

1 to you potentially being released on house arrest?

2 A No.

3 Q Okay. Well, let me go back up there.

4 A Or not that I remember.

5 Q I have to turn to the agreement. Reading line
6 2, there's additional language here that says specifically
7 what the additional language is, correct?

8 A Correct.

9 Q Now, let's go to the guilty plea -- or let's go
10 to the agreement to testify. I'm just going to ask you to
11 read from right where it says, Line 3, Counsel, on page 2 of
12 the agreement to testify. Read that to yourself where it
13 says, After Anabel Espindola.

14 A (Complying.)

15 Okay.

16 Q Was there an agreement as it relates to being
17 released on house arrest?

18 A Yes.

19 Q Okay. And what was the first condition of you
20 being released on house arrest?

21 MR. GENTILE: Your Honor, the document is still in
22 front of the witness and it should be removed.

23 THE COURT: All right. She can just turn it over.

24 BY MR. DIGIACOMO:

25 Q Okay. What was the -- what were the conditions

1 on you being released on house arrest?

2 A To testify.

3 Q Okay. Subject to cross-examination?

4 A Yes.

5 Q And a videotaped deposition?

6 A Yes.

7 Q And at that point the State would have no

8 objection to your release on house arrest, correct?

9 A Yes, correct.

10 Q Were you aware that the State requested the

11 videotape deposition --

12 MR. GENTILE: Objection. Hearsay.

13 MR. DIGIACOMO: It goes to -- first --

14 THE COURT: Well --

15 MR. DIGIACOMO: I first asked her whether or not she

16 was aware.

17 THE COURT: All right. She can answer that.

18 MR. GENTILE: Well, that's testifying.

19 THE COURT: Well, I think that the question is

20 really was she -- I mean, is that where you're going, whether

21 or not she participated in a deposition?

22 MR. DIGIACOMO: Correct.

23 THE COURT: All right. Then just ask her that.

24 MR. DIGIACOMO: Well, yeah, I know, but I have a

25 question before that, which is --

1 THE COURT: Okay. Well, then --
2 MR. GENTILE: Well, then can we approach?
3 MR. DIGIACOMO: -- did the State fulfill their
4 obligation.
5 THE COURT: Yeah. I don't know what your other
6 question is.
7 (Off-record bench conference)
8 THE COURT: Mr. DiGiacomo, please rephrase your
9 question.
10 BY MR. DIGIACOMO:
11 Q Were you aware that the State requested a
12 videotaped deposition?
13 MR. GENTILE: Objection. That's the same question.
14 Same objection.
15 THE COURT: At some point in time did you
16 participate in a videotaped deposition?
17 THE WITNESS: No.
18 THE COURT: All right.
19 BY MR. DIGIACOMO:
20 Q At any point in time did anybody tell you that
21 there was a request for one?
22 MR. GENTILE: Objection. Hearsay.
23 THE WITNESS: Yes.
24 MR. DIGIACOMO: I'm asking whether or not anyone
25 told her that --

1 THE COURT: All right. Well, she can say yes, but
2 then --

3 THE WITNESS: Yes.

4 THE COURT: -- the next question's probably hearsay.

5 MR. DIGIACOMO: Okay. I'd ask the Court to take
6 judicial notice of our motion.

7 THE COURT: Move on with your questioning of
8 Ms. Espindola.

9 MR. DIGIACOMO: Okay.

10 BY MR. DIGIACOMO:

11 Q But you never did participate in the videotaped
12 deposition, correct?

13 A No.

14 Q Was it your choice not to participate in the
15 videotaped deposition?

16 A No.

17 Q Were you willing to do so?

18 A Yes.

19 Q Okay.. You were also called before the grand
20 jury, correct?

21 A Yes.

22 Q And did you testify to the best of your ability
23 in front of the grand jury?

24 A Yes.

25 Q Did there come a point in time when somebody

1 showed you a note that may have been located during the course
2 of the case?

3 MR. GENTILE: Objection to the form of the question,
4 a note that may have been --

5 THE COURT: All right. Well, he can show her the
6 item and ask if anyone's ever shown that to her and then when
7 was it shown to her and --

8 MR. GENTILE: Of course he can.

9 THE COURT: -- where was he -- where was it shown to
10 her.

11 BY MR. DIGIACOMO:

12 Q 229, State's Proposed 229, have you ever seen
13 that before?

14 A Yes.

15 Q Okay. And without telling us what it is, do
16 you recognize whose handwriting that is?

17 A Yes.

18 Q Who is that?

19 A Mr. H.

20 MR. GENTILE: Can we get a foundation as to when she
21 was shown this document?

22 THE COURT: When were you shown the document, other
23 than obviously right now in court? When did you first see
24 that document?

25 THE WITNESS: When I testified in front of the grand

1 jury.

2 THE COURT: All right. And that was shown to you by
3 one of the prosecutors, either Mr. DiGiacomo or Mr. Pesci?

4 THE WITNESS: Yes.

5 THE COURT: All right.

6 MR. GENTILE: And can we get a date? I think that
7 the record needs to have a date as to when that was.

8 THE COURT: All right.

9 MR. DIGIACOMO: The record will reflect what date
10 the grand jury transcript is.

11 THE COURT: All right. Do you recall when you
12 testified in front of the grand jury?

13 THE WITNESS: I don't know the date specifically.

14 THE COURT: Well, and I think that is already in the
15 record, but you can direct her to a date.

16 MR. DIGIACOMO: Thank you, Judge.

17 BY MR. DIGIACOMO:

18 Q Now, you say somebody showed this to you,
19 either myself or Mr. Pesci, during the grand jury, and you saw
20 that note, correct?

21 A Yes.

22 Q Now --

23 MR. GENTILE: I'd like to approach before counsel
24 makes any reference to this, this exhibit.

25 THE COURT: All right.

1 MR. ARRASCADA: May I see it, or are we approaching?

2 THE COURT: Well, we can look at it together at the
3 bench. All right.

4 MR. GENTILE: There's another one that I want to
5 approach on --

6 THE COURT: All right. Well, let's move forward --

7 MR. GENTILE: -- but this isn't it.

8 THE COURT: All right. Let's move forward and then
9 when we get to the objectionable exhibit, it may already be
10 time to excuse the jury, so --

11 MR. ARRASCADA: We may want to approach, but I need
12 to look at this too.

13 THE COURT: Okay. Mr. DiGiacomo, can you -- while
14 they're examining that, do you have any --

15 MR. DIGIACOMO: I guess. I have just a few
16 questions left.

17 THE COURT: All right.

18 BY MR. DIGIACOMO:

19 Q During the time that you were in jail prior to
20 your entering a plea, did you receive letters from Mr. H?

21 A Yes.

22 Q And have you known -- knowing Mr. H for the
23 last 15 years, did you recognize his handwriting?

24 A Yes.

25 Q Have you, over the course of that 15 years you

1 knew Mr. H, also known the writing of Little Lou?

2 A Yes.

3 Q Okay. When you receive items from him that are
4 written, do you recognize his writing?

5 A Yes.

6 Q I'm going to show you State's Proposed Exhibits
7 220 and 221.

8 MR. GENTILE: This is the objection. I'd like to
9 approach the bench.

10 THE COURT: All right.

11 (Off-record bench conference)

12 THE COURT: Let's move on, please.

13 (Off-record bench conference)

14 BY MR. DIGIACOMO:

15 Q 220 and 221, do you recognize those?

16 A Yes.

17 Q Did you receive those?

18 A Yes.

19 Q And have you looked through those before?

20 A Yes.

21 Q And who wrote those? Did you recognize the
22 handwriting?

23 A Yes.

24 Q And whose handwriting was it?

25 A Little Luis.

1 Q Little Luis?

2 A Yes.

3 Q Okay. And there's date stamps on those, 220

4 and 221. Are those date stamps about the time that you

5 received those items?

6 A It would be the next day.

7 Q The next day?

8 A Yes.

9 Q So the -- there's one of these -- 221 is a card

10 and one of these is a letter.

11 A Yes.

12 Q And both of those, based upon your review of

13 the handwriting, appear to be authored by Little Luis?

14 A Yes.

15 MR. DIGIACOMO: Move to admit 220 and 221.

16 MR. GENTILE: Objection.

17 MR. ARRASCADA: Objection. I'll let Mr. Gentile go

18 first.

19 THE COURT: Objection as to?

20 MR. GENTILE: Relevance.

21 MR. ARRASCADA: We have the same objection.

22 Relevance, Your Honor.

23 MR. DIGIACOMO: Statement of the defendant.

24 THE COURT: All right. Those will be admitted as to

25 Luis Hidalgo, III only.

1 MR. GENTILE: So my objection is sustained?

2 THE COURT: As to your client, yes.

3 MR. GENTILE: Thank you.

4 (State's Exhibit 220 and 221 admitted.)

5 THE COURT: And just in response, a juror had
6 requested to see an item of evidence. The State can only
7 publish the evidence to the jury, meaning to put it up on the
8 monitor once it's been admitted. Some of the exhibits may
9 take a few witnesses before they're admitted, so...

10 Go on.

11 MR. DIGIACOMO: Is that the one that -- because I
12 think --

13 THE COURT: No, it's not. I asked the clerk.

14 MR. DIGIACOMO: If we know which one it is, I might
15 offer to admit it.

16 BY MR. DIGIACOMO:

17 Q Showing you State's Proposed Exhibits 222 and
18 223, do you recognize those?

19 A Yes.

20 Q Had you received those before?

21 A Yes.

22 Q And do you recognize the handwriting of the
23 individual who wrote those?

24 A Yes.

25 Q And whose handwriting is that?

1 A Denise Mata's.

2 Q Who's Denise Mata?

3 A She is a former inmate.

4 Q Okay. And how did you know her?

5 A She was in my housing unit.

6 Q Did there come a point in time that you learned

7 that she was released?

8 A Yes.

9 Q And did you have discussions with Mr. H about

10 Denise Mata?

11 A No.

12 Q Did you have discussions with anybody related

13 to Denise Mata and Mr. H?

14 A No.

15 Q How do you know -- well, let me ask you this:

16 Have you ever heard the term "nanu nanu" before?

17 A Yes.

18 Q And what does nanu nanu relate to?

19 A It's a term of endearment that Louie and I used

20 to say to each other. It means I love you.

21 Q Showing you what's been marked as State's

22 proposed Exhibit No. 227, just briefly flip through those and

23 tell me if you recognize what's --

24 A (Complying.)

25 Q Do you recognize those items?

1 A Yes.

2 Q Okay. And specifically the letters that are
3 written in here, do you recognize the handwriting of those
4 letters?

5 A Yes.

6 Q Okay. And whose handwriting is it?

7 A Mr. H.

8 Q Mr. H. Okay.

9 MR. DIGIACOMO: Move to admit 227, Judge.

10 THE COURT: Any objection to 227?

11 MR. GENTILE: Well, relevance. I mean --

12 MR. DIGIACOMO: It's the exemplar for the
13 handwriting expert.

14 THE COURT: All right. It's overruled.

15 MR. ARRASCADA: Your Honor --

16 MR. GENTILE: Well, if they're only relevant for
17 handwriting expert, we don't dispute the handwriting on the
18 exhibit that --

19 THE COURT: On Exhibit 229?

20 MR. GENTILE: -- whatever that note is.

21 THE COURT: It's 229.

22 MR. GENTILE: Is it 229? No, we never disputed
23 that.

24 MR. DIGIACOMO: That's the first I've heard.

25 THE COURT: All right. Well, if it's stipulated

1 that that's the handwriting of Mr. Hidalgo, Jr., then there's
2 no --

3 MR. GENTILE: Let me make sure that 229 is the right
4 one.

5 MR. DIGIACOMO: Well, that's actually not going to
6 be the one that the expert actually --

7 MR. GENTILE: No, I know, but it's the original of
8 this, right?

9 MR. DIGIACOMO: The original one.

10 MR. GENTILE: Yeah. No, we don't dispute that.

11 THE COURT: All right. Then --

12 MR. GENTILE: Go ahead.

13 THE COURT: -- there's no need for the exemplars.
14 If there's a need down the road, she's already identified
15 them.

16 BY MR. DIGIACOMO:

17 Q On 227, just so I have the proper foundation,
18 on a couple of those letters the return address says Luisito
19 on it. Did you see that when you looked through those?

20 A Yes.

21 Q And you had told me that -- or you told this
22 jury before that Luisito is a term of endearment that you had
23 for Little Lou.

24 A Correct.

25 Q Despite that, that handwriting that was on 227,

1 whose was that?

2 A Mr. H.

3 MR. DIGIACOMO: Judge, I pass the witness.

4 THE COURT: All right. Mr. Gentile.

5 MR. GENTILE: Well, given that I have 20 minutes,
6 I'm going to do what I can do.

7 THE COURT: I'll give you 30.

8 MR. GENTILE: It's probably going to take that long.
9 What I want to do is I want to coordinate these photographs.
10 Well, let's start this way.

11 (Pause in proceedings)

12 THE MARSHAL: Do we need the easel?

13 MR. GENTILE: I need the easel and I'm going to
14 leave the witness in the lull of the court.

15 THE COURT: That's fine. Jeff, why don't you bring
16 the easel down.

17 And, Mr. Gentile, do you want the easel kind of
18 right there where you're standing, or would you --

19 MR. GENTILE: No, because the jury needs to --

20 THE COURT: -- like it closer to the jury?

21 MR. GENTILE: The jury's going to need to see this.

22 THE COURT: Okay. Jeff, if you'll set up the easel
23 there in front of the jury.

24 And then once it's set up, Mr. Gentile, when you
25 need the witness to step down, just request it at that time.

1 (Off-record colloquy)

2 MR. GENTILE: Could the witness please step down.

3 Oh, I need to have this marked.

4 MR. DIGIACOMO: Right. It probably should be marked
5 and --

6 MR. GENTILE: Well, I showed this to you the other
7 day.

8 MR. PESCI: It's been published before. It's been
9 introduced.

10 THE COURT: Right. It's been published before.
11 It's been admitted.

12 MR. DIGIACOMO: Is this the Simone's thing?

13 MR. GENTILE: This is Simone's.

14 MR. DIGIACOMO: Yeah, it appeared to be. We agreed.
15 It just needs to be marked and we'd stipulate to its
16 admission.

17 MR. GENTILE: We need it marked.

18 THE COURT: All right. And you're stipulating to
19 its admission? Is that what you said?

20 MR. DIGIACOMO: Yeah.

21 THE COURT: Okay.

22 (Off-record colloquy)

23 MR. GENTILE: This is stipulated. I can put it up
24 there now.

25 THE COURT: Yes.

1 MR. DIGIACOMO: I agree you can put it up there.
2 THE COURT: All right.
3 MR. DIGIACOMO: You agree that it's a true rendition
4 of --
5 THE COURT: And just for the record so that we know
6 what we're talking about there, that's Defense Exhibit
7 letter --
8 Mr. Gentile, whose --
9 THE CLERK: Oh, I did that wrong because I'm so
10 confused.
11 THE COURT: All right.
12 THE CLERK: That is actually --
13 MR. GENTILE: I'll just bring that back to you.
14 THE CLERK: Bring it back.
15 THE COURT: It's going to be the blue sticker. And
16 for the jury, the good news is Monday we're definitely
17 starting at 9:00. I have found a judge to hear my calendar
18 Monday so we are starting at 9:00. We are still working on a
19 judge to hear my calendar Tuesday, so hopefully we'll start --
20 be able to start at 9:00 on Tuesday as well. We so far have
21 been rejected by five judges, but we are working on it.
22 There's 25 in the building.
23 Deniece, just put the sticker on and --
24 THE CLERK: I am, Judge.
25 THE COURT: -- and just put the letter --

1 THE CLERK: Well, I have to find the list first.

2 THE COURT: All right. For the record, Defense
3 Exhibit B was stipulated -- or the State had no objection to
4 that coming in.

5 MR. DIGIACOMO: We'd stipulate to it.

6 THE COURT: Thank you.

7 MR. DIGIACOMO: That's fine.

8 (Defendant's Exhibit B admitted.)

9 (Pause in proceedings)

10 MR. GENTILE: If the witness could step down,
11 please.

12 THE COURT: Ms. Espindola, if you'll step down,
13 Mr. Gentile is going to ask you some questions utilizing
14 Defense Exhibit B.

15 CROSS-EXAMINATION

16 BY MR. GENTILE:

17 Q Ms. Espindola, do you recognize what Defense
18 Exhibit B portrays?

19 A It looks like --

20 THE COURT RECORDER: I'm sorry. I'm not picking her
21 up.

22 MR. DIGIACOMO: We can't see through Mr. Gentile and
23 we can't hear the witness.

24 THE COURT: All right. Well, Mr. Gentile's moving
25 the microphone so it's closer to the witness and that will

1 pick her up.

2 MR. GENTILE: Can you pick me up without a mic?

3 THE COURT: Yes.

4 MR. GENTILE: I bet you can.

5 BY MR. GENTILE:

6 Q Ms. Espindola, Defendant's Exhibit B, what does
7 it appear to be to you?

8 A (Indiscernible.)

9 Q All right.

10 THE COURT: You know what, I can't hear her. I'm
11 going to have Jeff hand you the hand-held microphone so that
12 we can pick that up.

13 BY MR. GENTILE:

14 Q All right. Let's try one more time because it
15 may not be on the record. You already know the question, but
16 I'll ask it again.

17 What does Exhibit B appear to be to you?

18 A A blueprint of Simone's Autoplaza.

19 Q . And does it appear to be the way Simone's was
20 laid out with the exception of a few things that I'm going to
21 ask you to add to it? Does it appear to be the way Simone's
22 was laid out on May the 19th and thereafter in the year 2005?

23 A Yes.

24 Q Okay. You have made testimony with respect to
25 Room 6.

1 A Correct.

2 Q From looking at this exhibit, is Room 6 readily
3 recognizable?

4 A No.

5 Q And that's because there's a box that has no
6 wall dividers; am I correct?

7 A Correct.

8 Q Okay. I'm going to ask you to take this marker
9 and why don't you point to the box that we're going to be
10 dealing with?

11 A I believe it's right here (indicating.)

12 Q Okay. And let the record reflect that the
13 witness has pointed to the upper left quadrant of the document
14 between the numbers 2 and 4. And it appears to be a
15 rectangular space on the document; fair to say?

16 A Yes.

17 Q Okay. Now, take this marker, if you will, and
18 put the walls in that rectangular space the way you remember
19 them to be, just the walls first, the dividers.

20 A (Complying.)

21 It's three offices.

22 Q All right. And were each of those offices
23 numbered?

24 A I believe so, yes.

25 Q All right. Could you please place the numbers

1 then in the space as you recall them to be?

2 A (Complying.)

3 Q Okay. Now, you testified earlier with respect
4 to -- take a look at the remainder of the exhibit and see if
5 there's anything that you recall being different about
6 Simone's than the way this exhibit portrays.

7 A I'm not very good with blueprints. I know the
8 reception area came here. This is the game area where the
9 pool table was. These are the offices.

10 Q All right. Does it appear, though, at least in
11 terms of where the walls are now, that's the way you remember
12 it to be?

13 A There's also where the employee lounge is.
14 There's like an open space back here.

15 Q Well, there doesn't appear to be any lines
16 where you're pointing. Is that the open space that you're
17 talking about?

18 A It came from here. There's an open space here
19 and then there's more open space before the -- another over
20 for the back estimator's office.

21 Q All right. Well, here -- how about we do it
22 this way? Why don't you take that marker and, if you will,
23 you were talking about an open area, a game area.

24 A The game area where the pool table was is here.

25 Q Why don't you write it right there. In fact,

1 draw a pool table where you remember it to be.

2 A I'll just -- can I write "pool table"? I'm not
3 very good at drawing.

4 Q It's only four corners.

5 A It would, I think --

6 Q You want to write "pool table"? Write pool
7 table.

8 A No, it's fine.

9 Q Because I need you to write pool table anyhow,
10 so write pool table.

11 A (Complying.)

12 Q Got it?

13 A Mm-hmm. I think it's right in this general
14 area.

15 Q That general area. Okay.

16 Now, you talked about a kitchen area. Is that
17 portrayed on there?

18 A Where it says employee lounge.

19 Q So the employee lounge is what you refer to as
20 the kitchen?

21 A I never referred to it as the kitchen, but I
22 would think so because that's in the general area.

23 Q Well, if -- I know that -- I mean, this
24 morning -- I think this morning you said that --

25 A The kitchen.

1 Q Yeah. You said the kitchen.
2 A Yeah.
3 Q So what are you talking about?
4 A The kitchen. It just says employee lounge
5 right here.
6 Q But you just said you --
7 A I was clarifying.
8 Q -- never called it a kitchen.
9 A No, I --
10 Q You called it a kitchen this morning. So
11 that's what you're talking about?
12 A I -- yes.
13 Q Okay. Now, the reception area is marked, but
14 is that the reception area?
15 A Yes.
16 Q Okay. And do you recall where these couches
17 were that you testified about? We're going to go through some
18 photographs in a bit and I'm going to ask you to put the
19 numbers of the photographs where they would be on this
20 diagram.
21 A Like I said, I'm not very good with blueprints.
22 I'm really terrible at directions. The reception area's here.
23 This would be Louie's office, the storage room.
24 Q Well, let's mark it. Let's mark it. The first
25 office you say is Louie's office, so why don't you put that

1 on -- I'll tell you what, since we're using the term Mr. H --
2 and by the way Mr. H, lots of people call Luis Hidalgo, Jr.
3 Mr. H. Fair to say?

