

1 Exhibit 21.

2 I want you to concentrate on the knife
3 which is shown. It appears to be on some carpet. Do
4 you recognize the knife?

5 A Yes.

6 Q How is it that you recognize the knife?

7 A I had seen it in the house before. I
8 noticed it because of the worn mark at the end of it.

9 Q You're talking about right down on the
10 tip of the back of the handle?

11 A Yes, sir.

12 Q Whose knife was it?

13 A It was Debbie's.

14 Q Debbie Panos' knife?

15 A Yes.

16 Q What type of knife is this?

17 A I believe that it's a steak knife.

18 Q Do you know how the steak knife got from
19 the drawer in the kitchen to the floor on the carpet?

20 A No, sir.

21 MR. HARMON: That concludes direct, your
22 Honor.

23 THE COURT: Cross.

24 MR. BROOKS: Thank you, Judge.

25

CROSS EXAMINATION

BY MR. BROOKS:

Q Miss Duran, going back to September or October of '94, when did you actually move to Las Vegas?

A It was in June.

Q June of '94?

A Yes, sir.

Q And when did you meet Deborah Panos?

A In December of '94.

Q When did you start working at GE Capital?

A December of '94.

Q When you saw the incident in December of '94, how long had you known her?

A About a week.

Q At that time had you ever met James Chappell?

A No, sir.

Q Did you know anything about James Chappell at that time?

A No, sir.

Q Had you ever been in her home at that time?

A No, sir.

Q And you had never spoken to James

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1 Chappell either, I assume?

2 A No, sir.

3 Q When you witnessed this incident in
4 December of '94, did you talk to Deborah Panos about
5 the incident?

6 A No, I did not.

7 Q Did she have any marks on her from this
8 incident?

9 A Yes, sir, she did.

10 Q What kind of marks did she have on her?

11 A A hand mark on her face.

12 Q Was it a bruise?

13 A It was a red mark. You can tell that she
14 had been slapped. You could see the fingers.

15 Q And that lasted how long?

16 A About a day.

17 Q There was no blood?

18 A No, sir.

19 Q How far away were you when you saw this
20 incident?

21 A About six feet away.

22 Q And you were inside the building and the
23 car is out in the parking lot?

24 A Yes, sir, I was between two doors.

25 Q But you were actually inside one of the

1 doors and the other door is very close to you?

2 A Yes, sir.

3 Q And they are out in the parking lot?

4 A Yes, sir.

5 Q And they are about six feet away?

6 A Yes, sir.

7 Q Who was sitting in the driver's seat, if
8 you recall?

9 A James was.

10 Q And where was Deborah seated?

11 A In the passenger seat.

12 Q Were the doors to the car open?

13 A They were shut.

14 Q Could you hear any words at all?

15 A No, sir, I could not.

16 Q Did you tell her -- did you call the
17 police after this incident?

18 A No, sir, I did not.

19 Q Did you advise Debbie to call the police?

20 A No, sir, I did not.

21 Q Did you advise her to get any counseling
22 on domestic violence?

23 A No, sir, I did not.

24 Q When would you say that you started
25 becoming a good friend of hers?

1 A I would say it was the end, the end of
2 December, around Christmastime is when we started to
3 get to know each other.

4 Q And would you say that you all became
5 like real good friends or just friends?

6 A We were really good friends.

7 Q Was she your best friend?

8 A One of them, yes.

9 Q Would you say that you were probably one
10 of her best female friends?

11 A Yes.

12 Q What contact did you have with her after
13 the January 9th incident when she broke her nose?

14 A It was at work.

15 Q And you saw her at work?

16 A Yes, sir.

17 Q Did you discuss with her what had
18 happened to her?

19 A Yes, sir, we had.

20 Q She told you that James did it?

21 A Yes, sir, she did.

22 Q Did you encourage her to follow-up and
23 prosecute James?

24 A No, sir, I did not.

25 Q Did you encourage her to do anything to

1 get away from James?

2 A No, sir, I did not.

3 Q You've testified that you eventually
4 moved in with her. When did you move in with her?

5 A It was the week before she had died.

6 Q The week before she died?

7 A Yes, sir.

8 Q And did you actually stay at that trailer
9 during that week?

10 A Yes, sir, I did.

11 Q Had you visited the trailer a lot before
12 that?

13 A Yes, sir, I did.

14 Q Did you spend a lot of time there
15 visiting with Deborah?

16 A Yes, sir, I did.

17 Q Did you spend much time there visiting
18 with James?

19 A Never.

20 Q Never, not at all?

21 A Not at all.

22 Q When do you think is the first time that
23 you went into that trailer?

24 A Probably the end of January, the
25 beginning of February.

1 Q And from that time until you moved in,
2 approximately how many times a week would you go
3 there?

4 A About twice a week.

5 Q Would you baby-sit for her sometimes?

6 A Yes, sir, I did.

7 Q How many times do you think that you
8 talked to James on the telephone?

9 A As I stated before, five times.

10 Q Five times total?

11 A Yes, sir.

12 Q Did you ever have conversations with him
13 in person?

14 A No, sir, I did not.

15 Q Never during all that time?

16 A No, sir.

17 Q He was in jail from roughly the beginning
18 of June until she died; is that correct?

19 A From what I understand, yes.

20 Q And during that time you did talk to him
21 on the telephone?

22 A Yes, sir, I did.

23 Q And you were at her place of living when
24 you talked to him?

25 A I was at her place, but at the time I had

1 spoken to him I was not living there.

2 Q Did you ever see Deborah take any of his
3 calls there at the trailer?

4 A Yes, I did.

5 Q Did that happen very often?

6 A A couple of times a week that I was there
7 that I could see.

8 Q She would take his calls?

9 A Yes, she would.

10 Q Did you ever spend any time socially with
11 her and James?

12 A No, I did not.

13 Q You never went to a restaurant with them?

14 A No.

15 Q Did you ever hear her tell James that
16 their relationship was completely and totally over?

17 A No, I did not.

18 Q Never?

19 A Never.

20 Q Do you know if she ever told him that?

21 A The only way I know that she told him
22 that is because she told me.

23 Q You would agree that as it's -- trite as
24 it sounds -- breaking up is a difficult thing to do?

25 A In this case more so, yes.

1 Q Did she ever tell you that she loved
2 James?

3 A Yes, she did.

4 Q Did she tell you that very often?

5 A In the beginning when she and I had first
6 met she always defended him because he was the father
7 of her children, and that's why I never got into it
8 with her about the abuse because she always defended
9 him.

10 Q Did you encourage her to leave him?

11 A No, I did not.

12 Q When the police came on the day of August
13 31st, did you tell the police about the temporary
14 protective order?

15 A Yes, I did.

16 Q Did you tell the police there was a
17 temporary protective order telling James to stay away
18 from her?

19 A Yes, sir, I did.

20 Q Did you also tell the police that she had
21 testified against him the day before in city court?

22 A Yes, I did.

23 Q And do you believe that to be true?

24 A No, I do not.

25 Q But you did tell the police that?

1 A I did.

2 Q You have indicated that she wanted to
3 move out of that trailer to live with someone named
4 JR?

5 A Yes, sir.

6 Q Do you have any contact with JR now?

7 A No, I do not.

8 Q You don't know JR's last name?

9 A No, I do not.

10 Q When you were living in the trailer was
11 she seeing JR?

12 A Yes, she was.

13 Q Did you ever see JR receive any phone
14 calls when James called?

15 A No, I did not.

16 Q Was JR around the kids?

17 A Yes, he was.

18 Q Because the kids were living there with
19 Deborah?

20 A Yes, sir.

21 Q Did you know that Deborah went to city
22 court on the 30th of August?

23 A Yes, I do.

24 Q And do you know that she learned at that
25 time that he would be released the next day?

1 A No, I do not.

2 Q But you believe that she was moving to
3 get away from him?

4 A Yes, sir, I do.

5 Q He had been in jail for almost three
6 months, correct?

7 A Yes, sir.

8 Q Had she ever decided to move before that?

9 A No, sir, but she had tried to, on one
10 occasion, to see to it that he go back home when he
11 was let out.

12 Q That being back to Michigan?

13 A Yes, sir.

14 MR. BROOKS: Court's indulgence, your
15 Honor.

16 BY MR. BROOKS:

17 Q Do you know who Willie Wiltz is?

18 A Willie is JR's real name.

19 Q Is that right?

20 A Uh-huh.

21 Q So JR is Willie Wiltz, W-I-L-T-Z?

22 A Uh-huh. I don't know his last name.

23 Q And they had been dating each other for
24 about three months as of August 31st?

25 A Yes, sir.

1 Q Did you introduce Willie to Deborah?

2 A No, sir, I did not.

3 Q When you stayed at Deborah's for that one
4 week period, who else was living there in the trailer?

5 A Her three children, my daughter, and one
6 of her other friends from work.

7 Q Who was the other friend from work?

8 A Michelle.

9 Q And her last name was?

10 A Mancho.

11 Q How many rooms does the trailer have?

12 A A master bedroom and two smaller
13 bedrooms.

14 Q No men were living at the trailer?

15 A No, sir.

16 Q If James testified that he would call
17 there and often talk to other men, would James be
18 wrong or right?

19 A I wouldn't know. I wasn't there when he
20 was there.

21 Q Was there a lot of traffic in and out of
22 the trailer?

23 A She had a lot of friends, yes.

24 Q A lot of friends came and went?

25 A Yes, sir.

1 MR. BROOKS: Thank you. No further
2 questions.

3 THE COURT: Redirect.

4 MR. HARMON: Thank you, your Honor.

5

6 REDIRECT EXAMINATION

7 BY MR. HARMON:

8 Q You have been asked if the defendant was
9 in the driver's seat in December 1994 when you saw him
10 hit Deborah Panos?

11 A Yes, sir.

12 Q I think that you testified that he was?

13 A Yes, sir.

14 Q Did you become aware not only then but on
15 other occasions that he had driven the Toyota which
16 belonged to Deborah Panos?

17 A Yes, sir.

18 Q Did you learn that there had been
19 problems on occasion when she would let him drive the
20 car?

21 A Yes, sir.

22 Q What were the problems?

23 A The problems were she didn't want him to
24 have the car, but he took it anyway.

25 Q Would he sometimes be gone for days?

1 A Yes, sir.

2 Q Specifically on August the 31st, 1995,
3 when you realized that it, in fact, was Mr. Chappell
4 who was driving the car on that day, did that add to
5 your concern?

6 A Yes, sir, it did.

7 Q Why?

8 A Because from what she had told me and
9 from the conversations he and I had on the phone that
10 I could understand why she was afraid of him.

11 Q Was it your opinion that he would have
12 had permission from her to drive the vehicle?

13 MR. BROOKS: Objection, that's
14 speculation.

15 THE COURT: Overruled.

16 BY MR. HARMON:

17 Q In August, specifically on August the
18 31st, 1995?

19 A No, sir.

20 Q Mr. Brooks has asked you if, in your
21 opinion specifically in the case of Mr. Chappell and
22 Miss Panos, it was hard for them to break up?

23 A Uh-huh.

24 Q As I remember, you agreed with him that
25 it was?

1 A Yes.

2 Q Why, based upon what you knew about the
3 relationship and based upon what you knew of the
4 circumstance of Deborah Panos, and any fears that she
5 might have had, why was it hard?

6 MR. BROOKS: I'm going to object as to
7 her testifying to state of mind of Deborah Panos.

8 THE COURT: Overruled.

9 THE WITNESS: Can you please repeat the
10 question.

11 MR. HARMON: Yes.

12 BY MR. HARMON:

13 Q Why was it hard for her to break up?

14 A Because she was afraid of him. And as I
15 said before, in the beginning she had defended him
16 because he was the father of her children. So I think
17 the combination of the fear and also the combination
18 that in some way she felt some loyalty to him because
19 of the children, so that might have made it hard for
20 her.

21 Q Now, you were also asked in
22 cross-examination if you had told the police that
23 Deborah Panos testified in court against the defendant
24 the day before, that is August the 30th, 1995?

25 A Because I believed at that time that she

1 had, and it wasn't until later that I learned that she
2 hadn't.

3 Q You have mentioned that you knew that she
4 was breaking the relationship off because she told
5 you?

6 A Yes, sir.

7 Q Did she ever tell you that she had
8 conveyed that to James Chappell?

9 A Yes, sir.

10 Q When was the conversation you had with
11 her when she told you that?

12 A It was on more than one occasion that she
13 had told me.

14 Q Do you have any type of knowledge based
15 upon conversation with her whether she had spoken at
16 the jail with Mr. Chappell on August the 30th, 1995?

17 A I had learned later after she had died.

18 Q Okay. Well, you didn't learn it then
19 from Debbie Panos?

20 A No, I didn't.

21 Q Based upon any information that you had
22 in conversation with Deborah Panos, prior to the
23 morning of August the 31st, 1995, and including any
24 contact with her at work, did you have any expectation
25 that the defendant was going to be released that day,

1 August the 31st, 1995?

2 A No, sir.

3 Q To your knowledge did she?

4 A No, sir.

5 Q Did you have any expectation regarding
6 the time frame of his release?

7 A No, sir. No one -- none of us had any
8 idea.

9 Q You told us that she was afraid of Mr.
10 Chappell?

11 A Yes, sir.

12 Q As a result of that and because of the
13 uncertainty of when he would be released from jail,
14 did she like to have people with her at her trailer?

15 A Yes, sir.

16 Q Did she tell you that?

17 A Yes, sir.

18 Q To your knowledge was that a source of
19 some security to her?

20 A Yes, sir.

21 Q You mentioned earlier that you used to
22 spend quite a bit of time at her trailer?

23 A Yes, sir.

24 Q Okay. And, in fact, you lived there for
25 about a week prior to her death?

1 A Yes, sir.

2 Q But even before the defendant, Mr.
3 Chappell, went to jail, did you visit perhaps twice a
4 week from February, 1995 through August?

5 A Yes, sir.

6 Q When you would visit, would you encounter
7 the defendant, Mr. Chappell, at the trailer?

8 A No.

9 Q You said that you met him Memorial Day
10 weekend, 1995?

11 A Yes, sir.

12 Q So I'm gathering from that certainly
13 between February and the end of May 1995, during these
14 weekly visits, that you never encountered Mr. Chappell
15 at 839 North Lamb, Space 125?

16 A No, because most of the time it was just
17 to drop her off from work.

18 Q When you met him, was that there at the
19 trailer?

20 A Yes, sir, it was.

21 Q Did you actually see him on other
22 occasions at the trailer?

23 A Before that or after that?

24 Q Before or after?

25 A Not before that and not after that

1 either. That was on the only --

2 Q Just the one time?

3 A Just the one time.

4 MR. HARMON: Thank you. That's all, your
5 Honor.

6 MR. BROOKS: No questions, your Honor.

7 THE COURT: May this witness be
8 discharged?

9 MR. HARMON: Yes, your Honor.

10 THE COURT: Thank you.

11 We'll take our afternoon recess at this
12 point. I take it that the next witness is also going
13 to take some time?

14 MR. HARMON: The next couple of witnesses
15 will not be very long, but this would not be an
16 inappropriate time to break.

17 THE COURT: During this recess it is your
18 duty not to discuss or converse among yourselves about
19 any matter concerning or this trial or read, watch or
20 listen to any report of or commentary connected with
21 this trial by need medium of information including,
22 without limitation, newspapers, television or radio
23 and you're not to form or express an opinion on any
24 subject connected with this case until it is finally
25 submitted to you.

1 We will reconvene at 3:15, ladies and
2 gentlemen. We'll be at ease while you depart the
3 confines of the courtroom.

4 A JUROR: Can we see those photographs
5 when we're done?

6 THE COURT: Of course, as they are
7 admitted.

8
9 (Outside the presence of the jury.)

10
11 THE COURT: Is there anything further
12 from the parties at this time?

13 MR. BROOKS: Not from the defense, your
14 Honor.

15
16 (Recess.)

17

18

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1 THE COURT: Back in front of the jury.
2 Counsel stipulate to the presence of the
3 jury?

4 MR. HARMON: Yes, your Honor.

5 MR. BROOKS: Defense will, your Honor.

6 THE COURT: Let's proceed. Call your
7 next witness.

8 MS. SILVER: The State would call Dr.
9 Sheldon Green.

10 THE CLERK: Do you solemnly swear the
11 testimony which you are about to give shall be the
12 truth, the whole truth and nothing but the truth, so
13 help you God?

14 THE WITNESS: I do.

15

16 GILES SHELDON GREEN, M.D.,
17 having been first duly sworn, testified as follows:

18

19 DIRECT EXAMINATION

20 BY MS. SILVER:

21 Q Sir, can you please state your name and
22 spell it for the record.

23 A Giles Sheldon Green, G-R-E-E-N.

24 Q And, sir, for whom are you employed?

25 A I'm employed by Clark County as Chief

1 Medical Examiner in the Coroner/Medical Examiner
2 Department.

3 Q And what is your training and experience?

4 A I attended the University of Oregon
5 School of Medicine in Portland, Oregon, and received
6 my degree of Doctor of Medicine in 1959.

7 I served one year internship in Saint
8 Mary's hospital in San Francisco, and then one year of
9 both graduate training, or residency training, in the
10 field of obstetrics and gynecology. That also was at
11 Saint Mary's.

12 During that year, I changed my field of
13 interest to pathology and spent the next two years in
14 post-graduate training in pathology in Saint Joseph's
15 Hospital, which also was in San Francisco.

16 I then moved to Houston, Texas, and spent
17 the next three years in post-graduate training in
18 pathology at the University of Texas, M.D. Anderson
19 Hospital and Tumor Institute, which is one of the
20 major cancer research centers in the whole western
21 hemisphere.

22 Following that, I was appointed to the
23 staff of Anderson Hospital as assistant pathologist
24 and professor of pathology in the University of Texas
25 system.

1 I remained on the staff for approximately
2 two years. And in the fall of 1968 I had the
3 opportunity to join the Harris County Medical
4 Examiners, which is located in Houston. I served with
5 that department for approximately seven years first as
6 assistant medical examiner and later as deputy chief
7 medical examiner.

8 And, finally, in the fall of 1975, I
9 moved here to Las Vegas to join the Coroner Medical
10 Examiner Department as Chief Medical Examiner, and I
11 have been here every since. I am licensed to practice
12 medicine here in Nevada, of course.

13 I still have an active license in
14 California. I am certified by the American Board of
15 Pathology in the fields of anatomic pathology, medical
16 pathology and forensic pathology.

17 I am not going to bother you with a list,
18 but I'm a member of most of the major professional
19 organizations in North America which deal with
20 problems of forensic pathology and the forensic
21 sciences generally.

22 Q Thank you, Dr. Green.

23 Now, as part of your duties do you
24 conduct autopsies?

25 A I do.

1 Q And about how many autopsies have you
2 conducted in the past?

3 A Well, by best estimate I'm pushing up
4 pretty close to 11,000. I don't think I quite got
5 there yet.

6 Q Have you ever testified as an expert in
7 the field of forensic pathology?

8 A Many times, yes.

9 Q About how many?

10 A Several hundreds.

11 Q And in what courts?

12 A I've testified here in the district
13 courts of Clark County, in the justice courts, before
14 the Grand Jury, in preliminary hearings.

15 I have testified in various other
16 counties in Nevada. We have Nye County, Lincoln
17 County, Lyons County, a couple of others, White Pine.
18 Also in the district courts of Harris County and the
19 adjoining counties in south Texas. I think that's the
20 Ninth Judicial District down there, and in the federal
21 courts of Texas, Arizona and Nevada.

22 MS. SILVER: Your Honor, at this time I
23 would ask that this court deem Dr. Green an expert in
24 the field of forensic pathology.

25 THE COURT: He will be allowed to testify

1 to such.

2 MS. SILVER: Thank you.

3 BY MS. SILVER:

4 Q Doctor, on September 1st of 1995, did you
5 have an occasion to perform an autopsy on a body
6 identified to you as Deborah Panos?

7 A Deborah Ann Panos?

8 Q Yes.

9 A Yes, I did.

10 Q And as part of your -- as part of
11 performing your autopsy, did you do an external
12 examination?

13 A Yes, I did.

14 Q And did you make significant findings
15 regarding that examination?

16 A Yes.

17 Q What were those findings?

18 A Well, first of all, let me give you a
19 real quick idea of what an external examination is.

20 Basically, my own habit is to start at
21 the top of the head and work my way down to the toes
22 examining all of the external parts of the body,
23 dictating what I see as I go, whether it's with a
24 fixed recording equipment, or now I'm using hand-held
25 for this because I can walk around the body and not

1 have to worry about how far I get from the microphone.

2 But basically we're looking to see if
3 there is anything out of the ordinary, is there a
4 bruise, is there an injury, is there a deformity, a
5 scar, a tattoo, anything at all that is unusual.

6 In this case, there were numerous bruises
7 and abrasions or scraping injuries about the face.
8 There were stab wounds in the area of the neck and
9 upper chest. There was a stab wound right near the
10 navel or the umbilicus, and there was another down
11 just above the right groin. Another, the best I
12 remember, was behind and below the right ear.

13 The major injuries, most significant
14 injuries, are the ones in the neck and upper chest.
15 I saw bruising of the back of the right hand and
16 wrist, possibly indicating some defensive injury as
17 though she might perhaps -- and I can't tell you that
18 this is actually what happened because obviously I
19 wasn't there -- but if she throws up her hand to ward
20 off a blow or an object and gets hit by it on the back
21 of the hand, you're going to get a bruise and she did.

22 There was a small scratch on the left
23 hand, oh, a quarter of an inch long. Whether this has
24 anything to do with the events surrounding her death,
25 I cannot tell you. If they do, then you might

1 classify them as a scratch as a sort of a minimal
2 defensive injury.

3 Q How many total penetrating stab wounds
4 were there, Doctor?

5 A Ten, I'm sorry. Ten in the upper neck
6 and chest. A total of 13.

7 Q And of those stab wounds how many of
8 those stab wounds hit the bone or any bones?

9 A When we did the internal exam, we found
10 that there were four of this cluster of ten that had
11 actually gone in and struck the spinal column in the
12 neck, the front part of the spinal column.

13 Q Were there also significant injuries to
14 certain veins in the neck?

15 A Veins and arteries, yes.

16 Q And what were they?

17 A The right internal jugular vein, which is
18 a pretty good size one -- oh, it's about the size of
19 my pen here -- was partly cut through on the right.
20 Both the common carotid arteries were cut, each of
21 them, about halfway through. Not totally cut in two,
22 but major wounds allow for a tremendous amount of
23 blood loss. The general area would be about where I'm
24 indicating here across the front of my neck just above
25 the collar.

1 Q Were there any injuries that penetrated
2 the lung?

3 A We had one that went into the left lung.
4 There is one of the stab wounds, down just a little
5 bit, which penetrated the left side of the chest
6 between, I think, the first and second rib and
7 actually went into the left lung, yes.

8 Q Doctor, when you say that this body had
9 bruises and contusions on it, can you explain what
10 bruises are and what contusions are and what abrasions
11 are?

12 A Okay. Bruises and contusions are two
13 words for exactly the same thing. Use either one that
14 you like and you will be right. We all have had
15 bruises, I'm sure. I've had my share anyhow.

16 And when they occur, we have a certain
17 amount of pain. And then you look down a few minutes
18 later and it's starting to look red. Maybe swells up,
19 maybe not. That red color will persist for most of
20 the day.

21 So anything that is red, has a red color
22 to it, we call that a recent bruise that happened
23 within a day of the time of death in this case, or
24 within a day of the time that you look at it.

25 The next day or so it starts turning a

1 sort of ugly purple. We call that color intermediate.
2 You cannot put a time frame on it because a minor
3 little bruise that doesn't amount to anything may fade
4 out and be gone in three or four or five days.

5 A major one, such as I've seen in motor
6 vehicle accidents, may take months before it
7 disappears. And it will maintain that ugly blue,
8 purple color for that period of time. So that color
9 we call intermediate.

10 When it finally starts to disappear, then
11 you see the edge starting to fade out turning a kind
12 of ugly color, yellow-green. Gradually that color
13 moves in toward the center toward the purple and is
14 wiped out and finally the whole thing disappears. If
15 you see that fading border, you can call that an old
16 one.

17 Again, we can't say how old in terms of
18 the time of when the person got it to when you're
19 looking at it. In this case, Miss Panos, these are
20 were all very red bruises, all very recent.

21 Q And am I correct then in your definition
22 then you either categorize the bruises into recent,
23 intermediate and old bruises?

24 A That's correct.

25 Q In this case you would characterize all

1 of the bruises and abrasions or contusions as recent
2 appearing injuries?

3 A Yes. Now, I haven't talked about
4 abrasions yet. That's a little bit different
5 situation here. We did have some abrasions. Abrasion
6 is a scrape. If we bang an unprotected elbow or wrist
7 or some other part of our body against a rough plaster
8 wall hard enough, we're going to knock a little skin
9 off, and we have an abrasion. It's a scraping injury.

10 It can be very superficial not amounting
11 to anything. It can be pretty deep. It can sometimes
12 take a whole thickness of the skin off as we often see
13 in vehicular accidents.

14 In this case, we had a definite abrasion
15 type of injury at the point of the chin. We had
16 another one over here around the angle of the right
17 jaw. And I think that we had one or two smaller ones
18 up on the left forehead. They are associated with
19 bruises, but they are a little bit different because
20 in a bruise we don't see the skin being actually
21 broken. If the skin is broken, then we have an
22 abrasion.

23 Q When you say all of these injuries appear
24 to be recent injuries, would it be fair to say that
25 these injuries were caused within the same day of the

1 death of this person?

2 A Yes.

3 Q For the record, I have shown defense
4 counsel the following State's proposed exhibits.

5 I would like to show you, Doctor, first,
6 State's Proposed Exhibit Number 41 for identification
7 purposes.

8 And what is this a picture of?

9 A This is a right profile view of the
10 lady's face, neck, upper chest, taken with -- for
11 example, if it was taken of me, the camera would be
12 over here shooting at me that way.

13 And what we see is a lot of bruising of
14 the right ear. Bruises around the angle of the jaw.
15 There are some fainter bruises over the right cheek
16 bone, and some of the stab wounds of the neck and the
17 upper chest also are visible in this particular
18 picture.

19 Q And, Doctor, do you have an opinion as to
20 what could have caused these red and purple bruises
21 around the ear and neck area --

22 A Well --

23 Q -- and the face?

24 A -- to me they are all pretty red. I
25 don't see a whole lot of purple here. This is blunt

1 trauma injury. Something strikes the body or the body
2 is in motion and strikes something that's not moving,
3 you get the same result. You get an impact-type
4 injury.

5 Q Could this be consistent with a blow from
6 a fist?

7 A It certainly could be. I can't say that
8 it was. But, yes, it could be.

9 Q And this would be a fair and accurate
10 depiction of the way that the body identified as
11 Deborah Panos looked to you on September 1st of 1995?

12 A That is correct, yes.

13 MS. SILVER: Your Honor, I would move to
14 admit State's Proposed Exhibit Number 41 for
15 identification purposes.

16 MR. BROOKS: We object to the admission
17 of those exhibits. We will stipulate to the testimony
18 of Dr. Green, but we object to the photographs as
19 being ghastly and unduly prejudicial.

20 THE COURT: That objection is overruled.
21 Their probative value clearly outweighs the
22 prejudicial effect given the nature of the offense.

23

24 (State's Exhibit 41
25 admitted into evidence.)

1 BY MS. SILVER:

2 Q Showing you next, Doctor, State's
3 Proposed Exhibit number 42.

4 Can you tell us what this is a picture
5 of.

6 A 42 is a more of a close-up of the right
7 side of the face. Specifically, we're looking at that
8 right ear and these bruises and abrasions around the
9 angle of the jaw.

10 And in the picture you'll see an L-shaped
11 ruler which belongs to the photographer, and it has
12 marking scales on it. These are metric. These are
13 scaled off in centimeters, and the scale on each side
14 of the L is a five centimeter length which basically
15 is two inches. So you can translate that into two
16 inches without difficulty and get a good idea of the
17 size of the injuries.

18 Now, below the ruler, again we have the
19 right side of the neck and you can see the upper chest
20 and several of these stab wounds of the neck and chest
21 are visible.

22 Q And this is also a fair and accurate
23 depiction of how the body of Deborah Panos appeared to
24 you on that date?

25 A Yes, it is although that is after she had

1 been cleaned up considerably.

2 Q And let me just ask you this, Doctor,
3 because I'm going to have you actually address the
4 jury with these.

5 You have looked at State's Proposed
6 Exhibits 39 -- keep them in order, 37, 38, 40, 45, 44,
7 43, 46, 47, and, excuse me, 48 -- you've seen these
8 all prior just prior to your arrival up here on the
9 stand today?

10 A Yes, I have, and I think that I've seen
11 them before that too.

12 Q And these would all be autopsy photos
13 taken of the body identified to you as Deborah Panos
14 on September 1st of 1995?

15 A Yes. All of these were taken in the
16 Clark County Morgue by the officer from the crime lab.
17 I believe that was Mr. Peterson.

18 Q And they too would all be a fair and
19 accurate depiction of how this body appeared to you on
20 that date?

21 A Yes, they are very good.

22 MS. SILVER: At this time, your Honor, I
23 would move to admit the exhibits that I have just
24 mentioned. For purposes of identification, I would
25 move for their receipt into evidence the exhibits that

1 I just named.

2 MR. BROOKS: We object on the same basis
3 as to all of them.

4 THE COURT: You can have a continuing
5 objection. They will be admitted.

6

7 (State's Exhibit 37, 38, 39, 40,
8 43, 44, 45, 46, 47, 48
admitted into evidence.)

9

10 BY MS. SILVER:

11 Q If I could, Dr. Green, could I stand up
12 here and it may be easier to show the jury as you're
13 talking about each one of the injuries. If you could
14 stand up and show the photographs as we discuss the
15 injuries.

16 MS. SILVER: Your Honor, may I publish
17 these to the jury?

18 THE COURT: Yes.

19 BY MS. SILVER:

20 Q At this time let me start with Exhibit
21 41.

22 If you could show that to the jury and
23 explain again what you're talking about by the
24 bruising and the stab wounds?

