dispatchers 24:22. displaying 84:9, 84:15.
dispute 53:22.
disregard 19:6.
dissatisfaction 84:16.
dissociative 105:8.
distant 54:22. 55:8, 66:24, 66:24, 67:9.
disttnction 94:15.
DISTRICT 1:6, 1:28, 10:3.
disturbance 15: 4.
Doctor 63:8, 92:21, 105:22.
documents 37:15.
$\operatorname{dog} 59: 7,59: 9$.
dogs 59:5.
doing 24:8, 32:14, 41:16, 49:12, 56:22, 83:2.
done 10:19, 11:6, 24:16, 50:12, 51:6, 71:18, 75:24, 90:7, 98:6, 102:14, 102:15, 104:23, 105:3.
door 59:9, 85:11, 85:18, 85:19, 85:20, 85:21, 85:23, 85:24, 90:2, 92:10, 92:10.
doors 85:22.
dope 15:11, 15:13.
DOUGLAS 1:27.
down l1:25, 15:8, 22:1, 29:24, 37:11, 37:26, 38:9, 40:1, 45:7, 53:3, $60: 8$, 60:12,

62:15, 63:2,
79:12, 63:5,
85:11, 86:5,
86:9, 88:22.
dragged 85:17.
dragging 85:10, 85:12.
drank 76:23.
draw 62:22.
drinking 86:13.
driven 32:15.
driveway 91:18.
drop 32:25.
dropped 33:1.
drove 90:13.
drug 37:9, 42:76,
56:8, 94:14.
drug-clependant
94:20.
drugs 18:7, 31:15,
31:15, 35:7,
42:20, 46:10,
56:0, 56:1日,
56:23, 57:6,
69:10, 69:23.
70:9, 92:2,
92:8, 94:10,
94:16, 100:6,
200:8, 100:13.
drunk 56:20.
During 9:3, 26:3,
33:8, 35:15,
38:4, 41:2,
44:9, 44:25,
45:21, 47:18,
17:22, 72:8,
82:19, 82:21,
83:2, 83:3,
93:6, 105:9,
105:13, 106:3, 106:7.
duty 9:20, 9:21.
dynamic 54:3.
dynamics 58:4,
74:16.
$<E>$.
ear 98:16.
earlier 15:22,

81:24.
early 27:-3,
56:15, 61:9,
61:21, 67:4,
67:8.
earner 68:15.
earning 68:19.
easier 8:1.7.
easy 101:5.
education 50:11.
educational 49:18.
either 40:25, 69:6.
elbow 30:25. elevated 34:22. elusive 79:11. emergency 50:6. emotional 67:3. emotionally 54:23. 66:25.
emotions 56:24, 57:4, 57:7. emphysema 25:17. eraployed $7: 9$, 7;14, 24:1, 49:8.
employment 41:2. encounter 73:19, 83:2, 83:3, 86:21,
encouraged $38: 3$. end $31: 16,36: 3$, 36:4, 60:7.
enough 73:22, 102:5, 102:9, 102:13.
entails 51:24.
entered 22:4.
enters $17: 1$.
entirely 101:9.
equipment 12:21.
escalation
53:24.
escape 57:10, 59:8, 59:9, 100:9.
Especially
38:20.
ESQ 2:2, 2:3, 2:6,

2:7.
essentially 35:21.
establish 10:10,
50:5, 102:14.
established 55:3,
61:21.
establishment.
61:10.
estimate 52:22.
estimation
71.23.

Etcough 53:8,
53:16, 56:11.
59:25, 60:4,
64:15, 75:16,
93:9, 93:14,
93:16, 100:23,
103:9, 103:16,
103:25,
104:20.
evaluate 52:6.
52:9, 52:14.
evaluations
50: 18.
event 93:5.
events 92:25,
93:3, 99:13. 105:13.
everyone 57:20.
everything 33:25,
69:1, 75:13, 98:17.
evidence $4: 25$, 5:2, 5:5. 5:12, 82:11, 103:15.
exact 101:5, -105:16.
exactly 30:1, 76:13. 81: 4, $98: 13$.
EXAMINATION 3:7, $3: 13,3: 18$, 3:20, 7:7, 23:22, 49:3, 92:19.
examine 58:6.
example 55:12, B1:7, 81:17, 93:22.
exceeded 22;8.
except A1:24.
excíted B:13.
excuse 38:25.
excused 47:14, 105:23.
Exhibit 17:16. 18:13. 19:1.
expand 61:2.
experience 50:2.
experiment 59:7.
experiments 59:4.
expert 52:18. 89:11.
Explain 11:15, 32:20, 49:7, 51:3, 51:23, 53:20, 54:15, 57:1, 57:15, 62:11, 71:17, 72:8, 77:9, 101:6.
explained 97:23.
explaining 13:1. 94:5.
explains 55:20, 59:3.
explanation 72:19.
explanatory 54:18.
explicit 85:5.
express 48:4. 106:14.
expressing 104:25.
extent 5:17, 5:24. 6:11, 103:24.
external 61:22.
extremely 56:6, 56:14, 78:23.
$<\mathrm{F}>$.
Eace 30:11, 30:20.
fact 4:23, 21:2, 44:9, 93:5, 96:24, 98:16,

99:11,
facts 31:5, 53:7, 63:17, 63:25, 103:15.
fair 19:2 53:22.
fairly 54:10.
falls 72: 2 .
farmiliar 99: 8 .
family 4:22, 5:5,
5:17. 67:22.
far 5:24, 6:9.
100:14,
100:15.
father 25:16, 25:17, 62:5, 67:2, 67:4.
Fathers 54:22, 54:23.
fault 97:7.
favorite $81: 23$.
fear 61:3.
fearful 78:23.
feeding 54:4,
feel 6:5, 56:19, 59:13, 61:22, 70:1.
feeling 71:10.
feelings 39:18, 43:10, 43:13.
feels 58:15.
fell 71:10.
fellatio e2: 6 .
felt 6:8, 22:4, 35:5, 58:21, 58:23, 82:21.
few 48:6, 51:3.
fidgeting 15:8.
fidgety 13:18.
fifteen 50:14. 52:24.
fight $33: E$, 91:14.
fighting 71:21.
fights 60:19.
figure 61:5.
figured 14:17.
fill 11:21.
filling 20:10.
finally 4e:5,

106: 15.
finances 54:6, 54:10, 68:12.
find $8: 13$, 10:16, 20:25, 21:17, 30:9. 31:4. 31:9, 67:22, 67:25, 93:18, 94:1, 94:10. 100:9, 100:13.
findings 75:22, 100:25.
fine 56:22. 77:19.
finger 73:23.
fingerprint 11:5.
flnish 14:23, 98:8.
First 5:7, 7:5, 8:9, 10:18, 16:3, 19:11, 23:19, 33:7, 33:10, 33:12, 70:19, 94:9, 102:3.
first-hand 6B:5.
fishing 10:20.
fit 13:11, 56:8, 58:18, 59:16, 60:16, 60:23.
fitness 50:16.
fits 61:17, 61:18, 94:20, 96:23, 102:11.
fitting 13:7.
five 57:13. 57:13.
flat $90: 11$.
flew 4: 7.
floor 86:5.
Eloyd 4:17.
Folks 5:16,
$5: 25$.
followed 54:1.
force 6e:18.
forced 59:16, 59:19.
foregoing 107:11, 107:15.

Forget 99:24.
forgiveness 56:14.
form 48:3, 49:21, 96:9, 106:13.
formerly 23:24.
forth 99:10, 105:14, 107:12.
forthooning 92:24, 94:5.
Found 9:14, 21:23, 26:19, 85:4, 91:11. $100: 6$.
four 15:14, 16:2, 16:9, 29:25, 31:6, 44:20, 49:15, 74:6.
fourth 59:2.
Freeman 23:10, 23:24, 38:25.
FRETMAN-RICHARDSON 3:11.
frequency 31:1,
frequent 57:18, 57:23, 102:21.
friend 36:9, 75:4, $76: 21,77: 1$, 81:10, 86:13, 90:14.
friends 5:19, 26:9. 38:22, 39:3, 67:25, 68:5, 71:25, 75:11, 76:22, 91:9.
frightened 78:11.
front 13:5, 14:10, 14:15, 15:6, 34:2, 85:11, 85:18, 85:20, 85:23, 89:18.
frustrated 60:13.
fuck 34;1,
furniture 69:5.
.
$<G>$.
gained 13:16.
gangs 55:l1.
gave 9:11, 10:3, 11:11, 40:19, 60:1, 8::13, 96:20.
genexal 5:14, 10:4, 56:22, $66: 2$.
Generally 8:21, 13:13, 65:10.
gentleman 15:6.
gentlemen 47:15, 47:18. 48:14, 106:3.
gets 61:21.
getting lsile, 31:5, 56:21. 62:24, 77:6. 87:9.
girls 54:21, 55:11.
give 6:24, 9:6, 14:9, 14:11, 22:12, 23:13, 31:16, 31:19, 31:21, 35:18, 36:5, 40:5, 41:25, 48:20, 49:17, 50:1, 54:25, 57:24, 50:2, 60:3, 72:4, 81:7, 91:17, 84:14, 84:20, 86:24. 90:2, 91:10.
Given 10:6, 10:10, 12:5, 40:15, 58:17, 59:23, 96:10.
giving 4:22, 21:3, 40:4.
glase 11:2.
giasses 17:10.
God 7:1, 23:15,
48:22.
gosh 55:16.
gotten 33:19.
governs 5:7.
Grab 45:13. 46:2,

101:24.
graduate 49:20.
grand 22:8.
grandmother 61:5.
great 56:13, 73: 8 , 95:21, 104:10.
grief 92:12. grocery 32:10.
groin 89:1.
ground 91:12, 91:14.
group 39:16, $50: 13,50: 14$.
gLess 6E:22. $73: 13,76: 10$, 83:20, 84:4.
guidelire 1l:24.
guilt 12:1r 59:23, $71: 10,71: 10$.
Guilty 58:20, 58:21, 71:18.
gum $8: 22,22: 16$.
gurney 73:11.
guy 10:16. 10:24, 14:16, 33:22. 62:24.
guys 55:13. 55:14
-
< H > .
half 33:12.
hallow 19:12.
handcuffs 13:19.
rands 82:21, 83:4.
hang 26:12, 55:1.1.
hanger 10:10.
hanging 39:24.
happen 15:11,
15:24, 62:22, 79:5. 69:12.
happens 54:18, 55:10, 61:13, 61:19, 69:1, 89:14, 89:15, 99:23.
happily 35:9.
happy 78:6, 78:8.
harder 22:19.
hate 58:1.
heal 102:17.
healed 81:5, BI: 8.
Health 49:14, 49:14.
hear 26:23, 28:11, 33:12, 33:23, 34:13, 34:16, $35: 23,37: 2$, 57:18, 83:23.
heard 27:7, 34:7, 35:18, 35:20, $35: 25,41: 3$, 71:24, 78:25.
HEARTNG l:14, 4:18, 4:21, 5:11, 79:20.
hearings 4:21, $5: 7$.
heck 54:25.
held 45:12, 46:7, 47:5, 74:10, 102:2.
help 7:1, 12:23, 23:15, 35:10, 36:11, 4日: 22, 03:15, 83:18, 90:1.
helped 78:3.
helplessness 59:2, 59:13.
hereby 107:9.
HERNDON 1:27.
herself 30:4.
hidden 22:24.
high 31:14, 31:15, 37:9, 46:9, 46:15, 56:20.
hinges 80:21, 82:16.
histoxies 56:15.
history 9:14, 10:11, 37:16, 66:3. 92:22.
hit 89:1.
Hold 101:24.
holding 83:5.
hollow 18:7, $19: 13$.
Home 9:23, 10:2, 13:10, :3:24, 30:6, 30:6, 32:13, 32:19, 33:1, 33:4, 36:18, 36:23, 42:2, 42:5, 46:15, 47:7. 69:20, 78:17.
homicide 9:22, $10: 2,13: 11$, 16:10, 16:14, 16:15, 16:17.
honest 32:21.
honesty 102:12.
Honor 4:6, 4:7,
6:13, 12:20.
18:18, 18:20, 23:6, 36:19, $39: 25,45: 5$, 46:4, 46:25, 47:2, 48:17, 95:13, 99:2, 100:18, 100:20, 101:22, 103:5, 103:14.
HONORAELE 1:27.
hook 66:23.
hooked 12:21.
hope 8:16.
hopefully e: 14.
horrible 105:1.
Hospital 49:15, 49:15, 49:24, 50:8, 73:17.
hour 36: B , 65:7.
hours 53:14,
64:24, E1:14, 81:16.
hoase 26:12,
26:17, 26:21,
28:3, 28:5,
28:14, 32:9.
32:24; 32:25, 36:22, 41:25, 76:21. 76:24, 76:25, 77:1,

77:4, 77:13. 77:16, 81:10, 85:10, 65:12, B5:18, 85:22, 86:4, 86:13, 87:15, 90:14.
household 61:8.
Houston 49:21, 49:21.
Howard 1:43, 107:26.
humar 59:4. hundred 21:6.
hurt 31:5.
hurting 84:6.
hypnosis 51:19. 51:19.
hypothesis 58:19, 59:17, 59:18, 68:9.
$<~ I>$.
ID 9:5.
idea 13: $\boldsymbol{B}_{\text {, }}$ 49:17, 80:21, 82:17, 99:25.
identification 8:15, 11:7, 11:8, 12:10.
identified 17-12.
identifies 54:11.
Ldentiry 10:24, $14: 16$.
Identity 15:19, 15:20.
amagine 105:3.
iranediate 62:21. immediately 30:15.
impact 4:22, 5:4, $5: 18,5: 21$, 38:16, 38:21, 39:4, 39:8.
IMPANELED 45:19. implied 62:23. important 74:15, 74:10, 96:13.
importantly 5:6.
impound 21:25.
in. $67: 18$.
inadvertent 93:21.
inappropriate 6:6.
incarcerated 75:22.
incidence 66.7, 72:5, 74:8.
incidences 41:7.
incident 12:9, 17:19, 20:19, 22:2, 32:6. 64:11, 72:10, 73:13, 73:21, 73:22, 74:7, 74:7, 74:9, 74:21, 95:4.
incidents 37:22, 38:4, 41:10, 72:22, 74:6, 74:19.
include 5:4, 42:4.
included 19:22, 22:10, 37:22, 37:25,
including 47:20, 48:1, 69:1, 106:5, 106:11.
inconsistencies 93:18, $94: 3$.
independent 75:19.
indicate 101: 6 , 101:11.
Indicates 64:17.
individual 26:3, 20:22, 21:2, 22:4, 28:21.
individuals 50:7, 52:6, 52;10, 52:14, 56:13.
induce 44:4.
indulgence 12:21, 45:2, 63:5, 92:14.
information 10:5,

11:21, 13:6,
15:23, 21:15,
37:12, 47:25,
50:2, 59:23,
66:16, 79:17,
96:10, -02:5,
105:10.
ingest 11:2, 18:7, 18:11.
inhale 11:3.
Initially 26:7.
initiated $80: 15$, 80:16, 81:21.
initiation 80:20.
injured 65:19, 90:5, 103:1.
injuries 30:9. 30:17, $31: 2$.
inside 15:4, 61:24, 73:11, 85:11, 87:15, 8B:4, 91:2, 91:5.
instability 56:13.
instance 75:7, 81:13.
instances 32:4, 36:10, 95:2, $98: 23$.
instead 13:21, 75:8. 76:11, 95:3. 95:9, 96:25, 97:24.
intelligence 60:7.
intense 57:4.
intent 22:5, 69:10, 69:23, $69: 24, ~ 35: 23$.
intentionally 56:18, 99:24, 105:5.
interactird 13:6.
interaction 13:2.
intercourse 82:14.
interested 56:5.
internet 48:2, 106:12.
interpreted 5:1
jnterview 12:17r 67:22, 67:25, 69:4. 96:11.
interviewed 64:18, $65: 3,68: 9$.
introcuced 27:17.
involved 19:7, 42:13, 50:4. 70:25, 95:3. 98:25.
involving 42:12.
10 60:1, 60:5. 75:16, 97:9.
issue 10:25. 11:19, 11:22, 14:7, 15:20, 55:2, 56:16, 59:15, 68:25, 73:13, $33: 25$ r 81:18, 81:19, 96:12.
issued 11:14, 11:25.
issues 4:18, 50:10, 51:7, 52:2.
item 19:2, 20:1.
items 8:18, 8:20, 10:22, 11:22, 15:1, 17:17, 20:3, 20:18, 21:19, 21:20, 22:7, 22:10, 22:10, 63:13. 69:5, 92:10, 93:20.
itself 74:22.
Ivory 9:12, 10:10, 16:6.
.
< J > .
Jackson 29:23.
jail 11:4, 13:19, 14:6. 14:13.

14:17, 14:19,
76:22, 93:22.
job 8:16. 24:8, $25: 5$, 27:16. 29:3.
Jobs 29:6, $42: 25$.
Journals 50:25.
Judge 1:2B, 6:21.
yurdediction 14:18.
JUROR 45:19.
jurors 23:4.
JOFY 4:12, 6:3, 6:18, 11:15, 17:22, 45:25, 47:17. 48:13. 53:20, 54:15, 106:2.
$<k>$.
Kaczmasek 4:17.
Keep 46:21, 55:13, 77:20, 93:7.
kept 39:7.
key 77:6, 77.10. 77:13, 77:19.
keys 17:24, 31:16,
35:18, 35:18,
36:5, 90:15.
kids 27:17, 32:19,
33:2, 44:16,
44:24, 46:15,
61:5, 80:6,
80:9, $84: 25$,
95:6.
kill 34:2, 34:3, 34:4.
killed 41:9, 87:17, 96:16.
killing 96:18,
100:5, 105:9.
kind 5:9, 8:15,
8:23, 11:3,
13:5, 15:6,
19:2, 20:10.
24: 8, 33:15,
34:19, 40:3,

40:4, 50:1.
51:17. 51:23,
56:5, 56:17.
58:2, 60:16.
61:9, 6:.16.
62:5, 62:10,
76:8. 90:2,
105:1.
kinds 50:10, 98:23.
kissing 80:15.
kitchen 72:13, 72:15.
knife 74:10, 87:25.
knowing 10:24, 60:15.
knowledge 21:20, 45:15. 104:23. known 25:3. $30: 13$.
-
< L >.
laceration 73:2.
Ladies 47:15, 47:18, 48:14, 106:3.
lady 13:4, 15:5, 44:20.
laid 13:21, 20:18.
Lamb 7:25.
land-line 9:10.
Lansing 25:21, 44:1.
larceny 11:14, 11:19, 14:8, 22:6, 22:8.
large 76:23, 88:16, 94:18.
Las 4:1, 5:15, 7:10, 27:8, 34:11, 35:1, 35:12, 40:17. 42:18.
Last 4:13, 16:3. 23:20, 53:3, 53:13. 64:21. 64:21, 65:7.

66:15, 93:15.
lasted 36: 6.
later 20:14. 20:15, 33:2, 88:7.
LAW 12:24, 52:18.
lawyers 47:21, 106:6.
Lay 16:23.
laying 87:22.
leading 96:5, 97:1.
learned 59:2, 59:12, 62:11, 78:23.
learning 52:6. 78:19.
least 9:7, 11:5, 11:7, 21:16. 22:14. 57:20.
leave 21:13, 32:12, 33:3, 42:1, 70:24, 73:22, 80:8, 87:6.
leaves 90:17.
leaving 86:12.
lectuce 51:18. 51:18.
lectures 51:6.
left 18:2, 32:17, 76:22. 81:20, B4:24.
leg 88:24.
letter 85:5, 85:6, 85:8.
licensed 51:9, 105:15, 105:16.
lifestyle 2日; 1 .
lighter 18:8.
likely 59:22, 100:3.
limit 22:9.
limitation 47:20. 48:1. 106:5, 106:11.
limited 52:7, 72:20.
line 11:25, 62:22.
liquor $\mathrm{e}: 23$, 22:15, 22:16, 22:18. 22:19. 22:23.
list 11:22, 14:25, 15:1, 22:12. 57:13.
1jsten 47:23, 106: 8 .
liter 22:22.
luttle $6: 17,13: 5$, 13:17, 14:24, 15:4, 16:14, 18:2, 50:1, 51:23. 57:12, 61:2, 91:23, 95:22.
live 5:16, 35:7.
lived 25:24, 43:3.
lives 5:17.
living 25:22.
loaded 53:23.
local 10:17.
located 7:25, 26:24.
location 7:20, 8:2, 14:2, 21:8.
long 24:4, 25:2, 25:3. 29:10, 29:24, 30:13, 36:2, 40:22, 49:12, 93:7.
look 21:9, 80:11, 96:9.
looked 15:16. 20:9.
looking 4:18, 10:5, 10:20, 20:23, 26:25, 20:14, 86:9.
Looks 18:5: 19:12.
loss 57:3, 61:10, 101:4.
lost 61:4, 74:8.
lot 5:16. 8:15,

27:15, 2B:3,
30:3, 33:9,
38:10, 52:8,
54:17, 70:9.
91:6, 98:5.
lots 61:6.
love 42:5, 54:23,
55:4, 55:14,
55:17, 55:19,
55:23, 57:24,
58:1. 55:15,
71:1, 71:4.
loved 39:4.
loves 70:20.
106 60:7, 60:7, 97:9.
Lucky 7:25, 日i 4, $10: 9,16: 18$.
lunch 106:1.
lying 73: J.0.
$\langle M\rangle$.
M. 1:17, 2:6.
ma'am 8:5, 9:13.
9:19. 10:13.
12:7, 12:12,
13:13, 14:3,
16:11, 1.7:7.
17:18, 1.7:21,
18:16, 47:14.
main 5l:le.
majority 12:7.
make-up 30:18.
male 13:7, 17:9,
61:8, 79:10.
man 17:5, 59:4.
management 50:13,
50:13.
manager 32:23.
manger 32:21.
marked 19:1.
marks 73:23.
Marnell 9:11.
married 71:2.
materials 53:2, 53:5.
matter 72:20.
mean 30:23, 39:4, 62:19, 62:20.

66:23, 84:3, 105:12.
meaning 62:21.
means 11:20,
57:25, 69:72, 69:15, 70:1, 84:4.
mechanism 57:10, 99:23.
media 50:11.
medical 50:9, 50:9, 51:19. 54:9.
medicate 56:1日, $70: 1$.
medication 51:5.
Medicine 49:11,
51:15, 51:16.
mediurn 47:25, 106:10.
meet 27:13. 43:6.
meeting 65; 6, 65:7.
member 50:20, 50:22.
members 4:22, 17:22, 67:22.
memories 99:13.
memory 91: 21 , 99:25, 101:4.
men 55:8, 55:16, $58: 21,59: 16$, 66:23, 67:5, 79:7, 79:15.
Mental 49:14.
mention 46:9,
$73: 24,74: 3$,
74:9, 22:19, 87:22, 87:25, 89:3, 88:15, 89:18, 88:21. 99:5, 89:19, 90:1. 91:22, 91:25, 102:23
mentioned $1.1: 13$, 14:1, 15:25, 20:14, 29:15, $33: 22,34: 25$. 42:7. 49:23,

51:12, 63:13,
64:20. 65:9.
66:19. 67:6r
69:25, 70:19,
75:15, 89:16, 93:16.
mentioning
13:23.
mentions 59:25.
messages 42:1,
42:4.
messed 85:1.
met 8:10, 24:24,
25:23, 25:24,
25:2, 27:12,
31:7, 64:20,
64:21, 65:1,
77:25.
method 69:19.
Metropolitan 7:10, 7:17.
Michigan 25:21, 33:19. 43:16, 44:7.
Mike 78:14.
Milton 4:16.
mind 77:19. 79:18, 99:21, 99:25.
mine 45:24, 46:3, 103:4, 105:6.
minute 29:13,
$34: 25,95: 22$,
96:14, 96:17.
minutes 48:6.
misdemeanor 11:16, 11:18, 15:2.
mistrust 61:11.
mitigating 5:11.
mix 76:8, 76:12, 76:15, 86:12.
MO $80: 22$.
Mobile 9:23, 10:2, 13:10, 13:24.
model 59:10.
models 61: 0 .
moisture 91:12,
91:14.
nom 25:17, 25:19.
moment 12:22.
money 21:23, 31:16, 32:25, 33:1, 33:3, 33:4, 34:14, 34:17, 54:6. 68:16. 68:18, 69:22, 69:2, 69:7, 69:8, 69:18, 69:20. 69:21, $91: 23$, 100:13.
month 11:25, 31:3.
months 31:7. 33:20, $34: 11$, 61:13.
MORNING 1:30, 10:1, 32:10, 33:6. 40:12, 49:5, 49:6. 54:14.
Morrel. 9:11, 9:12, 10:10. 16:6.
mother 27:1, 27:2, 43:9, 43:10. 61:4, 61:12, 61:14.
motives 71:22.
motorcycle 54:15, $55: 7,55: 11$, 56:5, 66:20.
move 18:1, 25:18, $35: 1,35: 4$, 44:1, 44:4.
moved 14:20, 25:12, 25:14, 25:18, 43:16, 43:16.
movies 26:11.
moving 26:16, $67: 17$.
mucder 5:7, 26:19, 89:10, 95:25, 96:3, 101:5.
murdered 26:22. mutually 97:5.
myself 29:21, 56:11.
$\langle\mathrm{N}\rangle$.
NANE 3:6, 3:11. 3:17, 7:4, 7:5, 9:2, 9:6. 9:11, 9:15, 10:6, 10:10, 10:12, 10:15, 11:11. 12:15, 15:5, 15:25, 16:3, 16:6, 16:10, 21:3, 23:16, 23:19, 23:20, 29:22, 37:7, 48:25, 78:14
named 29:23. 59:5.
names 16:4, 16:8, 33.24.
narcotic 18:12.
narcotics 15:11, 15:13, 19:19. 38:1.
nationwide 10:17.
nature $4: 19$. 5:21, 8:1, 20:23, 21:10, 58:7. 70:3, 72:22, 96:9.
nay 46:3.
nearby 91:15.
necessarily 57:5, 70:12, 71:1, 99:15, 104:13. 104:25.
necessary 5:3.
neck 30:12, 30:20, 73:23, 74:11.
need 12:22, 17:1, 46:20, 55:3, 55:3, 55: 6 , 55:8, 55:9, 55:19. 55:20. 55:20, 80:3, 104:21.
needed 16:24, 32:20, 33:3. 33:5.
negotiated 92:5,
$92: 11$.
nervolus 13:17. $13: 22,13: 24$.
neuropsych 93:10.
neuropsychologist 52:8, 53:8.
Nevada 1:7, 1:10, 4:1, 4:9, 4:15, 4:16. 4:17, 4:17, 6:15, 48:10, 49:10, 51:9, 51:10, 52:18, 107:9.
new 35:5, 75:24.
newspapers 48:1, 106:11.
next 6:20, 12:13, 16:15, 23:7, 36:24, 45:8, 47:16, 76:20, 77:23, 79:5, 79:24, 14.23 , 90:2.
nice 55:14, 55:17.
nicked 86:7.
night 4:13, 10:1, 36:22, 36:24, 53:3, 53:13, 64:21, 65:7, 66:15. 91:24, 92:4, 92:10, 93:15.
No. 1:2, 1:3, 33:9, 45:25, 66:9, 67: 8 , 68:7, 69:10, 76:19, 83:19, 100:17.
nobody 17:1.
noises 26:23.
None 21:25, 44:21.
normal 4:20, 4:21, 60:7. 77:15.
normally il:14, 6I: 12.
northeast 7:24.
Noxthridge

49:20.
nose 72:9, 72:25.
note 13:16, 87:11.
notes 76:5.
Nothing 6:25, 8:12, 13:15, 13:16, 23:14, 48:21, 75:24, 92:17. 104:7. 105:21.
notice $31: 25$, 91:11
noticed 15:3. 20:10, 85:1.
notices 69:18.
noticing 30:14.
notification 16: 1.5.
number 51:6. 58:13, 99:9.
$<0>$.
$0^{\prime}$ clock 66:15, 76:16.
0-5-0-C-H 7:6.
o. $34: 18,35: 19$.
object 6:5,
99:2.
objection 38:20, 94:12, 95:10, 95:14, 96:5, 96:7, 97:1, 97:2r 97:19, 98:10, 98:11, 103:14.
objections 107:13, 107:16.
observe 52:5.
obviously 17:25. 20:20, 42:15, 90:5.
occasion 74:1, 74:4, 74:25.
occur 70:16.
occurxed 9:22, 26:9, 46:16. 57:17, 66:8,

70:17, 74:20, 76:1, 78:22, 81:8, 105:13.
occurrence 102:21.
occurring 79:21, 101:14.
odd 98:12.
offence 5:12.
offer 72:19.
offered 36:17.
ofrering 59:1.
offers 62:6.
office 1:19. 10:23, 15:7. 30:16.
officer 6:22, 7:24, 15:6, 18:23, 18:25, 26:21
officers 8:7, 9:10, 9:25, 14:22, 24:23, 29:10, 75:4.
Often 26:14, 31:3, 36:21, 46:9, 56:14.
Okay $6: 1,8: 25$, 14:14, 14:20. 20:22, 47:9. 56:8, 61:22, 63:6, 75:13, 75:15, 76:19, 77:3, 77:15. 91:8, 92:16.
older 33:21, 44:22.
omissions 93:21,
Once 10:18, 21:13, 26:13. 46:21. 78:22.
one-- 57:5.
ones 58:13.
ongoing 81:11.
open 37:18. $59: 8$.
operating 21:11.
operator 24:19, 41:13.
opinion 48:4,

59:21, 62:14,
62:17, 69:2,
95:12, 96:10,
$99: 6,100: 2$,
102:3, 103:10,
103:23. 104:4,
104:25. 105:15,
106:14.
opinions 60:A.
opportunity 52:5, 53:9.
opposed 22:6, 22:19.
opposing 63:20.
oral 62:15, 84:20,
84:21, 86:24.
order 48:15, 69:7.
organizations 50:21.
original 56:21.
osuch 3:6, 6:22,
7:5, 18:23,
18:25, 23:5.
outburst 82:10.
outlines 5:9.
outside 4:5, 4:11, 5:5, 8:18, 10:22, 15:3, 61:23. 70:6, 103:15.
overly 6:11.
overrule 96:6.
Overruled
103:19.
overwhelming
61:17, 61:18.
OHENS 2:2, 3:13,
4:6, 5:19.
12:20, 23:23,
38:22, 39:1,
39:9, 40:6,
45:4, 45:5,
45:9, 45:23, 45:25. 46:18, 46:19, 46:25, 47:9, 47:10.
own 15:19, 69:18, 75:20, 101:12.
$<\mathrm{P}>$.
P』P 86:12.
packet 37:12, 38:9.
PAGE 3:6, 3:11,
3:17. 103:25.
paid 43:25.
pain 56:17, 94:24, 100:9.
pains 95:21.
PAM 2:3.
panic 67:17, 90:24.
Fanos 10:7, 16:1, 16:3, 16:9, 16:13, 24:25, 58:6, 66:4, 67:7, 69:6, 69:17, 72:9, 73:7, 73:22. 76:2, 78:17, 84:10, 87:14, B9:18.
pants 22:24.
paradoxically $55: 8$.
paxaphernalia 10:21, 11:1. 12:11, 13:20, $14: 6,18: 5$.
parental 50:17.
parents 43:3.
Park 9:23, 10:2, 13:10, 1.3:24
parking 27:15.
Part 14:21., 19:9. 30:22, $39: 13$, 55:15, 89:9. 92: $8,100: 4$. particular 12:9, 33:11.
particularly 54:21, 56:4.
parties 27:16, 27:21, $42: 8$, 42:12, 47:21, 54:2, 106:6. party 42:1.3, 54:6.
pass 18:17.
pat-down 20:22.
pathonumonic
68:24.
patient 51:7.
patients 50:5,
50:7, 71:1.
patrol 7:24, 10:3.
Paul 3:6, 7:5,
Pecheco 29:23.
peculiar 5:15.
PENALTY 1:14,
4:18. 5:7.
5:11.
People 11:2, 13:6, $38: 17,38: 23$, 39:17. 39:19. 39:21, 41:3. 41:9. 52:1,
56:18, 57:18,
57:19, 57:23,
58:2, 59:3,
70:1, 70:5,
70:9, 80:18, 80:19, 90:21, 91:23, 90:5, 99:9. 101: 6.
per 31:21.
perceived 82:3. 94:3.
perception 28:19.
perfect 67:15.
perform 75:19, 93:8.
performed 93:9.
Perhaps 60:9. 65:23.
period 25:8, 54:1, 65:23, 66:8.
perpetrator 105:2.
perpetuators 52:3.
person 9:1, 29:22, 29:23, 40:3, 40:4, 42:7, 44:14, 47:24, 57:13, 60:10,

61:21, 65:13,
65:21, 68:24,
70:25, 71:6,
71:7, 71:11,
71:19, 78:18,
83:20, 89:23,
98:25, 99:23,
101:8, 105:5.
105:8, 106:9.
personality 56:11, 56:12, 61:20, 62:2, 67:15, $94: 21,100: 10$,
personally 28:3.
persons 38:21.
perspective
58:7.
petit 11:19,
$14 ; 8$.
petty $11: 14$, 22:6.
ph 53:8, 53:16.
phone 15:21, 33:7,
34:6, 34:9,
$34: 10,34: 16$,
34:20, 35:15,
$36: 1,36: 2$,
36:7, 41:25,
42:1, 46:16,
65:3, 83:9,
86:15, 89:20.
phones 9:9.
photo 18:1,
19:14.
photograph 17:23,
19:2, 19:15.
photos 64:9. 72:1.
physical 30:B, 60:21, 62:6, 79:14, B1:5, 92:11, 97:11, 97:14.
pick 27:16, 83:13r 84: 25.
picked 15:8.
picture e0:10.
pell 16:5, 19:15, 19:25, 20:2.
pinned 79:12.
pipe 18:10.
pissed 89:10.
placate 62:10, 95:3.
place 107:12.
plaintiff 1:12, 45:8.
played 69:16.
please 42:5, 46:23, 58:10, 83:16, 92:15, 101:25.
pockets 20:6.
poin 21:16.
point 14:20. 16:20, 16:22, 20:9, 43:15, 54:24, 55:18, $66: 24,83: 10$, 83:23, 96:14, 97:3. 99:3, 103:15, 104:19.
Follard 78:14.
pool 86:9, 91:15, 91:16.
poor 57:11, 60:22, 67:3.
poorly 55:12.
porch 85:23.
portrait 39:24.
position 81:23.
possession 19:19.
possibility 26:24, 59:12.
possible 42:25, 43:2, 66:16. 68:18, 71:9, 95:8, 102:17.
post 99:12.
postcard 39:7, 39:10.
potentiazly 84:10.
power 53:25, 54:1, 54:18.
practice 49:9, 50:16, 51:20, 51:25, 52:4.
pregnant 44:10, 95:17, 95:19.
preparation 63:14, 66:1.
prepared 63:19, 63:20.
presence 4:5, $4: 10^{4}$ 4:11. 6:16, $6: 18$, 48:11, 48:13, 58:24.
presentation 6:12.
pretty 10:3, 11:16, 12:16. 22:23, 24:16. 26:日, 28:19. 28:24, 59:6, 89:22, loo:15. 102:21.
prevalent 54:21.
previous 20:19. 40:13, 72:21, 92:21.
previously 52:17.
price 15:1, 22:7. 92:11.
primarily 50:14.
primary 54:9, 69:23.
Prior 7:21, 9:20. 13:23, 26:16. 40:15, 64:11, 65:1, 65:3, 66:7, 72:5, 103:22.
Priwate 49:9, 50:16, 51:25.
Probably 19:21, 19:24, 31:6, 52:24, 57:20, 60:13, 63:1, 91:17, 93:21, 103:24,
probation 76:9.
problem 42:16. 50:4, 61:20. problematic $50: 7$.
problems 96:25.
proceeding 103:22.
proceedings 107:11, 107:13. 107:17.
Produced 50:11.
Professional 50:2, 50:20, 50:24, 59:21.
professor 51:12.
progran 49:24, $50: 5,76: 10$.
progress 31:20.
progressed 26: $\mathrm{B}_{\text {, }}$ 56:7.
promise 12:2.
promised 76:16.
prone 57:5, 82:9.
property 7:16, 69:6, 69:21.
proposed 54:17.
proposition 5:14.
prosecutor 103:23.
prospect 78:18.
protect 16:24, 36:12.
protective 50:17.
protocol 16:22.
provide 5:21.
provided 5:24, 53:2.
provides 4:23.
Psychologitel 50:22, 59:3, 68: 4.
psychologically 98:19.
psychologist 31:23, 39:5, 105:15, 105:16.
Esychology 49:10, 49:21, 50:24, 51:14, 51:21, 52:1,
psychotherapies 51:6.
published 50:25.
puddle 91:17.
pull 6?:18.
pulled 4:14.
punishment 61:7. purchases 30:2. push 67:19.
put 15:2, 59:5, 69:20, 60:1, 60:14, 90:12, 99:21.
putting 105:6.
.
$<0>$.
qualified 52:17.
question 45:15, $46: 1,46: 8$, 53:23, 54:10, 56:21, 67:21, 96:7, 98:4, 98:14, 102:6. 103:20, 104:13, 104:16, 104:24. 105:5.
questioning 93:6.
questions 12:9, 23:4, 45:23, 46:3. 46:24, 54:6. 58:11. 76:7, 103:4.
Quick 45:14, 45:15.
quickly 11: 6.
quite 15:20, 27:16. 79:1, 91:7.
$\langle\mathrm{R}\rangle$.
$\mathrm{R}-\mathbf{I}-\mathrm{C}-\mathrm{H}-\mathrm{R}-\mathrm{R}-\mathrm{D}-\mathrm{S}-\mathrm{O}-$ N 23:21.
radio 48:2, 106:12.
rag 91:11.
rage 61:18.
ran 9:14, 28:19,

90:1.
range 60:7, 85;7. ranking 16:23. rate 81:3. rather $81: 9$.
rationally 63:2.
reaction 78:I.
read 4:13, 47:23. 64:1. 64: 6, 75:16. $95: 8$, 100:23. 104:21. 106:8.
reading 71:25.
real 45:14.
reality 100:9.
realize 105:2.
realizing 92:4.
really 5:15, 5:10, B:13, 14:10, 25:17. 32:2, 43:12, 55:16, 55:17, 55:22, 58:16, 88:15, 96:23.
reason 19:8, 25:12, 25:14, 57:18, 57:24, 58:2, 60:9, 60:10, 67:1, 71:2, 71:9, 93:2.
reasons 57:13. 57:17, 59:9, 71:3.
recall 8:1, 8:9, 8:21r 8:23, 19:7, 19:16, 21:24, 22:9. 22:14. 22:21, 74:2,
recalls 65:10.
recelved 30:9. 32:5, 33:8, 33:9, 36:2, 66:16, 85:4.
recess 47:15, 47:1日, 48:6. 48:8, 106:1, 106:3. 106:16.
recognizance 76:11.
recognize 17:5, 17:17.
recognized 55:5. reconcile 54:2.
reconciled $60: 19$.
reconciliation 58:14.
record 4:8, 4:9, 6:14, б:16, 7:4, 17:11, 17:13. 23:19, 39:13. 48:9, 48:11, 46:25, 107:16.
recorded 40:15, 107:14.
records 9:8, 9:10, 9:14, 21: $\mathrm{B}_{\text {, }}$ 68:4, 100:15.
RECROSS-EXAMINATIO N 3:21. 100:21.
REDIRECT 3:20, 92:19.
refer 76:5.
referrals 50:15.
referred 5:20, 19:10, 47:22, 106:7.
referring 22:18, 38:22, 104:17.
reflect 4:10, 6:16, 17:11, 17:13, 48:11.
refresh 91:21.
refused 32:16.
regard 46:13, $98: 13$.
regarding 41:16, 43:20, 52:10.
regional 50:11.
rejector 55:18.
relate 104:14.
relationships 54:19, 55:21, 56:13, 50:3, 58:21, 68:1, 68:24, 70:6.

70:24.
relatives 4:23. relax 13:25. relaxed 13:24. released 21:9, 76:11.
relevance $38: 20$,
98:10.
relevant 4:24, 5:2.
reliable 4:24.
remanded 76:10.
remember 15:5,
22:16, 29:7,
29:11, 29:25,
33:7, 33:16,
37:8, 42:22,
72:17, 72:19,
74:5, 86:6,
87:17, 88:5,
89:6, 90:17,
98:17, 99:11,
103:10, 103:24,
105:4, 105:7.
remembered B5:15,
86:21, 86:23,
87:3. $07: 5$,
87:7, 87:9,
87:11, 87:14, 88:9, 88:11. 104:8, 104:9, 104:10, 104:10.
remembering 101:12.
rementers 86:9. 06:11, 86:12. 86:13, 86:14, 86:16, 87:1, 87:21.
renorse 54:2.
Reno 49:11, 49:15.
rental 92:5.
rented 91:22.
reoccurrence 61:16.
repeatedly B1:5.
Rephrase 97:21.
report 14:23,

20:10, 47:23. 53:8, 53:15, 59:25, 60:4, $64 ; 7,64: 15$, 64:17, 71:25, 75:17, 76:16, 82:1, $85: 3$, 93:14, 93:22, 93:23, 100:23, 105:12, 106:8.
REPORTED 1:43.
REPORTER 12:18, 107:3, 107:8.
REPORTER'S 1:12.
reports 63:23, 64:1, 64:12, 66:6, 68:4.
Repression 99:18, 99:22, 100:4.
Requeste 12:19.
require 65:19.
research 51:4.
resolved 73:14, 73:14, 73:16, 74:21.
respond 16:17, 75:3.
responded 74:4, 74:25, 75:5, $75=12, ~ 60: 19$.
responding 9:17, 12:8, 62:23.
responsibility 105:11.
rest 55:22, 99:2, 102:9. 104:21.
restricted $4: 24$.
result 38:6, 55:6, 61:15.
resulte 55:2, 75:16, 105:1.
retired 49:15.
returned 97:3. 91:13.
returning 69:5.
reversed 67:11.
revjew 40:18.
53:6. 53:7.
66:2, $66: 6_{7}$
66:12, 68:3,

78:13.
reviewed 63:13, 63:16, 64:9, 64:11, 64:15, 103:18.
Reviewing 72:1, 93:14.
Richardson 23:20, $38: 25,40: 10$, $45: 6,45: 13$.
Fid 15:12.
ride 90:10.
Road 7:20.
role 61:日,
67:11.
roon 9:4, 13:3, 14:21, 20:11, 39:25, 79:21.
Rosemary 29:22.
run 37:7.
ruming 81:9.
$\langle 3\rangle$
safety 27:5.
sake 19:25.
San 29:19. 29:29. 44:12.
sat 15:21, 73:11, 92:3.
saw 26:15, 27:17, 28:18, 32:1, 42:7, 66:14, 78:2, 87:11, 90:24.
saying 62:21, 68:7.
says 55:22, 82:1, 93:22, 93:23, 99:19.
scared 70:9.
scene 10:25,
16:23, 16:25,
17:1, 17: ${ }^{3}$
83:22, 86:8.
SCHIECK 2:6. 3:8, 4:7, 4:15, 6:4, 6:8, 6:13, 18:19, 16:20, 18:22, 23:1,

38:19, 40:7.
45:2, 4E:16.
103:14.
School 49:11,
50:9, $51: 14$,
51:15, 51:16.
69:3.
scope 21: c .
se. 31:21.
sealed 37:18.
Sears 29:7.
seat 13:17, 45:13.
seated 7:3, 23:17, 48:24.
second 58:20.
secondly 102:16.
security $\mathrm{B}: 6$.
8:10, 8:19.
8:25, 14:22,
15:5, 15:14,
15:16, 15:19, 16:2, 16:5, 18:12, 20:16. 20:20.
seeing 79:7, 80:18, 80:19, 86:9.
seek 55:7.
seem 55:21, 71:16.
seemed 13:24. 28:21, 42:19. 76:6.
seems 88:12.
selectively 101:12.
Selicman 59:5.
sell 69:21.
selling 69: E, 92:10
sense 35:9, 55:21, 56:10, 59:24, 70:2, 72:3, 81:11, 82:13, 97:18, 98:19.
senses 82:4, 82:5. 105:10.
sensitive 56:14, 67:16.
sent 26:21, 39:7.
sentencing 4:21, 4:21, 5:3.
September 7:14, 9:17.
Sergeant 9:25, 15:22, 16:9. serious 52:14.
services $50: 17$.
SESSION 1:30. $39: 15,39: 16$.
set 17:24. 107:12.
setting 50:8.
Several 31:3, 32:3, 41:15.
sexual 60:16. 73:19, 81:23, 86:21.
sexmally 85:4.
shaking 7B:17, 78:24.
shall 6:24, 23:13, 48:20.
Sharon 1:43, 107:26.
She'd 26:11, 36:22, $36: 23$.
she'll 67:19.
sherman 4:15, 5:9.
shift 9:24, 9:25, 15:24.
shirt 17:9, 40:5.
shocked 59:6.
shocking 89:22.
shop 26:12.
shoplift 21:21,
shoplifted : 19, 8:21, 22:7, 22:11, 92:9.
shoplifter 9:A. 10:18, 12:4.
shoplifting 8:3r 8:12, 8:18, 11:1, 16:15. 19:15, 22:2, 93:23.
short 27:7.
shortly 36:6.
$70: 16$.
show 18:25.
showed 43:12,
59:7.
showing 17:16, 18:13.
shut 59:5.
sic 9:7. 9:14.
side 17:9, B5:18, 85:21, 102:7.
sign 12:l.
similax 5:25, 22:2.
simply 59:13.
Simpson 34:19, 35:19.
Sir 7:9. 13:1, 17:16, 18:24, 19:4, 19:20. 20:5, 20:8, 20:13, 20:17. 20:21, 20:24, 21:1, 21:5, 21:11, 21:18, 21:22, 21:24, 22:13, 22:20, 22:25, 24:3. 101:24, 101:25.
sit 22:9, 60:12. 63:2, 65:6.
sitting 27:15.
situation 10:1. 19:7, 25:22, 53:25, 58:25, 69:12, 70:13, 70:16, 70:18, 71:21, 71:24, 75:8.
situations 32:5. 82: 1 B , 99:10.
six 95:19.
size 13:3, 22:21, 22:23.
skill 57:ll.
skills 60:9.
skirmish 20:11.
slowly. 12:19.
sluts 33:25.
smell 82:2.
sobbing 91:21.
sober 57:8:
soch 9:7r 9:14.
social 15:14,
$15: 16,15: 19$,
16:2, 16:5,
18:12, 20:15.
20:20.
sold 30:7.
solemaly 6:23,
23:12, 48:19.
solve 96:25,
97.24.
somebody 15:19,
46:21. 55:22,
58:15, 58:16.
60:11, 62:23,
71:4.
somehow 54:22,
72:25, 77:19, 80:17, 85:17, 86:8.
someone 8:7, 11:14, 16:24, 65:12, 65:20.
68:19, 78:13,
B4:11, 99:19.
sometime 33:11.
Sometimes 36:24,
36:7, 41:9,
55:20, 56:17,
57:25, 99:10.
somewhere 76:16.
77:1.
$\operatorname{son} 73: 21$.
sooth 61:23.
soothing 61:24, 62:13.
sophisticated 102:9.
Sorry 104:..5.
sort 12:10, 13:14,
51:8, 55:10,
58:1, 63:24,
65:9, 66:22,
67:2, 67:15,
67:21, 68:4.
70:1, 73:19.

