR. ARRASCADA: No, objection, Your Honor.

20 THE COURT: 13's admitted.

21 (State's Exhibit 13 admitted.)

22 BY MR. PESCI:

23 Q 16 through 21, do you recognize those?

24 A Yes, I do.

25 Q Okay. Now, are those from the scene as well?

1 A Yes, they are.

2 Q And are they fair and accurate depictions?

3 A Yes, they are.

4 MR. PESCI: Move for the admissions of State's 13  
5 through 21.

6 MR. ARRASCADA: May I just see them real quick, Your  
7 Honor?

8 THE COURT: Yes. Would you show those to  
9 Mr. Arrascada.

10 MR. ARRASCADA: Thank you.

11 BY MR. PESCI:

12 Q While they're looking at those, do me a favor  
13 and look at 22 through 29, please.

14 MR. ARRASCADA: Your Honor, no objection to 16  
15 through 21.

16 THE COURT: All right. Thank you. 16 through 21 --

17 MR. ARRASCADA: I believe that's what it is. Is  
18 that correct?

19 THE COURT: 16 through 21 will be admitted.

20 (State's Exhibits 16 through 21 admitted.)

21 BY MR. PESCI:

22 Q Do you recognize the ones that I just showed  
23 you, which is numbers 22 through --

24 A 29.

25 Q -- 29?

1 A Yes, I do.

2 Q Are they fair and accurate depictions?

3 A Yes, they are.

4 MR. PESCI: Move for the admission of 22 through 29.

5 THE COURT: And would you just show those to  
6 Mr. Arrascada again, please.

7 MR. PESCI: Sure.

8 MR. ARRASCADA: Thank you. I'm sorry. These are  
9 numbers 16 through -- this is the next series.

10 THE COURT: Right.

11 MR. ARRASCADA: Thank you.

12 BY MR. PESCI:

13 Q All right. As far as 16 and 21, we have those  
14 in. I think you testified on your legend there's certain  
15 numbers associated with the items and we physically have those  
16 items entered as evidence.

17 Showing you State's Exhibit 16, do you recognize  
18 this?

19 A Yes, I do.

20 Q All right. Now, you talked about placards  
21 earlier; is that correct?

22 A Yes.

23 Q And what are the placards?

24 A They are the yellow tent markers you see like  
25 on number two. You see the tent marker. It has a scale on it

1 too.

2 Q Is that representative of all the Palomino  
3 cards?

4 A Yes, it is.

5 Q And placard three, what does that --

6 A Placard three is the pneumatic bank tube that  
7 we saw earlier.

8 Q And State's 17, is that what we're looking at?

9 A Yes, it is.

10 Q All right. Was there some other physical  
11 evidence obtained at the scene in an effort to preserve?

12 A Yes.

13 Q Showing you State's 4, do you recognize that?

14 A Yes, I do.

15 Q And State's 5, do you recognize that?

16 A Yes, I do.

17 Q What are 4 and 5?

18 A They are cigarette butts.

19 Q And were those impounded by you?

20 A Yes, they were.

21 Q Showing you State's -- this appears to be 6?

22 A Yes.

23 Q And that corresponds with 6 on your legend?

24 A Yes, it does.

25 Q All right. What is that?

1 A That is a Budweiser beer can.

2 Q All right. Now, you testified about some items  
3 that were retrieved from a Kia Sportage.

4 A Yes, I do.

5 Q Showing you State's 21, is that --

6 A Yes, it is.

7 Q Okay. And then if we can retrieve some of  
8 those --

9 MR. ARRASCADA: No objection to 22 through 29, Your  
10 Honor.

11 THE COURT: All right.

12 (State's Exhibits 22 through 29 admitted.)

13 BY MR. PESCI:

14 Q 22 through 29 are now in. Looking at that --  
15 was this photograph out at the scene?

16 A Yes, it was.

17 Q Okay. Showing you State's 23, was there an  
18 item of interest that was depicted in this photograph?

19 A Yes, the cell phone that's on the floorboard.

20 Q And showing you State's 24, is that the -- is  
21 that the cell phone you're speaking of?

22 A Yes, it is.

23 Q All right. What did you do with that cell  
24 phone?

25 A I processed it at the scene and gave it to

1 homicide Detective McGrath.

2 Q Okay. And showing you State's Exhibit 28, you  
3 just talked to us about processing. This is different from  
4 the blue method that you spoke of, correct?

5 A Yes, it is.

6 Q Tell the ladies and gentlemen of the jury this  
7 process.

8 A This is the powder method that we use to  
9 develop latent prints and this is the tape method. In this  
10 case, it would lift with tape because it was a very smooth  
11 surface. So we lifted the prints with tape.

12 Q All right. And after doing that, is that when  
13 you gave it to the detective?

14 A Yes, I did.

15 Q Okay. And that was done first?

16 A Yes.

17 Q Now, there was some other items in the car that  
18 evening, correct?

19 A Yes.

20 Q Showing you State's -- let's go with State's  
21 26, do you recognize that?

22 A Yes, I do.

23 Q And focusing in on that, State's 29 -- well, is  
24 that a bag of some sort?

25 A Yes, that's a black bag.

1 Q Showing you State's 29, do you recognize that?  
2 A Yes, that's the inside pocket of the black bag.  
3 Q Okay. Now, you spoke of some Palomino cards.  
4 Were they taken from this bag?  
5 A Yes, they were.  
6 Q Okay. So the bag you brought in with the  
7 Palomino cards came from within this bag out at the scene?  
8 A Yes.  
9 Q Now, showing you -- let's go with a couple of  
10 other items that were out there. Showing you State's 30 and  
11 31, do you recognize those?  
12 A Yes, I do.  
13 Q And what are those?  
14 A 30 is the pneumatic tube with the micro seal,  
15 which I had talked about, the putty that had been applied to  
16 lift the print, and 31 is after processing on the Budweiser  
17 beer can and the latent print tape lifts.  
18 Q All right. Are those fair and accurate  
19 depictions of the evidence at that scene?  
20 A Yes, they are.  
21 Q And the processing that they reflect, are those  
22 the things that you did?  
23 A Yes.  
24 MR. PESCI: Move for their admission.  
25 THE CLERK: 30 and 31?

1 MR. PESCI: Yes.

2 THE COURT: All right. Those will be admitted.

3 MS. ARMENI: No objection.

4 MR. ARRASCADA: No objection.

5 (State's Exhibits 30 and 31 admitted.)

6 BY MR. PESCI:

7 Q Is 30 the tube?

8 A Yes.

9 Q Is this showing some of the -- is that showing  
10 some of the processing that was done?

11 A Yes, it is.

12 Q The evidence of your processing?

13 A Yes.

14 Q All right. Did you also process the Budweiser  
15 can out there?

16 A Yes, I did.

17 Q Okay. Do you recall if you were able to get  
18 any latents from a lot of those items?

19 A Yes, I did.

20 Q You did as to the tube, you already told us?

21 A As to the tube and the Budweiser can, it has my  
22 latent print tape on it to show that I got lifts.

23 Q All right. When you talk about a lift, if you  
24 get a lift on tape, what do you do with it?

25 A It gets put on a latent print card. We have to

1 fill out the top information as to the location it was  
2 recovered from, the event number, my name and identification  
3 number, the date we recovered it, and then we actually adhere  
4 the tape to the card and we initial it to show that it can't  
5 be moved and changed once it's been on there.

6 Q So when we refer to the latent print cards, is  
7 that what you're talking about?

8 A Yes.

9 Q So that's a way of actually recovering evidence  
10 from the scene and using it in a fashion for future analysis?

11 A For comparison later, yes.

12 Q Now, on that note, were some photocopies made  
13 of these latent prints in this particular case?

14 A I believe so.

15 Q Not necessarily these particular latents, but  
16 just so we can show the jury what these look like.

17 A Yes.

18 Q Showing you State's Proposed Exhibits 145 and  
19 146, do you recognize those?

20 A Yes, I do.

21 Q And how do you recognize those?

22 A They have my label attached to them. They have  
23 my -- the event number, my name and identification number, and  
24 they have my initials on the tape and on the label.

25 Q Are those photocopies of the actual latents

1 that you just talked to us about?

2 A Yes.

3 Q All right. And are those fair and accurate  
4 depictions of copies of those actual latents that were lifted?

5 A Yes, they are.

6 MR. PESCI: We move for the admission, Your Honor,  
7 of State's 145 and 146.

8 THE COURT: Any objection?

9 MS. ARMENI: Your Honor, we'd just ask that the  
10 record reflect what 145 and 146 are specifically and what they  
11 came from.

12 THE COURT: They're copies of the card.

13 MS. ARMENI: And for who? There are names on those  
14 cards.

15 THE COURT: Oh, okay. And, yeah, if the witness  
16 could just indicate which exhibit goes to which name.

17 BY MR. PESCI:

18 Q Let's go with what Her Honor says. 145, what  
19 do you recognize this latent print from?

20 A This is from the interior side -- or passenger  
21 side door window of a 1995 Chevrolet Astro van.

22 Q All right. And we're going to get to those in  
23 just a second of the Astro van. So is this a latent you  
24 lifted from the Astro?

25 A Yes, it is.

1 Q Okay.

2 MR. PESCI: Was there something more you were  
3 looking for, Ms. Armeni?

4 MS. ARMENI: No.

5 BY MR. PESCI:

6 Q Okay. 146, do you recognize that as far as  
7 where it came from?

8 A Yes. It's from the interior side passenger  
9 side door window of the 1995 Chevrolet Astro van.

10 Q All right. And as far as the identification of  
11 the second page, what can you tell, if anything, from the  
12 second page of 146, where this came from?

13 A I don't know anything about the second page.  
14 It's not something we do.

15 Q Okay.

16 A Sorry.

17 Q So the 145, 146, these are the latent prints  
18 that you're speaking of?

19 A Yes.

20 MR. PESCI: All right. Again, I ask for their  
21 admission.

22 THE COURT: All right. Those will be admitted.

23 (State's Exhibits 145 and 146 admitted.)

24 BY MR. PESCI:

25 Q Now, just to put one up here so the jury can

1 see, 145, are we looking at a photocopy of the card?

2 A Yes, we are.

3 Q And is this small area here -- would that be  
4 the actual tape that we saw in the photograph depicted in 31  
5 or a piece of tape like that?

6 A It's similar, yes, the same type of tape.

7 Q All right. So this is how the latent print  
8 cards look?

9 A Yes.

10 Q Now, showing you -- you just spoke a second ago  
11 of the Astro van, and that's where those came from?

12 A Yes.

13 Q And I think these are order of 32 through 59.  
14 Take a look at those and let me know when you're done.

15 A (Complying.)

16 Q Did you have a chance to look through those,  
17 ma'am?

18 A Yes, I have.

19 Q Okay. Are they fair and accurate depictions of  
20 this Astro van you're speaking of?

21 A Yes, they are.

22 MR. PESCI: I'd move for the admission of State's 32  
23 through 59.

24 THE COURT: Any objection to 32 through 59?

25 MR. ARRASCADA: No objection, Your Honor.

1 MS. ARMENI: No.

2 THE COURT: All right. Those will all be admitted.

3 MR. PESCI: Thank you.

4 (State's Exhibits 32 through 59 admitted.)

5 BY MR. PESCI:

6 Q Showing you State's 32, ma'am, what is that?

7 A That is the photo of the search warrant in  
8 return for the vehicle.

9 Q Earlier you spoke about a search warrant that  
10 was obtained to search this particular vehicle?

11 A Yes.

12 Q All right. And showing you State's 33, where  
13 is that taken?

14 A This is at our crime lab.

15 Q And who actually worked on this as far as  
16 photographing it and processing it?

17 A Stephanie Smith and myself.

18 Q The same two that had been out at the scene  
19 where the body was found?

20 A Yes.

21 Q Now, showing you State's 34, what is it that's  
22 being done at this time?

23 A It's showing a tape lift that we have of  
24 possible partial ridge detail, fingerprints.

25 Q Okay. And the cards or the copy of the latent

1 print cards that we just saw, they come from the processing of  
2 this particular vehicle?

3 A Yes, they do.

4 Q Showing you State's 36 right now, does this  
5 depict some of the tape that was taken from it?

6 A Yes, it does.

7 Q And 37, is that the same?

8 A Yes.

9 Q In fact, there's quite a bit here.

10 A Same thing.

11 Q Okay. What would -- how would you describe the  
12 condition of that particular -- well, let me put it to you  
13 this way. Let me show you State's 39. Was this the way the  
14 vehicle appeared to you when you processed it?

15 A Except for the footwear patterns, yes. Those  
16 are ours.

17 Q All right. That's what I was trying to figure  
18 out.

19 State's 40, did you look within certain containers  
20 inside of this car?

21 A We looked within every storage compartment that  
22 was in the vehicle.

23 Q Showing you State's 41, is that evidence of  
24 that search that you're speaking of --

25 A Yes, it is.

1 Q -- and documentation of it?  
2 Did you find here -- State's 42, was there an item  
3 that you discovered there?  
4 A Yes. The Palomino Club cigarette lighters --  
5 Q Match book?  
6 A -- match book, sorry. I'm tired.  
7 Q That's all right.  
8 A It was in the storage compartment.  
9 Q Let me ask you this, what shift do you work?  
10 A Graveyard.  
11 Q Are you coming off the graveyard right now?  
12 A Yes, I work back again tonight.  
13 Q Are you a little tired right now?  
14 A Yes. Sorry.  
15 Q All right. Now, going through State's 48, are  
16 these more of the photographs taken of the various  
17 compartments and things found there?  
18 A Yes, they are.  
19 Q And State's 50, is that showing again some of  
20 that evidence?  
21 A Yes, it is.  
22 Q Now, looking at State's 51, you brought us some  
23 evidence that had some registration and things of that nature.  
24 Looking at State's 51, where did that come from?  
25 A This is the only glove compartment that the car

1 had so...

2 Q Looking at State's 53, is that where you found  
3 that?

4 A Yes.

5 Q And some of the items that you spoke of  
6 earlier, I believe something about the DMV and something about  
7 insurance?

8 A Yes.

9 Q Showing you State's 55, what are those?

10 A They were laid out on the seat to show that we  
11 took them from the --

12 Q All right. Specifically on the items from the  
13 DMV, looking at State's 36, who was that item addressed to?

14 A Deangelo Carroll.

15 Q All right. And did you find some Palomino  
16 cards in that vehicle as well?

17 A Yes.

18 Q State's 57, is that what's depicted here?

19 A Yes, they're business cards.

20 Q Okay. Now, kind of going backwards for a  
21 moment to the scene, when you first got up to the scene, had  
22 the body been moved?

23 A No.

24 Q And sometimes in your experience are bodies  
25 occasionally moved at the scene?

1           A     Only if they're transported to help sustain  
2 life.

3           Q     Was there any evidence, looking at State's 8,  
4 of any efforts to sustain life done in this case?

5           A     No.

6           Q     All right. Often when you see those efforts,  
7 what evidence would you see that would indicate to you that  
8 there had been some evidence?

9           A     You see medical debris. They put little pads  
10 on their arms to -- that they attach leads to to see if  
11 there's a heartbeat.

12          Q     Okay. And then showing you State's 11, is this  
13 how the body appeared to you?

14          A     Yes.

15          Q     What, if anything, was done with the body out  
16 there?

17          A     At the scene, nothing is done except for the  
18 coroner comes out and does a cursory search of the pockets and  
19 determines -- they say time of death, meaning the time that  
20 they arrived at our scene, that the body has deceased, and  
21 then they take it back to the coroner's office.

22          Q     Now, when you say the coroner, is it the  
23 actual -- the medical examiner that does the autopsy or is it  
24 someone else?

25          A     No, it's a coroner investigator.

1 Q And showing you State's 13, do you recognize  
2 that?

3 A Yes, those are the eyeglasses.

4 Q And where were those found in relation to the  
5 body?

6 A They were on the street adjacent to the body.

7 Q Okay. And is that depicted in your legend?

8 A Yes.

9 Q And were those particular items taken into  
10 evidence?

11 A Yes, they were.

12 Q Okay. And was there something that appears to  
13 be on those lenses?

14 A Yes, there was apparently blood on the lens.

15 Q Sometimes when there is blood or things of that  
16 nature, are items preserved for that purpose because of the  
17 evidence that could be there?

18 A Yes.

19 Q And sometimes are they not brought to court  
20 because of the biohazard?

21 A Yes.

22 MR. PESCI: Court's indulgence.

23 BY MR. PESCI:

24 Q Let me ask you a couple of quick questions.

25 You were shown some photographs of cigarette butts and a beer

1 can. Do you remember those?

2 A Yes.

3 Q What can be done, in your knowledge, with  
4 cigarette butts?

5 A We're looking for DNA from where they actually  
6 contact -- where they suck on the cigarette for DNA from  
7 whomever.

8 Q And the beer can, would there be DNA possibly  
9 there?

10 A DNA also on the drinking portion where you  
11 drink from.

12 Q At the time that you collect that, do you know  
13 if those particular items have any connection to this  
14 incident?

15 A No. They were around the body so anything near  
16 the body I collect in case it has potential for evidence.

17 Q All right. Are you a DNA expert?

18 A No, I'm not.

19 Q So you just preserve it and then someone else  
20 can work with it?

21 A Yes.

22 Q Okay.

23 MR. PESCI: Nothing further. We'll pass the  
24 witness.

25 THE COURT: All right. Cross.

CROSS-EXAMINATION

BY MS. ARMENI:

Q Ms. Grammas, I want to ask you about the black bag that you found in the front seat.

A Yes.

Q It was a black bag?

A Yes.

Q Would you describe it as a nails bag?

A Yes.

Q And there were eyeglasses found, I believe you said, at the scene?

A There were eyeglasses at the scene, yes.

Q And in the bag, do you remember if there was an eyeglass case?

A Yes, there was.

Q And is it your belief that those eyeglasses belong to Mr. Hadland?

A I don't -- I do not know.

Q Okay. You just know that they were on the floor by his body?

A They were by his body and there were blood on them, but I don't know.

Q And those -- the VIP cards that he asked you about, I believe they were 38 or -- I apologize, that Mr. Pesci asked you about, there were about 28 VIP cards that

1 you found, Palomino VIP cards?

2 A I believe so.

3 Q Would it help you to look at your report?

4 A Yes. Can I look at my report, please? Are we  
5 talking about at the scene or in the car?

6 Q In the black bag in the Kia.

7 A In the black bag, yes, there's 28.

8 Q And then -- you talked about the -- I'm sorry.  
9 Let me get the exhibit.

10 MS. ARMENI: Court's indulgence, Your Honor. Sorry.

11 BY MS. ARMENI:

12 Q I'm going to show you State's Exhibit 145.

13 A Yes.

14 Q I'm not very good at this, so bear with me.  
15 Okay. Can you see that?

16 A Yes.

17 Q This print, did you say you took it from the  
18 passenger -- or the van -- inside the van?

19 A Yes, I did.

20 Q I believe you said on direct that you took 145  
21 from the interior passenger door?

22 A Yes, the window of the door, yes.

23 Q Okay. Do you know if that was the front -- the  
24 front door or towards the back of the door?

25 A The interior side, passenger side door. It's

1 like the side, passenger side door. There's only the one side  
2 doors.

3 Q Is it the sliding door on the van?

4 A I believe so, yes.

5 Q And then when you're looking at one -- State's  
6 Exhibit 145, there seems to be a name on that print. Do you  
7 see that?

8 A I don't know where you're talking about. I'm  
9 sorry.

10 Q Right above --

11 A Oh, yes.

12 Q Okay. What name is that?

13 A I can't read it. Something, Lone. I don't  
14 know. Rontae Zone or Lone. I don't know. I didn't write it.

15 Q Okay. Does that mean that it was Rontae Zone's  
16 fingerprint?

17 A I don't know. I didn't write that. That would  
18 be a latent print examiner.

19 Q Okay. But it's -- there is a fingerprint on  
20 that?

21 A Yes.

22 Q What's this called? I don't want to mis --

23 A A latent print card.

24 Q Okay. There is a fingerprint on the latent  
25 print card, right?

1 A Yes, there is.

2 Q And it has the name Rontae Zone?

3 A Yes.

4 Q And that would be the fingerprint. I

5 understand you said you didn't write that, but the

6 fingerprint -- this fingerprint was found on the interior

7 passenger door?

8 A Yes.

9 Q The sliding door?

10 A Yes.

11 Q I'm showing you State's Exhibit 146. That also

12 has a name Rontae Zone?

13 THE COURT: It's upside down on the screen.

14 MS. ARMENI: You can tell I'm not very good at this.

15 THE WITNESS: Yes, it does.

16 BY MS. ARMENI:

17 Q And that would mean that this fingerprint was

18 found -- this too, I believe you said, was the front -- or

19 what was -- this was 146 --

20 A The same area, the interior --

21 Q Okay. The sliding glass -- the sliding door to

22 the van?

23 A Yes.

24 Q So this fingerprint was found on the sliding

25 door?

1 A Yes.

2 Q And the name on this card is Rontae Zone?

3 A Yes.

4 MS. ARMENI: May I approach, Your Honor?

5 THE COURT: Yes.

6 BY MS. ARMENI:

7 Q Ms. Grammas, I'm showing you State's

8 Exhibit 154. There's no blue tape on that envelope, is there?

9 A No, there is not.

10 Q And why is that?

11 A It means it was not processed next door at the

12 latent print section or anybody in the forensics section.

13 Q Okay. So no fingerprints, no trace evidence --

14 no fingerprints were taken off that from what you can see?

15 A Not by them, no.

16 Q Okay. And those are the VIP cards, the

17 Palomino VIP cards?

18 A Yes.

19 Q That were found in the black bag?

20 A Yes.

21 Q In the Kia?

22 A Yes.

23 Q That belonged to Mr. Hadland?

24 A Yes.

25 Q Thank you.

1 Ms. Grammas, you found \$6, I believe, in the Kia?  
2 A I don't recall.  
3 Q Okay.  
4 A Sorry.  
5 Q It's okay.  
6 A May I refresh my memory?  
7 Q Absolutely.  
8 A Okay. Yes, we found \$6 and three pennies.  
9 Q And was that the extent of the amount of money  
10 you found in the Kia?  
11 A Yes.  
12 MS. ARMENI: Court's indulgence.  
13 THE COURT: That's fine.  
14 BY MS. ARMENI:  
15 Q Was there any more money in the Kia that you  
16 found?  
17 A No that I recall.  
18 Q Or in the black bag?  
19 A No that I recall.  
20 Q Did you process Mr. Hadland's clothing?  
21 A No, that would be taken at autopsy.  
22 Q Okay. So Mr. Morton would have taken that?  
23 A I don't know if he went to the autopsy, but if  
24 he did, yes.  
25 Q Okay. Whoever the CSA --

1 A The CSA, yes.

2 Q And then you talked about a cell phone that you  
3 had impounded.

4 A Yes.

5 Q Was that a walkie-talkie phone?

6 A I don't recall. I don't remember. I just know  
7 it was a cell phone.

8 Q It appeared like a regular cell phone?

9 A Yes.

10 MS. ARMENI: Thank you.

11 THE COURT: All right. Mr. Arrascada.

12 MR. ARRASCADA: Yes, Your Honor. May I approach  
13 your clerk, Your Honor?

14 THE COURT: Sure.

15 MR. ARRASCADA: Thank you, Your Honor.

16 CROSS-EXAMINATION

17 BY MR. ARRASCADA:

18 Q You were asked some questions regarding the  
19 fingerprint cards, correct?

20 A Yes.

21 Q If you don't mind, I would just like to  
22 approach you with State's 145 and 146. Is that okay?

23 A Yes.

24 Q Okay. You were looking at these on the  
25 overhead, right?

1           A     Yes, I was.

2           Q     And on there -- what you do is you get the card  
3     itself with the tape or the superglue that has the print,  
4     correct?

5           A     This is a developed print with powder, yes.

6           Q     Okay. And you fill out the top part?

7           A     Yes.

8           Q     And you describe where this came from?

9           A     Yes, I do.

10          Q     And this came from the passenger side door  
11     window of the Chevy van?

12          A     Yes, it did.

13          Q     The interior part, correct?

14          A     Yes.

15          Q     Now, there's some handwriting there with the  
16     name Rontae Zone, correct?

17          A     Yes.

18          Q     And I believe you said that that handwriting  
19     comes from the -- your counterparts that examined this; is  
20     that right?

21          A     Yes, it should be from the latent print detail.

22          Q     Okay. And it's your experience that the latent  
23     print detail writes down whose print it is on the card like  
24     this?

25          A     Actually, this is the first time I've ever seen

1 one with it on it, so I -- I would assume, but I don't know.

2 Q Okay. But we know that the LI that is after  
3 the latent print people, that would be their notations; is  
4 that correct?

5 A I would assume, but I don't know. This looks  
6 like a P number, though.

7 Q Okay. So there's a P number for --

8 A And initials, an FB, maybe Fred Boyd. I don't  
9 know.

10 Q Okay. Maybe Fred Boyd?

11 A Possibly. He's an FB.

12 Q And it does say on both of these -- where --  
13 and we have to assume that's how they're identifying it,  
14 correct?

