

IN THE SUPREME COURT OF THE STATE OF NEVADA

* * *

JASON JONES,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

CASE NO. 63136

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APPELLANT'S APPENDIX

VOLUME 11

Direct Appeal From A Judgment of Conviction
Eighth Judicial District Court
The Honorable Valerie Adair, District Court Judge
District Court No. C285488

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CLERK OF THE COURT

ETRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

THE STATE OF NEVADA,)	
)	
Plaintiff,)	CASE NO. C285488-1
)	DEPT NO. XXI
vs.)	
)	
JASON JONES,)	TRANSCRIPT OF
)	PROCEEDINGS
Defendant.)	

BEFORE THE HONORABLE VALERIE P. ADAIR, DISTRICT COURT JUDGE

JURY TRIAL - DAY 4

FRIDAY, JANUARY 25, 2013

APPEARANCES:

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Deputy District Attorney

For the Defendant: CHARLES A. CANO, ESQ.
Deputy Special Public Defender
RANDALL H. PIKE, ESQ.
Asst Special Public Defender

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1 LAS VEGAS, NEVADA, FRIDAY, JANUARY 25, 2013, 9:12 A.M.

2 * * * * *

3 (Outside the presence of the jury.)

4 THE COURT: All right. Before I bring jury the in, I
5 understand that there was a stipulation that you need to place
6 on the record.

7 MS. CHRISTENSEN: Yes, Your Honor. We have gone
8 through the photographs that both sides have in as proposed
9 exhibits at this time. And there were a few that we're
10 withdrawing, based on discussions with the defense. I want to
11 make a record of that.

12 THE COURT: Okay.

13 MS. CHRISTENSEN: One is 29 -- or Proposed 29,
14 Proposed 83, Proposed 86, and Proposed 88.

15 THE COURT: Okay.

16 MS. CHRISTENSEN: And the defense told us their
17 objections and we agreed to just withdraw those --

18 THE COURT: Okay.

19 MS. CHRISTENSEN: -- to make sure that there's
20 nothing duplicative. As for No. 29, Mr. Cano objected to the
21 fact that the victim's body was seen in it too much. So we
22 cut it, and now we have another one at 29A, of that same
23 photograph --

24 THE COURT: Okay.

25 MS. CHRISTENSEN: -- and Mr. Cano essentially

1 reviewed that photograph and okayed it.

2 THE COURT: Is that correct, Mr. Cano --

3 MR. CANO: It is, it is.

4 THE COURT: -- you have no objection to the revised
5 Photo 29A?

6 MR. CANO: No. I -- what they wanted to get part
7 of -- of 29 was the actual sofa or couch that had some bloody
8 matter on it.

9 THE COURT: Okay.

10 MR. CANO: And so the body was, you know, important
11 for them in that photograph. So that's why I was objecting to
12 it. And so they cropped it so they could show just the couch.

13 THE COURT: Okay.

14 MR. CANO: And we're fine with that.

15 THE COURT: All right.

16 MS. CHRISTENSEN: Additionally, there will just be
17 other stipulations that we have come to an agreement. And
18 over the course of the preparation of this trial, we'll state
19 those on the record as we come up to --

20 THE COURT: That's fine.

21 MS. CHRISTENSEN: -- that witness.

22 THE COURT: Okay.

23 MR. PIKE: And -- and just before Detective Ivie
24 takes the stand, if we could have just a -- a moment before
25 he -- outside the jury before he testifies, so I could make a

1 record.

2 THE COURT: Okay. Who's first for today?

3 MS. CHRISTENSEN: Dr. Dutra, the coroner.

4 THE COURT: Okay. And then who's after that?

5 MS. CHRISTENSEN: Travis Ivie, the detective who was
6 here last night.

7 THE COURT: Okay. Has -- well, like, I don't know
8 how long the coroner's going to take. So whatever you need to
9 do about Detective Ivie, can we do that now?

10 MR. PIKE: Sure. It's just I anticipate that through
11 Detective Ivie they will -- the State will be -- if they're
12 consistent with what happened at the preliminary hearing --
13 attempting to bring in prior inconsistent statements of -- of
14 the witnesses to impeach them and use that as substantive
15 evidence.

16 Because the State has called the witnesses, I
17 understand there was a change in 1980 that allows prior
18 inconsistent statements to come in as -- as substantive
19 evidence. That has been the subject of abuse, to the extent
20 where it appears that there -- the case law is going more back
21 towards considering that as the Court has to review it to
22 determine if it's impeachment material, or if it can be used
23 as substantive evidence.

24 And so, at the preliminary hearing, I had a
25 continuing objection to the impeachment evidence --

1 THE COURT: As substantive evidence.

2 MR. PIKE: As substantive evidence. And I will
3 continue to make the objection -- contemporaneous objections.
4 But I want the Court to know that I'm doing that in good faith
5 and I'm not just doing it to interrupt any of the
6 interrogation by the prosecution.

7 THE COURT: Okay. I don't know how it's going to
8 play out. Or, you know, you can say objection. And then, you
9 know, if it's to every question, let's just say there's, you
10 know, court -- and I'll say the Court will note a continuing
11 objection to this line of questioning for impeachment
12 purposes, or something like that.

13 MR. PIKE: Thank -- thank you very much, Your Honor.

14 THE COURT: If that's okay with you, Mr. Pike?

15 MR. PIKE: Yeah. And the authority I'm relying on is
16 United States v. Livingston, 661 F.2d 239. And -- and I
17 understand that's a federal case, but the Federal evidence
18 code was the model for which the changes were made in the
19 Nevada revised statute that allowed in hearsay or prior
20 inconsistent statements as substantive evidence.

21 THE COURT: Okay. Well, as you pretty much
22 acknowledged, the state of the law right now is to allow it as
23 substantive evidence. The witnesses were called. They were
24 questioned, given an opportunity to, you know, deny the
25 statement, recant the statement, explain the statement,

1 whatever they wanted to do. And, you know, generally they
2 were given that opportunity. And that's really all they need
3 to do. So I'm going to allow it. But your objection will be
4 noted. You can make an objection, and then --

5 MR. PIKE: Okay. You know, and -- and I appreciate
6 that the Court understands that we [inaudible] attempt to
7 change the law.

8 THE COURT: Oh, I understand you have to --

9 MR. PIKE: And I -- and I appreciate that.

10 THE COURT: -- preserve your objections. And I
11 understand that, you know, maybe this case will be the case
12 where the Court --

13 MR. PIKE: We hope it won't go there.

14 THE COURT: -- will say no, it was, you know,
15 introduced too extensively or something like that.

16 MR. PIKE: Thank you.

17 MS. CHRISTENSEN: And, Your Honor, just to make one
18 response, there is -- there are other ways in which some of
19 the -- these prior statements become substantive. One of the
20 ways is --

21 THE COURT: Excited utterance.

22 MS. CHRISTENSEN: Correct. Also, some of them are
23 prior consistent statements. And after having been
24 cross-examined and attacked, then prior -- prior consistent
25 statements also become --

1 THE COURT: Right.

2 MS. CHRISTENSEN: -- relevant. So, additionally, if
3 someone says that they forget a statement -- or making a
4 statement via ^Crowley v. State, which is 120 Nev. 30, then it
5 becomes a prior inconsistent statement, and we are allowed to
6 bring that in. So there's different ways of getting into
7 that. And we are using all those ways with these witnesses.

8 THE COURT: Okay.

9 MR. PIKE: Understand -- and -- and maybe if -- to --
10 just so we can make the record clear, if I make the objection
11 "hearsay", if they say, "prior consistent" or "prior
12 inconsistent", then we know -- then we've got a clearer record
13 for the purpose that it's being offered.

14 THE COURT: Okay. Well, it may be offered as prior
15 inconsistent statement and as an excited utterance. So, I
16 mean --

17 MR. PIKE: I know. And it'll be statement by
18 statement. But I just want to --

19 THE COURT: All right. We'll see how that goes.

20 MR. PIKE: Okay.

21 THE COURT: You know, I mean, obviously we don't
22 want, you know, for every single question, objection, prior
23 consistent statement, you know, prior inconsistent statement,
24 excited utterance, whatever the case may be. So, you know,
25 we'll just see how that goes. I mean, obviously, if it's one

1 conversation, Mr. Pike, you know, let's just say it's Loretta,
2 hypothetically. And it's the conversation she had with the
3 detective, you know, right after police responded or something
4 like that. And she, Ms. Christensen, establishes that it's an
5 excited utterance. Then that would pertain pretty much to the
6 whole conversation. She doesn't have to say excited
7 utterance, in my view, every single time.

8 MR. PIKE: I understand.

9 THE COURT: As long as she establishes that she was
10 still under the stress of the event and, you know, that was,
11 you know, demonstrated or whatever. Okay?

12 MR. PIKE: Thank you.

13 MS. CHRISTENSEN: And, Your Honor, if -- maybe we
14 could just move for the admission of all of those photographs
15 except -- for

16 THE COURT: Okay. Any objection to admitting all the
17 photographs, except for the ones that they've voluntarily
18 withdrawn?

19 MR. CANO: No, Your Honor.

20 THE COURT: All right. We can --

21 MR. CANO: And there's actually one other one, his --
22 we have one objection, actually, too.

23 MS. CHRISTENSEN: I'll -- I'll approach and show you
24 which one it is. It is actually the photograph taken of the
25 defendant that day, and it's Proposed 56.

1 THE COURT: Okay.

2 MS. CHRISTENSEN: This is admitted, Your Honor,
3 because Mr. Coleman testified that he saw the person who ran
4 to the car and got in had short hair, and that's what he saw.
5 And today the defendant has changed his appearance. He has
6 long hair that is now -- in

7 THE COURT: Braids.

8 MS. CHRISTENSEN: -- braids or cornrows and -- and
9 the photograph of him taken on the day that he was arrested
10 shows he has short hair. And that's why we wanted to admit
11 that, to -- to be able to show an -- an up-close photograph of
12 him and his hairstyle.

13 THE COURT: Mr. Cano?

14 MR. CANO: Identification's never been an issue in
15 this case, Your Honor. There's been several witnesses who
16 have already testified that they are familiar with Mr. Jones
17 [indiscernible] identified him in court, per se. Although,
18 you know --

19 THE COURT: It's actually -- as these pictures go,
20 this is actually a pretty nice picture of the defendant. I
21 mean, he doesn't, you know -- you know, he's -- he doesn't
22 look bedraggled, like a lot of the pictures. He doesn't look
23 like he's under the influence of anything. He's not all
24 covered with tattoos or anything like that. So in that way, I
25 don't think it's a prejudicial picture in any way. It's

1 actually kind of a nice picture of him, particularly compared
2 to the spectrum of these types of pictures.

3 I think the State is allowed to introduce a picture
4 of him. I think the State is allowed to introduce a picture
5 of how the defendant actually appeared on that day. And so I
6 don't find anything prejudicial in the picture that the jury
7 could look at and identify him as, you know, affiliated with
8 any kind of group or anything like that. So I think the
9 picture's okay.

10 MS. CHRISTENSEN: Okay. So we'll just move to admit
11 all of them at this time, with that one noted objection.

12 THE COURT: Okay.

13 MR. CANO: And it --

14 THE COURT: They're all admitted, stipulated, and
15 then that's when the pic photo, the face shot is admitted over
16 defense objection.

17 THE COURT: 54, I think --

18 MS. CHRISTENSEN: Let me just make sure.

19 MR. CANO: And that we've -- we submitted one photo
20 of an autopsy picture that I think the State's going to be
21 using when they're talking with Dr. Dutra. And they've agreed
22 to stipulate to its admission, as well.

23 THE COURT: Okay.

24 MR. PANDELIS: I'll -- I'll get it in my book.

25 THE COURT: Okay. Everyone ready? Can we bring the

1 jury in?

2 MS. CHRISTENSEN: Oh, it is admitted. I think there
3 was an objection.

4 THE COURT: Yeah. I admitted it over defense
5 objection.

6 MS. CHRISTENSEN: Okay.

7 THE COURT: It wasn't authenticated or anything, but
8 that's not the objection, so --

9 THE MARSHAL: Ladies and gentlemen, please rise for
10 the jury.

11 (Jury reconvenes at 9:23 a.m.)

12 THE COURT: All right. Court is now back in session.
13 The record should reflect the State, through the deputy
14 district attorneys; the defendant and his counsel; the
15 officers of the court; and the ladies and gentlemen of the
16 jury.

17 And the State may call its next witness.

18 MR. PANDELIS: State calls Dr. Timothy Dutra.

19 THE COURT: All right.

20 THE MARSHAL: What was the last name, counsel?

21 MR. PANDELIS: Dutra. Dutra.

22 THE MARSHAL: Go ahead, stand right up there. Remain
23 standing. Raise your right hand, face our clerk to the left.

24 THE COURT: This lady right there.

25 TIMOTHY DUTRA, STATE'S WITNESS, SWORN

1 THE CLERK: Thank you. Please be seated. State and
2 spell your name for the record.

3 THE WITNESS: Timothy, T-I-M-O-T-H-Y, Franklin,
4 F-R-A-N-K-L-I-N, Dutra, D-U-T-R-A.

5 THE COURT: All right. Thank you. Mr. Pandelis, go
6 ahead.

7 DIRECT EXAMINATION

8 BY MR. PANDELIS:

9 Q Sir, how are you employed?

10 A I'm a medical examiner for the Clark County
11 Office of the Coroner and Medical Examiner.

12 Q How long have you worked at the Clark County
13 coroner's office?

14 A About three years now.

15 Q And as a medical -- as a medical examiner, can
16 you tell us what you do on a day-to-day basis?

17 A I'm a board certified forensic pathologist. I
18 perform examinations of decedents, people who have died who
19 are within our jurisdiction, including -- and then I determine
20 a cause of death and a manner of death and create a death
21 certificate.

22 Q So that's a fancy way of saying you perform
23 autopsies?

24 A Yes --

25 Q Okay.

1 A -- I perform autopsies.

2 Q How many autopsies as you -- have you performed
3 as a doctor in your career?

4 A In my entire career, probably around 1,500 now.

5 Q And prior to working at the Clark County
6 coroner's office, did you have experience doing the same thing
7 elsewhere?

8 A I'd been a hospital pathologist. And I did a
9 fellowship in the St. Louis University. And during that
10 fellowship I did about 250 autopsies.

11 Q So how long, total, have you been performing
12 autopsies? How many years -- autopsies, total?

13 A Well, including my fellowship, about four years
14 now.

15 Q Do you have any training and experience that
16 allows you to perform autopsies and fulfill your role as a
17 medical examiner?

18 A Well, I'm certainly board certified in anatomic
19 and clinical pathology. And then I did a -- a -- an
20 accredited fellowship at St. Louis University in the city
21 medical examiner's office and passed my board exam. And I've
22 been practicing for three years here in the Clark County
23 Office of the Coroner.

24 Q I'd like to direct your attention to June 18th
25 of 2012. Were you working that day at the Clark County

1 coroner's office?

2 A Yes.

3 Q All right. And on that day did you have the
4 occasion to perform an autopsy on the body of an individual by
5 the name of Jaime Corona?

6 A Yes.

7 Q All right. And again, that was performed at the
8 Clark County coroner's office?

9 A Yes.

10 Q Who else was present when this autopsy was
11 performed?

12 A I would have to consult my --

13 Q And would it refresh your recollection if you
14 had the chance to look at your records?

15 A Yes, it would.

16 Q All right.

17 A Thank you.

18 Q Take a moment and look at those records.

19 MR. CANO: And for the record, Your Honor, could we
20 know what he's looking at, if it's his autopsy report or
21 notes?

22 THE COURT: Doctor, what are you looking at?

23 THE WITNESS: Detectives Sanborn and Ivie of the Las
24 Vegas Metropolitan Police Department were present.

25 BY MR. PANDELIS:

1 Q Doctor, what were you just referring to?

2 A I'm referring to my autopsy report.

3 Q Okay. And within your autopsy record, you
4 indicate other individuals that are present during the
5 examination -- or during the autopsy?

6 A I have an assistant that is recorded within the
7 case file, but not in the autopsy report itself.

8 Q You mentioned a couple of detectives from the
9 Las Vegas Metropolitan Police Department were present during
10 the autopsy?

11 A Yes.

12 Q Is it common for members of law enforcement to
13 be present when you're performing autopsies?

14 A Yes.

15 Q And likewise, is it also common for there to be
16 people there assisting you documenting the autopsy, whether it
17 be through photographs or written records?