4 A Everyone from the Palomino Club used to call
5 him Mr. H.

6 Q Mr. H. Prior to moving to Nevada, nobody
7 called him Mr. H?

8 A Correct.

9 Q Okay. But because we have so many ways of
10 referring to him, let's just use H.

11 A Mr. H. I'll make an effort.

12 Q Right. Would you put in the box the letter H
13 in terms of the office that was used by Luis Hidalgo, Jr.,
14 according to your testimony?

15 A Like I said, I'm not good with directions. I
16 get turned around. I think it's this office. That would
17 be --

18 Q Okay. Now, that's -- if that was his office,
19 how about you put the initials AE in the office that you
20 occupied.

21 A (Complying.)

22 Q Okay. And Room 6 you've already indicated. Am
23 I correct?

24 A Correct.

25 Q All right. Now, this back office over there,

1 what was it used for?

2 A The estimator.

3 Q And who was the estimator?

4 A Joe was the estimator. He worked out of Room
5 5, but also there was another estimator who worked in the back
6 and they would hand out the repair orders to the employees.

7 Q Do you have any idea -- let me rephrase that.
8 Do you have knowledge as to the approximate square footage in
9 this building?

10 A I did. I don't remember anymore.

11 Q Okay. Was it your understanding that this was,
12 at least in terms of the square footage of this building, the
13 largest body shop of its type in southern Nevada?

14 A Independent, yes.

15 Q Independent, yes. Okay.

16 And if you will -- I asked you about the couches.
17 To the best of your memory, place the couches where they were
18 in the reception area.

19 A My windows are here looking out at the
20 reception area.

21 Q So the offices had windows in them?

22 A Yes.

23 Q All right. Okay. Go ahead and put the couches
24 in.

25 A I'm thinking that the couches would be -- the

1 windows are here and the couches would be here (indicating.)

2 Q Okay. So there were two couch in an L shape?

3 A Yes.

4 Q All right. And were they -- were they oriented
5 toward something? Were they in that L shape for a purpose?

6 A Yes.

7 Q What was that purpose?

8 A For a TV.

9 Q So there was a TV against the wall?

10 A Yes.

11 Q Okay. What else do you recall being in the
12 reception area?

13 A The reception desk.

14 Q And where was that approximately, if you will?

15 A Well, if this is angled this way, would this be
16 the front door?

17 Q I'm not able to testify, but I could tell you,
18 yes, that's the front door.

19 THE COURT: Mr. Gentile.

20 THE WITNESS: If you walk through the front door,
21 the reception -- the desk would be here.

22 BY MR. GENTILE:

23 Q All right. Now -- oh, hair color. You
24 testified -- and I'm keeping you down here because we're going
25 to do more on this, but before I forget, you testified that

1 Luis Hidalgo, Jr., Mr. H --
2 A Yes.
3 Q -- Louie, has always had his hair a color.
4 He's been coloring his hair for a number of years; am I
5 correct?
6 A No, he colored his hair -- I know of that --
7 when he came to visit me.
8 Q All right. So prior to that, it was not
9 colored at all?
10 A No, he had a gray streak in the front.
11 Q A gray streak in the front?
12 A Yes.
13 Q But what was the remainder of the color of his
14 hair?
15 A Dark brown, black.
16 Q Dark brown, so it had a little gray in it,
17 but --
18 A Yes.
19 Q -- not a lot?
20 A Correct.
21 Q Is that correct?
22 A Mm-hmm.
23 Q Now, Pops --
24 A Yes.
25 Q What color was Pops' hair in the year 2005?

1 A Gray.

2 Q Okay. Does Pops appear to be a Salvadorian

3 man?

4 A Yes.

5 Q More so than his son?

6 A They both looked alike except for Pops was much

7 shorter.

8 Q Pops was shorter?

9 A Yes.

10 Q Okay. All right. Now, let's take a look at

11 these photos and see, if you will, so that we can answer this

12 better -- here's Exhibit 97. See that? Why don't you write

13 on this building -- the side of this building that Exhibit 97

14 represents -- in fact, just put X 97 and draw an arrow --

15 write it in here maybe, draw an arrow to what it portrays.

16 A (Complying.)

17 This is the side of the building, so I think it

18 would be --

19 MR. GENTILE: Is the recorder able to pick her up?

20 THE COURT RECORDER: I'm picking her up.

21 THE WITNESS: It looks like it's over by the

22 (indiscernible.)

23 BY MR. GENTILE:

24 Q Write X 97 there, please. Here, I'll hold it

25 for you because we need to -- X 97.

1 A I think.

2 Q Okay. Well, you can only do the best that you

3 remember.

4 A Here is Exhibit 98. Do the same thing. Write

5 somewhere in the margin 98 and draw an arrow to it.

6 A (Complying.)

7 Q Now, this is Exhibit 99 -- in fact, 99 and 100,

8 because they have the couches in them.

9 A Mm-hmm.

10 Q So where would they be?

11 A They would be right -- the couches would be

12 right here.

13 Q And these windows that we see in Exhibit 100

14 and in Exhibit 99 -- in 100, it's behind one of the couches.

15 It's behind the same couch in both?

16 A Yeah.

17 Q Those are the windows to your office?

18 A Yes.

19 Q Do you remember how big that office was?

20 A It was large.

21 Q Large office?

22 A Yes.

23 Q Okay. So how about we do 99 and 100 and we

24 kind of write it out here.

25 A (Complying.)

1 Q Thank you.

2 Now, Exhibit 101, what does that portray?

3 A My office again.

4 Q Okay. So you want to just add 101 to that?

5 A (Complying.)

6 Q Okay. Now, this is Exhibit 102. Take a look
7 at it, tell me if you recognize -- well, you've already
8 identified it.

9 A It's my office.

10 Q It's your office?

11 A Mm-hmm, yes.

12 Q All right. But now we're talking about inside
13 your office?

14 A Correct.

15 Q Correct. Okay.

16 So why don't we -- well, I don't know how many we
17 have. I believe they have a bunch, so -- no, don't put it in
18 there. I'll tell you what, what is this area here, this --
19 we're right between the -- we're at E and F, 4 and 5 in terms
20 of the reference on this document. This is E and F. That's 4
21 and 5.

22 This area right here, what is that?

23 A It says loading left here, so my assumption
24 would be that it's the first bay. I --

25 Q All right. I --

1 A Because there's no offices behind us.

2 Q Okay. So why don't we then write the numbers
3 in this first bay area, because I don't think anything has
4 come into evidence relating to the first bay area so we could
5 cloud it up a little bit.

6 102.

7 And this Exhibit 103, what is that?

8 A That's my briefcase.

9 Q That's your briefcase?

10 A In my office.

11 Q All right. Did you have a lot of different
12 purses and briefcases?

13 A I used the same briefcase.

14 Q Yeah. How about purses?

15 A I had a lot of different purses, but --

16 Q You had a lot of purses but same briefcase?

17 A Same briefcase.

18 Q Okay. With respect to that, why don't we write
19 103 and also draw the line to the office so that they know
20 where it was. I'll tell you what, rather than me asking you
21 questions every time, since we only have a few minutes left
22 today, take a look at these photographs and continue to do
23 what you've been doing.

24 A Okay.

25 Q Give us -- give us -- so that the ladies and

1 gentlemen, when they go into the -- into the jury room they
2 can figure out where these photographs belong --

3 A Would you like me to explain it as I'm --

4 Q No, you don't need to.

5 MR. GENTILE: Does she need to?

6 THE COURT: I don't think so.

7 BY MR. GENTILE:

8 Q No, just write it down. Well, I mean, you can
9 explain it if you want.

10 A Can I put this microphone down?

11 Q Sure.

12 THE COURT: Yeah. If you're not talking, you don't
13 need to hold the microphone.

14 THE WITNESS: Thank you. (Complying.)

15 Can I ask a question?

16 BY MR. GENTILE:

17 Q You want to ask a question?

18 A Ask a question.

19 Q Sure.

20 A I'm the one who got the change for the club but
21 I know that that's Simone's. Would it have went --

22 Q No, no. I'm asking you. I can't answer --

23 THE COURT: Yeah. Unless you have a question about
24 one of the questions or, you know, want Mr. Gentile to explain
25 something he's asked you, you can't ask Mr. Gentile any

1 questions.

2 THE WITNESS: Oh.

3 THE COURT: In fact, this may be a good time to take
4 our --

5 THE WITNESS: I'm assuming this is in my office only
6 because I know the change was in my office.

7 BY MR. GENTILE:

8 Q And is that the color of the carpeting that was
9 in your office?

10 A Yes, but --

11 THE COURT: And just so --

12 THE WITNESS: -- I don't want to write it down.

13 THE COURT: I'm sorry. Just so we know, what
14 exhibit number are you referring to now?

15 THE WITNESS: 110.

16 THE COURT: Okay. Exhibit number 110.

17 THE WITNESS: So even though I'm not completely
18 certain, do you still want me to write them like that?

19 BY MR. GENTILE:

20 Q I do, yes. That would be fine.

21 THE COURT: All right. And just so --

22 BY MR. GENTILE:

23 Q I mean, you're at least as certain as to some
24 of the other things you've testified about --

25 A Yes.

1 Q -- fair to say?

2 A Yes.

3 Q Okay.

4 THE COURT: We'll let her mark -- did you mark for
5 110, Ms. Espindola?

6 THE WITNESS: Yes.

7 THE COURT: Okay. Ladies and gentlemen --

8 Ms. Espindola, you can just hand those photos back
9 to Mr. Gentile and just go ahead back up here to the witness
10 stand, ma'am.

11 MR. GENTILE: We've gotten through 101, Your Honor.

12 THE COURT: All right. Yeah. Just put that down.

13 Ladies and gentlemen, we're going to go ahead and
14 take our weekend recess. We will reconvene Monday morning at
15 9:00 o'clock and, like I said, we'll hopefully get a lot done
16 on Monday.

17 I just want to remind everyone that it's important
18 to be on time because I'd really like to start just at 9:00
19 and hopefully cover a lot of ground. I know this is taking
20 longer and it's a hardship for a lot of people who have to
21 miss work and whatnot.

22 Before I excuse you for the afternoon, I must again
23 admonish you -- or for the weekend, actually, I must again
24 admonish you that you're not to discuss this case or anything
25 relating to the case with each other or anyone else. You're

1 not to read, watch or listen to any reports of or commentaries
2 on any subject matter relating to the case.

3 Don't do any independent research on any subject
4 connected to the trial. Don't visit any locations at issue
5 and please do not form or express an opinion on the case until
6 it is finally submitted to you.

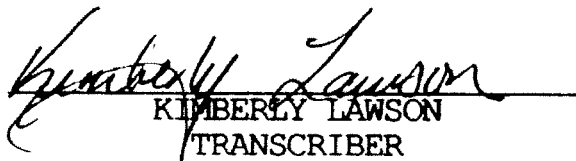
7 If everyone will please leave their note pads in
8 their chairs. I'd like Juror No. 13 to remain in the
9 courtroom. Everyone else please follow Jeff through the
10 double doors.

11 And, Ms. Espindola, during our weekend recess, do
12 not discuss your testimony with anyone else who may be called
13 as a witness.

14 (Court recessed at 1:09 p.m. until Monday, February
15 9, 2009, at 9:15 a.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

1 Q Did there come a point in time when that
2 situation changed?

3 A Yes.

4 Q And without telling us specifically what
5 Mr. Moore did, was there a conflict that was created between
6 Mr. H and Mr. Moore?

7 A Yes.

8 Q Based upon that conflict, did you have contact
9 with Mr. Gentile?

10 A I did not have contact. Mr. H had contact with
11 him.

12 Q At some point were you directed to do anything?

13 A Yes.

14 Q And did you go to the Las Vegas Metropolitan
15 Police Department?

16 A Yes.

17 Q Did you go with Mr. H?

18 A Yes.

19 Q And did you make a report of a reported
20 extortion?

21 A Yes.

22 Q Jump back forward now. You said that
23 Mr. Gentile was out of town. Do you know -- did you -- were
24 you told at all by Mr. H what Mr. Gentile was doing out of
25 town?

1 A He was working on another case in California.

2 Q Okay. Did you know anything about that case?

3 A Yes.

4 Q What was it?

5 MR. GENTILE: Objection. Hearsay.

6 Can we approach?

7 THE COURT: Yeah.

8 (Off-record bench conference)

9 THE COURT: All right. I believe it's been
10 stipulated that Mr. Gentile flew in from San Diego; is that
11 right?

12 MR. GENTILE: I flew in on Sunday afternoon
13 around -- well, never mind. I flew in on Sunday.

14 THE COURT: All right. Thank you.

15 Mr. DiGiacomo, move on.

16 MR. DIGIACOMO: Thank you.

17 BY MR. DIGIACOMO:

18 Q So on Saturday did you -- was there somebody
19 else for you to meet with?

20 A Yes.

21 Q And do you remember that lawyer's name?

22 A Yes.

23 Q And what was his name?

24 A Mr. DePalma.

25 Q Okay. Had you ever met Mr. DePalma before?

1 A No.

2 Q And who did you go to Mr. DePalma's office
3 with?

4 A Mr. H.

5 Q Now, you've previously testified at the grand
6 jury in this case, correct?

7 A Yes.

8 Q Okay. And you've had a chance now to review
9 your testimony?

10 A Yes.

11 Q In review of your testimony, did you notice
12 some dates that were wrong?

13 A Yes.

14 Q And can you explain that to the ladies and
15 gentlemen of the jury?

16 A I went ahead and believed that I saw
17 Mr. Gentile with Mr. H on Saturday, but it was actually
18 Sunday.

19 Q How did you figure out that you were wrong
20 about that?

21 A Because I was accumulating all the days
22 together. I believe I lost track of Friday. As I said
23 earlier, Friday was somewhat of a blur.

24 Q Okay. Well, when you went to Mr. DePalma's
25 office, can you describe the parking lot for us, not like the

1 physical, but was there any other cars in the parking lot?

2 A It was empty.

3 Q Okay. And based upon that did you draw a
4 conclusion?

5 A Yes.

6 Q What conclusion did you draw?

7 A That it was the weekend.

8 Q That it was Saturday?

9 A That it was Saturday.

10 Q Okay.

11 MR. GENTILE: Objection. Wait a minute. Are we
12 talking about her visit with DePalma now?

13 MR. DIGIACOMO: Yeah, on Saturday.

14 MR. GENTILE: Okay.

15 MR. DIGIACOMO: Right.

16 THE COURT: All right.

17 BY MR. DIGIACOMO:

18 Q When you get to Mr. DePalma's office, do you go
19 in the office with Mr. H?

20 A Yes.

21 Q And are you instructed to do anything?

22 A Yes.

23 Q What was that?

24 A To leave.

25 Q Okay. And did Mr. H remain?

1 A Yes.

2 Q And what do you do?

3 A I walk out to the car.

4 Q And do you remain in the car?

5 A Yes.

6 Q Okay. At some point does Mr. H come back?

7 A Yes.

8 Q And does he talk to you?

9 A Not really, not about the conversation that he

10 had. He does mention that he is -- that Mr. DePalma would be

11 calling Mr. Gentile about what they spoke about.

12 Q Where do you go from Mr. DePalma's place?

13 A To the Silverton.

14 Q Okay. Why do you go to the Silverton if you

15 have a house here?

16 A Louie -- or excuse me. Mr. H did not want to

17 go back to the house.

18 Q What was he scared of?

19 A He just said he didn't want to go back to the

20 house.

21 Q Okay. And do you go and check into the

22 Silverton?

23 A Yes.

24 Q Who stayed in the Silverton with you?

25 A Mr. H.

1 Q And while you're at the Silverton, does there
2 come a point in time when you see Little Lou or Luis?

3 A Yes.

4 Q Okay. Where do you see him at?

5 A He comes up to the room.

6 Q And who's in the room at the time he comes up
7 to the room?

8 A Mr. H.

9 Q Okay. And you?

10 A Yes.

11 Q Okay. And when Little Lou comes in the door --
12 let me ask you this: Is this the first time that you've seen
13 him since the argument between his father and him at the --
14 Simone's on the 19th?

15 A Yes.

16 Q Okay. When Luis comes through the door, can
17 you describe for me the conversation?

18 A Yes. He tells his father that, Don't worry, I
19 already talked to Deangelo. He said he's not going to say
20 anything. He's dealt with the police before.

21 Q And what was Mr. H's reaction?

22 A He's calm but he said he wants to talk to his
23 father. He wants to see his father.

24 Q Pops?

25 A Yes.

1 Q Okay. Do you remember anything else that
2 Little Luis said at this point?

3 A He told his father not to worry. I already
4 spoke the Deangelo. He's dealt with -- he's been arrested
5 before or he's dealt with the police.

6 MR. ADAMS: Objection. Asked and answered, Your
7 Honor.

8 MR. ARRASCADA: It's nonresponsive to the --

9 THE WITNESS: He's had run-ins.

10 MR. ARRASCADA: -- question asked, Your Honor.

11 THE COURT: Right. All right. The question was
12 what was the conversation between Little Lou and Mr. H. So
13 just refer to what --

14 MR. DIGIACOMO: That's what --

15 MR. ARRASCADA: That's already been asked and
16 answered, Your Honor.

17 THE COURT: All right. All right. Well, that's
18 overruled. She can say what was discussed.

19 MR. ARRASCADA: Well, Your Honor, she's already
20 answered that, and now he asked -- the question was: After
21 that, what occurred.

22 MR. DIGIACOMO: I didn't say that.

23 THE COURT: All right. Well, she's allowed to
24 testify as to what she overheard Mr. H and Little Lou say to
25 one another, so it's overruled.

1 BY MR. DIGIACOMO:

2 Q Do you remember the question?

3 A Again, he said, Don't worry, he's had --
4 Deangelo's had run-ins with the police before. He's not going
5 to talk.

6 Q And Mr. H's response was, I want to see Pops?

7 A Yes.

8 Q Is Pops contacted in some manner?

9 A Yes.

10 Q Do you know who?

11 A I believe I'm the one who contacted Pops. It
12 might have been by the Nextel radios.

13 Q Okay. You contact Pops. Do you remember what
14 number Pops had, as you sit here four years later?

15 A No.

16 Q Okay. And then what happens?

17 A Pops comes to the Silverton and we all go eat
18 at the cafe.

19 Q When you say "we all," who's there?

20 A Pops, Mr. H, Little Luis and myself.

21 Q And what's the conversation going on?

22 A Pops sees Louie's demeanor. He's nervous.
23 He's withdrawn. He asks him what's wrong. Louie says he's --
24 there's some things going on. It's bad. And Pops responds by
25 telling him, Whatever it is, I'm behind you.

1 Q Okay. Any specifics at that dinner discussed?
2 A No.
3 Q Do you remember if Little Luis said anything at
4 that particular dinner? You just told us what Mr. H said.
5 Anything that Little Luis said?
6 A Little Luis said not to -- he doesn't have to
7 go back to the club, that he would be bringing the paperwork.
8 Q When you talk about he doesn't have to go, who
9 doesn't have to go back to the club?
10 A Mr. H.
11 Q Okay. And what paperwork was he talking about?
12 A The daily banks, that he would bring them to
13 me.
14 Q Okay. So Little Luis is saying Mr. H and you
15 don't have to go back to the club?
16 A He's directing the conversation to Mr. H, to
17 his father.
18 Q Let's talk about your relationship with Little
19 Lou. Have the two of you -- or how close were the two of you
20 over the course of the years?
21 A We were close.
22 Q Okay. Friends?
23 A Yes.
24 Q At the end of this dinner or whatever, how does
25 the situation end? Do you recall?

1 A Pops leaves and I don't recall any more than
2 that.
3 Q Okay. Did Luis stay or did he go?
4 A I believe Luis went back to the club. I know
5 he left.
6 Q Luis left?
7 A His father wanted him to stay.
8 Q His father wanted him to stay?
9 A Yes.
10 Q And Luis didn't?
11 A Correct.
12 Q Okay. And how many nights do you recall
13 staying at the Silverton?
14 A One. It may have been two. Like I said,
15 Friday's a blur.
16 Q After the night at the Silverton, we're now at
17 Sunday?
18 A Mm-hmm.
19 Q Do you remember anything happening on Sunday?
20 A Yes.
21 Q What happened?
22 A Louie and I went to meet with Mr. Gentile.
23 Q And you say Louie. Mr. H, right?
24 A Yes, I'm sorry.
25 Q And you met with Mr. Gentile and where did you

1 meet him?

2 A At his office.

3 Q And then after -- did you and Mr. H go
4 together?

5 A Yes.

6 Q And did you enter the building together?

7 A Yes.

8 Q And describe for us how that worked.

9 A We walked into the building. We walked in with
10 Mr. Gentile and he walked us directly into a conference room.

11 Q And then once you guys were in the conference
12 room, was there conversation with all of you or did something
13 else happen?