77:16, 79:13, 81:18, 85:23, 93:25, 101:4.
sound 34:20.
sounded 34:21, 103:2.
sounds 40:21,
$73: 16,94: 8$.
spats 60:19
speaking 17:20.
65:10. 98:20.
specific 32:4. 50:3, 81:13, 93:3, 95:2.
specifically 5:9, $5: 13,81: 15$, 104:7, 104:24.
speculation 95:11, 95:15.
spel1 7:3, 23:17, 49:24.
spend 27:19, 36:22, 36:24.
spent 68:16.
stab 86:1, 89:1, 69:3.
stabbed 76:2, 87:23, 88:5.
stabbing 94: 8 . 105:13.
stacks 61:9.
stand 13:4, 99:25.
standard 60:8.
stands $0: 24$.
start 9:7, 13:5, 35:5, 53:19, 65:15.
started 9:25, 13:16, 25:6, 26:7, 30:14, 30:15, 31:7, 50:9, 56:4, 79:25, 80:1, 80:15, 82:15. 106:17.
staxting 98:4.
starts 54:3. 65:12. 65:15. $65: 20,65: 24$.

State 1:10, 2:2, 4:9, 4:11, 4:15,
6:15, 6:17,
$6: 19,6: 20$,
6:22, 7:3,
17:16. 18:13,
19:1, 23:7,
23:17, 49:10,
48:12, 48:24,
49:20, 105:9, 107:9.
stated 9:5.
statement 40:16, 40:19, 87:19, 88:8, 89:6.
statements 64:4, 66:3.
statute 4:20, 5:6.
statutes 4:14.
stay 36:17, 47:7, 57:14, 57:19, 58:3.
stayed 57:21.
steering 90:25, 91:4.
stenographically 107:14.
step 14:23, 25:16,
25:17, 45:7.
stipulated 96:15.
stomach 89:4.
stop 6:9, 59:7,
62:8, 92: 0 .
stopped 82:14.
stops 37:5, 92:5.
store 7:25, 8:4, 8:6, 8:25, 10:9,
16:18, 32:6,
32:11, 32:16,
32:20.
storme 67:15.
story 96:20, 102:10.
straight 86:11.
stranded 32:18.
strange 15:18.
street 13:9.
stress 51:8, 99:12.
strongly 79:19.
struggle 15:3.
struggling 21:3.
students 50:10,
54:9.
stuff 11: 3 , 14:25.
style 102:16. subject 6:4, 47:21, 48:4, 106:6, 106:14. subjects 51:17.
submitted 48:5, 106:15.
sulbstance 19:22, 76:10.
substances 69:25.
sudden 61:15. suggest 100:15. suggested 31:23, 81:22.
suggesting B0:7.
suggests 60:8.
saicide 50:12.
suitable $44: 23$.
summary 63:16. $63: 25,74: 19$.
supercedes 5:8.
supervisor 24:10.
suppose 69:9.
supposed 76:9.
supposedly 89:23.
suppressing 101:5.
Suppression 99:17, 99:19.
surprise 75:3, $78: 4$, 7日: 16, 78:21.
surprised 78:9, 91:9.
surprising 100:16.
suspect $8: 10$, 10:5, 12:14.

13：2，13：12， 16：21，17：3， 26：24．
suspected 79：19．
suspicious Bl：23， 81： 25.
sustain 95：14， 98：11．
sustained 97：2．
swear 6：23，23：12， 48：19．
sweater 17：9．
sweet 22：17．
swimming 91：16．
syndrome 54：15， 55：7，55：15， 58：5，66：20， 67：12．67：13．
systern 9：15．
10：17，10：17．
－
＜T＞．
T－shixts 30：3， 30：5．
table 14：24， 17：7．
taken． $48: 8$.
taker 24：13， 24：15．
takers 24：21， 25：6．
talked 4：14， 36：14，39：5， 42：15，43：9． 43：23，53：13， 54：14，57：12， 66：2，70：15， 63：4，93：15．
talks 4：22．
teach 49：10，
51：17，54：8．
teachers 5：20．
teaching 49：13， 50：9．
telephone 32：4， 35：13，41：23．
television 4e：1， 73：11，106：11．
ten 40：12，

52：24．
Tendentially 53：17．
teruous 67：2．
terms 5：11，12：13， 71：20．
terribly 5： 18.
test 60：1，60：4， 93：9．
tested 60：6．
testified 40：13． 41：15．42：22． 43：15，94：23， 97：9，101：3， 103：9．
testify 37：11． $53: 2$.
testifying 3日： 20.
testimony 4：22． 5：22，5：24，6：1． 6：24，23：13， 40：19．45：7． 48：20，63：14， 66：1，78：13， 104：1，104：21， 107：12， 107：16．
testing 75：16． 75：19，102：14， 104：25．
tests 60：5，93：9， 104：23．
Texas 49：22．
Thanksgiving 35：13，35：17．
theft 15：20．
themselves 61：24， 69：23，70：2．
theoretically 61：19．
thereafter 36： 5 ， 107：14．
therein 107：12．
they＇ve 10：19， 105：3．
third 56：23．
Thirdly 102：22．
though 58：4， 68：22，77：6．
threat 33：15， 57：3，5e：25， 62：21，62：23， 71：14，71：21．
threatened 58：24．
threats 34：7．
three $5: 13,29: 25$ ， 31：6，44：16，
44：18，44：19， 44：20，95：6， 95：0，95：1日．
Threw 13：15， 72：11，72：14， 72：24，74：9．
throat 82：22， 83：5．
throughout 24：16， 28：5．
throwing 84：6， 85：11．
THORSDAY l： $\mathfrak{F}$ ， 4：1．
ticket 11：17．
tickets 44：4．
tie 17：9．
timing 101：4．
tixe 90：11，
today 17：6，22：9， 39：11，53：2， 96：4．
together 26：10， 26：13，39：17， 80：8．
tolerate 31：22．
tone 34：19．
took 8：14，26：12， $29: 15,44: 14$.
top 18：12，30：24， 74：10，90：8．
touched 59：21， 61：2．
towards 43：10， 43：13．
traffic 11：17， 37：5．
trailer 74：25， $77: 6,85: 24$,日6：16．8日： 4 ， 90：2．
trained 24:11, 24:13.
training 24:10.
TRAN 1:1.
transcribed 107:15.
TRANSCRTPT 1:12.
transfer 7:21.
trauma 98:23, 105:1.
traumatic 98:22. 99:10, 99:12.
trawel 44:23.
tray 10:22, 14:24.
treated 17:3, 55:12.
treatment 51:5, 76:10.
traal 40:13. 47:22, 47:24, $47: 24,48: 5$. 106:7, 106:9, 106:9, 106:15.
tried 90:2.
trip 29:15, 29:20, 44:12, 44:25.
True 70:5, 70:11, 107:16.
truly 29:11. 58:1.
trunk 90:12.
trust 61:11. 61:21.
truth 6:25, 6:25, 6:25, 23:14. $23: 14,23: 14$, 32:22, 48:21. 48:21, 48:21.
try 10:10, 10:15. 11:7, 12:11, 15:12, 30:17, 31:19, 55:1, 58:9, 59:9. 68:4, 69:1.
Trying 12:15, $15: 10,22: 10$, 34:15, 35:9. 36:9, 36:11, 53:25, 54:25,

55:13, 59:8,
60:13, 63:2,
65:13, 74:18,
80:10.
tube 11:2, 18:6,
18:11.
tubes 18:4.
Tucson 24:2, 24:9. 25:12, 25:14,
26:20, 26:25,
34:12, 37:13,
37:17, 40:22,
$42: 23,43: 1$.
43:3, 43:16,
43:21, 44:1,
45:17, 45:21,
$74: 1$.
turn 15:12.
turned 72:14.
tw 44:19.
two 26:2, 36:8,
37:6, 37:7,
44:18, 61:4, 72:2, 76:23, 81:14, 81:16, 85:22, $17: 1$, 87:5, 93:19, 97:17.
type 62:2.
typical 54:5, 68:10.
Typically 12:4, 53:24, 54:12, 54:13, 60:18, 67:3, 68:11. 68:13.
$<0>$.
unconscious 55:3. 99:22.
uncooperative 21:4.
underestimate 41:12.
Undergraduate 49:19.
underneath 15:9.
undersigned 107:8.
understanding
37:19, 37:21, 63:21.
Understood 6:7, 53:24.
unfaith 7i:10.
unfaithful. 71:12, 82:9, 62:12.
uniform 7:23.
uniformed 7:24.
unintentionally 56:19.
unique 70:12.
unit 9:25.
University 49:10, 49:14, 49:20. 49:21.
UN゙R 51:12.
until 48:5, 65:17, 106:15.
upset 62:24, 62:8, 62:9, $82: 18$. 83:19, B4:1, 84:9, 84:10, 84:15, 84:18, 84:21, 86:17, 87:11.
using 34:19. 57: 6, 97:23, 100:8.
< V >.
WA 49:15, 49:24, 50:4, 50:11, 50:13, 50:14.
vacation 26:13.
vagina 82:2.
vaginal $62: 14$.
vague 80:18. 97:19.
value 71:21.
Vegas 4:1, 5:15. 7:10, 26:16. 27:9, 34:8, 34:9, 34:11. 35:1, 35:12. 40:17, 42:18.
vehicle 10:4, 17:25.
ventured 13:15.
verbal 13:2, 60:9. 62:6, 97:14.
verbally 60;10.
verbatim 22:12.
versus 4:9, 6:15, 46:10, 61:11.
veterans $89: 15$, 98:6, 98:9. 98:13.
victim 4:22, 5:4, $5: 12$, 5:21, 10:6. 15:25, 16:9, 16:13, 24:24, 70:20, 70:22.
victims 52:3, 70:24.
videos 50:12.
viewed 68:5.
violent 42:19, 50:4, 51:7.
visit 44:9.
visited 44:7.
woice 33:13, 34:21.
voices 35:23.
voluntarily 62:18, 62:20.
voluntary 62:25.
voluntepred 93:5.
vs $1: 15,4: 15$.
< w > .
W. 2:7.
wage 68:15.
wakes 89:17.
walked 72:13. 72:15.
wanted 16:25, 25:18, 28:24 28:25, 34:14, 34:15, 34:17, 34:17, 35:5, 35:17, 58:22, 58:24, 72:21, 75:9.
wanting $31=15$, 71:19, 71:20,

72:21.
war 89:15, 96:23, 99:10.
warrant 37:8.
Washoe 52:21.
waste 19:25.
watch 47:23. 106:8.
watching 73:11,
water 91:15, 91:17.
ways 70:15, $70: 17$.
weapons 20:23, 20:25.
wearing 17:9.
well-liked 40:1.
whatever 5:2, $15: 12,54: 3$, 56:20. 94:10, 100:13.
whatsoever 9:15,
wheel $90: 25$, 91:4.
wheels 14:24.
whether 10:11,
11:19, 19:16, 69:3, 74:3, 74:24, 79:12, 80:19, 82:19, 83:14, 89:19, 90:1, 102:23.
whispering 83:17.
whole $6: 25,23: 14$, 40:24, 48:21, 81:14, 81:16, 94:20, 96:23.
whores 33:25.
wide-eyed 78:4, 7B:9, 76:11.
will 4:9, 6:16, 17:13, 48:11, 103:16.
William 3:17, 48:18, 49:1.
willing 58:12, 60:12.
window 77:7, 77:9, 77:20, 77:24,

78:2, 7E:3, 78:12, 79:3, 86:16. 96:21, 97:18, 98:1.
Wiped 91:12, 91:20.
within 14:18.
Without 47:20, 48:1, 98:23 106:5, 106:11.
withstanding 92:11.
witnesses 47:21, 106:6.
woman 55:17.
women 66:19, 67:4.
words 97:24, 102:25.
work 6:16. 26:15,
28:4, 29:2,
30:7, 30:12.
30:15, 33:6,
36:23, 38:17,
39:76, 50:16.
52:6, 57:2.
58:17, 63:1r
$98: 5,90: 9$.
worked 7:23, 24:4, 2日: 8, 29:5,
29:10, 29:22,
$37: 2,40: 21$,
40:24, 42:23,
80:23.
worker 83:15.
working 25:7r
25:8, 26:7r
29:7, 29:12,
99:9.
works 53:21.
woricy 36:5.
62:23.
wounds 89:1.
Wow 31:3.
write 11:21.
Writing 9:3.
written 51:1,
63:23.
wronged 71:19.
wrote 54:20.
<Y>.
Yates 9:25,
15:22.
yoar 33:12.
Years 21:7, 24:5,
24:6. 25:4,
39:7, 40:12,
49:15, 50:14.
54:17, 61:13.
yelling 84:5.
Yesterday 5:20,
6:11.
young 13:4, 15:5,
54:21, 55:11,
61:11, 66:19.
Yourself 30:16.
yourselves 47:19,
106:4.
youth 93:6.
-
<2>
Zane 4:16.
zone 57:6.
-
< Dates >.
march 15, 2007
1:32, l:32,
1:32, 4;1, 4:1,
4:1.

```
STATE vS. CHAPPELL 3/15/07
\begin{tabular}{|c|c|}
\hline & (4) \\
\hline 1 & AFEIRMATION \\
\hline 2 & PURSUANT TO NRS 239B.030 \\
\hline 3 & \\
\hline 4 & \\
\hline 5 & The undersigned does hereby affirm that the \\
\hline 6 & proceeding \\
\hline 7 & Staten. Chappod \\
\hline 8 & filed in District Court case No. \(\mathrm{C}^{0} 1.31 .341\) \\
\hline 9
10 & Does not contain the social security number of any \\
\hline 11 & person. . \\
\hline 12 & \\
\hline 13 & Contains the social security number of a person as \\
\hline 14 & required by: \\
\hline 15 & (A) NAC 656.350 \\
\hline 16 & \\
\hline 17 & -or- \\
\hline 18 & \\
\hline 19 & (B) For the administration of a pubiic progiam or for \\
\hline 20 & an application for a federal or state grant. \\
\hline 21 & \\
\hline 22 &  \\
\hline 24 & Sharon Howard, ccr \#745 Date \\
\hline 25 & \\
\hline
\end{tabular}
```

ETMTE OF H\&W3BM,
F1^1आए1ұ\&,
va.

```

```

    Wm&ondamc.
    ORIGINAL

```


``` 2：」3．
HEERMGHEESE
    Fot rhe gtates chRIS J. GHEHG, Egq-
        mbler Teprucg DImerloc
            mbler TMg
```








chime smurf By
 BY

Cry
2:13 pom.

$$
-\mathrm{oOO}-
$$

THE COURT：All right．Well be back yin the record on C131341，State of Nevada versus 5 James Chappell．Let the record reflect the 6 presence of Mr．Chappell with his attomeys，the 7 State＇s atiomeys．We＇re in front of the jury． We＇ll continue on with the State＇s 9 case in chief．Mr．Owens，you may call your next 10 witness．
[HEX

Pres



\$


昍

!
71
硅
$\longrightarrow-{ }_{M_{40}, 2}$
11 MR. OwENS: Your Honor, the State is.
${ }_{2}$ going to call William Duffy
$13-$
WLLLAMDUFFY
having been first dilly sworn to testify to the
truth, die whole truth and nothing but the truth,
7 was examined and testified as follows;


the clerk: Please be seated. State
and spell your name for the record.
THE WTTNESS: William Duffy,
D-U-F-F-Y

Page 4
[
BY MR, OWENS:
Q. You retired from the Department of
Parole and Probation.
A. That's correct.
Q. And parole and probation is referred
to often as P and $P$ ?
A. Yes.
Q. How long did you work for the
department of parole appear probation"?
A. 20 years and four months.
Q. What do you do now?
A. I'ma a professor of criminal justice.
Q. And where do you teach?
A. UNLV and TTT Technical Institute.
Q. You had an opportunity to testify in
this matter before.
A. Yes.
Q. In a previous proceeding.
A. That's correct.
Q. About ten years ago.
A. Yes.
Q. Have you had an opportunity to review
24 your report and also your testimony from the prior
25 time you testified?

| ${ }^{\text {C13 }}$ 131341 $3 / 16 / 07$ | ASeIt ${ }^{\text {TM }}$ AFTERNOON SESSION |
| :---: | :---: |
|  | 1 1 2 $\quad$ 2:13 p.m. $\quad$-000- $\quad$ Page 3 |
|  | DIRECT EXAMMNATION <br> BY MR OWENS: <br> Q. You retired from the Deparment of Parole and Probation. <br> A. That's correct. <br> Q. And parole and probation is referred to often as P and P ? <br> A. Yes. <br> Q. How long did you work for the <br> departinent of parole appear probation? <br> A. 20 years and four months. <br> Q. Whal do you do now? <br> A. I'm a professor of criminal justice. <br> Q. And where do you leach? <br> A. UNLV and ITT Techrical Institule. <br> Q. You had an opportunity to testify in <br> this matter before. <br> A. Yes. <br> Q. In a previous proceeding. <br> A. That's conect. <br> Q. About ten years ago. <br> A. Yes. <br> Q. Have you had an opportunity to review <br> your reports and also your testimony from the prior <br> time you testified? |

A. I'm sorry. What was the question?
misderneanor possession of burglary tods, and he
Q. Have you bad an opportunity to review
was being supervised by ou agency.
Q. And when you say that he was on
probation, could you just take a minute and
describe for the jury what probation is and how
that operates.
A. Well, he had been convicted of the charges in District Court and the judge imposed a sentence, suspended it, and released him to gur
agency to supervise him under conditions in the community.
Q. And the judge's idea of probation is
if a person successfully completes the rules and requisements of the probation, then they don't have to actually do the sentence?
A. That's correct.
Q. And you get probation mostly for felonies or for gross misdemeanors?
A. That's correct. That's the only type of cases that our agency handes.
Q. And if somebody doesn't do well on probation, they cau be revoked and then that sentence kicks in and then they go up to prison or jail in the case of gross misdemeanons.
A. Yes. If they commit new charges or
commit technical violations of their probation, they can be revoked.
Q. And sent to prisom,

A Correct.
Q. If they're successful, then they call get a discharge from probation and dhen they don't have to serve the time.
A. That's correct.
Q. And the whole thing about probation, it's geared at giving the individual a chance to reform and to do better.
A. Yes, that's truen
Q. Can you take a minnte and ralk about the apparatus that you have at parole and probation that's directed towards that goal of trying to help individuals.
A. Each offender is assigned to a
supervising officer that maintains the case filc.
They develop objectives, assign various tasks for the individual to conplete, programity and do home
visits with the individual to se their living
environment and make recommendations for getiog jobs and those sorts of things.
Q. And to try to get them into a drug treatment program sometimes?
who the officer was to give in to tim, I discovered
that the was working swingshift and was not
available at that time so I called the jail and,
city jail and they told me that he had finished
serving some time for a misdemeanor and was going
to be raleased, and I acked if they could hold him
until the officer came in and they said no. He had
to be releasted inmediately. We had to pick him $u p$
or he would be released to the stret so 1 assigned
two officers to pick him up.
Q. Usuaty when you're dealing with 13 somebody who is on probation in custody they're usually in the county facility and you have some control with your decision making with regard to the situation.
A. That's cortect.
Q. But on this occasion you had the city
telling you if you didn't come get him, they were
going to retease hin basically.
A. That's correct.
Q. Now, what was the interest of the

23 Department of Parole and Probation in Mr. Chappell 24 at that time?
25 A. He was on probation for a gross
A. That often times is a very big
objective, yes.
MR OWENS: Can we approdel, Your
Honor.
THECODRT: Yes.
MR OWENS:
Q. J'd like to show you what's been
marked just a few moments ago during the recess as
Staterg proposed Extibit No. 130 and have you take
a look at that. It's a series of three documents,
a judgroni of comiction, a modified judgment and
then the minutes from that case.
Are those the court documents that
were apart of the case you were supervising
Mr . Chappell on?
A. Yes, They are from the case,

MR OWEMS: All right. Your Honor, this is a certified copy. I'd ask for the
admission of proposed Extibit No. 130 at this time.
THE EOURT: Any gbjection?
MR. SCHIEcK: No objection, Your
Honor
THE COURT: All right. Exhibit 130
will be admitted. Thank you.
MR. OWENS: I'm going to go abead and
Page 10
pur this on the screen hopefully to your right there.
Q. This first docurnent was the judgment of conviction. This is uben the defendant had been
found guilty of the gross misdemeanor you talked日bput.
A. Yes.
Q. And in this it tells what his sentence
is going to be that inchudes probation with a
number of conditions.
A. Thal's correct.
Q. And the conditions included he would
have to be sabjese to a search by your departheril
of his person or property.
A. Yes.
Q. ls that a fairly typical provision?
A. Yes, it's fairly standard.
Q. And the Court wanted bim to enter and complete a substanct abuse counseling program?
A. Yes
Q. And that was in your discretion.
A. Yes.
Q. Artd then they wanked him to complete an adult GED pregram.
A. Correct.
Q. Participate in a vocational program.
A. Yes.
Q. What does that manc?
A. Vocational programing would be where
the individual is referred ont for training for a job.
Q. And then there was a requirement that
the defendant was to remain enployed during the time of his probation.
A. Yes.
Q. Are there thinge that fou do to assist someboty in geting a job and mamaining a job?
A. Yes. Thesis are the typical things
that he would do regardless of whether they would
be special conditions or not.
16 Q. Try to keep them enployed?
17 A. These are usudly pretty much gtandard
a conditions that are just renumerated (sic) by judge.
$20 \quad$ Q. Does the department do something to felp fhem meintain employtnent or to get employment?

A, Yes. We have a number of different programs and avenues to try to achieve these goals.
Q. The particular ofder granting
probation 10 the defendant was signed on Nay 3,
Page 12
1955.

A, Yes,
Q. Okay. And the second document is an amended judgram of corviction.
A. Yes.
Q. And this was something that occurs
sometimes when there's ben an adjustment to his probation.
A. Yes, that's correct.
Q. And in this particular case that
involved a change or an addilional condition
because the defendant had been in violation of his probation.
A. Yes. This ordered an inpationt
substance abuse program.
Q. Okay. So at some point after May
there was some kind of a problent with the deftendant
complying with his protation. He went before a judge.
A. Yes.
Q. And the judge had the option of
revoking his probation, putting hint in jail.
A. That's comect.
Q. Or allowing him to continue on
probation but maybe adding another condition.
A. Yes. Reinsiated with clarification additional condilions.
Q. Basically he was given another chance.
, A. That's true.
6 Q. And then the thiod document that's a
3 pari of this one package I think are the court
minutes, and what are the count minules? I mean
not specifically, but what are these kind of
things?
A. These are just brief explnations of what happened in court.
Q. They're made by the court clerk like the clerk that we hove heve foday.
$A, Y$ Yg, that's conrect.
Q. So each date that this case was in
front of the judge there's a notion as to what happened.
A. That's frue.
$20 \quad$ Q And then we go over there to
August las, we have entry showing it was on for revocation of probation.
A. Yes.
Q. And then the decision by the Coutt that would allow him to stay on probation as long

Page 14
as he was going to at inpatient iong program.
A. That's correct.
Q. And it slipulated certain things like
he was supposed as to be released only to your
department, the departanent of parole and probation, to be taken to the program.

A That's tue.
Q. Now, wher you got this telephone call,
it was coming from the city.
A. That's correct.
O. Now, how did j1 happen that the city
had hing in custody rather than the courl that had
sel up this probationary eram?
A. Well, be had a new conviction for a misdemearior while he was on probation. It was the
foundation, part of the foundation for the athempl
to have him tevoked and when be was reinstated, it
was required that he go to the city jail to serve
That term for that misdemeanor conviction.
Q. So be has separate city charges that
he had to gerre out as well?
A. Yes, that's cortect, before the could be released.
Q. So how much of this were you aware of

25 at the tithe that you got that telephone call on the

31st of August?
A. I had newer supervised him and had
never revicwed lis file so I had no knowledge of
his case pretty much at all.
Q. Okay. So what happened?
A. Well, I atternpted to locate his
supervising officer with our record system and it
showed an Officer Arry (phonetic) and he was
working swing so I went to ty to find his sergeant
supervisor 80 I could assign the case to that
intividual and they were not available cither so I
had to pretty much deal with the situation myself.
I went and I called Mr. Arvy, Offiper
Arwy at home and he explaned to me that he fad
just recelved the case subsequent to the
6 reinstatement and was not really up on the case and
didn't have a lot of information for men. So as a result I did a little resench on it while the offieds were going to pick him up at the jail and I ran a printout of bis scope from Metro that showed the regular coriviction lie was on probation for and the additional charge that he was serving a nisderneanor term for and I oblained a copy of the reinstatement that you had shown on the viewer where he had appeared in court and was ordered to
enter a progrant.
I tried to locate his case file but it
was not in the supervising officer's office. About
this time it was around 10:00 orclock am. Adams
and Winchell brought Mr, Chappell to my office and
6 I spent close to an hour discussing his case with
7 him and he indicated to me that he had been
s interviewed by EOE program while le was in jail but
9 Wast'u real certain as to what the stetus of that
was and so --
Q. Can I just pause you there for one
second. What is EOB
A. I can't remember what the actotyym
stands for at this point I think it was equal
opportunity bureau something of that nature but
it's an inpatient house located on Washington.
It's an inpatient progranc where individuals with
substance abuse problems live 24 houss a day and get counseling and treatrient, and hat would be an approprinte progrim under the circumstances.
Q. Under the court order?
A. That's true,
Q. So what happened?
A. So I called the EOE program and talked to a counselor that had intericwed him. I can't

Page 13 - Page 16

I recall her name at this time but I asked what, you 2 know, the status of him coning into the program was 3 and he was out of custody and they confinmed the \& fact that they had intervewed him in jail but did not feel he was appropriate at the time he was interwiewed for admission to the program because of his attitude.

They didn't explain a lot more than just there was an attitude problem, and I did ask them if he could be re-interviewed. They indicated that they were willing to do so.
Q. So after the judge the giver him this second chance at probation atud ordered him as a condition of that second chances to go to an inpatient propram, the defendant during the inlerview impressed them he had an attitude about it?
A. That's correct.
Q. And they didn't want him at that time?
A. They wouldn't accept him.
Q. So then what happened?
A. Well, I discussed the sinuation with

Mr. Chappell and he indicated that he didn't
understand what the problem was and 1 told him
basically that they had denied him from the progerant
Page A8
and, you know, what had changed since that point in
time that would make hin nceptatle, and he
indicated that since he had spent some additional
time in jail that now he was very motivated to go
into their program and 1 explained to him that his
supervising offieer would be in at 1:00 o'clock and
at that time he could tansport him over to
8 possibly be re-interviewed, and I also suggested to
him that the Saivation Army drug treatreent program
would be a good, a second option and that that would be atotnned.

He, you know, stanted to talking to me about the fact that he would really like the opportunity to go over and talk to the people at BOB. I tried calling them back to see if he could walk in and I didn't get an answer on the phone. When they're in stession, they don't answer the phone which I assume they probably werc hawing, you know, a counseling sessions, and he wanted to go to the, 10 go over to the progtam himself and I was concemed about fimin walking there although it's only a few blocks.

I thought it would be better if he had tramsportation. I had no one that I could assign other than his officer to take him. Since he was
unavalable, 1 asked him if he knew soneone that
could give him a nide and he said that he hat a
friend he could call and I had him come sit next to
my desk where the phone was located and I banded
him the recciver and he gave me some numbers and I
used the ounging protocol, dialed the number. He
talked, Ieft a messaje.
It counded like he was leaving a
message on an answering machine, then be told me
that he didn't have a ride so sonte more time passed, small talk about going into the progrum,
and then he asked if he could walk over to the
progran to see if they could interview him and
that's what we wound up doing.
1 did tell him that regardless of the outcome of the interview at GOB, that he would have to be back at the office at $1: 00$ o'clock so that his officer could atrange an appointment with Salvation Amry to take the case up, to work with
him on it and so he leff: the office at that point in time and it was about 11:00 a.m.
Q. 11:00 o'clock in the moming that he left?
A. That's correct.
Q. How long would it take him to go over
to that Salvation Army or the EOB locition?
A. 15 minutes.
Q. In the meantime were you trying to get
him an appointment at the Salvation Army?
A. Well, his -- Officer Arvy came in
about $12: 30$ and he came to nyy office and I
explained to him what was going on and that
3 Mr. Chappell was due back at 1;00 o'clock and that
9 I needed for him to call Salvation Anmy and set up
10 an appointment and he explained to me at that
II point -- Mr. Arvy explained to me he had already
12 set up an appointrinent and would hande the situation when be retumed.
Q. Did James Chappell seem sincere in his
is conversations with you about wanting to twnower
15 anew leave and get into a prograna?
A. Yes. He was yery convincing.
Q. What do you mean by that?
A. He said that since he had been in jail
that that had sent hime a message that, you know, he
needed to change his life and get belp.
Q. At what point did you realize that

23 there had been a problem?
A. Late that evening about 1000 pm .1 received a phone call from two of our officers that

2 (Whereupori Mr. Owens
concluded his direct examination at 2-36 p.m.)
THE COURT: Mr. Schieck or Mr. Patrick.
mik. schieck: Thank you, Your Honor.
CROSS EXAMMAMTHON
bY MR. SCHIECK:
Q. Mr. Duffy, you indicated that back on August 31, 1995, you were the unit manager.
A. That's conrect.
Q. Okay. And what duties does unit manager entail?
A. I had - - sergeant level persomel that were the direel superwisors of 24 officers that provided supervision services for probationers.
Q. So you were sort of intermediale management for lack of a better term or you were top management?
A. Middle management.
Q. And Charmaine Smith would have been a subordinate position to you?

Page 24
thing in his background but you didn't know about news of a weapon or knife or anything like that.
A. That is conect.
Q. You didn't know about the conversation that he had had with Chammaine Smith?
A. That's correct.
Q. And you didn't have access to his file during that time.
A. No, 1 did not have access to his file.
Q. Do you feel that the defendant had comed you?
A. Pretty much so.
Q. In what way?
A. Due to the fact that he didn't, was not forthcoming with any infonnation about the circumstances of why he was in jail and things of that nature.
Q. And he had convinced you that he was really sincere in wanting to go into this progam and help himself?
A. That's true. He didn't say anyhing to me that would indicate that he had any kind of 3 problems going on other than the fact that he just 4 needed to go into is dug program.
A. She would have been a line officer

Page 22
under a sergeant.
Q. As would have been Mr. Avvy?
A. That's correct.
Q. Okay. And who was their sergeant?
A. I don't recall.
Q. You indicated that when you couldy't
locate Mr. Arvy, you had spoken to his sergeant; is that correct?
A. No. His sergeant was not working that day.
Q. So Mr. Aryy was off. The sergeant wasn't working, and you had received a call that Mr. Chappell was being released?
A. It just got passed up the chain of cominund lill somebody was there.
Q. How were you able to detemine that Mr. Arvy was the assigned line officer?
A. At the time our record keeping system wasn't automated. We had file cards in a file cabinet and the supervising officer was indicated by a number written in pencil on the bottom of the card.
Q. So cacll person that's being supervised bad like a 3 by 5 catd or something similar?
A. That's comect.

| CondenseIt! ${ }^{\text {T }}$ AFTER |  |
| :---: | :---: |
| Page 25 | Page 27 |
| Q. For instance, Mr. Chappell's name | Q Did he indicate that Charmaine Smith |
| 2 would have been on that card and then written in | 2 had the file previously and he just had the file |
| 3 pencil on that card would be who is the current | 3 assigned to him? |
| a supervising officer? | 4 A. No, he did not. |
| 5 A. That's correct. | 5 Q. At that time he say anything diout be |
| G Q. Do you cross off the name beforehand | 5 liad already calted the Salvation Ammy and made an |
| 7 so fid know who the previous officer was? | 7 appointment for Mr. Chappell? |
| 8 A. No. It was writen in peneil so it | 8 A. No. |
| 9 could be revised and a tew number written. That's | 9 Q. Was it an impression that it was |
| 10 why I had no iden who had supervised him probably | 10 something between you talking to him about 9;30 at |
| 11 previously. | 11 his home and coming into your offies at [2:30? |
| 12 O. And in addition to the file card with | 12 A. He had to have done it at sometime. |
| 13 the pencilled in number of the superwisitg officer, | 13 Q. When it comes up that someone goes |
| I4 there's a file that's mainained by the depatment, | 14 back to cours and get an amended judgment of |
| 15 correct? | 15 conviction where they modify the terns of |
| 16 A. That'\$ correct. | 16 probation, is it ofien times a negotiated situation |
| 17 Q. On each person that's being | 17 when you go into court on those cases? |
| 18 supervised? | 18 A. Wells of course betwen the defense |
| 19 A. Yes. | 19 attomey and the departirent. |
| 20 Q Where are those files normally kept? | 20. Q. Is the District Attomay's office |
| 21 A. At the time they were minintuined in a | 21 involved in those negotiations typically or is it |
| 22 file cabinet in the superyising officer's office. | 22 the department and the defense aitorney? |
| 23 Q. Which would have been Mr. Arvy's | 23 A. They're involved. |
| 24 office in this instance? | ${ }^{24}$ Q. And in this instance the agrement |
| 25 A. Yes. | 25 that Mr. Chappell's probation be modified to |
| Page 26 | Page 28 |
| 1 Q. And that's where you went to look for | 1 fnclude the inpatient program, that wis a |
| 2 the file? | 2 negoliated situation? |
| 3 A. Yes, sir, | 3 A. Not by the deparment. Our stance was |
| 4 Q. And could not locate it? | 4 that he should be revoked. |
| 5 A. That's correct. | 5 Q. Whose stance wis it that he should go |
| 6 Q. Would that file indicate who the | 6 to inpatient? |
| 7 previous supervising officer had been? | 7 A. Oh, I wasn't there so I don't know. |
| 8 A. Yes. | 8 I 'm assuming thal it was something suggested by |
| 9 Q. Did you ultimately ever locate that | 9 defense counsel. |
| 10 file? | 10 Q. Now, this appears to be the minute |
| 11 A. 1 saw it later that day. Mr. Arry had | If order for the minutes of the contt proceedings on |
| 12 it | 12 August 1, 1995. |
| 13 Q. He had it or home or did you delemmine | 13 MR. OWENS: That's State's exbibit -- |
| 14 where it was at? | 14 what is that? |
| 15 A. I was unable to detemine why | 15 THECOURT: 130. |
| 16 wasn't in his office. | 16 MR. OWENS: Thank you. |
| 17 Q. You were actually able to reach him by | 17 Mr. schieck: Yes, it is. |
| 18 phone at his home before he came in that day, | 18 Q. Do you recognize the court minutes? |
| 19 correct? | 19 A. Yes. |
| 20 A. That's correct. 1 called him at home | 20 Q. That would indicate in the body of the |
| 21 at about 9:30. | 21 minutes that Chamaine Smilh of parole and |
| 22 Q. Did he at that time indicate that he | 22 probalion was present. |
| ${ }^{23}$ bud the file? | 23 A. That's correct. |
| $24 \quad$ A. I asked him where it was at and he | 24 Q. Would it be fair to assume if she was |
| 25 said it should be in my office. | 125 present, she would have had input into these |

had the file previously and he just had the file assigned to him?
A. No, he did not.
Q. At that time he say anything about be lad already called the Salvation Anmy and made an appointment for Mr. Clisppell?
A. No.
Q. Was it an impression that it was
something between you talking to him about 9;30 at
home and coming into your offics at $12 ; 30$ ?
A. He had to have done at at sometme.
Q. When it comes up that someone goes back to court and get an amended judgment of conviction where they modify the terns of probation, is it oflen times a negotiated situation when you go into count on those cases?
A. Well, of course, betwen the defense attomey and the deparment.
Q. Is the District Attomey's office
inyolyed in those negoinations typically or is it
e deparment and the defense atomey?
Q. And in ihis instance the agroment
that Mr. Chappell's probation be modified to
fnelude the inpatient progran, that was a
negoliated situation?
A. Not by the departonent. Our stance was
that he should be revoked.
Q. Whose stance was it that he should go to impatient?
A. Oh, I wasn't there so I don't know.

I'm assuming thal it was sonething suggested by defense counsel.
Q. Now, this appears to be the minute
order for the minutes of the contt propedings on August 1, 1995.
what is that?
THE COURT: 130. MR. OWENS: Thank you.
MR SCHIECK: Yes, it is.
Q. Do you recognize the cout minutes?

Yes.
Q. Aht would
mintes that Chamaine sminh of parole and
A. That's correct.
Q. Would it be fair to assume if she was

5 present, she would have had input into these

```
31341 3/16/07
negotiations?
A. She would have the opportunity, yes.
Q. That's standard procedure if the
offiper's present for the revocation or the
negolistion to amend that the officer's there and
matters are discussed with the officer.
A. Yes.
Q. You indicated that you had obtured a 9 printout on Mr. Chappell after you received the call from the city jail that he war going to be released from their custody. Do you recall what
the exact charge was that he was being held in:
custody by the city jail wis?
A. Domestic quolence.
Q. But you didn't hawe any other information besides that?
A. li just has one line with a lot of a previous violalions, the date, conwiction, the chatge.
MR. sCHECK: Thank you. That's all I hawe, Your Honor
(Whereupon Mr. Schieck
concluded his cross-examunation af \(2: 43 \mathrm{p} . \mathrm{m}\).)
THE COURT: Mr Owens.
```

```
MR. OWENS: Nothing futher, Your
THE CCURT: Thank you. No questions
    from the jwry. Mr. Duffy, I appreciale your time.
You may be excused.
                    (Whereupon William Duffy
            was excused from the
            witness stard at 2:43 p.m.)
            THE COURT: State may call their mext
witmess
            MS. WECKERLY: Thank you, Your Honor.
The State calls Detective Vaccaro.
```

Honor.
Honor.

JAMES WACCARO
having been fare duly suporn to itstify to the
touth, the whole tooth and nothing but the truth,
was examined and testified as follows:
8
19. THE CLERE: Please be seated state
20 appeared spell your ntme for the record,
THE witNESS: My name is James
22 Vaccaro, V -A-C-C-A-R-O.
$/ / /$
///
///

Page 30

DIRECT EXAMTNATION
BY MS. WECKERLY:
Q. How afe you employed?
A. I'm with the Las Vegas Metropolitan

Police Deparment.
Q. How long have you worked for Mietro?
A. About 29 and a helf years.
Q. And were you working for Metro on

August be 31 st of 19959
A. Yes.
Q. Where were you assigned?
A. I was a homidide detective at that time like I and now.
Q. At that time how long had you worked in homicide?
A. Let's see. I think I went to homicide in December of ' 93 so a year and change at that point
Q. Were you asked to respond to a homicide at 839 North Lamb?
A. Yes, I was.
Q. And can you describe the major cross strees or generally where that is.
A. 839 North Lamb is a still there, mobile home park at that time it was cailed the

Page 32
Ballerina Wobile Home Park and the cross streets
would be Lamb Boulevard north of Bonanza but south
of Owens on the west side of the street.
Q. And did you respond alone or with a partrer?
A. I responded by myself but then a pantmer lhat $Y$ was working with, a guy by the name of Phil Ramos who is now retired, he came along too so we worked it both together.
Q. Atad when both detectives respond to a scene, how is the work diwided at the scette?
A. We have always worked this way. We split up the work with one of our detectives
bastcully what we call working the scene with the crime scene investigators and the other detective will interview persons that have infomation about what happened so te'll do interviews and I'll do the seene and examine the scene.
Q. And you have the sceme on this one?

20 A. Yes.
2l Q. You mentioned the major cross streets
22 for the Ballenina Mobile Home Park. Can you
23 describe the park generally. Like is it large and
24 how far bnok the trailer and space 125 sits from
25 the entrance?

