

Judge Beka suggested to Senator Wagner, that in the study of the grand jury system, a committee should take up the matter of making someone accountable budgetwise for the functions of the grand jury. He said there is no one that controls the amount of money that the grand jury can spend.

Senator Wilson asked if the grand jury that has general statutory powers under §175, still retain those, notwithstanding what limited powers a judge may give it. The judge said he could not possibly conceive of a situation where a judge would call a specific purpose grand jury when a regular grand jury was in session. Senator Wilson said that he understands that the judge is not recommending to take away broad powers, if from time to time they are being given a specific charge, and if that specific purpose is discharged.

There were no further Committee questions, and the witness was excused. There was no further testimony on Assembly Bill 206, and the hearing was closed to that matter.

ASSEMBLY BILL 287

The hearing was reopened to Assembly Bill 287.

Testimony of Ed Basl

The first to testify was Ed Basl, Washoe County District Attorney's Office. Senator Foley stated to him that the question had been raised that the bill may not provide a prohibition against someone removing a body from a mortuary, when the purpose was not sexual. Mr. Basl said that would be covered in Chapter 451, Nevada Revised Statutes. It includes a series of miscellaneous provisions including removal of remains. [NRS 451.005 - 065.] Some of the penalties involved are for misdemeanors and some are for gross misdemeanors. He went on to say that there are several classified as felonies under NRS 451.030. He said in the Washoe County incident, they proceeded under the language "...removing ...for malice and wantonness." The party was charged on a felony. He said the facts of that case would much better fit into a statute created by this legislation. Mr. Basl went on to say that he does not believe the bill needs to be amended by adding a series of other felony and/or other offenses; that part of the problem, as far as the way dead bodies are handled, is covered already by existing legislation, but the one area that is completely void of mention is the area of sexual assaults being committed on dead bodies. The penalty for removing a body for wantonness and malice, is

one to six years, and up to a fine of \$5,000, or both. He said the only amendment made in the assembly was with regard to the penalty phase, to make that penalty conform to those for sexual assault.

There was no further discussion regarding Assembly Bill 287, and the hearing was closed to that matter.

#### ASSEMBLY BILL 358

The hearing was reopened to Assembly Bill 358, which commenced earlier this morning.

#### Testimony of Ed Basl

Senator Foley referred to Senator Wilson's question regarding the constitutionality of imprisonment of a person because they cannot afford to pay the fine imposed by the judge. She stated that in the bill, it does not relate to the matter of a person refusing to pay a fine. Mr. Basl said that rule is generally a matter of the court's interpreting how the constitution would apply in that situation, i.e., that you cannot simply put someone in jail for a debt. However, if that person is able to pay and simply refused, then that person can be jailed for however long it takes to pay off the debt. Senator Wagner again referred to a case of a woman who was incarcerated with respect to the inability to pay a fine. Mr. Basl said that was a case handled by the District Attorney's Office. The woman had been convicted on a charge that required a mandatory minimum fine. He said that it was his recollection that it was a second-time DUI. There was also some jail time involved; the woman started serving the time that was required, and then simply informed the jailers that she couldn't pay the fine. The only response was that the statute says she will be credited for \$4.00 per day of jail time spent. He said he does not believe her situation was brought to the attention of the judge at the justice court level. When the District Attorney became involved, he agreed that there was no way that the woman could be kept in jail, once it was shown that there was the inability to pay the fine. It may have been overlooked to actually make a determination if she could pay the fine. Once she started serving part of the time, it did not get back to the attention of the judge. He said the judge should have considered the ability to pay at the time of the sentencing. Senator Hernstadt asked if any case had gone to the Supreme Court with respect to a person who has the money to pay, but simply will not. Mr. Basl said he is sure that there is such a case, and he would be willing to search it out. Senator Bilbray pointed out that this statute has been working well for



ASSEMBLY BILL 287

The Committee briefly discussed Assembly Bill 287, dealing with necrophilia.

Senator Hernstadt moved Do Pass.

Senator Ryan seconded the motion.

The motion passed unanimously, Do Pass Assembly Bill 287.

SENATE BILL 210

The Committee moved to Senate Bill 210, which authorizes longer rest period in boxing matches. The generally discussed the bill, and determined that a reasonable amendment would be a two year sunset. The also wish to add an amendment which would require that at the end of those two years, the legislative judiciary committee review reports of the studies taken, including medical information relating to the extra thirty-second rest period.