14 A Mr. Gentile directed me to his private office.
15 He wanted to talk to Mr. H.

16 Q Alone?

17 A Alone.

18 Q And did you agree with that request and did you
19 go sit in a different office?

20 A Yes.

21 Q Let me back up here and show you State's
22 Proposed Exhibit No. 230. Have you seen that before?

23 A Yes.

24 Q Whose signature is at the bottom of that?

25 A Mine.

1 Q Okay. And then the second page of this, you
2 recognize that credit card?

3 A Yes.

4 Q And who is that?

5 A Mine.

6 Q Does this appear to be the record that you
7 signed on -- in May of 2005 for staying at the Silverton?

8 A Yes.

9 MR. DIGIACOMO: Move to admit 230, Judge.

10 THE COURT: Any objection?

11 MR. GENTILE: I'm going to object to the relevance
12 of it because it doesn't indicate -- it indicates and it does
13 corroborate that she was there.

14 THE COURT: Right.

15 MR. GENTILE: It says nothing about how long she was
16 there.

17 MR. DIGIACOMO: It says arrival date 2/21 --

18 MR. GENTILE: It's the registration slip. That's
19 got nothing to do with how long she remained there.

20 THE COURT: All right. Well, overruled. I mean, I
21 think that goes to the weight of the document it shows.

22 MR. DIGIACOMO: Thank you, Judge.

23 (State's Exhibit 230 admitted.)

24 BY MR. DIGIACOMO:

25 Q After spending some time in his office --

1 what'd you do while you were in Mr. Gentile's office?

2 A I was trying to watch television and I was
3 playing with the remotes because I thought I broke his
4 television.

5 Q Okay. At some point in time does somebody come
6 back and get you?

7 A Yes. Actually, one of his secretaries walked
8 in to try to help me. He had several remotes.

9 Q And eventually does somebody come get you?

10 A Yes.

11 Q And do you wind up in a meeting with
12 Mr. Gentile?

13 A Yes.

14 Q And who else is present?

15 A Mr. H and Mr. Dibble.

16 Q And who did you know Mr. Dibble to be?

17 A He was introduced as an investigator.

18 Q For Mr. Gentile?

19 A For Mr. Gentile.

20 Q Who was doing the talking during this meeting
21 at this point?

22 A Mr. Gentile.

23 Q What did he tell you?

24 MR. GENTILE: I think we need to approach.

25 THE COURT: I think that's true.

1 (Off-record bench conference)

2 THE COURT: All right. Mr. DiGiacomo, you may
3 continue.

4 MR. DIGIACOMO: Thank you.

5 BY MR. DIGIACOMO:

6 Q Did -- during the course of this conversation
7 with Mr. H and yourself present, did Mr. Gentile provide any
8 advice to you?

9 A Yes.

10 Q And did he provide it to just you or you or
11 anybody else?

12 A Me and Mr. H.

13 Q And what did he tell you?

14 A He said, Do not talk to Deangelo Carroll.

15 Q And did he tell you why -- why you shouldn't be
16 talking to Deangelo Carroll?

17 A Yes.

18 Q And what did he say?

19 A He may be wired.

20 Q At the conclusion of that interview, did you
21 and Mr. H leave?

22 A Yes.

23 Q And do you recall where you went?

24 A That evening we went to my house.

25 Q After you left Mr. Gentile's office, what's

1 Mr. H's demeanor like?

2 A At first he seems a little more calm, but as
3 the night progresses, he's starting to get nervous again.

4 Q When you say he's starting to get nervous,
5 what's he doing?

6 A Pacing.

7 Q Is he saying anything?

8 A Not really.

9 Q How long does this last for?

10 A I sleep that night and it's -- he's worse by
11 morning.

12 Q Still nervous?

13 A Yes.

14 Q Upset?

15 A Extremely.

16 Q Worried?

17 A Very.

18 Q Does he make any statements to you?

19 A The next morning I wake up and I find him at
20 the kitchen table and he is completely distraught. He -- he
21 tells me he doesn't know what he told him to do.

22 Q When he says he didn't know what he told him to
23 do, is that the words he used or did he use names?

24 A No, those are the words he used.

25 MR. GENTILE: Um --

1 THE WITNESS: He said it in first person.

2 MR. GENTILE: Thank you. At least she's listening.

3 THE COURT: All right. Go on.

4 BY MR. DIGIACOMO:

5 Q So he says, I don't know what I told him to do?

6 A Correct.

7 Q Okay. And what is your response to that?

8 A I look at Louie again and I said, What have you
9 done? He says, I don't know what I told him to do. And as I
10 said, he was completely distraught. He said, I feel like
11 killing myself.

12 Q And how are you doing at this point?

13 A At this point I am completely -- I'm nervous
14 because I don't know what's happening with Louie. I've never
15 seen him this way.

16 Q Okay. When you say you're nervous, how is
17 it -- his behavior, how is it affecting you?

18 A Again, he's still -- he's very nervous. He's
19 pacing back and forth. I ask him what he wants me to do.

20 Q Let me talk to you a little bit about your
21 feelings. You said you've been in a 15-year relationship with
22 Mr. H. At this point how do you feel about Mr. H? Not today,
23 but back in May of 2005.

24 A I love him.

25 Q Okay. How about as you sit here today, how do

1 you feel about him?

2 A I still love him.

3 Q So when Mr. H is telling this to you, what do
4 you do?

5 A I ask him what can be -- what he wants me to
6 do.

7 Q What does he tell you?

8 A He doesn't respond. I said, Do you want me to
9 speak to Deangelo? He says yes.

10 Q And does the subject of what Mr. Gentile told
11 you and Mr. H previously come up?

12 A No.

13 Q Okay. So when Mr. H says yes to that question,
14 what do you do?

15 A I have a standing appointment, so I leave. I,
16 at that point, call Mark Quaid at the body shop and ask him to
17 get ahold of Deangelo and tell him to -- that I want to talk
18 to him, to meet me at the shop.

19 Q So you don't talk to Deangelo directly?

20 A No.

21 Q When you say Mark Quaid -- you said he's
22 somebody at the shop. What does he do?

23 A He's the parts manager.

24 Q And later on during the recording the name Mark
25 Quaid comes up. Is that the individual we're talking about?

1 A Yes.

2 Q So you made a request of Mr. Quaid?

3 A Yes.

4 Q And after your appointment, where do you go?

5 A I go back to the house to pick up Louie or

6 Mr. H.

7 Q And then -- Mr. H.

8 A (The witness nodded.)

9 Q Where do you take -- where do you and Mr. H go?

10 A Back to the body shop.

11 Q Simone's?

12 A Yes.

13 Q Okay. And then where do you go?

14 A To my office.

15 Q Where does Mr. H go?

16 A He's in his office.

17 Q Okay. At some point do you see Deangelo

18 Carroll?

19 A Yes.

20 Q And are you in your office?

21 A Yes.

22 Q Now, can you see out of your office into the --

23 A Reception area, yes.

24 Q -- reception area?

25 A Yes.

1 Q Okay. And what door does Deangelo Carroll come
2 in?

3 A The front door.

4 Q And when you see Deangelo Carroll come in the
5 front door, what do you do?

6 A I point him to the hallway and I tell him to go
7 to Room 6.

8 Q Now, I'm assuming since you've been involved in
9 this case for almost four years now, you have heard the two
10 recordings from May 23rd and May 24th, correct?

11 A Yes.

12 Q And you've heard Deangelo make a statement,
13 Where's your brother at? Do you remember hearing Deangelo
14 saying something like that?

15 A No.

16 Q Okay. Well, maybe I'll play it for you in a
17 little while --

18 A Oh, on the recordings, yes.

19 Q On the recording.

20 A On the recording, yes.

21 Q You heard him make a statement, Where's your
22 brother at?

23 A Yes.

24 Q Okay. Was Rosa somewhere in the building?

25 A Yes.

1 Q Okay. After you point Deangelo in that
2 direction, do you immediately follow?

3 A No.

4 Q Okay. Now, prior to Deangelo Carroll coming
5 down there, do you have any discussions with Mr. H about
6 what's going to be talked about?

7 A Yes.

8 Q Okay. What is talked -- what is Mr. H -- what
9 do you and Mr. H talk about, what you're going to talk about
10 Deangelo Carroll about?

11 A Louie tells me to tell Deangelo that right now
12 would be a good time for him -- he needs to resign. Right now
13 would be a good time for him to take some time off due to his
14 son being sick, to go see Arial that evening at 5:00 to
15 resign.

16 He also told me to tell Deangelo to -- not to talk
17 to anyone because if anything happens to him, then he
18 wouldn't -- there would be no one to take care of him and that
19 Deangelo would still get paid even though he was being -- even
20 though he was resigning.

21 Q So this is a conversation between you and Mr. H
22 before you ever go in the room?

23 A Correct.

24 Q Okay. When Deangelo comes into Simone's, do
25 you know where Mr. H is when you do the direction to Room 6?

1 A In his office.

2 Q And where do you go?

3 A After I speak to Mr. H, I go into Room 6.

4 Q So after Deangelo enters the building, you have

5 a conversation with Mr. H as well?

6 A Yes.

7 Q Okay. Is that the same conversation we're

8 talking about or is -- is there something else that was said

9 at that point?

10 A No, it's the same conversation.

11 Q Okay. You follow Deangelo down to Room 6,

12 correct?

13 A Mm-hmm.

14 Q Is that a yes?

15 A Yes.

16 Q Now, on the recording there's a variety of

17 voices before you get to Deangelo knocking on the door. Have

18 you heard that on the May 23rd --

19 A Yes.

20 Q Okay. Are those people people that just work

21 at Simone's?

22 A Yes.

23 Q Okay. By the time you enter into Room 6 during

24 that portion of the recording, is there anybody in that room

25 other than yourself, Deangelo and -- well, is there anybody in

1 that room other than yourself and Deangelo?

2 A Yes.

3 Q Who's that?

4 A Luis, III.

5 Q Okay. Is there a fourth person in the room

6 during that recording itself?

7 A No.

8 Q Okay. It's only -- the other voices are only

9 when the recorder's outside of the room?

10 A Correct.

11 Q When you get down to Room 6, what happens?

12 A I walk in and I ask Deangelo if he's wired. He

13 lifts up his shirt and says no.

14 Q You check for a wire on him?

15 A He just lifts up his shirt and says no, that's

16 all.

17 Q Okay. So you don't do any pat down or anything

18 like that?

19 A No.

20 Q All right. And then you go and have the

21 conversation that this jury's already heard, correct?

22 A Yes.

23 Q Now, I don't want to play every portion of

24 those wires because we've heard a lot of them, but there's a

25 couple of statements I want to play for you and I'm going to

1 ask you what you meant by them.

2 A Yes.

3 Q Okay?

4 A (The witness nodded.)

5 MR. GENTILE: Ms. Olson, can you put it on this one?

6 THE COURT RECORDER: On --

7 MR. DIGIACOMO: On me, on this side.

8 MR. GENTILE: Your Honor, I'm going to object to
9 the -- I'm going to object to the responses. This is
10 self-serving at this point.

11 THE COURT: Overruled.

12 MR. DIGIACOMO: Thank you, Judge.

13 (Audio being played.)

14 BY MR. DIGIACOMO:

15 Q Did you hear your statement on there where you
16 make the statement, We wanted him beat up, not mother fucking
17 dead? Do you remember that statement?

18 A Yes.

19 Q Okay. Now, up until -- between the first time
20 you realize there's a problem with TJ until the time you make
21 that statement to Deangelo Carroll, had anyone told you
22 specifically what the order was?

23 A No.

24 Q Okay. Why do you say, We wanted him beat up,
25 not mother fucking dead?

1 A I remember the conversation that Louie and
2 Little Luis had in my office regarding taking care of business
3 and how Rizzalo had one of his employees beat up a customer.

4 Q Did the demeanor of Mr. H, between the 20th and
5 now, the 23rd, have anything to do with going into that
6 statement?

7 A Yes.

8 (Audio being played.)

9 BY MR. DIGIACOMO:

10 Q The guy you talk about who's outrageous, who
11 are you referring to?

12 A Dominic Gentile.

13 Q I'm going to jump forward a little bit. During
14 the course of this conversation, do you remain in the room the
15 whole time?

16 A No.

17 Q At some point in time you can hear Luis make
18 certain statements related to rat poisoning, correct?

19 A Yes.

20 Q And what is your reaction to what Luis is
21 saying?

22 A Surprised.

23 Q Okay. You've heard the portion where there's a
24 discussion about taking care of KC too, correct?

25 A Correct.

1 Q And then you make some comments. What are you
2 referring to?

3 A Paying him.

4 Q And at some point do you leave the room?

5 A Yes.

6 Q And where do you go?

7 A To the front.

8 Q What do you get?

9 A Money.

10 Q Now, on the recording you say something to the
11 effect of \$11 [sic] to your name. Do you remember that?

12 A Yes.

13 Q Okay. Where'd you get the money from?

14 A I had it in my purse.

15 Q Okay. And what was the money for?

16 A To give to Deangelo because he said the
17 witnesses wanted more money.

18 Q Okay. But did you have that \$1100 before you
19 went back to that money?

20 A Did I --

21 Q Or the \$1,400 that Deangelo walks out with, did
22 you have that in your purse already?

23 A No.

24 Q Okay. Where was that -- why did that \$1,400
25 get put in your purse, I guess, is my question?

1 A I had talked to Louie.

2 Q Where'd you get the \$1,400 from?

3 A From Louie.

4 Q Okay. Louie's Mr. H?

5 A Yes, I'm sorry.

6 Q Okay. After you go back to the room -- well,

7 you leave the room. Do you remember how long you're gone for?

8 A It was -- it wasn't that long.

9 Q Do you remember if you talked to Mr. H or not

10 during that time period?

11 A I believe I did.

12 Q Where was he? Do you remember?

13 A This was the first day?

14 Q Yeah. On the first one.

15 A The first recording. It would be in my office.

16 Q Okay. And do you tell him at all about what's

17 going on in the room?

18 A Yes, I do see him. I told him I told Deangelo

19 what he wanted, what he wanted me to tell him about resigning.

20 Q Did you at all tell him about the statements

21 that Little Luis was saying?

22 A No.

23 Q After you get the money, do you go back to the

24 room?

25 A Yes.

1 Q And what do you do with the money?

2 A Give it to Deangelo.

3 Q Now, was there a certain amount for one purpose

4 and a certain amount for the other or was it all just for one

5 purpose?

6 A It was all for one purpose.

7 Q And how much money do you recall that you gave

8 him?

9 A \$600.

10 Q The jury has heard testimony about Deangelo

11 leaving with \$1,400. Do you know where the other \$800 came

12 from?

13 A No.

14 Q After you -- after he leaves the room, do you

15 remain in the room or do you leave?

16 A I leave.

17 Q Do you ever talk to Luis about what just

18 happened in that room?

19 A No, not that day.

20 Q After you leave the room, do you leave Simone's

21 at some point?

22 A At some point.

23 Q And do you remember who you left with?

24 A Mr. H.

25 Q After you have this conversation -- or after

1 you tell Mr. H what happened in the room -- or maybe I didn't
2 ask that question. At some point after this whole --
3 Deangelo's left, do you talk to Mr. H some more about what
4 happened in the room?

5 A No.

6 Q Okay. What's his demeanor like now?

7 A Calm, a little more calm.

8 Q A little more calm. Is he still nervous?

9 A A little bit.

10 Q Is he saying anything to you?

11 A No.

12 Q Okay. Let's move on to the 24th. Do you go to
13 work on the 24th?

14 A Yes.

15 Q Okay. Let me ask you this: On the night of
16 the 24th, do you remember if you went to the Palomino Club
17 like you normally would?

18 A I don't think I went to the Palomino at all.

19 Q So on the 24th you go back to Simone's?

20 A Yes.

21 Q All right. And you're at Simone's?

22 A Yes.

23 Q Does there come a point in time when you see
24 Deangelo Carroll?

25 A Yes.

1 Q And did you expect him this time?
2 A No.
3 Q When you see Deangelo Carroll, what do you do?
4 A He said he needs to talk to me so I direct him
5 to Room 6.
6 Q Okay. Do you go back there with him?
7 A Yes.
8 Q Okay. So you're walking with Deangelo this
9 time as opposed to the first time?
10 A Yes.
11 Q And you've since heard the recording of that,
12 the May 24th recording, correct?
13 A Yes.
14 Q And during the course of that recording,
15 there -- it wasn't even on our transcript, but on the
16 defense's transcript there's an unidentified voice. Do you
17 talk before the door opens? Do you remember?
18 A I may have.
19 Q Do you remember saying, Luisito, it's me?
20 A Yes.
21 Q Once you go back in the room, describe for us
22 what's happening inside the room.
23 A I go into the room, Luis is laying in bed. He
24 gets up and then he goes back to lay down once he opens the
25 door.

1 Q Okay. And you have a conversation with
2 Deangelo at this point?

3 A Yes.

4 Q This is from May 24th.

5 (Audio being played.)

6 BY MR. DIGIACOMO:

7 Q In that recording you hear yourself say, Talk
8 to the guy, not take care of him --

9 A Yes.

10 Q -- right?

11 At any point, did anybody tell you the plan was to,
12 quote, talk to the guy?

13 A No.

14 Q And when you use that term, "talk to the guy,"
15 did you mean like a regular conversation or did you mean
16 something else?

17 A Regular conversation.

18 Q After the conclusion of -- well, at some point
19 in time do you leave the room during that May 14th recording?

20 A Yes.

21 Q Okay. And who do you leave Mr. Carroll with?

22 A Little Luis.

23 Q When you come back to the room -- well, let me
24 ask you this: When you leave the room, who do you go talk to?

25 A Mr. H.

1 Q And where's Mr. H at now?
2 A In the kitchen.
3 Q And during the -- well, let me ask you -- who's
4 he in the kitchen with?
5 A His father.
6 Q Pops?
7 A Yes.
8 Q And do you talk to Mr. H at all?
9 A Yes.
10 Q Okay. And is it verbally talking to him?
11 A Yes.
12 Q Okay. At any point in time, I guess, up until
13 now, the 24th, had you ever had any communications with him
14 that weren't verbal but written?
15 A Yes.
16 Q And I missed those, so let me back up to those.
17 When did that occur?
18 A The day before.
19 Q The day -- on the 23rd?
20 A Yes.
21 Q Okay. And how did that occur?
22 A When we were discussing what needed to be said
23 to Deangelo.
24 Q Okay. What's going on with Mr. H? What's he
25 doing?

1 A He writes a note at first telling me to have
2 him retire, to go see Arial at 5:00 p.m.

3 Q Okay. And the communication is happening
4 between writing notes and him passing them to you --

5 A Yes.

6 Q -- or how's that working?

7 A Yes.

8 Q Okay. What happens to that paperwork?

9 MR. GENTILE: Could we have a foundation as to where
10 this took place?

11 BY MR. DIGIACOMO:

12 Q Yeah. Where did this take place?

13 A In my office.

14 Q And what happened to the paperwork when you're
15 done, the stuff he was writing on?

16 A I tear it up.

17 Q Okay. And what did you do with the stuff you
18 tore up?

19 A Flushed it.

20 Q In what?

21 A The toilet.

22 Q Which toilet?

23 A The woman's bathroom at Simone's.

24 Q Okay. Jumping forward now, when you leave the
25 room on the 24th, you go and you talk to Mr. H and he's with

1 Pops, correct?

2 A Yes.

3 Q And during the course of that, do you tell him

4 what Deangelo's saying?

5 A Yes.

6 Q What do you tell him?

7 A That the shooter is making threats, that he is

8 threatening Deangelo and his family and Deangelo needs more

9 money. He needs to get his wife and son out of the state.

10 Q Now, you just said that Deangelo told you that

11 the shooter is making threats. Is this the first time you

12 heard about the shooter making threats that you can recall?

13 A I believe he said it the day before as well.

14 Q Okay. Prior to the 23rd, had Mr. H said

15 anything to you about concern about the shooter coming to get

16 him or anything else like that?

17 A No.

18 Q Okay. What is it that you tell Mr. H Deangelo

19 wants?

20 A Money.

21 Q And what do you do?

22 A He tells me to give him more money.

23 Q And where do you get the money from?

24 A I go to the front office.

25 Q And is there cash kept at the front office?

1 A Yes.

2 Q How much money did you get?

3 A I think it was 500, I think. I can't recall.

4 Q Where do you go?

5 A Back to Room 6.

6 Q When you get back to Room 6, do you give the

7 money to Deangelo?

8 A Yes.

9 Q And prior to Deangelo leaving, does he do

10 anything?

11 A He goes into the bathroom.

12 Q And what does he do when he's in the bathroom?

13 A The door's propped a little bit. He's

14 retrieving change and a pager off the counter and he's

15 adjusting his pants, I'm assuming. He's grabbed his belt.

16 Q Okay. Now, prior to you leaving the room, was

17 his change, his pager and his belt in that bathroom?

18 A Yes -- oh, when -- prior to leaving the room?

19 No.

20 Q Yeah. Prior -- the first -- when you first --

21 A No.

22 Q -- come in and you talk to him, his change, his

23 pager, his belt's all on him?

24 A Yes.

25 Q And then when you come back to the room, after

1 you give him the money, he goes in there and collects those
2 items?

