

13 1 head in my hands on the steering wheel. There was blood on
2 2 my hands and my finger was cut.

3 Q Did you get high?

4 A Not for awhile, sir.

5 Q You eventually got high, though?

6 A Later on, yes, I did.

7 Q Did you get high on cocaine?

8 A Yes, sir.

9 Q Why did you get high on cocaine?

10 A Because I felt bad and when you're on cocaine
11 it makes your mind go somewhere else, sir.

12 Q When you killed her were you high on cocaine?

13 A Absolutely not. No, I was not. No.

14 Q There's been some testimony that while you were
15 at the Vera Johnson projects somebody saw you dancing
16 around. Is that possible?

17 A No. I don't recall doing that at all, sir.

18 No.

19 Q But you did get high?

20 A Yes, I did.

21 Q There's been testimony that the next day you
22 went and shoplifted at Lucky's; is that right?

23 A Yes, sir.

24 Q Why were you stealing there the next day?

25 A Actually I went over there to get a newspaper.

001468

13 1 Q Let me go back for a second. That night after
2 this had happened did you ever go back to the trailer where
3 Deborah was?

4 A Yes, I did go back.

5 Q What time did you go back if you know?

6 A It was between 11 -- it was after I had watched
7 the news, sir, over at Bridget's house over at the Vera
8 Johnson Apartments.

9 Q Did you see that they were looking for you?

10 A They showed my picture, gave a description of
11 the car and everything.

12 Q So how did you get back over there to the
13 trailer?

14 A I walked.

15 Q Did you go inside the trailer again?

16 A No. I just stood on the other side of the wall
17 and looked at the house.

18 Q Were the police still there?

19 A There was some detectives there.

20 Q You knew that taking her car was wrong, didn't
21 you?

22 A Yes.

23 Q And you know that you're responsible for that?

24 A Yes, sir.

25 Q You know you're responsible for killing her?

001469

13

1 A Yes, sir.

2 MR. BROOKS: We'll pass the witness, Your
3 Honor.

4 THE COURT: Cross-examination.

5 MR. HARMON: Thank you, Your Honor.

6
7 CROSS-EXAMINATION

8 BY MR. HARMON:

9 Q How old are you, Mr. Chappell?

10 A Twenty-six now, sir.

11 Q What is your date of birth?

12 A 12-27-69.

13 Q How tall are you?

14 A About six foot, sir.

15 Q On August 31st, 1995 about how much did you
16 weigh?

17 A About a hundred eighty pounds, sir.

18 Q Do you know how tall Deborah Panos was?

19 A Not exactly. I'd say about five-four,
20 five-five.

21 Q Do you know about how much she weighed on the
22 date she was killed?

23 A I read in the papers they say she weighed a
24 hundred thirty pounds, sir.

25 Q So you were substantially larger than her,

001470

13

1 weren't you?

2

A Yes, sir.

3

Q You've told us that you were in jail from

4

February the 25th until May the 10th, 1995?

14

5

A February 28th until May 10th, 1995, sir.

6

Q You said that you were arrested on June the 1st

7

and were released on June the 7th?

8

A Yes, sir.

9

Q Rearrested on June the 26th?

10

A Yes, sir.

11

Q And remained in custody until the date you were

12

released and you killed Deborah Panos, correct?

13

A Yes, sir.

14

Q Why were you arrested on Shauntel's birthday?

15

A I was trying to shoplift Shauntel a couple

16

outfits for her birthday.

17

Q Do you like being in custody?

18

A Absolutely not, sir.

19

Q It's not much of a life to be incarcerated, is

20

it?

21

A No, sir.

22

Q You've had a substantial period of time to

23

think about today, haven't you?

24

A Yes, sir.

25

Q You've known for quite awhile, haven't you,

001471

14

1 that at some point you would take the witness stand and give
2 the jury your version of what happened?

3 A Yes, sir.

4 Q And once you had made that decision, whenever
5 it was, you've given a lot of attention to what you would
6 tell the jury?

7 A I didn't make up anything, sir.

8 Q I didn't say you made up anything, Mr.
9 Chappell. Have you thought a lot about what you would tell
10 the jury?

11 A No.

12 Q Have you thought a lot about how you would act
13 on the witness stand?

14 A No, sir.

15 Q As you sit here this afternoon are you
16 concerned about punishment?

17 A No, sir. Whatever I get I'll accept it.

18 Q It doesn't matter to you whether you're
19 convicted of voluntary manslaughter or murder of the second
20 degree or murder of the first degree?

21 A Does it matter? Is that what you said?

22 Q I'm asking you if it matters which you were
23 convicted of.

24 A No, it doesn't matter, sir. Whatever I'm
25 convicted of I'll accept it.

001472

14

1 Q And you're not concerned if it's murder of the
2 first degree that the punishments be minimized to some
3 extent?

4 A Could you please repeat that, sir.

5 Q You said it really doesn't matter to you what
6 you're convicted of, if it's first degree murder you will
7 accept that. Is that what you said basically?

8 A Yes, whatever I'm convicted of I will accept
9 it, sir.

10 Q My question therefore was so there isn't some
11 effort here on the witness stand to present yourself in such
12 a way that you will minimize your punishment?

13 A No, sir.

14 Q You don't care if you get a death sentence?

15 A Yes, I do care if I get the death sentence.

16 Q So you don't want to get a death sentence?

17 A I have three children, sir, and I want to see
18 them and be able to do something with them sometime in my
19 life.

20 Q So we have established that is a punishment
21 that you want to avoid; is that true?

22 A Yes, sir, I am pretty sure any man or woman
23 would want to avoid the death penalty.

24 Q Are you telling us it doesn't matter beyond
25 that if it's life with the possibility of parole or life

001473

14

1 without parole? You don't care?

2 A I do care, but --

3 Q What do you mean you do care?

4 A Of course I'm going to care, you know.

5 Q The bottom line is you don't want to get life
6 without parole either, do you, Mr. Chappell?

7 A If I get it, I will accept it, sir.

8 Q Is that what you want?

9 A No. I have three children and I want to see my
10 three children and be able to do something with them in
11 their life. I never had no father, sir.

12 Q So you'd certainly prefer a life with a parole
13 sentence?

14 A I would be honored to have life with.

15 Q Honored, is that your answer?

16 A I would be honored to be able to get out
17 sometime in my life and be able to reconcile with my
18 children.

19 Q So you do have an interest in how this case
20 turns out?

21 A Of course. Yes.

22 Q You were asked about jobs that you've held. I
23 don't want to go back to Lansing, Michigan or Tucson,
24 Arizona, I want to limit the questions about employment,
25 gainful employment to Las Vegas. You said you got a job at

001474

14

1 Ethel M Chocolate?

2 A Yes, sir.

3 Q You worked there a month and a half?

4 A Yes, sir.

5 Q And then you said because Deborah worked that
6 you needed to watch the children?

7 A No. I didn't say it that way.

8 Q How did you say it?

9 A We couldn't afford day-care at that time, sir,
10 and we didn't know nobody in Las Vegas yet so we couldn't
11 find no babysitter and me staying home with the children
12 watching the kids wasn't nothing new so I went ahead and I
13 did it again and I lost my job.

14 Q After a month and a half?

15 A Yes. I called them three times, sir, and lost
16 my job.

17 Q How quickly after you had moved to Las Vegas,
18 which as I remember you said was around October the 1st,
19 1994, was it that you got the job at Ethel M?

20 A When was it when I got the job at Ethel M?

21 Q How quickly after you arrived in Las Vegas?

22 A Very quick. Because Debbie was going to work
23 there too. We both went there and took the test. Probably
24 about two weeks after we arrived here, sir, to live here.

25 Q So perhaps the middle of October?

001475

15

1 A Yes, sir.

2 Q Of 1994?

3 A Yes, sir.

4 Q About two years ago?

5 A Yes, sir.

6 Q And as you've just explained you worked for
7 approximately a month and a half?

8 A Yes, sir.

9 Q Now, where is it that you next had gainful
10 employment in Las Vegas?

11 A Me and Debbie went out together and I turned in
12 applications, but I didn't get no response. And I went to a
13 temporary service to get a job at Price Rite on Bonanza and
14 I forgot the other name of the street but Price Rite on
15 Bonanza, and I was supposed to go take my drug test, you
16 know, and I didn't make it there.

17 Q Is the answer you didn't ever have gainful
18 employment after you lost your job at Ethel M's?

19 A No, sir.

20 Q So after perhaps the middle of October -- I'm
21 sorry -- perhaps after, what, the first of December 1994 you
22 didn't ever contribute financially to the support of Deborah
23 Panos and your children?

24 A I got some things for my children. I also got
25 some things for Debbie, but I did not --

001476

15

1 Q How, sir?

2 A How?

3 Q How?

4 A As you know I shoplifted a couple of times,
5 sir.

6 Q You were asked earlier if your drug problem had
7 hindered your ability to be a good father and in this case a
8 good boyfriend to Deborah. Are you still saying while you
9 lived in Las Vegas that your drug problem didn't affect your
10 ability to provide for your family?

11 A No. I was doing drugs, sir, and I did bring
12 things home for my children and Debbie.

13 Q What things?

14 A I brought Debbie an outfit home, Valentine's
15 Day I got her a card, stuffed animal. I got my kids some
16 video games, hand held video games. When Debbie and I had
17 accidentally broke her nose with the cup, I went and stole
18 her some bandages and Band Aids and stuff and Neosporin for
19 her nose. Got cough medicine for the children.

20 Q Did you ever help pay for the rent?

21 A Around that time, no, sir.

22 Q Around what time?

23 A After I lost my job at Ethel M.

24 Q Any time after that did you pay for the rent?

25 A No.

001477

15

1 Q Did you regularly put food on the table to feed
2 your children?

3 A I brought food home a couple of times, sir.

4 Q You consider a couple of times providing for
5 your kids?

6 A Not 100 percent, but I was doing something. I
7 just didn't —

8 Q What drugs were you using in Las Vegas?

9 A Marijuana and cocaine, sir.

10 Q How regularly did you use marijuana and
11 cocaine?

12 A When we first moved here I didn't mess around
13 for like about two months and then after that a couple of
14 times a week and then around between May 10th and around
15 June 26th I did it a lot, probably every day, sir.

16 Q Are we talking about marijuana or cocaine or
17 both?

18 A Both.

19 Q How much marijuana, if as you said from perhaps
20 May the 10th until June the 26th you were using it daily,
21 how much on a daily basis?

22 A Probably about two joints a day.

23 Q How much cocaine?

24 A I'm not exactly sure. There was different
25 amounts on different days, sir.

001478

15

1 Q How would you ingest the cocaine?

2 A Smoke it. Freebase it, sir.

3 Q Where would you get it?

4 A From people who lived over at Vera Johnson
5 Apartments, sir.

6 Q The Vera Johnson projects at 507 North Lamb?

7 A Yes, sir.

8 Q You spent a lot of time over there?

9 A I spent some time over there.

10 Q What does that mean I spent some time?

11 A At the beginning, no, I wasn't staying over
12 there a lot. Towards the end around between like June 1st
13 and June 26th I was over there a lot.

14 Q Every day?

15 A Yes.

16 Q For hours every day?

17 A Yes.

18 Q Stay overnight at crack houses?

19 A No. I remember LaDonna Jackson saying she seen
20 me sleeping over there. I don't recall --

21 Q Bridget's place, who is Bridget?

22 A Bridget -- a girl that lives over there, some
23 lady that lives over there.

24 Q Did you stay overnight at Bridget's place?

25 A No, I'd be there late at night, but I never

16

001479

16 1 went there and slept there all night and stayed there all
2 night and got up the next day and went home or nothing like
3 that. It wasn't like that.

4 Q How late is late at night?

5 A I'd be there sometimes three in the morning,
6 four in the morning, something like that.

7 Q Did that happen regularly during the month of
8 June?

9 A No. I didn't hang out at Bridget's house all
10 the time, no.

11 Q Well, were you concerned when you would stay
12 out very late about Deborah's welfare, those of your
13 children?

14 A I would talk to her. I would call her and talk
15 to her or I would go home in the middle of the day and let
16 her know what I was doing or where I was.

17 Q How were you getting the crack that you were
18 smoking?

19 A Sometimes it was people over there that had it
20 that would share. Sometimes I would shoplift to get it.
21 Both ways. Sometimes people had it, they shared, sometimes
22 I would shoplift and I'd get some.

23 Q The defense asked you about this incident which
24 occurred in Tucson on February the 23rd, 1994 when the
25 police came?

001480

16

1 A Yes.

2 Q You may remember that the lady officer from
3 Tucson a Jeri Earnst testified?

4 A Yes, I remember her testifying.

5 Q Now, as I remember you said on direct
6 examination that you had taken a dresser that Deborah had
7 purchased and you took it back to the store and you got
8 refund money?

9 A Yes, sir.

10 Q And it was for that reason the two of you were
11 arguing?

12 A That's how the argument started out and then
13 it --

14 Q Whose dresser was it?

15 A I know she bought it.

16 Q But didn't she buy it for Shauntel your little
17 daughter?

18 A I'm not sure she bought it for Shauntel. I
19 don't think that's true. I think -- I don't think it was
20 for Shauntel. I don't think so. I don't recall her buying
21 no dresser for Shauntel. We had plenty of dressers in the
22 house, sir. We had lots of them.

23 Q But she bought it for some reason?

24 A Right, she bought it for some reason.

25 Q With her money?

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16

1 A Right.

2 Q Did you get her permission to take it back to
3 the store and get a refund?

4 A No, sir. No, I did not.

5 Q What did you do with money? Did you get
6 Deborah an outfit or bandages?

7 A I don't recall exactly what I did do with the
8 money, sir, but I know that I had to make up for it because
9 there would be times that --

10 Q We've had testimony from Officer Earnst that
11 this argument according to Deborah concluded with you
12 engaging in acts of domestic violence. What did you do?

13 A I don't recall everything I did.

14 Q Did you knock her to the floor?

15 A I don't remember doing that.

16 Q Did you kick her?

17 A I did not kick her, sir.

18 Q So if that's what she related tearfully and
19 emotionally to the officer, that would be inaccurate?

20 A I did not kick her, sir. I do not recall
21 kicking her so I know I did not kick her. If I kicked her,
22 I would know it. I did not kick her that day, sir. I did
23 not kick her at all.

24 Q Well, if you kicked her when she was down,
25 would you admit it?

001482

16

1 A Of course. I'm not going to lie about nothing.
2 I'm not going to lie about nothing.

3 Q You wouldn't lie about anything here on the
4 witness stand, would you?

5 A No, sir.

6 Q You were asked on direct examination about the
7 situation where Deborah's nose was broken January the 9th,
8 1995 here in Las Vegas?

9 A Yes.

10 Q You said that you threw a plastic thermal cup?

11 A Yes, sir.

12 Q You didn't hold it and strike her with it?

13 A No.

14 Q You just threw it?

15 A I threw it.

16 Q And you said it hit her on the nose?

17 A Yes, sir.

18 Q You didn't strike her in any other way?

19 A No, I did not.

20 Q You didn't hit her in the forehead?

21 A No, sir. The cup came across this way so it
22 could have hit her forehead and it landed right here.

23 Q It could have been a cup, a thermal container
24 that caused a laceration on the forehead and also on the
25 side of the nose?

17

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17

1 A The cup caused the damage to her face, sir,
2 yes, it did.

3 Q Well, during your direct you talked about the
4 injury to the nose, the nose was broken, correct?

5 A Yes, sir. That's what the doctor said, yes.

6 Q And the medical report in evidence indicates
7 stitches were taken on the bridge of the nose?

8 A Yes, sir.

9 Q There was also a running stitch taken in the
10 right eyebrow area?

11 A Yes, I remember seeing that, sir.

12 Q But you're saying that was all from throwing
13 the cup, you didn't strike her there?

14 A She got hit with the cup and that was it, sir.

15 THE COURT: Mr. Harmon, there's been a request
16 that we take a brief recess at this point to accommodate the
17 jury.

18 Ladies and gentlemen, during the recess it is
19 your duty not to converse among yourselves or with anyone
20 connected with the trial, or read, watch or listen to any
21 report of or commentary on the trial by any medium of
22 information including, without limitation, newspaper,
23 television and radio, and you are not to form or express any
24 opinion on any subject connected with this case until it is
25 finally submitted to you.

001484

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1 This will be about a ten minute recess. I
2 don't want you to leave the upper deck of the courthouse.
3 We will be reconvening at five minutes after 5:00 at which
4 time I'll be able to tell you -- before we go we'll do this
5 right now. Would counsel approach the bench.

6 (At this time, an
7 off-the-record
discussion was held.)

8 THE COURT: I understand one of the jurors has
9 to be someplace at six o'clock; is that correct? Because if
10 somebody has an appointment, we are going to accommodate. I
11 just need to know how far it is so we can give an estimate.

12 JURR NO 11: I just wanted to get out for the
13 game.

14 THE COURT: In that case I think we should be
15 able to finish with this witness today. We'll finish with
16 this witness and our estimate is somewhere in the area of
17 5:30 to 5:45.

18 (Recess.)

19 THE COURT: Counsel stipulate to the presence
20 of the jury?

21 MR. HARMON: Yes, Your Honor.

22 MR. BROOKS: Defense will, Your Honor.

23 THE COURT: Mr. Chappell, will you please
24 retake the witness stand.

25 Mr. Harmon, you may continue your

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17

1 cross-examination of this witness.

2 MR. HARMON: Thank you, Judge.

3 BY MR. HARMON:

4 Q Mr. Chappell, was it your testimony during
5 direct examination that after you hurt your wife's nose that
6 you called 911?

7 A Yes, sir.

8 Q Do you recall the testimony that was offered by
9 Daniel Giersdorf of the police department that the call came
10 from Deborah?

11 A No. I heard him say that, but he was false.
12 He was wrong.

13 Q She was taken to the hospital, wasn't she?

14 A Yes, she was.

15 Q Did you go along?

16 A No, I did not. I walked with her to put her
17 inside the back, but three kids were along the side and I
18 went back inside and they said she was going to go to UMC.

19 Q The testimony by Giersdorf suggested when they
20 got there and made contact with you, you were sitting calmly
21 and watching television?

22 A That was false also, sir. The TV was in the
23 bedroom at that time, the three children were sitting in the
24 front of the TV. I was outside in the living room sitting
25 in the chair. The TV wasn't even in the room at that time,

001486

17

1 sir. They came in and they slammed me all around like I
2 just testified, told my attorney about.

3 Q They said they came up and announced their
4 presence, could see inside and you didn't even get up?

5 A That's not true. I let them in. He didn't
6 just come --

7 Q Ultimately?

8 A He didn't just come in and open the door. I
9 got up and opened the door for him, sir.

10 Q On June the 1st, 1995 we've had testimony that
11 there was another argument between you and Deborah Panos?

12 A Yes, sir.

13 Q You indicated that you hadn't seen her for
14 quite awhile?

15 A Exactly.

16 Q How did it happen that you hadn't seen her?

17 A I don't remember why, but I know she was gone.

18 Q Had she been gone for a number of days?

19 A She was gone all day the day before that day,
20 sir.

21 Q Did you become concerned about where she was
22 and what she was doing and who she was doing it with?

23 A Yes, sir.

24 Q So when she came home you started to ask a lot
25 of questions; is that correct?

001487

17

1 A I asked her a number of questions, yes.

2 Q What types of questions?

3 A I don't remember. I remember asking her where
4 she had been.

5 Q Does she tell you where she had been?

6 A She gave me many excuses, different excuses.
7 They all didn't add up together.

8 Q They were not excuses you accepted; is that
9 correct?

10 A No.

11 Q So you got rough with her; is that true?

12 A Not immediately, sir.

13 Q Well, if not immediately, at a certain point
14 did you take her into the bedroom?

15 A I didn't take her in there. We both walked in
16 the bedroom.

17 Q After you walked into the bedroom did you
18 become physical with her?

19 A Yes, I put her on the bed.

20 Q What does that mean yes, I put her on the bed?

21 A That's what I did.

22 Q Did you grab her?

23 A I don't remember exactly.

24 Q I'm trying to figure out how she got from a
25 standing position to on the bed.

001488

18

1 A I don't remember, sir.

2 Q So after you had put her on the bed did you get
3 up and straddle her and pin her arms down with your knees?

4 A I got on top of her, yes, sir.

5 Q Did you pin her arms down with your knees?

6 A I'm not sure about pin her arms down. I was on
7 top of her, sir, I know that.

8 Q So while you were on top of her according to
9 your testimony on direct examination you said I showed her a
10 knife.

11 A Yes, I did.

12 Q Now, Mr. Chappell, what does that mean, I
13 showed her a knife?

14 A That means I held it up like this and I asked
15 her where she had been.

16 Q Describe the knife you held up like that.

17 A I don't remember, sir.

18 Q Where did you get the knife?

19 A The knife was on the dresser.

20 Q On the dresser in the bedroom?

21 A Yes, sir.

22 Q Whose knife was it?

23 A It belonged to the household.

24 Q It was Deborah's knife?

25 A If you want to say that, yes.

001489

18

1 Q I'm asking you. Whose knife was it?

2 A It belonged to both of us, sir.

3 Q Was it a kitchen knife?

4 A Yes, sir.

5 Q Steak knife?

6 A I'm not sure if it was a steak knife, sir.

7 Q You've seen the knife in court, 68-A-1, that
8 you used to kill her. Did it look like that knife?

9 A No, it did not.

10 Q Was it the same type of knife?

11 A No, it was not.

12 Q So when you're on top of her you say you showed
13 her this knife?

14 A Yes.

15 Q What did you do, reach over and take it off of
16 the table?

17 A Yeah.

18 Q What was your purpose in showing her the knife?

19 A I was trying to get information out of her.

20 That's it.

21 Q You were trying to use the knife to coerce
22 information out of her; is that true, Mr. Chappell?

23 A Yes, I guess so, sir.

24 Q You were trying to find out if she had a
25 boyfriend?

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18

1 A I didn't ask her that.

2 Q What type of information were you trying to get
3 out?

4 A I don't remember what questions I asked her. I
5 know I asked her where she had been.

6 Q You were jealous?

7 A No, not at that point, no. I was just
8 concerned and she had me worried and when we argued about
9 it, she said a couple of things and I got upset about it.

10 Q You weren't just concerned about the baseball
11 scores, were you, or the weather forecast, what type of
12 information were you trying to get her to divulge by showing
13 her a knife?

14 A I just wanted to know where she had been.
15 That's it.

16 Q Did you feel you were entitled to know where
17 she had been?

18 A She asked me every time when I was gone where I
19 had been.

20 Q Well, obviously if you had to put her down on
21 the bed and get on top of her and show her a knife she
22 didn't want to tell you what you wanted to know; is that a
23 safe assumption?

24 A That could be.

25 Q Did you feel like you're entitled to get

001491

18

1 answers from her?

2 A I answered her when she asked me so I expected
3 the same thing.

4 Q You weren't married, were you?

5 A No, we didn't make it, sir.

6 Q She hadn't made any marital commitment to you,
7 had she?

8 A She told me you get me a ring and I'll marry
9 you. That's what she told me.

10 Q Did you ever get her the ring, Mr. Chappell?

11 A No, I did not, sir.

12 Q You say you showed her the knife. Did you
13 threaten her with the knife?

14 A No. I just was asking her questions and just
15 showed her the knife. I didn't threaten her, didn't do
16 nothing with the knife, no, sir.

17 Q Officer Allen Williams testified about this
18 incident and said it was related to him by Deborah that she
19 had been threatened --

20 A No.

21 Q -- with the knife.

22 A He was false also, sir.

23 Q Dina Freeman the employee with the Tucson
24 Police Department is a liar; is that what you're telling us?

25 A What she said in her testimony in this

001492

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1 courtroom was false.

2 Q Daniel Giersdorf from the Metropolitan Police
3 Department is a liar?

4 A I don't remember everything he said. I
5 remember exactly everything she said.

19

6 Q Well, you said he lied about how you were
7 acting when they came to the mobile home on January the 9th.
8 He's a liar?

9 A Are you talking about the cup incident?

10 Q I'm talking about the day that Deborah's nose
11 was broken by you.

12 A Yeah, he said I was sitting there watching TV.
13 That's not true. The TV was not in the living room.

14 Q So Giersdorf also is a liar?

15 A I can't call him no liar, but when he said I
16 was sitting there watching TV, that was false.

17 Q You were standing watching TV?

18 A No. When they opened the door, I sat down. He
19 came inside, two of them came inside and they grabbed me, my
20 son James Panos seen the entire incident and was crying and
21 screaming and they were telling him to go sit down,
22 everything would be okay. They slammed me all over the
23 place and took me to jail in my boxers, sir, and my socks.
24 That's it. I didn't even get a chance to talk. They came
25 in, they roughed me up and moved me quickly to their vehicle

001493

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1 and slapped me on the hood and put me in the car.

2 Q And you thought that was inappropriate police
3 conduct regarding someone battering his girlfriend?

4 A In that situation, yes, they were out of
5 control, yes, they were.

6 Q You hadn't been out of control?

7 A They were out of control that day.

8 Q And furthermore it is your allegation that on
9 June the 1st, 1995 Officer Williams got information which
10 was false, you did not threaten Deborah Panos with a knife?

11 A No, I didn't say no threats to her. She might
12 have considered me -- my actions as threatening, but I
13 didn't say no threats towards her, no, I did not.

14 Q Why in the world would she think that just
15 because you put her down on the bed and got on top of her
16 and showed her a knife?

17 A I'm pretty sure any woman would be scared in
18 that position, sir.

19 Q And you wanted her to be scared, didn't you?

20 A I just wanted to get information from her. I
21 admit I seen that it wasn't working and so I got rid of the
22 knife, sir. And I let her up.

23 Q After her roommate knocked on the bedroom door;
24 isn't that true?

25 A No. No. No, because I had -- I remember

001494

19

1 putting the knife on the dresser and I was not even on the
2 bed when she knocked on the door, no, that's not true.

3 Q Didn't Claire interrupt what was happening?

4 A No, Claire did not open the door and come
5 inside or nothing. That did not happen, sir.

6 Q While you were asked on direct examination if
7 you had said some degrading things to Debbie Panos in
8 letters you sent from jail -- do you remember that question?

9 A Yes, sir.

10 Q Do you remember stating that in the last two
11 letters you said some degrading things?

12 A Yes.

13 Q When were the last two letters written?

14 A I stayed in the city nine days so it was before
15 that. Between August 5th and August 15.

16 Q So we're talking about letters written within a
17 few weeks before you killed her; is that correct?

18 A That was the last letters I written, sir. I am
19 not sure of the exact dates but they were the last ones I
20 written.

21 Q And you told your counsel that you wrote the
22 letters because you were feeling lonely and you were very
23 depressed and you were hurt and you were devastated?

24 A Right. Exactly.

25 Q Why, Mr. Chappell? Why did you have those

001495

19

1 feelings?

2 A Because the things she was telling me on the
3 phone.

4 Q You already suspected her of being unfaithful,
5 didn't you?

6 A I asked her and she told me no so I didn't
7 pressure her about that.

8 Q Well, you had some pretty strong suspicion.
9 Didn't you call her a slut?

10 A I did write that, yes, sir.

11 Q Didn't you call her a bitch?

12 A I did write that, yes, sir.

13 Q Did you call her a whore?

14 A I did write that, yes, sir.

15 Q And you called her stupid?

16 A I don't remember writing that. If I wrote
17 it -- if I wrote it --

18 Q You even made a religious judgment. You said
19 she was going to hell; is that correct?

20 A I don't recall writing that, sir.

21 Q You don't recall writing that?

22 A No.

23 Q Did you ask her at any time in your
24 correspondence if she had AIDS yet from sleeping around with
25 other men?

001496

19

1

A All through our relationship, you know, we

2

would talk about that situation, talking about people being

3

unfaithful and we just would conversate about what was going

20

4

on around the world and with other people and how everybody

5

around in our community and stuff was getting that disease

6

and I just wanted to put AIDS in her mind and let her know

7

that sleeping around wasn't good if she was doing it, sir.

8

Q Didn't you ask her if she had AIDS yet?

9

A I remember writing something like that, yes.

10

Q Now, why would you ask that type of question

11

and why would you call this woman that you are representing

12

to us here today in this courtroom as being someone you

13

loved, why would you call her a whore and a slut and a

14

bitch?

15

A I was upset at that time, sir.

16

Q Obviously very upset?

17

A I was upset.

18

Q What made you so upset that you would

19

characterize her in very hateful degrading language?

20

A I was upset about numerous things. I wrote

21

those things and I'm sorry. I told her I was sorry. We

22

talked about them letters before I got out of jail, sir, and

23

I apologized to her over the phone.

24

Q You said you talked to Deborah Panos the day

25

before you killed her, August the 30th?

001497

20

1 A I seen her at court, yes, sir.

2 Q So you didn't talk with her, you simply saw
3 her?

4 A I did too talk to her. I seen her and talked
5 to her, sir.

6 Q That was the day you entered a plea of guilty
7 to a domestic battery charge?

8 A Numerous charges that day, sir.

9 Q The domestic battery to which you pled guilty
10 was the June 1st, 1995 crime?

11 A Yes, sir.

12 Q Did Deborah Panos offer testimony at any type
13 of hearing on August the 30th against you?

14 A No, sir. No, she did not.

15 Q Explain what enabled you to speak with her?

16 A I was sitting outside the courtroom, I was
17 sitting right here, the officer was sitting right here and
18 she came walking through the door. She was talking to me
19 right here and she was like right in my face right here.

20 Q What did you say to her?

21 A I asked her how she'd been. I was crying. She
22 told me to stop crying. She told me she missed me. She
23 told me she loved me. She said the kids had been asking
24 about you. She said -- she asked me was I getting out, she
25 asked me that numerous times.

001498

20

1 Q What did you tell her?

2 A I said I am pretty sure I am getting out but I
3 said, you know, I'm supposed to go to the rehab place. But
4 I told her yes, I should be getting out tomorrow. She said
5 okay.

6 Q You're telling us that you knew on August the
7 30th that you were going to get out the following day?

8 A They wasn't supposed to let me go, sir, so I
9 didn't know I was leaving that day, sir.

10 Q Well, that must be true because you explained
11 earlier to your counsel you didn't know when you were going
12 to get out?

13 A No. I just told her what happened in court and
14 she asked me was I getting out tomorrow.

15 Q And you certainly weren't in the position to
16 tell her yes, I'm going to be seeing you out at 839 North
17 Lamb?

18 A I told her -- I said I should be seeing you and
19 the children tomorrow. I told her that. Those were my
20 exact words to her, sir.

21 Q Who had told you there was any possibility you
22 would get out on August the 31st?

23 A EOB came and seen me in jail and they said.

24 Q When did they come and see you?

25 A I don't know the exact date but when I was

001499

20

1 incarcerated between June 26th and August before I went to
2 the city -- August 20th or 21st between that time they came
3 and had a little session with me. I took a little test and
4 they talked to me and told me that when I do get out that
5 they said you're not going to be forced to stay there. They
6 said you want to come there and take care of your business,
7 you could do that. But they said if I wanted to leave and
8 go home or whatever I could also do that.

9 Q The representative of EOB said when you get
10 out?

11 A That wasn't the lady's exact words.

12 Q That's what you just said but they didn't tell
13 you when that would be, did they?

14 A No, they didn't give me no exact date. I was
15 shocked when the city came and got me.

16 Q You were sentenced after you pled guilty to
17 domestic battery, weren't you?

18 A Right.

19 Q Didn't EOB come by to see you even before you
20 were sentenced?

21 A They came by, come to the county before I was
22 sentenced in the county, not in the city, no.

23 Q They came to see you before you pled guilty and
24 that would obviously be before you were sentenced so they
25 certainly didn't tell you when --

001500

1 A I had two different cases, sir. I had a case
2 in the county and several cases in the city.

3 Q I'm asking you if EOB told you when you were
4 going to get out?

5 A No, they didn't know the exact date I was
6 getting out, no.

7 Q Furthermore you didn't tell Deborah Panos when
8 you were going to get out when you saw her August the 30th
9 because you didn't know?

10 A I told her I should get out tomorrow. That was
11 my exact words to her, sir.

12 Q And upon what did you base that statement to
13 her?

14 A Pardon me?

15 Q Why did you think you were going to get out on
16 the 31st?

17 A Because EOB had told me when I do get out, they
18 said that I would be able to leave sometimes from that
19 facility and go home.