```
1 A. Yes. It's a big park. It's a half a
mile from Lamb back to space No. }125\mathrm{ so it's a
y pretty good sized trailer park andl I don'1 know.
Well, this space was space 125 so if that's
indicative of the nomber of trailers, there wete
more thar that.
    0. Having shown defense counsel whar's
been marked as State's proposed Exhibits 99 through
128, I'd ask you to look through those photograpts
and two maps and tell nc if you recognize what's
depicted in all of those.
    A. Would you like me to do it one at a
tine.
    Q. No. If you could just look through
all of them first.
    A. Okay.
    Q. Thanks
    A. Okay. The maps deplet, one is an
aerial view of the mobile home park.
    Q. For the record that's 127.
    An Right. The other is actually a
    photocopy of a map that depicts the downtown Las
    Vegas arca.That's 128.
    Q Okay, And then the photographs that
you have which is }99\mathrm{ through 126, are those an
```

    Page 34
    accurate depiction of the scene and then that last
    one appears to be taken --
    A. Yes, and also includes the vehicle
    that was included in this investigation.
        MS. weckerly: Okay. The State mowes
    to admission 99 through 128.
        THE COURT: Any objection?
        Mr, SCHECK: Mo objection, Your
    Honor.
        THE COVRT: All right. Exhibits 99
    through 128 will be admitted. Thank you.
            MS. Weckerly;
    Q And, Detective, you reviewed other,
    additional scene photographs as well as the ones I
    just showed you.
    A. Yes.
    Q. During your or for your preparation
    for your testimony thit moming or actually inis
    ofternoon, did you prepare sot of an overview of
    the crime scene?
    A. Yes, I did.
    Q. If I condd get you to step off the
    witness stand.
    A. I prepared some slides to try to
    familiarize you folks with the location of where we
    were at and what $I$ found when I arrived at the scene as to begin my investgation.

First I should probably show you this overview. This is just an aerial view of the areas that we worked in 839 North Larpb, the Ballerina 6 Mobile Home Park, then mother area was 507 North Lamb which was the Vera Johnson projects. That becane involved a little bit later on.

We got involved with that the next day, and also the Lucky's supemarket. The nex.t day we were over at the Lucky's supernarket for the apprehension of the subject in this case. This nitap I wanted to show you because it shows where parole and probation is located down by Veterans Mernorial Drive and Casino Center. It's there right when you get off the frecway. It's not there currently but that's where it was at the fime in 1995 and then the Vera Johnson which we would leam daring the investigation that Mr. Chappell would go to dhe parole and probation office to the Vera Johnson projects over there at 507 North Lamb so it was important for us to understand how far away that was appeared how he got there.

We learned that it was three and a half miles away and that he supposedly walked there
from the parole and probation office, Next of importance to us was the location of the Ballerina
Mobile Home Park, space No. 125, and that was important for us to know that from the Vera Johnson
project north on Lamb was one-half mile and back
from the street back to the trailer was another
half mile so that was an additional mile of travej
time but we learned during the invesigation that
9 he drove a bicycle so it probably was a shoter
0 period of time.
11 Then also I wanted to see EOB was
2 located on Constock at inat ime and I don't know
with whether or not there was an offee in the
Washington and $D$ area but I believe it was on
Comstock at that time in the 2000 block of Constock
which is actually kind of close to Owens Avenue.
Q. Can I intemupt you just one second. Where EOB is versus the Vera Johnson apatitment complex, those appear to be opposite directions from the department office.
A. Oh, sure. I mean at this point here 22 al parcle and probation Vera Johnson's to the casf 23 and the EOB was undemeath I-15 ower here over onto
24 West Las Vegas and then north up to Owens Avenuc so 25 it was just the opposite direction.

1 did he say happened as he went or climbed through hisis window at the mobile horne?
A. He told -- well, I learned that he said that te was greeted by Deborah Panos, his girlfriend when he was going through the window.
Q. Okay. And according to the defendant
what happened with Deborah Panos at that point?
A. Well, I don't know for sure what
happened inside there but the statements that l've come to lean about indicate that fe had some conversation with her for a period of time. They sal and talked and then they had started to have sex and then for whatever reason be decided to stop having vaginal sex with her and then she performed oral gex on hime in the bedroom and then after that happened there was some kind of a fight between the two of them that ended up wilh her being beaten and slabbed to death.
Q. Okay. And independent of what the defendant says happened, was there a wimess who actually saw the defendant leaving the mobile home park at a particular time?
A. Yes. That would be a witnoss that was interviewed by my patner Phil Ramos and we leanned that this was Lisa Dargn who would sex Mr. Chappell
leave the mobile thome right around 1330 hours or
1:30 in the afternoon so that was gobd because that
gave us the back end of our window, our time
window.
Q. Okay. So that was releyant that the
time period that he left would have been 1,30 in
tems of the investigation.
A. Right. So total time inside the
mobile home based on that theory would have been
about 40 minutes for Mr. Chappell to be ingide there, thereabouts.
Q. Okay. And obviously il's after 1:30
that Lisa Duran sometime after thaf she comected a
patrol officer and ceentually homicide was contacted?
A. That's right.
Q. And then I assume that's when you and you partier arrive on the scene?
A. Right, Apparently there's some

20 conlace made by Lisa to a parol officen that's
1 writing a ticker to somebody out at Bonanza and
Lamb and then that patrol officer goes back to the
mobile home -- it was an officer thamed Lee.
There was another officer with him but
I can'l remember his name. Officer Lee gees
dirough the window that he find was ajar. He makes
entry inside the mobile home, find Deborah Panos
inside dead on the floor in the liwingroom.
Because we were the ap team, Detective
3 Ramos and 1 -- the up team means the next murder
6 that happens in Clark County it was our turn, 50 we
7 responded out the mobile home park.
8 Q. Okay. Can you go to the next slide.
9 When you responded to the mobile home park, did you walk around the exterior of the residence?
A. Yes, I did.
Q. Okay, And what was your plopose in doing that?
A. Just whet I do for a living which is is to go there and observe fisst and as the 6 invesligator of the crime scene what you can see
17 here a little bit is the crime scene tape along the
18 side of the building and actually there was crime
19 scene tape on the other side of the mobilic home
20 here 100 so I would want to faniliarize myself with
21 the exterior of the location because although her
body is inside, there might be something important
to me outside in the investigation. So I would
observe the front, the side, the rear, and these
pittures depict how it looked when 1 arrived.

## I Q. And that's the picture wetre looking <br> 1 at.

3 A. This is the front door.
4 Me. scheck: Your Honor, I can't see
5 when he points his pointer.
6 The COURT: You can stand closer. You
7 cm also draw on these sereens if you wanted to as
well. Your pleasure.
THE WITNESS: If it's ckay, $\left.I^{\prime}\right]$ ] stay
right in here. Is that good enough, Mr. Schieck?
MR. Schieck: Yes, it is. Could I
move the podium. I guess that would probably make
13 it a little ensier.
4 MS WECKERLY:
15 Q. So what anc we looking at in that
16 slide?
7 A. Well, the mobile tome is situated on a
18 north south on the north side of the street. This
19 facing right here is south, west side porch area,
20 and the front door right here to the mobile home
21 and then this slide here depicts the opposite side,
22 easi side, and that's the carport area, another
23 small door that allows entry into the residence
24 into 4 washer dryer room and then a kitchen.
25 Q. Okay. And the front part of the
trailer will the two windows and obviously one window was damaged, was it your assessment after reviewing the mobile bome extemally that that was the likely point of entry?
A. Yes. As a matter of fact we, when we
look at the front of the mobile hone, well, fisst
let me show you an jnterior diagram that was
created by the crime scerte analyst ihat was there
working with us bat day. Again, this is north to the rear of the trailes.

That window that we saw in that first
picture is down here in the from or the south
side, It allows you entrance into the bedroom
which is the master bedroom, and then this would be
an arga of focus for us. So would the livingrom
area because this is where we located Deborah
Panos's body on the floor.
Q. When we're locking at the crime soene
diagram that's displayed right now, can you show
the jury where the front door of the trailer would
be and the carport area.
A. Okay. In the diagram the front door is here. That's the one with the porch off to the side and then the carport would be right here where the north arrow is and this is the little door that
allowed you in from the carport area,
Q. Okay. And you said that the primary
roons that you were focused on, one was the
bedroom.
A. Righ1, the master bedroom here and
although we -- my responsibility for the scers is
to - the enifre trailer, the ounside and
everything, but I Iearned after being there
approximately an hour that I could foeds more on
this bedroom and the liyingrom area.
Q. Okay. Describe what was of note in the investigation in terms of the betroom.
A. Well, with regard to the bedroom, back

4 to the front of the trailer, when you look here,
the close up of the window shows that the screen is inside and the window is out here leaning against the front of the mobile home.

I leamed from Officer Lee what when. he found this window, it was in plece and it was all the way in a closed position except for about a quarter of an inch so the pushed the window up the rest of the way and climbed inside.

So that was imporant to me because the screen was already inside the residence and the fact that he went through that window was of
concen to me too because I believe that was the point of entry and now we have a police officer go through that window too not knowing that was the point of entry. He was just trying to facilitate getting inside the mobile home to check the welfare of the occupant.
Q. That screen that we see that's inside
the bedroom, Where is it in relation to like other pieces of funituref
A. You can see here that its wedged down between the window sill and the back of this table or emall end table if you will which is kind of pusted up against this desk and so that screen that you see right there is the one you saw from the
outside and because it was inside, that was
important to me because it meant someone had to bring that inside the residence.
Q. Okay.
A. I have an insert here of the screen later back at the forensic lab where we conducted,
well, not me personally but we asked to have
fingerprint analysis done on numerous lecations
inside the residence and the screen was one of them.
Q. Besides the bedroom being the point of
entry and seeing the screen kind of wedged in
1bere, in between the bed and that rightstand, was
there anything else significant in the bedroom in
terms of the investigation?
A. Yes. As you turred about face from taking this photograph here like this, you can seo
the bed here is untiade. The next slide depicts the condition of the bedroom and fere's the bed again without the sheets on it so you know that, now I've got my back taking this photograph which I didn't
take but I'm saying I had the criminalisties
working the case with me take this photograph and
you can see the condition of the bedrom here with
these letters that are strewn about on the floor
and clothing, clothing about the top of the
dressers, dresser drawers oper and this long phone
cord.
Q. What was your assessment of the
condition of that bedrom?
A. Tt appearetminit that that was the scene of cither a ransackite or burglary. At first my thoughts were someone had come inside there, was looking for something.
Q. Okay, And did you ever examine the lefters that we see kind of spread actors the
floor?
A. Yeah. We did some close up
photography while they were in place and the
letters appear to be letters from James Chappell to
Deborah Panos while he was intarcerated.
Q. So you would have examuned those when
you were at the scene obviously and those would
have been collected as evidence?
A. Yes.
Q. Okay. And anything else of significance in the bedroom or was your focus more in the livingroom?
A. Well, if you remember fromit the diagram there was a bathrom right off of the master bedrom and inside the master bath there was some blood in there on the toilet seat and also on the edge of the sink so now I have the runsaching and I have blood and I haven't even entered the livingroom it's just in the bedroom area.
Q. When you saw the blood in the master bathroom area, what did that indicate to you?
A. I now know of course that I'm there breause Officer Lee's old os that he's found
somebody beaten and slabbed inside of this, residence. I now know the bathrom is involved and
the bedroom was involved so I'm thinking someone
was cleaning up because of the blood in the
bathroom.
Q. And obviously cleaning up after the horicicido?
A. Right. It's a bloody scene, and
there's blood in the bathroom so in my opinion
someone has been cleaning up.
Q. Then was your focus the livingrom area?
A. Yes. So atter leaving the muster bedroom payt of the diagram, now you see some additions to the diagram here and they are, of course, the victim Deborah Panos hus been peneilled in to the diagram here.

The letters that you saw on the floor inside of the master bedroom were in this location here. Theic was a tomy letter that you'll see in a bit that was around her bouty lind 佔o there's s knife that's on the ground right here on the floor on the carpet a few foet from her head and of course the Iocation of her body right there.
Q. Okay. And that, you didn't prepare
this diagran but obviously you know it's consistent with it?

1 A. Yes. I mean 1 know that to be
2 actually a slide that was created from the actual 3 crime scene diagram from 1995.
Q. Okay. Now, when you were investigating the scene, what were your observations about the livingrom area where the victim was?
A. Well, first when I walked into the
livingroom I fried to absorb what's going on inside
the room and I noticed that there were boxes inside
the center of the room thal had some things inside
them so I was rying to figure out whether somebody
was moving in or moving ont or what was happening
inside that mobile home, and the configuration of
the furniture is always important to me and then,
of course, the condition and the appearance of the
victim on the floor was just right there in front
of me so I started to absort all that while I'min the room.
Q. Does this depict where the knife you spoke of was located?
A. Yes. The loife was right here a few feel from her head that would be to the north her body is with the head to the north and the fect tol
the south. This is the door on the west side which

## Page 50

1 is the actual front door that has the bigger patio on it.
Q. And everyhing in this photograph is obviously as it appeared when you initially entered?
A. Right. What we do is come inside, take all photographs first before we do any eviderte collecting or getting close to the body al all because we don't want to walk on anything or disturb anything so we'll just come in and take a path and order some photographs to give us overall that way if we change anything, we can see how it was when we first got there.
Q. And now we're looking at a closer wiew of the victim at the scene?
A. Yes. This is an important photograph That I asked to be taken because at this location here we have blood on the door. We also have blood here in circle pattern or not a circle pattem but right here. It seemed to be a patern to me and the fact that her positioning and the blood on the side of the chair, this is a black comb not a knife. The knife is further up here above her fead.

There's in sock here on the floor then
there's a piece of torn letter, a handwnitten
leter like the ones that were in the bedroom up
here right by her neck on the other side of her
neck. And we will see that in another photograph
but of importance to me here was this stain because
she had a stab to the abdomen and also just above
the pubic arch and the fact that it gave me the
impression that ber body was rolled over and face
down in that position in depositing that stain
transter there.
Q. And you also mentioned that there was blood on the chair that's next to her?
A. Yes. She's heavily blood dead here.

1 thought because of the condition of her nose that
it was aspirated but I krew she bad both carotic
arteries cut. The blood would thave shot up on the
chair at that location which also told me that she
died there. She wasn't placed there, and also that her body was moved because of the way her shirt was up in the back thal she was pulled down which made the shirt go up.
Q. Okay. And you mentioned also there
was a little bit of blood on the lower part of the front door.
A. Right, right ower in here.

Q Okay.
A. That to me in my experiencc would be
considered cast off or what we would call medium
velocity spray. There's high velocily that would
cone from a gunshol wound, and medium would come
from cast off. Cast off would be the instrument
that's being used is going to have blood on it and
then when you wilddraw for another strike, it's
going to cast off blood to other locations in the 0 room.
il Q. When you initially observed Deborah
Panos, obviously she can be sen to have wounds
hat were caused by a knife but at the scene did 4 you see any evidence of other injuries to her body?
15 A. Yes, I did.
16 Q. Can you describe for the members of
7 we jury what you could see at the scene in terms s of those kind of injuries?
19 A. She had in my experience what are defensive wounds. She had on her foreams heavy
contusions or brujses that had developed prior to death so I knew that after death bruises sren't going to develop because bloods nat going to flow to the damaged area so when I saw bruising on her hands and amms, I know that and also on the side of
her face and her ear was very damaged from a blow,
I know that those things would react only while sthe
was alive and so those defonsive wound or mark
guesses on her body are what 1 saw.
Q. Okay. And what are we looking at or
can you orient us just a little bit? Is this the
other side of the livingroom?
A. Yes. If I were the photographer in
this photograph, Deborah Panos is on the floor
behind me and this is the teleptone that became a
part of our investigation because of our knowledge
that there were phone calls made by Deboreh Panos
while James Chappell was inside tre mobile honte and
so that's why we took photographs of the telephone
and then a close up of the telephone which was in
operating condition.
Q. But it was off the hook?
A. It was off the hook and obviously on
the floor either dropped or thrown there.
Q. And that would be consistent or
indicative of a struggle as well, the phone being off the hook?
A. Yeah. It went along with what
appeared to have happened in the bedroom and livingrocm. There was eithor a fight or strugge,

Page 54
a burglary, or some kind of crime committed in
those rooms. Behind this box is anouler chair, and
there were some more blood deposit on that. That's
pretty far away from her body which I also
considered as cast off.
Q. And this photograph kind of orient
where the victim's body was in relation to the
knife.
A. Yes. Just another angle and a
photograpli of Deborah Panos's body and again the
knife is here a fow feet from her head and then a
close up of the knife. Of course when we look at
the knife we see a heavy deposit of blood with a
swipe here which cleaned the blood off which would probably be the tracks of the 1 col with clothing on.

That would clean the knife off on the
8 way out. Also the hande of the knife is very
9 bloody and there's some fibers that are mixed in
with the blood and dried into the blood there on
the knife blade. The knite is not especially latge
2 based on the photograph. It's about seven inches
23 long. sinilar to a kitchen type knife. It's got a
24 slight senated edge on it. I know the crine stene
25 analyst had a measurement on it. I believe it was
seven and a half inches. This knife from our opinion was from inside the residence.
Q. What's the next dide? What are we looking at next?
A. This is a photograph not taken by us. This is a photograph that I fourd on the counter in the kitchen, aud it showed this vehicle in from of the mobile home and it was of importance to me because I krew that Deborah Panos had a car but it wasn't at the residence and so based on what I
leaned from Lisa Duran -- she told me she saw James Chappell driving awray in the car.

So widh her being dead on the floor in her mobile home we've got a robbery also we're investigating so I wast to ger a description on the car I hand woote orn this which ended up being wrong. It's a Toyota Corolla but it's a 1985 . I took that from the residence because of the appearance of the car. I wanted to get that to olher officers.
Q. This pholograph was found on a counier top in the are residence?
A. A liftle kitelen counter by Je stove.
Q. That's what you used to kind of describe the vehiele for other officess to be

Page 56
looking for?
A. Yes.

3 Q. Did the vehicle have license plates do 4 you know?
5 A. No, it didn't.
6 Q. So you would have needed --
7 A. L know the car didn't have plates on
E it at that time. Obviously you can't ses from the 9 photograph that it doesn't have plates on it.
Q. Okay. What's the next slidef
A. Okay. So an aulopsy was perfonned on

Deborih Panos's remains on September the 1st, 1995,
and I was in attendance with Dr. Green and cotber
forensic assistants that work in the coroner's
office but 1 did attend the autopsy.
Q. And is that normal? I mean do the homicide detectives always attend autopsios of -under investigation?
A. Yes. I can only think of in the 400
to 500 death scenes that 1 've investigated that I
haven't attended an autopsy. The atotopsies are attended by us regularly.

Here she is as she was received inside
the Clark County' coroners office. The blue is her body bag and it's been opened up inside the
offices, and this placard has been created for her identification.
Q. And you mentioned that you and other
detectives atend them, crime scene analysts also
are present at the autopsy?
A. Yes. We just have honnicide
represented there and also creme scene
investigators are there for the preservation of
evidence that's collected from the body.
Q. And you did in fact attend the autopsy of Deborall Panos?
A. Yes.
Q. And what type of evidence is typically collected off of a vicim's body al autopsy?
A. Well, you can imagine that that could be either a real short list or a real long list
depending upou how the persoo died. In the case of
a female 99 percent of the time if $I$ have a female
victim I'm going to do a sexual assault kit right
off the bat and all of the clothing is going to be
gathered as evidence here so she's received here os
we found her inside the mobile home with the
clothing on so the clothing is going to be kept
because the clothing on her body was penetrated by
the weapon so we want to align all those holes with
Page 58
the wounds on the body.
Also a sexwal assault because there's
only one opportuntity to find out if that evidence
exists. After she leaves the cormet's office,
there will be a funeral and the evidence will go
away.
Q. And a sexual assault kit would consigt of vaginal swabs?
A. Yes. Every sufface, pulled head hair, pubic hair, because of those things because they all could be related to the crime scene or an
extension of a crime scene such as a vehicle in
this case, If any of those things are present, we
need those and we nteed them at autopsy because we only hove that one opportunity.
Q. And that was done in this case?
A. That was done.
Q. And you observed fhat being done?
A. Yes.
Q. After you atiended the autopsy which I
assume because of the date on the slide was the day
after you had been to the scene investigating the
numpder --
A. That's right.
Q. Okay. So the autopsy was the next
moming?
A. Yeah. Almost always the ncxt
monning. There's sort of a nule at the corboter's
office and if a body is recovered ofter 6:00 a.m.
in the moming, the autopsy will be performed the
following day. It was the lst of September, It doesn't make any difference what day of the year it is.
Q. You were at the scenc on August the 31st and $I$ assume you were there for several hours
investigating the scene while your partner did intervews?
A. Yes. The investigation at a mobile home like that we started at about 12.30 or 80 in the aftemoon and we were chere until dark and in August fhal fucant we were there until 8:00 or 9:00 o'clock at might,
Q. Okay. And based on the scene and the interviews that Detective Ramos conducted, what was
your assessment on the next day in trmas of a possible suspect for this homicide?
A. Based on the totality of everything we leamed over that time that we spent at the mobile home and then of course sering her body at the. sutopsy, we were focused on James Chappell right Page 60
off the bat because of the ithings we learned from Lisa Duran.
Q. And so obviously information had been conveyed that Deborah Parnos had an ex-boyfriend and
it was a relationship that was not going well to put it mildly.
A. Right, We knew there was discord in
their relationship. We leamed that from his
friend. We knewr about his appearance in const the previous day. We knew about his release to parole
and probation. We started putting things like that
together and we knew we had a 40 -niniute wiodow. He
was seen by Lisa Duran leaving with a bicycle
hanging out of the back of her car. That was easy.
Q. When you hrwe a suspect that you're
looking for, is that infonmation given to all Mero
officers to sort of be on the lookout for that person?
19 A. Sure, it is. Patt of your pupose is
20 to create a $\operatorname{BOLO}$ or be on the lookont or all points
like you hear on TY. It's our responsibility as
homicide detectives end we put that out to the
police officers.
So how does it get to everybody?
Every shift has a briefing and before the briefing

I the autopsy you get this call notifying you about
something that's relevant to the investigation and
what was that?
A. Right. So the coroner's office is down here at Shadow and Pinto Lane over by University Medical Center so we're down there at the coroner's office and we get the call from a
patrol officer that's at the Lucky's supermarket
over here at Bonanza and Lamb which is look how
close to 507 North Lamb and 839 North Lamb, the
Ballerina Mobile Home Park, he's got a guy ingide
the Lucky's store that was detained by employees
there.
He's a black mole that's identified 15 himself as Iwory Marill (phonetic), but the patrol I6 officer is a little concened. Remember, he
|17 learned from bricfing about the honicide and so
18 this person that's detained is in possession of
19 four Social Security cards and the Social Security
20 cards bear the names of Deborah Panos, James Panos,
21 Anthony Panos, and Chantel Panos so the officer's
22 like, why do you have these fou cards, and that's
23 why he called us because he recognized the Panos
z4 name as the victim from the murder.
25 Q. And those other three names, were
those Deborah Penos's children?
A. Fer kids, yealo, children.
Q. So did you go to ihe supermarket?
A. I went there and so did Phil Ramos and we went into the room where the guy was being delained, Mr, Chappell right there.
Q. You just indicated someone in the cowtrom.
A. Sure. He's got a blue shirt on next to Mr. Schieck. That's Jatues Chappell.
ms. Weckerly: May the record reflect
the witness has idenified the defendant.
THE CDURT: The record will so
MS. Weckerly:
Q. Just approximately what time was it that you got to the Lucky's supernarket?
A. I have a log but 1 hink it wis 1:00 o'clock, sometwere in that area, 1:00 in the afternoon.
Q. What did you do once you got there?
A. Of course we came in and identified
ourseives to store people and they took us back to
where Mr, Chappell was located and we, of course, wanted to have a conversation with him about what

Page 64
was going on with regard to the mobile home park but he didn't choose -a
Q. Okay. Let me ask you another question. When you -- when yolu encountered Mr. Chappell at the Lucky's supermarket, did you -were you able to observe him physically?
A. Yes, I was. As a matter of fact, you know, we were concerned about the clathing that be had because it was less than or maybe right around 24-hour period later so we were kind of hoping that the clothing would match what Lisa Duran told us about.

Here he is, a photograph that's taken up against the block wall inside the back foom of the lucky store and that's where he was detained by the patrol officer and while we're doing our investigation and looking at him, I conce across this on his right palm and this is inportant to me because I've seen this before.

These cuts are indicative of someone that's had a knife in their band in a knife attack because when the bloody knife gets slippery, your hand slides down and you end up cutting youself so we had these photographed with a measure and then a close up of it and so then we could document the

## CHER YL GARDNER, CCR 230, RPR, RMR

fact that he had that fnjury on there because the
more time that would go by the injury would go
away.
Q. So that would be indicative of someone
who's participated in a stabbing?
A. Yes.
Q. And so that was documented at the

Lucky's?
A. Yes.
Q. Did you get information about a
possible location of the wehicle al some point?
A. Yes.
Q. And was that, did you get infomation,
well, actually why don't you describe the keys.
A. Okay. The Lucky paper here there was

16 Iike a litile cant there where the things that were
17 icnowert from Mr. Chappell were placed on this corl
and so we were still in the lucky store and I
noticed this key which I thought was a Toyota key
and a residence key right here and so I thought
those were the keys to the vehicle sol was
concemed that the vehiole pats nearby or in the
parking lot nod it wasn't. I later found it across
24 the street at the Vera Johnson projects.
Q. When you went to the Vera Johnson
apartment complex, I assume that's the slide we're
looking at now and that's where the wehicle was
located.
A. Yes. If you were to go to the right
down this sidewalk, that way, you would go toward
the lock he store so this is the west side of Lamb
back behind building No. 507 and the wehicle's
parked up on the gross right by the doors to the
apartments not in the parking lot anta so it's kind
have been hidden up in here on the grass area. I
mean that's not the parking area there, It's the
grass.
Q. So it's sort of at the back of the
complex not in the parking area?
A. It's in the back of the complex not in
the parking loi on the grass.
Q. And did you speak to two ladies at the

Vera Johnson complex?
A. Yes.
Q. And were they assisting you in the

Jocation of the vehiole?
A. Yeah. When I came there of course
ij they realized the police were in the parking lot
24 back there and I started looking around and thei
25 pointed it out to me because things were buzzing in
Q. So at some point they gave you information about whem the car was?
A. Onoe you go through the complex,
you're familiar with it riglit away go it was easy
to find it once we got pointed in the right direction.
8 o. Did you ask a crime seene analyst to
respond and collect the car, collect evidence from
10 the car and tow it back?
A. Right. Because the vehicle left our
murder soene, it's a -- of my scene from the
mobile home so Itve got to ${ }^{-1}$ it just like I would
I4 the mobile home so I had the sealed, towed ap on
15 the flat bed trook and taken to the crime lab where
16 extensive forengic work would be dore in the extent
17 of looking for blood inside ounside.
18 We knew it was the Panos car and that it was used often by Deboriah Punos. We also knew that James Chappell was inside the wehicle. No
suprise to us if we would have found fingerprints
because it was their car but blood would have boen
important to us so there was a lot of work we did
24 on that car back at the crime lab.
Q. 50 that car was impounded for further

Page 68
testing, $?$
A. Yes.
Q. If I can get you to resume your seat. Judge, can we flip it over to the
document. Thank you. Court's indulgenee for just one
minute.
Now, you mentioned that you got a
picture of the cat off the counter in sort of the kitchen area.
A. That's right.
Q. I'm putting on the overtead

Exhibit 75. Were there also on that counter wea pictures of Deborah Panos's children?
A. Yes. That's a sideways picture of the kids in a lithle grouping of the throe children, yas.
Q. Bul that pould bave been in the same area where you got the picture of the cart
A. Yeah, that's the counter top in the kitcherr.
Q. And you mentioned on the chair next to where Deborah Panos was Iaying that there was, there was blood on the side of the chair and also on the top part of the chair?


1 smear. This would come from being in the aif and
then falling 'cause it just stays in a cycle like
that and it would-- even on a close-up would have
on $-=$ to it but those were on that chair and that
was son of to the east of where the knife was located, where that Sesame Street box was located.
Q. Showing you 33, does that chow that chair that we were just looking at?
A. Yeah, if's not the chair with the box on it , It's this one back here and there's blood
that 1 just showed you in those droplets on that
chair and of course that's the relationship to where Deborah's located over here.

Q Now you mentioned that you were primarily focused on the livingrom and the muster bedroom obviously and the master bathroom. You looked around the other rooms inside the home as well?
A. Yes. Yes, I did.
Q. And generally what was the condition of those rooms?
A. They were kind of nondescript in 23 comparison to these two rooms, the master bedroom 24 and the livingeoom. The kitchen counter was a 25 liftle cluttered and one of the bedrooms bad the
observations of the residence. I'm showing you
Stater's 102 and that's the back door to the residence, conrect?
A. Right. East side of the mobite home
but the back door where, you know, you made entrance into the washerdfyer room and then you were right in the kitchen.
Q. Okay. And was there amything of evidentiary value collected from thai part of the trailer, that side of the trailer?
A. The only thing owe this side was back in here on the grass is a piece of paper that I located and it was a document that l've seen before from the courts and it indicated the name James
Chappelf on it and that these was a court
appearance date for August the 30th of 1995 .
Q. And showing you State's 104, does that
depict where that piece of paper was?
A. That's it right there and there's a
litte red cone next to it or orange cone next to
it which is what we do with all our evidence but that's that form I was just describing.
Q. And that was obwibusly collected?
A. That was collected as evidence, right.
Q. Now, moving to the otber side of the
trailer where the front door was, this is in
Shate's 99, we talked about the letfer hat was
sort of undernegth where the victim was next to,
between herself and the chair. Were there other
pieces of that letter found anywhere else in the crime scene?
A. Yes, there were. Just outside the
front door here that cone right there is depicting
a small white sandal, shose that had jts match
inside the house and there was also right at the
threstold there a small fragment of that same
letter that was up by her head, right next to her body,
Q. And now showing you State's 2, can you tell us what's depicted in that photograph.
A. Yes. It's even kind of hard to see
because this is the fragment of the letter. That
is a marker like a little sticky paper saying what number item it is so this is the fragment right
bere though of the letter.
Q. Okay. And this is State's 3. In's
probably hard to see that one as well but would
that be another little piece?
A. Right. It's a litle blursy there by
the cones depicting that piece right there, that's
bed made in it but another bedroom hied a bed stood
up box string, matress leaned up against the wall
like somebody was moving out, and soI thith
there's some photographs that will depiet it.
Q. Yes. This is 110 . That depicts one of the beds sort of packed up.
A. Right. I mean mattresses, container with some things in it, books and the mattress
leaned up against the wall, some other things back
in here too. I don't know what those are. Maybe a
platiform for the bed.
Q. Showing you State's 111, is that
another room inside the residenoe?
A. Yes. I recognize that because of this
archway here. That is the opening from the hallway
into the actually like the den which is the
northeast coner of the residence and you can see
there's things packed and just a single couch
19 fere. Nething on the walls, curtins, pretty
sparse in there.
Q. Okay. And 113 would be sort of
another view of that same room?
A. Yes.

24 Q. I think at the beginning of your
5 testimony you were talking about your external
the threstold there and that's the door over here and the cappel of the landing out here.
Q. Okay. You mentioned that you called crime sceme nalysts to the scene. Was the residence processed for latent fingerprints?
A. Yes.
Q. And did you direet them or did you have conversations about wherc ite best place to
look for the fingerprints would be or where you
wanted them to concentrate?
A. Yes, I did.
Q. Where was that?
A. As I said, most of our focus was that master bedroom and the bathroom and also the livingroom area. We would expect to have the
fingerprints of Deborah Panos, James Chappell, in
those locations but to be - to do this right you
have to direct these people to fingeprint certain
items like that screen that you saw, the knife.

If it -- pending upon the condition of
the knife, and in this case the lanife was very
bloody but it was my responsibility to direct the
crime scene investigators to certain areas for
fingeprint processing.
Q. And here we are ten years later or
more, do you know what the results were of the fingarprint examination?
A. No fangerprints were identified from
inside the residence. Surfaces sometimes yield a
fingerprint and sometimes don't so in this
particular case we didn't identify any
fingeprints.
Q And the car once you recovered that, was liat processed for latent fingerprinis?
A. Yes.
Q. And what were the results of that?
A. Same resulls.
Q. Even though you know people had been in the car, there weren't any?
A. Exactly. So many conditions affect whether or not you recover fingerprints so we didn't in this case.
Q. Sir, I'm showing you what's been admitted as State's 67 and 878 starting with 67 do you recognize that what is?
A. Sure.
Q. What is that?
A. At autopsy the sexual assault evidence collection kit comes in a box like this. That's sealed so that everyuhing inside is sterile and

1 den it's opened by the crime scene investigator 2 that's present with us at autopsy.

Inside are small envelopes that
contain certain swabs and as they're deposited into
those envelopes or tubes and then they are sealed,
biohazard marked, and then sent to the lab for
andalysis.
B 0 And 87 ?
9 A. 87 is a police deparment serology
standard kit, and a serology standard kit was
completed by myself at the jail pursuant to a court
order for a whole blood draw and also forensic
evidence collection from Mr, Chappell in the forms
of hai like I can tulked aboul carlier, combed
hair, pulled hair, swabs of the mouth and/or blood
that's drawn.
Q. So the sex assault cose, 67, that was
the evidence that was collected at autopsy, the
vaginal swabs and that sort of thing from the
victim's body?
A. That's right.
Q. Do you know whether or not evidence
was attempted to be collected from the fingemails?
A. Yes.
Q. That was collecied as well?
A. Yes, it was.
Q. And then 87 I think you said was blood
and other samples from the defendent in order to do
a comparison?
A. That's right.
Q. You kriow at this point that evidence
was submitted for DNA analysis?
A. Yes.
$9 \quad$ Q. And would that have been with regard
to evidence colected at autopsy as well as the kniff?
A. Yes.
Q. In tenins of the vaginal swabs that wrere collecled from the wictim Deborat Punos, do you know whelber or not any foreign DNA was foupd in the vaginal swabs collected at atutopsy?
A. 1 do know that the results were that the DNA of James Chappell was found in the form df semen inside the vagina of Deboral Panos.
Q. Then the fact that ift's in the form of
semen would indicate that he ejaculated inty her body?
A. Yes.

2A $Q$. The krife that we saw on the livingroom floor that had the blood, I assume that

|  |  |
| :---: | :---: |
| 1 was also submitted for DNA testiog? <br> A. Yes. <br> Q. What were the result of that? <br> A. The result of the knife were the blade <br> the forward of the handle and the hilt of the koife <br> was primarily the blood of Deborah Panos. On the <br> handie howewer as I suspected from the injury was a <br> combination of James Chappell's and Deborah Panos's <br> blood because of the injuries during the attack. <br> Q. Was there any blood collected from <br> Deborah Panos's vehicle? <br> A. There was a small droplet of blood <br> that was located I believe was near the trunk <br> inside the trurk of the wehicle. It was examined <br> and determined to be by DNA primarily that of <br> Mr. Chappell. <br> Q. To your knowledge was any DNA evidence recovered from the fingernails of Deborah Panos? <br> A. Eight my understanding there was no DNA recovered from there. <br> Q. Okay. Showing you State's 68. Do you recognize what that item of evidence is? <br> A. Sure. This is the knife that was found on the floor near Deborah's head. <br> Q. And can you remove that from the | Q. Showing you State's Exhibit 75, dess <br> that appear to be some miscellaneous papers that <br> were impounded from the scene? <br> A. Yes. These are from the berroom. <br> Q. Okay. Could you open that up. <br> A. There are four bags that contain <br> several ifems of paperwork. Some have receipts and other documents that bave the names of both Deborah <br> Panos and I think also James Chappell on them but <br> primaily tite telerg that we saw on the floor in <br> the bedrom. <br> Q. You were primarily concemed with the letters? <br> A. Right. <br> Q. And -- <br> A. I haven't geen these for a while. <br> ms, weckerly: I don't know, Your <br> Honor, if you want me labeling them agsin for the <br> record individualy. There's four different <br> packets so I don't know if you wanc you want me to <br> label them A through D. <br> THE COURT: Sure. <br> MS. weckerly: IIl just -- the first <br> one f'll just say is A just so we don't have to waste time. |
| evidence bag, please. <br> A. Sure. <br> Q. Can you just hold what you have up so the members of the jury can see it. <br> A. Sure. <br> Q. The handle on that item of evidence <br> appears discolored, Could that hawe been processed <br> for fingerprint as well? <br> A. Right. We have a mbstance that's called winhydrin or lenco erystal violet or chemicals that are used to detenminc if it's human <br> blood, and the knife is also bent and it's listed <br> as $81 / 2$ inches overall length. <br> Q. And that was the knife from the <br> Jivingroom that has Deborah Panos's blood on it? <br> A. That's right, It still has blood on <br> it here on the blade. This would be the grip that <br> you would have in order to create injucy on the <br> pinkie like on James Chappell's pinkie from the <br> knife slipping down. <br> Q. Okay. If you could put that back in the bag. <br> Now, you mentioned or we talked about <br> letters that you saw in the master bedroom area. <br> A. Right. | Q. Detective, I'm going to refer you to <br> this first packet of paperwork that we'll refer to <br> as $75-\mathrm{A}$. Does that appear to be a letter to <br> Deborah from James Chappell? <br> A. Yes. <br> Q. And can you read the first couple <br> lines of that letter, please. <br> A. Okay. Hello, Deborah Ann, how you <br> be? So whal's up, glut? So you have a pager now, <br> huh? You are going lower and lower, Hope you're <br> happy and doing fine. l'm not. l'mi still worned <br> to death about ny life, future, my children, and <br> mostly my well-being, Life is a bitch. I have a <br> long road ahead of myself and bave to walk it <br> alone. What's down there waiting for me? Is there <br> any hurana down there waiting for me? So did you go <br> see Boys to Men? I'll ber you did. Hope you enjoyed it. <br> Q. And this is a several pase letter. <br> Would that be correct? <br> A. Yes. <br> Q. And what does it say on the back of the second puget <br> A. It says there's a heart drawn and it <br> says ane you eaby, Debbie, with a question mark. |

CHERYL GARDNER, CCR 230, RPR, RMR

| 1 3/16/07 ( ${ }^{\text {P }}$ | selt ${ }^{\text {TM }}$ AFTERNOON SESSION |
| :---: | :---: |
| Page 85 | 7 |
| 18 A And the next page? And this would | 1 Q. And just so we're clear theso were the |
| 2 just for the record. The brack of the fifth page of | 2 letters found in the master be |
| 3 the letter. What does it say on that paget | 3 A. Yes. Those are from the mas |
| 4 A. There's another hea |  |
| 5 says are you easy, Debbie, with two queslion | 5 MS. weckercy: Thank you, Your Hon |
| 6 marks. And tbein it says how many have sweet talked | 6 I'll pass the witness. |
| 7 you , used lines on you, how many have lied to you, | 7 THE COURT: All right. We'll take a |
| \& how many have dropped your panties, how many had | E chort recess before you get into cross. Dur |
| 9 you? Is your reputation good now? You're such an | 9 this recess, it is your duty not to converse among |
| 10 casy fool. You will get tired of just geting | 10 yourselves or with anyone else on any subject |
| 11 fucked. | If connected with the trial or to read, watch or |
| 12 Q. Okay. And there's sim pages to the | 12 listen to any report of or commentary on the |
| 13 letter, correct | 13 by any person connected with the trial or by |
| 14 A. Yes. | 14 mediun of information, including, without |
| 15 Ms. weckerly: For the record, we'll | 15 limitation, newspaper, lelevision, ratto, and the |
| 16 put $75-\mathrm{A}$ back in it is plastic bag | 16 indernet, and you are not to fon or expr |
| 17 Mr. Schieck: For the reoord, was that | 17 opinion on any subject commected with this case |
| Is the only letter in 75-A? | 18 untis it is finally submitted to you, under |
| 19 Ms Weckerly: Il appears to be. | 19 instructions by me. |
| 20 There's some other paperwork in addition but it | 20 We'll be in recess for cen minutes, |
| 21 appears to be the | 21 folks. Thank |
| 22 Q . And now I'm showing you what we'll | 22 (Whereupona recess was |
| 23 call 75 -B and for the record we're on page 7 of | 33 taken al $3: 53 \mathrm{pm}$, and |
| 24 that letter. | 24 the procedings sesumed |
| 25 A. Right. | 25 at 4:13 p.m.) |
| Page 86 | Page 88 |
| Q. Caur you read the first couple lines of | 1 the COURT: All right. We'll be back |
| 2 that. | 2 on the record in Cl 31341 , State of Nevada vers |
| 3 A. Okay. This is page 7. Hello sweetie, | 3 James Chappell. The record will reflect the |
| 4 found some more paper. II's Sunday, July 30, | 4 presence of Mr. Chappell in cout wib his |
| 5 1995. Been here 35 days. Where are you? And then | 5 attonteys, State's attomeys present, in the |
| 6 several question marks. You must be tersified to | 6 presence of our jury. |
| 7 visit me, huh? You know I'll put your on the | 7 We'll continue on with dee testimon |
| B wimess stand. Hold on ler me say that gain. | B of Defective Vacaro. Detective, I'Jl remind you |
| 9 I'll put you on the witness stand, huh, and youl | 9 that you're still under oath, sir. |
|  | 10 THE wirness: I understand. |
| If the front door and what in God's name will you do | 11 THE COURT: Thank you. Mr. Schieck. |
| 12 then, question mark, | 12 Mr. schieck: Good aftenoon, |
| 13 Ms. Weckerly; For the record, we'T | 13 |
| 14 put 75 - back in the plastic. | 14 THE WTTNESS: Hi |
| 15 THE coukt: Is that B as in boy? | 15 Mr. schieck: May I approach the |
| 16 Ms. Weckerly: Yes. Your Honors 1 | 16 witness, Your Honor. |
| 17 guess we can label the next wo C and D but F'm not | 17 the court: Y |
| 18 going to label those. |  |
| 19 THE COURT: Is that the only letter | 19 Cross-Ex |
| 20 that was in 75-B as in boy? | 20 By MR SCHIECK |
| 21 Ms. WECKERLY: It eppears so. | 21 Q You were shown these various pack |
| 27 THE COGRT: All night. Thank you. | 22 out of State's Exhibit 75, we've got 75-A and 75 |
| 23 The court: Do you know about how much | 23 which I believe are the two that yout took letters |
| 24 longer you have? | 24 cut of and read portions of, correct? |
| 25 MS WECKERLY: Just like one minute | 25 A. Yes. |

CHERYL GARDNER, CCR 230, RPR, RMR

| Condeaselt! ${ }^{\text {TM }} \ldots$ AFTERNOON SESSI |  |
| :---: | :---: |
| Fage 89 | P. Page 91 |
| 1 Q. Iust so we're on the same page. And | I things in this letter other than basically accusing |
| 2 you were able to identify the Tetter from | 2 her of being unfaiturul? |
| 3 Mr. Chappell because the signed his name on it or | 3 A. Yes, there are. |
| 4 did you recognize his handwriting of how did you | 4 Q. Okay. For instance on ore page you |
| S recognize it was from Chappelif | 5 refer to are you easy, Debbie, with the questio |
| 6 A. I believe it was from Mr. Chappeld | 6 marks. On the very next page it says I miss you. |
| 7 based on the letters and the fact that l'd seen so | 7 A. Yes. |
| a many of them and the handwriting, yes. | a Q. So it kind of goes back and forith |
| 9 O. So there wore more than just these two | 9 this letter between I miss you to you're seeing |
| Io letters that were there at the trailer? | 10 other men to send me some magazines and I miss the |
| 11 A. Yes. | 11 Young and the Restless soap opera? |
| 12 Q. Okay. And you hat started reading the | 12 A . Yes, it does. |
| 13 one $75-\mathrm{A}$ that star with hello, Deborich Anm, | 13 Q You'we seen leiters written from |
| 14 corret? | 14 individuals in jail or incarcerated ort olver |
| 15 A Yes. | 15 occasions, haven't you? |
| 16 Q. And atually there's a notation at the | 16 A. Yes. |
| 17 top dhat says fifth letier? | 17 Q. It's not unusual to see chamges in |
| 18 A Yes. | 18 mood between the beginning and the end of the |
| 19 Q. And that's at the top of page 1? | 19 letter if you know |
| 20 A. Yes. | 20 A. I mean l can't particularize but I |
| zi Q. And before the salutation of hello, | 21 bave sent that before. |
| 22 Dcborah Ann, it says --well, $\mathrm{I}^{1 / l}$ pot it on the | 22 Q. And you referred to the one out of |
| 23 display. It says I heart you with an arrow djawn | 23 75-B, correct? |
| 24 through the heart, | 24 A. Ye |
| 25 A. Right, yenh, it does. | 25 Q. Okay. And, again, that appears to be |
| Page 90 | Page 92 |
| 1 Q Always and forever? | 1 writen in pencil and there's at least 10, 11 |
| 2 A. Yes, it does. | 2 pages? |
| 3 Q Exclamation point three times? | 3 A. There's several pages. |
| 4 A. Yes, | 4 Q. In fact thene's one numbered all the |
| 5 O. And a star? | 5 way up 1012. |
| $\checkmark$ A. Yes. | 6 A. Uh-huls. |
| 7 Q. And there are other such sentiments | 7 Q. And one that ends sort of a balf page |
| B expressed in this letter; is that contect? | 8 with his visiting scliedule and his address at the |
| 9 A Yes. | 9 detention cerner. |
| 10 Q. It tends to go from being very | 10 A. Yes. |
| 1. derogatory at one point to wery much I Iove you in | 11 Q I miss, you honey, things like that on |
| 12 other portions of the letter? | 12 there. |
| ij A. That's true. | 13 A. Yes. |
| 14 Q. So you see ruood swings even within the | 14 Q. And on the back of that I miss you. I. |
| 15 course of this leter. | 15 miss you. I love you. Please help. |
| 16 A. Yes. | 16 A. Yes, it does. |
| 17 Q. And he's asking her for various | 17 Q And that's sort of the same tore in |
| 18 things. In fact, at one poini he asks could you | 18 fhis leter that goes back and forth and I believe |
| 19 send me up al the top a soup digest and some | 19 this is the one from July 30th, Sunday July 30th? |
| 20 magaeine wih Bobby Brown in it, please? | 20 A. Right. |
| 21 A. In does say that. | 24 Q. So at that point in time te's still |
| 22 Q. And he talks about wateling the Young | 22 sending her letters saying he loves her and misses |
| 23 and the Restless. | 23 her. |
| 24 A. Yes. | 24 A. Yes. |
| 25 Q. And so there's a lol of different | 25 Q. And how many letters like this would |

Q. Iust so we're on the same page. And

Mr. Chappell because fies signed his narne on it or
did you recognize his handwriting or how did you
recogaize it was from Chappeli?
A. I believe it was from Mr. Chappeld