25 A Okay. The bruising is largely up here

1 around the right here and right side of the jaw. You
2 can see some discoloration of the area of the right
3 cheek bone. I'll kind of move down line here so
4 everybody gets a chance to see this a little better.
5 But there really is the area of bruising that's
6 significant here in this picture.

7 Again, down below on the neck and chest
8 you can see some marks which actually are the stab
9 wounds.

10 You folks in the back row can see it all
11 right?

12 Q And showing you Exhibit Number 42.

13 Can you explain again for the record what
14 this is a picture of and describe it to the jury as
15 well?

16 A Okay. 42 we're looking at the same part
17 of the body. Right here, right side of the jaw, but a
18 closer up and here is that L-shape ruler that I was
19 talking about. And down below the marks of the stab
20 wounds, but basically the ruler is in there to give
21 you a reference as to the actual size of these
22 injuries.

23 Q I'm showing you now Exhibit Number 37.

24 Can you describe what it is for the
25 record a picture of, and then explain it to the jury?

1 A Okay. 37 is a left profile view of the
2 lady's face taken from off to her left side. And here
3 we have some scraping, abrasion-type injuries in the
4 forehead. And we have a large area of bruising on the
5 left cheek. Some marks down below in the neck area
6 which, in fact, are some of that cluster of stab
7 wounds.

8 Q Dr. Green, on the forehead there you see
9 a very large injury. What is that, a very large --

10 A You're pointing to this one?

11 Q Yes, a very large, red injury.

12 A This is an abrasion. This is a
13 scrape-type injury. It's the largest one that you see
14 on the forehead here is the one that she was referring
15 to.

16 Q What could that have been caused by?

17 A This is something scraping over that
18 skin. Whether it's the skin of the fist, whether it's
19 -- I have no idea what it was. But something is
20 scraping the skin surface there.

21 Q Okay. That was not and a knife wound
22 then?

23 A No, this is not a knife wound. We have
24 no knife wounds up here in the forehead.

25 Q Okay. I just wanted to make that clear

1 on the record.

2 A There is one picture where it is little
3 bit confusing because it looks like it might be one
4 that actually isn't.

5 Q You said that when the pictures were
6 taken the body was cleaned up. What do you mean by
7 that, Doctor?

8 A Well, there was quite a bit of blood
9 scattered about various parts of the body especially
10 on the neck and shoulders, some on the face.

11 Q And showing you what has been admitted as
12 State's Exhibit Number 38.

13 Can you describe what that is for the
14 record and also identify it for the jury?

15 A This is a look at the left side of the
16 neck, and I think I spoke a few minutes ago about the
17 stab wounds and I said there was one behind the right
18 ear. It's my mistake. It's behind the left ear.

19 Q And that picture is State's Proposed
20 Exhibit 38 --

21 A 38.

22 Q -- depicts that stab wound?

23 A This is just nothing more than a nick in
24 the skin. Not a deep injury, not a major injury.
25 Just a little mark here in between the arms of the

1 ruler.

2 Q Showing you what has been marked and
3 admitted as State's Exhibit 39.

4 Can you explain for us what this is a
5 picture of?

6 A This is a picture looking basically at
7 the lady's forehead. Centered between the arms of the
8 ruler we have that large scraping injury, and some
9 scrapes up above and then we have a bruise occupying a
10 good share of the middle of the forehead. Some other
11 little very minor abrasions high up near the hairline.
12 But basically this just gives you the whole left side
13 of the forehead here.

14 Q And that big bruise on the forehead, that
15 almost looks like it almost covers the forehead, what
16 could that have been caused by?

17 A This again is blunt trauma injury.
18 Something hit the forehead or the forehead hit
19 something.

20 Q Okay. Showing you what has been marked
21 and admitted as State's Exhibit Number 40.

22 Can you describe for the record and to
23 the jury what this is?

24 A Number 40 is a photograph which is taken
25 with the camera down, oh, probably lower chest level

1 and shooting kind of upward toward the face. You've
2 got to look at the neck and the chin area. And the
3 basic purpose of it, I believe, is to show this
4 scraping abrasion-type injury that I mentioned at the
5 point of the chin. It also shows several of the
6 stab-type puncture wounds of the neck and chest.

7 Q This injury to the chin, this large red
8 injury, that is not a stab wound then?

9 A No, this is not a stab wound. This is an
10 abrasion, scrape.

11 Q And, again, how would that have been
12 caused or could that have been caused?

13 A Well, something scraped across that skin
14 quite forcefully and typically took layers of it off.

15 Q Again, could that have been consistent
16 with a fist --

17 A It could have been.

18 Q -- or blow?

19 A It's possible.

20 Q Showing you now what's been marked and
21 admitted as State's Exhibit 43.

22 Can you tell us what this is a picture
23 of?

24 A This is a picture of the right, I think,
25 the right upper arm. The right shoulder is in the

1 extreme border of the picture, and we have a bruise on
2 the arm. That is really what this picture is showing
3 you, a little bruise back here.

4 But the large one here is a pretty good
5 sized. I don't think that we have one with a ruler in
6 it, but figuring that she's an average sized lady
7 about five foot five or so you can get a pretty good
8 idea of how big that thing was.

9 Q That bruise covered her -- almost her
10 entire arm from her shoulder to her elbow?

11 A No, it's not that big. Make it half of
12 that.

13 Q Okay. Showing you what's been marked as
14 State's Exhibit Number 44.

15 What is this a photograph of?

16 A This is her right forearm. There is an
17 abrasion there just below the elbow. Right about the
18 area that I'm pointing at below the elbow, and you can
19 see some orientation. Her head is up here toward the
20 top of the picture, out of focus, but this is just a
21 fairly superficial scrape.

22 Q Showing you what has been marked as
23 State's Exhibit Number 45.

24 What is this a photograph of?

25 A 45 primarily shows you the bruises to the

1 right hand and wrist that I think that I mentioned
2 earlier. Right hand is lying across her chest here,
3 and I think that they are fairly obviously and pretty
4 red. Pretty good size bruise here on the back of the
5 hand, one on the wrist. A smaller one on the other
6 side of the wrist.

7 Q And you stated, Doctor, in testimony and
8 even in your report, your autopsy report, that these
9 could be defensive wounds?

10 A They could be, yes. These bruises I
11 would be inclined to call defensive wounds. I think
12 that they are quite legitimate. The scratch that I
13 talked about is more iffy.

14 Q Showing you now what has been marked as
15 State's Exhibit Number 46.

16 What is this a photograph of?

17 A This is a fairly close up. If you did
18 not know where it was, you would have a hard time
19 figuring it out but it happens that I do. This is a
20 little stab wound just beside her umbilicus. The
21 umbilicus is rather faint. The stab wound is the
22 darker spot there. The camera is down pretty close.

23 Q Was that a deep stab wound, Doctor?

24 A It was deep, yes. It went through the
25 peritoneal cavity, abdominal cavity, striking the

1 pelvic bone. Actually, it didn't do any real serious
2 damage. It managed to miss everything important.

3 Q That would not have been a lethal stab
4 wound?

5 A No, it would not. I would not have
6 considered that a potentially lethal injury.

7 Q Which ones would have, doctor?

8 A We have at least three in the neck, which
9 are definitely lethal. We have a couple of them
10 involving the upper airway which are capable of
11 causing death from hemorrhage and bleeding back down
12 into the lungs, but this is not a wound which should
13 have killed her.

14 Q Showing you what's been marked as State's
15 Proposed Exhibit 47.

16 What is this a photograph of?

17 A Okay. 47 shows you the stab wound in the
18 right groin right above the crease of the groin in
19 between the arms of the ruler there. That one
20 penetrated probably a couple inches basically into
21 fatty tissue.

22 Again, this one didn't hit any vital
23 structures, no major arteries or veins.

24 Q Was that a deep wound that one?

25 A No, about two inches.

1 Q Finally, showing you what has been marked
2 for identification purposes as State's Exhibit Number
3 48.

4 What is this a picture of?

5 A Primarily this is the picture of her left
6 knee. It shows some very minor scrapings, some
7 bruising, and on the outside of the kneecap there is
8 an old scar which has nothing to do with what we're
9 talking about today?

10 Q Thank you, Doctor. If you could resume
11 your seat.

12 A Thank you.

13 Q Doctor, based on the autopsy that you
14 conducted did you have an opinion as to the cause of
15 death in this case?

16 A Yes.

17 Q And what was that opinion?

18 A Death was the direct result of the
19 multiple stab wounds involving the neck and chest.

20 Q And, Doctor, did you have an opinion as
21 to the manner of death in this case?

22 A Yes, I do.

23 Q What was that opinion?

24 A It's my opinion that the death in this
25 particular case was homicidal.

1 MS. SILVER: Court's indulgence.

2 BY MS. SILVER:

3 Q Doctor, when you say that the manner of
4 death in this case was a homicide, what do you mean by
5 that?

6 A Well, from my particular purposes as a
7 medical examiner, I think of the term homicide as
8 meaning the act, the action by which one person takes
9 the life of another. We do not get into the reasons,
10 the causes, the planning or lack of it or the emotions
11 or anything else. We leave that to our attorneys.

12 I simply am calling this a homicide
13 because clearly she didn't do this herself.
14 Therefore, somebody did it to her, and we have a death
15 resulting.

16 Q And, Doctor, generally in a type of
17 stabbing case such as this, when you're conducting an
18 autopsy, is it common for you to sometimes see stab
19 wounds to the hands or the arms as defensive wounds?

20 A We see in the case of a knife attack
21 sometimes stab wounds, sometimes cutting wounds. I've
22 seen cases where the person actually grabbed the blade
23 and got a nasty cut to the palm of the hand to try to
24 keep from getting hurt worse. These are all defensive
25 wounds. She did not have any cuts or stabs to her

1 hands or forearms.

2 Q And, Doctor, I believe earlier in your
3 testimony you said approximately four of these stab
4 wounds went through the neck and actually penetrated
5 the bone of the spinal column?

6 A Yes, in the front. But you're pointing
7 to the back. They didn't get that far.

8 Q Okay. Can you show us -- then I'm sorry.
9 Maybe I misheard you. Can you tell us how far that
10 was or explain that?

11 A The spinal column it's just about in the
12 middle of the neck. If you feel your voice box and
13 then go on back a little bit, that's a little
14 uncomfortable, you run into something pretty solid.
15 That's your spine. So it comes right down the middle
16 here.

17 So in order for a knife to hit in the
18 midline, or voice box here, to get back to the spinal
19 column we are looking at something between an inch and
20 a half and two inches.

21 Q What kind of force are we talking about
22 in order to penetrate this type of bone?

23 A We have four of these that actually
24 penetrated and it disrupted the outer surface of the
25 bone. I don't know how many pounds of energy this

1 takes. It's a forceful injury certainly. It would
2 depend in part on the structure of the knife.

3 If you have got a thin bladed, flexible
4 little kitchen knife that bends easily or do we have
5 something with a little more substance to it. I don't
6 know what we have in this particular case. Regardless
7 of what it was, it certainly takes some force to drive
8 that knife point into the bone and actually disrupt
9 it.

10 MS. SILVER: Court's indulgence.

11 BY MS. SILVER:

12 Q Doctor, I'm showing you what's been
13 marked for identification purposes as State's Proposed
14 Exhibit Number 21. And I would ask you what is that a
15 picture of, or what does it appear to be a picture of?

16 A Well, it is clearly a knife lying on a
17 rug.

18 Q And based on your examination of the body
19 identified to you as Deborah Ann Panos, could this
20 knife, that is depicted in State's Proposed Exhibit
21 Number 21, could this knife have caused the injuries
22 that you have seen here in your examination?

23 A Yes, it could. This is a relatively
24 narrow bladed knife. We don't have a ruler in here
25 for reference. But it's a long slender blade with a

1 long, sharp point on it, wooden handle.

2 And assuming that the handle is of
3 routine kitchen knife size, it would probably be
4 around four inches long and that would give us a blade
5 just slightly longer.

6 Yes, it's possible for a knife of this
7 type to have been used to create these wounds.

8 Q Doctor, if I were to tell you that that
9 knife was approximately eight and a half inches would
10 you differ in your opinion?

11 A No, because that stills give you a four
12 inch handle and four and a half inch blade.

13 Q Okay. And, Doctor, for lack of a more
14 scientific term, would it be your opinion or would it
15 be fair to say that this woman was beat up prior to
16 her death?

17 A Well, she certainly received a very
18 substantial number of blunt force injuries. The
19 bruises, the scrapes of the face, neck and so on,
20 certainly could very well have been a result of being
21 beaten with fists or some other object.

22 MS. SILVER: Thank you. That would
23 conclude my direct examination.

24 THE COURT: Cross-examination.
25

CROSS EXAMINATION

BY MR. BROOKS:

Q Dr. Green, I have just a couple questions for you.

With regards to the major injuries to the neck and chest, these were major injuries, correct?

A Well, they are major enough to kill her.

Q Lots of bleeding?

A There should have been a very substantial amount of bleeding, yes.

Q How long, if you can tell, once those injuries have been inflicted before she dies?

A Well, I can't tell you how long a time frame between this wound, Number 1, and Wound Number 13. But we have a knife wound coming in here and cutting. Say, our left common carotid artery, that's a big vessel, and it's partner on the right, are what supply blood to the whole head and brain.

If we cut one of those, in this case both of them, then our blood supply to the brain has been effectively stopped because blood supply depends on pressure which is generated by the beating of the heart.

We make a hole in a large vessel and blood pours out of that and there is no pressure

1 beyond that to speak of.

2 So given that point in time, the brain
3 has about 14 seconds worth of reserve oxygen supply if
4 no more comes to it. That isn't very much, but that's
5 what we got. So she would be expected to lose
6 consciousness in a matter of 12, 14, 15 seconds from
7 the time either or both of those major arteries have
8 been cut. She will never regain circulation to the
9 brain because she can't. The blood supply has been
10 totally disrupted.

11 At about four minutes from that event,
12 the brain will begin to suffer irreversible cellular
13 damage. If one could restore that blood supply, you
14 probably could bring her back to life if you could do
15 it almost instantly.

16 But given the situation like this,
17 obviously you can't. And let's say by ten minutes
18 post-injury, this brain will never recover no matter
19 what you do. She's dead.

20 MR. BROOKS: Thank you, Doctor. No
21 further questions.

22 THE COURT: All right. Thank you.

23 MS. SILVER: Just one.
24
25

REDIRECT EXAMINATION

BY MS. SILVER:

Q Doctor, do you have an opinion as to which stab wound was inflicted first or any kind of order as to the stab wounds?

A No, all we can say is that they look as though they are inflicted more or less at about the same time. In other words, they are pretty much contemporaneous, to use a nice long word for it, but which one came first there is no way in the world that I can tell you that.

Q And you don't know whether the stab wound to the abdomen was before the wound or one of the wounds to the neck?

A No, I can't. There is very little bleeding involved in this one in the abdomen. As I say, it didn't hit anything major. Given some antibiotics, it ought to have healed up all by itself if that had been her only injury.

Q So they would not have. So if she was just stabbed here in the abdomen, she could have remained alive?

A Most certainly. If that had been her only injury, yes.

MS. SILVER: Thank you. I don't have any

1 further questions.

2 MR. BROOKS: No further questions, your
3 Honor.

4 THE COURT: May this witness be
5 discharged?

6 MR. HARMON: Yes, your Honor.

7 THE COURT: Thank you. Sir, you may step
8 down.

9 THE WITNESS: Thank you, sir.

10 THE COURT: Call your next witness.

11 MR. HARMON: Dan Peterson.

12 THE CLERK: Do you solemnly swear the
13 testimony which you are about to give shall be the
14 truth, the whole truth and nothing but the truth, so
15 help you God?

16 THE WITNESS: I do.

17

18 DANIEL PETERSON,

19 having been first duly sworn, testified as follows:

20

21 DIRECT EXAMINATION

22 BY MR. HARMON:

23 Q Will you state your name, please.

24 A My name is Daniel Peterson,

25 P-E-T-E-R-S-O-N.

1 Q Mr. Peterson, what is your business or
2 occupation?

3 A I'm a crime scene analyst with the Las
4 Vegas Metropolitan Police Department.

5 Q What is a crime scene analyst?

6 A We respond to crime scenes where we
7 document crime scenes through photographs. We search
8 the crime scenes and identify any items that may have
9 evidentiary value. We do a diagram of crime scenes.
10 We collect, preserve the items that we've identified
11 as possible evidence. We process those items for
12 fingerprints and trace evidence such as hair, blood or
13 other residues.

14 Q How long have you worked as crime scene
15 analyst with the Las Vegas Metropolitan Police
16 Department?

17 A Three years.

18 Q I want to direct your attention to
19 September the 1st, 1995. On that date were you
20 present at the Clark County Morgue and did you witness
21 an autopsy examination performed by Chief Medical
22 Examiner Dr. Sheldon Green upon a victim identified as
23 Deborah Ann Panos?

24 A Yes.

25 Q Were you there throughout the autopsy

1 examination?

2 A Yes, sir, I was.

3 Q Did you take photographs of the victim,
4 Miss Panos?

5 A Yes, I did.

6 MR. HARMON: May I approach the witness,
7 your Honor.

8 THE COURT: Yes.

9 BY MR. HARMON:

10 Q Analyst Peterson, I'm showing you
11 Exhibits 37 through 48.

12 Are those photographs taken by you of the
13 victim, Miss Panos?

14 A Yes, sir, they are.

15 Q Do they truly and accurately depict the
16 appearance and condition of the decedent as you
17 observed her on September the 1st, 1995?

18 A Yes, they do.

19 Q In connection with the autopsy and in
20 addition to the photography work, do you also impound
21 items of evidence which may be relevant to the
22 investigation?

23 A Yes, sir, I do.

24 Q Did you do that in this case regarding
25 the autopsy of Miss Panos conducted September the 1st,

1 1995?

2 A Yes, sir, I did.

3 Q I'm showing you what the clerk has marked
4 as Proposed Exhibit 62.

5 Do you recognize that to be a copy of an
6 impound report that you prepared?

7 A Yes, sir, I do.

8 Q Analyst Peterson, does proposed Exhibit
9 62 reflect each item of potential evidence which you
10 recovered?

11 A Yes, sir, they do.

12 Q Were all of the items that you have
13 identified recovered from the body of Deborah Panos?

14 A Yes, they were.

15 Q Does it include the clothing that she was
16 wearing?

17 A Yes.

18 Q Does it also include any samples that
19 were recovered by the medical examiner from cavities
20 of the body?

21 A Yes, it does.

22 Q Did the evidence include a sexual assault
23 kit?

24 A Yes, sir.

25 Q Is Proposed Exhibit 62 a true and correct

1 copy of your impound report?

2 A Yes, it is.

3 MR. HARMON: Your Honor, the State offers
4 proposed 62.

5 THE COURT: It will be admitted.

6

7 (State's Exhibit 62
8 admitted into evidence.)

9 BY MR. HARMON:

10 Q At the request of the office of the
11 district attorney did you bring a certain item of
12 evidence to court with you this afternoon?

13 A Yes, sir, I did.

14 Q What have you brought to court?

15 A I brought the sexual assault kit that we
16 took at the morgue that day.

17 Q Will you produce that, please. Thank
18 you.

19 MR. HARMON: Your Honor, may we have this
20 item marked as the State's next proposed exhibit.

21 THE COURT: Yes.

22

23 (State's Exhibit 67
24 marked for identification.)

25 MR. HARMON: May I approach the witness

1 again, your Honor.

2 THE COURT: Yes.

3 BY MR. HARMON:

4 Q Analyst Peterson, I'm showing you what
5 the clerk has marked as Proposed Exhibit 67.

6 Is that the box that you have handed to
7 me just a few moments ago, and is that the sexual
8 assault kit that you recovered on September the 1st,
9 1995, in connection with the autopsy performed upon
10 Deborah Ann Panos?

11 A Yes, sir, it is.

12 Q What is a sexual assault kit, sir?

13 A Sexual assault kit is a sample of -- it's
14 varied samples of biological evidence that we collect
15 such as pulled head hair, pulled pubic hair, combed
16 pubic hair; blood; swabbings from the oral, the
17 vaginal and rectal cavities, and we also put the
18 victim's underwear in the box.

19 Q Are all of the items that you have just
20 referred to are they all included in the kit which was
21 part of the evidence you collected in connection with
22 Proposed Exhibit 67?

23 A Yes, sir.

24 Q You mentioned that among other items it
25 involved blood from the victim?

1 A Yes, sir.

2 Q And also samples recovered from the oral
3 and vaginal areas?

4 A Yes, sir.

5 Q Did that include the rectal area as well?

6 A Yes, sir, it did.

7 Q Did you personally observe these areas
8 being processed and did you see the evidence recovered
9 by the medical examiner?

10 A Yes, sir, I did.

11 Q Did you then take possession of all the
12 evidence?

13 A Yes, sir, I did.

14 Q Was it placed into the kit that you have
15 before you?

16 A Yes, sir, it was.

17 Q Are there various containers inside the
18 box marked Proposed 67?

19 A Yes, sir. There is paper envelopes with
20 each sample marked on the outside of the envelope as
21 to what is in the envelope, and the blood are in glass
22 vials.

23 Q Do you follow the same procedure whenever
24 you are collecting a sexual assault evidence
25 collection kit?

1 A Yes, sir, I do.

2 Q Regarding Proposed Exhibit 67, is it in a
3 sealed condition now?

4 A Yes, sir, it is.

5 Q When you first recovered it, did you take
6 it then and book it into evidence at the police
7 department?

8 A Yes, sir, I did.

9 Q Did you sign the evidence as the booking
10 officer?

11 A Yes, I did.

12 Q Do you see your signature still on
13 Proposed Exhibit 67?

14 A Yes, sir.

15 Q You still see seals that you placed upon
16 them?

17 A Yes, sir.

18 Q Do you see any evidence that the contents
19 of the sexual assault kit have been analyzed after you
20 recovered the evidence?

21 A Yes, sir, I do.

22 Q What evidence of that do you observe?

23 A First, the name on the front of the
24 sexual assault kit is Terry Cook.

25 Q What name?

1 A Terry Cook.

2 Q Who is Terry Cook?

3 A And he is a criminalist at the Metro
4 police crime lab.

5 Q One of your colleagues at the police
6 department?

7 A Yes, sir. And he has placed blue
8 evidence seals on the box whereas I use red evidence
9 seals.

10 Q Do you have any way of knowing whether
11 contents of the sexual assault kit were also submitted
12 to a DNA laboratory for DNA analysis?

13 A I have no idea.

14 Q You were not involved in any procedure
15 along that line?

16 A No, sir, I wasn't.

17 Q If that occurred, would it have been the
18 criminalist, Mr. Cook, who was involved in sending the
19 evidence to the laboratory?

20 A Yes, sir.

21 Q Except for the additional markings and
22 seals of criminalist Terry Cook, is the sexual assault
23 kit, at least as you see it from the exterior of the
24 box, in substantially the same condition now --

25 A Yes, sir, it is.

1 Q -- as it was on September the 1st, 1995?

2 A Yes, sir.

3 MR. HARMON: Your Honor, the State offers
4 Proposed Exhibit 67.

5 THE COURT: That will be the order. It
6 will be admitted.

7 MR. BROOKS: That is not being offered
8 right now as an exhibit into evidence?

9 MR. HARMON: Yes.

10 MR. BROOKS: Your Honor, for the record
11 since we stipulated to the fact that my client had sex
12 with this woman, we would object to the evidence as
13 being cumulative, prejudicial and unnecessary.

14 THE COURT: The objection is overruled.

15 Since that stipulation has been made,
16 there can be no possible prejudice from its admission
17 and the court so finds as a matter of law.

18 Go ahead.

19

20 (State's Exhibit 67
21 admitted into evidence.)

22 MR. HARMON: Your Honor, that concludes
23 direct.

24 MR. BROOKS: No questions, your Honor.

25 THE COURT: May this witness be

1 discharged?

2 MR. HARMON: Yes, your Honor.

3 THE COURT: Thank you. You maybe
4 excused.

5 MR. HARMON: Darren Heiner.

6 THE CLERK: Do you solemnly swear the
7 testimony which you are about to give shall be the
8 truth, the whole truth and nothing but the truth, so
9 help you God?

10 THE WITNESS: I do.

11

12 DARREN HEINER,

13 having been first duly sworn, testified as follows:

14

15 DIRECT EXAMINATION

16 BY MR. HARMON:

17 Q Will you state your name for the record?

18 A Darren Heiner, H-E-I-N-E-R.

19 Q Spell your first name, sir?

20 A D-A-R-R-E-N.

21 Q Is it Officer Daren Heiner?

22 A Yes.

23 Q Where are you employed, Officer Heiner?

24 A Las Vegas Metro police.

25 Q How long have you worked with that

1 department?

2 A Ten years.

3 Q Were you employed with the Las Vegas
4 Metropolitan Police Department on August the 31st,
5 1995?

6 A Yes, I was.

7 Q Were you a patrol officer on that day?

8 A Yes, I was.

9 Q Did you have occasion during your shift
10 on that day to be approached by a citizens in the area
11 of Bonanza and Lamb boulevard?

12 A Yes I did.

13 Q About what time did that occur?

14 A It was approximately 3:30 in the
15 afternoon.

16 Q When you were approached, did you have a
17 conversation with the particular citizen?

18 A Yes. I was approached by a female who
19 told me her name was Lisa Duran. She stated that she
20 was concerned for the welfare of a woman that she
21 described as her roommate. She stated that she was
22 supposed to meet this roommate, Deborah, at her -- at
23 Deborah's trailer in order to pick up some items that
24 were inside the trailer.

25 Q Did you get an address for the trailer

1 the citizen Lisa Duran was referring to?

2 A Yes, it was the Ballerina Mobile Home
3 Park at 839 North Lamb, Space Number 125.

4 Q Did you also learn from the citizen that
5 she had a concern for the welfare of her friend,
6 Deborah?

7 A Yes, I did.

8 Q Did she tell you anything about observing
9 the woman's vehicle?

10 A Yes. She stated that they were planning
11 on meeting at about 1:30 at the trailer in order to
12 pick up some items out of the trailer that were in
13 there that belonged to Lisa. She stated that as she
14 was pulling up to the trailer she noticed Deborah's
15 boyfriend, who she knew only as James, driving away in
16 Deborah's vehicle.

17 Q As a result of the entirety of the
18 information relayed to you by Lisa Duran, did you have
19 occasion to go with her and anyone else in her party
20 to the Ballerina Mobile Home Park, specifically to
21 Space 125, at 839 North Lamb Boulevard?

22 A Yes, myself and Officer Russ Lee
23 responded over there with Lisa and her brother, John.

24 Q Did you and Officer Lee arrive at
25 approximately the same time?

1 A Yes, we did.

2 Q Would you estimate the approximate time
3 of your arrival at the location of 839 North Lamb
4 Boulevard, Space Number 125?

5 A It would have to have been approximately
6 3:45 in the afternoon.

7 Q Is the location of that particular mobile
8 home in Las Vegas, Clark County, State of Nevada?

9 A Yes, it is.

10 Q Tell us what happened after you arrived?

11 A When we got to the trailer, myself and
12 Officer Lee began knocking on the door announcing
13 ourselves as police and calling out Deborah's name in
14 order to get a response from inside the trailer, and
15 we didn't get a response. We then continued to knock
16 on windows and doors announcing ourselves again as
17 police calling toward to Deborah with no response.

18 Q Did you knock on all of the exterior
19 doors?

20 A Exterior doors and most of the windows,
21 yes.

22 Q Did you attempt at any time to check the
23 exterior doors to see if they were open?

24 A Yes, we did. They were all locked and
25 secured.

1 Q You mentioned also you checked windows.
2 Were any of the windows broken?

3 A None of the windows were broken.

4 Q You didn't see any broken glass?

5 A No.

6 Q Did you see anything unusual regarding
7 any window?

8 A One of the windows on the west --
9 northwest part of the trailer, the screen was removed
10 from that window and another window on the front,
11 which had been facing south, the window was partially
12 ajar. It was a window that slid from the bottom
13 towards the top, and it was partially ajar at the
14 bottom.

15 Q When you say partially ajar, about what
16 was the space?

17 A I would estimate at maybe one to two
18 inches.

19 Q As a result of the inability to get any
20 response from someone inside and because of the
21 observations regarding the two windows that you have
22 referred to, was further action taken?

23 A Yes, it was.

24 Q Tell us what that was?

25 A We determined that in order to check the

1 welfare of the people inside the trailer that we
2 needed to make entry and check on the status of their
3 welfare.

4 Q When you say we, are you talking about
5 yourself and Officer Russ Lee?

6 A Yes.

7 Q Tell us what happened?

8 A We went to the -- myself and Officer Lee
9 went to the window that was partially open that was
10 the front window facing south. Officer Lee began to
11 push the window up. And as it went up the tracks, it
12 came loose from the window track and came out of the
13 actual window frame. He removed the window and put it
14 on the ground.

15 Q At that point, could you see inside the
16 window?

17 A We could see inside the bedroom in the
18 window. It was the window to a bedroom. We could see
19 inside the bedroom.

20 Q Now, I recall you have mentioned that
21 this slider portion of the window that ended up coming
22 out, you say it was set on the ground, originally it
23 had been ajar --

24 A Yes, it had.

25 Q -- an inch or two?

1 A Approximately.

2 Q Did it slide up or down or horizontally?

3 A It was a vertical up and down.

4 Q Was there a screen on the outside of that
5 particular window?

6 A The screen to that window was actually
7 inside the trailer. There was no screen on the
8 outside. It was actually inside the room inside the
9 trailer. It was not on the window.

10 Q So when the window came out, you could
11 see where the screen was?

12 A Correct.

13 Q Where in relationship to the window was
14 it on the inside of the trailer?

15 A Inside the trailer, inside the bedroom.

16 Q Right next to the window?

17 A It was in close proximity to the window.
18 I don't remember exactly where it was, but I remember
19 seeing it close to the window.

20 Q As a result of observing the window first
21 ajar and then finding the screen inside, did you form
22 any type of opinion about a possible point of entry?