20 Q You said that Deborah told you on the 30th she
21 loved you?

22 A Yes, sir.

23 Q She didn't tell you it was over between the two
24 of you?

25 A She never said them words to me, sir. No.

001501

1 Q So you're telling us that in fact your guess
2 came true the following day August the 31st you were
3 released?

4 A I was released, yes, sir.

5 Q And you talked with a representative of law
6 enforcement at about 10:45 a.m.?

7 A Not from about 9:30 till ten something.

8 Q From perhaps 9:30 in the morning until ten
9 o'clock something on August the 31st --

10 A They let me out at nine o'clock, went to the
11 county jail and then we went to his office. So it had to be
12 around 9:30, 9:45 and I stayed there till about 10:45. I
13 was there about an hour.

14 Q And after about 10:45 a.m. you were released
15 and that's when you said you walked back out to the area of
16 Deborah's mobile home?

17 A I didn't go home first, sir.

18 Q I said to the area.

19 A Yes.

20 Q You've told us that the Vera Johnson projects
21 area is just a couple blocks away?

22 A Yes.

23 Q Also on North Lamb?

24 A Yes, sir.

25 Q You were by yourself?

001502

1 A Yes, sir.

2 Q Did you have money in your pocket?

3 A No. No.

4 Q You were broke, weren't you?

5 A Yes, sir.

6 Q How long did you stay in the Vera Johnson
7 projects area?

8 A About 30, 40 minutes.

9 Q Why did you go there first?

10 A I had some belongings over there and I was
11 going over there to get them. But the person wasn't home so
12 I couldn't get them.

13 Q What belongings?

14 A I had a pair of shoes over at somebody's house.

15 Q At whose house?

16 A It was this lady by the name of Sue.

17 Q Who is Sue?

18 A A resident over in them apartments.

19 Q A girlfriend of yours?

20 A No. I wasn't messing with any other woman, no,
21 sir. She was just a friend.

22 Q How do your shoes happen to be at Sue's place?

23 A Oh, I got some new shoes one day and left my
24 old ones over at her house. And that was before I went to
25 jail and they were at her house the entire time I was in

001503

1 jail.

2 Q Do you consume any drugs while you were at the
3 Vera Johnson area?

4 A Absolutely not, sir.

5 Q Have anything to drink?

6 A No.

7 Q Haven't you said before that you had a couple
8 of beers?

9 A There was a guy over there that had some beer
10 and he asked me did I want some and I told him not right
11 now, I told him that I had to go back downtown at one
12 o'clock, be back downtown at one o'clock.

13 Q So you didn't drink any beers?

14 A No, I did not.

15 Q Didn't use any dope?

16 A No, sir, I did not.

17 Q You were certainly of sound mind, that is you
18 knew what you were doing --

19 A I was sober, sir.

20 Q -- when you borrowed the bicycle and you went
21 on over to 839 North Lamb, space 125; is that correct?

22 A I was sober and I went home, yes, sir.

23 Q Were you aware of who you were?

24 A Yes.

25 Q Did you know where you were going?

001504

1 A Yes, sir.

2 Q Did you know why you were going there?

3 A Yes, sir.

4 Q You said that you borrowed the bicycle and went
5 home.

6 A Yes, sir.

7 Q I want to get something straight. By home
8 you're referring to 839 North Lamb, space 125?

9 A Yes, sir.

10 Q Was the mobile home rented in your name?

11 A No, it was not.

12 Q Had you paid any of the rent at that residence?

13 A No, I did not.

14 Q Did you have a key in your pocket that was
15 going to enable you to get into your home?

16 A I lost my key, sir.

17 Q Did you get another one from Deborah?

18 A No, I did not.

19 Q When did you lose your key?

20 A Right before I went to jail, sir.

21 Q Which time?

22 A Before June 26th, 1995, sir.

23 Q Did you have a marriage certificate on your
24 person that gave you entitlement to go into 839 North Lamb,
25 space 125?

001505

2

1 A No, I did not have no marriage certificate.

2 Q When you got there did you knock on the door?

3 A No, I did not.

4 Q Is there a doorbell?

5 A No, there is not.

6 Q You didn't knock?

7 A No, sir.

8 Q You elected to go through a bedroom window?

9 A I went through that window many times, sir.

10 That wasn't the first time.

11 Q I didn't ask how many times it had been. Your
12 decision was to get in by going in through a window; is that
13 your testimony?

14 A Yes, I went through the window, sir.

15 Q And you're saying she was in there and met you
16 as you were coming in?

17 A Yes, sir.

18 Q And you said she was happy to see you?

19 A I told you her exact words when I went inside
20 the window, sir.

21 Q I've forgotten her exact words.

22 A She asked me why didn't I knock at the door. I
23 told her I did not know you was home, I just called two
24 times and nobody answered the phone. And she came over and
25 actually moved the nightstand, moved it a little ways away

001506

2

1 from the window for me, sir, and I climbed in the window.

2 Q When did the screen get pushed down and bent?

3 A I put the screen inside so when she moved the
4 nightstand I guess it must have went -- some of it got on
5 top of the screen because I didn't take the screen and put
6 it up under there, you know.

7 Q The testimony has been that the print of a shoe
8 was on the screen. You had to walk on the screen you'd put
9 inside to get in?

10 A Well, if I stepped on it, I don't remember
11 doing that, but if there was a footprint on it, my footprint
12 must have been on it.

13 Q The screen is damaged?

14 A No, it wasn't damaged the last time I seen it.

15 Q It's bent, sir, according to the photographs
16 taken by the officers. You didn't damage the screen?

17 A No, I did not damage the screen, sir.

18 Q She according to you met you at the window and
19 asked why you hadn't knocked. That was a good question,
20 wasn't it?

21 A I didn't knock because nobody answered the
22 phone when I called her.

23 Q Did you have the money to pay for any damage to
24 the window or the screen as a result of your entry through a
25 window?

001507

2 1 A I didn't damage the window and I didn't damage
2 the screen so there wouldn't be no need for no financial
3 assistance.

4 Q You said the two of you talked for about 20
5 minutes, you began to kiss and then you started taking each
6 other's clothes off?

7 A Exactly.

8 Q And you began to have sex?

9 A Yes, sir.

10 Q You said you began to have sex.

11 A Yes, sir.

12 Q And as I remember you said when I entered her,
13 her vagina was all loose and wet and smelly?

14 A Exactly.

15 Q You said it wasn't nothing like it used to be?

16 A Nothing. Never like that. Never.

17 Q That made you angry?

18 A Of course I would be upset.

19 Q What do you mean of course I would be upset?

20 A Any man would be upset they come home to their
21 lady and she wasn't the way -- her vagina was the way
22 Debbie's was that day.

23 Q Mr. Chappell, you keep calling her your lady.
24 Was she wearing a little gold band that you had bought for
25 her on her left ring finger?

001508

2

1 A She told me that she was my girl. And I'm
2 going to go by that, sir.

3 Q Did you think you owned her, sir?

4 A No, I did not.

5 Q So you've told us that when you detected that
6 something was different you got up and grabbed her?

7 A Yes, I did.

8 Q Grabbed her how?

9 A I put my hand in this area right here.

10 Q This area meaning in the area of her neck?

11 A Yeah.

12 Q Did you begin to choke her, Mr. Chappell?

13 A I didn't choke her that she couldn't say
14 nothing or nothing like that, she couldn't breathe, it
15 wasn't nothing like that.

16 Q With both hands did you begin to choke her,
17 sir?

18 A No. No.

19 Q With only one hand?

20 A One hand, sir.

21 Q Which hand?

22 A My right hand, sir.

23 Q Did you grasp her neck with your right hand?

24 Did you take a hold of her neck with your right hand?

25 A She was laying down, I was on top of her

3

001509

3

1 holding her like onto her neck. I wasn't squeezing it,
2 nothing like that.

3 Q She was still laying on the sofa?

4 A Yes, sir.

5 Q But you were standing at that time?

6 A I was like on my knees on top of her. I wasn't
7 standing up yet.

8 Q Pinning her down?

9 A If you call just holding on to the front of her
10 neck pinning her down, yes, sir.

11 Q Mr. Chappell, I'm not calling it anything. I'm
12 asking you what you were doing.

13 A I don't call it pinning her down, no, sir, I
14 was not pinning her down.

15 Q You said you grabbed her with your right hand.
16 What were you doing with your left hand?

17 A My left hand was at the side of the couch like
18 that.

19 Q Did you have the knife at that time?

20 A Absolutely not, sir.

21 Q Had you ejaculated at that time?

22 A No, sir.

23 Q You've said that she wanted to know if she
24 could get on top of you after you'd begun to accuse her of
25 being with someone else?

001510

3 1 A Yes. She asked me that about three times.

2 Q And you rejected that because at this point you

3 were very angry with her?

4 A Yes, I rejected that.

5 Q Were you now convinced that she was being

6 unfaithful?

7 A No. Not totally, no.

8 Q You said she performed oral sex on you?

9 A Yes, sir.

10 Q And it was at some point after this that she

11 finished and went into the bathroom?

12 A Exactly.

13 Q And then she called the day-care center?

14 A Yes, sir.

15 Q About what time is it that she called the

16 day-care center?

17 A I wasn't watching the clock so I don't know

18 what time it was.

19 Q What time would you say you arrived at the

20 mobile home and went into the window and through the window

21 and you were greeted by Deborah?

22 A I don't know the exact time, sir. I didn't

23 look at the clock at all when I was there.

24 Q Well, how far did you have to walk to get from

25 the office of where you had met with the law enforcement man

001511

3

1 to get out to the projects area in the 500 block of North
2 Lamb?

3 A Las Vegas Boulevard and Bonanza to Lamb and
4 Bonanza took about 45, 50 minutes, sir.

5 Q So if you left the office at about 10:45, then
6 it was, what, 11:30 or 11:35 when you arrived at the Vera
7 Johnson area?

8 A I didn't see no clock over there, but I guess
9 so, sir.

10 Q You said you were there for about half an hour?

11 A Yeah. Yes.

12 Q So that's somewhere around noon or perhaps
13 shortly after twelve o'clock noon?

14 A Yes.

15 Q You borrowed a bicycle?

16 A Yes.

17 Q How long did it take you to ride the bicycle
18 from Vera Johnson to the Balerina Mobile Home Park?

19 A No longer than ten minutes, sir.

20 Q Now, you said you had called from downtown to
21 try to talk to her and you didn't get her on the telephone?

22 A I called from Mr. Duffy's office, sir. He
23 dialed and I left a message on the answering machine.

24 Q And you said you called from the projects also?

25 A Yes, sir.

300

001512

3

1 Q Did you leave a second message on the answering
2 machine?

3 A Yes, I did, sir.

4 Q And you're telling us you thought she wasn't
5 home?

6 A Exactly. She would have picked up the phone if
7 she was home.

8 Q So approximately what time is it that she is
9 supposedly calling the day-care center about the children?

10 A I didn't see no clock, sir, so I don't know.

11 Q Do you know why she called the day-care center?

12 A She said let's go pick up the kids. We was
13 going to get the kids.

14 Q I thought you mentioned that she was talking
15 with someone and you heard her mention 5:35?

16 A The lady told her that she had to pick up the
17 children by 5:30. She said that in her testimony --

18 Q It certainly wasn't close to 5:30, was it?

19 A No, that's what I asked her. I knew right away
20 that -- she said she had to take the kids at 7:30, dropped
21 them off at 7:30 and I knew right then that she didn't have
22 to pick them up until later in the afternoon, but I told her
23 I wanted to see them anyway, I wanted to see them.

24 Q But you said she was acting scared when she was
25 on the telephone?

001513

3 1 A She looked nervous to me. If she was scared,
4 2 that I think if she was scared she probably would have ran
3 or left the mobile home while I was in the bathroom. So I
4 don't think she was scared. She was just nervous.

5 Q Nervous of you?

6 A Nervous of the condition of her vagina and she
7 knew that I was upset about it.

8 Q That you had accused her of being unfaithful?

9 A I asked her who she had been with and she said
10 nobody.

11 Q Had you threatened her?

12 A No, I did not.

13 Q Sheri Smith has testified earlier in your
14 trial, do you remember her, the young lady from the Angel
15 Day-Care Center?

16 A Yes.

17 Q She testified that she asked Deborah Panos if
18 she could get away from you and come by herself to the
19 day-care center and Deborah said no?

20 A I also read that in her statement. I didn't
21 hear none of that so I don't know.

22 Q At this point was Deborah Panos free to go
23 somewhere by herself?

24 A We had both agreed to both going to get the
25 children so I don't know why that was said over the phone.

001514

4

1 Q If she had not agreed to let you go with her,
2 would you have gone along with her?

3 A Yeah, I would have gone along with her because
4 I wanted to shower and change and all that anyway, sir.

5 Q Sheri Smith also said that twice during the
6 telephone conversation Deborah asked her for help.

7 A I heard that, sir.

8 Q Why would Debbie be asking this employee of the
9 day-care center for help?

10 A I don't know, sir. She had a chance to call
11 911 if she was really scared. She didn't do it so she
12 couldn't have been really scared, sir. She was nervous, but
13 she wasn't scared.

14 Q Well, you told us a little earlier that she was
15 more than nervous. You said she was scared and you figured
16 that was because she knew I knew she had been messing
17 around; isn't that what you told us earlier?

18 A She was probably thinking that in her mind,
19 yeah. I don't know what she was thinking about.

20 Q Were you also asking Deborah for money?

21 A No, I had asked Deborah when we pick up the
22 kids could we all go out and eat together and she said she
23 didn't have no money. We used to go out and eat together a
24 lot.

25 Q Well, you've told us that the two of you left

001515

4 1 together and you went out to the car and she was going to
2 let you drive?

3 A Yes, we left together and she asked me do you
4 want to drive and I said yes. She handed me the keys and we
5 went to go get in the car.

6 Q You've seen the car depicted in Exhibits 56
7 through 60, the photographs?

8 A Yes, sir.

9 Q Is that Debbie's car?

10 A Yes, sir.

11 Q It wasn't your car, was it?

12 A No, it wasn't.

13 Q Did you have a key to the car?

14 A No, I did not.

15 Q Did she let you have your own key to her car?

16 A No.

17 Q You hadn't made any of the payments on the car?

18 A When she got the car she only paid a thousand
19 bucks for it. It didn't need a payment, sir.

20 Q Well, that was a thousand dollars more than you
21 had, wasn't it?

22 A Yeah, you're right. But when she got the car
23 she told me she had a big surprise for me. She came and
24 picked me up May 10th at the Clark County Detention Center
25 in that car, sir.

001516

4

1 Q Now, you've told us that as the two of you
2 walked out you saw the beer cans over next to the house?

3 A Yes, sir.

4 Q And you didn't like the condition of the Toyota
5 when you got in it?

6 A The Toyota was trashed and messed up, sir. Of
7 course I didn't like it. She didn't like it either. She
8 said a couple comments I know the air conditioner is broke,
9 this and that, this and that.

10 Q And then you're saying you found a letter in,
11 where, the console area?

12 A Yes, sir. Right here. Right in between the
13 two seats, sir.

14 Q And you found that as you were backing out and
15 in the process of driving the vehicle?

16 A No, I didn't find it while I was backing out.
17 I was like two houses down and then I looked, sir.

18 Q Two houses down driving the vehicle?

19 A Yes.

20 Q It was moved?

21 A Yes.

22 Q And then as you went along you began to read
23 it?

24 A Pardon me?

25 Q As you were driving down the street you were

001517

4

1 reading what was on the note or letter?

2 A Yes, I let go of the steering wheel like I said
3 and read the letter as quickly as I could.

4 Q Did you stop it when you let go of the steering
5 wheel?

6 A Stop what?

7 Q The car.

5

8 A No. Like I said I almost ran into another car
9 that was parked.

10 Q And what you read is that some guy had written
11 her and he was talking about having sex with her?

12 A He said numerous things about sex, sir.

13 Q And you've told us that you were shocked and
14 devastated.

15 A Very.

16 Q And you backed up, you pulled into the driveway
17 and you said you climbed out on her side of the car?

18 A Yes, sir.

19 Q Did you grab her at that time?

20 A I pulled her out of the car, yes, sir.

21 Q Why did you climb out on her side? Were you
22 afraid she was going to run?

23 A She didn't attempt to do it so I don't know,
24 sir.

25 Q You don't know why you got out on her side of

001518

5

1 the car?

2 A No.

3 Q You had to step across her to get out, didn't
4 you?

5 A Exactly, yes, sir.

6 Q You said she was trying to get the note or
7 letter from you?

8 A She was trying to take it from me, sir.

9 Q And it was being torn into pieces as you
10 struggled over it?

11 A Right.

12 Q And you remember all of these details; is that
13 true, Mr. Chappell?

14 A I remember --

15 Q You remember dragging her back into the mobile
16 home?

17 A I remember removing her from the vehicle and
18 going towards the house, sir.

19 Q When you got her into the house do you remember
20 throwing her onto the floor?

21 A I remember her falling on the floor, yes.

22 Q Did she have a little help in falling on the
23 floor?

24 A Yes, she did.

25 Q And when you helped her fall to the floor what

001519

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1 did she do?

2 A She laid there like I said, sir. She didn't
3 move.

4 Q She just laid there and covered up her face,
5 didn't she?

6 A Yes, sir.

7 Q And tried to protect herself; is that true, Mr.
8 Chappell?

9 A Yes.

10 Q Had she tried to attack you?

11 A No, she did not.

12 Q Had she got a knife or some type of weapon and
13 tried to injure you or hurt you?

14 A No, sir.

15 Q Did you suffer any type of serious injury as a
16 result of the struggle between the two of you?

17 A No, sir.

18 Q So what happened after you had her on the floor
19 and she just laid there and tried to cover herself up, what
20 did you do, sir?

21 A I can't picture it, sir. I don't remember.

22 Q You can't picture it or you don't want to tell
23 us what you picture now in this courtroom in your mind?

24 A I can't see myself hitting her, sir. I am
25 telling you I blacked out, sir. Quit just like that.

001520

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1 Q You're saying you blacked out?

2 A Right. I don't remember seeing myself strike
3 this woman or do nothing.

4 Q And you remember precisely what happened right
5 up to the moment that you killed her, but you don't remember
6 that part of it and then afterwards you remember again?

7 A I remember moving her towards the house, sir,
8 and I remember seeing her on the floor. That's it.

9 Q Are you just telling us what you want to tell
10 us?

11 A No, sir.

12 Q Aren't you just remembering what you want to
13 remember?

14 A No, sir, that's not true.

15 Q Where did the knife come from?

16 A I don't know, sir.

17 Q Is 68-A-1 your knife?

18 A No, it is not.

19 Q Then it was Deborah's knife; is that correct?

20 A It belonged to the household, sir.

21 Q Didn't it stay in a drawer in the kitchen?

22 A I don't know.

23 Q You killed her in the living room, didn't you?

24 A I don't know if it was in no drawer. I don't
25 remember opening no drawer, sir.

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1 Q At some point after you had beat her into
2 submission you had to walk somewhere to get the steak knife;
3 isn't that correct?

4 A I don't remember where I got the knife from,
5 sir. If I did, I would tell you. But I don't.

6 Q The medical examiner says you stabbed her at
7 least 13 times in the neck and the chest ten times. You're
8 telling us you don't remember any of that?

9 A No, I do not.

10 Q You don't remember stabbing her even once with
11 a knife?

12 A No. No, I do not.

13 Q Now, when is it that you went into the bedroom
14 and you threw these letters that you had written to her
15 around the room?

16 A The letters were tossed at her before she had
17 performed oral sex on me, sir, right when we went in the
18 room.

19 Q While you were accusing her; is that true?

20 A I had accused her when I was laying on top of
21 her, sir. When I got off of her I didn't repeat what I had
22 said to her. I just walked away from her.

23 Q How did the two of you get in the bedroom? How
24 did the two of you get into the bedroom?

25 A I walked in there, she followed me and she

6

001522

6

1 hugged me around my waist like I said, sir.

2 Q But you didn't want her affection at that
3 point; is that what you're telling us?

4 A No, I did not.

5 Q Because you were angry; is that true?

6 A I was upset.

7 Q You were jealous?

8 A Upset.

9 Q Suspicious?

10 A Upset.

11 Q Did you call her a bitch or whore or slut?

12 A No.

13 Q That afternoon?

14 A No, sir, I did not.

15 Q But you've told us at some point you picked up
16 a stack of your letters and suggested that these hadn't
17 meant anything to you?

18 A My exact words, yes.

19 Q You've testified that after this happened you
20 didn't know that you had killed her?

21 A I seen her on the floor, sir. I left. I
22 couldn't sit there.

23 Q Did you check for a pulse?

24 A No. No.

25 Q There is a telephone inside the mobile home,

001523

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1 isn't there?

2 A Yes, there was.

3 Q Did you go to the telephone since you didn't
4 know that she was dead and call 911?

5 A If you see somebody like that laying in front
6 of you, sir, you are not going to sit there and look at
7 that, sir.

8 Q Did you try to help her?

9 A I couldn't look at that, sir.

10 Q So you chose to ignore her situation; is that
11 what you're telling us? Is that your testimony?

12 A I couldn't sit there and look at that, sir. I
13 had to get out of there, sir. I couldn't look at it.

14 Q You didn't climb on your bicycle, you stole her
15 car; isn't that true?

16 A If you want to call it stealing it. I don't
17 consider myself stealing it, sir.

18 Q Were the keys still in the car?

19 A I don't remember, sir.

20 Q And you drove to the Vera Johnson projects in
21 the car and you got high?

22 A No, I did not get high. I parked the car, I
23 went inside an abandoned apartment and stayed in there about
24 three hours, sir.

25 Q Is that where you got the shrimp and the pie?

001524'

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1 A I didn't get that till like ten o'clock at
2 night, sir.

3 MR. HARMON: May I approach the witness, Your
4 Honor?

5 THE COURT: Yes.

6 BY MR. HARMON:

7 Q Mr. Chappell, this is a couple of pages, it
8 looks like they're numbered seven and eight which have been
9 removed from letters taken from the bag, Exhibit 75. Is
10 that your handwriting?

11 A Yes, sir.

12 Q So both on the front which is identified as
13 page seven and on the back page eight this is a letter
14 written by you?

15 A Yes, sir.

16 Q You wrote this from the jail?

17 A Yes, sir.

18 Q And you wrote this a few weeks before you
19 killed her?

20 A I don't know the exact date I wrote the letter,
21 sir.

22 Q You begin this page of the letter by saying,
23 "Hello, Sweetie. Found some more paper. It's Sunday,
24 July 30, 1995." Is that date in your handwriting?

25 A Yes, sir.

001525

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1 Q So is that apparently the date you wrote this?

2 A Yes, sir.

3 Q You say, "Been here 35 days. Where are you?"

4 And you have four question marks?

5 A Yes.

6 Q You go on to write, "You must be terrified to
7 visit me, ha?"

8 A Yes, I wrote that.

9 Q Did you further write, "You know I'll put you
10 on the witness stand, ha?" Did you write that?

11 A Yes, she knows she can't lie to my face, sir.
12 That's why I wrote that. I'd know if she was telling the
13 truth.

14 Q You meant when you saw her you were going to
15 give her the third degree, didn't you?

16 A I was going to question her, yes.

17 Q About where she'd been and who she'd been with?

18 A I already knew who she was hanging with.

19 Q Who?

20 A Lisa Duran and Claire and Jennifer, that lady
21 that was sitting in the back of the courtroom.

22 Q And now after you talked about putting her on
23 the witness stand did you say, "And you can't face it or me,
24 ha?" Is that what you write, "and you can't face it or me,
25 ha?"

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6 1 A I wrote that, yes, sir.

2 Q You didn't get out of custody between
3 July the 30th, 1995 and August the 31st, did you?

4 A No.

5 Q Do you then write, "One day soon I'll be at
6 that front door and what in God's name will you do then?"
7 Did you write that, sir?

8 A Yeah, I wrote that.

9 MR. HARMON: That's all we have, Your Honor.

10 THE COURT: Redirect?

11 MR. BROOKS: Court's indulgence, Your Honor.

12 We have no questions, Judge.

13 THE COURT: All right. Mr. Chappell, you may
14 step down.

7 15 We'll declare the evening recess at this time.
16 Ladies and gentlemen, thank you very much for your patience
17 today with us starting so late and that couldn't be avoided.

18 Ladies and gentlemen, during the recess it is
19 your duty not to converse among yourselves or with anyone
20 connected with the trial, or read, watch or listen to any
21 report of or commentary on the trial by any medium of
22 information including, without limitation, newspaper,
23 television and radio, and you are not to form or express any
24 opinion on any subject connected with this case until it is
25 finally submitted to you.

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Case No: C/31341
MARKED FOR IDENTIFICATION
STATE'S PROPOSED EXHIBIT
139

NAME

CHAPPELL

NDOC #

5233.8

6. PRISON PRESENTATION

CHAPPELL VIOLATED A "NO CONTACT" ORDER ISSUED BY WARDEN McDANIEL THAT ORDERED THAT CHAPPELL NOT COMMUNICATE WITH VIRGINIA TAYLOR A PRIVATE CITIZEN. HE TRIED TO COMMUNICATE BY TELEPHONE AND SENT HER A LETTER

EVIDENCE RELIED UPON:

LETTER TO VIRGINIA TAYLOR PHONE RECORDS WRITTEN REPORT LETTERS FROM VIRGINIA TAYLOR

CONFIDENTIAL INFORMATION (CI) CHECKLIST (BOTH A & B MUST BE BY "YES" TO RELY ON CI)

- A. CI RELIABLE: YES NO NA CHECK AT LEAST ONE BOX BELOW
- ☐ INVESTIGATING OFFICER TESTIFIES PERSONALLY AS TO THE TRUTHFULNESS OF THE CONFIDENTIAL INFORMATION IN HIS REPORT
- ☐ CORROBORATING TESTIMONY
- ☐ DISCIPLINARY CHAIR HAS FIRST HAND KNOWLEDGE OF SOURCE AND SOURCE HAS BEEN RELIABLE IN PAST
- ☐ IN-CAMERA REVIEW OF DOCUMENTS: FOUND RELIABLE
- B. STATEMENT BY CORRECTIONAL OFFICIAL: SAFETY PREVENTS DISCLOSURE OF CI YES NO

7. FINDINGS

COUNT/CHARGE	REDUCE TO:	GUILTY	NOT GUILTY	DISMISS	COUNT/CHARGE	REDUCE TO:	GUILTY	NOT GUILTY	DISMISS
I <u>GI</u>		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	V		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
II <u>MJ31</u>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	VI		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
III <u>MJ42</u>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	VII		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
IV		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	VIII		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

OTHER, SPECIFY:

8. SANCTIONS

A.	B.	C.	D.	E.	# OF DAYS	BEGIN DATE	END DATE
<u>DS</u>	<u>PERMANENT PRISON</u>				<u>30</u>	<u>TBS</u>	<u>TBS</u>
						<u>10-31-06</u>	<u>11-29-06</u>

STAT FORFEITURE REFERRAL: YES NO

RESTITUTION: YES NO

RECOMMENDED CATEGORY: A B C

AMOUNT, IF KNOWN: \$ 0 OR TO BE DETERMINED (TBD)

OTHER, SPECIFY:

9. ANCILLARY INFORMATION/INSTRUCTIONS

POST DISCIPLINARY CLASSIFICATION: YES NO DATE:

NCIS RECORD COMPLETED:

DATE: 10-31-06BY WITOM: Km

10. SIGNATURE OF DISCIPLINARY HEARING OFFICER

ROBERT HENDRIX
PRINTED NAMERobert Hendrix
SIGNATURE

WARDEN/DISEGNEE

E.K. McDANIEL
PRINTED NAMEEM
SIGNATURE

11. DISTRIBUTION DIRECTIONS

ORIGINAL - 1-FILE

04076 COPY - INMATE

COPY - CHARGING EMPLOYEE

NEVADA DEPARTMENT OF CORRECTIONS
CODE OF PENAL DISCIPLINE
DISCIPLINARY FORM III
"SUMMARY OF DISCIPLINARY HEARING"

1. INMATE INFORMATION (PRINT)

LAST NAME: CHAPPELL FIRST NAME: JAMES
ID#: 52338 CURRENT LOCATION: 3B35A ESP LOCATION OF DISCIPLINARY VIOLATION IF DIFFERENT THAN CURRENT LOCATION: 3A17A ESP

2. HEARING INFORMATION (PRINT)

DATE OF HEARING: 10-30-06 TIME OF HEARING: 1233 PM
IF HEARING IS LATE, EXPLAIN CIRCUMSTANCES OF DELAY: N/A

COUNSEL SUBSTITUTE: YES APPROVED? NO NAME: _____ # _____

CHARGING EMPLOYEE NAME: MIKE KENDALL TITLE: C/O

STAT FORFEITURE POSSIBLE: YES NO POTENTIAL CATEGORY: A B C

PROCEEDINGS RECORDED: YES NO

INMATE CAUTIONED REGARDING POSSIBLE CRIMINAL CHARGES AND RIGHT TO REMAIN SILENT: YES N/A

3. CHARGES AND PLEAS

COUNT/CHARGE	PLEA		NEGOTIATION REQUESTED	COUNT/CHARGE	PLEA		NEGOTIATION REQUESTED
	GUILTY	NOT GUILTY			GUILTY	NOT GUILTY	
I <u>G1</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	V _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
II <u>MJ31</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	VI _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
III <u>MJ42</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	VII _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
IV _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	VIII _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4. WITNESS INFORMATION

NAME	ID# OR TITLE	APPROVED		REASON FOR DENIAL		
		YES	NO	BEGIN DATE	REDUNDANCY	OTHER EXPLAIN BELOW
<u>EK McDANIEL</u>	<u>WARDEN</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

COMMENTS: _____

CHARGING EMPLOYEE TESTIMONY: ☐ YES ☐ N/A ☒ WAIVED

5. INMATE STATEMENT

WE ONLY WROTE EACH OTHER FOR 30 DAYS
WE DON'T KNOW EACH OTHER I SENT HER TWO
LETTERS IN THE LAST 2 WEEKS OF JULY AND THE
FIRST 3 WEEKS OF AUGUST. SHE SAID SHE LOVED ME
I TOLD HER I DID NOT WANT A COMMITTED RELATIONSHIP
JUST FRIENDSHIP AFTER THAT SHE STOPPED CALLING HER
THE PHONE COMPANY SAID SHE WOULD HAVE TO SIGN A CONTRACT
TO CONTINUE TO RECEIVE CALLS I DID NOT KNOW
ABOUT THE NO CONTACT ORDER I DID NOT
ABUSE MY PHONE PRIVILEGES

NEVADA DEPARTMENT OF CORRECTIONS
CODE OF PENAL DISCIPLINE
DISCIPLINARY FORM II
"SUMMARY OF PRELIMINARY HEARING OFFICER'S INQUIRY AND DISPOSITION"

1. INMATE INFORMATION (PRINT)

LAST NAME: Chappell FIRST NAME: James ID #: 52338 CURRENT LOCATION: 31351

2. HEARING INFORMATION (PRINT)

DATE OF HEARING: 10-13-06 TIME OF HEARING: 12:55P
NAME OF HEARING OFFICER: P. Hunt TITLE: Shr.
DATE OF SERVICE OF NOTICE OF CHARGES: 10-13-06
IF LATE, PROVIDE EXPLANATION OF EXCEPTIONAL CIRCUMSTANCES: _____

3. CHARGES AND PLEAS

COUNT/CHARGE	PLEA		COUNT/CHARGE	PLEA		COUNT/CHARGE	PLEA		COUNT/CHARGE	PLEA	
	GUilty	NOT GUILTY		GUilty	NOT GUILTY		GUilty	NOT GUILTY		GUilty	NOT GUILTY
I <u>61</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	III <u>17022</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	V _____	<input type="checkbox"/>	<input type="checkbox"/>	VII _____	<input type="checkbox"/>	<input type="checkbox"/>
II <u>17031</u>	<input type="checkbox"/>	<input type="checkbox"/>	IV _____	<input type="checkbox"/>	<input type="checkbox"/>	VI _____	<input type="checkbox"/>	<input type="checkbox"/>	VIII _____	<input type="checkbox"/>	<input type="checkbox"/>

4. STATEMENT OF INMATE

To be heard at hearing.

