

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
Nov 13 2014 03:13 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

★ ★ ★ ★ ★

ERNESTO MANUEL GONZALEZ,

CASE NO. 64249

Appellant.

v.

THE STATE OF NEVADA,

Respondent.

APPELLANT'S APPENDIX, VOLUME XII

**APPEAL FROM JUDGMENT AFTER
JURY TRIAL AND SENTENCING**

Second Judicial District
State of Nevada

THE HONORABLE CONNIE J. STEINHEIMER, PRESIDING

Richard F. Cornell, Esq.
Attorney for Appellant
150 Ridge Street
Second Floor
Reno, NV 89501
775/329-1141

Washoe County District Attorney's Office
Appellate Division
Attorney for Respondent
1 Sierra St., 7th Floor
Reno, NV 89501
775/337-5750

INDEX TO APPELLANT'S APPENDIX
ERNESTO MANUEL GONZALEZ v. THE STATE OF NEVADA
No. 64249

NO	DESCRIPTION	DATE	PAGES
	VOLUME I		
1	Indictment	11-09-11	1-10
2	Information Supplementing Indictment	1-30-13	11-21
3	Corrected Information Supplementing Indictment	3-02-12	22-32
4	Withdrawal of Information Supplementing Indictment	2-01-13	33-34
5	Second Information Supplementing Indictment	2-20-13	35-45
6	Third Information Supplementing Indictment	7-10-13	46-55
7	Fourth Information Supplementing Indictment	7-22-13	56-64
8	Grand Jury Transcript, Vol. I	10-25-11	65-107
9	Grand Jury Transcript, Vol. II	11-03-11	108-125
10	Grand Jury Transcript, Vol. III	11-09-11	126-250
	VOLUME II		
	Cont.		251-401
11	Motion to Dismiss Indictment or in the Alternative Petition for Writ of <i>Habeas Corpus</i>	2-24-12	402-410
12	Opposition to Defendant Gonzalez Motion to Dismiss/Petition for Writ of <i>Habeas Corpus</i>	3-05-12	411-417

13	Reply in Support of Motion to Dismiss Indictment or in the Alternative Petition for Writ of <i>Habeas Corpus</i>	4-06-12	418-429
14	Motion to Partially Join In Co-Defendant Cesar Villagrana's Writ of <i>Habeas Corpus</i> and Motion to Compel	5-29-12	430-433
15	Motion to Join to Balance of Co-Defendant Cesar Villagrana's Petition for Writ of <i>Habeas Corpus</i>	6-11-12	434-436
16	Opposition to Defendant Gonzalez' Motion to Partially Join in Co-Defendant Cesar Villagrana's Writ of <i>Habeas Corpus</i> and Motion to Compel	6-14-12	437-440
17	Reply to Opposition to Defendant's Motion Partially Join in Co-Defendant Cesar Villagrana's Petition for Writ of <i>Habeas Corpus</i> and Motion to Compel	6-14-12	441-445
18	Supplemental Points and Authorities in Support of Motion to Dismiss Indictment or in the Alternative Petition for Writ of <i>Habeas Corpus</i> and Motion to Reconsider Based Upon Newly Discovered Evidence	9-13-12	446-463
19	Opposition to Supplemental Points and Authorities (etc.)	9-19-12	464-472
20	Reply to State's Opposition to Defendant's Supplemental Points and Authorities and Motion to Reconsider	9-24-12	473-482
	VOLUME III		
21	Order	9-13-12	483-510
22	Second Motion to Dismiss	10-18-12	511-562
23	Opposition to Second Motion to Dismiss	10-12-12	563-567

24	Reply to State's Opposition to Defendant's Second Motion to Dismiss	10-19-12	568-573
25	Order Granting in Part and Denying in Part Request for Clarification or Supplemental Order and Denying Second Motion to Dismiss	10-30-12	574-586
26	Order Denying Petition, No. 62392	1-31-13	587-589
27	Order After October 29, 2012 Hearing	10-30-12	590-592
28	Motion to Bifurcate Enhancement Evidence	11-26-12	593-599
29	Opposition to Motion to Bifurcate Enhancement Evidence	12-06-12	600-607
30	Motion to Admit Evidence of Other Crimes, Wrongs, or Acts	11-26-12	608-649
31	Supplement to Motion for Order Admitting Gang Enhancement Evidence and Testimony	11-26-12	650-660
32	Addendum to Motion for Order Admitting Gang Enhancement	11-26-12	661-750
	VOLUME IV		
	(Cont.)		751-1000
	VOLUME V		
	(Cont.)		1001-1250
	VOLUME VI		
	(Cont.)		1251-1402
33	Opposition to Request for Disclosure of Proposed Gang Enhancement Evidence and Witnesses	10-19-12	1403-1423