23 A We felt that there may have been somebody
24 that entered the trailer at that point.

25 Q Through that particular window?

1 A Through that particular window.

2 Q Did either you or Officer Lee then go
3 into the mobile home?

4 A Yes. Officer Lee, I assisted him through
5 the window. And he was going to enter and go to the
6 front door and open it so we could continue to check
7 the trailer together.

8 Q Did he go in through the same window you
9 have been describing?

10 A Yes.

11 Q Which was on the front?

12 A Yes, he did.

13 Q I'm showing you, Officer Heiner, Proposed
14 Exhibits 1, 4 and 5. I believe that you had said that
15 one and four are outside photographs of a mobile home.

16 Do you recognize what is shown in them?

17 A Yes, I do.

18 Q Is this 839 North Lamb Boulevard, Space
19 Number 125?

20 A Yes, it is.

21 Q There is a window which has been circled
22 in Photograph Number 1?

23 A Yes.

24 Q Is that the photograph that -- is that
25 the window that you have been talking about --

1 A Yes, it is.

2 Q -- where you said the slider portion of
3 the window was ajar?

4 A Correct.

5 Q Is that the same window that Officer Lee
6 entered?

7 A Yes, it is.

8 Q Is it also depicted in the other
9 photograph after the window had been taken out --

10 A Yes.

11 Q -- in Proposed 4?

12 A Yes, it is.

13 Q I'm showing you now Proposed Exhibit
14 Number 5.

15 Does that appear to be the same window
16 only it is a photograph taken from the inside of the
17 mobile home?

18 A Yes, it does.

19 Q When you assisted Officer Lee in entering
20 the trailer, did you have any type of understanding
21 with him what he would do when he got inside?

22 A Yes, he was going to go to the front
23 door, unlock it, and open it so I could enter and
24 check the rest of the trailer with him.

25 Q Did you ever end up going inside the

1 trailer?

2 A No, I did not.

3 Q Why is that?

4 A As Officer Lee got to the front door, he
5 opened it, stepped outside, and stated that Deborah
6 appeared to be dead inside and it looked to be a
7 homicide.

8 Q Did he tell you where she was inside the
9 trailer?

10 A He stated that she was just inside the
11 front door.

12 Q Now, as a result of that information, did
13 that effect whether you would go into the residence?

14 A Yes, it would.

15 Q Why?

16 A I did not enter in order to not disturb
17 the crime scene if, in fact, it was a crime.

18 Q Once it became a possible crime scene,
19 did you have a concern about preserving the integrity
20 of the scene. --

21 A Yes, I did.

22 Q -- about maintaining the condition
23 exactly as it was when you arrived?

24 A Correct.

25 Q How long did you remain at the scene

1 after the body was discovered?

2 A We were there approximately three hours.

3 Q Was there a call sent out for back up?

4 A There was a call sent to dispatch for
5 medical personnel, detectives, and the identification
6 technicians to respond.

7 Q Did some medical personnel, a paramedic,
8 arrive who confirmed that the victim was deceased?

9 A Yes, the paramedic unit arrived. We had
10 one of the paramedics enter the trailer. He went in
11 and immediately came back out.

12 Q And was it confirmed by the paramedic
13 that she was dead?

14 A Yes.

15 Q With the exception of the paramedic, once
16 the body had been discovered and it was believed a
17 crime had occurred, was anyone else permitted to go in
18 except police personnel involved in carrying out the
19 homicide investigation?

20 A No.

21 Q You have mentioned that originally the
22 citizen, Lisa Duran, said that she saw the victim's
23 car being driven away by her boyfriend, James?

24 A Correct.

25 Q Did you determine as part of your

1 investigative effort what James' full name was?

2 A Yes, we did.

3 Q What was his last name?

4 A Chappell. I'm not sure exactly the
5 pronunciation.

6 Q C-H-A-P-P-E-L-L?

7 A Yes.

8 Q Did you also determine the date of birth
9 of James Chappell?

10 A Yes, we did.

11 Q What was the date of birth?

12 A I don't recall.

13 Q Do you have an officer's report?

14 A I don't have it with me, but --

15 MR. HARMON: May we have the court's
16 indulgence, your Honor.

17 THE COURT: Yes.

18 BY MR. HARMON:

19 Q If you refer to the officer's report,
20 will that assist you in refreshing your memory --

21 A Yes.

22 Q -- regarding the information that you
23 acquired as to the date of birth of James Chappell?

24 A Yes, it would.

25 MR. HARMON: May I approach the witness,

1 your Honor.

2 BY MR. HARMON:

3 Q It's a four page document. Is that your
4 officer's report, Officer Heiner?

5 A Yes, it is.

6 Q Will you refer to the report and then
7 tell us if by looking at the report you're able to
8 refresh your memory?

9 A Yes, I am. On page three at the bottom I
10 list James Chappell's birth date.

11 Q Just his birth date?

12 A Birthday as 12/27 of '69.

13 Q December the 27th, 1969?

14 A Yes.

15 MR. HARMON: Thank you. That concludes
16 direct, your Honor.

17 THE COURT: Thank you. Cross.

18 MR. BROOKS: Officer, I have several
19 questions for you.

20

21 CROSS EXAMINATION

22 BY MR. BROOKS:

23 Q When you first encountered Lisa Duran,
24 where were you?

25 A We were at the Carpenter's Union Hall.

1 It's in the area of Bonanza and Lamb.

2 Q Were you in a car by yourself or was
3 Officer Lee with you in your car?

4 A I was in a car by myself.

5 Q Did Officer Lee have his own car?

6 A Yes, he did.

7 Q When you were first encountered, were you
8 with Officer Lee?

9 A No, I was by myself. She approached me.
10 She gave me the information. I radioed for another
11 unit to help me at the trailer, and he arrived over
12 there with me.

13 Q Why did you radio for another unit to
14 help you?

15 A It's standard police procedure if you're
16 going to go to a suspicious circumstances-type call,
17 if you're going to check a residence, to have two
18 officers there.

19 Q So it was standard procedure?

20 A Correct.

21 Q And it had nothing at all to do with the
22 identity of any particular dangerous person involved
23 in this?

24 A We didn't know what we were going to at
25 the time.

1 Q When you arrived there at the trailer,
2 when did you talk to Lisa Duran and find out about the
3 name James Chappell?

4 A To me she only identified him as James.

5 Q How did you found out his last name?

6 A We checked with the park manager. We
7 checked with the day care where the children were
8 kept, and we also checked with our records, police
9 records.

10 Q And by that time, other police units were
11 already on the scene?

12 A Yes.

13 Q So no other police units ever came to the
14 scene because James Chappell was some dangerous
15 person, they came as a matter of routine?

16 A Yes.

17 Q Did Miss Duran tell you about a temporary
18 restraining order being out against Mr. Chappell or
19 against anyone else?

20 A She stated that she thought that there
21 was one on file, which we were able to find.

22 Q And did she also say that Deborah Panos
23 had testified against James Chappell the day before?

24 A Yes, she did.

25 MR. BROOKS: Thank you. Pass the

1 witness.

2 MR. HARMON: Nothing further, Judge.

3 THE COURT: All right. Thank you
4 officer. You may step down.

5 THE COURT: Ladies and gentlemen of the
6 jury, is everybody comfortable? Let's take a seventh
7 inning stretch while we call the next witness in. You
8 can stand up.

9 MR. HARMON: Russell Lee.

10 THE CLERK: Do you solemnly swear the
11 testimony which you are about to give shall be the
12 truth, the whole truth and nothing but the truth, so
13 help you God?

14 THE WITNESS: I do.

15

16 RUSSELL LEE,

17 having been first duly sworn, testified as follows:

18

19 DIRECT EXAMINATION

20 BY MR. HARMON:

21 Q State your name for the record?

22 A Russell Lee.

23 Q Will you spell your last name?

24 A L-E-E.

25 Q Is it Officer Russell Lee?

1 A Yes.

2 Q Officer Lee, where are you employed?

3 A Metropolitan Police Department.

4 Q How long have you worked with that
5 department?

6 A Almost ten years.

7 Q Were you employed with the Metropolitan
8 Police Department on August the 31st, 1995?

9 A Yes, I was.

10 Q On that day did you have occasion to go
11 basically simultaneously with Officer Darren Heiner to
12 the Ballerina Mobile Home Park specifically to the
13 trailer at Space 125, 839 North Lamb Boulevard?

14 A Yes, I did.

15 Q Did you arrive at about 3:45 p.m. that
16 afternoon?

17 A Yes.

18 Q What was your purpose in going there?

19 A I was on patrol and I heard Officer
20 Heiner state that he was contacted by some citizens
21 who had a domestic situation at that mobile home park.
22 He asked for another unit to go with him.

23 I was listening to my radio, and I was
24 near the area and I told him I would go with him. I
25 advised the dispatcher that I would go with him. And

1 as we were driving down towards the mobile home park,
2 I just got in behind him and I followed him in.

3 Q Were you accompanied to the location by
4 certain citizens who had reported a concern for an
5 acquaintance?

6 A Yes, we were led there by the citizens
7 that contacted Officer Heiner.

8 Q When you arrived, did you eventually go
9 into the mobile home, Space 125?

10 A Yes, I did.

11 Q How did you get in?

12 A There is a front. On the street side of
13 the mobile home is the front of the mobile home.
14 There is a window that was there. It was the kind
15 that you raise up. As it was partially up just a
16 little bit, I took my key to my patrol vehicle, raised
17 it up where I could start pushing it up.

18 As I pushed it up, the window fell in and
19 I caught it, took it out and set it on the ground and
20 then Officer Heiner boosted me in through that window.

21 Q Did you have a definite interest at that
22 point in getting inside the trailer?

23 A Yes, from what we were told, there was a
24 domestic situation going on for some period of time,
25 and the person who stopped Officer Heiner felt that

1 the person who lived at the mobile home would be in
2 danger or was in danger from her ex-boyfriend.

3 Q Had you tried doors and checked other
4 windows in an effort to get in by some other means?

5 A We tried all the doors and all the
6 windows, and there was a window in the back door that
7 is in the carport side, which is the back of the
8 mobile home, it was open a little bit. But it had a
9 lock that kept it from going any higher than that. We
10 tried all the other windows, and that's the only one
11 that we could get in.

12 Q Were all the windows intact? Were any
13 windows broken?

14 A They were all intact. Nothing was
15 broken.

16 Q So I take it from what you had started to
17 tell us you decided that this window which was ajar
18 just a little bit was the best means of gaining
19 entrance?

20 A Without breaking a window it was the
21 best.

22 Q And as you were pushing it up, it came
23 out?

24 A It started to fall inside the trailer.

25 Q So you set it on the ground and then you

1 got help and went inside?

2 A Yes.

3 Q As you were going inside, did you see a
4 screen?

5 A Yes. Right below the window is like a
6 small night stand. As I got boosted up toward the
7 window, the screen was kind of stuck. It looked like
8 it was stuck between it and the bed, but what it was
9 actually was the nightstand was sitting on top of the
10 screen and the screen was bent up by the bed.

11 Q Did seeing the screen inside of the
12 window and also combining that with your observation
13 that the outside window, the slider portion had been
14 slightly ajar, did that cause you to form any opinion
15 about a possible point of entry, assuming someone had
16 gone inside?

17 A It looked like that was the only other
18 way. All the other windows that were there still had
19 screens on the outside also. The only one that any
20 one could have gone in was that window, recently
21 anyway.

22 Q Did you conclude that that was a possible
23 point of entry?

24 A Yes.

25 Q Was that, in fact, the point in which you

1 went in?

2 A That's the way that I went in, yes.

3 Q Except for having the window fall out
4 into your hands and sitting it down, did you change
5 the condition of either the outside or inside of Space
6 125 of 839 North Lamb Boulevard in any way that
7 afternoon, August the 31st?

8 A The only other things that I did was open
9 the bedroom door that went into the living room area,
10 and then I opened and closed the front door of the
11 mobile home.

12 Q After you got inside, tell us what you
13 did?

14 A We were looking for someone who might be
15 injured in the mobile home is what we understood. I
16 entered the bedroom. I looked around in there. It
17 was disheveled. The bed wasn't made or anything, and
18 there was things laying around. I noticed off to my
19 left-hand side was a large bathroom. I just checked
20 in there real quick, made sure that no one was laying
21 inside there.

22 I opened the bedroom door, opened the
23 door into the living room. When I opened the door and
24 walked into the living room, I saw a white female
25 laying on the ground on her back near the front door.

1 Q How close did you get to her?

2 A I had to step over her to open the door.

3 Q How close would you estimate the white
4 female lying on the floor was to the front door?

5 A Not very far. When we opened the door,
6 the door bumped her legs.

7 Q How was she lying?

8 A Lying on her back. Her arms were kind of
9 spread out.

10 Q What do you mean kind of spread out?

11 A They weren't like straight out, but they
12 were out towards the side.

13 Q Basically, in the manner that you were
14 demonstrating?

15 A Yes. Yeah, out to her side.

16 Q Did you see evidence of injury to the
17 person?

18 A Yes. Her eyes were partially open. She
19 had blood in her hair. As I was stepping over her, I
20 looked at her body and she had like nylon pants on or
21 something like that, and it had like a --

22 Q Some kind of stretch pants?

23 A Yes, it had a small tear and had what
24 looked like meat hanging out of the tear right here
25 like it was a stab wound, or I thought that it was a

1 bullet hole at that time.

2 Q Did you touch the victim at any time --

3 A No.

4 Q -- while you were inside the trailer?

5 A No, I personally never touched her.

6 Q Did you observe her though in an effort
7 to determine if you could detect vital signs?

8 A Yes. I went outside and advised my
9 sergeant what I saw inside, and I told him I needed to
10 go back in and make sure that she was not breathing,
11 make sure that something wasn't going on. I went back
12 inside. Her shirt was kind of pulled up about to the
13 bottom of her rib cage, and I was looking in the area
14 for maybe a heartbeat or to see if she was breathing.

15 Q Did you detect any sign of life?

16 A No.

17 Q In your opinion, based upon what you saw,
18 was she deceased?

19 A Yes. Her eyes were a little bit cloudy.
20 They were partially open. They weren't moving, and
21 she wasn't breathing.

22 Q Did you know personally Deborah Ann
23 Panos?

24 A Pardon me?

25 Q Did you know her personally?

1 A No.

2 Q Had you ever been to this location prior
3 to August the 31st, 1995?

4 A No.

5 Q Did you know her boyfriend or former
6 boyfriend James Chappell?

7 A No.

8 Q Except for the doors that you opened, and
9 of course you've already described the slider portion
10 of the window coming out when you gained entry, did
11 you change substantially anything else about the
12 condition of the crime scene?

13 A No. When I exited, I didn't touch
14 anything else in the trailer. And when I exited, I
15 didn't allow anyone else in.

16 Q Did you think it was a crime when you saw
17 where the victim was and observed what her condition
18 was?

19 A Yes.

20 Q Did you think that was a homicide?

21 A Yes, I advised my sergeant that I
22 believed that I had a homicide scene inside.

23 Q Is that Sergeant Yada?

24 A Yada.

25 Q Y-A-D-A?

1 A Yes, sir.

2 Q As a result of your conclusion, were
3 other officers in the department notified?

4 A Yes. The homicide detectives were
5 notified.

6 Q Did homicide detectives subsequently
7 arrive while you were still there at the location?

8 A Yes, they did.

9 Q Would that have been Detective Ramos and
10 Vaccaro?

11 A Yes.

12 Q Did crime scene analysts also respond
13 from the crime lab of the police department?

14 A Yes, sir.

15 Q When you were making your walk through of
16 the trailer, and either shortly before or at the time
17 you discovered the victim, did you see any type of
18 weapon in the area of the body?

19 A I didn't really think about that at the
20 time. But I had saw a knife laying somewhere around
21 her body. I can't tell you exactly where it was. I
22 saw it, but I didn't pay any attention to it. I just
23 wanted to get out of the trailer so I wouldn't
24 contaminate the crime scene.

25 Q Once you saw the body were you focused on

1 anything else in the trailer?

2 A No.

3 Q Would it have been your role to have
4 carried out any further investigation regarding a
5 possible homicide?

6 A No.

7 Q That would be left up to other police
8 officers; is that correct?

9 A Correct.

10 MR. HARMON: That concludes direct, your
11 Honor.

12 THE COURT: Cross.

13

14 CROSS EXAMINATION

15 BY MR. BROOKS:

16 Q Officer, when you arrived there was just
17 yourself and Officer Heiner with Lisa Duran and people
18 with her; is that correct?

19 A Yes.

20 Q When you arrived there, you proceeded to
21 look all around the trailer?

22 A Yes.

23 Q This is the trailer at Space 125?

24 A Yes.

25 Q You eventually determined that the window

1 towards the road was the point of entry, correct?

2 A I believe it was.

3 Q And when I say the road, where you drove
4 your patrol car up?

5 A Yes.

6 Q Did you notice that there were windows on
7 the opposite end of the trailer?

8 A Yes.

9 Q And you also noticed that there were
10 trailers along the sides of the trailer?

11 A Yes.

12 Q Would you say that the windows that were
13 on the opposite end of the trailer away from the road
14 were more concealed than the windows that were out
15 there on the street?

16 A Yes.

17 Q Would you say that the windows that were
18 on the side of the trailer were more concealed than
19 the windows right there on the street?

20 A Yes.

21 Q It would be fair to say that the window
22 that was the point of entry was the least concealed of
23 all the windows in terms of viewing it from the road;
24 isn't that right?

25 A Yes.

1 Q As far as when you got there and calling
2 Officer Yada, was that done as a matter of course or
3 was there some special reason?

4 A We didn't call him. He just arrived.

5 Q He just arrived?

6 A He listened to his radio and he arrived
7 also.

8 Q Any situation involving possible domestic
9 violence or violence is generally a situation where
10 you require a backup; is that right?

11 A Yes.

12 Q And you would generally have two officers
13 go?

14 A Yes. When Officer Heiner asked for
15 another unit, I was the one that volunteered to go
16 with him.

17 MR. BROOKS: Thank you. No further
18 questions, your Honor.

19 MR. HARMON: Very briefly on redirect,
20 your Honor.

21

22 REDIRECT EXAMINATION

23 BY MR. HARMON:

24 Q Officer Lee, you have been asked a number
25 of questions about the proximity of the window which

1 you believed to be the point of entry to the road?

2 A Yes.

3 Q And it's true that was one of the windows
4 closest to the road?

5 A Yes.

6 Q Is it also true, however, that you tried
7 to get in through other windows and you couldn't?

8 A We tried all the windows and all the
9 doors. That's the only one that was ajar a little
10 bit. We had no way of gaining entry into it other
11 than breaking a window or breaking a door.

12 MR. HARMON: Thank you. That's all.

13

14 RECROSS EXAMINATION

15 BY MR. BROOKS:

16 Q And, Officer, obviously you don't know
17 exactly why it was ajar, correct?

18 A No, I don't.

19 MR. BROOKS: No further questions.

20 THE COURT: May this witness be
21 discharged?

22 MR. HARMON: Yes, your Honor.

23 THE COURT: Thank you, Officer. You may
24 step down.

25 Call your next witness.

1 MR. HARMON: Michael Perkins.

2 THE CLERK: Do you solemnly swear the
3 testimony which you are about to give shall be the
4 truth, the whole truth and nothing but the truth, so
5 help you God?

6 THE WITNESS: I do.

7 THE COURT: We will take a brief recess
8 right now.

9 During the recess it's your duty not to
10 converse among yourselves or with anyone else on any
11 subjected with the trial or read, watch or listen to
12 any report of or commentary on this trial or any
13 person connected with this trial including, without
14 limitation, newspapers, television or radio;

15 And you are not to form or express an
16 opinion on any subject connected with this case until
17 it's finally submitted to you.

18 This will be the last witness of the day.
19 We're going to take about five minutes. Please remain
20 on the upper deck of the courthouse. We'll be at ease
21 while you depart the confines of the courtroom.

22

23 (Recess.)

24

25

1 MICHAEL PERKINS,
2 having been first duly sworn, testified as follows:

3
4 THE COURT: Counsel stipulate to the
5 presence of the jury.

6 MR. BROOKS: Yes, your Honor.

7 MR. HARMON: Yes.

8 THE COURT: May we proceed in the absence
9 of Miss Silver?

10 MR. HARMON: She is taking care of
11 another matter. She'll join us in a few minutes.

12
13 DIRECT EXAMINATION

14 BY MR. HARMON:

15 Q Will you state your name for the record?

16 A My name is Michael Perkins.

17 Q Please spell your last name?

18 A P-E-R-K-I-N-S.

19 Q What is your business or occupation?

20 A I'm employed by the Las Vegas
21 Metropolitan Police Department as a crime scene
22 analyst supervisor.

23 Q How long have you worked with the Las
24 Vegas Metropolitan Police Department out of the crime
25 lab?

1 A About five years and a month.

2 Q Analyst Perkins, on August the 31st,
3 1995, did you have occasion as a senior crime scene
4 analyst to respond to the Ballerina Mobile Home Park
5 at 839 North Lamb Boulevard, specifically Space 125?

6 A Yes, I did.

7 Q About what time on August the 31st did
8 you arrive at that location?

9 A I arrived at about seven minutes before
10 five o'clock in the evening.

11 Q What was your purpose for going to the
12 scene?

13 A I had been requested to respond there
14 reference a dead body that was found at that location.

15 Q Were you to be involved in carrying out
16 investigation on behalf of the crime lab?

17 A Yes, I was. That would involve
18 photography, fingerprinting, collection of evidence,
19 doing a diagram as well as making notes of the scene.

20 Q Were you assisted by any other crime
21 scene analyst from the police department?

22 A Yes, I was.

23 Q Who else?

24 A That was crime scene analyst Mark
25 Washington.

1 Q Did you and Analyst Washington work
2 together in performing the investigation carried out
3 at the Ballerina Mobile Home Park?

4 A Yes, we did.

5 Q Now, you referred to photographs. Were
6 photographs taken both of the outside and interior of
7 the Space 125?

8 A Yes, they were.

9 MR. HARMON: May I have the court's
10 indulgence. May I approach the witness, Judge.

11 BY MR. HARMON:

12 Q Analyst Perkins, I'm going to show you
13 quite a long list of photographs that were marked as
14 State's Proposed Exhibits 1 through 36.

15 Will you go as quickly as you can through
16 the photographs. And after you have looked at all of
17 the pictures, will you tell us if you recognize what
18 is shown in the photographs that make up this series.

19 A Yes, I do recognize these.

20 Q What's the basis of your recognition,
21 Analyst Perkins?

22 A I recognize these photos as being taken
23 on August 31st because these were all photographs that
24 I took myself.

25 Q Do these photographs in the series,

1 Proposed Exhibits 1 through 36, truly and accurately
2 depict the condition of both the outside and inside of
3 839 North Lamb Boulevard, Space 125 as you observed
4 that condition to be at the time of your arrival on
5 August the 31st, 1995?

6 A Yes, they do.

7 Q All of the photographs are true and
8 accurate?

9 A Yes, they are.

10 MR. HARMON: Your Honor, the State offers
11 Proposed Exhibits 1 through 36.

12 MR. BROOKS: The State is moving to admit
13 these, your Honor?

14 THE COURT: Yes.

15 MR. BROOKS: Your Honor, I would object
16 to Photograph Number 25 which is a particularly
17 gruesome photograph, and I think that it's highly
18 prejudicial. We have the information from that
19 photograph and other photographs as well.

20 THE COURT: Objection is overruled. The
21 court has made its own review of all of the
22 post-mortem photographs and the photographs at the
23 crime scene and has concluded that all of the proposed
24 exhibits have probative value that outweigh the
25 prejudicial effect by what they depict, and that they

1 are not cumulative.

2 MR. HARMON: Thank you, your Honor.

3

4 (State's Exhibits 1-36
5 admitted into evidence.)

6

7 MR. HARMON: As I continue with
8 examination of Analyst Perkins, your Honor, may we
9 publish the photographs 1 through 36 to the jury.

10 THE COURT: Yes.

11 MR. HARMON: And will the court instruct
12 the jurors as they view a photograph then to pass them
13 along successively.

14 THE COURT: Yes.

15 BY MR. HARMON:

16 Q Analyst Perkins, when you went into the
17 residence did you observe a victim?

18 A Yes, I did.

19 Q Were a number of photographs taken which
20 focus upon the victim?

21 A Yes, there were.

22 Q Did you also see a possible weapon
23 located in close proximity to the victim?

24 A Yes, I did.

25 Q What was the object that you observed?

A There was a serrated kitchen knife about

1 eight or eight and a half inches long, had about a
2 four inch wooden handle on it, about four and a half
3 inch blade. It was several feet to the east of the
4 victim's head, and it had a lot of blood -- or what
5 appeared to be blood and hair attached on the blade.
6 That was on the carpeting in the living room.

7 Q And how far away from the victim's body
8 was it approximately?

9 A Approximately four to five feet.

10 Q Was the kitchen knife measured?

11 A Yes, it was.

12 Q How long was it?

13 A I believe it was about eight and a half
14 inches.

15 Q Did that include the handle and the
16 blade?

17 A Yes, it did.

18 Q Was the width of the blade measured?

19 A I don't recall if we measured it. As I
20 recall, it was around five-eighths of an inch.

21 Q Was the knife processed for the presence
22 of latent prints?

23 A At the time that we booked it as
24 evidence, it was not processed at that point because
25 we wanted it to be submitted to the forensic lab first

1 to have the blood tests on it. Most of the processes
2 that we use for fingerprints will contaminate the
3 blood samples that are on there.

4 Q In connection with the victim, did you
5 see evidence of injury?

6 A Yes, I did.

7 Q And particularly in the area of the head
8 and neck substantial bleeding?

9 A Yes, I did in other areas also.

10 Q And in other areas of the body?

11 A Yes.

12 Q Did you observe any blood-like substance
13 in other parts of the trailer?

14 A There were areas of what appeared to be
15 blood dripped across the living room towards the
16 dining room area. That will be shown in the diagram
17 probably. And there was -- there was what's called
18 arterial spurting. It's a pattern on the side. There
19 is a padded chair that's right next to the victim, and
20 there are areas of blood splatter on the side of it
21 that are consistent that would come out of a large
22 vein or artery. And there are patterns of that on the
23 side of that chair next to the victim.

24 Q Now, Analyst Perkins, the first several
25 photographs in the series, 1 through 36, depicted a

1 portion of the outside of the trailer and focused on a
2 window. Did you form any opinion regarding the point
3 of entry of the assailant as a result of your
4 investigation?

5 A Yes, I did.

6 Q What opinion did you form and why?

7 A The opinion that I formed was based on
8 the fact that we did an inspection all the way around
9 the mobile home, and all of the windows and doors were
10 intact and didn't appear to be any sign of forcible
11 entry except for one of the windows of the master
12 bedroom, which is on the south end of the trailer, and
13 there are two windows that face the front. They are
14 the two windows that face the street.

15 I believe that they are shown in
16 State's Exhibit Number 1, and it's the window to the
17 west.

18 There were several reasons why we
19 determined that to be the point of entry. The window
20 screen had been at some point forcibly bent and
21 removed from that window, and at the point that I
22 arrived it was sitting inside the bedroom just inside
23 that window frame. The slider to the window had been
24 removed and it was sitting outside the window and
25 leaning up against the south end of the trailer.

1 There was also a partial footwear pattern
2 that -- where a shoe had come in contact with the
3 window screen that was on the screen sitting inside
4 that window.

5 So based on those factors and no
6 disturbance anywhere else, we felt that that was the
7 point of entry.

8 There was also -- there was one other
9 thing. There was a small amount of damage on the
10 latch for that window that looked like it had been
11 forcibly opened.

12 Q We had evidence already introduced during
13 the trial that there was another window where a screen
14 was off --

15 A Yes.

16 Q -- and, in fact, was bent and was resting
17 on the grass outside the trailer. Did you attempt to
18 determine when and under what circumstances that
19 screen had been removed?

20 A Yes, I did.

21 Q What did you do in connection with that
22 phase of the investigation?

23 A We did two separate things. One, the
24 neighbor to the west of the victim's residence was out
25 in his yard, and I was in the process of processing

1 that screen and that window to see if we could get any
2 prints off of it.

3 The window didn't show any signs of
4 disturbance at all. We didn't get any prints off of
5 it, as I recall. But he stated that that screen that
6 was bent and removed from that window had been done
7 about a week before by one of the people that lived
8 there. The screen that I'm describing is on the
9 northwest bedroom. It's on the farther northwest
10 corner of the trailer and the window faces west.

11 And the screen had been taken out, and it
12 was bent and it was sitting on the ground a few feet
13 away from the window.

14 Q So I take it for all of the reasons that
15 you just described, it was your belief that the window
16 circled in green on State's Exhibit 1 was the point of
17 entry?

18 A Yes, it is.

19 Q You have mentioned that sketches are also
20 prepared of the crime scene?

21 A Yes, they are.

22 Q That was done in this case?

23 A Yes, it was.

24 Q Have you in preparation to coming to
25 court prepared an enlarged version of the sketch

1 prepared at the crime scene in this case?

2 A Yes, I have.

3 Q Was it drawn to scale?

4 A It was drawn as close as possible to
5 scale, yes.

6 MR. HARMON: May we have the court's
7 indulgence, your Honor.

8 THE COURT: Yes.

9 BY MR. HARMON:

10 Q Analyst Perkins, I'm showing you State's
11 Proposed Exhibit 76. Will you able to recognize this?

12 A Yes, I am.

13 Q Is this the large diagram prepared by you
14 for presentation in court?

15 A Yes, it is.

16 Q Does it properly portray the floor plan
17 of Space 125 in the Ballerina Mobile Home Park?

18 A Yes, it does.

19 Q Does it accurately show the location of
20 the victim?

21 A Yes, it does.

22 Q And also certain areas of evidence which
23 was recovered?

24 A Yes, it does.

25 Q And does it indicate to scale?

1 A It indicates the approximate scale, yes.

2 Q And that was one half inch equals one
3 foot.

4 A Correct.

5 Q You've also indicated a time, 8/31/95,
6 August the 31st, 1995. And you indicate 1700 hours?

7 A Correct.

8 Q Is that military time?

9 A Yes, it is. That would be five in the
10 evening.

11 Q What does five in the evening reflect?
12 Is that the time of the offense or is that when you
13 arrived?

14 A I arrived about seven minutes before
15 that, and this is the time that Mark Washington the
16 other crime scene analyst who was assisting me
17 arrived. I use this time because that was the time he
18 constructed the initial crime scene sketch and that
19 was the time indicated on the sketch. So that's the
20 time that ended up here.