3 A Yes.

4 Q And then he leaves?

5 A Yes.

6 Q Let's talk a little bit more about the 24th.
7 On May 24th after Deangelo leaves, what's Mr. H's demeanor
8 like?

9 A He's a little worried, concerned.

10 Q Is there any conversations with you about what
11 should happen if the police contact you?

12 A No.

13 Q Had you had any contact with the police at this
14 point?

15 A No.

16 Q So you haven't spoken to any police officers up
17 to this point?

18 A No.

19 Q Are you -- did Mr. H tell you whether or not he
20 had talked to any police officers up to this point?

21 A I don't remember. I don't think so.

22 Q At some point does somebody leave Simone's to
23 go do something?

24 A Yes.

25 Q Who's that?

1 A Little Luis.

2 Q And what was he supposed to be going to do?

3 A Open the club.

4 Q Approximately what time would he be leaving at?

5 A He normally left around 3:00, 3:30.

6 Q And where did -- and he would go to open the

7 club?

8 A Yes.

9 Q And who had the keys to the club on them?

10 A He would have the keys to the club on him.

11 Q Okay. At some point do you receive some

12 information that causes you and Mr. H some concern?

13 A Yes.

14 Q What's that?

15 A It was close to 5:00 or right around

16 5:00 o'clock. Some of the dancers began to call Mr. H wanting

17 to know why the club wasn't opened.

18 Q When that happened, did that cause you some

19 concern?

20 A Yes.

21 Q And what did you do?

22 A I -- actually Louie came up to me and let me

23 know that Luis hadn't opened up the club. We had tried to get

24 ahold of him on his Nextel, couldn't reach him. I got scared

25 because of my conversation with Deangelo.

1 Q Were you worried about KC or were you worried
2 about the police at this point?

3 A KC.

4 Q Okay. So what did you guys decide to do?

5 A To leave Simone's and take the route that Luis
6 would take on the freeway on the way to the club to see if we
7 could see him.

8 Q And what route would that be?

9 A I-15.

10 Q While you're on I-15, did something happen?

11 A Yes.

12 Q What happened?

13 A I get -- actually as we're driving, I get a
14 phone call from an employee at Simone's.

15 Q What do they tell you?

16 A That the police are at Simone's and they're
17 going through everything at the shop.

18 Q When you receive that information, what do you
19 do?

20 A I tell Louie and he tells me to get off at the
21 next exit.

22 Q Okay. And when you get off the next exit,
23 where does he tell you to go?

24 A Just keep driving straight. He, at that point,
25 states that he knows where Luis is.

1 Q Okay. And did you ask him where?
2 A No. At that point there was lights behind me.
3 Q And at that point you knew?
4 A Yes.
5 Q Let's talk about the police. You get pulled
6 over. What happens?
7 A I get pulled over. They are -- the police ask
8 me -- they need to ask me a few questions and if I could go
9 with them.
10 Q Okay. And where's Louie when they're asking
11 you these questions?
12 A Sitting next to me in the passenger seat.
13 Q What color car -- what kind of car are you in?
14 A A Hummer.
15 Q What color?
16 A At that point I believe it's mine. It would be
17 silver.
18 Q Okay. So there's a silver Hummer and there's a
19 black Hummer?
20 A Yes.
21 Q Who was the black Hummer?
22 A Luis is the black Hummer.
23 Q Mr. H?
24 A Mr. H. I'm sorry.
25 Q Okay. That's all right.

1 And the silver Hummer is yours?

2 A Yes.

3 Q All right. Is there other vehicles -- does

4 Luis have his own car?

5 A Little Luis, yes.

6 Q What does he have?

7 A He had -- at that time it was a SRS, I believe.

8 It's a little black truck.

9 Q Okay. Do you know what vehicle he was driving

10 when he got pulled over?

11 A When Little Luis got pulled over, no.

12 Q Okay. Let's back up a little bit because I

13 forgot to ask this question. Who -- well, how many cars are

14 associated with both Simone's and the Palomino?

15 A Several.

16 Q All right. When you say several, are we

17 talking two, five, seven, ten?

18 A There's shuttle buses, there's a car, there's a

19 limo. It's well over five.

20 Q Okay. And those cars, are they all registered

21 in the same way?

22 A Most.

23 Q And how are the most of them registered?

24 A To me.

25 Q Why you?

1 A As they were being purchased, because of my
2 credit rating, it was more cost effective to purchase them
3 under my name.

4 Q So you were mostly the person who's the
5 owner/registrar of all the vehicles associated with the
6 Palomino and Simone's?

7 A Yes.

8 Q The police tell you that they need to talk to
9 you. Do you see what they say to Mr. H?

10 A No.

11 Q Do you get out of the car and go with them?

12 A Yes.

13 Q Did they handcuff you before you get into the
14 vehicle?

15 A No.

16 Q Where do they take you?

17 A To an office.

18 Q And do they put you in an interview room?

19 A Yes.

20 Q Did you subsequently learn that there's a
21 recorded interview of that encounter?

22 A Yes.

23 Q Initially do you start speaking to the police
24 about at least the events of that day?

25 A Yes.

1 Q And does there come a point in time when you
2 stop speaking to the police?

3 A Yes.

4 Q What prompted you to stop speaking to the
5 police?

6 A When they ask me a question regarding Deangelo.
7 Actually, the police made a statement about the recording that
8 Deangelo and I had or the conversation we had.

9 Q He made a statement to you regarding
10 information he had heard from the recording?

11 A Yes.

12 Q And that caused you to stop speaking to him?

13 A Yes.

14 Q All right. After that, did you get booked into
15 the Clark County Detention Center?

16 A Yes.

17 Q And eventually did you get a lawyer?

18 A Yes.

19 Q And what's his name?

20 A Christopher Oram.

21 Q And Mr. Oram has represented you up until
22 today, correct?

23 A Correct.

24 Q At some point in time there were charges filed
25 against you?

1 A Yes.

2 Q And there was a hearing in Boulder City,
3 correct?

4 A Yes.

5 Q And at that hearing you were present with your
6 lawyer?

7 A Yes.

8 Q Little Lou was present, correct?

9 A Yes.

10 Q Deangelo Carroll was present?

11 A Yes.

12 Q And Kenneth Counts was present?

13 A Yes.

14 Q KC. And up until that point Mr. H hadn't been
15 arrested, correct?

16 A Correct.

17 Q After the preliminary hearing you got bound
18 over to the district court and set for trial, correct?

19 A Correct.

20 MR. ARRASCADA: Your Honor, he's leading again.

21 MR. DIGIACOMO: Just foundational just to jump
22 through a couple of things.

23 THE COURT: Go on.

24 BY MR. DIGIACOMO:

25 Q At some point in time you learned that the

1 State of Nevada was seeking -- filed a notice of intent to
2 seek the death penalty against all the defendants, correct?

3 A Correct.

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

5 THE COURT: Yeah.

6 (Off-record bench conference)

7 THE COURT: All right. The objection is sustained.
8 The last question -- the last answer will be stricken.

9 And, Mr. DiGiacomo, if you would rephrase the
10 question, please.

11 MR. DIGIACOMO: I'll rephrase.

12 BY MR. DIGIACOMO:

13 Q We filed one against you -- I'm sorry. We
14 filed a notice of intent to seek the death penalty against you
15 as well, correct?

16 A Yes.

17 Q And at some point in time your lawyer filed a
18 petition with the Supreme Court to have that struck, correct?

19 A Yes.

20 Q And without getting into the basics of it, at
21 some point in '07 it was struck, correct?

22 A Yes.

23 Q And the State of Nevada sought rehearing of
24 that. Do you remember that?

25 A Yes.

1 Q Okay. And at the time period it was struck,
2 there was a request for a bail hearing for you, correct?
3 A Yes.
4 Q And at some point bail was set?
5 A Yes.
6 Q Now, up until this time -- we're talking
7 January of 2008, right? Is that generally what I'm talking
8 about?
9 A Yes.
10 Q Were you still in a relationship with Mr. H?
11 A Yes.
12 Q Did you continue to communicate with him?
13 A Yes.
14 Q How would you communicate with him?
15 A By letters and by phone.
16 Q Would he ever visit you?
17 A Yes.
18 Q And how did those visits happen?
19 A He would come on normal visiting days..
20 Q Okay. And did you have visits by video or were
21 they in person?
22 A Prior to 2008 when I first got arrested I saw
23 him in person.
24 Q And then --
25 MR. GENTILE: Can we have a time and who else was

1 present?

2 MR. DIGIACOMO: I can.

3 BY MR. DIGIACOMO:

4 Q Were there lawyers present as well during
5 that --

6 A Yes.

7 Q Okay. And your lawyer was one of them?

8 A Yes.

9 Q And either Mr. Gentile or Ms. Armeni was one of
10 them?

11 A Yes.

12 Q Okay. I don't want to talk about those times.
13 I want to talk about the video times. You'd have -- he'd come
14 visit you on video?

15 A Yes.

16 Q Now, when you got arrested in -- way back in
17 January -- I mean May of 2005, what kind of hair color did
18 Mr. H have?

19 A Brown.

20 Q Okay. Was it -- did he dye it at all?

21 A Yes.

22 Q Okay. At any point in time did he ever not dye
23 it? Was it gray at any point?

24 A Yes.

25 Q And it's a slightly different color today,

1 correct?

2 A Yes.

3 Q Mr. Pesci reminded me of something. I've got
4 to back up here for a second. On the wire when you used the
5 term Louie, who are you referring to?

6 A Mr. H.

7 Q And when you use the term Luis, who are you
8 referring to?

9 A Luis, III.

10 Q I'm going to jump back forward. After bail was
11 set, did you have a discussion with Mr. H concerning the
12 posting of that bail?

13 A Yes.

14 Q Can you tell us what that conversation was?

15 A I told Louie that I wanted to get out, that
16 bail had been posted if -- when he was going to post bail.

17 Q And was he -- did he ever post the bail for
18 you?

19 A In February he started making the process to
20 post bail.

21 Q While that was going on, was your trial date
22 coming up?

23 A Yes.

24 Q And in approaching your trial, did you have
25 some discussions with your lawyer, without telling us what

1 they are?

2 A Yes.

3 Q Did you talk with Mr. Oram?

4 A Yes.

5 Q And at some point did you contact -- or was
6 there contact made between your lawyer and the State of
7 Nevada?

8 A Yes.

9 MR. GENTILE: Can we have a foundation in terms of
10 date?

11 MR. DIGIACOMO: I'm going to get to the date.

12 BY MR. DIGIACOMO:

13 Q Did there come a point in time in February when
14 you met with representatives of the district attorney's
15 office?

16 A Yes.

17 Q And at the time you were still a charged
18 defendant, correct?

19 A Yes.

20 Q And you were pending trial?

21 A Yes.

22 Q Was your lawyer present?

23 A Yes.

24 Q And during that meeting did you describe for
25 Mr. Pesci and I as well as -- well, let me ask you this: Was

1 there other people in that meeting that you can recall?

2 A No.

3 Q Do you remember specifically how many people --
4 well, let me ask you this: Were you still in custody at the
5 time?

6 A Yes.

7 Q Okay. When you come to court today, you've
8 been transported, correct?

9 A Correct.

10 Q Were there at least transport people with you?

11 A Yes.

12 Q Okay. Do you recall anybody else who was in
13 the room?

14 A Yes.

15 Q Who?

16 A Investigator.

17 Q Okay. During this meeting did you have
18 discussions about the information that you had related to this
19 case?

20 A Yes.

21 Q Sometime thereafter did you -- did you enter
22 into a guilty plea in front of this Court?

23 A Yes.

24 Q And do you recall the crime that you pled
25 guilty to?

1 A Yes.

2 Q What was that?

3 A Voluntary manslaughter with use of a deadly
4 weapon.

5 Q And do you have -- do you have any idea, as you
6 sit here today, off the top of your head, what kind of
7 sentencing range you're looking at for voluntary manslaughter
8 with use of a deadly weapon?

9 A The maximum sentence, I believe, I was told was
10 eight to 20 years.

11 Q Okay. Do you know what the minimum possible
12 sentence is?

13 A I was told it's probationable.

14 Q So this Court could give you up to eight to 20
15 years or as little as probation?

16 A Yes.

17 Q Do you remember what the obligations of the
18 State of Nevada were as it relates to what we could or could
19 not do at your sentencing?

20 A No.

21 Q Let me refresh your recollection and look at
22 your guilty plea.

23 MR. GENTILE: Your Honor, I have no objection to
24 counsel questioning from it.

25 MR. DIGIACOMO: Well, I've got to find it first.

1 BY MR. DIGIACOMO:

2 Q I'm going to show you what's been marked as
3 State's Proposed Exhibit No. 228 and ask you if you recognize
4 it.

5 A Yes.

6 Q It's your guilty plea agreement?

7 A Yes.

8 Q And in there it has the agreement between the
9 parties, correct?

10 A Correct.

11 Q It has the document entitled, The Third Amended
12 Information, basically saying what you did?

13 A Yes.

14 Q And then there's an agreement to testify that
15 lays out the information related to the agreement to testify,
16 correct?

17 A Yes.

18 Q It's just -- I'm sure there'll be more
19 questions from Mr. Gentile on this, but I'd like you to just
20 read to yourself --

21 MR. ARRASCADA: Your Honor, I object to that. He's
22 testifying and I'd ask it be stricken as commentary.

23 THE COURT: Well, just -- Mr. DiGiacomo, try to
24 avoid the editorializing and the commentary. Just ask a
25 question.

1 MR. DIGIACOMO: I didn't hear an objection from
2 Mr. Gentile, but, okay. The --

3 MR. ARRASCADA: And we object to that, Your Honor.

4 THE COURT: All right. Well --

5 MR. ARRASCADA: It's the same pro--

6 THE COURT: -- Mr. DiGiacomo, just ask your next
7 question.

8 MR. DIGIACOMO: Thank you.

9 BY MR. DIGIACOMO:

10 Q Line 21, okay, if you can read to yourself
11 first what the agreement -- or what the agreement the State
12 makes as it relates to your sentencing. Okay.

13 A (Complying.)

14 Q After reading that, do you now remember what
15 our obligations at your sentencing are?

16 A Mm-hmm.

17 Q Is that a yes?

18 A Yes.

19 Q Okay. What is our obligation at your
20 sentencing?

21 A There would be no recommendations being made.

22 Q Okay. So we don't make a recommendation to the
23 Court, it's her decision?

24 A Correct.

25 Q Now, was there also an agreement as it relates

1 A He owns Cheetah's, Jaguar's. I think there's
2 another one.

3 Q While Little Lou is making the statements about
4 not making the money because they take care of business, does
5 he reference anything that either Rizzolo or Gilardi had done
6 to anybody in the past?

7 A Yes.

8 Q And what does he say?

9 A He mentions that Rizzolo had sent one of his
10 employees to beat up a customer.

11 Q Was there any other talk about what dealing or
12 taking care of business meant from Little Luis during this
13 conversation?

14 A Just that.

15 Q What was Mr. H's reaction to his son at that
16 point?

17 A He started to get angry.

18 Q Okay. What -- how do you know he started to
19 get angry? What'd you see, hear?

20 A He raised his voice.

21 Q Okay.

22 A Told Luis to mind his own business.

23 Q And how does this argument end?

24 A Luis, again, rants at his father saying, You
25 will never be like Gilardi and Rizzolo, and he storms out.

1 Q So he makes another statement about he'll never
2 be like Rizzolo and Gilardi and storms out?
3 A Yes.
4 Q When Little Luis storms out, did you see where
5 he went?
6 A He left Simone's.
7 Q He left Simone's?
8 A Yes.
9 Q Let's talk about Little Luis and Simone's. Did
10 you know where Little Luis stayed?
11 A Yes.
12 Q Where?
13 A Room 6.
14 Q Of Simone's?
15 A Yes.
16 Q What about Mr. H? Where did he live?
17 A At that time he lived with his father --
18 Q Lived with --
19 A -- in a condo.
20 Q He lived with Pops in a condo?
21 A Yes.
22 Q Okay. And did you have your own place?
23 A Yes.
24 Q I'm going to ask you to look at what's been
25 marked for purposes of identification as State's Proposed

1 Exhibits 97 through 111. If you could, just briefly flip
2 through those.

3 A (Complying.)

4 Q Do you recognize what's depicted in those
5 photographs?

6 A Yes.

7 Q Do those appear to be true, fair, and accurate
8 depictions of Simone's on May 24th of 2005?

9 A Yes.

10 MR. DIGIACOMO: Move to admit 97 through 111.

11 THE COURT: Are there any objections to 97 through
12 111?

13 MR. GENTILE: No.

14 MR. ARRASCADA: No, Your Honor.

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

16 (State's Exhibit 97 through 111 admitted.)

17 BY MR. DIGIACOMO:

18 Q Let's go through some of these. That's a -- 97
19 is an exterior view of Simone's. Where's the entrance or the
20 doorway that you would walk in?

21 A On the opposite side.

22 Q Opposite side of this building?

23 A Yes.

24 Q All right. And then 98, what are we looking
25 at?

1 A That is the front entrance.

2 Q Okay. That's where you would walk through the

3 front door?

4 A Yes.

5 Q And then 99, what are we looking at?

6 A It's a picture of the front reception area.

7 Q So -- let me ask you this: You said the front

8 reception area and you said it's a body shop. Is there like a

9 reception area versus where the work's being done?

10 A Yes.

11 Q Are they separate?

12 A Yes.

13 Q Okay. But they're all contained within one

14 building, though?

15 A Yes.

16 Q When you walk through the front door, you said

17 this is the front reception area, correct?

18 A Correct.

19 Q Can you see where your office was in that

20 photograph?

21 A Yes.

22 Q All right. Can you touch the screen to make a

23 little color for me?

24 A Right there (indicating.)

25 Q That was your office?

1 A Yes.

2 Q And can you see where Mr. H's office was?

3 A Yes.

4 Q Can you point that out?

5 A (Complying.)

6 Q Now, where those couches are, State's

7 Exhibit No. --

8 MR. DIGIACOMO: Can you clear that for me? Yeah,

9 there you go.

10 BY MR. DIGIACOMO:

11 Q Where those couches are, State's Exhibit No.

12 100, what is that that my finger's on right there?

13 A It's a TV.

14 Q Okay. 102, what are we looking at?

15 A My office, my desk.

16 Q Okay. And what's underneath your desk?

17 A My briefcase.

18 Q 105, can you read what we're looking at there?

19 A Yes.

20 Q What is it?

21 A It's the payroll check for Deangelo Carroll.

22 Q Now, after -- if you walk through the front

23 door and, you said, the reception area -- and the photograph

24 shows that it's to the right, correct?

25 A Correct.

1 Q What's in front of you as you walk through the
2 door initially? What's right there?

3 A The front desk.

4 Q After you get to the front desk, what's behind
5 the front desk?

6 A A walkway. It's an open space where you can
7 get to the other offices.

8 Q Is there any entertainment in that open
9 walkway?

10 A Yes.

11 Q What is it?

12 A Pool table.

13 Q State's Exhibit No. 106, is that the pool table
14 in the walkway area?

15 A Yes.

16 Q Now, do you recognize -- do you recognize
17 what's on the table there in the -- do you recognize the white
18 thing that's sitting on the pool table there?

19 A Yes.

20 Q What is it?

21 A It's a bullet proof vest.

22 Q And do you know who owned that bullet proof
23 vest?

24 A Yes.

25 Q Who was that?

1 A Mr. H.
2 Q Where did he normally keep that bullet proof
3 vest?
4 A At the Palomino.
5 Q The Palomino Club?
6 A Yes.
7 Q We've heard testimony earlier about some
8 weapons. Did you ever know Mr. Hidalgo, Mr. H, to own a
9 weapon?
10 A Yes.
11 Q What kind of weapon was it?
12 A A Glock.
13 Q And where did he keep that?
14 A He carried it with him.
15 Q Okay. On his person?
16 A Yes.
17 Q Did he have some sort of permit to allow him to
18 do so?
19 A Yes.
20 Q And when he was at the club, did he have that
21 weapon on him?
22 A Yes.
23 Q Did you ever see Mr. H wearing the vest?
24 A Yes.
25 Q And how often, prior to May 19 of 2005, would

1 he wear the vest?

2 A Only if he was going to -- I saw him put it on
3 when he went to a coalition meeting.

4 Q Okay. What's the coalition?

5 A It's where all the strip club owners or
6 managers get together and they meet at Piaro's.

7 Q Okay. When he --

8 MR. GENTILE: Can we have a time predicate?

9 THE COURT: All right. When did you --

10 BY MR. DIGIACOMO:

11 Q How often would the coalition members get
12 together and meet? Do you know?

13 A It varied. It --

14 MR. GENTILE: That's not -- Your Honor, I don't need
15 a time predicate for that. I need a time predicate for the
16 time that she saw him wear the vest.

17 THE COURT: Yeah. When did you see him wear the
18 vest?

19 THE WITNESS: He put it on before he went to a
20 meeting.

21 THE COURT: Okay. And when did you first observe
22 Mr. H going to these meetings?

23 THE WITNESS: It started after he had ownership of
24 the club.

25 THE COURT: All right. And then for how long did he

1 continue to go to the meetings?

2 THE WITNESS: Up until May.

3 THE COURT: All right. Thank you.

4 Mr. DiGiacomo.

5 BY MR. DIGIACOMO:

6 Q Who would be at the coalition meetings? Do you
7 recall?

8 MR. GENTILE: Objection. Foundation. Was she
9 there?

10 THE COURT: All right.

11 BY MR. DIGIACOMO:

12 Q Did Mr. H tell you who was present at the
13 found -- at the coalition meetings?

14 A Yes.

15 Q All right. Who did he tell you was there?

16 A Mr. Rizzalo. On occasion, they said -- he
17 mentioned that Mr. Gilardi went. There was an Alfred, I think
18 the name is, and I believe he was -- he worked with
19 Mr. Rizzalo. I don't know about the others.