18 A I do the autopsy. I have an assistant who helps
19 me do the dissection. And then we have a circulating person
20 who takes photographs if I request them.

21 Q And is the purpose of photographs to document
22 the autopsy that's done?

23 A Yes.

24 Q And was that done in this case?

25 A Yes.

1 Q The autopsy of Mr. Corona?

2 A Yes.

3 Q All right. Could you describe how an autopsy is
4 performed, generally?

5 A In general, I -- we begin the day with a morning
6 meeting, where we discuss the cases and decide who's going to
7 do what case. Then I -- we retire to the autopsy room.

8 An autopsy begins with an examination of the body as
9 it is -- as it has arrived in the clothing. Then the clothing
10 is removed and a -- an external examination of the body is
11 made. The x-rays -- x-rays are taken, and the x-rays of the
12 body are reviewed.

13 Following that, the body is opened -- it's a very
14 standard procedure -- with a Y-shaped incision of the torso,
15 and then examination and removal of the chest and abdominal
16 organs. And then an incision is made in the scalp in the
17 back, and the scalp is pulled forward, and the skull is
18 opened, and the brain is removed and then also examined.

19 Q When you're performing the autopsy, is
20 toxicology work done, where you take blood samples --

21 A Yes --

22 Q -- and things like that?

23 A -- at the beginning of the procedure, when the
24 body -- when the torso is opened, we remove what we call
25 peripheral blood from the veins of the -- the great veins of

1 the lower extremities where they enter the -- enter the pelvic
2 basin. And we also remove blood from the heart. And we
3 collect urine if -- if it's present. And we also collect the
4 fluid in the ocular globe that has some additional studies we
5 can do for testing of the electrolytes, the salts in the
6 blood. They don't preserve well in the blood, but they do in
7 the ocular globe.

8 Q If I'm correct, just a moment ago you mentioned
9 that you start off your autopsy with an external examination
10 of the body before moving onto a internal examination of the
11 body cavity --

12 A Yes.

13 Q -- is that correct? All right. I'd like to
14 talk first about the external examination you performed on
15 Mr. Corona back on June 18th. Was there anything significant
16 to you that you saw and documented during your external
17 examination?

18 A Well, an external examination is a -- we
19 follow -- I follow a routine. And certainly he was a
20 well-developed, well-nourished male. And he had some scars
21 and he had some tattoos. But the most striking finding was
22 that he had a -- a gunshot entrance wound of the front of the
23 chest and a gunshot exit wound of his thoracic back.

24 Q So you documented on -- during the external
25 examination both an entrance wound and a exit wound --

1 A Yes.

2 Q -- on the body?

3 A Right.

4 Q Okay. And were you able to determine whether or
5 not that entrance and exit wound, were they related to each
6 other? Were they from the same --

7 A Well, from the --

8 Q -- bullet?

9 A -- external examination, I suspected that they
10 would, also, because there were no projectiles present in the
11 body and the x-ray examination. And my internal examination
12 confirmed that they were related, yes.

13 Q We'll talk about that internal examination in a
14 little bit more detail in just a moment.

15 Were those entrance wounds -- was -- was the entrance
16 wound documented by photographs?

17 A Yes.

18 Q And you've had the chance to review those
19 photographs --

20 A Yes.

21 Q -- since then? I'm showing you what's been
22 admitted as State's Exhibit No. 82. And if you look at the
23 monitor right in front of you -- let me zoom in -- is that the
24 entrance wound that you documented on Mr. Corona?

25 A Yes.

1 Q All right. And how do you recognize that as the
2 entrance wound in this case?

3 A This is a classical pattern of an entrance
4 wound. It's circular. It has a circumferential abrasion
5 around the edge, and that's because as a bullet enters it
6 abrades the margin of the -- of the skin as it enters the
7 body.

8 Q So you recognize that as a typical entrance
9 wound?

10 A It's a very typical entrance wound.

11 Q Okay. And right below that there's a little
12 placard with a number on it. Is that just for you to document
13 this with a --

14 A That's a case --

15 Q -- coroner case number?

16 A Yes.

17 Q Okay. Looking at that wound, it appears that
18 there's another smaller wound directly above it.

19 A Yes.

20 Q Do you have any -- do you have any opinion as to
21 what that is?

22 A Well, I call that a gunshot-related abrasion.
23 It's related to it. It's not the primary projectile. The --
24 a forensic pathologist would think that the most likely cause
25 of it would have been that there had been some sort of an

1 intermediate target that had been propelled along with the
2 projectile and had struck the body adjacent to where the
3 bullet had entered the skin.

4 Q So, for example, if a bullet went through
5 something before hitting the body, that could cause that?

6 A Yes, if -- if a piece of that intermediate
7 target was pushed along with a bullet. Yes.

8 Q And I'm showing you what's been admitted as
9 State's Exhibit No. 84. Does this appear just to be a
10 close-up of that entrance wound and that related wound that
11 you just described?

12 A Yes.

13 Q Okay. And again, you said, based on the
14 characteristics of that entrance -- of that wound, that's
15 something that's easily identifiable to you as a gunshot
16 entrance wound?

17 A It's a very typical gunshot entrance wound.

18 Q All right. Now, you mentioned you also
19 documented what you described as an exit wound on Mr. Corona's
20 back; is that correct?

21 A Yes.

22 Q All right. I'm showing you what's been admitted
23 as State's Exhibit 85. Do you recognize -- is that the exit
24 wound that you documented?

25 A Yes.

1 Q And it appears that's -- that's on the left side
2 of Mr. Corona's mid-back?

3 A Yes.

4 Q Okay. And then I'm showing you State's Exhibit
5 87. Is that a close-up of the exit wound?

6 A Yes.

7 Q Okay. How do you recognize that as an exit
8 wound, as opposed to an entrance wound, Dr. Dutra?

9 A Well, it's irregular in its contour, there's no
10 marginal abrasion, and it's -- it's stellate -- star-shaped.
11 And portions of the adjacent soft tissues are emanating from
12 the -- from the defect coming out of it.

13 Q Okay. I'd like to move back to the entrance
14 wound we've talked about. Based on your examination of the
15 entrance wound, were you able to -- did you reach any -- or do
16 you have any opinions as to the range between Mr. Corona and
17 the firearm that was -- he was shot with?

18 A Just from that picture, I would -- it would be
19 indeterminate. But there were other findings on the body that
20 made me decide that this was a close-range gunshot injury.

21 Q What were those other findings that made you
22 conclude this was a close-range gunshot wound?

23 A There's something we call stippling, which is
24 due to pieces of the gun -- gunshot -- the gunpowder
25 residue -- the gun -- not the residue, but the gun --

1 gunpowder flakes or balls which accompany the bullet and
2 strike the skin, and are embedded in the skin, and can
3 sometimes even burn the skin where they strike.

4 Q So, along -- if I understand you correctly,
5 along with the bullet, residue from the gunpowder comes -- or
6 from the gun being discharged comes out and burns the skin?

7 A Two things come out of a -- along with the
8 bullet, two things come out: Soot and -- and the stippling.
9 And the stippling travels a little bit farther than the soot.
10 And the stippling is -- is recognized as a speckled pattern on
11 the skin.

12 Q So that stippling is a very distinct pattern
13 that you --

14 A Yes.

15 Q -- recognize from -- on the skin --

16 A It's -- yes.

17 Q -- during close-range --

18 A Very -- very typical --

19 Q -- gunfire?

20 A And what we use for determining the range of
21 fire.

22 Q And based on what you observed on Mr. Corona,
23 you were able to determine this was close-range gunfire, based
24 on the stippling you saw?

25 A That's why I called it close-range.

1 Q I'm showing you what's been admitted as State's
2 Exhibit No. 89. Is that the stippling that you're describing?

3 A Yes.

4 Q And where is that stippling?

5 A That's on the ulnar -- or the -- the side
6 towards the little finger of his right forearm, right wrist,
7 and right hand.

8 Q So, right on -- right here on this part of my
9 wrist?

10 A Yes.

11 Q The right part of -- of my right arm?

12 A Yes.

13 Q Now, when you -- you also performed the internal
14 examination, and you indicated earlier that during the
15 internal examination, that's when you were able to conclude
16 that the entrance wound and the exit wound were related?

17 A Yes.

18 Q Okay. When you're performing the internal
19 examination, do you determine -- do you look to see what the
20 trajectory of the bullet is?

21 A Exactly, yes.

22 Q How do you do that?

23 A We open the body and follow the trajectory
24 through. He had a round defect in the breastbone underlying
25 the entrance wound. The trajectory continued through the base

1 of the heart and went through both the right and left
2 ventricles -- the large chambers of the heart, then passed
3 through the wall. There's a thin tissue wall between the
4 heart sac and the left chest cavity. Entered the left
5 chest -- the trajectory entered the left chest cavity, went
6 through the side of the lung against the heart sac, and
7 continued out between -- under -- under the tenth rib.

8 Q And you traced that all the way from the front
9 to the back?

10 A Yes.

11 Q Okay. When you -- during the external
12 examination, other than the gunshot wound and the stippling,
13 did you observe any other injuries to any other parts of
14 Mr. Corona's body?

15 A He had some minor contusions and abrasions. And
16 then he also had a stapled laceration of the back of his head.

17 Q Did you make any determinations as to that
18 stapled laceration that you saw on his head?

19 A I looked at it both externally -- it was about
20 an inch and a half long -- and internally. There was some
21 blood in the tissues underlying the laceration to the back of
22 his head in the scalp. There were no injuries to the skull
23 and no injuries to the brain. So I determined that this
24 injury was inconsequential, as far as affecting his activity
25 or thinking.

1 Q So it wasn't a factor to you in your ultimate
2 conclusion in this case as to the cause and manner of
3 Mr. Corona's death?

4 A No. It had nothing to do with his -- cause and
5 manner of death.

6 Q And I'm showing you what's been admitted as
7 Defense Exhibit A. Do you recognize that?

8 A Yes.

9 Q And is that the contused -- stapled contusion to
10 the head that you were just describing?

11 A That's the stapled laceration of the back of the
12 head.

13 Q Now, earlier you mentioned you've done --
14 toxicology work is also done on the person that you're
15 examining; correct?

16 A Yes.

17 Q All right. Did you have a chance afterwards to
18 review the toxicology work that was done in this case?

19 A Yes.

20 Q Were you able to make any determinations as to
21 Mr. Corona -- whether Mr. Corona had any alcohol in his
22 system?

23 A Yes.

24 Q And what was Mr. Corona's blood alcohol level?

25 A 321 milligrams per deciliter, or .321 percent.

1 Q Okay. And can you describe the -- the effect of
2 that on a normal human?

3 A Well, the legal limit for driving a car is
4 underneath -- is below 0.8 [sic] percent. So he was about
5 four times higher than usual limit for driving a car legally.

6 Q Dr. Dutra, based on the autopsy you performed
7 back on June 18th on Mr. Corona, do you have any opinions as
8 to the mechanism of death or how Mr. Corona died?

9 A Yes.

10 Q How did Mr. Corona die?

11 A He died of a gunshot wound to the chest.

12 Q And once that gunshot wound went through his
13 chest, what was the actual mechanism of death? What caused
14 him to die?

15 A It passed through the large chambers of the
16 heart and then opened the wall between the heart sac and the
17 left chest cavity. And a large volume of blood, about half of
18 his blood volume, was found in the left chest cavity. So he
19 rapidly exsanguinated internally into the left chest cavity.

20 Q And based on your examination that you performed
21 on June 18th, do you have any opinions as to the cause and
22 manner of Mr. Corona's death?

23 A Well, the cause of death was a gunshot wound to
24 the chest. The manner of death was a homicide.

25 Q And as a medical examiner, what does homicide

1 mean to you?

2 A A homicide is when there's an interaction
3 between two people and one of them dies.

4 Q Dr. Dutra, now, you indicated that based on your
5 examination of the entrance wound, you were able to determine
6 this was -- the entrance wound and the stippling, you were
7 able to determine that this was a result of a close --
8 close-range gunfire?

9 A Yes.

10 Q What does close-range mean to you?

11 A For most weapons, a stippling only goes as far
12 as three feet. You don't see it after -- if the distance is
13 larger than -- greater than three feet. So this "close-range"
14 would mean that the individual was within three feet of the
15 muzzle of the weapon.

16 Q And the stippling that you saw on Mr. Corona,
17 other than that area on his forearm, were there any other
18 areas on his body where you observed what you recognized as
19 stippling?

20 A He had -- most of the stippling was in the --
21 along the forearm. But there were three small marks on the
22 front of the chest that were also consistent with stippling,
23 as well.

24 Q And I'm showing you again what's been admitted
25 as State's Exhibit No. 82. And I don't know how well you can

1 see it on --

2 A Maybe four marks.

3 Q -- the monitor in front of you, but do you see
4 those stippling marks on the picture?

5 A Yes. Yes. There are four of them.

6 Q Okay. Can you just put a little circle around
7 those on the monitor?

8 And those injuries that you just pointed out, they're
9 consistent with stippling -- what you describe --

10 A Yes. Yes.

11 Q -- as stippling? Okay. Now, when you're --
12 when you're -- you were describing the trajectory of the
13 bullet earlier, the entrance wound related to the exit wound,
14 when you look at that, are you able to make any determinations
15 as to where the person being shot was relative to the firearm
16 that was discharged, or --

17 A They were -- the person who was shot was facing
18 the firearm.

19 Q Okay. But you don't know -- the person with the
20 firearm, you don't know exactly where they were, other than
21 they were in close range; correct?

22 A They were in close range in front of the person
23 who they shot.

24 MR. PANDELIS: Pass the witness, Your Honor.

25 THE COURT: All right. Cross.

1 MR. PANDELIS: Thanks.

2 CROSS-EXAMINATION

3 BY MR. CANO:

4 Q Good morning, Dr. Dutra.

5 A Good morning.

6 Q I want to go -- talk a little bit about the
7 toxicology.

8 A Okay.

9 Q I imagine you have a copy of the toxicology
10 report --

11 A Yes.

12 Q -- as part of your report? Okay. You said that
13 his blood alcohol was a .321; correct?

14 A Yes.

15 Q Was there anything else that was in his system?

16 A There was some marijuana metabolites.

17 Q Okay. And how much of the marijuana metabolite
18 was in his system?

19 A I would have to consult with the --

20 Q If it would refresh your recollection, please do
21 so.

22 A Thank you. 5.7 nanograms per milliliter of
23 Delta-9-THC and 27 nanograms per milliliter of
24 Delta-9-carboxy-THC.

25 Q What's the difference between the two?

1 A One's a metabolite of the other.

2 Q Okay. So the carboxy would be the metabolite?

3 A Yes.

4 Q Okay. So that means that there was still some
5 marijuana or active marijuana in his system?

6 A Yes.

7 Q Okay. And the metabolites would process through
8 his system?

9 A Yes.

10 Q Okay. So in addition to being -- well, I don't
11 want to put words in your mouth, but would you consider .321
12 extremely intoxicated?

13 A I would. It's a level of alcohol which, in my
14 opinion, would affect someone's motor coordination and
15 possibly have some effect on their judgment and personality.

16 Q Okay. Let's talk a little bit about that, since
17 you brought that up. Would that -- in affecting his
18 personality, would it make a person aggressive?

19 A It might.

20 Q Okay. Would it make a person -- person's speech
21 slurred?

22 A It might.

23 Q Their gait, would it make their gait unsteady?

24 A It might.

25 Q And what effect would the marijuana have on

1 their system?

2 A It might have similar effects. Different people
3 have different tolerances to both marijuana and alcohol. So
4 it -- I can't -- and I did not see the individual in life
5 under these -- with these levels, so I don't know how affected
6 he would have been.

7 Q Okay. But in your profession and over the -- in
8 the 1,500 autopsies you've performed, would you consider the
9 alcohol level to be one on the higher ranges?

10 A I've seen higher, but it's a significant range,
11 within the --

12 Q Okay.

13 A It's significant.

14 Q How much alcohol would you need in your system
15 in order for it to affect your death?

16 A If we see levels of .4 or higher, we start
17 thinking that it might be a contributing factor to death. And
18 certainly .5, we can feel that it's -- it is probably a cause
19 of death.

20 Q Okay. So he was *** .0 away from it to even
21 take into consideration as a contributing factor?

22 A It was -- well, one could say that, yes.

23 Q Okay. Now, I want to talk a little bit about
24 the -- the staples to the head. That was from a laceration, I
25 believe you said?

1 A Yes.

2 Q Can you see that?

3 A Yes.

4 Q In your report, you -- you noted that the
5 laceration was a recent scalp laceration.

6 A Yes.

7 Q Would it surprise you to learn that that may
8 have been obtained within 28 to -- 48 to 24 hours prior to his
9 death? Would that surprise you?