21 Q So the five o'clock p.m. is not to
22 reflect when the offense occurred?

23 A No, it is at the point that we begin our
24 investigation.

25 MR. HARMON: Thank you. Your Honor, the

1 State offers Proposed Exhibit 76.

2 MR. BROOKS: No objection.

3 THE COURT: It will be received in
4 evidence.

5

6 (State's Exhibit 76
7 admitted into evidence.)

8 MR. HARMON: Your Honor, may we move it a
9 little closer to the jury.

10 THE COURT: Yes.

11 MR. HARMON: And ask the witness to step
12 to the board.

13 THE COURT: Will counsel approach the
14 bench briefly.

15

16 (At the bench discussion,
17 off the record.)

18 BY MR. HARMON:

19 Q Are all the jurors able to see the
20 diagram.

21 Analyst Perkins will you refer now to
22 exhibit --

23 MR. BROOKS: 76.

24 BY MR. HARMON:

25 Q -- 76, and please orient the court and

1 the jury as to what is depicted on the diagram.

2 A As was mentioned earlier, this is a floor
3 plan of a double wide trailer at 839 North Lamb, Space
4 125 in Balerina Mobile Home Park. The date and time
5 that we were there is indicated in the scale.

6 What we have here, the top of the diagram
7 faced north. The roadway in front of this trailer is
8 down here at the bottom so the front of the trailer
9 faces south.

10 The windows that we talked about earlier
11 in the master bedroom are indicated down here at the
12 bottom. The one here to the west is the one that we
13 talked about as being the point of entry.

14 Overall, the trailer has three bedrooms.
15 The master bedroom that we were talking about, and
16 then the two smaller bedrooms in the northwest corner.

17 This window here is where that other
18 screen had been removed from that we were talking
19 about earlier. There is a small hallway bath in
20 between those two bathrooms and then the larger
21 bathroom is off of the master.

22 The front entrance, or the living room
23 entrance, is on the west side of the trailer. And
24 that was close to where the victim was at. The only
25 other entrance through a door to the trailer is

1 through the laundry room here. You have a washer and
2 dryer. That goes into a little walkway into the
3 kitchen and the dining room, and then there was a
4 large family room in the northeast corner.

5 Q Both of the outside doors were locked?

6 A Yes, they were. And they were secured.
7 They didn't show any signs of forcible entry at the
8 time.

9 Q Now, you highlighted certain evidence
10 that had potential value in the case?

11 A Yes, I did.

12 Q Explain what you found?

13 A The first one is kind of obvious and is a
14 V on the legend indicating the victim. This is the
15 position that she was in. She was on her back near
16 the front entrance door.

17 The letter A here indicates the knife
18 that I discussed, eight and a half inch kitchen knife,
19 and that was several feet north of the victim on the
20 carpeting.

21 Letter B indicates some letters and some
22 other paperwork that was found in several areas of the
23 master bedroom. Some of it was on a like
24 entertainment center on this north wall, and some of
25 it was scattered on the floor directly in front of the

1 entertainment center.

2 Q Are all of those depicted in the
3 photographs, Proposed Exhibits 1 through 36?

4 A Yes, they should be.

5 And then the letter X in the legend is
6 what appears to be one letter that had been torn up
7 into small pieces. And those pieces were scattered
8 around the victim as well as one in the doorway, and
9 then one outside on the front porch of the residence.

10 And some of those had what appeared to be
11 blood on them, and some of them did not.

12 Q Now, in addition to the area in close
13 proximity to the victim where you've already described
14 items of blood, in any other rooms of the trailer did
15 you find the blood like substance?

16 A Yes, we did.

17 Q Where else?

18 A In the master bedroom -- or I'm sorry.
19 The bathroom, over in this area, the toilet had some
20 blood on the side of the toilet seat. And there was
21 also a small area on the side of the basin, the sink.
22 And I'm trying to think if there was any anywhere
23 else.

24 I think that was it as far as other
25 areas. The rest of it was confined in this living

1 room area, in here.

2 Q I would like you to, to make sure it's
3 clear, to write at the location of the window where
4 you concluded entry was made point of entry, POE. We
5 will just circle that area and then put your initials
6 outside of the circle.

7 A Okay.

8 Q And also write where the front door is
9 at. That's also been done in green. And you have
10 initialed outside the circle?

11 A Yes, I have.

12 Q Thank you. You may return to the witness
13 chair.

14 Analyst Perkins, did you bring certain
15 items of evidence to court today?

16 A Yes, I did.

17 Q What did you bring to court?

18 A I brought the knife that we talked about
19 earlier that was in the living room carpet and several
20 pieces of what appeared to be that torn up letter that
21 were in the living room and on the front porch, and
22 then some of the pieces of paper work out of the
23 master bedroom that were on the entertainment center
24 and on the floor.

25 Q That had writing on them?

1 A Yes.

2 MR. HARMON: May I approach the witness,
3 Judge.

4 BY MR. HARMON:

5 Q Analyst Perkins, I'm showing you an
6 evidence bag that the clerk has marked as Proposed
7 Exhibit 68.

8 Are you able to identify it?

9 A Yes, I am.

10 Q Is this the bag into which the kitchen
11 knife was placed that was located on the floor near
12 the body and appeared to have adhering to the blade
13 the blood and hair?

14 A Yes, it is.

15 Q Will you open the bag, please, with the
16 scissors the clerk has furnished to us and then remove
17 the contents.

18 For the record, what have you removed?

19 A Inside the evidence bag is another piece
20 of brown craft paper that's folded with the initials
21 TC, I think, and the date 9/11 of '95 on it.

22 Q Would TC be consistent with criminalist
23 Terry Cook?

24 A I believe that it would, yes.

25 Q Does this paper appear to be something

1 which has been wrapped around the knife simply for
2 safety purposes?

3 A Yes, it does. Also on the paper are the
4 initials and personnel number of Mark Washington who
5 impounded the item, M4725W.

6 Q This is Analyst Mark Washington who
7 worked with you at the scene in carrying out the
8 investigation?

9 A Yes, it is.

10 Q Have you located the knife?

11 A Yes, I have.

12 Q Does that appear to be the knife which
13 you observed on the floor which had the blood like
14 substance and hair on the blade?

15 A Yes, it does.

16 Q Does it appear to be in substantially the
17 same condition now as it was on the date that you saw
18 it, August 31st, 1995?

19 A Other than the stains, the bluish stain
20 that you see on the handle that was used for
21 fingerprint processing, yes, it does.

22 Q Is it apparent from looking at the handle
23 of the knife that it has been processed for latent
24 prints?

25 A Yes, it is.

1 Q What is a latent print?

2 A A latent print is a pattern that's
3 transferred when your hands come in contact with
4 another surface under some circumstances. What you've
5 got is you have a fine ridge detail on the inner
6 surfaces of the palm and fingers that is unique to
7 each individual.

8 These ridges are made up out of rows of
9 pores and secrete a perspiration consisting of water
10 and fatty acids and amino acids and salt and other
11 trace elements.

12 When that surface comes in contact with
13 something else, if the conditions are right, if there
14 is just the right amount of moisture on your hands and
15 if there is a surface smooth enough and clean enough,
16 that pattern will be transferred to that other
17 surface.

18 So in a case like this, the handle would
19 have been processed in the lab after the blood was
20 collected to see if somebody's ridge detailed latent
21 detail would be recovered from that knife blade.

22 Q Analyst Perkins, if a knife is handled
23 such as the knife under consideration now, does it
24 mean, if it is handled, that an identifiable latent
25 print will always be deposited on either the handle or

1 the blade?

2 A Not by any means. There is so many
3 variables like the conditions I mentioned earlier.
4 It's more often than not that you will not recover
5 prints from items.

6 MR. HARMON: Your Honor, may we have the
7 paper that was wrapped around the knife marked as
8 State's Proposed Exhibit 68-A, and the knife itself
9 marked as Proposed 68-A-1.

10 THE COURT: Yes.

11 MR. HARMON: I would move at this time
12 for the admission of 68, 68-A, and 68-A-1.

13 MR. BROOKS: No objection.

14 THE COURT: They will be admitted.

15 MR. HARMON: Thank you.

16

17 (State's Exhibit 68, 68-A, and
18 68-A-1 admitted into evidence.)

19 THE COURT: Are you going to open all of
20 those and do it one at time? These are the letters.
21 You can open them all up at once.

22 MR. HARMON: I'm going to do this as
23 quickly as I can, Judge.

24 BY MR. HARMON:

25 Q I want to show you now what the clerk has

1 marked as Proposed Exhibit 69 through 75. So it would
2 be six separate containers.

3 Are these the containers into which the
4 various papers were placed which had writing upon
5 them?

6 A Yes, they are.

7 Q I think that you said that some of these
8 it appeared had been torn up and they were located in
9 close proximity to the body?

10 A Yes.

11 Q And others were papers upon which
12 appeared writing which you found in the master
13 bedroom --

14 A Correct.

15 Q -- as depicted in the diagram?

16 A Yes.

17 Q Using the scissors the clerk has
18 furnished, will you simply go through the Proposed 60,
19 right now, through 75, cut them open. If you first
20 cut open each of the containers. Go through all of
21 the containers and cut them open first.

22 Some of the containers have a
23 biohazardous seal on them. Does that indicate that
24 possibly some type of bodily fluid was found on the
25 evidence?

1 A Yes, it does. Do you want the ones from
2 the bedroom opened up at this time also?

3 Q Yes.

4 Now, so that we understand what you're in
5 the process of doing regarding Proposed Exhibit 69
6 through 74, are those the papers of which appear to
7 have been torn up and were found in the living room in
8 fairly close proximity to the body?

9 A Yes, they are.

10 Q Will you examine as quickly as you can
11 the contents of each of the proposed exhibits, 69
12 through 74, and tell us if they do truly and
13 accurately depict to the best of your memory the
14 pieces of paper that were located in the living room.

15 A In State's Proposed Exhibit 69, these are
16 two pieces of what appear to be that letter that were
17 found on the front porch.

18 Q Those are on the front porch?

19 A Yes.

20 MR. BROOKS: What were the numbers again,
21 please.

22 MR. HARMON: That's 69.

23 MR. BROOKS: 69 is one number that was
24 found on the front porch?

25 THE WITNESS: It would be the two X's in

1 the doorway, and then outside on the front porch and
2 the dining room.

3 State's Proposed Exhibit 70 is Item 11,
4 and this was just to the north of the victim's body on
5 the living room carpet.

6 State's Proposed Exhibit 71 is another
7 piece, and this would have been just to the northeast
8 of the victim, a few feet away.

9 State's Proposed Exhibit 72 is a larger
10 piece with what appears to be blood on it.

11 Q We may be going to run out of space. Why
12 don't you just return the contents to the envelopes
13 after you've identified them.

14 A And this was about six to eight inches
15 away from the victim's head on the right side.

16 State's Proposed Exhibit 74, this is a
17 large handwritten letter, and this would have been on
18 the floor in the master bedroom. It's indicated in
19 the diagram. It's the B that is farthest to the
20 southwest in the diagram.

21 Q That was what proposed exhibit number?

22 A That would be Proposed exhibit 74.

23 Q So that also came from the master
24 bedroom?

25 A Yes, it did. The other items that I just

1 went over all of them were from the living room and
2 the front porch area.

3 Q Meaning 69 through 73?

4 A Through 72, yes. And then 73, okay.

5 That's correct. Yes, 73 is the last of the pieces of
6 the torn up letter from the living room area.

7 74 is the one that we just talked about,
8 the handwritten letter.

9 And 75 is four different groups of both
10 handwritten letters and pictures. And then some
11 paperwork, another handwritten letter. And then a
12 rent receipt and some Sprint paging advertising that
13 were all in the master bedroom both on the floor and
14 on that entertainment center on the north wall.

15 Q Analyst Perkins, do the contents of all
16 of these proposed exhibits, 69 through 75, appear to
17 be in substantially the same condition now as they
18 were on the date that they were recovered by yourself
19 and Analyst Washington, August the 31st, 1995?

20 A Yes, they do.

21 MR. HARMON: Your Honor, the State offers
22 Proposed Exhibits 69 through 75 and contents.

23 MR. BROOKS: No objection.

24 THE COURT: They will be admitted.

25

(State's Exhibit 69 through 75
admitted into evidence.)

MR. HARMON: Thank you.

BY MR. HARMON:

Q One final area of inquiry.

I noticed in various of the photographs
taken there appeared to be some dark orange cones, and
also there were pieces of paper with numbers on them.

Were those placed there in connection
with the investigation?

A Yes, they were.

Q What is the purpose of the cones and the
numbering system?

A There is a couple purposes for that.

When using the cones when we're doing our
photography and we're farther back, like across the
room like you saw, and some of the small pieces of the
letter they tend to disappear in the carpeting. That
helps us in the photographs to show their exact
location a little bit better.

And the numbers, when we write our notes
and stuff at the scene that helps us keep track of
what items came from where.

MR. HARMON: Thank you. Your Honor, may

1 we have the court's indulgence.

2 THE COURT: Yes.

3 BY MR. HARMON:

4 Q How long did you remain at the crime
5 scene working with Analyst Mark Washington?

6 A We were there until about ten minutes
7 until two the next morning. So it would have been
8 about eight hours plus or minus a couple minutes. And
9 then we had additional -- the next day we had a lot of
10 laboratory work to do processing and packaging
11 evidence. So it was a longer time than that by the
12 time that we were done.

13 Q Did you observe any telephones inside the
14 trailer?

15 A Yes, I did.

16 Q How many phones, do you remember?

17 A The only one that stands out in my mind
18 was in the middle of living room floor. It was a
19 white slim line phone, and the handset was off of the
20 cradle.

21 Q So that telephone was off the hook?

22 A Yes, it was.

23 Q And that's in the same room where the
24 body was found?

25 A Yes, it was. It was more towards the

1 northeast corner of the room.

2 MR. HARMON: Thank you. That concludes
3 direct, your Honor.

4 THE COURT: Cross-examination.

5

6 CROSS EXAMINATION

7 BY MR. BROOKS:

8 Q Mr. Perkins, where are the photographs
9 that you had awhile ago?

10 A I believe that the jury has them at this
11 point.

12 Q With the court's permission, I would like
13 to show several of them to you and ask you several
14 questions about them. I'm going to hand you a
15 photograph that's marked as State's Exhibit 11.

16 Could you describe where that photograph
17 is taken?

18 A State's Proposed Exhibit 11 is in the
19 master bedroom indicated on the diagram. It's the
20 bedroom at the bottom in the middle. This is showing
21 the east wall of the bedroom. Along that wall there
22 is a low dresser with a couple of mirrors attached to
23 it.

24 Q This is the room where most of the
25 letters were found on the floor, correct?

1 A Yes, it is.

2 Q Are the drawers in the chest of drawers
3 pulled out or are they intact inside the drawer?

4 A The drawers are -- to some degree they
5 are all pulled out in some different amounts.

6 Q Do you see anything that indicates the
7 contents of the drawers have been thrown on the floor?

8 A Whether they would have been thrown on
9 the floor or whether they would have already been
10 there, I wouldn't be able to guess.

11 Q When you mention that these were pulled
12 out, we are talking about like pulled out one or two
13 inches?

14 A They vary between one and three and four
15 inches, yes.

16 Q Are any of them completely wide open?

17 A No, they are not.

18 Q And none of them were totally pulled out
19 of the chest?

20 A That's correct.

21 Q I'm going to hand you Photograph Exhibit
22 10. This is a photograph of some of the letters.

23 These are the letters found on the floor
24 in that master bedroom?

25 A Yes, they are.

1 Q I'm going to show you a photograph marked
2 Number 5. This is also in the master bedroom?

3 A Yes, it is.

4 Q There is a roll-top desk here in this
5 picture; is that correct?

6 A Yes, there is.

7 Q Is the roll top of the roll-top desk in
8 place or was it bent open?

9 A In this particular picture, it's closed.

10 Q And is that the way that you found it?

11 A Yes, it is.

12 Q Are any of the drawers in the roll-top
13 desk open or are they all closed?

14 A They are all closed in this exhibit.

15 Q There is also a small chest between the
16 bed and roll-top desk; is that correct?

17 A Yes, it is.

18 Q And is it open or closed?

19 A It is closed at this point.

20 Q You would agree the room itself is messy,
21 isn't it?

22 A Yes, I would.

23 Q Would you agree that Photograph 11 shows
24 clothes stacked up which have either been washed or
25 set out for some purpose?

1 A Yes, I would.

2 Q Okay. Thank you.

3 Did the jury need these pictures again?

4 I'm sorry. I have one last question for
5 you, sir.

6 Looking at your diagram, and correct me
7 if I'm wrong, this is the trailer, and the road that
8 you would drive up to is down here on, I believe, a
9 south end?

10 A Yes, it is. And it goes in a east to
11 west direction.

12 Q So, in other words, this is the road
13 right here inside the trailer park?

14 A Yes, it is.

15 Q And the entrance way, the point of entry
16 that's marked here on the diagram, is close to the
17 road?

18 A Yes, it is. It's about ten to 12 feet
19 from the actual roadside.

20 Q And if you can recall, are the windows
21 visible from the road? There is some vegetation but
22 the view of the window is not obscured, is it?

23 A I don't recall it being obscured. There
24 is some lower vegetation there.

25 Q It's desert vegetation?

1 A It's like fan palms, and I think some
2 cactus.

3 MR. BROOKS: Okay. Thank you no further
4 questions.

5 THE COURT: Redirect.

6 MR. HARMON: Just a few questions, your
7 Honor.

8

9 REDIRECT EXAMINATION

10 BY MR. HARMON:

11 Q Do you recall if there were any vehicles
12 in the driveway to Space 125?

13 A No, there were none in the driveway or
14 carport at the time that I arrived.

15 Q Now, you mentioned that it appeared a
16 number of drawers had been pulled out?

17 A I couldn't say that they had been pulled
18 out. They were out at the time that I got there, yes.
19 I wouldn't know whether they had been pulled out or
20 not pushed in.

21 Q They weren't completely closed?

22 A Correct, most of them weren't.

23 Q Did you form any opinion besides
24 concluding that perhaps in the master bedroom, for
25 example, that it wasn't a really tidy job of

1 housekeeping?

2 Did you form any opinion about whether
3 there may have been some type of ransacking by an
4 assailant?

5 A I didn't form any specific opinions. The
6 condition of the trailer, as indicated in the photos,
7 from one end to the other was pretty consistent all
8 the way through.

9 Q But you found apparently letters or
10 papers with writing on them strewn on the floor and
11 also on furniture in the master bedroom?

12 A Yes, I did.

13 Q And you referred to these torn up pieces
14 of paper with writing on them in the living room?

15 A Yes, I did.

16 Q Did you find any money inside the trailer
17 that you recall?

18 A I don't recall any amounts, significant
19 amounts.

20 MR. HARMON: Thank you. That's all, your
21 Honor.

22

23 RECROSS EXAMINATION

24 BY MR. BROOKS:

25 Q And, Officer, you have no indication that

1 there ever was any money in that trailer, do you?

2 A No, I do not.

3 MR. BROOKS: Thank you. No further
4 questions.

5 THE COURT: May this witness be
6 discharged?

7 MR. HARMON: Yes.

8 THE COURT: Thank you. You may step
9 down.

10 Mr. Harmon, if you would be so kind,
11 we'll continue circulating them tomorrow if the jury
12 is not done with them.

13 Ladies and gentlemen, we're going to take
14 our evening recess at this point.

15 During the recess, it is your duty not to
16 converse among yourselves or with anyone else on any
17 subject connected with this trial or read, watch or
18 listen to any report of or commentary on this trial or
19 any person connected with this trial by any medium of
20 information including, without limitation, newspapers,
21 television or radio;

22 And you are not to form or express an
23 opinion on any subject connected with this case until
24 it is finally submitted to you.

25 Good evening, ladies and gentlemen, we'll

1 be at ease while you depart the confines of the
2 courtroom.

3 We will begin at 9:30 in the morning.

4 We'll take care of the other matters
5 tomorrow.

6 MR. BROOKS: As to that particular
7 matter, I decided not to raise it.

8
9 (Outside the presence of the jury.)

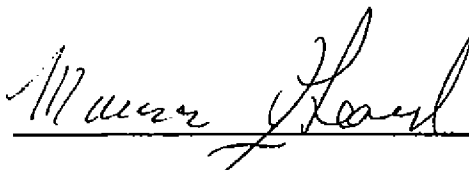
10
11 THE COURT: Can we at this point declare
12 the recess?

13 MR. HARMON: Yes.

14 THE COURT: All right.

15
16 * * * * *

17 ATTEST: Full, true and accurate transcript of
18 proceedings.

19
20 

21 Marcia J. Leonard, RPR, CCR No. 204
22
23
24
25

MARCIA J. LEONARD, CCR NO. 204, RPR

1 VOIR DIRE EXAMINATION

2 BY MR. BROOKS:

3 Q Mr. Pietryman, you have been here in
4 Las Vegas about a year?

5 A Less. They got me good.

6 Q And you came here directly from New
7 York?

8 A Yeah.

9 Q Is that New York City?

10 A Right.

11 Q And did you spend almost your entire
12 life there?

13 A All my life.

14 Q How do you like it so far?

15 A Well, we came here because I thought to
16 avoid crime, you know, and everything and it's a cheaper
17 place to live and it's a nice place. I like it. I own a
18 home.

19 Q One of our concerns here, obviously, is
20 the idea we have discussed this death penalty business so
21 much. Do you understand that we are not conceding first
22 degree murder in this case?

23 A Right.

24 Q You understand that?

25 A Right.

PATSY K. SMITH, OFFICIAL COURT REPORTER

1 Q And you understand that you may never
2 get to a situation where you'd have to consider the death
3 penalty in this case?

4 A Right.

5 Q Any problem at all with the presumption
6 of innocence?

7 A No.

8 Q Any problem with applying it to the
9 facts of the case?

10 A No.

11 MR. BROOKS: Thank you.

12 We'll pass for cause, your Honor.

13 THE COURT: All right, thank you.

14 Ms. Ochoa, good morning again.

15 A Good morning.

16 THE COURT: Any reason you can think of why
17 you couldn't be fair in this case?

18 A No.

19 THE COURT: Can you wait until all the
20 evidence is in before coming to any conclusion about any
21 issue in the case?

22 A Yes.

23 THE COURT: Have you, any member of your
24 family or any close friends of yours been arrested?

25 A I have.

PATSY K. SMITH, OFFICIAL COURT REPORTER

1 THE COURT: Tell us a little bit about
2 that.

3 A It's a very long story. It was on a
4 controlled substance, but all the charges were dropped. I
5 never even saw a lawyer, a judge, or anything.

6 THE COURT: Anything about that experience
7 that would effect your thinking in this case?

8 A No.

9 THE COURT: You can put that aside and not
10 consider anything that happened to you in regard to this
11 case?

12 A That's a long time ago.

13 THE COURT: Have you, any member of your
14 family or close friends of yours ever been the victim of a
15 crime?

16 A I have.

17 THE COURT: Tell us about that.

18 A My first husband physically and
19 mentally abused me.

20 THE COURT: Over what period of time?

21 A From -- I married when I was 18 and I
22 divorced when I was 24. So.

23 THE COURT: Now obviously this case involves
24 allegations of domestic violence between two people that
25 have been in a relationship. Will you be able to give both

PATSY K. SMITH, OFFICIAL COURT REPORTER

1 the State of Nevada and this defendant a fair trial and put
2 aside, the extent that you can, the six years that you were
3 in this relationship yourself?

4 A Yeah, I don't even think about that any
5 more. It was a long time ago also.

6 THE COURT: So you can assess the facts of
7 this case on their own and come to a just and fair
8 verdict?

9 A Yes.

10 THE COURT: Ever been on a jury before?

11 A No.

12 THE COURT: Ever been involved in a court
13 proceeding as a witness or a party?

14 A No.

15 THE COURT: Other than the divorce
16 proceedings?

17 A Right.

18 THE COURT: Any concern about adverse public
19 opinion that might result from any verdict in the case?

20 A No.

21 THE COURT: Do you have any religious, moral
22 or conscientious objections to the imposition of the death
23 penalty?

24 A No.

25 THE COURT: Can you give fair consideration

PATSY K. SMITH, OFFICIAL COURT REPORTER

1 to all four forms of penalty --

2 A Yes.

3 THE COURT: -- in this case?

4 And if you were involved in this case in any
5 respect, would you feel comfortable with 12 jurors in your
6 frame of mind?

7 A I would want 12 jurors in my frame of
8 mind.

9 THE COURT: Very good.

10 The State of Nevada may inquire.

11 MR. HARMON: Thank you, your Honor.

12

13 VOIR DIRE EXAMINATION

14 BY MR. HARMON:

15 Q Good morning.

16 A Good morning.

17 Q Over what period of time were you in an
18 abusive relationship?

19 A Six years.

20 Q You mentioned in the questionnaire that
21 you are undergoing treatment for medical treatment?

22 A Right.

23 Q Do you think that's going to inhibit
24 your ability in any way to serve on a jury?

25 A The only thing that it would depend on

PATSY K. SMITH, OFFICIAL COURT REPORTER

1 the times that we started because I could have a treatment
2 as early as 8 a.m. And it only takes about 10 minutes.

3 THE COURT: All right, the trial in this
4 case will, generally speaking, not start until after 9:00
5 in the morning.

6 A Yeah, then it would not be a problem.

7 THE COURT: Generally speaking, it won't
8 start until after 10:30.

9 A Right.

10 THE COURT: Given the morning calendars we
11 have had to have, but on a couple occasions I'm going to be
12 clearing my morning calendars so we can get started earlier
13 in the day, but not before 9:00.

14 A I can be here at the court by 9:00.

15 THE COURT: All right, very good.

16 MR. HARMON: Thank you, Judge.

17 Q Would you like to serve as a juror?

18 A Yes, sir.

19 Q In this case, if we do select you to
20 serve and if you are called upon to impose a punishment, is
21 there any doubt in your mind if you thought that these
22 circumstances called for the ultimate punishment of a death
23 sentence, that you would have the intestinal fortitude to
24 vote for it?

25 A If it was called upon.

PATSY K. SMITH, OFFICIAL COURT REPORTER

1 Q Do you agree that race or gender or
2 prejudice of any kind is not a proper basis for a verdict?

3 A No, I don't believe in racism. . As I
4 stated, once you are born in this world, we are all
5 humans.

6 MR. HARMON: Thank you.

7 Pass the juror.

8 THE COURT: For the defense.

9

10 VOIR DIRE EXAMINATION

11 BY MR. BROOKS:

12 Q I'm sorry if I missed here, but how
13 long ago was this domestic problem you had?

14 A I'm 38. So it was 14 years ago when I
15 left.

16 Q And you feel this is pretty much put
17 behind you in your life?

18 A Most definitely.

19 Q Should we have any concerns about how
20 you will deal with evidence concerning domestic violence?

21 A No.

22 Q You can deal with it fairly?

23 A Very much so.

24 Q Can you evaluate the evidence and apply
25 the presumption of innocence standard?

PATSY K. SMITH, OFFICIAL COURT REPORTER

1 A Yes, sir.

2 Q If you were James Chappell, would you
3 feel comfortable having you on the jury?

4 A I would want me on my jury.

5 MR. BROOKS: Thank you.

6 We will pass for cause.

7 THE COURT: Thank you.

8 Mr. Poulos?

9 A Yes.

10 THE COURT: Any reason you can think of why
11 you couldn't be fair in this case?

12 A No, none.

13 THE COURT: Can you wait until all the
14 evidence is in before coming to any conclusion about any
15 issue in this case?

16 A Yes, I can.

17 THE COURT: Ever been arrested or a member
18 of your family or friends ever have that experience?

19 A Some of my friends have been arrested,
20 yes.

21 THE COURT: Anything serious?

22 A DUI back in Michigan.

23 THE COURT: Is there anything about their
24 experiences in that regard that would effect your thinking
25 in this case?

PATSY K. SMITH, OFFICIAL COURT REPORTER

1 A Not at all.

2 THE COURT: So you can put all that aside.
3 Whatever happened with the police happened with them and
4 you can evaluate the testimony of the witnesses in this
5 case independently --

6 A Yes.

7 THE COURT: -- of that experience?

8 A Yes.

9 THE COURT: Ever been the victim of a crime?

10 A Yes, I have.

11 THE COURT: And also say members of your
12 family or friends, anyone in your circle have that kind of
13 experience?

14 A Yes, armed robbery and breaking and
15 entering.

16 THE COURT: Was that you?

17 A Myself, both cases.

18 THE COURT: Tell us about that.

19 A Well, I was in a fast-food restaurant
20 and we were robbed by two masked men with guns.

21 THE COURT: How long ago was that?

22 A Twenty years.

23 THE COURT: In both cases?

24 A The other one was 30 years ago and they
25 broke into the house while I was home.

PATSY K. SMITH, OFFICIAL COURT REPORTER

1 THE COURT: Anything about those experiences
2 that you'll carry into the jury room?

3 A None at all.

4 THE COURT: You can put those aside and
5 evaluate this indication on its facts?

6 A That's correct.

7 THE COURT: Ever been on a jury before?

8 A No.

9 THE COURT: Ever been a party or participant
10 in a court proceeding?

11 A A witness in a traffic violation.

12 THE COURT: Anything about that that would
13 effect your thinking?

14 A Not at all.

15 THE COURT: Any concern about adverse public
16 opinion that might result from a verdict in the case?

17 A No.

18 THE COURT: Any objections from a moral,
19 religious or conscience standpoint to the death penalty?

20 A No.

21 THE COURT: Will you be able to give fair
22 consideration to all four forms of punishment?

23 A Yes, sir, I can.

24 THE COURT: And if you were involved in this
25 case in any way, would you be comfortable with 12 jurors

PATSY K. SMITH, OFFICIAL COURT REPORTER

1 just like yourself sitting on this case?