15 A I would assume, but I don't know.

16 Q Okay. But we do know on both of these it's  
17 Rontae Zone?

18 A Yes.

19 Q . And this is the passenger side window of the  
20 door, the big sliding door, correct?

21 A Yes, we're very specific.

22 Q Okay. Thank you.

23 Now, also when you were there -- I'm sorry. You  
24 processed the two vehicles, correct?

25 A Yes.

1           Q     And you spoke about inside the black Jeffrey  
2 Bean bag that there -- I'm sorry, the black bag with the  
3 Jeffrey Bean eye case --

4           A     Yes.

5           Q     -- that was in the front passenger side,  
6 correct?

7           A     Yes, it was on top of the seat.

8           Q     And that -- there we go. There it is on top of  
9 the seat, correct?

10          A     Yes.

11          Q     And that's the car, to your knowledge, that was  
12 driven -- or had Mr. Hadland's identification in it, correct?

13          A     Yes. Yes, it is.

14          Q     And do you recall looking in the glove box to  
15 see who it was registered to?

16          A     I don't think I did, but I think Stephanie did.

17          Q     Okay. Based on your knowledge, was it to a  
18 Paijik Karlson or a Karlson last name?

19          A     I don't recall.

20          Q     You don't recall. Okay.

21                 And in that bag you identified every -- items that  
22 were inside the bag, and this is the bag opened up, correct?

23          A     Yes.

24          Q     And one was the eyeglass holder?

25          A     Yes.

1 Q And then also there is a Capital Credit  
2 Alliance identification card in the name of Larry Mathene,  
3 correct?  
4 A Yes.  
5 Q And Larry Mathene is not Timothy J. Hadland, is  
6 it?  
7 A No, it is not.  
8 Q And we know that this is Timothy J. Hadland's  
9 bag?  
10 A Yes.  
11 Q And this is a bank card, correct?  
12 A I don't recall. May I look at my report?  
13 Q Please.  
14 A Sorry.  
15 I think it was an identification card, like a hang  
16 badge, if -- I believe so.  
17 Q Okay. So in the bag -- just so I'm clear, this  
18 is the bag that's Timothy J. Hadland's?  
19 A Yes.  
20 Q So in that bag is someone else's  
21 identification --  
22 A Yes.  
23 Q -- or the Correct Capital Credit Alliance --  
24 A Yes.  
25 Q And that person's name is a Larry Mathene?

1           A     Yes.

2           Q     Not Timothy Hadland?

3           A     No.

4           Q     And you also -- we talked about the prints from  
5 the Astro van. You processed that van too, correct?

6           A     Yes.

7           Q     And in processing that van, you found various  
8 items that would identify people to -- like envelopes and  
9 registration, correct?

10          A     Yes, I did.

11          Q     And the items you found in there, there were  
12 letters addressed to Deangelo Carroll?

13          A     Yes.

14          Q     And there was registration information and  
15 insurance information to an Anabel Espindola, correct?

16          A     Yes, there was.

17          Q     There were not any documents that you found  
18 addressed to Luis Hidalgo, III, were there?

19          A     No.

20               MR. ARRASCADA: Thank you.

21               THE COURT: All right. Redirect.

22                         REDIRECT EXAMINATION

23   BY MR. PESCI:

24           Q     Ma'am, in your report that you brought here  
25 today that you referred to, do you have photocopies of the

1 items that were actually asked about by defense counsel just  
2 now?

3 A Yes, I do.

4 Q Would it refresh your recollection to look at  
5 that particular item?

6 A Yes, it will.

7 Q All right. Would you do that for us, please.

8 A What am I looking for?

9 Q I think you described it as some sort of an  
10 identification badge.

11 A Oh, fitting tag, yes.

12 Q Yeah. I believe it's probably towards the end  
13 of your packet.

14 Did you find that, ma'am?

15 A Yes, I did.

16 Q Okay. And is this the item that you were just  
17 asked about by defense counsel?

18 A Yes.

19 Q Okay. Can I borrow it from you?

20 A Absolutely.

21 Q I believe defense counsel already had one. I'm  
22 just going to show them the photocopy.

23 MR. PESCI: Can I have this marked next in order?

24 Thank you.

25 BY MR. PESCI:

1 Q All right. While she's marking that, I just  
2 have some questions. Inside that bag that's inside the Kia,  
3 there's some pieces of identification. Do you recall that?

4 A Yes.

5 Q All right. Just so it's really clear, you  
6 testified earlier about some evidence being introduced that  
7 had the credit cards and ID of Mr. Hadland. Do you remember  
8 that?

9 A Yes, I do.

10 Q Was that in that bag or was that on  
11 Mr. Hadland's person?

12 A No, that was in the short pockets -- or shorts  
13 that were in the back of the rear cargo area --

14 Q Okay.

15 A -- in the back packet.

16 Q So not the same bag?

17 A No.

18 Q All right. And then --

19 THE CLERK: 196.

20 MR. PESCI: We'll move for the admission of State's  
21 Proposed 196.

22 THE COURT: All right. That will be admitted.

23 MS. ARMENI: No objection.

24 MR. ARRASCADA: No objection.

25 (State's Exhibit 196 admitted.)

1 BY MR. PESCI:

2 Q And that is, in fact, a photocopy of that  
3 particular item?

4 A Yes.

5 Q Okay. And you described it as what?

6 A It's a hang badge, like an ID badge.

7 Q Okay. Now, is it your routine to have  
8 photographs and photocopies taken of this evidence?

9 A Yes. I photocopy the things that I impound in  
10 evidence that are business cards, identification, things of  
11 that sort, so that it goes with our report so that the  
12 detectives have it right then if they don't have our pictures  
13 right away.

14 Q All right. Those are the things that lend  
15 themselves easy to photocopy?

16 A Yes.

17 Q Obviously the pneumatic tube, you didn't do a  
18 photocopy of that?

19 A Yes, that wouldn't work.

20 Q All right. State's 196, is that what we're  
21 talking about?

22 A Yes.

23 Q So it's not a credit card, right?

24 A No, it's an ID badge.

25 Q All right. Thank you.

1 MR. PESCI: Nothing further.

2 THE COURT: All right. Any recross?

3 MS. ARMENI: No, Your Honor.

4 THE COURT: Mr. Arrascada.

5 MR. ARRASCADA: No, Your Honor.

6 THE COURT: All right. Thank you for your

7 testimony. Please don't discuss your testimony with anyone

8 else who may be a witness, and you are excused.

9 THE WITNESS: Thank you.

10 THE COURT: That's all for the State today?

11 MR. PESCI: That is, Judge.

12 THE COURT: All right. Ladies and gentlemen, we're

13 going to go ahead and take our evening recess. We'll be in

14 recess until 12:30 tomorrow. 12:30 is our start time.

15 Once again, we will not be taking a lunch break

16 tomorrow. We'll go from 12:30 until our evening recess, so

17 just be mindful of that before you come to court tomorrow.

18 And once again, I do need to remind you of the

19 admonishment that you're not to discuss this case or anything

20 relating to the case with each other or anyone else. Don't

21 read, watch or listen to any reports of or commentaries on any

22 subject matter relating to the case. Don't do any independent

23 research on any subject connected with the trial. Don't visit

24 any of the locations at issue and please do not form or

25 express an opinion on the case until you begin deliberating

1 with one another.

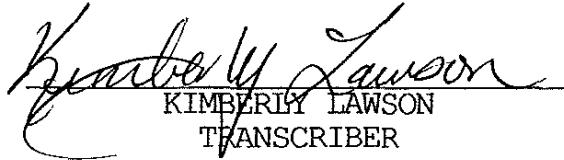
2 If everyone will please leave their notepads in  
3 their chairs and follow Jeff through the double doors, we'll  
4 see you all back here at 12:30 tomorrow. And remember to wear  
5 your blue badges when you're in the building.

6 (Court recessed at 4:42 p.m. until the following  
7 day, Tuesday, February 3, 2009, at 12:30 p.m.)

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

  
KIMBERLY LAWSON  
TRANSCRIBER

IN THE SUPREME COURT OF THE STATE OF NEVADA

LUIS A, HIDALGO, JR.

Appellant,

vs.

THE STATE OF NEVADA

Respondent.

Electronically Filed  
Feb 07 2011 01:33 p.m.  
Tracie K. Lindeman  
CASE NO.: 54209

On Appeal from a Final Judgment of  
Conviction entered by The Eighth Judicial  
District Court

**APPELLANT'S AMENDED APPENDIX**

Volume 12 of 25

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Amended Indictment (Hidalgo Jr.)	05/01/08	5	00836-00838
Amended Judgment of Conviction (Jury Trial) (Hidalgo Jr.)	08/18/09	25	04665-04666
Amended Notice of Evidence in Support of Aggravating Circumstances (Espindola)	01/09/08	3	00530-00533
Amended Notice of Intent to Seek Death Penalty (Hidalgo Jr.)	06/18/08	5	00846-00849
CD: State's Exhibit 191 <sup>1</sup>	02/04/09	15	02749
CD: State's Exhibit 192A <sup>2</sup>	02/04/09	15	02750
CD: State's Exhibit 192B <sup>3</sup>	02/04/09	15	02751
CD: Defense Exhibit 1 <sup>4</sup>	02/11/09	22	04142
Court's Exhibit 2: Transcript of fBird CD	02/05/09	15	02912-02929
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<sup>1</sup> This CD is a copy of the original. The copy was prepared by a Clark County employee at the Regional Justice Center in Las Vegas Nevada. Eight hard copies of the CD are being mailed to the Nevada Supreme Court.

<sup>2</sup> Id.

<sup>3</sup> Id.

<sup>4</sup> Id.

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**COPY**  
DISTRICT COURT  
CLARK COUNTY, NEVADA

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*Alvin J. Johnson*  
CLERK OF COURT

STATE OF NEVADA,	)	
	)	
Plaintiff,	)	CASE NO: C212667/C241394
	)	DEPT NO: XXI
vs.	)	
	)	
LUIS ALONSO HIDALGO, aka	)	
LUIS ALONSO HIDALGO, III, and	)	<b>Transcript of</b>
LUIS ALONSO HIDALGO, JR.,	)	<b>Proceedings</b>
	)	
Defendants.	)	
	)	

BEFORE THE HONORABLE VALERIE P. ADAIR, DISTRICT COURT JUDGE

**JURY TRIAL - DAY 5**

MONDAY, FEBRUARY 2, 2009

APPEARANCES:

FOR THE STATE:	MARC DiGIACOMO, ESQ. Chief Deputy District Attorney GIANCARLO PESCI, ESQ. Deputy District Attorney
FOR LUIS ALONSO HIDALGO, JR.:	DOMINIC P. GENTILE, ESQ. PAOLA M. ARMENI, ESQ.
FOR LUIS ALONSO HIDALGO, III:	JOHN L. ARRASCADA, ESQ. CHRISTOPHER ADAMS, ESQ.

RECORDED BY: JANIE OLSEN, COURT RECORDER  
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1 LAS VEGAS, NEVADA, MONDAY, FEBRUARY 2, 2009, 9:02 A.M.

2 P R O C E E D I N G S

3 (Outside the presence of the jury.)

4 THE COURT: You guys, before Denise reads the  
5 indictment, just double check that she's got the right thing.

6 MR. GENTILE: There are two separate ones.

7 THE COURT: Right, I know, the indictments -- just  
8 make sure because there's been a few. Just make sure she's  
9 got the right thing.

10 (Off-record colloquy)

11 (Pause in proceedings)

12 (Jury reconvened at 9:26 a.m.)

13 THE COURT: All right. The Court is now in session.

14 The record will now reflect the presence of the  
15 State through Mr. Pesci and Mr. DiGiacomo, the presence of the  
16 defendant Mr. Hidalgo, Jr., with his attorneys Ms. Armeni and  
17 Mr. Gentile, the presence of the defendant, Mr. Hidalgo, III,  
18 along with his attorneys Mr. Arrascada and Mr. Adams, the  
19 officers of the Court and the 15 members of the jury.

20 Good morning, ladies and gentlemen. After a very  
21 long, arduous process, you have been selected as the 15  
22 members of our jury. In a moment I'm going to have the clerk  
23 administer the oath to the jury. That will be followed up by  
24 some introductory comments from me and then the opening  
25 statements from the attorneys.

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1           And, Jeff, did you have a chance to pass out the  
2 notepads?

3           THE MARSHAL: They're on their chairs.

4           THE COURT: All right. Thank you.

5           All right. Ms. Husted, if you'll please administer  
6 the oath to the members of the jury.

7           THE CLERK: Yes, Your Honor.

8                         (Clerk swears jury)

9           THE COURT: Ladies and gentlemen, I will now take a  
10 few minutes to talk to you about what to expect in this case.  
11 My comments are intended to serve as an introduction to the  
12 trial. At the end of the trial, I will give you more detailed  
13 instructions in writing and those instructions will control  
14 your deliberations.

15           This is a criminal case brought by the State of  
16 Nevada against the defendants. The case is based on two  
17 indictments. The clerk will now read the two indictments and  
18 state the pleas of the defendants.

19           Ms. Husted.

20           THE CLERK: Yes, Your Honor.

21                         (Clerk reads Indictment)

22           THE COURT: All right. Thank you.

23           Ladies and gentlemen, you should distinctly  
24 understand that the indictments just read to you are simply  
25 descriptions of the charges made by the State against the

1 defendants. It is not evidence of anything. It does not  
2 prove anything. Therefore, each defendant starts out with a  
3 clean slate. Each defendant has plead not guilty and is  
4 presumed innocent.

5 This is a criminal case and there are two basic  
6 rules you must keep in mind. First, the defendants are  
7 presumed innocent unless and until proved guilty beyond a  
8 reasonable doubt.

9 A defendant is not required to present any evidence  
10 or prove his innocence. The law never imposes upon a  
11 defendant in a criminal case the burden of calling any  
12 witnesses or introducing any evidence.

13 Second, to convict, the State must prove beyond a  
14 reasonable doubt that the crime was committed and the  
15 defendant is the person who committed the crime.

16 It will be your duty to decide from the evidence to  
17 be presented whether the defendant is guilty or not guilty.  
18 You are the sole judges of the facts. You will decide what  
19 the facts are from the evidence which will be presented. The  
20 evidence will consist of testimony of witnesses and documents  
21 and other things received into evidence as exhibits. You must  
22 apply the facts to the law which I shall give you and in that  
23 way reach your verdict.

24 It is important you perform your duty of determining  
25 the facts diligently and consciously, for ordinarily, there is

1 no way of correcting an erroneous determination of facts by  
2 the jury.

3           You should not take anything I may say or do during  
4 the trial as indicating my opinion as to how you should decide  
5 the case or to influence you in any way in your determination  
6 of the facts. At times I may even ask questions of witnesses.  
7 If I do so, it is for the purpose of bringing out matters  
8 which should be brought out and not in any way to indicate my  
9 opinion about the facts or to indicate the weight or value you  
10 should give to the testimony of a witness.

11           There are two kinds of evidence direct and  
12 circumstantial. Direct evidence is testimony about what the  
13 witness personally saw, heard or did. Circumstantial evidence  
14 is indirect evidence. It is proof of one or more facts from  
15 which one can find another fact.

16           By way of example, direct evidence that it had  
17 rained during the night would be the testimony of a witness  
18 who said, I was outside last night and it was raining and my  
19 hair got all wet and my shoes got all wet.

20           Circumstantial evidence that it had rained during  
21 the night would be the testimony of a witness who said, When I  
22 went to bed last night, it was cloudy and overcast, and when I  
23 woke up in the morning, I looked out the window and my car was  
24 all wet and the streets and the sidewalks were wet and there  
25 was water running down the gutter.

1           You may consider both direct and circumstantial  
2 evidence in deciding this case. The law permits you to give  
3 equal weight or value to both, but it is for you to decide how  
4 much consideration to give to any evidence. Certain things  
5 are not evidence and you must not consider them as evidence in  
6 deciding the facts of the case. They include: Statements and  
7 arguments by the attorneys, questions and objections of the  
8 attorneys, testimony I instruct you to disregard, and anything  
9 you may see or hear if court is not in session, even if what  
10 you see or hear is done or said by one of the parties or by  
11 one of the witnesses.

12           Remember, evidence is sworn testimony by a witness  
13 while court is in session and documents and other things  
14 received into evidence as exhibits.

15           There are rules of law which control what can be  
16 received into evidence. When a lawyer asks a question or  
17 offer an exhibit into evidence and the lawyer on the other  
18 side thinks that it is not permitted by the rules, that lawyer  
19 may object. If I overrule the objection, the question may be  
20 answered or the exhibit received. If I sustain the objection,  
21 the question cannot be answered and the exhibit cannot be  
22 received.

23           Whenever I sustain an objection to a question,  
24 ignore the question and do not guess at what the answer might  
25 have been. Sometimes I may order evidence stricken from the

1 record and tell you to disregard or ignore such evidence.  
2 This means that when you are deciding the case, you must not  
3 consider the evidence which I told you to disregard.

4           It is the duty of a lawyer to object to evidence  
5 which the lawyer believes may not be permitted under the  
6 rules. You should not be prejudiced in any way against the  
7 lawyer who makes objections on behalf of the party the lawyer  
8 represents.

9           Also, I may find it necessary to admonish a lawyer.  
10 If I do, you should not be prejudiced towards the lawyer or  
11 client because I found it necessary to admonish him or her.

12           At the end of the trial, you will have to make your  
13 decision based on what you recall of the evidence. You will  
14 not have a written transcript to consult and it is difficult  
15 and time consuming for the court recorder to play back lengthy  
16 testimony; therefore, I urge you to pay close attention to the  
17 testimony as it is given.

18           If you wish, you may take notes to help you remember  
19 what witnesses said. If you do take notes, please keep them  
20 to yourself until you and your fellow jurors go to the jury  
21 room to decide the case. Do not let note taking distract you  
22 so that you do not hear other answers by witnesses. You  
23 should rely upon your own memory of what was said and not be  
24 overly influenced by the notes of other jurors.

25           Do not make up your mind about what the verdict

1 should be until after you've gone to the jury room to decide  
2 the case and you and your fellow jurors have discussed the  
3 evidence. It is important that you keep an open mind.

4 A juror may not declare to a fellow juror any fact  
5 relating to this case of which the juror has knowledge. If  
6 any juror discovers during the trial or after the jury has  
7 retired that that juror or any other juror has personal  
8 knowledge of any fact in controversy in this case, that juror  
9 shall disclose that situation to me in the absence of the  
10 other jurors.

11 This means that if you learn during the course of a  
12 trial that you have personal knowledge of any fact that is not  
13 presented by the evidence in this case, you must declare that  
14 fact to me. You communicate to the Court through the bailiff.

15 During the course of this trial, the attorneys for  
16 both sides and all court personnel other than the bailiff are  
17 not permitting to converse with members of the jury. These  
18 individuals are not being antisocial. They are bound by  
19 ethics in the law not to talk to you. To do so might  
20 contaminate your verdict.

21 The trial will proceed in the following manner: The  
22 deputy district attorney will make an opening statement which  
23 is an outline to help you understand what the State expects to  
24 prove. Next, the defendant's attorney may, but does not have  
25 to, make an opening statement.

1           Opening statements serve as an instruction to the  
2 evidence which the party making the statement intends to  
3 prove. The State will then present its evidence and counsel  
4 for the defendant may cross-examine the witnesses.

5           Following the State's case, the defendant may  
6 present evidence and the deputy district attorney may  
7 cross-examine those witnesses. However, as I have already  
8 said, the defendant is not obligated to present any evidence.

9           After all the evidence has been presented, I will  
10 instruct you on the law. After the instructions on the law  
11 have been read to you, each side has the opportunity to  
12 present oral argument. What is said in closing argument is  
13 not evidence. The arguments are designed to summarize and  
14 interrupt the evidence. Since the State has the burden of  
15 proving the defendant's guilty beyond a reasonable doubt, the  
16 State has the right to open and close the arguments.

17           After the arguments have been completed, you will  
18 retire to deliberate on your verdict. Jurors are now  
19 permitted to ask questions of the witnesses. I ask that if  
20 you have a question for one of the witnesses that you write it  
21 down using a full sheet of note paper, then wait until all of  
22 the attorneys have had a chance to question that witness,  
23 because very frequently one of the attorneys will ask one of  
24 your questions. Then get either my attention or our bailiff's  
25 attention and he will get the question from you.

1           Please don't be offended if I don't ask one of your  
2 questions. That does not mean it's not a good question. It  
3 doesn't mean it's not an interesting question, but the  
4 questions from the jurors are governed by the same rules of  
5 evidence that govern the questions from the attorneys. So  
6 your question could call for hearsay or other types of  
7 inadmissible evidence, and for that reason, I may not ask it.

8           That concludes my opening remarks.

9           Is the State ready to proceed with its opening  
10 statement?

11          MR. DIGIACOMO: Yes, Your Honor. Thank you.

12                       STATE'S OPENING STATEMENT

13          MR. DIGIACOMO: I told you you should have taken  
14 care of TJ. Those are the words of Luis, Little Lou Hidalgo,  
15 III, the son, on May 23, 2005. And at the end of this case,  
16 one thing will certainly not be in question is what "taking  
17 care of" means. Because on May 19th out at Lake Mead Timothy  
18 J. Hadland was certainly taken care of. He was executed with  
19 two shots to the head from a .38 or .357 caliber revolver.

20           On May 19th at about 11:45, a motorist rolls up on  
21 this scene, calls the police, the police arrive on scene.  
22 They find TJ out in the middle of the street. They find his  
23 car still running. It's actually his girlfriend's, Paijik  
24 Karlson's car. It's on the side of the road.

25           They find that an empty canister -- it's called a

1 pneumatic tube. Most people have used that before, either at  
2 a bank, or if you've gone to a Walgreens and done your  
3 prescription, this is the tube that sucks through the vacuum.  
4 They find TJ's cell phone, which becomes very important in the  
5 case, and lying right next to the body of Timothy J. Hadland  
6 is the calling card of the Palomino.

7           When the police are out there and processing the  
8 scene, they pick up TJ's phone and they start going through it  
9 and the very last person that they happen to see on the --  
10 calling TJ was an individual by the name of Deangelo. At this  
11 point the cops have no idea who Deangelo is. In fact, they  
12 don't even know that Paijik Karlson is down at the lake at the  
13 campsite.

14           Eventually they find Paijik and Paijik tells them  
15 that, I was here with TJ, we were camping, he got phone calls  
16 from Deangelo, they were going to meet up over some marijuana  
17 that -- Deangelo had some marijuana for TJ. And so TJ drove  
18 out to meet them on North Shore Road.

19           So you find out that Deangelo's an employee at the  
20 Palomino Club so the cops think that the next best thing to do  
21 is to go down and check out to Palomino Club.

22           The Palomino Club is an old time gentlemen's club  
23 here. It has been around for decades. If any of you know  
24 where North Las Vegas Boulevard runs into North Las Vegas,  
25 there's a Jerry's Nugget Casino across the street, and that's

1 the Palomino Club that sits on the corner right across the  
2 street.

3 By May of 2005, the Palomino was owned by an  
4 individual by the name of Mr. H, the defendant, the father in  
5 this particular case. It is managed by his girlfriend,  
6 Mr. H's girlfriend, Anabel Espindola, and another person who  
7 works there and is listed as a manager of the club is Luis  
8 Hidalgo, III, or Little Lou.

9 On the afternoon of the 20th, the day after the  
10 murder, the police get ahold of Mr. H. They ask him to come  
11 down to the Palomino Club and they ask him about Deangelo, and  
12 he says, Well, that's Deangelo Carroll, my employee, but I  
13 don't -- I can't give you any information on him. You're  
14 going to have to come back later that night and talk to the --  
15 to Ariel, who was another manager of the club, and she'll be  
16 able to give you the information about Deangelo. I don't know  
17 anything about him. That's Deangelo Carroll.

18 Deangelo Carroll -- you're going to hear a lot of  
19 testimony about Deangelo in this particular case. Deangelo  
20 Carroll works for the Palomino Club, had been there since  
21 September Of 2004. He has a somewhat colorful history. And  
22 let me tell you right up front, you're going to not like  
23 Deangelo Carroll. You are not going to believe some of what  
24 he says, but you're not going to have to judge his credibility  
25 because he's not a witness in this case. He's a defendant and

1 you're going to hear that he's still a defendant today.

2 MR. ADAMS: Your Honor, may we approach?

3 THE COURT: Sure.

4 (Off-record bench conference)

5 MR. DIGIACOMO: Some of the other players in this  
6 particular case you're going to need to know about. Deangelo  
7 Carroll is actually a full-time employee. You'll see that he  
8 has employee records at the Palomino. He's got a work card  
9 for the Palomino. Now, what Deangelo Carroll does, he's a  
10 little bit of a jack-of-all-trades. He does a little bit of  
11 this, sometimes he'll take over the DJ booth when the DJ booth  
12 needs someone to work out for it. But a lot of the time he  
13 uses a white Chevy Astro van to do what's known as promoting  
14 for the Palomino Club.

15 The Palomino Club's not down in the area where all  
16 the other strip clubs are in Las Vegas, so they rely heavily  
17 on cabs, and you've heard something about this in jury  
18 selection, to bring their customers to them, to the Palomino  
19 Club. And then those cab drivers get tipped out. The way it  
20 kind of works is a cab driver rolls up and he's got two people  
21 in his car. The doorman writes down two on a little sheet of  
22 paper, gives it to the cab driver. The cab driver drives  
23 around back and there's a cashier back there who then pays out  
24 the tip to the cashier and then those two people who got out  
25 of the cab pay at the front door to get into the Palomino

1 Club.

2 Well, in order to provide information to the cab  
3 drivers as to the payout and to get more people to come up  
4 there, they have Deangelo Carroll going out and passing out  
5 flyers. And there's actually a list of information to give to  
6 the various cab drivers. And he enlists the help of two  
7 individuals, two kids basically, Jayson Taoipu and Rontae  
8 Zone.