Senator Hickey moved Amend and Do Pass Senate Bill 210, with a two year sunset provision, and a requirement that the Commission report its findings with respect to the additional rest period to the 1985 Legislature.

Senator Foley seconded the motion.

The motion passed unanimously, Amend and Do Pass Senate Bill 210.

BDR 41-184.

Senator Foley requested Committee introduction of BDR 41-184, which authorizes the Nevada Athletic Commission to adopt requirements for training for professional boxers and wrestlers. There was no Committee objection.

BDR 41-183

BDR 41-183, would require the filing of a promoter's contract with respect to television rights. There was no Committee objection to introduction.

BDR 41-183

Committee introduction of BDR 41-183 was requested. This bill would increase the amount of insurance covering licensed boxers

# EXHIBIT

## 61





001747



# EXHIBIT

## 62

NM-BAILEY	DURAN	LAMORE	SID-03352953	000	SS-	
CS-1527060	BD-02251957	RC-B SX-M HT-509	WT-150	HR-BLK	EY-BRO	
AK-BAILEY	DURAND	LAMORE	SID-03352953	001		
AK-LAMORE	BAILEY	DURAN	SID-03352953	002		
BP-ST LOUIS, MO		FB-	SI-NV03041161	01-		02-
A1-4255 W VIKING O-527, LVN	89103			072099		
AR240 MPD 011 062301	CIT	PL		010623-1367F		MPD
AR241 MPD 009 050801	FTA	PL		010206-2737		MPD
AD241 MPD 009 050801		PL		RBK MPD BW-01M04349X		
01M04349X	CON 0000					
AR242 MPD 010 050601		PL		010506-2706		MPD
AD242 MPD 010 050801		PL				
01M10406X	CON PCN 18565514	// PAD				
AR243 MPD 009 020601	CIT	PL		010206-2737F		MPD
AR244 MPD 007 012501		TRESPASS		001120-2107		MPD
AD244 MPD 007 012501		TRESPASS		RBK MPD BW-00M25850X		
00M25850X	CON OO					
AR245 MPD 008 012401		POSS NARCO PARAPHERNALIA	010124-1903			MPD
AD245 MPD 008 020101		POSS NARCO PARAPHERNALIA				
01M02452X	FIN PCN 18300521	/ DENY				
AR246 MPD 007 112000	CIT	TRESPASS		001120-2107F		MPD

\*\*DISPLAY CONTINUED ON NEXT PAGE\*\*

SID-03352953

AR247 MPD 004 072100	FTA	BATT DOMESTIC VIOL	990920-1695	MPD
AD247 MPD 004 072500		BATT DOMESTIC VIOL	MPD BW-99M19003X	
99M19003X	FIN	AMEND / 4MOS CCDC		
AR248 MPD 001 072100	FTA	BATT DOMESTIC VIOL	990720-2385	MPD
AD248 MPD 001 072100		BATT DOMESTIC VIOL	MPD BW-99M14178X	
99M14178X	CON	0000		
AR249 MPD 004 101999	RMD	BATT DV NO PRIOR CONVICT	990920-1695	MPD
AD249 MPD 004 072500		BATT DV NO PRIOR CONVICT	RBK MPD DKT-99M19003X	
99M19003X	FIN	AMEND / 4MOS CCDC		
AR250 MPD 006 101799		BATT DV W/2 OR MORE PRIOR	991017-1346	MPD
AD250 MPD 006 112399		BATT DV W/2 OR MORE PRIOR		
99M20681X	FIN	PCN 17125637 / DENY		
AR251 MPD 005 092399		BATT DV NO PRIOR CONVICT	990923-0829	MPD
AD251 MPD 005 122399		BATT DV NO PRIOR CONVICT		
99M19299X	FIN	PCN 17071817 // DENY		
AR252 MPD 004 092099		BATT DV NO PRIOR CONVICT	990920-1695	MPD
AD252 MPD 004 110299		BATT DV NO PRIOR CONVICT		
99M19003X	FIN	PCN 17062367/FINED \$315/18DYS CTS/COMM SERV/COUNSELING		
AR253 MPD 003 082699		BATT DV NO PRIOR CONVICT	990826-1485	MPD
AD253 MPD 003 082899		BATT DV NO PRIOR CONVICT		
99M17101X	CON	PCN 16997556 / PAD		

\*\*DISPLAY CONTINUED ON NEXT PAGE\*\*

001750



SID-03352953

AR254	MPD	002	080199	CIT	TRESPASS	990801-2134F	MPD
AR255	MPD	001	072099		BATT DV NO PRIOR CONVICT	990720-2385	MPD
AD255	MPD	001	100899		BATT DV NO PRIOR CONVICT		
			99M14178X	FIN PCN	16903866	\$315 FINE + COUNSELING	