2 A Yes, I would.

3 THE COURT: State of Nevada may inquire.

4 MR. HARMON: Thank you, Judge.

5

6 VOIR DIRE EXAMINATION

7 BY MR. HARMON:

8 Q Good morning, sir.

9 A Good morning.

10 Q You've lived in Clark County for about
11 two years?

12 A Yes.

13 Q Where did you move from, sir?

14 A Detroit, Michigan.

15 Q How long did you live in Detroit?

16 A All my life.

17 Q What prompted you to move to southern
18 Nevada?

19 A I retired.

20 Q Are you satisfied so far with the
21 decision you made?

22 A I'm going back to Michigan. My house
23 is for sale now.

24 Q Are you going to be here long enough to
25 serve for two or three weeks?

PATSY K. SMITH, OFFICIAL COURT REPORTER

1 A The house has been for sale for nine
2 months.

3 Q Mr. Poulos, are you a person who
4 believes that individuals who commit serious violent crimes
5 should be held personally responsible?

6 A Yes, I do.

7 Q Do you think that the use of drugs or
8 alcohol is an excuse for violent crimes?

9 A No, I don't.

10 Q If it was left solely up to you, would
11 we have capital punishment in this state?

12 A No, we wouldn't.

13 Q Why do you say that, sir?

14 A I don't believe it's a deterrent to
15 crime.

16 Q So you would describe yourself then
17 philosophically as being against the death penalty?

18 A I would be against it, but I could
19 impose it if that's the law of the land.

20 Q Against it, but you can impose it?

21 A Yes.

22 Q You, in fact, indicated in the
23 questionnaire that if you thought such a punishment was
24 appropriate, that you could personally come to the
25 courtroom and vote for it?

PATSY K. SMITH, OFFICIAL COURT REPORTER

1 A Yes, I could.

2 Q You understand that the jury has a duty
3 to follow the Court's Instructions at all phases of the
4 trial?

5 A Yes, I do.

6 MR. HARMON: Thank you.

7 Pass for cause, your Honor.

8 MR. BROOKS: We will pass for cause, Judge.

9 THE COURT: All right, thank you.

10 Ms. Sheehan, any reason you can think of why
11 you couldn't be fair in this case?

12 A No.

13 THE COURT: Can you wait until all the
14 evidence is in before coming to any conclusion about any
15 issue in this case?

16 A Yes.

17 THE COURT: Anyone in your family, you or
18 friends of yours ever been arrested?

19 A My ex-husband.

20 THE COURT: Tell us a little bit about
21 that.

22 A DUI.

23 THE COURT: Anything about the way that
24 matter was handled that would effect your thinking in this
25 case?

PATSY K. SMITH, OFFICIAL COURT REPORTER

1 A No.

2 THE COURT: Anything about the fact of that
3 event in his life that would effect your thinking in this
4 case?

5 A No.

6 THE COURT: Have you ever been the victim of
7 a crime?

8 A No.

9 THE COURT: Anyone in your family or friends
10 ever have that experience?

11 A No.

12 THE COURT: Ever been on a jury before?

13 A Yes.

14 THE COURT: All right, how many times?

15 A Once.

16 THE COURT: Was it a criminal or civil?

17 A Civil.

18 THE COURT: And so you were given some
19 instructions in that case, but it had a different burden of
20 proof in it. Do you remember?

21 A Right.

22 THE COURT: So if it wasn't a fraud case,
23 then it was an ordinary case, it would have been proof to
24 the preponderance of the evidence?

25 A Yes.

PATSY K. SMITH, OFFICIAL COURT REPORTER

1 Q Do you recall that?

2 A It's a long time ago.

3 THE COURT: But you understand this is a
4 different burden of proof and you can draw that distinction
5 and follow the burden of proof in this case?

6 A Yes.

7 THE COURT: Anything about your jury
8 experience on that occasion that might cause you any
9 problems in being fair in this case?

10 A No.

11 THE COURT: You didn't develop any notions
12 about the jury system at that point that might cause either
13 of the parties in this case a concern about your case?

14 A No.

15 THE COURT: Any concern about adverse public
16 opinion?

17 A No.

18 THE COURT: Ever been involved in a court
19 proceeding of any kind as a witness or a party?

20 A Once by accident.

21 THE COURT: All right.

22 A We had a person call me as a witness
23 and I didn't witness anything, so I was dismissed.

24 THE COURT: Anything about that process that
25 would effect your thinking?

PATSY K. SMITH, OFFICIAL COURT REPORTER

1 A No.

2 THE COURT: Do you have any moral,
3 religious, or conscientious objections to the death
4 penalty?

5 A No.

6 THE COURT: And if you are called to serve
7 on this jury and you are called to deliberate on the
8 question of punishment, which again would only occur if the
9 defendant is convicted of first degree murder, would you be
10 able to give fair consideration to all four statutory forms
11 of punishment?

12 A Yes.

13 THE COURT: You could, in a proper case,
14 impose the death penalty?

15 A Yes.

16 THE COURT: In a proper case, impose either
17 life with or life without the possibility of parole?

18 A Yes.

19 THE COURT: And in a proper case, if you
20 felt it was justified, 50 years with the possibility of
21 parole?

22 A Yes.

23 THE COURT: And if you were involved in this
24 case, would you feel comfortable with 12 jurors just like
25 you?

PATSY K. SMITH, OFFICIAL COURT REPORTER

1 A Yes.

2 THE COURT: With your sense of fairness and
3 judgment?

4 A Yes.

5 THE COURT: All right, State of Nevada may
6 inquire.

7 MS. SILVER: Thank you.

8

9 VOIR DIRE EXAMINATION

10 BY MS. SILVER:

11 Q I wanted to ask you about your
12 statement in the questionnaire where you have a defendant's
13 background should be considered in deciding whether or not
14 the death penalty is an appropriate punishment and you
15 have, "No. No life is perfect. It's up to the -- it's up
16 to each individual to make his or her own way."

17 What did you mean by that?

18 A Well, everybody has a choice on what
19 they want to do and it's up to them to make the choice for
20 themselves. If they want to change it, they can change
21 it.

22 Q Do you think maybe sometimes people use
23 their background as an excuse for the choice that they
24 intentionally make?

25 A Yes.

PATSY K. SMITH, OFFICIAL COURT REPORTER

1 Q Is that kind of what you meant by
2 this?

3 A Yes.

4 Q And you've seen this before because of
5 what you do in your employment or just, in general, what
6 you've seen in society?

7 A I think it has a little to do with
8 both.

9 Q The fact that you are a records clerk
10 with North Las Vegas Police Office or Police Department?

11 A Uh-huh.

12 Q You can obviously -- do you recognize
13 any of the officers' names in this case?

14 A No, that's Metro's area.

15 Q Are you going to have any problem being
16 fair and impartial to both sides, both the State and the
17 defense, if picked as a juror?

18 A No.

19 Q You heard one of the jurors come in
20 today and, after a great deal of deliberations, apparently
21 come forward and basically change their mind and said, you
22 know what, I can't impose the death penalty under any
23 circumstance and they were excused.

24 I noticed that you too have thought about it
25 and sat through these proceedings and apparently it's your

PATSY K. SMITH, OFFICIAL COURT REPORTER

1 belief now that you can, in fact, consider all of the
2 ranges of punishment?

3 A Yes.

4 Q Because I noted here that, at first,
5 just writing it down, you thought, well, I really can't
6 consider life with the possibility of parole, but now after
7 sitting and listening to what everyone has had to say, as
8 well as time, you believe that you are in a position that
9 you could consider all of the punishments?

10 A Yes.

11 MS. SILVER: Thank you.

12 We would pass for cause.

13 THE COURT: For the defense.

14 MR. EWING: Thank you, your Honor.

15

16 VOIR DIRE EXAMINATION

17 BY MR. EWING:

18 Q Ma'am, do you have a problem with
19 placing the burden on the State to prove their case beyond
20 a reasonable doubt?

21 A No.

22 Q Do you feel like you understand the
23 presumption of innocence?

24 A Yes.

25 Q Do you feel like you are someone who

PATSY K. SMITH, OFFICIAL COURT REPORTER

1 can assess the credibility of witnesses?

2 A I tend to believe everybody, so.

3 Q If someone gets on the witness stand
4 and states a fact or states something that they purport to
5 be a fact and nothing is offered to refute that fact, would
6 you tend to believe that fact?

7 A Yes.

8 Q You, a few moments ago, were discussing
9 people's life history. For example, drug and alcohol abuse
10 being an excuse for activities or actions. Do you
11 understand the difference between an excuse and an
12 explanation?

13 A Yes.

14 Q Do you understand the difference
15 between an excuse and a consideration?

16 A Yes.

17 Q Is it possible that things like alcohol
18 and drug abuse, although never an excuse, might be
19 something to be considered in a case such as this?

20 A No.

21 Q Do you think that it might be something
22 to -- strike that. Let me move on.

23 In the jury questionnaire, you indicated
24 that if a conviction for first degree murder was reached
25 and you participated, that you would not consider parole.

PATSY K. SMITH, OFFICIAL COURT REPORTER

1 Is that still your position?

2 A No, because I have heard too many -- I
3 have heard it explained. Before I didn't understand what
4 all of them meant.

5 Q And now you are in a position where you
6 will consider all options?

7 A Yes.

8 Q Would you say that you are someone who
9 would lean more towards a harsher sentence, such as the
10 death penalty, or life without the possibility of parole?

11 A If it's proven, yes.

12 Q If it's simply proven that's it's
13 murder in the first degree, do you think that would you
14 lean towards either life without the possibility of parole
15 or the death sentence?

16 A It depends what evidence there is.

17 Q So you realize the importance of facts
18 and circumstances of the case in reaching that conclusion?

19 A Yes.

20 MR. EWING: We would pass for cause.

21 THE COURT: All right, thank you.

22 Mr. Fitzgerald, good morning.

23 A Good morning.

24 THE COURT: Any reason you can think of why
25 you couldn't be fair to both sides?

PATSY K. SMITH, OFFICIAL COURT REPORTER

1 A No.

2 THE COURT: Can you wait until all the
3 evidence is in before coming to any conclusion about any
4 issue in this case?

5 A Yes.

6 THE COURT: Have you, any member of your
7 family or any close friends of yours ever been arrested?

8 A I had a DUI about a dozen years ago.

9 THE COURT: Anything about that experience
10 that would effect your thinking here?

11 A No.

12 THE COURT: Have you, any member of your
13 family or close friends of yours ever been the victim of a
14 crime?

15 A No.

16 THE COURT: Ever been on a jury before?

17 A No.

18 THE COURT: Concerned about adverse public
19 opinion as a result of a verdict in this case?

20 A No.

21 THE COURT: Ever been involved in a court
22 proceeding as a witness or a party?

23 A Yeah.

24 THE COURT: Tell me about that.

25 A I got in a car accident once and I had

PATSY K. SMITH, OFFICIAL COURT REPORTER

1 to go to court about it.

2 THE COURT: Was that on a traffic ticket or
3 was it --

4 A No, it was --

5 THE COURT: Personal injury case?

6 A It was a civil thing.

7 THE COURT: And you were able to go through
8 that process and there's nothing about it that would effect
9 your thinking here?

10 A Nope.

11 THE COURT: Any conscientious, religious or
12 moral objections to the imposition of the death penalty?

13 A No.

14 THE COURT: Can you give fair consideration
15 to all four forms of punishment if you are caused to
16 deliberate on that issue?

17 A Yes.

18 THE COURT: And if you were involved in this
19 case, whether you are a member of the defendant's family or
20 the defendant or you were a member of the victim's family
21 or a witness, anything like that, would you feel
22 comfortable with 12 jurors with your sense of fairness
23 sitting on the jury?

24 A Yeah.

25 THE COURT: State of Nevada may inquire.

PATSY K. SMITH, OFFICIAL COURT REPORTER

1 MR. HARMON: Thank you.

2

3 VOIR DIRE EXAMINATION

4 BY MR. HARMON:

5 Q Good morning, sir.

6 If it was solely up to you, would we have
7 capital punishment in this state?

8 A I guess so, yeah.

9 Q You guess so?

10 A Yeah.

11 Q Why are you indicating that if you
12 could be solely responsible for that, that we would have it
13 on the statutes?

14 A Well, I don't really have a better
15 plan. So, you know, the way that's laid out right now is
16 fine by me.

17 Q How do you feel about the opportunity
18 of serving as a juror on this type of case?

19 A How do I feel about it?

20 Q Yeah.

21 A I think it's going to be a long, slow
22 thing to have to do right now, you know. If I have to do
23 it, then I'll do it.

24 Q Well, in fact, as I remember, you
25 indicated that you had a lot of work to do and you were

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1 very short on time?

2 A Yeah.

3 Q If you were selected, are you
4 convinced, Mr. Fitzgerald, that you can devote your full
5 attention to these proceedings while the Court is in
6 session?

7 A Yeah, yeah. My problem with any of it
8 right now is just scheduling. If I knew I was doing this
9 for three weeks, that would be great, then I'd know what I
10 was going to be doing. I have to keep making plans.

11 Q You are going to know reasonably soon.

12 A Each day my schedule is off and stuff.

13 Q We should have the jury today. So you
14 are going to know.

15 We occasionally encounter persons who just
16 don't like to make decisions and they particularly have a
17 difficult problem in passing judgment on other human
18 beings.

19 A I don't think I have that problem.

20 Q Excuse me?

21 A I don't think I have that problem.

22 Q Okay, good.

23 So you think, if called upon to decide, as a
24 juror, guilt or innocence, you could do that?

25 A Oh, yeah.

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1 Q And if it happened to be murder of the
2 first degree and you had to impose a punishment, as you've
3 told the Court, you could consider the full range of
4 punishment for murder of the first degree?

5 A Correct.

6 Q And that includes a death sentence if
7 you thought that was proper?

8 A Correct.

9 MR. HARMON: Thank you.

10 Pass for cause.

11 THE COURT: For the defense.

12 MR. BROOKS: We'll pass for cause, Judge.

13 THE COURT: All right. Thank you.

14 Ms. Hill, good morning.

15 A Good morning.

16 THE COURT: Any reason you can think of why
17 you couldn't be fair to both sides in this case?

18 A No.

19 THE COURT: Can you wait until all the
20 evidence is in before coming to any conclusion about any
21 issue in this case?

22 A Yes.

23 THE COURT: Have you, any member of your
24 family or any close friends of yours ever been arrested?

25 A My husband, before I knew him, before

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1 we were married.

2 THE COURT: And what was the charge?

3 A Assault, fighting. He was kind of like
4 a punk when he was younger.

5 THE COURT: Has he grown out of that?

6 A Yeah, I hope so.

7 THE COURT: Anything about your knowledge of
8 that event in his life that would effect your thinking
9 here?

10 A No.

11 THE COURT: Have you, any member of your
12 family or any close friends of yours ever been the victim
13 of a crime?

14 A No.

15 THE COURT: Have you ever been on a jury
16 before?

17 A No.

18 THE COURT: Any concern about adverse public
19 opinion?

20 A No.

21 THE COURT: Ever been a party or participant
22 in a lawsuit?

23 A Lawsuit, no.

24 THE COURT: Or in a court proceeding?

25 A Witness.

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1 THE COURT: Somebody else's case?

2 A Uh-huh.

3 THE COURT: Anything about that experience
4 that would effect your thinking here?

5 A No.

6 THE COURT: Any moral, conscientious or
7 religious objections to the death penalty?

8 A No.

9 THE COURT: If you were called upon to
10 deliberate on the issue of punishment, which again is only
11 going to occur in the event the defendant is to be
12 convicted of first degree murder, would you be able to give
13 fair consideration to all four statutory forms of
14 punishment?

15 A Yes.

16 THE COURT: If you were involved in this
17 case yourself, would you feel comfortable with 12 jurors
18 just like you?

19 A Yes.

20 THE COURT: The State may inquire.

21 MS. SILVER: Thank you.

22 . . .

23 . . .

24 . . .

25 . . .

PATSY K. SMITH, OFFICIAL COURT REPORTER

1 VOIR DIRE EXAMINATION

2 BY MS. SILVER:

3 Q I see here in your questionnaire that
4 you are a 911 dispatcher?

5 A Yes.

6 Q Would it make a difference to you in
7 this case if you were to learn that the victim in this case
8 was a 911 dispatcher?

9 A No.

10 Q Would you have a problem maybe hearing
11 this case because you would put yourself in her position?

12 A No.

13 Q So you could put your experiences as a
14 911 dispatcher aside and keep an independent and open mind
15 in this case?

16 A You have to do that with every call you
17 take. Separate yourself from every call.

18 Q Do you feel that you should be -- you
19 should know better, as a 911 dispatcher, and get out of an
20 abusive relationship?

21 A I think a relationship is different.
22 Every person is different. Just because you hold a certain
23 job doesn't make you necessarily different from anyone else
24 in a different job, you know.

25 Q Do you think there is any occupation

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1 for a woman that would set her apart or make her immune
2 from a perpetrator of domestic violence?

3 A No.

4 Q So any woman could be a potential
5 target in a relationship?

6 A Uh-huh.

7 Q You have to say yes or no for the
8 record.

9 A Yes.

10 Q As a 911 dispatcher, do you get calls
11 to the same location over and over again for domestic
12 violence?

13 A Yeah. Yes.

14 MR. BROOKS: I'm going to object. This is
15 going beyond the scope of voir dire.

16 MS. SILVER: I was just going to ask her how
17 she feels about that.

18 MR. BROOKS: I'm going to object. She is
19 testifying as an expert on 911 operators.

20 THE COURT: Sustained.

21 Q (BY MS. SILVER) You also state here
22 that you are a very impartial person and, as a 911
23 operator, you've learned that there can be two sides to a
24 story?

25 A Right.

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1 Q Certainly in this case, we are going to
2 present facts, as the State, and you are going to obviously
3 hear from the defense attorneys as well. Have you ever
4 been in a position -- let me ask you this. Do you have
5 children?

6 A No.

7 Q Have you ever been in a position at
8 work where you have been a supervisor and had to make a
9 decision as to one side or which side to believe?

10 A Nothing to this extent, though.

11 Q Certainly, but in your day-to-day life?

12 A Oh, yes.

13 Q There can be times when --

14 A Yes.

15 Q -- perhaps, for example, if you have
16 children?

17 A Uh-huh.

18 Q And you didn't see something that
19 happened, but you have to make a decision based on what
20 maybe each child tells you as to who is right and who is
21 wrong.

22 A Yes.

23 Q And in your everyday life, I use
24 children as an example, that's an easy one, but in your
25 life as a 911 operator or just even outside of work, are

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1 you sometimes called upon to make a decision after
2 listening to both sides?

3 A Yes.

4 Q Are you the type of person that can
5 make that decision in looking at what's reasonable to you?

6 A I think I am.

7 Q And using your common sense?

8 A Yes.

9 Q Do you have any difficulty in making a
10 decision?

11 A No.

12 Q And, certainly, I'm not claiming that
13 any decision you make in this case would be easy.
14 Certainly it's a very serious matter. Are you willing to
15 take on that responsibility?

16 A Yes.

17 Q Can you consider all four forms of
18 punishment if this case was to go to a penalty phase and
19 the defendant is convicted of first degree murder?

20 A Yes.

21 MS. SILVER: Thank you.

22 I would pass this juror for cause.

23 THE COURT: All right, thank you.

24 For the defense.

25

PATSY K. SMITH, OFFICIAL COURT REPORTER

1 VOIR DIRE EXAMINATION

2 BY MR. EWING:

3 Q Ms. Hill, do you recall filling out the
4 questionnaire?

5 A Yes.

6 Q You have been sitting here for quite
7 awhile. Have any of your opinions changed while you have
8 been sitting here versus what you wrote in the
9 questionnaire?

10 A I think some of the questions, I think,
11 especially on anything from the past, considerations of --
12 I didn't know if you can do that in a trial or not, so.

13 Q Do you think that's important to
14 consider?

15 A Yeah, I think you should consider it.

16 Q And, obviously, the question dealing
17 with the statement the death penalty is appropriate in all
18 murders, you specifically mention, "It's only not
19 appropriate for self-defense?"

20 A Yes.

21 Q How is your opinion about that now?

22 A Well, if it's in self-defense, you are
23 not going to be up for first degree murder, right?

24 Q That's correct.

25 A So.

PATSY K. SMITH, OFFICIAL COURT REPORTER

1 Q Do you feel like you could be a fair
2 juror?

3 A Yes.

4 Q What do you see your role as a juror to
5 be?

6 A To listen to both sides and come to the
7 decision on who is right and who is wrong on guilt or
8 innocence.

9 Q Do you have to wait until all the
10 evidence is heard?

11 A Yes.

12 Q So you are not going to make any
13 decisions when the State finishes their case, you are going
14 to wait and listen to all the evidence?

15 A Yes.

16 Q If you were in James' position, would
17 you like someone like you to be on the jury?

18 A Yes.

19 MR. EWING: Pass for cause.

20 THE COURT: All right, thank you.

21 We managed to clear this portion a little
22 faster than we had estimated. So, ladies and gentlemen,
23 what I'm going to do at this time is call a recess and ask
24 that you return to the courthouse at 2:00 this afternoon to
25 be ready for the final stages of jury selection and you

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1 will not be asked to come back up here right away, but be
2 down in the jury holding area so we can summon you when we
3 complete the process of qualifying the last five
4 prospective jurors for cause.

5 Ladies and gentlemen of the jury, during the
6 recess it is your duty not to converse among yourselves or
7 with anyone else on any subject connected with this trial
8 or to read, watch, or listen to any report of or commentary
9 on this trial or any person connected with this trial by
10 any medium of information, including, without limitation,
11 newspapers, television, or radio, and you are not to form
12 or express an opinion on any subject connected with this
13 case until it is finally submitted to you.

14 Also, please, as I understand it during jury
15 orientation, do not make any analysis or investigation on
16 this matter on your own. Do you visit the alleged scene of
17 any of the events that have been made mention of in this
18 case.

19 We will see you at 2:00. We will be at ease
20 while you depart the confines of the courtroom.

21 For those of you who have schedule issues,
22 there will be no proceedings tomorrow.

23

24 (At this time the jury left the courtroom.)

25

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1 THE COURT: All right, how many do we have
2 in the second pool?

3 (Off the record discussion not reported.)

4 THE COURT: I was just sitting there
5 thinking that, perhaps, with five to go, we don't need to
6 call all 90 -- all 70 of the prospective jurors back. Do
7 you think 30 prospective jurors is sufficient?

8 MR. HARMON: Of course, yes.

9 THE COURT: Maybe what we will do is call
10 the first 35 and excuse the other 35.

11 MR. HARMON: That's fine, your Honor.

12 THE COURT: All right. The other thing
13 is --

14 (Off the record discussion not reported.)

15 MR. HARMON: Did the Court just make a
16 comment about scheduling tomorrow?

17 THE COURT: Yes, there is going to be no
18 proceedings tomorrow, as you know. Remember when we
19 started this, I indicated to you --

20 MR. HARMON: I thought that was the 16th and
21 not tomorrow.

22 THE COURT: Let's go off the record. We
23 don't need to burden the record with this discussion.

24 We're in recess at this point.

25

PATSY K. SMITH, OFFICIAL COURT REPORTER

(Off the record at 11:20 a.m.)

* * * * *

ATTEST: FULL, TRUE AND ACCURATE TRANSCRIPT OF PROCEEDINGS.


PATSY K. SMITH, C.C.R. #190

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DISTRICT COURT
CLARK COUNTY, NEVADA

FILED

Luetta L. Lamm
CLERK

THE STATE OF NEVADA
PLAINTIFF,
VS.
JAMES MONTELL CHAPPELL,
DEFENDANT.

CASE NO. C131341
DEPT. NO VII
DOCKET "P"

JURY LIST

- | | |
|-----------------------------|----------------------------|
| 2. DENISE WRIGHT PARR | 9. BRUCE TODD LARSEN |
| 3. KENNETH EDWARD GRITIS | 11. MARK GREGORY MASSAR |
| 4. JERRY WAYNE EWELL | 12. DANNA TERRY YATES |
| 5. CHERYL LYNN WHLLS | 13. GLENN EUGENE FITTRO |
| 7. JIM BLAKE TRIPP | 15. KENNETH ROY FITZGERALD |
| 8. KELLYANNE BENTLEY TAYLOR | 16. WENDY LYNN HILL |

ALTERNATES: 1. CELESTINA CECILIA LUCIDO

6. DAVID JOHN MESNARD

10. MICHAEL JOSEPH SWARTZ

14. LOIS J. OCHOA

CEST

71
ORIGINAL

1 **S&O**
2 **STEWART L. BELL**
3 **DISTRICT ATTORNEY**
4 **Nevada Bar #000477**
5 **200 S. Third Street**
6 **Las Vegas, Nevada 89155**
7 **(702) 455-4711**
8 **Attorney for Plaintiff**

FILED IN OPEN COURT
OCT 10 1996 19
LORETTA BOWMAN, CLERK
BY *Tina Hurd* **Deputy**

6 **DISTRICT COURT**
7 **CLARK COUNTY, NEVADA**

8 **THE STATE OF NEVADA,**
9 **Plaintiff,**

10 **-vs-**

11 **JAMES MONTELL CHAPPELL,**
12 **#1212860**

13 **Defendant(s).**
14 _____

Case No. C131341
Dept. No. VII
Docket P

16 **STIPULATION TO CERTAIN FACTS**

17 COMES NOW, the Defendant, by and through his attorneys, HOWARD S. BROOKS, ESQ.,
18 and WILLARD N. EWING, ESQ., and the State of Nevada, through STEWART L. BELL, Clark
19 County District Attorney, by and through MELVYN T. HARMON, Chief Deputy District Attorney, and
20 ABBIE SILVER, Deputy District Attorney, do hereby Stipulate to certain facts relevant to the litigation
21 of this criminal case.

- 22 1. That James Chappell on August 31, 1995, entered the trailer rented to Deborah Panos
23 through a window;
24 2. That James Chappell engaged in sexual intercourse with Deborah Panos on August 31,
25 1995, and
26 3. That James Chappell caused the death of Deborah Panos by stabbing her with a kitchen
27 knife and the act was not an accident.

28 **///**

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4. That James Chappell was jealous of Deborah Panos because he believed she was giving attention to or receiving attention from other men.

DATED this 10th day of October, 1996.

STEWART L. BELL
DISTRICT ATTORNEY

MORGAN D. HARRIS
PUBLIC DEFENDER

By Melvyn T. Harmon
MELVYN T. HARMON
Chief Deputy District Attorney
Nevada Bar #000362

By Howard S. Brooks
HOWARD S. BROOKS
Deputy Public Defender
Nevada Bar #003374

STEWART L. BELL
DISTRICT ATTORNEY

MORGAN D. HARRIS
PUBLIC DEFENDER

By Abbi Silver
ABBI SILVER
Deputy District Attorney
Nevada Bar #003813

By Willard N. Ewing
WILLARD N. EWING
Deputy Public Defender
Nevada Bar #003942

ORIGINAL

DISTRICT COURT

CLARK COUNTY, NEVADA FILED IN OPEN COURT

OCT 11 1996 19

LORETTA BOWMAN, CLERK

BY [Signature] Deputy

THE STATE OF NEVADA,

Plaintiff,

Vs

JAMES MONTELL CHAPPELL,

Defendant.

CASE NO. C131341

DEPT. NO. VII

DOCKET P

BEFORE THE HONORABLE:

A. WILLIAM MAUPIN DISTRICT JUDGE

THURSDAY, OCTOBER 10, 1996, 10:20 A.M.

VOLUME III - MORNING SESSION

APPEARANCES:

FOR THE STATE:

MELVYN T. HARMON &
ABBI SILVER
Deputies District Attorney

FOR THE DEFENDANT:

HOWARD S. BROOKS &
WILLARD N. EWING
Deputies Public Defender

REPORTED BY:

PATSY K. SMITH, C.C.R. #190

PATSY K. SMITH, OFFICIAL COURT REPORTER

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PATSY K. SMITH, OFFICIAL COURT REPORTER

1 THURSDAY, OCTOBER 10, 1996, 10:20 A.M.

2 THE COURT: C131341, State of Nevada versus
3 James Montell Chappell.

4 The record will reflect the presence of the
5 defendant represented by his counsel, State of Nevada
6 represented by the Deputy District Attorneys.

7 We are outside the presence of the jury. Is
8 there a matter the parties would like to bring up?

9 MR. BROOKS: Judge, the defense would like
10 to make a record on one particular issue here before we
11 start trial. We are on the issue now where the Court made
12 a ruling to certain evidence and we want to continue our
13 objection to it. However --

14 THE COURT: Do you want a continuing
15 objection?

16 MR. BROOKS: I suspect we will need to
17 object during the trial.

18 THE COURT: Why?

19 MR. BROOKS: If we still feel the foundation
20 is not proper.

21 THE COURT: Well, for those reasons, but
22 your objections are protected.

23 MR. BROOKS: Thank you, Judge.

24 Also, Judge, we want the record to reflect
25 that, as a matter of trial tactics, we will now be taking a

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1 course that does not necessarily challenge the actual facts
2 the State will be introducing. We do contest their
3 admissibility.

4 However, during the course of the trial, we
5 will not be necessarily contesting some of these actual
6 facts and, as a matter of course, we would like the record
7 to reflect this does not necessarily mean we concur in
8 their admission, but rather, as a matter of trial tactics,
9 we are not challenging them.

10 THE COURT: But at this point I'm not
11 certain I know what you are talking about.

12 MR. BROOKS: What I'm say saying, Judge, we
13 do contest and oppose the admission of prior bad acts
14 evidence.

15 THE COURT: Right.

16 MR. BROOKS: However, during the course of
17 this trial, we are not going to contest that these acts
18 actually occurred.

19 THE COURT: Well, you filed a stipulation to
20 the fact that many of these occurred.

21 MR. BROOKS: No, we have filed a stipulation
22 concerning the events on August 31st. As far as the actual
23 prior bad acts occurring --

24 THE COURT: Oh, I see.

25 MR. BROOKS: What we're saying here --

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1 THE COURT: As a matter of trial tactics,
2 while you are contesting their admissibility, you will not
3 necessarily be contesting whether they occurred or not?