9 Jayson's 15 or 16 at the time; Rontae's barely 18  
10 years old. And they go out and Rontae and Jayson aren't  
11 employees in the true sense of the word of the Palomino Club.  
12 They get tipped a certain amount of money at the end of the  
13 night for doing -- passing out this paperwork.

14 The last person you're going to need to know about  
15 is an individual by the name of Kenneth Counts or as you're  
16 going to hear him repeatedly referred to in this case as KC.  
17 He's the shooter. He's ultimately the person that Deangelo  
18 Carroll goes and gets to go out to the lake with him, with  
19 Jayson and Rontae in the car, and he's the person who actually  
20 gets out of the car and fires twice into the head of Timothy  
21 Hadland.

22 So what are you going to know? First you're going  
23 to know about May 19. I already told you Deangelo's using  
24 that white Chevy Astro van to go promote for the club and he  
25 has the two kids Jayson and Rontae with him. Well, during the

1 daytime he starts telling Jayson and Rontae that Mr. H, the  
2 owner of the Palomino Club, wants to do something to an  
3 individual. He wants to hurt an individual. He wants -- as  
4 one of them puts it, he wants to put out a hit on one of the  
5 individuals, that he wanted somebody, quote, taken care of.

6 And Jayson, you will hear, says, Yeah, I'm down with  
7 that. I'm good. And Rontae says, Woe, hey. And what Rontae  
8 will tell you is, hey, Deangelo, I thought he was talking big,  
9 I didn't really believe him. But essentially Rontae says, I  
10 don't really want to be involved.

11 Deangelo Carroll does give Jayson a .22 caliber  
12 revolver -- semiautomatic firearm, and he attempts on at least  
13 one occasion to give Rontae the bullets. They go out that day  
14 and they actually do some promoting, Jayson, Rontae, and  
15 Deangelo. And sometime in the evening hours they're back at  
16 Deangelo Carroll's house when Little Lou, the son, calls and  
17 tells them to come back to the club. And when he tells them  
18 to come back to the club, he tells them to bring some baseball  
19 bats and trash bags.

20 And at that point you will hear from Rontae Zone  
21 that when Deangelo Carroll gets off the phone he tells them,  
22 Hey, we've got to go back to the club. We need to bring the  
23 baseball bats and the garbage bags. And at that point they  
24 drive to the club.

25 When they get to the club, Deangelo Carroll goes in

1 the club. When he comes out of the club, they get in the car.  
2 They drive over to E Street, which happens to be Kenneth  
3 Counts' house. Deangelo Carroll goes in the house. He comes  
4 out of the house with Kenneth Counts. He's dressed in black  
5 and he's wearing gloves.

6 They get in the van and they all start heading out  
7 towards Lake Mead. As they're driving out there, Deangelo's  
8 calling TJ back and forth about having marijuana for him. TJ  
9 eventually agrees to meet Deangelo.

10 During the trip, as -- if any of you, if you head  
11 out towards -- out towards Lake Mead, as you get out towards  
12 those mountains, and there's a little guard shack out there as  
13 you go pass into the Lake Mead area there, well, right about  
14 there is when you start having some severe cell phone  
15 problems. And what you will learn is that Deangelo has to  
16 keep looping back and forth because he's losing cell phone  
17 coverage. And he does it on a couple of occasions. He passed  
18 by that guard shack.

19 During this trip you'll hear that there's a phone  
20 call from Anabel to Deangelo and eventually when they arrive  
21 at the location you'll hear that there's some conversation  
22 with TJ. TJ gets out of the car and he's kind of walking  
23 towards the car. Kenneth Counts slides out of that side door.  
24 And you've already seen what he does to TJ.

25 Once they -- the murder occurs, Kenneth Counts jumps

1 back in the car and they drive off. The van does a U-turn,  
2 drives directly back to the Palomino. At first Deangelo  
3 enters the Palomino and then KC enters the Palomino and  
4 eventually KC exits the Palomino first. And there will be  
5 some discrepancy as to whether it's 5,000 or \$6,000, but he  
6 gets -- he has \$6,000.

7 Jayson and Rontae, they're in the van and they see  
8 KC leave the Palomino in a yellow cab. Eventually Deangelo  
9 comes out of the club. They take the van. Deangelo punctures  
10 the tires on the van because they're afraid they might have  
11 driven over some blood or something that would link the van  
12 back to the murder scene and they throw the tires away and  
13 they get new tires.

14 What you will learn when the cops check out the  
15 yellow cab story -- let me back up for just a second as to how  
16 we get there. That morning Jayson, Rontae, and Deangelo go  
17 and have breakfast. There's some time period during the day  
18 on the 20th, and eventually at 7:30 at night when the police  
19 are at the Palomino Club, you will learn that Deangelo Carroll  
20 walks into the Palomino Club. They stop Deangelo. They talk  
21 to him a few minutes. He agrees to come down to the police  
22 station and what proceeds from there is a lengthy interview.

23 At the end of that interview, they take Deangelo  
24 Carroll and his vehicle and they drive him home. And when  
25 they get home, they find Rontae Zone in Deangelo Carroll's

1 house. They ask Rontae to go with them. Rontae comes out of  
2 the house. He goes down to the police station. Most of what  
3 I just told you about what happened during the days of the  
4 19th and the 20th you're going to learn from the interview  
5 that was given by Rontae Zone that night and the testimony  
6 he's going to give to you.

7           And he indicates that KC took a yellow cab. The  
8 cops were able to identify KC at Kenneth Counts. They start  
9 searching and, low and behold, what do they find? They find a  
10 trip sheet from yellow cab. On the back of the trip sheet at  
11 12:00 o'clock in the evening, this is the early morning hours  
12 of the 20th, 12:26 to 12:31, a pick up at the Palomino. And  
13 what you'll hear about this is the person tells them they want  
14 to go to 513 Wyatt. And what he says is initially the person  
15 only has hundred dollar bills and he says he can't change  
16 hundred dollar bills. He sends him back in the club to get  
17 change.

18           He indicates that an African male adult gets back in  
19 his car, tells him 513, and as he's driving him over to 513,  
20 he asks him to get out at 508. So that's why the cab driver  
21 notes down 508 because he didn't get out at 513. And the cab  
22 driver watches the individual not go into 508, but actually  
23 walk behind it. And what you'll learn in this case, that's  
24 Kenneth Counts' home.

25           Based upon the interview with Rontae and the other

1 information that they've gathered, the police want to go  
2 looking for Kenneth Counts. As the SWAT team comes down Burns  
3 Avenue there at the corner of Burns and E Street, Kenneth  
4 Counts runs from his home into his aunt's home across the  
5 street, and the cops eventually get a search warrant and have  
6 to pull Kenneth Counts out of the attic of that home.

7           When they do a search warrant on that home, they  
8 find VIP cards in the name of -- or from the Palomino. They  
9 have fingerprints from Kenneth Counts on them. They have  
10 fingerprints from Deangelo Carroll on them.

11           After they got the shooter into custody, the police  
12 actually -- because they had been up 72 hours -- sleep on the  
13 22nd, but on the 23rd they put what -- a surreptitious  
14 recording device on Deangelo Carroll and they send Deangelo  
15 Carroll into Simone's Autoplaza. And the reason that they  
16 send him in there is that Simone's Autoplaza is also owned by  
17 Mr. H. And there's an office there that he has as well as  
18 Anabel Espindola as well as Luis Hidalgo, III, actually lives  
19 in room six, the back room of this place.

20           You're going to hear these recordings and there's  
21 some things you're going to need to know about these  
22 recordings. First and foremost, there of terrible quality.  
23 The reason being this, it's a surreptitious recording device  
24 that's placed on Deangelo Carroll so you can actually hear  
25 kind of like his clothing rubbing against it, but then you're

1 also going to hear the whispering of the coconspirators during  
2 the entire recording.

3 And eventually when they get this recording off of  
4 Deangelo Carroll, they can hear certain things, but it's of  
5 poor quality and it eventually gets sent to the FBI and it  
6 also gets sent to an independent agency in Toledo, Ohio and  
7 what you'll eventually hear is an enhanced version of the  
8 recordings.

9 None of the statements are going to be changed, but  
10 some of the background noise and other things. So you will  
11 have the original poor quality, you will have the enhancement.  
12 And I'm going to tell you right now you're not going  
13 understand every word. You'll probably get about 90 percent  
14 of the words after you listen to it over and over and over  
15 again. But one thing is going to be a hundred percent clear  
16 when we're done, that the order was given by Mr. H, Luis  
17 Hidalgo, III, was involved in it and that the order was to  
18 kill Timothy Hadland.

19 You will also hear a second recording that occurs on  
20 May 24th and since -- at some point you're going to need to  
21 hear these recordings. You're going to need to hear them on  
22 multiple occasions. I'm going to play portions of them for  
23 you now.

24 Ms. Olsen, can you flip to the --

25 (Tape being played.)

1 MR. ADAMS: Your Honor, we have an objection to  
2 the --

3 THE COURT: Okay.

4 MR. ARRASCADA: May we approach?

5 THE COURT: Yeah. Approach on this.

6 (Off-record bench conference)

7 THE COURT: Ladies and gentlemen, just so you know,  
8 the transcript was prepared by the State. It is not going to  
9 be evidence in the case. It's something that they're offering  
10 you to guide you in listening to the tape. The contents of  
11 the transcript are disputed. And again, it won't be evidence.  
12 What will control is your hearing and interpretation of what  
13 is on the tape, not any transcript.

14 Is that -- anything else? All right.

15 Now go on, Mr. DiGiacomo.

16 (Tape continues)

17 MR. DIGIACOMO: And the tape goes on for longer than  
18 that. There's actually about another five minutes of  
19 conversation that you'll hear.

20 Let's talk a little bit about what you heard on that  
21 tape. Never take a single piece of evidence to try and find  
22 out the answer to a complex story, but this is a very good  
23 piece of evidence to find out --

24 MR. GENTILE: Objection. Argument.

25 THE COURT: Sustained.

1 MR. DIGIACOMO: Let's talk about certain things.  
2 When you first heard that, what went through your mind is that  
3 13 minutes and 30 seconds Deangelo Carroll makes a statement  
4 to Little Lou that says, What are you worried about? You had  
5 nothing to do with this. At the end of this case, I'm going  
6 to suggest to you that that statement doesn't mean he had  
7 nothing to do with the case. That statement means that  
8 Deangelo Carroll knows nothing about conspiracy law and you  
9 will hear what the meaning of that statement is.

10 So as you sit here today, ask yourself what he meant  
11 at 22:15 when you heard Little Lou say, Next time you do  
12 something stupid like this, I told you you should have taken  
13 care of TJ. And then --

14 MR. ADAMS: Objection to that, Your Honor. That was  
15 not in the transcript.

16 THE COURT: That's sustained. Sustained.

17 MR. DIGIACOMO: Sorry. I wasn't allowed to tell  
18 them what it's going to say?

19 THE COURT: Well, just go on, Mr. DiGiacomo.

20 And ladies and gentlemen, I'll just remind you, as I  
21 said in the opening, this is the State's impression or -- of  
22 what the evidence will be. At the end of the day, it's what  
23 you recall of the evidence and what you yourselves hear in the  
24 tape.

25 Go on.

1 MR. DIGIACOMO: Thank you.

2 I won't tell you what it says. Let's listen to it  
3 again.

4 MR. ARRASCADA: Judge, now this is getting --

5 (Tape being played.)

6 MR. ARRASCADA: Your Honor, we want to object --

7 THE COURT: How much are you going to play,  
8 Mr. DiGiacomo?

9 MR. DIGIACOMO: Just that whole --

10 MR. ARRASCADA: Your Honor, we're raising an  
11 objection that's argumentative.

12 THE COURT: All right.

13 MR. DIGIACOMO: Argumentative?

14 THE COURT: Well, it was -- you can play a little  
15 bit more. It is getting argumentative.

16 MR. DIGIACOMO: And you'll have that tape back  
17 there, 22:15. Write it on your note pads because when you're  
18 back there, you're not going to have the transcript. And do  
19 it in Real Player, by the way, because if you play it in a  
20 different player on the computer, it actually -- the time will  
21 be slightly off, but 22:15.

22 In addition to what you will learn during the course  
23 of the time period, what else he's talking about is, How do  
24 you know this guy KC, that the conspirators are upset that he  
25 used someone else as opposed to doing it himself, and you'll

1 also hear that they are upset that he had those two kids in  
2 the car who could pinpoint exactly where he was.

3 What else you also heard that should give some --

4 MR. GENTILE: Objection to what they heard. He can  
5 talk about what they're going to hear.

6 THE COURT: Right. That's sustained.

7 MR. DIGIACOMO: What else you're going to hear on  
8 this tape -- well, first of all, there's no question that Luis  
9 Hidalgo, III, wants Rontae and Jayson killed. There's no  
10 question that he wants KC to do it first, and then after he's  
11 told that KC isn't the person who could do it because -- well,  
12 Deangelo knows that KC's in jail, but as he tells them that  
13 he's not going to be able to find KC, that he gives them a  
14 bottle of Tanquerae, and you're going to hear that Deangelo  
15 Carroll leaves that -- Simone's Autoplaza with a bottle of  
16 Tanquerae. He wants rat poisoning in it. And even when  
17 Anabel Espindola tells Luis Hidalgo, III, rat poisoning's not  
18 going to work, his response isn't, You're right. It's, You  
19 know what you've got to do.

20 What else you heard, which caused the recording to  
21 occur on the next day, was --

22 THE COURT: We'll hear.

23 MR. DIGIACOMO: -- what Anabel Espindola said.

24 MR. ARRASCADA: Your Honor, again, objection. This  
25 is argument.

1 THE COURT: All right.

2 MR. DIGIACOMO: Rephrase.

3 What you're going to hear is her statement which  
4 caused the second recording. On there you heard her make a  
5 statement, something to the effect of, What we really wanted  
6 for him was to be beat up, not M F'ing dead. And based upon  
7 that, the cops decided that they needed to send Deangelo back  
8 up a second day.

9 And you're going to hear a recording from May 24th,  
10 once again at Simone's, once again with Anabel and Little Lou  
11 on the recording in which the discussion is had about what the  
12 actual plan was.

13 (Tape being played.)

14 MR. DIGIACOMO: You'll learn that that device is  
15 left in the bathroom for 28 minutes and it's dead recording  
16 until Deangelo puts it back on himself and he walks out of  
17 that club on the 24th. You will hear --

18 And, I'm sorry. Ms. Olsen, can you switch it back  
19 to --

20 THE COURT: You know, while she's doing that, how  
21 much more do you have, Mr. DiGiacomo?

22 MR. DIGIACOMO: Ten minutes, maybe.

23 THE COURT: All right. I'm sorry. Go on.

24 MR. DIGIACOMO: You will hear and you heard a  
25 discussion about a lot of things. One of the things you will

1 learn during this time period is that Luis Hidalgo, Jr. is  
2 inside Simone's club. Surveillance on that club puts him  
3 inside the club on that date and shortly after the  
4 23rd recording is done, sees him leaving with Anabel  
5 Espindola.

6           The next day, once again, he's surveilled. He's in  
7 that place. And eventually Luis Hidalgo, on the 24th, Jr. --  
8 III, winds up leaving and the cops come into contact with him  
9 and arrest him.

10           He was the person who was supposed to open the  
11 Palomino Club that night, so about 5:00 o'clock when the  
12 dancers are standing outside the door and they can't get in,  
13 they start calling Anabel and Mr. H. And you will hear about  
14 Anabel and Mr. H leaving Simone's on the 24th together and  
15 then they're pulled down and then Anabel Espindola is  
16 arrested.

17           After that time period, a search warrant is executed  
18 on the evening of the 24th on Simone's Autoplaza. During the  
19 course of the execution of the search warrant there's a lot of  
20 items of evidence found, but one of them was a note, Maybe we  
21 are being surveilled, keep your mouth shut.

22           When this case first started out and Mr. H was not a  
23 defendant in the case, an exemplar was taken from Luis  
24 Hidalgo, III, to see if he wrote that note. A forensic  
25 analyst was able to conclude he's not the author of that note.

1           Eventually, later on when you hear about the arrest  
2 of Mr. H, an exemplar is taken from Mr. H and the forensic  
3 analyst was able to say to a reasonable degree of scientific  
4 certainty that Luis Hidalgo, Jr., the father, wrote that note.

5           In addition, there's an execution of a search  
6 warrant at the Palomino Club as well and there's documents  
7 related to the fact that TJ was an employee there, Deangelo  
8 Carroll and everything else.

9           You also heard a discussion about cell phones. Each  
10 one of these individuals had a cell phone and you will learn  
11 about their number. Mr. H has kind of got a green border  
12 there, and I did that to help you follow along with some of  
13 the colors. Luis Hidalgo, III, has paint. Anabel's is  
14 purple. Deangelo's is yellow and so is Kenneth Counts, and  
15 I'll tell you about that in a minute, why.

16           Now, everyone at the club has Nextels. There's two  
17 ways to work a Nextel. I don't know if any of you guys have a  
18 Nextel. There's Nextel regular, you talk on the phone. When  
19 that happens, you do just like a normal telephone calls..  
20 There's cell site coverage and you can learn the cell site  
21 information about where everybody is that's talking regularly  
22 on the phone. The Nextel's also have a walkie-talkie function  
23 where they can just chirp back and forth and do direct  
24 connects.

25           Deangelo Carroll's Nextel telephone only does direct

1 connects out of the Palomino. So if you're going to have a  
2 regular telephone conversation with Deangelo Carroll, it  
3 either has to be on a different cell phone or it has to be on  
4 his home phone. And you'll learn during the course of this  
5 case (702)643-0842 is Deangelo Carroll's home phone.

6 On May 19th of 2005, he calls Anabel Espindola's  
7 phone on two occasions, one at 5:00 o'clock and one at 7:30.  
8 You're also going to see that at 7:42 p.m. Little Lou calls  
9 Deangelo Carroll's home. And when there are cell site  
10 information, this is an actual telephone call, those are  
11 minutes. So they talk for over a minute, Little Lou and  
12 Deangelo Carroll.

13 And I submit to you that at the end of this case the  
14 evidence is going to show that that phone call is the phone  
15 call where he tells Deangelo Carroll to come to the club with  
16 the baseball bats and the garbage bags.

17 Then you'll see the time period of the murder. This  
18 inbound/outbound is actually a cell phone, and all of these  
19 are direct connects. You're going to see direct connects  
20 between Mr. H and Anabel. At one part you're going to see  
21 Deangelo Carroll and Anabel Espindola direct connects, Mr. H  
22 and Anabel direct connects, Deangelo Carroll and Timothy  
23 Hadland, who still had his Palomino cell phone, Nextel cell  
24 phone. These right here and then this call right here.

25 You heard during the course -- or you will hear

1 during the course of those tapes that a regular phone call  
2 Deangelo Carroll can't make. You heard that discussion -- or  
3 you will hear that discussion about the son and calling his  
4 wife. As it turns out, you will hear the testimony about how  
5 there was problems with the connections and eventually there's  
6 an actual regular phone call made inbound to Kenneth Counts --  
7 I mean, inbound to Anabel Espindola, 1.4 minutes.

8           And the cops run down the phone number, which just  
9 happens to be Kenneth Counts' cell phone. Deangelo -- you  
10 will find that Deangelo Carroll borrowed Kenneth Counts' cell  
11 phone so he could have a regular conversation with Anabel  
12 Espindola shortly before the murder of TJ Hadland.

13           You keep following those and you'll see that at  
14 12:24 Mr. H calls Anabel and Anabel calls Little Lou. And  
15 interestingly, at 1:48 a.m., Mr. H direct connects with  
16 Deangelo Carroll.

17           Eventually, you will hear from Anabel Espindola.  
18 Ms. Espindola was arrested on May 24th of 2005. She sat in  
19 jail and, in fact, is still in jail for the better part of  
20 three years and ultimately reached a resolution with the  
21 State. And you will hear her story. And at the end of this  
22 case you will be instructed on the law and you're not going to  
23 be asked to find what crime she committed, but when you read  
24 that law, the evidence is probably going to show you that she  
25 committed second degree murder.

1           She enters a plea to what's known as voluntary  
2 manslaughter with use of a deadly weapon, one step down. And  
3 she remains in jail to this day and she's going to tell you  
4 what she knows about this crime.

5           She's going to tell you that on the morning -- or  
6 during the daytime on May 19th of 2005 she received a phone  
7 call from Deangelo Carroll just like the phone records show,  
8 that during the course of that phone call Deangelo Carroll  
9 started telling her about TJ and TJ's talking bad about the  
10 club. And she'll explain to you a little bit about the club.  
11 The club was once owned by Jack Perry. He eventually had to  
12 sell the club. He sells it to a Dr. Simon Sturtzer,  
13 (phonetic) who's a close friend of Mr. H, and eventually  
14 Mr. Sturtzer's getting such bad press because he's a doctor  
15 that he wants a partner and he wants to go silent and Mr. H  
16 becomes that partner.

17           Dr. Sturtzer still gets paid \$10,000 a month even  
18 after Mr. H takes over the club, and the club's not making  
19 that much money to cover the nut every month that they have to  
20 pay Dr. Sturtzer. And Simone's isn't doing that much either.

21           She will tell you that after she receives the phone  
22 call from Deangelo Carroll, she's in the house -- or she's in  
23 the -- Simone's Autoplaza with both Luis Hidalgo, III, and  
24 Mr. H. And the cell sites from their phone records will  
25 confirm that fact. She will tell you that she told them what

1 Deangelo Carroll had told her and that the two of them started  
2 an argument and during the course of that argument Luis  
3 Hidalgo, III, said to his father, You're never going to make  
4 the kind of money that Rizzalo and Gallardi do.

5           For those of you who don't know, Rizzalo was the  
6 owner of the Crazy Horse II, here in town, and Gallardi was  
7 the owner of Cheetah's and I think Jaguar's as well before his  
8 legal troubles. And he says -- Little Lou says, you know, you  
9 won't even have this guy beat up, Rizzalo had a customer beat  
10 up who wouldn't pay. And this argument ensues in which Little  
11 Lou finally leaves the club. And, in fact, when you look at  
12 his cell phone records, he's hitting off a cell phone tower  
13 between Simone's where he left after this argument and when he  
14 gets to the Palomino Club where that phone call was made to  
15 Deangelo Carroll.

16           Anabel will tell you that Mr. H was stewing. He  
17 wasn't happy about the conversation. He was mad. He was  
18 sitting outside her office. And she'll say that eventually  
19 sometime after 7:30 or 8:00 o'clock she and Mr. H drove to the  
20 Palomino Club. She'll tell you that once she got there, she  
21 went into the office like she always does and she remained in  
22 the office. And then eventually Mr. H and Deangelo Carroll  
23 walked into the office -- or Deangelo Carroll knocked on the  
24 door, him and Mr. H had a short conversation. They walked out  
25 the door.

1           A short time later, Mr. H came back into the office,  
2 asked her to step to the back area away from an individual by  
3 the name of PK, Pilar Handley (phonetic) and she said, Go call  
4 Deangelo and tell him to go to plan B. She'll tell you that  
5 she went to the back. She couldn't direct connect with him.  
6 She kept clicking back and forth and eventually was able to  
7 get a land line connection with him, just like the phone  
8 records will show you.

9           And during the course of that conversation he was  
10 saying stuff about, But we're alone, and she says, Look, Mr. H  
11 wants you to go to plan B, go to plan B. She'll tell you that  
12 after that phone call and her conversations with Mr. H,  
13 Deangelo Carroll came back to the club, that he came into the  
14 office, that he said it was done and Mr. H ordered her to give  
15 him five. She says five what? He says, \$5,000.

16           She'll tell you that she went and got the cash and  
17 she put it on the table and Deangelo Carroll walked out of the  
18 room. She'll tell you that the next day or the day after, on  
19 Saturday, she went to Luis Hidalgo, Jr. After having his  
20 conversation with the police that evening of the 20th, was  
21 concerned, he was upset.

22           And so they called their lawyer and eventually  
23 talked to an individual by the name of Jerome DePalma. And  
24 the next day, on Sunday, their usual lawyer, Mr. Gentile, flew  
25 back into town and they had a meeting with him on that day.

1 She'll tell you that at the end of that meeting she was  
2 instructed in the presence of Mr. H not to have conversations  
3 with Deangelo Carroll, that he could be wired.

4 And she'll tell you that later that night she left  
5 and despite the warning that she was provided, Mr. H was  
6 upset. He was scared as to what Deangelo Carroll was going to  
7 do and he asked her to have a conversation with Mr. Carroll.  
8 And when you listen to that recording, what you will find or  
9 what you will hear is exactly what she's saying. You and Luis  
10 have to stick together. You and Luis -- Luis's in a panic.  
11 Even his own son admits Luis's the person in the panic.

12 And she'll tell you that during the time period of  
13 that wire, Mr. H was inside the place. You will also hear  
14 that the next day nobody told Deangelo to come down there. He  
15 just goes walking in. And when he walked in, she had a short  
16 conversation with Mr. H. She talked to him. And then you  
17 heard her -- hear her leave the room and you will hear that  
18 she talked to him and he ordered her to give Deangelo Carroll  
19 more money. She then left and gave Deangelo Carroll more  
20 money. He left and eventually she was arrested in this case.

21 Ladies and gentlemen, at the end of this case, while  
22 it's complex, while it's complex conspiracy law and you're  
23 going to have a lot of law provided to you related to the  
24 elements of the case, there's going to be simply no conclusion  
25 other than Mr. H gave the order that his son encouraged the

1 order and that ultimately they're responsible for the death of  
2 Timothy Hadland.