5. PRELIMINARY HEARING OFFICER ACTION

COUNT/CHARGE	REMARKS TO	DISMISS	RESOLVE	REFER	COUNT/CHARGE	REDUCE TO	DISMISS	RESOLVE	REFER
I <u>61</u>	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	V _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
II <u>17031</u>	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	VI _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
III <u>17022</u>	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	VII _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
IV _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	VIII _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

6. RESULTS OF INFORMAL, SUMMARY HEARING

COUNT	SANCTION
I _____	_____
II _____	_____
III _____	_____
IV _____	_____
V _____	_____

RESTITUTION
YES ☐ NO ☐
AMOUNT \$ _____ (IF KNOWN) OR
TO BE DETERMINED (TDD) ☐
YOUR ACCOUNT WILL BE FROZEN UNTIL THE
AMOUNT IS DETERMINED AND POSTED

7. EVIDENCE RELIED UPON; COMMENTS

Written report.

8. ADVISEMENT TO DISCIPLINARY COMMITTEE

COUNSEL SUBSTITUTE REQUESTED: YES ☒ NO ☐ NCIS RECORD UPDATED: YES ☒ NO ☐
NAME: _____ NUMBER: _____ LOCATION: _____ DATE: 10-13-06 BY WHOM: AS
NAME: _____ NUMBER: _____ LOCATION: _____

9. SIGNATURES AND RECEIPT

HEARING OFFICER: P. Hunt DATE: 10-13-06 TIME: 12:55P
INMATE: James Chappell
(REFUSAL TO SIGN SHOULD BE NOTED)

10. DISTRIBUTION INSTRUCTIONS

ORIGINAL - I-FILE

04078

COPY - INMATE

COPY - INMATE SERVICES

541

NEVADA DEPARTMENT OF CORRECTIONS
CODE OF PENAL DISCIPLINE
DISCIPLINARY FORM I
"NOTICE OF CHARGES"

1. INMATE INFORMATION (PRINT)

LAST NAME: CHAPPELLFIRST NAME: JAMESID#: 52338CURRENT LOCATION: 3A7A3B35

2. VIOLATION INFORMATION (PRINT)

CHARGING EMPLOYEE NAME: MIKE KENDALLTITLE: CORRECTIONAL OFFICERDATE OF INCIDENT: 8/19/06 - 10/11/06DATE CHARGES WRITTEN: OCTOBER 11, 2006EVIDENCE COLLECTED: ☒ YESNO EVIDENCE HELD BY CERT (COPIES ATTACHED)

CHARGES: (Listed by Number Only, Definitions are listed on reverse side of this form.)

I 61II MJ 31III MJ 42IV V VI VII VIII

3. REPORT OF VIOLATION: (If additional space is required, use and attach supplemental pages, DOC 3016)

ON OCTOBER 11, 2006, IT WAS DETERMINED, AS THE RESULT OF AN INVESTIGATION AND AT THE REQUEST OF ELY STATE PRISON'S ASSOCIATE WARDEN OF OPERATIONS DEBRA BROOKS, THAT INMATE JAMES CHAPPELL (#52338) DID VIOLATE A "NO CONTACT" ORDER ISSUED BY WARDEN E.K. McDANIEL ON AUGUST 29, 2006 REGARDING VIRGINIA TAYLOR OF BURLINGTON, VERMONT (DOB - 8-62-1907). SINCE THE "NO CONTACT" ORDER WENT INTO EFFECT, INMATE CHAPPELL ATTEMPTED TO CONTACT MS. TAYLOR BY TELEPHONE ON SEPTEMBER 10, 2006 (COPY ATTACHED). INMATE CHAPPELL ALSO "PREPACKED" SEVERAL LETTERS TO MS. TAYLOR SINCE THE "NO CONTACT" ORDER VIA AN UNKNOWN PARTY IN INDIANAPOLIS, INDIANA (COPY ATTACHED OF LETTER RETURNED TO WARDEN BROOKS BY MS. TAYLOR). MS. TAYLOR HAS ALSO FILED TWO LETTERS OF COMPLAINT (COPIES ATTACHED) TO WARDEN BROOKS REGARDING INMATE CHAPPELL'S VIOLATIONS OF THE "NO CONTACT" ORDER.

NFI/EDR

4. SIGNATURE OF CHARGING EMPLOYEE AND SUPERVISOR

SIGNATURE OF CHARGING EMPLOYEE: [Signature]SIGNATURE OF SHIFT SUPERVISOR: LT- Terry [Signature]

(Denotes Review/Approval of Completed Notice; Confirms Initiation of Record in NCIS)

5. SERVICE OF NOTICE (To be completed by Hearing Officer)

DATE OF SERVICE: 10-13-06TIME OF SERVICE: 12:55pPRINTED NAME OF HEARING OFFICER: P. AcutSIGNATURE OF HEARING OFFICER: [Signature]INMATE SIGNATURE: [Signature]

(Signature indicates receipt of notice only, it is not a plea; refusal to sign should be noted.)

6. DISTRIBUTION INSTRUCTIONS

04079

ORIGINAL - CHAIRMAN OF DISCIPLINARY COMMITTEE. COPY - INMATE. COPY - CHARGING EMPLOYEE

Dearest Ginger,

Hello Stranger, I do not know if I should even be writing this to you, because there are many issues that we have that cannot be remedied within one simple letter, and beyond that I am not sure what you will do with my words and thoughts. You have for reasons I cannot comprehend, took it upon yourself to offer me a Friendship/Relationship, and all by yourself destroyed it. Virginia, I came into your life purified from the James that existed in society, I am a different human being today, and you did not allow me the time, understanding, respect, humanity, etc. to show and prove this to you.

If I in anyway, shape, or form caused you any level of discomfort, insecurity, dis-trust, or conflicts within yourself, perceptions, and/or mind, believe me it was not intentional. I never meant to cause you any pain, or sorrow, no any other human being. My days of causing pain to others ended on September 1st, 1995.

I am writing you this way because as you know YOU, called this prison for reasons I do not know and cannot know because I cannot write to you nor call you anymore from what was said between you and the Warden here. Virginia, prison is a SERIOUS institution in everyway, no one outside of it, nor within one can take the privileges for granted. Virginia, why did you call here ??? Did and does my word not mean anything ??? I realize I'm in prison, and that we/our words, actions, circumstances, existences, etc. are automatically questioned, in doubt, not trusted, suspicious, etc. I am aware that that the stigmas and stereotypes upon the whole of the incarcerated/death row inmates are deeply routed and difficult for many within society to overcome, but you Virginia went beyond the call of duty and action.

I am also aware of your "gossiping" with many others within society about OUR correspondence, OUR letters and communications, or lack there of, OUR phone conversations, MY words, thoughts, Legal circumstances, etc. And I cannot tolerate not accept such behavior or actions from anyone I choose to write, befriend, or commit into a relationship with.

What in you and/or your mind causes you to behave as you have and maybe still are ??? Is it from the "3-failed" marriages", is it an in-balance mentally, or is it just plain ole insecurity ??? When our journey began, which as you may know was a mere "3-months", I saw you as a mature, experienced, knowledgable, and wise middle-aged woman, a woman who could THINK for herself, USE her mind rationally, TRUST herself, Her opinions, HER intuitions, HER experiences and wisdom from life, and HER heart when it came to myself, us, and/or situations that involved US. Why can you NOT completely STOP and THINK things through before reacting to anything from raw emotions and/or feelings ????

LISTENING, is so important in any friendship or relationship, equally essential is COMMUNICATION, no companionship can work, progress, or last without those qualities and foundations. If anyone should know this, it should be YOU !!!

I am also writing you because your mail, (without your return address in the corner), allows me to receive your mail. I would like you to know that I have received numerous cards from you, the pictures of you and your home, all of your letters, the e-mail, etc. THANK-YOU for each item/gift from you, it is the THOUGHT behind it, them, that matters, not what they are nor contain...

Virginia, with all do respect, I ask you once and for all, please STOP discussing, me, my letters, my existence, my life, my past, my case, and OUR relationship with others in society, it is NOT their business. Respect me, I would never share nor give out any information of yours to anyone, and especially, people I do not know nor ever met. Would you like your personal medical and/or financial information out in the world domain for any and all to see, read, & know about ???

I am hearing from different inmates here through their pen-pals of all you are, and have been doing, PLEASE STOP bringing OUR issues to the attention of others here, because this can bring me conflicts here. As I've stated, prisons are different from the rules you know of and live by in society. I am aware that an outsider cannot relate to, let alone understand this, but prison is a serious place and lives by it's own rules/codes, PLEASE try to understand this and STOP "gossiping" with others even you do not know and should not trust about myself, you, and us. I would greatly Appreciate it. Act like an adult, a woman with respect for self and others...

You have a brain, use it !!!

I have NOT lied to you about anything, and have NOT tried in anyway to deceive you, I am no longer a part of the superficial nor materialistic, nor selfish breeds of this society. I am a grown, grounded, aware, informed, rational, and balanced human being today. I have over my 11-years of my existence, learned and trained myself to NOT "want", I only acknowledge "need", you were not able to learn this about me because you stepped outside of US, to question people that do not know me, never met me, not even had a conversation with me, to find out what I could have told you because I'm the only one that knows.

Everything I sent you was a "gift" from my heart, and how I saw YOU & US at that time. Nothing was meant to mislead nor deceive you. I was brought up to respect my elders, and you are among those adults that I RESPECTED, what caused you not over-look that I'll never know. PLEASE know also that I hold no ill will towards you, nor hold all you've done personally, it's not in my nature, I use my mind more efficiently today, I have grown up, learned about myself, and studied my emotions, thoughts, faults, etc. and learned to control them. I am not a "danger" to you nor any other human being here or in society.

Also I was sorry to hear of your conversations with the Warden here, but I could have told you how they work here, and how easy it can be for them to stop us from every angle. Virginia, my ONLY outlet to communicate to the outside world is through mail & phone-calls, WHY would you put me and yourself in the position where those two areas could be taken away from US ??? It just doesn't make sense to me why you made the decision to do that. The employees here do NOT care about us, it would be wise for you to see that, understand that, and to comprehend that fact. You are HURTING me, but your actions, I have no world to grasp and to seek comfort in, I am in a cell 21 and a half hours a day all ALONE...

It is hard here, it is not for the weak minded, I am fighting each day here to see, hear, touch, feel, taste, think, etc... Feel me...

Now I am here ALONE a little more because of your actions, and the Warden has told you to NOT write me and let me call you, and all from what...poetry, that was meant more than anything as a gift to you, what ever happened to the or ones THOUGHT behind what they give to another without expectations for some thing back in return...????

I cannot say if this is my "last" letter to you, because I will NOT trouble anyone with sending my mail to you, it would be disrespectful to them. They had nothing to do with our issues. Also I would like you to know that the Warden lied to you, he has no control over anything outside of this prison, so you can do what he said you could not do, write, without your return address on envelopes, and go to jpay.com, and besides that the phon call issue is dead as you know.

Sorry to hear about your health issues, your stress level, your son moving, & your obstacles concerning US, but I am not to blame. Please take care of yourself, exist positively, live life to the fullest, stop staying in your home and "gossiping" with people you do not know out there, stay aware of your health issues, and I must ask you, why are you so willing to send gifts/food to people you don't know out there but find issue with me in that area ??? I know of this, and all your doing out there, and you should know this. Again please leave me, my case, my letters to you, and your personal thoughts, issues, insecurities, and situations with me to yourself, STOP going to others out there with anything that concerns me. RESPECT ME, and leave those who are writing others around me OUT of OUR business, PLEASE !!!

Lastly, it saddens me to end this and not have thoughts or visions in my mind for future things concerning us, but what can I do from here. Well please take care of yourself, stop being so negative to yourself, and thinking the worst in everything, you are alive, and each day that you wake up to presents you with another opportunity to lift your arms to the skies, to seek joy and happiness in life, to use your mind for good and the positive, etc.

Take care, Sunshine, I "Adore" you...

P.S. I liked your pictures, and will keep them. I was discomforted to receive my mail to you back ripped up, I would have thought you were more mature than that. If you do not like or want something from me, just feel free to throw it in the trash okay ??? Do not waste your time nor stamps with such teenage behavior.

Peace be un to you...

SINCERELY & RESPECTFULLY,

James M. Chappell

(P.S. See You in a year!*)

Associate Warden, New B. Camp:

9/28/56

I hope our telephone conversation on 9/26/56. I am passing along this letter that I received from James Chappet # 12338. You will note that it arrived at my address in an envelope postmarked L.A. This letter is dated 9/13. It was mailed to me from L.A. on 9/22 and I received it on 9/25.

Warden E. McDaniel issued a no contact order on 8/29/56. I did not request this order but he issued it anyway for my "protection" he said.

I returned to Mr. Chappet his last letter, cards I received prior to 8/29 ripped up and with a request to not contact me. This latest letter constitutes harassment and you will note that he is also once again trying to get money from me. The purpose of all his letters and all his personal ads on the radio. I am not his only "victim".

It is not my intent to get Mr. Chappet into trouble. I simply desire the letter to cease. Please. He has hurt me enough. Perhaps you could just speak to him and convince him to stop writing to me.

I greatly appreciate your cooperation in this matter.
Sincere Regards,
Virginia Taylor

230 St. Paul St - 500

Boston, MA 02110

(800) 862-1967

10/6/06

private message to
Associate Warden Awo Brooks

I have hesitated to mail this
letter to you because of the
ramifications of doing such.
As you know I am very afraid
that once released Mr. Chappell
will come looking for me to
seek revenge. Another possibility
is that he could have someone
on the outside do that even
now.

I would just much safer if
Mr. Chappell had none of my
contact information anywhere
in his cell. If somehow that
could all be removed I would
be so relieved. I think that
under the circumstances that
is warranted and is a very
recommendation

the word of escape / release. And
was told by all that I requested
this of to keep checking ABC news.
By the time that info would
show up he could be anywhere.

I thank you so much for any
help that you can give me.

Regards,
Virginia Taylor

830 St. Paul rd # 505

Burlington, VT. 05401

(802) 862-1907

P.S. You also should know that
Mr. Chappell has pp ads all over
the net and is scamming others
as he did me.

Call Detail Report for 10/11/2005 12:00 AM to 10/11/2006 11:59 PM for All Facilities

#	R N L K	Station	Location	Destination	Pin	Start Time	Length	Cost	Filename	Start	End
1	Y	N	N	N	N	*****044 NV05					
2	Y	N	N	N	N	*****009 NV05					
3	N	N	N	N	N	*****009 NV05					
4	N	N	N	N	N	*****009 NV05					
5	Y	N	N	N	N	*****009 NV05					
6	N	N	N	N	N	*****009 NV05					
7	Y	N	N	N	N	*****009 NV05					
8	Y	N	N	N	N	*****009 NV05					
9	Y	N	N	N	N	*****009 NV05					
10	Y	N	N	N	N	*****009 NV05					
11	Y	N	N	N	N	*****009 NV05					
12	Y	N	N	N	N	*****009 NV05					
13	Y	N	N	N	N	*****009 NV05					
14	Y	N	N	N	N	*****009 NV05					
15	Y	N	N	N	N	*****009 NV05					
16	Y	N	N	N	N	*****009 NV05					
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19	Y	N	N	N	N	*****009 NV05					
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24	Y	N	N	N	N	*****009 NV05					
25	Y	N	N	N	N	*****009 NV05					
26	Y	N	N	N	N	*****009 NV05					
27	N	N	N	N	N	*****009 NV05					
28	N	N	N	N	N	*****009 NV05					
29	N	N	N	N	N	*****009 NV05					
30	N	N	N	N	N	*****009 NV05					
31	Y	N	N	N	N	*****009 NV05					
32	Y	N	N	N	N	*****009 NV05					
33	Y	N	N	N	N	*****009 NV05					
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41	Y	N	N	N	N	*****009 NV05					
42	N	N	N	N	N	*****009 NV05					
43	Y	N	N	N	N	*****009 NV05					
44	Y	N	N	N	N	*****009 NV05					
45	Y	N	N	N	N	*****009 NV05					
46	Y	N	N	N	N	*****009 NV05					
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50	Y	N	N	N	N	*****009 NV05					

51 N N N N *****009 NV05
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10/14/2005 7:13:21 PM 00:00
10/14/2005 7:02:07 PM 00:00

Called Party Num.. *
Intercept Tones .. *

ELY STATE PRISON

DATE: 10-30-06

DATE OF INFRACTION: 8-29-06 10-11-06

EVIDENCE CONTROL #: _____

INMATE: JAMES CITAPPELL

52338

HOUSING: 3B35

SANCTIONS

- | | | | | |
|-------------------------------------|------------------------------------|-----------------|----|-----------------|
| <input type="checkbox"/> | LOSS OF ELECTRICAL APPLIANCES FROM | _____ | TO | _____ |
| <input type="checkbox"/> | LOSS OF CANTEEN | _____ | TO | _____ |
| <input type="checkbox"/> | LOSS OF YARD | _____ | TO | _____ |
| <input type="checkbox"/> | LOSS OF GYM | _____ | TO | _____ |
| <input checked="" type="checkbox"/> | LOSS OF PERSONAL PHONE CALLS | <u>10-31-06</u> | TO | <u>11-29-06</u> |
| <input type="checkbox"/> | EXTRA DUTY HOURS: | _____ | TO | _____ |
| <input type="checkbox"/> | OTHER (SPECIFY): | _____ | TO | _____ |

DISPOSITION OF EVIDENCE/PROPERTY IF APPLICABLE

- | | |
|--|---|
| 1. _____ | 2. _____ |
| <input type="checkbox"/> Retain Possible AG | <input type="checkbox"/> Retain possible AG |
| <input type="checkbox"/> Forfeiture | <input type="checkbox"/> Forfeiture |
| <input type="checkbox"/> Dispose/Destroy | <input type="checkbox"/> Dispose/Destroy |
| <input type="checkbox"/> Other: See Comments | <input type="checkbox"/> Other See Comments |
| 3. _____ | 4. _____ |
| <input type="checkbox"/> Retain Possible AG | <input type="checkbox"/> Retain possible AG |
| <input type="checkbox"/> Forfeiture | <input type="checkbox"/> Forfeiture |
| <input type="checkbox"/> Dispose/Destroy | <input type="checkbox"/> Dispose/Destroy |
| <input type="checkbox"/> Other: See Comments | <input type="checkbox"/> Other See Comments |
| 5. _____ | 6. _____ |
| <input type="checkbox"/> Retain Possible AG | <input type="checkbox"/> Retain possible AG |
| <input type="checkbox"/> Forfeiture | <input type="checkbox"/> Forfeiture |
| <input type="checkbox"/> Dispose/Destroy | <input type="checkbox"/> Dispose/Destroy |
| <input type="checkbox"/> Other: See Comments | <input type="checkbox"/> Other See Comments |

Comments: _____

[Signature]
Disciplinary Chairman/Hearing Officer

DISTRIBUTION:

Original I-File/Attach with the Disciplinary
Desk Sergeant

DISTRIBUTE IF APPLICABLE TO:

- Property (If property/evidence related)
- Evidence Custodian (If property/evidence related)
- Telephone Administrator
- Canteen
- Law Library (With any canteen restriction)
- Gymnasium
- Housing Unit

1 I apologize for the late start. However, the accident I
2 just witnessed and was behind will not be the subject of
3 any litigation before me since you can't be the judge in a
4 case where you are a witness. At least, I've saved myself
5 that problem, but, in any event, I apologize for that.
6 There was nothing I could do about it.

7 You may call your next witness.

8 MR. EWING: Thank you, your Honor.

9 The defense would call Clara Axam.

10
11 CLARA AXAM,

12 having been first duly sworn to tell the truth, the whole
13 truth and nothing but the truth, testified and said as
14 follows:

15
16 DIRECT EXAMINATION

17 BY MR. EWING:

18 Q Clara, would you please state your name
19 and spell your last name for the record.

20 A Clara Axam, A-X-A-M.

21 Q Clara, where do you live?

22 A In Lansing, Michigan.

23 Q And how long have you lived there?

24 A Life.

25 Q Your entire life?

FATSY K. SMITH, OFFICIAL COURT REPORTER

002004

1 A Yes.

2 Q Do you know James Chappell?

3 A Yes, I do.

4 Q How do you know James?

5 A He's my grandson.

6 Q Do you recognize him in court today?

7 A Yes, I do.

8 Q Can you point to him and describe an

9 article of clothing he's wearing?

10 A Right there. I can't describe it

11 because I can't see, you know, colors that far away, but

12 that's James right there with glasses on.

13 MR. EWING: Will the record reflect the

14 identification, your Honor?

15 THE COURT: Yes.

16 Q (BY MR. EWING) Do you recall who James

17 lived with when he was born?

18 A Yes, he lived with his mother and

19 father.

20 Q What was his mother's name?

21 A Shirley Chappell.

22 Q This is your daughter?

23 A Yes.

24 Q How long did he reside with her?

25 A Two years.

PATSY K. SMITH, OFFICIAL COURT REPORTER

002005

1 Q Was she killed?

2 A Yes.

3 Q How was she killed?

4 A She got killed in a car accident, hit
5 by a car.

6 Q And after her death, did you assume the
7 responsibility of raising James?

8 A Yes, I did.

9 Q How did James react to the death of his
10 mother?

11 A Well, he was young, but very hard, very
12 hard like he wouldn't communicate with anybody.

13 Q How long --

14 A Like he wouldn't talk.

15 Q How long a period of time past before
16 he would talk?

17 A Probably a year or more.

18 Q How was James as a child? How did he
19 treat you?

20 A Oh, he treated me fine. He had
21 problems. You know, he was slow, but he treated me all
22 right. Had no problems. He wasn't the violent child. He
23 was a easy going child.

24 Q What do you mean by he was slow?

25 A Like in he didn't learn things as fast

PATSY K. SMITH, OFFICIAL COURT REPORTER

002006

1 as a normal child. He didn't understand things.

2 Q Did that continue until he was in
3 school?

4 A Yes.

5 Q And what kind of student was he?

6 A Up until -- he went to normal school up
7 until the fifth grade, then they put him in special --
8 special education classes.

9 Q In fifth grade?

10 A Yes.

11 Q How did he respond to those special
12 education classes?

13 A Well, he went to school and
14 everything. He went to special education classes all the
15 way up to high school.

16 Q Did he graduate from high school?

17 A No.

18 Q Now, you worked during the time that
19 you were raising James, correct?

20 A Yes.

21 Q Where did you work?

22 A For the State Police Academy in the
23 State of Michigan.

24 Q Who would care for James while you were
25 at work?

PATSY K. SMITH, OFFICIAL COURT REPORTER

002007

1 A My daughter Sherry.

2 Q Did you know Deborah Panos?

3 A Yes, I did.

4 Q How did you feel about Deborah Panos?

5 A A nice lady, very nice.

6 Q Do you feel like James should be

7 punished for what happened on August the 31st?

8 A Yes, I do.

9 Q Do you want James to continue to be a
10 part of your life?

11 A Yes.

12 Q Would you like to be able to correspond
13 with him?

14 A Yes.

15 Q So, basically, you want James to be
16 punished, but you do not want him to receive the death
17 penalty, correct?

18 A Right.

19 MR. EWING: I don't have any other
20 questions.

21 MR. HARMON: No questions, your Honor.

22 THE COURT: May this witness be discharged?

23 MR. EWING: Yes.

24 THE COURT: Thank you, ma'am. You may step
25 down.

FATSY K. SMITH, OFFICIAL COURT REPORTER

002008

2 1 A I didn't damage the window and I didn't damage
2 the screen so there wouldn't be no need for no financial
3 assistance.

4 Q You said the two of you talked for about 20
5 minutes, you began to kiss and then you started taking each
6 other's clothes off?

7 A Exactly.

8 Q And you began to have sex?

9 A Yes, sir.

10 Q You said you began to have sex.

11 A Yes, sir.

12 Q And as I remember you said when I entered her,
13 her vagina was all loose and wet and smelly?

14 A Exactly.

15 Q You said it wasn't nothing like it used to be?

16 A Nothing. Never like that. Never.

17 Q That made you angry?

18 A Of course I would be upset.

19 Q What do you mean of course I would be upset?

20 A Any man would be upset they come home to their
21 lady and she wasn't the way -- her vagina was the way
22 Debbie's was that day.

23 Q Mr. Chappell, you keep calling her your lady.
24 Was she wearing a little gold band that you had bought for
25 her on her left ring finger?

001508

2 1 A She told me that she was my girl. And I'm
2 going to go by that, sir.

3 Q Did you think you owned her, sir?

4 A No, I did not.

5 Q So you've told us that when you detected that
6 something was different you got up and grabbed her?

7 A Yes, I did.

8 Q Grabbed her how?

9 A I put my hand in this area right here.

10 Q This area meaning in the area of her neck?

11 A Yeah.

12 Q Did you begin to choke her, Mr. Chappell?

13 A I didn't choke her that she couldn't say
14 nothing or nothing like that, she couldn't breathe, it
15 wasn't nothing like that.

16 Q With both hands did you begin to choke her,
17 sir?

18 A No. No.

19 Q With only one hand?

20 A One hand, sir.

21 Q Which hand?

22 A My right hand, sir.

23 Q Did you grasp her neck with your right hand?
24 Did you take a hold of her neck with your right hand?

25 A She was laying down, I was on top of her

001509

3

1 holding her like onto her neck. I wasn't squeezing it,
2 nothing like that.

3 Q She was still laying on the sofa?

4 A Yes, sir.

5 Q But you were standing at that time?

6 A I was like on my knees on top of her. I wasn't
7 standing up yet.

8 Q Pinning her down?

9 A If you call just holding on to the front of her
10 neck pinning her down, yes, sir.

11 Q Mr. Chappell, I'm not calling it anything. I'm
12 asking you what you were doing.

13 A I don't call it pinning her down, no, sir, I
14 was not pinning her down.

15 Q You said you grabbed her with your right hand.
16 What were you doing with your left hand?

17 A My left hand was at the side of the couch like
18 that.

19 Q Did you have the knife at that time?

20 A Absolutely not, sir.

21 Q Had you ejaculated at that time?

22 A No, sir.

23 Q You've said that she wanted to know if she
24 could get on top of you after you'd begun to accuse her of
25 being with someone else?

001510

3 1 A Yes. She asked me that about three times.

2 Q And you rejected that because at this point you
3 were very angry with her?

4 A Yes, I rejected that.

5 Q Were you now convinced that she was being
6 unfaithful?

7 A No. Not totally, no.

8 Q You said she performed oral sex on you?

9 A Yes, sir.

10 Q And it was at some point after this that she
11 finished and went into the bathroom?

12 A Exactly.

13 Q And then she called the day-care center?

14 A Yes, sir.

15 Q About what time is it that she called the
16 day-care center?

17 A I wasn't watching the clock so I don't know
18 what time it was.

19 Q What time would you say you arrived at the
20 mobile home and went into the window and through the window
21 and you were greeted by Deborah?

22 A I don't know the exact time, sir. I didn't
23 look at the clock at all when I was there.

24 Q Well, how far did you have to walk to get from
25 the office of where you had met with the law enforcement man

001511

3

1 to get out to the projects area in the 500 block of North
2 Lamb?

3 A Las Vegas Boulevard and Bonanza to Lamb and
4 Bonanza took about 45, 50 minutes, sir.

5 Q So if you left the office at about 10:45, then
6 it was, what, 11:30 or 11:35 when you arrived at the Vera
7 Johnson area?

8 A I didn't see no clock over there, but I guess
9 so, sir.

10 Q You said you were there for about half an hour?

11 A Yeah. Yes.

12 Q So that's somewhere around noon or perhaps
13 shortly after twelve o'clock noon?

14 A Yes.

15 Q You borrowed a bicycle?

16 A Yes.

17 Q How long did it take you to ride the bicycle
18 from Vera Johnson to the Balerina Mobile Home Park?

19 A No longer than ten minutes, sir.

20 Q Now, you said you had called from downtown to
21 try to talk to her and you didn't get her on the telephone?

22 A I called from Mr. Duffy's office, sir. He
23 dialed and I left a message on the answering machine.

24 Q And you said you called from the projects also?

25 A Yes, sir.

300

001512

3 1 Q Did you leave a second message on the answering
2 machine?

3 A Yes, I did, sir.

4 Q And you're telling us you thought she wasn't
5 home?

6 A Exactly. She would have picked up the phone if
7 she was home.

8 Q So approximately what time is it that she is
9 supposedly calling the day-care center about the children?

10 A I didn't see no clock, sir, so I don't know.

11 Q Do you know why she called the day-care center?

12 A She said let's go pick up the kids. We was
13 going to get the kids.

14 Q I thought you mentioned that she was talking
15 with someone and you heard her mention 5:35?

16 A The lady told her that she had to pick up the
17 children by 5:30. She said that in her testimony --

18 Q It certainly wasn't close to 5:30, was it?

19 A No, that's what I asked her. I knew right away
20 that -- she said she had to take the kids at 7:30, dropped
21 them off at 7:30 and I knew right then that she didn't have
22 to pick them up until later in the afternoon, but I told her
23 I wanted to see them anyway, I wanted to see them.

24 Q But you said she was acting scared when she was
25 on the telephone?

001513

3 1 A She looked nervous to me. If she was scared,
4 2 that I think if she was scared she probably would have ran
3 or left the mobile home while I was in the bathroom. So I
4 don't think she was scared. She was just nervous.

5 Q Nervous of you?

6 A Nervous of the condition of her vagina and she
7 knew that I was upset about it.

8 Q That you had accused her of being unfaithful?

9 A I asked her who she had been with and she said
10 nobody.

11 Q Had you threatened her?

12 A No, I did not.

13 Q Sheri Smith has testified earlier in your
14 trial, do you remember her, the young lady from the Angel
15 Day-Care Center?

16 A Yes.

17 Q She testified that she asked Deborah Panos if
18 she could get away from you and come by herself to the
19 day-care center and Deborah said no?

20 A I also read that in her statement. I didn't
21 hear none of that so I don't know.

22 Q At this point was Deborah Panos free to go
23 somewhere by herself?

24 A We had both agreed to both going to get the
25 children so I don't know why that was said over the phone.

001514

4 1 Q If she had not agreed to let you go with her,
2 would you have gone along with her?

3 A Yeah, I would have gone along with her because
4 I wanted to shower and change and all that anyway, sir.

5 Q Sheri Smith also said that twice during the
6 telephone conversation Deborah asked her for help.

7 A I heard that, sir.

8 Q Why would Debbie be asking this employee of the
9 day-care center for help?

10 A I don't know, sir. She had a chance to call
11 911 if she was really scared. She didn't do it so she
12 couldn't have been really scared, sir. She was nervous, but
13 she wasn't scared.

14 Q Well, you told us a little earlier that she was
15 more than nervous. You said she was scared and you figured
16 that was because she knew I knew she had been messing
17 around; isn't that what you told us earlier?

18 A She was probably thinking that in her mind,
19 yeah. I don't know what she was thinking about.

20 Q Were you also asking Deborah for money?

21 A No, I had asked Deborah when we pick up the
22 kids could we all go out and eat together and she said she
23 didn't have no money. We used to go out and eat together a
24 lot.

25 Q Well, you've told us that the two of you left

001515

4

1 together and you went out to the car and she was going to
2 let you drive?

3 A Yes, we left together and she asked me do you
4 want to drive and I said yes. She handed me the keys and we
5 went to go get in the car.

6 Q You've seen the car depicted in Exhibits 56
7 through 60, the photographs?

8 A Yes, sir.

9 Q Is that Debbie's car?

10 A Yes, sir.

11 Q It wasn't your car, was it?

12 A No, it wasn't.

13 Q Did you have a key to the car?

14 A No, I did not.

15 Q Did she let you have your own key to her car?

16 A No.

17 Q You hadn't made any of the payments on the car?

18 A When she got the car she only paid a thousand
19 bucks for it. It didn't need a payment, sir.

20 Q Well, that was a thousand dollars more than you
21 had, wasn't it?

22 A Yeah, you're right. But when she got the car
23 she told me she had a big surprise for me. She came and
24 picked me up May 10th at the Clark County Detention Center
25 in that car, sir.

001516

4 1 Q Now, you've told us that as the two of you
2 walked out you saw the beer cans over next to the house?