34	Opposition to State's Motion to Admit Evidence of Other Crimes, Wrongs or Acts, and Motion to Strike	12-11-12	1424-1436
35	Opposition to State's Motion for Order Admitting Gang Enhancement Evidence and Testimony	12-11-12	1437-1464
36	Opposition to State's Motion for Order Admitting Gang Enhancement Evidence and Testimony	12-18-12	1465-1431
37	Motion Requesting Leave of Court to Supplement Gang Enhancement Discovery	1-23-13	1472-1500
	VOLUME VII		
	(Cont.)		1501-1543
38	Opposition to State's Motion for Leave to Supplement Gang Enhancement Discovery (Lake County Incident)	1-28-13	1544-1548
39	Transcript of Proceedings Pre-Trial Motions	10-29-12	1547-1713
40	Transcript of Proceedings Evidentiary Hearing	1-08-13	1714-1750
	VOLUME VIII		
	(Cont.)		1751-1948
41	Transcript of Proceedings Evidentiary Hearing	1-09-13	1949-2000
	VOLUME IX		
	(Cont.)		2001-2214
42	Transcript of Proceedings Evidentiary Hearing	1-14-13	2215-2250
	VOLUME X		

	(Cont.)		2251-2429
43	Transcript of Proceedings Evidentiary Hearing	1-15-13	2430-2500
	VOLUME XI		
	(Cont.)		2501-2553
44	Order Regarding the State's Motion for Order Admitting Gang Enhancement Testimony	5-20-13	2554-2561
45	Order Granting in Part and Denying in Part the State's Motion to Admit Evidence of Other Crimes, Wrongs or Acts	5-16-13	2562-2574
45A	Order Granting Motion to Join Select Legal Pleadings	4-29-13	2574A
46	Transcript of Proceedings Change of Plea (Villagrana)	7-22-13	2575-2592
47	Trial Transcript, Day Three Morning Session	7-24-13	2593-2726
48	Trial Transcript, Day Three Afternoon Session	7-24-13	2727-2747
	VOLUME XII		
	(Cont.)		2748-2818
49	Trial Transcript, Day Four Morning Session	7-25-13	2819-3004
	VOLUME XIII		
50	Trial Transcript, Day Four Afternoon Session	7-25-13	3005-3099
51	Trial Transcript, Day Five Morning Session	7-20-13	3100-3250
	VOLUME XIV		

	(Cont.)		3251-3261
52	Trial Transcript, Day Five Afternoon Session	7-29-13	3262-3366
53	Trial Transcript, Day Six, Morning Session	7-30-13	3367-3500
	VOLUME XV		
	(Cont.)		3501-3544
54	Trial Transcript, Day Six Afternoon Session	7-30-13	3545-3613
55	Trial Transcript, Day Six Examination of Donald Sandy	7-30-13	3614-3683
56	Trial Transcript, Day Seven Morning Session	7-31-13	3684-3750
	VOLUME XVI		
	(Cont.)		3751-3842
57	Trial Transcript, Day Seven Afternoon Session	7-31-13	3843-4000
	VOLUME XVII		
	(Cont.)		4001-4018
58	Trial Transcript, Day Eight Morning Session	8-01-13	4019-4200
59	Trial Transcript, Day Eight Afternoon Session	8-01-13	4201-4250
	VOLUME XVIII		
	(Cont.)		4251-4294
60	Trial Transcript, Day Nine Morning Session	8-02-13	4295-4444
61	Trial Transcript, Day Nine Afternoon Session	8-02-13	4445-4500

1 he returned.

2 Q. And what was the camera that showed --

3 A. 215.

4 Q. There was another camera, was it 212, that showed --

5 A. Yes, 212 is one that -- that's the corollary view.

6 214 was that end of the bar, 212 is the similar view, the
7 other end of the bar.

8 No, wait, that's not it. 211. Go to 211. That's
9 a side view, but you want the very end, I think. 211, there
10 we go.