3 Thank you.

4 THE COURT: All right. Thank you, Mr. DiGiacomo.

5 Ladies and gentlemen, we're just going to take a  
6 quick ten-minute break until 11:00 o'clock. You are reminded  
7 that during this break you're not to discuss this case or  
8 anything relating to the case with anyone else. You're not to  
9 read, watch, listen to any reports of or commentaries on any  
10 subject matter relating to the case and please don't form or  
11 express an opinion on the trial.

12 If everyone would please put their notepads in there  
13 chairs, and I do need to remind everyone when you are in the  
14 building, please make sure that you're wearing your blue  
15 Department XXI jurors -- jury badges. The reason for that is  
16 so that people immediately recognize you as jurors and don't  
17 inadvertently discuss the case or something like that in your  
18 presence.

19 So if all of you will please put your notepads in  
20 your chairs and follow Jeff through the double doors, we'll be  
21 back in session at 11:00.

22 (Court recessed at 10:52 a.m. until 11:02 a.m.)

23 (Outside the presence of the jury.)

24 THE COURT: Go ahead.

25 MR. ADAMS: Thank you, Your Honor. During the

1 State's opening, we approached the bench --

2 THE COURT: Yeah. The first objection was  
3 referencing Mr. DiGiacomo's commenting on the state of the  
4 case against Deangelo Carroll, which I told him to move on. I  
5 didn't sustain the objection. I should have, but it is what  
6 it is.

7 MR. ADAMS: Yes, ma'am, we objected and said that --

8 THE COURT: But then he did -- for the record, he  
9 did move on after -- there's probably not going to be any  
10 evidence of what Deangelo Carroll did or did not do. But  
11 anyway, he moved on from that and took another -- moved on to  
12 something else is what I'm trying to say.

13 MR. ADAMS: Yes, ma'am. We objected on the grounds  
14 of hearsay and prejudicial effect and lack of relevance and  
15 the Court overruled.

16 We do at this time raise a continuing objection to  
17 the State eliciting that information from any witness in the  
18 case as Deangelo Carroll's status of incarceration at this  
19 point in time is irrelevant to the trial of these two  
20 defendants.

21 MR. DIGIACOMO: Judge, it's not irrelevant. As you  
22 heard them say at the bench, the police made a deal with him.  
23 The police made no deal with him. He offered to wear a wire.  
24 They took him up on that wire. We have never used -- we have  
25 never provided him a deal.

1 THE COURT: Yeah. Here's the --

2 MR. DIGIACOMO: He's charged and that's going to  
3 become relevant if they're going to start --

4 THE COURT: Right. If they start --

5 MR. DIGIACOMO: -- questioning that.

6 THE COURT: I mean, obviously we can't get into the  
7 Kenneth Count situation. Anyone who testifies -- so it kind  
8 of creates an incomplete or haphazard picture. Anyone who  
9 testifies, obviously, you can get into what they were offered  
10 and anything like that. Deangelo Carroll isn't going to be  
11 testifying, so I don't know how it's going to come in. But if  
12 the defense tries to make an issue that there was a deal and  
13 he got a benefit from this, then certainly that opens the door  
14 and the State can get into, Oh, no, there was no benefit. We  
15 didn't favor this defendant over any other defendant. So I  
16 think then it would become relevant.

17 MR. ADAMS: Correct. And we had a second objection  
18 regarding the transcripts. Mr. Arrascada--

19 THE COURT: Right, which was sustained, and they did  
20 not use the --

21 MR. ADAMS: I believe that was --

22 THE COURT: -- they did not use the offending -- or  
23 the question part of the transcript which referred to TJ.  
24 That has been redacted by Mr. DiGiacomo. He informed the  
25 Court of that at the bench and then was allowed to go forward

1 and any reference to the disputed part was sustained and  
2 Mr. DiGiacomo then did not reference it but told the jury to  
3 listen for themselves or something to that effect.

4 And I also would address there had been previously a  
5 Batson challenge made. There are two African Americans on the  
6 regular jury and one African American is the second alternate  
7 in Chair No. 7.

8 MR. DIGIACOMO: And first alternate, we still don't  
9 know the answer to.

10 MR. GENTILE: Your Honor, it's taking us a bit of  
11 time to get set up, but I believe --

12 THE COURT: That's fine.

13 MR. GENTILE: I apologize to the Court.

14 MR. ARRASCADA: Judge, on the transcript issue,  
15 could we just request that throughout the trial if the  
16 transcript is brought up that the limiting instruction be  
17 provided to them contemporaneously?

18 THE COURT: That's fine.

19 MR. PESCI: Judge, we'd ask for that for the  
20 defense's version as well.

21 THE COURT: Right. Anytime they reference the  
22 transcript, I'll just remind everyone they won't have copies,  
23 it's not evidence, and it's disputed and is merely being given  
24 to aid them in listening to the tape, let their own -- you  
25 know, something to that effect. Their own hearing of the tape

1 is what controls.

2 In response, Mr. Arrascada and Mr. Adams, the JAVS  
3 people are going to come up at the break and try to set  
4 something up so that you can see a monitor as well. So they  
5 don't know if they'll be able to do it, but they'll try.

6 I think an hour's optimistic.

7 MR. GENTILE: I agree.

8 THE COURT: I'm not going to interrupt you, but as  
9 soon as you're finished, we'll take our lunch break.

10 MR. DIGIACOMO: So if he gets to 12:15, that's 1:15,  
11 and they said that --

12 You're still going to have about a half hour,  
13 Mr. Adams?

14 THE COURT: 40 minutes.

15 MR. ADAMS: I'm going to be 45.

16 (Off-record colloquy)

17 THE COURT: All right. Bring them in.

18 (Jury reconvened at 11:07 a.m.)

19 THE COURT: All right. Court is now back in  
20 session. The record will reflect the presence of the State,  
21 the defendants, their counsel, the officers of the Court, the  
22 members of the jury.

23 Mr. Gentile, are you ready to proceed with your  
24 opening statement?

25 MR. GENTILE: I am, Your Honor.

1 THE COURT: All right. Thank you.

2 MR. GENTILE: Thank you.

3 DEFENDANT HIDALGO, JR. OPENING STATEMENT

4 MR. GENTILE: Good morning. When we stood up to  
5 give you that brief overview of this case, what now seems like  
6 a long time ago, remember, I said to you that the bottom line  
7 was that Luis Hidalgo, Jr. didn't know anything about anything  
8 that happened in this horrible tragic death of Timothy Hadland  
9 until after it happened. Thus, the theme of this case.

10 Everybody in this jury has said that, certainly  
11 everybody has heard it, we have all experienced it, and it is  
12 what this case is about. Over the next hour or so, to be  
13 honest, I'm going to talk to you about what the facts will  
14 show. I'm going to identify for you some issues that will  
15 arise in this case so that when you hear the facts as they  
16 come in, you can kind of have a road map, some sort of a way  
17 of putting the facts as they come in into context for the  
18 decision that you're going to be asked to make when this is  
19 all over with, but what I would like you to remember  
20 throughout -- those three words and three others -- consider  
21 the source, also something that I'm sure most of us have  
22 either heard in our life -- maybe our mother said it to us,  
23 and most of us have said it in our life.

24 This is a conspiracy case and the three questions  
25 that you're going to be asking yourselves as the evidence

1 comes in in this case, the first one is, what's conspiracy?  
2 Now, understand something, only the judge can instruct you on  
3 the law. That is her exclusive province and role in this  
4 case. None of the lawyers, no matter how much we've worked  
5 with the law or how little, can talk to you about what the law  
6 is. At the end of the case, the judge is going to instruct  
7 you what the law is and then we'll be able to argue with those  
8 instructions before you what the facts show as it meets the  
9 elements of the law.

10 But in simple terms, conspiracy's an agreement.  
11 It's an agreement to do something illegal. And obviously it  
12 has to have a starting time's, and a stating time's no  
13 different than any other starting time of any other agreement.  
14 When two people, at least two people, get together and they  
15 talk to each other and they agree to do something, you have a  
16 conspiracy. Other people can join that same conspiracy later.  
17 They can agree later on to accomplish the objective of that  
18 conspiracy. But like anything else, a conspiracy has to have  
19 an end.

20 And at the end of this case, the judge is going to  
21 instruct you as to when a conspiracy ends, but obviously if  
22 the objective of the conspiracy has been completed, you can't  
23 very well join a conspiracy to accomplish that goal. It's too  
24 late to do that and that's why we get back to timing is  
25 everything. As you listen to the facts as they come into this

1 case, keep that in mind.

2           It's going to be critical. Time lines are going to  
3 be critical in this case for you to reach a just and correct  
4 decision.

5           The judge will instruct you at the end of the case  
6 that if you did not join a conspiracy before its objective has  
7 been reached, then while you may be responsible for some  
8 things that you did do, you're not responsible for the  
9 objective of that conspiracy. And that makes sense.

10           Another theory in this case that the State has --  
11 and by the way, everything is -- everything that comes into  
12 this case with respect to Luis Hidalgo, Jr., who you will  
13 referred to as Louie and you will hear referred to as Mr. H by  
14 people that have been calling him that his whole life,  
15 everything is governed by this document. This document is  
16 called an amended indictment. And as the judge said, it's  
17 nothing more than a piece of paper that kind of puts on it  
18 what the charges are so that you can have some guidance.

19           You don't come into a courtroom to decide whether  
20 you like a guy or not. You don't come into a courtroom to  
21 decide whether he's a bad guy or not, whether he did something  
22 right or did something wrong. You come into a courtroom to  
23 determine whether what's on this piece of paper has been  
24 proven beyond a reasonable doubt.

25           And in this case -- Mr. DiGiacomo said that this is

1 kind of a complex case, and he's right. And the reason that  
2 he's right is because it charges two Counts. It charges a  
3 conspiracy to commit murder, an agreement to commit murder,  
4 and then by its language, it incorporates by reference Count  
5 2, which is the murder count.

6 In Count 2, it has four different theories about how  
7 the murder may have been committed.

8 MR. DIGIACOMO: Judge, I apologize. I gave him some  
9 leeway, but one, it's argumentative; and, two, it's not proper  
10 opening.

11 MR. GENTILE: Your Honor, we're entitled to discuss  
12 issues at this point and then go into the facts.

13 THE COURT: All right. Well, you're kind of on the  
14 line, but --

15 MR. GENTILE: Thank you.

16 The second of those theories is called aiding and  
17 abetting, and so one of the things you're going to be  
18 wondering throughout this case is what is aiding and abetting.  
19 Well, aiding is a word that you use all the time. Abetting,  
20 most liking, isn't. And it has nothing to do with going to a  
21 sports book. Okay.

22 What you're going to be instructed at the end of the  
23 case is that, in simple terms, it means helping somebody or  
24 encouraging them or hiring them, even, to do something before  
25 it's done. If it's already done, it's too late; thus, timing

1 is everything in this case.

2           And so now I want to get into the second thing that  
3 we talked about, and we're going to get into the evidence,  
4 what the evidence will show. And the second thing we talked  
5 about is consider the source. As you hear witnesses testify  
6 in this case, I'm going to talk to you now about what evidence  
7 you're going to hear about the credibility of those witnesses  
8 so that you know before you hear them. And when we're talking  
9 about consider the source and we're talking about credibility,  
10 we're talking about believability. That's what it means. And  
11 we deal with it in our everyday lives.

12           This man is Deangelo Rashaun Carroll. As  
13 Mr. DiGiacomo says, he is not going to call him as a witness  
14 in this case. I cannot call him as a witness in this case and  
15 so you're going to hear from this man, but you're going to  
16 hear from this man through what other people say he said in  
17 their presence.

18           Now, there's going to be some objections as to  
19 whether you should be able to hear that or not, and you're  
20 going to hear me say "hearsay," but that's the Judge's call.  
21 But because he isn't coming into this courtroom and he isn't  
22 going is to be sitting over here, we're not going to be able  
23 to cross-examine him.

24           The law does provide and our procedure does provide  
25 another way of coming close to that, addressing his

1 credibility. Mr. Rontae Zone, most likely, will testify in  
2 this case. He is another source. Mr. Carroll, of course, is  
3 a source of information even though he's not coming in here.  
4 Mr. Zone is going to testify about things that he heard  
5 Mr. Carroll say. We will be able to cross-examine Mr. Zone  
6 and we're going to get into what the evidence will show with  
7 respect to him in a bit.

8 Jayson Taoipu, I do not know if the State is going  
9 to call him as a witness. If the State calls him as a  
10 witness, we will have an opportunity to cross-examine him. If  
11 the State does not call him as a witness, then we'll have to  
12 see whether something he said before or somebody that said  
13 something to him comes into evidence.

14 The first thing I want to talk about in terms of  
15 what the evidence is going to show as far as the  
16 believability, the credibility of these witnesses deals with  
17 something simple. Right now you're looking at me and you're  
18 listening to me, I hope. That's called perception, right?  
19 You are perceiving me at this moment. Most of you are sober,  
20 maybe all of you. That's a joke. After you perceive me  
21 today, an hour from now, you may forget what I said. A week  
22 from now, you may forget. A year from now, you most  
23 definitely won't remember. And so let's address that with  
24 respect to Mr. Carroll.

25 What is the evidence going to show about

1 Mr. Carroll's perception and his memory? Well, we won't be  
2 able to show anything about his memory because the man's not  
3 going to be in here, and so we won't be able to cross-examine  
4 him with respect to that, but we will -- you will hear --

5 MR. DIGIACOMO: I apologize, Mr. Gentile.

6 May we approach?

7 THE COURT: Yeah.

8 (Off-record bench conference)

9 MR. GENTILE: We were talking about memory. Now  
10 we're talking about perception.

11 Go back to perception and memory, please. There we  
12 go. Okay.

13 Mr. Carroll -- I can't do this technology stuff  
14 myself.

15 Mr. Carroll -- you are going to hear testimony in  
16 this case that on the 19th of May, 2005, Mr. Carroll was  
17 smoking pot all day. You're going to hear evidence in this  
18 case that on the 19th of May, 2005, Mr. Carroll was using  
19 cocaine and so keep that in mind. You're going to have to  
20 wait to hear that, but you will hear it and that is something  
21 you are entitled to use to determine perception.

22 With respect to Mr. Zone and Mr. Taoipu, you're  
23 going to learn that Mr. Zone and Mr. Taoipu were smoking pot  
24 with Mr. Carroll all day and that's something that you can  
25 take into consideration.

1           Anabel Espindola. Anabel Espindola's perception --  
2 there will be no evidence in this case that she was somehow  
3 under the influence of anything, at least I don't think there  
4 will be, but what you're going to find out is that it took 33  
5 months before she said anything to anybody similar to what she  
6 is saying here in court. And so memory comes into play there.  
7 She repeated it to no one for 33 months.

8           Motive. There will be evidence of motive in this  
9 case. With respect to Mr. Carroll, Mr. Carroll's motive, when  
10 he said some of the things that will come into in evidence  
11 this case such as the tape recording, was to keep himself out  
12 of jail. He was wearing a recording device that was provided  
13 to him by the Federal Bureau of Investigation and the Las  
14 Vegas Metropolitan Police Department. That was after he gave  
15 at least a three-hour statement to Metro. And his motive in  
16 wearing that device and his motive in manipulating the  
17 conversation -- and you will hear testimony that he was told  
18 how to create an environment in that conversation for the  
19 purposes of getting responses, and his motive in doing so at  
20 time was to stay out of jail.

21           Mr. Zone. Mr. Zone has not been charged in this  
22 case. The testimony in this case is going to be that  
23 Mr. Zone, after smoking pot all day long with Taoipu and  
24 Carroll, got into a vehicle, along with Carroll, Taoipu and  
25 Counts, drove out to the lake and was an eyewitness to

1 Counts -- if it be Counts -- he says Counts -- to Counts  
2 shooting Timothy Hadland in the head twice.

3 The State has chosen not to charge him. Mr. Zone at  
4 the time he makes his original statements is motivated to see  
5 to it that he is not charged and so that's something that you  
6 could take into consideration. Just listen -- just listen to  
7 it. Whether you take it into consideration or not, I don't  
8 care. That's your business. But listen to it because it's  
9 coming.

10 Mr. Taoipu. Mr. Taoipu had a motive -- has a motive  
11 for the things that he says. Mr. Taoipu you will learn was  
12 charged originally with this murder. Mr. Taoipu you will  
13 learn basically fled the State of Nevada for a period of time  
14 and then was brought back here in a custodial setting. And  
15 the time that Mr. Taoipu finally starts saying things, he said  
16 them the night of the event, the next morning after he had an  
17 opportunity to talk to Mr. Carroll alone. It was Mr. Carroll  
18 who brought Mr. Taoipu to the police. And at that point in  
19 time, he too was motivated to stay out of trouble.

20 You will learn that Mr. Taoipu ultimately did plead  
21 guilty to reduced charged --

22 MR. DIGIACOMO: Judge, I apologize. Until Mr. Zone  
23 testifies, that's not admissible and I object.

24 THE COURT: Overruled.

25 MR. GENTILE: I'm not talking about Zone.

1 MR. DIGIACOMO: I mean Mr. Taoipu. Excuse me.

2 THE COURT: Overruled.

3 MR. GENTILE: Mr. Taoipu entered a plea of guilty to  
4 a reduced charge and was sentenced to probation. The  
5 testimony in this case is going to be that he, along with  
6 Zone, Carroll, and Counts went out to the lake. The testimony  
7 is going to be that Counts is the one that did the killing.  
8 The testimony is going to be that Mr. Taoipu had a 22  
9 semiautomatic with him at the lake during the killing and the  
10 testimony will be that he received probation.

11 So there will be evidence in this case that he had a  
12 motive as well to say the things that he might say if he's  
13 called by the State in this case.

14 Anabel Espindola. Anabel Espindola also had a  
15 motive and you will hear about it. The testimony that you  
16 will hear is that Anabel Espindola was arrested on the 24th of  
17 May, 2005. I want to make sure I get this right. The 24th of  
18 May 2005. And on the 6th of July 2005, it came to Anabel  
19 Espindola's attention that the State filed a notice of intent  
20 to seek the death penalty as to her. Anabel Espindola's  
21 attorney, along with the attorney for Mr. Luis Hidalgo, III,  
22 challenged that action on the part of the State.

23 And so that you understand, this man was not  
24 arrested until February of last year 2008. He was not  
25 arrested in May of 2005. Timing is everything. On December

1 the 27th of 2007, after Anabel Espindola had been in jail by  
2 that time two years and seven months, 31 months or so, the  
3 Supreme Court of Nevada struck the death penalty in this case.

4 On the 14th of January, the State sought what's  
5 called a rehearing. This was all known to Anabel Espindola.  
6 She was in jail at the time. On the 15th of January, she was  
7 in this courtroom and she will have to admit to that. And she  
8 heard the State argue in her presence about its intention of  
9 trying to reinstitute the death penalty against her. At that  
10 moment she did not have -- it was kind of in limbo. The State  
11 announced that day that the day before they sought a rehearing  
12 on the death penalty issue. The State filed on that day an  
13 amended notice of intent to seek death.

14 Also, on that day, Anabel Espindola sought bail.  
15 She filed a motion for bail because the death penalty was not  
16 in effect at that time as to her. And later on that day after  
17 court at about 3:15 in the afternoon she had a telephone call  
18 where she's speaking to Luis Hidalgo Jr., who, of course, is  
19 not in jail at that time, not charged at that time. And in  
20 that call you will hear her say, unless she admits it and we  
21 don't need to play it, that everything that was being said by  
22 the State in court on the 15th of January 2008 was a lie.

23 On the 24th of January, 2008, this Court set a bail  
24 for Anabel Espindola. It was a high bail. It was \$550,000.  
25 And she will tell you that. And you will hear that she wanted

1 to get out of jail and that Luis Hidalgo Jr., my client, had  
2 difficulty raising the premium for the bail, which is  
3 15 percent. You will hear that.

4 And so on the 2nd of February 2008, nine days after  
5 the bail was set, while the petition for rehearing was  
6 pending, while the possibility of the death penalty being  
7 reinstated was still there, Anabel Espindola made a deal with  
8 the State to testify in this case and to plead guilty to  
9 reduced charges. The charges -- she has not been sentenced.  
10 She has been sitting there for a year without being sentenced,  
11 waiting to testify in this case.

12 After she's testified in this case, then and only  
13 then will she be sentenced. She has not requested that the  
14 Court sentence her beforehand as was her right to do. She  
15 pled guilty to something that is called a fictional charge.  
16 She said that she heard that on the day she pled guilty. And  
17 the agreement that she made, while, of course, it says in it  
18 that she agrees to tell the truth, the agreement that she made  
19 guaranteed her that she would not have to run the risk of the  
20 death penalty, and it did more than that.

21 You will learn that she has pled guilty and the deal  
22 that she's got makes her eligible for probation. This is all  
23 evidence that will come into this case and I ask you to  
24 consider the source as you're hearing her testimony.

25 Bias. Bias, of course, means that you are favorable

1 to -- you're not supposed to be. Okay. It's what we spent  
2 four days trying to find people that wouldn't be. But bias is  
3 also something that you can take into consideration as this  
4 case develops. And you're going to hear testimony about bias.

5 Anabel Espindola. Here we go again. You're going  
6 to hear that during this 30 something months that she was  
7 sitting in jail, Anabel Espindola was, of course, in a woman's  
8 lockup. She still is. And during that time there were women  
9 that were in jail with her that she, as they were released,  
10 asked Luis Hidalgo, Jr. to help out. There were several. He  
11 did.

12 You will also hear that during that period of time  
13 she believed that Louie Hidalgo, Jr., my client, Mr. H, became  
14 unfaithful to her with these women that she was sending to  
15 him. You will hear testimony from this witness stand from a  
16 woman who had a direct -- I won't call it a confrontation -- a  
17 conversation with Anabel Espindola wherein Anabel Espindola  
18 asked her, Are you cheating with Louie? Is Louie cheating on  
19 me with you? You're going to hear that in this case. That is  
20 evidence of bias. It will come in. And, of course, that was  
21 heard by her before she made her deal with the State.

22 Credibility. There will be in evidence in this case  
23 that Deangelo Carroll, who again you're going to only hear  
24 through what other people are saying that he said in their  
25 presence, that Deangelo Carroll has a prior felony conviction

1 for robbery.

2 Prior inconsistent statements. You will hear  
3 testimony in this case that the witnesses who testify -- let's  
4 go to the next slide, please.

5 Deangelo Carroll. You will hear certain statements  
6 that he made prior to these statements or even after these  
7 statements that are coming in through the people who are going  
8 to say they heard him. You're going to hear things that he  
9 said that were different from the things that these people are  
10 saying that he said in their presence. That's an inconsistent  
11 statement and, of course, it then becomes your province to  
12 decide what to believe, if anything.

13 Rontae Zone has testified how many times? Probably  
14 five or six times between statements that he's made, hearings  
15 that he's testified at. You will hear that he has testified  
16 differently about the same thing on different occasions. It  
17 will be for you to decide what to do with that.

18 Jayson Taoipu, it sounds like from the last  
19 objection, that the State's not going to call him, so --

20 MR. DIGIACOMO: Objection.

21 THE COURT: Yeah.

22 MR. GENTILE: But if they do -- if Taoipu is called  
23 in, he will also have things that he has said before or after  
24 that are different from what he's going to say here. And  
25 that's evidence that you're going to hear.

1           Anabel Espindola, okay -- Deangelo Carroll, on the  
2 day of -- on May the 20th of 2005, he was brought to the  
3 police station, to the homicide offices, actually, and he was  
4 interrogated, questioned -- you put the word on it. I don't  
5 care what you want to call it. He was questioned with a  
6 couple of police officers in the room and the entire thing was  
7 videotaped.

8           Rontae Zone, when he went in, the entire debriefing,  
9 the entire interrogation was videotaped. When Mr. Taoipu went  
10 in -- I said videotaped. It was at least audio taped. I'm  
11 not certain it was videotaped. When Mr. Taoipu went in, same  
12 thing, verbatim recording.

13           You're going to learn that when Anabel Espindola  
14 made her deal with the State, she is the only witness that was  
15 not recorded. There was no recording made of her debriefing  
16 at the time that she was trying to cut her deal with the  
17 State. The only recording of anything that she has ever said  
18 is her testimony before the grand jury and one other. She was  
19 also brought in when they arrested her, obviously, and she was  
20 interrogated. She didn't say much, but it was on videotape.  
21 And so the initial contact was recorded, but after she changed  
22 her mind and made her deal, that contact was not recorded. We  
23 have absolutely no way of knowing what she had said to police  
24 in the past after she made her deal.

25           Next please.

1           Character for truthfulness. You will hear testimony  
2 in this case about character for truthfulness. It comes in  
3 one of two ways. Either the opinion of other people who  
4 actually know these people who could tell you whether they're  
5 truthful or not in their opinion, and there's also what we all  
6 know is reputation. Now, some people think of reputation as  
7 nothing more than rumor and gossip, and that's okay, you can  
8 think of it that way. But nevertheless, you will hear  
9 testimony in this case, if you will, that this man Deangelo  
10 Carroll, both with respect to people's opinions about his  
11 truthfulness and people's -- and his reputation for  
12 truthfulness, you will hear evidence in this case that he's  
13 not deemed to be a truthful person by people who know him.