001751

# EXHIBIT

## 63





**LAS VEGAS METROPOLITAN  
POLICE DEPARTMENT**

DOUGLAS C. GILLESPIE, Sheriff

Partners with the Community

December 4, 2009

Hans Sherrer, Editor  
Justice Denied  
P.O. Box 68911  
Seattle, Washington 98168

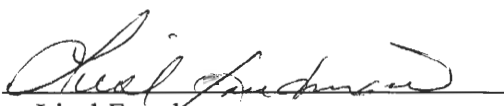
Re: Records Request

Dear Mr. Sherrer:

Your letter of November 2, 2009 has been referred to my office for reply. You have requested "copies of all records and reports mandated by NRS 629.041 that were filed with any bureau of the Las Vegas Metropolitan Police Department in the months of May, June and July 2001, that involved a knife wound." The Las Vegas Metropolitan Police Department does not have a method to search its records by knife wounds reported pursuant to NRS 629.041. Reports generated by medical personnel are most likely contained within confidential documents pursuant to NRS 179A.070 or *Donrey v. Nevada*, 106 Nev. 630, 798 P.2d 144. If you have a specific incident you are attempting to ascertain information on, please advise and we will attempt to assist you and determine whether public records are available.

Sincerely,

DOUGLAS C. GILLESPIE, SHERIFF

By:   
Liesl Freedman  
General Counsel

LKF:cam





**LAS VEGAS METROPOLITAN  
POLICE DEPARTMENT**  
DOUGLAS C. GILLESPIE, Sheriff  
**Office of General Counsel**  
400 Stewart Avenue  
Las Vegas, NV 89101-2984

VEGAS NV 890 12-08-03

Hans Sherrer, Editor  
Justice Denied  
P.O. Box 68911  
Seattle, Washington 98168

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001754



# EXHIBIT

64

**Justice Denied**  
**PO Box 68911**  
**Seattle, WA 98168**  
**206-335-4254**  
**contact@justicedenied.org**



November 2, 2009

Public Records Request Officer  
Las Vegas Metropolitan Police Department  
400 E. Stewart  
Las Vegas, NV 89101-2913

**RECORDS REQUEST**

Dear Records Request Officer:

Pursuant to the state open records act, we are requesting access to and copies of all records and reports mandated by NRS 629.041 that were filed with any bureau of the Las Vegas Metropolitan Police Department in the months of May, June and July 2001, that involved a knife wound.

NRS 629.041 states:

Provider of health care to report persons having certain injuries. Every provider of health care to whom any person comes or is brought for treatment of an injury which appears to have been inflicted by means of a firearm or knife, not under accidental circumstances, shall promptly report the person's name, if known, his location and the character and extent of the injury to an appropriate law enforcement agency.

This information is in the public interest and a fee waiver is sought on that basis. However, if required, we will pay reasonable duplication costs. Please contact us if they will exceed \$20.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act.

Thank you for your assistance.

Sincerely,

Hans Sherrer, Editor  
Justice Denied magazine  
hsherrer@justicedenied.org  
206-335-4254

001756



# EXHIBIT

## 65

**Justice Denied**  
**PO Box 68911**  
**Seattle, WA 98168**  
**206-335-4254**  
**contact@justicedenied.org**



December 14, 2009

Public Records Request Officer  
Las Vegas Metropolitan Police Department  
400 E. Stewart  
Las Vegas, NV 89101-2913

**RECORDS REQUEST**

Dear Records Request Officer:

Pursuant to the state open records act, we are requesting access to and copies of all records and reports mandated by NRS 629.041 that were filed with any bureau of the Las Vegas Metropolitan Police Department in the months of May, June and July 2001.

NRS 629.041 states:

Provider of health care to report persons having certain injuries. Every provider of health care to whom any person comes or is brought for treatment of an injury which appears to have been inflicted by means of a firearm or knife, not under accidental circumstances, shall promptly report the person's name, if known, his location and the character and extent of the injury to an appropriate law enforcement agency.

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If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act.

Thank you for your assistance.

Sincerely,

Hans Sherrer, Editor  
Justice Denied magazine  
hsherrer@justicedenied.org  
206-335-4254

001758

# EXHIBIT

## 66



IN THE SUPREME COURT OF THE STATE OF NEVADA

---

No. 49087

---

**KIRSTIN BLAISE LOBATO**

Appellant,

vs.