10 A That would not surprise me.

11 Q Would that be consistent with your findings?

12 A I think that would be consistent.

13 Q Okay. But this laceration had nothing to do
14 with any of the other factors in -- in the cause of death;
15 correct?

16 A No.

17 Q Okay. Let's talk a little bit about in your
18 external examination, some of the -- some of the other
19 injuries or scars that you had found in his system. Okay?
20 And I'm referring to page 2. I don't know if that'll help to
21 refresh your recollection, but I'm -- I'm going to refer to
22 page 2. There are several scars that Mr. Corona had on his
23 body. There was an ovoid scar on the right anterior chest?

24 A Yes.

25 Q Okay. Can you explain that -- what that means

1 to the jurors?

2 A Well, that just means that it's oval in shape.
3 And the size of it, I use -- I prefer the metric system. But
4 it was about two-thirds of an inch in greatest diameter.

5 Q Okay. Would you associate that with any kind of
6 medical treatment of any kind of [indiscernible]?

7 A All I can say is it's a scar.

8 Q Okay.

9 A I can't say --

10 Q And you can't -- you can't put a date on the
11 scar?

12 A No.

13 Q Okay. There was another scar on his left
14 anterior chest?

15 MR. PANDELIS: Your Honor, may we approach?

16 THE COURT: Sure.

17 MR. PANDELIS: Thanks.

18 (Off-record bench conference.)

19 BY MR. CANO:

20 Q Again, Doctor, he had another ovoid scar on his
21 left anterior chest?

22 A Yes.

23 Q Okay. And what was the size of that?

24 A That was about -- little bit over an inch -- an
25 inch and a -- inch and a quarter, inch and a third.

1 Q Okay. And was there any kind of medical
2 intervention involved with that scar that you could tell?

3 A All I can say is that there was a scar present.

4 Q Okay. There was another transverse scar over
5 his left shoulder?

6 A Yeah.

7 Q Now, what's the difference between an ovoid and
8 transverse scar?

9 A Well, transverse is a linear scar. And by
10 transverse I mean that it is in the horizontal plane of the
11 body.

12 Q Okay. And could you tell if that had anything
13 to do with any kind of medical intervention or anything of
14 that nature?

15 A No, I couldn't.

16 Q Okay. There was another ovoid scar on his left
17 upper arm?

18 A Yes.

19 Q Okay. And what was the size of that?

20 A That is about two inches in greatest diameter.

21 Q Okay.

22 A Inch and a --

23 Q And -- and with that -- could you tell if that
24 had anything to do with any kind of medical intervention?

25 A No, I couldn't.

1 Q All right. There was an oblique scar on his
2 right lateral upper -- upper abdomen?

3 A Yes.

4 Q Okay. Could you tell if that had anything to do
5 with any kind of medical intervention?

6 A That was a linear scar. And again, all I could
7 say was -- is a linear scar.

8 Q Okay.

9 A And it --

10 Q There appeared to be another one on his right
11 elbow?

12 A Yes.

13 Q Okay. And what -- what's the size of that?

14 A It was about an inch and a half in length.

15 Q Could you tell if that had anything to do with
16 any kind of medical intervention?

17 A I could not.

18 Q Okay. And there appeared to be one on his left
19 forearm, as well?

20 A Yes.

21 Q And what was the size of that?

22 A That is also about a little bit over an inch.

23 Q Okay. Could you tell if that had to do with any
24 kind of medical intervention?

25 A I could not, no.

1 Q All right. Was another scar on his left
2 anterior knee?

3 A Yes.

4 Q And what was the size of that?

5 A It is an ovoid scar that is about an inch in
6 diameter.

7 Q And could you tell if that had anything to do
8 with any kind of medical intervention?

9 A No.

10 Q All right. Now, I want to talk to you a little
11 bit about the -- the stippling that you had mentioned earlier
12 with the State. Okay?

13 A Okay.

14 Q From your testimony you were saying that you
15 would expect to see that within three feet of a firearm --

16 A Yes.

17 Q -- correct? And that stippling are particles
18 that are kind of firing from the -- the gun itself?

19 A They come out of the muzzle of the gun with the
20 bullet.

21 Q Along with -- with soot?

22 A Along with soot.

23 Q Okay. Now, you've also mentioned that
24 Mr. Corona had an injury, next to the entrance wound, that was
25 associated with maybe an intermediate target --

1 A Yes.

2 Q -- correct? All right. Can you tell me the
3 effects of stippling when there is an intermediate target in
4 the way?

5 A If there is an intermediate target, the
6 stippling can get trapped in the intermediate target. It
7 depends on what type of target, whether it has -- whether it
8 will allow the stippling to pass with -- pass with the bullet.
9 The stippling not only follows the bullet, but tends to spread
10 out a little bit as it travels.

11 Q In a cone-shape pattern?

12 A Yes.

13 Q Okay. Now, for example, if an intermediate
14 target were a jacket or a shirt, that could deflect some of
15 the stippling being received onto the skin itself; correct?

16 A Yes.

17 Q So I guess it all depends on what the
18 intermediate target is?

19 A Exactly.

20 Q But sometimes you could be wearing a jacket or
21 shirt and the stippling could come through it? Depending on
22 the -- the --

23 A A very --

24 Q -- proximity of --

25 A -- thin shirt might let some stippling go

1 through. I think it would more depend on whether there were
2 perforations or holes in it, or...

3 Q Okay. And that -- so that would affect --

4 A Yes.

5 Q Okay. Now, the -- let's talk a little bit about
6 the trajectory of -- or the flight path of -- of the wound.
7 Could you describe for the jury again what was the -- the
8 trajectory?

9 A The bullet entered the middle of the chest,
10 about the level of the fourth ribs, and then passed backward
11 and slightly downward and slightly leftward. It passed
12 through the chambers of the heart and then passed through
13 the -- the fibrous wall between the heart and the left lung.
14 And then it passed through the part of the lung adjacent to
15 that fibrous wall and continued out through the back of the
16 chest underneath the tenth rib.

17 Q Okay. Would you -- would it be fair to say that
18 death -- death was instantaneous or fairly shortly after it
19 received the --

20 A It was not --

21 Q -- received the wound?

22 A -- instantaneous. But it was -- it followed
23 rapidly.

24 Q Okay. And -- and by "rapidly", could you give
25 us a timeframe, or a loose timeframe?

1 A The person would certainly have felt the kinetic
2 energy of the bullet. But as far as incapacitation from the
3 injury to the heart and the blood loss into the chest cavity,
4 that would be occurring within a minute, less than a minute
5 of -- of that. And death would be two to three minutes after
6 that, maybe five minutes at the -- but they would have been
7 incapacitated in a -- in a minute or so.

8 Q Within -- within a minute they would be
9 incapacitated --

10 A Yes.

11 Q -- and death following shortly after that?

12 A Right.

13 Q Okay. Now, I want to talk to you a little bit
14 about the trajectory. You said it was slightly downward?

15 A Yes.

16 Q So if this bottle were the person that were
17 standing up --

18 A Yes.

19 Q -- would it be fair to say, if my pen were the
20 trajectory of the path of the bullet, that it would -- it had
21 a downward angle?

22 A That -- when we do an autopsy and we describe
23 the trajectory, we mentally position the body in the anatomic
24 position. And we describe the trajectory of gunshot injuries
25 based on that, putting the body in the anatomic position. So

1 when that person, when the decedent is placed in upright
2 posture in the anatomic position, the description of the
3 trajectory is that the path of the bullet is downward, yes.

4 Q And there was nothing in -- in your internal
5 examination that would have deflected the path or the flight
6 of the trajectory; correct?

7 A Not really, no.

8 Q So it's pretty much a straight --

9 A It went --

10 Q -- shot through?

11 A Yeah. It went pretty much straight through the
12 sternum, and then from there on only struck soft tissues. And
13 there -- there was nothing that really would deflect a bullet.

14 Q Okay. So would it be fair to say that the
15 decedent was -- could have been moving forward or leaning
16 forward to account for the trajectory?

17 A Yes.

18 MR. CANO: Nothing further, Your Honor.

19 THE COURT: All right. Redirect.

20 REDIRECT EXAMINATION

21 BY MR. PANDELIS:

22 Q Dr. Dutra, you described that -- or you just
23 said that when you're doing an autopsy, the description of the
24 trajectory is based on the position of the body in an anatomic
25 position; correct?

1 A Correct.

2 Q All right. But you don't -- you don't know --
3 you weren't at the crime scene; correct?

4 A Absolutely, I was not.

5 Q So you don't know if a -- when you're describing
6 trajectory, you don't know the position of a victim's body
7 relative to a -- the -- the person with the gun's position; do
8 you? You don't know --

9 A I --

10 Q -- what position the victim was in when he or
11 she was shot; correct?

12 A No, I don't.

13 Q All right. And you don't know where the person
14 shooting the victim is relative to the person being shot; do
15 you?

16 A No, I don't.

17 Q All right. So, like Mr. Cano just described to
18 you, is it possible maybe the person was hunched over, that's
19 one possibility, but you don't know with any medical
20 certainty?

21 A I have no medical certainty as to how the person
22 was positioned when --

23 Q Right.

24 A -- he was shot.

25 Q And again, because that's when -- when you're

1 describing trajectory, you're just doing that based on the
2 anatomical position?

3 A Yes.

4 Q Okay. Now, Mr. Cano was going over some scars
5 you documented on Mr. Corona's body.

6 A Yes.

7 Q And you described some of those as ovoid scars?

8 A Yes.

9 Q Is it fair to say that some of those ovoid scars
10 that Mr. Cano -- or let me ask you this. Did you measure all
11 those scars?

12 A Yes, I did.

13 Q Is it fair to say some of those ovoid scars were
14 pretty small?

15 A Well...

16 Q Well, let me ask you this. Some of them
17 measured less than two centimeters in length?

18 A I guess that's about an inch -- they were all in
19 the range of less than an inch to slightly greater than an
20 inch.

21 Q Okay. So these weren't very large scars taking
22 up a big part of the body?

23 A Only the scar on the shoulder was of any
24 significant length.

25 Q You can't put a time and date stamp on scars;

1 can you?

2 A Not really, no. Only if they're recent.

3 Q You don't know what caused each of these scars;
4 do you?

5 A I have no idea.

6 Q Okay. Did you also notice something on
7 Mr. Corona that you documented as some type of healed chemical
8 burn?

9 A I felt that one of the scars, I believe it was
10 on his right forearm -- yes, right elbow -- it's a mottled
11 scar. And I, in my report, describe it as suggestive of an
12 old, healed chemical burn.

13 Q Mr. Corona had all types of different injuries
14 on his body?

15 A He had old scars, yes.

16 Q All right.

17 MR. PANDELIS: Nothing further, Your Honor.

18 THE COURT: Any recross, Mr. Cano?

19 MR. CANO: Court's indulgence, Your Honor. Nothing
20 further, Your Honor.

21 THE COURT: Thank you for your testimony. You are --

22 Did we have any juror questions? I'm sorry, we had a
23 juror question. Don't go anywhere. I'll see counsel at the
24 bench, please.

25 (Off-record bench conference.)

1 THE COURT: We have a question from a juror. A juror
2 wants to know, based on height of victim, from bullet
3 trajectory, can you estimate the height of the shooter?

4 THE WITNESS: I would say no, because I don't know
5 whether the person, the decedent -- the dead man had -- was
6 leaning forward, leaning backward. So I -- I can't really use
7 that to, in my mind, determine the relative heights of the
8 individuals.

9 THE COURT: All right. Any follow-up from the State?

10 MR. PANDELIS: Nothing by the State, Your Honor.

11 THE COURT: Any follow-up from the defense?

12 MR. CANO: No, Your Honor.

13 THE COURT: Any additional juror questions? All
14 right, Doctor. Thank you for your testimony.

15 THE WITNESS: All right. Thank you.

16 THE COURT: You are excused. And the State may call
17 its next witness.

18 MR. PANDELIS: State calls Detective Travis Ivie.

19 THE COURT: All right. Detective, just right up
20 here, please, next to me.

21 And then just face this lady right there, who will
22 administer the oath.

23 TRAVIS IVIE, STATE'S WITNESS, SWORN

24 THE CLERK: Thank you. Please be seated. State and
25 spell your name for the record.

1 THE WITNESS: My name is Travis Ivie, T-R-A-V-I-S,
2 I-V-I-E.

3 MR. PANDELIS: Thank you.

4 DIRECT EXAMINATION

5 BY MR. PANDELIS:

6 Q Sir, how are you employed?

7 A With the Las Vegas Metropolitan Police
8 Department.

9 Q What do you do for the Las Vegas Metropolitan
10 Police Department?

11 A I'm a homicide detective.

12 Q How long have you worked for the Las Vegas
13 Metropolitan Police Department in any capacity?

14 A Approximately 13 years.

15 Q And you indicated your current assignment,
16 you're a homicide detective. What did you do before that?

17 A I worked violent crimes as a detective.

18 Q And then prior to that did you spend some time
19 on patrol?

20 A Yes, several years on patrol.

21 Q All right. Can you describe to the ladies and
22 gentlemen of the jury what you do on a day-to-day basis as a
23 homicide detective?

24 A Basically, it's -- we're in a batting order. If
25 you're not getting called out late to a scene, you basically

1 are following up investigations on prior cases.

2 Q I'd like to direct your attention to June 17th
3 of 2012. In the evening hours, were you dispatched to a crime
4 scene at 1416 F Street?

5 A Yes.

6 Q All right. What was the nature of the call?

7 A There was a homicide. Someone had been shot
8 inside their apartment.

9 Q And what was your primary role in the
10 investigation, when you arrived at that scene?

11 A Interview witnesses.

12 Q Now, as a homicide detective, are you teamed up
13 with a partner?

14 A Yes.

15 Q All right. And typically every homicide
16 detective at Metro has a partner that they work with?

17 A Yes.

18 Q All right. Who's your partner?

19 A Mine is Detective Tate Sanborn.

20 Q And did Detective Sanborn arrive with you?

21 A Yes.

22 Q All right. And what was Detective Sanborn's
23 role?

24 A His -- his role was to document the scene.

25 Q All right. So if I understand it correctly, you

1 were in charge of gathering up witnesses and interviewing
2 them. He was there -- your partner, Detective Sanborn, was in
3 charge of documenting the scene?

4 A Yes.

5 Q Okay. Do you recall what time you received the
6 call to come out there to the 1416 F Street address?

7 A I believe it would -- it would have to have been
8 around 11:30, because I think we got there a little after
9 midnight.

10 Q So you just said you got there a little after
11 midnight. When you arrived there, were there already patrol
12 officers there?

13 A Yes.

14 Q And did you speak to these patrol officers?

15 A Yes.

16 Q What had these patrol officers been doing?

17 A They had *** quartered off the area, put up
18 crime scene tape, secured the scene so no one could go in or
19 out. They had located several witnesses and started their own
20 little investigation, as well, into the homicide.

21 Q There was already a large police presence there?

22 A Yes.

23 Q Can you describe -- once you got there, then
24 describe exactly what you see?

25 A What I see when I pull up, there's several

1 cars -- police cars with their lights in -- red and blue
2 overhead lights on, parked on the street. There's crime scene
3 tape -- we have two colors, red and yellow -- that's put up
4 all over the apartment complex. There's also several people
5 sitting on a curb directly across the street from the
6 apartment complex on F Street.

7 Q All right. And are these some of the witnesses
8 you later interviewed?

9 A Yes.

10 Q Now, prior to interviewing these witnesses, do
11 you go and do a walkthrough of the area?

12 A Yes.

13 Q What's a walkthrough?

14 A Basically, what happens is, when we get there we
15 get a briefing of what the patrol people have documented,
16 because we kind of want a jump-off point. We have a little
17 briefing, tell us what -- what's going on. At which time we
18 then go over to -- we have someone designated to walk
19 through -- us through the scene, so we don't step on any
20 evidence, which usually has been already seen by other
21 officers at the scene. Sometimes there's not, and sometimes
22 they don't know what they're looking for. In this case,
23 everything was pretty much as it lay. There was just one
24 cartridge case outside and the inside of the apartment, and
25 that was pretty much it.

1 Q So when you did this walkthrough, was there
2 anything significant to you as a homicide detective that you
3 observed? You just mentioned a cartridge case. Where was
4 that?

5 A That was located outside, I believe, to -- if
6 you're looking at the apartment door, to the right, in a dirt
7 planter.