14           So now we'll go into what the evidence is going to  
15 show about Luis Hidalgo, Jr. I think what we should probably  
16 start off doing is explaining Luis Hidalgo, the name Luis  
17 Hidalgo. In that photograph you see three men and one woman.  
18 It is obvious from looking at it that the three men are of  
19 three different generations. I bet you could already tell me  
20 what their first name is. You are looking there -- and you  
21 will hear testimony about Pops, who's this man, Luis A.  
22 Hidalgo, Sr., Louie, or Mr. H, who's this man, also that man  
23 who is Mr. Hidalgo, Jr., Louie Hidalgo, Jr., and Luisito or  
24 Little Lou or Luis, depending upon who's referring to him, who  
25 is Luis Hidalgo, III.

1 I'm going to talk to you about Luis Hidalgo, Jr.  
2 The testimony in this case is going to show that Luis Hidalgo,  
3 Jr., he is Salvadoran. He lived his whole life up in northern  
4 California in the San Bruno area. And you can see him there.  
5 He, at one point in time, was a civilian employee of the San  
6 Bruno Sheriff's Department where he was a fingerprint  
7 technician and also did process serving. Family man, three  
8 children, a daughter in the Coast Guard with a high security  
9 clearance in Washington, D.C. A good friend. You're going to  
10 have people come in here who have known him for years and  
11 years and years who are going to come in here and tell you,  
12 Look, I've known this man a long time, and we get back to  
13 opinion and reputation and character evidence. They're going  
14 to tell you this is not that kind of guy. Okay.

15 And let's talk about how he came to Nevada. The  
16 evidence is going to show that along with his father, Louie  
17 Hidalgo, Jr. has been a body and fender guy. That's what I  
18 was brought up talking to him -- I guess they don't call them  
19 body and fender guys anymore, but you know what I'm talking  
20 about, people who repair vehicles, motor vehicles. Okay. And  
21 from the time that he's 18 year old, he was in that business  
22 with his father. That's the family business. He did not grow  
23 up in the strip club industry.

24 There came a time in the late '90s -- in the '90,  
25 period, where he befriended a man by the name of Simon

1 Stertz, Dr. Stertz. Dr. Stertz is on the board -- or  
2 was at least on the board of regents of Stanford Medical  
3 School. And Dr. Stertz wanted to invest money and he  
4 trusted Louie Hidalgo, Jr. And Louie Hidalgo, Jr. came to Las  
5 Vegas, bought a piece of ground over on Bermuda and opened up  
6 the biggest, the largest body -- I'm going to call it body and  
7 fender because that's what I call it -- largest body and  
8 fender repair store -- shop in southern Nevada. And it was  
9 called Simone's Auto Body.

10 Mr. DiGiacomo in his opening statement referred to  
11 Simone's as a club. Simone's is not a club. It is a body and  
12 fender repair store. They make their money on insurance  
13 claims and on custom paint and stuff like that, and that's why  
14 he came to southern Nevada. And after operating Simone's for  
15 a year and a half, he became friendly with -- he met people in  
16 this community, and amongst the people that he met in the  
17 community were people that were in the real estate industry,  
18 which is, you will recall ten years ago you might make some  
19 money on, try to get back what you spent.

20 In any case, one of the deals that was brought to  
21 him was an almost five-acre parcel of property zoned for a  
22 hotel, casino, resort and commercial retail. At 1848 --  
23 actually, the 1800 block of North Las Vegas Boulevard, Las  
24 Vegas Boulevard north in North Las Vegas.

25 Now, you will also learn that on that 4.93-acres of

1 gaming property there are three liquor licenses, have been  
2 forever, two of which had topless entertainment licenses to go  
3 with it, one of which had a totally nude license to go with  
4 it. And so within one block, all of one block of what is  
5 really gaming property, you've got three strip clubs. And  
6 they were all owned by the same person who owned the real  
7 estate who was Gail Perry, the trust of Paul Perry. Paul  
8 Perry is the man who created the Palomino Club back in 1958.

9 And in 1968, the Palomino Club went into the adult  
10 entertainment business. Prior to that, it actually was a  
11 gaming property.

12 And so from 1968 until actually even now it has been  
13 operating that way. And some of you, during jury selection,  
14 said that you were familiar with it. But you're going to hear  
15 evidence about that.

16 And Dr. Stertzner wanted to buy the piece of property  
17 and he did. And Louie Hidalgo did not -- well, I shouldn't  
18 say that. The evidence is going to show that there came a  
19 point in time after Dr. Stertzner bought this property that  
20 Louie Hidalgo took over the management of it, having never  
21 been in that industry before, although he did have some  
22 background in just basic saloons.

23 You're going to hear people that are going to come  
24 in and tell you who have worked with him at the Palomino Club  
25 that this is a peaceful, tranquil, even-tempered person, that

1 they have never seen him act out in a violent manner, that  
2 they have never heard him talk that way.

3           You will also find out that he had never been --  
4 until now, until last year, he'd never been in trouble with  
5 the law in a sense of having been charged with any kind of a  
6 crime of any serious nature, anything more than serious  
7 traffic maybe, but nothing like that. And just so that the  
8 record is clear, you're going to learn that he is now 58 years  
9 old and when all this was going on he was 54 years old. So he  
10 had managed to make it 54 years without having a problem.

11           At the time that these events were occurring that  
12 bring us here, you're going to learn that he was going through  
13 a hellacious divorce, a hotly contested divorce.

14           Okay. Next slide, please.

15           Now, there is no doubt that throughout this case, as  
16 you're hearing evidence come in, you're going to be saying,  
17 why did this happen. You're going to be asking yourself that.  
18 And again, we do not dispute that this was a tragic thing that  
19 happened to TJ Hadland.

20           According to the opening statement that  
21 Mr. DiGiacomo made and the evidence that he says he's going to  
22 put in this case, somehow Deangelo Carroll told Anabel  
23 Espindola who then told Luis Hidalgo, Jr. that TJ Hadland was  
24 badmouthing the Palomino Club to cab drivers, and the next  
25 thing you know TJ Hadland gets killed.

1 Well, the testimony in this case is going to show  
2 that as far back as anybody can remember strip clubs -- at one  
3 point in time there was no other strip club other than the  
4 Palomino -- strip clubs have always paid cab drivers  
5 something, always something. It started out two dollars 50  
6 years ago, 40 years ago. It's up to \$50 per person today, per  
7 person.

8 And you're going to see, if I may, that every day  
9 records are kept at every one of these clubs, every one of  
10 them. You're only going to see the Palomino, but you're going  
11 to hear some expert testimony, and I'll get to that in a  
12 second.

13 We talked during jury selection and you're going to  
14 hear testimony that -- well, February 4, 2005 -- is that  
15 today?

16 THE COURT: It's either today or tomorrow.

17 MR. GENTILE: Okay. Today's the 2nd. Well, there  
18 you go.

19 February 4th, 2005, TJ Hadland was already working  
20 at the Palomino Club. He started January 31st. And the  
21 system that existed there with respect to the payout of cab  
22 drivers -- and some of you probably have seen these documents  
23 before -- was that this yellow chip up here, which you're  
24 going to see one of in this case, is something that is handed  
25 to the cab driver, and on that chip it will say how many

1 people -- this one says two at \$25 -- the cab driver dropped  
2 off. The cab driver gets that from the doorman.

3           The cab driver then takes that ticket, drives around  
4 the back of the Palomino Club at that time, goes inside where  
5 there's a little cage -- I call it a cage, but it's like a  
6 casino cage, you know, an office, little booth. That booth  
7 has cash in it. The cab driver walks up to the person who is  
8 manning that booth or womaning that booth, whichever it may  
9 be, hands that ticket to that person and is then given the  
10 amount of cash that is on the ticket.

11           You will also learn and have that there are VIP comp  
12 tickets and that the VIP comp ticket says that it is not valid  
13 if arriving by taxi cab. You will hear testimony that not  
14 only the Palomino Club but the industry itself runs into a  
15 situation where people who work for the clubs will sell these  
16 tickets, these VIP passes, to the passenger after the  
17 passenger is dropped off. They will tell the passenger, It's  
18 costing you 50 bucks to get in here, but if you give me \$20  
19 for this ticket or \$25 for this ticket, you're going to save  
20 half the money. And so the passenger pays that person the  
21 money.

22           That person goes to the cage, you know, the  
23 admission both at the club, presents this pass to the  
24 admission booth, and at that point in time the admission booth  
25 negates the cab driver's right to get paid and will call the

1 back of the house where the cab driver's going to present this  
2 ticket and the cab driver either won't get paid or there'll be  
3 issues and problems and maybe the cab driver will get paid  
4 something.

5 And then these -- this document all the way to the  
6 left basically represents a calculation of how many cabs --  
7 how many customers are dropped off by a cab and how much the  
8 payment per customer was.

9 On this particular day, there were 73 people dropped  
10 off, \$25 per person was paid for each of those 73 people, so  
11 it was a total pay out of \$1,825. There's also a different  
12 amount of money paid for women because in those days the  
13 Palomino, and still -- the Palomino Club operates a totally  
14 nude male review that women attend. It's one of two clubs in  
15 town that has always done that. But they don't pay as much  
16 for women that are dropped off by cabs. And then there's also  
17 promotions and other things like that.

18 This becomes important because you're going to hear  
19 testimony in this case that both Deangelo Carroll and Timothy  
20 Hadland, TJ Hadland, were seen by employees of the Palomino  
21 Club selling the VIP passes to customers that were dropped off  
22 by cab drivers and pocketing the money. I'm not saying to you  
23 that that's true. What you're going to hear is that people  
24 reported that and the person who saw it and reported it will  
25 come in here.

1           Next slide, please.

2           By the way, anytime a cab driver dropped off  
3 somebody, they had to sign another document that said they  
4 didn't divert that passenger from some other club that they  
5 wanted to go to and brought it to the Palomino. And the  
6 reason that that's important, if I may, there was a lot of  
7 litigation going on at that point in time.

8           You're going to hear the testimony of Kevin Kelly.  
9 Kevin Kelly is a lawyer. He's been a lawyer here in Nevada  
10 for 30 years. He served two tours of duty in Vietnam and he  
11 had a saloon and the saloon wasn't doing very well, but the  
12 saloon became Spearmint Rhino as a result of somebody coming  
13 to him and making a deal with him and him merging with them.  
14 Many of you have used -- have talked about Spearmint Rhino.

15           Mr. Kelly's going to come in and he is going to tell  
16 you about the industry and how clubs are run and what they do  
17 to ensure against unlawful activity taking place at those  
18 clubs. And obviously it is impossible to eliminate it. It  
19 can't be done, but it can be controlled. And you're going to  
20 hear about those controls, but you're also going to hear about  
21 the Nevada Association of Nightclubs of which Mr. Kelly was an  
22 organizer.

23           And at the time in 2005, every club that served  
24 alcohol in Clark County that had either totally nude, which  
25 would only be one, or topless, which would be all the others,

1 entertainment was a member of the Nevada Association of  
2 Nightclubs.

3           And the reason that it was created, he will tell  
4 you, is because as new clubs moved into our community, they  
5 threw -- they basically created a price war. If one club  
6 would pay a cab driver \$30, the other club would pay 35, then  
7 another club would pay 40, and there were times that the price  
8 to the cab driver per drop off would change multiple times in  
9 one night. And so in order to try to avoid that, this  
10 organization was created.

11           He will tell you that the life blood of any topless  
12 bar -- for that matter, I guess it would be any bar -- is the  
13 number of customers. But the reason that it's more important,  
14 perhaps, to a topless bar, he will tell you, is because a  
15 topless bar makes its money from selling alcohol and from the  
16 fees that the dancer pays to the club. The dancers are  
17 independent contractors. They rent time in order to be there  
18 to dance. They pay a flat fee. Whatever money they make is  
19 theirs.

20           We will talk to you about the kind of security that  
21 goes on to see to it that nothing unlawful happens on the  
22 premises. And so the more customers you have, the more  
23 dancers you're going to get. The more dancers you get, the  
24 more revenue you generate from the dancers' fee. He will tell  
25 you that's how it works.

1           And ultimately what he will tell you, ladies and  
2 gentlemen, is he's going to come in here and he's going to say  
3 that everybody -- all of the members of this organization  
4 except one had to agree to whatever they were going to be  
5 paying cab drivers at that time. At least that was its goal.  
6 It didn't really work out for very long, but it was its goal,  
7 except one, and that one was the Palomino Club.

8           The Palomino Club was always permitted to pay \$5  
9 more per customer than whatever anybody else was paying. And  
10 he will tell you that the reason for that was because a cab  
11 driver might have to deadhead back and so there were some cab  
12 drivers that did not want to make that run to North Las Vegas  
13 because if they weren't staging, if there wasn't a lot of  
14 business, then they would have to deadhead back and -- so  
15 that's what you're going to hear.

16           You're going hear that the badmouthing of cab -- two  
17 cab drivers was absolutely inconsequential. And anybody in  
18 the industry would know that. And Louie Hidalgo knew that.

19           Rontae Zone on the 21st of May, 2005, presumably  
20 here as well, he will tell you that he was asked by the  
21 homicide detectives after he told them that this guy KC left  
22 the Palomino Club in a taxi, he was asked what color. And he  
23 told the law enforcement officers that night, There's no way I  
24 know. There were so many cabs. That comes from the mouth of  
25 a coconspirator and that is proof -- I won't tell you what

1 that's proof of, but you're going to hear that he told the  
2 officers, There were so many cabs, I can't tell you what color  
3 it was.

4           You're also going to hear from a cab driver by the  
5 name of Gary McWhorter who is the man that picked up KC,  
6 Kenneth Counts, and he's going to tell you that when he picked  
7 him up, there was a cab staging going on over there, that  
8 there were other cabs there behind him when Counts got into  
9 his cab.

10           You will also hear that when the Palomino Club was  
11 searched, there was \$151,000 in cash in the safes at the  
12 Palomino Club. You have heard and will hear Anabel Espindola  
13 on that tape that Mr. DiGiacomo played in his opening  
14 statement deposits to Mr. Carroll when she says that she only  
15 has \$600, where am I going to get the money. And if I tell  
16 Louie, he's going to have a fit -- or whatever she says.

17           You're going to hear testimony that the police  
18 counted out \$151,000 at the club when they searched it on the  
19 24th of May, 2005.

20           And so we then turn our attention to something else.  
21 Why did this happen? What the evidence is going to show --  
22 you heard me elude to the evidence that's going to come in  
23 with respect to Mr. Hadland and Mr. Carroll both having been  
24 seen selling passes to customers that came to the club and got  
25 out of taxis.

1           Deangelo Carroll, the testimony is going to show,  
2 had a robbery conviction, was absolutely totally dependent  
3 upon the good graces of the Palomino Club's owners to maintain  
4 his lifestyle.

5           You're going to learn that Rontae Zone when he was  
6 first questioned by the police on the 21st of May said to the  
7 police that Carroll told him that something bad was going to  
8 happen to somebody -- actually, he said that somebody needed  
9 to be dealt with. Those were the exact words that he used,  
10 dealt with, whatever that means. And when they asked him why,  
11 Carroll said because -- excuse me, Zone said that Carroll told  
12 him because they were snitching. They were telling. They  
13 were ratting.

14           And so you will have to make a decision as you go  
15 through this trial whether those terms have any application at  
16 all of badmouthing a club driver -- not -- badmouthing a club  
17 to a cab driver, or whether they pertain more likely to TJ  
18 Hadland snitching off Deangelo Carroll and cutting off his  
19 lifeline, his support line. That will be for you to decide.

20           Next.

21           You will learn that when Mr. Hadland was terminated  
22 from the club, which he was, and it had nothing to do with any  
23 accusation of stealing, you will learn that Deangelo Carroll  
24 had taken a couple of weeks off. He was on leave. His uncle  
25 had been murdered and so he took some time off. And you'll

1 have a witness come in here who will tell you that upon him  
2 returning to work, upon Carroll -- excuse me -- yeah,  
3 Carroll -- upon Carroll returning to work, he confronted this  
4 person whom he suspected as having basically reported --  
5 having seen him pull this deal with these free passes, and he  
6 said to that person, Don't put me with TJ. This was upon his  
7 return to work at the Palomino. Hadland was fired, no longer  
8 working there, but still alive.

9           This is Kenneth Counts. The testimony in this case  
10 is going to show that Kenneth Counts, whether he is or whether  
11 he isn't, he was portrayed by Mr. Carroll to be a member --  
12 and I want to get this right -- of the Black Pee Stone Bloods.  
13 This is the man that Zone will say used the 357 magnum to  
14 shoot Hadland in the head twice and kill him. You are going  
15 to learn that this man was brought back to the Palomino Club  
16 after this event occurred and that Mr. Carroll -- and you hear  
17 it on the tape actually. You'll hear it on the tape -- that  
18 this man Carroll told Anna Espindola on the tape and other  
19 people, Louie Hidalgo on the night of this event, that this  
20 man Carroll was on the other side of the door, that he had  
21 just committed a murder, and that he was demanding money, and  
22 that if he didn't get paid the money, he was going to harm  
23 Carroll and he was going to harm the Hidalgos, that he was a  
24 member of the Black Pee Stone Nation, Black Pee Stone Crips.  
25 And his exact word were, You don't want to fuck with my boy.

1           Now, that occurred after the murder. The testimony  
2 in this case is going to be that that engendered a hell of a  
3 lot of fear at that moment. You will hear that the security  
4 team at the Palomino Club is not armed and so there was a  
5 dilemma. The dilemma was what to do.

6           The testimony's going to be that under certain  
7 circumstances you might just pick up the phone and call the  
8 police department and have them come over and pick somebody  
9 up, but that's not what happened. What happened was the money  
10 was paid, but it was paid by Anabel Espindola. Even she said  
11 she paid the money. She's going to come in here and she's  
12 going to tell you a different version and you can compare what  
13 she says here, after you think about all the reasons that she  
14 might have and all of the time that she had to look at all the  
15 statements, to decide whether you believe that version or not  
16 and then you can compare that version that she's talking about  
17 here with the tape, the tapes that she's on, using the first  
18 person, singular pronoun "I." So listen carefully.

19           In any case, I could go on, but let's just get  
20 started. The case is going to be for you to decide. That's a  
21 very powerful motivator and you're going to hear testimony  
22 about its presence. You're going to hear testimony about a  
23 357 and you're going to hear testimony about gangs. At the  
24 end of the day and at the beginning of this trial, I ask you  
25 to please keep in mind that timing is everything.

1           What you're going to find at the end of the day is  
2   that there is no proof of any involvement that would rise to  
3   the level of criminal guilt on the part of Luis Hidalgo, Jr.  
4   prior to the death of Timothy Hadland. If anything, this man  
5   is an accessory after the fact, if anything.

6           The judge will instruct you at the end of the case.  
7   At that point in time, I'm going to ask that you follow your  
8   oath and return a verdict of not guilty as to Count 1,  
9   conspiracy, and as to Count 2, the murder.

10          THE COURT: All right. Thank you, Mr. Gentile.

11          Ladies and gentlemen, we're going to go ahead and  
12   take our lunch recess now. We will be in recess for the lunch  
13   break until 1:15.

14          And once again, you're reminded of the admonishment  
15   that is still in place not to discuss the case or anything  
16   relating to the case with each other or anyone else. Don't  
17   read, watch, listen to reports or commentaries on any subject  
18   relating to the case. Please don't visit any of the locations  
19   in question -- any of the locations at issue. Don't do any  
20   independent research and please don't form or express an  
21   opinion on the case.

22          If everyone will please leave their notepads in  
23   their chairs and follow Jeff through the double doors, we'll  
24   see you all back here at 1:15.

25          (Court recessed at 12:14 p.m. until 1:23 p.m.)

1 (In the presence of the jury.)

2 THE COURT: All right. Court is now back in  
3 session. The record will reflect the presence of the State --

4 MR. GENTILE: We would request of the Court to sit  
5 behind the bar.

6 THE COURT: That's fine --

7 Through the deputy district attorneys, the  
8 defendants and their counsel, the officers of the Court and  
9 the members of the jury.

10 Mr. Adams, are you ready to make your opening  
11 statement?

12 MR. ADAMS: Yes, ma'am, thank you.

13 THE COURT: All right.

14 DEFENDANT HIDALGO, III OPENING STATEMENT

15 MR. ADAMS: Good afternoon. The afternoon of May  
16 the 23rd in a little room in Simone's Auto body Shop, the man  
17 who was sent by the police to get incriminating evidence, to  
18 get incriminating evidence, stopped Luis Hidalgo, III, stopped  
19 him when he first made a comment and he said, What are you  
20 saying? You had nothing to do with this, nothing to do with  
21 this.

22 Little Luis wasn't present. He didn't pay and he  
23 did not participate in the death of Mr. Hadland. He didn't.  
24 The evidence is going to show that four people were present  
25 when Mr. Hadland was killed. Deangelo Carroll drove a van, a

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1 van that was owned by Anabel Espindola. He drove it filled  
2 with three other people: Jayson Taoipu who had a .22 caliber  
3 weapon under his seat, maybe unloaded; Rontae Zone who was  
4 along for the ride and smoking pot; and Kenneth Counts. Louie  
5 Hidalgo wasn't there. Little Louie wasn't there.

6 Who paid? Well, they said in their opening that  
7 you'll hear testimony that Anabel Espindola laid five large,  
8 \$5,000 in cash in the office of the Palomino Club and that  
9 Deangelo Carroll took that \$5,000. What you didn't hear was  
10 that Little Lou wasn't in that office on that night. He  
11 didn't participate. He didn't pay.

12 Anabel Espindola will come in and she's expected to  
13 testify that there was this conversation beforehand where he  
14 got into some kind of disagreement with his father. In that  
15 conversation she's expected to testify that Little Luis  
16 Hidalgo never said, Dad, dad, you've got to kill Hadland.  
17 Dad, dad Hadland needs dead. Dad, beat him up real bad. The  
18 State's star witness is going to come in and not say those  
19 things. She's going to say there was an argument and that  
20 Little Luis said, Dad, you don't take care of your business.  
21 He wasn't present. He didn't pay and he did not participate.

22 So why are we here? Well, we're here because of  
23 what the State didn't share with you, the body wire from  
24 May 23rd, four days after Mr. Hadland was killed up at Lake  
25 Mead. Four days later in Room 6 of Simone's Auto body Shop,

1 Anabel Espindola sent Deangelo Carroll to Little Lou's  
2 room/office and on that body wire Little Lou mouthed off and  
3 said some pretty stupid stuff. That's why we're here.

4 The question is talking about rat poison, does that  
5 mean you're responsible four days before for the death of  
6 Mr. Hadland? Nowhere on that tape, nowhere on that tape are  
7 you going to hear Little Lou say, Man, I'm so glad I got you  
8 to go kill TJ. Nowhere are you going to hear, Man, I'm so  
9 glad I called you about bats and bags and got you to come meet  
10 with my dad so then you guys could enter into a conspiracy to  
11 go do something to Mr. Hadland. You're not going to hear  
12 that.

13 There will be evidence that between the 19th of  
14 May 2005 when Mr. Hadland was killed up by Lake Mead and Room  
15 6 at Simone's, four days later, that Little Lou did learn  
16 about the death of Mr. Hadland, a former employee of the club.  
17 He did learn that Anabel was involved. He's known Anabel  
18 Espindola since he was nine years old and he loves her.

19 The prosecutor in their opening said -- and played  
20 snippets of tape where Little Luis, on the transcript part  
21 rolling down, talks about rat poison, talks about a bottle of  
22 gin. He said those things. He said those things. No if ands  
23 or buts about it, 100 percent, those words came out of his  
24 mouth.

25 The main thrust of the case that they're going to

1 present is by saying those things he must be responsible for  
2 the death of Mr. Hadland. So let's look at the whole tape and  
3 that's what I'm asking of you in the next week or so. This  
4 tape is 34 minute and 56 seconds long. There's a lot of  
5 conversation back and forth. The first ten minutes or so  
6 Little Luis doesn't say anything. And I'm going to ask you to  
7 look at this tape very critically and to evaluate the full  
8 tape, the entire wire, keeping in mind that Deangelo Carroll  
9 knew fully well that the recorder was on and Little Luis did  
10 not.

11 I'm going to ask you to check out the reactions  
12 between the parties when something is said on the tape. I'm  
13 going to ask you to look at the tape and to see, is there some  
14 way I can tell who's really in control here, who's in charge,  
15 who's calling the shots? Can I tell what happened up at Lake  
16 Mead four days earlier based on what's talked about in Room 6  
17 at Simone's? Does this conversation on this wire tell us  
18 anything that we need to know in determining what happened to  
19 Mr. Hadland? When you do this critical evaluation of the  
20 tape, one thing's going to be crystal clear. There's three  
21 people in the room: Deangelo Carroll, Anabel Espindola, and  
22 Little Lou, Luis Hidalgo, III.

23 Let's first talk about Mr. Carroll. We'll hear  
24 about Mr. Carroll and we'll hear on that body wire that he  
25 drove up to Lake Mead with three people in the van. It wasn't

1 Little Luis and it wasn't Little Luis' van. We'll hear on  
2 this tape that he's directing all of his conversation, all of  
3 his important questions about money, about what to do next,  
4 about attorneys -- they are all directed to one person.  
5 There's only three people in the room. And you'll hear on  
6 that wire those conversations, those remarks were not directed  
7 to Little Luis. They were all directed to the next person,  
8 Anabel Espindola.

9 We'll hear from Anabel Espindola. She'll say, What  
10 did you do? What did you do? I told you to go to plan B.  
11 We'll hear from her that plan B meant -- and she'll testify to  
12 this -- plan B meant come back to the club. Don't do anything  
13 to Hadland, come back.