11 Q. And this one shows --

12 A. This is --

13 Q. -- the dance hall and --

14 A. This is the entrance into the dance area. This is
15 where the restaurant opening is, okay? So we're going to --
16 he will come up this way, is what we're going to see. Those
17 letters disappear. So he should be coming up from here.

18 Those people walking out, that's where they would
19 have been is in the dance area, or walked through there.

20 This is -- yeah, we're probably going to see him
21 run down there first, before we see him coming back up.

22 Q. Can you identify him in that portion of the video?

23 A. Yeah, he's right here.

24 Q. So in relation to the fight, when is the timing of

1 this?

2 A. This is just after the fight started. This is when
3 he's first out there.

4 Q. Okay, so when you see him retreating back from the
5 fight --

6 A. Right, yeah.

7 Q. -- this is him coming into frame, correct?

8 A. So the following video on this, we should be seeing
9 him -- if I'm correct, he'll go back off to our right, hang
10 around the other end of the bar, and come back up and go back
11 there. He's already been down to the other end of the bar,
12 so he's walking towards the front, and he's going to exit to
13 our right. So we're a little bit behind where we were on the
14 214, we're just seeing this from a different angle. Before
15 we got into 214.

16 Now, this is when he's headed back down towards the
17 214 camera view, okay?

18 Q. And where did he come from?

19 A. He came from the -- well, I can only see the front
20 of it, or half of it here, but that's the dance area, or at
21 least the entrance to the dance area, that he came from that
22 direction.

23 Q. So again, this is just another angle showing when he
24 was over at the dance area.

1 A. Correct.

2 Q. And I believe at that point in time that's when
3 Mr. Villagrana was shooting?

4 A. That could have been about that time, because that
5 was pretty quick after --

6 Q. And then we see him run across and then go behind
7 the bar.

8 A. Correct. And this is that first go behind the bar,
9 he's going to be -- he went back to 14, that's when he came
10 into that view, so then we expect him back up here after --

11 Q. So that would be consistent -- the dance hall is
12 about right here, correct?

13 A. Yeah, it's at the head of the bar, there, that's
14 what you're --

15 Q. These are the bathrooms, right?

16 A. Yeah. We're getting shadows on that pointer so --

17 Q. I'm sorry.

18 A. But yeah, that's --

19 Q. But he's roughly going in this direction.

20 A. Right, that back there. And -- yeah.

21 Q. Okay, and then at some point in time, now he's back
22 behind the bar.

23 A. And we're going to see him come back up this way.
24 And that's when he's going to head into the dance area. I

1 put the little arrow there to say that's where we expect him
2 to run, not into that wall obviously, but --

3 Here he comes. That's the dance area, the very
4 beginning of the dance area is where he just walked into.
5 And did you stop?

6 Q. I just stopped, so that's at 11:25:53?

7 A. 11:25:53 by that time, yeah. And that, from just
8 the flickering and stuff, and her action, at that point there
9 appeared to be gunfire. She dropped down, a normal reaction
10 to it.

11 Q. That's when Mr. Gonzalez was shooting at
12 Mr. Pettigrew, correct?

13 A. Well, that's when -- that's when he was in that
14 area, and that's when she dropped down, she -- my
15 interpretation from her dropping down is a reaction to
16 hearing gunfire.

17 Q. And he comes out --

18 A. And then he comes out -- he's out there right now,
19 that was just a second or two after the gunfire.

20 Q. Okay, comes out at 11:26 --

21 A. 08.

22 Q. 08, so approximately 15 seconds later, correct?

23 A. Correct. Now, he's going to head back down that
24 way, and we'll -- if you take 215 again and look at it, he

1 comes towards that camera, so.

2 Q. And after that he doesn't show up on any other
3 video, true?

4 A. Right, he kind of disappeared, that's why we looked
5 at the different exits from there, trying to find -- we know
6 where he wasn't, we don't know necessarily --

7 Q. And so if we go to monitor 1, which was -- we know
8 that he's basically in the dance -- the dance area for
9 approximately 15 seconds prior to what you perceive as the
10 shots being fired?

11 A. Some shots being fired.

12 MR. HALL: That misstates the evidence. Objection.

13 THE COURT: The question misstates the evidence, or
14 the answer?

15 MR. HALL: The question.

16 THE COURT: Okay.

17 MR. HALL: He said he was in the dance floor area
18 for 15 seconds. He was not in the dance floor area for 15
19 seconds.

20 THE COURT: I don't think either you or Mr. Lyon
21 should be telling us. If the witness has the answer, he can
22 answer for himself.