8 Q And just so we -- we're sure we're talking about
9 the same -- what is a cartridge case?

10 A A cartridge case is the casing of a bullet. You
11 have a cartridge which has the bullet, and it's usually a gold
12 or silver, brass, a metal cartridge case. A cartridge case
13 does not have -- it's an expended bullet, where the bullet has
14 either been fired or squeezed from. The bullet is no longer
15 on top -- connected to the cartridge case.

16 Q And where did you say you found that cartridge
17 case, once again?

18 A I believe it was to the right of the door of the
19 victim's apartment.

20 Q So there's an apartment that you went inside,
21 and you described seeing a -- as you described, a victim.

22 A Yes. It was Apartment 10.

23 Q Okay. And what did you see when you went inside
24 Apartment 10?

25 A There was a deceased Hispanic male laying on the

1 floor of the apartment, right inside the door.

2 Q Did you also document or observe any bullet
3 holes related to that apartment?

4 A Yes. There was a bullet hole in the victim. He
5 was shirtless. It was about the middle of his chest, in line
6 with his -- his nipple line.

7 Q Did you examine the door of the apartment?

8 A Yes. Both doors -- there's two doors. One was
9 a normal door, front door. And then there was a security
10 gate, metal door on the exterior. Both were open upon our
11 arrival. And the metal -- metal door, there was what we
12 presumed to be a possible bullet hole about -- above the
13 doorknob in the metal mesh.

14 Q Now, once you said -- once you arrived, you said
15 your primary role was to interview witnesses. After you did
16 this walkthrough, did you actually go interview some
17 witnesses?

18 A Yes.

19 Q All right. How do you determine who needs to be
20 interviewed?

21 A Normally what happens is the patrol officers get
22 there and they give them voluntary statements, written
23 voluntaries. Sometimes they just talk to them. We try and
24 interview everyone, at least speak with them. In this case
25 most of them had done written voluntary statements. There's

1 no rhyme or reason. You just kind of -- I'm there with
2 usually four to five or six other detectives, because
3 sometimes we have multiple scenes or multiple witnesses. So
4 what we'll do is divvy them up, usually, if we have written
5 statements, and just say -- you know, cut them in half and
6 say, Here you go, you take these three, I'll take these three.
7 And you go about your business.

8 Q As a homicide detective, you said you'd try to
9 talk to everybody. Has it been your experience that sometimes
10 it's difficult to get everybody to talk to you?

11 A Absolutely.

12 Q Why is that?

13 A Some people are reluctant to come forward, for
14 all kinds of reasons. Some people live in certain --

15 MR. PIKE: Objection, Your Honor. This calls for
16 speculation.

17 MR. PANDELIS: Based on his experience.

18 THE COURT: Well...

19 MR. PIKE: Irrelevant as to this case.

20 THE COURT: He can just testify as to whether, in his
21 experience, people -- if it's unusual or not for people to be
22 reluctant.

23 BY MR. PANDELIS:

24 Q Based on your experience as a homicide
25 detective, and you testified it is somewhat usual for people

1 to be reluctant to talk to you?

2 A Yes.

3 Q All right. But at the same, too, other people
4 are willing to talk to you?

5 A Yes.

6 Q All right. Now, where was this crime scene?
7 Again, you described it as 1416 F Street?

8 A Yes.

9 Q All right. And what are the major cross streets
10 in that area?

11 A F and -- it's between -- it's on F Street
12 between Jackson and Van Buren.

13 Q All right. And that's here in Clark County,
14 Nevada?

15 A Yes.

16 Q All right. And you've investigated crime scenes
17 in this particular area before?

18 A Yes.

19 Q As a homicide detective, have you had difficulty
20 obtaining witnesses -- getting witness statements in this
21 area?

22 A Yes.

23 Q What have your difficulties been with cases in
24 this area?

25 MR. CANO: Objection, Your Honor. Relevance.

1 THE COURT: Overruled.

2 BY MR. PANDELIS:

3 Q What types of difficulties have you had getting
4 witnesses to speak with you in this area?

5 THE COURT: Maybe you can tell us when -- when you
6 say "this area", are you -- when he asks you "this area", what
7 area are you talking about?

8 THE WITNESS: West Las Vegas.

9 THE COURT: Okay.

10 THE WITNESS: It's a predominantly African-American
11 community. In fact, I grew up over there. So...

12 THE COURT: Okay.

13 THE WITNESS: It's difficult, because it's -- it's --
14 has many, many crimes going on. Usually it's neighbors or
15 people they know. People are reluctant. There's fear of
16 retaliation.

17 MR. PIKE: Objection, Your Honor. Can I approach the
18 bench?

19 THE COURT: Yeah. Well, don't -- don't, you know,
20 speculate as to what people might be thinking. So...

21 Go on, Mr. Pandelis. Would you say it's a high crime
22 area?

23 MR. PIKE: Your Honor.

24 THE WITNESS: Absolutely.

25 MR. PIKE: Your Honor.

1 THE COURT: All right.

2 MR. PIKE: I'd -- I'd move it be stricken. I'd move
3 it be stricken.

4 THE COURT: My question?

5 MR. PIKE: No, I'm sorry.

6 MR. CANO: His response.

7 MR. PIKE: The prior response and -- and actually, if
8 we can approach the bench.

9 THE COURT: Well, that -- that's overruled.

10 MR. PIKE: All right.

11 THE COURT: You can approach, if you want to.

12 MR. CANO: Thank you.

13 (Off-record bench conference.)

14 BY MR. PANDELIS:

15 Q Now, when you interview witnesses, are they --
16 those interviews typically recorded?

17 A Yes.

18 Q Are there some situations when they're not
19 recorded?

20 A Yes.

21 Q What are those situations?

22 A There's a multiple -- sometimes we'll do a free
23 interview, depending on what the written statement is. We'll
24 talk to them and see what relevance they really have and find
25 out they have no relevance to be taken, that their written

1 statement would go ahead and would suffice. Other times where
2 sometimes people are caught by surprise on what people say and
3 it can't be recorded.

4 Q Are there other situations where you're asked
5 not to record an interview?

6 A Absolutely.

7 Q And that's one of the conditions of a person
8 agreeing to speak with you?

9 A Yes.

10 Q Okay. On -- when you arrived at this
11 1416 F Street address on the -- during the early morning hours
12 of June 18th, did you come into contact with an individual by
13 the name of Loretta Coleman?

14 A I did.

15 Q And did you interview Ms. Coleman?

16 A Yes.

17 Q Was that interview recorded?

18 A Yes.

19 Q Can you describe Ms. Coleman's demeanor when you
20 first came into contact with her?

21 A She -- she appeared intoxicated.

22 Q What made you think she was intoxicated?

23 A Her speech, her train of expression weren't in,
24 like, full sentences. It was -- it would be one -- it
25 wouldn't be a conversation like we're having right now. It

1 would be an answer and then something else at the end. She
2 would add -- add onto it, completely irrelevant to what was
3 going on.

4 Q And prior to interviewing Ms. Coleman, did you
5 have knowledge from the patrol officers that you met with that
6 she may have been with the victim at the time of the shooting?

7 A Yes.

8 Q All right. And did she seem -- what was her
9 demeanor like? Did she seem upset by that or was she calm.
10 Other than being drunk, was she upset or calm?

11 A No. She -- her -- her emotional state was
12 definitely elevated at the time.

13 Q Describe that -- what you mean by an "elevated"
14 emotional state?

15 A She was loud. She was -- kept saying the same
16 things over and over. She just seemed very excited, very -- I
17 want to tell you what's going on, I want to get it out, I
18 want -- I want you guys to find whoever did this.

19 Q Okay. And when you spoke with Ms. Coleman, did
20 she indicate to you that she was, in fact, with the victim,
21 Jaime Corona, at the time he was shot?

22 A Yes. She was in the apartment.

23 Q Okay. And did Ms. Corona -- or, excuse me, did
24 Ms. Coleman tell you about a person that she heard outside of
25 Mr. Corona's apartment?

1 A Yes.

2 Q What did she tell you?

3 MR. PIKE: Objection, Your Honor. If this is offered
4 for impeachment, we need the direct statement. If it's --
5 what -- the question as asked just calls for hearsay.

6 THE COURT: Mr. Pandelis?

7 MR. PANDELIS: Your Honor, I would offer it as a
8 prior consistent statement. Ms. Coleman's credibility was
9 questioned when she was up there on the stand.

10 THE COURT: Right. And?

11 MR. PANDELIS: And an excited utterance, as well --

12 THE COURT: All right.

13 MR. PANDELIS: -- based on --

14 THE COURT: Overruled. You can answer the question.

15 THE WITNESS: Yes. She was inside the apartment with
16 Jaime Corona. While she was in there, she heard someone
17 knocking and banging on the window and doors. A male's voice
18 from outside was asking for money which Jaime had owed him.
19 The -- the voice also said that -- called Jaime and her
20 name -- by name and knew that they were in the apartment.

21 MR. PIKE: Objection, Your Honor. That calls for
22 double hearsay in reference to that.

23 THE COURT: All right. It's sustained as to what
24 somebody knew who was in the apartment. Jury will disregard
25 that.

1 MR. PIKE: And as posed to a narrative, just exactly
2 what she said, the question -- the response to the question is
3 non-responsive.

4 THE COURT: Well, that's overruled. Detective, try
5 to -- you may already be doing this -- confine your testimony
6 just to directly what Loretta told you; all right?

7 THE WITNESS: Yes, ma'am.

8 THE COURT: And that's sustained as to what somebody
9 may have been thinking, in terms of who was or was not in the
10 apartment.

11 BY MR. PANDELIS:

12 Q So -- but following up on that, Ms. Coleman told
13 you that she heard her name as well as Jaime's name?

14 A Correct.

15 Q Okay. And Ms. Coleman told you that she heard
16 the person talking about money?

17 A Yes.

18 Q Did she give you a specific number of the
19 denomination of money the person was referring to?

20 A Five dollars.

21 Q Did Ms. Coleman tell you -- give you any
22 information as to how many people she observed outside of the
23 door?

24 A One.

25 Q Okay. And what exactly did she say?

1 A She said she heard one person and knew that
2 there was -- or knew that -- only saw one person or heard one
3 person outside the apartment.

4 Q And again, you keep saying she heard someone.
5 At no time did Ms. Coleman ever tell you she saw somebody out
6 there?

7 MR. PIKE: Objection, Your Honor. The witness just
8 said that she said that she saw one person out that door.

9 THE COURT: Okay. Well, he can clarify it, but don't
10 lead.

11 Did she say whether she looked and saw a person or
12 whether or not she heard a voice or how is she perceiving the
13 presence of a person? Did she indicate that to you?

14 THE WITNESS: Heard the voice outside. So then she
15 inferred that there was one person.

16 THE COURT: Okay. Did you ask Ms. Coleman if she
17 looked out the window or if she tried to see if anybody was
18 outside?

19 THE WITNESS: Yes.

20 THE COURT: Okay. Go on, Mr. Pandelis.

21 MR. PANDELIS: Thank you.

22 BY MR. PANDELIS:

23 Q Did Ms. Coleman -- other than telling you what
24 this person was saying, did Ms. Coleman offer you any
25 information as to this person's demeanor?

1 A Yes.

2 Q What did she tell you?

3 A She said they were banging on the window so hard
4 that it was -- she thought it was going to break.

5 Q And did Ms. Coleman -- did Ms. Coleman tell you
6 whether or not this person appeared to be -- or seemed mad?

7 A Yes, she --

8 MR. PIKE: Objection, Your Honor.

9 THE COURT: Yeah. That might call for speculation.
10 Sustained.

11 MR. PIKE: Move that it be stricken.

12 THE COURT: I mean, the jury will disregard the last
13 comment.

14 BY MR. PANDELIS:

15 Q Did you also meet with a man that you later
16 identified as Loretta Coleman's brother, William Coleman?

17 A Yes.

18 Q Did you interview William Coleman?

19 A Yes.

20 Q Was Mr. Coleman's interview recorded?

21 A No.

22 Q Why was Mr. Coleman's interview not recorded?

23 A To start, I was reading his written statement.

24 It didn't seem like it had much merit. At which time I

25 contacted Mr. Coleman and had him come stand by the rear of my

1 vehicle to be interviewed. As we spoke, the first thing he
2 asked me was is this being recorded? I told him no. At which
3 time he then looked up and down the street and said, Hey, come
4 here, and motioned me to come closer to him as he talked
5 softly and started talking about -- and giving his statement.

6 Q So based on your initial interaction with
7 Mr. Coleman, you did not record that interview?

8 A I did not.

9 Q All right. How long were you talking to
10 Mr. Coleman thereafter?

11 A Approximately 40 minutes.

12 Q During those 40 minutes, can you describe his
13 demeanor?

14 A He -- he seemed nervous. He seemed afraid of
15 basically retaliation.

16 MR. PIKE: Objection, Your Honor. Same motion --

17 THE COURT: When you say he seemed nervous, can you
18 describe for us what you're, you know, observing that led you
19 to think he was nervous?

20 THE WITNESS: He -- I asked him if I could record.
21 And he said, Come on, I have to live here --

22 THE COURT: Okay.

23 THE WITNESS: -- in this neighborhood.

24 THE COURT: So he wasn't, like, sweating or shaking
25 or anything like that. I mean...

1 THE WITNESS: No. He was looking around nervously.

2 THE COURT: Okay.

3 THE WITNESS: He spoke very quiet. And like I said,
4 he motioned me to come closer, when we were already standing
5 at the rear of my vehicle, talking face to face.

6 BY MR. PANDELIS:

7 Q And when you were talking to Mr. Coleman, did
8 you talk to him about a person that you've later identified as
9 the defendant, Jason Jones?

10 A Yes.

11 Q How did Mr. Coleman -- by what name did
12 Mr. Coleman refer to Jason Jones as?

13 A J.

14 Q Okay. And did Mr. Coleman tell you whether or
15 not he had any contact with J or the defendant, Jason Jones,
16 on June 17th of 2012, before Jaime Corona was shot?

17 A Yes.

18 Q What type of contact did he tell you he had with
19 J before the shooting?

20 A Heard and saw him.

21 Q Okay. What -- where specifically did he see
22 him -- or hear him and see him?

23 A He heard him on two occasions knocking loudly on
24 Jaime's apartment door and windows asking for money that Jaime
25 owed him.

1 Q So he told you about two separate occasions he
2 saw the defendant at Jaime's door?

3 A Yes.

4 Q When was the first occasion that Mr. Coleman
5 told you he saw the defendant at Jaime's door?

6 A Approximately, I want to say, like, 9:00.

7 Q And what did he tell you he saw and heard at
8 that time?

9 MR. PIKE: Objection, Your Honor. This is not an
10 inconsistent statement. Mr. Coleman was not questioned about
11 any conversation about this. Nor is it a prior consistent
12 statement. It's inadmissible.

13 MR. PANDELIS: May I proceed, Your Honor?

14 THE COURT: Overruled. Yeah.

15 MR. PANDELIS: Thank you.

16 BY MR. PANDELIS:

17 Q What did Mr. Coleman tell you about the first
18 time he saw and heard -- saw and/or heard the defendant at
19 Jaime's door?

20 A That he'd been -- he started knocking -- the
21 defendant was knocking loudly on the windows and doors of
22 Jaime's apartment. He kept asking for money that Jaime owed
23 him. A short time later police officers arrived and contacted
24 Jaime.

25 Q And did Mr. Coleman tell you -- you indicated

1 that Mr. Coleman told you he saw the defendant at Jaime's door
2 a second time?

3 A Yes.

4 Q Was this after the police officers arrived?

5 A Yes. Approximately an hour later.

6 Q What did --

7 MR. PIKE: Your Honor, can I have the continuing
8 objection at this time?

9 THE COURT: I'm sorry?

10 MR. PIKE: May I have a continuing objection at this
11 time?

12 THE COURT: All right. Your continuing objection to
13 this line of questioning as to what Mr. Coleman told the
14 officer is noted and made part of the record.

15 MR. PIKE: Thank you, Your Honor.

16 MR. PANDELIS: Thank you, Your Honor.

17 BY MR. PANDELIS:

18 Q What did Mr. Coleman tell you about this second
19 time he saw the defendant?

20 A That he heard him, heard the defendant knocking
21 again after the officers had left, about a, you know, an hour
22 from the previous incident. He started knocking loudly and
23 again asking Jaime to come out of his apartment for money that
24 he owed. He knocked for approximately 10 minutes when
25 Mr. Coleman heard a gunshot.