based on the letters and the fact that l'd seen so
many of them and the handwritinge yes
Q. So there wore more than just these two
A. Yes.
Q. Olay. And you had started reading the
one $75-\mathrm{A}$ that slarl with hello, Deborith Amn, conrect?

A Yes.
Q. And actually there's a notation at the top thal gays fifth letter?
A. Yes.
Q. And that's at the top of page 1?
A. Yes.
Q. And before the salutation of hello,

Dcborah Ann, it says o- well, $\mathrm{H}^{\prime}$ ll put it on the
display. It says I heart you with an arrow drawn
A. Right, yeah, it does.
Q. Always and forever?
A. Yes, it does.

Q Exclamation point three times?
Q. And a star?
A. Yes.
Q. And there are other such sentiments
expressed in this letter; is that contect?
A. Yes.
derogatory at one point to wery much I Iove you in other portions of the letter?
A. That's true.

14 Q. So you see ruood swings even within the
15 course of his letter.
17 Q. And he's asking her for various
18 things. In fact, at one poini he asks could you
19 send me up al the top a soup digest and some
20 magaciue with Bobby Brown in it, please?
21 A. In does say that.
22 Q. And he talks about watching the Young
23 and the Restless.
25 Q. And so there's a lol of different
CHERYL GARDNER, CCR 230, RPR, RMR

Page 93
you say were on the floor there in the bedroom?
A. I don't remember the exact amount. I
know there were probably somewhere between four and ten.
Q. And did you impound all of them or
just some of them?
A. I believe ewerything that we attribute to correspondence from James Chappell to Deborah Panos we impounded.
Q. Were they all in this 75 - or were
there some that weren't brought to court, do you know?
A. I think they're all there.
Q. Now, the letter that was tom up that
was found portione of it were found near Deborah's
body, comect?
A. Yes.
Q. Ant there was a couple pieces cutside
even the triiler, correct?
A. Yes.
Q. One right by the threshold of the
door?
A. Yes.
Q. And then one a litule furither out; is
that correct?
A. No. Behind iner feet to the gouth of
her feet on the floor?
A. There was.
Q. There was one piece outside the door?

A Right
Q. Now, did you compare the handwriting
on that letter to the hardwrititig on the letters
from Mr. Chappell?
A. I didn't -- I don't know if I had it
done, forensically done. I looked at it and I
thought that it was different.
Q. Different handwriting?

3 A Yes.
14 Q. You didn't attribute that letter that
s was tom up to haying been a letler from James
Chappell?
A. That's right.
Q. Did you read any porions of that letter?
A. Yes.
Q. Did that appear to be a letter of, a
friendly letter from someone?
A. Yes, in did.
Q. Did it talk about various things in

55 that letter addressed to Deborah Paros?
A. Yes.
Q. Did you ever determine who that ietter was from?
A. No.
Q. Was there a signatare line or anything that you were ever able to find or determine who had sent her hat Ietter?
A. As I recall there was a first name signature on it. That's all I remember.
Q. You don't tecall the name?
A. Something with a D I want to say. I
could look at the letter. I could look at a copy of the letter.
Q. Do you have a copy of it?

5 A-Lmight have one, yeah, I think it
16 was pevorl but $I$ don't know for sure that was it.
Q. For the record you have what's known
as your home side notebook; is that correct?
A. Yes.
Q. And that contains all of the
information on the case that you've accumulated or most of in?
A. It's kind of frapmented a little bit
because of the time but yes, it's primatily all
here. Yes, I think I'm right. It's torn twough
Page 96
the $D$ on the letter, $D$ of Devon and so one of the
pieces of the letters had the word Devon but the D
is torn so I believe it was someone named Devon
that wrote the letter and it $j_{\mathrm{s}}$ a different
handwriting.
Q. And is it addressed to Deberah Panos?
A. Dear Debbie.
Q. So there's a dear Debbie letter from
someone that we believe is named Devon?
A. Yes.
Q. Or something close to Devon. During
the course of your investigution, did you intierview
Lisa Duran?
A. Phil Ramos did.
Q. Are you familiar with the interview with Ms. Durant?
A. Yes.

18 Q. She's the lady bat saw the vehicle leaving the mobile home park on August 31 1st?
A. That's right.

21 Q. And did you leam that she at one ${ }_{22}$ point in time had actually stayed in that trailert
23 A. Yeah, It was a lithe confusing for
24 me, but my understanding was she stayed there for a 5 short period of time and then she changed her mind

| Condenselt ${ }^{\text {TN }}$ AFTERNOON SESSION |  |
| :---: | :---: |
| Page 97 | Page 99, |
| ! and was moving back out. | 1 the other bedromms? |
| 2 Q. Wete you aware that she had made | 2 A. I'd say I don't think it's in the |
| 3 arrangements for that day to meet Debbie at the | 3 master. |
| 4 trailer liome to pick up some things because she was | 4 Q. And there appears some laundry in a |
| 5 going out of town? | 5 basket and some itions of laundry sort of on the |
| 6 A. Yes. | 6 floor there'? |
| 7 Q. And that she gained entry back into | 7 A. Yes. |
| 8 the trailer after the crime sene analysts were | 3 Q. And a bag of diapers. |
| 9 finished or at least 6 a point where they could | 9 A. Yup. |
| 10 let her back in to get some of her stuff? | 10 Q. And in fact one of those drawers is |
| is A. You know, 1 might have been, you know, | 11 partially opened? |
| 12 outside the residence at that point. I don't | 12 A. Yes. |
| 13 recall her going back in there. It may have been | 13 O. Or not closed all the way. And just |
| 14 after we released it. | If so I'm fair, this is, would be the family toom; |
| 15 Q. Were you aware th | Is that coneet? |
| 16 that the inside of the trailer really wasn't, | 16 A. Right. That's the family rod |
| 17 didn't appear much different from it had been when | 17 Q. And the family room was fairly empty. |
| 18 ste was staying there except for the letters on the | Is There was nothing in there. |
| 19 flow? | 19 A. Yes, sir |
| 30 A. I don't know that | 20 Q Okay. We've alrexdy seen the |
| 21 Q. There were other places within the | 2] pholograph of some, a bed laid up against the |
| 22 trailer that there were clothes piled up on floors | 22 wall. |
| ${ }^{23}$ io on top of dressers, correct? | 23 A. Right. I think that's unat norihwe |
| 24 A. Right, in the master | 24 bedrom. |
| 25 Q. Okay. And in other locations else's? | 25 Q. Is that the same one you think that -- |
| Page 98 | ger 100 |
| 1 A. I think some of the same was in the | 1 A. No. |
| $z$ livingroom but I don't remember the two northwest | 2 Q. It's the other bedroom? |
| 3 bedroonts were pretty Spartan (sic). They were | 3 A. Yes. |
| a pretry, you know, a bed and then the bed leaned up | 4 THE COURT: You guys knew where each |
| 5 ggainst the wall and then of course we saw the | 5 one was going. Explain to the jury |
| 6 condition of the den, as I called it, in the | 6 THE WITNESS: Not the northwest |
| 7 northeast coner. It seemed like all the living | 7 bedroam but the next one below -- sorry -- on the |
| 3 was going on at the south end of the trailer. | a west side. |
| 9 Q. Let me show you what's been admited | 9 MR. SCFIIBCK: |
| 10 had as State's 109. Are you able to identify which | 10 Q. So the white dresser was the oth |
| 11 romm that portion of the roon depicts? | 11 small bedroorn? |
| 12 A. That may be that bedroont that's on | I2 A. Yes. |
| is basically the west sides beneath the corner | 13 MR. SCHECK: Is that beter, Judse |
| is bedroom. I can't tell for sure from that picture | I4 THE Court: Thank you. |
| 15 but that maybe that other bedroont, | 15 MR. SCHIECK: |
| $16 . \quad$ Q. One of the back, I'm calling it back | 16 Q. Now, when you did your walk aroud |
| 17 hedroonss? | 17 house when you were at the trailer when y |
| 18 A. Back bedrooms, yes. | 18 got there, you said that's your job is to go around |
| 19 Q Bedrooms furthest from the front room? | 19 and se what's there and look for potential |
| 20 A. Sure. There might be another | 20 evidence in the case? |
| 21 photograph that would orieat me but I carit tell | 21 A. That's right. |
| 22 for sure from that onc. | 22 Q The first thing you did was make |
| 23 Q But to your recollection as I'm | 23 complete loop around the trailer? |
| 24 stowing yon that one right now, that doess't appear | 24 A. That's one of the first thinge, sure. |



CHERYL GARDNER, CCR 230, RPR, RMR

| Condenselt! ${ }^{\text {TM }}$ |  |
| :---: | :---: |
| Page 105 | 7 |
| $1 i^{\text {is }}$ it's my responsibility. We kind of work | 1 that they hit. As I said, my concern was the |
| 2 together when wetre inside these places and I may | 2 screen frame and the master bedroom area, that |
| 3 heve an opinion about a particular item but they | 3 counter top, but I knew that Officer Lee had |
| ${ }^{4}$ prety much know what to do while they're inside of | 4 crawled over the top of that litle end table ther |
| 5 a crime scene as well and so some of the processing | 5 and I don't think he was glossed at the time that |
| 6 may have been done al my direction. Otherwise may | 6 he went in there and also that master bath. |
| T have been just becuse that's what they do. | 7 Q Now, were there actually prints |
| 8 Q With respect to the areas that you | 8 recovered that just weren't matcled to any |
| 9 directed that prinis be attempted to be listed, | 9 individual or were there absolutely no later |
| 10 what areas were those? | 10 recovered? |
| 11 A. Well, of coursc, as 1 stid, my focus | 11 A. 1 don't know the answer to th |
| 12 was the sereen. I was concerned about the window | 12 without looking. There may have been some lifted |
| 13 up until I found out that the window had been | 13 prints, but I know that there were no matches made. |
| 14 removed from the polise officer and then the | is Q. And would you have been the persion |
| 15 bathroom area but I wasn'L too concented about that | 15 involved in the investigation that would reques |
| 16 because I knew that James Chappell was in that | 16 which people are compared to any prints that may |
| 17 bathroom at one tim | 1.7 |
| 18 He lived in that residence and I also | 18 A. Yes. |
| 19 knew that Deborah Panos would be in there so it | 19 Q. Do you tecall doing that in this case? |
| 20 wouldn't be a surprise to me to find their prints | 20 A |
| 21 in there but pe did some processing for prints how | 21 Q. Do you recall who you requesied to be? |
| 22 far they were unfortunately negative for other | 22 A. I know that we would have requested |
| ${ }^{23}$ persons. | 25 obwiously Deborah Panos and James Chappell. |
| 24 Q. Were you aware that James Chappell had | 24 Q. Anyone else that cones to mind? |
| 25 been in custody for approximately 60 days prior to | 25 A. I can't recall right now, but ir would |
| Page 106 |  |
| 1 Auguse 31, 19959 | 1 make sense to include Lisa Dutan in that |
| 2 A. I knew that. | 2 Q. And you talked about finding the |
| 3 Q. So he wouldr't have been in that | 3 photograph of the car on the countertop in the |
| 4 mobile home for that period of time for about | 4 kitchen. |
| 560 days. | 5 A. Yes. |
| 6 A Right, but that wouldn't affect his | 6 Q The kifchen breakfast bar type area? |
| 7 fingerprints being there. | 7 A. That's that litte area, right. |
| 8 Q At least from 60 days before | 8 Q. There is a number of jiemts on there, |
| 9 fingerprints being there? | 9 comect? |
| 10 A. Right. They don' | 10 A. Yes. |
| is though. I mean dependitg upon conditions a | 11 Q. Other th |
| l2 could be in the same someplace for a year. | 12 they don't appear to be disturbed. Is that fais to |
| 13 Q. Conrect, but a surface such as a | 13 say? |
| 14 bathroom counter that is likely sometime during a | 14 A. It's hard to rentember back that long. |
| 15 60-day period to be wiped down or otherwise become | 15 The countertop, though, is this area right here |
| 16 wet, thase prints would likely be destroyed during | 16 where the photograph of the car was and the kids' |
| 17 a 60 -day period? | I7 picture that you saw earlier too. |
| 18 A. I gress we could speculate about that. | 18 Q |
| 19 Q. Okay. Where else in the mobile hrome | 19 was the watch ear and the dryer as you come in off |
| 20 did you direct the prints be jifled, any of the | 20 of the carport? |
| 21 other bedroons? | 21 A. Yes. |
| 22 A. I'mprety | 22 Q. That was prety cluttered with various |
| ${ }^{23}$ fingerprimt processing done in those two wer | 23 iterns of clothes apparently or bedding waiting to |
| 24 bedrooms that I talked about earlier and I don't | 24 be washed. Is that a fair statemen |
| 25 know without looking at this report now other areas | 25 A. Actually there was a mattess that I |

CHERYL GARDNER, CCR 230, RPR, RMR
Page 105 - Page 108

Page: 3432
think is like a toddler's roatress because it had,
was small and it had a plastic covering on it I
imagine for accidents or whatever, but it was a
small matress and the whole matiress was standing
upright inside that small washer/dryer roons and it
6 made it difficult to kind of pass through that door
7 out to the carport area bui the door would still
s open enough to pass through.
Q. When the door opened, did it kind of of hit up against the matterss?
A. Yes.
Q. You couldn't open the door all the way?
A. Right, because the door would go up against the washer/dryer and the mattress was kind of in the way right there.
Q. Were there items of clothing that appeared to be ready to be washed or coming out of the wash room there?
A. I think there was clothing there. I
don't remember whether they were on the way in or out.

MR, Sctileck: Can we have this marked as defense rext.
Q. I'm going to show you what's been

Page 110
marked as Defendant's $E$ and ask if you recogrize what's depicted in E.
A. Yes, I do.
Q. And what is that?
A. This is a photograph looking from the
kitchent towards the washer/dryer roon where the
items I described were and I also see the mattress
with the plastic covering on it and clothing on the
floor. It looks like a pillow and a blanker, a
bottle, a blue bottle on top of the washing machine
like maybe, I don't know what it is.
MR. SCHIECK: Okay. I move for the
admission of $E_{1}$ Your Honor,
Ms. Weckerly: No objection.
TGE COORT: E will be admitted.
MR schieck:
Q. So this is looking from the kitcten into the laundry room area?
A. Right. If you were in the capport and
you wanted to come in the house, the door's bebind
this wall here.
Q. And that's the mattress that the door
would hit when you try to come in that way?
A. That's right.
Q. You indicated that the sutomobile was
also processed for latent print
A. Yes.
Q. And, again, do you recall if there was
no -- were no latent print covered or just no
latent prints that mathed Mr. Chappell or 6 Ms Panos?
7. A. My recollection on the car there were \& no latent primis recovered.
Q. It was like none at all?
A. No. I mean sometimes they're smudged
and you think there's a print there but it's not.
Those are not considered prints.
Q. I'm going to show you what's been
marked as State's Exhibit 60 and you've idenlified
that as the ear.
A. Yes, I have.
Q. Okay. And that's how it appeared when you found the car on the 31st or the 1 st?
A. 1st.
Q. There appears to be some water leaking from something that's there next to the car?
A. Yes.
Q. Do you know where that water was conving from?
A. $\mathrm{No}_{1} \mathrm{I}$ don't.

Page 112
Q. Certainly enough water that you could step in it or take a rag and get a rag wel in that water?
A. Oh, I don't ternember that. I mean
it's a stain. I can see that. I don't remember
how much water there was.
Q. But there appeass to be waler in the photograph?
A. Yes.
Q. You talked about the collection of the evidence kit at the autopsy.
A. Yes.
Q. And that's referred to sort of in the
vermecular as a sexual assaull kit, contect?
A. It says it on the box 100 .
Q. And that's what the kir is called.

Just because that's what you're collenting is
evidence that you're looking for that may indicate
sexual assauil.
A. Yes.
Q. It can be called an evidence
collection kit just as well.
A. It could be but it's not.
Q. At one time we used to call it a rape
kit then it became a sexual assaull kit.

Page 113
A. It mught have been cailed a rape kit. I don't remember that far back. I know it's called a sexual assault kit.
Q. 1 thought we were going to make it
without an old joke.
A. Soiry.
Q. Now, you talked aboui the various
times on your time line.
A. Yes, sir.
Q. How long you estimated it would get
from a certain location to anolher and it appeared
that one of the first ones was a three-and-a-half
mile walk and you put down about tent minutes for that.
A. No, actually I put a lot longer than that. A three-and-a-half-mile walk, I just kind of
went by a slow pace would take about 20 minutes a
mile. A pretty brisk pace would take atout 15
minutes a mile so we were just trying to create a time line for our purposes of our investigation.
Q. Would it be fair to say that
everything you had on that time line is just sort
of your best estimate of how long something would take to do.
A. The durations, yes.

Page 114
Q. For instance how long it takes to put a bicycle into a trunk.
A. Sure.
Q. Some of us it takes a long time to put a bicycle in atrank
A. Right.
Q. So those are all, for lack of a better
term, just guesstimates that you made based on
times, some times that you did know and filling in
times in betweer.
A. X would say it was based on real life experiences how lous it would take me to complete
those tasks and try to find some time there that
would allow us to understand what happened better.
Q. But there are a lot of variables that
go inte that tipne line?
A. Yes, there are.

18 Q. For instance, we know that
9 Mr. Chappell had jusi been released from the city a jail to parole and probation.
21 A. Yes.
$22 \quad Q$ We don't know what the was wearing when 3 be was released shoe-wise. It could have been 24 sandals.
25 A. Right.

I MR schicc: Court's indulgence, please. Thank you. That's all I have. Thank you, Detective.
(Whereupon M. Schieck concluded bis cross-examination at $4: 43 \mathrm{pm}$.)
the court: Ms. Weckerly. MS WECKERLY: Thank you Jodge.

## REDIEBCT EXAMINATIDN

BY MS. WECEERLY;
Q. The laundry room area where the
child's mattress, that's the back porct door that
is in that area?
A. Right. Thal's the door on the east
side of the trailer that takes you out to the
carpor area, not the one where the sandal and the piece of the letter were.
Q. And that was passable. Yon could walk through there?
A. Sure yout could.
Q. The photo that Mr. Schieck showed you of the car when it was parked at the Vera Johnson complex --
A. Yes.

Page 116
Q. -- that was taken the nekt day,
conrect? Because that's when you lound the car?
A. Yeah, the photograph was taken as soon
as the crime sonne analyst showed up and I asked
him to take overall shots before we called for the
tow tuck so that's where it was.
Q. Okay. On September Ist?
A. September 1st. That would the about $1: 30$ in the aftemoon.

MS. Weckerly: Thank you. Mothing
else, Your Honor, Tharks.
(Whereupon Ms. Weckerly
concluded ler redirect
examination at $4: 44$ p.m. ${ }^{\text {a }}$ )
Mik schleck: Nothing further, Your Hencr.

THE COLRRT: Hold on one second
Detective, Leslie. Connsel approach, please. (Whereupen, counsel approached the bench, and after a discussion outside the hearing of the court reporler, the following proceedings took place:)
THE COURT: All right. Let me ask you

Page 117
a couple of questions if 1 could please, Detective
Vnearre. To the extent you know, was there any dina?
found in Ms. Panos's mouth to prove the oral sex?
tHE WTNESS: No. I do not believe that there was any DNA found there. the court: Thank you. Was there ary blood that was found in the bedroom? 1 'm assuning
master bedroom in the question. Okay. I get a nod
from the juror. Any blood found in the master to bedroom? THE WITNESS: No, hot in the bedroom.
The master bath.
the colder: Thank you. And do you
know which stab wounds were inflicted firse and
which ones caused her death?
the witness: No.
THE COURT: Okay, Thank you.
Ms. Weckerly, any questions based upont mine?
MS. WECKERLY: No, Yow Honer. Thank
you.
THE COURT: Mr. Schieck.
MR. schieck; No, You Honer.
THE COURT: All right. Detective
Vacaro, I appreciate your time. You can s1ep down.
$\begin{array}{ll} \\ 1 & \text { (Whereupond James Yacaro } \\ 2 & \text { was excused from the } \\ 3 & \text { writhess stand at 4:46 p.m.) } \\ 4 & \text { THE COURT. All right. Ladies and } \\ 5 \text { gentlemen of the jury, that will conclude our }\end{array}$
6 testimony for the wock. I'mo going to release you
7 for the weekend. I'll bring you back at 9:00
8 o'clock on Monday moming. lits my hope we'll
finish up Monday. I'm not sure about that
10 especially in terms of argument but we're going to
11 endeavor as best we can to get to that far 80 at
di the very least 1 would hope we can get all the
13 witnesses done Monday.
14 To the extent it's possible, if you
15 could kind of prepare and we can go a litte later
16 on Monday. I won't keep you too late especially
17 since you'll be here since $9: 00$ but mayte be
is prepared to stay past 5:00 otclock.
19 During this recess, it is your duty
20 rint to converse among yourselves or with anyone
21 else on any subject connected with the trial or to
22 read, watch or listen to any report of or
23 commentary on the trial by any person connerted
24 with the trial or by any medium of infonnalion,
25 including, without limitation, newspaper,
television, radio, and the intemet, and you are
not to form or express an opinion on any subject
connected with this case until it is finally
submitted to you, under instructions by me.
See you Monday at 9;00 a.m.
(Whereupon, the jury
retired from the courtrom
at $4: 47$ p.m. and the following proceedings took place outside their presence:)
THE COURT: Anybody have anything
outside the presence?
MR. SCHIECK: I Can infom the Court
I've looked at the State's jury instructions. I
think I'm only going to have probably one on two to
add to theirs. It pretty much mirrors the ones I've got.

There is one that they have that talks about during the first phase of the penalty hearing
you only ruake one part of the decision because we
didn't bjfurcate this we need to change that and
l'm just going to sugegest one that says you can't
use certain evidence for aggravators but other than
that I think we're pretty close.
(Whereupon a jurcr entered
Page 118

THE COURE: Okay. To the extent you
get them worked out, if you fax or estrail them over
so the State can read them as well as the
department, we'll look at them Monday as well.
Okay. Thank you, foiks, see you Monday moming.
(Whereupon the proceedings
adjowned at 4:49 p.m.)
Page 120
the courtroont and tenarks took place off the record.)
MR. SCHIECK: think we're real




| 67:24 67725 | 6 6 | changes [i] | 91:17 | 13:14 30:19 |  | complying [1] $12: 18$ | 10:4 $12: 4$ <br> 14.19 1521 | $\begin{aligned} & 14: 14 \\ & 27: 15 \end{aligned}$ |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| 68-19 76:8 | 78:14 | Chantel | 62:21 | ctimbed [2] | 39.1 | Comstack [3] 36:12 | 14:19 15:21 | $27: 15$ |
| $108: 30108516$ | 111:7 | Chappell [sz] | $1: 8$ | 44:22 |  | $36: 15 \quad 36.15$ | 29:18 |  |
| $\begin{array}{ll}111: 15 & 111: 18 \\ \text { 15:23 } & 116: 2\end{array}$ | 111:2I | 3.513 | 58 | close 013 | 16.6 | concentrate [4] 77,10 | Finced | 20:17 |
| card [5] 24.22 | 24:24 | 5:165 5:24 | 6:23 | $36: 1684$ | $47: 2$ | concern [2] 45:] | vinciag | 20:17 |
| 25:2 255 | 25:12 | $\begin{array}{ll}9: 15 & 16.5 \\ 20: 8 & 20.14\end{array}$ | 21729 | $\begin{array}{ll}50 ; 8 & 53: 15 \\ 62: 10 & 64: 25\end{array}$ | 96:12 | 07: | cop [1] 6I:2 |  |
| cands [4] | 24:19 | 24:13 270 | 29.9 | 11924 120:4 |  |  | copy [4] 9;1. ${ }^{\text {a }}$ | 15 |
| 62:19 62:20 | 62:22 | 35:19 37:12 | 3729 | close-up [1] | 73:3 | $\begin{array}{lll}\text { 62:16 } & 64: 8 \\ 83: 12 & 105: 12 & \text { 605:15 }\end{array}$ | cord [1] 46.17 |  |
| carotic [1] | 51:15 | 18.7 39:25 | 40.10 | closed [ 2 ] | 4420 | conclude (i) 1185 |  | 74:17 |
| cappel [7] | 48;2] | $\begin{array}{ll}47: 4 \\ 59,25 & \text { 67:6 }\end{array}$ | 63:10 | 99:13 |  | concluded (4) 233 | 98:7 96:13 |  |
| T7.2 |  | 63:24 64:5 | 65:17 | clager [2] | 42:6 | $29: 23$ 1155 $116: 13$ | Corolla 17 | 55:17 |
| catport 9 | 4222 | 67920 75:15 | 77-16 | 5t:14 |  | conclusion [1] 71:6 | coroner's [51 | 56:14 |
| 43:21 43:24 | 44:1 | 79:13 130:18 | B1:16 | clathes [2] | 97.22 | condition [13] 12:1] | 58:4 59:3 | 62:4 |
| 101:6 100:20 | 109:7 | 439 94:4 | 883 | 101:23 |  | $\begin{array}{lll}\text { condi } \\ 12 ; 25 & 17.14 & 46.8\end{array}$ | 62:7 |  |
| 110:19 115:17 |  | 88:4 89:3 | 89.5 | clothiog [14] | 46:55 | $\begin{array}{lll}46: 13 & 46: 19 & 49: 16\end{array}$ | corsmer | 56.24 |
| cant [2] 65:16. | 65:17 | 89:6 97, | 94-8 | $46: 15$ 54:15 | 57:20 | 51:14 $\quad 59: 16 \quad 69: 16$ | corrcet 501 |  |
| case [9] 1 | 1:7 | 94:16 105:16 | 105:24 | 57:23 57:23 | 5 5 \%24 | 73.20 7720 98:6 | corrcet (50) | 45 |
| 395 5:8 | 7.24 | 27 | 114:19 | $64: 868411$ | 71:9 | conditions [9] 7:10 | $\begin{array}{ll}\text { 4:20 } & \text { 6:16 } \\ 719\end{array}$ | $8 \cdot 4$ |
| 8:18 - $9: 12$ | $9: 14$ | Chappell's [4] | 25:1 | 71:13 109:17 | 109:20 | $10: 1010012 \quad 11: 5$ | 8.8 10:11 | 10.25 |
| 9:16 12:10 | 1916 | 27:25 81:8 | 82:19 | 1J0:B |  | 11:18 19\% 78.15 | 1298 12:23 | 13:15 |
| $15: 415110$ | 15:15 | charge ${ }^{\text {d }}$ | 15:22 | clutiened 9 | 73:25 | 106:11 | [4:2 J4:10 | 14:22 |
| 151516 | 16:6 | 29:12 $29: 19$ |  | 108:1] J08:22 |  | conducted [7] 45;20 | I7:I8 19:24 | 21:14 |
| 19.19 2122 | 35112 | charges [3] | 78 | collect [3] | 679 | 59:19 | 21:17 232, ${ }^{\text {a }}$ | 22.6 |
| 46:12 57:17 | 58:13 | 7125 14;20 |  | 6797 |  | cone [5] 75:20 75:20 | 23:13 24:3 | 24:8 |
| 58:16 6109 | 61.24 78.17 | Chatmaine [5] | 21:16 | collected [15] | 47: | 76: 0 [s] $101: 161026$ | $24.25 \quad 25.5$ | 25:15 |
| $\begin{array}{ll}78161 & 78.6 \\ 79: 17 & 87: 17\end{array}$ | 78:17 | 22:5 27:25 | 27:1 | 57:9 57:14 | 72:12 | cones [1] 76.25 | 25:16 26:5 | 36:19 |
| 100:20 107:19 | 119.3 | 28:21 |  | 759 | 75:24 | coufituration [t] | 26:20 28:23 | 759 |
| 122:5 |  | chect [2] | 21:5 | 99.18 79:23 | 25 | 49:14 | 85 | 8 Br 24 |
| cases [2] | 7:20 |  |  | B1:10 104:23 |  | confirmed 0 [] 17:3 | 93:16 93:19 | 91:25 |
| 27:17 |  | cheoked [] | 21.7 | collecting [3] | 50:4 | confusing [il 96:23 | 95:18 97:23 | 99:15 |
| Casinor | 35:15 | chemicals [J] | 82:II | 61:13 112:17 | 50. | conjunction [1] 37.17 | $106: 13108.9$ | 112:14 |
| cast [6] 52:3 | 52:6 | Cheryl [4] | 124 | collection [4] | 78:24 |  | 1162 |  |
| 52:6 52:9 | 54:5 | 121:6 121:21 | 122:19 | 79:13 112:10 | 1 12:22 | conneeted 8 (6) $87: 13$ | cormesponde | ce[d] |
| 72:25 |  | chief [ ${ }^{2}$ ] $1: 19$ | 3.9 | c |  | $118.23 ~ 119: 3 ~$ | 93 |  |
| caused 117 ta | 52:13 | child's [] | 115:13 | colored [1] | 69.7 | conned [1] 22:11 | couch [2] | 71:8 |
| CCR ${ }_{\text {(4) }} 1225$ | 121:6 | children [5] | 63.1 | comb [1] | 50:22 | considered [3] 52:3 | counsel (9) | 28.9 |
| 121:23 122:19 |  | $\begin{aligned} & 69,2 \\ & 84 ; 12 \end{aligned}$ |  | combed [1] | 79:14 | 54:5 \| |1:12 | 39,7 116:18 | 116:19 |
| ccater [4] | $35: 15$ | chooso [1] | 64:2 | combination |  | consist [1] 58:7 | counseling (3) | $10: 19$ |
| 49:1] 62:6 | 92:9 | CHRIS | 1:19 | 81:8 |  | consistent [3] AB:24 | 16:19 18:19 |  |
| certain [7 | 14:3 | circle [2] | 19 | coming [6] | 14:9 | 53 | coungelor [1] | 16:25 |
| 16957718 | 77:20 | $\mathrm{coscle}_{50: 19}^{[2]}$ | 19 | $\begin{array}{ll}1782 & 27: 11 \\ 109: 18 & 11124\end{array}$ | 71:11 | constitutes [10 121:12 | counter [g] | 55:6 |
| 79:4 Il3:1] | 11923 |  |  | 109:78 111:24 |  | contact [2] 507 | 55:기 55:23 | 68:9 |
| Centainly [1] | 112.1 | $\begin{gathered} \text { elrematance } \\ 5: 15 \end{gathered} \quad 1620$ | 22.16 | command it | 24:15 | 40:20 | 68:13 68:20 | 73:24 |
| CERTIFICAT | $\mathrm{E}_{[1]}$ |  | 6:18 | commentary [2] |  | contacted [3] 40:19 | 106:14 107:3 |  |
| 12I:1 |  | city $[9]$ | $6: 18$ 14.18 | 87:12 118:23 |  | 40:15 71:19 | countertop [7] | 108:9 |
| cestified [I] | 9:18 | $14: 20 \quad 29 \mathrm{c} 10$ | 29:13 | commit [2] | $7: 25$ |  | 108:15 |  |
| certify [l] | 121.7 | 114:19 |  | commite |  | 83:6 122:6 | county [0] | 1:3 |
| chain [1] | 24:1 ${ }^{\text {f }}$ | Clair [2] 103: | 101:22 | commotted [1] | 54:1 | $\begin{array}{ll}\text { container [1] } & \text { 79:7 } \\ \text { contains [1] } & 95-20\end{array}$ | $\begin{array}{ll} 2.15 \\ 121: 4 & 121: 16 \end{array}$ | 41:6 |
| chair [t9] | 5027 | clarification [ |  | community [1] |  | $\begin{array}{ll}\text { contains (1) } & 95: 8 \\ \text { continue } 3 \text { ] } & 3: 8\end{array}$ | County ${ }^{\text {T}}[1]$ | 56:24 |
| $\begin{array}{ll} 51: 12 & 51: 17 \\ 68: 22 & 68: 24 \end{array}$ | $54: 2$ $68: 25$ | 13:1 | L:3 | compare [I] | 94:6 107:16 | $\left\lvert\, \begin{array}{cc} \text { coptinue } 3] & 3: 8 \\ 12: 24 & 88: 7 \end{array}\right.$ | couple [9] | 72:17 |
| 69\% 7 69:10 | 69:13 | $\operatorname{Clark}_{1: 22}$ | 41:6 | compared [1] | 77.23 | control [11 6:15 | 84:5 86:1 | $99: 18$ |
| 69:17 69:19 | 69:22 | 56,24 121:4 | (2):16 | $\mathrm{COMDA}_{80}$ | , | contusions [1] 52:21 | 101:4 102:10 | 104:1.0 |
| $\begin{array}{ll}71,8 \\ 719 & 73.4 \\ 7312\end{array}$ | $73 \cdot 18$ | clean []] | 54:17 | complete ${ }_{5}$ | 8:20 | conversation [3] | 1178. |  |
| 73:9 73:12 | 76:4 | cleaned [1] | 54:14 | 10:19 10:23 | $100: 23$ | 22-4 $39: 11 \quad 6325$ | caturse 20 | 27-18 |
| chairs [1] | 72:16 | $61: 15$ |  | 11412 |  | conversations [2] | 49.126 | 59:24 |
| chance [4] | 8:10 | cleanjog [ ${ }^{\text {c }}$ | 4B. 2 | completed [i] | 79:1] | $\begin{array}{ll}\text { 20:15 } & 778\end{array}$ | 69.22 6riv4 | 66.22 |
| 13:4 17:13 | 17:14 | 48:4 4886 |  | completes [i] | 7:13 | converse [z] 87:9 | 79:12 90:15 | 96; 12 |
| change [5] ${ }_{\text {20, }}$ | 12:11 | clear (1) ejed |  | complex (9) | $36: 19$ | 118:20 | 98.510221 | 103:12 |
| $\begin{aligned} & 2021 \\ & 11921 \end{aligned} 31: 17$ | 50:12 | clearly (4) | 69:7 | $38: 8 \text { 3:10 }$ | 66:1 | conveyed [1] 60:4 | 103:17 104:1 | 104:17 |
| chateged [] | 5113 | 69.20 71:10 | 72:13 | 66:14 56:15 | 66:18 | convictedrl] 7:7 | 105:11 |  |
| 18:1 96:25 |  | clerk [4] 3:19 | 13:1] | 67 |  | conviclion [日] 9.1] | courl | 33 |



| :19 106:]6 | 118:19 | pecially [9] 54:2] | extensive[1] | 67:16 | finally 2 l ] 87.18 | forward [1] | 81:5 |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| $119: 19$ |  | 118:10 118:16 | extent [4] | 67716 | 119.3 | found [27] | 10.5 |
| duties [1] | 23:14 | Esa [4] 1:19 I 20 | 11772 118:14 | 120:6 | fiading ri] I08:2 | 35:1 ${ }^{\text {4 }}$ | 4723 |
| duty [2] 87 \% | 118:19 | 1:22 1:22 | extorior [2] | 41:10 | fine [2] 84, 17 101:25 | 55:6 55:21 | 57.22 |
| DV [1] 21:25 |  | 113:25 | 4121 |  | fingernailg [z] 79:23 | 70:11 76-5 | 5 |
|  |  |  |  | -2 |  | 80.18 81.24 | 6:4 |
| E- |  | 20:24 | exterally [1] | 436 | fingerprint [ ${ }^{\text {a }}$ 45; | 87:2 93:15 | 93:15 |
| Eis 2: | 110 | 40.14 |  |  | 78:5 E2:8 104:2] | 1168 1175 | 11 |
| 11002 110:13 | 110.15 | everybody [1] 60:24 <br> cwidence $[26]$ $47: 8$ | F- |  | 106.23 | $17 \% 71179$ |  |
| e-mail ${ }^{\text {d }}$ | 120:7 |  | fabrice[1] | 71 | fingerprints [to] | foundation [2]14:16 | 14:16 |
| carcid 53:1 | 108:19 | $\begin{array}{lll}50: 4 \\ 5713 & 5214 & 579 \\ 589\end{array}$ | face [s] 465 | 51.8 | 67:21 77:5 77, |  |  |
| easier []] | $42: 13$ | 59:5 | 51:1 69:18 | B6:10 | $\begin{array}{lll}7716 & 78.3 & 78 \\ 780 & 78.16 & 100\end{array}$ | four 0 d 411 | $\begin{aligned} & 61: 19 \\ & 83: 6 \end{aligned}$ |
| cast [6] 36:22 | 4222 | 75:24 $\quad$ 79:23 79.13 | faced [i] | 38:19 | 78, 78.16 | 62:19 62:22 |  |
| 735 75:4 | 101:? | 79:18 $79.22 \quad 80: 6$ | facilifate [J] | $45: 4$ | 1 | 63:19 93:3 |  |
| 115:15 |  | 品:10 81:17 81.22 | Facility [1 | 6:14 | d | fragment [4] | 70:22 |
| casy [c] 60:14 | 67:5 | 82:1 82:6 100620 | facing [i] | 42-19 | finished [2] 6:5 | 76:15 76:17 | 76:19 |
| $84.25 \quad 85.5$ | 85;10 |  | fact [17] 17:4 | 18:13 | 979 | fragmentedit] |  |
| 91:5 |  | - 119 F 23 l | 2121 22:14 | 22:23 | first.[23] 3 3-15 1003 | frameil | 107:2 |
| edge [4] 47 l (T | 54:24 | cridentiary [1] 759 | $\begin{array}{ll}21.51 & 42.15\end{array}$ | 50.21 | $\begin{array}{lll}7015 & 33.15 & 359 \\ 41.15 & 496 & 49.11\end{array}$ | frew ${ }^{\text {chay [ }}$ [] | 5:16 |
| 71:25 72:1 |  | ex-boyftiendaj | $51: 7$ 57:10 | 64:7 | 46.21 | $\mathrm{FRLDAS}_{225}$ |  |
| Eight [J] | 81:19 | 60:4 | 65:1 80:20 | 89:7 | 50:13 $\quad 83.2318$ |  |  |  |
| either [y] | 15:11 | $\underset{93: 2}{\text { cract }[2]} \quad 29: 1$ | 90:18 92 | 99:10 | $84: 6$ B6: 9508 | friend [3] | 19:3 |
| 21:1] 46:2 | 53:19 |  | fairisl 28.24 | 99:14 | 109:17 100:22 10022 | $601910 \%$ |  |
| $53.25 \quad 5716$ | 103:5 | Exacily [1] <br> examination [9] | 108:12 108:24 |  | 113:12 I17:14 119:19 | friendly [1] | 94:22 |
| ejaculated [n] | 80.21 |  | $\left\{\begin{array}{l} \text { fairly }[3] \\ \text { 10:17 } 99: 17 \end{array}\right.$ |  | flat [1\% $67: 15$ | frieads [?] | 38:6 |
| employed ${ }^{\text {a }}$ | 11:8 | $\begin{array}{lll}2 \cdot 4 & 277 & 2.9 \\ 4.1 & 23.4 & 31.1\end{array}$ |  |  | flip [2] 61:25 6B: ${ }^{\text {f }}$ | 38:10 |  |
| 11:16 3 F |  | $\begin{array}{lll}4: 1 & 23: 4 & 31: 1 \\ 78: 2 & 115: 10 & 116: 1\end{array}$ | falling [1] | 73 | floor (19] | front (2i) | 377 |
| cmployees [1] | 2;12 |  | familiar [9] | 67: | $43: 1780: 1480$ | 19:17 41:24 | 42,3$43: 6$ |
| employment [2] |  | $\begin{aligned} & \text { examine [3] } \\ & 46: 24 \\ & 6159 \end{aligned}$ | 96:15 103:13 |  | $48: 16$ 48:20 | 42:20 42:25 |  |
|  |  |  | ${ }_{41: 20}$ | 34:25 | 5005 539 50 | 43:12 437320 | 43:62 |
|  | 99:1 | $\begin{array}{cc}\text { cramined [5] } & \text { 3:17 } \\ \text { 30:17 } & 476 \\ \text { 61:17 }\end{array}$ |  |  | 55:13 $\quad 80812581$ |  | 49:17 |
| 101:1 101:19 | 100:19 |  |  |  |  | 50:1 51:2 | $\begin{aligned} & 55: 7 \\ & 86: 11 \end{aligned}$ |
| $\underset{5: 16}{\text { encountered [2] }}$ |  | 81:14 | $\begin{array}{lll} \text { family } & \\ 99: 16 & 99 ; 17 & 99: 14 \\ & & \end{array}$ |  | 97:19 99:6 floors [1] | $\begin{array}{ll}76: 1 & 76: 4 \\ 98: 49 & 102: 2\end{array}$ | 86:1] |
|  |  | $\begin{array}{ll} \text { examining [] } & \text { 61:16 } \\ \text { except } 25 \text {. } & 44: 20 \end{array}$ | $\left(\begin{array}{cll} \text { Far } 77 & 32: 24 & 35: 22 \\ 54: 4 & 10216 & 105: 22 \\ 113: 2 & 118: 11 & \\ \text { far } 11 & 1207 & \end{array}\right.$ |  | floors [1] <br> flow [1] 52:23 | uckedpl 85 |  |
| end [6] 40:3 | 45:12 |  |  |  | foces [6] 49 | $\text { full [ı] } \quad 121: 12$ |  |
| 64:23 10704 l | 98:8 | Exclamation [1] |  |  | $\begin{array}{ll} 449 & 47: 11 \\ 77: 13 & 105: 11 \end{array}$ | fundral [1] furaiture [x] | $\begin{aligned} & 59: 5 \\ & 45: 9 \end{aligned}$ |
| endeavo | 118:1 | 90:3 | $\text { fax }[1] \quad 120 \pi$ |  |  |  |  |
| ended m$]$ | 39:17 | excused [3] $30: 5$ | feet (T) 48:21 | $\begin{aligned} & 49: 21 \\ & 72: 17 \end{aligned}$ | focused 13$] \quad 443$ | 49:15 |  |
| 55 |  | 307 7 18:2 | $\begin{array}{ll} 49: 24 & 54: 11 \\ 94: 1, & 94: 2 \end{array}$ |  | 925 | furtbest [II | 9: 19 |
| ends [1] 922 |  | exhibit [ı0] |  |  | folls [31 $34: 25$ | future [1] | 84:12 |
| enjoyed [ı] | 84:18 | $\left[\begin{array}{lll} 68: 13 & 83: 1 & 88: 22 \\ 101: 11 & 102: 1 & 111: 14 \end{array}\right.$ | fetualo [2] $57: 18$ |  | Follow [4] $37: 8$ <br> following [9] $59: 6$ |  |  |
| critail 1 l | 23:15 |  |  |  | -G |  |  |
| enter [ 2 ] 10 : | 16:1 | Exhibits [2] | females [1] | 61:9 |  | $\begin{aligned} & 116: 23 \text { 19:1 } \\ & \text { follows [2] } \end{aligned}$ | gaiped [1] $97: 7$ <br> garbage 0$]$ $101: 3$ |  |
| entered [6] | 38:18 | $34: 10$ | $\begin{array}{cc} \text { few }[6] & 9: 8 \\ 21: 20 & 48221 \end{array}$ | $\begin{aligned} & 18: 22 \\ & 49: 22 \end{aligned}$ |  |  |  |  |
| 30:21 47:18 | 50:5 | existence [1] 104:5 |  |  |  | $101041029$ |  |
| 102:5 119:25 |  | exisis [1] |  |  | fool (1) \$5:10 | $\begin{array}{ll} \text { Gatrdoer [4] } & 124 \\ 121: 6 & 121: 23 \\ \hline & 122: 19 \end{array}$ |  |
| entive [1] | 44:7 | expect [1] experience [z] 5til 19 | fibers [1] 54:19 |  | forearms [1] 52:20 |  |  |  |  |
| entrance [3] | 32:25 |  | field [1] 21:1 |  | fortgoing [1] | gathered [1] |  |
| 47:13 75:6 |  |  |  |  | foreígn [1] | geared [ı] <br> GED 111024 |  |
| entry [ 1313 | 41.2 | experiences [ry ] 14:32 |  | 89:17 5325 | forensic [5] |  |  |  |  |
| $\begin{array}{ll}42: 23 & 43: 4 \\ 45: 4 & 46: 1\end{array}$ | $45 \%$ |  | fight [2] 39:16 figure | $\begin{aligned} & 53: 25 \\ & 49 ; 12 \end{aligned}$ |  | generally [3] | 31:23 |
| 45:4 46:1 | 97:7 |  |  |  | 56:14 79016 | 32:23 73:20 |  |
| crivelopes [2] | 79-3 | $\begin{array}{ccc}\text { oxplained [5] } & \text { 15:14 } \\ \text { 14:5 } & 20: 7 & 20: 10\end{array}$ | $\operatorname{cile}_{162} \frac{g: 18}{21: 18}$ | $\begin{aligned} & 159 \\ & 22: 7 \end{aligned}$ | forcosically [1194:10 | geallcmen [1] | 118:539-5 |
|  |  |  | 22.9 24:19 | 24:19 | forever [1] 90] | girlfriend [1] |  |
| 82 |  | explanations [1 | $\begin{array}{ll}25: 12 & 25114 \\ 26: 2 & 26: 6\end{array}$ | 25022 | $\begin{array}{cc} \text { form }[3] & 75: 22 \\ 80: 20 & 87: 16 \\ 80: 192 \\ \hline \end{array}$ | $\operatorname{cin}_{13: 3} \quad 17: 12$ | $\begin{aligned} & 529 \\ & 60: 16 \end{aligned}$ |
| $\mathrm{HOH}_{\text {(11) }}$ | 16:9 |  |  |  |  |  |  |
| $16: 12 \mathrm{l} \quad 16.24$ | 18:15 |  | $26: 21 \quad 272$ |  | forms $[1]$ $79: 13$ <br> forth $[2] 91: 8$ $92: 18$ <br> forthcoming (1]  <br> 22:15  | giving [1] 8:10 <br> glossed [1] 107.5 |  |
| 19:16 20:1 | 215 | $\begin{cases}\text { express }[2] & 87: 10 \\ 119: 2 & \\ \text { oxpressed }[0] & 90: 8 \\ \text { extension }[1] & 58: 12\end{cases}$ | files [1] $25: 20$ filling [1] | 114;9 |  |  |  |  |
| 21:10 36:1] | 36:18 |  |  |  |  |  |  |  |
| 3 ${ }^{\text {(6:23 }}$ |  |  |  |  |  |  |  |
| equal [1] | 16:14 |  |  |  |  |  |  |





| one [62] J3:7 | 16:11 | 102:10 116:21 | 11999 | park ${ }^{1 / 4] 131-25}$ | 32:1 | 64:10 96:25 | 106:4 | $82: 19$ |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| 18.24 29:17 | 32:13 | $119: 12$ |  | 32:22 322:3 | 33:1 | 106:15 106:17 |  | Pinto [1] | 62.5 |
| 32.19 39:12 | 37: 28 | overall [4] | 50.11 | 33,3 33019 | 35.6 | periods [1] | 103:5 | placard [1] | 57:1 |
| 34:2 36:17 | 471 | 71:24 $\quad$ 82:13 | 116.5 | 36:3 38.12 | 39-22 | person [14] | 7:13 | piace al |  |
| 43.23 44:7 | $45: 14$ | overtead [1] | $68: 12$ | 4178 | 62:11 | ${ }^{10} 1014484$ | 25.17 | ${ }_{4753}{ }^{\text {place }} 778$ | 44:19 |
| 45:23 58:3 | 5 se 15 | overview [2] |  | FH:1 96:19 |  | 57:17 60018 | 62.18 | $\begin{array}{ll} 473 & 778 \\ 1199 & 12002 \end{array}$ | 1219 |
| 6122568.6 | 70:20 | overviewr [2] | 34:19 | parked [2] | 66:3 | 71:2 71:14 | 71:16 |  |  |
| 73:10 73:25 | 74.5 |  |  | 115:23 |  | 87:17 107:14 | 118:23 | placed [2] | 51:18 |
| 76:22 89:24 | 86:10 | Owean 75:1 |  | parking [0] | 65:29 | 122:7 |  | 65:17 |  |
| 86:25 B9:13 | 90;11 | Owens [14] | 1:19 | P669 66:11 | 66.14 | personally ${ }^{\text {] }}$ | 45.21 | Places [2] | 97:21 |
| 50:18 91:4 | 9172 | 2:4 39 | $3: 11$ | 66:16 66:23 |  | personnel [1] | 27.16 | 1058 |  |
| 92-4 92:7 | 92.19 | 42093 | 96 | parole [1*) | 4:4 | person | 27.16 | Plaintiff (t) | 1:6 |
| 9731 93:24 | 94.4 | 9:17 925 | 22,25 |  | 6:23 | Persous [3] | 32:16 | plastic (5) | 72-16 |
| 95:15 96:1 | 96.21 | 23:2 28:13 | 28:16 |  | 28:21 | 103:4 105:23 |  | 85:16 86:14 | 1092 |
| 98:16 988.22 | 98:24 | $29: 25$ 36:1 | 32:3 | $\begin{array}{ll}35: 13 & 35: 20\end{array}$ | 16.1 | phase [1] | 119:19 | 110.6 |  |
| $\begin{array}{ll}19825 & 99: 10 \\ 1005 & 1007\end{array}$ | $99: 25$ 10024 | 16:16 $36: 24$ |  | 36.22 37:4 | \$7:17 | Phil [4] 32:8 | 39:24 | plates (3) | 56:3 |
| $\begin{array}{ll}1005 & 1007 \\ 102: 1 & 102: 93\end{array}$ | 10024 | OWW [1] 104:24 |  | 37:18 37204 | 18:2 | 6794 96:14 |  | P667 569 |  |
| 105:17 112,24 | $113 \pm 12$ |  |  | 60:10 114:20 |  | phone [9] | 5:22 | platform [] | 74:11 |
| 115:17 11617 | 119:15 | -P- |  | paricit 13:7 | 14:16 | 1.8:16 18:18 | 19:4 | pleasure [1] | 42.8 |
| 119:18 119:20 | 11922 | $\mathrm{P}[2]$ 4:7 | 4:T | $\begin{array}{lll}42: 25 & 48: 12 \\ 57.11 & 6019\end{array}$ | $51-23$ | $\begin{array}{ll} 20125 & 26: 19 \\ 53: 12 & 5321 \end{array}$ | 46:16 | podium [1] | 42.17 |
| one-balf [ 17 | 36.5 | P.mind l:17 | 3: | $\begin{array}{ll}\text { 53:1] } & 6019 \\ 70: 14 & 759\end{array}$ | $68: 25$ 119.20 | 53112 3321 | 15.8 | point [29] | 12:16 |
| ones [5] 34:14 | $51: 2$ | 20:24 21.9 | 23.4 | partially [i] | 99:11 | Phonetic [ ${ }^{\text {d }}$ ] | $15: 8$ | 16:14 18:1 | 19.20 |
| 113:12 117:15 | 119:1 | 29.24 3068 | 87.23 | 1 |  |  | 101 | 20:11 20:22 | 31:18 |
| onto [2] 7623 | 71.1 | 87.25 1156 | $116: 14$ | Parlicipate [1] |  | photo [2] | 10 | 36:21 37:12 | 39.7 |
| open [4] 46:16 | 89-5 | 11893119.5 | $120: 12$ | Participated |  | 115:22 |  | 4594 | 45:4 |
| 109:4 109:12 |  | pace [2] 113:17 | 113:18 | particular [5] | 11:24 | Photocopy [1] | 37:22 | 4525 65:11 | 67.2 |
| opened [4] | 56-25 | package [1] | $13 \%$ | 12103922 | 79:6 | photograph [2] | 46.6 | 80:6 90:3 | 90.11 |
| 79:] 99:11 | 169.9 | packages [1] | 48:21 | 1053 |  | 46:10 46:12 | 50:3 | 90:18 182:21 | $96: 22$ |
| opening [] | 74:15 | packed [2] | 74:6 | particulari |  | $\begin{array}{ll}50: 16 & 51: 4 \\ 54.6 & 54.10\end{array}$ | 5199 | 979 97:12 | 103:1 |
| operea (1) | 91:11 | 74;18 |  |  |  | 55.5556 | 55:21 | F6int | 66 |
| operates [1] | 76 | packet [1] | 84:2 | Partioer [9] 39 | $\begin{aligned} & 325 \\ & 40118 \end{aligned}$ | 5696 | 71-20 | pointer [1] | 42:5 |
| operating [] | 59115 | packets [1] | 83.20 | 54:11 |  | $\begin{array}{ll} 71: 21 & 76: 15 \\ 99: 21 & 101: 4 \end{array}$ | $98: 2!$ 101:16 | points [2] | 42;5 |
| opinion [6] | 38.22 | page [13] | 2.2 | Pass [3] 97.6 | 109:6 | 108:3 108:16 | 110:5 | 60120 |  |
| $4 \mathrm{~B} 7 \quad 557$ | 87:17 | 184:19 84:23 | 85:1 | 1.998 |  | $112: 816$ |  | police [6] | 31.5 |
| 105:3 119:2 |  | $85: 2 \quad 853$ | 85:23 | passable [1] | 115:19 | photographe |  | 4526002 | 66:23 |
| opportunity (8) | 4:16 | $\begin{array}{ll}86,3 & 991 \\ 954 & 9165\end{array}$ | 89:19 | passed [2] | 19:11 | $64: 24$ |  | $799105: 14$ |  |
| 4:23 5:2 | 16.15 | 9I:4 91:6 | 92:T |  |  |  |  | Pollard [i] | 103:25 |
| 18:14 58.15 | 58.3 | pagor [1] | 84.9 | past t1] 118:58 |  | photographer $53.8$ |  | 104:6 |  |
| 58:15 |  | pages [3] | 45:12 | path [1] 50:11 |  | photographs [日] |  | parch ${ }^{\text {] }}$ | 42:19 |
| opposed [r] | 9825 | 92.292 .3 |  | patio or 50:] |  | ${ }_{33: 9} \quad 33 ; 24$ | 34,14 | 43:23 115:13 |  |
| opposite [3] $36,25 \quad 42,21$ | 36:19 | palni [1] 64:18 |  | Patrick [2] | 1.22 | 50.7 50:11 | 53:14 | portion [2] | 98:11 |
| option [z] | 12:2 | PAM [1] | 1.20 | $23: 6$ |  | 72:15 74:4 |  | 101:12 |  |
| 18:10 |  | ${ }_{39: 7}^{\text {Panos }}$ | 47.5 | patrol ${ }^{\text {P] }}$ | 40:14 | photography $[1]$ |  | portions [4] | 88.24 |
| oral [2] 99:15 | 1173 | 48:14 52:12 | 51.9 | $40: 20$ 40:22 | 61:23 |  |  |  |  |
| orange [u | 75:20 | $53: 12 \quad 559$ | 57:11 | $62: 862: 15$ | 64:16 |  |  | $\mathrm{p}_{4 \times 120} \quad 519$ |  |
| order [T] 11:24 | 1621 | $\begin{array}{ll}60.4 & 62-20 \\ 62.21 & 6221\end{array}$ | 52.20 | pattern [3] | 50:19 |  |  | positioning | 50.21 |
| 28:11 50:11 | 79:12 | 67:18 67.19 | 68.2.3 | pause [1] | 16.11 | picture [9] | 42:1 | possession [?] | 7,1 |
| 8003 82:18 |  | 70:23 77:16 | 80.14 | pause [1] | 119.19 | 43:12 68:9 | 68:15 | 62:19 |  |
| ordered [3] | 12:14 | 80:19 81:6 | 81:18 | penalty [1] | 119:19 | 68:19 70:4 | 98;14 | passible [3] | 59:21 |
| $15: 25 \quad 17: 13$ |  | 8399 | 94:25 | pencil [4] | 24:21 | 102:12 108:17 |  | 6f:1 118:14 |  |
| onient [4] | 53.6 | 96:6 1072 | 109:19 | 25.3 25:8 | 92.1 | piotures [2] | 41:25 | possibly [1] | 18: 8 |
| 54:6 70:6 | 98:2I | I05:19 107:23 | 111:6 | pencilled [2] | 25:13 | 68:14 |  | polential [1] | 100-19 |
| orifices [z] | $61: 10$ | Panos's [10] | 47.17 | 48:14 |  | piece [1t] | 51:1 |  | 2I:10 |
| $61: 14$ |  | 54110 56:12 | 63:1 | peosding [1] | 7720 | 70:11 70:13 | 70114 | $122: 5$ |  |
| otheryise [䞨 | 105:6 | 68:14 80 | 81.8 | penetrated [1] | 57:24 | 70.2175112 | 75:18 | preparatio |  |
| 106:15 |  | 81:11 82:15 | 117:3 | people is | 18:14 | $76: 23$ 76:25 | 94:4 | Preparation |  |
| ourselves [4] | 61.23 | panties [1] | 85-8 | 63:23 77,18 | 78:13 | 115:18 |  | preparation |  |
| outcome (1) | 19.16 | Paper (t] | 65:15 | 107:16 |  | pieces [6] | 459 |  |  |
| outgoing H | 19.6 | $\begin{array}{ll}70.5 & 70: 11 \\ 75: 12 & 75: 18\end{array}$ | $70: 12$ $76: 19$ | pricent [1] | 5718 | $\begin{array}{ll} 70: 16 & 7022 \\ 93: 18 & 96: 2 \end{array}$ | 76.5 | prepare [1] | 34:19 |
| outside [10] | 41.23 | 86:4 |  | performed 1 1t | 39:14 | piled [1]97:22 |  | prepared [2] | 34:24 |
| 14:7 45:15 | 67.17 | paperis [J] | $83: 2$ | period pl |  | pillowe [1] | 110.9 | 116:18 |  |
| 76:7 97:16 | 94:4 |  | B97 |  |  |  | 32:19 | presence [5] |  |
| 97:12 101:1 | 1019 |  | B, | 39:11 40:6 | 61:11 | pinkic [1 | 82:19 | 86:4 83: ${ }^{\text {8 }}$ | 1190 |



AFTERNOON SESSION


| stab [2] 51:6 | 117:14 | 5top [1] 39:13 | Ewabs (s) | 58:8 | 117:19 | 120:10 |  | [1] 40: ${ }^{\text {d }}$ |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| gtabhed [2] | 39.18 | stote [9] 62:12 63.23 | 61:19 $61: 12$ | 1 | Than | [2] | 33:17 | totality [t] | 59.22 |
| 47:24 |  | 64:15 65:18 66:6 | 79:15 79.19 | 80:13 | 1611 |  |  | tow [7] 67:10 | 116:6 |
| stabbing [1] | 65:5 | Etove [1] 55:23 | B0;16 |  | theirs |  | 119:16 | toward aj | 66:5 |
| stain [3] 51.5 | 519 | 5treet [9] 6 6:10 |  | 856 869 | theory |  | 405 | towards [2T | 8:15 |
| 112:5 |  | 32.3 7666 | SWeetie [] | $86 ; 3$ | theres | outs | 40:11 | $110: 5$ |  |
| stance [2] | 28.3 | 42:18 65:24 7376 | swing (0) | 159 | there | (ter [J] | 121:10 | towed [1] | 67:14 |
| 28:5 |  | streets [3] $31: 23$ | swings [1] | 90:14 | Thesi |  | 11:13 | town [2] 97:5 | 10824 |
| stand (a) | 30.8 | 32:1 32, | swingralift [1] | 63 | thinki | [1] | 48:1 | Toyota [2] | 55:17 |
| $\begin{array}{ll} 34: 23 & 4266 \\ 869 & 118: \end{array}$ | 85:8 | $\begin{array}{ll}\text { Strewn [1] } \\ \text { suribe [1] } & \text { 46:14 }\end{array}$ | swipe [t] | 54:14 | chird | 13:6 |  | 6519 |  |
| standard [s] | 10:17 | strike [I] | Ewome (z) | 3:15 | thoug | t ${ }^{\text {a }}$ | 18.25 | tracks at | 54:15 |
| 11:17 29;3 | 79:10 | string [1] 74:2 |  |  | 51:14 | $65: 19$ | 65:20 | trailes [2T] | 32.24 |
| 10 | 9.10 | situgge 21 29:21 | Fystem [2] | 15.7 | 94:11 | 109:23 | 113:4 | 33.3 3656 | 43:1 |
| standige | 109:4 | 572 |  |  | though | ts 1 | 4622 | 43:10 43:20 | 44;7 |
| stands j | 16:14 | stuff [1] 97:10 |  |  | dureep | 9 c 10 | 3524 | $\begin{array}{ll}\text { 44:14 } & 75: 10 \\ 76: 1 & 89: 10\end{array}$ | 75:10 |
| star [1] 90:5 |  | Subject |  |  | 61.7 | 61:19 | 62:25 | 96:22 974 | 97.8 |
| start [2] 61:16 | 99:13 | 11821 119:2 |  | 45:12 |  |  |  | 97:16 97:22 | 98:8 |
| started [a] | 13:12 | submitfed [4] $80: 7$ |  |  | 113 |  |  | $100 \% 17100: 23$ | 101:2 |
| 39:12 49,18 | 5914 | 81:1 87:18 119:4 | takes []] <br> 115:16 | 114:4 | three | -a- | mila | $\begin{array}{ll} 10106 & 109 \\ 10918 & 15: 16 \end{array}$ | 2 |
| 60:3] 51.20 | 66:24 | suhordinate [1] 23;24 | tak | 46:6 | [1] | 11 |  | trailers [1] | 73.5 |
|  |  | subsequent [1] 15:15 | 4 |  | Hures | old | 76:11 | (trsining [ $[$ ] | 11:5 |
| starting [1] <br> starts [1] | $78: 19$ 615 | substance [4] 10:19 | talks [7] 90:22 | 119:18 | 77:1 | 932 |  | tranearibed a | 121:10 |
| starts [x] | 615 |  | tape (2) 4 | 41:19 | ${ }_{379}^{\text {thag }}$ | [1919] | $\begin{aligned} & 33 ; 8 \\ & 39: 25 \end{aligned}$ | tanseript [7] | 121:12 |
| state [14] | 153 | Tu. | tasks [2] z :19 | 114:13 | 39 | 34:11 | 39:19 | 122.5 |  |
| 1:5 1:19 | 3:4 |  | teachip134:14 |  | 39: 5 | 39.5 | di:l | transfer [a] | 51:10 |
| 3:1] 3:19 | 309 |  | team (a) 4) | 41:5 | 44:25 | 45:3 | 67.4 | 71:14 71:1 | 72:11 |
| 30:12 $30: 19$ | 34,5 |  | technical [2] | 4:15 | 83,2I | 89:24 | 95:75 | 72:13 $72: 25$ |  |
| 88:2 120.8 | 121:3 |  | $8: 1$ |  | 109:6 | 109:8 | 11520 | tramsferred | 21:16 |
| 121:16 |  | 8uggest [1] 199 | telephane | S | throd | [1] | 5319 | 71:1 |  |
| Stater ${ }^{\text {[ }}$ [ ${ }^{\text {77] }}$ | 22 | suggestei [ 2 ] 18:4 | 14:25 50 | 53:14 | ticke |  | $40: 2$ | transport | 18:7 |
| 3:7 788 | 99 | 28:6 | 53:L5 61:22 |  | dime |  | 9.1 | transportat |  |
| $\begin{array}{ll}\text { 28:13 } & 3148 \\ 70.19 & 714\end{array}$ | 69.12 | Sumday [1] B6:4 | telefision | 87:15 | 27:16 |  | 1198 | 18:24 |  |
| $\begin{array}{ll}78: 19 & 71.4 \\ 7200 & 74.12\end{array}$ | 71:19 | 92:19 | 119:1 | 8. | 114:9 | 114.9 | 114;10 | travel [1] | 36.7 |
| $\begin{array}{ll}72: 20 & 74112 \\ 75: 17 & 76: 2\end{array}$ | $75: 2$ $76: 14$ | supermarket [ 9 ] | telling | 6:19 | tiny |  | 72:6 | treatment [3] | 8.25 |
| 76:21 78:19 | B1:21 | 35:40 $35: 1116$ | tells [1] 10:8 |  | tired [I] | 85:10 |  | $16: 19$ 18:9 |  |
| 83:1 88:5 | 88:22 | 63.3 63:17 64.5 |  | 7725 | toda |  | 1314 | trial [6] 97.11 | 87:12 |
| 98:10 101:1] | J02:1 | $\begin{array}{ll}\text { supervise [1] } & 7: 10 \\ \text { supervisod } 77 & 521\end{array}$ | $\left\lvert\, \begin{array}{rr} \operatorname{ten}[30 & 421 \\ 8720 & 93 ; 4 \end{array}\right.$ | 113:13 | toda |  | 37:13 | 87.13 178:21 | 118:23 |
| 11114 119:14 |  | supervisad (7) 521 | tends [ı] | 90:10 | todd | [1] | 109:1 | 11 BL 2 |  |
| statement [3] | 37:12 | $\begin{array}{lll}772 & 152 & 2122\end{array}$ | teods [1] | 90:30 | todd | B [1] | 109:」 | trick [1] 101:22 |  |
| 38:1 108:24 |  | 24:23 $25: 10$ 25:18 |  | 15:23 |  | $\left[\begin{array}{ll} {[4]} \\ \hline \end{array}\right.$ | 32.9 1052 | tried [9] 16:2 | 18:15 |
| Statements [1] | $39: 9$ |  | (tenms [9] |  | 60:12 | 71:1 1 | 1052 | 49.9 |  |
| States [1] | 69:3 | $\begin{array}{lll}\text { 8:18 } & 9: 14 & 15: 7 \\ 16: 3 & 18: 6 & 24: 20\end{array}$ |  | 27:15 | toilet [2] |  | 47:16 | tuek [2] 67:15 | 116.6 |
| status [2] | 1.49 | 25:4 25:13 $25: 22$ | 52:17 59:20 | 61:6 |  |  |  | true [(4) 8:12 | 135 |
| 17:2 |  | 26.7 25, | 80:17 116:10 |  | tone [4] | 92:17 |  | $19: 19$ 14:7 | 16:22 |
| Etay [4] 17225 | 42.9 | supervision [1] 23:18 | terrifiedil | 86:6 | too [9] | 32.8 | 41:20 | 22:21 90:13 | 121:12 |
| 61:10 118:18 |  | supervisar [ı] 15:10 | testified [4] | 3:17 | 105:15 | 45:3 |  | tunde [4] | 81:13 |
| stayed [1] | $96: 22$ | supervisors [1] 23:17 | 4.25 5.4 | 30:17 | 105:15 | 106 | 112:5 | 81-14 114:2 | 114:5 |
| 96:24 103:14 | 109 | $\begin{array}{lll}\text { supervisore [1] } & 3.17 \\ \text { supposed } \\ \text { all } & 14: 4\end{array}$ | testify [ 3 ] | 3:15 | took |  |  | truth [6] 3:16 | 3:16 |
| staying [4] | 97:18 | supposed [l] 14:4 suptosedly | 4:16 30:15 |  | 55:18 | 63:23 | 28:23 | 9:16 30:16 | $30 \cdot 16$ |
| $1095103: 18$ | 109224 | supposedly [2] 35:25 | testimony [7] | 4:24 | 35:1823 | 1199 | 120;1 | 30:16 |  |
| stays [17 702 |  |  | 5330318 | 37:14 | 1217 |  |  | try $\mathrm{p}^{3}$ 3,24 | 11:16 |
| Stenotype [1] | 121:7 | surface 12158.9 | 74:25 $\quad 888$ | 118:6 | tool | $54: 15$ |  | 1103 15:9 | 34: 24 |
| $\operatorname{sitep}_{\substack{\text { 11724 } \\ \\ 34: 22}}$ | 1122 | surfaces [2] 71;11 | testiog [] | 68:1 | tools [1] | 7:1 |  | trying [6] |  |
| 117:24 |  | $7 B: 4$ | 8 lal |  | top [13] | 23:21 | 46:15 | 20.454 | 49.12 |
| sterile (1) | 78:25 | suprise [2] 67.21 | Thank [24] | 9284 | 55:22 | 6820 | 68,25 | 101:22 113:19 |  |
| sticky [1] | 76.18 | $\left.\right\|_{105}$ | $\begin{array}{ll}22,25 & 23 \% \\ 2020 & 76\end{array}$ | 28:16 | 70-9 | $8 \mathrm{8P} 17$ | 999:19 | tubes | 795 |
| still [7] 31-24 | 65:18 | suspect [3] 59:21 | $\begin{array}{lll}29: 20 & & 30: 3 \\ 34: 11 & 37: 1\end{array}$ | 30:11 | 90: 19 | 97:23 | 1073 | Tucsod [2] | 109:10 |
| 82:16 34:11 | 88: ${ }^{\text {\% }}$ | 60:15 6.1:1 |  | B7:Z] | ${ }^{107 \% 4}$ | $110 \cdot 10$ |  | $1032$ |  |
| $92.21 \quad 109 \% 7$ |  | suspected [0] 81:7 | 88:11 100:14 | 115:2 |  |  | $\begin{aligned} & \text { 51:] } \\ & 95: 25 \end{aligned}$ | tum [1] 41 ${ }^{\text {6 }}$ |  |
| stipulated in | 14.3 | suspended [1] 7:9 | 115:2 115:8 | 116:10 | $\begin{aligned} & 93: 14 \\ & 967 \end{aligned}$ | $94: 15$ | 95:25 | turned $[1]$ | 46.5 |
| stood [1] | 74:1 | swab [1] 61:13 | 1176 117:19 | 117:17 |  |  |  |  | 46.5 |

Condenselt ${ }^{\text {TM }}$
turnover - zoomed
AFTERNOON SESSION


267



LAS WEGAS, NEVADA; ERIDAY, MARCH 16, 2007

9:00 A.M.
PROCEEDINGS
$\neq * * * *$

THE CODRT: We're back on the record in C-131341, State of Nevada wersus James Chappell.

The record will reflect the presence of Nx, Chappell, with his attomeys, the State's attorneys, in the presence of the jury.

We're going to continue on with the State's case in chief,

The State may call their next witness.
MR. OWEDS: The State Galls Tanya Hobson. your Honot.

THE CLERK: You do solemaly swear the testimony you are about to give in this action shall be the truth, the whole truth, and nothing but the truth, so help you God.

THE NITNESS: Yes.
THE CLERK: Flease be sezted. state arid spell your name ror the record.

THE WITNESS: Ny name is Tianya Hobson, $T-\mathrm{A}-\mathrm{N}-\mathrm{Y}-\mathrm{A}, \mathrm{H}-\mathrm{O}-\mathrm{B}-\mathrm{S}-\mathrm{O}-\mathrm{N}$.

DIRECT EXAMINATION

BY MR. OWENS:
Q. How ace You currently employed?