23 BY MR. LYON:

24 Q. You recall we just went through that, do you recall

1 how long he was in the dance hall?

2 A. I didn't write that down, it was just a few seconds.

3 We could go back --

4 Q. Do you want me to go through that again with you?

5 A. Sure, if you want to clarify that.

6 Q. Let me kind of get up to the part where I think --
7 let me know when you see him.

8 A. Okay. He goes in there at 11:25:53.

9 Q. Okay. 53, 54?

10 A. He starts in there at 11:25:53.

11 Q. 53, okay, let me know when you see him exit.

12 A. Stop. Okay.

13 Q. Do you see him?

14 A. Well, stop. 11:26, this isn't about seeing him.
15 11:26 is when I say she fell down, or dropped down, at the
16 surprise of, perhaps, the gunfire. Now keep going. He's
17 going to appear at -- stop.

18 That was 11:26:08. So he was in there from
19 11:25:53 to 11:26:08, which is from the start to the
20 beginning is about 15 seconds. However, from the time she
21 dropped down, 11:26:05, he was out in 3 seconds from the time
22 she dropped down.

23 Q. And I think my question was the total time he was
24 in, not from the time from the shots.

1 A. From that time frame, from when he stepped in until
2 the fraction of a second, it could be off, when he stepped
3 out, is 15 seconds.

4 Q. Okay.

5 A. But it was only 3 seconds from the time she dropped
6 down, okay?

7 Q. Understand. Understand. So if we go to monitor 1,
8 this is the fight and the aftermath, we've seen this?

9 A. He just walked across into there from this angle.

10 Q. What I want to view, we know there's a part --

11 A. Camera 45, I think, is --

12 Q. This is monitor 1.

13 A. Right.

14 Q. So what I want -- what I want to look at is you had
15 testified about the time frame when Mr. -- when you see
16 Mr. Pettigrew go down. Do you remember that testimony?

17 A. Sure.

18 Q. And that's on monitor 1, correct?

19 A. Correct. We can see that right at the upper edge.

20 Q. You can see that right at the upper edge, which is
21 right there. Correct?

22 A. Is that him? Yes, right --

23 Q. Do you want me to play that again?

24 A. Yes, back it up just -- I can see the feet, I think

1 that's what I'm looking at there. Okay, and right there.

2 Okay. Now, this says 23 -- or what does it say?
3 Play it now. 23:27? Play it now so I -- it flickers, I
4 can't --

5 Q. Oh.

6 A. 23:27 and 49, 48.

7 Q. Okay. So if we walked back 15 seconds, that's
8 approximately what was going on while Mr. Gonzalez was in the
9 dance hall, correct?

10 A. 49 seconds. Okay. Now, that's -- that's off of
11 that, correct. And 215, I have the copy of the time
12 differences right here, I can look that up.

13 Q. Okay.

14 A. If you wish.

15 Q. So we're not going off of actual time right now,
16 correct?

17 A. Those are --

18 Q. We're going off something similar to what you did
19 when you went through the videos?

20 A. Right.

21 Q. We're trying --

22 A. Technically those times I wrote down were videotaped
23 time.

24 Q. What we're trying to do is synchronize events to

1 different videos, true?

2 A. Okay, and I'll give you the readoff that I -- okay.

3 THE COURT: Do you need the light on?

4 THE WITNESS: Yes, please.

5 A. Bar DBR is what we took the 214 and 215 that we were
6 just timing the -- when he went in and out on, okay? The
7 time-date stamp up at top, the POS time-date stamp, which was
8 the clearest to read, those are the big white letters there,
9 that's the one we wrote the time-date stamp down from, and
10 we're comparing the 15 seconds. One at the bottom and one at
11 the top. Second one, POS point of sale interface is separate
12 video. The DBR, the POS time-date stamp is approximately 20
13 seconds ahead of the baseline time.