3 A Yes, sir.

4 Q And you didn't like the condition of the Toyota
5 when you got in it?

6 A The Toyota was trashed and messed up, sir. Of
7 course I didn't like it. She didn't like it either. She
8 said a couple comments I know the air conditioner is broke,
9 this and that, this and that.

10 Q And then you're saying you found a letter in,
11 where, the console area?

12 A Yes, sir. Right here. Right in between the
13 two seats, sir.

14 Q And you found that as you were backing out and
15 in the process of driving the vehicle?

16 A No, I didn't find it while I was backing out.
17 I was like two houses down and then I looked, sir.

18 Q Two houses down driving the vehicle?

19 A Yes.

20 Q It was moved?

21 A Yes.

22 Q And then as you went along you began to read
23 it?

24 A Pardon me?

25 Q As you were driving down the street you were

001517

4 1 reading what was on the note or letter?

2 A Yes, I let go of the steering wheel like I said
3 and read the letter as quickly as I could.

4 Q Did you stop it when you let go of the steering
5 wheel?

6 A Stop what?

7 Q The car.

5 8 A No. Like I said I almost ran into another car
9 that was parked.

10 Q And what you read is that some guy had written
11 her and he was talking about having sex with her?

12 A He said numerous things about sex, sir.

13 Q And you've told us that you were shocked and
14 devastated.

15 A Very.

16 Q And you backed up, you pulled into the driveway
17 and you said you climbed out on her side of the car?

18 A Yes, sir.

19 Q Did you grab her at that time?

20 A I pulled her out of the car, yes, sir.

21 Q Why did you climb out on her side? Were you
22 afraid she was going to run?

23 A She didn't attempt to do it so I don't know,
24 sir.

25 Q You don't know why you got out on her side of

001518

5

1 the car?

2 A No.

3 Q You had to step across her to get out, didn't
4 you?

5 A Exactly, yes, sir.

6 Q You said she was trying to get the note or
7 letter from you?

8 A She was trying to take it from me, sir.

9 Q And it was being torn into pieces as you
10 struggled over it?

11 A Right.

12 Q And you remember all of these details; is that
13 true, Mr. Chappell?

14 A I remember --

15 Q You remember dragging her back into the mobile
16 home?17 A I remember removing her from the vehicle and
18 going towards the house, sir.19 Q When you got her into the house do you remember
20 throwing her onto the floor?

21 A I remember her falling on the floor, yes.

22 Q Did she have a little help in falling on the
23 floor?

24 A Yes, she did.

25 Q And when you helped her fall to the floor what

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5

1 did she do?

2 A She laid there like I said, sir. She didn't
3 move.

4 Q She just laid there and covered up her face,
5 didn't she?

6 A Yes, sir.

7 Q And tried to protect herself; is that true, Mr.
8 Chappell?

9 A Yes.

10 Q Had she tried to attack you?

11 A No, she did not.

12 Q Had she got a knife or some type of weapon and
13 tried to injure you or hurt you?

14 A No, sir.

15 Q Did you suffer any type of serious injury as a
16 result of the struggle between the two of you?

17 A No, sir.

18 Q So what happened after you had her on the floor
19 and she just laid there and tried to cover herself up, what
20 did you do, sir?

21 A I can't picture it, sir. I don't remember.

22 Q You can't picture it or you don't want to tell
23 us what you picture now in this courtroom in your mind?

24 A I can't see myself hitting her, sir. I am
25 telling you I blacked out, sir. Quit just like that.

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1 Q You're saying you blacked out?

2 A Right. I don't remember seeing myself strike
3 this woman or do nothing.

4 Q And you remember precisely what happened right
5 up to the moment that you killed her, but you don't remember
6 that part of it and then afterwards you remember again?

7 A I remember moving her towards the house, sir,
8 and I remember seeing her on the floor. That's it.

9 Q Are you just telling us what you want to tell
10 us?

11 A No, sir.

12 Q Aren't you just remembering what you want to
13 remember?

14 A No, sir, that's not true.

15 Q Where did the knife come from?

16 A I don't know, sir.

17 Q Is 68-A-1 your knife?

18 A No, it is not.

19 Q Then it was Deborah's knife; is that correct?

20 A It belonged to the household, sir.

21 Q Didn't it stay in a drawer in the kitchen?

22 A I don't know.

23 Q You killed her in the living room, didn't you?

24 A I don't know if it was in no drawer. I don't
25 remember opening no drawer, sir.

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5

1 Q At some point after you had beat her into
2 submission you had to walk somewhere to get the steak knife;
3 isn't that correct?

4 A I don't remember where I got the knife from,
5 sir. If I did, I would tell you. But I don't.

6 Q The medical examiner says you stabbed her at
7 least 13 times in the neck and the chest ten times. You're
8 telling us you don't remember any of that?

9 A No, I do not.

10 Q You don't remember stabbing her even once with
11 a knife?

12 A No. No, I do not.

13 Q Now, when is it that you went into the bedroom
14 and you threw these letters that you had written to her
15 around the room?

16 A The letters were tossed at her before she had
17 performed oral sex on me, sir, right when we went in the
18 room.

19 Q While you were accusing her; is that true?

20 A I had accused her when I was laying on top of
21 her, sir. When I got off of her I didn't repeat what I had
22 said to her. I just walked away from her.

23 Q How did the two of you get in the bedroom? How
24 did the two of you get into the bedroom?

25 A I walked in there, she followed me and she

6

001522

6

1 hugged me around my waist like I said, sir.

2 Q But you didn't want her affection at that
3 point; is that what you're telling us?

4 A No, I did not.

5 Q Because you were angry; is that true?

6 A I was upset.

7 Q You were jealous?

8 A Upset.

9 Q Suspicious?

10 A Upset.

11 Q Did you call her a bitch or whore or slut?

12 A No.

13 Q That afternoon?

14 A No, sir, I did not.

15 Q But you've told us at some point you picked up
16 a stack of your letters and suggested that these hadn't
17 meant anything to you?

18 A My exact words, yes.

19 Q You've testified that after this happened you
20 didn't know that you had killed her?

21 A I seen her on the floor, sir. I left. I
22 couldn't sit there.

23 Q Did you check for a pulse?

24 A No. No.

25 Q There is a telephone inside the mobile home.

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6

1 isn't there?

2 A Yes, there was.

3 Q Did you go to the telephone since you didn't
4 know that she was dead and call 911?

5 A If you see somebody like that laying in front
6 of you, sir, you are not going to sit there and look at
7 that, sir.

8 Q Did you try to help her?

9 A I couldn't look at that, sir.

10 Q So you chose to ignore her situation; is that
11 what you're telling us? Is that your testimony?

12 A I couldn't sit there and look at that, sir. I
13 had to get out of there, sir. I couldn't look at it.

14 Q You didn't climb on your bicycle, you stole her
15 car; isn't that true?

16 A If you want to call it stealing it. I don't
17 consider myself stealing it, sir.

18 Q Were the keys still in the car?

19 A I don't remember, sir.

20 Q And you drove to the Vera Johnson projects in
21 the car and you got high?

22 A No, I did not get high. I parked the car, I
23 went inside an abandoned apartment and stayed in there about
24 three hours, sir.

25 Q Is that where you got the shrimp and the pie?

001524'

6

1 A I didn't get that till like ten o'clock at
2 night, sir.

3 MR. HARMON: May I approach the witness, Your
4 Honor?

5 THE COURT: Yes.

6 BY MR. HARMON:

7 Q Mr. Chappell, this is a couple of pages, it
8 looks like they're numbered seven and eight which have been
9 removed from letters taken from the bag, Exhibit 75. Is
10 that your handwriting?

11 A Yes, sir.

12 Q So both on the front which is identified as
13 page seven and on the back page eight this is a letter
14 written by you?

15 A Yes, sir.

16 Q You wrote this from the jail?

17 A Yes, sir.

18 Q And you wrote this a few weeks before you
19 killed her?

20 A I don't know the exact date I wrote the letter,
21 sir.

22 Q You begin this page of the letter by saying,
23 "Hello, Sweetie. Found some more paper. It's Sunday,
24 July 30, 1995." Is that date in your handwriting?

25 A Yes, sir.

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6

1

Q So is that apparently the date you wrote this?

2

A Yes, sir.

3

Q You say, "Been here 35 days. Where are you?"

4

And you have four question marks?

5

A Yes.

6

Q You go on to write, "You must be terrified to visit me, ha?"

7

8

A Yes, I wrote that.

9

Q Did you further write, "You know I'll put you on the witness stand, ha?" Did you write that?

10

11

A Yes, she knows she can't lie to my face, sir.

12

That's why I wrote that. I'd know if she was telling the truth.

13

14

Q You meant when you saw her you were going to give her the third degree, didn't you?

15

16

A I was going to question her, yes.

17

Q About where she'd been and who she'd been with?

18

A I already knew who she was hanging with.

19

Q Who?

20

A Lisa Duran and Claire and Jennifer, that lady that was sitting in the back of the courtroom.

21

22

Q And now after you talked about putting her on

23

the witness stand did you say, "And you can't face it or me,

24

ha?" Is that what you write, "and you can't face it or me,

25

ha?"

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6

1 A I wrote that, yes, sir.

2 Q You didn't get out of custody between
3 July the 30th, 1995 and August the 31st, did you?

4 A No.

5 Q Do you then write, "One day soon I'll be at
6 that front door and what in God's name will you do then?"
7 Did you write that, sir?

8 A Yeah, I wrote that.

9 MR. HARMON: That's all we have, Your Honor.

10 THE COURT: Redirect?

11 MR. BROOKS: Court's indulgence, Your Honor.
12 We have no questions, Judge.

13 THE COURT: All right. Mr. Chappell, you may
14 step down.

15 We'll declare the evening recess at this time.
16 Ladies and gentlemen, thank you very much for your patience
17 today with us starting so late and that couldn't be avoided.

18 Ladies and gentlemen, during the recess it is
19 your duty not to converse among yourselves or with anyone
20 connected with the trial, or read, watch or listen to any
21 report of or commentary on the trial by any medium of
22 information including, without limitation, newspaper,
23 television and radio, and you are not to form or express any
24 opinion on any subject connected with this case until it is
25 finally submitted to you.

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1 be longer than that, we can do it now.

2 MR. HARMON: I don't know for sure, but I
3 think that about ten minutes.

4 THE COURT: Everybody comfortable? All
5 that we need is one dissenting vote.

6 Call you next witness.

7 MR. HARMON: Jeri Earnst.

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

12 THE WITNESS: I do.

13
14 JERI EARNST,

15 having been first duly sworn, testified as follows:
16
17

18 DIRECT EXAMINATION

19 BY MR. HARMON:

20 Q Will you state your name, please.

21 A My name is Jeri Earnst.

22 Q Please spell your names for the record?

23 A Jeri, J-E-R-I. Last name Earnst,
24 E-A-R-N-S-T.

25 Q Are you employed?

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1 A Yes, I am.

2 Q What is your business or occupation?

3 A I'm a police officer with the City of
4 Tucson.

5 Q Officer Earnst, how long have you been
6 employed with the Tucson Police Department?

7 A With the Tucson Police Department
8 slightly over 17 years with a total of 20 years plus
9 of law enforcement now.

10 Q 20 years plus in all?

11 A Yes, sir.

12 Q Were you an officer with the Tucson
13 Police Department in Tucson, Arizona, on February the
14 23rd, 1994?

15 A Yes, I was.

16 Q On that day did you have occasion in the
17 City of Tucson to make contact with a citizen
18 identified to you as Deborah Panos?

19 A Yes, I did.

20 Q Where is it that you made contact with
21 Miss Panos?

22 A That would be at a Frys supermarket. A
23 grocery store at 16th and Ajo.

24 Q 16th and --

25 A A-J-O.

1 THE COURT: Ajo. I'm sorry. I went to
2 school there.

3 BY MR. HARMON:

4 Q Approximately what time was it that you
5 made contact with Miss Panos at that intersection?

6 A That would be about 9:30 at night is when
7 we actually arrived at that location.

8 Q You said that it was at a store?

9 A Yes.

10 Q You said it was Frys?

11 A Yes.

12 Q Will you spell that also?

13 A F-R-Y-S.

14 Q What was your purpose in making contact
15 with Deborah Panos?

16 A I had been advised by an officer that
17 works in an off-duty capacity at that location that he
18 had a domestic violence victim at that location that
19 needed a uniformed officer to respond.

20 Q Who was the officer you spoke with that
21 was off duty?

22 A That was Ed Niedkowski.

23 Q Will you spell Niedkowski, please.

24 A No.

25 Q Would N-I-E-D-K-O-W-S-K-I be pretty

1 close?

2 A Okay.

3 THE COURT: Two tries is all that you
4 get, Mr. Harmon.

5 BY MR. HARMON:

6 Q As a result of the conversation you had
7 with the off-duty officer did you then contact Miss
8 Panos?

9 A Yes, I did. She was present when he was
10 relating the information to me as to what -- how he
11 had been contacted by her.

12 Q So you responded to the location of the
13 Frys store and off-duty officer and the alleged victim
14 were both at that location?

15 A Yes, sir.

16 Q Inside or outside the store?

17 A Outside the store.

18 Q Did you then conduct some sort of
19 interview of Deborah Panos?

20 A Yes, I then walked her away from the
21 crowd and over toward where I had parked my vehicle to
22 speak with her in private.

23 Q Tell us what occurred at that time?

24 A She related to me that --

25 MR. BROOKS: Object.

1 BY MR. HARMON:

2 Q Before you go into what she related, will
3 you describe how she acted when you walked the short
4 distance away?

5 A She was standing off and not doing much
6 of anything at first. When Officer Neidkowski advised
7 me of what had happened, I then needed to speak with
8 her to determine whether I had enough to pursue this
9 for an investigation for an arrest.

10 Q So you apparently went off a short
11 distance with her?

12 A Yes, I did.

13 Q What I'm asking you is when you went a
14 short distance away and the two of you began to talk
15 one to one, how did she act?

16 A She started crying.

17 Q How long did you spend talking with her?

18 A I was with her out there probably about
19 20 minutes, maybe 25 before we went.

20 Q You said that she started crying. Did
21 she cry throughout the interview?

22 A Yes, she did.

23 Q Was she to you obviously upset?

24 A Yes, she was.

25 Q What, if anything, in addition to the

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1 crying caused you to conclude that this individual was
2 upset?

3 A She was afraid. She did not want to go
4 back. I asked her --

5 MR. BROOKS: I'm going to object to
6 hearsay and to lack of foundation for excited
7 utterance.

8 MR. HARMON: I think that we have shown
9 the foundation, your Honor.

10 MR. BROOKS: We object to lack of
11 foundation. We don't know how much time passed since
12 the actual event.

13 THE COURT: That was going to be my next
14 concern.

15 MR. HARMON: We'll address that.

16 BY MR. HARMON:

17 Q Did you learn in connection with the
18 investigation when the alleged event had occurred?

19 A At approximately a half hour before my
20 arrival at the Frys, which would make it right around
21 nine o'clock.

22 Q And so it was your understanding that you
23 were speaking with a lady about 30 minutes after the
24 event had happened?

25 A That's correct.

1 MR. BROOKS: Defense would object. Our
2 position is that 30 minutes is clearly enough time for
3 the victim to reflect on what has happened which takes
4 the statements that she makes outside the excited
5 utterance rule.

6 THE COURT: Case law seems to clearly
7 indicate that that time frame is acceptable for
8 the admission of the statement as an excited utterance
9 under NRS 51.095.

10 MR. HARMON: Thank you.

11 BY MR. HARMON:

12 Q So you have testified that when you began
13 to talk with her, she started to cry?

14 A Yes, she did.

15 Q Was she emotional throughout the
16 interview?

17 A Yes, she was.

18 Q What did you ask her and what, if
19 anything, do you remember her saying to you?

20 A I asked her what had happened. She said
21 that she'd had a fight with her boyfriend. This was
22 her live-in boyfriend, father of her children. That
23 she had come home and had found that he had sold the
24 new dresser that she bought for her daughter. And she
25 was very upset about that and had confronted him about

1 it, and she had described that he had hit her not in
2 any specific area but had knocked her to the floor.

3 Q She told you that her boyfriend had hit
4 her and knocked her down?

5 A That's correct. Then she stated that
6 when she was trying to get up, he kicked her several
7 times in the leg and her right leg was extremely sore.

8 Q Did she complain to you at that time that
9 the leg was sore still?

10 A Yes, she did. She did refuse medical
11 attention.

12 Q Did she continue to be emotional as she
13 was giving you this account?

14 A Yes, she was.

15 Q You said that she was crying?

16 A She was.

17 Q Did you see tears on her face?

18 A Yes.

19 Q Do you know how it happened that the
20 police were contacted?

21 A She made -- she had driven from the
22 trailer. When she grabbed the kids and got in the car
23 and left, had driven straight to Frys because of the
24 fact that she knew that an off-duty officer worked at
25 that location, and that's specifically what she had

1 gone up there to do is go up there and make contact
2 with him.

3 Q The off-duty officer apparently had a
4 second job at Frys store?

5 A Yeah, they employ us in our police
6 capacity to work just strictly that particular
7 function that evening.

8 Q Did Miss Panos identify to you the name
9 of her boyfriend?

10 A Yes, she did.

11 Q Who had committed the acts of violence
12 upon her?

13 A Yes, she did.

14 Q Did you learn where it was that they
15 lived?

16 A Yes, I did.

17 Q What was the address that you learned?

18 A 1655 West Ajo. I think it was Space
19 Number 80, if I recall properly.

20 Q As a result of the information that you
21 had learned from Miss Panos, did you respond to 1655
22 West Ajo, Space 80?

23 A Yes, I did, along with another officer.

24 Q How soon after the interview of Deborah
25 Panos was this?

1 A Immediately at the conclusion where I
2 left her with Officer Neidkowski there at the Frys.
3 She did not want to go near the trailer while he was
4 still there.

5 Q You mentioned earlier that she expressed
6 being afraid of the boyfriend?

7 A That's correct.

8 Q Did it seem to be genuine fear to you as
9 you observed her manner?

10 A Yes, she would not get in the car. I
11 asked her if she wanted to show me where it was or
12 give me keys to get in the door, and she said that she
13 would not go back over there.

14 Q You said that you were contacted by some
15 other officers or other officers?

16 A One other officer.

17 Q Who was the other officer?

18 A Mark Vernon.

19 Q Vernon?

20 A Yes.

21 Q V-E-R-N-O-N?

22 A That one I can spell, yes.

23 Q I take it you and Officer Vernon then
24 proceeded to the address that she had given you?

25 A That's correct.

1 Q Did you make contact at that location
2 with an individual identified as James Chappell?

3 A Yes, I did.

4 Q Explain what happened when you approached
5 the residence?

6 A He was sitting inside watching TV.

7 Q Could you see into the trailer?

8 A Yes, I could. And I looked inside and
9 observed that he was sitting inside watching TV, and
10 we knocked a couple of times first and announced that
11 we were the police. And he finally said just come in.
12 He didn't ever get up from the couch to come out and
13 let us in.

14 Q Did you observe anyone else in the
15 trailer?

16 A No, I did not.

17 Q Could you actually see that as you waited
18 at the front door the individual that was inside was
19 simply watching television?

20 A That's what it appeared that he was
21 doing. The TV was on and he was sitting in front of
22 it looking at it.

23 Q Did Mr. Chappell seem to be upset?

24 A Well, he was when the police were there,
25 but --

1 Q Upset by the arrival of the police?

2 A That's correct.

3 Q Did you explain why you were there?

4 A Yes, I did.

5 Q Did he make any type of acknowledgment
6 regarding the incident?

7 A When I was reading over my report on the
8 slip that I had for the booking it says admissions
9 made, I've got "yes" circled. I do not recall what
10 was said.

11 Q You do not recall the specifics?

12 A Not specifically.

13 Q Was he taken into custody?

14 A Yes, he was.

15 Q For what, domestic battery?

16 A Yes, and he also had two warrants.

17 Q Okay. And as far as you know from the
18 cursory note written on your booking report, there was
19 some acknowledgment by the defendant in connection
20 with your contact with him that he had done something
21 to her?

22 A That's correct.

23 Q May we have the court's indulgence.

24 What do you remember about the demeanor
25 of the subject that you arrested, Mr. Chappell, that

1 evening?

2 A Extremely cocky.

3 Q You said what?

4 A Extremely cocky.

5 Q What do you mean by that?

6 A It was like all right, you're here, what
7 do you got to do, you know, let's get it done and go
8 away. No, it didn't seem there was any type of
9 surprise that we were there. It was just like he
10 didn't even care enough to get off the couch and let
11 us in.

12 Q Officer Earnst, while you were still
13 having contact with the victim, Deborah Panos, did you
14 give her any type of advice about calling 911 or he
15 getting in touch with the police?

16 A Yeah. I advised her that if she felt
17 like she needed to talk she could call me. I provided
18 her my pager number, which is always on, and told her
19 if she didn't want to call 911 based on the fact that
20 that's what she did for a living, that she could call
21 me and I would see if there was something that I could
22 do to help her out or get her into a shelter away from
23 the situation whatever she needed.

24 Q So you certainly did offer to help her
25 out?

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1 A Yes, sir.

2 Q You gave her your pager number?

3 A Yes, I did.

4 Q Did she ever call you back after that --

5 A No, she didn't.

6 Q -- and ask you for assistance?

7 A No.

8 MR. HARMON: Thank you. That concludes
9 direct, your Honor.

10 THE COURT: Cross.

11

12 CROSS EXAMINATION

13 BY MR. BROOKS:

14 Q Officer Earnst, you're still with the
15 Tucson Police Department?

16 A Yes.

17 Q And you work how many days a week?

18 A It kind of depends. I'm in a different
19 function now.

20 Q Since this time back in 1994 when this
21 happened you have probably responded to how many
22 calls?

23 A Shortly after that I went into the
24 current assignment I'm in, so I haven't responded to
25 that many calls since.

001263

1 Q Do you ever find that you have responded
2 to so many calls in the past that they tend to run
3 together?

4 A I've had those nights.

5 Q Do you rely a lot on your officer reports
6 to remember what happened?

7 A Some of it, unless there is something
8 special that stands out in my mind.

9 Q Apparently this case stood out in your
10 mind?

11 A She was one of our employees, yes.

12 Q I would like to just show you one thing
13 real quickly. I think this is your report.

14 Is there any mention in your report that
15 she was actually crying during the time that you were
16 talking to her? It did indicate that she was crying
17 earlier when she got hit by James. Is there anything
18 in your report about her crying at that time?

19 A No.

20 Q So this is something that you remembered
21 but you did not include in your report?

22 A I remember thinking how good she was
23 holding herself together while she was talking to the
24 other officer.

25 Q So apparently she contacted officers

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1 Neidkowski first?

2 A Right.

3 Q And she talked to officer in this case.

4 Do you know how long she talked to him?

5 A I believe he called us at 2128. I think
6 that she must have got there about ten minutes prior.

7 Q I don't think in military terms. Like
8 9:30?

9 A 9:28, and I arrived at 9:30.

10 Q So what time do you estimate the actual
11 act of hitting on her occurred?

12 A Well, that's what she told me, it was
13 right at nine o'clock.

14 Q Roughly nine o'clock?

15 A Right.

16 Q So you started talking to her at about
17 what time?

18 A 9:30.

19 Q How long did you talk to her?

20 A Probably about 25 minutes.

21 Q I'm sorry?

22 A About 25 minutes, 20, 25.

23 Q You've testified here that she refused
24 medical care; is that correct?

25 A That's correct.

001265

1 Q In your mind is there a difference
2 between refusing medical care and not requiring
3 medical care?

4 A It would be hard to tell. I have no way
5 to look below the skin, you know. That's something
6 that an individual would have to determine.

7 Q In your officer's report did you indicate
8 that she refused medical care or her wounds did not
9 require medical care in your report?

10 A I said that she did not. The victim was
11 complaining of pain in her right leg but did not
12 require medical attention. That's her words, not
13 mine. I can't make that determination for people.

14 MR. BROOKS: Thank you very much. No
15 further questions.

16 THE COURT: Redirect.

17 MR. HARMON: No redirect, your Honor.

18 THE COURT: May this witness be
19 discharged.

20 THE COURT: Thank you.

21 Ladies and gentlemen, we're going to take
22 our afternoon recess at this time. We'll reconvene 20
23 minutes after three o'clock.

24 During your recess, you are not
25 to discuss or converse among yourselves or with

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DIRECT EXAMINATION

BY MS. SILVER:

Q Sir, what is your occupation and assignment?

A I'm a police officer assigned to patrol with the Las Vegas Metropolitan Police Department.

Q How long have you been a police officer?

A Approximately five and a half years.

Q And what divisions have you worked on in your five and a half years?

A Patrol.

Q On June 1st of 1995, at approximately 10:08 p.m., were you dispatched by a 911 call to 839 North Lamb, Space Number 125?

A Yes, I was.

Q That's the Ballerina Mobile Home Trailer Park?

A That's correct.

Q And that's here in Las Vegas, Clark County, Nevada?

A Yes.

Q When you arrived at that location, did you come into contact with a person by the name of Deborah Panos?

A Yes, I did.

001297

1 Q Can you describe what her demeanor was
2 like when you made contact with her?

3 A She appeared to be very frightened and
4 was crying.

5 Q And as she was crying, did she tell you
6 why she summonsed you?

7 A Yes, she did.

8 Q And why was that?

9 A She stated that she had gotten into an
10 argument with her boyfriend. I don't recall what the
11 argument was over. He began yelling at her. He
12 became angry and threw her down on the bed. He then
13 climbed on top of her, pinning her arms down with his
14 knees and pulled out a knife, held it to her throat
15 and began threatening her with it.

16 Q Did something happen that caused him to
17 stop threatening her with this knife?

18 A She stated that there was a knock on the
19 door and that's when he stopped.

20 Q Was that a knock by her roommate?

21 A I don't recall offhand.

22 Q Did you also come into contact with the
23 boyfriend?

24 A Yes, I did.

25 Q And what was his name?

001298

1 A His name was James Chappell.

2 Q And do you see him here in court today?

3 A Yes, I do.

4 Q Can you point to him and describe an
5 article of clothing for the record?

6 A The gentleman in the gray suit.

7 Q What color shirt is he wearing?

8 A Yellow.

9 MS. SILVER: Your Honor, may the record
10 reflect that the witness has identified the defendant.

11 THE COURT: It will.

12 BY MS. SILVER:

13 Q Did Deborah tell you how much time had
14 passed between the time the call was made to the
15 police department and the time that you arrived?

16 A It was a brief amount of time. I would
17 have to refer to my report to tell you exactly.

18 Q Would you like to refer to it --

19 A Yes.

20 Q -- for when the incident occurred prior
21 to your arrival?

22 A Approximately five to ten minutes.

23 Q Prior to your arrival?

24 A Yes.

25 Q Did you arrest the defendant for

001299

1 battery-domestic violence?

2 A Yes, I did.

3 Q And did you transport him to the city
4 jail?

5 A Yes, I did.

6 MS. SILVER: That would conclude direct.

7 MR. BROOKS: No questions, your Honor.

8 THE COURT: May this witness be
9 discharged?

10 MR. HARMON: Yes, Judge.

11 THE COURT: The witness may be excused.
12 Call your next witness.

13 MS. SILVER: The next witness is Latrona
14 Smith.

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

19 THE WITNESS: Yes.

20
21 SHIRRY SMITH,
22 having been first duly sworn, testified as follows:
23
24
25

001300

3 1 JAMES CHAPPELL,

2 called as a witness by the Defendant, having been first duly
3 sworn, was examined and testified as follows:

4
5 DIRECT EXAMINATION

6 BY MR. BROOKS:

7 Q James, could you state your name for the record
8 and spell your name, please.

9 A James Chappell, C-h-a-p-p-e-l-l.

10 Q James, where are you from originally?

11 A Lansing, Michigan.

12 Q Did you grow up in Lansing, Michigan?

13 A Yes, sir.

14 Q Where did you meet Deborah Panos?

15 A J. W. Sexton High School.

16 Q You were a student there?

17 A Yes, sir.

18 Q Was she a student there?

19 A Yes, sir.

20 Q How old were you when you met her?

21 A Sixteen.

22 Q What happened when you all met?

23 A We had about a five minute conversation. She
24 gave me her phone number and that was it the first time we
25 seen each other.

4

1

Q What do you mean that was it?

2

A The bill had rang for us to go to class so we

3

couldn't talk for that long.

4

Q Did you all become involved with each other?

5

A Yes, sir.

6

Q Did you become lovers?

7

A Yes, sir.

8

Q And you subsequently had children with her?

9

A Yes, sir.

10

Q When did you all have your first child?

11

A April 23rd, 1988.

12

Q What was the name of that child?

13

A James Monte Panos.

14

Q Where was that child born?

15

A Sparow Hospital in Lansing, Michigan.

16

Q Were you and Deborah living together at that

17

time?

18

A Not when she was pregnant and had the child,

19

no.

20

Q Did you love her at that time?

21

A Yes, sir.

22

Q Did she love you?

23

A Yes, sir.

24

Q She was a white person, correct?

25

A Yes, sir.

001425

4

1 Q And you're black?

2 A Yes.

3 Q How did her family react to your relationship
4 with her?

5 A They hated it.

6 Q Did they hate the relationship or did they hate
7 you or both?

8 A Both.

9 Q Did you ever get along with them when they were
10 in Lansing?

11 A Never.

12 Q Did you have much contact with her parents
13 there in Lansing?

14 A We came in contact a couple of times.

15 Q What kind of contact would you have with her
16 parents?

17 A They caught me in their house.

18 Q What were you doing in their house?

19 A Staying the night with Debbie.

20 Q Did Debbie want you to spend the night with
21 her?

22 A Yes, sir.

23 Q And you wanted to spend the night with her?

24 A Yes.

25 Q Did you graduate from high school in Lansing?

501426

4 1 A No, I did not.

2 Q What happened to your education?

3 A I got suspended a couple of times and my

4 grandmother took me out of there. And made me go to adult

5 education.

6 Q Did you ever end up finishing high school or

7 getting a GED?

8 A No.

9 Q What were your plans in terms of a job?

10 A I had many jobs in Michigan.

11 Q What kind of jobs did you have?

12 A Most of them were restaurant jobs. I had a

13 janitorial job at the high school at one time.

14 Q What kind of restaurant work did you do?

15 A Would you like me to name the restaurants?

16 Q If you can.

17 A I worked at Taco Bell, Ponderosa Steakhouse, I

18 worked in the cafeteria at the adult education high school,

19 a restaurant called Cupies, a restaurant called Chetters.

20 Q These are all in Lansing?

21 A Burger King.

22 Q These are all in Lansing?

23 A Yes, sir.

24 Q Did you have any trouble keeping your work at

25 these places?

~~001427~~

4

1 A Yeah, I had some problems.

2 Q How come you had a problem keeping your jobs?

3 A I guess it was the friends I was hanging
4 around.

5 Q What kind of friends did you have?

6 A Most of them were drug dealers.

7 Q Were you using drugs during those times
8 yourself?

9 A Yes, sir.

10 Q How about Deborah, was she using drugs?

11 A She said she tried marijuana once, but she
12 didn't like it and I've never ever seen her do no drugs.

13 Q Did she know that you were using drugs?

14 A Yes, she did.

15 Q Did her family know that you were doing drugs?

16 A I don't think in Michigan I don't think they
17 knew that.

18 Q Now, her parents both her mother and father
19 lived in Lansing; is that right?

20 A Yes, sir.

21 Q And there came a time when her parents moved
22 away?

23 A Yes.

24 Q Where did her parents move to?

25 A Tucson, Arizona.

001428

4 1 Q What did Debbie do, Deborah Panos do when they
2 moved off to Arizona?

3 A She stayed with me because they wouldn't let
4 her keep the child, they said if she didn't give up the
5 child for adoption she couldn't live with them.

6 Q Did they stick with that position or not?

7 A For a couple of months.

8 Q Then what happened?

9 A They sent for her to come to Arizona.

10 Q And did she go to Arizona?

11 A Yes, sir.

12 Q Do you recall when she went to Arizona
13 approximately?

14 A J.P. was an infant so about two months. He was
15 about two months old so it was about June of '98 -- '88 I
16 mean.