1 Q Did Mr. Coleman tell you what he saw or heard
2 after this gunshot?

3 A Yes.

4 Q What did Mr. Coleman tell you?

5 A He said he ran outside and saw J run from the
6 courtyard to his vehicle that he knows to drive, which was a
7 Dodge Neon, get in the driver seat and drive at a fast rate
8 northbound on F Street.

9 Q So he told you -- did he tell you how long after
10 that gunshot occurred he went outside and saw J?

11 A Immediately.

12 Q And when he saw J, Mr. Coleman told you he saw
13 him running to a black Dodge?

14 A Black Dodge Neon.

15 Q Black Dodge Neon?

16 A Yes.

17 Q Okay. And he told you that that black Dodge
18 Neon was a car he recognized as belonging to the defendant?

19 A Yes.

20 Q Okay. After Mr. Coleman described this black
21 car to you, did you eventually talk to Mr. Coleman about a
22 black car that you saw near the property?

23 A Yes.

24 Q Could you tell us what was the -- what was the
25 basis of that conversation?

1 A As we were processing the scene, a Hispanic
2 female drove up in a black -- I want to say it's a Honda or
3 Toyota vehicle much like a Dodge Neon, black in color,
4 damaged, just like he described. She actually lived in the
5 apartment complex. We had him come out and look at the
6 vehicle. And he immediately recognized that as his neighbor,
7 a Hispanic female that lived beneath him in the apartment
8 complex's vehicle.

9 Q And did he tell you whether or not that was the
10 vehicle that he saw the defendant go to after the--- he heard
11 the shoot --

12 A He was --

13 Q -- the gun?

14 A -- adamant that that was not, and that there
15 were two black cars. But that Jason and Denise's vehicle was
16 a Dodge Neon and this was not.

17 MR. PIKE: Objection, Your Honor. Again, this is
18 neither an inconsistent or a consistent statement. He
19 testified that the -- someone left in another car.

20 THE COURT: Overruled.

21 BY MR. PANDELIS:

22 Q When you were talking to Mr. Coleman, did the
23 subject of a -- of Denise Williams come up?

24 A Yes.

25 Q Who is Denise Williams?

1 A Jason Jones' girlfriend.

2 Q Okay. And did Mr. Coleman indicate to you that
3 he knew who Denise Williams was?

4 A Yes.

5 Q And did he indicate to you that he knew Denise
6 Williams was in a relationship with the defendant?

7 A Yes.

8 Q All right. Did Mr. Coleman -- did you ask
9 Mr. Coleman whether or not he had seen Denise Williams at the
10 property around the time of the shooting?

11 A Yes. He said after he'd come out after the
12 gunshot, he had saw Denise come out at the apartment complex
13 and believed she was still in their apartment, which was 18.

14 Q And prior to Mr. Coleman telling you this, did
15 you have any knowledge of Ms. Williams possibly being in that
16 apartment?

17 A No.

18 Q Okay. And based on the information that
19 Mr. Coleman gave you, did that lead you to -- you and other
20 officers to eventually try to initiate contact with
21 Ms. Williams?

22 A Yes.

23 Q All right. I'd like to move on to Ms. Williams,
24 who indicated that Mr. Coleman told you that she was still
25 possibly in the apartment?

1 A Yes.

2 Q Did you undertake some efforts, you and other
3 officers, to make sure that everyone was out of their
4 apartments?

5 A Yes.

6 Q All right. And what exactly did you do to clear
7 the apartments?

8 A Due to the fact that we had people that were
9 possibly involved with the shooting, we didn't know what --
10 really what he had -- if the suspect went back into the
11 apartment -- excuse me -- and/or someone affiliated with the
12 suspect in the apartment. The way it's set up, it's a
13 horseshoe, so therefore where the scene was, we were in direct
14 line of fire to Apartment 18. For our policy and procedures,
15 if a -- if we're going to do a search warrant at that time, we
16 had to have SWAT come out and serve the search warrant, due to
17 the fact there was fortifications. And we didn't know if the
18 suspect was still inside.

19 At that point, we knocked on the door. Once we found
20 out that we had a possible associate of the suspect in her
21 apartment, we tried to make contact with her by knocking on
22 the door, of course saying Metro Police. We had to -- I
23 physically knocked on the door for several minutes, along with
24 patrol officers, which are in brown uniforms, readily
25 identifiable.

1 At that time, due to the fact we didn't get any
2 response, and the fortifications, like the metal security
3 gate, bars on the window, we then had to have SWAT come out.
4 During that time, we had to evacuate, due to the fact that if
5 there was a suspect in there and SWAT does make entry and a
6 shooting occurred, we wouldn't want any innocent bystanders to
7 be killed or shot.

8 So at that time we evacuated every apartment that was
9 occupied at the time. We made contact with every person in
10 the apartment complex, to evacuate them from the scene, and
11 had them go to the New Town Tavern, which -- approximately 100
12 yards away.

13 Q And when you were knocking on Ms. Williams'
14 door, as you described earlier, there's already a very large
15 police presence at the apartment complex; correct?

16 A Yes.

17 Q All right. And while you're knocking at the
18 door, based on her -- did she come out right away?

19 A No.

20 Q Okay. And did you eventually obtain a search
21 warrant to go into that apartment?

22 A Yes.

23 Q And prior to executing the search warrant, were
24 there even more efforts made to try to get her to vacate the
25 apartment?

1 A Yes. Before SWAT got there, we actually -- we
2 called her by name. You know, we might be talking to an empty
3 apartment. But sometimes, if we can call them by name, people
4 come -- are more able to say, Okay, they know I'm in here now.
5 We then got on the public addressing system, which is the
6 loudspeaker on our car, and again, Metro Police, the whole
7 time until SWAT was on scene and they were getting ready to
8 serve the warrant. Once that happens, they take over the
9 scene. So all that ceased.

10 At which time SWAT served the search warrant
11 before -- they just go up there and rip open the door and do
12 it tactically, and everybody -- nobody gets hurt. What they
13 do is they're not looking for necessarily evidence that can be
14 destroyed. We might be looking for a gun. We might be
15 looking for people. There's no back doors to these
16 apartments. It's on the second floor. There's also bars on
17 most all the windows. We had it surrounded and contained.

18 So what we did is SWAT gets there. They drive their
19 large tactical vehicle up into kind of the driveway just
20 outside the gate and they position themselves at an angle to
21 the apartment complex door. Then they get on their PA and
22 start calling again, talking about, Denise come out, Jason
23 Jones come out. Again, we didn't know who was in there. We
24 didn't know what was going on just yet.

25 So once they started calling out, they called out,

1 you know, for several minutes. At which time they threw
2 what -- a -- a distract or a -- a device which we call a
3 flashbang. It's like a giant firecracker. But believe me,
4 when it goes off -- I don't know if you guys have ever been at
5 a football game when someone scores, they blow off the cannon.
6 That's kind of what it is, is just this big explosion, which
7 we call a flashbang.

8 Q And when you were doing all this, did Denise
9 finally come out of her apartment?

10 A Only after the flashbang was detonated.

11 Q Okay. And what time was that that she finally
12 made contact with police?

13 A Oh, I would say -- I'm not very sure. It had to
14 be 3:00 or 4:00 in the morning.

15 Q All right. So you were there several hours at
16 that point?

17 A Yes.

18 Q All right. And once she's run out of the
19 apartment, you indicated that you had a search warrant. Did
20 you participate in the execution of the search warrant of the
21 apartment?

22 A Yes.

23 Q All right. What was your role?

24 A My role is to document any property taken.

25 Q All right. And can you describe -- so you're

1 there throughout -- while SWAT is serving the search warrant?

2 A Yes.

3 Q And can you describe what they do once they go
4 in and execute that search warrant?

5 A She came out. She was taken into custody there
6 by SWAT officers -- or detained. At which time they -- the
7 doors opened to the apartment. Of course, they're still in
8 their little green turtle outfits and with all their guns.
9 They go upstairs and they find two small children sleeping in
10 the bed. No one else inside.

11 They then bring them out to us. I believe I take one
12 of the children and I believe we called Child Protective
13 Services at that time, just to make sure that we have
14 everything squared away on that end.

15 But I then handed off to another detective and I
16 interviewed Denise Williams.

17 Q And where did the interview of Denise Williams
18 take place?

19 A In my car, parked out in front of the complex.

20 Q And when was that interview?

21 A After -- after SWAT had gotten everybody out,
22 but we're still on scene, still doing -- what they do is they
23 do drawings and stuff, so if they ever have to serve a search
24 warrant on the apartment again. So they were doing that, and
25 that's when it took place.

1 Q Now, when you interviewed Ms. Williams, was that
2 statement recorded?

3 A Yes.

4 Q Did you advise Ms. Williams that you were
5 recording the statement she was giving?

6 A No.

7 Q Why not?

8 A Due to the fact her boyfriend is possibly our
9 suspect and we want her to be as honest as possible. So we
10 just turn on the recorder and not necessarily tell her, inside
11 our vehicle.

12 Q And that's something you often do as a homicide
13 detective?

14 A It's a technique you usually employ, yes.

15 Q All right. And based on your experience, what
16 would the outcome be if you advised the spouse or fiancée,
17 girlfriend of a potential suspect that they're being
18 interviewed by the police?

19 MR. PIKE: Objection, Your Honor. Speculation.

20 BY MR. PANDELIS:

21 Q For a recorded interview?

22 THE COURT: Ask your question a different way. Like
23 why doesn't he advise them.

24 BY MR. PANDELIS:

25 Q Yeah. Why don't you advise the person that

1 their statement's being recorded?

2 A You'd tip your hand. A lot of times people will
3 be untruthful or they won't tell you, you know, the truth,
4 basically. A lot of times it'll scare people into not wanting
5 to. Stuff of that nature. Where they'll be more honest and
6 open if they're not -- if they know that they're not being
7 recorded. Such as Mr. Coleman.

8 THE COURT: So it's, like, a standard practice that
9 you --

10 THE WITNESS: It is. We'll employ it. I mean, with
11 this, just because of the way it happened.

12 THE COURT: Yeah. I -- I --

13 BY MR. PANDELIS:

14 Q Once you begin speaking with Ms. Williams, did
15 you advise her that her neighbor, Jaime Corona -- Corona had
16 been murdered?

17 A Yes.

18 Q And did you advise her that her fiance J was
19 actually a suspect in the murder?

20 A Yes.

21 Q And did you advise Ms. Williams of -- that some
22 of the witnesses you had spoken to were actually pointing the
23 finger at her fiance, the defendant?

24 A Yes.

25 Q All right.

1 MR. PIKE: Objection, Your Honor. Whether it's true
2 or not, so long as we're just clear, that's what the detective
3 is telling him and not --

4 THE COURT: Right. It's not offered for the truth,
5 whether that was true or not. It's just, you can -- ladies
6 and gentlemen, consider it so you understand the context of
7 the discussion between the detective and Ms. Williams.

8 BY MR. PANDELIS:

9 Q Yeah. So Ms. Williams had knowledge of all
10 these things?

11 A Yes.

12 Q All right. And you advised her that, again, she
13 had knowledge, and you advised her that someone had actually
14 identified the defendant driving off in her car?

15 A Yes.

16 Q All right. And did you also advise her that
17 somebody had seen the defendant pounding on Jaime's door
18 shortly before the shots were fired -- or the shot was fired?

19 A Yes.

20 Q Now, when you spoke to Ms. Williams, did you
21 talk to her about whether or not she was at her apartment at
22 the time the shots were fired?

23 A Yes, I did.

24 Q And did she tell you what she did -- did she
25 tell you whether or not she heard a gunshot?

1 A She's -- I believe called it a loud bang. She
2 was inside her apartment, heard a loud bang outside.

3 Q And did she -- Ms. Williams tell you what she
4 did after she heard this loud bang?

5 A She came outside and there was a female saying
6 Jaime had been shot --

7 MR. PIKE: Objection, Your Honor. Is this a --
8 offered as a prior consistent statement, inconsistent
9 statement? There's -- there's nothing that is being
10 challenged in reference to this.

11 THE COURT: Purpose for the testimony, Mr. --

12 MR. PANDELIS: This is a prior inconsistent
13 statement. You'll remember Ms. Williams yesterday was --
14 didn't answer anything.

15 THE COURT: Okay. Well, don't editorialize.

16 All right. The detective can answer.

17 MR. PANDELIS: Then furthermore, what -- there's
18 going to be double hearsay here, what Ms. -- what Ms. Williams
19 heard Ms. Coleman saying, and that's previously been admitted
20 as an excited utterance.

21 THE COURT: All right.

22 MR. PIKE: And -- and again, it's not -- if there is
23 a purpose for -- or they're believing that there's some recent
24 fabrication, then they can offer a prior consistent statement.

25 THE COURT: I think he said it's a prior inconsistent

1 statement. It's an excited utterance as to Ms. Coleman. And
2 as to Ms. Williams, it's an inconsistent statement, to the
3 extent that the state -- no statement was made.

4 MR. PANDELIS: Yes, Your Honor.

5 THE COURT: So...

6 BY MR. PANDELIS:

7 Q Did Ms. Coleman -- or, excuse me again, did --
8 what did Ms. Williams tell you what she did after she heard
9 this loud bang?

10 A She went outside of her apartment.

11 Q Did she tell you what she saw when she went
12 outside?

13 A She -- she saw several people --

14 MR. PIKE: It calls for a yes or no answer.

15 MR. PANDELIS: All right.

16 BY MR. PANDELIS:

17 Q What -- what did she tell --

18 THE COURT: Correct.

19 THE WITNESS: Yes.

20 THE COURT: Sustained.

21 BY MR. PANDELIS:

22 Q What did she tell you she saw?

23 A Yes.

24 Q What did she tell you she saw?

25 A She saw several people running around the

1 courtyard and a female saying that Jaime had been shot over
2 five dollars.

3 Q Did she -- did Ms. Williams tell you -- offer
4 you any information as to this female's demeanor that was
5 yelling about the five dollars?

6 A She was excited. She was yelling it over and
7 over again that Jaime had been shot.

8 Q Did Ms. Williams tell you whether or not she
9 went into Jaime Corona's apartment?

10 A She -- she did not. She said she saw him. She
11 didn't say she went in, I don't -- I don't believe.

12 Q But Ms. Williams did tell you she'd seen Jaime
13 Corona?

14 A Yes.

15 Q Did she tell you whether or not this was before
16 or after he was shot?

17 A After he'd been shot.

18 Q Did you talk to Ms. Williams about a black Dodge
19 Neon?

20 A Yes.

21 Q And did she, in fact, tell you that she owned
22 this black Dodge Neon?

23 A Yes.

24 Q Okay. Did she talk to you about who had her
25 black Dodge Neon that particular evening or that morning?

1 A Yes.

2 Q Who did she tell you had it?

3 A Jason Jones, her boyfriend.

4 Q And did she --

5 MR. PIKE: Your Honor, I'd object to and impose a
6 continuing objection at this time. This is just a narrative
7 at this point in time. The witness did testify. She offered
8 that testimony. It's nothing more than the detective
9 attempting to string together a narrative.

10 THE COURT: Your continuing objection is noted for
11 the record.

12 But Mr. Pandelis, I will say that, you know, don't
13 encourage narrative answers by the framing of your questions.

14 BY MR. PANDELIS:

15 Q Did Ms. Williams -- when talking about the black
16 Dodge Neon, did Ms. Williams tell you, other than herself, who
17 else drove this vehicle?

18 A Jason Jones.

19 Q Did she say anybody else? Did she indicate that
20 anybody else would have possession of this vehicle?

21 A No.

22 Q Did you talk to Ms. Williams about whether or
23 not her fiance, the defendant, Jason Jones, was at the
24 1416 F Street address on the evening -- during the evening
25 hours of June 17th?

1 A Yes.

2 Q And what did she -- did she tell you whether or
3 not he was there?

4 A Yes.

5 Q What did she tell you?

6 A She said about 8:00 p.m. he had left the
7 apartment in her Dodge Neon to go watch a basket -- to
8 presumably go watch a basketball game at his uncle's house.
9 She didn't know for sure, but that's what she was told.

10 Q And did she offer you any idea of how long
11 before the shooting occurred she had seen J leave in her black
12 Dodge Neon?

13 A I believe she said about an hour.

14 Q When you -- when you spoke to Ms. Williams, you
15 indicated that this was in the early morning hours of the --
16 June 18th?

17 A Yes.

18 Q When you spoke to her, had you asked her had
19 she -- if she had seen J from the time he left that previous
20 evening up until the time you spoke to her?