4 MR. BROOKS: Correct, and we want the record
5 to reflect this because we don't want some reviewing court
6 in the future saying we waived everything by not contesting
7 whether or not they actually happened.

8 THE COURT: All right, very well.

9 Let's bring in the jury.

10 MR. HARMON: Your Honor, one other matter
11 before we do that and it's related to the last presentation
12 of counsel.

13 They offered to stipulate on the record
14 earlier and we accepted the stipulation. We prepared a
15 formal stipulation which has been signed by all the
16 attorneys.

17 THE COURT: Would you like to have it filed
18 in open court --

19 MR. HARMON: We would like it filed at this
20 time.

21 THE COURT: -- and make it a part of the
22 record at this time.

23 All right, this stipulation to certain facts
24 will be made part of this record at this time and can be
25 relied upon at any time during the trial by the parties.

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1 MR. BROOKS: Thank you, Judge.

2 THE COURT: Shall we bring in the jury?

3 MR. HARMON: Yes.

4 THE COURT: All right.

5

6 (At this time the jury entered the
7 courtroom.)

8

9 THE COURT: Realizing that there is no such
10 thing as first class leg space in coach in the jury box,
11 how many of you would like to see if you can trade with a
12 member in the back row?

13 You, sir? It's not one of those speak now
14 or forever hold your peace, but if you are uncomfortable
15 the way you are seated --

16 A VOICE: Just trying to see if it works.

17 THE COURT: You are all right for the time
18 being?

19 A VOICE: Yes.

20 THE COURT: If it becomes a serious problem,
21 we will work something out, but people with longer legs
22 often have a problem in this jury box.

23 Good morning, ladies and gentlemen.

24 THE JURY: (In Unison) Good morning.

25 THE COURT: At this time I'm going to read

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1 to you the pretrial Jury Instructions. Again, I would like
2 to extemporize, but these points have to be specifically
3 made and, therefore, I'll read to you these carefully
4 prepared Jury Instructions.

5 Ladies and gentlemen, you are admonished
6 that no juror may declare to a fellow juror any fact
7 relating to this case of his or her own knowledge and if
8 any juror discovers during the trial or after the jury has
9 retired, that he, she or any other juror has personal
10 knowledge of any fact in controversy in this case, he or
11 she shall disclose such situation to me in the absence of
12 the other jurors.

13 This means that if you learn during the
14 course of this trial that you were acquainted with the
15 facts of this case or the witnesses and you have not
16 previously told me of this relationship, you must then
17 declare that fact to me. You would communicate to the
18 Court through one of the bailiffs.

19 Now, ladies and gentlemen, it does occur,
20 from time to time, that a witness will take the stand and a
21 member of the jury will recognize the face, even though
22 they didn't recognize the name. Usually, if you didn't
23 remember the name, it's simply an acquaintanceship and it
24 doesn't have an effect, but if you do see someone you
25 recognize, tell the bailiff and we will work it out. It's

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1 usually not a problem.

2 During this trial, the Court, Court
3 personnel, and members of the parties, other than the
4 bailiff, may not speak to you. They are bound by ethics
5 and the law not to talk to you. To do so might contaminate
6 your verdict.

7 You are admonished additionally that you are
8 not to visit the scene of any of the acts or occurrences
9 made mention of during this trial unless specifically
10 directed to do so by the Court.

11 Ladies and gentlemen, what I now say is
12 intended to serve as an introduction to the trial of this
13 case. It is not a substitute for the detailed instructions
14 on the law which I will give you at the close of the case
15 and before you retire to consider your verdict.

16 This is a criminal case commenced by the
17 State of Nevada, which I may refer to sometimes as the
18 State, against James Montell Chappell. The case is based
19 on an Information, which is the charging document. The
20 clerk will now read the Information to the ladies and
21 gentlemen of the jury and state the plea of the defendant
22 to that Information.

23

24 (At this time, the clerk read the
25 Information, the list of witnesses, and

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1 the defendant's pleas to the jury.)

2

3 THE COURT: This case is based upon the
4 Information, which has been read to you by the clerk. You
5 should distinctly understand that the Information is simply
6 a charge and that it's not, in any sense, evidence of the
7 allegations it contains.

8 The defendant has pled not guilty to the
9 Information. The State, therefore, has the burden of
10 proving each of the essential elements of the Information
11 beyond a reasonable doubt. The purpose of this trial is to
12 determine whether the State will meet that burden. It is
13 your primary responsibility, as jurors, to find and
14 determine the facts.

15 Under our system of criminal procedure, you
16 are the sole judge of the facts. You are to determine the
17 facts from the testimony you hear and the other evidence,
18 including exhibits introduced in court. It is up to you to
19 determine the inferences which you feel may be properly
20 drawn from the evidence.

21 The parties may sometimes present objections
22 to some of the testimony or other evidence. At times, I
23 may sustain such objections or direct that you disregard
24 certain testimony or exhibits. You must not consider any
25 evidence to which an objection has been sustained or which

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1 I have instructed you to disregard. It is the duty of a
2 lawyer to object to evidence which he or she believes may
3 not properly be offered and you should not be prejudiced in
4 any way against the attorney who makes objections on behalf
5 of the party he or she represents.

6 I may also find it necessary to admonish the
7 attorneys and if I do, you should not show prejudice
8 against or towards a lawyer or his or her client because I
9 have found it necessary to enter an admonishment.

10 If you cannot hear a witness, please raise
11 your hand as an indication.

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

20 This case will proceed in the following
21 order. First, the State may make an opening statement
22 outlining its case. The defendant may also make an opening
23 statement. This is usually done after the State's opening
24 statement, although, with permission of the Court, the
25 defendant can reserve his opening statement until the

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1 conclusion of the State's case. Neither party is required
2 to make an opening statement.

3 Open statements are like a road map. They
4 serve as an introduction to the evidence which the party
5 making the statement intends to prove. Then the State will
6 introduce evidence. This initial presentation is called
7 the State's case in chief. At the conclusion of the
8 State's evidence, the defendant has the right to introduce
9 evidence. However, the defendant is not obligated to
10 present any evidence or to prove his innocence.

11 The law never imposes on a defendant in a
12 criminal case the burden of calling any witnesses or
13 introducing any evidence. If the defendant puts on a case,
14 this is called the defense's case in chief. At the close
15 of the defendant's case, the State may introduce rebuttal
16 evidence.

17 At the conclusion of all the evidence, I
18 will instruct you on the law. You must not be concerned
19 with the wisdom of any rule of law stated in these
20 Instructions or in the Instructions which I will read to
21 you after the evidence regardless of any opinion you may
22 have as to what the law ought to be. It would be a
23 violation of your oath to base a verdict upon any other
24 view of the law than that given you by me.

25 After the Instructions on the law are read

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1 to you, each party has the opportunity to argue orally in
2 support of his or her case. This is called closing
3 argument. What is said in closing argument is not
4 evidence. The arguments are designed to summarize and
5 interpret the evidence for you. Since the State has the
6 burden of proving the defendant guilty beyond a reasonable
7 doubt, the State has the right to open and close the final
8 arguments.

9 After the attorneys have presented their
10 arguments, you will retire to select a foreperson,
11 deliberate, and arrive at your verdict.

12 Faithful performance by you of your duties
13 is vital to the administration of justice. It is your duty
14 to determine the facts and to determine them from the
15 evidence and the reasonable inferences arising from such
16 evidence and in so doing, you must not indulge in guesswork
17 or speculation.

18 The evidence which you are to consider
19 consists of the testimony of witnesses and the exhibits
20 admitted in evidence. The term witness means anyone who
21 testifies in person or by deposition including the
22 parties. The admission of evidence in court is governed by
23 rules of law. From time to time, it may be the duty of the
24 attorneys to make objections and my duty, as Judge, to rule
25 on those objections and whether you can consider certain

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1 evidence. You must not concern yourself with the
2 objections or the Court's reasons for those rulings. You
3 must not consider testimony or exhibits to which an
4 objection was sustained or which has been ordered
5 stricken.

6 Further, you must not consider anything
7 which you may have seen or heard when the Court is not in
8 session, even if what you see or hear is done or said by
9 one of the parties or by one of the witnesses.

10 There are two kinds of evidence, direct and
11 circumstantial. Direct evidence is testimony by a witness
12 about what that witness personally saw or heard or did.
13 Circumstantial evidence is testimony or exhibits which are
14 proof of a particular fact from which, if proven, you can
15 infer the existence of a second fact. You may consider
16 both direct and circumstantial evidence in deciding this
17 case. The law permits you to give equal weight to both,
18 but it is for you to decide how much weight to give any
19 evidence.

20 Ladies and gentlemen, at some point during
21 the trial you may hear us refer to a concept known as
22 competence. We may refer to a witness as competent or
23 incompetent to say something. When we are referring to a
24 witness' competence or incompetence, we are not commenting
25 upon their mental state or whether they are mentally ill or

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1 mentally infirm. Competence ass part of our doctrine of
2 our rules of evidence that forms the bedrock of all the
3 other rules of evidence.

4 Competence simply means or equates to the
5 eligibility of a witness to take the stand. There are four
6 elements of a competent witness. First, the witness must
7 be able to understand the oath, taken the oath; must have
8 perceived something relevant to the case; three, must have
9 a memory of that perception, and, four, must be able to
10 communicate that memory of the perception while under
11 oath.

12 The oath in past times had a religious
13 significance. It no longer does. It is simply an
14 affirmation by the witness that the witness simply
15 understands the importance of the proceedings and of the
16 necessity of testifying truthfully in the courtroom.

17 So, again, competence is not a negative
18 comment about the witness or the witness' character or the
19 witness' mental state. It is simply a concept that has to
20 do with whether the witness is eligible to testify. Again,
21 the oath, perception of something relevant, memory of that
22 perception, and the ability to communicate it.

23 I thought you might want to know about that
24 because when it goes on, it might be a little more
25 interesting for you to follow the trial if you understand

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1 that notion and, also, you won't have any misperceptions
2 from discussions that will be had in your presence.

3 Opening statements and closing arguments of
4 the attorneys are intended to help you in understanding the
5 evidence and applying the law, but they are not evidence.

6 You are not to concern yourself in any way
7 with the sentence that the defendant might receive if you
8 should find the defendant guilty during this phase of the
9 trial. Your function is solely to determine, during this
10 phase, whether the defendant is guilty or not guilty of the
11 charges in the Information. If and only if you find the
12 defendant guilty of first degree murder, then you would
13 move onto that issue, as we discussed in jury selection.
14 The sentence on any other charge would be up to the Court
15 to decide if a guilty verdict on any other charge is
16 rendered.

17 You must not be influenced in any degree by
18 any personal feeling of sympathy for or prejudice against
19 any party to this suit, for each party is entitled to the
20 same fair and impartial consideration.

21 No statement, ruling, remark or facial
22 expression which I may make during the course of the trial
23 is intended to indicate my opinion as to what the facts
24 are. You are to determine the facts. In this
25 determination, you alone must decide upon the believability

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1 of the evidence and its weight and its value.

2 In considering the weight and value of the
3 testimony of any witness, you may take into consideration
4 the appearance, attitude, and behavior of the witness, the
5 interest of the witness in the outcome of this suit, the
6 relation of the witness to any parties to this suit, the
7 inclination of the witness to speak truthfully or not, the
8 probability or improbability of the witness' statements,
9 and all other facts and circumstances in evidence. Thus,
10 you may give the testimony of any witness just such weight
11 and value as you may believe the testimony of such witness
12 is entitled to receive.

13 The Court may, during the trial, take notes
14 of the witnesses' testimony. You are not to make any
15 inference from that action. I'm required to prepare for
16 oral arguments of counsel during the trial and for that
17 reason, I may take extensive notes.

18 Again, let me remind you that until this
19 case is submitted to you, do not talk to each other about
20 it or with anyone who has anything to do with it until the
21 end of the case, when you go to the jury room to decide on
22 your verdict.

23 Do not talk with anyone else about this case
24 or with anyone who has anything to do with it until the
25 trial has ended and you have been discharged as jurors.

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1 Anyone else includes members of your family
2 and your friends. You may tell them that you are a juror
3 in a criminal case, but don't tell them anything else about
4 it until after you have been discharged by the Court.

5 Do not let anyone talk to you about the case
6 or with anyone who has anything to do with it. If someone
7 should try to talk to you, please report it to me
8 immediately by contacting the bailiff. Do not read any
9 news stories or articles or listen to any radio or
10 television reports about the case or with anyone who has
11 anything to do with it. Do not do any research or make any
12 investigation about the case on your own. Do not make up
13 your mind about what the verdict should be until after you
14 have gone to the jury room to decide the case and you and
15 your fellow jurors have discussed the evidence. It is
16 important that you keep an open mind.

17 At the end of the trial, you will be able to
18 make your decision based upon what you recall of the
19 evidence. You will not have a written transcript to
20 consult and it is difficult and time consuming for the
21 reporter to read back lengthy testimony. I urge you to pay
22 close attention to the testimony as it is given.

23 Ladies and gentlemen, at this time we will
24 commence with the opening statement by the State of
25 Nevada.

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1 Ms. Silver.

2 MS. SILVER: Thank you.

3 THE COURT: If you wish the podium, it will
4 be brought forward.

5 MS. SILVER: No, I don't need it. Thank
6 you.

7 THE COURT: Again, ladies and gentlemen,
8 before this commences, you are welcomed to again bring
9 coffee or Coca Cola into the courtroom and you have water,
10 if you need it, and if at any time you need a break, just
11 raise your hand.

12 All right.

13 MS. SILVER: May it please the Court and
14 counsel and members of the jury, good morning, ladies and
15 gentlemen. As the Judge has just told you, opening
16 statements, they are like a table of contents or a road
17 map. Sometimes evidence can be presented at trial in bits
18 and pieces. Sometimes we have to take witnesses out of
19 chronological order or what you'd call chronological order
20 and that's because in real life, unlike TV, there may be
21 instances where there could be witness scheduling conflicts
22 or, in this case, out of state witnesses. For whatever
23 reason, sometimes beyond the control of the State, we have
24 to take a witness out of what you might deem a
25 chronological order to the events. So, for that reason, we

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1 are able at this time to give you opening statements so
2 that you are going to understand the big picture and you
3 are going to understand each witness, as they testify, and
4 you'll know what to look for as far as their testimony and
5 how it fits into that overall picture.

6 Now, as the Judge has just told you, opening
7 statements or comments or arguments to the jury, it's not
8 evidence in this case. The only evidence that you are to
9 consider will come to you by way of testimony by the
10 witnesses or exhibits which you will take back during your
11 deliberations.

12 This case is about Deborah Panos. This case
13 is about a young 26 year old woman, a mother of three very
14 small children at the time of her untimely demise. This
15 case is about one woman's attempts through the police,
16 through a restraining order, her continual attempts to try
17 and separate herself, to distance herself from this
18 defendant and his violence and his violence toward her.
19 This case will answer the question to all of you, why
20 victims in domestic violence stay with a person who is
21 continually violent to them.

22 MR. BROOKS: I'm going to object to
23 society's adaptations here, Judge.

24 THE COURT: Overruled.

25 MS. SILVER: You will answer that question

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1 because for Deborah Panos, the decision to leave, the
2 decision to say I'm not going to take your violence, that
3 decision was a deadly decision. That was a decision that
4 cost Deborah Panos her life. It was a decision, it was her
5 last decision. It's a decision that made this defendant
6 beat Deborah Panos all over her body, all over her face,
7 and when that wasn't good enough, he retrieved a knife with
8 an eight and a half inch blade and he took that knife and
9 he plunged it into her throat and into her chest and he
10 stabbed every last breath out of Deborah Panos. He sliced
11 her jugular vein, both of her carotid arteries. This is a
12 case where, when the defendant was released from jail for
13 domestic violence for a battery which he committed on
14 Deborah, he murdered her within two hours of his release.

15 The evidence will show you, ladies and
16 gentlemen, in this case Deborah met this defendant when she
17 was approximately 16 years old. She was in high school
18 when they began to date and by the time she was
19 approximately 18, she became pregnant with the defendant's
20 child. You will learn that this defendant never married
21 Deborah Panos and, in fact, he later fathered two other
22 children that belonged to Deborah. They began dating in
23 Lansing, Michigan and, at some point, Deborah moved to
24 Tucson, Arizona to be with her mother there and, of course,
25 the defendant followed.

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1 While living in Tucson, Deborah Panos worked
2 and one of the places she worked was the Tucson Police
3 Department. She was a 911 operator for the Tucson Police
4 Department. She always worked. She some times worked two
5 jobs, you see, because the defendant, you will learn, never
6 worked. Excuse me, one time he did work as a dishwasher
7 for about a week.

8 MR. BROOKS: I'm going to object to the
9 characterizations, your Honor.

10 THE COURT: Sustained.

11 The jury is to disregard that portion of the
12 opening argument. Also, counsel, your opening statement is
13 bordering on argument and I would request that you confine
14 your remarks to an opening statement.

15 MS. SILVER: Thank you.

16 The evidence will show, ladies and
17 gentlemen, that they lived together in Tucson in a trailer
18 and that by February 23rd of 1994, Deborah Panos contacted
19 the Tucson Police Department, contacted some off duty
20 officer who eventually dispatched a on duty Tucson police
21 officer. That officer is Officer Earnst and when Officer
22 Earnst talked to Deborah, she learned that Deborah had just
23 fled the residence or the trailer and, again, this was back
24 in February of 1994. She had fled with the children, the
25 three children and, as she told Officer Earnst this, she

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1 was crying and she was upset and she explained that how,
2 when she came home from work that day, that she had found
3 that the defendant had sold the children's furniture and
4 when she began to cry, the defendant threw her down on the
5 ground and when she further cried and tried to get up from
6 the ground, this defendant kicked her continually about her
7 body and so, at some point, Deborah Panos was able to make
8 her way out of that trailer with her children to a nearby
9 grocery store, which she knew, from the police department,
10 employed an officer that apparently was a uniformed officer
11 that would work there at the store, who eventually
12 contacted Officer Earnst. Now Officer Earnst recognized
13 that she was very upset and she told her, you know, "Here's
14 my beeper number. If you are embarrassed to call the
15 police, here, take my beeper number," and she took that
16 number.

17 Officer Earnst and a partner by the name of
18 Officer Vernon went to the location at the trailer and
19 there they eventually found the defendant sitting and
20 watching TV and they arrested him for a battery, domestic
21 violence, and she will describe his attitude as quite
22 cocky.

23 Now, during this time period of February
24 1994 to about September of 1994, when she eventually moved
25 to Las Vegas, during about that six or seven month time

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1 period, you'll learn from another witness by the name of
2 Dina Freeman that she received a couple of very scary phone
3 calls from Deborah. You see, Dina Freeman was a co-worker
4 at the police department. She was a dispatcher and
5 apparently there is some differences. Deborah would
6 receive the 911 call and ultimately give it to the
7 dispatcher with the police department who would then
8 contact the police, but, in any event, they became friends
9 through work and because Dina was also a mother of one
10 child, they began to do many things outside of work as well
11 and they became very good friends. One phone call in
12 particular, Dina recalls that Deborah called her up
13 hysterically crying and said that the defendant had just
14 jumped on her and she could hear the defendant screaming in
15 the background, he didn't care what she did. If she ever
16 F'd around on him, he would kill her ass.

17 There was another phone call that Dina
18 recalls and that was approximately August of 1994, about a
19 month before she moved here to Las Vegas, and in that phone
20 call, Deborah called upset again, crying, and in that phone
21 call she could hear the defendant in the background saying,
22 "Give me money or give me the car. I know you are F'ing
23 around on me. You are not going over to Dina's house for
24 nothing. I'm going to do an OJ Simpson on you," or on your
25 ass, something to that effect.

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1 And, finally, Dina recalls one other
2 instance in November of 1994, by the time she moved here to
3 Las Vegas, where again she called her up crying, Deborah
4 did, and she could hear the defendant in the background
5 stating he wanted money or he wanted her car and that he
6 was going to do an OJ on her.

7 Deborah moved here with the three children
8 in or approximately September of 1994. She resided in a
9 trailer and you'll learn that that address is 839 North
10 Nellis, space number 125. It's the Ballerina Mobile Home
11 Park here in Las Vegas and she brought the three children.
12 The defendant again followed her. She also had a vehicle.
13 It was a four door Toyota Corolla that she had and, again,
14 she found work quite quickly at the General -- or G.E.,
15 some kind of place where she did accounting and bookkeeping
16 type of work, collections type of work.

17 She also placed the children into Angel --
18 Angel's Day Care Center and you'll learn that, at least at
19 the time of Deborah's death, that there was the oldest
20 child, James Panos, that child was about seven, Anthony
21 Panos, about five years of age, and Chantell Panos, about
22 three years of age. They all had Deborah's name with the
23 last name of Panos. None of them had the last name of
24 Chappell. And significantly enough, Deborah made sure at
25 the Angel Day Care Center that she was the only one who

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1 could have those children released to her. The defendant
2 was not on that list.

3 MR. BROOKS: I'm going to object to this
4 argument as irrelevant.

5 THE COURT: Well, maybe it will be or won't
6 be. I don't know. Overruled.

7 MS. SILVER: Thank you.

8 And she made sure of that.

9 Around December, just before Christmas, of
10 1994, you'll learn from a witness by the name of Lisa Duran
11 about another incident. Lisa Duran was a co-worker at G.E.
12 with Deborah and Deborah made a lot of friends. She had
13 friends where she worked, even here in Las Vegas, and
14 you'll learn that eventually later on, Lisa at some point
15 even lived with her, but for the time being, in December of
16 1994, Lisa observed an incident where, while at work, she
17 looked out the window of the business and saw the defendant
18 and Deborah in Deborah's vehicle together and she could see
19 the defendant screaming and yelling at Deborah and Deborah
20 was just crying and upset and looking down and at some
21 point, this defendant -- she watched this defendant slap
22 her with an open hand across her face and, thereafter,
23 Deborah Panos got out of the vehicle and went into work and
24 nothing was ever said about this incident.

25 By January, January 9th of 1995, the Las

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1 Vegas Metropolitan Police Department police was dispatched
2 to Ballerina Mobile Home Park to Deborah's trailer, but by
3 the time Metro got there, the ambulance was already there
4 and by the time Officer Giersdorf went to investigate a
5 domestic battery call, he was met by paramedics and after
6 receiving information from the paramedics, he went over to
7 look at the victim and there he saw Deborah Panos on a
8 stretcher in the Mercy ambulance getting ready to be taken
9 to the UMC Trauma Center for a broken nose and when he
10 looked at her, she had blood covering her entire face. She
11 had blood in her hair. She had blood throughout her ears.
12 Her nose had been busted open and was bleeding profusely
13 and she had lacerations on her nose and she had lacerations
14 on her forehead and, as she lied there on that stretcher,
15 Officer Giersdorf asked her, "What happened," and she had
16 trouble telling him because, you see, she couldn't breathe
17 out of her nose because of the blood and she was gurgling
18 on her own blood as she told him that the defendant got
19 angry at her and that the defendant punched her in the face
20 and so Officer Giersdorf went to the trailer and found this
21 defendant, James Chappell, sitting in a recliner watching
22 television and when Officer Giersdorf asked him, "What's
23 your side of the story," the defendant nonchalantly told
24 him, yeah, he had hit her with a cup in the face; he threw
25 a cup at her face, plastic cup. The defendant was arrested

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1 again for battery, domestic violence, and taken to jail.

2 Deborah, of course, was taken to the UMC
3 Trauma Center where Dr. McCourt will tell you that he
4 observed pretty much the same as the officers and for some
5 reason, because perhaps it's UMC, there's not much they can
6 do for a broken nose. They have to go to a cosmetic
7 doctor. It's nothing he can take care of as an emergency
8 room doctor. It's very limited and so when he asked her
9 what happened so he could treat her, she told him that she
10 had been punched several times by this defendant and he had
11 beaten her in the past, but never this badly and so the
12 doctor stitched up her nose and he stitched up her forehead
13 and the blood was cleaned from her face and she was
14 bandaged.

15 Deborah Panos that evening made a decision
16 to call what's called TADC. It's called Temporary
17 Assistance for Domestic Crisis. It is a battered woman's
18 shelter. It assists women like Deborah in an emergency
19 basis and gives them assistance and she contacted that
20 shelter and made contact with a woman by the name of Tonya
21 Hobson, who is a social worker there, and she caused to be
22 prepared an order. It's called a temporary protective
23 order against domestic violence; a restraining order, if
24 you will, and that restraining order was prepared with the
25 information given by Deborah and, in fact, a District Court

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1 judge signed that order preventing the defendant from
2 coming around Deborah at the Ballerina Mobile Home Court,
3 preventing the defendant from going to her work at G.E.,
4 preventing the defendant from going to Angel Day Care where
5 the children were. He was to stay away from her. He was
6 supposed to stay away from her.

7 By June 1st of 1995, within a couple months,
8 the police again were dispatched to the Ballerina Mobile
9 Home Court and this would be the last time that they were
10 dispatched and they were dispatched on a 911 call from
11 Deborah's roommate Clair, a woman who had begun to live
12 with her during this time period, and she was a friend of
13 hers from Tucson, Arizona.

14 In any event, Officer Williams arrived at
15 the location and he found Deborah very upset, crying, and
16 Deborah told him that the defendant had become angry, that
17 the defendant had thrown her down onto the bed, that he had
18 gotten on top of her, put his body over hers, put his knees
19 on her elbows, on her arms as she laid back in the bed, and
20 at some point he took out a knife and he was threatening
21 her with this knife and apparently, for some reason, her
22 roommate Clair knocked on the door. The police came for
23 some reason. The defendant was apprehended and he was
24 again arrested for battery, domestic violence, and he was
25 taken to jail.

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1 There's a time period between June of 1995
2 and August 31st of 1995 and you are going to see some
3 letters that were written by the defendant from jail and,
4 you see, those letters were found scattered all over
5 Deborah's residence when she was found murdered on August
6 31st of 1995 and in those letters that were recovered from
7 the police, you will see -- you will read what the
8 defendant wrote to her and some of the letters began how
9 much he loved her and missed her and the children and how
10 sorry he was that the violence had become what it was and
11 he promised he wouldn't be violent with her.

12 Promises, promises, promises and you'll be
13 able to see those letters and some of these letters
14 continue onto where he starts calling her a slut and are
15 you easy, Debbie, and what other -- and these are his words
16 not mine, "What other niggers are you with, are you taking
17 it from," in a sexual connotation. Very, very degrading to
18 this woman, the mother of his three children, and you will
19 see those letters and you will see the anger.

20 During this time period as well -- and one
21 other thing you will see in the letters is the defendant is
22 mad because she's not going to jail to visit him. Why
23 aren't you coming to jail to visit me? Why aren't you
24 accepting my calls from jail? Why? Why are you avoiding
25 me? Why are you being distant?

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1 During this time period, the defendant did
2 make phone calls to Deborah and, as I've stated before,
3 there was a period there in which Lisa Duran either lived
4 with her or the defendant called Lisa Duran's residence
5 where she was staying in an attempt to try and find Deborah
6 and in some of the phone calls that he made and he made
7 probably about five or seven, which were either left on her
8 machine, Lisa's machine, or where he actually talked with
9 her. On one of the phone calls, the defendant called and
10 asked where Deborah was. He had called the residence,
11 Deborah's residence, and Lisa said, "Well, I'm watching the
12 kids. She went to the store," and he began yelling at her
13 and he said, "I want to know what other nigger is she
14 laying underneath? You tell Debbie when I get out, I'm
15 going to make sure she doesn't have any friends. When I
16 get out, she won't be able to go out any more. I'll make
17 sure of that."

18 He also called yet another time and again
19 wanting to know where Deborah was, again threatening until
20 he said, "If I can't have her, no one will."

21 On August 31st of 1995, Deborah Panos woke
22 up and took her three children, very small children, to day
23 care at approximately 7:35 in the morning just like she did
24 most everyday on her way to work and little did she know
25 that that would be the last day that she would ever see her

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1 children and she dropped her children off at the day care
2 and she went to G.E. where she saw her friend Lisa Duran
3 and it was agreed between them that they should meet over
4 at Deborah's trailer at about 1:30 because Lisa needed to
5 retrieve a couple other items that she had left over there
6 when she was living there with her and that was agreed
7 upon, about 1:30 we'll meet.

8 In any event, Deborah apparently had gotten
9 off work at some point. At approximately 10:45 that
10 morning, you will learn that the defendant was released
11 from jail and within an hour and about 15 minutes, at about
12 12:15, a supervisor by the name of Sherry Smith at the
13 Angel Day Care received a telephone call from Deborah
14 crying, extremely upset, pleading for help several times,
15 and, as she was crying, she was also saying to someone else
16 in the background, "I don't have any money," and she could
17 hear that male voice in the background yelling and carrying
18 on, but she couldn't make out what that person was saying,
19 but she could hear Deborah trying to appease that person
20 and trying to calm him down and, at some point, she
21 whispered in the phone, "Call me back in five minutes," and
22 she gave the phone number.

23 Now Sherry thought this was strange. She
24 usually didn't get phone calls from Deborah and what was
25 very strange about the phone call is Deborah was calling

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1 her and asking her what time did she bring in the children
2 and, of course, she looked on the books and she said,
3 "Well, 7:35," and Deborah said, "Well, what time do I have
4 to pick them up by," and that's when Sherry Smith said
5 "Well, can you get away? Can you get down here without
6 him -- without him coming with you," and she was already
7 aware because, obviously, the defendant's name was not on
8 that list. She tried to ask her, "Can you get away from
9 him," and Deborah said, "No," and again she asked to call
10 back to check on her.

11 Within five minutes or so, Sherry did call
12 back, but when Deborah answered, she sounded fine and
13 Deborah said she was fine and that was the end of it and
14 that was the last time anyone spoke with Deborah Panos.