17 Q How did you feel about her going to Arizona
18 with your son?

19 A Pardon me?

20 Q How did you feel about her going to Arizona
21 with your son?

22 A I was extremely hurt, but I wanted the best for
23 her and him so I knew they would be all right out there with
24 her mother.

25 Q She moved to Tucson. Did she keep in touch

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4
5
1 with you and when I say she I mean Deborah Panos?

2 A She had to sneak around. They put a lock on
3 the mailbox.

4 Q What do you mean they put a lock on the
5 mailbox?

6 A She couldn't go to the mailbox, get the mail
7 out. They were always around her when she tried to do
8 something.

9 Q Could she talk to you on the telephone?

10 A She would go to the mall and she would sneak
11 away from them while they were in the store and she would
12 call me from the mall.

13 Q Would you ever call her at her house?

14 A No.

15 Q How come?

16 A She wouldn't give me the number.

17 Q Do you think she didn't want you calling there
18 when her parents were there?

19 A Exactly, yes, sir.

20 Q There came a time when you went down to Tucson
21 and stayed with Debbie; is that right?

22 A Yes.

23 Q Describe how that happened.

24 A Her mother and her stepfather took our two
25 children. Anthony was born and she came back to me after

01430

5 1 she had went out to Arizona the first time and she got
2 2 pregnant back there and when she went back, her mom and her
3 3 stepfather drove from Arizona to Michigan with the two
4 4 children and she sent for me to come out there.

5 Q So her parents weren't home?

6 A No.

7 Q How long were they gone from the house where
8 Deborah lived?

9 A They were gone for like two months.

10 Q And you went out and stayed in that house while
11 they were gone?

12 A Yes, sir.

13 Q How did you get to Tucson?

14 A Plane.

15 Q Who paid for the ticket?

16 A Deborah Panos.

17 Q Where did you fly out from?

18 A Detroit.

19 Q Do you recall the airline?

20 A Southwest Airlines.

21 Q Where did you fly to?

22 A Phoenix, Arizona.

23 Q How did you get from Phoenix to Tucson?

24 A A shuttle bus.

25 Q So you stayed in the Panoses' home in Tucson?

01431

5 1 A Yes, sir.

 2 Q How long did that go on?

 3 A For about two months.

 4 Q Did there come a time when you all had a second

 5 child?

 6 A She had Anthony in Tucson.

 7 Q And I apologize but did Deborah previously come

 8 back and visit you in Michigan?

 9 A Yes, she did.

 10 Q Is that when she got pregnant with your second

 11 child?

 12 A Yes, sir.

 13 Q And I'm sorry, when was your second child born?

 14 A February 15th, 1990.

 15 Q And that child's name?

 16 A Anthony Michael Panos.

 17 Q So you're staying in the house with Deborah and

 18 neither of your two kids are there; is that correct?

 19 A No, sir.

 20 Q Where are the two kids?

 21 A Her mom and her stepdad were on their way back

 22 to Michigan with them. They traveled with the two children.

 23 Q Were you intending to stay in Tucson with

 24 Deborah at this time or not?

 25 A Yes, sir.

001432

5 1 Q What did you guys do when her parents returned?

2 A She had gotten me a furnished studio apartment
3 before they arrived.

4 Q And is that where you started living?

5 A Yes, sir.

6 Q Did you get any kind of job?

7 A Yes, sir.

8 Q Where did you work?

9 A I worked at Smugglers in the hotel.

10 Q What did you do there?

11 A I was a dishwasher and a busser.

12 Q How long did you keep that job?

13 A About four months.

14 Q And why did you lose that job?

15 A Because James, Jr. told his grandmother that I
16 was out there and she kicked Debbie out and Debbie came to
17 stay with me at the studio and a neighbor downstairs told
18 the office that there was a whole entire family in the
19 studio so we had to get a two bedroom apartment. And
20 Debbie's job was better than mine so I had to stay home and
21 watch the children.

22 Q Where was she working at that time?

23 A The Census Bureau.

24 Q Helping to take the census?

25 A Yes, sir.

001433

5 1 Q Now, there came a time when you left her,
2 didn't you, and went back to Michigan?

3 A Yes, sir.

4 Q Why did you leave?

5 A Because her mother and her stepfather.

6 Q What do you mean by that?

7 A They were always in our business.

8 Q Had you still not reconciled with them?

9 A No.

10 Q Did you ever go over and socialize with them?

11 A They wouldn't allow Debbie to show me where
12 they lived and I never even tried to find out where they
13 lived.

14 Q But you had stayed out there, didn't you?

15 A They had moved after they came back. They
16 moved to a different home.

17 Q So you eventually went back to Michigan?

18 A Yes, sir.

19 Q And when you went back to Michigan how did you
20 get there?

21 A Plane.

22 Q How did you afford that?

23 A Deborah paid for it.

24 Q Why is it that Deborah keeps paying for things?

25 A She would always say she was going to do it and

001434

5 1 I didn't argue with her. I didn't argue with her and try to
2 change her mind.

3 Q Did you go back to Tucson after awhile in
4 Michigan?

6 5 A Yes, sir.

6 Q Do you recall when you went back there?

7 A It was in '91 sometime.

8 Q And this time why did you go back there?

9 A Because Debbie had begged me to come back
10 there.

11 Q You guys were keeping in touch still?

12 A Yes, sir.

13 Q How were you keeping in touch?

14 A She had her own place where she could call any
15 time she wanted to. She called a lot. We'd talk a lot.

16 Q Were you glad that she was keeping the
17 relationship alive?

18 A Yes, sir. Very much.

19 Q When you went back what happened?

20 A I got a job.

21 Q Where at?

22 A Poncho's Mexican buffet.

23 Q What were you doing there?

24 A Prep cooking.

25 Q What was your plan now that you were back in

001435

6

1 Tucson again?

2 A To be with my woman and my children and get
3 married.

4 Q And how come you didn't get married?

5 A Because we planned on getting married in Las
6 Vegas.

7 Q That was a long term plan?

8 A Yes, sir.

9 Q Could you afford to just come up there to Las
10 Vegas and get married?

11 A Not at that time.

12 Q Were you planning on staying in Tucson now
13 permanently or not?

14 A Yes, sir.

15 Q And did you get Deborah pregnant again?

16 A Yes, sir.

17 Q When did she have her third child?

18 A June 26th, 1992.

19 Q And which child was this?

20 A Shauntel Lautrice Panos.

21 Q Had her parents become more accepting of your
22 relationship with their daughter after three children?

23 A I remember calling her mother after the baby.
24 I watched her have the baby. She was the only one I seen
25 come out. I called her mother and we talked for a little

001436

6 1 while. Her mom came around after that.

2 THE COURT: Mr. Brooks, I am going to have to
3 interrupt you at this point. I need to take a recess in
4 order to swear in a couple of new attorneys that need to
5 have their oaths taken so they can proceed with their
6 careers.

7 Ladies and gentlemen, during the recess it is
8 your duty not to converse among yourselves or with anyone
9 connected with the trial, or read, watch or listen to any
10 report of or commentary on the trial by any medium of
11 information including, without limitation, newspaper,
12 television and radio, and you are not to form or express any
13 opinion on any subject connected with this case until it is
14 finally submitted to you.

15 Twenty-five minutes after the hour we'll
16 reconvene. We will be in recess while the jury departs the
17 confines of the courtroom.

18 (Recess.)

19 THE COURT: Counsel stipulate to the presence
20 of the jury?

21 MR. HARMON: Yes, Your Honor.

22 MR. BROOKS: Defense will, Your Honor.

23 THE COURT: You may recommence your direct
24 examination of Mr. Chappell.

25

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6

1 BY MR. BROOKS:

2 Q James, I think we have you in Tucson right now.
3 You've had your third child with Deborah and you're living
4 with her there; is that right?

5 A Yes, sir.

6 Q Now, we heard a lot of testimony during this
7 trial about your job situation. You testified you had some
8 jobs. Did you have jobs in Tucson during this period of
9 time?

10 A Seven exactly, sir.

11 Q Seven different jobs?

12 A Yes, sir.

13 Q Why so many different jobs?

14 A Some because of our babysitting situation, some
15 because they gave me a lousy raise and a couple I just
16 didn't like.

17 Q Was Deborah working during this time?

18 A Yes, sir.

19 Q Did Deborah pretty much always have a job?

20 A Yes, sir.

21 Q Was she the one that always brought in the
22 money other than yourself?

23 A Yes, sir.

24 Q Were you using drugs while you were in Tucson?

25 A Yes, sir.

001438

6 1 Q Were you doing drugs more when you were in
2 Michigan or about the same?

3 A I'd say about the same, sir.

4 Q You testified that you smoked I think it was
5 marijuana in Michigan; is that correct?

6 A Yes, sir.

7 Q Had you been doing cocaine in Michigan?

8 A I did it a couple times, yes.

9 Q Did you start doing cocaine in Tucson?

10 A No. I did it in Michigan first.

11 Q But did you do it in Tucson also?

12 A Yes, sir.

13 Q Did this interfere much with your work?

14 A No.

15 Q You never lost a job because of your drug
16 problems?

17 A No.

18 Q We heard testimony during the State's case
19 regarding a battery in Tucson where you and Deborah were
20 living in a trailer and she went to either 7-Eleven or
21 Circle K or something and told them that she had been beaten
22 up and the police came and arrested you. Did that happen?

23 A Yes, sir.

24 Q Why did it happen?

25 A Because I had returned a dresser that she had

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1 bought. I returned it back to the store.

2 Q And why did you do that?

3 A Because I needed money at the time.

4 Q What did you need money for?

5 A For some drugs.

6 Q And she got mad at you?

7 A Yes.

8 Q And you reacted by hitting her?

9 A We argued for a little while and she said a
10 couple things that made me upset.

11 Q How do you feel about the fact that you hit
12 her?

13 A Extremely bad.

14 Q You guys eventually decided to leave Tucson and
15 move to Las Vegas?

16 A Yes, sir.

17 Q Now, somebody says that she came to Las Vegas
18 and you followed her to Las Vegas; is that true or false?

19 A No, sir.

20 Q How did you guys wind up coming to Las Vegas?

21 A We came and visited first for a week, me, her
22 and Shauntel stayed at Circus Circus and we both looked for
23 a job, we both looked for a home together.

24 Q Did you all find a place to stay?

25 A Yes, sir.

001440

7

1 Q And where did you find a place?

2 A 839 North Lamb, space 125.

3 Q When did you all actually move to Las Vegas?

4 A If I'm not mistaken it was October 1st exactly.

5 Q Of what year?

6 A Of 1994, sir.

7 Q Did you all come up here at the same time?

8 A Yes, sir.

9 Q How did you come up here?

10 A We flew out of Tucson on Reno Air.

11 Q And you flew directly to Las Vegas?

12 A Yes, sir.

13 Q Did you have a car at that time?

14 A Yes, sir.

15 Q Where was the car?

16 A We had a couple drive our U-Haul and the car
17 was on the back of it. They drove it from Arizona to Las
18 Vegas. They were supposed to meet us here.

19 Q Why did you all move to Las Vegas from Tucson?

20 A One reason was because her job they started
21 getting in our private lives trying to control her, private
22 life, and she was upset about that and her mother is the one
23 that suggested coming to Las Vegas.

24 Q Do you know why Las Vegas was mentioned?

25 A We had two choices, Las Vegas or Lansing,

001441

7 1 Michigan.

2 Q And why Las Vegas?

3 A Her mother talked her into coming to Las Vegas.
4 It was more of her mother's decision than it was hers.

5 Q I am going to show you a photograph the State
6 introduced as State's Exhibit No. 1. It shows the trailer
7 where Deborah died. Is that the trailer that you and she
8 lived together in?

9 A Yes, sir.

10 Q Was that your home in Las Vegas?

11 A Yes, sir.

12 Q Is that where you lived from roughly
13 October 1st of '94 until the time that she died except for
14 the times you were in jail?

15 A Yes, sir.

16 Q Did you find work in Las Vegas?

17 A Yes, sir.

18 Q Where did you work?

19 A Ethel M Chocolate Factory.

20 Q Where is that?

21 A It's out there around Sunset.

22 Q How long did you work out there?

23 A About a month and a half.

24 Q How come you lost that job?

25 A Because day-care had cost too much when we

001442

7 1 first got here and Debbie was working two jobs and I told
2 2 her I would stay home with the kids. I called them three
3 3 times and they terminated me.

4 Q They fired you?

5 A Yes, sir.

6 Q Did you start doing drugs here in Las Vegas?

7 A Yes, sir.

8 Q Did you start hanging out at the Vere Johnson
9 projects doing drugs there?

10 A Yes, sir.

11 Q Did that interfere with your ability to be a
12 good father?

13 A No, it did not.

14 Q Did it interfere much with your relationship
15 with Deborah?

16 A I'm sure it did close to the end, but not at
17 the beginning when we got here.

18 Q Going back for just a second Dina Freeman
19 testified about this phone conversation while you were still
20 living in Arizona where she's got you saying in the
21 background to Deborah I'm going to do an O.J. Simpson on
22 your ass. Did you ever say that?

23 A Honestly, no, I did not say that.

24 Q Did you ever threaten her in front of Dina
25 Freeman or on the telephone?

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7

1 A Never. Never. Never.

2 Q Did you ever talk about O.J. Simpson in front
3 of Dina?

4 A No, sir, I did not.

5 Q So she's not telling the truth when she
6 testified to that?

7 A No. She lied under oath, sir.

8 Q You heard testimony regarding Deborah receiving
9 a broken nose on January 9th, 1993 here in Las Vegas. Tell
10 us what happened there.

11 A We were both in the dining room. I forgot what
12 we were talking about, but we were talking about doing
13 something together and we got in an argument over something,
14 I'm not sure exactly what it was, and she had went and laid
15 down on the couch and I was talking to her as she was laying
16 down and she said something back to me, something smart, I
17 don't remember her exact words, but I took a cup, it was
18 like one of those thermal coffee cups and I threw it and it
19 came over the top of her head and it hit her right here.
20 And she got up and she ran to the bathroom. I ran in there
21 after her. She was covering her face. She said I think my
22 nose is broke. I said let me see. She removed her hands
23 and she had a gash right here.

24 Q Are you indicating the side of your nose?

25 A Yes, right here.

8

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1 Q Was she bloody?

2 A It wasn't coming out at that time. It was
3 open, but when I looked at it, it looked like it was just a
4 piece of meat right here. You could see in the inside. No
5 blood was gushing out at that time.

6 Q Who called 911?

7 A I did, sir.

8 Q Now, the medical records that were introduced
9 by the State into evidence included a remark my Deborah
10 Panos that said she had been beaten before but never like
11 this. How do you respond to that?

12 A I couldn't picture her saying that. I threw a
13 cup, that's all I did, I did not try to hit her in the face.
14 It accidentally hit her in her nose and broke her nose. I'm
15 sorry, but there's nothing I could do about it. I called
16 911 and got the ambulance there, the police came and they
17 slammed me all over the place, took me to jail in front of
18 my children in my boxers and my socks. They weren't even
19 listening to me. They thought I was lying. I showed them
20 the cup.

21 Q James, you have another allegation that you
22 attacked her on June 1st of 1995 and you were arrested again
23 for domestic battery. What happened that time?

24 A Well, Deborah had been gone all day the
25 previous day before that and she went to work the next day

001445

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1 and after she got off work she went somewhere else. So I
2 didn't see her for a long time. And when she came home
3 another friend arrived. I guess they were talking about
4 doing something else. We started arguing and we went in the
5 bedroom and I pinned her down and I showed her a knife and
6 when I realized that doing that wasn't going to get nothing
7 out of her, I got rid of it. Claire knocked on the door.

8 Q Who is Claire?

9 A One of her so-called friends from Arizona.

10 Q Was she living with you?

11 A Yes.

12 Q How long did she live there?

13 A I'd say approximately two months, sir.

14 Q Go ahead, I'm sorry.

15 A I let Debbie up, she went outside with both
16 Claire and her other friend that was there and then I went
17 outside and then the cops pulled up. And I went to jail.

18 Q Did you plead guilty to domestic battery in
19 that case eventually?

20 A Yes, sir.

21 Q That was June 1st of '95. How much of the
22 summer did you spend in jail?

23 A Could I just tell you the first time I went to
24 jail when I got out when I went back?

25 Q Sure, if you want to.

001446

8

1 A First time I went to jail was February 28th,
2 1995, stayed in jail till May 10th. Debbie came and picked
3 me up, took me home. When I got out, there was two friends
4 living there.

5 Q When you say two friends, you mean male friends
6 or female friends?

7 A Female friends.

8 I went back to jail for that domestic violence
9 on June 1st, 1995, got out June 7th. Claire came and picked
10 me up, took me back home and we were back together.

11 Then I went back to jail June 26th on
12 Shauntel's birthday, her third birthday.

13 Q And when did you get out of jail that time?

14 A I didn't get out of jail until August 31st.

15 Q Now, from that summer let's say June 26th when
16 you got arrested until the time you got released on August
17 31st did Deborah accept your phone calls?

18 A Yes, sir.

19 Q How often would you call her approximately if
20 you can remember?

21 A Sometimes a couple times a day.

22 Q Did she ever tell you this relationship was
23 over?

24 A Never. Never.

25 Q Did anybody else ever tell you the relationship

001447

8

1 was over?

2 A No, sir.

3 Q Did you ever call that trailer and get mad
4 because of who answered the phone?

5 A Yes, sir.

6 Q What was going on?

7 A There was numerous different women answering
8 the phone. Sometimes the children would pick up the phone,
9 knock it over and the phone would just be sitting on the
10 floor and I could hear stuff in the background.

11 Q What would you hear?

12 A Music, people, voices. Another time there was
13 men answering the phone.

14 Q Did you know these men?

15 A Absolutely not.

16 Q Did that make you mad?

17 A Yes, it did.

18 Q Why did it make you mad?

19 A Because when we moved here Debbie had told me
20 that I couldn't answer the phone because her mother would
21 get upset about it. I gave her that respect. And then I
22 turn around and go to jail and there's all kinds of people I
23 don't even know answering our phone, hanging up on me.

24 Q How did you feel about the idea of other men
25 being in the trailer when you called your home?

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1 A I was stunned, hurt, afraid.

2 Q What were you afraid of?

3 A My children.

4 Q What were you afraid of about your children?

5 A We had numerous babysitters in Arizona that
6 wouldn't feed our kids sometimes. Some even hit them.

7 Q You say that you would talk to Deborah on the
8 telephone. Did she ever come visit you that summer in jail?

9 A Between June 26th and August 31st? Was that
10 what you're talking about?

11 Q Yes, sir.

12 A No, she didn't.

13 Q Do you know why she didn't come visit you?

14 A No. Because she told me on the phone she was
15 going to come many times. I knew something had to be going
16 on at that house, but I didn't know what was going on.

17 Q Did you think she was messing around with other
18 men?

19 A I sensed it but I didn't know for sure so I
20 couldn't keep throwing it in her face when I was talking to
21 her. I asked her straight out if you're dating somebody,
22 let me know. She said no, I'm not dating nobody, I'm not
23 seeing nobody, I don't want nobody else. That was her exact
24 words to me.

25 Q Now, in the State's opening statement they

001449

9 1 talked about some letters you sent to her from jail. Did
2 2 you send her letters from jail?

3 A Many.

4 Q And the State referred to things that you said
5 5 in those letters. What kinds of things did you say to her?

6 A. I asked her how she was doing, how the kids
7 7 were doing. I told her I loved her, I missed her, I told
8 8 her she meant the world to me.

9 Q Were those things true?

10 A Yes, sir, very much.

11 Q Did you also say degrading things to her in
12 12 those letters?

13 A Like the last two letters I put some bad words
14 14 in there.

15 Q Did you call her a slut?

16 A I told her if she was out there messing
17 17 around --

18 Q James, did you call her a slut?

19 A Yes, I did.

20 Q Did you call her a whore?

21 A I wrote that, yes.

22 Q Did you ask her questions like are you easy?

23 A Yes.

24 Q Why did you say these things to her?

25 A Because so many things were happening while I

001450

9

1 was in jail, I was very depressed, upset, lonely, hurt,
2 devastated. She once told me on the phone that she would
3 never abandon me in Las Vegas.

4 Q James, did you see her on August 30th, 1995?

5 A Yes, sir.

6 Q Where did you see her?

7 A At the city courthouse.

8 Q Did she come to your court appearance that day?

9 A Yes, sir.

10 Q Did she testify against you?

11 A No, sir.

12 Q Did you plead guilty that day to domestic
13 battery?

14 A Yes, sir.

15 Q Did you know on August 30th or August 31st that
16 you would be released from custody?

17 A Absolutely not.

18 Q But you were released from custody, weren't
19 you?

20 A Yes, sir.

21 Q And when you were released from custody what
22 did you do?

23 A I walked from downtown to around Bonanza and
24 Lamb.

25 Q About how far is that, if you know, and how

001451

9

1 long did it take you to walk out there?

2

A From around Las Vegas Boulevard and Bonanza and
3 Lamb it would take about 45 minutes, 50 minutes.

4

Q Why did you walk out there?

5

A I was happy to be out. I just wanted to see my
6 girl and my children.

7

Q Where were you going?

8

A I didn't go home at first.

9

Q Where did you go?

10

A To Vera Johnson project apartments.

11

Q What did you do there at the Vera Johnson
12 Apartments?

13

A Went over there and just talked to a couple
14 people.

15

Q Who did you talk to?

16

A Some man over there named Ben and a couple
17 other people.

18

Q Now, how far is Vera Johnson complex from where
19 you lived at the Balerina Sunrise place, if you know?

20

A It's only like two blocks so approximately it
21 would take like probably 15 minutes to get from there to
22 home.

23

Q Did you borrow a bicycle there?

24

A Yes, I did.

25

Q And once you had the bicycle what did you do?

001452

9

1 A I went home.

10

2 Q Now, when you went home this is the home at
3 839 North Lamb?

4 A Yes, sir.

5 Q This is the trailer that you shared with
6 Deborah?

7 A Yes, sir.

8 Q Did you expect her to be there?

9 A No, I did not because I called twice before I
10 went home.

11 Q Where did you call from, if you recall?

12 A I called from downtown and I called from Vera
13 Johnson Apartments.

14 Q And nobody answered?

15 A No, sir.

16 Q So you arrived at the trailer and what do you
17 do?

18 A I put the bike on the side of the house.

19 Q James, I'm sorry, but your hands are in front
20 of your mouth and the jury needs to hear this.

21 A I put the bike on the side of the house and
22 went to the window.

23 Q James, I am going to interrupt for a second and
24 show you a picture again, State's Exhibit 1, which is a
25 picture of the trailer. Is one of these windows there where

001453

10

1 you went to?

2 A Yes.

3 Q Is one of these windows where you entered the
4 place?

5 A Yes.

6 Q Why did you go into your place through the
7 window?

8 A I had been through the window through many of
9 our residences in Arizona, in Michigan and I didn't figure
10 nothing was wrong with that.

11 Q Did you have a key to get inside the place?

12 A I used to but I lost it.

13 Q You start climbing in the window and what
14 happens?

15 A I start climbing through the window and Debbie
16 walked in the doorway and she asked me why didn't I knock at
17 the door. I said I didn't know you were home. I said I
18 just called, why didn't you answer the phone. She said I
19 just got here.

20 Q Do you know what time this is?

21 A No, sir, I wasn't paying attention to the time.
22 I know I had to be back downtown at one o'clock.

23 Q So you get in the window, right?

24 A Yes, sir.

25 Q What happens? You get into the window and do

001454

10

1 you guys talk or what?

2 A Yeah, we talked.

3 Q What else did you do?

4 A I got on my knees in front of her and she was
5 sitting on the couch, I asked her what has she been doing
6 while I was in jail. She said working full-time and
7 watching the kids.

8 Q What happened next?

9 A We talked about a couple of things that were
10 said over the phone. She told me about a couple things that
11 her friends had did while I was in jail.

12 Q Were you glad to see her?

13 A Absolutely.

14 Q Did you think everything was okay?

15 A Yes.

16 Q How long did you all talk?

17 A About 20 minutes.

18 Q What did you all do then?

19 A We kissed a couple of times.

20 Q And then what happened?

21 A We started taking each other's clothes off. We
22 began to have sex on the couch.

23 Q Where was the couch?

24 A Excuse me?

25 Q Where was the couch where you were having sex?

001455

10

1 A It was along the wall right at the corner of
2 the kitchen.

3 Q It was not in the master bedroom?

4 A No.

5 Q I guess it had been a long time since you'd had
6 sex?

7 A A very long time.

8 Q But you'd had sex with her probably hundreds of
9 thousands of times with her before?

10 A A million, billions of times.

11 Q And you loved her?

12 A Extremely. She was the world to me.

13 Q And what happened?

14 A When I entered her, her vagina was all loose
15 and wet and smelly and it wasn't nothing like it used to be.

16 Q What did you think? What did that mean to you?

17 A I immediately thought that she had been messing
18 around on me.

19 Q You thought she was messing around with other
20 men?

21 A Yes, sir.

22 Q What did you do?

23 A I got up, I grabbed her and asked her who she'd
24 been with. She said nobody. She said I swear to God on my
25 grandmother's grave I ain't been with nobody. That was her

001456

10

1 exact words.

2 Q Did you believe her?

3 A Absolutely not.

4 Q So what did you do then?

5 A I walked away from her and started walking in
6 the master bedroom. She came up behind me, she grabbed me
7 around my waist, she asked me could she get on top of me.

8 Q You mean get on top of you sexually?

9 A Yeah. She know I used to love her on top of
10 me. And she asked if she could get on top of me and I told
11 her no.

12 Q What happened next?

13 A She performed oral sex on me.

14 Q Now, had you hit her at all as of this point?

15 A No, sir.

16 Q This was consensual oral sex she performed on
17 you?

18 A Of course, yes, sir. I never pressured her in
19 having sex with me. Never. Never had to.

20 Q What happened next?

21 A She was done, got up and went into the
22 bathroom. I put my clothes back on. She went and got on
23 the phone. She said I'm going to call the day-care and see
24 what time I have to pick up the children. And I said okay,
25 I want to see them anyway.

11

001457

11

1 Q Were you right by her when she was talking to
2 day-care?

3 A No, not at the beginning, sir, no.

4 Q Where were you?

5 A I was in the bathroom.

6 Q Now, did she put her clothes back on after the
7 sex?

8 A Yes, she did.

9 Q You put your clothes back on?

10 A Yes, sir.

11 Q So you can't say exactly what she said to the
12 day-care people?

13 A No. She wasn't talking that loud so I couldn't
14 hear what she was saying. I knew she was talking to the
15 day-care, though.

16 Q At that time when she called day-care the first
17 time would you be surprised to hear that she was scared?

18 A Yeah. When I read that, I couldn't believe
19 that because I didn't hear her say none of that. When I
20 walked in there, I heard her say 5:30, that did you have to
21 pick them up at 5:30 and she said okay, and I told her tell
22 them that we're going to be there. And that's what she told
23 the lady.

24 Q Now, the lady called back, didn't she?

25 A Yes.

001458

11

1 Q And were you there when she talked to the lady
2 at that time?

3 A Yes, sir.

4 Q How was Deborah by then?

5 A She didn't seem to me scared.

6 Q You think she was scared the first time she
7 called them?

8 A When I came in there she did look like she was
9 scared the first time.

10 Q You think she was scared of you?

11 A I think that she knew that she had got caught.

12 Q When you say got caught, got caught doing what?

13 A She knew I knew she had been messing around. I
14 know Debbie. I know Debbie better than probably anybody.

15 Q Now, when she called the day-care center had
16 you done anything violent towards her that day?

17 A No, sir.

18 Q Had you threatened her with violence?

19 A No, sir.

20 Q Okay. They call, she talks to them and then
21 what happens?

22 A She said we're on our way, we're coming to pick
23 up the kids.

24 Q So what happened next?

25 A We got ready to leave, we walked out the door,

001459

11

1 the bike I rode over there, she grabbed the bike and placed
2 it on the front porch for me. We started walking to the
3 car.

4 Q Was this the Toyota that you've seen in
5 pictures here in court?

6 A Yes, sir.

7 Q Go on.

8 A She asked me did I want to drive. I told her
9 yes. We walked along to the car, I looked on the side of
10 the house, there was a whole box full of beer cans and I had
11 asked her who was drinking all that beer there.

12 Q Now, did she drink?

13 A No, she did not.

14 Q So what did you think when you saw the beer
15 cans?

16 A That there had to be some kind of little
17 parties going on there. There was lots of them, lots of
18 them.

19 Q Go on.

20 A We got in the car and I when I got in the car I
21 looked around and the car was all trashy, papers everywhere,
22 beers cans on the floor. I tried to turn the air
23 conditioner on, it was broke, the gear shift was cracked,
24 the ceiling to the car was ripped all off, the light in the
25 back window was broke, busted and I asked her who did all

001460

11

1 that. She said the kids did it. So I started up the car,
2 backed out.

3 Q Where were you going?

4 A We were going to pick up the kids.

5 Q Did you start to leave?

6 A Yes, I did. I pulled out the driveway, put the
7 car in drive, started moving. I asked her -- I said look
8 for my Michael Jackson Off The Wall tape. She was looking
9 up under the seat, going through all the mess that was on
10 the floor. And before I went to jail I had lots of tapes in
11 the car and I would keep them in the middle of the seats.

12 Q Is that a console?

13 A Yes, sir.

14 Q Okay.

15 A I opened it up and there was a little note in
16 there.

17 Q When you say a note, do you mean a note or a
18 letter?

19 A A letter, sir. I grabbed the letter, opened
20 it --

21 Q Did you read part of the letter?

22 A Yes, sir, I opened it up. I even let go of the
23 steering wheel, almost crashed into a car that was parked.
24 I was going through the letter as quickly as I could. When
25 she noticed me reading the letter, she tried to grab the

001461

12

1 note. We was fighting over the note.

2 Q Could you read some of the words in the letter?

3 A Yes, sir.

4 Q What was it saying?

5 A Some guy talking about having sex with her,
6 said he had been with her and she was teasing him.

7 Q How did you react to that?

8 A I was shocked, I was devastated.

9 Q What did you do?

10 A I stopped the car, put it in reverse, backed it
11 up and parked in front of the house.

12 Q Go on.

13 A When we got out of the car, I went out on her
14 side, I stepped over her lap, went out the passenger door, I
15 grabbed her out of there, took her back in the house.

16 Q And what did you do inside the house?

17 A I don't recall everything I did now.

18 Q Did you stab her?

19 A I didn't know until I had cut my finger.

20 Q Do you know how many times you stabbed her?

21 A No, I did not.

22 Q Do you know how many times you hit her?

23 A No, I do not.

24 Q Do you know where you got the knife?

25 A No, I do not.

001462

12

1

Q Why were you doing this?

2

A I don't know.

3

Q Did she run away from you?

4

A No.

5

Q What did she do?

6

A She didn't make no noise, she didn't try to run, she didn't do nothing.

8

Q Did she fall to the ground right there?

9

A She went in the door, yes, she just fell on the floor and stayed there.

10

11

Q James, when you got out of the car, did you have any thought of killing her or hurting her?

12

13

A Absolutely not, sir.

14

Q What did you think you were going to do when you took her back inside the house?

15

16

A At the time I don't know. My mind just clicked and it was stuck. I couldn't think beyond that letter. I was stuck at that letter.

17

18

19

Q What were you thinking about? What was going on in your mind?

20

21

A Her doing what she done to me to somebody else.

22

Q You mean having sex with somebody else?

23

A Yes, sir.

24

Q That's what was going on in your head?

25

A Exactly.

001463

12

1 Q And you were upset?

2 A Very.

3 Q Did you realize you killed her?

4 A No, I did not. I couldn't look at her. I just
5 hurried up and took off out the door and left.

6 Q From the time that you got out of the car to
7 the time that this stuff happened inside how much time
8 passed, if you know?

9 A I don't know. It happened like that, sir. It
10 happened real quick.

11 Q James, I am going to show you a photograph,
12 State's Exhibit 26, that shows part of Deborah lying on the
13 floor and right beside her head is a letter with blood on
14 the letter. Do you recognize that letter?