14 Deangelo Carroll will tell her, Ms. Anabel, I don't  
15 know what happened. Kenneth Counts went F'ing stupid. And  
16 you heard enough of the tape earlier to know that the F word  
17 was used quite a bit, so when I talk to you about the tape,  
18 I'll leave those out for the most part. He went stupid and he  
19 shot the dude. Nothing we could do about it. Ain't none of  
20 us had no pistol. That's what he said.

21 And on our copy of the tape, the full 34 minutes and  
22 56 seconds, that's at the 13 minute and 56 second mark.  
23 You'll hear from Deangelo Carroll's own mouth on the wire that  
24 he'd been picked up by the police, that he'd been released by  
25 the police and thanked for his cooperation. You'll learn from

1 the witness stand that that's not fully true. You'll learn  
2 from the witness stand that he had been picked up and you'll  
3 learn from the witness stand that he was cooperating with the  
4 police to try to get evidence for the police to have and  
5 for -- ultimately for jurors to have.

6 You'll hear evidence that on May the 20th, 26 hours  
7 or a little less than that, about 22 hours after the killing  
8 of Mr. Hadland, Mr. Carroll was taken to the homicide office  
9 and stayed for a lengthy period of time.

10 Immediately after he was in that homicide office and  
11 was interviewed or interrogated or talked to by police he was  
12 allowed to leave. The police drove him home and drove him to  
13 help them get Rontae Zone. Rontae Zone came in at 1:00 a.m.  
14 that morning, 26 hours later, 1:00 a.m. on the 21st of May,  
15 and he gave a statement to the police.

16 The next day Deangelo Carroll drove -- he drove  
17 Jayson Taoipu to the police office so they could get a  
18 statement from him. Deangelo Carroll was motivated to not be  
19 arrested for his involvement for driving Kenneth Counts and  
20 these other guys up to the lake.

21 The police made the choice to allow Deangelo Carroll  
22 to stay out of jail for a few days. They were trying to get  
23 with him to use him to get more evidence. They took a little  
24 recording device and they placed it -- like a beeper, placed  
25 it on him and they sent him to get evidence. And where did he

1 go? He didn't go to Room 6 of Simone's where Little Lou  
2 sleeps, where Little Lou works. He went to Anabel Espindola  
3 in the main office. Anabel sent him down the hall to Little  
4 Luis' room so they could talk behind a closed door.

5           He didn't just go in and talk, but he came up with a  
6 scenario. After talking with the police, he came up with a  
7 few new facts and he said -- the facts you'll hear on the  
8 tapes, Kenneth Counts is threatening to kill us. We need more  
9 money. Deangelo and Jayson, they're going to rat me out. We  
10 need more money. This, in fact, was not true. These were  
11 things that he created with the police to try to get a  
12 reaction from Anabel so that she would say something on the  
13 wire. He knew fully well that he was wired up and he was  
14 trying to get information because he was trying to not get  
15 arrested.

16           So who was truly in charge? Well, that wasn't the  
17 one I wanted, but that's okay. That's fine. We'll get to  
18 that in a minute.

19           I'm going to read you three snippets and we'll play  
20 this over and over. And you heard these earlier on the  
21 prosecutor's opening.

22           Talk may be cheap, but we're going to hear from the  
23 witness stand that Anabel Espindola gave \$1,000 in hard cash  
24 to Deangelo Carroll on the 23rd. That's at the end of the  
25 wire. You didn't hear that in the part they played. That's

1 further down, but she left the room and came back and gave him  
2 \$1,000, not Little Lou.

3           At the -- on their version, the 14 -- I believe it  
4 was 14 minutes and ten seconds, on the full version, it's  
5 right around the 20, 21-minute mark, Anabel Espindola says,  
6 quote, You want to lose it all? If I lose the shop and I lose  
7 the club, I can't help you or your family. She didn't say, If  
8 Mr. H loses the shop or the club or if Little Lou loses the  
9 shop or the club. The words out of her mouth on this wire  
10 are, If I lose the shop and I lose the club, Deangelo, I can't  
11 take care of you.

12           There was also a part on the earlier tape that I  
13 think is important for you to listen to when it's played in  
14 evidence, and it was the part about finding an attorney. And  
15 there was a lot of talk about that. And at one point she  
16 said, I'm going to go talk to the attorney tomorrow. And on  
17 there you may have heard it, He's outrageous. He's going to  
18 want you to go ahead and wrap these other guys up and there's  
19 no fucking way.

20           So here we are four days after the death of  
21 Mr. Hadland. The question is who's really in charge of what  
22 happened on the 19th. Well, who's in charge? It's not  
23 Deangelo. Who's in charge? It's not a defense lawyer four  
24 days after, after attorneys have been consulted. She's saying  
25 there's no way we're going to turn people in for their

1 involvement in this crime. Anabel Espindola was in charge.  
2 She was in charge on the 23rd, and by the words out of her  
3 mouth, she was in charge sooner than that.

4 What did Anabel do in direct relation to controlling  
5 Deangelo Carroll and his actions? Well, she said, Deangelo --

6 How about the next one? Yeah.

7 All right. Deangelo, you need a prepaid phone. You  
8 need this phone so we can stay in touch so I can send you  
9 messages. You heard on the wire the prosecutor played and  
10 you'll hear from the witness stand, she says, I'm going to  
11 give you a code name, this code name of Boo so that way you'll  
12 know the messages are really from me. She was talking about  
13 being the sole person to kind of control Deangelo after the  
14 fact, how he would operate, how he would cooperate with police  
15 or say things, how he could stay undetected for his  
16 involvement.

17 Let's go down two more, please, not two more slides,  
18 two more clips.

19 She tells Deangelo that, You've got to resign from  
20 the club for personal reasons and that -- I'm going to give  
21 you some money so that you can maintain yourself. I'm not  
22 going to leave you hanging. Does this shed some light as to  
23 who's really in charge of what went on on the 19th?

24 She also made some comments on what she expected to  
25 happen on the 19th. And she said --

1           Can you pull all three of them up?

2           Let's look at the one at the bottom. What we really  
3 wanted was him beaten up, if anything. We didn't want him  
4 dead. Then she goes on to say, Are you so stupid? Are you so  
5 heartless? How could this happen? Once you saw that guy had  
6 a gun, why didn't you just turn around?

7           She's saying on the tape that she knew what -- she  
8 knew something was going to happen, some sort of  
9 confrontation, and she's saying on the tape nobody was  
10 supposed to die. When she's saying, He's supposed to get  
11 beaten up, she's going to testify on the witness stand what  
12 she means by that. She's not going to testify that she was  
13 talking about Little Lou and I wanted you to beat him up.  
14 She's not going to say that.

15           The entire tape shows that Anabel Espindola was in  
16 charge certainly on the 23rd of May and it suggests very  
17 strongly that she was in charge on the 19th of May when  
18 Deangelo Carroll got behind the wheel of Anabel Espindola's  
19 van and drove up to Lake Mead to meet Mr. Hadland.

20           I've talked about the other two, so let's talk for a  
21 second about Little Luis' statements on the body wire. When  
22 you listen to the whole wire, ask yourself, does any of these  
23 statements help us understand what he knew and when he knew it  
24 or did he know this stuff beforehand on the 21st? Does this  
25 help us know whether he ever entered a conspiracy to do

1 anything to Mr. Hadland?

2           The best, the most solid evidence in this case is we  
3 know Mr. Carroll's motivation. I think we can understand it.  
4 I think many of us would want to have -- to do whatever we  
5 could to stay unarrested. He was wearing a wire. He was  
6 going in to get people and to get evidence, and at that  
7 critical part when Little Lou opened his mouth, he turned to  
8 him and said, What are you saying? You had nothing to do with  
9 this.

10           Why? There's no explanation for that other than he  
11 had nothing to do with it. It would make sense if he tried to  
12 argue it in a way that roped somebody else in to get him off,  
13 but it makes no sense for him to say, You were guilty as can  
14 be but shut up, I don't want to get you on this tape. That  
15 doesn't make sense. Out of Deangelo Carroll's mouth is the  
16 best evidence in the case, Little Lou, you had nothing to do  
17 with it.

18           The prosecutor started out his opening statement to  
19 you by saying Little Luis Hidalgo would be heard saying, I  
20 told you you should have taken care of TJ. Well, we heard the  
21 tape they played and we'll hear it again. I didn't hear that  
22 on the tape. And even if you listen to it 50 times, 100  
23 times, and you decide ultimately that you do hear it, it  
24 doesn't mean -- or it doesn't have to mean, You've got to go  
25 kill the guy.

1 Deangelo Carroll, when he left Simone's on the  
2 23rd of May with this wire on, he left and met right back up  
3 with the police. And before the police listened to any of  
4 that tape, they said, What happened? Did you get anything?  
5 And in that debriefing session Deangelo Carroll never said,  
6 Yeah, I got Little Lou saying, You've got to do this to TJ.  
7 That wasn't part of his debriefing to the police.

8 I would like to talk to you now about three facts  
9 that are not on the tape on the 23rd, three facts that the  
10 prosecutor mentioned and three facts which will be in issue  
11 and in dispute in the trial.

12 The first is about the conversation from Anabel  
13 Espindola that she says happened at 4:58, 5:00 o'clock at  
14 Simone's where she got off the phone with Deangelo Carroll,  
15 turned and looked at Mr. Hidalgo and his son and said, TJ's  
16 out there badmouthing the club. And her story, her statement,  
17 her testimony is expected to be -- and by the way, Mr. Gentile  
18 raised this in his opening. This was -- this was a story  
19 shared with police in February of last year, 32 and a half  
20 months after her arrest, and Mr. Gentile talked to you about  
21 her plea deal. The one thing that he did not mention to you  
22 is that you'll hear testimony of her sentencing range. And he  
23 mentioned -- or he may have mentioned, or if he did not, I  
24 will mention she's eligible for probation. And the  
25 prosecutor -- and she's eligible for probation after she

1 testifies in this case.

2           The prosecutor, as part of the plea deal, agreed --  
3 Mr. DiGiacomo and Mr. Pesci, they agreed to not argue against  
4 probation. And she knows that. That was part of her  
5 understanding when she entered the plea. So that doesn't mean  
6 she'll get probation, but it means when her lawyer's up there  
7 saying, Judge, Judge, give us probation, they're not going to  
8 say, We don't agree with that. They're going to sit silent on  
9 that point.

10           She's going to say that this phone call came in from  
11 Deangelo, that she got off the telephone and said to Mr. H,  
12 Apparently TJ's out running his mouth about the club, that's  
13 what Deangelo said, and that Little Lou became upset and that  
14 Little Lou said, Dad, you're not going to do anything. You  
15 don't take care of business.

16           And they mentioned that Rizolo and Gilardi -- Rizolo  
17 and Gilardi know how to take care of business. Apparently  
18 they know how to take care of it so well they both end up in  
19 prison. They know how to take care of business. You're not  
20 going to be like them.

21           What's not said in that conversation is, You've got  
22 to go hurt Hadland. You've got to go kill Hadland. You've  
23 got to hire somebody to kill Hadland. He said, You don't know  
24 how to take care of business. And she's going to say  
25 Mr. Hidalgo, Jr. said, Mind your own business. He didn't say,

1 That's a good idea. He said, Mind your own business, Little  
2 Lou.

3 And Anabel Espindola's expected to testify at that  
4 point Little Lou said, Dad, I mean, Gilardi takes care of  
5 business. He even beat a customer up one time.

6 And Mr. Hidalgo goes -- said, Son, I told you, mind  
7 your own business.

8 And Little Lou, upset, left. Left. That's it.  
9 That's the aiding and abetting under one of the two theories.  
10 We'll talk about the other theory in a second.

11 He never said Hadland should be killed, never  
12 suggested a plan on how to do it, never participated in any  
13 way. Even based on the star witness, it's a kid mouthing off  
14 to the father and the father putting him in his place and that  
15 being the end of it.

16 A conspiracy involves an agreement between people to  
17 accomplish something illegal. Based on Anabel Espindola,  
18 we've got nothing but a disagreement.

19 The second item the prosecutor mentioned was this  
20 phone call about bats and bags where Little Lou apparently  
21 picks up the telephone, calls Deangelo Carroll and says, Bring  
22 bats and bags. Now, it would be nice to hear that from  
23 Deangelo Carroll. What we're going to hear is Rontae Zone,  
24 Deangelo's friend, the young man who was living with Deangelo.

25 Rontae Zone never spoke to Little Lou Hidalgo, never

1 talked to him, has no first-hand information about what Little  
2 Lou Hidalgo may have said or may not have said. All his  
3 information about bats and bags is filtered through what  
4 Deangelo Carroll said. And it's filtered through on a day  
5 where they were smoking pot from the time they got up until  
6 the time they went to sleep.

7           Rontae Zone, who knows Deangelo Carroll pretty well,  
8 will tell you that he doesn't always find him to be  
9 trustworthy, that he talks a lot, doesn't also know what to  
10 believe out of his mouth, but he'll say, as he best remembers  
11 it, that Deangelo said that Little Lou called, said something  
12 about, Bring bats and bags to the club.

13           On the wire, on the May 23rd body wire that we heard  
14 some this morning -- we'll hear a lot more in the trial --  
15 there's no reference at all to bats and bags. And I think  
16 it's a fair question for you to have as you're listening to  
17 the evidence to ask, well, if that's an important piece of  
18 evidence, wouldn't the police have gotten Deangelo Carroll to  
19 bring that up on this body wire, this 34-minute, 56-second  
20 body wire? Wouldn't they get him to say, Hey, Little Lou, you  
21 remember when you called me about bats and bags, and try to  
22 get him talking about that, if that's an important piece of  
23 evidence? Nowhere on the wire is the word bats and nowhere on  
24 the wire is the word bags. They're never together and they're  
25 never attributed to Little Lou Hidalgo.

1           Jayson Taoipu was present with Rontae Zone all day  
2 and with Deangelo Carroll. He was told something about bats  
3 and bags. He was told by Deangelo Carroll something about  
4 bats and bags. And Jayson Taoipu says Deangelo said, Anabel  
5 Espindola told me to bring bats and bags to the club. Anabel,  
6 not Little Lou. Anabel is expected, from the witness stand,  
7 to deny ever having made that statement.

8           The last point on the bats and bags is, do you have  
9 any way of knowing, when you're listening to the evidence, was  
10 this comment ever really made? And you may want to listen for  
11 evidence that suggests anything about bats and bags ever being  
12 gotten. There's going to be a lot of talk about phone calls  
13 and getting bats and bags and what that may be code for, but  
14 at the end of the day, you're not going to hear a single  
15 witness say, And after that, Deangelo turned and said, I've  
16 got to go get bats and bags, and he walked to the closet to  
17 get a bat and walked to the kitchen to get bags. Nothing like  
18 that.

19           What we're going to hear is Rontae Zone saying,  
20 Deangelo told me something about bats and bags. I don't know  
21 if that call was made or not, that's the best memory I have.  
22 That's it.

23           The third item of proof outside of this tape that  
24 the prosecution talked about and is relying on the case is a  
25 phone call. There's this phone call at 7:42 p.m. between

1 Little Lou Hidalgo to Deangelo Carroll's house. Absolutely  
2 true. Little Lou called him all the time. Deangelo worked at  
3 the club. He promoted. He handed out flyers at the club and  
4 that was part of Little Lou's responsibility, to make sure  
5 those guys were out on the strip passing things out, giving  
6 items out to the cab drivers.

7           You'll hear from a defense witness that on this  
8 night Deangelo Carroll was supposed to have a special pickup  
9 from a group of businessmen who were in a hotel and that they  
10 were trying to make sure -- because Deangelo wasn't always so  
11 responsible -- trying to make sure this pickup was made.  
12 Absolutely, little Lou called at 7:42 p.m. trying to find the  
13 employee who was not at work. It's interesting the  
14 significance placed on that call as --

15           I'm looking for the phone records. I'll give you a  
16 minute to catch up with me. I changed the order a little bit  
17 and I forgot to let Andy know. There we go. Thank you.

18           What the records are going to show is on May the  
19 19th Deangelo Carroll tried to contact Timothy Hadland five  
20 times. The first time was a chirp with no time at all. He  
21 chirped him again at 10:53 for eight seconds, 10:54 for 21  
22 seconds, 11:13 for 14 seconds, and then the last attempt was  
23 at 11:27. And based on that, the police are going to tell you  
24 they believe that Mr. Hadland was alive at 11:27. He was  
25 found and 9-1-1 was called at 11:44. So to the best of their

1 estimation, he was killed somewhere in that time period.

2 Contrast Little Lou's 7:42 call, one call at 7:42,  
3 with all the communication between the two key people,  
4 Deangelo Carroll and Anabel Espindola. Deangelo called seven  
5 times, appeared to be six communications. He called her from  
6 his house to Simone's, 4:58 p.m. This allegedly is when this  
7 thing about TJ's out badmouthing the club that ultimately the  
8 State's theory lead to his death. That call was at 4:59. He  
9 called again at 7:27. Then there's a series of chirps later  
10 in the night, the last one being significantly ten minutes  
11 after Mr. Hadland who was attempted to be reached at 11:27.  
12 Those are calls from Deangelo to Anabel Espindola.

13 Anabel wasn't just received. She was trying to  
14 contact Deangelo as well. She attempted to chirp him at 8:13  
15 and that's -- you know, let them know, I'm available, here I  
16 am, 8:13. 8:15, there's some sort of talk for six seconds.  
17 She tries him at 11:08 and then again they're switching little  
18 chirps at 11:37.

19 This may be too small for you guys to see. I'll try  
20 your other TV down here.

21 What we have at the end of the day, in contrast to  
22 one call which is supposed to have such great incriminating  
23 value in this case, we have 12 communications or attempted  
24 communications between Deangelo Carroll and Anabel Espindola.  
25 That's not hunches, that's not speculation. Those are facts.

1           When all the evidence is in, you'll know who was in  
2 constant contact on the 19th. You'll know who the main people  
3 were in the phone conversation -- or on the body wire on the  
4 23rd. You'll know who was in charge and you'll know that  
5 based on Anabel Espindola's expected testimony that she's  
6 going to say Little Lou never mentioned killing anybody, much  
7 less killing Hadland. And you're going to hear Deangelo  
8 Carroll on that tape who's trying to get incriminating  
9 evidence say, Little Lou had nothing to do with it.

10           On the murder charge and on the conspiracy charge,  
11 that's the evidence. He's not guilty. And at the end of this  
12 case, we'll ask you to please find him not guilty of those two  
13 charges.

14           THE COURT: All right. Thank you, Mr. --

15           MR. ADAMS: I'm not quite done yet. I need to talk  
16 about the other two charges for a few minutes.

17           THE COURT: I'm sorry.

18           MR. ADAMS: The last two charges are two charges not  
19 referenced by Mr. Gentile, because they don't apply to his  
20 client. They're two charges related to the comment about rat  
21 poison of Mr. Zone and Mr. Taoipu. And I told you earlier  
22 Little Lou said it, and he did. The question for you is did  
23 he mean it. No question those words came out of his mouth.  
24 No question they're on the wire. The question is was he  
25 trying to have a first-degree murder done on those two people.

1           To evaluate that, to evaluate whether these were  
2 stupid words or whether they were intentional words trying to  
3 get people killed, you've got to look at all the evidence.  
4 One thing to look at is did Little Lou leave his room to go  
5 find Deangelo Carroll so that something terrible would happen  
6 to Mr. Zone and Mr. Taoipu? The evidence will be no.

7           Mr. Carroll came to Luis Hidalgo's room. Luis  
8 Hidalgo was sick. You can hear him coughing and hacking on  
9 the wire. He was sick in his own room. Deangelo Carroll came  
10 to his room before the 23rd.

11           Is there going to be any evidence -- and listen for  
12 evidence -- that Little Lou was out in these three days  
13 between Mr. Hadland's death and the wire? Is there any  
14 evidence that Little Lou Hidalgo was going out trying to  
15 figure out who was with Deangelo so they could be eliminated?  
16 I don't expect you're going to hear any evidence about that.

17           And then most importantly, if this was such an  
18 intentional comment, what do we hear on that wire on May the  
19 24th? On May the 24th, the day after, they played a little  
20 snippet of it, he says, The witnesses got on the bus, they got  
21 some money. They got on the bus and took off. Did Little Lou  
22 say, How did you let those guys get away? I gave you Jen, I  
23 gave you Ray, I told you to get rat poison. You've got to go  
24 find those guys so they don't snitch on you later, man.

25           You don't hear that on the tape. There was none of

1 that. The question at the end of the day is, did Little Lou's  
2 comments mean he was really trying to have a first degree  
3 murder done?

4 The judge told you earlier about the presumption of  
5 innocence. The presumption of innocence remains with a client  
6 throughout the case. If there's evidence that can be  
7 interpreted two ways --

8 MR. DIGIACOMO: Objection, Your Honor.

9 THE COURT: Yeah.

10 MR. DIGIACOMO: Thank you.

11 THE COURT: Can you rephrase what you're about to  
12 say.

13 MR. ADAMS: Yes.

14 MR. DIGIACOMO: Well, then I'd argue it's  
15 argumentative as well, Judge.

16 THE COURT: Well --

17 MR. ADAMS: If there are facts out there, you have a  
18 duty to interpret those facts consistent with the presumption  
19 of innocence. If the facts can only be viewed --

20 MR. DIGIACOMO: I object. That's a misstatement of  
21 the law.

22 THE COURT: Yeah. It's sustained.

23 MR. ADAMS: If the evidence can only be viewed in a  
24 way that points to guilt, look at it that way, but if it  
25 doesn't, keep the presumption of innocence in mind. What

1 you'll have are comments. You'll have comments by Little Lou  
2 and no steps taken before the 23rd or after the wire to have  
3 anything done to these other two men.

4 At the end of the evidence, we'll ask you to please  
5 acquit Luis Hidalgo on those charges as well.

6 Thank you.

7 THE COURT: All right.

8 MR. ADAMS: Thank you, Your Honor.

9 THE COURT: I was afraid to say anything. Thank  
10 you, Mr. Adams.

11 Is the State prepared to call its first witness?

12 MR. DIGIACOMO: We are, Judge, but can we have a  
13 five-minute break?

14 THE COURT: All right. Ladies and gentlemen, we're  
15 going to take a brief break before we go into the testimony.  
16 We'll give you until 2:10.

17 And once again, you're reminded of the admonishment  
18 which is, of course, still in place that you're not to discuss  
19 anything relating to the case with each other, with anyone  
20 else. Don't read, watch, listen to reports of or commentaries  
21 on any subject matter relating to this. Please don't form or  
22 express an opinion on the trial.

23 If you folks can leave your pads on your chairs and  
24 follow Jeff through the double doors. We'll see you all back  
25 here at 2:10.

1 (Court recessed at 2:02 p.m. until 2:14 p.m.)

2 (In the presence of the jury.)

3 THE COURT: All right. Court is now back in  
4 session. The record will reflect the presence of the State,  
5 the defendants, their counsel, officers of the Court and  
6 members of the jury.

7 Mr. DiGiacomo, please call your first witness.

8 MR. DIGIACOMO: Larry Morton.

9 THE COURT: Larry Morton.

10 Sir, just come on up here, please, to the witness  
11 stand, just up those couple of stairs. And please remain  
12 standing facing our court clerk.

13 LARRY RAY MORTON, STATE'S WITNESS, SWORN

14 THE CLERK: Please be seated and please state and  
15 spell your name.

16 THE WITNESS: Larry Ray Morton, L-a-r-r-y, R-a-y,  
17 M-o-r-t-o-n.

18 DIRECT EXAMINATION

19 BY MR. DIGIACOMO:

20 Q Good afternoon, sir. How are you employed?

21 A I'm a senior crime scene analyst for the Las  
22 Vegas Metropolitan Police Department.

23 Q What does that mean you do for a living?

24 A It means that I respond to incidents, document  
25 the incidents through note taking, photography, latent print

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1 processing, evidence collection, preservation, also attend  
2 autopsies to collect any evidence that is available from the  
3 victim.

4 Q How long have you been a crime scene analyst?

5 A For 14 years.

6 Q And while we'll have other analysts who  
7 actually do some of -- the scenes, were you the analyst  
8 assigned to the autopsy of Timothy Hadland?

9 A Yes, I was.

10 Q Can you tell the ladies and gentlemen of the  
11 jury what your duties are when you're in an autopsy.

12 A My duties at the autopsy began with documenting  
13 the seal that is on the body bag. I photograph the seal. I  
14 record the number on the report. Then as the bag is unsealed  
15 and opened, I photograph the -- first the open bag with the  
16 body usually wrapped in a sheet within the bag. Then as the  
17 sheet is unwrapped, another series of photographs, then  
18 photographing with the clothing on, remove the clothing,  
19 photograph with the clothing off the body, then clean the body  
20 up, photograph the body after it's cleaned up.

21 During this process, also I take buccal swabs. Any  
22 forensic -- any evidence that is on the body that's visible at  
23 the time is also collected. I also then fingerprint the body  
24 and take palm prints for elimination purposes at a later date.

25 Q Specifically on May 20th, were you at the

1 autopsy of Timothy J. Hadland?

2 A Yes, I was.

3 Q Okay. And you talked about the body in your --  
4 and your photography of it. In addition to your photographs,  
5 is there anybody else who takes photographs of that time?

6 A The coroner's forensic technician also takes  
7 photographs of the body. We work around each other doing  
8 photographs pretty much of the same photograph sets prior to  
9 the autopsy actually beginning.