20 Q Were there other people who owned strip clubs
21 in town?

22 A Yes.

23 Q And would he -- do you -- without telling us
24 what their names are, do you recall specifically what their
25 names were?

1 MR. GENTILE: Well, then I have to --
2 MR. ADAMS: Objection to me being confused.
3 MR. GENTILE: Irrelevance objection.
4 THE COURT: Right. Yeah. That's sustained.
5 MR. DIGIACOMO: I'll rephrase the question.
6 BY MR. DIGIACOMO:
7 Q Was there more than Mr. H -- according to what
8 Mr. H told you, were there more than just Mr. H, Mr. Rizzalo,
9 and Mr. Gilardi that would go to these coalition meetings?
10 A Yes.
11 Q Okay. And were these other people who -- that
12 you didn't mention, were they also owners of strip clubs?
13 A Yes.
14 Q If you go past the area of the pool tables,
15 State's Exhibit No. 111, what are we looking at?
16 A The hallway that leads to the -- to Room 6 and
17 the other offices.
18 Q Okay. Can you see the doorway to Room 6?
19 A Yes.
20 Q Can you point it out with a little mark there?
21 A (Complying.)
22 Q So that's Room 6 back there, correct?
23 A Yes.
24 Q And if you come in the front entrance, you kind
25 of go to the left and then walk down that hallway?

1 A Yes.

2 Q I'm going to back you up. You said that after
3 Luis and Mr. H got into this argument in front of you, Luis
4 left, correct?

5 A Yes.

6 Q Can you describe -- after Luis left, can you
7 describe for the ladies and gentlemen of the jury the demeanor
8 of Mr. H?

9 A He was angry. He walked out of my office.

10 Q Did you see where he went?

11 A Yes.

12 Q Where did he go?

13 A He went and sat on the couch at the reception
14 area.

15 Q And how long did he stay there?

16 A He waited for me to finish up my paperwork.

17 Q Now, when you say finish up your paperwork,
18 what is it that you have to do before you leave Simone's?

19 A I -- any repair orders that need to be
20 completed for a car to be released at Simone's, then clear off
21 anything that -- for the day that needs to be completed.
22 Before I leave for the Palomino, I gather up all of my
23 paperwork billing that needs to be filed at the Palomino.

24 Q And is this a -- is that your typical routine
25 or did anything special happen on May 19th?

1 A That's my typical routine.

2 Q And approximately what time did you -- well, I

3 guess -- you finish up your paperwork and then where are you

4 going to go when you're done with your paperwork?

5 A To the Palomino.

6 Q Okay. And did you finish up your paperwork on

7 the 19th?

8 A Yes.

9 Q And then did you leave Simone's?

10 A Yes.

11 Q Now, that day, on May 19th, how many phone

12 calls do you remember receiving from Deangelo Carroll?

13 A Just the one.

14 Q After -- well, let me ask you this: When you

15 go to leave Simone's that day, who's with you?

16 A Mr. Hidalgo.

17 Q Mr. H?

18 A Mr. H.

19 Q Okay. And what's his demeanor like at this

20 point?

21 A He's angry.

22 Q Okay. How do you know that?

23 A He's not talking. He's just -- his mannerisms

24 are again angry. When he gets like this, I know not to talk

25 to him.

1 Q At this point, how many years had you been in a
2 relationship with Mr. H?
3 A 15 years.
4 Q Okay. And during that time period you've seen
5 how he reacts under different situations, correct?
6 A Yes.
7 Q When you leave Simone's, do you leave in a
8 vehicle?
9 A Yes.
10 Q What kind of a vehicle is it?
11 A A Hummer.
12 Q What color is it?
13 A Black.
14 Q And who -- and is it just Mr. H with you?
15 A Yes.
16 Q Where do you go?
17 A To the Palomino.
18 Q Let's talk about a typical night for you at the
19 Palomino. Where do you work when you're at the Palomino?
20 A Mr. H's office.
21 Q Okay. Do you have any responsibilities,
22 day-to-day responsibilities, down on the floor with any of the
23 people that work downstairs or in the other areas of the
24 Palomino?
25 A Just the office personnel.

1 Q Just the office personnel?
2 A Yes.
3 Q So you -- how much time do you spend in the
4 office versus somewhere else at the Palomino Club?
5 A 98 percent of the time would be in the office.
6 Q So you stay up in this office?
7 A Yes.
8 Q Let's talk a little bit about Mr. H's office.
9 I think I might have said it as opposed to you, but it's
10 upstairs?
11 A Yes.
12 Q Okay. And then how many entrances to Mr. H's
13 office are there?
14 A Three.
15 Q I'm trying to get some pictures here. Let's
16 start with 208. This is Mr. H's office?
17 A Yes.
18 Q Okay. Can you see one of the entrances to the
19 office?
20 A No.
21 Q Okay. What's that stairway right there on the
22 far -- my right side? I guess it's your left.
23 A The stairway leads directly to a private
24 bathroom and if you turn left it goes into a kitchenette.
25 Q So if you go up that stairway, you actually go

1 into a private bathroom? It's not an entrance or an exit to
2 the office?

3 A No.

4 Q And if you turn left, you go into a
5 kitchenette?

6 A Correct.

7 Q Let's talk about Mr. H's access to the Palomino
8 Club. Did Mr. H -- well, first of all, what did he do on a
9 daily basis at the Palomino Club?

10 A He would be on the floor the majority of the
11 time.

12 Q What about keys to the various rooms? Was he
13 in possession of those?

14 A Yes.

15 Q Okay. What about the records of the Palomino?
16 Did he have access to those?

17 A Yes.

18 Q Did he have knowledge of them?

19 A Knowledge of?

20 Q Employee records, would he know where they're
21 at?

22 A Yes.

23 Q Okay. And would he be able to locate those for
24 somebody?

25 A Yes.

1 Q You said if you go through there, there's a
2 little kitchenette on that door there. If you follow that
3 kitchenette through, what happens when you come to the end of
4 it?

5 A There's a door.

6 Q Okay. And what happens when you go through
7 that door?

8 A It's more of like a storage closet. It's also
9 where the safe is.

10 Q Okay. What color is the safe?

11 A Gray.

12 Q And then if you walked all the way down the end
13 of that closet, was there any way to get out of that closet?

14 A Yes.

15 Q Okay. And which way was that?

16 A If -- all the way straight through there was a
17 door.

18 Q Now, next to that stairway that we see there,
19 if you kind of go off screen -- well, I'll just ask you this:
20 Where was the entrance from the Palomino Club side into
21 Mr. H's office? Was there from that direction?

22 A Towards the right.

23 Q Towards the right more?

24 A Yes.

25 Q Okay. And then you said there was a third

1 door, and where's the third door at?

2 A Off to this corner, that corner.

3 Q Let me see if I can show you some better
4 pictures here. 207, can you see the stairway that leads to
5 the --

6 A The front door would be right here
7 (indicating.)

8 Q So it's all the way at the end there?

9 A Yes. And completely opposite of that door
10 would be the last exit door.

11 Q So State's Exhibit No. 216 is the other exit
12 door?

13 A Right here.

14 Q Was there surveillance in the Palomino Club?

15 A Yes.

16 Q Now, was it being recorded or was it just being
17 able to be viewed?

18 A Viewed.

19 Q Okay. And could you, if you were in Mr. H's
20 office, watch the surveillance?

21 A Yes.

22 Q And where would you have to sit in order to
23 watch the surveillance?

24 A At his desk.

25 Q Was there any other room in the Palomino where

1 surveillance could be viewed from?

2 A Yes.

3 Q And where was that?

4 A Downstairs in the office opposite of Arial's.

5 Q So there's an office opposite of Arial's?

6 A Yes.

7 Q And whose office was that?

8 A Rudy Viarta's.

9 Q And who's Rudy Viarta?

10 A He used to be the technical supervisor/director
11 at the Palomino.

12 Q And was he there in May of 2005?

13 A No.

14 Q Approximately, if you can, tell us what time
15 you got to the Palomino on the evening of the 19th.

16 A We may have left Simone's at maybe 6:00 or
17 7:00.

18 Q And then what time -- how long would it take
19 you to get up to the Palomino?

20 A Depending on traffic, maybe 15, 20 minutes.

21 Q When you get to the Palomino, as you recall on
22 the 19th, do you remember if it's light or dark out?

23 A I don't remember.

24 Q Where do you go in the Palomino?

25 A Directly up to Louie's office.

1 Q And what does Louie do, Mr. H?
2 A He follows me.
3 Q Now, when you spend time doing what you need to
4 do at the Palomino, where do you sit in that office?
5 A At his desk.
6 Q And what does he do?
7 A He normally goes out to the floor.
8 Q Does there come a point in time when you see
9 Deangelo Carroll on the evening of the 19th?
10 A Yes.
11 Q And where do you first see him?
12 A At Louie's office.
13 Q And how do you first -- how do you know that
14 he's there initially?
15 A He knocks on the door.
16 Q Okay. Who's there besides yourself?
17 A Mr. H.
18 Q And does somebody let him in?
19 A Mr. H.
20 Q And after Mr. H let him in, do you hear the
21 conversation at all?
22 A No.
23 Q Okay. Were you paying attention to the
24 conversation at all?
25 A No.

1 Q What happens with Mr. H and Deangelo?
2 A They walk out of the office.
3 Q How long after you got to the Palomino do you
4 recall Deangelo Carroll arriving to the office?
5 A Not long.
6 Q Not long. Are we talking five minutes, ten
7 minutes, an hour, two hours?
8 A Maybe half hour.
9 Q Okay. After Deangelo Carroll leaves, does
10 there come a point in time when you see Mr. H again?
11 A Yes.
12 Q And when he comes back, is he with anybody?
13 A No.
14 Q At some point in time does Mr. H give you some
15 instructions?
16 A Yes.
17 Q At the time that he gives you the instructions,
18 is there anybody else present in the office?
19 A Yes.
20 Q Who was that?
21 A PK.
22 Q Okay. I'm going to back up. You said Deangelo
23 Carroll left and then by the time Mr. H gave you instructions
24 PK's in the office. So you also said you saw him in between
25 that time.

1 A Yes.

2 Q When you saw Mr. H in between that time, can
3 you describe his demeanor for me?

4 A A little agitated, but overall he seemed a
5 little more calm than he was earlier.

6 Q So it seemed like he had calmed down from the
7 earlier conversation?

8 A Yes.

9 Q All right. And did he talk to you at all about
10 anything related to what we're here testifying to now?

11 A No.

12 Q Okay. The time that he comes -- well, let me
13 ask you this, because you didn't say that: You said PK's in
14 the office. Do you see PK enter the office?

15 A He walked in with Louie -- or with Mr. H.

16 Q With Mr. H. Okay.

17 So PK walked in with Mr. H and is there a
18 conversation with you at that point?

19 A He asked PK to have a seat. He was sitting in
20 front of my desk and asked me to follow him into the
21 kitchenette.

22 Q Okay. Did you follow him into the kitchenette?

23 A Yes.

24 Q And how far into the kitchenette did you go?

25 A Midway.

1 Q Did the kitchenette door remain open or closed?
2 A Opened, I believe.
3 Q What does Mr. H say to you at this point?
4 A He asked me to go into the back room, call
5 Deangelo and tell him to go to plan B.
6 Q What was your response to that?
7 A I said I would do it.
8 Q Okay. Well, let me ask -- let me ask you this
9 question: Did you query at all what he was talking about?
10 A No.
11 Q Had Mr. H ever used the term plan B with you in
12 the past before?
13 A No.
14 Q Had you ever heard that term utilized at the
15 club for anything before?
16 A No.
17 Q Okay. What do you do?
18 A What do I do?
19 Q Yeah.
20 A I go into the back room and call Deangelo.
21 Q Okay. Let's talk about where you go into the
22 back room. Now, you're standing in the kitchenette. Where do
23 you have to go to go to the back room?
24 A I have to go through the door at the very end
25 of the kitchenette.

1 Q Okay. And then what do you do?
2 A I believe I Nextel'd Deangelo.
3 Q Chirped him?
4 A Tried to chirp him.
5 Q Okay. Did you have any other way to get ahold
6 of Deangelo other than chirping him?
7 A No.
8 Q Okay. So you chirp him. Do you have a
9 conversation with him?
10 A He calls.
11 Q He calls on your chirper or on your regular
12 phone?
13 A On my regular phone.
14 Q And what was your understanding of Deangelo's
15 Nextel Palomino phone, was that capable of calling you on a
16 regular phone?
17 A Certain Nextels have phone capability.
18 Q Okay.
19 A I don't recall if Deangelo's -- or the one
20 Deangelo had on him had phone capability or not.
21 Q You don't know if the one that Deangelo had on
22 that night -- let me ask you this question: Did Deangelo
23 always have the same Nextel on him?
24 A No.
25 Q Okay. How would that work, the Nextel phones

1 at the club? How did that work? When people came in to work
2 for a day, how would they get their Nextels that they need to
3 use?

4 A They would be downstairs. Arial would issue
5 them out when she issued out the banks.

6 Q Okay. So any given day, some of the other
7 employees would have different Nextels, correct?

8 A Correct.

9 Q Did you always maintain the same Nextel?

10 A Yes.

11 Q Did Luis -- Mr. H always maintain the same
12 Nextel?

13 A Yes.

14 Q What about Little Lou, did he always have the
15 same Nextel?

16 A Yes.

17 Q Okay. Now, did Mr. H ever -- were you the --
18 let me rephrase it this way: Were you the person, the only
19 person, that ever used your Nextel?

20 A No.

21 Q Okay. What do you mean by that?

22 A My phone, I would have it on my desk. There's
23 times that Mr. H would pick it up to make a phone call, to use
24 the radio. It's the same thing, I would use his or I would
25 answer his phone if the phone would ring.

1 Q You're in a relationship with Mr. H at that
2 point?
3 A Yes.
4 Q Would you consider yourself couples?
5 A Yes.
6 Q You shared things?
7 A Yes.
8 Q So you go to the back room and you chirp
9 Deangelo and he calls you back, correct?
10 A Yes.
11 Q Do you -- can you hear what Deangelo Carroll's
12 saying to you?
13 A Yes.
14 Q Are you having any phone connection problems
15 between you?
16 A Not at that point.
17 Q Okay. What is it that you recall Deangelo
18 Carroll saying to you?
19 MR. GENTILE: Objection. Hearsay.
20 THE COURT: Overruled.
21 MR. DIGIACOMO: Thank you, Judge.
22 THE WITNESS: I call Deangelo. I tell him to go to
23 plan B. He says, I'm already here. Again, I tell him to go
24 to plan B and the phone gets disconnected.
25 MR. ADAMS: Your Honor, may we have a time

1 predicate, please?

2 MR. DIGIACOMO: That's my next question.

3 THE COURT: All right.

4 BY MR. DIGIACOMO:

5 Q Approximately what time in the evening are we
6 at? Do you know?

7 A It's late evening.

8 Q Okay. Is it before midnight?

9 A Yes.

10 Q Okay. How long before midnight? Can you
11 recall?

12 A No.

13 Q How many actual phone calls that evening were
14 you actually physically talking to Deangelo on the phone do
15 you have with Deangelo Carroll that night?

16 A I specifically know that one and then I tried
17 chirping him and calling him back.

18 Q Okay. But actual speaking to --

19 A Once.

20 Q -- him on the phone that night, is that one
21 call?

22 A Yes.

23 Q Okay. You said something about, We're here.
24 Do you remember any other words he said?

25 A I'm alone.

1 Q All right. Anything else that you can recall
2 that h said to you?

3 A No.

4 Q Okay. When you say, Go to plan B, and he's
5 saying, But we're alone and I'm here, what --

6 MR. GENTILE: Objection. That's not what she said.
7 She said, I'm alone. He's misstating the record.

8 THE COURT: All right.

9 BY MR. DIGIACOMO:

10 Q So did he say "I'm" or "we"? What did he say?
11 Do you recall?

12 A I believe he said, I'm alone.

13 THE COURT: All right.

14 BY MR. DIGIACOMO:

15 Q When he says --

16 A I don't recall.

17 Q -- I'm alone, what about here? Did he say,
18 We're here, I'm here? What kind of here?

19 MR. GENTILE: Objection. This is suggestive --

20 A I don't recall.

21 MR. GENTILE: -- and leading.

22 THE COURT: All right. That's sustained.

23 BY MR. DIGIACOMO:

24 Q What did he say to the word "here"? What did
25 he say? Do you remember?

1 A We're here. I'm -- I don't recall
2 specifically.

3 Q Okay. And you tell him to go to plan B and
4 then you get cut off. Okay. And you try to call him back.
5 At this point, what's going through your mind?

6 A Something's happening to Mr. Hadland.

7 Q Something's happening to Mr. Hadland?

8 A Or going to happen to Mr. Hadland.

9 Q Okay. Is it a good something or a bad
10 something?

11 A Bad.

12 MR. GENTILE: Objection. Her state of mind is
13 really not relevant in terms of this telephone call.

14 MR. DIGIACOMO: Well, it's hugely relevant as to --

15 THE COURT: It's overruled. She answered the
16 question.

17 MR. DIGIACOMO: Thanks.

18 THE COURT: Go on, Mr. DiGiacomo.

19 BY MR. DIGIACOMO:

20 Q Something bad's going to happen to TJ?

21 A Yes.

22 Q You said you tried to call Deangelo back. Were
23 you able to get connections with him?

24 A No.

25 Q What do you do?

1 A I go back into the office. I tell Louie that I
2 spoke to Deangelo and I told him to go to plan B.

3 Q Okay. Is anybody still sitting there?

4 A PK.

5 Q And do you say anything else to Louie at this
6 point or Mr. H at this point about what you now know in your
7 head's going on?

8 A No.

9 Q Why not?

10 A He walks out with PK.

11 Q Did you pick up the telephone and call 911?

12 A No.

13 Q Why not?

14 A I couldn't even tell you.

15 Q How long -- well, let me ask you this: After
16 you had this conversation with Mr. H where you tell him that
17 you told him to go to plan B, what's Mr. H's reaction?

18 A He's calm. He -- like I said, he walks out
19 with PK.

20 Q At some point in time do you see Mr. H in the
21 company of Deangelo Carroll again?

22 A Yes.

23 Q And how does that come about?

24 A Louie comes back into the office. He's sitting
25 down watching TV and there's a knock at the door. Deangelo

1 comes in.

2 Q So Louie's already back in the office with you
3 when Deangelo comes back in?

4 A Yes.

5 Q And when you say Louie, it's Mr. H?

6 A I'm sorry, Mr. H.

7 Q And let me ask you this: From the time you saw
8 Little Luis leave Simone's after the argument, up until this
9 point, have you seen Little Luis again?

10 A No.

11 Q Okay. When Mr. H is back in the office and
12 Deangelo comes back to the door, had you seen Little Luis at
13 this point?

14 A No.

15 Q Does Deangelo knock or does he walk in? What
16 happens?

17 A He knocks.

18 Q Okay. When he knocks, can you describe for us
19 what happens?

20 A He comes in. He sits down in front of Louie.
21 I'm sitting behind the desk. He's -- there's two chairs in
22 front of Louie's desk. He sits down in front of Louie and
23 looks over at Louie and says, It's done.

24 Q And when he says, It's done, what does Mr. H
25 say?

1 A He looks at Deangelo. Deangelo says, He's
2 downstairs. Louie looks at me and says, Go get 5 out of the
3 safe.

4 Q When you -- when Louie looks at you and says,
5 Go get 5, what's your reaction?

6 A I look at him and said, 5 what? \$500? And he
7 gets angry and says, Go get \$5,000 out of the safe.

8 Q So what do you do?

9 A I get up and go get \$5,000 out of the safe.

10 Q We've already seen both of these pictures --
11 well, you've probably seen all of these pictures before, but
12 State's Exhibit No. 217, is that the safe you're talking
13 about?

14 A Yes.

15 Q Okay. Now, there's a -- pretty large stacks on
16 the top row. Can you tell us what the denominations of those
17 stacks are?