A. I am a social worker and program manager for Catholic Charities.
Q. How long have you worked there?
A. 2-and-a-half years.
Q. Back in 1995 where_vere vou working?
A. Safe Nest, a temporary shelter for domestic wiolarte.
Q. Safe Nest?
A. Gorrect.
Q. When you say a temporary sheltex fos gomestic wiolence, what does that mean?
A. Besically, it's a safe house for abused woman to come and atay while basicaliy hiding from their abuserg
Q. Was there some series of initials that were uped to describe where you work, or who you worked with TADV or something?
A. Temporary Assistance for Domestic Violence. It's an acronym.
Q. It's an acronym?
A. Correct.
Q. Was that an acronym for what you did?
A. Yes.
Q. You weren't working for any governmental agency?
A. No.
Q. But you were working with ox in conjunction w土th a govermmental agency and insisting with protective Qrders?
B. Comiect.
Q. Can you take a moment and describe sor us the process that you were using, why don't we start by explaining what a protective onder is?
A. A protective ordec is when a victim of domestic violence calls our hot line at the time and would like a protective order because the abuser has violated her or him in any type of way that infringes upon theix physioal body.
Q. So if you have some sort of report on that, how would that usually come into you?
A. Though our hot line. We have a crises hot line and the wictim would call up.
Q. And after the wictim would call you upr then you would do certain things?
A. Correct. We would take their statement, and after the gtatement was taken we would talk to them and tell them exactely what would be taking place with the protective order that they're requesting, And atier that
we would send it off to the judge.
Q. So your contacts with these victims is usually over the phone?
A. Correct.
Q. But sometimes they come into your place there?
A. Correct.
Q. And you would fill out actually an application that was then sent to the court?
A. Correct.
Q. How would the victims find out about you to be able to know that they should call or come in?
A. We have a crises hot line, We have Iike a lot of little Posties all over the place. You find out at the hospital, jails, schools, bathrooms.
Q. So if a victim was injured to a poitt where they're taken to a hospital, there's a good probability that somebody would hand them your number to call?
A. Correct.
Q. And we're talking about victims of domestic violence?
A. Correct.
Q. What was the criteria you would use to determine if you had enough to apply for a protective order?
B. Well, we took their staterent, And we would take it in detail so we would have enough to describe what happered for the incident. So it was detailed informatior that the victim wruld give $u s$ in reference to what took place.
Q. What would you then do with that information?
B. Bfter we spoke -- after I would talk with hex, fill it out, then we would Fax it over to a judge that would be on call during that night. We had to wake him up in order to do the protective order, so -- then it. was faxed. He knew it was on the way.
Q. So you fax the protective order application to the judge?
A. Correct.
Q. What happens next in the process?
A. The judge then signs it. And he will send us back a copy with the court date on it.
Q. What does that mean, with a court date?
7. The court dater meaning that the person filing the protective order had a court date that they would have to come and appear.
Q. It's usually just a couple of days away?
A. Eight.
Q. And in order For them to extend that
protective order, they need to be present in cour:?
A. Correct.
Q. Irl the meantime, the order gets served on the perpetrator?
A. Correct.
Q. And he is supposed to be there too?
A. Correct.
Q. And they have a short period to protect his rights so he can have some say in the matter before the order is extended?
A. Gorrect.
Q. Would You typically go to those court procededings?
A. Wyselt, no.
Q. Would you have somebody that would show up?
A. Not unless we were subpoenaed.
Q. Otherwise, you would tell the victimu when they needed to be in court?
A. Right, They would have to gall us, and we'd have to call back -- have them call back to get theit court dete.
0. Who would take care of notifying the defendant?
A. Gsually it would be -- it could have been
any one of the staff members that tould have the protective order, and we tell ther to call back. Our staff member would call back -- we're really -- we really stress that if one staff member didn't do it, the next would. So we make sure the person would know, but we "d also tell them to call back to get the court date.
Q. So you wanted to make sure something happened on that?
A. Correct.
Q. Now -- so, We're talking about two documents, the appizication and then the order?
A. okay.

MR. OWENS: For the record the docment I'ra
referring to, Exhdbits that were marked in the prior proceeding No. 81 and 82.

THE COURT: All right.
MR. ONENS: For the record I'll place
Exhibit No, 81 on the screen to Your left there. Can you see that.

Let's zoom in a little bit.
BY MR. ONENS:
Q. Tell us what we're looking at here, sort of describe what this is.
A. That is a document that I filled out For the defendant -- for Debra.
Q. For Debra -- you have this Fanof?
A. Correct.
Q. You don't know if it was Panos? You put an "F" there?
A. I put it there.
Q. If we scoot up a little bit there, what was the date of the incident?
A. $1 / 9 / 95$.
Q. January 9th, 1995?
A. Correct.
Q. What kinds of information is on this first sheet?
A. Her address, phone number, business number, the deferdant, his date of birth, his address as well. Who he was to her, in this case it was a boyfriend.
Q. Okay And you showed an address of 839 North Lamb, number 125, for Debra Panos?
A. Correct.
Q. Then there's some information down her that says what happemed. Can you read that?
A. "Elaintiff and defendant wexe at home, the plaintıff was sleeping on the sofa when the cefendant asked her to get up and --
Q. This is your writing, right?
A. I know. I don't have my glasses on.
Q. I'll zoom irr a little bit here. It's kind of hard.
A. -- "asked ber to get up."
Q. Let me bring itt over to you.
A. Thank you.
O. There you go.
A. Bkay. "The plaintiff was sleeping on the sofa when the defendant asked hex to get wo. The plaintiff didn't hear him. The defendant hit the plaintiff in the face. The plaintiff then xan into the roon. The defendant called all the - called the ambulance and the defendant $=-$ the plaintiff went to the hospital. The defendant was taken to jail."

Q. Okay. And the fact that he was in dail made serving nim with notice of this a lot easier then trying to track him down?

ふ. Yes.
Q. And the next page on there, what kind of information 13 on that page?
A. It gives -- let's gee. We're he is at the Detention Centex, to make sure he is there, the phone number, the fax number, the children and who would get -basically the custody of the children at the tifne, which would be the mother.
Q. So this order provides not only for the
protection of the person that was battered but also protects the children, if there's any children involved?
A. Corxect.
Q. And in this case we had three children?
A. Yes.
Q. What were the names that were listed there?
A. Ghantelle, Anthony, and James.
Q. Then the next page.
A. It just showg that the above children to reside with the plaintiff for at ledst 6 months.
Q. Talks about her place of employment?

A, Talks about her place of employment, it was
G.E. Ordered defendant not to sell, destroy, or damage property, Then it gives the date, the plaintiff's name, my natue, my signature, and the address which was F .0 . Box.
Q. This was shortly after the first of the Year. Did you get the year wrong on it?
A. $\quad 1994$. 1995.
Q. You meant to put 1995 as the date of the incident?
A. Correct.
Q. On the back of it there you just have some additional emergenoy protective ordes information. That's
(.)
about where you are going to send the documents and the location to people?

A, Correct.
Q. Let me take that back from you now. This is the applioation form, so this is what you faxed to the judge?
A. Yes.
Q. And then the judge reviewed this and then what happened?
A. AEter the judge reviews it he then sets a court date and he faxes over the client's court dete.
Q. That would be the temporary protective order issuled by fax?
B. Gorsect.
Q. We're going to look at that, Exhibit No. 62 now. This is a document connected with this application we were just looking at, right?
A. Yes.
Q. And it gives notice to the Detention Genter?
A. Yes.
Q. And talks about the application and it geta
a hearing date out?
A. Yes.
Q. And oiders the defendant to refrain from
threatening, physically injury or harassing the vactim, and to stay away from the plaintiff's residence?
A. Correct.
Q. And stay away from the plaintiff's children during the texm of the ordex; is that correct?
A. Correct.
Q. On the last page there's a hearing set up there for January 11st. So this would have been just a Couple days later?
A. Correct.
Q. So the order went into affect once it was signed?
A. Yes.
Q. And then there would have been a hearing
date. Do you know what happened at the hearing date?
A. The client didn't show up.
Q. The client didn't show up?
A. Correct.
Q. And what happens when -- and you say the client, this is the rictim?
A. Victim.
Q. Is it unusual for the victim not to show up for that date?
A. It's more than typical.
Q. Why is that?
A. Because they have a -- some of the victims hawe a change of heart, feel that they might have talked with the abuser and he told them that he wasn't going to do anything anymore, that, you know, I love you, and we can work this out, and give me another chance type situation. Usually the victims fall for tingt.
Q. For whatever reason in this case Debbie Panos didn't show up for the court hearing, so what happened?
A. The protective ordex becomes void.
Q. If she had shown up at the heaxing how long can this order last?
A. It could have been extended. I believe that's up to the jugge how long it can be extended.
Q. But typicaliy thirty days, of up to ninety days in some situations?
A. Some cases.
Q. Does that sounds about rjght?
A. Sounds about right.
Q. It depends on the circumstarices?
A. Correct.
0. But in this case, there wasn't any time because nobody showed up?
A. Nobody showed up.

NR. OWENS: That's all I have.

THE CODRT: Thank you. Mr, Schieck or Mr.
Patrick.
CROSS-EKAMINATION
BY MR. PATRICE:
Q. Good morning.

象. Hi.
Q. Did you ever meet Ms. Panos?
A. No, I didn't.
Q. You only talked to her ori the phone?
A. Only on the phone.
Q. How many times?
A. Once.
Q. She newer called back?
A. I work the graveyard shift so bhe may have celled during the evening.
Q. You never talked to her again?
A. I never talked to her again.
Q. Did she ever come into the Safe Nest where you worked?
A. Not that I recall.
Q. Now the order that you filled out, like you said, that was in your handwriting?
A. Eorrect.
Q. And the full name of that document is an application for a temporary protective order, coriect?

was vacated?
A. Correct.
Q. And there was no further action taken?
A. Not that I know of.

MR, PATRICK: That's all I have.
THE COURT: Mr. Owens?
MR. ONENS: Nothing Eurther.
THE CODRT: No questions. Thank You very
much. You may step down. You are excused.
THE WITNESS: Thank You.
THE COORT: State may call their mext
witness
MR. OWENS: We're going to take one got of order.

THE COURT: Wer re taking a witness out of ordex, ladies and gentlemen. Werll call somebody on the def゙ense ¢ase in chief.

MR. FATRICK: We would call Dx. Lewis
Etcoff.
THE CLERK: You do solemmly swear the tegtimony you are about to give in this action shall be the truth, the whole truth, and nothing but the truth, so help you God.

THE WITMESS: I do.
PHE CLERK: state and spell your name for
the record.
THE WITNESS: Lewis Marvin Etcoff, $\mathrm{E}-\mathrm{T}-\mathrm{C}-\mathrm{O}-\mathrm{E}-\mathrm{F}$.

DIRECT EXAMINATIOA
BY MR. PATRICR:
Q. Good morning, Dr. Etcoff
A. Good morning.
Q. Sir, how are you curcently employed?
A. I am self-employed in priwate practice as a licensed psychologist in Las Vegas.
Q. How long have you been doing that:?
A. Since 1984.
Q. Could you give us a little idea about your educational background?
A. Yes.

I receiwed bachelors and masters degrees from Brandise Oniversity in Massachusetts in 1973 and 1975, and my doctoxal degree in clinical psychology from the University of Toledo in Toledo, Ohio 1 n 1983.

Thereafter, 1 was in the Onited States Air Eorce where I was trained in my internship as a clinical. psychologist at Wright Faterson Air Force Base from 1983 to --'82 to "83.

And therefore was stationed here at Nellis Air Eorce Base, which is how I came to Las Vegas. I was
honorably discharged from the Air Force ir ' 85 , and have been here in private practice ever since -- and licensed.
Q. Can you give us an idea of what your professional experience is?
A. Probably until about 1968 or so, I did a typicel practice that any psychologist just out of school would do, some psychotherapy, some testing, personality testing, IQ testing, diagnostics.

I -- for awhile $I$ was the chief psychologist at Montavista Hospital in about 1990 or so, and saw patients at Charter and Montarista.

At about that time I limited my practice just to assessments, meaning evaluations of adults and children and have -- haven't done any type of therapy ever since.

So my practice since about 1990, has strictiy been in the area of psychological and neuropsychological evaluations in children, adolescents, and adults. Most of my practice has been clinical, meaning that someone would conte to me with their child or thenselves and say I've got these problems, what's wrong with me, do I need mediclne, do you need therapy, how do you get better, and/or their children are having problems at school, they're inattentive or have conmunications problems or motor problems, or memory difficulties, or learning
disabillties.
And my expertise is in neuropsychology, which is how the brain processes information, and I try to figure out why all of these people have problems. To that end, It see one person a day, Monday through Thursday, and spend most of the day with them, hours, and try to figure out what's wrong with them.

In the past I did a bunch of evaluations in this area for the public defender's office, which is probably why I'm here today. And I also did several hundred child custody ewaluations. I no longer do criminal or child custody evaluations, but still do personal injury evaluations, wherein someone is claiming emotional injuries, or cognitive injuries, or brain injuries as a result of an accident, and $I$ evaluate them to see where they have, in fact, been injured and their injuries are a result of the accident or have other causes.
Q. Are you a member of any protessional associations?
A. Yes. I'm a member of the American Psychological Association, and their divisions of forensic psychology and clinical neuropsychology.

I'm a member of the Nevada State Psychological Association, whexe I have been past president and various
other offices.
I am an adjunct professor of psychology at onLy over the past. And I have been training their Ph.D students for the past 8 years. They spend nine months to a year in my office, one or two of then at a time, and I teach them how to do what I dor so when they go off to their internships they're already pretty good at assessments.

And Int a member of the National Academy of Neuropsychology and was recently elected a fellow in the National Academy of Neuropsychology.
Q. You practice both as a psychologist and a neuropsychologist?
A. Yes.
Q. What's the difference?
A. Most people who get their Ph. os are called doctor of psychology, or EDO, or doctor of education and become psychologists, and they are usually either clinical or counseling psychologists. They work with people who are mentally ill or people who are not so mentally ide. that need counseling.

My training, after my doctorate, before -- before and after my doctorate, was in how the brain influences behavior. And so I've taken a lot of extra course work in how the brain -- how brain damage can change someone's
functioning, so I see people with strokes and brain tumors and head injuries and concussions and so forth.

So neuropsychology is a subset of clinical psychology where we're actually taking a look at brain dysfunction affects a human being.
Q. Hawe you done any work for the court system here in clark County?
A. Yes.
Q. Could you explain that for us?
7. I think as I paeviously mentioned, I was doing a lot of oustody evaluations in the mid 909, I was doing a lot of criminal forensic evaluations fot the special public defendex's office, and the public defender's office, and the Nevada appellate post-conviction project -- if I'm saying that correctly -- were $I$ would be part of a teann of professionals trying to evaluate individuals who have either been convicted of murder or are on trial for murder to see what they were like, and what they were all about to help the jury decide, if they were found guilty, what their penalty should be, or what, you know, whether they should hawe the death penalty or be in prison without a chance of parole and such, Just explain to the jury what a person is like as a human being.
Q. Hawe you ever done any consultimg wotk for
the Clark County School District?
A. Yes. They had me train two psychologists about 15 years ago. And on occasion I get a case referred directly from the school district, especially if they are getting sued, and they want an expert to kind of deternine whether they're on the hook for something they shouldn't have done or whether they're not.

But I don't have any direct relationship with them. And I hardly ever get direct referrals from their legal department. Most of the kids I see are just kids who come to me from pediatrician referrals of school teachers or principals.
Q. Now, during any of this with the school district or some of your other practice, have you had the opportunity to observe and evaluate dysfunctional families?
A. Yes.
Q. Have you had the opportunity to evaluate people with learnung disabilities?
A. That's probably one of the -- maybe the major thing I do. I see them seweral times a week.
Q. So when you worked for the school district or the family court system, basically those entities would ask you to provide an unbiased assessment of an individual or family situation?
A. Yes, exactly.
Q. And I think as you just mentioned you had quite a bit of experience dealing with people who have been charged with serious crimes?
A. Yes.
Q. Hawe you been qualified as an expert in courts in Las Vegas previously?
3. Yes, federal and district.
Q. Gould you give us an idea of approximately how man times you've testified?
A. It would be a guesstimate of 30 or 40 times altogether, That's a guesstimate.
Q. And all those times as an expert in psychology of neuropsychology?
A. Yes. That's over 20 years.
Q. Now approximately ten years ago now I guess it's been, you were asked to perform an ewaluation on James?

| $\cdots$ | Correct. |
| :---: | :---: |
| 0. | Did you have an opportunity to perform that |
| evaluation? |  |
| A. | I did. |
| 9. | Do you remember where the evaluation took |
| place? |  |
| A. | It was at my office, which was then in Las |

Wegas on Decatur Bouleward.
Q. Do you remember about how long the evaluation lasted and it any tests or interviews were given?
A. It was probably, at least a half a day. I don't remember specifically from that long ago, but by looking at the report that I generated, I interviewed Mr. Chappell for two hours. He filled out an objective personality test in my office, which was scored and interpreted. And we also -- either someone on my staff at the time, or I administered an intelligence $1 Q$ test and an academic achievement test battery, because he had records -- it's important to know someone's intellectual function in cases such as this, and also to know whether they had learning disabilities that might affect how they percelve reality or what they feel about themselves.

I also, at the time, had reviewed records
from the Las Vegas Metropolitan Folice Department and volurteer statements of a Lisa -- Lisa Duran and letters from Debra Panos. And I also reviewed Mr. Chappell's Lansing, Michigan school records and special-ed records.
Q. Did you have an opportunity to interview anybody else besides Mr. Chappell or the documents you looked at?
A. No.
Q. Is that a common procedure Eor you to interview several people when you're just evaluating Mr. Chappell?
A. You want to, as a psychologist, you want if someone's mother, or brother, or sister, or wifer or someone who knows them well is around and you really want to get an outside opinion or a collateral opinion of what their fungtioning had been like. I do that all the time with people in civil cases. I want to know what the spouse thinks has been the cause of the accident, so to speak.

And undoubtedly asked, then Deputy Public Defender Brooks if anyone in his family was available or could they be brought to Jas Vegas so that i could interview them, but that wasr't possible. So the only person $I$ was able to interview at the time was Mr. Chappell,
Q. Were you able to get ar accurate evaluation just by talking with Mr. Chappell?
A. As aceurate as you can get. I belizve -- I thought he was credible in what he told me

NR: ONENS: I'll object to his opinions on cxedibility.

THE COURT: I'll sistain the objection and strike that statement.

THE WITNESS: He appeared honest when he

Q. Do you have a copy of that with you today?
A. I do.
Q. And as we're going through this, would it help you to refer to that report to refresh your memory?
A. Yes.
Q. So you'll be referring to that xeport as we go through today?
B. Yes.
Q. Now, when you evaluated James back in '95, or '96, were you aware that he'd been charged with miurder?
A. Yes.
Q. Who he was accused of killing was his gixlfriend Debra Fanos?
A. I knew that. Yes.
Q. You were aware that James was in custody?
A. Yes.
Q. And were you aware that James had a history of domestic violence regarding Ms. Panos?
A. Yes.
Q. Did you discuss this with James?
A. A little. I didn't ask him, given my report, every instance that it had ever occurred, but I knew there had been several. And we spoke briefly about one or two of the incidents, as I recall.
Q. Okay. Did you talk to James abput an instance where Debbie's nose was bioken?
A. I believe so, yes.
Q. Did you talk to him about an ewent where he had pinned Debble down on a bed?
A. That also is something itecall.
Q. But you dida't go into minute detail of every time that he would slap her or hit hex?
A. No, I didn't.
Q. Eut you were aware that there were several instances?
A. I believe 90 , yes.
Q. Fins James forthooming when he would talk to about these 1nstances of domestic violence?
A. Yes.
Q. Did he answer all $m$ any and all of the questions you had regarding the domestic violence?
A. Yes.
Q. And this was all infocmation You used when you did your report?
A. Correct.
Q. And did you and James discuss that he and Debbie had three children together?
A. We did discuss that.
Q. Did you have an opportunity to discuss James
and his childhood?
A. Yes.
Q. And at the time that you interviewed James he was the primaty source of the information about his childhood?
A. Yes. But we also had the Michigan school records in which there were lots of information that substantiated or explained further what he had told me.
Q. What did you learin about James' father?
A. To the best of my recollection and having read this over this morning, James' father was sort of never in his life. I think he saw him a collple of times throughout the years. He just didn't hawe any involvement in James' life. I thank his father had some criminal record and a lot of other behavioral and substance related problems, but that James, for all tntents and purposes, didn"t have ${ }^{\circ}$ a dad.
Q. Do you remenber when James told you when the first time was he saw his father?
A. I believe he was ten, is my best recollection. IE I'm wrong, just tell me what page and I'll go there.
Q. That's fine doctor.
A. Ten.
Q. Did James relate to a story about his father
asking him to help him with criminal endeavors?
A. Yes. I think on one occasion his father had asked him to rob a bank, which he decided he didn't -- was crazy and he had no intent on doing, and didn't, from what he told me.
Q. Did you talk to James about his mother?
A. Yes. His mother -- he didn't really have much of a recollection of her, because she died in a motor vehicle accident, to my best recollection, when he was about 2-and-a-half years old.
Q. Were you able to determine, if, at that time, James had a close relationship with his mother?
A. I believe -- you know, he probably -- no, I imagine he did. But I don't recall at this time whether, in fact, he did or - - and there was no obvious information available at that the when $I$ saw him that would tell me one way or another.
Q. Did he discuss with you how her death had affected him?
A. It affected him a lot, because he had to go lwe with his siblings and liwe with his grandmother, who turned out to be, I guess, a physically abustve woman, more so perhaps to his older siblings then to him, but there was a lot of physical abuse in the household.

It sounds as if his grandmother had been somewhat
neglectful. And certainly looking at school records, he was a psychological -- psychologically disturbed kid from early on, who had real difficulty forming attachments because he didn't have a dad, his mother died when he was 2-and-a-half, and his grandmother wasn't the greasest. Although you have to give her credit for taking the kids in.
Q. Were you able to come to an opinion as to how adequate his grandmother was as a parent figure?
A. She didn't sound very adequate from the information $I$ had, but, again, I wasn't there. I can't tell you how good a parent she was.
Q. Did you talk about James' siblings?
A. If we talked about the siblings, it was just in pasaing. I don't recall anything in depth about the siblings that we spoke about.
Q. In reviewing the school records from Lansing, were you able to determine whether James had been placed in special education classes?
A. Yes, he had. And he was in special-ed classes very early on. In grade two, 1977, 1978 a social worker at Sexton High School had provided a history of the first couple of years of James' life, which I reprinted in the report.

And it reiterates when his mom died he and his
siblings spent much of the time at the grandnother 's house. And the social worker had noted that the mother: frequently visited the kids at grandmothers, and she was especially close to James. Arid her death was a wery difficult adjustment for the kids, in particular, James.

And that he had no real contact with his dad, who was frequently in jail for drugs and other violations.

And at school, at that time, in grade two, he was moodyr had trouble fitting in with other kids, He was easily distracted, He was late getting his work Lr. He needed to lısten better. He wasn't applying himself, He Was way behind in math, in particular, and disrup-ive in olass and was assigned - he was also wetting hiniself and sucking his fingers, which is indicative of a serlous anxiety and possibly an attachment disorder. Kids in second grade tend not to do that. They out-grow those types of behaviors.

So he was not doing well, in any fashion, in school early on and needed a lot of extra services as a result.
Q. Now, if I could direct your attention to page b, of youx record. Looks like $1_{7} 2--$ the third full paragraph down. James was evaluated in 4th grade by a social worker also?
A. Yes.
Q. And she looks like she was talking about his problems adjusting in achool socially and academically?
A. Yes.
Q. Can you explain that?
A. She had said that he was in the 4 th grade functioning at about second grade level. And he wasn't playing with kids. He was just socially in a bad way. He did build a relationship with a new teacher, which was positive. But then she suddenly left, and the social worker said he regressed to his old behaviors of not talk to anyone.

So he was really in need of a strong compassionate adult figure to replace his parents, who he didn't have, and when he did fand one in a teacher she left and he was back to fust being sort of silent.

He was isolated. They isolated him to get his work done because he wasn't getting his work done. He had trouble adjusting to school socially and academically. She wrote, quote, "I feel he has a great deal of difficulty forming meaningful relationships, and I recommend he be placed in a smaller olassroom situation and should xecelve individual therapy outside of the school setting."

As a result he was classified as geverely learning disabled and placed in SLD -- severely leaming
disabled $-*$ classmoom in 1990 , Bl, where he stiln had problems.
Q. Now in any of the records that you were able to review or talking to James did you come to a conclusion whether or not he was ewer given that special psychologioal dare at that age?
A. Special psychological care?
Q. That therapy.
A. I didnrt see any records that he was given therapy. There was nothing there that $I$ recall right mow that he was given therapy.
Q. If you could turn to page T. It looks like James was actually seen by a schopl psychologist when he was in high school. Could you explain whet you learned about the evaluation that that psychologist did.

A, The school psychologist saw him when he was Ch years 9 montrs old. He is now in an motionalay handicapped chassroom. This psychologist wrote, quote, "the extensiwe interview revealed a youngster who seems to feel he has little hope of succeeding in life, especially as it relates to academic achiewement. He did not: appear to have any coping skills to deal with problems he encounters and tries to endure whatever comes his way by first pointing action" -- I have know clue what that
"He tends to withdraw and avoid whem he encomiters problems and often takes what appears to him be the easy way out."
"He hadn't made progress iti the past several years, and they essemtially - the school psychologist said -- he has low self-concept, distrusts others, poor coping skills, low self-image, problem with coping skills, trouble completing assignments, and past problems of attendance -- problems with attendance and low motivation."

At that time he had a GPA - grade point awerage of 0.65, And kas ranked 584 out of 607 students. 50 essentially he was falling.
Q. Now, after reviewting these records from the social worker and a psychiatrist and talking in your evaluation of James, does all of this fit in?
A. Yes. It's consistent with my test results, which it should be. If he was like this and that was accurate, then if $I$ tested him when he* $\sin$ adult all of this should be still obvious.
Q. Wow did you talk to Jomes about his substarice abuse - drug use?
A. Yes.
Q. And do you remember about -- at about what age James became involved with dxugs?
A. Thixteen or fourteen he began using marijuana -- or thereabouts. And up to 4 joints ai day. Then at 18 , he was introduced to rock cocaine, and he really started using a lot of cocaine rather regu"-arly and became dependant on eocifo-as youmgter.
Q. Now on page 7 of your report under the heading -- that first paragraph, substance abuse history, did James ever tell you about whether or not he would do drugs at home.
A. Yes, he did. Because there was no supervision and he could do it.
Q. And then I think as you just testifjed a minute ago that James became hooked on ccack cocaine?
A. Yes.
Q. Could you -- is there a significance attached to James' drug use and specifically being addicted to crack?
A. Well, crack cocaine is a wery dangerous substance. If you use it regularly there is a real good likelihood you'll get psychotic and have paranoid delusions and be really frazzled and up and have trouble sleeping. It's a realiy psychologically destructive drug. which makes you out of control of your behaviors and your thoughts and can make you actually think that things are real when, in fact, they're not. You can become psychotic
using it:
Q. I believe earlier you mentioned you or your staff administered some tests while James was at four place?
A. Gorcect.
Q. Now do you remember did you persorian ly adrinister the tests?
A. I dor't remember. It's very possible at that time, since I had been training people who were getting adyanced degrees that someone -- I was training someone at that time, and they were helping me and doing some of that. So that's very possible.
Q. Is that common for you to have associates administer these tests?
A. That is how -- yes. I have been doing that for 21 -- 15 to 21 Years. Definitely.
Q. Was James given an IQ test?
A. He was.
Q. Can you describe that and what it's intended to show?
A. An IQ test is a person-to-person fest in which you sit across the desk from someone and you measure thedr intellectual abilities.

Back then the test that was the most well-kobwt, Well-used was called the Wexler \& Jones Intelligence Scale

Revised, which has since been updated and renormed and standardized on a more modern population of people. Back then that was the appropriate Iq test.

And the 19 test was then diwided into two different areas: verbal area, testing verbal language functioning, and performance area, which was meaguring things like visual thinking and visual motor abilities. Putting together jigsaw puzzles and putting block designs together to make a pottern.

The re test cones out with a verbal Ig, a performance To, and a full-scale IQ.
Q. Can you give us the results, please.
A. James perfonmed in the borderline range at the sixth percentile on his verbal IQ, with a verbal IQ score of 77. An awerage verbal IQ, literally at the population is one hundred. So if you have an IQ of one hundred, you are at the 50 percentile comparing you to everyone else in your age cohort in the Dnited states.

Eeing at an 10 of 77 , his verbal/intellectual abilities were lowex ther 94 out of a hundred people his age.

His performance IQ was 91, just within the average in the twenty-seventh percentile. Which means he thinks better in visual images and can do puzzles a lot bettex than he can think in words.

And finally when you put the two IQ scores together you have a full-scale IQ , which is the broadest measure of intellectual abilities, he was an 10 of 80 , which is at the ninth percentile. Just inthe Iow/average range. Meaning that his overall intellectual abilities were lower than ninty-one out of hundred people his age.

And his academic skills were low average in reading. spelling, they were okay, given his life and all the troubles he had academically. But his math skills were terrible and measured in the first percentile. Worse than 99 out of a hundred people his age at a grade for equivaient.

So we can say he was learning disabled in math. And I also diagnosed him as having a mixed receptive expressive language disorder, which means he don't undergtand word concepts, or doesn't have the ability to think wery well in words or express himself in words, as wag evident on the verbal sub-test in the IQ test.

Where hits vocabulary was measured at the fifth percentile, his practical reasoning skills were measured at the fifth percentile.

His basic fund of information, what he leamed in life, was measured in the second percentile.

Arithmetic at the ninth percentile.

Abstract thinking at the twenty-fixifh percentile.

So really, he thinks simplisticaiy, and people that think simplistically have a hard time problem solving, especially in stressful situations.
Q. Would it be fair to say that people in the population with a low verbal 10 , such as this, would be over-represented in our prison population?
A. They are for sure.
Q. Could you explain?
A. Well, it makes common sense. Wot only is it a fact that if you gave 10 tests to the entire prison population in the United states there would be loss of people with really bad verbal $10 s$ and probably really bad IQ scores period.

But the verbal 10 -- you know we think in words. We problem solve, we figure out what we do in cextain situations, how to adapt to things by talking to ourselves or thinking in words. If you're word facility is bad and you can't think of how to -- what to do in a situation you're likelinood of doing the right thing or doing the best thing or adapting to situations that are challenging sinks.

And so it isn't uncomon for lots of people that end up in prison to be really lousy problem solvers and
when they're faced with something that they have to make a really smart decision about, they don't do such a good job doing it with those decisions. And if they also come from a terrible background, you put a couple of those varisbles together and that means they're oves-represented ln the prison population.
Q. Now would you say that the fact that James has this lariguge deficit, does that have ari affert on his ability to think things through rather then just act out, especially in a stressful situation?
A. That's what I'm saying.
Q. Did you administer then I believe you said an academic achievement test?
A. Yes.
Q. Can You explain that to us a little bit?
A. Well, the reading test is I would give you a list of words from very easy to nobody on the face of the earth has ever seen the word before and it's urifkely that you can -- synecdoche, is one of them. I don't even know what it is and I've been giving that test for years.

So you just listen to a person read inoreasingly complex words until they fail a certain rumber in a rowr and that score, that raw score, is then put into a formula, because we've just tested several thousand adults and we know that you ${ }^{\top}$ re reading at the twelfth percentile
at a bth grade level if you've gotten to this point.
The spelling test is, I would just say, spell cat, the cat crossed the street, oat, then the words would get increasingly difficult to words that no one in this room would ever spell oorzectly, unless that's what you do for a living, So that's how the gpelling test goes.

The arithmetic test $1 s$ a page where there is mixed addition, subtraction, simple/complex division, pexcentages, a little algebra, a little geometry and the person has ten mimutes to complete as many of those arithmetto problems as possible and the number correctily completed is a raw scores which converts to a standard score, which converts to a grading and age equivalency so you can tell where they stand.
Q. It spunds like James can read and write better than he can verbalize or communicate?
A. Yes.
Q. How does that tie in with everything that we've been talking about his performance IQ?
A. Let me correct myself. Read and spell, writing is altogether more complex then spelling, But reading is not necessarily correlated very much to $I Q$. You can have a low I0 and be a good reader, because reading is all about phonics and phonics is how the left temporal lobe of the brain processes sounds.

So iff you are able to figure out in your bwain that the sound "a" and the sound "i" are different, as they are, you'll be a good reader.

But if I say "a" and "i" and you can't tell the difference, you may be dyslexic or you'll be a less fluent reader.

So reading has nothing to do with intelligence. You can be very smart and be a terrible reader, on you can be very not so smart and be a nomal reader.
so reading and language, although there is a correlation that people bad in language are sometimes bad in reading, and people bad in reading are sometimes bad in language, there's not a clase correlation between the two. You can be one or the other also.
Q. Now I think we touched upon this be:core, but you were aware at the time you evaluated James that he was in custody?
A. Yes.
Q. That he had been in custody for quite awhile?
A. Months or -- yes.
Q. Did you know whether or not James had been through what we call preliminary hearing?
A. I believe he was. He had been through a preliminary hearing.
Q. And that he had been arraigned on the charges?
A. Yes.
Q. And were you aware that the state actually already filed a notice to seek the death penalty at that time?
A. I beliewe -. I'm not sure I knew that at the time, but I did know he was beirig charged with munder with a deadly weapon, so -- now I know that that would be sufficient for the State to ask for the death penalty.
Q. So would it be safe to say that James probably had a very good idea of the charges and the seriousness of what he was facing?

胃. Yes.
Q. Now when a person is facing serlous charges going to court they want to try and make themselves look as good as possible, would you agree with that?
A. To the court, Lhey do. I'm sure to some degree if they're sent to a doctor they do, but you would Be surprised how most of the people who have been sent to me aren"t necessarily trying to make a good impression on me they te jugt trying to get some halp and they're being themselwes when they see me.

Sometimes they're making a bad impression and they don't know they're making a bad impression and their
behavior in my office is ruining their chances for me to help them, but they have clue, And other times they're behaving the way they are and they' we helping themselves because I can see more about their personality characteristics and know that they're not evil people, for example.
Q. Would you think that -- would you say that people facing these serious charges when they teld their story they want their verston to be as positive as possible?
A. Sure.
Q. Would that take a certain amount of sophistication?

量, The more sophisticated you are, the bettex You can do that, for sure, I mean, definitely Jit does that some sophistication to put your best foot forward in front of whatever setting you're needing to look good in front of.
Q. Now from what you determined about Names' low verbal $I Q$ and mental capacity, do you think, in your professional opdnion, does he have the capacity to have that type of sophistication?
7. I don't think so. He certainly wasp-t sophigticated when I spoke with him. He's not the type of guy who could con the jury, or con the police, He's
just -- he's just who he is. And good and bad, I don't think he would be that sophisticated.

Could he lie, sure, You don't heve to be that sophisticated to lie. But to concoct a story tha made everyone think a certain way, less likely for him.
Q. Now did you perform any personality tests?
A. Yes.
Q. Which test did you perform?
A. The Milan Clinical Multi-Axial Inwentroxy 2 r MCMI 2.
Q. What is that test intended to measure or do?
A. It measures two, kind of, different areas. It gives a person -- it's a self-report inventory.

So it was like, 1 think then 150 statements that you would take by yourself, read the statement, and answer true or mostly true, or false or mostly false -- either true or false.

They might say I sleep well. And you'd say last two weeks, true. Or I'm usually unhappy, false, true. And you would do this a 150 times. And the test was normed on thousands of individuals, some of whom inad major depressions or anxiety disorders, or acting-out problems, or impulse problems, or all these different personality disonders. And you would coropare your results from that
questionnaire or that test to the normative group on whom that test was built and developed.
Q. Now this test, does it have a built in mechanism to determine whether or not the person la being truthrul when they take it?
A. It has what's called validity scales or validity indicators. That people can be inclined to present themselves really well, I really don't have any problems, and othex times, depending on the situa-ion, if they really want help they'll come in and just complain about anything and everything to such a degree that it's not humanly possible that they have that many problems. That kind of cry for help or over-exaggeration is another way these validity scales plek that stuff out.

And then there are people who just kind of tell it like it is, and the validity scales shows that they are not defensive and they are not exaggerating.
Q. Now when James took this test, the validity scale, was it valid?
A. Yes.
Q. So it would be your opinion that James was being truthful when he took the test?
A. Yes. And we gave it to him on a tape recorder, because his reading wasn't that great and his language skilis weren't that great, so I wanted to make
sure that he could hear a good human voice reading the questions to him, and the validity scales did show that he was able to take the test and answer validly.
Q. Nowr back in '95, '96 when you gave James this test, at that time was the test generally accepted as a valid method in your field?
A. Yes.
Q. Did you -- directing your attention to page 10, of your report -- were there any significant findings as a result of James being given that test?
A. Yes.
Q. Could you explain those to us?
A. Well, the test is divided into symptoms of major psychiatric disturbances, such as najor depressive disorder symptons, lesser depressive disorder symptoms, bad anxiety symptoms, mania, blpolar disorder symptoms, abuse symptoms, all of these kind of major acute psychiatric problem scales.

And then there are a laxgex number of personality disorder scales which measure how you perceive reality and react to things in an inflexible kind of way.

So there are all these different personality disorders -- that we'll probably not go into because it's a little too long -- but there are scales that measure abnormal personality characteristics and scales measuring
big depression, big substance abuse problems. Things like that.
Q. Did the test show anything about James needing to be dependant upon someone?
A. Yes. The test results indicated that he te, guile-ridden, sensitive to felt worthless, imadequate, guilit-ridden, sensitive to humiliation, which is, if you now think of what his school remarks were like even in 2nd grade or 4th grader it's sort of the same thing now that he's grown up.

Low self-esteem, doesn't trust people, because he never had anyone to trust. Dependant, people become dependant when they don't feel competent, and they tend to latch onto other people who will take care of them because they don't have sufficient self-confidence not to become dependant.

So he was dependant. He was mistrustful. He was apprehensive. He was easjly humiliated, shy, worihless, guilt-ridden, not a happy person.
Q. Did you ever come to an opinion if dames had this attachment or dependency toward a particular person?
A. Well, it seemed pretty clear when $I$ spoke to him about his relationship with Ns. Panos that he was very dependant on hea and was -- this was the one person who had been in his life for ten years, even with the problems
that they had, they had children together, he depended on her, and, yeah, he was extremely dependant on her. She was the major figure of support in his life.
O. Okay doctor now if we could turn to page 11 of your report, you stated that James would feel persecuted, humiliated, and disparaged by others due to his low self-image and this feeling of being weak and ineffectual, will you explain that.
A. If you at base inside of yourself feel terrible about yourself, you feel like a fraud, then you're almost on the look out for other people seeing you that way, so that you're sort of programmed, since you don't have faith in yourself, you're sort of unconsciously thinking to yourself, everyone else is going to see this, they're going to see me as bad as I see me. And so you're always on the look out, and if someone, you know, criticizes you of doesn't say hello or yells at you whether are young on old, it sort of cuts to the sore because inside of you you feel bad and rotten and that just is a reinforcements of everything you thought was go to happen when people g'ot to know you. So it's a terrible kind of way to be, because not only do you dislike yourself but you are expecting the rest of the world to dislike you, and you're looking for then to dislike you and you're ready to pounce on them if they show any type
of destain or disrespect.
Q. And then a little farther down you mention that James had become so self-absorbed that his day dreams would blur fantasy and reality could you explain that for 4.
A. Yes. If you have a kind of low Ig and really low verbal skills so you're not thinking well in words, you've never been successful at anything, you're dependant upon a woman who starts withdrawing from you and that woman has three children who may be somewhat -obviously these are kjos you love $-=$ and you ${ }^{1}$ re using cocaine, you've got so mary forces coming together that 1t's a kind of bad mix. You're not going to be thinking correctiy. You're going to be anxious.
Q. Then $I$ believe also a little farthex down you were talking about James wanting to avoid emotional experiences and that was shown by the constant drug use, and that it would help suppress any events in his life that would evoke disturbing memoxies?
A. As a rule of thumb people drink, or take drugs, or work 92 hours a week, or go down and hit the slot machines as often as they can as an aresthetic to life, which is really hard. I mean, nobody has dt easy in life. I don't care how successful you look, or whether You're on the cover of a magazines, there are times wher
you just want to esoape, and the worse your life is the more you'll finds a way to escape.
Q. Now did the results of this these testa that you gave James, were they consistent with your interview with him?
A. Yes.
Q. And I think we touched upon, but James discussed his drug use with you?
A. Yes.
Q. And he discussed his relationship with Debbie?
A. Yes.
Q. How did he describe their relationship?
A. He loved her, he thought. And I guess she loved him at a time, but they were having problems, He admitted that there had been abuse on his part in the relationship in the past.

He began hawing a real problem with her when she withdraw from him wher he was jailed on a burglary charge here in Las Vegas, and he started -- giwen the way he 1s -- eoncocting fantasies of her doing all sorts of things that would make you really upset if you were -- you thought you loved someone or you depended on someone.

So he was concocting fantasies of her seeing other men, sleeping aroubd, taking advantage of him, arid he
worked himself up into a frenzy. And then when he left Jall he found her and there were some friends of hers living there, and they had men coming over, and one thing led to another and he worked himself up into a very irrational frenzy and figured -- truthful or not, whether she was seeing other guys or not -- she was slipping away, she had cheated on him, she had left him, he couldn't take it. This is like his mother left him, the only other person in his life who he could depend on, she is now slipping away, and he just lost it.
Q. In your opinion would James be the type of person to tiy and please Debbie?
A. I'm sure at times he would want to be very pleasing, and at other times he might not want to be very pleasing. He would kind of waffle back and forth. He could probably be a son of a gun, and on other times be sweeter than sweet, depending upon his needs at that moment.
Q. Was he dependant on her?
A. The way he described it and the way the personality test described him, that would be something that I think is accurate.
Q. Now, you were talking about when he was in jail and he would start to have these thoughts, the fact that he was in jail he would not be able to have any
access to his drugs, would that make those thoughts -- what would that do to those thoughts?
A. It would be hardex to escape those thoughts becatase there is no anesthesia. You're stuck an a quiet place and you've got your mind, and unless you've got a $T V$ blaring all the time or you're just talking with the guys You're going -- your minds is going to go to those things that bug you. And that's probably -- he had a lot of time on his hands to think.
Q. So it would be more painful?
A. Wore painful being alone with himself.
Q. Did James show emotion when he was talking to you about Debra?
A. Yes. What was impressive to me after hawing seen dozens of people that have been killing or have murdered is that he just broke down crying he was just a wreck in my office. He was remorseful. He wished he could take it back. He was a wreak. And it wasn't as if -- there was sone people who murder, there's nothing, there's just no feeling. You can say -- I'll say to myself as $I^{\prime} m$ sitting with them, this guy should never leave prison. This guy 1 s dangerous.

With Janes, he didn't give me that impression. I can't tell for sure. Obvigusly, I'm not a mind reader. But he was -- he just broke down and eried. He was very
angry at himself for doing what he did. Angry at her for leading him to do what he did. But he was just very emotional,
Q. In your opinion were these emotions sincere?
A. They looked sincere to me, yes.
0. You testified previously at James last trial?
A. Yes.
Q. And I believe you had a statement about, if he could turn back the clock and undo this he would?
A. Yes.
Q. Could you explain that for us.
A. Well, here's the person who was the one person in his life he loved -- at least in his way of loving to the best of his ability -- and what does he do. he kills her. And it was so self-destructive and so other destructive that if he could only have not done that -- I mean, he realizes that what he did was the absolute worst thing he could have done for her, for the children, for him, and he showed remorse in my office, I think.