10 MR. DIGIACOMO: May I approach, Judge?

11 THE COURT: Yes.

12 BY MR. DIGIACOMO:

13 Q I'm showing you what's been marked as State's  
14 Proposed Exhibit Nos. 1 through 4 and ask you to flip through  
15 those and tell me if you recognize the individual who's  
16 depicted in the photograph.

17 A Yes, I do.

18 Q Is that Mr. Hadland?

19 A Yes, it is.

20 Q Now, looking at those photographs, can you  
21 determine whether or not those are the photographs you took or  
22 the photographs that the ME's office or the medical examiner's  
23 office took?

24 A These were taken by the medical examiner's  
25 office.

1 Q How do you know that?

2 A There's a gray -- may I show these?

3 Q Yeah -- well, hold on.

4 MR. DIGIACOMO: I'll move to admit 1 through 4.

5 MR. GENTILE: No objection.

6 THE COURT: All right. Those will be admitted.

7 MR. ARRASCADA: No objection either, Your Honor.

8 THE COURT: Oh, I'm sorry.

9 (State's Exhibits 1 through 4 admitted.)

10 BY MR. DIGIACOMO:

11 Q What I'll do is put them on the overhead and  
12 let you answer that question, sir. I'm showing you what's now  
13 been admitted as State's Exhibit No. 1.

14 A Every photograph taken by the medical  
15 examiner's office has this -- this gray marker placed in the  
16 photograph. My photograph would not have that marker in them.  
17 If there's any markers, I would put in a ruler with my  
18 initials and identification number on it.

19 Q And then that marker has unique numbers on it  
20 so the medical office can make sure they -- that the picture  
21 associates with the correct report with the correct person,  
22 correct?

23 A Yes, that is correct.

24 Q All right. You also indicated that your  
25 responsibility is to collect evidence at an autopsy. Now,

1 let's talk about this particular autopsy. Did you collect  
2 some evidence that was outside the body of Timothy Hadland?

3 A As we opened the body bag and were preparing  
4 the body for autopsy, we found a bullet fragment underneath  
5 his head within the body bag.

6 Q And did you collect that?

7 A Yes, I did.

8 Q And during the course of the autopsy, as the  
9 doctor's performing the autopsy, does there come a point in  
10 time when you collect any other evidence?

11 A Any other evidence such as additional bullet  
12 fragments I would collect from the doctor.

13 Q In this case, did you receive additional bullet  
14 fragments from the doctor?

15 A Yes, I did.

16 Q Showing you what's been marked as State's  
17 Proposed Exhibit No. 134, do you recognize that?

18 A Yes, I do.

19 Q And does that appear to be a packaging that you  
20 created from the autopsy?

21 A Yes. This is a manila envelope with an  
22 evidence label attached to one side of it which is the label  
23 that I prepared and placed on this bag. Also there's a red  
24 tape across the flap. The top flap is closed with a string  
25 closure. It also bears my initials and the date that I sealed

1 this particular package.

2 Q Obviously that package is cut open, correct?

3 A Yes, it is.

4 Q And there's also a blue seal on the bottom of  
5 that package, correct?

6 A Yes.

7 Q Do you know what that blue seal represents?

8 A That blue seal is placed on the packaging by  
9 the forensic examiners who would open the package, take  
10 anything out and examine it for forensic evidence.

11 Q With the exception of the slip put in the  
12 package by the clerk and that blue seal that's on the bottom,  
13 is that package in substantially or similar condition as when  
14 you impounded it into the vault?

15 A Yes, it is.

16 MR. DIGIACOMO: Move to admit 134.

17 THE COURT: Any objection?

18 MR. GENTILE: No.

19 MR. ARRASCADA: No, Your Honor.

20 THE COURT: All right. 134 is admitted.

21 (State's Exhibit 134 admitted.)

22 BY MR. DIGIACOMO:

23 Q Let's pull out 134 A, B, and C. If you could,  
24 describe for the ladies and gentlemen of the jury what's 134  
25 A, B, and C.

1           A     These are plastic vials that I prepared at the  
2 autopsy and placed the bullet fragments in as I received them  
3 from the doctor and the one bullet fragment that I had taken  
4 from the body bag. It bears writing placed on the side, the  
5 event number, item number from my evidence impound report and  
6 my initials and identification number.

7           Q     Is A, B, C the sum total of all the firearms  
8 related evidence that was collected at the autopsy of Timothy  
9 Hadland?

10          A     Yes, it is.

11          MR. DIGIACOMO: Move to admit A, B and C.

12          THE COURT: Any objection?

13          MR. GENTILE: No.

14          MR. ARRASCADA: No, Your Honor.

15          THE COURT: All admitted.

16          (State's Exhibits 134A, B, and C admitted.)

17          MR. DIGIACOMO: I pass the witness, Your Honor.

18          THE COURT: All right.

19          Who would like to go first, Mr. Gentile?

20          MR. GENTILE: I would.

21          THE COURT: Thank you.

22          MR. GENTILE: May I approach the witness, Your  
23 Honor?

24          THE COURT: Yes, that's fine.

25          MR. GENTILE: Thank you.

CROSS-EXAMINATION

BY MR. GENTILE:

Q 134 A, 134 B, let's talk about A. This is a bullet fragment, if I understood you correctly.

A Yes, it is.

Q Okay. Now, let's -- why do you collect bullets?

A I collect bullets so that they can be later examined by the forensic examiner who's an expert in the area of firearms evidence.

Q Okay. And have you worked with such experts?

A Only minimally.

Q Only minimally. Okay.

Do you know if -- if something as small as 134 A has any value to such an expert?

A Without removing it, I couldn't tell you specifically, but it may.

Q Okay. But 134 B, now that looks like a real substantial sized bullet, right --

A Yes.

Q -- as far as the samples go?

And here's also C. This doesn't have -- yeah, it does, 134 C, same thing, right?

A Yes.

Q Okay. And if given to an expert, based on your

1 experience, they can identify a weapon that this -- sometimes  
2 they can identify a weapon from which a bullet was fired?

3 A Yes, that is correct.

4 Q Okay. And sometimes they can take multiple  
5 bullets that have been recovered from different people and  
6 trace it to the same weapon?

7 A Yes.

8 Q Okay. Do you know -- can you tell from looking  
9 at this package if any such testing was done by any firearms  
10 identification expert in this case?

11 A The -- one of our firearms examiners, Jim  
12 Krylo, placed his initials on the blue seal. So, yes, it was  
13 looked at by a forensic -- a firearms examiner, yes.

14 Q Mr. Krylo?

15 A Jim Krylo, yes.

16 Q Okay. Did you speak -- don't tell us what he  
17 said, but did you speak with him about anything he might have  
18 done in this case?

19 A No, I did not.

20 Q All right. So we'd have to hear from him?

21 A That's correct.

22 Q Okay.

23 MR. GENTILE: Thank you.

24 THE COURT: All right. Mr. Arrascada.

25 MR. ARRASCADA: Thank you, Your Honor.

1 CROSS-EXAMINATION

2 BY MR. ARRASCADA:

3 Q Mr. Morton, correct?

4 A That's correct.

5 Q All you did was attend the autopsy in this  
6 case, correct?

7 A That is correct.

8 Q You never went out to Lake Mead highway to  
9 collect any evidence, right?

10 A No, I did not.

11 Q And everything you're testifying about today  
12 has nothing to do with anything found at Lake Mead highway?

13 A That I wouldn't know.

14 Q It wasn't there. You found it at the autopsy?

15 A This was from the autopsy, that's correct.

16 Q That was a bad question I asked first. I  
17 apologize.

18 And you did not go to the Palomino Club to process  
19 evidence, correct?

20 A No, I did not.

21 Q The same question, the evidence that you're  
22 testifying about was recovered at the autopsy, not the  
23 Palomino Club?

24 A That is correct.

25 Q And you did not go to Simone's Auto Plaza or

1 the auto body shop and do any investigation or recovery of  
2 evidence, correct?

3 A No, I did not.

4 Q And again, Items A, B, C, the bullet fragments,  
5 and all the rest of your testimony comes from the autopsy, not  
6 from anything that occurred -- you don't know anything from  
7 Simone's Auto body; is that correct?

8 A That is correct.

9 MR. ARRASCADA: Thank you.

10 THE COURT: All right. Thank you.

11 Any redirect?

12 MR. DIGIACOMO: No.

13 THE COURT: Mr. Morton, thank you for your  
14 testimony. Please don't discuss your testimony with anyone  
15 else who may be called as a witness in the case. Thank you,  
16 and you are excused.

17 THE WITNESS: Thank you, Your Honor.

18 THE COURT: State, your next witness.

19 MR. PESCI: State calls Ismael Madrid.

20 THE COURT: All right. And if Mr. Madrid is not  
21 going to be testifying about these exhibits, perhaps you can  
22 collect those.

23 Sir, just follow our bailiff right up here to the  
24 witness stand and then just once you get up those couple of  
25 stairs, remain standing and our court clerk will administer

1 the oath to you.

2 ISMAEL MADRID, STATE'S WITNESS, SWORN

3 THE CLERK: Please be seated and please state and  
4 spell your name.

5 THE WITNESS: First name is Ismael, I-s-m-a-e-l.  
6 Last name Madrid, M-a-d-r-i-d.

7 THE COURT: All right. Thank you.

8 Mr. Pesci.

9 MR. PESCI: Thank you.

10 DIRECT EXAMINATION

11 BY MR. PESCI:

12 Q Sir, I want to direct your attention to May the  
13 19, 2005, the late hours of that day. Where were you?

14 A I was at Lake Mead.

15 Q And when you say Lake Mead, I mean, there are  
16 streets in the city called Lake Mead, but this is actually the  
17 lake?

18 A I was actually at the lake.

19 Q Okay. That's here in Clark County?

20 A Yes.

21 Q And who were you there with?

22 A With two friends.

23 Q And who were those friends?

24 A Chelsea Dixon and Monique Gonzales.

25 Q And had you been at the lake the whole day?

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1 What was going on that day?

2 A We went out there, I guess, for a small picnic,  
3 I guess you would say, about three hours, four hours at the  
4 most.

5 Q So about what time was it when you went to the  
6 lake?

7 A About 7:00.

8 Q 7:00 p.m.?

9 A Yeah, about 7:00 p.m.

10 Q All right. At some point, did you and your  
11 friends decide to go home?

12 A Yes.

13 Q Tell us about that, how you got there and how  
14 you got home.

15 A Driving. We got there -- in my truck, we drove  
16 up there. And then going back, Chelsea was driving. And as  
17 we were driving back into town, we see a body lying in the  
18 middle of the roadway.

19 Q Do you remember about what time it was when you  
20 were driving back?

21 A Oh, roughly 11:30, 12:30 in there.

22 Q Okay. So the late hours of the 19th?

23 A Yes.

24 Q You said that you saw something as you were  
25 coming back?

1 A Yes.

2 Q What is it that you saw?

3 A We saw a body laying in the middle of the  
4 roadway.

5 Q All right. Now, was it Chelsea that was  
6 driving?

7 A Yes.

8 Q What was she driving?

9 A A truck.

10 Q And what kind of a truck is this?

11 A A Dodge Ram.

12 Q Where were you seated in the truck?

13 A Passenger.

14 Q When was it that you were first able to see the  
15 body? Where was the body situated?

16 A It was -- I mean, we almost missed it. We came  
17 up pretty close. We just came right up on it. I can't -- I  
18 mean...

19 Q When you say you almost missed it, are there  
20 street lights out on this road?

21 A No.

22 Q Is this Lake Shore or what street was this? Do  
23 you know?

24 A I can't recall.

25 Q But is this the road to drive back into the

1 city from the lake?

2 A I believe so, yes.

3 MR. PESCI: May I approach the witness?

4 THE COURT: Yes, that's fine.

5 BY MR. PESCI:

6 Q Showing you State's Proposed Exhibits 5 through  
7 9 and 12, 14, and 15, take a look at those and let me know  
8 when you're done.

9 A (Complying.)

10 Q State's 5 through 9, you've gone through those,  
11 sir?

12 A Yes.

13 Q Do you recognize what's depicted in State's 5  
14 through 9?

15 A Yes.

16 Q Are those accurate depictions of how the scene  
17 looked on that night when you were there?

18 A Yes.

19 MR. PESCI: Move for the admission of 5 through 9,  
20 Your Honor.

21 THE COURT: Any objection?

22 MS. ARMENI: No, Your Honor.

23 MR. GENTILE: No, Your Honor.

24 THE COURT: All right. 5 through 9 are admitted.

25 (State's Exhibits 5 through 9 admitted.)

1 BY MR. PESCI:

2 Q All right. Looking at 12, 14, and 15, did you  
3 recognize those?

4 A Yes.

5 Q Are those accurate depictions as well of the  
6 things that you saw there that night?

7 A Yes.

8 MR. PESCI: Move for the admission of 12, 14, and  
9 15.

10 THE COURT: Any objection?

11 MS. ARMENI: No, Your Honor.

12 MR. ARRASCADA: No.

13 THE COURT: You don't have to stand.

14 That will all be admitted.

15 MR. PESCI: Thank you.

16 (State's Exhibits 12, 14, and 15 admitted.)

17 BY MR. PESCI:

18 Q Now, you said you almost missed the body?

19 A Yes.

20 Q All right. Let's look at State's 5 first.

21 Now, as we're looking at State's 5, can you show us where the  
22 body is? You can touch the screen there.

23 A Right there.

24 Q Now, when you were out there that night and you  
25 first came up on there, are those some cars situated behind

1 the body?

2 A Yes.

3 Q Were those there?

4 A Only one of them.

5 Q Is that why you couldn't see the body at that  
6 point?

7 A Yes.

8 Q Showing you State's 6, as you got closer -- if  
9 you tap the bottom right-hand corner of your screen, it will  
10 clear -- thanks -- State's 6, as you got closer, is that what  
11 you saw?

12 A Yes.

13 Q Eventually did you get to a point where you did  
14 see the body?

15 A Yes.

16 Q How close do you think you got when -- were you  
17 still in the truck at this time?

18 A No, I exited the truck.

19 Q Did anybody else get out at that point?

20 A Shortly after, yes, Chelsea did.

21 Q When you got out, what did you do?

22 A I didn't -- I was yelling, you know, Hey, can  
23 you hear me? I didn't know he was dead at first.

24 Q Okay. Looking at State's 7, at that point,  
25 you're telling us you're not sure if that person was alive or

1 not?

2 A Yes.

3 Q And you mentioned something about one of the  
4 cars depicted in State's 7 was, in fact, out there when you  
5 got there?

6 A Yes.

7 Q Could you circle that particular car?

8 A (Complying.)

9 Q And was that car facing towards you as you  
10 approached or facing away from you?

11 A Facing away from us.

12 Q Eventually did you get close enough to the body  
13 to ascertain whether the person was alive or not?

14 A Yes.

15 Q Showing you State's 8 -- could you clear that  
16 out -- is this what you saw at that location?

17 A Yes.

18 Q Were you able to figure out whether or not he  
19 was alive at point?

20 A Yes.

21 Q What did you do based on that?

22 A I called 9-1-1.

23 Q Did you have a cell phone or what was going on?

24 A Yes, I had a cell phone.

25 Q When you made contact with 9-1-1, did you tell

1       them what the situation was?

2                   A     Yes.

3                   Q     And at first, were you sure whether or not he  
4       was alive?

5                   A     At first, no.

6                   Q     Showing you -- we're still looking at State's  
7       8. Now, is that the side of the body that you approached when  
8       you first came up?

9                   A     I believe so, yes.

10                  Q     All right. Showing you State's 12, did you  
11       make it to the other side of the body eventually while you  
12       were out there?

13                  A     Later.

14                  Q     All right. When you saw this, did you have a  
15       better idea as to whether or not he was alive?

16                  A     Yes.

17                  Q     Now, out in that area did you see any other  
18       items around the body of Mr. Hadland?

19                  A     Advertisement cards.

20                  Q     Showing you State's 14, are these those cards  
21       that you're referring to?

22                  A     Yes.

23                  Q     Did you find something else in the area of  
24       those cards?

25                  A     I don't believe so, no.

1 Q Okay. Let me approach and show you State's 15.  
2 Do you see anything else in that photograph?

3 A Tube.

4 Q Okay. And was that out there at that time?

5 A Yes.

6 Q As far as you know?

7 A As far as I know, yes.

8 Q Okay. And when you talk about the tube, can  
9 you point that out to the ladies and gentlemen of the jury?

10 A (Complying.)

11 Q Okay. Thank you.

12 Did police or medical arrive?

13 A Yes.

14 Q And did police eventually speak with you?

15 A Yes.

16 Q Did they ask you to fill out what's commonly  
17 referred to as a voluntary statement?

18 A Yes.

19 Q Did you fill that voluntary statement out?

20 A Yes, I did.

21 Q And do you have any experience now, as you sit  
22 here today, with voluntary statements?

23 A Yes.

24 Q And how is that?

25 A I'm a police officer.

1 Q At the time that this happened back on May the  
2 19, 2005, were you a police officer?

3 A No, I wasn't.

4 Q Were you about to become or trying to become a  
5 police officer?

6 A I had a month before I started the academy.

7 Q Did you have any experience with voluntary  
8 statements before that night?

9 A No.

10 Q Since then have you handed those out to  
11 witnesses?

12 A Yes.

13 Q When the police asked you to fill out your  
14 voluntary statement, were you still with Chelsea and the other  
15 individual?

16 A I was with them.

17 Q Were you asked to fill them out separately or  
18 did you all kind of gather up together and --

19 A No. We filled them out separately.

20 Q Did you compare notes?

21 A No.

22 Q Okay.

23 MR. PESCI: Pass the witness.

24 THE COURT: All right. Thank you.

25 Ms. Armeni.

1 MS. ARMENI: Yes, Your Honor.

2 CROSS-EXAMINATION

3 BY MS. ARMENI:

4 Q Mr. Madrid, I just have one question.  
5 Exhibit 8, I don't know if you remember that -- do you still  
6 have the exhibits in front of you?

7 A No.

8 Q Do you see that hat, sir, in the picture?

9 A Yes.

10 Q When you -- to the best of your recollection,  
11 when you showed up, when you saw the body, was that hat there?

12 A Yes.

13 MS. ARMENI: Court's indulgence.

14 No further questions.

15 THE COURT: All right. Mr. Arrascada.

16 MR. ARRASCADA: May I also see them, please.

17 CROSS-EXAMINATION

18 BY MR. ARRASCADA:

19 Q Sir, also referring to Exhibit 8, when you  
20 walked up, on the right arm there's a tattoo; is that correct?

21 A Yes.

22 Q And you saw that when you walked up?

23 A Yes.

24 Q And it's -- it says "cash daddy" on it up at  
25 the top; is that correct?

1 A I believe that's what it says.

2 MR. ARRASCADA: Thank you.

3 Nothing further, Your Honor.

4 THE COURT: Okay. Thank you.

5 Redirect?

6 MR. PESCI: Sure, if I could.

7 REDIRECT EXAMINATION

8 BY MR. PESCI:

9 Q You were asked some questions about the body of  
10 the victim just now, about the tattoo. Did you see that?

11 A Yes.

12 Q All right. Remember that, I should say, not  
13 see. I apologize.

14 Looking at State's 8, what's that right there?

15 A Chain.

16 Q Okay. Have you responded to any robbery scenes  
17 since you've become an officer?

18 A Yes.

19 Q Do you normally find things of value still on  
20 the body if someone's been robbed?

21 A No.

22 MR. PESCI: Thanks.

23 THE COURT: Any recross?

24 MS. ARMENI: No, Your Honor.

25 MR. ARRASCADA: No, Your Honor.

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1 THE COURT: Thank you for your testimony. Please  
2 don't discuss your testimony with anyone else who may be  
3 called as a witness. Thank you, and you are excused.

4 State, call your next witness.

5 MR. PESCI: State calls Officer Lafreniere.

6 THE COURT: Sir, just please remain standing, facing  
7 our court clerk who's going to be administering the oath to  
8 you.

9 JASON LAFRENIERE, STATE'S WITNESS, SWORN

10 THE CLERK: Please be seated, and please state and  
11 spell your name.

12 THE WITNESS: Jason Lafreniere, L-a-f-r-e-n-i-e-r-e.

13 THE CLERK: I'm sorry. I got lost. Jason.

14 THE WITNESS: Yes. Yes, ma'am, Jason, J-a-s-o-n.  
15 Yes, ma'am.

16 THE CLERK: Okay. Sorry.

17 THE WITNESS: Jason Lafreniere.

18 THE COURT: Is that J-a-s-o-n?

19 THE WITNESS: Yes, ma'am. Yes, Your Honor.

20 THE CLERK: L --

21 THE WITNESS: L-a-f-r-e-n-i-e-r-e.

22 THE CLERK: Thank you.

23 MR. PESCI: May I proceed, Your Honor?

24 THE COURT: You may, Mr. Pesci.

25 DIRECT EXAMINATION

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1 BY MR. PESCI:

2 Q Sir, what do you do for a living?

3 A I'm a detective with the Las Vegas Metropolitan  
4 Police Department.

5 Q How long have you been with Metro?

6 A For over seven years.

7 Q How long have you been a detective?

8 A About a year and a half.

9 Q Focusing back -- or where are you a detective?  
10 What --

11 A Juvenile sex abuse.

12 Q Back on May the 19th, the late hours going into  
13 May the 20th of 2005, were you a detective at that point?

14 A No, sir.

15 Q What were you?

16 A I was a patrol officer.

17 Q And when you're a patrol officer, is there a  
18 specific area that you patrol?

19 A Yes, sir. I patrolled the northeast area  
20 command.

21 Q And did you respond out to -- was it North  
22 Shore Road?

23 A I believe that was the name of it. Yes, out by  
24 Lake Mead. Yes, sir.

25 Q Is that within your patrol area?

1 A Yes.

2 Q Now, when you're working as patrol and on that  
3 specific night, did you have a partner? Was there somebody  
4 with you?

5 A No, sir, I was by myself.

6 Q Were you dressed in uniform?

7 A Yes.

8 Q As you appear today, is this normally how you  
9 dress when you're working as a detective now?

10 A As a detective, yes. When I was a patrol  
11 officer, I wore the standard Las Vegas Metropolitan Police  
12 Department uniform.

13 Q And were you driving a patrol unit car?

14 A Yes, a marked car. Yes, sir.

15 Q Originally how did the call get to you? How  
16 were you requested to go out this?

17 A I don't know if it came through dispatch or if  
18 I saw it on the screen, but we have a little computer in our  
19 car and also a radio. I was dispatched to the location via  
20 dispatch either over the radio or on my computer.

21 Q When you first arrived at the scene, what did  
22 you see?

23 A I came in contact with a young man and I  
24 believe there were two females as well. They had called in a  
25 body in the road.

1           Q     Let me ask you this: The young man that you're  
2 referring to, is that the individual that just left the  
3 courtroom?

4           A     It is, yes, sir.

5           Q     And when you saw Mr. Madrid out there, what did  
6 you do?

7           A     I -- I don't remember exactly the order it was,  
8 but I spoke with him. I saw a body lying in the road. It was  
9 a white male. I believe he was not wearing a shirt. He was  
10 laying on his back. I approached the body. I didn't get too  
11 closed. He appeared deceased. I didn't touch the body. I  
12 noticed there was a vehicle off to the side of the road. I  
13 don't recall if the vehicle was running or not.

14          Q     Let me stop you there.

15          A     Yes, sir.

16          MR. PESCI: May I approach?

17          THE COURT: Sure.

18 BY MR. PESCI:

19          Q     Showing you State's Proposed Exhibits 10 and  
20 11, I ask you to take a look at those and let me know if you  
21 recognize those.

22          A     Yes, sir. This is the scene when I arrived out  
23 there off of North Shore Road.

24          Q     Are those fair and accurate depictions of the  
25 scene on that day?

1           A     Yes, sir, they are.

2           MR. PESCI:  Move for the admission of 10 and 11,  
3 Your Honor.

4           THE COURT:  Any objection?

5           MR. GENTILE:  I'd like to see them.

6           MS. ARMENI:  He showed them to us.

7           MR. GENTILE:  Oh, he did?  Okay.

8           MR. ARRASCADA:  No objection.

9           MS. ARMENI:  No objection.

10          MR. ARRASCADA:  And no objection.

11          THE COURT:  All right.  Thank you.  All right.  10  
12 and 11 are admitted.

13                 (State's Exhibits 10 and 11 admitted.)

14 BY MR. PESCI:

15           Q     Okay.  You talked about a car, correct?

16           A     Yes, sir.

17           Q     And I'll show you -- let's start with 10.

18 We're going to have to zoom out on that one.

19                 Okay.  Looking at State's 11. -- or State's 10, is  
20 the car depicted here on the left-hand side?

21           A     Yes, sir.

22           Q     Okay.  And you say as you sit here today you  
23 don't recall whether it was running or not?

24           A     I have no idea.

25           Q     All right.  And in the body, showing you

1 State's 11, do you recognize that?

2 A Yes, sir, I do.

3 Q Now, what did you say you do with that -- with  
4 this scene when you approached and saw this?

5 A Again, I don't remember the exact order, but I  
6 know -- I don't remember the young man and the two females  
7 being up close to the body, but I remember backing them off,  
8 securing the scene with crime tape, meaning putting up the  
9 crime -- the yellow tape on both ends of the scene so nobody  
10 else could interfere with the scene. I approached the vehicle  
11 to make sure it was unoccupied. I did that with my gun drawn.  
12 I believe I was still the only officer out there at that time.

13 Q Let me stop you for a second. You mentioned a  
14 minute ago something about tape, some kind of -- let me zoom  
15 in on 11. Are we looking at some tape here?