18 A Ones.

19 Q And what's the purpose of having all those
20 ones?

21 A Change for the bars.

22 Q What about money down in this section? Was
23 there different money down there?

24 A Yes.

25 Q And was that the club's money?

1 A No.

2 Q How much money approximately was in the bottom
3 safe?

4 A 100,000.

5 Q And did Mr. H tell you where that 100,000 came
6 from?

7 A Yes.

8 Q Where did it come from?

9 A Sale of the two condos.

10 Q What two condos?

11 A One was his. One was mine. They were both on
12 Lake Mead.

13 Q So a hundred thousand of the money found in the
14 Palomino after a search warrant wasn't the Palomino's money?

15 A Correct.

16 Q When you said, You mean 500, and he tells you
17 5,000 and you go and get the money, correct?

18 A Correct.

19 Q Was \$5,000 a big deal to you considering you're
20 doing the books at the Palomino Club?

21 A Yes.

22 Q Okay. Why is that?

23 A Because the club is not doing well.

24 Q After you get the \$5,000, what do you do?

25 A I place it in front of Deangelo on the desk.

1 Q What does Deangelo do?
2 A He picks up the money.
3 Q What does he do?
4 A He walks out.
5 Q During this interaction between Mr. H, Deangelo
6 and you, do you remember any other conversations that happened
7 between Mr. H, Deangelo and yourself?
8 A No.
9 Q After Deangelo walks out of the room, what do
10 you do?
11 A I look at Louie and say, What have you done?
12 Q What's his response?
13 A He doesn't respond. He -- shortly after, he
14 says to change the television and look for the news.
15 Q How many times did you ask him, What have you
16 done?
17 A At that point I asked him the one time. As we
18 were changing the television, he makes more of a statement as
19 if -- did he do it.
20 MR. GENTILE: Objection to "as if." She can testify
21 to what he says. She can't read his mind.
22 THE COURT: All right.
23 MR. DIGIACOMO: Okay.
24 BY MR. DIGIACOMO:
25 Q Well, do you remember the exact words he used?

1 A Did he do it?

2 Q Did he do it? As you were flipping through the
3 stations, he's asking, Did he do it?

4 A (The witness nodded.)

5 Q Is that yes?

6 A Yes.

7 Q Okay. And did you question him about what he
8 meant by that?

9 A No.

10 Q Did you -- while you're still at the club,
11 anything ever come on TV related to this case?

12 A No.

13 Q Where do you go from there -- or maybe you
14 don't. Let me back up. At some point do you wind up leaving
15 the club?

16 A Yes.

17 Q Okay. How long after Deangelo leaves the room
18 with the money did you leave the club?

19 A We may have stayed no more than an hour.

20 Q And during that time period do you ever see
21 Deangelo again?

22 A No.

23 Q Do you ever talk to Deangelo again?

24 A Not that night.

25 Q Okay. What about Little Luis, did you talk to

1 him that night?

2 A No.

3 Q When you leave the club, who do you leave with?

4 A Mr. H.

5 Q And where do you go? Do you recall?

6 A The MGM.

7 Q Okay. And what did you do at the MGM?

8 A Gambled.

9 MR. GENTILE: Objection to the word "you" being used
10 in this question unless Mr. DiGiacomo clarifies how he's using
11 it.

12 THE COURT: All right. Do you mean --

13 MR. DIGIACOMO: I asked the question --

14 THE COURT: -- you, just you yourself, or you and
15 Mr. H?

16 Is that your objection, Mr. Gentile?

17 MR. GENTILE: That's the objection.

18 THE COURT: All right.

19 MR. DIGIACOMO: Is that a legal objection?

20 MR. GENTILE: It is.

21 THE COURT: Well, I think he's objecting as to
22 clarity.

23 MR. GENTILE: Form of the question. It needs
24 clarity.

25 THE COURT: All right.

1 BY MR. DIGIACOMO:

2 Q What did you do at the MGM? You personally,
3 what did you do?

4 A I gambled.

5 Q Okay. Gambled on what? What did you play?

6 A Machines.

7 Q Machines.

8 A (The witness nodded.)

9 Q Is that a yes?

10 A Yes.

11 Q Okay. What did Mr. H do at the MGM?

12 A Gambled as well.

13 Q On what?

14 A Machines as well.

15 Q Okay. After gambling at the MGM, where'd you
16 go?

17 A To my house.

18 Q And once you got to your house, can you
19 describe Mr. H's demeanor at this point?

20 A Nervous.

21 Q Okay. What kind of things is he saying to you?

22 A He hasn't really said much of anything. He
23 just goes in and turns on the television.

24 Q Do you see anything before falling asleep that
25 night related to the case?

1 A No.

2 Q Okay. Do you go to bed?

3 A Yes.

4 Q When you get up in the morning -- what house
5 did you go home to?

6 A My house.

7 Q Did Mr. H stay at your house?

8 A That night, yes.

9 Q Had there been other occasions when he had
10 stayed at your house before?

11 A Yes.

12 Q When you woke up the next morning, did you see
13 Mr. H still there?

14 A Yes.

15 Q And where was he?

16 A He was in the room with me, the bedroom.

17 Q Okay. Was he already awake?

18 A Yes.

19 Q Can you describe his demeanor at this point?

20 A Still nervous, looked like he hadn't slept.

21 Q After -- well, when you see him looking still
22 nervous, looked like he hadn't slept, do you talk to him at
23 all?

24 A Yes.

25 Q And what's going on?

1 A I asked him if he slept. He said no. So he
2 says that he needs to watch TV. He's looking for the new.
3 Q Do you watch TV with him?
4 A Yes.
5 Q At some point do you see something that causes
6 you some concern?
7 A Yes.
8 Q What do you see?
9 A They say there's a death at Lake Mead.
10 Q What happens when Mr. H sees the TV and there's
11 a death at Lake Mead?
12 A He says he did it. He makes a statement saying
13 he did it.
14 Q Mr. H says, quote, he did it?
15 A Yes.
16 Q And when he makes the quote -- statement,
17 quote, he did it, do you have anything to say at that point?
18 A Again, I asked him, What have you done, what
19 did he do. Then he says he needs to call his attorney.
20 Q At some point do you leave your house that day?
21 A Friday morning, yes.
22 Q Friday morning. Where do you go?
23 A Simone's.
24 Q Simone's Auto body [sic]?
25 A Yes.

1 Q And who's with you at Simone's?
2 A Louie.
3 Q Mr. H?
4 A Yes, Mr. H. I'm sorry.
5 Q At this point have you seen Little Luis?
6 A No.
7 Q Okay. You said something about Mr. H saying he
8 needed to talk to his attorney. Did he call his attorney
9 directly?
10 A I know he called his attorney because I was
11 with him on Saturday. If he spoke to his attorney prior to
12 that, I don't know.
13 Q Okay. So he makes a statement about -- on
14 Friday morning that he needs to talk to his lawyer, but you
15 don't actually see anything happen until Saturday, correct?
16 A Correct.
17 Q Okay. While you're at Simone's with Mr. H, did
18 you become aware of a phone call Mr. H received from the
19 police department?
20 A No.
21 Q At some point did you become aware that Mr. H
22 had to leave Simone's?
23 A He did leave, yes.
24 Q Did you know where -- did he tell you where he
25 was going?

1 A I don't remember.

2 Q How long was he gone?

3 A A few hours, I believe. Friday is somewhat of

4 a blur.

5 Q Friday's somewhat of a blur for you?

6 A Yes.

7 Q Okay. At some point do you get back together

8 with Mr. H on Friday?

9 A Yes.

10 Q And do you know where it is you finally saw

11 Mr. H again after he left Simone's?

12 A I don't recall. I think I went to the club

13 with him on Friday. I don't recall.

14 Q At --

15 MR. ADAMS: Could she please repeat that answer. I

16 couldn't hear because of the gail force winds.

17 BY MR. DIGIACOMO:

18 Q You said something about that night you think

19 you went to the club --

20 MR. GENTILE: Can we get a read back maybe or --

21 THE COURT: You know, we can't get a read back.

22 MR. GENTILE: Can't do a read back?

23 THE COURT: No, I'm sorry, because it's on the tape

24 and it takes a long time to --

25 MR. ADAMS: I withdraw.

1 THE COURT: -- find it.

2 MR. ADAMS: I withdraw my request.

3 BY MR. DIGIACOMO:

4 Q At some point you said you think you went to
5 the club that night, correct?

6 A Yes.

7 Q Was Mr. H with you?

8 A Yes.

9 Q How long do you think you stayed there?

10 A Not long.

11 MR. GENTILE: I'm going to object that it's
12 speculation at this point. She said Friday's a blur --

13 THE COURT: Don't --

14 MR. GENTILE: -- she doesn't remember --

15 THE COURT: All right. Thank you, Mr. Gentile.

16 Don't speculate or guess. If you don't remember,
17 then don't --

18 THE WITNESS: Yes, ma'am.

19 THE COURT: -- you know, don't guess as to what you
20 may not remember.

21 MR. DIGIACOMO: I'll rephrase.

22 BY MR. DIGIACOMO:

23 Q Do you remember how long you stayed there?

24 A No.

25 Q Okay. Do you -- did -- at some point did you

1 leave the club?

2 A Yes.

3 Q Who'd you leave with?

4 A Mr. H.

5 Q Can you describe Mr. H's demeanor at this
6 point?

7 A Still nervous.

8 Q Okay. I'm going to jump ahead to Saturday.
9 You said at some point on Saturday he calls his lawyer. Can
10 you tell the ladies and gentlemen how that happens.

11 MR. ADAMS: Your Honor, at this point may we
12 approach?

13 THE COURT: Yes.

14 (Off-record bench conference)

15 THE COURT: Ladies and gentlemen, we're going to
16 take a break. I want this to be a breakfast break of ten
17 minutes and that will be 11:15 for the break.

18 And once again, you're reminded of the admonition
19 which obviously is still in effect. Note pads in your chairs,
20 follow Jeff through the double doors.

21 And the witness, you are instructed not to discuss
22 your testimony with anyone during the break.

23 (Court recessed at 11:05 a.m. until 11:14 a.m.)

24 (Outside the presence of the jury.)

25 THE COURT: You know what, I want to bring them in

1 on time, so we'll start and then if they make an objection,
2 we'll rule on it then.

3 MR. ADAMS: We do have objections to two photos.

4 THE COURT: Which one -- which two?

5 MR. ARRASCADA: Actually, it's several, Your Honor.
6 Exhibits 122, 123, 117, and 118 that are proposed.

7 THE COURT: And the basis of your objection?

8 MR. ARRASCADA: One, they're irrelevant, Your Honor.
9 And two, they -- one is of a cane and then the cane -- the
10 knife is -- comes out of it. The other -- that's 122.

11 123, I think, was in Room 6.

12 117 and 118, there's an array of stuff on a desk,
13 but within that array, there's some brass knuckles.

14 THE COURT: Okay. Would you bring me the photos,
15 please, Mr. DiGiacomo. And what's the relevancy of these?

16 MR. DIGIACOMO: Well, one, their claim is that those
17 show some sort of character for violence, and I was sitting
18 here yesterday when I heard for maybe the first time in my
19 career where there's evidence of other violence of an
20 individual, then ask a question, he has no criminal history.
21 The only reason that's offered is for his good character and
22 we're allowed to rebut it with anything. So to say it's not
23 relevant is probably not true. However -- and I don't know at
24 some point how -- what is going to come in and not come in.
25 There are descriptions of Luis Hidalgo, Jr. -- I mean, the

1 III's behavior in that room related to those items --

2 MR. ARRASCADA: Judge, we'd ask the witness not be
3 in during this conference -- discussion.

4 THE COURT: Do you know what -- okay. Clearly 118
5 or 110 -- I can't read it -- 118 can come in. That's just
6 showing that he's living there and --

7 MR. ADAMS: Judge, at the top of the photo are brass
8 knuckles.

9 MR. ARRASCADA: Right.

10 MR. ADAMS: They have no relevance at all and
11 they're prejudicial.

12 MR. PESCI: It was counsel for Little Lou who
13 specifically asked the detective about the criminal history of
14 his clients.

15 THE COURT: I don't know that having brass knuckles
16 shows that you have a criminal history.

17 MR. DIGIACOMO: No, but the implication of that
18 question is that he doesn't do anything criminal, so any
19 evidence to suggest that he may do something criminal is now
20 admissible, clearly admissible.

21 MR. ARRASCADA: Judge, may I? First, that area of
22 questioning was going into the completeness of their
23 investigation and what they did to have information regarding
24 the various people that they checked upon, nothing to do with
25 Mr. Hidalgo, III's character. The door has not been opened

1 under any stretch of the evidence code or any rules. And
2 these photos are very prejudicial and they should not come in.

3 MR. DIGIACOMO: This is the similar argument to
4 saying he didn't do it is true, right. That's a similar
5 argument, well, I didn't intend it. It doesn't matter what he
6 intended. It came in as evidence that this individual doesn't
7 have a history of doing bad things.

8 It's my position that anything now that would
9 suggest that he'd done anything bad is admissible, but
10 moreover, these items are in the room, they are photographed
11 in the room. I didn't intend to offer it for purposes of the
12 brass knuckles but to suggest one -- there's nothing unlawful
13 about being in possession of the brass knuckles.

14 MR. ARRASCADA: Yes, it is. It's a gross
15 misdemeanor, Your Honor.

16 MR. DIGIACOMO: Possession of a brass knuckle?

17 MR. ARRASCADA: Yes.

18 MR. DIGIACOMO: No.

19 MR. ARRASCADA: Yes, it is.

20 MR. DIGIACOMO: Unless a brass knuckle is in your
21 pocket, it's probably a gross misdemeanor. Just possession of
22 brass knuckles, period?

23 MR. ARRASCADA: It's a --

24 THE COURT: Is it? I don't know off the top of my
25 head.

1 THE MARSHAL: To be in your possession, gross
2 misdemeanor for brass knuckles.

3 MR. DIGIACOMO: Makes my argument even better. They
4 just argued he had no criminal history. We have evidence of a
5 crime. Thank you very much.

6 MR. GENTILE: Not if you've got it locked in a safe
7 or something like that.

8 THE MARSHAL: It has to be on your possession, a
9 dangerous weapon on your possession.

10 MR. GENTILE: It has to be on your person. It's got
11 to be on your person.

12 MR. PESCI: I think what was very telling, Judge, is
13 the question you received late yesterday from Juror No. 9
14 which specifically asked, Can we hear now what Mr. DiGiacomo
15 was talking about, the specific instances of what was
16 truthful. Remember, we fought over what the implication was?

17 THE COURT: Yeah, and we may let Detective Wildemann
18 answer that.

19 MR. PESCI: Well, no, I don't mean that. What I'm
20 trying to say is we had an argument yesterday about whether
21 they intended versus what the jury understood, and clearly the
22 jury's understanding and implication other than what they're
23 telling you their intention is --

24 THE COURT: All right. You can put 118 in because,
25 to me, it's mainly of the possessory interest of the

1 certificate of birth and his Social Security thing.

2 MR. ADAMS: Well, can we cut that part out, then,
3 Your Honor --

4 THE COURT: No.

5 MR. ADAMS: -- the prejudicial part?

6 THE COURT: I don't -- I think this is a little bit
7 of overkill in terms of all of these photos and it just kind
8 of shows he's sloppy.

9 MR. DIGIACOMO: Well, yeah, except we're going to
10 get to the liquor bottles which was actually the import --
11 that just happens to be laying there.

12 THE COURT: Yeah, that's not a Tanqueray bottle,
13 though.

14 MR. DIGIACOMO: No, I know, because there's a
15 variety of liquors in the room. He takes the Tanqueray
16 bottle, but he obviously has access to the other liquor from
17 the club.

18 THE COURT: Or he went to --

19 MR. GENTILE: We're in trouble now.

20 THE COURT: He goes to Lee's Liquor and buys a
21 bottle of --

22 MR. DIGIACOMO: Sure. But he's in possession of
23 liquor bottles. That's obviously relevant.

24 THE COURT: Well, and so am I.

25 MR. DIGIACOMO: I didn't charge you with giving it

1 to anybody. If you did, I might --

2 THE COURT: I don't see the relevance of the liquor
3 bottle, frankly. I mean, I think that pretty much everyone
4 has liquor except for Mr. Pesci and certain members of the
5 Court's staff in their homes.

6 MR. PESCI: Right, Judge, but if you recall during
7 the jury selection, there was lots of questions by defense
8 counsel about people being drunk and what they might do when
9 they're drunk. And so it's out there as far as people being
10 drunk. And so if there's going to be an argument that he was
11 somehow drunk at the time --

12 MR. DIGIACOMO: Who?

13 MR. PESCI: Your client.

14 THE COURT: All right. Well, if it comes out he was
15 drunk at the time, you can introduce -- I mean, the police
16 took these pictures so you can get them in through the police
17 as well if they don't come in through Ms. Espindola.

18 MR. DIGIACOMO: Well, I wasn't planning on actually
19 offering them through Ms. Espindola, but those are all similar
20 pictures of what I showed them.

21 THE COURT: Oh, okay. Well, if you're not going to
22 offer them through Ms. Espindola, let's bring the jury back
23 in.

24 MR. ARRASCADA: Thank you, Your Honor.

25 THE COURT: 118, I have no problem with. Some of

1 these are duplicative, like 117. I don't know that that adds
2 anything to 118, which is the better picture.

3 Bring in the witness and then bring in the jury.

4 Ma'am, just come on back up here and have a seat
5 again at the witness stand.

6 (Jury reconvened at 11:22 a.m.)

7 THE COURT: All right. Court is now back in
8 session.

9 Mr. DiGiacomo, you may resume your direct
10 examination of Ms. Espindola.

11 MR. DIGIACOMO: Thank you, Judge.

12 BY MR. DIGIACOMO:

13 Q Ms. Espindola, I think I was at Saturday at
14 this point.

15 A Yes.

16 Q Okay. And if the 19th was a Thursday, we're
17 talking the 21st, correct?

18 A Yes.

19 Q You said earlier something to the effect of you
20 knew that on Saturday Mr. H contacted his lawyer.

21 A Correct.

22 Q How did that come about?

23 A We were at the body shop, Mr. H called Steve
24 Stern -- or had me call Steve Stern first.

25 Q He had you call Steve Stern?

1 A Yes.

2 Q And what phone did you use?

3 A I don't recall.

4 Q You don't recall if it was the body shop or
5 your Nextel?

6 A No.

7 Q Okay. And then who's Steve Stern?

8 A He was the public relations for the Palomino
9 Club.

10 Q After -- and don't tell us what Mr. Stern told
11 you -- well, let me ask you this: Did Mr. H say why, if he's
12 calling his lawyer, he's going to call his PR guy first?

13 A No, he just said he wanted to talk to him.

14 Q All right. After you talked to Steve Stern,
15 what happens? Well, let me ask you this -- let me back up.
16 Did you talk to Steve Stern?

17 A No. Mr. Hidalgo -- or Mr. H had a -- was in
18 the kitchen of Simone's Autoplaza and they spoke in there. I
19 walked in and he had Mr. Stern -- Mr. H had Mr. Stern call his
20 attorney.

21 Q And at some point do you receive information
22 back about his attorney?

23 A We are scheduled to go see a different attorney
24 because his attorney's out of town.

25 Q At this point did you know who his attorney

1 was?

2 A Yes.

3 Q And who was that?

4 A Dominic Gentile.

5 Q Okay. And you see Mr. Gentile here in court
6 today, right?

7 A Yes.

8 MR. DIGIACOMO: I think the record will reflect that
9 Mr. Gentile raised his hand.

10 THE COURT: All right. Thank you.

11 BY MR. DIGIACOMO:

12 Q And had you had prior contact with Mr. Gentile
13 in the past?

14 A Yes.

15 Q Let's talk about the -- that prior contact.
16 Approximately -- I want to direct your attention to
17 approximately a year prior to this incident. Do you remember
18 an individual by the name of Tony Moore?

19 A Yes.

20 Q All right. Who's Tony Moore?

21 A He used to be the manager at Simone's
22 Autoplaza.

23 Q And what was the relationship between Tony
24 Moore and Mr. H?

25 A They were friends.

IN THE SUPREME COURT OF THE STATE OF NEVADA

LUIS A. HIDALGO, III

Appellant,

v.

STATE OF NEVADA,

Respondent.

Electronically Filed
Feb 04 2011 08:31 a.m.
Tracie K. Lindeman
Docket No. 54272

Direct Appeal from a Judgment of Conviction
Eighth Judicial District Court
The Honorable Valerie Adair, District Judge
District Court Case No. C212667/C241394

APPELLANT LUIS A. HIDALGO, III'S APPENDIX

VOLUME V

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COPY
DISTRICT COURT
CLARK COUNTY, NEVADA

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Ch. J. [Signature]
CLERK OF COURT

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

BEFORE THE HONORABLE VALERIE P. ADAIR, DISTRICT COURT JUDGE

JURY TRIAL - DAY 9

FRIDAY, FEBRUARY 6, 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

TRANSCRIBED BY: KARReporting and Transcription Services

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I N D E X

WITNESSES FOR THE STATE:

ANABEL ESPINDOLA

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1 LAS VEGAS, NEVADA, FRIDAY, FEBRUARY 6, 2009, 9:38 A.M.

2 PROCEEDINGS

3 (In the presence of the jury.)

4 THE COURT: All right. Court is now in session.

5 The record will reflect the presence of the State through the
6 deputy district attorneys, the presence of the defendants and
7 their counsel, the officers of the Court and the members of
8 the jury.

9 Before we swear in the witness, ladies and
10 gentlemen, I know some of you asked my marshal if we could
11 work late tonight. I know there's frustration that we're not
12 getting a lot done each day. We cannot stay past about
13 1:00 o'clock today. However, what I am doing is for Monday
14 and Tuesday of next week, I'm trying to find another judge to
15 hear my calendars so we can start at 9:00 a.m., and if
16 everyone's available, we will work until 7:00 p.m. Monday and
17 Tuesday.

18 So if anyone has conflict with that, you're directed
19 to inform my marshal at the break. That's what I'm trying to
20 do, because I understand for people who take off, if we only
21 get three hours in, it's not a very productive day. So that's
22 my plan and hopefully that will work out.