Q. Did he talk to you about how Debbie's death as affected him?
A. I think he was -- I think he did. As I sit here I $\operatorname{can}^{1} t$ remember exactly what he said. But he was
very sad by this whole thing. I mean, as would anybody be, if this happened to them.
Q. Did you and James talk about the events in the relationship a few months prior to Debbie's death?
A. Yes.
Q. Could you explain that to us.
A. Weaning that when he --
Q. What the events were that kind of led up to this -- up to Debbie's death?
A. Gosh, okay, let me see. This is not something I memorized today so let me see if you can reconstruct it.

To my =- I think what occuried, that the first time he was jailed for burglary she visited hum and gave him money and was there for him and that was nice.

Then he went back in jail a couple of months later -- and I'm hoping this is correct in -- he left jail. in May of "95. He then -u that's when those two female friends came to the apartment. And then he was back in jail again in June $-\infty$ in June -- I'm sorys. In June -he was jailed in June; but I believe that Debbue and the children leEt for a couple of weeks, left hin, And that made him very anxious and nervous and out of sorts. Then When he went back in jail she didn't visit him and that made hin even more nerrous and anxjous. Then he
eventually got out of jail for that shoplifting charge and the murder took place on the 3st1 of August, a couple of months later.

Then, of course he told me about zhat day, but you probably -- everyone knows what that's lise.
Q. In fact, if we could look at the bo-tom of page 9 of your report, the last paragraph. James told you about the day that he killed Debbie. Could you talk to us about that and maybe explain the signiticance of what he told you?
A. Well, this is -- I mean, just even having to talk like this in front of the jury is not easy. The easy thing is he -- the easy stuff is he said, that morndng or that day he had had a couple of beers with the guys, took a bike over to the home where he climbed -- or in the apartment, whatever it was -- he climbed into the bedroom window because he didn't have a key to the front door.

He said that Debbie met him and helped him through the window, but asked why he hadn't knocked. He said they began to have sex. And then he said, quote, "when I entered hex her vagina is all loose, it wasn't right."
"I instantly got up. The smell on her wasn't good."
"I said -- excuse me -- "you've been fuck'n, huh."
"And she says, no, I was crying and pacing -- no, "she
says, no."
"Then she said, I was crying and pacing."
"She performed oral sex on me."
"Then I found men's boxers on the bedroom floor."
"She says, it must be Claire, Lisa's friends."
"I'm really pissed,"
"My minds spin'n."
"We're walking out the door,"
"I get in the car."
"I see two boxes with cheep beer cans. I ask who's been dxak'r. She says Lisa and Claire."

The car is trashy. Beer cans on the floor. It's pissing me off. The lights broke. The ceiling upholstery is ripped. She's blaming the kids. The gear shift was broke. The air-conditioning was broke. All my tapes were gone.

Then I found a letter in the car to her from some guy, and he's talking about, quote, "I love the way you did this to me," close quote.

And this feeling came inside me, and she sees me ceading the note and all $I$ could picture was my lady in bed with someone else.

I grabbed her. Took ter in the house. And she's on the floor at the front door.

And that's when he started -- and the way I read it
was how it came out of him.
Then he started crying oncontrollably as he recollegted murdering his girifriend and told me, "she just laid on the flogr and eovered her face,"
"I still to this day don't remember everything I did to her."
"It happened so quick that 1 panicked and left."
And he was just crying.
Q. Did you draw any stgnificance from the way he told you the story?
A. It seemed representative of his -- of what occurred. I think he really went bananas, in layrpersons terms, and just, you know, had all of these thoughts, terrible thoughts rushing through his head, the car is a wreck. He sees a note, everything. He's worked up and all of these things are happening to him, and they are happening rapidly and he just snapped. And he snapped as bad as you can snap.
Q. Now, when James is describing all of this to you he tells you that he doesn't remember the actual act of killirg hex, Is that gongistent with what you know about James, or is it common in the population to have no memory of a very traumatic event?
A. Well, one of my maln areas of study is memory functioning and what people really remember and
what they don't. And, I mean, I know from clinical experience and the research literature it's consistent that if something rotten and terrible happens to you, it's burned into your brain, like a branding jron.

So everybody in the juxy, if $I$ asked you to remember sone really terrible thjngs that happened to you or really great exceptional things, you'd not only remember it, you'd know the smells and sounds and everything associated with it.

If you did something teririble, you'd still remember a bunch of it, but, naturally, you would want to repress and get rid of $I$ because it's 50 embarrassing and humiliating, and so unlike how you perceive yourself, that if you did sombthing terrible, like kill somobody, you would do everything in your power thereafter to as sopn as that thought or image came into your mind, to get rid of it and to go somewhere else, to the point where you would hopeful stait losing those memories of what you did a little more each time over time.

But you"d never forget. It would still be there and it could be boought back out, given good ques+ioning and the right type of situation,
Q. Now this act of Forgetting. is that a conscious decision that we make or js that something that gur brain does as a clefense mechanism by itself?
A. Both. I mean, your brain will do that sort of -- that ${ }^{\top}$ what it does to protect you. Ard you will probably be talking to yourself saying to yourself in words, I got to forget this, I can't -- I don't like it, I got to fotget this. So both a conscious and unconscious process pecurs.
(1. As far as the conscious process, would - is there any correlation with the ease of that and a person's Intelligence?
A. The smatter you are, the more you can think about finding a way to get rid of it, But the problem with being smart is it's harder to fool yourself, so it's like smarter people suffer more. It's a contra -- it doesn't seem to be -- it seems counterintuitive, but 1 can explain it in this way. I see lots of kids who mave lots of problems, and the ones with high IQs realize they have problems at a much younger age and become angry, oppositional, depressed, and anxious because they see they are different then they should be. They're not fulfilling their teachers desires ox their parents, so they notice it.

The kids who have 80 IQs, they're not unheppy, because they don't realize they should be doing better in school and things like that. So they're doing lousy, but they don't feel lousy.

It's one of the things i'll say to panenta, on the bright side, yes, your child has a 75 IQ, but the child isn't depressed, isn't anxious, loves you, you get along with then, and they're not suffering. so, look at the bright side.

So sometimes it's mot good being really smart, because you suffer a great deal more because you think more. $S 0$ it's sort of better in situations like this to be as dull as possible.
Q. Doctor, do you say that we all have the ability to make choices?
A. Of course.
Q. And would you call that possibly our free will?
A. Yes.
Q. Does everyone in this room have the same level of Eree will?
A. NO.
Q. Could you explain why not?
A. . Well, that's complicated. Everybody has free will, but if you are not so bright you have less free will because you hawe fewer adaptive skills, If you have a personality disorder where everything you perceive is distorted, then you have fewer opportunities to step outside the way you distorted view life and you sort of go
the same thing every time.
When someone looks at you a certain way, you get mad, then you feel angry. Then if you hawe had a drink You pick a fight, So there ace -- if you have ficiends, you have -- if -- the more comfortable and more normal Your life has been, the more adaptive and better off you are at making tough decisions as they come along.

The dullew you are intellectually the fewer nomal experiences you've had with your life the more you're addicted to dangerous diugs, et cetera, et cetera, you just go thmough all of these wariables the more likely it is that You canct -- that you are free will is much more limited.

So you can make a decision, but the decisions are fewer and they're not nearly as smart.
Q. So someone with a low 10 or a low verbal Jor that would effect their ability and free will?
A. Yes.
Q. Somebody from a difticult childhood, no parent figures, would that effect their free will?
A. It would make it hander for them to have the options avaiaable to someone who's lived a more normal childhood existence.
Q. Someone with constant drug user would that effect their free will?
A. Yes.
Q. And somebody that would be diagnosed with personality disorders, would that effect their free will?
A. By definition they're inflexible. They have very little flexibility in certain situations. It would definitely effect their free will.
Q. In your opinion does James suffer from all of those?
A. Yes.
Q. Finally, doctor, after your evaluation with James $\mathrm{in}_{\mathrm{i}}$ your opinion do you think James is truly remorseful for Debbie's death?
A. Well, I can't tell you what he's like now since $E$ haven't seen him in 11 years or so, but back then when you saw him he was definitely remorseful. I mean, he knew he did wrong. He was crying his eyes out. He knew he screwed up her life, his kids liwes, and his own life irreparably. How he is today, I have no clue.

MR. PATRICK: Thank you, doctot. That's all I have for right row, your Honor.

THE CODRT: Let's take a short recess before we get into cross.

JURY ADMONITION
During the recess, ladies and gentlemen,
$\therefore-\quad \therefore=-$
you are admonished not to converse among yourselves or with anyone else, includingr without linitation, the 1awyers, parties and witnesses, on any subject comected with this trial, or aing other case referred to curing it, or read, watch, or listen to any report of or commentary on the trial, or any person conmected with this trial, or any such other case by any medium of information including, without limitation, newspapers, felevision, internet or radio.

You are further admonished not to form or express any opinion on any subject connerted with this trial until the case is finally submitted to you.

We'll be in recess for about ten minutes.
Thank gou.
Anything outside the presence -- no.
NR. OWENS: No, judge.
THE COURT: We' 11 be in recess.
(Brief recess taken.)
THE COURT: Back on the record in
C-131341, State of Nevada versus James Chappell.
The record will reflect the presence of Mr. Chappell with his attorneys, the State's atterneys. We're in the presence of our jury.

We'll continue on with Dr, Etcoff's
testimony.

TRAN
CASE NO. C-131341

DEPT. NO. 3

- (


CuCLDONA:BESUTY
DISTRICT COURT
CLARK COUNTY, NEVADA

*     *         *             *                 * 

State of Nevada,
Plaintiff,
vs.
JAMES M. CHAPPELL,
Defendant.

BEFORE THE HONORABLE DOUGLAS HERNDON DISTRICT COURT JUDGE

MORNING SESSION
DATED: THURSDAY, MARCH 15, 2007

REPORTED BY: Sharon Howard, C.C.R. \#745



LAS VEGAS, NEVADA; THURSDAY, MARCH 15, 2007
PROCEEDINGS
$\star * * * *$

THE COURT: Anything outside the presence?
MR. OWENS: No, your Honor.
MR. SCHIECK: No, your Honor.
THE COURT: On the record in $C-131341$, State of Nevada versus James Chappell. The recorc will reflect the presence of Mr. Chappell with his attorneys, and the State's attorneys, outside the presence of the jury.

Last night I read back through at some statutes pulled out of the case you talked about, Mr. Schieck, Sherman vs. State, 114 Nevada 998 , as wel.l as a couple other cases -- Milton, 111 Nevada 900; Zane Floyd, 118 Nevada 156; Kaczmarek 120 Nevada 314 -- just looking at cases that dealt with penalty hearing issues and things of that nature.

I think that the normal statute that deals with sentencing hearings, normal sentencing hearing, it talks about family members giving victim impact testimony or relatives, also provides for the fact the court is not restricted from considering other reliable, relevant evidence.

So I think that that can be interpreted as, hey, you can consider whatever relevant eviderce you think is necessary to make an appropriate sentencing determination and that might include victim impact evidence outside the family.

But more importantly, the statute that governs first degree murder cases in penalty hearings, 175.522 specifically supercedes 176.015.

And as the Sherman case kind of outlines, it's up to the court to decide what's admissible at a penalty hearing in terms of aggravating and mitigating evidence as to the offence, the defendant, or the victim. All three of those things are specifically delineated.

Just from a general proposition, this is something that's really peculiar to Las Vegas. You have a lot of folks that live here and they don't have other family that lives here, so to the extent their death has an impact on this community, it's really through the close friends they have and co-workers, or in the way Mr. Owens referred yesterday, maybe it's teachers, coaches, and things of that nature that can provide some victim impact testimony as well.

So I think it's appropriate to have the testimony that's been provided so far. And to the extent there are other $\tilde{E}$ olks that have similar things, I would

MR. SCHIECK: That's, of course, subject to us continuing to object, if we feer it's inappropriate.

THE COURT: Understood.
MR. SCHIECK: And if the Court felt they were going too far, the court would stop them.

THE COURT: Absolutely. As I saio. yesterday, to the extent we get to something overly cumulative in this presentation, I'll cut it off.

MR. SCHIECK: Thank you, your Honor.
THE COURT: Back on the record in C-131341, State of Nevada versus James Chappell.

The record will reflect the presence of Mr. Chappell and his attorneys, the State's attorneys. We're in the presence of our jury. We're going to continue on with the State's case in chief.

The State may call its next witness.
MS. WECKERLY: Thank you, Judge.
The State calls Officer Osuch.
THE CLERK: You do solemnly swear the testimony you are about to give in this action shall be the truth, the whole truth, and nothing but the truth so


Q. Okay. And do you recall the nature of the call or why you were dispatched to that location?
A. It was a shoplifting call.
Q. You said it was at a Lucky store?
A. Yes, ma'am.
Q. When you got there had the store security officers already had someone in custody?
A. Yes, they did.
Q. And do you recall what you first did when you met up with the security officers and the suspect they had in custody?
A. Usually on a shoplifting call it's nothing really to get excited about. You just find out what you have, what they took, and hopefully -- if they ascertain any kind of identification at all. A lot of times you hope they do most of the work for you, make your job a little more easier. And they just advised they had one in custody for shoplifting and had some items outside the security office that he shoplifted.
Q. And what were those items that were shoplifted, if you recall, generally?
A. I believe candy, bubble gum. I believe a bottle of liquor. I couldn't recall which kind. That's what stands out.
Q. Okay. And did the store security officers
advise you, or did you ask the person who was in custody what their name was?
A. During when we were writing out the citation, I was in the same room with the shoplifter, and I asked him if he had any ID, which he stated he didn't. Then I asked, could you give me your name, date of birth, and soch (sic), so I can at least start my citation and do a records check.

At that time, before they had cell phones, I had to call in on a land-line through our records department.

He gave me the name Marnell or Morrell.
Q. Ivory Morrell?
A. Yes, ma'am. With the date of birth and his soch (sic). I ran his records and found no history of him whatsoever in the system with that name and date of birth.
Q. When you were responding, this was September 1st of 1995?
A. Yes, ma'am.
Q. Prior to your coming on duty that day or right when you came on duty that day had you been briefed about a homicide which had occurred at the Ballerina Mobile Home Park?
A. Yes, we had. I was assigned to a day shift unit under Sergeant Bill Yates. Our shift started at 6:45
a.m. -- in the morning. And the night before a situation -- homicide happened at the mobile home park up ir our area of command, pretty much my patrol district. He gave us a brief general description of the vehicle we were looking for and the suspect information.
Q. Were you a also given the victim's name, Debra Panos?
A. Not at that time. No, I wasn't.
Q. So you arrived at the Lucky store. You're given this name Ivory Morrell, and you try to establish whether or not there's any history associated with that name, correct?
A. Yes, ma'am.
Q. What happened after you did that?
A. I continued to try to ask what his rame was. There was no way I could find anything about this guy in the nationwide system, local system. Usually, if you have a shoplifter once, they -- it's usually not the first time they've done it.

I just went fishing, just went looking. There was a paraphernalia also that wasn't -- it wasn't in his custody, but it was with the items on that tray outside the office.

Not knowing that I could identify this guy at the scene, I was going to continue to issue him a citation for
the shoplifting, but the paraphernalia charge -- there was a glass tube, which people use to ingest crack cocaine, any kind of stuff that they can inhale -- I was going to take him to the city jail, book him on that charge, and this way at least we can get a fingerprint check.

It wasn't done as quickly back then as it is now, but at least try to get identification on him.
Q. Because -- did he have any identification on him?
A. No.
Q. Just gave you a name?
A. Yes.
Q. At the time, I think you mentioned that normally on a petty larceny, someone is issued a citation. Can you explain that for the jury?
A. They -- it's a misdemeanor citation, pretty much what you get in a traffic ticket. You go there. It's a misdemeanor crime. It's my discretion whether to arrest or to issue a citation. On a petit larceny, he was an adult, which means it's actually a citizen's arrest, so I just -- I write out the information, fill out the citation, list the items that was taken issue him a court date.

We had a guideline back then, usually it was a month down the line that he was issued a court date. I
have him sign a citation, not admitting guilt, only a promise to appear on that date and time for his court appearance.
Q. So a shoplifter typically isn't taken into custody. They're just given a citation to appear in court?
A. The majority of the time, yes, ma'am.
Q. But as you were responding on this particular incident, because you had questions about identification and that sort of thing, your decision was to try to arrest on the paraphernalia?
A. Yes, ma'am.
Q. What happened in terms of what you did next. Did you speak with the suspect?
A. I was trying to just get his name, but he was pretty adamant it was who he said he was. Of course, the interview --

THE REPORTER: (Requests the witness speak more slowly.)

MR. OWENS: Your Honor, could we have the court's indulgence. The equipment wasn't hooked up and we are going to need it in a moment.

THE COURT: Could you help with that.

THE LAAW CLERK: Absolutely.
BY MS. WECKERLY:
Q. Sir, I believe you were explaining that you had a verbal interaction with the suspect?
A. Being that we are in a room about the size of, maybe, the stand up here and where the young lady in front of me is, maybe a little bigger, you kind of start interacting with people. And just for the information I had before, I had a black male fitting the description with me, I just through it out there. I said, any idea, you know, maybe tell me what happened up the street at the Ballerina Mobile Home Park.
Q. So he fit the description of the horicide suspect?
A. Generally, yes, ma'am.
Q. So you just sort of --
A. Threw it out there. Nothing ventured nothing gained. At that time his demeanor started -- he got nervous. He got a little bit antsy in the seat. He was getting very fidgety. I should note at this time he was in handcuffs, because he was going to go to city jail on the paraphernalia charge.

He just, instead of being laid back like he was in the beginning, he now got very, very nervous.
Q. So prior to your mentioning the Ballerina Mobile Home Park he seemed relaxed not nervous?
A. Very relax.
Q. The demeanor changed after you mentioned that location?
A. Yes, ma'am.
Q. What happened after that?
A. I still -- I advised him I was going to take him to jail on the paraphernalia charge. It would be my arrest. I was still going to issue a citation for the petit larceny. That was already completed. And he asked me if I could give him a break, I said, no breaks. I really didn't know who $I$ had in front of me.
Q. When he was asking you to give him a break --
A. Not to go to jail.
Q. Okay.
A. I still didn't know who I had in frent of me. There was no way that I could identify this guy. And I figured going to the city jail, that's where the jurisdiction would have been within the city, I was going to take him to jail.
Q. Okay. Was there ever a point when you moved to a different part of the room to confer with one of the security officers?
A. To finish up my crime report, I had to step out. They had a little tray table on wheels that they had their stuff on. I went out there. I had to list the
items, list the price. Anything under $\$ 250.00$ is a misdemeanor, so I have to put that on the citation.

While I was outside I noticed, not a struggle, but a little disturbance going on on the inside. There was a young lady -- I can't remember her name -- security officer kind of in front of the gentleman that we had in the office. And I went in and she was going, he was just fidgeting around, and she went down and she picked up something underneath his chair. I said what was that.

Well, I thought maybe he was trying to discard dope, narcotics. That's usually what would happen if I turn my back, they try to get rid of whatever.

In this case it wasn't dope or narcotics, it was four cards and they happened to be social security cards.
Q. When you looked at those social sectirity cards, did that connect to anything for you?
A. That's very strange that somebody would have social security cards on them, not of his own ider.tity. Identity theft wasn't quite the issue then as it is now. I just sat there and went, better make a phone call.

My Sergeant Bill Yates, who briefed us earlier that day, had more information then $I$ had at the beginring of our shift. I called him and said do you happen, by chance, to have the name of the victim, and he mentioned
it was Panos.
I said, well, I have four social security cards with the last name Panos on them with individual first names.
Q. I take it he didn't have a social security card with the name Ivory Morrell on it?
A. No.
Q. These were all four different names. All

Panos. So you called your sergeant to ask the victim's name on the homicide?
A. Yes, ma'am.
Q. What were you told?
A. That panos was, indeed, the victim of a homicide. I said I think I have a little more then a shoplifting now. My next notification was to our homicide detail.
Q. Did the homicide detectives respond to the Lucky store?
A. Yes, they did.
Q. At that point were they in charge of the suspect?
A. Our protocol is at that point we have a ranking detective on scene, it's his case. So I just lay back in the background, if they needed someone to protect the crime scene, that would be me. I wanted to make sure
nobody enters the crime scene that didn't need to be there, that would be me. It wasn't actually a crime scene, but we did have the suspect there so we treated it as such.
Q. Do you recognize the man that was detained that day in the courtroom today?
A. Yes, ma'am. At the defendant's table.
Q. Is he on the side --
A. Black male wearing a sweater, shirt, tie, and glasses.

MS. WECKERLY: May the record reflect the witness has identified the Defendant.

THE COURT: The record will so refilect.
MS. WECKERLY: Thank you.
BY MS. WECKERLY:
Q. Sir, I'm showing you State Exhibit 55. Do you recognize those items?
A. Yes, ma'am.
Q. They're associated with the incident you were just speaking about?
A. Yes, ma'am.
Q. Can you describe for the members of the jury what's depicted in the photograph?
A. All right. Well, a set of car keys. obviously to a vehicle.

THE COURT: Can you move the photo a little to the left.

THE WITNESS: Thank you.
A couple of cylindrical tubes. Trat was gojng to be my paraphernalia charge. Looks like a pill. Couldn't tell you what it was. Maybe another tubc or something. If it's hollow, then he can ingest drigs. A lighter.

Part of a -- I'm going to assume it's a coat hanger, which would be like -- used as a pipe cleaner to clean out the tube that they were going to ingest their narcotic. And a top copy of a social security card.
Q. I'm showing you State's Exhibit 49. Is that how the defendant appeared on the date he was taken into custody on shoplifting?
A. Yes, ma'am.

MS. WECKERLY: I'll pass the witness, your Honor.

THE COURT: Mr. Schieck or Mr. Patrick.
MR. SCHIECK: Thank you, your Honor.
CROSS-EXAMINATION
BY MR. SCHIECK:
Q. Is it Officer Osuch?
A. Yes, sir.
Q. Officer Osuch, let me show you agairi what
has been marked a State's Exhibit 55. There is a black item. It's kind of cut off in the photograph. Was that associated with this arrest, or is that just --
A. I couldn't tell you, sir. I don't know what that might be.
Q. So we can disregard that as anything you recall being involved with this situation?
A. They had it out there for a reason, but I couldn't tell you what it is.
Q. And if I might, you referred to one cylinder that would be this -- this is the first one?
A. That looks more hallow. The darker color one, if it's hollow, that would be used also. But from this photo you can't tell.
Q. And the pill we see in the photograph, you don't recall whether that was aspirin or --
A. I couldn't tell you what it was, no.
Q. He wasn't booked on -- or you weren't consider booking him on possession of any narcotics?
A. No, sir.
Q. So is it fair to say that it probably wasn't a controlled substance or you would have included that in the charges?
A. It probably could have been. Let's say it is for argument sake. But for one pill, I wouldn't waste
the court's time or my time booking in one item for one pill.
Q. And these items were already out when you got there?
A. No, sir.
Q. You don't know what pockets they came out of?
A. No, sir.
Q. You said at one point you looked back while you were filling out your report and you noticed kind of a skirmish going on in the room where the defendant was at?
A. Yes, sir.
Q. Did you associate that later or was that associated later with anything to do with the social security cards?
A. Yes, sir.
Q. These items weren't laid out previous to that incident?
A. Well, obviously the social security card wasn't, sir, no.
Q. Okay. And did you pat-down the individual looking for weapons or anything of that nature?
A. Upon arrival, yes, sir, I did.
Q. You didn't find any weapons?
A. No, sir, I didn't.
Q. Other then the fact that the individual was not giving you a correct name, he wasn't struggling or uncooperative with you?
A. No, sir, not at all.
Q. And back -- we talk like it's a hundred years ago -- but back then, it's 1995, did you have the ability to -- from your location -- check his records or look at his scope or determine when he'd been released from custody or anything of that nature?
A. No, sir. If I had a computer operating that day, I had it in the car. But I'm not going to go out to the car to do -- and leave him alone. Once I get there, he's in my custody.
Q. And you didn't have any information, at least at that point, that would have allowed you to access your computer and find out anything anyway?
A. No, sir.
Q. Of the items that were there, to your knowledge, those were all the items the defendant had on him at the time of the shoplift?
A. Yes, sir.
Q. There was no money found?
A. No, sir. Not that $I$ recall. If there wasn't anything in impound, he had none.
Q. Back in 1995 when you were called down on a shoplifting incident like -- similar to this one, did you have the discxetion at that time to consider charging the individual with burglary if you felt he entered with the intent to commit a crime? Did you ever charge burglaries as opposed to petty larceny?
A. Only if the price of the items shoplifted exceeded the grand larceny limit, which is $\$ 250.00$.
Q. As you sit here today, you don't recall what items wexe included in the items that were trying to be shoplifted?
A. I couldn't give you a verbatim list, no, sir.
Q. You recall there was at least one bottle of liquor?
A. I remember liquor, candy, gum. Something sweet.
Q. When I say a bottle of liquor, I'm referring to a haxder liquor as opposed to a bottle of beer?
A. Yes, sir.
Q. Do you recall the size of the bottle?
A. A liter.
Q. A pretty good size bottle of liquor?
A. Something that could be hidden in pants. Yes, sir.

MR. SCHIECK: That's all I have.

THE COURT: MS. WECKERLY.

MS. WECKERLY: No, thank you.

THE COURT: No questions from the jurors. Detective Osuch, I appreciate your time.

THE WITNESS: Thank you, your Honor.
THE COURT: The State may call it's next witness.

MS. WECKERLY: We're going to call. Dina Ereeman.

THE COURT: Thank you.
THE CLERK: You do solemnly swear the testimony you are about to give in this action shall be the truth, the whole truth, and nothing but the truth, so help you God.

THE WITNESS: I do.
THE CLERK: Be seated. State and spell your name for the record.

THE WITNESS: My first name is Dina,
D-I-N-A. My last name is Richardson, $\mathrm{R}-\mathrm{I}-\mathrm{C}-\mathrm{H}-\mathrm{A}-\mathrm{R}-\mathrm{D}-\mathrm{S}-\mathrm{O}-\mathrm{N}$.

DIRECT EXAMINATION
BY MR. OWENS:
Q. You were formerly Freeman?
A. Yes.
Q. You are employed at the police department in Tucson, Arizona?
A. Yes, sir.
Q. How long have you worked there?
A. 23-and-a-half years.
Q. 23-and-a-half years?
A. Yes.
Q. What kind of job are you doing for the police department in Tucson?
A. Currently I am their training supervisor.
Q. What areas of the department are you trained in?
A. I.'m a trained 911 call taker and dispatcher.
Q. $\quad 911$ call taker and dispatcher, is that pretty much what you've done throughout your career with the police department?
A. Yes.
Q. What's the difference between a 911 operator and a dispatcher in your department there?
A. Our 911 call takers take 911 calls from citizens. And our dispatchers talk only to police: officers.
Q. That was how you met the victim in this case, Debbie Panos?
A. Yes.
Q. How long did you know her back around 1995, how long had you known her?
A. Around 5 or 6 years.
Q. What was her job in the police department?
A. She was one of our 911 call takers.
Q. So you had been working there for some period of time before she started working there?
A. Yes.
Q. Did you develop a relationship with her?
A. Yes, I did.
Q. And what was the reason she moved to Tucson there?
A. The reason she moved to Tucson.
Q. Yes.
A. She told me that her step father add emphysema really bad and so her step father and her mom moved to Arizona and she wanted to move to Arizona to be with her mom.
Q. Where was she from?
A. Lansing, Michigan.
Q. What was her living situation at the time you met her?
A. At the time $I$ met her she lived in an apartment.
Q. Did she have children?
A. Yes. She had two at the time I met her. Then she had a daughter during the time $I$ knew her.
Q. If you could, would you describe for us the relationship that you had and developed with Debbie over the time you knew her?
A. Initially it started out as a workirg relationship. And as time progressed we became pretty good friends.
Q. What would you do together?
A. We'd go to dinner, to movies. She'd come to my house. We'd just hang out, shop. We even took a vacation together once.
Q. How often would you see her?
A. Well, I saw her every day at work. But there was a time -- prior to her moving to Vegas, she was at my house every day.
Q. How was it that you found out about her murder?
A. The department -- the Tucson Police Department sent an officer out to my house to contact me and told me that she had been murdered. And to be aware if I hear any noises or anything, because they hac not located the suspect. And there was a possibility that he could be on his way to Tucson looking for me or her
mother.
Q. You or Debbie's mother?
A. Yes.
Q. So the police were concerned about your safety?
A. Yes.
Q. Was it a short time after that you heard he had been apprehended or caught in Las Vegas?
A. Yes.
Q. How did you know the defendant, Mr. Chappell?
A. I met him through Debbie.
Q. Did you meet him early on in your relationship with Debbie?
A. Yes. He would be sitting in the parking lot at our job to pick her up quite a bit. That's when she introduced me to him. I saw him at the kids' birthday parties.
Q. Did you spend time with him?
A. Not directly, no, other than at the birthday parties.
Q. So the time you were with Debbie, it was just Debbie?
A. Yes.
Q. What can you tell us about the defendant and
his lifestyle at the time?
A. Um, like I said, I didn't know him personally directly. I knew he called my house a lot. I was aware that he didn't work, because of the times he would call my house throughout the day, if Debbie was there. And I just knew what she told me.
Q. What was that?
A. I also knew more than that, because I worked at the police department so I knew what occurred when he was detained by police officers.
Q. You would hear about it?
A. Yes.
Q. We'll come back to that in just a mjnute. You mentioned that he would call your house looking for Debbie?
A. Yes.
Q. What was your assessment of that relationship, based upon what you saw?
A. My perception of it was he pretty much ran the relationship.
Q. He seemed to be a controlling individual?
A. Yes.
Q. What do you base that on?
A. I base that on pretty much what he vanted her to do is what she did. What he wanted her to buy is
what she bought.
Q. And you said you didn't know him to work or have a job?
A. Not that I was aware of.
Q. She worked at the police department. Did she have any other jobs?
A. I remember her working at a Sears. I don't know if it was a call center or something to that affect.
Q. You know how long she worked there?
A. I truly don't remember.
Q. Was that at the same time she was working for the police department?
A. Yes.
Q. You mentioned you took a trip with ker one time?
A. Yes.
Q. Where did you go?
A. We went to San Diego.
Q. Who went on the trip?
A. It was myself, my daughter, Debbie, and another person that we worked with by the name of Rosemary Pecheco, and another person named Angela Jackson.
Q. How long were you down there in San Diego?
A. It was three or four days. I can't remember
exactly.
Q. You made some purchases?
A. Yes we did. Debbie bought a lot of T-shirts for herself, her children, and also for James.
Q. What happened with the T-shirts?
A. When she got back home after she got home from work she told me that he had sold them all.
Q. When was it you became aware of the physical injuries that Debbie received? How did you find out about that?
A. Well, they where on her face so when she would come to work, or on her arms, or on her neck.
Q. How long had you known her before you started noticing those things?
A. It was immediately after she startec work. It was talk around the office, so to speak.
Q. Did she liry to cover up the injuries?
A. She did, with make-up.
Q. Where would they appear?
A. Usually on her face, her neck, or her arms.
Q. When you say her arms, what part do you mean?
A. Anywhere from here, to there. From the top of her arm to the bottom, below her elbow.
Q. What was the frequency in which you would see these bruisers and injuries?
A. Wow, often. Several times a month.
Q. Was it awhile before you were able to find out the facts behind how she was getting hurt like that?
A. Yes. It was probably about three or four months after I met her, when her and I started to talk.
Q. What did you find out?
A. She told me that she was being assaclted by her boyfriend.
Q. That is Mr. Chappell?
A. Yes.
Q. What did she tell you about that?
A. She told me that usually he would be high on drugs or wanting to be high on drugs, and if she didn't give him money or keys to her car, that they would end up in an argue and he would assault her.
Q. Did you have some conversations witt her about what she could do, did you try to give her ádvise? How did that -- those conversations progress?
A. Um, I didn't give her advise per se. I would tell her only what I wouldn't tolerate. And I suggested that she contact our department psychologist, who I know she did go to counseling.
Q. Did you notice any change in her based upon
the department counselor that she saw?
A. Not really.
Q. I would like to ask you about several specific instances and telephone calls that you had received or other situations you were aware of. There was one incident in ' 94 where she called you from a store?
A. Yes.
Q. Tell us what that was about?
A. She called my house about 2:00 in the morning, crying. Told me that she was at the grocery store at 22nd and Country Club. She asked me if I could come get her. I told her, no, because I couldn't leave my daughter alone at home.

I asked her what she was doing there, and she told me that James had driven her out there so that she could cash this check and the store refused to cash the check and that he had left her.

So she was stranded there. I asked her where her kids were. She told me they were home alone. I told her she needed to go back in that store, explain to that manger what was going on, and be honest with him. Tell him the truth. And she did that.

The manager then cashed her check. She called me back and told me that she would take a cab to my house to drop her money off. She got to my house around 3:00. She
dropped off her money and told me she was going home to her kids and she would talk to me later. And she did.

She told me that she needed to leave her money with me because if she went home with the money he would beat her up, and she needed to go to bed because she had to go to work in the morning.
Q. You remember the first phone call that you received from her that was during a fight?
A. No. I received a lot of them, so I couldn't tell you when the first one was.
Q. There is a particular one sometime in 1994, maybe the first half of the year, where you could hear the defendant's voice in the background?
A. Yes.
Q. He was making some kind of threat, do you remember that?
A. Yes, I do.
Q. What was that -- what happened there?
A. Um, he had just gotten back from Michigan. He had been there for a couple of months at that time. From what Debbie told me was that her older son had mentioned to him about some guy that she went out on a date with, and I could hear the defendant in the background calling her names. He was calling her bitches, sluts, whores and everything. And he told her that he
didn't care what she did, but she could not fuck around in front of his children or he would kill her.
Q. Is a what he said that he would kill her?
A. Yes. He said he would kill her ass, is what he said, actually.
Q. About August of 1994, there was a phone call where you also heard some demands or threats?
A. Yes. She called me from Vegas.
Q. Before the Vegas phone call. There was a phone call in August of '94, that would have been a couple of months before she went to Las Vegas?
A. Yes. She was still in Tucson.
Q. What did you hear there?
A. She told me he wanted some money or he wanted to take the car. She was trying to talk to me on the phone. I could hear him in the background. He told her that he wanted the car or he wanted some money or he was go to do an O.J. Simpson on her ass.
Q. What kind of tone was he using? What did he sound like through the phone?
A. He sounded angry to me. His voice was elevated.
Q. Who was he talking to?
A. He was talking to Debbie.
Q. Then you mentioned a minute ago that she did
make a move to las Vegas?
A. Yes, she did.
Q. How did that come about?
A. She told me that she was going to move here and she wanted to have a new start. She felt like if she brought him here with her that he wouldn't know anyone, therefore, he would get off the drugs and they would live happily ever after.
Q. So your sense of it was she was trying to help him out?
A. Yes, she was.
Q. After she came to Las Vegas you had a telephone call around Thanksgiving time?
A. Yes, I did.
Q. What happened during that phone call?
A. She called me and told me that she had made a Thanksgiving dinner. They were arguing, and he wanted her car keys. And I heard him say give me the car keys Debbie, or I'm going to do an O.J. Simpson on your ass.
Q. So it was the same thing you had heard essentially before?
A. Yes.
Q. Did you hear other voices in the background?
A. I heard the children in the background.
Q. What happened with these phone calls that you received? How long were you on the phone and how did they end?
A. Usually, it would end, I'd say Debbie, just give him the keys, then you don't have to worry about it. And usually she would. And there -- shortly thereafter, we'd get off the phone. She did have her children there, so usually our conversations lasted an hour or two.
Q. You were trying to be a friend to her?
A. Yes.
Q. Trying the help her make decisions that would protect her?
A. Yes.
Q. You talked to her about going to counseling?
A. Yes.
Q. You also offered to have her come stay in your home?
A. Yes.
Q. What happened there?
A. She would come often. As I said, stee would come to my house ever day. She'd spend the night. She would get up, she would go home, and then she'd go to work the next day. Sometimes she wouldn't spend the night. And other times she would.
Q. You said that there were things you would hear around the police department because you both worked there, and you were aware of James and his activities. Tell us about that.
A. Well, they would do traffic stops. And there was a time or two where I was the dispatcher. They would run his name. There was a time or two that I remember he had a warrant where he was arrested. And it was usually in what is considered a high drug activity area. And he would be in Debbie's car.
Q. When you came down to testify we asked you to bring a packet of information from the police department -- Tucson Police Department, with you?
A. Yes.
Q. These were certified documents of the arrests and criminal history of the defendant down in Tucson?
A. Yes. It was sealed. I didn't open it.
Q. That's your understanding of what that was?
A. Yes, that's my understanding of that.
Q. This included some incidents that you are aware of that you are talking about?
A. Yes.
Q. And that included domestic violence as well
as narcotics?
A. Yes, I would think so.
Q. Had you encouraged Debbie to contact the police during these incidents?
A. Yes, I did.
Q. What was the result?
A. Sometimes she would, other times she wouldn't.
Q. So besides the packet you brought down, there were a lot of other instances that she didn't call the police?
A. Yes.
Q. So there wouldn't have ben a record for those?
A. No.
Q. What was the impact of her death on yourself and the other people at work with you there at the police department?

MR. SCHIECK: Your Honor, I have an objection to relevance. Especially her testifying to the impact on other persons.

MR. OWENS: I'm referring to other friends and people she had --

THE COURT: Let's confine it to Ms.
Ereeman -- or Ms. Richardson, excuse me.

MR. OWENS: All right.
THE WITNESS: It was devastating for me.
I had day-to-day contact with her. We were friends. I mean, you know, I loved her, so it had a big impact. I talked with our department psychologist about it. It was devastating. It was devastating for my daughter. She kept this postcard all of these years that Debbie sent to her. It was an impact.

BY MR. OWENS:
Q. Does she still have the postcard?
A. She still has it today.
Q. Is there something that the department did to assist you?
A. Yes. The department assisted me. I also went to -- I went to a session alone and I attended a session with my work group. And we called it a debriefing where people got together and we got to talk about our feelings. I was a part of that.
Q. How many people attended that?
A. About 40 .
Q. People that were affected by the death?
A. Yes.
Q. What else?
A. We have a portrait that's hanging in our building in our briefing room that's in her honor.
Q. Was she well-liked down there?
A. She was.
Q. What kind of person was she?
A. Debbie was a very giving, kind person. She would give you the shirt off her back, if she could. MR. OWENS: That's all I have. THE COURT: Mr. Schieck or Mr. Patrick. CROSS-EXAMINATION BY MR. PATRICK:
Q. Ms. Richardson --
A. Yes.
Q. -- good morning. Back ten years ago you testified in the previous trial?
A. Yes.
Q. Prior to that you'd given a recorded statement to the police?
A. Las Vegas police, yes, I did.
Q. Did you have a chance to review that statement or the testimony that you gave?
A. Yes, I did.
Q. Now it sounds like you have worked for the Tucson Police Department for a very long time?
A. Yes, I have.
Q. The whole time you've worked with them it' been either as a dispatcher or 911 ?
A. Yes.
Q. So during the course of your employment you've heard people calling in with complaints about domestic violence?
A. Yes, I have.
Q. And you're aware how dangerous domestic violence incidences can be?
A. Yes.
Q. And that sometimes people can be killed in domestic violence incidents?
A. Yes.
Q. So you would never underestimate a comestic violence call as a 911 operator or dispatcher?
A. No.
Q. Now, you testified that Debbie made several calls to you regarding actions that James was doing that could be classified as domestic violence?
A. Yes.
Q. But after any of those calls, did you ever call the police?
A. No, I did not.
Q. Did you ever talk to James on the telephone?
A. No, not directly, except for when he called my house and I would give her the phone.
Q. But he would leave messages on your phone at home?
A. Yes.
Q. And some of the messages would include things like, I love you Debbie, please come home?
A. Yes.
Q. You mentioned that you saw James in person at some birthday parties?
A. Yes.
Q. That was with his and Debbie's children?
A. Yes.
Q. Any parties involving your daughter?
A. Yes. He did attend a party that involved my daughter.
Q. And did -- you and Debbie obviously talked about James' drug problem?
A. Yes, we did.
Q. And I believe you told Las Vegas Police Department it seemed like James was more violent when he was on drugs?
A. That is what she told me, yes.
Q. And you testified that you don't remember if James ever worked in Tucson?
A. Yes. I don't.
Q. But it is possible that he had jobs in

Tucson?
A. Yes, it's possible.
Q. And Debbie's parents, they lived in Tucson also?
A. Yes.
Q. Did you meet them?
A. Yes.
Q. Did you ever talk to them about James?
A. I talked to Debbie's mother about him.
Q. What was Debbie's mother feelings towards James?
A. I don't know. She never really showed any feelings towards James one way or the other. Her concern in our conversation was Debbie.
Q. Now, you testified that at one point James had moved back to Tucson -- or moved back the Michigan?
A. Yes.
Q. Then he came back?
A. Yes.
Q. Are you aware of the circumstances regarding James coming back to Tucson?
A. No, I'm not.
Q. Debbie never talked to you about these?
A. No.
Q. So you wouldn't know that Debbie paid for

James to move back to Tucson from Lansing?
A. I didn't know that.
Q. Or that Debbie never told you that she bought concert tickets to induce James to mave back?
A. No, she didn't.
Q. Were you aware that when James was in Michigan, Debbie flew back and visited him?
A. No, I do not.
Q. That in fact during that visit she got pregnant with one of their children?
A. No, I did not know that.
Q. When you went to San Diego on that trip, did you take -- did you all take your children with you?
A. The only person that took their children was me.
Q. Debbie didn't bring her three kids?
A. Debbie did not bring her children.
Q. Did she have two or three at that time?
A. She had two, I believe -- maybe three. She might have had three. And the other lady also had four. None of them brought their children. I only had one daughter that was older than their children that was more suitable to travel with us.
Q. Do you know where Debbie and James' kids were during that trip?
A. With James.

MR. SCHIECK: Court's indulgence. That's all I have.

THE COURT: Anything further, Mr. Owens.
MR. OWENS: No, your Honor.
THE COURT: Ms. Richardson, thank you for your testimony. You may step down.

MR. OWENS: Plaintiff may call their next witness.

MS. WECKERLY: May we approach?
THE COURT: Sure.
(Discussion held at the bench.)
THE COURT: Ms. Richardson, grab a seat real quick.

Quick question: To your knowledge did Debbie ever call 911?

I'm assuming you are talking about Tucson, correct?

IMPANELED JUROR: Yes.
THE COURT: Did Debbie ever call 911 in Tucson during their arguments with James.

THE WITNESS: Yes.
THE COURT: Mr. Owens, any questions based upon mine.

MR. OWENS: No. There's another jury
question.
Grab that for me. Mr. Patrick do you have nay questions based upon mine?

MR. PATRICK: No, your Honor.
THE COURT: Thank you.
Counsel approach.
(Discussion held at the bench.)
THE COURT: One more question. Did Debbie mention to you how often James was high and if he did drugs around her or the children?

THE WITNESS: Yes, she did.
THE COURT: What did she say in that regard.

THE WITNESS: She told me that he came home high and was arguing with her, and the kids were there. And that's what occurred on some of the phone calls we had.

THE COURT: Mr. Owens, anything.
MR. OWENS: There's one more.
THE COURT: When it's time, I need them all at once. You can't keep asking based on what somebody else asks.

Counsel approach, please.
THE COURT: Any questions based on those?
MR. OWENS: No, your Honor.

THE COURT: Mr. Patrick.
MR. PATRICK: No, your Honor.
THE COURT: Thank you.
Counsel approach.
(Discussion held at the bench.)
THE COURT: When Debbie would come and stay at your home do you know where her children were?

THE WITNESS: They were with James.
THE COURT: Okay. Mr. Owens anything.
MR. OWENS: No.
THE COURT: Mr. Patrick.
MR. PATRICK: No.
THE COURT: Thank you very much. You are excused, ma'am.

Ladies and gentlemen, we'll take a recess before we get to the next witness.

JURY ADMONITION
During the recess, ladies and gentlemen, you are admonished not to converse among yourselves or with anyone else, including, without limitation, the lawyers, parties and witnesses, on any subject connected with this trial, or any other case referred to during it, or read, watch, or listen to any report of or commentary on the trial, or any person connected with this trial, or any such other case by any medium of information
including, without limitation, newspapers, television, internet or radio.

You are further admonished not to form or express any opinion on any subject connected with this trial until the case is finally submitted to you.

We'll be in recess for a few minutes.
Thank you.
(Brief recess taken.)
THE COURT: Back on the record in
A-131341, State of Nevada versus James Chappell.
The record will reflect the preserce of Mr. Chappell with his attorneys, the State's attorneys, in the presence of our jury.

Ladies and gentlemen, we're going to call a witness out of order in the defense case in chief.

Mr. Schieck.
MR. PATRICK: Thank you, your Honor. We call Dr. William Danton.

THE CLERK: You do solemnly swear the testimony you are about to give in this action shall be the truth, the whole truth, and nothing but the truth so help you God.

THE WITNESS: I do.
THE CLERK: Be seated. State and spell your name for the record.

THE WITNESS: William Danton,
$\mathrm{D}-\mathrm{A}-\mathrm{N}-\mathrm{T}-\mathrm{O}-\mathrm{N}$.
DTRECT EXAMINATION
BY MR. PATRICK:
Q. Good morning, Dr. Danton.
A. Good morning.
Q. Could you explain to us how you're currently employed?
A. Yes. I'm in private practice in clinical psychology. I also teach for the University of Nevada School of Medicine in Reno.
Q. How long have you been doing this?
A. Since 1975 I have been teaching at the University. I was a chief of health at the Mental Health Hospital -- VA Hospital in Reno. I retired four years ago.
Q. Could you give us an idea of your educational background?
A. Yes. Undergraduate degrees from California State University at Northridge, graduate degree in clinical psychology form University of Houston, Houston, Texas.
Q. You mentioned that you were in charge of the program at the VA Hospital?
A. Correct.