15 A Yes, sir.

16 Q Why do you recognize that letter?

17 A It was the letter I found in the car.

18 Q Is that the letter from what you think is
19 another man?

20 A Of course. Yes, it is.

21 Q Did you two fight over the letter in the car?

22 A Yes, she tried her best to get it from me.

23 Q Was the letter torn up into many different
24 pieces?

25 A Yes, sir.

001464

12

1 Q Who tore it up into many different pieces?

2 A She tried to rip it, I know that.

3 Q Did you rip some of it too?

4 A I was trying to hold onto it. She was trying
5 to get it from me and it ripped.

6 Q I am going to show you Exhibit 31, a photograph
7 of a piece of a letter. Is that a piece of that letter do
8 you think?

9 A Yes, sir.

10 Q I am going to show you State's Exhibit 32,
11 another piece of the letter. Is that the letter as far as
12 you know?

13 A Yes, sir.

14 Q Now, when Officer Perkins testified, he
15 testified that one letter was found right beside her.
16 That's this letter we're talking about?

17 A Exactly, sir.

18 Q And he also testified that there were letters
19 found strewn about on the floor in the master bedroom. How
20 did they get there?

21 A When me and Debbie was in the room, when she
22 came in there and she had grabbed me by my waist, we was in
23 the room, some of the letters that I wrote her was beside
24 the bed on the table, some of the letters was up on the
25 entertainment center. The ones that was on the side of the

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12

1 table I took them and I threw them at her and I asked her, I
2 said these didn't mean nothing to you, none of this meant
3 nothing to you, did it. That's exactly what I said to her.

4 Q I am going to show you State's Exhibit 8 which
5 is a photograph of that room and there are letters on the
6 floor. Are these the letters that you threw at her?

7 A Exactly, sir, yes.

13

8 Q I am going to show you State's Exhibit 10 which
9 includes you can see some of the writing on the letters on
10 the floor. Is that your writing on that letter?

11 A Yes, sir.

12 Q James, the State has tried to say in this case
13 that you ransacked the master bedroom. Did you ransack that
14 master bedroom?

15 A I didn't touch nothing in that room, sir.
16 Nothing.

17 Q You didn't try to steal anything from that
18 room?

19 A Of course not, sir. No. Absolutely not.

20 Q After you killed Deborah did you steal anything
21 from inside the trailer?

22 A I looked at Debbie on the floor and I ran out
23 the door, sir. I did not touch nothing in that house.
24 Nothing.

25 Q Where did you get the social security cards

001466

13

1 from?

2 A They were in the car up under the driver's
3 seat, sir.

4 Q Were they in this black folder that one of the
5 witnesses talked about?

6 A No, they were not.

7 Q Where were they?

8 A They were in the plastic thing they were in and
9 they were on the floor. There was so much stuff in the car
10 on the floor. There was trash everywhere, sir.

11 Q Why did you get in the car and leave?

12 A When I seen her like that, sir, I panicked and
13 I just had to get out of there as quick as possible.

14 Q You obviously didn't think about calling the
15 police or trying to get attention for her? No?

16 A No, sir.

17 Q How do you feel about what you did?

18 A Extremely bad. Lower than dirt. If I could
19 give up my life for hers, I would. In a heartbeat.

20 Q Where did you go, James, in the car?

21 A I went to the Vera Johnson Apartments.

22 Q And that's how far away from the trailer?

23 A About 15 minutes.

24 Q What did you do when you got down there?

25 A I parked the car and I just sat there with my

001467

1 MR. HARMON: Paul Weidner.

2

3

PAUL WEIDNER,

4 having been first duly sworn to tell the truth, the whole
5 truth and nothing but the truth, testified and said as
6 follows:

7

8

DIRECT EXAMINATION

9

BY MR. HARMON:

10

Q Will you state your name, please?

11

A Paul Weidner.

12

Q Please spell your last name.

13

A W-E-I-D-N-E-R.

14

Q Is it Officer Paul Weidner?

15

A Detective.

16

Q Detective Weidner, what is your

17

business or occupation?

18

A I am a homicide investigator with the

19

City of Lansing Police Department, Lansing, Michigan.

20

Q How long have you been in law

21

enforcement?

22

A Twenty four years.

23

Q How long with the Lansing Police

24

Department?

25

A Twenty four years.

FATSY K. SMITH, OFFICIAL COURT REPORTER

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Case No: C131341
MARKED FOR IDENTIFICATION
STATE'S PROPOSED EXHIBIT

0383198—Docket 61967 Document 2013-34678

1 Q Were you employed as either a detective
2 or police officer with the Lansing Police Department on
3 August the 18th, 1988?

4 A Yes, it was.

5 Q What were your duties?

6 A I was a uniformed police officer at the
7 time assigned to the crime suppression unit.

8 Q On August the 18th, 1988, at about 6:45
9 p.m., did you have occasion to respond to the 1700 block of
10 South Washington Street in Lansing, Michigan?

11 A Yes.

12 Q What was your reason for going to that
13 location?

14 A My partner and I had been sent into the
15 area regarding a disturbance in the 1700 block of South
16 Washington.

17 Q Identify for the record your partner.

18 A Officer John Priebe.

19 Q Will you spell his names, please.

20 A I believe P-R-I-E-B-E.

21 Q What happened after you arrived?

22 A We made contact with the victim. He
23 stated that he had been assaulted. When we first arrived,
24 we exited our vehicle, we encountered a subject that was
25 standing at his front porch with a shotgun that turned out

PATSY K. SMITH, OFFICIAL COURT REPORTER

001777

1 to be the victim of our crime.

2 Q You have just explained that he was
3 standing on his front porch?

4 A Yes, I believe so.

5 Q You are referring to the front porch of
6 his residence?

7 A Yes, 1705 South Washington Avenue.

8 Q Did you identify the victim by name?

9 A His name was Kenneth Gay.

10 Q G-A-Y?

11 A G-A-Y.

12 Q Are you able to describe whether Mr.
13 Gay was armed in any fashion when you and your partner,
14 Officer Priebe, arrived?

15 A According to my report, it indicated
16 that Mr. Gay was armed with a shotgun.

17 Q Are you able to describe the demeanor
18 of the victim, Mr. Gay, at that time?

19 A I recall that he was very upset. My
20 recollection is that there appeared to be a lot of tension
21 and the victim was very upset.

22 Q Were there other subjects in the area?

23 A Yes.

24 Q Did you have occasion to investigate
25 the allegations made by Kenneth Gay?

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1 A We interviewed Mr. Gay and upon
2 receiving his statement and information, we subsequently
3 made an arrest on two individuals that evening for an
4 assault.

5 Q What individuals did you arrest that
6 evening?.

7 A We arrested a James Montell Chappell
8 and also a -- I believe his name was Harold Smith.

9 Q Did you obtain dates of birth for the
10 two arrestees?

11 A Yes, we did.

12 Q Let's start with Mr. Chappell, what was
13 his date of birth?

14 A According to my police report, Mr.
15 Chappell's date of birth was 12/27 of '69.

16 Q What about the other subject, William
17 Smith?

18 A It's Harold Smith.

19 Q I'm sorry.

20 A His date of birth was 10/30 of '66.

21 Q You mentioned that you interviewed the
22 complaining witness, Mr. Gay?

23 A Yes.

24 Q Did he tell you what occurred?

25 A Yes, he did.

PATSY K. SMITH, OFFICIAL COURT REPORTER

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1 Q What did he tell you?

2 A According to my report, Mr. Gay advised
3 that he was coming home that evening in his vehicle. There
4 is an alley that runs behind his house. He attempted to
5 pull into that alley and encountered several subjects that
6 were in the alley yelling and screaming at him. He stated
7 to us that the subjects began pounding on his vehicle and a
8 brick was thrown at his vehicle. He stated that he
9 encountered these subjects after he got out of his vehicle
10 and was struck in the back with what appeared to be a brick
11 or a rock on the left side and he identified his assailant
12 as Mr. Smith and Mr. Chappell.

13 Q Did the complaining witness, Mr. Gay,
14 identify Harold Smith and James Chappell as individuals who
15 had participated in the assault?

16 A Yes. According to my report, he named
17 them by name, that Smith and Chappell had been involved in
18 the assault.

19 Q Did he say specifically whether
20 anything, any object was thrown at him by James Chappell?

21 A He stated, according to my report, that
22 he also observed Mr. Chappell -- he was hit on the left
23 side of his back with a brick and stated that the subject
24 Chappell threw the brick.

25 Q Did you have occasion to examine the

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1 back of Kenneth Gay?

2 A Yes. He did receive some injury to the
3 left side. There was an imprint of what appeared to be a
4 brick on his shirt and also he sustained what appeared to
5 be some bruising and some lacerations.

6 Q Do you happen to recall what type of
7 shirt Mr. Gay was wearing?

8 A I believe it was a T-shirt; a light
9 colored T-shirt, to the best of my recollection.

10 Q Now is it your testimony that his
11 report to you was that the individual, who threw the brick
12 which hit him in the area on the back where he was injured,
13 was James Chappell?

14 A That is -- I'm referring to my police
15 report and that's what my report reflects.

16 Q Now, you've mentioned that the two
17 subjects, Harold Smith and James Chappell, were arrested in
18 connection with the incident?

19 A That is correct.

20 Q On what charge?

21 A Felonious assault.

22 Q Did you have occasion to interview Mr.
23 Chappell, one of the arrestees, after you had commenced the
24 investigation?

25 A My partner, once we arrived at the

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1 station, read the accused his Miranda warnings and then did
2 take a statement from him.

3 Q Did Mr. Chappell give a statement which
4 was somewhat contradictory of the account given by Kenneth
5 Gay, the victim?

6 A Somewhat.

7 Q What was the account provided by Mr.
8 Chappell?

9 A If I may refer to my report?

10 MR. HARMON: May he do so, your Honor, to
11 refresh his memory?

12 THE COURT: Yes.

13 Q (BY MR. HARMON) You may, sir.

14 A Yes, sir. According to the statement
15 here written by Officer Priebe, it stated that Mr. Chappell
16 told Officer Priebe that we were standing in the alley when
17 the car started driving up the alley. It wasn't going very
18 fast, but it didn't honk and while I was getting out of the
19 way, Harold yelled that he tried to run us over and so he
20 threw a brick at the car as it went by. He didn't hit the
21 car, but the white guy, complainant Gay, came out of his
22 house with a baseball bat and under some derogatory
23 statements made, if you'd like me to state those?

24 Q What were those statements?

25 A The victim stated, according to Mr.

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1 Chappell, saying, "Come on you, niggers. I'm not afraid of
2 you." Harold then threw a brick at the white guy and it
3 knocked him down. The guy went into his house and Harold
4 picked up the bat. The guy came onto the porch with a gun
5 and one of the other guys threw a bottle at him, which hit
6 him on the shoulder.

7 He continues with the police arrived and
8 that the guy who threw the bottle ran off between the
9 houses. There were four of us and I don't know the other
10 two guys that left. They were Harold's friends. The one
11 that threw the bottle was described as a black male, 6
12 foot, heavy build with a red shirt and blue jeans and he
13 stays on Elm Street.

14 Q I take it, from your description of Mr.
15 Chappell's statement, that except for acknowledging his
16 presence, he didn't admit to any active participation in
17 the felonious assault?

18 A According to his statement, no.

19 Q However, as you examined your report,
20 is it very clear that the victim, Mr. Gay, identified
21 Chappell as one of the persons who had thrown and, in fact,
22 hit him in the back with a brick?

23 A Yes, it is.

24 Q Were you ever called upon to testify in
25 court on this matter?

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1 A No.

2 Q Do you have a personal recollection now
3 of the disposition of the charge?

4 A No, I do not. I have no idea what
5 happened to the charge.

6 MR. HARMON: That concludes direct, your
7 Honor.

8 THE COURT: Thank you.

9 Cross.

10

11

CROSS EXAMINATION

12 BY MR. BROOKS:

13 Q Officer, going back to this date, this
14 occurred when again, please?

15 A It occurred on August 18th, 1988.

16 Q So that's about what, almost eight,
17 little more than eight years ago?

18 A That is correct.

19 Q Now, as far as what happened, you
20 personally didn't see anything, did you?

21 A No, we did not.

22 Q All you did was talk to the victim and
23 apparently a witness and apparently you talked to James?

24 A Yes. Upon our arrival, we conducted an
25 investigation and talked with the people that were there.

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1 Q Do you recall if the victim -- can you
2 describe the victim at all?

3 A I just recall him being a older white
4 male. He was -- I remember him specifically being very
5 irate, very upset, but anything else except for the police
6 report, I could tell you his date of birth and so on.

7 Q And when you first saw him, he
8 apparently had a shotgun out?

9 A Yes.

10 Q And you learned, during the course of
11 your talking to people, at one time he had a baseball bat
12 out?

13 A He -- yes, he did.

14 Q When you talked to him, he never
15 admitted anything about calling these guys, "Come on you
16 bunch of niggers?"

17 A If I could review my report quickly?

18 Q Go ahead.

19 A No, I do not see anything in the
20 report.

21 Q And based on his statement, he did not
22 indicate any responsibility on his part for starting any of
23 this, did he?

24 A The only thing he indicated, according
25 to the report, that he attempted to pull in the alley

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1 behind his house and he was confronted by several subjects
2 in the alley.

3 Q When apparently you guys arrested Mr.
4 Smith and Mr. Chappell; is that correct?

5 A Yes.

6 Q Now Mr. Smith was not cooperative, was
7 he?

8 A According to the report, he was quite
9 combative.

10 Q He didn't give you a statement?

11 A No, he did not.

12 Q Was Mr. Chappell cooperative?

13 A He gave us a statement.

14 Q He was more cooperative than Mr.
15 Smith?

16 A Well, it would appear so according to
17 the report.

18 Q And while he had not acknowledged
19 throwing the brick, apparently the evidence is that both he
20 and Smith both threw a brick at one point or another?

21 A Yes.

22 Q Do you recall who the other witness was
23 that you interviewed that was not necessarily the victim?

24 A I have a name on my police report by
25 the name of Dennis -- I think it's Wersbicky (phonetic).

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1 Q What did he say he observed?

2 A If I may refer to my report?

3 Q Go ahead.

4 A He stated that he was out and about
5 walking his dog when he observed the victim drive down the
6 alley and was attacked by the black males. The witness
7 stated he stated two accused subjects, along with other
8 subjects, started beating on the victim's vehicle and
9 started throwing rocks at the vehicle. He also observed
10 the victim being struck with the bricks and observed
11 accused Smith throw a brick and strike the victim.

12 Q He doesn't actually say he observed Mr.
13 Chappell throw a brick?

14 A That is correct.

15 Q If you could, Officer, refer if you
16 would to page 6 of your report, if you don't mind, look
17 down in the lower right-hand corner.

18 A Which would be page six?

19 Q Mine just says page six of and I don't
20 have the last part of that. I think it's the one that has
21 all the little blanks to fill in.

22 May I approach, Judge?

23 THE COURT: Yes.

24 THE WITNESS: Okay, I see it. Is it a
25 descriptor?

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1 Q (BY MR. BROOKS) It has all the little
2 numbers to fill in a report quickly. It says subject
3 injury, how did your associate respond to that?

4 A Let me find that modus operandi page.
5 Means of attack?

6 Q No, subject injury, down on the farther
7 right-hand side. This is the -- Judge, may I approach?

8 THE COURT: Yes.

9 Q (BY MR. BROOKS) This is the sheet on
10 Harold Lee Smith, this one here.

11 A Oh, okay. Let me see.

12 Q How did you fill that out or how did
13 you and your associate fill that out?

14 A It indicates no injury.

15 Q Now is that speaking of Mr. Gay, the
16 one who is hit by the brick?

17 A No, that's speaking of the arrestee.

18 Q Oh, I see. That's probably Mr. Smith
19 then?

20 A Yes.

21 Q Okay.

22 Do you know if Mr. Gay had to go to the
23 hospital at all?

24 A I do not recall.

25 Q Would you guys have put that in the

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1 report someplace if he had sustained serious injuries of
2 any kind?

3 A Yes. If we would have requested the
4 Lansing Fire Department and Ambulance to arrive at the
5 scene, it would be on the report. If he was seeking his
6 own medical attention, it may not be.

7 Q But there is no indication on the
8 report that you guys called an ambulance?

9 A That is correct.

10 Q You've indicated that you don't know
11 exactly how this eventually got resolved; is that correct?

12 A You mean how the case was adjudicated?

13 Q Right.

14 A No, I have no idea.

15 Q Would it surprise you if I said there
16 was no judgment of conviction for a felony in this case?

17 A One way or the other, it wouldn't
18 because I have no idea.

19 MR. BROOKS: Thank you. I have no further
20 questions.

21 MR. HARMON: No redirect, Judge.

22 THE COURT: All right, in that case, we'll
23 take our noon recess. Sir, you may step down.

24 THE WITNESS: Thank you.

25 THE COURT: Thank you very much.

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1 Ladies and gentlemen of the jury, during
2 this recess, it is your duty not to converse among
3 yourselves or with anyone else on any subject connected
4 with this trial or to read, watch, or listen to any report
5 of or commentary on this trial or any person connected with
6 this trial by any medium of information, including, without
7 limitation, newspapers, television, or radio, and you are
8 not to form or express an opinion on any subject connected
9 with this case until it is finally submitted to you.

10 We will reconvene at the hour of 1:30 this
11 afternoon. Please be downstairs ready to be collected
12 about that time. We will be at ease while you depart the
13 confines of the courtroom.

14 Anything further from the parties before we
15 recess?

16 MR. BROOKS: Not from the defense, your
17 Honor.

18 THE COURT: All right.

19
20 (Off the record at 11:58 a.m. and back on
21 the record at 1:56 p.m.)

22
23 THE COURT: Counsel stipulate to the
24 presence of the jury?

25 MR. HARMON: Yes, your Honor.

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3 1 JAMES CHAPPELL,

2 called as a witness by the Defendant, having been first duly
3 sworn, was examined and testified as follows:

4
5 DIRECT EXAMINATION

6 BY MR. BROOKS:

7 Q James, could you state your name for the record
8 and spell your name, please.

9 A James Chappell, C-h-a-p-p-e-l-l.

10 Q James, where are you from originally?

11 A Lansing, Michigan.

12 Q Did you grow up in Lansing, Michigan?

13 A Yes, sir.

14 Q Where did you meet Deborah Panos?

15 A J. W. Sexton High School.

16 Q You were a student there?

17 A Yes, sir.

18 Q Was she a student there?

19 A Yes, sir.

20 Q How old were you when you met her?

21 A Sixteen.

22 Q What happened when you all met?

23 A We had about a five minute conversation. She
24 gave me her phone number and that was it the first time we
25 seen each other.

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MARKED FOR IDENTIFICATION
STATE'S PROPOSED EXHIBIT

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1 Q What do you mean that was it?

2 A The bill had rang for us to go to class so we
3 couldn't talk for that long.

4 Q Did you all become involved with each other?

5 A Yes, sir.

6 Q Did you become lovers?

7 A Yes, sir.

8 Q And you subsequently had children with her?

9 A Yes, sir.

10 Q When did you all have your first child?

11 A April 23rd, 1988.

12 Q What was the name of that child?

13 A James Monte Panos.

14 Q Where was that child born?

15 A Sparow Hospital in Lansing, Michigan.

16 Q Were you and Deborah living together at that
17 time?

18 A Not when she was pregnant and had the child,
19 no.

20 Q Did you love her at that time?

21 A Yes, sir.

22 Q Did she love you?

23 A Yes, sir.

24 Q She was a white person, correct?

25 A Yes, sir.

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1 Q And you're black?

2 A Yes.

3 Q How did her family react to your relationship
4 with her?

5 A They hated it.

6 Q Did they hate the relationship or did they hate
7 you or both?

8 A Both.

9 Q Did you ever get along with them when they were
10 in Lansing?

11 A Never.

12 Q Did you have much contact with her parents
13 there in Lansing?

14 A We came in contact a couple of times.

15 Q What kind of contact would you have with her
16 parents?

17 A They caught me in their house.

18 Q What were you doing in their house?

19 A Staying the night with Debbie.

20 Q Did Debbie want you to spend the night with
21 her?

22 A Yes, sir.

23 Q And you wanted to spend the night with her?

24 A Yes.

25 Q Did you graduate from high school in Lansing?

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4 1 A No, I did not.

2 Q What happened to your education?

3 A I got suspended a couple of times and my
4 grandmother took me out of there. And made me go to adult
5 education.

6 Q Did you ever end up finishing high school or
7 getting a GED?

8 A No.

9 Q What were your plans in terms of a job?

10 A I had many jobs in Michigan.

11 Q What kind of jobs did you have?

12 A Most of them were restaurant jobs. I had a
13 janitorial job at the high school at one time.

14 Q What kind of restaurant work did you do?

15 A Would you like me to name the restaurants?

16 Q If you can.

17 A I worked at Taco Bell, Ponderosa Steakhouse, I
18 worked in the cafeteria at the adult education high school,
19 a restaurant called Cupies, a restaurant called Chetters.

20 Q These are all in Lansing?

21 A Burger King.

22 Q These are all in Lansing?

23 A Yes, sir.

24 Q Did you have any trouble keeping your work at
25 these places?

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1 A Yeah, I had some problems.

2 Q How come you had a problem keeping your jobs?

3 A I guess it was the friends I was hanging

4 around.

5 Q What kind of friends did you have?

6 A Most of them were drug dealers.

7 Q Were you using drugs during those times

8 yourself?

9 A Yes, sir.

10 Q How about Deborah, was she using drugs?

11 A She said she tried marijuana once, but she

12 didn't like it and I've never ever seen her do no drugs.

13 Q Did she know that you were using drugs?

14 A Yes, she did.

15 Q Did her family know that you were doing drugs?

16 A I don't think in Michigan I don't think they

17 knew that.

18 Q Now, her parents both her mother and father

19 lived in Lansing; is that right?

20 A Yes, sir.

21 Q And there came a time when her parents moved

22 away?

23 A Yes.

24 Q Where did her parents move to?

25 A Tucson, Arizona.

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1 Q What did Debbie do, Deborah Panos do when they
2 moved off to Arizona?

3 A She stayed with me because they wouldn't let
4 her keep the child, they said if she didn't give up the
5 child for adoption she couldn't live with them.

6 Q Did they stick with that position or not?

7 A For a couple of months.

8 Q Then what happened?

9 A They sent for her to come to Arizona.

10 Q And did she go to Arizona?

11 A Yes, sir.

12 Q Do you recall when she went to Arizona
13 approximately?

14 A J.P. was an infant so about two months. He was
15 about two months old so it was about June of '98 -- '88 I
16 mean.

17 Q How did you feel about her going to Arizona
18 with your son?

19 A Pardon me?

20 Q How did you feel about her going to Arizona
21 with your son?

22 A I was extremely hurt, but I wanted the best for
23 her and him so I knew they would be all right out there with
24 her mother.

25 Q She moved to Tucson. Did she keep in touch

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1 with you and when I say she I mean Deborah Panos?

2 A She had to sneak around. They put a lock on
3 the mailbox.

4 Q What do you mean they put a lock on the
5 mailbox?

6 A She couldn't go to the mailbox, get the mail
7 out. They were always around her when she tried to do
8 something.

9 Q Could she talk to you on the telephone?

10 A She would go to the mall and she would sneak
11 away from them while they were in the store and she would
12 call me from the mall.

13 Q Would you ever call her at her house?

14 A No.

15 Q How come?

16 A She wouldn't give me the number.

17 Q Do you think she didn't want you calling there
18 when her parents were there?

19 A Exactly, yes, sir.

20 Q There came a time when you went down to Tucson
21 and stayed with Debbie; is that right?

22 A Yes.

23 Q Describe how that happened.

24 A Her mother and her stepfather took our two
25 children. Anthony was born and she came back to me after

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1 she had went out to Arizona the first time and she got
2 pregnant back there and when she went back, her mom and her
3 stepfather drove from Arizona to Michigan with the two
4 children and she sent for me to come out there.

5 Q So her parents weren't home?

6 A No.

7 Q How long were they gone from the house where
8 Deborah lived?

9 A They were gone for like two months.

10 Q And you went out and stayed in that house while
11 they were gone?

12 A Yes, sir.

13 Q How did you get to Tucson?

14 A Plane.

15 Q Who paid for the ticket?

16 A Deborah Panos.

17 Q Where did you fly out from?

18 A Detroit.

19 Q Do you recall the airline?

20 A Southwest Airlines.

21 Q Where did you fly to?

22 A Phoenix, Arizona.

23 Q How did you get from Phoenix to Tucson?

24 A A shuttle bus.

25 Q So you stayed in the Panoses' home in Tucson?

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5

1 A Yes, sir.

2 Q How long did that go on?

3 A For about two months.

4 Q Did there come a time when you all had a second
5 child?

6 A She had Anthony in Tucson.

7 Q And I apologize but did Deborah previously come
8 back and visit you in Michigan?

9 A Yes, she did.

10 Q Is that when she got pregnant with your second
11 child?

12 A Yes, sir.

13 Q And I'm sorry, when was your second child born?

14 A February 15th, 1990.

15 Q And that child's name?

16 A Anthony Michael Panos.

17 Q So you're staying in the house with Deborah and
18 neither of your two kids are there; is that correct?

19 A No, sir.

20 Q Where are the two kids?

21 A Her mom and her stepdad were on their way back
22 to Michigan with them. They traveled with the two children.

23 Q Were you intending to stay in Tucson with
24 Deborah at this time or not?

25 A Yes, sir.

001432

5 1 Q What did you guys do when her parents returned?

2 A She had gotten me a furnished studio apartment
3 before they arrived.

4 Q And is that where you started living?

5 A Yes, sir.

6 Q Did you get any kind of job?

7 A Yes, sir.

8 Q Where did you work?

9 A I worked at Smugglers in the hotel.

10 Q What did you do there?

11 A I was a dishwasher and a busser.

12 Q How long did you keep that job?

13 A About four months.

14 Q And why did you lose that job?

15 A Because James, Jr. told his grandmother that I
16 was out there and she kicked Debbie out and Debbie came to
17 stay with me at the studio and a neighbor downstairs told
18 the office that there was a whole entire family in the
19 studio so we had to get a two bedroom apartment. And
20 Debbie's job was better than mine so I had to stay home and
21 watch the children.

22 Q Where was she working at that time?

23 A The Census Bureau.

24 Q Helping to take the census?

25 A Yes, sir.

001433

5 1 Q Now, there came a time when you left her,
2 2 didn't you, and went back to Michigan?

3 3 A Yes, sir.

4 4 Q Why did you leave?

5 5 A Because her mother and her stepfather.

6 6 Q What do you mean by that?

7 7 A They were always in our business.

8 8 Q Had you still not reconciled with them?

9 9 A No.

10 10 Q Did you ever go over and socialize with them?

11 11 A They wouldn't allow Debbie to show me where
12 12 they lived and I never even tried to find out where they
13 13 lived.

14 14 Q But you had stayed out there, didn't you?

15 15 A They had moved after they came back. They
16 16 moved to a different home.

17 17 Q So you eventually went back to Michigan?

18 18 A Yes, sir.

19 19 Q And when you went back to Michigan how did you
20 20 get there?

21 21 A Plane.

22 22 Q How did you afford that?

23 23 A Deborah paid for it.

24 24 Q Why is it that Deborah keeps paying for things?

25 25 A She would always say she was going to do it and

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1 I didn't argue with her. I didn't argue with her and try to
2 change her mind.

3 Q Did you go back to Tucson after awhile in
4 Michigan?

6

5 A Yes, sir.

6 Q Do you recall when you went back there?

7 A It was in '91 sometime.

8 Q And this time why did you go back there?

9 A Because Debbie had begged me to come back
10 there.

11 Q You guys were keeping in touch still?

12 A Yes, sir.

13 Q How were you keeping in touch?

14 A She had her own place where she could call any
15 time she wanted to. She called a lot. We'd talk a lot.

16 Q Were you glad that she was keeping the
17 relationship alive?

18 A Yes, sir. Very much.

19 Q When you went back what happened?

20 A I got a job.

21 Q Where at?

22 A Poncho's Mexican buffet.

23 Q What were you doing there?

24 A Prep cooking.

25 Q What was your plan now that you were back in

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1 Tucson again?

2 A To be with my woman and my children and get
3 married.

4 Q And how come you didn't get married?

5 A Because we planned on getting married in Las
6 Vegas.

7 Q That was a long term plan?

8 A Yes, sir.

9 Q Could you afford to just come up there to Las
10 Vegas and get married?

11 A Not at that time.

12 Q Were you planning on staying in Tucson now
13 permanently or not?

14 A Yes, sir.

15 Q And did you get Deborah pregnant again?

16 A Yes, sir.

17 Q When did she have her third child?

18 A June 26th, 1992.

19 Q And which child was this?

20 A Shauntel Lautrice Panos.

21 Q Had her parents become more accepting of your
22 relationship with their daughter after three children?

23 A I remember calling her mother after the baby.
24 I watched her have the baby. She was the only one I seen
25 come out. I called her mother and we talked for a little

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6 1 while. Her mom came around after that.

2 THE COURT: Mr. Brooks, I am going to have to
3 interrupt you at this point. I need to take a recess in
4 order to swear in a couple of new attorneys that need to
5 have their oaths taken so they can proceed with their
6 careers.

7 Ladies and gentlemen, during the recess it is
8 your duty not to converse among yourselves or with anyone
9 connected with the trial, or read, watch or listen to any
10 report of or commentary on the trial by any medium of
11 information including, without limitation, newspaper,
12 television and radio, and you are not to form or express any
13 opinion on any subject connected with this case until it is
14 finally submitted to you.

15 Twenty-five minutes after the hour we'll
16 reconvene. We will be in recess while the jury departs the
17 confines of the courtroom.

18 (Recess.)

19 THE COURT: Counsel stipulate to the presence
20 of the jury?

21 MR. HARMON: Yes, Your Honor.

22 MR. BROOKS: Defense will, Your Honor.

23 THE COURT: You may recommence your direct
24 examination of Mr. Chappell.
25

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1 BY MR. BROOKS:

2 Q James, I think we have you in Tucson right now.
3 You've had your third child with Deborah and you're living
4 with her there; is that right?

5 A Yes, sir.

6 Q Now, we heard a lot of testimony during this
7 trial about your job situation. You testified you had some
8 jobs. Did you have jobs in Tucson during this period of
9 time?

10 A Seven exactly, sir.

11 Q Seven different jobs?

12 A Yes, sir.

13 Q Why so many different jobs?

14 A Some because of our babysitting situation, some
15 because they gave me a lousy raise and a couple I just
16 didn't like.

17 Q Was Deborah working during this time?

18 A Yes, sir.

19 Q Did Deborah pretty much always have a job?

20 A Yes, sir.

21 Q Was she the one that always brought in the
22 money other than yourself?

23 A Yes, sir.

24 Q Were you using drugs while you were in Tucson?

25 A Yes, sir.

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6 1 Q Were you doing drugs more when you were in
2 Michigan or about the same?

3 A I'd say about the same, sir.

4 Q You testified that you smoked I think it was
5 marijuana in Michigan; is that correct?

6 A Yes, sir.

7 Q Had you been doing cocaine in Michigan?

8 A I did it a couple times, yes.

9 Q Did you start doing cocaine in Tucson?

10 A No. I did it in Michigan first.

11 Q But did you do it in Tucson also?

12 A Yes, sir.

13 Q Did this interfere much with your work?

14 A No.

15 Q You never lost a job because of your drug
16 problems?

17 A No.

18 Q We heard testimony during the State's case
19 regarding a battery in Tucson where you and Deborah were
20 living in a trailer and she went to either 7-Eleven or
21 Circle K or something and told them that she had been beaten
22 up and the police came and arrested you. Did that happen?

23 A Yes, sir.

24 Q Why did it happen?

25 A Because I had returned a dresser that she had

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1 bought. I returned it back to the store.

2 Q And why did you do that?

3 A Because I needed money at the time.

4 Q What did you need money for?

5 A For some drugs.

6 Q And she got mad at you?

7 A Yes.

8 Q And you reacted by hitting her?

9 A We argued for a little while and she said a

10 couple things that made me upset.

11 Q How do you feel about the fact that you hit

12 her?

13 A Extremely bad.

14 Q You guys eventually decided to leave Tucson and

15 move to Las Vegas?

16 A Yes, sir.

17 Q Now, somebody says that she came to Las Vegas

18 and you followed her to Las Vegas; is that true or false?