15 At about 1:30, Lisa Duran was driving up
16 into the Ballerina Mobile Home Park to Deborah's trailer
17 and at that time she saw Deborah's car leaving the complex
18 passing her right by and she saw a black male driving it
19 and it didn't dawn on her until just a little while later
20 that it was the defendant, but she saw a black male driving
21 out, she saw a bicycle, the trunk opened with the bicycle
22 in the back. She just assumed it was a friend, you see,
23 because she and Deborah both didn't know that the defendant
24 had been released. So she didn't immediately think it was
25 the defendant.

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1 In any event, after passing Deborah's
2 vehicle, she went to the mobile home and she knocked on the
3 door. There was no answer. She could hear the television
4 set and the air conditioner and she thought -- Lisa
5 thought, well, that's strange because she had lived with
6 Deborah, that's odd because Deborah wouldn't leave the air
7 conditioner on if she wasn't home because she's a single
8 mother out there with three children. She's not going to
9 waste the air conditioner. She is a little thrifty like
10 that and so she was concerned, but she decided to go over
11 to a friend's, a co-worker of theirs, home and once she
12 made contact with the co-worker and received some
13 information, Lisa became panicked. She became very
14 concerned because now she believed that the defendant was
15 out of jail and she became very fearful for Deborah, so
16 fearful that she went to the nearest convenience store to
17 use a phone to warn Debbie for her safety, that the
18 defendant had been released and she tried to make that
19 phone call and left a message on a voice mail.

20 She then went back to the trailer and
21 knocked, tried to knock again. Again, no answer. She did
22 notice, however, that one of the windows appeared to look
23 like it had been broken into. It was moved. At that
24 point, she went to the Angel Day Care Center to see if
25 Deborah had picked up her children, had the defendant been

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1 there to try to pick up the children. She learned that the
2 children were fine, but she learned about that phone call
3 that was made and she became more concerned and more
4 fearful and so before she went back over again, she wanted
5 to get a family member. She picked up a family member, her
6 brother, and they went back over to the trailer. Again, no
7 one answered.

8 At that point they decided to find or call
9 the police and on their way to call the police, they
10 happened to see a unit right there, patrol officer who was
11 just finishing up some kind of vehicle stop, Officer Himer,
12 and they approached Officer Himer and Lisa told him of this
13 problem and her concern for her friend's welfare and
14 knowing now what the danger involved with this defendant,
15 he requested backup units and, in fact, an Officer Lee
16 joined him as a backup unit with Sergeant Yada soon
17 following behind.

18 Both Officer Lee and Officer Himer arrived
19 at the Ballerina Mobile Home about the same time with Lisa
20 and they too saw the window from the master bedroom which
21 appeared to have been moved about a fourth of an inch. It
22 was ajar. They also tried to go to the rear door where the
23 laundry room was and they noticed that there was another
24 window that was out of place and Officer Lee even tried or
25 Officer Himer or Lee, they both tried to get their arm,

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1 even Lisa Duran, down into the door to unlock the door, but
2 they couldn't.

3 So they went back around to the front of the
4 trailer and that's where they were at some point able to
5 hoist Officer Lee up into the trailer itself and by doing
6 this, apparently the window had come off the track
7 completely at this point and Officer Himer sat that down
8 next to the trailer. Officer Lee made entry and
9 significantly noticed that the screen to that window was
10 jammed down in between the nightstand and the bed and it
11 was crunched up a little and Officer Lee made entry, walked
12 into that master bedroom, and, ultimately, walked into the
13 living room and there he made the gruesome discovery of
14 Deborah's body lying there in a pool of blood. Her face,
15 her chest, and neck area completely covered in blood and
16 she appeared to be lifeless. He opened the front door she
17 was very close to and he notified both Sergeant Yada, who
18 had arrived at the scene, Lisa Duran, and Officer Himer of
19 this unfortunate discovery.

20 At that point, homicide detectives were
21 notified. The homicide detectives in this case are
22 Homicide Detective James Vaccaro and Phillip Ramos and
23 crime scene analysts were also called to the scene. Those
24 crime scene analysts are Crime Scene Analyst Washington and
25 Crime Scene Analyst Perkins and what crime scene analysts

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1 are, they are the individuals that go to the crime scene,
2 take the pictures, try to obtain latent fingerprints, they
3 impound evidence from the scene that could be important in
4 a case, may or may not be important in a case, and, of
5 course, the detectives assist them in that investigation.

6 Significantly what all of them found, at
7 least those four people that I've described, because, of
8 course, the crime scenes are secured, was that this window
9 was, in fact, the point of entry, that they had determined
10 that this screen was scrunched in between that table and
11 the bed and that was significant to them.

12 Additionally, they found that there was no
13 money in the home, that her vehicle had been taken, and the
14 entire house looked like it had been ransacked. Papers
15 were strewn everywhere like as if someone had gone through
16 them, all over including these letters of the defendant's,
17 and also her personal papers and they were scattered
18 throughout the residence. And, of course, significantly
19 they saw Deborah Panos' body lying there and they could
20 tell that the wounds were from a knife and the reason why
21 is the knife was laying just outside of her body, bloodied
22 and with her hair intertwined in it.

23 As this was going on at the crime scene,
24 ladies and gentlemen, this defendant was seen later that
25 day, as the police were taking care of the crime scene,

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1 going to 507 Lamb Boulevard. It's called the Vera Johnson
2 Lamb Housing Projects and it's also across the street from
3 a Lucky's that's there as well and he was seen by two
4 individuals by the name of Deborah Turner and Ladonna
5 Jackson. They saw the defendant drive up in Deborah's
6 vehicle, the Toyota, and a whole group gathered around
7 him. They were all friends who he hung out with on a daily
8 basis and, you know, they were asking him, "How you doing,"
9 that type of thing.

10 Eventually, this defendant allowed Deborah
11 Turner to borrow this vehicle and which ultimately she
12 picked up Ladonna Jackson and they joy rided in that
13 vehicle and the defendant was sure to tell Deborah Turner
14 that, "When you return the vehicle, make sure to park it
15 behind the complex. Don't leave it out on the street, put
16 it behind the complex on the grass," where it could not be
17 seen from passers by and they did that in the early morning
18 hours. They parked the car.

19 The next day, ladies and gentlemen,
20 September 1st of 1995, they saw the defendant again that
21 morning somewhere around 11:00 or so and they all met
22 outside, talking again, and they watched the defendant walk
23 over to the Lucky's across street. You will learn that
24 this defendant was seen by a person by the name of Lawrence
25 Martinez at the Lucky's Market and he was seen the next day

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1 taking two liquor bottles, a can of beer, and four candy
2 bars and he was seen by Lawrence Martinez, who was a theft
3 prevention security officer for the Lucky's --

4 THE COURT: Counsel approach the bench.

5 (Off the record discussion not reported.)

6 THE COURT: Ladies and gentlemen of the
7 jury, you are hereby admonished to disregard the evidence
8 of this event that took place the next day at the Lucky's.
9 The Court has at this point -- there will be some issues
10 regarding that evidence and the discussion of it was
11 inadvertent.

12 MS. SILVER: Yes.

13 THE COURT: And the defendant's objection is
14 noted, but you are instructed to disregard it because at
15 this point it's not been established as evidence in the
16 case.

17 Does that satisfy the parties at this
18 point?

19 MS. SILVER: Yes, your Honor.

20 MR. HARMON: Yes.

21 MR. BROOKS: Your Honor, the defense does
22 object to the comments by counsel.

23 THE COURT: All right.

24 MS. SILVER: Eventually, an officer by the
25 name of Paul Osuch arrived at the Lucky's and after making

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1 contact with this defendant some time later, called Metro
2 homicide, as he believed that he had the suspect to the
3 homicide at the Ballerina Mobile Home Court in custody.

4 James Vaccaro and Phillip Ramos responded to
5 that location and there at that location, at the Lucky's,
6 they requested Crime Scene Analyst Monte Spoor to come to
7 that location to photograph some injuries to the
8 defendant's fingers and his hands and what you'll learn is
9 that the defendant had cuts on his fingers and that that's
10 not uncommon in a case where there is a stabbing because
11 sometimes, when a knife penetrates bone, the hand can slip
12 onto the blade and these injuries were documented by the
13 police and you'll see those photographs as well.

14 Turned over to Detective Vaccaro was some
15 keys and these keys were to Deborah Panos' vehicle.
16 Detective Vaccaro went out around the neighborhood to try
17 and locate that vehicle and eventually came into contact
18 with Ladonna Jackson and Deborah Turner, who at some point
19 told the detectives that the vehicle was hidden behind the
20 building and, of course, again James Vaccaro located the
21 vehicle and requested Crime Scene Analyst Washington, who
22 had been at the crime scene the day before, to go to that
23 location and that vehicle was impounded for further
24 investigation.

25 Additionally and significant, that same day,

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1 September 1st of 1995, an autopsy was done on the body of
2 Deborah Panos and it was done by our chief medical examiner
3 here in the county, Dr. Sheldon Green, who's probably done
4 over 12,000 autopsies and he has been qualified as an
5 expert in forensic pathology. He conducted the autopsy in
6 the presence of Detective Vaccaro and another crime scene
7 analyst by the name of Peterson. And there Dr. Green,
8 after his examination, concluded that there were a total of
9 13 stab wounds to Deborah Panos' body, most of them --
10 about 11 of them were in the neck and chest, upper chest
11 region, and that her jugular vein had been cut and her
12 carotid arteries on both sides had been cut. They are, in
13 fact, lethal wounds.

14 Additionally, there was another stab wound
15 to Deborah's abdomen, as well as an area right above her
16 pubic bone right above her vagina.

17 Significantly again, Dr. Green noticed that
18 Deborah's -- almost her entire face and around her ears
19 were bruised and had abrasions all over them. You can see
20 gashes in her forehead in the pictures and, additionally,
21 her arms and hands were completely bruised and he concluded
22 them to be defensive wounds and there were other areas of
23 bruising and abrasions. He concluded that those bruises
24 were made on the same day of her death, recent bruises, and
25 as you will recall, Lisa had seen her that morning and she

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1 wasn't in that condition.

2 The manner of death was homicide and the
3 cause of death was multiple stab wounds. A sexual assault
4 kit was also performed at this autopsy. We sometimes call
5 them rape kits as well. If she was alive, she would have
6 gone to UMC and the same type of rape kit would have been
7 done, but in this case the coroner, with the assistance of
8 the crime scene analyst, performed this task. It's
9 basically where they take, obviously, the blood of the
10 victim, they comb the pubic hairs for any foreign debris,
11 and they also swab her vagina and that kit is sent off, as
12 well as all the other evidence collected in this case.

13 It was sent to the Las Vegas Metropolitan
14 Police Department Crime Lab where initial examinations were
15 done. These examinations were done on a -- by a senior
16 criminalist by the name of Terry Cook. He is, basically,
17 up until a couple months ago, he was the only serologist
18 pretty much that did most the rapes and murders here in Las
19 Vegas or actually was the criminalist on those types of
20 cases for about the last 15 years at Metro and he will tell
21 you that he did preliminary examinations so that he could
22 then forward those results and those items for DNA
23 analysis. In fact, you will learn that we should have DNA
24 analysis available within a couple months here, but in the
25 time being, those had to be sent out.

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1 His examinations, these preliminary
2 examinations concluded that the knife -- excuse me -- the
3 blood on the knife that was found by the body of Deborah
4 Panos was consistent, using the A, B, O regular types of
5 examinations that you are probably more familiar with, A,
6 B, O blood typing, that that was consistent with Deborah
7 Panos' blood. That blood found on a sink in the home was
8 also consistent with Deborah Panos' blood and that some
9 blood that was swabbed off of the trunk area or tail end of
10 the vehicle where it was found at the housing projects,
11 that blood appeared also to be blood and, finally, that the
12 semen that was found in Deborah Panos, that there was, in
13 fact, semen found in her dead lifeless body, that that was
14 consistent with this defendant's.

15 That evidence was sent to Cellmark
16 Diagnostic Laboratories. It's one of the foremost
17 laboratories here in the country and it's used routinely by
18 many, many police departments all over the United States.
19 It's very highly accredited. A molecular biologist by the
20 name of Paula Yates did the analysis, DNA analysis on those
21 items and I will not get that specific, ladies and
22 gentlemen, at this point, but you will learn some about
23 DNA, but you will learn that from her analysis -- and she
24 did two types of testing. One is called PCR testing in
25 which DNA is magnified and from there they can do

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1 comparisons and another type which is called RFLP or actual
2 genetic fingerprinting. Just like a fingerprint, you can
3 leave your "fingerprint" with other items of your body,
4 bodily tissue, blood, semen, saliva, and it's a genetic
5 fingerprinting.

6 These tests were used and the results of the
7 tests were that using the PCR testing, not the genetic
8 fingerprint, but the PCR testing, that the knife handle,
9 the blood found on that knife handle was consistent with
10 the victim's blood and that the frequency of that blood
11 occurring in this world in the population was one and
12 17,000 and there was also trace -- there was some kind of
13 detection of the defendant's blood as well on the knife
14 handle.

15 As far as the kitchen or, excuse me, the
16 bathroom sink blood, the blood that had been swabbed, that
17 too was consistent with the victim's blood and the blood
18 that was swabbed from the car, that was primarily the
19 defendant's blood. Using what is called RFLP or the
20 genetic fingerprinting, she concluded that from the blood
21 of the knife itself, that was, in fact, consistent with the
22 victim's blood and the frequency of that occurring in
23 anyone else was one and 76 million and after testing the
24 semen in this case, she found that it was consistent with
25 the defendant's blood type and that the frequency of this

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1 occurring was one and 14 billion.

2 Ladies and gentlemen, at the conclusion of
3 this trial, the State is going to ask you to bring back a
4 verdict which reflects all of the evidence presented in
5 this case and that is to find this defendant guilty of
6 burglary, of robbery with use of a deadly weapon, and a
7 first degree murder with use of a deadly weapon for what he
8 did to Deborah Panos on August 31st of 1995.

9 Thank you.

10 THE COURT: Thank you.

11 Mr. Brooks, are you going to do an opening
12 statement?

13 MR. BROOKS: Yes, Judge.

14 THE COURT: Any indication of how long it's
15 going to be?

16 MR. BROOKS: I think I can do it, Judge,
17 probably in 15 minutes.

18 THE COURT: All right. You may make your
19 opening statement at this time.

20 MR. BROOKS: Thank you.

21 May it please the Court, counsel, members of
22 the Court's staff, and ladies and gentlemen of the jury, we
23 have just heard Ms. Silver provide an overview of what she
24 believes the evidence in this case will show. She says the
25 evidence supports burglary, murder with use of a deadly

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1 weapon, and robbery with use of a deadly weapon.

2 More specifically, they are saying that my
3 client, James Chappell, killed this woman Deborah Panos,
4 that he entered that trailer with the intent to either
5 steal or kill or rape and that he took her car and
6 ransacked the house.

7 Ladies and gentlemen, we see the evidence
8 quite differently and I believe that the evidence will show
9 that things are quite different than what you've just
10 heard, but before I summarize the evidence, let me say
11 this. The evidence in this case will show absolutely,
12 totally, and completely that my client, James Chappell,
13 takes full responsibility for the death of Deborah Panos.
14 It's not even an issue in this case. He killed the woman,
15 it was not an accident. We have stipulated to that to this
16 Court. My client will take the stand and he will tell you
17 that because, ladies and gentlemen, that is not what this
18 trial is about. This trial is not about what caused the
19 death or who caused the death of Deborah Panos. The
20 evidence will show he did it and we take full
21 responsibility for it.

22 What this case is about is what exact crime
23 occurred when he killed her. Now you have just heard one
24 version of the facts and I submit to you these facts tell a
25 very different story when viewed in a different way.

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1 Here's what the evidence will really show.

2 They say a burglary of the trailer. Well,
3 ladies and gentlemen, he did enter her trailer. He was in
4 jail for three months, three months. He lived in that
5 trailer when he was not in the jail. He had lived in this
6 trailer for quite a long time. If he had a home in Las
7 Vegas, the evidence will show that trailer was his home.

8 When he got out of jail, he went home. He
9 went home to his trailer, the trailer he shared with
10 Deborah Panos. The State will say, well, it was in her
11 name, which it was. The State may say, well, she paid for
12 it. Very true, but that was his home and that's certainly
13 what he thought when he got out of jail.

14 Did he enter the trailer through the
15 window? You bet he did. He got out of jail, he went to
16 the trailer, he didn't have a key, he didn't know she was
17 at home. He entered the trailer through the window. Which
18 window he enters is extremely important in this case
19 because it is evidence of what was going on in his mind.
20 This trailer is a four sided trailer. There are three
21 sides to that trailer that would offer some protection for
22 a person committing a crime to enter. He enters the
23 trailer through the one window that is most opened, that is
24 most exposed, and that's because he was entering his home.
25 He went inside his home, ladies and gentlemen. He didn't

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1 have the intent to commit any crime when he entered his
2 home and that's why there was no burglary in this case.

3 Did he commit murder in the first degree as
4 alleged by Ms. Silver? Well, here's what happened when
5 they got inside. James Chappell, when he was removing the
6 window, was met by Deborah Panos. She helped him inside
7 the trailer. She was glad to see him. They did talk
8 briefly and then after awhile they had sex. They have not
9 seen each other in three months. They have sex. It was
10 consensual sex. They had sex hundreds, perhaps thousands
11 of times before during the last 10 years. They had three
12 children together. This relationship went back a long
13 way. Ms. Silver says that, well, my client followed her
14 here and there and she would run off --

15 MS. SILVER: I'm going to object, your
16 Honor, as to argument.

17 MR. BROOKS: I'm sorry?

18 MS. SILVER: I'm going to object as
19 argument.

20 THE COURT: Sustained.

21 MS. SILVER: Thank you.

22 MR. BROOKS: The evidence will show, ladies
23 and gentlemen, that in fact my client did come to Las Vegas
24 with Deborah Panos and the evidence will also show that
25 Deborah Panos brought my client to Las Vegas. He didn't

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1 follow her, as suggested by some.

2 While they were having sex, ladies and
3 gentlemen, James, who was a very jealous man and we will
4 stipulate to that. He had been jealous for years. James
5 sensed something very different about Deborah Panos. The
6 evidence will show that while they were having sex, he
7 stopped and became angry with her and accused her of seeing
8 other men. She denied it. His jealousy was fueled in part
9 by the fact that while he had been in jail, he would call
10 her, she would take his calls, and they would talk, but
11 sometimes when he would call, she would -- he would find
12 himself talking to other men who were there in the trailer
13 with his children and his girlfriend and he didn't know
14 these men. He was jealous and he wanted to know who these
15 people were. He did become angry with her. She did become
16 scared. He got up and went to the bathroom and she went in
17 the other room and called the day care center and this is
18 when she called the day care center and told them or asked
19 them about coming and picking up the kids and they had
20 their conversation.

21 Apparently, a few minutes later, this
22 evidence will show the woman called back and everything had
23 calm down. In fact, it did calm down. James wanted to get
24 a meal and Deborah offered to try to take them out to a
25 place to get something to eat, but Deborah was not sure if

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1 she had the money to do that. So he decided to go pick up
2 the kids at the day care center. James left the trailer
3 and walked out to the car with Deborah. They went out to
4 the car and James got into the car and in the car he
5 started the engine. She said, "You can drive." He was
6 driving. They start driving away from the trailer and
7 James wants to find his Michael Jackson tape which was in
8 the car and he opens up the console and finds a letter from
9 another man. He stops the car, he reads the letter. The
10 letter is from someone else, not him. It implies sexual
11 things and James just goes into a complete fit of rage. He
12 stopped the car, he grabbed her, he took her back inside
13 the trailer. He doesn't remember everything he did, but we
14 know that he stabbed her over and over again. He stabbed
15 her very hard. The coroner will testify these were very,
16 very deep wounds. She died within 15 seconds of some of
17 the major wounds occurring and James cannot describe to you
18 what exactly he did. He can't remember to this day. He
19 does know he did it. He went into a fit of jealous rage
20 and he killed the woman he loved.

21 Now was that first degree murder? It's a
22 crime. He takes responsibility for it, but we submit that
23 evidence does not support first degree murder.

24 What about the robbery. The State says that
25 the trailer was ransacked. You'll see the pictures and you

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1 are not going to find the pictures support that at all.
2 The trailer was not ransacked. The trailer had some messy
3 areas, which is not surprising considering the fact you had
4 a woman living there with three kids. There were clothes
5 stacked in one place either waiting to be washed or had
6 already been washed.

7 James himself took, during the first
8 argument, took his letters he had sent her from jail and
9 asked her, "Do these mean anything to you," and he threw
10 them at her and they are spread over the ground, but that's
11 not ransacking and, ladies and gentlemen, quite frankly,
12 there is no evidence of ransacking in this case and you
13 will see that when you look at the photographs.

14 Did he rob her? Well, he did take the car.
15 He took the keys to the car and he left. He didn't know
16 what to do. He just killed a person. Well, the evidence
17 in this case, ladies and gentlemen, tells this very tragic
18 and sad story, but the real question is why it happened and
19 the evidence in this case will show that this was a
20 horribly, unhappy, and tragic relationship that lasted 10
21 years. You would hear that James beat Deborah before in
22 Tucson and in Las Vegas. You will hear also that they
23 loved each other. They had three children together. They
24 had been together a long, long time. When Deborah moved to
25 Las Vegas, she's the one who brought James along. She paid

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1 for him to come to Las Vegas. When Deborah was in Tucson,
2 the evidence will show James left her twice and both times
3 Deborah convinced him to return.

4 The sad facts of this case and the sad
5 evidence in this case suggest their relationship was like a
6 container containing air and gasoline. It was something
7 that was waiting to blow. Somebody needed to diffuse that
8 situation and James didn't do it and she didn't do it. All
9 that situation needed was a match, a spark, something to
10 make it blow and I submit to you that the evidence will
11 show that when he found that jealous letter or the letter
12 that got his jealousy going in the car, that was the match
13 because he will tell you all he could see, when he read
14 that letter, all he could see were images of her making
15 love with other men.

16 My client is fully responsible for this
17 crime. Absolutely, but this case is about degree of
18 responsibility. We are not asking for a break, we're
19 asking for justice and the evidence supports a voluntary
20 manslaughter with use of a deadly weapon conviction and a
21 grand larceny auto.

22 Thank you.

23 THE COURT: Thank you, Mr. Brooks.

24 Ladies and gentlemen, we will take our noon
25 recess at this time. I would remind you it is your duty

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1 not to converse among yourselves or with anyone else on any
2 subject connected with this trial or to read, watch, or
3 listen to any report of or commentary on this trial or any
4 person connected with this trial by any medium of
5 information, including, without limitation, newspapers,
6 television, or radio, and you are not to form or express an
7 opinion on any subject connected with this case until it is
8 finally submitted to you.

9 We will be reconvening at 1:30. Please be
10 in the courthouse at 1:25. We will be at ease while you
11 depart the confines of the courthouse.

12 Anything further?

13 MR. BROOKS: Judge, we would like to make a
14 brief motion, please.

15

16 (At this time, the jury left the courtroom.)

17

18 THE COURT: Mr. Brooks, briefly.

19 MR. BROOKS: Judge, during the opening
20 statement, Ms. Silver argued facts or stated facts to the
21 jury which had not been admitted into evidence in which the
22 Court has not made a ruling on. Because of that, we would
23 ask for a mistrial in the case.

24 THE COURT: Motion is denied.

25 MR. BROOKS: Thank you.

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1

2

(Off the record at 11:52 a.m. and back on
the record at 1:42 p.m.)

4

5

THE COURT: Good afternoon, ladies and

6

gentlemen.

7

Counsel stipulate to the presence of the

8

jury?

9

MR. HARMON: Yes, your Honor.

10

MR. BROOKS: Defense will, your Honor.

11

THE COURT: The State of Nevada may put on

12

its case in chief. Call your first witness.

13

MR. HARMON: Thank you, Judge. Lisa Duran.

14

15

LISA DURAN,

16

having been first duly sworn to tell the truth, the whole

17

truth and nothing but the truth, testified and said as

18

follows:

19

20

DIRECT EXAMINATION

21

BY MR. HARMON:

22

Q Will you state your name, please?

23

A Lisa Duran.

24

Q Please spell your names for the

25

record.

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1 A D-U-R -- I'm sorry. Lisa, L-I-S-A.
2 Duran, D-U-R-A-N.
3 Q Are you married?
4 A No, sir.
5 Q Ms. Duran, how old are you?
6 A I'm 28.
7 Q How old did you say?
8 A Twenty eight.
9 Q Do you live in the Las Vegas area?
10 A Yes, sir.
11 Q How long have you lived in this
12 community?
13 A Two years.
14 Q Where did you move from?
15 A San Diego, California.
16 Q Are you employed?
17 A Yes, sir.
18 Q Where do you work?
19 A G.E. Capital.
20 Q Is that a Las Vegas business?
21 A Yes, sir.
22 Q What type of business is it?
23 A Financial collections.
24 Q How long have you been employed at G.E.
25 Capital?

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1 A Two years next month.

2 Q Did you know Deborah Ann Panos?

3 A Yes, sir.

4 Q How is it that you came to know her?

5 A We met at work.

6 Q At G.E. Capital?

7 A Yes, sir.

8 Q In addition to becoming -- to being

9 co-workers, did you become friends?

10 A Yes, sir.

11 Q Did you become good friends?

12 A Yes, sir.

13 Q Was Deborah Panos married?

14 A No, sir.

15 Q Did she have children?

16 A Yes, sir.

17 Q How many children?

18 A Three.

19 Q What were the names and ages of the

20 children?

21 A JP, Anthony, and Chantell, three, five,

22 and seven.

23 Q You said JP?

24 A James Panos, yes.

25 Q And Anthony Panos?

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1 A Yes, sir.

2 Q And the last child is a girl?

3 A Chantell.

4 Q Will you spell Chantell?

5 A C-H-A-N-T-E-L-L.

6 Q You said the children were age seven,
7 five, and three?

8 A Yes, sir.

9 Q Do you know how old your former
10 co-worker and friend Deborah Panos was?

11 A She was 26.

12 Q In addition to working with her and
13 being her friend, did you live, for a short period of time,
14 with Ms. Panos?

15 A Yes, sir, I did.

16 Q Where was that at?

17 A 839 East Lamb, space 125.

18 Q You said east. Could it have been
19 North Lamb?

20 A It might have been. It was a long
21 time --

22 Q But it was on Lamb Boulevard?

23 A Yes, sir.

24 Q 839 Lamb?

25 A Yes, sir.

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1 Q You said what space?
2 A 125.
3 Q Was that location in Las Vegas, Clark
4 County, State of Nevada?
5 A Yes, sir.
6 Q Have you at any time had contact with
7 the defendant in this action, James Chappell?
8 A Yes, sir.
9 Q Do you know Mr. Chappell?
10 A Yes, sir.
11 Q How is it that you know him?
12 A From Debbie. She introduced him to
13 me.
14 Q To your knowledge, did Mr. Chappell and
15 Debbie Panos have a relationship?
16 A Yes, sir.
17 Q What was the relationship?
18 A From what I understood from Debbie, it
19 was ex-girlfriend and ex-boyfriend.
20 Q Do you see in court today the
21 individual that you knew as a former boyfriend of Deborah
22 Ann Panos?
23 A Yes, sir, I do.
24 Q Would you point to him and describe
25 some article of clothing he's wearing in court?

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1 A He's sitting right there in the middle
2 of the two gentlemen. He has on a gray coat and glasses.

3 MR. HARMON: Your Honor, may the record show
4 that the witness has described and identified the
5 defendant, Mr. Chappell?

6 THE COURT: Yes.

7 MR. HARMON: Thank you.

8 Q Ms. Duran, was there an occasion
9 shortly before Christmas, 1994, when you saw some type of
10 disturbance in the area of the place where you work, G.E.
11 Capital, which involved Deborah Panos and the defendant,
12 Mr. Chappell?

13 A Yes, sir, I did.

14 Q When do you remember the incident
15 occurring?

16 A It was late afternoon and I was getting
17 ready to leave for work and I was standing between the two
18 doorways that went into our office.

19 Q Are you able to give us any frame of
20 reference regarding the date or approximate date?

21 A No, sir.

22 Q Was it close to a holiday?

23 A Yes, sir. It was in the month of
24 December.

25 Q Do you remember when it was in relation

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1 to the Christmas holiday?

2 A About two weeks, maybe three.

3 Q About two to three weeks, what, before
4 Christmas?

5 A Before Christmas, yes, sir.

6 Q You said it was in the late afternoon?

7 A Yes, sir.

8 Q I think you indicated it was in front
9 of the business?

10 A Yes, sir.

11 Q Where were you at the time you saw what
12 was happening?

13 A As I said before, I was standing --
14 there were two doorways. There was one door and then there
15 was like a little hallway and then there was another door
16 that led into the building and I was standing in between
17 both of them and I was getting ready to go home.

18 Q What did you see at that time?

19 A At that time, I saw -- I looked out
20 into the parking lot and I noticed that Debbie and James
21 were sitting in an automobile and it looked as though she
22 was crying and there was an argument and then next thing I
23 knew, he had slapped her and she got out of the car and
24 came into work.

25 Q Could you see where it was he slapped

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1 her?

2 A It was in the face.

3 Q Do you remember what part of the face?

4 A Just one of -- one of her cheeks.

5 Q You say one of her cheeks. You
6 indicated on your head the left side, but are you saying
7 you don't know if it was the left or right side?

8 A It might have been the left side. It
9 was so long ago.

10 Q You have described it as a slap. Was
11 Deborah hit with the hand opened?

12 A Yes, sir.

13 Q Could you, by gesture from the witness
14 stand, indicate what it was that you saw happen at the time
15 this slap occurred?

16 A Just that he looked at her and he had
17 his hand like this and it was across the face.

18 Q Were they sitting next to each other
19 inside the car at the time?

20 A Yes, yes, sir.

21 Q When you have referred to he, are you
22 talking about the defendant, Mr. Chappell, who hit Deborah
23 Panos?

24 A Yes, sir.

25 Q Did she ever talk to you about the

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1 incident?

2 A She did.

3 Q At that time, without going into what
4 she said, did you learn any more details about what the
5 circumstances were?