21 A Yes.

22 Q What did she tell you?

23 A She had not seen or heard from him since.

24 Q And did you ask her -- or did you ask
25 Ms. Williams if that was normal for J to be gone for that

1 length of time?

2 THE COURT: Can I see counsel up here, please?

3 MR. PIKE: Objection, Your Honor. Relevance.

4 THE COURT: That's just as well. Sustained on other
5 grounds.

6 (Off-record bench conference.)

7 THE COURT: Ladies and gentlemen, we're just going to
8 take our morning recess right now. We're going to be in
9 recess for 10 minutes, until 11:00.

10 During the morning recess, please remember not to
11 discuss the case or anything relating to the case with each
12 other or with anyone else. Don't read, watch, listen to any
13 reports of or commentaries on the case, person or subject
14 matter relating to the case. And please don't form or express
15 an opinion on the trial until you begin deliberating with one
16 another.

17 If you all would please place your notepads in your
18 chairs and follow the bailiff through the double doors.

19 THE MARSHAL: Please rise for the jury.

20 (Jury recesses at 10:51 a.m.)

21 THE COURT: Mr. Pike, was there anything you wanted
22 to place on the record?

23 Basically, up here at the bench, I told the State
24 just be mindful that it is an inconsistent statement and we're
25 not covering what Ms. Williams has already testified to, which

1 she did admit he was gone and never came back. The problem is
2 she pretty much said, as to almost everything, she didn't
3 remember. She didn't remember making the statement. She
4 didn't remember what happened. And she never acknowledged the
5 statements. If she'd acknowledged the statements to the
6 detective, we wouldn't have to go over them now. But most of
7 it she said, Oh, I don't remember saying that, I don't know, I
8 don't know if that's my voice. So, I mean, that's why they're
9 having to prove all this stuff up separately.

10 You know, they might be going over some things, like
11 I caught the one thing. But, you know, I don't remember each,
12 you know -- most of -- most of the testimony, as I recollect
13 it, she never acknowledged anything. You know, well, if it's
14 there, you know, she never...

15 MR. PIKE: I -- I understand, Your Honor. And I've
16 tried -- tried to limit my objections.

17 THE COURT: No, I understand.

18 MR. PIKE: And -- and the Court gave --

19 THE COURT: And I appreciate that. And, you know,
20 you can make your objections. All I'm saying is most of her
21 statement, most of her testimony was, I don't remember, I
22 don't recall. And then, when she was asked, well, Was this
23 your statement to the police, they don't remember, I don't
24 recall, she wasn't sure if that was her voice. So, you know,
25 they're kind of having to go through all of the statements.

1 MR. PIKE: Thank you. And then --

2 THE COURT: There were a few -- like I said, a few
3 things she did acknowledge. He didn't come back. A few other
4 things she acknowledged.

5 MS. CHRISTENSEN: But I think that was foundational
6 to get to what she said about him not coming back, that it was
7 not normal. So he kind of had to get that out in order to get
8 to that point.

9 THE COURT: Right. So --

10 MR. PANDELIS: And you're -- again, Your Honor, as
11 Ms. Christensen --

12 THE COURT: Whose witness is this?

13 MR. PANDELIS: Mine.

14 THE COURT: Okay.

15 MR. PANDELIS: As Ms. Christensen said at the bench,
16 I wasn't planning on going into the part about it being not
17 normal for him to -- for her to not see him for four or five
18 days.

19 THE COURT: Okay. And I thought she had said that it
20 was not normal for him not to --

21 MR. PANDELIS: But when Detective Ivie spoke at 4:30
22 in the morning, she said, You know what, that's -- she said,
23 that's not normal. And she wouldn't give us that yesterday.
24 She gave us, later in the week she said that wasn't normal,
25 but she wouldn't give us that.

1 THE COURT: Okay. I -- I thought the -- I remember
2 she said it wasn't normal, but that was later in the week.
3 Okay.

4 MR. PANDELIS: Yeah. And --

5 THE COURT: So in any event, Mr., you know, Pike,
6 that's, I think --

7 MR. PANDELIS: And I'll --

8 THE COURT: -- why I'm letting them -- I'm speaking
9 now, Mr. Pandelis -- I'm letting them having go over
10 everything. Because really, you know, there were only a few
11 things that she acknowledged or that she remembered.

12 MR. PIKE: And I -- and thank you very much, Your
13 Honor. I appreciate you letting me make the record.

14 THE COURT: Okay.

15 MR. PIKE: There was one other matter that came up,
16 and that was during the -- the testimony regarding the
17 condition of or concerns that Mr. Coleman had about possible
18 retribution. At bench I made a motion for mistrial,
19 indicating that there was nothing to tie it to this defendant.
20 The Court denied that, indicating that it was of a -- Your
21 Honor I think instructed them to say it was of a general
22 concern and attempted to clear it up that way. I don't think
23 that was sufficient.

24 And so, consequently, I'd like to -- I did bring that
25 motion for a mistrial and the -- I think it's adequate to

1 support it in federal and state law.

2 THE COURT: All right. Well, first of all, I think,
3 you know, the issue has come up, in front of the jury, why are
4 these people so reluctant to testify. And I did sustain it as
5 to speculation that it was him. But, you know, to me the
6 testimony cuts both ways. It's generally a bad neighborhood.
7 It's generally a high crime neighborhood. It's generally the
8 kind of neighborhood where people try and mind their own -- he
9 didn't say that, but that's the inference -- mind their own
10 business.

11 So, I mean, I think that that also cuts to your
12 client's benefit, that this is the kind of neighborhood where
13 people don't want to talk to the police because it's a high
14 crime type of neighborhood, and, obviously, your client's not
15 responsible for all the crime in the neighborhood. So to that
16 extent that that's just the sort of tenor of this community, I
17 think that that doesn't, you know -- isn't detrimental to your
18 client.

19 And again, I think they're allowed to try to explain,
20 you know, why are these witnesses all behaving like this? You
21 know, why are they afraid? Why are they, you know, not
22 cooperative with the police or not wanting to have their
23 statements recorded and not wanting to come to court? I mean,
24 you know...

25 State, anything else you want to put on the record as

1 to that issue?

2 MS. CHRISTENSEN: Yes, Your Honor. In opening
3 statements, Mr. Pike actually said once the defendant was
4 arrested there, he was no longer a threat. Presumably, that
5 concern goes away for the witnesses, suggesting that once the
6 defendant is arrested, there's no other concerns that they
7 have, so they should just come in and tell the truth.

8 What this witness, Detective Ivie, described is
9 William Coleman saying, I have to live in this apartment
10 complex. When -- when he was further asked after the
11 objection, Well, why -- what told you that William Coleman was
12 nervous? He said to me, I have to live in this apartment
13 complex. It's not geared towards the defendant in any way.
14 It's geared towards the neighborhood. And that's the way it's
15 been presented. It's not fear of retaliation of any specific
16 person at all. It's certainly not the defendant.

17 And Mr. Pike even brought that up in his opening
18 statement. So now we have the ability to come back and say
19 here are other considerations as to what witnesses might be
20 scared of and -- and feelings they might have about testifying
21 not related to the defendant at all.

22 THE COURT: All right. I mean, I think the idea is,
23 you know, in that kind of neighborhood maybe you don't want to
24 be somebody who's cooperating too much with the police
25 because, you know, that's kind of frowned upon.

1 MR. PIKE: And -- and that -- that was in my --

2 THE COURT: And what they don't get to get into, but
3 clearly another concern could be, well, he's living in the
4 apartment complex, so to the extent the defendant has friends
5 and family, they know where the heck he is -- he or she is
6 living. Now, they can't make that suggestion, because there's
7 no inference to -- there's no evidence to support that. But
8 certainly that makes a lot of sense why people are still going
9 to be scared, that it's not just the defendant, but it's, you
10 know, whatever family he may have, or friends he may have.

11 MR. CANO: But they're not allowed -- I'm sorry, Your
12 Honor. Didn't mean to interrupt. But the thing is, they're
13 not allowed to make those types of inferences without tying it
14 into the defendant.

15 THE COURT: No. And then they are not making the
16 inferences --

17 MR. CANO: And I think that's --

18 THE COURT: -- and I just said that they can't make
19 the inference.

20 MR. CANO: Right.

21 THE COURT: But you guys argue, well, what are they
22 still afraid of? And I'm just saying, well, to me, you know,
23 you argued what are they still afraid of? I can think of what
24 they're still afraid of. They're afraid that this defendant
25 may have a -- a buddy or a brother or a cousin or something

1 like that who may go and retaliate. They haven't suggested
2 that. They haven't argued that. But, you know, you made the
3 question out there in your state -- in your opening statement.
4 And all I'm saying is, well, gee, I can think of something,
5 you know, pretty -- pretty quickly as to what it might be.
6 But they haven't gone there. And, you know, to their credit,
7 they haven't made that suggestion, just about the
8 neighborhood, it's a high crime neighborhood. And, you know,
9 I think they're allowed to get into that. Because, just an
10 aside, you know, newcomers to Las Vegas, when you say West Las
11 Vegas -- I grew up here, too, so I know it. They think
12 Summerlin.

13 MS. CHRISTENSEN: The West Side.

14 THE COURT: Right. So I think he's -- they do.

15 THE WITNESS: Yep.

16 THE COURT: You know. And so I think he's allowed a
17 little bit, at least, to say, you know, what -- what kind --
18 where -- where -- what this community is and where it is
19 and -- and so I think we made a record.

20 MR. PIKE: Thank you very much, Your Honor.

21 (Court recessed at 11:00 a.m. until 11:08 a.m.)

22 (In the presence of the jury.)

23 THE COURT: All right. The court is now back in
24 session. And, Mr. Pandelis, you may resume your direct
25 examination.

1 MR. PANDELIS: Thank you.

2 DIRECT EXAMINATION (Continued)

3 BY MR. PANDELIS:

4 Q Detective Ivie, when we left off, we were
5 talking about your conversation with Denise Williams; correct?

6 A Correct.

7 Q All right. And, specifically, you had asked her
8 whether -- when you met with her at about 4:00 in the morning
9 and spoke with her, she had told you that she had not heard
10 from J at that point?

11 A Correct.

12 Q And she told you that was unusual --

13 A Yes.

14 Q -- for her to go that amount of time without
15 hearing from him?

16 A Yes.

17 Q All right. Now, when you spoke to Ms. Williams,
18 did she give you any information about a cell phone or a cell
19 phone number that J would use?

20 A Yes.

21 Q Did she -- and she gave you a specific number?

22 A Yes.

23 Q What number did she give to you?

24 A I can't remember the first three, but the last
25 four were 1998.

1 Q And -- and that's the number that she told you
2 that J would use?

3 A Yes.

4 Q Did you speak to Denise Williams about a
5 break-in that occurred at Jaime Corona's apartment prior -- a
6 few days prior to the day of the shooting? Or excuse me, I
7 misspoke.

8 Did you speak to Denise Williams about a break-in
9 that occurred at her apartment that she shared with J, a few
10 days prior to the shooting?

11 A Yes.

12 Q And did she offer you some information about
13 that break-in?

14 A Yes.

15 Q And did she tell you that J was aware of that?

16 A Yes.

17 Q All right. And was that part -- portion of your
18 conversation recorded?

19 A Yes.

20 Q All right. I'm going to play just a clip of
21 that conversation for you. And at the end, I'm just going to
22 ask you a few follow-up questions.

23 (Audio/Video played.)

24 Q So, there Ms. Williams actually told you that
25 Jaime still owed J some money?

1 A Yes.

2 Q All right. And she told you that J was upset
3 when he found out that his apartment was burglarized?

4 A Yes.

5 Q All right. And the money that was owed to him
6 was a result of that burglary?

7 A Yes.

8 Q I'd like to just move back to the interview you
9 conducted with Loretta Coleman just for a moment. Just so
10 we're clear. Ms. Coleman told you she could only hear a
11 person. She did not see a person outside of the door?

12 A Correct.

13 Q When you were at the scene of -- at the crime
14 scene, did you -- did it come to your attention that the
15 victim Jaime Corona was involved in an incident the night
16 before, where he was -- where he sustained some injuries?

17 A Yes.

18 Q And what were the nature of the injuries that he
19 sustained?

20 A He, I believe, got several staples and stitches
21 over his eye.

22 Q And while you were investigating this case, did
23 you conduct any -- well, did you identify the individual that
24 was responsible for those injuries that Mr. Corona --

25 A Yes --

1 Q -- sustained?

2 A -- he was arrested -- or had been arrested that
3 night.

4 Q What was that person's name?

5 A Bradley Sappington.

6 Q And when was Mr. Sappington arrested?

7 A I believe on the 15th.

8 Q So a couple of days prior to the shooting?

9 A The day before the shooting.

10 Q Did you conduct any follow-up to determine
11 whether or not Mr. Sappington was a potential suspect in this
12 shooting?

13 A Yes.

14 Q What did you do to determine whether or not he
15 had any involvement in this case?

16 A We ran records through our city jail -- or Clark
17 County Jail. At the time, it showed that he was in custody at
18 the time of the shooting and had not made any telephone calls
19 from the jail to anyone.

20 Q And Mr. Sappington was still in custody on the
21 -- during the early morning hours of -- or the evening hours
22 of June 17th?

23 A Yes.

24 Q And into the early morning hours of June 18th?

25 A Yes.

1 Q Okay. Was Mr. Sappington ever mentioned by any
2 of the witnesses that you interviewed?

3 A No.

4 Q All right. So you have no information that he
5 was at all involved in the shooting?

6 A We had no information.

7 MR. PANDELIS: I'll pass the witness.

8 THE COURT: All right. Cross?

9 CROSS-EXAMINATION

10 BY MR. PIKE:

11 Q Good morning, Detective Ivie.

12 A Good morning, Mr. Pike.

13 Q What I'd like to do is ask you a couple of
14 questions, and I'll try and stick to -- to time frames. If I
15 -- if I ask you a question and -- and you don't understand it,
16 and I'm often wont to ramble with my questions, so please feel
17 free to ask me to rephrase it if there's any questions that
18 you have in relationship to that.

19 A Thank you.

20 Q So it -- it's my understanding that prior to you
21 conducting any sort of an interview for any of the witnesses,
22 that the patrol officers had arrived and had started to hand
23 out the voluntary statement forms?

24 A On this case, yes.

25 Q And that's not an uncommon event?

1 A That's not uncommon.

2 Q They -- the patrol officers that are -- respond
3 to these scenes are trained, and actually you -- when you were
4 a patrol officer were trained to try and freeze the -- the
5 crime scene, isolate the witnesses that may or may not be
6 relevant, but at least anybody that's there that the
7 detectives may want to talk to, and then start them -- keeping
8 them busy?

9 A Correct.

10 Q And did you bring your detective's notebook with
11 you?

12 A I did bring a notebook. But it has nothing to
13 do with this case.

14 Q Okay. Now, so the -- there is a detective's
15 notebook. In -- in that notebook you keep a copy of any
16 voluntary statements that were made in this case, if you need
17 to refer to them during the course of an investigation or at
18 some time later during either a hearing, a trial or -- or any
19 follow-up?

20 A The time I destroy them. But in this case, yes,
21 I kept them.

22 Q And -- because there's still a trial pending?

23 A You know what -- it just was something -- I
24 hadn't gotten -- because this was kind of a -- a longer
25 investigation, even though we had someone in custody, I kept

1 those notes just because --

2 Q Okay. So we'll let -- let me take -- go through
3 that then. You have notes of the interview that you had with
4 William Coleman?

5 A Yes.

6 Q Did you give those to the district attorney's
7 office?

8 A No.

9 Q Do you have those with you?

10 A Not with me, no.

11 Q Can I get a copy of those?

12 A Yes.

13 Q Okay. And those notes would be different than
14 the -- the voluntary statement that was given at this --

15 A Yes.

16 Q Okay. Now, let me --

17 MR. PIKE: May I approach the witness, Your Honor?

18 THE COURT: You may.

19 MR. PIKE: I'm going to be approaching him with the
20 Coleman interview.

21 Q Can you look at that form and tell me if -- if
22 you recognize that form?

23 A Yes.

24 Q And that's a -- a standard form issued to the
25 Las Vegas Metropolitan Police Department for voluntary

1 statements?

2 A Yes.

3 Q And that is the -- the form that the patrol
4 officers would have been handing out at that time and, in
5 fact, did hand out during their initial investigation of the
6 scene?