**THE STATE OF NEVADA**

Respondent.

**FILED**

DEC 26 2007

JANETTE M. BLOOM  
CLERK OF SUPREME COURT

BY \_\_\_\_\_  
DEPUTY CLERK

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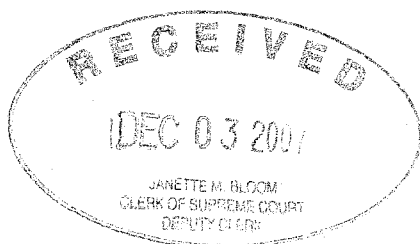
Appeal from a Judgment of Conviction  
Eighth Judicial District Court, Clark County  
The Honorable Valorie Vega, District Judge

---

**APPELLANT'S OPENING BRIEF**

---

David M. Schieck  
Special Public Defender  
JoNell Thomas  
Deputy Special Public Defender  
State Bar No. 4771  
Office of the Special Public Defender  
330 South Third Street Suite 800  
Las Vegas, NV 89155  
(702) 455-6265  
Attorney for Appellant



001760

1 9 App. 1725.

2 But you know what she's gonna have to do? She's gonna have to minimize  
3 when she wants to get this off of her chest. Think about it. She has a lot of  
4 guilt, her conscious is getting to her, she's suffering from anxiety and  
5 restlessness by the 13th, 5 days after or 6 days after this happened. She needs  
6 to talk, she needs to get it off of her chest. So what is she gonna do to do that?  
7 She's gonna minimize. . . .

8 9 App. 1725.

9 And Detective Thowsen told you that's very common even when giving  
10 confessions. They want to talk about what they did but they need to kinda  
11 justify it in their own mind, and that's what she was doing.

12 9 App. 1726.

13 As noted at length above, there were substantial differences between the physical  
14 evidence and circumstances concerning Bailey's death and the attack described by Lobato  
15 in her statement to the detectives. Detective Thowsen was allowed to summarily gloss over  
16 these substantial differences by simply claiming that they were merely the product of  
17 minimizing and jumbling. The district court erred in admitting this testimony and Lobato is  
18 entitled to a new trial as a result of this erroneous decision and violation of her rights to due  
19 process and a fair trial.

20 **D. The district court refused to allow Lobato's witnesses to testify that**  
21 **Lobato confided in them regarding her cutting of a man's penis prior to**  
22 **the date of Bailey's death. In doing so, the district court prohibited**  
23 **Lobato from presenting her defense and violated her constitutional rights.**

24 Lobato attempted to present testimony from three witnesses about conversations they  
25 had with Lobato prior to July 8th, which was the day Bailey was killed, in which Lobato  
26 confided that she had been attacked and cut a man's penis. The district court's refusal to  
27 permit introduction of this testimony violated Lobato's state and federal constitutional rights  
28 to present a defense, to due process of law, and to a fair trial. U.S. Const. amend. V, VI,  
XIV; Nevada Const. art. I, sec. 1, 3, 6, 8.

The central issue in this case concerned whether Lobato was describing Bailey or a  
different person when she made a statement to the police in which she described being  
attacked and then cutting her attacker's penis. A key point at dispute within this central issue  
concerned whether Lobato was attacked on July 8th or whether she was attacked on an earlier

1 date. Lobato repeatedly tried to introduce testimony from witnesses in whom she confided  
2 in prior to July 8, 2001, about her attack and her response of cutting her attacker's penis. The  
3 district court, however, ruled that this testimony was inadmissible and prohibited Lobato's  
4 witnesses from presenting this testimony. Trans. 9/18/06 at 27 (sustaining objection to  
5 proposed testimony of Stephen Pyszkowski that he told the police she heard about the attack  
6 on Lobato the month before July 9, 2001); 8 App. 1529-31 (district court prohibits Heather  
7 McBride from testifying that she saw Lobato prior to July 4, 2001, and that Lobato told her  
8 at that time that she had been sexually assaulted and had cut a man's penis). The district  
9 court's rulings were erroneous and violated Lobato's state and federal constitutional rights  
10 to present a defense.