Q. Could you kind of give us a little more information on your professional experience?
A. Sure. Well, specific to this case, back in the 80s, I got involved in VA's problem with violent patients and developed a program and establish a behavioral emergency committee for dealing with individuals that -- patients that were problematic in the hospital setting.

Started teaching at the medical school, medical students on how to deal with those kinds of issues.

Produced some media for the $V A$, regional equcation videos on violence and suicide. And I've done an anger management group at the VA. I did an anger management group at the VA for fifteen years, primarily domestic violence referrals from the courts.

And in my private practice now, I continue to work with children's protective services. I do parental fitness evaluations, and many of those are domestic violence cases.
Q. Are you a member of any professional organizations?
A. I'm a member of the American Psychological Association. Also I'm board certified from the American Board of Professional Psychology.
Q. And have you been published in any journals
or written any books?
A. Yes.
Q. Explain a few of those, briefly.
A. Most of my research is in the area of comparing medication treatment of anxiety, depression with psychotherapies. And I've done a number of lectures however in the area of violent patient, issues of anxiety, stress control that sort of thing.
Q. And you're licensed in Nevada?
A. Nevada and California.
Q. And California. And I believe you also mentioned that you were a professor at UNR?
A. Yes.
Q. Is that in the school of psychology or the School of medicine?
A. School of medicine.
Q. What kind of subjects do you teach?
A. Violence is my main lecture. I also lecture on hypnosis -- medical hypnosis.
Q. And right. Now your practice is in clinical psychology?
A. Correct.
Q. Could you kind of explain a little about what that entails?
A. Sure. Private practice, clinical
psychology, most of the people that we see are for anxiety and depression, also issues of domestic violence, both victims and perpetuators. That's been most of my practice.
Q. Have you had the opportunity to observe and evaluate individuals with learning disabilities?
A. To a limited degree. I'm not a neuropsychologist. I didn't do a lot of that work, but I do evaluate.
Q. But you have with individuals regarding domestic violence?
A. I have.
Q. And you've had -- have you had a chance to evaluate individuals that have been charged with serious crimes?
A. Yes.
Q. Now have you been previously qualified as an expert in a court of law in Nevada?
A. Yes.
Q. Do you know which courts?
A. Washoe County.
Q. Do you have an estimate as to maybe how many times?
A. Probably say maybe ten to fifteen times. Some of those are custody cases, child custody cases.
Q. Now, Dr. Danton, we -- I asked you to come and testify today. And I provided you some materials before you came down last night?
A. Yes.
Q. What materials were available for you to review for this case?
A. It was a review of facts of the case, and a report by Dr. Etcough (ph) a neuropsychologist.
Q. And did you have the opportunity to talk with James?

Q. When was that?
A. Last night. I talked to him for about 2 hours.
Q. Did you talk to him at all about the report that you had from Dr. Etcough (ph)?
A. Tendentially. I didn't directly address that.
Q. Dr. Danton, let's start by, if you could explain to the jury what the circle of domestic violence is and how that works?
A. Although there's a fair amount of dispute about that, that's a bit of the loaded question. But, typically as it's understood there is an escalation to violence as coercive power, trying to control a situation,
or have power, that's usually followed by a period of apology and remorse, and where the parties reconcile, and then the abuse starts over again with whatever dynamic is feeding that.
Q. In a typical domestic violence relationship, which party would be controlling the finances or the money in the relationship?
A. Well, that is one of questions that we teach medical students in primary care to ask, is who controls the finances. And that's a fairly critical question that identifies an abusive relationship.
Q. Who typically controls that?
A. Typically the abuser in the relationship.
Q. Now we talked this morning about the motorcycle syndrome. Could you explain that to the jury.
A. Sure. This is actually a concept that was proposed by an analyst some years ago, but it has a lot of explanatory power I think for what happens in some relationships.

The -- what he wrote about was that -- and this is particularly prevalent in young girls. They may have a cold or distant relationship with their fathers, iff their fathers aren't emotionally available. And they want love and attention, but they get to a point where they just give up trying to get that and say, to heck with i.t, I'm
not going to try.
And the issue then the denial results in ar unconscious need being established where there is a need for love and approval, but it's not consciously recognized.

So the result of that and why it is called the motorcycle syndrome, is that they made seek out cold, distant men, paradoxically, because it is a need to need it, not a need to have it.

So what happens then in that sort of relationship is young girls may hang out with motorcycle gangs, for example, where they're treated very, very poorly, but they're compelled to keep trying to convert these guys or make them into nice guys and make them love them.

The part of this that makes it a syndrome i.s if one of those men ever should convert and say, gosh, she really is a nice woman and I really love her and I want to be with her, she may become the rejector at that point.

Because it's not a need for love and affection, it's a need to need it. So that sometimes explains these cycles in relationships that don't seem to make any sense to the rest of us, where somebody says that they really want love and affection, but when they get it, they go the other direction.
Q. And is any of this -- did you see ary of
this in -- from talking to James in his relationship with Debbie?
A. Well, it is James' contention that their relationship started that way, that he wasn't particularly interested and had to be kind of coaxed into it. But then he became extremely dependant on her as the relationship progressed.
Q. Okay. Now how would drugs or drug use fit into all of this?
A. Well, to make sense of that you have to go back to his personality characteristics. In Dr. Etcough diagnosed him at a borderline personality. These are individuals who have great instability in relationships. They're extremely sensitive to abandonment. Often have abandonment in their early histories. So that is a big issue for them.

And sometimes you see in with that kind of pain people medicate with drugs intentionally or unintentionally, but they feel more comfortable when they're high or drunk or whatever.

So am I getting back to the original question.
Q. You're doing fine. Would -- and in general cases or James case, would drugs maybe be used to control emotions?
A. Yes.
Q. Could you explain, maybe in James -.. well you know about James, how that would work?
A. Just the threat of abandonment or loss could be so intense for him -- as to other emotions as well, not necessarily just that one-- that he would be prone to using drugs to zone out.
Q. Would these emotions, would they be more acute if he was sober?
A. Yes.
Q. So this is maybe an escape mechanism?
A. Yes, A poor coping skill.
Q. And we talked a little about, I think you had five -- a list of five reasons why an abused person would go back into abusive relationship or stay in a abusive relationship. Explain those to us.
A. I think I was talking about why sex may have occurred with those reasons, but, you know, the most frequent reason that $I$ hear from people -- and we're all curious about why people stay in these relationship, and probably everyone in the courtroom has at least an acquaintance that stayed in a relationship that wasn't good for them.

Why do people do that. And the most frequent reason that they give me is because $I$ love him or her. And I don't know what that means always. Sometimes I
think it truly is sort of love the abuser, hate the abuse kind of thing. So that's one reason why people give that they stay in these relationships.

I think it's deeper dynamics though. I try to describe that with the motorcycle syndrome. I never did examine Debbie Panos, so I don't know if that was the nature from her perspective. I just have what James told me.

Do you want me to go into the reasons?
Q. Yes, please.
A. All right. These are questions I ask myself about why she might be willing to have sex with ham under these circumstances, and the ones I came up with -- number one was, reconciliation or forgiveness, which is what I just described where somebody feels that they are in love with somebody and that they really want the relationship to work and they haven't given up on it yet.

That doesn't fit terribly well in this case for me, but it was one hypothesis.

The second one was guilty. That she had had relationships with other men and felt guilty about that and wanted to somehow apologize for that to him.

The third was appeasement. That she felt threatened by his presence and wanted to appease him to decrease the threat of the situation, and therefoze, went
ahead with offering sex.
The fourth was learned helplessness. That's a psychological concept some people think explains human depression. These experiments go back to a man named Selicman, who put dogs in -- shut them in boxes and shocked them. It's a pretty cruel thing to do, but the experiment showed that after awhile the dog would stop trying to escape from the chamber. And even if you open the door to allow the dog to escape, it wouldn't try anymore. And he thought that that was a model for depression.

So a possibility is that there was learned helplessness that she simply didn't feel like, what's the difference, what can $I$ do, other than this.

The only issue about that is if there were affairs with other men, that doesn't fit well with that hypothesis.

Of course the other hypothesis is forced. He forced her to have sex.
Q. After talking with James, I think you touched on this, but in your professional opinion what is the most likely of those choices?
A. Given the information $I$ have, I think guilt appeasement makes the most sense.
Q. In Dr, Etcough's report it mentions that he
gave James an Iq test?
A. Yes.
Q. And can you -- I know you didn't give the test, but from Dr. Etcough's report, what opinions do you get from those Io tests?
A. He tested at 80, I think, which is a very low end of the low normal range of intelligence. A couple of standard deviations down. So that suggests that his ability to reason and perhaps verbal skills ability to verbally reason with another person or not very good.
Q. Would this characterize James as somebody who would be willing to sit down and talk things over?
A. He would probably get frustrated trying to do that.
Q. And from talking to James and knowing that he had this, how does this kind of fit in with the sexual relationship between James and Debbie?
A. Well, according to James that was typically how they reconciled after they had spats -- fights.
Q. Would be to make up by having sex?
A. They had a good physical relationsh:p, but a very poor communication relationship.
Q. Does that fit in with what you know about James?
A. Yes.
Q. What can you tell us about James? You touched on this a little bit, can you expand about James' fear of abandonment?
A. He lost his mother I think when he was two. Didn't have a father figure. His grandmother, although she was there for them, had lots of kids to take care of and was into corporal punishment. So he didn't have any male role models in the household.

So all of that kind of stacks the cards. An early loss like that, it has to do with the establishment of trust versus mistrust. That in very young children, you know, as they're bonding to their mother, that normally happens at 18 months to 2 years, and things can go wrong with that where the mother is not there anymore a: of a sudden. And the result of that is abandonment anxiety, which is a reoccurrence of the same kind of anxiety you see in children that age that go into overwhelming fits of rage or overwhelming fits of despair.

Anyway, theoretically what happens in borderline personality is that there's a problem with that bond at an early age, trust never gets established, and the person becomes very dependant on external anchors to feel okay. The anchor outside has to sooth them because they're not capable of soothing themselves on the inside. They don't have that ability.
Q. All of this, would that make James more of a dependant personality type, do you think?
A. In this case, yes.
Q. Did $\rightarrow$ now if, as you said, after talking to James you kind of came to the conclusion that James and Debbie had more of a physical then a verbal relationship, is that correct to characterize it that way?
A. That's his contention, yes.
Q. And that sex would be used as a way to maybe placate James or make things better, or could you kind of explain what you learned about that from James?
A. Just what you said, that he would -- they would use sex as a way of soothing things.
Q. Would it be your opinion that Debbie could use sex to calm James down if he was angry?
A. Yes.
Q. Would it be your opinion that she would do that voluntarily?
A. Well, that depends on what you mean by voluntarily. But if what you mean by that is if there was no immediate coercive threat, meaning he wasn't saying do this or this is going to happen, and we draw the line on somebody responding to an implied threat, I worry about this guy getting upset with me, so I'm going to have sex with him, then I would say that it would be voluntary.
Q. And this would probably work better than trying to sit down and rationally discuss it or talk it out?
A. Yes.

MR. PATRICK: Court's indulgence.

THE COURT: Okay.
MR. PATRICK: That's all I have. Thank
you, doctor.
THE COURT: Ms. Weckerly.
MS. WECKERLY: Thank you.
CROSS-EXAMINATION

BY MS. WECKERLY:
Q. You mentioned the items that you reviewed in preparation for your testimony?
A. Yes.
Q. I believe you said you reviewed a summary of facts of the case?
A. Yes.
Q. Who was that prepared by?
A. That was prepared by the opposing attorneys, defendant's attorney.
Q. Was that a -- something that they had written themselves or was that police reports and that sort of thing?
A. It was their summary of facts.

Q. Have you read any police reports in this case?
A. No.
Q. Any witness statements?
A. I have not.
Q. And the other thing you -- did you read the autopsy report?
A. No.
Q. Have you reviewed the autopsy photos?
A. No.
Q. Have you reviewed any of the prior incident domestic violence reports?
A. No.
Q. And the other thing $I$ think you said you reviewed was Dr. Etcough's report?
A. Correct.
Q. And I believe he, in his report, indicates that he interviewed the defendant?
A. Yes.
Q. You mentioned that you met with the Defendant and that was the last -- last night that you met with him?
A. Yes.
Q. Ihat was for about 2 hours?
A. Correct.
Q. Have you ever met with him prior to that?
A. Never.
Q. Had you interviewed him by phone prior to that?
A. No.
Q. So you only meeting with him, as you sit here now, was the 2 hour meeting last night?
A. That's correct.
Q. You mentioned that there's sort of a cycle of domestic violence generally speaking?
A. Yes.
Q. And that starts with someone being abusive or coercive or trying to control another person?
A. Well, it's a cycle of violence. Where it starts is debatable, but you could start anywhere on that circle.
Q. Would you agree that until there's an act of violence --
A. It would require that.
Q. So it starts with someone being abusive to another person?
A. Correct.
Q. Perhaps there is a period where they are not abusive, and the abuse starts up again?
A. Yes.
Q. In your preparation for your testimony, you talked about domestic violence in general. Did you review any of the witness statements that describe the history of the relationship between the defendant and Debra Panos?
A. No.
Q. Did you review any reports at all that
discussed prior incidence of domestic violence and how they occurred over a certain time period?
A. No. Just what he described to me.
Q. What the Defendant told you?
A. Correct.
Q. And you didn't review anything else to see if what he was telling you was accurate?
A. I haven't had time to do that. I saw him last night at 10:00 o'clock.
Q. So it's possible you received information that may more or may not be accurate?
A. Yes.
Q. You mentioned that some young women have the motorcycle syndrome?
A. Yes.
Q. I guess this is a way -- or sort of what they do is hook up with men that are mean to them?
A. Yes, or distant. More to the point distant or cold. Not emotionally there for them.
Q. And the reason -- or the basis for that is they have some sort tenuous connection to their father?
A. Typically they have a poor emotional bond with their father early on. Not just women, by the way, there are men.
Q. You mentioned that it's Mr. Chappell's contention that Debra Panos was like this?
A. No. It's his contention that early in the relationship he was more distant, and that he then came to want to be with her more, that he became more dependant on her, that that role reversed over time.
Q. Is he the one with the syndrome, or is she the one with the syndrome?
A. He is the one with the borderline personality. So it's sort of a perfect storm. Because he is going to be sensitive to abandonment, so when she is moving away from him he's going to panic about that and want to pull her back in. But when he does that and becomes dependant, she'll want to push him away. If indeed that's the case with her.
Q. That was sort of my question. Did you ever interview her family members to find out what her childhood was like?
A. No.
Q. Did you interview her friends to find out
what her other relationships were like?
A. I have not.
Q. Did you ever review any of her school records, try to get psychological reports, or even sort of first-hand acts from friends about how she viewed things?
A. No. And that's why I'm saying I'm rot making a diagnosis of her here, because $I$ haven't interviewed her. It's just a hypothesis.
Q. You said in a typical domestic violence relationship typically it's the abuser who controls the finances?
A. Typically.
Q. Would you agree with me that there is a difference between being the wage earner and controlling where the money is spent?
A. Yes.
Q. And it's possible to force money out of someone who's actually earning it?
A. Yes.
Q. So then you're the one in control, even though you're out making money?
A. What I'm talking about is in many domestic violence relationships it is pathonumonic for the person who is the abuser, since their issue is one of control, to
try to control everything, including what happens to all the money in the relationship. I don't have any opinion about whether she did that or not. Again $I$ didn't: interview her.
Q. Would returning items of furniture or selling property that belonged to either Debra Panos or her children in order to get money for himself be a way of controlling money in that relationship?
A. It would -- I suppose it would depend on the intent. If it was to buy drugs, no. If it way to control her and what she did and what she could do, yes.
Q. It's a means of controlling the situation, isn't it?
A. I'm not clear.
Q. It's a means of Mr. Chappell deciding how things are going to be played out in that relationship, a way of him controlling Debra Panos because she didn't have control over her own money?
A. If there was a method to that, where, you know, she would bring home money put it in a bank account and he would take money, or consistently sell property just to control the relationship, I would agree with that. But if the primary intent was to buy drugs, that might be a different intent.
Q. You mentioned that controlled substances are
a means for people to feel better and sort of medicate themselves into a sense of calm or something of trat nature?
A. Yes.
Q. That would be true for people who are outside of domestic violence relationships, would it not?
A. Yes.
Q. A lot of people use drugs and they'xe not abusive?
A. True.
Q. So that's not necessarily a unique diagnosis in this situation?
A. No.
Q. You talked to Mr. Patrick about the ways that sex could occur, consensually, in this situation?
A. Well, the ways that it might have occurred in this situation.
Q. And that the first one you mentioned is because the victim loves the abuser?
A. Yes.
Q. And that would assume that the victim wasn't over the relationship. I assume some domestic violence victims decide to leave relationships and don't want to be involved with the person anymore?
A. I tell patients love isn't necessarily a good reason to be in a relationship, or to be married. Because it can be based on all the wrong reasons. So she could still -- or anybody could still love somebociy and decide not to be in the relationship anymore.
Q. And that person could also decide that they don't want to have sex with that person?
A. Yes.
Q. You also said that another possible reason is for guilt or unfaith -- guilt because they fell they have been unfaithful to the person?
A. Yes.
Q. And than you said it's a way to appease or decrease a threat?
A. Yes, I did.
Q. Those seem like to same thing to me, Can you explain the difference?
A. Guilty, a feeling of having done something that wronged this person and wanting to make that up to them. Appeasement, in terms of wanting to decrease the fighting or the threat value of the situation. So $I$ see them as different motives.
Q. And in your estimation you think that this situation, based on what you heard from the Defendant, not reading the police report, not talking to her friends, and
not reviewing the autopsy photos or anything else, falls into one of these two categories?
A. That made the most sense.
Q. Did the defendant give you or speak to you about what happened on any of the prior incidence of domestic violence?
A. Yes.
Q. What did he explain happened during the time that he broke Debbie Panos' nose?
A. I believe that was the incident where he threw a cup at her.
Q. What did he say he did?
A. He said that he walked out of the kitchen, they were arguing, that he threw a cup at her and turned around and walked back into the kitchen.
Q. What did he say the argument was about?
A. I don't remember.
Q. Did you ask him at all what it was about and you don't remember, or did he not offer an explanation?
A. More a matter of having a limited amount of time and wanting to -- I wanted to ask him about previous incidents of domestic violence just to get the nature of what those were.
Q. So they had an argument and he threw a cup at her and somehow her nose got broken?
A. It was broken. But I think there was a laceration he described also. He said he then called 911.
Q. He said he called 911?
A. Yes.
Q. And did he say where he was when 911 came to assist Debra Panos?
A. Again, I didn't go into that in great detail.
Q. Did he say that she was lying out on a gurney while he sat inside watching television?
A. No.
Q. So I guess that issue, or that one incident wasn't resolved with sex, it was resolved because the police came, right?
A. Well, it sounds like it was resolved because she was taken to the hospital.
Q. Right. Right. It wasn't deescalated by some sort of sexual encounter?
A. Right.
Q. How about the incident, did he describe an incident where he had choked Debra Panos enough to leave finger marks on her neck?
A. I believe he did mention that.
Q. And what did he say was the issue on that
occasion?
A. I don't recall.
Q. Did he mention whether or not the police responded on that occasion?
A. I -- all I remember is that there were like four incidents of domestic violence. He described in some detail the cup incident, and this other incident, and a couple of incidence in Tucson where he lost control.
Q. Did he mention and incident where he threw her on a bed, got on top of her and held a knife to her neck?
A. I believe he did.
Q. What did he say that was about?
A. He didn't.
Q. Would that have been important in your analysis of the dynamics of the relationship?
A. Well. if I had time to get into that it might be important, but as it was $I$ was just trying to get a summary of the domestic violence incidents that occurred.
Q. Did he say how that incident resolved itself?
A. No.
Q. Do you know whether or not the police responded to the trailer on that occasion to assist

Debbie?
A. I don't.
Q. Would it surprise you that they did respond. They were called by a friend of hers and the officers responded?
A. No.
Q. So that's another instance where she didn't use sex to deescalate a situation or appease him, instead she wanted the police called?
A. $\quad$ She called the police?
Q. She asked a friends to call the police, and they responded. So that would be different than I'm going to have sex and make everything okay, would it not?
A. Right.
Q. Okay. You mentioned that there were some results of $I Q$ testing that you read about in Dr. Etcough's report?
A. Yes.
Q. You didn't perform any independent testing of your own, did you?
A. No.
Q. Those are based on his findings alone?
A. Yes.
Q. Nothing new has been done?
A. No.
Q. Did he describe to you what occurred on the day that he stabbed Debra Panos to death?
A. Yes.
Q. What did he say happened?
A. May $I$ refer to my notes?
Q. Sure.
A. I'd asked questions about what happened on that day, and he said that there had been some kind of mix up with probation. That he was supposed to have been remanded, I guess, to substance abuse treatment program, and instead was released on his on recognizance.
Q. Did he tell you about that mix up, what it was exactly?
A. That is all, what $I$ just said.
Q. He just said it was a mix up. He didn't say that he promised to report somewhere by $1: 00$ o'clock and he didn't?
A. No.
Q. No. He didn't say that. Okay. What happened next, according to him?
A. That he went to a friend's house after he left the jail. The friends had been incarcerated and wasn't there. He drank two large beers. That he called the house and she wasn't there.
Q. Did he say he called the house from the
friend's house or somewhere else?
A. He did not say.
Q. Okay.
A. That he called the house and thought she wasn't there. That he went over there, and he didn't have a key and was used to getting into the trailex though a broken window.
Q. When he said he got in through a broken window, did he explain why that was the case?
A. He said he didn't have a key, and he didn't believe she was there.
Q. Did he say she didn't want him to have a key, and she didn't want to let him in the house?
A. He did not.
Q. Okay. Did he say that was a normal way or just the way he was allowed to come in the house?
A. That's what was described to me.
Q. That was just sort of -- she didn't want him to have a key, but somehow, in her mind, it was fize if he'd keep coming in through the window?
A. I don't know.
Q. What happened -- what did he say happened next?
A. That he climbed through the window and she was there, that she met him there.
Q. What was her reaction, according to the Defendant when she saw him alimbing through the window?
A. She helped him in through the window and according to him she was not wide-eyed with surprise or anything.
Q. She seemed happy to see him, did he say that?
A. He didn't say happy.
Q. Not wide-eyed, not surprised, not scared?
A. That's all he told me was she was not like frightened or wide-eyed to have him coming through the window.
Q. You didn't review the testimony of someone by the name of Mike Pollard, did you?
A. No.
Q. Would it surprise you that shortly before Debbie Panos arrived home she was shaking and in a ball on this person's couch at the prospect of the Defendant being out of custody or upon learning he was out of custody?
A. Would that --
Q. Would that surprise you that that's been described as what occurred in this case, that once she learned he was out of custody she was extremely fearful and shaking?
A. Well, I hadn't heard that before.
Q. That's quite a bit different, wouldr't you agree, then just acknowledging that he's climbed through a window?
A. Yes.
Q. What did he say happen next?
A. That he came in and began to argue with her about her seeing other men.
Q. And what did he say? How did he argue with her?
A. That he asked about these male acquaintances and that she was -- his description was, she was elusive with me, that she wouldn't be pinned down about whether or not there was anything going on. She sort of denied there was any physical relationship going on with the other men.
Q. So she answered him, but not with conveying information?
A. Which in his mind made him more agitated because he strongly suspected something was going on and wasn't hearing that.
Q. What room did he say this was occurring in?
A. He didn't.
Q. What did he say happened next?
A. That she started talking about the children,
that she came over and put her arm around him and started talking about let's do this, and let's do that, that we need --
Q. When you say let's do this and let's do that, what are you talking about?
A. Well, like get the kids and --
Q. So she was suggesting to him -- according to the Defendant -- let's both leave here together and go get those kids?
A. The picture I got was she was trying to say, look, this is going to be all right. Let's talk about this, let's talk about that.
Q. That's what he told you?
A. Yes. That she put her arm around him and according to him initiated sex, that she started kissing him and she initiated the contact.
Q. And somehow, although he was concerned that she was seeing other people and that she had been vague about whether she was seeing other people, he responded to this, her initiation of sex?
A. Well, again, this hinges on the idea that this was an MO in this relationship, that this is how this worked.
Q. And that's based on what the Defendant told you?
A. Based on what the Defendant said.
Q. Go ahead.
A. So at any rate -- let's see, so -- yeah, exactly. He said that the relationship had been repeatedly healed by physical attraction. They wexen't good communicators.
Q. Did he give an example of any time that occurred ever, that the relationship was healed by sex rather then the police being called or her runninc to a friend's house?
A. My sense was that that was ongoing in this relationship.
Q. So he never gave a specific instance ever in the whole two hours of this was a fight --
A. We weren't talking about this specifically for the whole two hours. But in the time $I$ asked him that, he didn't give me an example.
Q. That's sort of the critical issue?
A. It became a critical issue, yeah.
Q. So I think we left off where he's telling you that she is initiated sex with him?
A. He goes on to describe that she suggested his favorite sexual position, that he became suspicious that she had had sex earlier.
Q. Why was he suspicious?
A. In the report it says, because of the condition of her vagina and the smell.
Q. So he said that he perceived a difference based on senses?
A. Based on his senses. So he stops having sex with her, and she offers fellatio, which she then completes.
Q. Can I stop you there. If he's so upset and so prone to be upset about her being unfaithful, why wasn't there an outburst or some discussion or something right when he discovered that there was physical evidence of her being unfaithful?
A. I think there was in the sense that he stopped having vaginal intercourse with her.
Q. And you said they started having oral sex?
A. Again, if it goes back, it hinges or this
idea that this is how she chronically appeased him in these situations where he would get upset.
Q. Did he mention whether or not during or right after he discovered or thought he discoverec that he felt different to him during sex that he had his hands on her throat?
A. Did he say that to me?
Q. Yes.
A. No.
Q. He didn't talk about that. Did he talk about ever doing that during this encounter?
A. During this encounter, no.
Q. Never talked about having his hands on her throat holding her down on the couch?
A. No.
Q. Keep going.
A. All right. So he went to the bathroom to clean up, and she was on the phone calling the day care center at that point.
Q. Did he say why she was calling the day care center?
A. To arxange to pick up the children.
Q. Did he say whether or not she was asking the day care worker for help?
A. He didn't.
Q. Didn't talk about that, her whispering, please, help me.
A. No. They -- he was still upset and arguing, and I guess Debbie asked the person at day care to call her back. And when she called back it's my understanding that the scene was calm, that there wasn't active arguing, or she didn't hear arguing at that point.
Q. And according to the Defendant were things calm then?
A. He was still upset.
Q. So was he calm, or not calm? What does that mean?
A. I guess that means he's not calm.
Q. How was me not calm. Is he yelling at her?

Is he throwing things at her? Is he hurting her?
A. I don't know the answer to that.
Q. Did you ask him about that? If he's still upset did you ask him how was it that you were displaying to Debbie Panos you were upset about her potentially being with someone else?
A. I asked him to describe for me what happened, This was his description of what happened.
Q. And he didn't give you any details about how he might have been upset or how he was displaying his dissatisfaction with her?
A. Other than to say that he continued to be upset with her, no.
Q. Then what did he say after he -- I think you said he had oral -- she asked him if she could give him oral sex, but then he's still upset afterwards when she is calling the day care.

What happened next?
A. Then what he told me was that they left to go pick up the kids, and when they got in the car he
noticed that things were askew. The car had been messed up. There were beer cans in the car. And there was -- he didn't tell me this, this was in the report that $]$ received. What he told me was he found a sexually explicit letter.
Q. What did he say happened with the letter?
A. He went into a range.
Q. So he said he read the letter, then what happened?
A. He recalls dragging her back into the house, throwing her down inside the front door.
Q. When he was dragging her back in the house, how did he get her out of the car?
A. I don't know.
Q. Did you ask him?
A. No.
Q. So somehow he told you he dragged her back in the house. Did they go in the front door or the side door?
A. I believe it was the front door at the time. I didn't know there was a side door.
Q. Ihere's two doors into the house. Cne is sort of the back door or porch area. One is the front door to the trailer. And he didn't say?
A. No.
Q. Did you ask him?
A. No.
Q. What did he say happened after he was back in the house?
A. That he through her down on the floor. That he blacked-out, he doesn't remember what happened after that. And when he nicked him or cut himself. that somehow brought him back to the scene, and than he: remembers looking down and seeing her in a pool of: blood.
Q. Let me get this straight. He remembers leaving $P \& P$, under a mix up. And he remembers going to a friend's house he went to. And he remembers drinking a beer there. And then he remembers going -- that rie made a phone call to see Debbie. You remembered that. Then he remembers going through a window into the trailer where Debbie was. And that she discovered him and was rot upset to see him.
A. Yes.
Q. And that they had some discussion and then there was a sexual encounter, he remembered all of that.
A. Yes.
Q. He remembered that she asked if she could give him oral sex?
A. Yes.
Q. And then he remembers that there was two calls to the day care, or one call out to the day care and one returned call. He remembered that.
A. Correct.
Q. And he remembered that the two mutually decided that they were going to leave and go to day care. He remembered that.
A. Yes.
Q. And he remembered getting in the car?
A. Yes.
Q. And he remembered he saw a note that upset him?
A. Yes.
Q. And he remembered that he got Debra Panos back inside the house?
A. Yes.
Q. But he doesn't remember how he killed her?
A. Yes.
Q. That was his statement to you?
A. Yes.
Q. But then he remembers right after she's laying there dead. Did he mention to you how many times he stabbed her?
A. No.
Q. Did he mention to you where he got the knife
that he used to stab her with?
A. No.
Q. Did he mention to you that he cleaned himself up in a bathroom inside the trailer after he stabbed her. Did he remember that?
A. I believe he did say something about cleaning himself up later at this -- when he was taking the bicycle back. He made a statement about, as he was describing this, that I remembered I had to take the bicycle back because they would be pissed.
Q. So he remembered that detail too?
A. Yes. Which seems odd.
Q. Yes, I agree with you there.
A. Yeah.
Q. Did he mention to you how Debra got a really large contusion or bruise or her ear?
A. No.
Q. Did he mention to you how she got an abrasion on her chin?
A. No.
Q. Did he mention to you how she got bruises all up and down her arms?
A. No.
Q. How about the bruise on her leg?
A. No.
Q. How the stab wounds hit her groin area?
A. No.
Q. How about a stab would to her on her stomach?
A. He didn't mention any of those things.
Q. And just his statement, I don't remember any
of that?
A. Yes.
Q. So that's the part where he blacks out?
A. I had another murder case where I was an expert where that same thing happened, so it does happen.
Q. That's a common thing?
A. Not common, but it happens. Certainly it happens with war veterans as well, they black out.
Q. You mentioned that he said what he did after, or he wakes up or come out of the blackness and notices that Debra Panos is in front of him and she's been injured. Did he mention whether or not he got on the phone to call for assistance for her?
A. No.
Q. That had to be pretty shocking to see her in that condition, right, this person he supposedly cared about?
A. Yes.
Q. Did he mention whether he ran for help, a next door trailer at all and tried to give her any kind of assistance?
A. I believe he said he didn't.
Q. Because she was obviously injured and he didn't know how it happened, right?
A. Well, I think he knew he had done $i=$. He was on top of her and there was blood all over him.
Q. What did he say he did after that?
A. He said that he went to ride the bicycle and it had a flat tire, and so he couldn't take it back. And I believe he put the bicycle in the trunk of $--I$ believe it's her car, and than drove back over to take the bicycle to his friend's house.
Q. Did he say where he got the car keys Erom?
A. No.
Q. So he leaves in her car. He can remember that?
A. Yes.
Q. Where did he go?
A. Back to take the bicycle back to the people he had taken it from.
Q. Then what did he do?
A. He was in a panic. He saw that there was blood on the steering wheel. There was blood in the car.

He couldn't believe --
Q. He said there was blood inside the car?
A. I believe he did.
Q. On the steering wheel and where else?
A. Just around the inside of the car.
Q. A lot of blood?
A. He said there was quite a bit of blood.
Q. Okay.
A. And that he was surprised when the Eriends came out when he was going to give them the bicycle that they didn't notice that. That he found a rag and got moisture from the ground and wiped off the bicycle and returned it to them.
Q. He got moisture from the ground?
A. A pool of water that was nearby.
Q. Like an actual swimming pool?
A. I'm sure it's probably a puddle of water from the driveway or what have you.
Q. Then what did he do?
A. Wiped off the bicycle. He said that he -let me refresh his memory here. He was sobbing.
Q. Did he mention that he rented her car out to people at the apartment complex to make a little money for himself that night?
A. He did mention that he went to the apartment
complex where he knew there to be an abandoned apartment and that he got some drugs and alcohol. He didn't say how he accomplished that. And that he sat there and aried most of the night, realizing what happened.
Q. Not before he negotiated the rental of her car?
A. Well, again, that may have been the behavior on his part to acquire drugs to stop all of this.
Q. And the actually shoplifted a couple of items that night and went door to door selling them and negotiated about the price, not withstanding all this grief he had?
A. Yes.

MS. WECKERLY: COurt's indulgence, please.

THE COURT: Okay.
MS. WECKERLY: Nothing further.
THE COURT: Mr. Patrick.
REDIRECT EXAMINATION
BY MR. PATRICK:
Q. Doctor, you did ask James about his previous history of domestic violence with Debbie?
A. I did.
Q. He was -- was he very forthcoming as to these events?
A. Yes.
Q. Do you have any reason to believe that he would not be telling you any specific events of domestic violence?
A. In fact he volunteered an event from his youth during that questioning.
Q. Now, as -- you didn't have a very long talk with James. You didn't have a chance to perform any tests. The test performed by Dr. Etcough, they would be more of what we call a neuropsych?
A. Correct.
Q. That is not what you do anyway?
A. Correct.
Q. Reviewing Dr. Etcough's report before you talked to James, was what he told you last night consistent with what Dr. Etcough mentioned he told him?
A. Yes.
Q. Did you find any inconsistencies between the two?
A. Just in a couple of items which were probably just inadvertent omissions. Like why he was in jail for example. One report says something to the affect he was there for shoplifting, and another report says he was there for domestic violence. And apparently he was there for both. So that sort of thing. But other than
that, $I$ didn't find anything.
Q. So you asked James about what you thought were perceived inconsistencies?
A. Yes.
Q. And he was forthcoming and explaining them to you?
A. He was.
Q. Now the day of the stabbing, it sounds like James -- the first thing he did when he got out of custody was go find drugs or alcohol or whatever?
A. Yes.

MS. WECKERLY: Objection, The witness said he went to go have a beer.

MR. PATRICK: Well, alcohol is a drug. THE COURT: Well, there's a distinction between drugs and alcohol. BY MR. PATRICK:
Q. He went to get a couple large beers?
A. Yes.
Q. That fits in his whole drug-dependant personality?
A. Yes.
Q. It would be, as you testified that's what he does to alleviate pain?
A. Yes.
Q. Then I believe Ms. Weckerly asked you about any specific instances where Debbie would use sex to placate James instead of being involved in a domestic violence incident?
A. Yes.
Q. And you were aware they had three kids?
A. Yes.
Q. So it was very possible that those three times sex was used instead of domestic violence?

MS. WECKERLY: Objection. Calls for speculation.

MR. PATRICK: It calls for an opinion, your Honor.

THE COURT: I'll sustain the objection. It does call for speculation. BY MR. PATRICK:
Q. Were you aware if Debbie was ever pregnant besides those three times?
A. According to James, she was pregnant six times.
Q. Now also Ms. Weckerly went into great pains about every minute little detail of what happened the day James got out of custody. Was it your intent -- you -we'd already told you that James had been convicted of the murder, correct?
A. Correct.
Q. So we weren't asking anything about the actual murder because that's not what we're here for today.

MS. WECKERLY: Objection, leading.
THE COURT: Well, I'm going to overrule the objection. You can answer the question.

THE WITNESS: No, I was told to basically
look at the nature of their relationship and form an opinion about that based on the information I was given and my interview with James.

BY MR. PATRICK:
Q. So was it important to you to know every minute detail of what happened at that point in $t$-me?
A. I believe that it had been stipulated that he had killed her.
Q. So you weren't asking James for every minute details of the killing?
A. Correct.
Q. Now, the story that James gave you about when he came in through the window, and there was some discussion, some sex, more discussion, more sex. That really fits into our whole domestic violence circle about the appeasement and the fact that Debbie and James would use sex instead of talking to solve problems?

MS. WECKERLY: Objection, leading.
THE COURT: I'll sustained the objection at this point.

MR. PATRICK: You may answer.
THE COURT: No.

THE WITNESS: No I may not.
MR. PATRICK: My fault.

BY MR. PATRICK:
Q. You testified that James had a low IQ?
A. Yes.
Q. And because of that they had a physical relationship?
A. Well, they didn't have a relationship based on good verbal communication, so it was more physical, yes.
Q. And would -- what -- how James described the actions between the two of them when he came in the window, does that make sense to you? MS. WECKERLY: Objection, vague. MR. PATRICK: All right. THE COURT: Rephrase that.

BY MR. PATRTCK:
Q. As you explained the relationship of using sex instead of words to solve their differences, did what James describe to you that happened when he came in
through that window, is that consistent with your --
A. It's consistent with the rest of the data I have, yes.
Q. Now, you were starting to answer a question about people blacking out and a lot of work that you have done with the veterans?
A. Yes.
Q. Would you like to finish that and tell us about that other case, your work with veterans? MS. WECKERLY: Objection, relevance. THE COURT: I'll sustain the objection as to bringing in the issue of another case. I don't know exactly what you are going into with regard to veterans. You can ask another question.

BY MR. PATRICK:
Q. Could you describe the condition of the fact that James blacked-out and doesn't remember everyt:hing that happened that day?
A. How would that make sense psychologically speaking?
Q. Yes.
A. Disassociation, which is common in traumatic instances such as war, other kinds of trauma. Without going into details about another case, there -- I was involved in one where a person had no memory of the
crime.
MS. WECKERLY: Your Honor, I'd object at this point in time.

THE COURT: I don't want you to go into describing other cases about things. Describe what applies to Mr. Chappell and what your opinion is. THE WITNESS: All right. So I'm familiar with disassociation working with a number of people who have been through traumatic situations, war, and so forth, where sometimes they don't remember. In fact, that is one of the diagnostic criteria for post traumatic stress is that they may have memories of events that happened. BY MR. PATRICK:
Q. Is that necessarily a conscious decision or not conscious decision?
A. There is a difference between suppression and repression.

Suppression is where someone says I don't want to think about that, so $I^{1} m$ not going to think about it. I'll put it out of my mind.

Repression is thought to be an unconscious mechanism that happens to a person. They don't intentionally forget it it just isn't there because they can't stand having the idea in their mind.
Q. What do you know about James in your opinion, which would describe him?
A. It would be more likely that it would be repression on his part.
Q. Then after the killing of Debbie, James went and found drugs?
A. Correct.
Q. Now, going back to using drugs as a way to escape the pain and reality, is that -- do you find that consistent with James' personality?
A. Yes.
Q. Is it -- would you say that he would do whatever it would take to find money to buy drugs?
A. I don't know how far he would go, but the records suggest that he would go pretty far.
Q. And that's not surprising to you?
A. No.

MR. PATRICK: That's all, your Honor.
THE COURT: MS. Weckerly.
MS. WECKERLY: Thank you, your Honor.
RECROSS-EXAMINATION
BY MS. WECKERLY:
Q. You read Dr. Etcough's report?
A. Yes.
Q. You agreed with his findings and his
analysis?
A. Yes.
Q. Are you aware that he has also testified in this case about this sort of timing of memory loss or suppressing the exact time of the murder is an easy way out for people to explain their actions?
A. It certainly could be.
Q. And it could indicate that the person is not being entirely candid?
A. Yes.
Q. And it could also indicate that they're selectively remembering things for their own benefit?
A. Yes.
Q. And that could be occurring in this case, as well?
A. Yes.
Q. In your conversations with the Defendant?
A. Yes.

MS. WECKERLY: Thank you.
THE COURT: Mr. Patrick, anything
further.
MR. PATRICK: No, your Honor.
THE COURT: Thank you.
Hold on, sir. All right. Grab those,
please, sir.

Counsel approach.
(Discussion held at the bench.)
THE COURT: First off, in your opinion do you think that Mr. Chappell blacked-out?

If you have enough information to answer take question.

THE WITNESS: I would be more on the side that they did, because I don't believe that he's sophisticated enough to have constructed the rest of the story that he told me about that time, about -- there was a consistency to what he said that fits with that.

Although I have to, in all honesty, I don't have enough data to conclusively say he blacked-out. There is testing that could be done that might esfablish that, but I haven't done it.

THE COURT: Secondly, in this style of relationship is it possible that sex would be used to heal the relationship after the police were called on domestic violence?

THE WITNESS: Absolutely. That is a pretty frequent occurrence.

THE COURT: Thirdly, did Mr. Chappell mention whether or not Debbie was alive or dead after the black-out?

THE WITNESS: He -- his words were, she
was -- I knew he was very, very badly injured. That sounded like denial to me.

THE COURT: All right. Mr. Patrick, do you have any questions based on mine?

MR. PATRICK: No, your Honor.
THE COURT: Ms. Weckerly.
MS. WECKERLY: Just one.
BY MS. WECKERLY:
Q. You're aware that Dr. Etcough testified that is was his opinion that the Defendant did remember what he did?
A. No.
Q. He was asked --

MR. SCHIECK: Objection, your Honor. This is outside the facts of evidence of this point. Dr. Etcough will be here.

MS. WECKERLY: Well, he was asked if he reviewed that.

THE COURT: Overruled. Answer the
question.
BY MS. WECKERLY:
Q. He was asked in a prior proceeding by the prosecutor, "but you're also aware of the opinion that to some extent he probably did remember what he did?

And the answer on page 66 from Dr. Etcough's
testimony was, yes.
A. Yes.
Q. So he did say that?
A. In his opinion, yes. MS. WECKERLY: Thank you.

BY MR. PATRICK:
Q. There was nothing there that specifically said he remembered what -- that he didn't black-out, just that he may have not remembered -- what -- he remembered -- James did tell you he remembered a great deal about that day, correct?
A. Yes.
Q. So what -- that question doesn't necessarily relate to what we're talking about those black-outs?
A. Sorry.

THE COURT: Which question are you
referring to?
BY MR. PATRICK:
Q. Ms. Weckerly was making the point that what Dr. Etcough said was that James didn't black-out, but you don't know - - we need to read the rest of the testimony for you to make --
A. To my knowledge no tests were done that might specifically speak to that question. So he was expressing an opinion not necessarily based on testing
results. This kind of trauma is horrible under any circumstances. When a perpetrator might realize what they've done, I don't imagine anyone would want to remember having committed that act.

So the question is is this person intentionally putting this out of his mine, I just don't want to remember this, or is this just something that makes it all go away. Does the person go into a dissociative state during the actually killing, and then come back to their senses again.

Again, that doesn't take away responsibility for the death, but it may mean that they're not able to report the events that occurred during the actual stabbing and so forth.
Q. As a licensed psychologist, is your opinion exact same of every other licensed psychologist that you know?
A. No.

MR. PATRICK: Thank you. That's all I have.

MS. WECKERLY: Nothing else.
THE COURT: Doctor, I appreciate your time. You're excused.

THE WITNESS: Thank you.
THE COURT: We'll go ahead and take a
lunch recess.
JURY ADMONITION
During the recess, ladies and gentlemen, you are admonished not to converse among yourselves or with anyone else, including, without limitation, the lawyers, parties and witnesses, on any subject connected with this trial, or any other case referred to during it, or read, watch, or listen to any report of or commentary on the trial, or any person connected with this trial, or any such other case by any medium of information including, without limitation, newspapers, television, internet or radio.

You are further admonished not to form or express any opinion on any subject connected with this trial until the case is finally submitted to you.

We'll be in recess. Be back at 2:15 and we'll get started. Thank you.

I, the undersigned certified court reporter in and for the State of Nevada, do hereby certify;

That the foregoing proceedings were taken before me at the time and place therein set forth; that the testimony and all objections made at the time of the proceedings were recorded stenographically by me and were thereafter transcribed under my direction; that the foregoing is a true record of the testimony and of all objections made at the time of the proceedings.