23 And having said that, the State has called as their
24 next witness...

25 MR. DIGIACOMO: Anabel Espindola.

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1 THE COURT: All right. Ms. Espindola, I need you to
2 stand up and face this lady right here who will be
3 administering the oath to you.

4 ANABEL ESPINDOLA, STATE'S WITNESS, SWORN

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

7 THE WITNESS: Anabel Espindola, A-n-a-b-e-l,
8 E-s-p-i-n-d-o-l-a.

9 THE CLERK: Thank you.

10 THE COURT: All right. Thank you.

11 DIRECT EXAMINATION

12 BY MR. DIGIACOMO:

13 Q Good morning, Ms. Espindola.

14 A Good morning.

15 Q What I need you to do is roll up right to that
16 microphone because I know you have a soft voice and not
17 everybody's going to hear you at all times, okay.

18 A Yes, sir.

19 Q I'm going to ask you to speak up when you're
20 talking, okay?

21 A Yes.

22 Q All right. You said your name is Anabel
23 Espindola, correct?

24 A Correct.

25 Q Okay. Can you tell the ladies and gentlemen of

1 the jury where you've been living for the better part of the
2 last four years.

3 A Clark County Detention Center.

4 Q And you're hear to testify about the events
5 that put you in that place?

6 A Correct.

7 Q All right. I want to talk to you a little bit
8 about your life before May 19th of 2005. Let's start with
9 the -- when you turned 18, where were you living?

10 A San Fran -- the bay area, California.

11 Q Bay area, California?

12 A Mm-hmm.

13 Q Is that a yes?

14 A Yes.

15 Q Okay. And what were you doing for a living?
16 Were you working?

17 A Yes, I was.

18 Q What were you doing?

19 A I worked for Mr. Hidalgo.

20 Q All right. How long prior to you turning 18
21 did you start working for Mr. Hidalgo?

22 A I was -- about six months after I turned 18.

23 Q Okay. So about six months after you turned 18,
24 you started working for Mr. Hidalgo?

25 A Yes.

1 Q And when we use the term Mr. Hidalgo, how did
2 you refer to Mr. Hidalgo?

3 A As Louie.

4 Q Louie?

5 A Mm-hmm, yes.

6 Q Is that a yes?

7 A Yes.

8 Q And is Louie here in court today?

9 A Yes, he is.

10 Q Can you point to him and describe something
11 he's wearing?

12 A He's wearing a black jacket.

13 Q So when you use the term Louie --

14 MR. GENTILE: May the record reflect that
15 Mr. Hidalgo stood for identification.

16 THE COURT: It will. Thank you.

17 MR. GENTILE: Thank you.

18 BY MR. DIGIACOMO:

19 Q And when you use the term Louie, you're
20 referring to Mr. Hidalgo, I guess, Jr.?

21 A Yes.

22 Q And had you ever heard other people refer to
23 him as something else?

24 A Yes.

25 Q What was that?

1 A Mr. H.
2 Q So he's Mr. H?
3 A Yes.
4 Q Okay. When you're working for Mr. H, what kind
5 of business was it?
6 A Auto shop, automotive repair.
7 Q And what were you doing for him?
8 A I was the secretary for him when I worked in
9 California.
10 Q And how long did you work for him in
11 California?
12 A Up until we moved to Las Vegas.
13 Q And when was that approximately?
14 A The beginning of 1999.
15 Q The beginning of 1999?
16 A Correct.
17 Q And I apologize for asking you your age, but
18 how old were you in 1999?
19 A I was 19 -- no, I'm sorry. I was --
20 Q I guess I could do this easier --
21 A Like 27, I'm sorry.
22 Q I apologize. So you're 36 today?
23 A Correct.
24 Q Okay. So you worked for Mr. H for eight years
25 approximately while you're in California, some of that time?

1 A Yes.

2 Q During that time period, were you solely an
3 employee of Mr. H?

4 A No.

5 Q How long after you started working for Mr. H
6 did your relationship with him change?

7 A I -- it was immediate.

8 Q Immediate?

9 A Mm-hmm, yes.

10 Q So you were with Mr. H from the time you were
11 18 kind of forward?

12 A Yes.

13 Q And how would you describe the relationship
14 that you had with Mr. H?

15 A I was his girlfriend.

16 Q Did you know about what his family life --
17 well, what -- do you know what his marital status was at the
18 time?

19 A Yes.

20 Q What was that?

21 A He was married. He was currently married.

22 Q Up until -- well, even after your arrest, but
23 at least up until your arrest in May of 2005, were you still
24 his girlfriend?

25 A Yes.

1 Q At any point during that time period, did you
2 physically live with Mr. H?
3 A No.
4 Q So you maintained your own residence and he
5 maintained his?
6 A Yes.
7 Q At some point in time did you learn about
8 Mr. H's children?
9 A Yes.
10 Q Okay. Let's talk about -- how many children
11 does Mr. H have?
12 A Three.
13 Q And let's -- can you name the oldest one for
14 me?
15 A Angelina Hidalgo.
16 Q Angelina?
17 A Yes.
18 Q Okay. And who's the second oldest?
19 A Luis Hidalgo, III.
20 Q And do you see Luis Hidalgo, III here in court
21 today?
22 A Yes, I do.
23 Q Is he the guy standing up?
24 A Yes.
25 MR. DIGIACOMO: May the record reflect the

1 identification of Luis Hidalgo, III.

2 THE COURT: It will.

3 BY MR. DIGIACOMO:

4 Q When you would refer to Luis Hidalgo, III, how
5 would you refer to him?

6 A As Luis or Little Luis.

7 Q Luis or Little Luis?

8 A Yes.

9 Q Have other people used the term Little Lou
10 before?

11 A Yes.

12 Q All right. What about -- is there a Spanish
13 term that you would sometimes use for him?

14 A Yes.

15 Q What is that?

16 A Luisito.

17 Q Luisito?

18 A Yes.

19 Q And then after Little -- after Little Lou or
20 Little Luis, who's the next child in Mr. --

21 A Rosa Hidalgo.

22 Q Rosa Hidalgo?

23 A Yes.

24 Q Can you tell me in -- maybe in relation to --
25 or maybe you know. Do you know the exact age of Little Lou?

1 A I think 27.

2 Q Okay. So he's younger than you?

3 A Yes.

4 Q Okay. You said that in 1999 you moved to Las
5 Vegas, correct?

6 A Yes.

7 Q And you indicated that Mr. H moved to Las
8 Vegas?

9 A Yes.

10 Q Did Little Lou and the rest of the family come
11 as well?

12 A Yes.

13 Q Okay. What -- what prompted the move to Las
14 Vegas?

15 A Louie wanted to -- we used to come and visit
16 quite often and he wanted to move.

17 Q And what was the plans for when you moved here?
18 What was going to happen?

19 A To open up another body shop.

20 Q How was the -- how was the body shop here --
21 and that's Simone's we've heard testimony about?

22 A Yes.

23 Q How was that financed?

24 A Through a friend of his, Dr. Simon Stertzner.

25 Q Who is Dr. Simon Stertzner? Do you know him at

1 all?

2 A Yes.

3 Q Who is he?

4 A He is a personal friend of Mr. Hidalgo's.

5 Q Now, in the time that you were with

6 Mr. Hidalgo, did he ever talk to you about his history?

7 A Yes.

8 Q Okay. Let's talk a little bit about -- did you

9 have discussions with him about the police and his involvement

10 with the police?

11 A Yes.

12 Q What did he tell you?

13 A That he was a retired police officer from the

14 San Bruno Police Department. He went to work for the

15 sheriff's department for a short period of time. His father

16 needed help at the body shop so he retired from the police

17 force and went to work at the body shop.

18 Q And his father, what did you call -- what was

19 his father's name?

20 A Luis Hidalgo, Sr.

21 Q And what did you call him?

22 A Pops.

23 Q Pops?

24 A Yes.

25 Q And has Pops passed on at this point?

1 A Yes.

2 Q And approximately when did he pass away?

3 A I believe it was two years ago.

4 Q Two years -- it's 2009. So 2007, 2006,
5 somewhere in that range?

6 A Yes.

7 Q Okay. Once you moved here -- let me ask you
8 this: Did you know about the finances of Mr. Hidalgo when you
9 moved -- when you moved here?

10 A Yes.

11 MR. ARRASCADA: Your Honor, I would just ask for
12 clarity of the record that we -- perhaps Mr. Hidalgo, Jr.,
13 Mr. Hidalgo, III, that we --

14 THE COURT: All right.

15 MR. ARRASCADA: -- put some qualifiers because we do
16 have the same names.

17 MR. DIGIACOMO: I'll call him Mr. H. How's that?

18 THE COURT: All right. And Mr. H refers to Hidalgo,
19 Jr.

20 MR. DIGIACOMO: Correct.

21 BY MR. DIGIACOMO:

22 Q Mr. H -- were you aware -- well, let me ask you
23 this: Mr. -- Dr. Stertzner -- and do you know what? I never
24 got you to answer that question. Who is Dr. Stertzner?

25 A He's a doctor -- he's a heart surgeon. He

1 works at Stanford now or -- as far as I know.

2 Q And at some point, him and Mr. Hidalgo or Mr. H
3 got -- formed a relationship?

4 A Yes.

5 Q And when Mr. Hidalgo moved from San Bruno -- or
6 Mr. H moved from San Bruno to Las Vegas, you said something
7 about Mr. Stertzner financing Simone's.

8 A Correct.

9 Q How did that work?

10 MR. GENTILE: Foundation. Objection. Foundation.

11 THE COURT: All right. Lay a foundation.

12 BY MR. DIGIACOMO:

13 Q Did Mr. H tell you how the financial
14 transaction related to Simone's worked?

15 A All I know is that --

16 MR. GENTILE: Objection.

17 BY MR. DIGIACOMO:

18 Q Let me ask you this --

19 MR. GENTILE: Foundation.

20 THE COURT: Well --

21 BY MR. DIGIACOMO:

22 Q -- did Mr. H ever describe to you how the
23 financial transaction for Simone's worked? Just answer yes or
24 no.

25 A No.

1 Q Okay. You never talked to him about it?

2 A No.

3 Q Okay. What capacity did you have at Simone's?

4 A I was the business administrator.

5 Q The business administrator?

6 A Yes.

7 Q Okay. And what does that mean you did at

8 Simone's?

9 A I ran the body shop. I took care of the

10 vehicles that were coming in, the paperwork, all billing. I

11 dealt with the customers, the insurance companies, the

12 employees.

13 Q When you left San -- or when there was a body

14 shop at San Bruno, did you have a similar job?

15 A Yes.

16 Q Okay. Were you involved or did you -- based

17 upon your financial involvement with the San Bruno shop, did

18 you know about how much money the San Bruno shop had or -- let

19 me rephrase this. Did they sell the San Bruno shop?

20 A Yes.

21 Q Okay. And ultimately their family moved here

22 and there was nothing left at San Bruno financially related to

23 the auto shop?

24 A Correct.

25 Q Okay. Were you aware of how much money the San

1 Bruno auto shop sold for?

2 MR. GENTILE: Objection. Foundation.

3 THE COURT: All right.

4 THE WITNESS: I don't remember.

5 MR. GENTILE: I'll withdraw the objection.

6 THE COURT: She doesn't know anyway, so...

7 BY MR. DIGIACOMO:

8 Q You don't remember?

9 A No.

10 Q Okay. When you got to Simone's -- well, let me

11 ask you this: Was it a dirt lot?

12 A No.

13 Q Was there already a building there?

14 A Yes.

15 Q Okay. You move into the building, you're doing

16 the billing, correct?

17 A Yes.

18 Q All right. Let's talk about the money coming

19 into Simone's. Well, let me ask it this way: Was Simone's

20 making money?

21 A No.

22 MR. GENTILE: Objection. Foundation.

23 THE COURT: All right. Lay a foundation as to how

24 she would know and then ask the question.

25 BY MR. DIGIACOMO:

1 Q Okay. Did you not testify that you -- you were
2 doing the books for Simone's?

3 A I did the books for Simone's.

4 Q Okay. You did all the -- you took -- you paid
5 the bills out and you found out the money coming in, correct?

6 A Yes.

7 Q All right. Was Simone's making money?

8 A No.

9 MR. GENTILE: Again, objection. Simone's was in
10 business for six years.

11 THE COURT: All right. I think the basis of the
12 objection is during what period of time are you inquiring
13 about as to whether or not Simone's was making money.

14 Is that your objection, Mr. Gentile?

15 MR. GENTILE: That's the objection.

16 THE COURT: All right. Mr. DiGiacomo, if you will
17 lay a foundation as to time frame, whether you're talking
18 about the entire six-year period or year by year or whatever.
19 Okay.

20 MR. DIGIACOMO: I could do it that way.

21 BY MR. DIGIACOMO:

22 Q Let's talk about it this way: When Simone's
23 first opened and it's the first couple of months, is Simone's
24 making any money?

25 A No.

1 Q At any point in time does it get to a point
2 where it's clearing a profit?

3 A It progressively got better.

4 Q Progressively got better?

5 A Yes.

6 Q At some point -- let's talk all the way up to
7 May of 2005 -- was it making enough money to sustain itself?

8 A We were sustaining ourselves. We were paying
9 all our bills.

10 Q You were paying your bills?

11 A Yes.

12 Q Okay. Was there any -- how much money was
13 there left over after paying all the bills?

14 A None.

15 Q Okay. Were you -- were you at all involved in
16 Mr. H's finances or was it just Simone's?

17 A I deposited his checks and wrote out all his
18 billing.

19 Q Okay. Did you have access to his bank
20 accounts?

21 A Yes.

22 Q Okay. And at some point in time did there come
23 a point in time in the years that you were living in Las Vegas
24 you learned about something happening up at the Palomino Club?

25 A Yes.

1 Q Okay. How did you initially find out that
2 something -- that somehow Mr. H or somebody else was going to
3 be involved in the Palomino Club?

4 A Mr. H was looking to start another business.

5 Q And who did -- what happened -- did he contact
6 anybody?

7 A He contacted Alex Gurde (phonetic) and they
8 were looking into a different types of business.

9 Q Okay. And who's Alex Gurde?

10 A He's a realtor.

11 Q What's -- is -- did Alex Gurde grow up an
12 American -- in America?

13 A Not as far as I know. He's Romanian.

14 Q Did he have an accent?

15 A Yes.

16 Q Okay. You said he contacted Alex but for a
17 different type of business. Did he ever wind up getting
18 involved in some other type of business?

19 A Yes.

20 Q What was it?

21 A A strip club.

22 Q And what strip club?

23 A The Palomino Club.

24 Q Okay. And who did he -- well, do you know who
25 he wound up getting into the strip club business with?

1 MR. GENTILE: Objection. Foundation. Also, add a
2 time predicate. I mean --

3 THE COURT: All right. Lay a bit of a foundation.
4 BY MR. DIGIACOMO:

5 Q What are we talking about? When does Mr. H
6 first get involved with the Palomino Club?

7 A 2000, 2001. I don't remember the exact year.

8 Q Okay. When Mr. H first gets involved in the
9 Palomino Club, is he the owner?

10 A No.

11 Q Okay. So at the point that Mr. H goes to the
12 Palomino Club, who's the owner?

13 A Dr. Stertzner.

14 Q Dr. Stertzner?

15 A Yes.

16 Q And did you learn through the conversations
17 through Mr. H about how Dr. Stertzner came into possession of
18 the club?

19 A Yes.

20 Q How was that?

21 A Dr. Stertzner purchased the club outright from
22 the Perrys.

23 Q Okay. And did you learn from Mr. H how much he
24 had paid for it?

25 A Yes.

1 Q How much?

2 A 13 million.

3 Q \$13 million?

4 A Yes.

5 Q And then you said Mr. H became involved. What

6 was his position at the Palomino Club at that point?

7 A He was a general manager.

8 Q Okay. And did you have anything to do with the

9 Palomino Club at that point?

10 A Yes.

11 Q What was that?

12 A I did all the books for the Palomino.

13 Q You did the books for the Palomino Club?

14 A Yes.

15 Q Even when Dr. Stertzner owned it?

16 A Yes.

17 Q Okay. How much was Mr. H getting paid to be

18 the general manager? Do you recall?

19 A I believe it was 2,500 a week. I'm not quite

20 sure. I know it was between 2,000 to 2,500.

21 Q Okay. Somewhere between 2,000 and 2,500 a

22 week, so -- okay. At some point in time, is there discussions

23 that you've had with Mr. H related to him getting the title of

24 owner?

25 A Yes.

1 Q Can you describe that for the ladies and
2 gentlemen of the jury?

3 MR. GENTILE: Can we have a time predicate?

4 BY MR. DIGIACOMO:

5 Q All right. Approximately when is that?

6 A Maybe a year after, a year and a half after
7 Dr. Stertzger had owned it.

8 Q So a year, year and a half. And let me ask you
9 this -- let's go backwards a little bit. From the time that
10 you're arrested, how long had Mr. H been the owner of the
11 Palomino Club?

12 A Maybe a year --

13 Q Okay.

14 A -- or so.

15 Q And what were -- what did Mr. H tell you about
16 the arrangements for the Palomino Club to pass from
17 Dr. Stertzger to Mr. Hidalgo or Mr. H?

18 MR. GENTILE: We have a -- Your Honor, again,
19 foundation. Was anybody present? That's appropriate
20 foundation. If he's going to talk about people talking about
21 things, there should be a time, place, and who was there.

22 THE COURT: Well, he --

23 MR. DIGIACOMO: I was asking -- I'll rephrase.

24 THE COURT: I mean, he can do it that way or -- I
25 mean, if --

1 MR. DIGIACOMO: And he's free to ask on cross
2 every --

3 THE COURT: I agree with you in terms of when the
4 conversation occurred, but I don't think Mr. DiGiacomo has to
5 find out everybody that was there as long as he indicates who
6 the speaker was and that she was the listener.

7 So go on, Mr. DiGiacomo.

8 MR. DIGIACOMO: Thank you, Judge.

9 BY MR. DIGIACOMO:

10 Q What did Mr. H tell you about the arrangement
11 between the passing of the club from Dr. Stertzger to Mr. H?

12 MR. GENTILE: Same objection. When?

13 THE COURT: All right. When did you have a
14 conversation with Mr. H about the passing of the Palomino Club
15 from Dr. Stertzger to Mr. H?

16 THE WITNESS: We spoke at the body shop. He
17 expressed that Dr. Stertzger no longer wanted the club.

18 THE COURT: And about when was this? When did he
19 start talking about that?

20 THE WITNESS: Like I said, maybe about a year after
21 Dr. Stertzger had owned it.

22 THE COURT: All right. Thank you.

23 Mr. DiGiacomo.

24 BY MR. DIGIACOMO:

25 Q So he told you that Dr. Stertzger no longer

1 wanted to own the club?

2 A Correct.

3 Q Did he tell you why Dr. Stertzger didn't -- no

4 longer wanted to own the club?

5 A Yes.

6 MR. GENTILE: Double hearsay. Objection.

7 THE COURT: Overruled.

8 BY MR. DIGIACOMO:

9 Q And what did Mr. H tell you was the reason why

10 Dr. Stertzger didn't want to own the club?

11 A Publicity. Dr. Stertzger didn't want any.

12 Q Okay. And did Mr. H tell you what the

13 arrangement was going to be with him and Dr. Stertzger?

14 A Yes.

15 Q And describe that for the ladies and gentlemen

16 of the jury.

17 A Dr. Stertzger was going to go ahead and do the

18 note for 15 -- 13 million, and on a weekly basis the club was

19 scheduled to pay the loan back.

20 Q On a weekly basis?

21 A On a weekly basis.

22 Q And what was the payment on a weekly basis?

23 A It was scheduled to be 10,000 a week.

24 Q So \$10,000 a week would be paid to Dr.

25 Stertzger?

1 A Correct.

2 Q And how did this work? Did you do the books
3 for the Palomino?

4 A Yes.

5 Q Okay. So explain to the ladies and gentlemen
6 how, let's say, at the end of the week when you've got to make
7 the payment, explain to them how the finances would work.

8 A I would make the deposits to the bank. I would
9 deposit all the money into the Bermuda Sands account. From
10 there, I would transfer the money into the Palomino and I
11 would transfer \$10,000, or if the club wasn't doing as well,
12 whatever was available to Dr. Stertzer which would be the
13 Windrock account.

14 Q Okay.

15 A That was Dr. Stertzer's account.

16 Q Let's back up a little bit because you talked
17 about a bunch of things. You said Bermuda Sands. What's the
18 Bermuda Sands account?

19 A It was a holding account for the Palomino,
20 Satin Saddle and Lacy's.

21 Q All right. And so you said that the money that
22 was made from those properties would be placed into that
23 account?

24 A Correct.

25 Q Okay. Then you talked about some earnings

1 being transferred to other accounts, and I'm sorry, I missed
2 those.