11 "Whether rooted directly in the Due Process Clause of the Fourteenth Amendment or  
12 in the Compulsory Process or Confrontation clauses of the Sixth Amendment, the  
13 Constitution guarantees criminal defendants 'a meaningful opportunity to present a complete  
14 defense.'" Crane v. Kentucky, 476 U.S. 683, 689-90 (1986) (quoting California v.  
15 Trombetta, 467 U.S. 479, 485 (1984) (citations omitted)). This right is abridged by evidence  
16 rules that "infring[e] upon a weighty interest of the accused" and are "arbitrary" or  
17 'disproportionate' to the purposes they are designed to serve." United States v. Scheffer, 523  
18 U.S. 303, 308 (1998) (quoting Rock v. Arkansas, 483 U.S. 44, 58, 56 (1987)). See also  
19 Abbott v. State, 122 Nev. \_\_\_, 138 P.3d 462, 476 (2006) (recognizing that an evidentiary rule  
20 which renders non-collateral, highly relevant evidence inadmissible must yield to a  
21 defendant's constitutional right to present a full defense) (quoting State v. Long, 140 S.W.3d  
22 27, 30, 31 (Mo. 2004)); Williams v. State, 110 Nev. 1182, 1184-85, 885 P.2d 536, 537-38  
23 (1994) (recognizing that the due process clauses in our constitutions assure an accused the  
24 right to introduce into evidence any testimony or documentation which would tend to prove  
25 the defendant's case) (citing Vipperman v. State, 96 Nev. 592, 596, 614 P.2d 532, 534  
26 (1980); United States v. Nixon, 418 U.S. 683, 711 (1974)). Lobato was entitled to present  
27 testimony that she had told her friends that she had been attacked and cut her attacker's penis  
28 prior because these statements were made prior to July 8, 2001, which was the date of

# EXHIBIT

## 67



The Honourable  
Gregory T. Evans Q.C.  
Honourary President

March 26, 2010

Jonathan Freedman/Ralph Steinberg  
Co-Presidents

Win Wahrer  
Director of Client Services

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Russell Silverstein  
Gus Sinclair  
Louis Sokolov

Kirstin Blaise Lobato 95558  
FMWCC  
4370 Smiley Road  
Las Vegas, NV 89115-1808

Dear Ms. Lobato,

This letter is to advise you that, Sean MacDonald, a lawyer and a Board member with the Association in Defence of the Wrongly Convicted (AIDWYC) thoroughly reviewed and assessed the merits of your case, as requested. Mr. MacDonald presented your case to AIDWYC's International Committee, which on completion of their review submitted a summary of the facts of your case along with a recommendation for endorsement to the full Review Board for their consideration.

**AIDWYC FOUNDATION Directors:**

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Sal Caramanna  
Jonathan Freedman  
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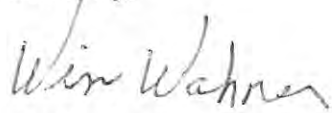
Help Us Free  
The  
Innocent

I am pleased to inform you that on March 24, 2010 the Review Board unanimously endorsed your case based on the facts of your case and the newly discovered evidence.

AIDWYC will assist and support the furtherance of your case in your quest to obtain your exoneration and freedom.

Should you have any questions or concerns please don't hesitate to contact me either by letter or at 1-800-249-1329.

Sincerely,



Win Wahrer  
Director of Client Services

# EXHIBIT

## 68

4036001 – enclosure without lights a.jpg

Nevada State Bank trash enclosure without lights



# EXHIBIT

## 69

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**  
PAGE 1

EVENT #: 010705-2692

SPECIFIC CRIME: SEXUAL ASSAULT W/WEAPON

DATE OCCURRED:

TIME OCCURRED:

LOCATION OF OCCURRENCE:

CITY OF LAS VEGAS

CLARK COUNTY

NAME OF PERSON GIVING STATEMENT: DIANN PARKER

DOB: 11/03/58

SOCIAL SECURITY #: [REDACTED]

RACE: WHITE

SEX: FEMALE

HEIGHT: 5'4"

WEIGHT: 160 LBS

HAIR: BROWN

EYES: BROWN

WORK SCHEDULE:

DAYS OFF:

HOME ADDRESS: 4255 VIKING, BLDG. Y-#816  
LAS VEGAS, NV 89103

HOME PHONE:

WORK ADDRESS:

WORK PHONE:

BEST PLACE TO CONTACT:

BEST TIME TO CONTACT:

The following is the transcription of a tape-recorded interview conducted by DETECTIVE J. SCOTT, P# 4532, LVMPD Sexual Assault Detail, on 07/05/01 at 2310 hours. Persons present during this interview are DIANN PARKER and DETECTIVE SCOTT.