7 A Correct.

8 Q And this is the -- the voluntary statement that
9 is signed by whom?

10 A Officer B., I believe it's Copley.

11 Q Okay. And it's the voluntary statement of whom?

12 A William Coleman.

13 Q Okay. And that's the same William Coleman that
14 you said that you had this conversation with the night that
15 you went out there to investigate?

16 A Yes.

17 Q And this was filled out prior to the time that
18 you talked to Mr. Coleman?

19 A Correct.

20 Q And you can tell that because, actually, there's
21 a time that's written down at the bottom where the officer
22 said, Okay, he's done with it, this is the time that he
23 finished it, and I'm going to sign it, you're going to sign
24 it, and we'll keep it and give it to the detectives?

25 A Correct.

1 Q What was the time that that was signed?

2 A 23:41, which would be 11:41 p.m.

3 Q And when a -- a written statement like this is
4 obtained, do -- does the individual make any sort of a
5 affirmation or agree that the information that they're giving
6 contained in that statement is true or correct?

7 A We don't ask them, but it's a voluntary
8 statement on whatever they put down. I don't ever ask them to
9 -- that everything -- such as we are testifying is everything
10 true and correct on this sheet. No. I never ask them that or
11 tell them what to write.

12 Q Can you read out loud exactly what it says on
13 the bottom?

14 A Okay. "I have read this statement, and I affirm
15 to the truth and accuracy of the facts contained herein. This
16 statement was completed at location 1416 F Street, Las Vegas,
17 Nevada 89106 on the 17th day of June at 23:41" -- well, it
18 should be hours, but -- "p.m."

19 Q Okay. So while that is not the same oath that
20 you would take in court -- that you took in court and
21 Mr. Coleman took in court when he came in and testified, it is
22 an affirmation, "I affirm"?

23 A True.

24 Q And what does "I affirm" mean to you?

25 A That it's correct.

1 Q There's a specific box in this voluntary
2 statement that says, "Can you identify the suspect"? Is that
3 correct?

4 A Correct.

5 Q Did Mr. Coleman mark whether or not he could
6 identify the suspect on this?

7 A You're going to have to bring that --

8 Q Okay. I'll bring it right back up.

9 A No. He marked the "No" box.

10 Q And so, when you came, you -- and arrived at the
11 scene, you indicated that a number of people were seated out
12 on the curb or on a step?

13 A It was on the concrete curb across the street,
14 in the gutter and sidewalk area. I -- I think it's dirt right
15 there across the way.

16 Q And so, about how many people were seated
17 together?

18 A One, two -- maybe six to eight.

19 Q And -- And they were all neighbors in that area?

20 A I believe so. Yes.

21 Q And they -- they had been there for a while? I
22 believe you indicated that this had been filled out at
23 23:41 p.m., which would be 11:41 p.m.?

24 A Correct.

25 Q So it was about 20 minutes they'd been there,

1 seated together on the curb, waiting for detectives to arrive?

2 A Correct.

3 Q Now, when you and I have a conversation and
4 you're not under cross-examination here at a trial, we have a
5 very different conversation; don't we?

6 A True.

7 Q When you are up on the stand and testifying,
8 it's -- it's not like a -- it -- it is a much more solemn
9 event than when you and I are just talking?

10 A Correct.

11 Q You have actually been trained in how to testify
12 in -- in courtrooms?

13 A Trial and error.

14 Q Trial and error. Okay. You never had any
15 classes in the Academy that said when you come in to testify
16 you listen to the question and then you talk to the jurors?

17 A Yeah, something like that. But it -- it was one
18 of those one-hour classes where they said at least to wear a
19 suit.

20 Q Okay. And so you have a suit, and you come in
21 and -- well, and -- and why do you wear a suit?

22 A I want to look professional.

23 Q You want to sound professional?

24 A Correct.

25 Q You often have to speak in -- in -- in this

1 context -- in a courtroom context. And I mean even to this
2 date, where you've been a detective for -- for quite some
3 time, it's still not the most comfortable way to communicate?

4 A Correct.

5 Q When a question is -- is asked under oath, you
6 stop and think about the answer, and you want to give the most
7 correct answer that you can?

8 A Correct.

9 Q When we're discussing things and having a
10 conversation, sometimes, well, I heard this may not come into
11 the conversation, and someone may say something like, well,
12 this is what happened. And you, then, as a detective, would
13 have to determine whether or not it was hearsay, whether they
14 saw it, or whether they didn't see it?

15 A Correct.

16 Q Because you want to be able to present a case to
17 the district attorney's office for prosecution where you can
18 identify, well, this testimony may be hearsay?

19 A Correct.

20 Q This -- this may be an eyewitness?

21 A Correct.

22 Q And this person may just be so unreliable that
23 whatever they said you just can't trust?

24 A Correct.

25 Q It's not uncommon for you to go back to a scene,

1 and you indicated that this was an ongoing investigation, and
2 interview other -- interview witnesses one, two, maybe three
3 or four times?

4 A Yes.

5 Q And you can take witnesses away from a scene so
6 that they may seem more comfortable?

7 A In certain times. Yes.

8 Q For -- and -- and you have to be careful with
9 that. I -- I understand that, particularly if you're removing
10 a female witness, you'd want to have another officer or
11 detective present so that there would never be any question
12 about any improprieties or anything like that?

13 A Right.

14 Q So it -- it wouldn't surprise you if, during the
15 course of our investigation of this case, that we went to talk
16 to Loretta. And our investigator, myself, and Mr. Cano took
17 her away from the apartment complex and then went over to Jack
18 in the Box on Martin Luther King and --

19 A Lake Mead.

20 Q -- lake Mead and would talk to her?

21 A Okay.

22 Q And -- and -- and that she may have provided a
23 very different version of what she saw that day than what you
24 testified to today?

25 A I wouldn't know that, though.

1 Q Didn't have an opportunity to read her testimony
2 from the preliminary hearing?

3 A No.

4 Q If I told you that she had told me that she --
5 the person that she saw outside that door --

6 MR. PANDELIS: Your Honor, I'm going to object to
7 hearsay.

8 THE COURT: Well --

9 MR. PIKE: He had -- He had testified about --

10 THE COURT: Well, it's just I'm not sure what the
11 relevance of which -- I'll see Counsel up here.

12 (Off-record bench conference.)

13 BY MR. PIKE:

14 Q Let me rephrase that question. When -- you
15 testified that when you talked with Loretta that she appeared
16 to be intoxicated?

17 A Correct.

18 Q Did she appear to be suffering from any sort of
19 possible mental disorder, other than the excitement and
20 everything else that was going on during that period of time?

21 A I mean, I'm not a doctor. So, no. I would say
22 she was just intoxicated.

23 Q As part of your post-training -- and you -- you
24 are post-trained?

25 A Correct.

1 Q What does post-training mean?

2 A It's basically several hours that you take in
3 academy so you can -- it's a -- like a certificate or a degree
4 in being a police officer, training experience, all that.

5 Q Part of that training for -- post-training
6 that's available is -- is dealing with witnesses or
7 individuals that have mental illnesses?

8 A Correct.

9 Q So you have some training in -- in discussing or
10 handling individuals that may have schizophrenia?

11 A Correct.

12 Q Did you know that Loretta suffers from
13 schizophrenia?

14 A No.

15 Q In dealing with someone that suffers from
16 schizophrenia, are you familiar with the medications that they
17 may take?

18 A Yes. I mean, to the extent that there's
19 numerous medications --

20 Q Now, at -- at the time that you were
21 interviewing Loretta, she -- you -- you didn't ask her if she
22 had any -- taken any medication for any sort of a mental
23 illness?

24 A I don't believe I did. No.

25 Q Didn't ask her if she'd taken any sort of a

1 sleeping pill?

2 A No. I don't believe so.

3 Q She was pretty incoherent at that time?

4 A I would say she was just -- I wouldn't say
5 incoherent because I could hear her fine when she spoke.

6 Q I mean --

7 A I mean --

8 Q -- difference between hearing somebody talk and
9 somebody making sense, she --

10 A She -- she was --

11 Q -- speech was slurred?

12 A Yes.

13 Q She was -- she was excited. She had come out of
14 the apartment and had to be clothed. Were you aware of that?

15 A Yes. She was naked from the waist down.

16 Q And so, she was somebody that you -- you just
17 had to take the condition she was in at that time. And
18 there's no indication that you ever went back and talked to
19 her, to try and follow up and obtain a subsequent statement.
20 Did you do that?

21 A No, I did not.

22 Q You -- you did record her statement --

23 A I did.

24 Q -- at that time? Was that a surreptitious
25 recording?

1 A No.

2 Q Tell me about the -- the -- the equipment that
3 you have that you use for surreptitious recordings. Do you
4 have something that you wear in -- in -- in your suit or your
5 jacket that you were wearing -- well, it was summer. I'm
6 sorry.

7 A No. It's --

8 Q Was it in the car?

9 A -- it's a normal recorder. It's in my book.
10 It's what I use for my recording devices, and/or I might be --
11 put in my jacket. Or on this occasion, Detective Boucher had
12 it in his hand, sitting behind Denise.

13 Q Was Detective Boucher present when you were
14 discussing this with William Coleman?

15 A No.

16 Q William Coleman, according to your testimony
17 today, indicated that you said he wanted to -- to talk with
18 you and -- and have an additional conversation?

19 A Yes.

20 Q Did you follow up with that and go interview him
21 at a later time, take him away from the -- the area and get a
22 recorded statement?

23 A No.

24 Q Did you ever obtain another written statement
25 from him to verify whether the information that he gave you,

1 according to your -- your testimony today, was consistent or
2 inconsistent with anything that he would subsequently say?

3 A No.

4 Q In -- in fact, I -- I -- I think you -- you
5 indicated that that interview was an impromptu interview?

6 A Very much.

7 Q When -- when that happens, when -- when you're
8 given that impromptu conversation or any information in
9 relationship to that, is that the type of information that
10 would be in those notes?

11 A Yes. And they are.

12 Q But I wouldn't know that because I've never seen
13 them.

14 A True.

15 Q Just like I wouldn't know if that conversation
16 occurred because I can't hear it. I can't listen to it
17 because there's no recording?

18 A Correct.

19 Q William Coleman never said that that happened.
20 Would that -- when he testified. Would that surprise you?

21 A No.

22 Q You're dealing -- when you're dealing with
23 witnesses, you want to do everything to preserve every piece
24 of evidence that you can?

25 A To an extent. Yes.

1 Q It's a murder case, to every extent?

2 A True.

3 Q Well, [inaudible], sir, to every extent means
4 that you walked the area, you looked for any potential
5 evidence, and, in this case, you walked by and you actually
6 found the cartridge?

7 A The patrol officers found it before we got
8 there. But, yes, that's [inaudible.]

9 Q But more eyes are better?

10 A True.

11 Q So you have specialized training because you're
12 a homicide detective, and you want to walk the scene because
13 you're assigned to it. You want to know everything that you
14 can possibly know. And you want to make sure that if there is
15 anything that may be of evidentiary value, you want to be able
16 to help direct the -- the CSIs in saying, well, collect this
17 here, go over here to this --

18 A Correct. We're in charge of it. Yes.

19 Q And so, being in charge of it, you were looking
20 at --

21 MR. PIKE: The Court's indulgence.

22 Q I've got a bunch of pictures. I'm just going to
23 see if I can describe it, and we'll go from there. When --
24 when -- well, if -- if the -- the jury box was looking at the
25 apartment complex where -- with the apartment where Jaime

1 Corona was at being towards this side and where Daddy was at,
2 the -- the gentleman that was in -- in the far end. You
3 remember his name?

4 A Who?

5 Q Mr. Brown?

6 A Oh, Mr. Brown. Okay.

7 Q Does he have a nickname Daddy --

8 A James.

9 Q James. James Brown?

10 A Well, no. I -- he didn't tell us that or didn't
11 tell me.

12 Q Okay. I just have senior moments.

13 A I'm, like, whoa.

14 Q Okay. And in going through that, approximately
15 how far would it have been from the door -- from Mr. Brown's
16 apartment over to the door of Mr. Corona's apartment?

17 A I would say 50, 60 feet at the most. I mean --

18 Q All right. And he indicated -- or, excuse me.
19 You indicated that you pulled up a -- the cartridge, and it
20 appeared to be a specific caliber?

21 A Yes.

22 Q And that was a .380 caliber?

23 A Correct.

24 Q Okay. Let's see. And this -- this is a picture
25 of the -- that apartment complex?

1 A Correct.

2 Q And it still has the police tape that's
3 cordoning off the area towards the stairs?

4 A Yeah. It has the red tape there. It's hard to
5 see.

6 Q The red cone down right at the bottom of the --
7 that also shows the cone, and that's where the cartridge was
8 located?

9 A Correct.

10 MR. PIKE: For the record, that was State's Exhibit 6.
11 that we've been discussing.

12 BY MR. PIKE:

13 Q And this is a -- a closer photograph of that
14 area underneath the stairs. And this is Exhibit No. 14. Is
15 that a -- do you recognize that area?

16 A Yes. That's just outside Jaime Corona's
17 apartment.

18 Q The fact that you found the cartridge there
19 would indicate that this was fired by what type of a gun?

20 A I mean, a semiautomatic.

21 Q It -- in other words, the cartridge would be
22 ejected after it -- it had been fired?

23 A Correct.

24 Q And that would be consistent with the -- the gun
25 pointing towards the door and the ejection occurring off to

1 the right?

2 A Correct.

3 Q There was never a gun that was recovered in this
4 case; was there?

5 A There was not.

6 Q And just to finish up with this, on Exhibit
7 No. 16, that appears to be the cartridge that was located near
8 that area?

9 A Yes. That's the cartridge case.

10 Q Approximately how wide was that area in between
11 the stairs and -- walking towards the doorway?

12 A Where the planter is -- where the cone is?

13 Q Yeah.

14 A I would say maybe 3 feet.

15 Q Wide enough so I could walk through it without
16 bumping my shoulders?

17 A I would -- yes. Probably me, too.

18 Q Okay. Well, I think we're about the same size.
19 We got going through there. And above each one of these
20 areas, there is a light fixture that is there. You were able
21 to look at that to determine whether or not that light fixture
22 was operating at the time that this occurred?

23 A The one outside Jaime's apartment there?

24 Q Yes. Uh-huh.

25 A I don't recall if it was operating or not. I

1 mean, that's something I really don't --

2 Q This -- the photograph that was taken that
3 evening, the picture that is contained in Exhibit No. 6 --

4 A Uh-huh.

5 Q -- was -- does that kind of -- is that a fair
6 and accurate representation of the ambient lighting around the
7 area at the time that this occurred?

8 A Yeah. It's a little yellow. You know, you --
9 without being there, you wouldn't -- I mean, it's fair and
10 accurate. Yes. Sorry.

11 Q It's street lights that are just outside that
12 area that light up the -- this courtyard area that's contained
13 in that photograph?

14 A Yes.

15 Q The other thing about going through and talking
16 to witnesses or separating them apart is to try and avoid
17 contamination, for lack of a better word?

18 A Correct.

19 Q Would that be an appropriate word to use?

20 A Yes --

21 Q So --

22 A -- you want to separate them, so they don't talk
23 to each other.

24 Q Because if somebody hears something that
25 somebody else may have said, you don't know how many hearsays

1 ago, until it gets to you?

2 A Correct.

3 Q And you'd agree with me that just like a
4 photograph is the best way to record an accurate picture of
5 that location, a recording is the best way to record an
6 individual when they're speaking?

7 A The best way, yes. And/or video.

8 Q And/or video. When you -- you -- you went
9 through -- and these apartments were -- they're made out of
10 cinderblock; correct?

11 A Yes. It's an older apartment building.

12 Q The -- are they pretty sound-tight? Do you
13 recall from when you were in -- were you in when the search
14 warrant was being executed in Denise Williams' apartment?

15 A I was not inside it. No.

16 Q You were not. Okay. Did you go in there?

17 A Yes.

18 Q Do you -- could you tell whether or not you
19 could hear the noise outside while you were in there?

20 A Yes. It -- it echoed -- I mean, when we were
21 banging on the door, everyone else basically came out that
22 were still in their apartments. You know, there were still
23 some families that were still -- that were uninvolved. They
24 heard us. Yes. It -- it echoes in that courtyard. Yes.

25 Q So it echoes out into the courtyard, but you

1 were banging on -- and you indicated that when you went in
2 after the flash bomb had been set off and after you'd been
3 banging on the door and after the microphones from the SWAT
4 individuals did that, that the babies were still asleep?