16 A Yes. It's blurry, but I believe that's it,  
17 yes, sir.

18 Q All right. Let's do it this way. I'm showing  
19 you State's 11 up close.

20 A Yes, that's the crime scene tape that we --

21 Q All right. And you were involved -- or part of  
22 the process of securing that scene?

23 A Yes, sir.

24 Q What's the rationale for securing the scene?

25 A Just to secure any evidence or anything that

1 might be in the scene to keep unauthorized persons out of  
2 there. We back any witnesses or anybody else that would have  
3 arrived up beyond to scene and nobody else arrived in there  
4 until I'm relieved by a supervisor or superior officer.

5 Q Did you call all the people in? You just  
6 testified you weren't sure if there was anyone else out there  
7 at that point?

8 A No, I do not recall if another officer was  
9 out -- I was the first officer to arrive and I don't remember  
10 when the next one arrived.

11 Q But did you call in asking for others to  
12 arrive?

13 A I don't know if I called and asked for others.  
14 I know others were dispatched as well. I know others were in  
15 route as I was already out there.

16 Q Okay. And we've seen some other cars in these  
17 photos and those were other police personnel?

18 A Yes, sir.

19 Q Okay. You said that you approached this car .  
20 depicted in State's 10 and you said you had your gun drawn?

21 A Yes, sir.

22 Q Why was that?

23 A The unknown. I'm not sure what was in there,  
24 if there was another -- if there was a suspect in there, if  
25 there was another victim in there. You don't know what you're

1 approaching. You can't see inside the vehicle, so...

2 Q Did you find anything?

3 A Nothing -- no people.

4 Q All right. Did you actually open the door and  
5 go look --

6 A No, not at all.

7 Q What did you do, just looking to ascertain  
8 whether there was --

9 A What's called quick peeks. We approach it down  
10 low, kind of, you know, where you're using it as cover or  
11 concealment from what might be in there and quick peeks  
12 looking up in the window going back down, doing that all the  
13 way around the vehicle to make sure nobody was in there.

14 Q Did you have a flashlight or something with  
15 you?

16 A I know I carried a flashlight. I don't know --

17 Q Would that be something you would normally use?

18 A Absolutely.

19 Q Okay. And then after you -- is it commonly  
20 referred to as clear the vehicle?

21 A Yes.

22 Q Did you clear the vehicle?

23 A Yes.

24 Q To make sure there's no one else there?

25 A That's correct.

1 Q Did you also look at the body?

2 A Yes, sir.

3 Q When you looked at the body, did you make a  
4 determination as to whether you thought the person was alive  
5 or not?

6 A He appeared dead to me.

7 Q You mentioned that you backed up the male and  
8 the two females?

9 A Yeah. I -- I don't remember how far I -- back  
10 they were or exactly where they were in relation to the body,  
11 but, yeah, just to give ourselves enough area to keep the  
12 scene secure.

13 Q And did you ask some questions about what they  
14 had seen and heard?

15 A Yes.

16 Q Eventually were they asked to fill out  
17 voluntary statements?

18 A Yes, sir.

19 Q Were you a part of that process or do you know  
20 if other personnel was doing that?

21 A I don't recall, but I -- I think I may have  
22 handed them the statements to fill out while waiting for  
23 others or before -- I don't recall if I gave them the  
24 statement or not.

25 Q Okay. At a scene like this, at some point, do

1 other police personnel take over?

2 A Yes, absolutely.

3 Q And how does that come about?

4 A Once a supervisor arrives, they would take over  
5 and say, Hey, I've got it from here, go sit over there and  
6 make sure no cars come into the scene or go over there, help  
7 out with witnesses. If -- I know homicide would have  
8 responded out and ID techs or crime scene analysts would have  
9 responded out there, and once the homicide -- being their  
10 case, they would have taken over as well.

11 Q Before homicide gets there, is it one of your  
12 immediate supervisors in patrol that's in charge?

13 A Yes, or a senior officer.

14 Q And was the scene handed over, then, to a  
15 senior officer at some point?

16 A Yes.

17 Q Did you remain out at that scene?

18 A Oh, yes, I was there for hours. Yes, sir.

19 Q Were you a part of securing that scene --

20 A Yes, sir.

21 Q -- out there for hours? Is that a yes?

22 A Yes, sir, I'm sorry.

23 Q It's being recorded, sir.

24 A Yes, sir.

25 MR. PESCI: Pass the witness.

1 THE COURT: All right. Who would like to go next?  
2 MS. ARMENI: We have no questions, Your Honor.  
3 THE COURT: All right. Mr. Arrascada.  
4 MR. ARRASCADA: No questions, Your Honor.  
5 THE COURT: Detective, thank you for your testimony.  
6 Please don't discuss your testimony with anyone else who may  
7 be called as a witness and you are excused.  
8 THE WITNESS: Thank you, Your Honor.  
9 THE COURT: All right. State, call your next  
10 witness.  
11 MR. PESCI: State calls Paijik Karlson.  
12 THE COURT: Come on up to the witness stand, please,  
13 and please remain standing, facing our court clerk who will  
14 give the oath.  
15 PAIJIK KARLSON, STATE'S WITNESS, SWORN  
16 THE CLERK: Please be seated and please state and  
17 spell your name.  
18 THE WITNESS: My name is Paijik Karlson,  
19 P-a-i-j-i-k, Karlson with a K, K-a-r-l-s-o-n.  
20 DIRECT EXAMINATION  
21 BY MR. PESCI:  
22 Q Ma'am, where are you from?  
23 A Thailand.  
24 Q And is English your second language?  
25 A Yes.

1 Q Do you feel comfortable enough to speak to the  
2 jury in English today?

3 A Yes.

4 Q Okay. If you have any questions of what we're  
5 asking, just stop us; is that all right?

6 A Yes.

7 Q Who was Timothy Hadland to you?

8 A Timothy Hadland's my boyfriend.

9 Q And did he have a nickname?

10 A TJ.

11 Q TJ?

12 A Yes.

13 Q When did you meet TJ?

14 A December 25, 2004.

15 Q Okay. And how did you meet?

16 A I met him at the bar.

17 Q At the bar? How did you start to have a  
18 relationship? Did you start dating? What happened?

19 A We talked first and we dated after that.

20 Q And how long did you date for?

21 A Six months by the phone.

22 Q I'm sorry, by the phone?

23 A Six months by the phone.

24 Q Okay. Then eventually did you two live  
25 together?

1           A     Yes.

2           Q     Do you know about when that was?

3           A     That was 2005 -- 2004 when I come back from

4 Thailand.

5           Q     When who came back from Thailand?

6           A     Me.

7           Q     Did TJ go with you?

8           A     No, he picked me up from the airport.

9           Q     Did you know TJ to work during the time period

10 when you were dating?

11          A     He worked, yes.

12          Q     Do you know where he worked?

13          A     He worked at the -- he worked by himself. He

14 worked with the --

15          Q     He worked --

16          A     He had his own business.

17          Q     He had his own business? All right.

18               And whatever your answer is, it just needs to be out

19 loud so the woman who is recording it will catch it.

20          A     Okay.

21          Q     Is that a yes?

22          A     Yes.

23          Q     Okay. Did you know him to ever work at the

24 Palomino Club?

25          A     Yes, after we lived together.

1           Q     So after you and TJ were living together, TJ  
2 was working at the Palomino Club?

3           A     Not the first time. After that.

4           Q     Do you know how he got the job there or how  
5 that came about?

6           MR. GENTILE: Objection. Foundation.

7           THE COURT: All right. Sustained.

8           MR. PESCI: I'm asking if she knows how that came  
9 about.

10          THE COURT: Well, this is a yes or no answer.

11          Do you know?

12          THE WITNESS: He know someone so he tried to get a  
13 job.

14 BY MR. PESCI:

15          Q     Okay. Do you know who it was that he knew?

16          MR. GENTILE: Foundation.

17          THE COURT: Well, I think we have to know if she  
18 knew and then he could say, How do you know, so...

19          MR. GENTILE: Well, it should be --

20          THE WITNESS: He tell me he get a job, yes.

21          MR. GENTILE: Can she be ordered to answer yes or  
22 no?

23          THE COURT: Okay. If it's a yes or no question --

24          THE WITNESS: Yes.

25          THE COURT: -- just try to answer yes or no --

1 THE WITNESS: I'm sorry.

2 THE COURT: -- and then Mr. Pesci can follow up with  
3 how do you know or what do you know or --

4 THE WITNESS: Okay.

5 THE COURT: -- so on. Okay?

6 BY MR. PESCI:

7 Q How do you know?

8 A He knows friend and he go there and get --  
9 apply and he --

10 Q Do you know who that friend was?

11 MR. GENTILE: Objection. Foundation.

12 MR. PESCI: Well, it's whether she knows or not. I  
13 don't see how she's --

14 THE COURT: Right. No --

15 MR. GENTILE: Well, but he's got to establish how  
16 she learned. So I'll say it differently --

17 THE COURT: Well, if she doesn't know, then how do  
18 we ask her how did she learn?

19 MR. GENTILE: Okay. I agree with that.

20 THE COURT: First he can ask her if she knows and  
21 then the follow up would be, Well, how is it that you know  
22 this, or, How did you learn that information, or whatever.

23 BY MR. PESCI:

24 Q Let me ask you this way: How did you know that  
25 TJ worked at the Palomino?

1           A     He knows friend -- he tell me. He go get a job  
2 and then...

3           Q     So TJ told you that?

4           A     Yes.

5           Q     So is your knowledge about this from TJ  
6 himself?

7           A     Yes.

8           Q     Okay. Do you know who the friend is that  
9 helped him with the job at the Palomino?

10          MR. GENTILE: Objection. Hearsay.

11          MR. PESCI: I said does she know, Judge, that's the  
12 question.

13          THE COURT: Well, do you know, yes or no, who the  
14 friend was?

15          THE WITNESS: I know the name, but I don't -- never  
16 met him.

17          THE COURT: You never met him so you didn't witness  
18 a conversation or anything like that; is that right?

19          THE WITNESS: Yes. He told me, but he told me.

20          THE COURT: TJ told you?

21          THE WITNESS: Yes.

22          THE COURT: But you never saw this friend?

23          THE WITNESS: No.

24          THE COURT: Okay. Go on, Mr. Pesci.

25          MR. PESCI: Thank you, Judge.

1 BY MR. PESCI:

2 Q What did you know about what TJ did at the  
3 club?

4 MR. GENTILE: Same objection. Hearsay.

5 MR. ARRASCADA: Objection, hearsay.

6 MR. GENTILE: Without a foundation.

7 THE COURT: Yeah.

8 BY MR. PESCI:

9 Q Did TJ ever talk about his job? I mean, you  
10 guys are dating, you're living together. Does he come home at  
11 night and say, I'm not going to talk about my day's work?

12 A We don't talk -- he work first and he --  
13 usually we work, but we don't talk about work.

14 Q Okay.

15 A He tell me he get a job and I drop him off most  
16 of the time.

17 Q Did you actually drop TJ off at work?

18 A Yes.

19 Q At the Palomino?

20 A Yes.

21 Q All right. And on any of these occasions where  
22 he went to work at the Palomino, when he came back home after,  
23 did he ever talked to you -- TJ, talk to you about him working  
24 at the Palomino and his time at the Palomino?

25 A Some things, sometimes, yes, but not a lot.

1 Q Okay. Did there come a point in time when TJ  
2 was no longer working at the Palomino as far as you knew?

3 A He tell me about it, yes.

4 Q Okay. What did he tell you?

5 MR. GENTILE: Objection, hearsay.

6 MR. ARRASCADA: Hearsay.

7 THE COURT: Sustained.

8 MR. PESCI: It's not being offered for the truth of  
9 the matter asserted, Your Honor.

10 THE COURT: Well, then why is it being offered?

11 MR. GENTILE: Then it's not relevant.

12 MR. PESCI: To explain the relationship that he had  
13 with the other individuals when he was or was not working.

14 THE COURT: Well, that's still then being offered  
15 for the truth.

16 At some point in time you became aware that TJ was  
17 no longer working at the Palomino; is that right?

18 THE WITNESS: He tell me he -- yes.

19 THE COURT: Okay.

20 THE WITNESS: He tell me he --

21 THE COURT: Okay. Go on, Mr. Pesci.

22 BY MR. PESCI:

23 Q So don't say what he said. Did you have a  
24 conversation with TJ about him no longer working at the  
25 Palomino Club?

1           A     Yes.

2           Q     Now, when he had these conversations with you  
3 about him no longer working at the Palomino, how did TJ  
4 appear? What was his demeanor?

5           A     I need --

6           MR. GENTILE: Objection. That actually is an  
7 assertion and it's out of court. I object.

8           MR. PESCI: It's her observation. She's the  
9 recipient of --

10          THE COURT: Overruled.

11         BY MR. PESCI:

12          Q     She's saying you can answer the question.  
13 That's what she meant by overruled.

14          A     But I need it one more time. Can you answer  
15 that --

16          Q     All right. When TJ would talk to you about him  
17 no longer working at the Palomino, don't tell us what he said,  
18 but when he talked to you about no longer working at the  
19 Palomino, how did he appear to you --

20          MR. GENTILE: Objection. Foundation. That --

21          THE WITNESS: How did he appear?

22          MR. GENTILE: May we approach?

23          THE COURT: Yes.

24          Well, we're going to argue and then --

25                 (Off-record bench conference)

1 THE COURT: All right. Go on, Mr. Pesci.

2 Mr. Pesci's going to ask you some other questions.

3 Go on.

4 BY MR. PESCI:

5 Q Let's put a time frame on this. I want to kind  
6 of go off the subject and we'll come back in a few minutes.

7 I want you to focus on May 19, 2005. Did there come  
8 a time when you and TJ went camping at Lake Mead?

9 A Yes.

10 Q Now, who did you go out there with?

11 A TJ.

12 Q How did you get there?

13 A He drive.

14 Q What did you drive?

15 A His --

16 Q I'm sorry?

17 A We drive truck.

18 Q A truck?

19 A Yes.

20 Q Did you say Sportage?

21 A Yes.

22 Q And was that the car that you drove out there  
23 in?

24 A Yes.

25 Q Whose idea was it to go camping?

1 A TJ.

2 Q Did you want to go camping?

3 A No.

4 Q Had you been camping before?

5 A No.

6 Q With that time in your head, how long before

7 you went camping did TJ stop working at the Palomino?

8 A About two or three week.

9 Q Two or three weeks?

10 A About -- before he quit.

11 Q So two or three weeks before May 19th of 2005?

12 A Yes.

13 Q Now, between that time of going camping and the

14 time that TJ stopped working at the Palomino, were the two of

15 you still living together?

16 A Yes.

17 Q Did you speak with him often?

18 A We speak a lot, yes.

19 Q Did -- had you been living with him for -- how

20 long at that time?

21 A About a year.

22 Q Without saying what he said, did you have

23 conversations on many different subjects with TJ during the

24 time that you lived together?

25 A Say that again, please. Sorry. Slow, please.

1 Q I'm sorry. I apologize.  
2 THE COURT: Did you talk about different things with  
3 him?  
4 THE WITNESS: We talk many things, yes. Yes.  
5 BY MR. PESCI:  
6 Q Did you know TJ well from living with him?  
7 A He's a good man.  
8 Q Okay. Did you ever see him emotional?  
9 A At time, yes.  
10 Q Okay. Describe the emotional --  
11 THE COURT: Well, just -- no. Describe what you  
12 observed.  
13 THE WITNESS: He nervous.  
14 BY MR. PESCI:  
15 Q Okay. And how is it that you, knowing him, saw  
16 that he was nervous? What was nervous about him?  
17 A Usually he calm, but he talk. He worried  
18 about -- he's getting worried, getting nervous.  
19 Q Getting worried about what?  
20 MR. GENTILE: Objection.  
21 THE COURT: Sustained.  
22 THE WITNESS: He --  
23 THE COURT: No, no. When I --  
24 MR. PESCI: Hold on a second.  
25 THE COURT: Mr. Pesci's going to ask you a different

1 question.

2 BY MR. PESCI:

3 Q Did you have conversations, after the time TJ  
4 left the Palomino and before you went camping, about him  
5 leaving the Palomino?

6 THE COURT: Did you talk about him leaving the  
7 Palomino?

8 THE WITNESS: Yeah, he talk about that. He --

9 THE COURT: Okay. Now, there's going to be  
10 another --

11 Try to have smaller sentences, Mr. Pesci.

12 MR. PESCI: Sure.

13 BY MR. PESCI:

14 Q All right. So we know what time we're talking  
15 about. We're talking about after TJ left the Palomino and  
16 before camping. Okay?

17 A Okay.

18 Q All right. You said you had conversations  
19 about TJ leaving the Palomino? That's what you just said a  
20 minute ago?

21 A Yes.

22 Q All right. Describe how TJ was when he talked  
23 to you about that. Don't say what he said, just how did he  
24 appear to you?

25 MR. ARRASCADA: Your Honor, I have to object to

1 foundation. It's asking for hearsay.

2 THE COURT: Overruled.

3 MR. PESCI: You can answer that.

4 THE COURT: You can say what you observed about his  
5 physical appearance.

6 THE WITNESS: Okay.

7 MR. GENTILE: That's asked and answered. She's  
8 already --

9 THE WITNESS: He's nervous and he wasn't himself.

10 BY MR. PESCI:

11 Q Nervous and wasn't himself?

12 A Yes.

13 Q And that's when he was talking about leaving  
14 the Palomino?

15 A Yes.

16 Q All right. Now, focusing on that night, the  
17 19th, going back to that night, what did you do when you first  
18 got out there to the lake?

19 A I take out my food, start cooking.

20 Q And did TJ ever get a phone call while he was  
21 out there?

22 A Not at first. He called his mom first and...

23 Q Now, when he called his mom, were you there  
24 with him?

25 A Yes.

1 Q Did you have a campsite set up?  
2 A We set up already, yes.  
3 Q When TJ was on the phone, was he near you?  
4 A He just near -- around enough to hear when he  
5 talked to his mom.  
6 Q Okay. Could you hear TJ while he was on the  
7 phone?  
8 A Yes.  
9 Q Could you hear the other person on the phone?  
10 A No.  
11 Q And how did you know that it was his mom? What  
12 was it about what he said?  
13 A Because he tell his mom -- he say he feel good,  
14 he's happy.  
15 Q And did you see TJ make that call to his  
16 mother?  
17 A He used my phone.  
18 Q Did TJ receive a call?  
19 A Yes.  
20 Q And was that on your phone or a different  
21 phone?  
22 A On his phone.  
23 Q Okay. Had you seen TJ's phone before this?  
24 A Yes, I see.  
25 Q Where did TJ get that phone?

1           A     He have walkie-talkie.  
2           Q     Okay.  
3           A     He had that on.  
4           Q     And do you know where he got that  
5 walkie-talkie?  
6           A     He just buy a new one. He just bought it.  
7           Q     So the second call that you're speaking of, did  
8 it come to the walkie-talkie?  
9           A     Yes.  
10          Q     What did you see or hear TJ say on that  
11 walkie-talkie call?  
12          A     I only heard he tell -- he say, I am at the  
13 lake with Linda. That's what he say.  
14          Q     Who's Linda?  
15          A     It's me.  
16          Q     Okay. Is that another name you go by?  
17          A     Yes, he call me Linda.  
18          Q     Did you hear any more of that conversation that  
19 TJ had?  
20          A     No.  
21          Q     After that conversation, did TJ tell you where  
22 he was going -- what he was going to do?  
23          A     After?  
24          Q     Yes, after the phone call.  
25          A     After the phone, he come tell me he's going to

1 come -- go meet Angelo.

2 Q Meet who?

3 A Angelo.

4 Q And who -- do you know who Angelo is?

5 A He's coworker.

6 Q Coworker of who?

7 A The Palomino Club.

8 Q The Palomino Club. Did you ever meet Angelo?

9 A Yes.

10 Q And when did you meet him?

11 A I see him at work and he come in the house one  
12 time.

13 Q When you say in the house, whose house?

14 A Our house. We rent house.

15 Q Where you and TJ were living?

16 A Yes.

17 Q So TJ tells you he was going to go meet Angelo?

18 A Yes.

19 Q Did he tell you why?

20 A Yes.

21 Q What did he say?

22 A He going to go get marijuana.

23 Q Marijuana?

24 A Yes.

25 Q Did you want the marijuana at your -- where you

1 were camping?

2 A No.

3 Q What did you say?

4 A I don't want it. He say he's going to go get

5 it.

6 Q Okay. And based on that, did TJ leave the

7 campsite?

8 A Yes.

9 Q He left where you were?

10 A At the lake.

11 Q Okay. When he left, was it dark out?

12 A We set a fire. Yes, it dark.

13 Q Okay. You set -- you had a fire and it was

14 dark?

15 A Yes.

16 Q Do you remember about what time that was when

17 he left?

18 A It was about -- between 9:00 and 10:00, between

19 that.

20 Q Okay. Did you ever see TJ again after he left?

21 A No.

22 Q At some point did you become concerned?

23 A Yes.

24 Q What did you do, based on that?

25 A I call my friend and I call his mom.

1 Q When you say his mom, do you mean TJ's mom?

2 A Yes.

3 Q Were you able to get ahold of TJ?

4 A No.

5 Q While you were on the phone and out there  
6 looking, did something grab your attention?

7 A He never answered the phone.

8 Q Did you call TJ on his phone?

9 A Many time, yes.

10 Q You did not get an answer?

11 A No.

12 Q Did you ever see some lights out there that  
13 kind of got your attention?

14 A I see one light when -- little high up the  
15 hill, yes.

16 Q You saw a light up the hill?

17 A Yes.

18 Q What did you do?

19 A I did nothing. I just not feel good. I don't  
20 know what happened. I just don't know.

21 Q Did you stay there at the campsite or did you  
22 go somewhere else?

23 A I walked.

24 Q Where did you walk to?

25 A Try to get at the street.

1 Q Did you make it to the street or where did you  
2 go to?  
3 A No, I don't make it. It's too far.  
4 Q Did you go somewhere else?  
5 A I can't -- yes, I go, I walk, but I couldn't go  
6 that far. I don't know way out.  
7 Q Did you end up going back to the campsite or --  
8 A Yes.  
9 Q All right. And were you still trying to find  
10 TJ?  
11 A Yes.  
12 Q At some point did the police come and speak  
13 with you?  
14 A Not that night.  
15 Q Okay. When did they speak to you?  
16 A In the morning.  
17 Q And where did you spend the night?  
18 A In the camp.  
19 Q When they spoke to you in the morning, where  
20 was that? How did that happen?  
21 A Right outside when I tried to walk and they  
22 have mobile homes -- have mobile homes to the sidewalk, the  
23 side of the street.  
24 Q Did you go to these mobile homes?  
25 A Yes, I asked him -- I tried to get out, so I

1 talked to him and after that, cop come.

2 Q The police came?

3 A Yes.

4 Q And what did the police tell you?

5 A They tell me TJ's been killed.

6 Q Did they ask you questions about the night  
7 before?

8 A No.

9 Q Did they talk to you about what had been going  
10 on?

11 A No.

12 Q Did you eventually give them a statement?

13 A Yes.

14 Q Did they ask you questions during that  
15 statement?

16 A Yes.

17 Q Did they ask you your knowledge about TJ  
18 working at the Palomino?

19 A . Yes.

20 Q Did they ask you --

21 MR. GENTILE: Objection. What they asked is  
22 irrelevant. I mean, he could certainly ask her questions. He  
23 can ask her about her knowledge, but --

24 THE COURT: Well, unless he's going to just what  
25 information the police had, it can be considered for that, but

1 I don't know any relevancy beyond that.

2 BY MR. PESCI:

3 Q Did you talk to them about TJ working at the  
4 Palomino?

5 A Yes.

6 Q And was that just the morning after TJ was  
7 killed?

8 A Yes.

9 Q Did you talk to them about your understanding  
10 of TJ's relationship with people at the Palomino?

11 A Yes.

12 Q Did you talk to them about a person named PK?

13 A Yes.

14 Q And what did you know about the relationship  
15 between PK and TJ?

16 MR. GENTILE: Objection. Relevance.

17 MR. ARRASCADA: Objection; hearsay, relevance.

18 MR. GENTILE: And hearsay.

19 THE COURT: And foundation.

20 MR. GENTILE: And foundation. Mr. Pesci knows the  
21 rules of evidence, Your Honor. This is --

22 THE COURT: Mr. Gentile, you don't need to  
23 editorialize, please.

24 BY MR. PESCI:

25 Q We'll save the relevance for closing arguments.

1 But as far as your conversation with them, did you  
2 talk to them about the relationship as you understood it  
3 between PK and TJ?

4 MR. ARRASCADA: Objection. Hearsay.

5 MR. GENTILE: And relevance.

6 MR. ARRASCADA: And relevance.

7 THE COURT: And she can say if she -- all right.

8 Did you give them information about that  
9 relationship?

10 THE WITNESS: Yes.

11 THE COURT: Okay.

12 Go on.

13 MR. PESCI: Thank you, Judge.

14 BY MR. PESCI:

15 Q Did you talk to the police about the  
16 relationship between TJ and Little Lou?

17 MR. GENTILE: Your Honor --

18 MR. ARRASCADA: Same objection. May we approach?

19 THE COURT: I'll see counsel up here.

20 (Off-record bench conference)

21 THE COURT: The only relevance is to the course the  
22 police took.

23 I have a question. How many police officers  
24 interviewed you that morning?

25 THE WITNESS: One man, two women.