Q. Here's a voluntary statement under Event number of 010705-2692. Subject making the statement is last name of Parker, P-A-R-K-E-R, first name is Diann, D-I-A-N-N, date of birth of 11/03/58, soc of [REDACTED] She's a white female adult, 5'4", 160, brown and brown. She resides at 4255 Viking, V-I-K-I-N-G, uh, Building Y as in Yellow, Apartment 816, Las Vegas, Nevada 89103. Interview is being conducted

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LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**  
PAGE 2

EVENT #: 010705-2692

STATEMENT OF: DIANN PARKER

at UMC Quiet Room. Uh, people present myself, Detective Scott, P#4532, and Diann. Date is 07/05/01, and the time is 2310 hours.

Q. Okay, tell you what, set that right there, Diann, so we can pick up everything. Uh, can you say your name for me, please.

A. Diann Parker.

Q. Okay. And your date of birth?

A. 11/03/58.

Q. Okay. Okay. Uh, Diann, I guess you called the... did you call the police today?

A. Yes.

Q. Okay. And did you call from your home?

A. Yes.

Q. Okay. And you called the police and... and why were you callin' the police?

A. Because I was concerned about my life and I didn't want nothin' else to happen to anybody else like it did to me.

Q. Okay. Uh, so somethin' bad has happened to you.

A. Yes.

Q. Uh, when did that happen?

A. Uh, Sunday, the 1st.

Q. Okay, 1st... 07/01/01?

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LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**  
PAGE 15

EVENT #: 010705-2692  
STATEMENT OF: DIANN PARKER

you guys are just like holdin' each other's arms and wrestlin' or what's happenin'?

A. I tried to compromise with him.

Q. Right.

A. And everything. And...

Q. Well, what'd you do? I mean I need to know what you told him. How'd you try to compromise?

A. I said, "Everything's okay." I said, "Look," I said, "you don't... you don't have to hurt me." I said, you know, "You can do what you wanna do," or somethin' like that. I said, "You don't have to hurt me, you don't have to hurt me." Like that. And everything. And he goes... and then he kept sayin' about the Mexicans.

Q. Right.

A. And he said, "If you say that one more time," he goes, "I'm gonna kill you." I said, "Okay, okay. I won't say it no more." He goes, "Gimme what you want... or gimme what I want."

Q. Right.

A. He said, "If you don't, then I'm gonna take it."

Q. What'd you tell him?

A. I said, "Okay, okay. Fine."

Q. Okay. So you best gave in because you were afraid?

001770

**VOLUNTARY STATEMENT**

PAGE 35

EVENT #: 010705-2692

STATEMENT OF: DIANN PARKER

A. This is gonna get me killed.

Q. Why? Why do you say that?

A. (No verbal response)

Q. Mmm? Why... why do you say that?

A. 'Cause if ya'll don't catch him, I will be dead.

Q. He won't be hard to catch. Don't worry. Long as you're truthful with me, it'll be easy. Makes my job real easy. Long as you're truthful, okay, you ain't got nothin' to worry about. He's not gonna be hard to find. He hangs out in the apartment complex, around there, people know him will talk. We'll find him. Uh, and now prior to this incident, did you have a relationship with this guy back in the... in the past?

A. Yeah.

Q. When you first met him?

A. Yes.

Q. About when was that? That time frame was?

A. Mm, about three weeks ago.

Q. Okay, about three weeks is the last time you saw him. And that was a consensual thing though, right?

A. Yeah.

Q. Okay. Did you guys have a sexual relationship at that point?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**  
PAGE 36

EVENT #: 010705-2692  
STATEMENT OF: DIANN PARKER

- A. Yeah.
- Q. But it stopped about three weeks prior to this?
- A. Right.
- Q. And then you had... didn't wanna have anymore relations with him?
- A. Right.
- Q. Okay. And he kinda forced himself on you?
- A. Right.
- Q. Still wanted to have sex with you?
- A. Right.
- Q. Okay. And then he beat you up durin'... forcin' you to have sex. All these bruises on you come from him?
- A. Yes.
- Q. Okay. Uh, and the reason you didn't call anybody or tell the police until now is because you were...
- A. I was scared.
- Q. Okay. You afraid of him...
- A. Yes.
- Q. ... afraid of what he might do? Okay.
- A. 'Cause he said he was gonna kill me.