```
#745 1:43,
    107:27.
$250.00 15:1,
    22:8.
'9 34:10.
'94 32:6.
100 3:21.
10:00 66:15,
    66:15.
111 4:16.
114 4:15.
118 4:17.
120 4:17.
156 4:17.
175.522 5:8.
176.015 5:8.
18 3:8, 61:13.
1975 49:13.
199 21:7, 25:2,
    33:11, 34:6.
1995 7:15, 9:18,
        22:1.
1:00 76:16,
    76:16.
1st 9:18.
2 53:13, 61:13,
    64:24, 65:7.
22nd 32:11.
23 3:13.
23-and-a-half
    24:5, 24:6.
2:00 32:9, 32:9.
2:15 106:16,
    106:16.
3 1:3.
314 4:17.
3:00 32:25,
    32:25.
40 3:14, 39:20.
49 3:18, 18:13.
5 25:4.
55 17:16, 19:1.
6 25:4.
63 3:19.
66 103:25.
6:45 9:25, 9:25.
7 3:7.
8 60:6.
80s 50:4.
900 4:16.
```

911 24:13, 24:15, 24:19, 24:21, 24:21, 25:6, 40:25, 41:13, 45:16, 45:20, 73:3, 73:4, 73:6.
92 3:20.
99 4:15.
< A >.
A-131341 48:10.
a.m. 10:1.
abandoned 92:1.
abândonment 56:14, 56:15, 57:3, 61:3, 61:15, 67:16.
ability 21:8, 60:9, 60:9, 61:25.
able 31:4, 105: 12 .
abrasion 88:19.
Absolutely 6:10, 12:24, 102:20.
abuse 54:3, 58:1, 65:24, 76:10.
abused 57:13.
abuser 54:13, 58:1, 68:11, $68: 25,70: 20$.
abusive 54:11, 57:14, 57:15, 65:12, 65:20, 65:24, 70:10.
access 21:16.
accomplished 92:3.
According 60:18, 76:20, 78:1, 78:4, 80:7, 80:15, 83:24, 95:19.
account 69:20.
accurate 66:13, 66:17.
acknowledging 79:2.
acquaintance 57:21.
acquaintances 79:10.
acquire 92:8. act 65:17, 105:4.
action 6:24, 23:13, 48:20.
actions 4i:16, 97:17, 101:6.
active 83:22.
activities 37:3.
activity 37:9.
acts 68:5.
actual 91:16,
96:3, 105:13.
actually 1.1:20,
17:2, 34:5,
54:16, 68:19,
92:9, 105:9.
acute 57: 5 .
adamant 12:16.
add 25:16.
address 5::17.
admissible 5:10.
admitting 12:1.
admonished 47:19, 48:3, 106:4, 106:13.
ADMONITION 47:17, 106:2.
adult 11:20.
advise 9:1, 31:19, 31:21.
advised 8:17, 14:5.
affairs 59:16.
affect 29:9, 93:22.
affected 39:21.
affection 55:19, 55:23.
afterwards 84:21.
age 61:17, 61:21.
aggravating 5:11.
agitated 79:18.
ago $21: 7,34: 25$, 40:12, 49:16, 54:17.
agree 65:17, 68:14, 69:22, 79:2, 88:13.
agreed 100:25.
ahead 6:2, 59:1, 81:2, 105:25.
alcohol 92:2, 94:10, 94:14, 94:16.
alive 102:23.
alleviate 94:24.
allow 6:1, 59:9.
allowed 21:16. 77:16.
alone 21:13, 32:13, 32:19, 39:15, 75:22.
already 8:7, 14:8, 20:3, 95:24.
Although 53:22, 61:5, 80:17, 102:12.
American 50:22, 50:23.
among 47:19, 106: 4.
amount 53:22, 72:20.
analysis 74:16, 101:1.
analyst 54:17.
anchor 61:23.
anchors 61:22.
Angela 29:23.
anger 50:12, 50:13.
angry $34: 21$, 62:15.
Answer 84:7, 96:7, 97:4, 98:4, 102:5, 103:19, 103:25.
answered 79:16.
antsy 13:17.
anxiety 51:5, 51:7, 52:1, 61:15, 61:16.
anybody 71:4.
Anyway 21:17, 61:19, 93:12.
apartment 25:25, 91:23, 91:25, 92:1.
apologize 58:22.
apology 54:2.
apparently 93:24.
appear 12:2, 12:5, 30:19.
appearance 12:3.
APPEARANCES 2:1.
appeared 18:14.
appease 58:24,
71:13, 75:8.
appeased 82:17.
Appeasement 58:23, 59:24, 71:20, 96:24.
applies 99:6.
appreciate 23:5, 105:22.
apprehended 27:8.
approach 45:10, 46:6, 46:23, 47:4, 102:1.
appropriate 5:3, 5:23.
approval 55:4.
area $7: 24,10: 3$, 37:10, 51:4, 51:7, 85:23, 89:1.
areas 24:11.
argue 31:17, 79:6, 79:8.
arguing 35:17, 46:15, 72:14, 83:19, 83:22, 83:23.
argument 19:25, 72:16, 72:24.
arguments 45:21.
Arizona 24:2, $25: 18,25: 18$.
arm 30:25, 80:1, 80:14.
arms $30: 12,30: 21$, 30:22, 88:22.
Around 15:8, 25:2, 25:4, 30:16, 32:25, 34:1, 35:13, 37:2, 46:10, 72:15, 80:1, 80:14, 91:5.
arrange 83:13. arrest 11:19, 11:20, -2:11, 14:7, 19:3.
arrested 37:8.
arrests 37:16.
arrival 20:24.
arrived 10:9, 78:17.
ascertain 8:14.
askew 85:1.
asks 46:22.
aspirin 19:16.
ass 34:4, 34:18, 35:19.
assault 31:17.
assaulted 31:9.
assessment: 28:17.
assigned 7:16, 9:24.
assist 39:13, 73:7, 75:25.
assistance 89:20, 90:3.
assisted 39:14.
associate 20:14.
associated 10:11, 17:19, 19:3, 20:15.
Association 50:23.
assume 18:9, 70:22, 70:23. assuming 45:17. attend 42:13. attended 39:15, 39:19.
attention 54:24.
attorney 63:21.
attorneys 4:10,

4:11, 6:17, 6:17, 48:12, 48:12, 63:20.
attraction 81:5.
August $34: 6$, 34:10.
autopsy 64:7, 64:9, 72:1.
available 53:5, 54:23.
aware 26:22, 28:4, 29:4, 30:8, 32:5, 37:3, 37:23, 41:6, 43:20, $44: 6$, 95:6, 95:17, 101:3, 103:9, 103:23.
away 67:17, 67:19, 105:8, 105:11.
awhile 31:4, 59:7.
-
$\langle\mathrm{B}\rangle$.
background 16:24, 33:13, 33:24, $34: 16,35: 24$, 35:25, 49:18.
bad 25:17.
badly 103:1.
ball 78:17.
Ballerina 9:22, 13:10, 13:23.
bank 69:20.
base 28:23, 28:24.
Based 28:18, 31:25, 45:23,
46:3, 46:21,
46:24, 71:3,
71:24, 75:22,
80:24, 81:1,
82:4, 82:5,
96:10, 97:13, 103:4, 104:25.
basically 96:8.
basis 67:1.
bathroom 83:8, 88:4.
beat 33:4.
became 26:8, 30:8, 56:6, 67:10, 81:19, 81:23.
become 55:18.
becomes 61:22, 67:19.
bed 33:5, 74:10.
beer $22: 19$, $85: 2$, 86:14, 94:13.
beers 76:23, 94:18.
began 79:6.
beginning 13:22, 15:23.
behavior 92:7.
behavioral 50:6.
behind 31:5.
believe 8:22, 8:22, 13:1, 42:18, 44:19, 51:11, 63:16, 64:17, 72:10, 73:24, 74:12, 77:11, 85:20, 88:6, 90:4, 90:12, 90:12, 91:1, 91:3, 93:2, 95:1, 96:15, 102:8.
belonged 69:6.
below 30:25.
ben 38:13.
bench. 45:12, 46:7, 47:5, 102:2.
benefit 101:12.
besides 38:9, 95:18.
better 15:21, 62:10, 63:1, $70: 1$.
bicycle 88:8, 88:10, 90:10, 90:12, $90: 13$, 90:21, 91:10, 91:12, 91:20.
big 39:4, 56:15.
bigger 13:5.
Bill 9:25,

15:22.
bixth 9:6, 9:13, 9:16.
birthday 27:17, 27:20, 42:8.
bit 13:17, 27:16, 53:23, 61:2, 79:1, 91:7.
bitches $33: 24$.
Black 13:7, 17:9, 19:1, 89:15.
black-out 102:24, 104:8, J.04:20.
black-outs 104:14.
blacked-out 86:6, 98:17, 102:4, 102:13.
blacking 98:5.
blackness 89:17.
blacks 89:9.
blood 86:10, 90:8, 90:25, 90:25, 91:2, 91:6, 91:7.
Board 50:23, 50:24.
Bonanza 7:20, 7:25.
bond 61:20, 67:3.
bonding 61:12.
book 11:4.
booked 19:18.
booking 19:19, 20:1.
books 51:1..
borderline 56:12, 61:19, 67:14.
bottle 8:23, 22:14, 2:2:18, 22:19, 2:2:21, 22:23.
bottom 30:25.
bought 29:1, 30:3, 44:4.
boxes 59:5.
boyfriend 31:10.
break 14:9, 14:12.
breaks 14:9. Brief 10:4, 48:8.
briefed 9:21, 15:22.
briefing 39:25. briefly 51:3. bring 37:12, $44: 16,44: 17$, 69:20.
bringing 98:12.
broke 72:9.
broken 72:25,
73:1, 77:7, $77: 8$.
brought 35:6, 38:9, 44:21, 86:8.
bruise 88:16, 88:24.
bruisers 31:2.
bruises 88:21.
bubble 8:22.
building 39:25.
bureau 7:18.
burglaries 22:5.
burglary 22:4.
buy 28:25, 69:10, 69:23, 100:13.
$\langle\mathrm{C}\rangle$.
C-131341 1:2, 4:8, 6:15.
cab 32:24.
California 49:19, 51:10, 51:11.
called 15:24,
16:9, 22:1,
28:3, 32:6,
32:9, 32:23,
34:8, 35:16,
39:16, 41:24,
55:6, 73:2,
73:4, 75:4,
75:9, 75:10,
76:23, 76:25,
77:4, 81:9,
83:21, 102:18.
calling 33:24,

33:24, 41:3, 83:9, 83:11, 84:22.
Calls 6:22, 24:21, 32:4, 36:1, 41:16, 41:19, 46:17, 87:2, 95:10, 95:12.
calm 62:15, 70:2, 83:22, 83:25, 84:2, 84:2, 84:4, 84:5.
candid 101:9.
candy 8:22, 22:16.
cans 85:2.
capable 61:24.
car 17:24, 21:12,
21:13, 31:16,
34:15, 34:17,
35:18, 35:18,
37:10, 84:25,
85:1, 85:2,
85:13, 87:9,
90:13, 90:15,
90:17, 90:25,
91:2, 91:5,
91:22, 92:6.
card 16:6, 18:12, 20:20.
cards 15:14,
15:15, 15:17,
15:19, 16:2,
20:16, 61:9.
care 34:1, 54:9,
61:6, 83:9,
83:11, 83:15,
83:20, 84:22,
87:2, 87:2,
87:6.
cared 89:23.
career 24:16.
cases 4:16, 4:18,
5:7, 50:19,
52:25, 52:25, 56:23, 99:5.
cash 32:16,
32:16.
cashed 32:23.
categories 72:2.
caught 27:8.
cell 9:9.
center 29:8, 83:10, 83:12.
certain 66:8.
Certainly 89:14, 101:7.
CERTIFICA:E 107:1.
CERTIFIED 37:15, 50:23, :07:3, 107:8.
certify 107:9.
chair 15:9.
chamber 59:8.
chance 15:25, 40:18. 52:13, 93:8.
change $31: 25$.
changed 15:1.
Chappell 1.:17, 4:9, 4:1.0, 6:15, 6:17, 27:11, 31:11, 48:10, 48:12, 67:6, 69:15, 99:6, 102:4, 102:22.
characteristics 56:11.
characterize 60:11, 62:7.
charge 11:1, 11:4, 13:20, 14:6, 16:20, 18:5, 22:5, 49:23.
charged 52:14.
charges 19:23.
charging 22:3.
check 9:8, 11:5, 21:8, 32:16, 32:16, 32:23
chief 6:19, 48:15, 49:14.
child 52:25.
childhood 67:23.
children 26:1, $30: 4,34: 2$, 35:25, 36:7, 42:10, 44:10, 44:13, 44:14,

44:17, 44:21, 44:22, 46:10, 47:7, 50:17, 61:11, 61:17, 69:7, 79:25, 83:13.
chin 88:19.
choices 59:22. choked 73:22.
CHRISTOPHER 2:2.
chronically 82:17.
circle 53:20, 65:16, 96:23.
circumstances 43:20, 58:13, 105:2.
citation 9:4, 9:7, 10:25, 11:14, 11:16, 11:19, 11:22, 12:1, $12: 5,14: 7$, 15:2.
citizen 11:20.
citizens 24:22.
city 11:4, 13:19, $14: 17,14: 18$.
CLARK 1:7, 2:7.
classified 41:17.
clean 18:11, 83:9.
cleaned 88:3.
cleaner 18:10.
cleaning 88:7.
clear 69:14.
CLERK 6:23, 7:3, 12:24, 23:12, 23:17, 48:19, 48:24.
climbed 77:24, 79:2.
climbing 78:2.
clinical 49:9, 49:21, 51:20, 51:25.
close 5:18.
Club 32:11.
co-workers 5:19.
coaches 5:20.
coat 18:10.
coaxed 56:5.
cocaine 11:2.
coercive 53:25,
62:21, 65:13.
cold 54:22, 55:7, 66:25.
color 19:12.
comfortable 56:19.
coming 9:20, 43:21, 77:20, 78:11.
command $10: 3$.
commentary 47:23, 106:8.
commit 22:5.
committed 105:4.
committee 50:6.
common 89:13,
89:14, 98:22.
communication 60:22, 97:14.
communicators 81: 6.
community 5:18.
comparing 51:5.
compelled 55:13.
complaints 41:3.
completed 14:8.
completes 82:7.
complex 91:23, 92:1.
computer 21:11, 21:17.
concept 54:16, 59:3.
concern 43:13.
concerned 27:4, 80:17.
concert 44:4.
conclusion 62:5.
conclusively 102:13.
condition 82:2, 89:23, 98:16.
confer 14:21.
confine $38: 24$.
connect 15:17.
connected 47:21,

47:24, 48:4, 106:6, 106:9, 106:14.
connection 67:2.
conscious 99:15, 99:16.
conscious.-y 55:4.
consensua:-ly 70:16.
consider 5:2, 19:19, 22:3.
considered 37:9.
considering 4:24.
consistency 102:11.
consistent 93:16, 98:1, 98:2, 100:10.
consistently 69:21.
constructed 102: 9.
contact 26:21, 31:23, 38:3, 39:3, 80:16.
contention 56:3, 62:8, 67:7, 67:8.
continue 6:19, 10:25, 50:16.
continued 10:15, 84:17.
continuing 6:5.
control 51:8, 53:25, 56:23, 65:13, 68:21, 68:25, 69:1, 69:10, 69:18, 69:22, 74:8.
controllec 19:22, 69:25.
controlling 28:21, 54:6, 68:15, 69:8, 69:12, 69:17.
controls 54:9, 54:12, 68:11.
contusion 88:16.
conversation
43:14.
conversations
31:18, 31:20,
36:8, 101:17.
converse 47:19, 106:4.
convert 55:13, 55:16.
conveying 79:16.
convicted 95:24.
coping 57:11.
copy 18:12.
corporal 61:7.
Correct 10:12, 21:3, 45:18, 49:25, 51:22, 62:7, 64:16, 64:25, 65:8, 65:22, 66:11, 87:4, 93:11, 93:13, 95:25, 96:1, 96:19, 100:7, 104:11.
couch 78:18, 83:5.
Counsel 46:6, 46:23, 47:4, 102:1.
counseling 31:24, 36:15.
counselor 32:1.
Country 32:11.
County 1:7, 52:21.
couple 4:16, 18:4, 33:20, 34:10, 60:7, 74:8, 92:9, 93:20, 94:18.
course 6:4, 12:16, 41:2, 59:18.
courtroom 17:6, 57:20.
courts 50:15, 52:20.
cover 30:17.
crack 11:2.
cried 92:3.
crime 11:18,

14:23, 16:25, 17:1, 17:2, 22:5, 99:1.
crimes 7:17, 52:15.
criminal 37:16.
criteria 99:12.
critical 54:10,
81:18, 81:19.
CROSS-EXAMINATION
3:8, 3:14, 3:19,
18:21, 40:8,
63:11.
cruel 59:6.
crying 32:10.
cumulative 6:12.
cup 72:11, 72:14,
72:24, 74:7.
curious 57:19.
Currently 24:10, 49:7.
custody 8:7, 8:11, 8:18, 9:1,
10:22, 12:5,
18:15, 21:10,
21:14, 52:25,
52:25, 78:19,
78:19, 78:23,
94:9, 95:23.
cut 6:12, 19:2,
86:7.
cycle 65:9,
65:14.
cycles 55:21.
cylinder 19:10.
cylindrical
18: 4.
$\langle D\rangle$.
D-A-N-T-O-N
49:2.
D-I-N-A 23:20.
dangerous 41:6.
Danton 3:17,
48:18, 49:1,
49:5, 53:1,
53:19.
darker 19:12.
data 98:2,

102:13.
date 7:19, 9:6, 9:13, 9:15, 11:23, :1:25, 12:2, 18:14, 33:23.
DATED 1:32.
daughter 26:3, 29:21, 32:13, 39:6, 42:12, 42:14, $\leq 4: 22$.
DAVID 2:6.
day $9: 20,9: 21$,
9:24, 15:23,
17:6, 21:12,
26:15, 26:17,
28:5, 36:22,
36:24, 76:2,
76:8, 83:9,
83:11, \&3:15,
83:20, E4:22,
87:2, 87:2,
87:6, 94:8,
95:22, $98: 18$, 104:11.
day-to-day $39: 3$.
days 29:25.
dead 87:22, 102:23.
deal 50:10, 104:11.
dealing 50:6.
deals 4:20.
dealt 4:18.
death 5:17, 38:16, 39:21, 76:2, 105:12.
debatable 65:15.
Debra 10:7, 66:4,
67:7, 69:6,
69:17, 73:7,
73:22, 76:2,
87:14, 88:15,
89:18.
debriefing
39:16.
decide 5:10,
70:24, 71:5,
71:6.
decided 87:6.
deciding 69:15. decision 12:10, 99:15, 99:16. decisions 36:11. decrease 58:25,

71:14, 71:20.
deeper 58:4.
deescalate 75:8.
deescalated
73:18.
Defendant 1:19, 2:6, 5:12, 17:7, 17:12, 18:14, 20:11, 21:20, 27:10, 27:25, 33:13, 33:23, 37:16, 63:21, 64:18, 64:21, 66:4, 66:10, 71:24, 72:4, 78:2, 78:18, 80:8, 80:24, 81:1, 83:24, 101:17, 103:10.
defense 48:15.
degree 5:7, 49:20, 52:7.
degrees 49:19.
delineated 5:13.
demands 34:7.
demeanor 13:16. 14:1.
denial 55:2, 103:2.
denied 79:13.
Department 7:11, 7:17, 9:10, 24:1, 24:9, 24:11, 24:17, 24:20, 25:5, 26:20, 26:21, 28:9, 29:5, 29:13, 31:23, 32:1, 37:2, 37:13, 37:13, 38:18, 39:5, 39:12, 39:14, 40:22, 42:19.
depend 69:9.
dependant 56:6, 61:22, 62:2, 67:10, 67:19.
depends 62:19.
depicted 17:23.
depression 51:5, 52:2, 59:4, 59:11.
DEPT. 1:3.
Describe 17:22, 26:4, 58:5, 66:3, 73:21, 76:1, 81:22, $84: 12,97: 25$, 98:16, 99:5, 100:2.
described 58:15, 66:9, 73:2, $74: 6,77: 17$, 78:22, 97:16.
describing 88:9, 99:5.
description 10:4, 13:7, 13:11, 79:11, 84:13.
despair 61:18.
detail 7:17, 16:16, 73:9, 74:7, 88:11, 95:22, 96:14.
details 84:14, 96:18, 98:24.
detained 17:5, 28:10.
Detective 7:12, 7:18, 16:23, 23:5.
detectives 16:17.
determination 5:4.
determine 21:9.
devastating 39:2, 39:6, 39:6.
develop 25:10.
developed 26:5, 50:5.
deviations 60:8. diagnosed 56:12.
diagnosis 68:8,

70:12.
diagnostic 99:12.
Diego 29:19, 29:24, 44:12. difference 24:19, 59:14, 68:15, 71:17, 82:3, 99:17.
differences
97:24.
different 14:21, 16:8, 69:24, 71:22, 75:12, 79:1, 82:21.
Dina 3:11, 23:9, 23:19.
dinner 26:11, 35:17.
DIRECT 3:7, 3:13, $3: 18,7: 7$, 23:22, 49:3. direction 55:24, 107:15.
directly 27:20, 28:3, 41:24, 53:17.
disabilities 52: 6.
Disassociation 98:22, 99:8. discard 15:10. discovered 82:11, 82:20, 82:20, 86:17.
discretion 11:18, 22:3.
discuss 63:2.
discussed 66:7.
Discussion 45:12, 46:7, 47:5, 82:10, 85:20, 96:22, 96:22, 102:2.
dispatched 7:19, 7:25, 8:2.
dispatcher 24:14, 24:15, 24:20, 37:6, 40:25, 41:13.









| 1 | 10 | ORDER FOR TRANSCRIPT <br> (FILED 11/19/1999) | 2358-2358 |
| :---: | :---: | :---: | :---: |
| 2 3 | 11 | ORDER GRANTING FINAL PAYMENT OF ATTORNEY'S FEES AND COSTS <br> (FILED 7/12/2004) | 2773-2773 |
| 4 5 | 10 | ORDER GRANTING INTERIM PAYMENT OF EXCESS ATTORNEY'S FEES <br> (FILED 7/24/2000) | 2382-2382 |
| 6 7 | 10 | ORDER GRANTING INTERIM PAYMENT OF EXCESS ATTORNEY'S FEES <br> (FILED 6/7/2001) | 2399-2399 |
| 8 9 | 10 | ORDER GRANTING INTERIM PAYMENT OF EXCESS ATTORNEY'S FEES <br> (FILED 4/12/2002) | 2416-2416 |
| 10 11 | 10 | ORDER GRANTING INTERIM PAYMENT OF EXCESS ATTORNEY'S FEES <br> (FILED 7/10/2002) | 2540-2540 |
|  | 11 | ORDER GRANTING INTERIM PAYMENT OF EXCESS ATTORNEY'S FEES <br> (FILED 12/12/2002) | 2650-2650 |
|  | 11 | ORDER GRANTING INTERIM PAYMENT OF EXCESS ATTORNEY'S FEES <br> (FILED 1/28/2004) | 2739-2739 |
|  | 1 | ORDER GRANTING PERMISSION OF MEDIA ENTRY (FILED 1/3/1996) | 207-207 |
| in 18 | 5 | ORDER GRANTING PERMISSION OF MEDIA ENTRY (FILED 10/11/1996) | 1069-1069 |
| 19 20 | 9 | ORDER OF EXECUTION <br> (FILED 13/31/1996) | 2198-2198 |
| 21 | 16 | ORDER OF EXECUTION <br> (FILED 5/10/2007) | 3856-3856 |
| 22 23 | 10 | ORDER RE: PETITION FOR WRIT OF HABEAS CORPUS (FILED 10/20/1999) | 2333-2333 |
| 24 | 1 | ORDER TO ENDORSE NAMES ON INFORMATION <br> (FILED 7/15/1996) | 234-235 |
| 25 26 | 2 | ORDER TO ENDORSE NAMES ON INFORMATION <br> (FILED 9/4/1996) | 284-286 |
| 27 | 6 | ORDER TO ENDORSE NAMES ON INFORMATION (FILED 10/14/1996) | 1345-1346 |
| 28 | 16 | ORDER TO STAY EXECUTION (5/14/2007) | 3861-3861 |



|  | 1 | 2-3 | REPORTER'S TRANSCRIPT OF OCTOBER 7, 1996 VOLUME 1- AFTERNOON SESSION (FILED 10/8/1996) | 434-617 |
| :---: | :---: | :---: | :---: | :---: |
|  | 4 | 3-4 | REPORTER'S TRANSCRIPT OF OCTOBER 8, 1996 VOLUME 2- MORNING SESSION (FILED 10/9/1996) | 717-842 |
|  | 6 | 3 | REPORTER'S TRANSCRIPT OF OCTOBER 8, 1996 VOLUME 2-AFTERNOON SESSION <br> (FILED 10/9/1996) | 618-716 |
|  | 8 | 4 | REPORTER'S TRANSCRIPT OF OCTOBER 10, 1996 VOLUME 3-MORNING SESSION (FILED 10/11/1996) | 846-933 |
|  | 10 | 4 | REPORTER'S TRANSCRIPT OF OCTOBER 10, 1996 VOLUME 3- AFTERNOON SESSION (FILED 10/11/1996) | 934-1067 |
|  | 11 12 | 5 | REPORTER'S TRANSCRIPT OF OCTOBER 11, 1996 VOLUME 4- MORNING SESSION (FILED 10/14/1996) | 1082-1191 |
|  | 13 14 | 5 | REPORTER'S TRANSCRIPT OF OCTOBER 11, 1996 VOLUME 4- AFTERNOON SESSION (FILED 10/14/1996) | 1192-1344 |
|  | 15 | 6 | REPORTER'S TRANSCRIPT OF OCTOBER 14, 1996 VOLUME 5- MORNING SESSION (FILED 10/15/1996) | 1472-1529 |
|  | 16 17 | 6 | REPORTER'S TRANSCRIPT OF OCTOBER 14, 1996 VOLUME 5- AFTERNOON SESSION | 1351-1471 |
|  | 18 19 | 6-7 | REPORTER'S TRANSCRIPT OF OCTOBER 15,1996 <br> VOLUME 6 <br> (FILED 10/16/1996) | 1530-1700 |
|  | 20 21 | 7 | REPORTER'S TRANSCRIPT OF OCTOBER 16,1996 VOLUME 7 <br> (FILED 10/17/1996) | 1750-1756 |
|  | 22 23 | 7 | REPORTER'S TRANSCRIPT OF OCTOBER 21, 1996 PENALTY PHASE VOLUME 1- MORNING SESSION (FILED 10/22/1996) | 1757-1827 |
|  | 24 25 | 8 | REPORTER'S TRANSCRIPT OF OCTOBER 21, 1996 PENALTY PHASE VOLUME 1- AFTERNOON SESSION (FILED 10/22/1996) | 1828-1952 |
|  | 26 27 | 8 | REPORTER'S TRANSCRIPT OF OCTOBER 22, 1996 PENALTY PHASE VOLUME 2 <br> (FILED 10/23/1996) | 1953-2061 |
|  | 28 | 9 | REPORTER'S TRANSCRIPT OF OCTOBER 23, 1996 PENALTY PHASE VOLUME 3 <br> (FILED 10/24/1996) | 2063-2122 |


| 1 2 | 9 | REPORTER'S TRANSCRIPT OF OCTOBER 24, 1996 PENALTY PHASE VOLUME 4 <br> (FILED 10/24/1996) | 2123-2133 |
| :---: | :---: | :---: | :---: |
| 3 | 9 | REPORTER'S TRANSCRIPT OF DECEMBER 11, 1996 (FILED 12/12/1996) | 2172-2174 |
| 4 5 | 9 | REPORTER'S TRANSCRIPT OF DECEMBER 30,1996 (FILED 12/31/1996) | 2179-2189 |
| 6 7 | 10 | REPORTER'S TRANSCRIPT OF NOVEMBER 8, 1999 <br> STATE'S MOTIONS <br> (FILED 1/13/2000) | 2363-2365 |
| 8 | 10 | REPORTER'S TRANSCRIPT OF NOVEMBER 15,1999 (FILED 11/16/1999) | 2354-2356 |
| 9 10 | 10 | REPORTER'S TRANSCRIPT OF DECEMBER 15, 1999 (FILED 12/16/1999) | 2360-2362 |
| 11 12 | 10 | REPORTER'S TRANSCRIPT OF JANUARY 19, 2000 <br> STATUS CHECK <br> (FILED 2/29/2000) | 2366-2370 |
| $\begin{array}{lll} \text { and } & 0 \\ 0 \end{array}$ | 10 | REPORTER'S TRANSCRIPT OF JUNE 27, 2000 <br> (FILED 6/28/2000) | 2371-2373 |
|  | 11 | REPORTER'S TRANSCRIPT OF NOVEMBER 6, 2000 HEARING: WRIT <br> (FILED 12/23/2002) | 2651-2654 |
|  | 10 | REPORTER'S TRANSCRIPT OF JUNE 12, 2001 (FILED 6/13/2001) | 2400-2402 |
| 18 <br> 19 | 10 | REPORTER'S TRANSCRIPT OF JULY 26, 2001 STATUS CHECK ON BRIEFING SCHEDULE (FILED 8/28/2001) | 2403-2404 |
| 20 21 | 10 | REPORTER'S TRANSCRIPT OF JULY 25, 2002 <br> HEARING: WRIT <br> (FILED 8/19/2002) | 2544-2549 |
| 22 | 11 | REPORTER'S TRANSCRIPT OF SEPTEMBER 13, 2002 <br> (FILED 9/24/2002) | 2554-2621 |
| 23 24 25 | 11 | REPORTER'S TRANSCRIPT OF APRIL 2, 2004 DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS (FILED 7/23/2004) | 2774-2779 |
| 26 27 | 12 | REPORTER'S TRANSCRIPT OF JULY 17, 2006 STATE'S REQUEST PER SUPREME COURT REMITTITUR (FILED 2/13/2007) | 2924-2926 |
| 28 | 12 | REPORTER'S TRANSCRIPT OF JULY 25, 2006 <br> (FILED 2/9/2007) | 2912-2914 |


|  | 1 | 12 | REPORTER'S TRANSCRIPT OG OCTOBER 3, 2006 HEARING ON MOTIONS (FILED 2/9/2007) | 2918-2920 |
| :---: | :---: | :---: | :---: | :---: |
|  | 3 4 | 12 | REPORTER'S TRANSCRIPT OF NOVEMBER 2, 2006 HEARING ON DEFENDANT'S MOTIONS (FILED 2/9/2007) | 2921-2923 |
|  | 5 6 | 12 | REPORTER'S TRANSCRIPT OF NOVEMBER 16, 2006 RE: HEARING ON DEFENDANT'S MOTIONS (FILED 2/9/2007) | 2915-2917 |
|  | 8 | 12 | REPORTER'S TRANSCRIPT OF JANUARY 11, 2007 PRE-PENALTY PHASE MOTIONS (FILED 2/20/2007) | 3012-3031 |
|  | 9 | 16 | REPORTER'S TRANSCRIPT OF JANUARY 11 PRE-PENALTY MOTIONS <br> (FILED 4/9/2007) | 3833-3853 |
|  | 11 | 13 | REPORTER'S TRANSCRIPT OF MARCH 14, 2007 MORNING SESSION <br> (FILED 3/15/2007) | 3047-3166 |
|  | 13 14 | 13 | REPORTER'S TRANSCRIPT OF MARCH 14, 2007 AFTERNOON SESSION (FILED 3/15/2007) | 3167-3222 |
|  | 15 16 | 14 | REPORTER'S TRANSCRIPT OF MARCH 15, 2007 <br> MORNING SESSION <br> (FILED 3/16/2007) | 3268-3404 |
| $\begin{array}{rl} 0 \\ 0 & 0 \\ 0 \end{array}$ | 17 18 | 13 | REPORTER'S TRANSCRIPT OF MACH 15, 2007 AFTERNOON SESSION <br> (FILED 3/16/2007) | 3223-3267 |
|  | 19 20 | 14-15 | REPORTER'S TRANSCRIPT OF MARCH 16, 2007 <br> MORNING SESSION <br> (FILED 3/19/2007) | 3450-3627 |
|  | 21 22 | 14 | REPORTER'S TRANSCRIPT OF MARCH 16, 2007 <br> AFTERNOON SESSION <br> (3/19/2007) | 3405-3449 |
|  | 23 24 | 15 | REPORTER'S TRANSCRIPT OF MARCH 19, 2007 PENALTY HEARING <br> (FILED 3/20/2007) | 3630-3736 |
|  | 25 26 | 16 | REPORTER'S TRANSCRIPT OF MARCH 20, 2007 PENALTY HEARING <br> (FILED 3/21/2007) | 3765-3818 |
|  | 27 28 | 16 | REPORTER'S TRANSCRIPT OF MARCH 21, 2007 PENALTY HEARING VERDICT (FILED 3/22/2007) | 3819-3830 |



| 1 |  | (FILED 5/16/2012) | 4479-4485 |
| :---: | :---: | :---: | :---: |
| 2 3 | 20 | STATE'S OPPOSITION TO MOTION FOR AUTHORIZATION TO OBTAIN EXPERT SERVICES AND PAYMENT OF FEES (FILED 5/16/2012) | 4468-4473 |
| 4 5 | 20 | STATE'S OPPOSITION TO MOTION FOR AUTHORIZATION TO OBTAIN SEXUAL ASSAULT EXPERT AND PAYMENT OF FEES, AND OPPOSITION TO MOTION FOR INVESTIGATOR AND PAYMENT FEES <br> (FILED 5/16/2012) | 4474-4478 |
| 7 8 | 20 | STATE'S RESPONSE TO DEFENDANT'S PETITION FOR <br> WRIT OF HABEAS CORPUS AND DEFENDANT'S <br> SUPPLEMENTAL BRIEF <br> (FILED 5/16/2012) | 4431-4467 |
| 9 10 | 10 | STATE'S RESPONSE TO DEFENDANT'S SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS (FILED 6/19/2002) | 2481-2520 |
| 11 12 | 9 | STIPULATION AND ORDER <br> (FILED 5/27/1997) | 2207-2257 |
|  | 11 | STIPULATION AND ORDER EXTENDING TIME (FILED 9/2/2003) | 2726-2727 |
|  | 1 | STIPULATION REGARDING BRIEFING SCHEDULE <br> (FILED 3/27/1996) | 208-209 |
|  | 4 | STIPULATION TO CERTAIN FACTS <br> (FILED 10/10/1996) | 844-845 |
| $\begin{array}{lll} \text { 会 } & \text { 崮 } & 17 \\ & & 17 \end{array}$ | 2 | SUMMARY OF JUROR QUESTIONNAIRE DEVELOPMENTS (FILED 10/4/1996) | 342-353 |
| 19 20 | 20 | SUPPLEMENTAL BRIEF IN SUPPORT OF DEFENDANT'S WRIT OF HABEAS CORPUS <br> (FILED 2/15/2012) | 4562-4643 |
| 21 | 9 | SUPPLEMENTAL INSTRUCTION <br> (FILED 10/24/1996) | 2165-2166 |
| 22 23 | 10 | SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS <br> (FILED 4/30/2002) | 2417-2480 |
| 24 25 | 9 | VERDICT <br> (FILED 10/24/1996) | 2167-2167 |
| 26 | 15 | VERDICT <br> (FILED 3/21/2007) | 3741-3741 |
| 27 28 | 7 | VERDICT-COUNT I <br> (FILED 10/16/1996) | 1747-1747 |
|  | 7 | VERDICT- COUNT II <br> (FILED 10/16/1996) | 1748-1748 |



## CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on this $18^{\text {th }}$ day of November, 2013. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

CATHERINE CORTEZ-MASTO Nevada Attorney General

STEVE OWENS
Chief Deputy District Attorney
CHRISTOPHER R. ORAM, ESQ.

BY:
/s/ Jessie Vargas
An Employee of Christopher R. Oram, Esq.