3 A It was to another account which was Windrock
4 Enterprises.

5 Q What's Windrock Enterprises?

6 A It was Dr. Stertzler's account.

7 Q Okay. And so you take the money from one, move
8 it to the other --

9 A Yes.

10 Q -- to pay Dr. Stertzler?

11 A Yes.

12 Q Now, you just mentioned the Satin Saddle and
13 Lacy's. What are you talking about?

14 A It was part of the purchase. They are two
15 other clubs.

16 Q And where are they located?

17 A Lacy's is within the Palomino Club.

18 Q Same building?

19 A Same building.

20 Q Okay.

21 A It's inside the same building.

22 Q And what's the Satin Saddle?

23 A Satin Saddle is a topless club and it's like
24 two doors down. Mm-hmm.

25 Q Is that a yes?

1 A Yes.

2 Q And what about their addresses? Were they the
3 same or different addresses?

4 A Different addresses.

5 Q Okay. And did you know anything about the
6 property that those two clubs sat on?

7 A Yes.

8 Q Okay. How did you know about the property that
9 those two clubs sat on?

10 A It all -- when Dr. Stertzger had purchased the
11 club, the whole block went with it.

12 Q So the whole block was this area that has both
13 Satin Saddle, Lacy's and Palomino on it?

14 A Correct. It also has Easy Pawn and a loan
15 shop.

16 Q Okay. Now, the Easy Pawn and the loan shop,
17 were they run by Dr. Stertzger?

18 A No.

19 Q Okay. They were leased out?

20 A Yes.

21 Q And did you have anything to do with the money
22 that came out of those or what happened to the money that came
23 out to those?

24 A They would pay their monthly rent. It would
25 be -- the check would be made out to Windrock. It would be

1 made to Simone's. Simone's Autoplaza was the corporate office
2 for the Palomino Club, and I would make the deposits.

3 Q I guess my question is: The money that's
4 coming out of this pawnshop and the other business that's
5 there, is that part of the 10,000 that's got to be paid from
6 the Palomino and Lacy's and Satin Saddle?

7 A No.

8 Q You mentioned something to the effect of every
9 month the 10,000 wasn't getting put into Dr. Stertzner's
10 account -- or every week. Sorry.

11 MR. GENTILE: Objection. Is that a question?

12 MR. DIGIACOMO: I was just directing her back to it.

13 THE COURT: He was -- I think he was setting up a
14 question.

15 MR. DIGIACOMO: Thank you.

16 BY MR. DIGIACOMO:

17 Q Did you -- all right. I'll make it a question.
18 Did you mention that not every week \$10,000 was going into
19 Dr. Stertzner's account?

20 A Yes.

21 Q Okay. Well, describe that. What did you mean
22 by that?

23 A If the club was doing poorly that week, I had
24 already spoken to Dr. Stertzner and less money would be
25 deposited. When the club was doing better, I would make up

1 the difference.

2 Q Okay. Let's talk about the time period gumming
3 up to May of 2005. Was the club ever -- almost always able to
4 cover the \$10,000 a week that was being paid out to
5 Dr. Stertzner?

6 A No.

7 Q Were you able to make up all of the money that
8 you were short for one week to cover Dr. Stertzner?

9 A No.

10 Q I didn't ask this, but other than the \$10,000 a
11 week that was being put into Dr. Stertzner's account, was there
12 any other monies paid for the Palomino Club?

13 A I don't understand the question.

14 Q Did Mr. H have to give Dr. Stertzner any
15 principle or was he just paying the \$10,000 a week?

16 A Just the 10,000 a week.

17 Q And once he took over -- well, let me ask you
18 this: Is it -- at what point does he become owner on the
19 documents that the jury's now seen? What date does that
20 occur?

21 MR. GENTILE: Objection. What documents?

22 THE COURT: All right. What exhibits are you
23 referring to?

24 MR. DIGIACOMO: The phone list that says Mr. H,
25 owner.

1 THE COURT: Okay. So -- and that's exhibit number?
2 MR. DIGIACOMO: I don't know off the top of my head.
3 THE COURT: All right. You're talking about the
4 phone list that was highlighted and testified to by the --
5 MR. DIGIACOMO: No. It was the phone list that was
6 hanging on the wall --
7 THE COURT: All right.
8 MR. DIGIACOMO: -- in the Palomino.
9 THE COURT: That was recovered in the search warrant
10 by Sergeant McGrath. So we're clear what you're talking
11 about.
12 MR. GENTILE: I object to the form of the question.
13 I mean, ownership documents referred to --
14 THE COURT: Right. That would refer to --
15 MR. GENTILE: -- deeds and mortgages and --
16 THE COURT: -- something filed with the business
17 licensing --
18 MR. GENTILE: Right.
19 THE COURT: -- and whatnot. So if it's clear that
20 that's what you're referencing.
21 MR. DIGIACOMO: Okay.
22 THE COURT: And, Deniece, why don't you find that.
23 BY MR. DIGIACOMO:
24 Q Were you involved at all in records having to
25 be filed that Dr. Stertzer was no longer the owner and

1 somebody else was the owner?

2 A I took care of all the paperwork.

3 Q All of the paperwork?

4 A Yes. I would hand it to the accountant.

5 Q Okay. And does title pass from one company to
6 the another or do you know?

7 MR. GENTILE: Objection. Foundation.

8 MR. DIGIACOMO: She said she handled all the
9 paperwork. I'm asking her whether or not there was paperwork
10 filed passing title from the Windrock account to another --

11 THE COURT: Okay.

12 MR. GENTILE: That's hearsay.

13 THE COURT: Did you prepare any paper demonstrating
14 the transfer from Windrock to Mr. H?

15 THE WITNESS: No.

16 THE COURT: All right. Did you see any paperwork
17 evidencing a transfer?

18 THE WITNESS: Yes.

19 THE COURT: All right. Go on, Mr. DiGiacomo.

20 BY MR. DIGIACOMO:

21 Q And where -- what was the transfer from and
22 what was the transfer to?

23 MR. GENTILE: Objection. Hearsay. That's an
24 out-of-court statement.

25 THE COURT: You mean the document, yeah.

1 MR. GENTILE: The document, yeah. She can't testify
2 to that. We need the document.

3 THE COURT: All right. Sustained.

4 MR. GENTILE: That's also a best evidence rule.

5 THE COURT: Thank you, Mr. Digia -- sorry.
6 Mr. Gentile.

7 MR. GENTILE: We all look alike sometimes.

8 BY MR. DIGIACOMO:

9 Q Without telling us --

10 THE COURT: Is that lawyers or Italians?

11 MR. GENTILE: Italians.

12 THE COURT: I think that's true for lawyers. Being
13 married to an Italian, I don't agree with the other one.

14 Go on, Mr. DiGiacomo.

15 MR. DIGIACOMO: Thank you, Judge.

16 BY MR. DIGIACOMO:

17 Q I guess it really doesn't matter, so let me
18 move forward a little bit.

19 In -- you said up until May that the \$10,000 wasn't
20 always being made, correct?

21 A Correct.

22 Q What about Simone's? Was Simone's making
23 enough money to cover the difference at the Palomino?

24 A No.

25 Q Let's talk a little bit about the people who

1 work at the Palomino. Let's talk -- when -- so that
2 Mr. Gentile has a foundation, let's talk about April of 2005.
3 Okay. What was your title at the Palomino Club?
4 A General manager.
5 Q What was Mr. H's title?
6 A Owner.
7 Q Did Little Luis have a title?
8 A Yes.
9 Q What was that?
10 A Manager.
11 Q All right. Were there other -- well, was there
12 a person named Arial?
13 A Yes.
14 Q What was her capacity?
15 A She was the office manager.
16 Q Was there a woman named Min?
17 A Yes.
18 Q Okay. Is she -- well, as of April 2005, was
19 she still at the Palomino?
20 A No.
21 Q Okay. What was her title prior to that?
22 A She was office assistant.
23 Q Okay.
24 A She helped Arial.
25 Q Was there an individual by the name of Deangelo

1 Carroll that worked there?

2 A Yes.

3 Q Okay. And what was his capacity at least as of
4 April, early May 2005?

5 A He did promotions. He helped -- he did DJ and
6 he helped on the floor when they were shorthanded.

7 Q Kind of a jack of all trades?

8 A Yes.

9 Q Showing you State's Exhibit Number --

10 THE COURT: It's not on.

11 MR. DIGIACOMO: It's not plugged in.

12 BY MR. DIGIACOMO:

13 Q State's Exhibit Number 198, who's that?

14 A Deangelo Carroll.

15 Q Did you know an individual by the name of
16 Timothy Hadland at the Palomino?

17 A Yes.

18 Q And how did you know him?

19 A He was the front doorman.

20 Q What about a guy named PK or Pilar Handly?

21 A Yes.

22 Q And what capacity did he have at the Palomino
23 Club?

24 A He was a consultant for DJs, lighting.

25 Q Is there anybody else I missed at the Palomino

1 Club? Probably not.

2 Let's talk a little bit about the relationship of
3 some of these people, okay?

4 A Yes.

5 Q Did you ever see Deangelo Carroll and Little
6 Luis do anything other than work together at the Palomino?

7 A No.

8 Q Did you ever have conversations with Little
9 Luis about them doing things other than working at the
10 Palomino?

11 A Yes.

12 Q Okay. What did he tell you they would do?

13 A They would go out bowling.

14 Q So they had a relationship separate away from
15 work, correct?

16 A Yes.

17 Q Did you ever see Deangelo Carroll have a
18 relationship with Mr. H other than what's at work?

19 A No.

20 Q Did you ever talk to Mr. H or did Mr. H ever
21 tell you that he had a relationship with Deangelo Carroll
22 other than a work related one?

23 A No.

24 Q What about Deangelo Carroll and TJ? What kind
25 of relationship did -- were you aware of at all of their --

1 what type of relationship they had?

2 A No.

3 Q Does there come a point in time when you become
4 aware at the club involving TJ?

5 A Yes.

6 Q And who was it -- or how is it that you first
7 become aware of the problem?

8 A Little Luis and Louie were having a
9 conversation upstairs in Louie's office.

10 Q And approximately --

11 MR. GENTILE: Could we get a time predicate, please?

12 MR. DIGIACOMO: That's what I'm doing. I'll lay a
13 foundation first.

14 BY MR. DIGIACOMO:

15 Q How long prior to the May 19th homicide was
16 this conversation between Luis and Mr. H?

17 A Approximately a week.

18 Q Okay. And what was the nature of the
19 conversation you were hearing between Mr. H and Little Lou?

20 A They believed that Mr. Hadland was writing
21 tickets, falsifying tickets and getting a kickback --

22 Q Okay.

23 A -- from the cab drivers.

24 Q I'm sure that the jury's pretty well educated
25 on most of this right now, but let's talk a little bit about

1 how it worked exactly at the Palomino Club.

2 When a cab driver brings customers to the Palomino
3 Club, if you could, once the cab driver pulls up, describe the
4 process that's involved with the cab drivers.

5 A The maitre'de or the front doorman would write
6 a ticket describing how many customers were coming in, whether
7 they were male or female. Once that is done, the front
8 doorman gives the ticket to -- back to the cab driver. He
9 goes to the back cab office and gets paid out per customer.

10 Q And what was the conversation between Luis and
11 Mr. H? What was TJ allegedly doing that they thought -- or
12 the conversation was related to being inappropriate?

13 MR. GENTILE: Objection. Asked and answered.

14 MR. DIGIACOMO: I hadn't asked that question.

15 THE COURT: Well, overruled, if there's any --

16 MR. GENTILE: She testified that the conversation
17 was -- that TJ was writing and falsifying tickets and getting
18 a kickback from cab drivers.

19 MR. DIGIACOMO: I asked her how.

20 THE COURT: Well, he can ask her to explain.

21 BY MR. DIGIACOMO:

22 Q Yeah. Explain to me how that works. What was
23 TJ doing?

24 MR. GENTILE: Objection, unless it was part of the
25 conversation.

1 THE COURT: All right. That's sustained.

2 MR. DIGIACOMO: Okay.

3 THE COURT: Or lay a foundation otherwise.

4 BY MR. DIGIACOMO:

5 Q Were you listening to the conversation between
6 Little Luis and Mr. H?

7 A Yes.

8 Q And were they describing what TJ was doing that
9 was inappropriate with the cab drivers?

10 A He was writing --

11 MR. GENTILE: Objection. The answer should be yes
12 or no. And, Judge --

13 THE COURT: All right. Thank you.

14 MR. GENTILE: -- we're entitled to have her testify
15 as to who said what. And what he's doing --

16 THE COURT: That's true. That's correct.

17 MR. GENTILE: -- is he's trying to lump it --

18 THE COURT: If you could be specific as to who was
19 saying what in the conversation that you overheard.

20 And the other objection was, Mr. Gentile?

21 MR. DIGIACOMO: That the answer was either yes or
22 no.

23 THE COURT: Yes. And then just try to answer yes or
24 no and then Mr. DiGiacomo will follow up and ask you to
25 explain or ask you a follow-up question.

1 THE WITNESS: Yes.

2 THE COURT: All right.

3 All right. Mr. DiGiacomo, go ahead.

4 BY MR. DIGIACOMO:

5 Q Do you remember what the question was?

6 A No.

7 Q All right. Let me go back to what the question

8 was. Just yes or no. Was part of the conversation a

9 description of what TJ was doing that was inappropriate at the

10 front door?

11 A Yes.

12 Q Okay. And do you recall specifically who was

13 describing what was going on? Do you recall if it was Little

14 Lou or Mr. H?

15 A Yes.

16 Q Who was it?

17 A Little Luis.

18 Q Okay. So Little Luis is describing something

19 that TJ does -- was doing to Mr. H?

20 A Yes.

21 Q All right. And what was Little Luis saying TJ

22 was doing?

23 A He was writing additional people on the -- on

24 the tickets so when he took it to the back cab office he could

25 get paid for those customers.

1 Q When -- so the cab driver would get paid for
2 those customers. Did he describe what the cab driver would
3 then do with the extra money that he got?
4 A Yes.
5 Q What did Little Luis say?
6 A The money would go to TJ.
7 Q Okay. Did Luis, Little Luis, explain how he
8 knew this information?
9 A No.
10 Q Okay. What was Mr. H's reaction to Little
11 Luis' explanation?
12 A To watch TJ.
13 Q So he told him to watch TJ?
14 A Yes.
15 Q Okay. At some point in time were you part of
16 any other conversation related to TJ?
17 A Yes.
18 Q Okay. And who was involved in that
19 conversation?
20 A Arial.
21 Q Okay. Was there anybody else?
22 A Mr. H.
23 Q Okay. And was the subject of -- what about TJ
24 came up first?
25 A He needed to be fired.

1 Q Okay. And was that statement being made by
2 Arial or Mr. H?

3 A Mr. H.

4 MR. GENTILE: Can we have a foundation in terms of
5 at least where and when?

6 THE COURT: Are we talking about the one
7 conversation?

8 MR. DIGIACOMO: No, it was the --

9 MR. GENTILE: No, the second.

10 MR. DIGIACOMO: -- second conversation.

11 THE COURT: All right. The second. All right.

12 BY MR. DIGIACOMO:

13 Q How long after the first conversation was the
14 second conversation?

15 A A day or two.

16 Q A day or two. Okay.

17 And when Mr. H said he had to be fired, what did
18 you -- or were you directed to do anything?

19 A Yes.

20 Q And what was that?

21 A Issue a final check.

22 Q And did you, in fact, go about issuing a final
23 check for TJ?

24 A Yes.

25 Q Was there any other paperwork that you

1 generated related to his termination from the club?

2 A There's supposed to be.

3 Q Okay. Did you fill out any?

4 A No.

5 Q After this conversation between Arial, Mr. H
6 and yourself, how long -- let me rephrase that.

7 At some point in time was there any other
8 conversations related to TJ before May 19th of 2005? Do you
9 understand my question?

10 A Can you repeat it, please.

11 Q Between the conversation with Arial and now
12 May 19th of 2005 were there any other conversations that you
13 had that involved either Mr. H or Little Lou related to TJ
14 that you can recall?

15 A Yes.

16 Q Okay. When did that occur?

17 A On the 19th.

18 Q Okay. So that's my question.

19 A Yes.

20 Q You're talking about a conversation on the
21 19th, but before the 19th and after the conversation with
22 Arial, was there any conversations --

23 A No.

24 Q -- involving TJ?

25 A No.

1 Q So let's move to the 19th. Does there come a
2 point in time on the 19th that you have a conversation with
3 anybody about TJ?

4 A Yes.

5 Q And who was it that you had the conversation
6 with?

7 A Deangelo Carroll.

8 Q Okay. And how is it that you had this
9 conversation, face to face or some other way?

10 A Some other way.

11 Q Okay. How did it happen?

12 A He called me on the phone.

13 Q Okay. And when you say he called you on the
14 phone, what phone did he call you on?

15 A I don't recall if it was my cell phone or the
16 phone at the body shop.

17 Q Okay. Do you recall whether or not you were
18 chirping or if you were actually talking?

19 A I was talking on the phone.

20 Q Actually talking on the phone?

21 A Yes.

22 Q Okay. And what is it that Mr. Carroll said
23 about TJ?

24 MR. GENTILE: Objection. Hearsay.

25 MR. DIGIACOMO: Not offered for the truth of the

1 matter.

2 THE COURT: It's not being offered for hearsay
3 purposes.

4 MR. DIGIACOMO: Thank you.

5 THE COURT: Just explain what course of events.

6 BY MR. DIGIACOMO:

7 Q What did Deangelo Carroll tell you about TJ?

8 A That TJ was going to another strip club and bad
9 mouthing the club, the Palomino.

10 Q And did he say specifically what TJ was saying?

11 A No.

12 Q Okay. Did he say what strip club that he had
13 gone to?

14 A No.

15 Q Okay. After you got off the phone with
16 Mr. Carroll, did you talk to anybody?

17 MR. GENTILE: Can we have a time predicate, Your
18 Honor?

19 MR. DIGIACOMO: Yeah.

20 BY MR. DIGIACOMO:

21 Q Approximately what time on the 19th was this?
22 Do you recall?

23 A It was in the afternoon.

24 Q Afternoon?

25 A Yes.

1 Q Okay. It was still light out?

2 A Yes, I believe so.

3 Q And where -- where were -- you said you were at

4 Simone's?

5 A Yes.

6 Q Okay. Was there anybody else present after you

7 got off the phone that you talked to?

8 A Yes.

9 Q And who was present?

10 A Mr. H and Little Luis.

11 Q And where was this conversation in Simone's

12 taking place?

13 A My office.

14 Q Let's talk a little bit about the way Simone's

15 is set up. We'll get to the pictures, but while they're

16 looking at them, let's ask a couple of questions here.

17 When you walk through -- well, let me ask you this:

18 Can you describe generally what Simone's looks like?

19 A Yes.

20 Q Okay. Describe that for the ladies and

21 gentlemen of the jury.

22 A The -- Simone's, as soon as you walk through

23 the front door, it has a large reception area. There's a set

24 of couches in front of the television. Large windows were --

25 through those windows would be my office.

1 Q Is your office on the left side or the right
2 side?
3 A Depends on --
4 Q Which way you're facing?
5 A -- where you're walking from.
6 Q All right. Bad question. If you walk through
7 the front door and you turn to face your office, is your
8 office left side or right side?
9 A I believe it's left.
10 Q Okay. And did anybody else have an office over
11 there by where your office was?
12 A Yes.
13 Q Who was that?
14 A Mr. H.
15 Q Okay. And was there any other -- what
16 connected your office to Mr. H's office?
17 A It was more of a closet.
18 Q Like a walk-in closet?
19 A Yes.
20 Q Okay. And could you pass through from your
21 office to Mr. H's office?
22 A Yes.
23 Q Okay. Where did the conversation -- I'll get
24 to the rest of the pictures in a second. Where did the
25 conversation occur between yourself, Mr. H and Little Luis

1 about what Deangelo Carroll's telling them?

2 A In my office.

3 Q And what -- what do you tell Mr. H and Little
4 Lou?

5 A That Deangelo just called and TJ had gone to
6 another strip club and was bad mouthing the Palomino.

7 Q Okay. And what was Mr. H's reaction initially?

8 A He really didn't react.

9 Q What about Little Lou?

10 A Angry.

11 Q Okay. What do you mean by angry? Describe his
12 demeanor for me.

13 A He started yelling at his father.

14 Q Okay. He was yelling -- he raised his voice?

15 A He raised his voice.

16 Q All right. And he's yelling at his father?

17 A (The witness nodded.)

18 Q Is that a yes?

19 A Yes.

20 Q Okay. And what was Little Lou saying to his
21 father?

22 A He made more of a statement, You're not going
23 to do anything? That's why nothing ever gets done. You'll
24 never be like Gilardi and Rizzolo. They take care of
25 business.

1 Q Let's back up a little bit. You said he made a
2 statement about -- and I apologize because I just missed it.
3 You said -- what's the first thing Luis said to him?
4 MR. GENTILE: Objection. That's asked and answered.
5 She just testified. If he wants her to repeat it, that's
6 cumulative.
7 THE COURT: Well, overruled.
8 MR. DIGIACOMO: Thank you.
9 THE COURT: He's clarifying.
10 MR. DIGIACOMO: I'm clarifying.
11 BY MR. DIGIACOMO:
12 Q What's the first thing Little Lou says to him?
13 A You're not going to do anything.
14 Q Okay. Then he mentions individuals by the name
15 of Rizzolo and Gilardi?
16 A Yes.
17 Q Did you know who these people were?
18 A Yes.
19 Q Who's Rizzolo?
20 A He owns a strip club.
21 Q What strip club was that?
22 A Crazy Horse II.
23 Q Okay. And what about Gilardi?
24 A He owns a strip club as well.
25 Q And what strip club was that?