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- Q. Okay. At any point did he use any weapons or anything like that?
- A. Yes.
- Q. Okay. At what point did he use a weapon?
- A. Uhm, I ran to go to the kitchen.
- Q. Uh-huh.
- A. 'Cause I was gonna grab a knife.
- Q. Right.
- A. And he got it in front of me. He...
- Q. Grabbed a knife?
- A. Yeah. And the counters on the wall will show that...
- Q. The what will?
- A. The counters.
- Q. Okay, what... what...
- A. 'Cause he shoved me up against the counter on the wall.
- Q. Uh-huh.
- A. And it ripped apart.
- Q. Okay. Did he grab the knife outta the... off the... out of the drawer or what?
- A. Out... out of the... it's a knife...
- Q. Butcher... butcher block type of thing.



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- A. Yeah.
- Q. Okay. So he pulls a knife out and what's...
- A. And then he threw me back on the bed.
- Q. Okay.
- A. And everything.
- Q. So when he's havin' sex with you, where's the knife at?
- A. He wasn't havin' sex with me 'cause he couldn't get a hard on.
- Q. Okay. This was after he'd already come one time.
- A. Yeah.
- Q. And you \_\_\_\_\_ thing.
- A. See...
- Q. And he wanted to have sex again.
- A. ... I don't... I don't know if you can see it.
- Q. Yeah, I see it. And what... what's that from?
- A. That... from the knife.
- Q. Okay. He was takin' the knife and rubbin' it against your neck?
- A. Yeah.
- Q. Okay. No, don't rub it. Just leave it like it is. I can see it. So he was takin' the knife and he's rubbin' it against your... your neck.

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- A. Yeah.
- Q. Is he right-handed or left-handed?
- A. Well...
- Q. Which hand did he keep the knife in?
- A. Well, I guess it was the right hand.
- Q. Okay.
- A. 'Cause he's on top of me.
- Q. Okay. So on top of you, he's goin' like this with the knife?
- A. He had it pushed up against here.
- Q. And you could feel it?
- A. Hell, yeah.
- Q. Okay. But he couldn't get a hard on, so he...
- A. Right.
- Q. ... couldn't have any sex.
- A. Right.
- Q. Did he ever put his fingers inside of you? Did he do anything like that?
- A. Yeah.
- Q. Okay. Is that whenever he couldn't get hard, did he just put his fingers inside of you? How many times do you think he put his fingers inside of you? Just a guess.

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- A. Think about three times. I... I really don't know.
- Q. And penis one time?
- A. Yes.
- Q. And he attempted to put his penis in your, uh, anus but he wouldn't... couldn't get it hard enough.
- A. Right. He attempted that about three or four times.
- Q. Four times he tried to put it in.
- A. Yeah.
- Q. Okay. And this all happened in this one from about 8 or 9 o'clock at night till about 1 o'clock... 2 o'clock in the morning, all this went on.
- A. From... yeah. From about... yeah.
- Q. With the fighting, then you went outside yelling, then he just drug you back in.
- A. From about... yeah.
- Q. Now whenever he... the last time you talked to him, what did he say to you? Did he say anything about tellin' the police?
- A. No. He told me... 'cause... that's all he said, "You're gonna call the police." He goes, "You're gonna call the police," he goes, "so now I gotta kill you. I gotta kill you." So I begged for my life.
- Q. What'd you tell him?



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- A. I begged for my life.
- Q. Said you wouldn't tell the police?
- A. Yeah.
- Q. Uh...
- A. I said, "I only got six more months to live" and all that. I said, "Please, just let me live it out. Please don't kill me. Please don't kill me." So I started cryin' and everything.
- Q. And he believed you, so he let... let you guys go get some dope. \_\_\_\_\_.
- A. Yeah. I said, "Let's... let's go get some dope," you know, and everything. So he believed me. So when we got outside the apartment and everything, and once we were outside...
- Q. You separated, you came back in and locked the door.
- A. Yeah.
- Q. And then he shows up last night, bangin' on your door, tryin' to get you to come out, but you don't come out.
- A. Right. He... bangin' at the door and bangin' on the window.
- Q. What time was it when he came by last night?
- A. Uhm, let's see, what time did I get home? Let me think for a second.
- Q. Sure. Take your time.

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A. Around twelve. Musta been- (tape stops)

(END OF SIDE A... TAPE CONTINUES ON SIDE B...)

A. God, this is hard.

Q. No, no. Just think about it a little bit. Was it like... do you think it was around midnight or somethin'?

A. Yeah.

Q. Around midnight... one, somewhere in there. Uh, did he leave anything inside of the apartment that was his, when he was over?