6 A No, sir.

7 Q Do you know if there was any type of
8 formal report made by Deborah Panos to the police in
9 connection with the incident you have just described?

10 A No, sir.

11 Q There was not?

12 A No, sir.

13 Q Was there an occasion, also somewhere
14 around Christmas or perhaps even somewhat after Christmas
15 of 1994, that you became aware Deborah Panos suffered an
16 injury to her nose?

17 A Yes, sir.

18 Q What happened to her nose?

19 A It was broken.

20 Q Did you see it bandaged?

21 A Yes, sir.

22 Q When did you see it bandaged?

23 A The day after it happened, she came
24 into work.

25 Q Did you determine at that time whether

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1 she had suffered the broken nose accidentally?

2 A No, sir.

3 Q You did or didn't?

4 A I did not.

5 Q Now, you've mentioned that there was a

6 time when you lived with Ms. Panos?

7 A Yes, sir.

8 Q And that was at 839 Lamb, space 125?

9 A Yes, sir.

10 Q Can you tell us approximately what time

11 frame that was?

12 A It was about a week.

13 Q Had you intended to stay longer with

14 her?

15 A Yes, I did.

16 Q Do you remember when it was that you

17 first met the defendant, Mr. Chappell?

18 A It was Memorial Day Weekend.

19 Q Of 1995?

20 A Yes, sir.

21 Q Do you remember where you were when you

22 met him?

23 A At Deborah's home.

24 Q Where was she living at that time?

25 A At 839 Lamb, number 125.

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1 Q Did you exchange any words with the
2 defendant that Memorial Day Weekend when you met him?

3 A No, sir.

4 Q Did you hear him say anything?

5 A Yes, sir.

6 Q Who was he speaking to when you heard
7 him talk?

8 A To Deborah.

9 Q Do you remember how his voice sounded?

10 A Yes, sir.

11 Q After the Memorial Day Weekend, did you
12 talk with the defendant a number of times on the
13 telephone?

14 A Yes, sir, I did.

15 Q Over what approximate time span?

16 A Two months.

17 Q During an approximately two month
18 period, after the Memorial Day Weekend, 1995, approximately
19 how many times did you speak over the telephone with the
20 defendant?

21 A About seven.

22 Q Did you know who you were talking to?

23 A Yes, sir.

24 Q How did you know who it was?

25 A I recognized the voice every time.

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1 Q Is there any doubt in your mind that
2 you were speaking with the defendant, Mr. Chappell?

3 A No, sir.

4 Q How did it happen that you talked with
5 him on about seven occasions?

6 A Some of the occasions occurred when he
7 would call the trailer and ask to speak with her. There
8 were a couple of occasions when he called my apartment.

9 Q When you say some of the times he would
10 call the trailer and ask to speak with her, are you talking
11 about the trailer with Deborah lived?

12 A Yes, sir.

13 Q 839 Lamb Boulevard?

14 A Yes, sir.

15 Q But you said he would also call an
16 apartment where you were living?

17 A Yes, sir.

18 Q When he would call you at your
19 apartment, was he looking for someone?

20 A He was looking for Deborah.

21 Q How many times, during the two month
22 span, did you actually talk with the defendant over the
23 telephone?

24 A Five times.

25 Q Five times?

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1 A Uh-huh.

2 Q Did he leave messages on other
3 occasions?

4 A Yes, sir.

5 Q On how many occasions?

6 A Twice.

7 Q During the five conversations over the
8 telephone where you actually talked to Mr. Chappell, did he
9 ever say anything of a nature threatening to Deborah
10 Panos?

11 A Yes, sir.

12 Q Are you able to identify which
13 particular telephone conversations it was?

14 A There was one particular phone
15 conversation. I was alone with the children at the trailer
16 one night and he had called.

17 Q About what time at night was the call?

18 A Before 8:00.

19 Q Do you know at the time of this call
20 whether the defendant was in custody?

21 A Yes, sir.

22 Q He was in custody?

23 A Yes, sir.

24 Q And you say it was somewhere around
25 8:00 in the evening?

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1 A Before 8:00, yes, sir.

2 Q What do you remember about that
3 particular conversation?

4 A The conversation, he asked where
5 Deborah was and I told him that she had gone out and he
6 asked where his children were and I told him that his
7 children were with me and that's when he made the comment
8 to me that he wanted to know what other nigger she was
9 laying up underneath and I told him that that was none of
10 my business to tell him and he said, "Well, what kind of
11 friend are you," and I said, "The kind of friend who minds
12 her own business," and he told me, "Well, you tell Debbie
13 that I called and that when I get out of here, she's not
14 going to have any friends, she's not going to have any
15 life, and that includes you."

16 Q If you were to give a very best
17 estimate regarding the date of that telephone conversation,
18 what would you tell us?

19 A It was about a month before she died.

20 Q So you are saying, perhaps, some time
21 in late July?

22 A Uh-huh.

23 Q 1995?

24 A Yes, sir.

25 Q Were there other telephone

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1 conversations that you had with the defendant during the
2 approximately two month time frame after Memorial Day
3 Weekend, 1995 where other threatening words were used by
4 Mr. Chappell?

5 A Yes, sir.

6 Q Tell us what you remember.

7 A That he would sit there and talk about
8 how he was upset that she hadn't been answering his phone
9 calls and she hadn't been writing him and he was upset that
10 she hadn't brought the children to see him.

11 Q To see him in jail?

12 A Yes, sir.

13 Q Or to write him while he was in
14 custody?

15 A Yes, sir.

16 Q What else did he say?

17 A He just told me that he was angry and
18 that when he got out, she wasn't going to have any friends
19 and that if he couldn't have her, nobody could.

20 Q What was your reaction when the
21 defendant would say this?

22 A I would just get angry and I would tell
23 him, "I'm not going to talk to you any more," and I would
24 hang up.

25 Q When Mr. Chappell would complain during

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1 the conversations about her not visiting him, not writing
2 him letters, was it simply on one occasion or various times
3 that he was angry with her?

4 A It was various times that he was
5 angry.

6 Q I want to direct your attention now to
7 August the 31st, 1995. On that date, to your knowledge,
8 was the defendant, Mr. Chappell, still in jail?

9 A Yes, sir.

10 Q Did you go to work that morning, August
11 the 31st?

12 A Yes, sir.

13 MR. BROOKS: I'm going to object for lack of
14 foundation as to her knowledge of him being in jail.

15 MR. HARMON: I said her knowledge, your
16 Honor. I'm really trying to get simply her state of mind.

17 THE COURT: The objection is overruled in
18 any case.

19 Q (BY MR. HARMON) You were still working
20 at G.E. Capital?

21 A Yes, sir.

22 Q Do you remember what time you went to
23 work?

24 A It was about 8:00 in the morning.

25 Q Did you see your friend and co-worker

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1 Deborah Panos at work?

2 A Yes, sir. She came in about an hour
3 after I did.

4 Q So perhaps 9:00 in the morning?

5 A Is when I saw her, yeah.

6 Q How long did you stay at work that
7 day?

8 A From 8 to 1.

9 Q Was that a regular shift for you?

10 A No, sir.

11 Q How long did Deborah Panos stay at G.E.
12 Capital?

13 A About an hour.

14 Q Did you know why she had only stayed
15 for about an hour?

16 A She was making up some time.

17 Q She was doing what?

18 A She was making up time.

19 Q So she came in for one hour?

20 A Uh-huh.

21 THE REPORTER: Is that yes?

22 THE WITNESS: Yes.

23 Q (BY MR. HARMON) Based upon what you
24 knew concerning the relationship of Deborah Panos and James
25 Chappell as of August the 31st, 1995, did you know whether

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1 Deborah wanted to continue the relationship with Mr.
2 Chappell at that time?

3 MR. BROOKS: Object, lack of foundation,
4 hearsay.

5 THE COURT: Overruled.

6 THE WITNESS: Could you please repeat the
7 question. I'm sorry.

8 Q (BY MR. HARMON) Yes.

9 Based upon what you knew about the
10 relationship with the defendant, Mr. Chappell, and Deborah
11 Panos, as of August the 31st, 1995, did she want to
12 continue the relationship?

13 A No, she did not.

14 Q Was she going to continue to live at
15 839 Lamb Boulevard, space 125?

16 A No, sir.

17 Q Did you know when she intended to
18 move?

19 A She was in the process of gathering up
20 her things and clearing out rooms when I had moved in the
21 week before.

22 Q So when you moved in with her, it was
23 the week prior to August the 31st?

24 A That she had started cleaning out rooms
25 and things, yes.

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1 Q Now did her intention to move have
2 anything to do with the fact that you didn't stay longer
3 than a week with her?

4 A No, sir.

5 Q Did you know where she intended to
6 move?

7 A Yes, sir.

8 Q Where?

9 A There was a man that she was seeing at
10 the time and he wanted her and her children to move in with
11 him.

12 Q What is the name of the man?

13 A His name is JR.

14 Q Did you know his last name?

15 A No.

16 Q Had you ever met JR?

17 A Yes, sir.

18 Q So you've indicated that on August the
19 31st, Deborah Panos left work at about 9 in the morning?

20 A Yes, sir.

21 Q Now, I think you said she arrived at 9?

22 A She arrived at 9 and stayed for an
23 hour.

24 Q So she left about 10 in the morning.

25 Did you know where she intended to go when

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1 she left work?

2 A Yes, sir.

3 Q Where?

4 A She intended to go home and clean house
5 for a little while and wait until I got there.

6 Q Did you have an understanding that
7 later in the day you would meet Deborah Panos at space 125,
8 839 Lamb Boulevard?

9 A Yes, sir.

10 Q You told us already that you got off
11 about 1:00 in the afternoon?

12 A Yes, sir.

13 Q Did you go to the Lamb Boulevard
14 residence at that time?

15 A No, sir.

16 Q Where did you go?

17 A I went to my mother's home.

18 Q How long did you stay there?

19 A Fifteen minutes.

20 Q Did there come a time when you went
21 over to keep your appointment with Deborah Panos?

22 A Yes, sir.

23 Q Tell us what type of area she lived
24 in?

25 A She lived in the northeast corner of

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1 Las Vegas in a trailer park.

2 Q Do you remember the name of the trailer
3 park?

4 A Ballerina Sunrise.

5 Q As you proceeded through the trailer
6 park to Deborah's residence, did you see something which
7 attracted your attention?

8 A Yes, sir, I did.

9 Q Tell us what you observed.

10 A As I was pulling into the trailer park,
11 I was pulling in going westbound and I noticed her car
12 coming out eastbound.

13 Q Are you sure it was her car you saw
14 coming out?

15 A Yes, sir. I recognized it right away
16 because she didn't have any license plates on her car.

17 Q Have you seen the car a number of times
18 before?

19 A Yes, sir, I had.

20 Q Had some member of your family done
21 repairs on Deborah's car?

22 A Yes, sir.

23 Q Who had worked on her car?

24 A That was my brother, John.

25 Q John Duran?

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1 A Yes, sir.

2 Q Were you present when your brother
3 worked on Deborah's car?

4 A Yes, sir.

5 Q When you saw her car, did you notice
6 who was driving, who was inside the car?

7 A I didn't recognize the person at first,
8 no.

9 Q Was it Debbie Panos?

10 A No, sir, it was not.

11 Q Describe the person you saw inside the
12 car?

13 A It was a tall black man driving her
14 car.

15 Q Did you initially recognize who was
16 driving the car?

17 A No, I did not.

18 Q Did you think, at the time you were
19 headed over to Debbie's place to meet with her, that the
20 defendant, Mr. Chappell, was still in jail?

21 A I thought he still was, yes, at that
22 time.

23 Q Did you know at that time he had been
24 released?

25 A No, sir, I did not.

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1 Q How fast was her car proceeding when,
2 in your vehicle, you past the car being driven by the black
3 man?

4 A It was less than five miles an hour
5 because there are very large speed bumps on both sides
6 going in and out of the trailer park. So you can't go very
7 fast.

8 Q Did you get a decent look at the person
9 who was driving Debbie's car?

10 A Yes, sir, I did.

11 Q Did you notice anything about the back
12 of the vehicle?

13 A I noticed that the trunk was opened in
14 the back and hanging out from the back there was a
15 bicycle.

16 Q Was there anyone else that you noticed
17 inside the car besides the black man, who was the driver?

18 A No, sir.

19 Q What did you do after you past
20 Deborah's car being driven by the man you have described?

21 A After I past Deborah's car going out, I
22 then drove into the trailer park, parked in front of her
23 trailer, and went to the front door and knocked.

24 Q You say you went to the front door and
25 knocked?

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1 A Yes, sir.

2 Q Did anyone respond?

3 A No, sir.

4 Q What happened then?

5 A I kept knocking and there was still no
6 answer. So I thought maybe she had gone over to Mike's
7 house.

8 Q Who is Mike?

9 A Mike is another friend from work.

10 Q What is Mike's last name?

11 A Pollard.

12 Q Please spell Pollard.

13 A P-O-L-L-A-R-D.

14 Q You said Mike Pollard was another
15 friend from work. You are talking about G.E. Capital?

16 A Yes, yes, sir.

17 Q Since you thought perhaps Deborah had
18 gone to see Mike, did you go to Mike's place?

19 A Yes, sir, I did.

20 Q Directly from 839 Lamb Boulevard?

21 A Yes, sir.

22 Q What happened when you got to Mike
23 Pollard's residence?

24 A When I had gotten to Mike's, I walked
25 into his house and I asked him if he knew where Deborah was

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1 and he said, "She left here already. She's gone," and I
2 said, "Okay. How long ago did she leave," and he said, "I
3 don't remember what time it was," and then he made the
4 comment to me, "By the way, did you know that James was
5 out," and --

6 Q Up to that moment, did you know that
7 James was --

8 A No, sir, I did not.

9 Q -- out of jail?

10 A I did not, no.

11 Q At that point did your mind flashback
12 to any events you had witnessed before that?

13 A Yes, sir.

14 Q What did it flashback to?

15 A It flashed back to the driveway, me
16 driving in and the car driving out, and the person's face.

17 Q When you understood that Mr. Chappell
18 was out of custody, did you then know who the driver was?

19 A Yes.

20 Q Of Debbie's car?

21 A Yes.

22 Q Who was it?

23 A It was James.

24 Q James Chappell?

25 A Yes.

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1 Q The defendant who is here in the
2 courtroom this afternoon?

3 A Yes.

4 Q As you thought back about that, were
5 you sure that he was the driver of the car?

6 A Yes, sir.

7 Q What did you do after your conversation
8 with Mike Pollard?

9 A I then left and went to a convenience
10 store around the corner from Mike's and I attempted to call
11 Debbie at home because Mike didn't have a phone and all I
12 got was her voice mail and I told her that I was looking
13 for her and that I was worried about her.

14 Q Were you worried about her?

15 A Yes.

16 Q Why?

17 A Cause once Mike told me that James was
18 out, I was afraid that he had done something to her.

19 Q After you tried to call her and left a
20 message on her voice mail, what did you do?

21 A I then went back to the trailer and I
22 kept banging on the front door and then I went around to
23 the back door and that was locked too and there was no way
24 for me to get into the house. So I went around to the
25 front where her bedroom was and that's when I noticed that

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1 there was something wrong with her bedroom window.

2 Q What do you mean something was wrong
3 with the bedroom window?

4 A The windows in her trailer went up and
5 down instead of side to side and when I looked at the
6 bedroom window, I noticed that the bottom window was off
7 the track.

8 Q Did that add to the concern you had for
9 your friend?

10 A Yes, sir.

11 Q What did you do then?

12 A I then went to the children's day care
13 a block away from her trailer and asked if her children
14 were still there.

15 Q Did you determine whether the children
16 were still at the day care center?

17 A Yes, sir, I did.

18 Q Were they?

19 A Yes, they were.

20 Q Did you have a conversation with any
21 person who worked at the day care center?

22 A Yes, sir, I did.

23 Q Do you remember who you talked to?

24 A I don't remember.

25 Q After you had gone to the day care

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1 center, what happened?

2 A After I had left the day care, I was
3 scared. So I went and I drove back to my mother's and I
4 got my mother and my sister -- or my brother and we drove
5 back to the trailer and on the way back, I found a police
6 officer and I told him that I was afraid to go back because
7 I was afraid that something had happened to her and that's
8 when he followed me.

9 Q Did you relay to the police officer,
10 whom you approached, the reasons for your concern about
11 your friend?

12 A Yes, sir, I did.

13 Q Ms. Duran, thinking back to the
14 afternoon where you saw the defendant driving away from the
15 area of Deborah Panos' trailer, can you estimate about what
16 time that was on August the 31st, 1995?

17 A It was about 1:30, a quarter to 2 in
18 the afternoon.

19 Q Approximately how much later was it
20 that you approached the police officer and explained to him
21 your concerns?

22 A It was almost 4:00 that afternoon.

23 Q Did the police officer accompany you to
24 839 North Lamb?

25 A Yes, he did.

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1 Q Tell us what happened when you arrived
2 there with law enforcement?

3 A When we arrived there with the police
4 officer, he had called for backup and once backup got
5 there, I showed one of the police officers the window and
6 at that time he took the window out of the track and he sat
7 it down up against the trailer and he went inside.

8 Q Did there come a time when the officer
9 who had gone inside came out?

10 A Yes.

11 Q Did you learn something then?

12 A Yes.

13 Q What did you learn?

14 A That he had found Debbie lying next to
15 the door on the floor and I remembered that I was standing
16 near the porch and he tried to shut the door so that we
17 couldn't see anything and he told us not to go in there.

18 Q Before the officer shut the door, were
19 you able to see any part of your friend Debbie Panos?

20 A Yes.

21 Q What part of her body?

22 A I saw her feet.

23 Q Could you recognize, from what part of
24 her body you saw, that it was her?

25 A Yes.

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1 Q On this particular date, August the
2 31st, 1995, was anyone else living at the trailer home at
3 839 Lamb Boulevard, space 125, to your knowledge, besides
4 Deborah Panos and her three children?

5 A No.

6 MR. HARMON: Your Honor, may I have the
7 Court's indulgence?

8 THE COURT: Yes.

9 (Off the record discussion not reported.)

10 MR. HARMON: Your Honor, may I approach the
11 witness?

12 THE COURT: Yes.

13 Q (BY MR. HARMON) Ms. Duran, I'm showing
14 you a photograph marked as Proposed Exhibit 66. Do you
15 know who is portrayed in that photograph?

16 A Yes.

17 Q Is that your former co-worker and
18 friend, Deborah Ann Panos?

19 A Yes.

20 Q Do you have any personal knowledge of
21 when this photograph was taken?

22 A I believe it's her senior picture.

23 Q As a senior, what then, high school?

24 A Yes, sir.

25 Q So this is not a recent picture; is

PATSY K. SMITH, OFFICIAL COURT REPORTER

1 that correct?

2 A Yes, sir.

3 Q I'm showing you now State's Proposed
4 Exhibit 1 and 4. Do you recognize the mobile home which is
5 depicted in Proposed Exhibit 1 and 4?

6 A Yes, sir.

7 Q Whose trailer was this?

8 A This was Debbie's.

9 Q Debbie Panos?

10 A Yes, sir.

11 Q Is this the residence you have been
12 referring to as 839 Lamb Boulevard, space 125?

13 A Yes, sir.

14 Q Now, you said that when you first
15 arrived, you noticed that there was one of the windows
16 which seemed to have the sliding portion off a runner?

17 A It was the second time that I had been
18 back to the trailer that I noticed the window.

19 Q Is that a window which was depicted in
20 the photograph you are looking at?

21 A Yes, sir.

22 Q Will you circle that particular window
23 in green, please.

24 A (Witness complying.)

25 Q Put your initials outside the circle.

PATSY K. SMITH, OFFICIAL COURT REPORTER

1 A (Witness complying.)

2 Q Actually, you have drawn a large circle
3 around the window; is that correct?

4 A Yes, sir.

5 Q And a smaller circle around some other
6 object. What is that?

7 A It's the other part of the larger
8 window that I noticed was off the track.

9 Q Did you see how the window, which you
10 first had seen was off the track, ended up on the ground?

11 A Yes, sir, I did. I watched the police
12 officer as he took it off the track and sat it down next to
13 the house.

14 Q Have you placed these two circles and
15 your initials on State's Proposed Exhibit 1?

16 A Yes, sir.

17 Q Now, is Proposed Exhibit 4 simply
18 another picture of which focuses on the window which you've
19 already circled in Proposed Exhibit 1?

20 A Yes, sir.

21 Q I'm showing you now Proposed Exhibits
22 56 through 60. I want you to concentrate on the automobile
23 which is shown parked alongside a building. After you've
24 looked at all the photographs, will you tell us if you
25 recognize the car.

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1 A I recognize it.

2 Q Whose car is this, which is shown in
3 Proposed Exhibits 56 through 60?

4 A It's Debbie Panos' car.

5 Q Are you sure this is her car?

6 A Yes, sir.

7 Q It's a Toyota vehicle?

8 A Yes, sir.

9 Q What color was her car?

10 A Silver and black.

11 Q I think you mentioned that it didn't
12 have a license plate on it?

13 A Yes, sir.

14 Q Yes, sir, it did not have?

15 A It had no license plates. None in the
16 front and none in the back.

17 Q Is the car, which is shown in these
18 photographs, Proposed Exhibits 56 through 60, the same
19 vehicle you saw the defendant, Mr. Chappell, driving
20 between 1:30 and 1:45 p.m. on August the 31st, 1995?

21 A Yes, sir, it is.

22 Q Are you sure of that?

23 A Yes, sir.

24 Q Now you mentioned that Debbie had three
25 children?

PATSY K. SMITH, OFFICIAL COURT REPORTER

1 A Yes, sir.

2 Q James, Anthony, and Chantell?

3 A Yes, sir.

4 Q Do you know if all four members of the
5 family had social security cards?

6 A Yes, sir, I do.

7 Q Did you know where Deborah kept the
8 social security cards?

9 A She had a black folder. It was like a
10 day organizer that she always carried around with her. She
11 didn't have a purse.

12 Q Did she show you the black folder on
13 occasion?

14 A Yes, sir.

15 Q Had you had an opportunity to look
16 inside the black folder?

17 A Yes, sir, I did.

18 Q Is that how you know where the social
19 security cards were kept?

20 A Yes, sir.

21 Q Is that where they were always kept, to
22 your knowledge?

23 A Yes, sir.

24 Q Did she keep the black folder in any
25 particular place?

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1 A She kept it where she could see it at
2 all times.

3 Q And you say she would carry it with her
4 instead of a purse?

5 A Yes, sir.

6 Q I'm showing you what the clerk has
7 marked as Proposed Exhibit 64. It's a two page document.
8 Do you recognize what this is a copy of?

9 A Yes, sir, I do.

10 Q What is it a copy of?

11 A Their social security cards.

12 Q Social security cards of Deborah Panos
13 and her three children?

14 A Yes, sir.

15 Q Are these the cards you were referring
16 to which you said were kept by her in the black folder?

17 A Yes, sir.

18 Q During the period of time that you knew
19 Debbie Panos prior to her death, did she work throughout
20 that time interval at G.E. Capital?

21 A Yes, sir.

22 Q Did she work on a regular basis?

23 A Yes, sir.

24 Q To your knowledge, was her former
25 boyfriend, the defendant, Mr. Chappell, employed, gainfully

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1 employed?

2 A Not prior --.

3 MR. BROOKS: Objection, irrelevant.

4 THE COURT: Overruled.

5 THE WITNESS: No, sir, not prior to that,

6 no.

7 Q (BY MR. HARMON) Not prior to what?

8 A When I had first met Debbie at G.E. and
9 we were getting to know each other, she said that she had
10 just moved in.

11 MR. BROOKS: Objection, hearsay.

12 THE COURT: That's sustained.

13

14 (At this time, another court reporter took
15 over the proceedings.)

16

17 (Off the record at 2:30 p.m.)

18

19 * * * * *

20

21 ATTEST: FULL, TRUE AND ACCURATE TRANSCRIPT OF PROCEEDINGS.

22

23

24

25


PATSY K. SMITH, C.C.R. #190

PATSY K. SMITH, OFFICIAL COURT REPORTER

DISTRICT COURT

COUNTY OF CLARK, STATE OF NEVADA

FILED IN OPEN COURT

OCT 11 1996 19

LORETTA BOWMAN, CLERK

BY *[Signature]* Deputy

THE STATE OF NEVADA,

Plaintiff,

vs.

JAMES MONTELL CHAPPELL,

Defendant.

ORIGINAL

Case No. C131341

REPORTER'S TRANSCRIPT

OF

JULY TRIAL, VOLUME III, AFTERNOON SESSION

BEFORE THE HONORABLE A. WILLIAM MAUPIN, DISTRICT JUDGE

OCTOBER 10, 1996

2:30 P.M.

APPEARANCES:

For the Plaintiff:

MELVYN T. HARMON, ESQ
Deputy District Attorney

&

ABBI SILVER, ESQ.
Deputy District Attorney

For the Defendant:

HOWARD S. BROOKS, ESQ.
Deputy Public Defender

&

WILLARD N. EWING, ESQ.
Deputy Public Defender

REPORTED BY: Marcia Leonard, RPR, CCR No. 204

MARCIA J. LEONARD, CCR NO. 204, RPR

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CLARK COUNTY, NEVADA, OCTOBER 10, 1996, 2:30 P.M.

* * * * *

DIRECT EXAMINATION (CONTINUED)

BY MR. HARMON:

Q The time interval I'm asking you about is not before she came to Las Vegas, not before she worked at GE Capital.

To your knowledge from the time that you met while she was working at GE Capital as a co-worker with you up until she was killed, to your knowledge was the defendant, James Chappell, employed?

A No, he was not.

Q You've already described a number of telephone conversations that you had with Mr. Chappell?

A Yes.

Q Is there any doubt in your mind that you were talking to James Chappell?

A No, sir.

Q He's the person who uttered threatening remarks concerning Deborah Panos?

A Yes, sir.

Q Was he jealous of her?

MARCIA J. LEONARD, CCR NO. 204, RPR

1 A Yes, sir.

2 Q Was she afraid of the defendant, Mr.
3 Chappell?

4 A Yes.

5 Q How do you know that?

6 A She told me.

7 Q On one occasion or various times?

8 A On various occasions.

9 Q To your knowledge, was she still afraid
10 of him on August the 31st, 1995?

11 A Yes.

12 Q Did she know he was out of custody the
13 morning that you saw her at work August the 31st,
14 1995?

15 MR. BROOKS: Objection, calls for
16 speculation.

17 THE COURT: Overruled.

18 THE WITNESS: No, she did not.

19 BY MR. HARMON:

20 Q You've mentioned that she was in the
21 process of moving?

22 A Yes, sir.

23 Q Was it her intention to be moved from 839
24 North Lamb Boulevard, Space Number 125, before the
25 defendant was released from jail?

1 A Yes.

2 Q Why did she want to be away from that
3 residence before he was released?

4 A Because she didn't want to be with him
5 anymore, and she just wanted out.

6 MR. HARMON: May we have the court's
7 indulgence, your Honor.

8 THE COURT: Yes.

9 BY MR. HARMON:

10 Q Miss Duran, did you know approximately
11 how long Deborah Panos and Mr. Chappell had had a
12 relationship together?

13 A Almost ten years.

14 Q Almost ten years?

15 A Yes, sir.

16 Q When you saw Debbie for about an hour at
17 GE Credit the morning of August the 31st, did you see
18 any sign of injury to her face or head or any part of
19 her body?

20 A No, sir.

21 Q Did she seem to be in a normal frame of
22 mind?

23 A Yes, sir.

24 Q After the crime was discovered, was there
25 ever a time when you had an opportunity to go into the

1 trailer?

2 A Yes.

3 Q Did you know what type of housekeeper
4 your friend was?

5 A It was very hard for her to keep up
6 sometimes because she had three small children.

7 Q You've already told us that they were
8 rather tender years, seven, five and three?

9 A Yes.

10 Q Did you observe anything unusual when you
11 had a chance to go into the trailer after the crime
12 had been committed?

13 A Just I -- it just looked like somebody
14 had been through it.

15 Q What do you mean that it looked like
16 someone had been through it?

17 A Someone had been through it looking for
18 something. There were papers and things all over her
19 house.

20 Q Would it be typical for Deborah even with
21 three small children in the house to leave papers
22 scattered around the trailer?

23 A No, sir.

24 Q To your knowledge did she have kitchen
25 knives in the trailer?

1 A Yes, she did.

2 Q Would that have included steak knives?

3 A Yes, sir.

4 Q Did she just leave them lying around or
5 would she have stored any knife that she had in a
6 certain place?

7 A She kept the knives in the kitchen
8 drawer.

9 Q Was that a drawer in the kitchen?

10 A Yes, sir, between the stove and the
11 refrigerator.

12 Q Did you know from your relationship with
13 her that she would have been concerned about the
14 children having ready access to sharp instruments?

15 A Yes, sir.

16 Q Would she have been concerned?

17 A Yes, sir.

18 MR. HARMON: Your Honor, may I have the
19 court's indulgence again.

20 THE COURT: Yes.

21 MR. HARMON: May I again approach the
22 witness, your Honor.

23 THE COURT: Yes.

24 BY MR. HARMON:

25 Q Miss Duran, I'm showing you Proposed

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IN THE SUPREME COURT OF THE STATE OF NEVADA

* * * * *

JAMES CHAPPELL,

S.C. CASE NO. 61967

Appellant,

Electronically Filed
Nov 18 2013 02:17 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

vs.

THE STATE OF NEVADA,

Respondent.

APPEAL FROM DENIAL OF PETITION FOR WRIT OF HABEAS CORPUS
(POST-CONVICTION) AND SENTENCE OF DEATH
EIGHTH JUDICIAL DISTRICT COURT
THE HONORABLE JUDGE CAROLYN ELLSWORTH, PRESIDING

~~~~~  
APPELLANT'S APPENDIX TO THE OPENING BRIEF  
VOLUME IV  
~~~~~

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IN THE SUPREME COURT OF NEVADA

JAMES CHAPPELL,

CASE NO. 61967

Appellant,

vs.

THE STATE OF NEVADA

Respondent.

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CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on this 18th day of November, 2013. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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