19 A No, sir.

20 Q How did you guys wind up coming to Las Vegas?

21 A We came and visited first for a week, me, her

22 and Shauntel stayed at Circus Circus and we both looked for

23 a job, we both looked for a home together.

24 Q Did you all find a place to stay?

25 A Yes, sir.

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7

1 Q And where did you find a place?

2 A 839 North Lamb, space 125.

3 Q When did you all actually move to Las Vegas?

4 A If I'm not mistaken it was October 1st exactly.

5 Q Of what year?

6 A Of 1994, sir.

7 Q Did you all come up here at the same time?

8 A Yes, sir.

9 Q How did you come up here?

10 A We flew out of Tucson on Reno Air.

11 Q And you flew directly to Las Vegas?

12 A Yes, sir.

13 Q Did you have a car at that time?

14 A Yes, sir.

15 Q Where was the car?

16 A We had a couple drive our U-Haul and the car
17 was on the back of it. They drove it from Arizona to Las
18 Vegas. They were supposed to meet us here.

19 Q Why did you all move to Las Vegas from Tucson?

20 A One reason was because her job they started
21 getting in our private lives trying to control her, private
22 life, and she was upset about that and her mother is the one
23 that suggested coming to Las Vegas.

24 Q Do you know why Las Vegas was mentioned?

25 A We had two choices, Las Vegas or Lansing,

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7 1 Michigan.

2 Q And why Las Vegas?

3 A Her mother talked her into coming to Las Vegas.
4 It was more of her mother's decision than it was hers.

5 Q I am going to show you a photograph the State
6 introduced as State's Exhibit No. 1. It shows the trailer
7 where Deborah died. Is that the trailer that you and she
8 lived together in?

9 A Yes, sir.

10 Q Was that your home in Las Vegas?

11 A Yes, sir.

12 Q Is that where you lived from roughly
13 October 1st of '94 until the time that she died except for
14 the times you were in jail?

15 A Yes, sir.

16 Q Did you find work in Las Vegas?

17 A Yes, sir.

18 Q Where did you work?

19 A Ethel M Chocolate Factory.

20 Q Where is that?

21 A It's out there around Sunset.

22 Q How long did you work out there?

23 A About a month and a half.

24 Q How come you lost that job?

25 A Because day-care had cost too much when we

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7 1 first got here and Debbie was working two jobs and I told
2 2 her I would stay home with the kids. I called them three
3 3 times and they terminated me.

4 Q They fired you?

5 A Yes, sir.

6 Q Did you start doing drugs here in Las Vegas?

7 A Yes, sir.

8 Q Did you start hanging out at the Vera Johnson
9 projects doing drugs there?

10 A Yes, sir.

11 Q Did that interfere with your ability to be a
12 good father?

13 A No, it did not.

14 Q Did it interfere much with your relationship
15 with Deborah?

16 A I'm sure it did close to the end, but not at
17 the beginning when we got here.

18 Q Going back for just a second Dina Freeman
19 testified about this phone conversation while you were still
20 living in Arizona where she's got you saying in the
21 background to Deborah I'm going to do an O.J. Simpson on
22 your ass. Did you ever say that?

23 A Honestly, no, I did not say that.

24 Q Did you ever threaten her in front of Dina
25 Freeman or on the telephone?

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1 A Never. Never. Never.

2 Q Did you ever talk about O.J. Simpson in front
3 of Dina?

4 A No, sir, I did not.

5 Q So she's not telling the truth when she
6 testified to that?

7 A No. She lied under oath, sir.

8 Q You heard testimony regarding Deborah receiving
9 a broken nose on January 9th, 1993 here in Las Vegas. Tell
10 us what happened there.

11 A We were both in the dining room. I forgot what
12 we were talking about, but we were talking about doing
13 something together and we got in an argument over something,
14 I'm not sure exactly what it was, and she had went and laid
15 down on the couch and I was talking to her as she was laying
16 down and she said something back to me, something smart, I
17 don't remember her exact words, but I took a cup, it was
18 like one of those thermal coffee cups and I threw it and it
19 came over the top of her head and it hit her right here.
20 And she got up and she ran to the bathroom. I ran in there
21 after her. She was covering her face. She said I think my
22 nose is broke. I said let me see. She removed her hands
23 and she had a gash right here.

24 Q Are you indicating the side of your nose?

25 A Yes, right here.

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1 Q Was she bloody?

2 A It wasn't coming out at that time. It was
3 open, but when I looked at it, it looked like it was just a
4 piece of meat right here. You could see in the inside. No
5 blood was gushing out at that time.

6 Q Who called 911?

7 A I did, sir.

8 Q Now, the medical records that were introduced
9 by the State into evidence included a remark my Deborah
10 Panos that said she had been beaten before but never like
11 this. How do you respond to that?

12 A I couldn't picture her saying that. I threw a
13 cup, that's all I did, I did not try to hit her in the face.
14 It accidentally hit her in her nose and broke her nose. I'm
15 sorry, but there's nothing I could do about it. I called
16 911 and got the ambulance there, the police came and they
17 slammed me all over the place, took me to jail in front of
18 my children in my boxers and my socks. They weren't even
19 listening to me. They thought I was lying. I showed them
20 the cup.

21 Q James, you have another allegation that you
22 attacked her on June 1st of 1995 and you were arrested again
23 for domestic battery. What happened that time?

24 A Well, Deborah had been gone all day the
25 previous day before that and she went to work the next day

001445

8

1 and after she got off work she went somewhere else. So I
2 didn't see her for a long time. And when she came home
3 another friend arrived. I guess they were talking about
4 doing something else. We started arguing and we went in the
5 bedroom and I pinned her down and I showed her a knife and
6 when I realized that doing that wasn't going to get nothing
7 out of her, I got rid of it. Claire knocked on the door.

8 Q Who is Claire?

9 A One of her so-called friends from Arizona.

10 Q Was she living with you?

11 A Yes.

12 Q How long did she live there?

13 A I'd say approximately two months, sir.

14 Q Go ahead, I'm sorry.

15 A I let Debbie up, she went outside with both
16 Claire and her other friend that was there and then I went
17 outside and then the cops pulled up. And I went to jail.

18 Q Did you plead guilty to domestic battery in
19 that case eventually?

20 A Yes, sir.

21 Q That was June 1st of '95. How much of the
22 summer did you spend in jail?

23 A Could I just tell you the first time I went to
24 jail when I got out when I went back?

25 Q Sure, if you want to.

001446

8

1 A First time I went to jail was February 28th,
2 1995, stayed in jail till May 10th. Debbie came and picked
3 me up, took me home. When I got out, there was two friends
4 living there.

5 Q When you say two friends, you mean male friends
6 or female friends?

7 A Female friends.

8 I went back to jail for that domestic violence
9 on June 1st, 1995, got out June 7th. Claire came and picked
10 me up, took me back home and we were back together.

11 Then I went back to jail June 26th on
12 Shauntel's birthday, her third birthday.

13 Q And when did you get out of jail that time?

14 A I didn't get out of jail until August 31st.

15 Q Now, from that summer let's say June 26th when
16 you got arrested until the time you got released on August
17 31st did Deborah accept your phone calls?

18 A Yes, sir.

19 Q How often would you call her approximately if
20 you can remember?

21 A Sometimes a couple times a day.

22 Q Did she ever tell you this relationship was
23 over?

24 A Never. Never.

25 Q Did anybody else ever tell you the relationship

001447

8

1 was over?

2 A No, sir.

3 Q Did you ever call that trailer and get mad
4 because of who answered the phone?

5 A Yes, sir.

6 Q What was going on?

7 A There was numerous different women answering
8 the phone. Sometimes the children would pick up the phone,
9 knock it over and the phone would just be sitting on the
10 floor and I could hear stuff in the background.

11 Q What would you hear?

12 A Music, people, voices. Another time there was
13 men answering the phone.

14 Q Did you know these men?

15 A Absolutely not.

16 Q Did that make you mad?

17 A Yes, it did.

18 Q Why did it make you mad?

19 A Because when we moved here Debbie had told me
20 that I couldn't answer the phone because her mother would
21 get upset about it. I gave her that respect. And then I
22 turn around and go to jail and there's all kinds of people I
23 don't even know answering our phone, hanging up on me.

24 Q How did you feel about the idea of other men
25 being in the trailer when you called your home?

001448

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1

A I was stunned, hurt, afraid.

2

Q What were you afraid of?

3

A My children.

4

Q What were you afraid of about your children?

5

A We had numerous babysitters in Arizona that

6

wouldn't feed our kids sometimes. Some even hit them.

7

Q You say that you would talk to Deborah on the

8

telephone. Did she ever come visit you that summer in jail?

9

A Between June 26th and August 31st? Was that

10

what you're talking about?

11

Q Yes, sir.

12

A No, she didn't.

13

Q Do you know why she didn't come visit you?

14

A No. Because she told me on the phone she was

15

going to come many times. I knew something had to be going

16

on at that house, but I didn't know what was going on.

17

Q Did you think she was messing around with other

18

men?

19

A I sensed it but I didn't know for sure so I

20

couldn't keep throwing it in her face when I was talking to

21

her. I asked her straight out if you're dating somebody,

22

let me know. She said no, I'm not dating nobody, I'm not

23

seeing nobody, I don't want nobody else. That was her exact

24

words to me.

25

Q Now, in the State's opening statement they

001449

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1 talked about some letters you sent to her from jail. Did
2 you send her letters from jail?

3 A Many.

4 Q And the State referred to things that you said
5 in those letters. What kinds of things did you say to her?

6 A I asked her how she was doing, how the kids
7 were doing. I told her I loved her, I missed her, I told
8 her she meant the world to me.

9 Q Were those things true?

10 A Yes, sir, very much.

11 Q Did you also say degrading things to her in
12 those letters?

13 A Like the last two letters I put some bad words
14 in there.

15 Q Did you call her a slut?

16 A I told her if she was out there messing
17 around --

18 Q James, did you call her a slut?

19 A Yes, I did.

20 Q Did you call her a whore?

21 A I wrote that, yes.

22 Q Did you ask her questions like are you easy?

23 A Yes.

24 Q Why did you say these things to her?

25 A Because so many things were happening while I

001450

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1 was in jail, I was very depressed, upset, lonely, hurt,
2 devastated. She once told me on the phone that she would
3 never abandon me in Las Vegas.

4 Q James, did you see her on August 30th, 1995?

5 A Yes, sir.

6 Q Where did you see her?

7 A At the city courthouse.

8 Q Did she come to your court appearance that day?

9 A Yes, sir.

10 Q Did she testify against you?

11 A No, sir.

12 Q Did you plead guilty that day to domestic
13 battery?

14 A Yes, sir.

15 Q Did you know on August 30th or August 31st that
16 you would be released from custody?

17 A Absolutely not.

18 Q But you were released from custody, weren't
19 you?

20 A Yes, sir.

21 Q And when you were released from custody what
22 did you do?

23 A I walked from downtown to around Bonanza and
24 Lamb.

25 Q About how far is that, if you know, and how

001451

9

1 long did it take you to walk out there?

2 A From around Las Vegas Boulevard and Bonanza and
3 Lamb it would take about 45 minutes, 50 minutes.

4 Q Why did you walk out there?

5 A I was happy to be out. I just wanted to see my
6 girl and my children.

7 Q Where were you going?

8 A I didn't go home at first.

9 Q Where did you go?

10 A To Vera Johnson project apartments.

11 Q What did you do there at the Vera Johnson
12 Apartments?

13 A Went over there and just talked to a couple
14 people.

15 Q Who did you talk to?

16 A Some man over there named Ben and a couple
17 other people.

18 Q Now, how far is Vera Johnson complex from where
19 you lived at the Balerina Sunrise place, if you know?

20 A It's only like two blocks so approximately it
21 would take like probably 15 minutes to get from there to
22 home.

23 Q Did you borrow a bicycle there?

24 A Yes, I did.

25 Q And once you had the bicycle what did you do?

001452

9 1 A I went home.

10 2 Q Now, when you went home this is the home at
3 839 North Lamb?

4 A Yes, sir.

5 Q This is the trailer that you shared with
6 Deborah?

7 A Yes, sir.

8 Q Did you expect her to be there?

9 A No, I did not because I called twice before I
10 went home.

11 Q Where did you call from, if you recall?

12 A I called from downtown and I called from Vera
13 Johnson Apartments.

14 Q And nobody answered?

15 A No, sir.

16 Q So you arrived at the trailer and what do you
17 do?

18 A I put the bike on the side of the house.

19 Q James, I'm sorry, but your hands are in front
20 of your mouth and the jury needs to hear this.

21 A I put the bike on the side of the house and
22 went to the window.

23 Q James, I am going to interrupt for a second and
24 show you a picture again, State's Exhibit 1, which is a
25 picture of the trailer. Is one of these windows there where

001453

10

1 you went to?

2 A Yes.

3 Q Is one of these windows where you entered the
4 place?

5 A Yes.

6 Q Why did you go into your place through the
7 window?

8 A I had been through the window through many of
9 our residences in Arizona, in Michigan and I didn't figure
10 nothing was wrong with that.

11 Q Did you have a key to get inside the place?

12 A I used to but I lost it.

13 Q You start climbing in the window and what
14 happens?

15 A I start climbing through the window and Debbie
16 walked in the doorway and she asked me why didn't I knock at
17 the door. I said I didn't know you were home. I said I
18 just called, why didn't you answer the phone. She said I
19 just got here.

20 Q Do you know what time this is?

21 A No, sir, I wasn't paying attention to the time.
22 I know I had to be back downtown at one o'clock.

23 Q So you get in the window, right?

24 A Yes, sir.

25 Q What happens? You get into the window and do

001454

10

1 you guys talk or what?

2 A Yeah, we talked.

3 Q What else did you do?

4 A I got on my knees in front of her and she was
5 sitting on the couch, I asked her what has she been doing
6 while I was in jail. She said working full-time and
7 watching the kids.

8 Q What happened next?

9 A We talked about a couple of things that were
10 said over the phone. She told me about a couple things that
11 her friends had did while I was in jail.

12 Q Were you glad to see her?

13 A Absolutely.

14 Q Did you think everything was okay?

15 A Yes.

16 Q How long did you all talk?

17 A About 20 minutes.

18 Q What did you all do then?

19 A We kissed a couple of times.

20 Q And then what happened?

21 A We started taking each other's clothes off. We
22 began to have sex on the couch.

23 Q Where was the couch?

24 A Excuse me?

25 Q Where was the couch where you were having sex?

001455

10

1 A It was along the wall right at the corner of
2 the kitchen.

3 Q It was not in the master bedroom?

4 A No.

5 Q I guess it had been a long time since you'd had
6 sex?

7 A A very long time.

8 Q But you'd had sex with her probably hundreds of
9 thousands of times with her before?

10 A A million, billions of times.

11 Q And you loved her?

12 A Extremely. She was the world to me.

13 Q And what happened?

14 A When I entered her, her vagina was all loose
15 and wet and smelly and it wasn't nothing like it used to be.

16 Q What did you think? What did that mean to you?

17 A I immediately thought that she had been messing
18 around on me.

19 Q You thought she was messing around with other
20 men?

21 A Yes, sir.

22 Q What did you do?

23 A I got up, I grabbed her and asked her who she'd
24 been with. She said nobody. She said I swear to God on my
25 grandmother's grave I ain't been with nobody. That was her

001456

10

1 exact words.

2 Q Did you believe her?

3 A Absolutely not.

4 Q So what did you do then?

5 A I walked away from her and started walking in
6 the master bedroom. She came up behind me, she grabbed me
7 around my waist, she asked me could she get on top of me.

8 Q You mean get on top of you sexually?

9 A Yeah. She know I used to love her on top of
10 me. And she asked if she could get on top of me and I told
11 her no.

12 Q What happened next?

13 A She performed oral sex on me.

14 Q Now, had you hit her at all as of this point?

15 A No, sir.

16 Q This was consensual oral sex she performed on
17 you?

18 A Of course, yes, sir. I never pressured her in
19 having sex with me. Never. Never had to.

20 Q What happened next?

21 A She was done, got up and went into the
22 bathroom. I put my clothes back on. She went and got on
23 the phone. She said I'm going to call the day-care and see
24 what time I have to pick up the children. And I said okay,
25 I want to see them anyway.

11

001457

11. 1 Q Were you right by her when she was talking to
2 day-care?

3 A No, not at the beginning, sir, no.

4 Q Where were you?

5 A I was in the bathroom.

6 Q Now, did she put her clothes back on after the
7 sex?

8 A Yes, she did.

9 Q You put your clothes back on?

10 A Yes, sir.

11 Q So you can't say exactly what she said to the
12 day-care people?

13 A No. She wasn't talking that loud so I couldn't
14 hear what she was saying. I knew she was talking to the
15 day-care, though.

16 Q At that time when she called day-care the first
17 time would you be surprised to hear that she was scared?

18 A Yeah. When I read that, I couldn't believe
19 that because I didn't hear her say none of that. When I
20 walked in there, I heard her say 5:30, that did you have to
21 pick them up at 5:30 and she said okay, and I told her tell
22 them that we're going to be there. And that's what she told
23 the lady.

24 Q Now, the lady called back, didn't she?

25 A Yes.

001458

11

1 Q And were you there when she talked to the lady
2 at that time?

3 A Yes, sir.

4 Q How was Deborah by then?

5 A She didn't seem to me scared.

6 Q You think she was scared the first time she
7 called them?

8 A When I came in there she did look like she was
9 scared the first time.

10 Q You think she was scared of you?

11 A I think that she knew that she had got caught.

12 Q When you say got caught, got caught doing what?

13 A She knew I knew she had been messing around. I
14 know Debbie. I know Debbie better than probably anybody.

15 Q Now, when she called the day-care center had
16 you done anything violent towards her that day?

17 A No, sir.

18 Q Had you threatened her with violence?

19 A No, sir.

20 Q Okay. They call, she talks to them and then
21 what happens?

22 A She said we're on our way, we're coming to pick
23 up the kids.

24 Q So what happened next?

25 A We got ready to leave, we walked out the door,

001459

11

1 the bike I rode over there, she grabbed the bike and placed
2 it on the front porch for me. We started walking to the
3 car.

4 Q Was this the Toyota that you've seen in
5 pictures here in court?

6 A Yes, sir.

7 Q Go on.

8 A She asked me did I want to drive. I told her
9 yes. We walked along to the car, I looked on the side of
10 the house, there was a whole box full of beer cans and I had
11 asked her who was drinking all that beer there.

12 Q Now, did she drink?

13 A No, she did not.

14 Q So what did you think when you saw the beer
15 cans?

16 A That there had to be some kind of little
17 parties going on there. There was lots of them, lots of
18 them.

19 Q Go on.

20 A We got in the car and I when I got in the car I
21 looked around and the car was all trashy, papers everywhere,
22 beers cans on the floor. I tried to turn the air
23 conditioner on, it was broke, the gear shift was cracked,
24 the ceiling to the car was ripped all off, the light in the
25 back window was broke, busted and I asked her who did all

001460

11

1 that. She said the kids did it. So I started up the car,
2 backed out.

3 Q Where were you going?

4 A We were going to pick up the kids.

5 Q Did you start to leave?

6 A Yes, I did. I pulled out the driveway, put the
7 car in drive, started moving. I asked her -- I said look
8 for my Michael Jackson Off The Wall tape. She was looking
9 up under the seat, going through all the mess that was on
10 the floor. And before I went to jail I had lots of tapes in
11 the car and I would keep them in the middle of the seats.

12 Q Is that a console?

13 A Yes, sir.

14 Q Okay.

15 A I opened it up and there was a little note in
16 there.

17 Q When you say a note, do you mean a note or a
18 letter?

19 A A letter, sir. I grabbed the letter, opened
20 it --

21 Q Did you read part of the letter?

22 A Yes, sir, I opened it up. I even let go of the
23 steering wheel, almost crashed into a car that was parked.
24 I was going through the letter as quickly as I could. When
25 she noticed me reading the letter, she tried to grab the

001461

12 1 note. We was fighting over the note.

2 2 Q Could you read some of the words in the letter?

3 3 A Yes, sir.

4 4 Q What was it saying?

5 5 A Some guy talking about having sex with her,

6 said he had been with her and she was teasing him.

7 7 Q How did you react to that?

8 8 A I was shocked, I was devastated.

9 9 Q What did you do?

10 10 A I stopped the car, put it in reverse, backed it

11 up and parked in front of the house.

12 12 Q Go on.

13 13 A When we got out of the car, I went out on her

14 side, I stepped over her lap, went out the passenger door, I

15 grabbed her out of there, took her back in the house.

16 16 Q And what did you do inside the house?

17 17 A I don't recall everything I did now.

18 18 Q Did you stab her?

19 19 A I didn't know until I had cut my finger.

20 20 Q Do you know how many times you stabbed her?

21 21 A No, I did not.

22 22 Q Do you know how many times you hit her?

23 23 A No, I do not.

24 24 Q Do you know where you got the knife?

25 25 A No, I do not.

001462

12

1 Q Why were you doing this?

2 A I don't know.

3 Q Did she run away from you?

4 A No.

5 Q What did she do?

6 A She didn't make no noise, she didn't try to
7 run, she didn't do nothing.

8 Q Did she fall to the ground right there?

9 A She went in the door, yes, she just fell on the
10 floor and stayed there.

11 Q James, when you got out of the car, did you
12 have any thought of killing her or hurting her?

13 A Absolutely not, sir.

14 Q What did you think you were going to do when
15 you took her back inside the house?

16 A At the time I don't know. My mind just clicked
17 and it was stuck. I couldn't think beyond that letter. I
18 was stuck at that letter.

19 Q What were you thinking about? What was going
20 on in your mind?

21 A Her doing what she done to me to somebody else.

22 Q You mean having sex with somebody else?

23 A Yes, sir.

24 Q That's what was going on in your head?

25 A Exactly.

001463

12

1 Q And you were upset?

2 A Very.

3 Q Did you realize you killed her?

4 A No, I did not. I couldn't look at her. I just
5 hurried up and took off out the door and left.

6 Q From the time that you got out of the car to
7 the time that this stuff happened inside how much time
8 passed, if you know?

9 A I don't know. It happened like that, sir. It
10 happened real quick.

11 Q James, I am going to show you a photograph,
12 State's Exhibit 26, that shows part of Deborah lying on the
13 floor and right beside her head is a letter with blood on
14 the letter. Do you recognize that letter?

15 A Yes, sir.

16 Q Why do you recognize that letter?

17 A It was the letter I found in the car.

18 Q Is that the letter from what you think is
19 another man?

20 A Of course. Yes, it is.

21 Q Did you two fight over the letter in the car?

22 A Yes, she tried her best to get it from me.

23 Q Was the letter torn up into many different
24 pieces?

25 A Yes, sir.

001464

12

1 Q Who tore it up into many different pieces?

2 A She tried to rip it, I know that.

3 Q Did you rip some of it too?

4 A I was trying to hold onto it. She was trying
5 to get it from me and it ripped.

6 Q I am going to show you Exhibit 31, a photograph
7 of a piece of a letter. Is that a piece of that letter do
8 you think?

9 A Yes, sir.

10 Q I am going to show you State's Exhibit 32,
11 another piece of the letter. Is that the letter as far as
12 you know?

13 A Yes, sir.

14 Q Now, when Officer Perkins testified, he
15 testified that one letter was found right beside her.
16 That's this letter we're talking about?

17 A Exactly, sir.

18 Q And he also testified that there were letters
19 found strewn about on the floor in the master bedroom. How
20 did they get there?

21 A When me and Debbie was in the room, when she
22 came in there and she had grabbed me by my waist, we was in
23 the room, some of the letters that I wrote her was beside
24 the bed on the table, some of the letters was up on the
25 entertainment center. The ones that was on the side of the

001465

12

1 table I took them and I threw them at her and I asked her, I
2 said these didn't mean nothing to you, none of this meant
3 nothing to you, did it. That's exactly what I said to her.

4 Q I am going to show you State's Exhibit 8 which
5 is a photograph of that room and there are letters on the
6 floor. Are these the letters that you threw at her?

7 A Exactly, sir, yes.

13

8 Q I am going to show you State's Exhibit 10 which
9 includes you can see some of the writing on the letters on
10 the floor. Is that your writing on that letter?

11 A Yes, sir.

12 Q James, the State has tried to say in this case
13 that you ransacked the master bedroom. Did you ransack that
14 master bedroom?

15 A I didn't touch nothing in that room, sir.
16 Nothing.

17 Q You didn't try to steal anything from that
18 room?

19 A Of course not, sir. No. Absolutely not.

20 Q After you killed Deborah did you steal anything
21 from inside the trailer?

22 A I looked at Debbie on the floor and I ran out
23 the door, sir. I did not touch nothing in that house.
24 Nothing.

25 Q Where did you get the social security cards

001466

13

1 from?

2 A They were in the car up under the driver's
3 seat, sir.

4 Q Were they in this black folder that one of the
5 witnesses talked about?

6 A No, they were not.

7 Q Where were they?

8 A They were in the plastic thing they were in and
9 they were on the floor. There was so much stuff in the car
10 on the floor. There was trash everywhere, sir.

11 Q Why did you get in the car and leave?

12 A When I seen her like that, sir, I panicked and
13 I just had to get out of there as quick as possible.

14 Q You obviously didn't think about calling the
15 police or trying to get attention for her? No?

16 A No, sir.

17 Q How do you feel about what you did?

18 A Extremely bad. Lower than dirt. If I could
19 give up my life for hers, I would. In a heartbeat.

20 Q Where did you go, James, in the car?

21 A I went to the Vera Johnson Apartments.

22 Q And that's how far away from the trailer?

23 A About 15 minutes.

24 Q What did you do when you got down there?

25 A I parked the car and I just sat there with my

001467

13

1 head in my hands on the steering wheel. There was blood on
2 my hands and my finger was cut.

3 Q Did you get high?

4 A Not for awhile, sir.

5 Q You eventually got high, though?

6 A Later on, yes, I did.

7 Q Did you get high on cocaine?

8 A Yes, sir.

9 Q Why did you get high on cocaine?

10 A Because I felt bad and when you're on cocaine
11 it makes your mind go somewhere else, sir.

12 Q When you killed her were you high on cocaine?

13 A Absolutely not. NO, I was not. NO.

14 Q There's been some testimony that while you were
15 at the Vera Johnson projects somebody saw you dancing
16 around. Is that possible?

17 A No. I don't recall doing that at all, sir.

18 No.

19 Q But you did get high?

20 A Yes, I did.

21 Q There's been testimony that the next day you
22 went and shoplifted at Lucky's; is that right?

23 A Yes, sir.

24 Q Why were you stealing there the next day?

25 A Actually I went over there to get a newspaper.

001468

13

1 Q Let me go back for a second. That night after
2 this had happened did you ever go back to the trailer where
3 Deborah was?

4 A Yes, I did go back.

5 Q What time did you go back if you know?

6 A It was between 11 -- it was after I had watched
7 the news, sir, over at Bridget's house over at the Vera
8 Johnson Apartments.

9 Q Did you see that they were looking for you?

10 A They showed my picture, gave a description of
11 the car and everything.

12 Q So how did you get back over there to the
13 trailer?

14 A I walked.

15 Q Did you go inside the trailer again?

16 A No. I just stood on the other side of the wall
17 and looked at the house.

18 Q Were the police still there?

19 A There was some detectives there.

20 Q You knew that taking her car was wrong, didn't
21 you?

22 A Yes.

23 Q And you know that you're responsible for that?

24 A Yes, sir.

25 Q You know you're responsible for killing her?

001469

13

1 A Yes, sir.

2 MR. BROOKS: We'll pass the witness, Your
3 Honor.

4 THE COURT: Cross-examination.

5 MR. HARMON: Thank you, Your Honor.

6
7 CROSS-EXAMINATION

8 BY MR. HARMON:

9 Q How old are you, Mr. Chappell?

10 A Twenty-six now, sir.

11 Q What is your date of birth?

12 A 12-27-69.

13 Q How tall are you?

14 A About six foot, sir.

15 Q On August 31st, 1995 about how much did you
16 weigh?

17 A About a hundred eighty pounds, sir.

18 Q Do you know how tall Deborah Panos was?

19 A Not exactly. I'd say about five-four,
20 five-five.

21 Q Do you know about how much she weighed on the
22 date she was killed?

23 A I read in the papers they say she weighed a
24 hundred thirty pounds, sir.

25 Q So you were substantially larger than her,

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13

1 weren't you?

2 A Yes, sir.

3 Q You've told us that you were in jail from
4 February the 25th until May the 10th, 1995?

14

5 A February 28th until May 10th, 1995, sir.

6 Q You said that you were arrested on June the 1st
7 and were released on June the 7th?

8 A Yes, sir.

9 Q Rearrested on June the 26th?

10 A Yes, sir.

11 Q And remained in custody until the date you were
12 released and you killed Deborah Panos, correct?

13 A Yes, sir.

14 Q Why were you arrested on Shauntel's birthday?

15 A I was trying to shoplift Shauntel a couple
16 outfits for her birthday.

17 Q Do you like being in custody?

18 A Absolutely not, sir.

19 Q It's not much of a life to be incarcerated, is
20 it?

21 A No, sir.

22 Q You've had a substantial period of time to
23 think about today, haven't you?24 A Yes, sir.25 Q You've known for quite awhile, haven't you,

001471

14

1 that at some point you would take the witness stand and give
2 the jury your version of what happened?

3 A Yes, sir.

4 Q And once you had made that decision, whenever
5 it was, you've given a lot of attention to what you would
6 tell the jury?

7 A I didn't make up anything, sir.

8 Q I didn't say you made up anything, Mr.
9 Chappell. Have you thought a lot about what you would tell
10 the jury?

11 A No.

12 Q Have you thought a lot about how you would act
13 on the witness stand?

14 A No, sir.

15 Q As you sit here this afternoon are you
16 concerned about punishment?

17 A No, sir. Whatever I get I'll accept it.

18 Q It doesn't matter to you whether you're
19 convicted of voluntary manslaughter or murder of the second
20 degree or murder of the first degree?

21 A Does it matter? Is that what you said?

22 Q I'm asking you if it matters which you were
23 convicted of.

24 A No, it doesn't matter, sir. Whatever I'm
25 convicted of I'll accept it.

001472

14

1 Q And you're not concerned if it's murder of the
2 first degree that the punishments be minimized to some
3 extent?

4 A Could you please repeat that, sir.

5 Q You said it really doesn't matter to you what
6 you're convicted of, if it's first degree murder you will
7 accept that. Is that what you said basically?

8 A Yes, whatever I'm convicted of I will accept
9 it, sir.

10 Q My question therefore was so there isn't some
11 effort here on the witness stand to present yourself in such
12 a way that you will minimize your punishment?

13 A No, sir.

14 Q You don't care if you get a death sentence?

15 A Yes, I do care if I get the death sentence.

16 Q So you don't want to get a death sentence?

17 A I have three children, sir, and I want to see
18 them and be able to do something with them sometime in my
19 life.

20 Q So we have established that is a punishment
21 that you want to avoid; is that true?

22 A Yes, sir, I am pretty sure any man or woman
23 would want to avoid the death penalty.

24 Q Are you telling us it doesn't matter beyond
25 that if it's life with the possibility of parole or life

001473

14

1 without parole? You don't care?

2 A I do care, but --

3 Q What do you mean you do care?

4 A Of course I'm going to care, you know.

5 Q The bottom line is you don't want to get life
6 without parole either, do you, Mr. Chappell?

7 A If I get it, I will accept it, sir.

8 Q Is that what you want?

9 A No. I have three children and I want to see my
10 three children and be able to do something with them in
11 their life. I never had no father, sir.

12 Q So you'd certainly prefer a life with a parole
13 sentence?

14 A I would be honored to have life with.

15 Q Honored, is that your answer?

16 A I would be honored to be able to get out
17 sometime in my life and be able to reconcile with my
18 children.

19 Q So you do have an interest in how this case
20 turns out?

21 A Of course. Yes.

22 Q You were asked about jobs that you've held. I
23 don't want to go back to Lansing, Michigan or Tucson,
24 Arizona, I want to limit the questions about employment,
25 gainful employment to Las Vegas. You said you got a job at

001474

14

1 Ethel M Chocolate?

2 A Yes, sir.

3 Q You worked there a month and a half?

4 A Yes, sir.

5 Q And then you said because Deborah worked that
6 you needed to watch the children?

7 A No. I didn't say it that way.

8 Q How did you say it?

9 A We couldn't afford day-care at that time, sir,
10 and we didn't know nobody in Las Vegas yet so we couldn't
11 find no babysitter and me staying home with the children
12 watching the kids wasn't nothing new so I went ahead and I
13 did it again and I lost my job.