14 Q. Okay.

15 A. Okay?

16 Q. So that's what we would want to know if we wanted
17 the realtime that Mr. Pettigrew was shot?

18 A. We can compare that if you wish.

19 Q. My point is is that in order -- in syncing these two
20 videos, we've essentially done that --

21 MR. HALL: Objection, your Honor, is he going to
22 allow the witness to testify or does he want to testify?

23 THE COURT: I'm going to overrule your objection, I
24 think this is a preliminary question for the witness.

1 BY MR. LYON:

2 Q. This is essentially what you did with the videos,
3 correct?

4 A. Correct.

5 Q. You took an event, and synced them with each other.

6 A. Correct.

7 Q. And what we just did was synced it with the falling
8 of Mr. Pettigrew.

9 A. Correct, we looked at that particularly here.

10 Q. So if we walked back this video, when Mr. Pettigrew
11 is -- you see him fall --

12 A. Do they have a stop and you can click one at a time,
13 if you wanted to -- just to get --

14 Q. All we can do is if you tell me when to stop when
15 you see him fall, I'll stop it and --

16 A. Okay.

17 Q. Recognizing this isn't a perfect science.

18 A. Right there.

19 Q. Okay.

20 A. Figuring he was hit before he fell, you know.

21 Q. Okay, so --

22 A. And we've got 23 -- just to verify it, we're looking
23 at I think it's 23:27, if you play it we'll get the second,
24 here.

1 Q. Looks like 45 to me, but if you'll --

2 A. Keep playing. Yeah, that's 45.

3 Q. Okay, so if we go back to about 23:27:30, that's
4 about 15 seconds before that, correct?

5 A. 45, yeah, that would be 15 seconds before that.

6 Q. So let's -- missed it by a second, there. I'll stop
7 at what I think is 30.

8 A. 30, right there.

9 Q. Okay, so about from this time forward, we know that
10 Mr. Gonzalez is in the dance hall, correct? Based on --

11 A. Yes. Yes. Okay, now, right now, this time frame
12 here, since this is the baseline, and the POS time-date for
13 that DBR is 20 second ahead of this, so it should be reading
14 27 -- 50?

15 Q. That's again if we want the actual time that
16 we're -- the actual time to -- I guess realtime would be the
17 best way to characterize it, true?

18 A. Yeah. Yeah.

19 Q. So from this point on 'til Mr. Pettigrew falls,
20 Mr. Gonzalez is in the dance hall. Correct?

21 A. Correct.

22 Q. Now, when you did the walk-through, you gave us a
23 perspective of what it was like to look out from the dance
24 hall, correct?

1 A. Yes, that's in that.

2 Q. I'm just going to fast forward to where I believe
3 that shows up.

4 A. Sure. Yeah, because I think there's a couple of
5 times it goes in and out and stuff. There you go.

6 Q. Okay, I think it's around here. So this is -- this
7 would be similar to the perspective Mr. Gonzalez had while
8 he's inside the dance hall.

9 A. Uh-huh. Correct.

10 Q. Do you recall where Mr. Pettigrew was shot, do you
11 see that in this video? Not the time frame, the --

12 A. No. No, I'm looking -- I'm kind of mapping where --
13 because I've got all these rows of machines, I'm trying to --
14 in this one.

15 Q. Sure. If you need me to backtrack just let me know.

16 A. Yeah, go back, because I'll show you what I'm
17 looking at when you do this. Keep going. Okay, this machine
18 right here, okay, that's the -- that's a e-ticket machine, I
19 know where that one is, right here. So then it's one, two --
20 he's past the third row of that. So there's three rows --
21 okay, now --

22 Q. Just tell me to stop.

23 A. Sure.

24 Q. So this is the --

1 A. I'm going from this one here.

2 Q. Okay.

3 A. See this here?

4 Q. Yeah.

5 A. And I'm just matching it on the map, here. So as we
6 go to the left, that counts one -- that's one, that's two,
7 stop. This should be bank 618. I believe this is the area
8 right in here.

9 Q. Okay. So again, this is basically the perspective
10 Mr. Gonzalez would have had in --

11 A. Somewhere in there, you see how wide that is, so --
12 but that's -- that's where that would have done. Sorry.

13 Q. Oh, sorry. Okay. Then you went through some other
14 video. There was camera 3, which was this stop-frame video
15 we showed, you know, shows Mr. -- eventually Mr. Pettigrew,
16 Mr. Villagrana, come in frame in front of Mr. Wiggins.
17 Mr. Gonzalez doesn't show up in this video at all, true?

18 A. No.

19 Q. And this is all while the fight is going on, but
20 essentially down -- down the yellow brick road.

21 A. Correct. It's down to the right of that, if you're
22 going down the -- to our view, it's to our right.

23 Q. Okay. Then camera 5.

24 A. Is looking towards that same area. But that area

1 that it actually starts out is right up over here, so some
2 banks of slot machines are in our way.