A. I got a shirt that was left. Well, but that's...

Q. Prior?

A. Prior.

Q. Okay. How 'bout anything else? Did you actually look and see if he mighta thrown the rubber condom...

A. No. He... he realized he had left the rubber on the table.

Q. So he set it... do you know where it was settin' on the table?

A. Mm-hmm.

Q. Okay.

A. But I already cleaned the table. He left it on the table.

Q. Okay.

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- A. And all that, and he goes, "Oh, jeez, I left the rubber on the table." And he got it and he went and flushed it down the toilet.
- Q. Okay. And the condom wrapper, you.... you haven't seen it land on the floor anywhere?
- A. No. It could be in the... in the trash bag.
- Q. It's probably in the trash. 'Cause usually they don't stick it back in their pocket. Usually they toss that, but they worry about the rubber. Okay. But the panties are there, correct, the ones he tore off of you. Uh, so there's... there's some things we can look at over there. Uh, anything else I need to know about this guy?
- A. Well, I know he's either wanted for murder or he was in prison for murder.
- Q. Okay. And that's somethin' he told you?
- A. Mm-hmm.
- Q. Tryin' to scare you. Okay.
- A. No.
- Q. Or bragging? Why would he tell you...
- A. Not bragging, just talking. This was before this happened.
- Q. Okay. Uh, what else has he told you about himself, like in the past?
- A. He's pretty much been a street person all his life. He's out of St. Louis, Missouri. He's got a home there that he gets money from... from uh...

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Q. That's why he goes by St. Louis.

A. And his bank. His bank is right there, Nevada Bank, right there on Flamingo.

Q. And where does he actually stay though? Is... is there a certain area he stays in?

A. The last time he told me was over there behind the Palms. I sorta come and saw the place.

Q. Is it kinda like a desert area?

A. No, it's... it's a house. No. Where he was gonna go to.

Q. Uh, and you want him prosecuted for what he did, correct?

A. Yes, I do.

Q. Okay. Uh...

A. But I want protection.

Q. Well, we'll get him locked up, he won't do anything. Just a little time to do that. But, uh, he's not gonna know anything anyway till we're talkin' to him and then it's too late.

A. Yeah, but he... he looks out. He watches. He sees me when I come in and go.

Q. Well, he... yeah, but he's probably still gonna be after you just because you... with or without the police, as long as he thinks you... he can come and push you around. You just gotta make sure you call the police if he does. You know what I'm sayin'. You gotta keep your door locked. You gotta be... have people look out for you.

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A. Police will look out for me.

Q. Yeah, fine. I mean obviously there's people across that came and knocked on your door, thought there was somethin' goin' on.

A. Yeah, but they didn't help me. They didn't call the cops.

Q. Well, they may not have heard you though. I don't know. I'm just sayin' I don't know. But I'm just tellin' you, you gotta do what you gotta do to protect yourself best you can, okay, till we find...

A. So if he breaks in that door, **I have permission to kill his fuckin' ass, don't I?**

Q. If anyone breaks in your house, you have a right to protect yourself. That's the law. Whatever it takes.

A. **I know Texas law, if you kill 'em outside, drag 'em in.**

Q. That's not the law here. Okay. But if somebody's breakin' in your house, you have the right to protect yourself. Just like any citizen in Clark County, you know. That's the way it is. **Whatever you have to do to protect yourself.**

A. **'Cause, see, I don't wanna be scared to walk outside my house.**

Q. Oh, I understand that. I understand that. But, you know, at this point, you're probably gonna be scared to walk outside until...

A. Yes.

Q. ... he gets locked up. That's just the way it works. I mean so that's what we gotta



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do. Uh, anything else?

A. And I was scared to call the cops, you know, because I do have a warrant.

Q. Don't worry about the warrant. I don't care about the warrant. I only care about doing this part. Okay. Uh, so at this point we're gonna, uh, have your exam done and then you and I'll go back to your place and I'll snoop around and check some things out. And I'll go from there, okay?

A. I could probably show him to you if we drove around a little bit.

Q. We might... we might find him that way. We just have to wait and see, okay. Alrighty.

A. But, see, the exam... I mean...

Q. The, uh, interview is gonna stop now. It's gonna be same people present. It's 07/05/01, and the time is 2347 hours.

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THIS VOLUNTARY STATEMENT WAS COMPLETED AT UNIVERSITY MEDICAL CENTER QUIET ROOM, LAS VEGAS, NV, ON THE 5TH DAY OF JULY, 2001, AT 2347 HOURS.

JS/cc  
01-2446

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