15

14 Q After a month and a half?

15 A Yes. I called them three times, sir, and lost
16 my job.

17 Q How quickly after you had moved to Las Vegas,
18 which as I remember you said was around October the 1st,
19 1994, was it that you got the job at Ethel M?

20 A When was it when I got the job at Ethel M?

21 Q How quickly after you arrived in Las Vegas?

22 A Very quick. Because Debbie was going to work
23 there too. We both went there and took the test. Probably
24 about two weeks after we arrived here, sir, to live here.

25 Q So perhaps the middle of October?

001475

15

1 A Yes, sir.

2 Q Of 1994?

3 A Yes, sir.

4 Q About two years ago?

5 A Yes, sir.

6 Q And as you've just explained you worked for
7 approximately a month and a half?

8 A Yes, sir.

9 Q Now, where is it that you next had gainful
10 employment in Las Vegas?

11 A Me and Debbie went out together and I turned in
12 applications, but I didn't get no response. And I went to a
13 temporary service to get a job at Price Rite on Bonanza and
14 I forgot the other name of the street but Price Rite on
15 Bonanza, and I was supposed to go take my drug test, you
16 know, and I didn't make it there.

17 Q Is the answer you didn't ever have gainful
18 employment after you lost your job at Ethel M's?

19 A No, sir.

20 Q So after perhaps the middle of October -- I'm
21 sorry -- perhaps after, what, the first of December 1994 you
22 didn't ever contribute financially to the support of Deborah
23 Panos and your children?

24 A I got some things for my children. I also got
25 some things for Debbie, but I did not --

001476

15

- 1 Q How, sir?
- 2 A How?
- 3 Q How?
- 4 A As you know I shoplifted a couple of times,
- 5 sir.
- 6 Q You were asked earlier if your drug problem had
- 7 hindered your ability to be a good father and in this case a
- 8 good boyfriend to Deborah. Are you still saying while you
- 9 lived in Las Vegas that your drug problem didn't affect your
- 10 ability to provide for your family?
- 11 A No. I was doing drugs, sir, and I did bring
- 12 things home for my children and Debbie.
- 13 Q What things?
- 14 A I brought Debbie an outfit home, Valentine's
- 15 Day I got her a card, stuffed animal. I got my kids some
- 16 video games, hand held video games. When Debbie and I had
- 17 accidentally broke her nose with the cup, I went and stole
- 18 her some bandages and Band Aids and stuff and Neosporin for
- 19 her nose. Got cough medicine for the children.
- 20 Q Did you ever help pay for the rent?
- 21 A Around that time, no, sir.
- 22 Q Around what time?
- 23 A After I lost my job at Ethel M.
- 24 Q Any time after that did you pay for the rent?
- 25 A No.

001477

15

1 Q Did you regularly put food on the table to feed
2 your children?

3 A I brought food home a couple of times, sir.

4 Q You consider a couple of times providing for
5 your kids?

6 A Not 100 percent, but I was doing something. I
7 just didn't —

8 Q What drugs were you using in Las Vegas?

9 A Marijuana and cocaine, sir.

10 Q How regularly did you use marijuana and
11 cocaine?

12 A When we first moved here I didn't mess around
13 for like about two months and then after that a couple of
14 times a week and then around between May 10th and around
15 June 26th I did it a lot, probably every day, sir.

16 Q Are we talking about marijuana or cocaine or
17 both?

18 A Both.

19 Q How much marijuana, if as you said from perhaps
20 May the 10th until June the 26th you were using it daily,
21 how much on a daily basis?

22 A Probably about two joints a day.

23 Q How much cocaine?

24 A I'm not exactly sure. There was different
25 amounts on different days, sir.

001478

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1 Q How would you ingest the cocaine?

2 A Smoke it. Freebase it, sir.

3 Q Where would you get it?

4 A From people who lived over at Vera Johnson
5 Apartments, sir.

6 Q The Vera Johnson projects at 507 North Lamb?

7 A Yes, sir.

8 Q You spent a lot of time over there?

9 A I spent some time over there.

10 Q What does that mean I spent some time?

11 A At the beginning, no, I wasn't staying over
12 there a lot. Towards the end around between like June 1st
13 and June 26th I was over there a lot.

14 Q Every day?

15 A Yes.

16 Q For hours every day?

17 A Yes.

18 Q Stay overnight at crack houses?

19 A No. I remember LaDonna Jackson saying she seen
20 me sleeping over there. I don't recall --

21 Q Bridget's place, who is Bridget?

22 A Bridget -- a girl that lives over there, some
23 lady that lives over there.

24 Q Did you stay overnight at Bridget's place?

25 A No, I'd be there late at night, but I never

16

001479

16 1 went there and slept there all night and stayed there all
 2 night and got up the next day and went home or nothing like
 3 that. It wasn't like that.

 4 Q How late is late at night?

 5 A I'd be there sometimes three in the morning,
 6 four in the morning, something like that.

 7 Q Did that happen regularly during the month of
 8 June?

 9 A No. I didn't hang out at Bridget's house all
 10 the time, no.

 11 Q Well, were you concerned when you would stay
 12 out very late about Deborah's welfare, those of your
 13 children?

 14 A I would talk to her. I would call her and talk
 15 to her or I would go home in the middle of the day and let
 16 her know what I was doing or where I was.

 17 Q How were you getting the crack that you were
 18 smoking?

 19 A Sometimes it was people over there that had it
 20 that would share. Sometimes I would shoplift to get it.
 21 Both ways. Sometimes people had it, they shared, sometimes
 22 I would shoplift and I'd get some.

 23 Q The defense asked you about this incident which
 24 occurred in Tucson on February the 23rd, 1994 when the
 25 police came?

001480

16

1 A Yes.

2 Q You may remember that the lady officer from
3 Tucson a Jeri Earnst testified?

4 A Yes, I remember her testifying.

5 Q Now, as I remember you said on direct
6 examination that you had taken a dresser that Deborah had
7 purchased and you took it back to the store and you got
8 refund money?

9 A Yes, sir.

10 Q And it was for that reason the two of you were
11 arguing?

12 A That's how the argument started out and then
13 it --

14 Q Whose dresser was it?

15 A I know she bought it.

16 Q But didn't she buy it for Shauntel your little
17 daughter?

18 A I'm not sure she bought it for Shauntel. I
19 don't think that's true. I think -- I don't think it was
20 for Shauntel. I don't think so. I don't recall her buying
21 no dresser for Shauntel. We had plenty of dressers in the
22 house, sir. We had lots of them.

23 Q But she bought it for some reason?

24 A Right, she bought it for some reason.

25 Q With her money?

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1 A Right.

2 Q Did you get her permission to take it back to
3 the store and get a refund?

4 A No, sir. No, I did not.

5 Q What did you do with money? Did you get
6 Deborah an outfit or bandages?

7 A I don't recall exactly what I did do with the
8 money, sir, but I know that I had to make up for it because
9 there would be times that --

10 Q We've had testimony from Officer Earnst that
11 this argument according to Deborah concluded with you
12 engaging in acts of domestic violence. What did you do?

13 A I don't recall everything I did.

14 Q Did you knock her to the floor?

15 A I don't remember doing that.

16 Q Did you kick her?

17 A I did not kick her, sir.

18 Q So if that's what she related tearfully and
19 emotionally to the officer, that would be inaccurate?

20 A I did not kick her, sir. I do not recall
21 kicking her so I know I did not kick her. If I kicked her,
22 I would know it. I did not kick her that day, sir. I did
23 not kick her at all.

24 Q Well, if you kicked her when she was down,
25 would you admit it?

001482

16

1 A Of course. I'm not going to lie about nothing.
2 I'm not going to lie about nothing.

3 Q You wouldn't lie about anything here on the
4 witness stand, would you?

5 A No, sir.

6 Q You were asked on direct examination about the
7 situation where Deborah's nose was broken January the 9th,
8 1995 here in Las Vegas?

9 A Yes.

10 Q You said that you threw a plastic thermal cup?

11 A Yes, sir.

12 Q You didn't hold it and strike her with it?

13 A No.

14 Q You just threw it?

15 A I threw it.

16 Q And you said it hit her on the nose?

17 A Yes, sir.

18 Q You didn't strike her in any other way?

19 A No, I did not.

20 Q You didn't hit her in the forehead?

21 A No, sir. The cup came across this way so it
22 could have hit her forehead and it landed right here.

23 Q It could have been a cup, a thermal container
24 that caused a laceration on the forehead and also on the
25 side of the nose?

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1 A The cup caused the damage to her face, sir,
2 yes, it did.

3 Q Well, during your direct you talked about the
4 injury to the nose, the nose was broken, correct?

5 A Yes, sir. That's what the doctor said, yes.

6 Q And the medical report in evidence indicates
7 stitches were taken on the bridge of the nose?

8 A Yes, sir.

9 Q There was also a running stitch taken in the
10 right eyebrow area?

11 A Yes, I remember seeing that, sir.

12 Q But you're saying that was all from throwing
13 the cup, you didn't strike her there?

14 A She got hit with the cup and that was it, sir.

15 THE COURT: Mr. Harmon, there's been a request
16 that we take a brief recess at this point to accommodate the
17 jury.

18 Ladies and gentlemen, during the recess it is
19 your duty not to converse among yourselves or with anyone
20 connected with the trial, or read, watch or listen to any
21 report of or commentary on the trial by any medium of
22 information including, without limitation, newspaper,
23 television and radio, and you are not to form or express any
24 opinion on any subject connected with this case until it is
25 finally submitted to you.

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1 This will be about a ten minute recess. I
2 don't want you to leave the upper deck of the courthouse.
3 We will be reconvening at five minutes after 5:00 at which
4 time I'll be able to tell you -- before we go we'll do this
5 right now. Would counsel approach the bench.

6 (At this time, an
7 off-the-record
discussion was held.)

8 THE COURT: I understand one of the jurors has
9 to be someplace at six o'clock; is that correct? Because if
10 somebody has an appointment, we are going to accommodate. I
11 just need to know how far it is so we can give an estimate.

12 JURR NO 11: I just wanted to get out for the
13 game.

14 THE COURT: In that case I think we should be
15 able to finish with this witness today. We'll finish with
16 this witness and our estimate is somewhere in the area of
17 5:30 to 5:45.

18 (Recess.)

19 THE COURT: Counsel stipulate to the presence
20 of the jury?

21 MR. HARMON: Yes, Your Honor.

22 MR. BROOKS: Defense will, Your Honor.

23 THE COURT: Mr. Chappell, will you please
24 retake the witness stand.

25 Mr. Harmon, you may continue your

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1 cross-examination of this witness.

2 MR. HARMON: Thank you, Judge.

3 BY MR. HARMON:

4 Q Mr. Chappell, was it your testimony during
5 direct examination that after you hurt your wife's nose that
6 you called 911?

7 A Yes, sir.

8 Q Do you recall the testimony that was offered by
9 Daniel Giersdorf of the police department that the call came
10 from Deborah?

11 A No. I heard him say that, but he was false.
12 He was wrong.

13 Q She was taken to the hospital, wasn't she?

14 A Yes, she was.

15 Q Did you go along?

16 A No, I did not. I walked with her to put her
17 inside the back, but three kids were along the side and I
18 went back inside and they said she was going to go to UMC.

19 Q The testimony by Giersdorf suggested when they
20 got there and made contact with you, you were sitting calmly
21 and watching television?

22 A That was false also, sir. The TV was in the
23 bedroom at that time, the three children were sitting in the
24 front of the TV. I was outside in the living room sitting
25 in the chair. The TV wasn't even in the room at that time,

001486

17

1 sir. They came in and they slammed me all around like I
2 just testified, told my attorney about.

3 Q They said they came up and announced their
4 presence, could see inside and you didn't even get up?

5 A That's not true. I let them in. He didn't
6 just come --

7 Q Ultimately?

8 A He didn't just come in and open the door. I
9 got up and opened the door for him, sir.

10 Q On June the 1st, 1995 we've had testimony that
11 there was another argument between you and Deborah Panos?

12 A Yes, sir.

13 Q You indicated that you hadn't seen her for
14 quite awhile?

15 A Exactly.

16 Q How did it happen that you hadn't seen her?

17 A I don't remember why, but I know she was gone.

18 Q Had she been gone for a number of days?

19 A She was gone all day the day before that day,
20 sir.

21 Q Did you become concerned about where she was
22 and what she was doing and who she was doing it with?

23 A Yes, sir.

24 Q So when she came home you started to ask a lot
25 of questions; is that correct?

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1 A I asked her a number of questions, yes.

2 Q What types of questions?

3 A I don't remember. I remember asking her where
4 she had been.

5 Q Does she tell you where she had been?

6 A She gave me many excuses, different excuses.
7 They all didn't add up together.

8 Q They were not excuses you accepted; is that
9 correct?

10 A No.

11 Q So you got rough with her; is that true?

12 A Not immediately, sir.

13 Q Well, if not immediately, at a certain point
14 did you take her into the bedroom?

15 A I didn't take her in there. We both walked in
16 the bedroom.

17 Q After you walked into the bedroom did you
18 become physical with her?

19 A Yes, I put her on the bed.

20 Q What does that mean yes, I put her on the bed?

21 A That's what I did.

22 Q Did you grab her?

23 A I don't remember exactly.

24 Q I'm trying to figure out how she got from a
25 standing position to on the bed.

001488

18

1 A I don't remember, sir.

2 Q So after you had put her on the bed did you get
3 up and straddle her and pin her arms down with your knees?

4 A I got on top of her, yes, sir.

5 Q Did you pin her arms down with your knees?

6 A I'm not sure about pin her arms down. I was on
7 top of her, sir, I know that.

8 Q So while you were on top of her according to
9 your testimony on direct examination you said I showed her a
10 knife.

11 A Yes, I did.

12 Q Now, Mr. Chappell, what does that mean, I
13 showed her a knife?

14 A That means I held it up like this and I asked
15 her where she had been.

16 Q Describe the knife you held up like that.

17 A I don't remember, sir.

18 Q Where did you get the knife?

19 A The knife was on the dresser.

20 Q On the dresser in the bedroom?

21 A Yes, sir.

22 Q Whose knife was it?

23 A It belonged to the household.

24 Q It was Deborah's knife?

25 A If you want to say that, yes.

001489

18

1 Q I'm asking you. Whose knife was it?

2 A It belonged to both of us, sir.

3 Q Was it a kitchen knife?

4 A Yes, sir.

5 Q Steak knife?

6 A I'm not sure if it was a steak knife, sir.

7 Q You've seen the knife in court, 68-A-1, that
8 you used to kill her. Did it look like that knife?

9 A No, it did not.

10 Q Was it the same type of knife?

11 A No, it was not.

12 Q So when you're on top of her you say you showed
13 her this knife?

14 A Yes.

15 Q What did you do, reach over and take it off of
16 the table?

17 A Yeah.

18 Q What was your purpose in showing her the knife?

19 A I was trying to get information out of her.
20 That's it.

21 Q You were trying to use the knife to coerce
22 information out of her; is that true, Mr. Chappell?

23 A Yes, I guess so, sir.

24 Q You were trying to find out if she had a
25 boyfriend?

001490

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1 A I didn't ask her that.

2 Q What type of information were you trying to get
3 out?

4 A I don't remember what questions I asked her. I
5 know I asked her where she had been.

6 Q You were jealous?

7 A No, not at that point, no. I was just
8 concerned and she had me worried and when we argued about
9 it, she said a couple of things and I got upset about it.

10 Q You weren't just concerned about the baseball
11 scores, were you, or the weather forecast, what type of
12 information were you trying to get her to divulge by showing
13 her a knife?

14 A I just wanted to know where she had been.
15 That's it.

16 Q Did you feel you were entitled to know where
17 she had been?

18 A She asked me every time when I was gone where I
19 had been.

20 Q Well, obviously if you had to put her down on
21 the bed and get on top of her and show her a knife she
22 didn't want to tell you what you wanted to know; is that a
23 safe assumption?

24 A That could be.

25 Q Did you feel like you're entitled to get

001491

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1 answers from her?

2 A I answered her when she asked me so I expected
3 the same thing.

4 Q You weren't married, were you?

5 A No, we didn't make it, sir.

6 Q She hadn't made any marital commitment to you,
7 had she?

8 A She told me you get me a ring and I'll marry
9 you. That's what she told me.

10 Q Did you ever get her the ring, Mr. Chappell?

11 A No, I did not, sir.

12 Q You say you showed her the knife. Did you
13 threaten her with the knife?

14 A No. I just was asking her questions and just
15 showed her the knife. I didn't threaten her, didn't do
16 nothing with the knife, no, sir.

17 Q Officer Allen Williams testified about this
18 incident and said it was related to him by Deborah that she
19 had been threatened --

20 A No.

21 Q -- with the knife.

22 A He was false also, sir.

23 Q Dina Freeman the employee with the Tucson
24 Police Department is a liar; is that what you're telling us?

25 A What she said in her testimony in this

001492

18 1 courtroom was false.

2 Q Daniel Giersdorf from the Metropolitan Police
3 Department is a liar?

4 A I don't remember everything he said. I
5 remember exactly everything she said.

19 6 Q Well, you said he lied about how you were
7 acting when they came to the mobile home on January the 9th.
8 He's a liar?

9 A Are you talking about the cup incident?

10 Q I'm talking about the day that Deborah's nose
11 was broken by you.

12 A Yeah, he said I was sitting there watching TV.
13 That's not true. The TV was not in the living room.

14 Q So Giersdorf also is a liar?

15 A I can't call him no liar, but when he said I
16 was sitting there watching TV, that was false.

17 Q You were standing watching TV?

18 A No. When they opened the door, I sat down. He
19 came inside, two of them came inside and they grabbed me, my
20 son James Panos seen the entire incident and was crying and
21 screaming and they were telling him to go sit down,
22 everything would be okay. They slammed me all over the
23 place and took me to jail in my boxers, sir, and my socks.
24 That's it. I didn't even get a chance to talk. They came
25 in, they roughed me up and moved me quickly to their vehicle

001493

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1 and slapped me on the hood and put me in the car.

2 Q And you thought that was inappropriate police
3 conduct regarding someone battering his girlfriend?

4 A In that situation, yes, they were out of
5 control, yes, they were.

6 Q You hadn't been out of control?

7 A They were out of control that day.

8 Q And furthermore it is your allegation that on
9 June the 1st, 1995 Officer Williams got information which
10 was false, you did not threaten Deborah Panos with a knife?

11 A No, I didn't say no threats to her. She might
12 have considered me -- my actions as threatening, but I
13 didn't say no threats towards her, no, I did not.

14 Q Why in the world would she think that just
15 because you put her down on the bed and got on top of her
16 and showed her a knife?

17 A I'm pretty sure any woman would be scared in
18 that position, sir.

19 Q And you wanted her to be scared, didn't you?

20 A I just wanted to get information from her. I
21 admit I seen that it wasn't working and so I got rid of the
22 knife, sir. And I let her up.

23 Q After her roommate knocked on the bedroom door;
24 isn't that true?

25 A No. No. No, because I had -- I remember

001494

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1 putting the knife on the dresser and I was not even on the
2 bed when she knocked on the door, no, that's not true.

3 Q Didn't Claire interrupt what was happening?

4 A No, Claire did not open the door and come
5 inside or nothing. That did not happen, sir.

6 Q While you were asked on direct examination if
7 you had said some degrading things to Debbie Panos in
8 letters you sent from jail — do you remember that question?

9 A Yes, sir.

10 Q Do you remember stating that in the last two
11 letters you said some degrading things?

12 A Yes.

13 Q When were the last two letters written?

14 A I stayed in the city nine days so it was before
15 that. Between August 5th and August 15.

16 Q So we're talking about letters written within a
17 few weeks before you killed her; is that correct?

18 A That was the last letters I written, sir. I am
19 not sure of the exact dates but they were the last ones I
20 written.

21 Q And you told your counsel that you wrote the
22 letters because you were feeling lonely and you were very
23 depressed and you were hurt and you were devastated?

24 A Right. Exactly.

25 Q Why, Mr. Chappell? Why did you have those

001495

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1 feelings?

2 A Because the things she was telling me on the
3 phone.

4 Q You already suspected her of being unfaithful,
5 didn't you?

6 A I asked her and she told me no so I didn't
7 pressure her about that.

8 Q Well, you had some pretty strong suspicion.
9 Didn't you call her a slut?

10 A I did write that, yes, sir.

11 Q Didn't you call her a bitch?

12 A I did write that, yes, sir.

13 Q Did you call her a whore?

14 A I did write that, yes, sir.

15 Q And you called her stupid?

16 A I don't remember writing that. If I wrote
17 it -- if I wrote it --

18 Q You even made a religious judgment. You said
19 she was going to hell; is that correct?

20 A I don't recall writing that, sir.

21 Q You don't recall writing that?

22 A No.

23 Q Did you ask her at any time in your
24 correspondence if she had AIDS yet from sleeping around with
25 other men?

001496

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1 A All through our relationship, you know, we
2 would talk about that situation, talking about people being
3 unfaithful and we just would conversate about what was going
4 on around the world and with other people and how everybody
5 around in our community and stuff was getting that disease
6 and I just wanted to put AIDS in her mind and let her know
7 that sleeping around wasn't good if she was doing it, sir.

20

8 Q Didn't you ask her if she had AIDS yet?

9 A I remember writing something like that, yes.

10 Q Now, why would you ask that type of question
11 and why would you call this woman that you are representing
12 to us here today in this courtroom as being someone you
13 loved, why would you call her a whore and a slut and a
14 bitch?

15 A I was upset at that time, sir.

16 Q Obviously very upset?

17 A I was upset.

18 Q What made you so upset that you would
19 characterize her in very hateful degrading language?

20 A I was upset about numerous things. I wrote
21 those things and I'm sorry. I told her I was sorry. We
22 talked about them letters before I got out of jail, sir, and
23 I apologized to her over the phone.

24 Q You said you talked to Deborah Panos the day
25 before you killed her, August the 30th?

001497

20

1 A I seen her at court, yes, sir.

2 Q So you didn't talk with her, you simply saw
3 her?

4 A I did too talk to her. I seen her and talked
5 to her, sir.

6 Q That was the day you entered a plea of guilty
7 to a domestic battery charge?

8 A Numerous charges that day, sir.

9 Q The domestic battery to which you pled guilty
10 was the June 1st, 1995 crime?

11 A Yes, sir.

12 Q Did Deborah Panos offer testimony at any type
13 of hearing on August the 30th against you?

14 A No, sir. No, she did not.

15 Q Explain what enabled you to speak with her?

16 A I was sitting outside the courtroom, I was
17 sitting right here, the officer was sitting right here and
18 she came walking through the door. She was talking to me
19 right here and she was like right in my face right here.

20 Q What did you say to her?

21 A I asked her how she'd been. I was crying. She
22 told me to stop crying. She told me she missed me. She
23 told me she loved me. She said the kids had been asking
24 about you. She said -- she asked me was I getting out, she
25 asked me that numerous times.

001498

20

1 Q What did you tell her?

2 A I said I am pretty sure I am getting out but I
3 said, you know, I'm supposed to go to the rehab place. But
4 I told her yes, I should be getting out tomorrow. She said
5 okay.

6 Q You're telling us that you knew on August the
7 30th that you were going to get out the following day?

8 A They wasn't supposed to let me go, sir, so I
9 didn't know I was leaving that day, sir.

10 Q Well, that must be true because you explained
11 earlier to your counsel you didn't know when you were going
12 to get out?

13 A No. I just told her what happened in court and
14 she asked me was I getting out tomorrow.

15 Q And you certainly weren't in the position to
16 tell her yes, I'm going to be seeing you out at 839 North
17 Lamb?

18 A I told her -- I said I should be seeing you and
19 the children tomorrow. I told her that. Those were my
20 exact words to her, sir.

21 Q Who had told you there was any possibility you
22 would get out on August the 31st?

23 A EOB came and seen me in jail and they said.

24 Q When did they come and see you?

25 A I don't know the exact date but when I was

001499

20

1 incarcerated between June 26th and August before I went to
2 the city -- August 20th or 21st between that time they came
3 and had a little session with me. I took a little test and
4 they talked to me and told me that when I do get out that
5 they said you're not going to be forced to stay there. They
6 said you want to come there and take care of your business,
7 you could do that. But they said if I wanted to leave and
8 go home or whatever I could also do that.

9 Q The representative of EOB said when you get
10 out?

11 A That wasn't the lady's exact words.

12 Q That's what you just said but they didn't tell
13 you when that would be, did they?

14 A No, they didn't give me no exact date. I was
15 shocked when the city came and got me.

16 Q You were sentenced after you pled guilty to
17 domestic battery, weren't you?

18 A Right.

19 Q Didn't EOB come by to see you even before you
20 were sentenced?

21 A They came by, come to the county before I was
22 sentenced in the county, not in the city, no.

23 Q They came to see you before you pled guilty and
24 that would obviously be before you were sentenced so they
25 certainly didn't tell you when --

001500

1 A I had two different cases, sir. I had a case
2 in the county and several cases in the city.

3 Q I'm asking you if EOB told you when you were
4 going to get out?

5 A No, they didn't know the exact date I was
6 getting out, no.

7 Q Furthermore you didn't tell Deborah Panos when
8 you were going to get out when you saw her August the 30th
9 because you didn't know?

10 A I told her I should get out tomorrow. That was
11 my exact words to her, sir.

12 Q And upon what did you base that statement to
13 her?

14 A Pardon me?

15 Q Why did you think you were going to get out on
16 the 31st?

17 A Because EOB had told me when I do get out, they
18 said that I would be able to leave sometimes from that
19 facility and go home.

20 Q You said that Deborah told you on the 30th she
21 loved you?

22 A Yes, sir.

23 Q She didn't tell you it was over between the two
24 of you?

25 A She never said them words to me, sir. No.

001501

1 Q So you're telling us that in fact your guess
2 came true the following day August the 31st you were
3 released?

4 A I was released, yes, sir.

5 Q And you talked with a representative of law
6 enforcement at about 10:45 a.m.?

7 A Not from about 9:30 till ten something.

8 Q From perhaps 9:30 in the morning until ten
9 o'clock something on August the 31st --

10 A They let me out at nine o'clock, went to the
11 county jail and then we went to his office. So it had to be
12 around 9:30, 9:45 and I stayed there till about 10:45. I
13 was there about an hour.

14 Q And after about 10:45 a.m. you were released
15 and that's when you said you walked back out to the area of
16 Deborah's mobile home?

17 A I didn't go home first, sir.

18 Q I said to the area.

19 A Yes.

20 Q You've told us that the Vera Johnson projects
21 area is just a couple blocks away?

22 A Yes.

23 Q Also on North Lamb?

24 A Yes, sir.

25 Q You were by yourself?

001502

1 A Yes, sir.

2 Q Did you have money in your pocket?

3 A No. No.

4 Q You were broke, weren't you?

5 A Yes, sir.

6 Q How long did you stay in the Vera Johnson
7 projects area?

8 A About 30, 40 minutes.

9 Q Why did you go there first?

10 A I had some belongings over there and I was
11 going over there to get them. But the person wasn't home so
12 I couldn't get them.

13 Q What belongings?

14 A I had a pair of shoes over at somebody's house.

15 Q At whose house?

16 A It was this lady by the name of Sue.

17 Q Who is Sue?

18 A A resident over in them apartments.

19 Q A girlfriend of yours?

20 A No. I wasn't messing with any other woman, no,
21 sir. She was just a friend.

22 Q How do your shoes happen to be at Sue's place?

23 A Oh, I got some new shoes one day and left my
24 old ones over at her house. And that was before I went to
25 jail and they were at her house the entire time I was in

001503

1 jail.

2 Q Do you consume any drugs while you were at the
3 Vera Johnson area?

4 A Absolutely not, sir.

5 Q Have anything to drink?

6 A No.

7 Q Haven't you said before that you had a couple
8 of beers?

9 A There was a guy over there that had some beer
10 and he asked me did I want some and I told him not right
11 now, I told him that I had to go back downtown at one
12 o'clock, be back downtown at one o'clock.

13 Q So you didn't drink any beers?

14 A No, I did not.

15 Q Didn't use any dope?

16 A No, sir, I did not.

17 Q You were certainly of sound mind, that is you
18 knew what you were doing --

19 A I was sober, sir.

20 Q -- when you borrowed the bicycle and you went
21 on over to 839 North Lamb, space 125; is that correct?

22 A I was sober and I went home, yes, sir.

23 Q Were you aware of who you were?

24 A Yes.

25 Q Did you know where you were going?

001504

1 A Yes, sir.

2 Q Did you know why you were going there?

3 A Yes, sir.

4 Q You said that you borrowed the bicycle and went
5 home.

6 A Yes, sir.

7 Q I want to get something straight. By home
8 you're referring to 839 North Lamb, space 125?

9 A Yes, sir.

10 Q Was the mobile home rented in your name?

11 A No, it was not.

12 Q Had you paid any of the rent at that residence?

13 A No, I did not.

14 Q Did you have a key in your pocket that was
15 going to enable you to get into your home?

16 A I lost my key, sir.

17 Q Did you get another one from Deborah?

18 A No, I did not.

19 Q When did you lose your key?

20 A Right before I went to jail, sir.

21 Q Which time?

22 A Before June 26th, 1995, sir.

23 Q Did you have a marriage certificate on your
24 person that gave you entitlement to go into 839 North Lamb,
25 space 125?

001505

2

1 A No, I did not have no marriage certificate.

2 Q When you got there did you knock on the door?

3 A No, I did not.

4 Q Is there a doorbell?

5 A No, there is not.

6 Q You didn't knock?

7 A No, sir.

8 Q You elected to go through a bedroom window?

9 A I went through that window many times, sir.

10 That wasn't the first time.

11 Q I didn't ask how many times it had been. Your
12 decision was to get in by going in through a window; is that
13 your testimony?

14 A Yes, I went through the window, sir.

15 Q And you're saying she was in there and met you
16 as you were coming in?

17 A Yes, sir.

18 Q And you said she was happy to see you?

19 A I told you her exact words when I went inside
20 the window, sir.

21 Q I've forgotten her exact words.

22 A She asked me why didn't I knock at the door. I
23 told her I did not know you was home, I just called two
24 times and nobody answered the phone. And she came over and
25 actually moved the nightstand, moved it a little ways away

001506

2

1 from the window for me, sir, and I climbed in the window.

2 Q When did the screen get pushed down and bent?

3 A I put the screen inside so when she moved the
4 nightstand I guess it must have went -- some of it got on
5 top of the screen because I didn't take the screen and put
6 it up under there, you know.

7 Q The testimony has been that the print of a shoe
8 was on the screen. You had to walk on the screen you'd put
9 inside to get in?

10 A Well, if I stepped on it, I don't remember
11 doing that, but if there was a footprint on it, my footprint
12 must have been on it.

13 Q The screen is damaged?

14 A No, it wasn't damaged the last time I seen it.

15 Q It's bent, sir, according to the photographs
16 taken by the officers. You didn't damage the screen?

17 A No, I did not damage the screen, sir.

18 Q She according to you met you at the window and
19 asked why you hadn't knocked. That was a good question,
20 wasn't it?

21 A I didn't knock because nobody answered the
22 phone when I called her.

23 Q Did you have the money to pay for any damage to
24 the window or the screen as a result of your entry through a
25 window?

001507

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IN THE SUPREME COURT OF THE STATE OF NEVADA

* * * * *

JAMES CHAPPELL,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

S.C. CASE NO. 61967

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APPEAL FROM DENIAL OF PETITION FOR WRIT OF HABEAS CORPUS
(POST-CONVICTION) AND SENTENCE OF DEATH
EIGHTH JUDICIAL DISTRICT COURT
THE HONORABLE JUDGE CAROLYN ELLSWORTH, PRESIDING

~~~~~  
APPELLANT'S APPENDIX TO THE OPENING BRIEF  
VOLUME XVII  
~~~~~

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CERTIFICATE OF SERVICE

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

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