3 Q. And again, Mr. Gonzalez doesn't show up in any of
4 this.

5 A. No.

6 Q. Camera 7, this is the one in front of Rosie's?

7 A. Yeah.

8 Q. And Mr. Gonzalez doesn't show up in this video?

9 A. Doesn't show up there.

10 Q. There was the video referencing the Horseshoe Bar.

11 A. He's not in that one either.

12 Q. This is the one with the --

13 A. The guy is getting beat up now.

14 Q. The Hells Angel is getting beat up. He doesn't show
15 up in this video at all. And in fact, this is after the
16 shooting, correct?

17 A. This is pretty long after the shooting. The cops
18 are on the premises, and getting there.

19 Q. So Mr. Gonzalez is gone, not even a part of this?

20 A. Correct.

21 Q. So that pretty much covers kind of the sequence in a
22 chronological order, correct?

23 A. Yes.

24 Q. Except there are two other videos that I failed to

1 go through or discuss with you previously, those are the
2 other Oyster Bar videos.

3 A. Okay.

4 Q. And I think counsel had directed you to those, those
5 were -- find them here -- ones identified --

6 A. I believe, yeah.

7 Q. -- as Oyster Bar 2304 to 2306. And this one, the
8 time stamp is really hard to read, I think that's why it
9 was --

10 A. Yeah, these were burned off of one of the monitor
11 tapes, I mean, that we have.

12 Q. Do you know what's going on here in this video?

13 A. Pretty similar to the -- they're talking, you've got
14 some Vagos talking to I believe Mr. Pettigrew.

15 Q. Do you know who those Vagos are?

16 A. No, not right off the --

17 Q. Mr. Gonzalez doesn't show up in this video?

18 A. I'm looking, I -- see if he's around in back, or
19 something. I don't believe I --

20 Q. What time frame are we talking here? If it's 23:04,
21 that's what, 11:04?

22 A. 11:04.

23 Q. And do you recall where Mr. Gonzalez was at 11:04 on
24 the other videos?

1 A. No, I don't.

2 Q. Do you remember seeing video 45, camera 45?

3 A. Camera 45, that -- that started at 20 -- I think he
4 was there, if you want to give me a little leeway on the
5 time, it was like 23:06, or something like that, right --
6 five minutes after 11 o'clock, wasn't it?

7 Q. Okay.

8 A. Where that started where there was just a few of
9 them around there.

10 Q. Right, and he shows up in the video about -- about a
11 little bit before 11 o'clock?

12 A. Yes, somewhere in there, so.

13 Q. Bounces around for about 20 minutes?

14 A. Right.

15 Q. So would it be fair to say that during this video
16 Mr. Gonzalez is down by Trader Dick's?

17 A. We're talking about 23:04 hours to 23:06. So yeah,
18 he was probably down that way.

19 Q. Okay.

20 A. Because that's --

21 Q. Then the only other Oyster Bar footage we have, it
22 looks like it's 23:20 to 23:23.

23 A. Correct.

24 Q. And do you recall what --

1 A. Looks like the Vagos have pretty much left this
2 area. If you remember, they were congregating over in front
3 of the -- by the other video, they were -- a lot of them were
4 congregating over by that area.

5 Q. Do you know why they were congregating over there?

6 A. No. No. I can speculate, but I have no other --

7 Q. Now, this is -- let me -- what do you see in this
8 video?

9 A. These are the Hells -- mostly all Hells Angels
10 gathering up. And I believe, if you look at camera 46 one,
11 and even 45, this is where they're all starting out, and they
12 will walk down, as you follow the yellow brick road,
13 following that just --

14 Q. So this is then getting ready to leave the Oyster
15 Bar, head down the yellow brick road, before Trader Dick's
16 and the fight that we see on the other videos?

17 A. Gathering their bags and packs and ice boxes and
18 stuff like that, so yeah. And they walked down the yellow
19 brick road, and we saw that in 46, and where they showed up
20 after the Vagos were already down there.

21 Q. And Mr. Hall walked you through all the other
22 video, I'm not going to do that, but is it fair to say that
23 the video that we have seen this morning and this afternoon,
24 that was all the video that was captured by you related to

1 this event?