5 A Yes.

6 MR. PIKE: May I approach the witness, Your Honor?

7 THE COURT: You may.

8 BY MR. PIKE:

9 Q Here's another one of those voluntary
10 statements. Do you know who that was done by?

11 A I believe it's Loretta Coleman.

12 Q Okay. Although it just says Loretta down at the
13 bottom?

14 A Yeah. I think it says -- this one it says
15 Loretta C., kind of.

16 Q Loretta -- It appears that while she was writing
17 she was having problems with the lines -- with trying to keep
18 anything on the page. Would that be kind of a fair statement?

19 A Yes. I mean, she wrote outside the lines,
20 absolutely.

21 Q And kind of -- would you describe that as a
22 scrawl? How would you describe that?

23 A I would say the sentences are fragmented. I
24 mean, I -- you can read most of it. Some of the stuff you
25 can't read.

1 Q What time was that filled out?

2 A I believe -- here it says 23:25, so 11:25 hours
3 p.m.

4 Q So that would indicate that she had been -- been
5 out there filling this out in the -- the same group for about
6 that period of time?

7 A Correct.

8 Q Your training in -- in relationship to having --
9 collecting testimonial evidence, you have to deal with some
10 people that are evasive?

11 A Correct.

12 Q Some people that are overly helpful and giving
13 you information that they don't even really know?

14 A Correct.

15 Q Going through people that may have genuine
16 beliefs, but they may be mistaken?

17 A Correct.

18 Q As identification -- or excuse me. Let me give
19 you a for instance. Knowing somebody or being able to
20 identify somebody by recognition and not knowing their name is
21 not uncommon.

22 A Yeah. You can make an identification not
23 knowing the person. Absolutely.

24 Q Until we had a number of cases together, you may
25 have known me as a lawyer around the courthouse, but you

1 didn't know my name?

2 A Correct.

3 Q So that would be something, oh, yeah, he's an
4 attorney. He's -- I'd say, well, you're a detective, but I
5 wouldn't know your name until we've had some contact together?

6 A Correct.

7 Q And like neighbors, too, you may recognize your
8 neighbors, but you don't know their names?

9 A Correct.

10 Q I may confuse -- or a witness may be confused as
11 to the context or the time frame in which they saw somebody?

12 A Correct.

13 Q Particularly if they'd been drinking?

14 A Yes. Their time frame might be different.
15 Absolutely.

16 Q At the time that you talked with Mr. Coleman,
17 did he indicate to you that he had had anything to drink?

18 A No.

19 Q Did he indicate to you that he had smoked any
20 marijuana with his girlfriend?

21 A No.

22 Q When you talked -- did you talk with his
23 girlfriend?

24 A Jovonne? I did not.

25 Q Okay. Did the other detective talk with her?

1 A I would assume so. Yes.

2 Q So -- so the individuals you talked with were
3 Loretta, William, and --

4 A Denise.

5 Q -- Denise. When you were talking with Denise,
6 she -- you -- you kept her talking, you kept her in there.
7 And while you're surreptitiously recording this, you kept her
8 talking for quite some time?

9 A Correct.

10 Q You got a telephone number. You got names. You
11 got uncles' locations. You got a number of -- a -- a -- a
12 great deal of information from her?

13 A Yes.

14 Q During the course of this conversation -- that
15 unrecorded conversation with William Coleman that you
16 indicated that you had, there was no mention that he ever saw
17 a gun?

18 A No.

19 Q There was no mention that he saw any sort of a
20 shot?

21 A No. Heard only.

22 Q There was no indication as to his ability or --
23 let me -- let me re-ask that question a different way.

24 Did you go into his apartment and did you look out of
25 that apartment, to see if he could even see that apartment

1 down at the corner?

2 A Yes.

3 Q There -- in front of that apartment, there's a
4 landing?

5 A Yes. There's a walkway. Yes.

6 MR. PIKE: And, for the record, I'm going to Exhibit
7 No. 2.

8 Q This is the -- the apartment complex, and the
9 picture of it was taken during the day?

10 A Correct.

11 Q And the representations have been made or -- and
12 I think it's copyrighted as a Google photograph at the bottom
13 of it taken -- and it was taken in April of 2009, so that car
14 wouldn't have anything at all to do with it?

15 A Right.

16 Q That wall -- or that break in the front fence,
17 was that the same way in 2012 as it was at the time this
18 photograph was taken?

19 A It's, I believe, a different color now. I think
20 they spray painted it black maybe. But, yes, it appears
21 basically the same. Yes.

22 Q So that would have been very dark?

23 A Yes.

24 Q Mr. Coleman, during the course of the
25 conversation, did you ask him what was the person wearing?

1 A I did, and he -- he couldn't tell me.

2 Q He couldn't describe the -- the clothing that
3 he's wearing. And where he was looking from, can you circle
4 the window from his apartment?

5 A He went outside, and it's this apartment --
6 aaah. There's two -- there we go. There's two doors right
7 there. It's the one on the right, above.

8 Q So if -- if his girlfriend that was in there
9 said he didn't go outside and he just looked through the
10 window, that would be different than what he told you?

11 A Correct.

12 Q And looking through that window, he would have
13 had to look over a walkway like that, and he'd have to see
14 through those stairs, and this is at about midnight, and
15 they'd be going from there?

16 A Well, he wouldn't have to look through the
17 stairs. The angle you can see right to Jaime's door. The
18 stairs go away from Jaime's door, and you can see directly the
19 landing and everything, I would imagine, from his apartment.

20 Q Well, let's -- let's look at this and see. This
21 is Exhibit No. 13. You say there's support bars in front of
22 the door?

23 A Uh-huh.

24 Q This is the -- the stairs. We've got 3 -- 3
25 feet, according to your testimony, from the wall to the stairs

1 that are coming in there. The discharged bullet is off to the
2 right here where this is located --

3 A Uh-huh.

4 Q -- and this is what he would have had to have
5 been able to see through, in order to have provided this
6 information.

7 A I -- I still disagree. The -- the angle of what
8 he's at is more --

9 Q Well, let -- let -- the question is, is this --
10 this accurately represents the area that it was?

11 A Yes.

12 Q Okay. You believe that he could see it from
13 that angle?

14 A Yes.

15 Q Okay. If he went outside?

16 A Even if he looked through his window. It'd give
17 him more of a -- more of an angle to see into that cubby or
18 that area.

19 Q But if he told you that he went outside and he
20 didn't, that would be inaccurate?

21 A Well, he did go outside at some point, because
22 then he went downstairs. Right?

23 Q When he said that he saw these things, if he did
24 not go outside until after he went -- left with his girlfriend
25 to go down and try and give CPR, that would have been

1 different than what he told you?

2 A Correct.

3 Q The -- the information of the individual that --
4 that struck Jaime on the head --

5 A Yes.

6 Q Okay. What day did that injury occur?

7 A I believe it was the day before the shooting.
8 The 15th.

9 Q And there -- there had been an -- you were able
10 to find out that that had, in fact, occurred because you could
11 run a search, LRMS search --

12 A Correct.

13 Q What is LRMS?

14 A Well, we got a new one now, but --

15 Q Okay. What's the new one?

16 A -- it's basically a database where all our
17 reports go into, so that -- it's a search engine.

18 Q Okay. And that search engine will tell you any
19 sort of crimes that have occurred at that address if -- if you
20 put in that address within a certain amount of time, if you
21 provide that?

22 A Yeah.

23 Q And during that search, you were able to find
24 out -- well, this -- this explains why there's the staples on
25 the top of the deceased's head?

1 A Correct.

2 Q Because they had no relation at all to this
3 shooting?

4 A Correct.

5 Q And the individual that you found that was in
6 custody, you just got a name from him and saw that he was in
7 custody?

8 A Patrol actually had -- the patrol officers that
9 had responded to that I believe were the same officers that
10 responded to the shooting.

11 Q And that -- that's a specifically assigned area
12 to specific patrols?

13 A Yes. That's the Bolden Area Command.

14 Q Boulder?

15 A Bolden --

16 Q Bolden --

17 A Bolden Area Command.

18 Q In Bolden area. And you had an opportunity to
19 determine whether or not there was ever a -- a police report
20 filed on a burglary on Denise Williams' apartment?

21 A I did.

22 Q And there was never a police report filed on
23 that?

24 A There was not.

25 Q And there may be a number of reasons for that,

1 including the fact that the parties may have resolved this?

2 A Correct.

3 Q In fact, Denise had told you that this had been
4 a resolved issue, and there -- there wasn't any bad blood
5 between Jaime and J -- Jason on the date that this happened,
6 on Father's Day?

7 A Correct.

8 MR. PIKE: The Court's indulgence?

9 THE COURT: Okay.

10 MR. PIKE: Thank you very much, Detective.

11 THE WITNESS: Thank you, Mr. Pike.

12 THE COURT: Redirect.

13 REDIRECT EXAMINATION

14 BY MR. PANDELIS:

15 Q Detective, the interview that you conducted with
16 William Coleman, as you indicated, that was done -- it was an
17 unrecorded interview; correct?

18 A Yes.

19 Q All right. And you mentioned some notes you had
20 of that interview?

21 A Yes.

22 Q You and your partner, after you investigate a
23 case, do you prepare a report memorializing the entire
24 investigation?

25 A Yes.

1 Q And documenting everything the witnesses tell
2 you?

3 A Yes.

4 Q Whether those statements are recorded or
5 unrecorded?

6 A Correct.

7 Q And did you, in fact, include a -- did a portion
8 of that officer's report include the conversation that you had
9 with Mr. William Coleman?

10 A Yes.

11 Q And did you have a chance to review that
12 officer's report?

13 A Yes.

14 Q And did it reflect everything that you had in
15 your notes?

16 A Yes.

17 Q Mr. Pike brought up a good point. When you
18 conduct a surreptitious recording, typically, when you do it,
19 you know going into it that you're dealing with someone that
20 might not want to speak to you?

21 A Correct.

22 Q And so you have your recorder handy just --
23 where -- in a place where they can't see it, so you can record
24 it?

25 A Yes.

1 Q When you came into contact with Mr. William
2 Coleman, why didn't you just surreptitiously record his
3 interview?

4 A The fact I read his written -- it didn't have
5 that much information on it, at which time I -- I had him come
6 to me. And that's when he -- I go, We're going to discuss
7 what you saw and heard. At that point, he asked me if, you
8 know, is this being recorded and then looks up and down the
9 street, so he's nervous. I'm thinking, if I start -- get out
10 my recorder right now, he's not going to be truthful and
11 honest with me.

12 If I stop the whole interview and say, Hold on, let
13 me -- after he's already asked me, Is this being recorded, and
14 I say No, and if I -- I'm -- I'm not ready for that,
15 basically. It's an impromptu -- it just happens, but it --
16 but in my training experience, if that happens, you just have
17 to roll with it. Because if you stop the interview, a lot of
18 times you won't get all the information elicited from those
19 people because now they know they're being tape recorded.

20 Q Did -- we've heard a lot about drug and alcohol
21 use in this case. Did Mr. Coleman have any difficulty
22 communicating with you?

23 A No.

24 Q Did Mr. Coleman appear to you to be under the
25 influence of drugs or alcohol?

1 A No.

2 Q Okay. So nothing that would cause you
3 reservations in continuing to speak with him?

4 A No.

5 Q Okay. That written statement that you read of
6 Mr. Coleman's beforehand, you indicated it didn't contain a
7 lot of information?

8 A Correct.

9 Q Would you agree it was a relatively short
10 written statement?

11 A Less than a page.

12 Q And, in fact, if I told you it was just about
13 nine lines of written text, would you have any reason to
14 disagree with that?

15 A No. I wouldn't have any reason.

16 Q We heard some testimony about you banging on
17 Denise William's door.

18 A Yes.

19 Q And, as you told Mr. Pike, when you guys made
20 entry into the apartment, the babies were still sleeping.

21 A Yes.

22 Q Okay. When -- did you have any difficulty
23 getting the other occupants of the apartment complex out of
24 their --

25 A No.

1 Q -- units?

2 A No. They -- any -- everyone -- while we were
3 banging, most of the other people that have families and
4 they're -- actually are looking out wondering what's going on
5 because they hear us.

6 Q So as you were banging on Ms. Williams' door,
7 other people were looking out?

8 A Yes.

9 Q You're a big guy, Mr. Ivie. How were you
10 banging on that door?

11 A (Slams open hand on table three times.)

12 Q Okay. So you -- you were using your hand and
13 banging in that manner?

14 A I was actually using my expandable straight
15 baton, which is a piece of metal that extends out.

16 Q And --

17 A Basically a nightstick.

18 Q And you were doing that for a considerable
19 amount of time --

20 A Yes --

21 Q -- with no luck --

22 A -- and so was the other officer.

23 MR. PANDELIS: Thank you. I'll pass the witness.

24 THE COURT: Recross?

25 THE WITNESS: Hope I didn't break anything.

1 THE COURT: I'm sorry. Don't break anything.

2 Recross?

3 RECROSS-EXAMINATION

4 BY MR. PIKE:

5 Q You got to fix that.

6 A What?

7 Q That -- that table.

8 A I'm a county --

9 Q Okay. The -- I believe [unintelligible] -- that
10 you were going through the apartment complex and -- and I'm
11 just going to refer to Exhibit No. 6 -- they all appear to
12 have bars on the windows. Would that be an accurate
13 statement?

14 A Yes.

15 Q The bars that they have on the windows, do those
16 also include the same type of mesh material that is found on
17 the doors, and that's, I think, demonstrated in Exhibit
18 No. 13?

19 A No. They don't -- they're more like rebar and
20 you --

21 Q Okay.

22 A -- just the bars.

23 Q So those are open. They have the windows. The
24 doors have that -- that mesh material?

25 A Yes.

1 Q You were -- you were banging on the doors trying
2 -- I'll hit this [inaudible] --

3 A Uh-huh.

4 Q -- banging on the doors to get the occupants'
5 information. And when it came down to you wanting to get
6 somebody's real attention, you used your baton --

7 A Yes.

8 Q -- a metal baton?

9 A Yes.

10 Q And that baton you were using on the door which
11 had the same sort of metal?

12 A Yes. It's metal.

13 Q Same sort of grate that was located on it?

14 A Sure.

15 Q The same -- same -- was it any different than
16 the door that's seen in this picture?

17 A No. It had mesh on it, and it had bars on it as
18 well.

19 Q Not something you'd want to bang with your
20 unprotected hand --

21 A Correct.

22 Q -- necessarily. It would be rough. You -- you
23 didn't want to get cut or have anything on --

24 A We started with my -- our hands.

25 Q Okay.

1 A And so, usually you ramp it up from there.

2 Q And as the motion continued and everything and
3 the -- and -- and your energy increased, then you switched to
4 the -- the metal to bang that --

5 A Yes.

6 Q And -- and that's because you didn't want to cut
7 your hand, and -- and there was a risk of that because of the
8 nature of the materials that were on the door?

9 A Correct.

10 Q Okay. Thanks.

11 THE COURT: Anything else based on that,
12 Mr. Pandelis?

13 MR. PANDELIS: No, Your Honor.

14 THE COURT: Any juror questions for this witness?
15 All right.

16 Detective, thank you for your testimony. Please
17 don't discuss your testimony with any other witnesses in this
18 case.

19 THE WITNESS: Yes, ma'am.

20 THE COURT: Thank you, and you are excused. Oh, I'm
21 sorry. Do we -- we --

22 JUROR NO. 10: I -- I do have one, and I don't know
23 if it's --

24 THE COURT: Okay. Well, just go ahead and write it
25 down, and then we'll have a look at it. And, Detective, go

1 ahead and have a seat.

2 THE WITNESS: Sure.

3 THE COURT: And I'll see Counsel up here at the
4 bench, please.

5 (Off-record bench conference.)

6 THE COURT: To the juror that had these questions,
7 these questions will be addressed with another witness.

8 JUROR NO. 10: Okay.

9 THE COURT: And, Detective, thank you for your
10 testimony. You are excused at this time.

11 THE WITNESS: Thank you, Your Honor.

12 THE COURT: Ladies and gentlemen, it being noon,
13 let's go ahead and take our lunch recess. We won't starve you
14 folks to death today. Why don't we take until about 1:15 for
15 the lunch break.

16 And once again, you're reminded that during the lunch
17 break, you're not to discuss the case or anything relating to
18 the case with each other or with anyone else. You are not to
19 read, watch, listen to any reports or commentaries on this
20 case, any person or subject matter relating to the case. And
21 please don't form or express an opinion on the trial. Don't
22 do any independent research. Don't visit the location at
23 issue. Notepads in your chairs and exit through the double
24 doors.

25 (Jury recessed at 12:03 p.m.)