2 A. Yeah, I believe that's -- I think we've covered
3 every single one of them, yeah.

4 MR. LYON: Thank you, sir, for your time.

5 THE WITNESS: Thank you.

6 THE COURT: Redirect.

7 REDIRECT EXAMINATION

8 BY MR. HALL:

9 Q. Sir, the 15 seconds that you don't see Mr. Gonzalez
10 in the video, that assumes that he was watching from that
11 area what's going on in this video, so he's watching for 15
12 seconds, and then determines that he needs to shoot
13 Mr. Pettigrew in the back, and then shoots him, and then runs
14 out. That's our 15 seconds, right?

15 A. I assume --

16 Q. That he was talking about that.

17 A. In that time frame, that's about when we're talking.

18 Q. That's when you lose him.

19 A. We lost him after that, when he left that area.

20 Q. Actually, you can see him right on the edge of the
21 video for another two seconds, right?

22 A. Yeah, we followed -- we lost him at the end of the
23 bar there, in 214. He comes back, and he disappears out of
24 that. The direction he went on that video, I think we have

1 it somewhere. He disappears because he doesn't come in front
2 of that 261, which is the Oyster Bar -- or not Oyster Bar,
3 the Noodle Hut camera.

4 So he didn't get back into the casino walking fast
5 that way. And there was only one exit that he could have,
6 it's out of camera, and that's the one that crosses the
7 hallway into the steakhouse.

8 Q. What I'm talking about -- so he already has his gun
9 out when he's heading down there, right?

10 A. Has his gun, yes.

11 Q. There's obstacles in the way, you can't necessarily
12 see what's going on.

13 MR. LYON: Your Honor, again counsel is leading.

14 BY MR. HALL:

15 Q. Do you see anything in Mr. Gonzalez's hand when he's
16 walking on the west side of the fish tank heading towards the
17 dance floor?

18 A. When he's headed down -- we have another view of
19 that, not necessarily that one, I know. When he's running
20 down, he's down at the end of the bar, appears to be handling
21 what appears to be a gun.

22 Q. So he already has his gun out, it's not like he's --
23 figures it out when he gets there.

24 A. When he's heading back to the dance area it appears

1 that he had his weapon.

2 Q. So here he is in camera 214 at 11:25:05. Gun in
3 hand.

4 A. Yeah, you can't see, he stepped over, but when you
5 play it and he comes out forward in the exit there. A split
6 second.

7 Right there, it appears to be in his right hand,
8 although it's turned around right now.

9 Q. All right. And when does he do the shooting?

10 A. The time I wrote down from that was he entered at
11 11 -- what did we say? 11:26 -- 11:25:53.

12 Q. Okay, so he's got about 20 some seconds to think
13 about what he's going to do.

14 A. Okay, yes. He's -- it's, according to this, it's at
15 11:25, using the same time stamp as was listed here, so
16 there's no time differential between what I listed here and
17 there. It's on the same machine, so. That's 20 seconds.
18 Give or take.

19 Q. And we were looking at the other angles, remember
20 when we looked at camera 3?

21 A. Yes.

22 Q. And that was the camera that had the view of the
23 bathroom, right?

24 A. Correct.

1 Q. Remember we saw that big group of people, and we
2 talked about Mr. Wiggins, the fellow with the glasses on the
3 floor?

4 A. Correct.

5 Q. All right, so during -- around this time we've got
6 Vagos attacking Hells Angels, right?

7 A. In that -- in that time -- yeah --

8 Q. At this time frame. While he's got his gun out,
9 looking around and watching Mr. Pettigrew, and the Hells --
10 the Vagos are attacking Hells Angels.

11 A. Well, yeah, they were fighting the Hells Angels,
12 yes. I didn't see them --

13 Q. Well, did you see that great big group of people in
14 front of the bathroom chasing the guys in red --

15 MR. LYON: Your Honor, counsel continues to lead,
16 counsel continues to characterize his own version of the
17 video.

18 THE COURT: Sustained on leading.

19 BY MR. HALL:

20 Q. Did we see that on the video, camera 3?

21 A. There was fighting going on between the two groups
22 at that -- where they were -- the Vagos were coming in
23 towards the Hells Angels. That really gets kind of mixed up
24 about how many everybody was, but I know where you're

1 talking.

2 Q. Let's take a look at it.

3 A. They're going to start coming down from --

4 Q. All right, so now we're at 11:25:57 on this, so you
5 see a bunch of people running to the left, which would be
6 running away from the fight or away from the -- okay.

7 A. Well, from the -- yeah, they're coming down towards
8 the area where the fight was, or started out. There's a
9 bunch of them coming down towards this way.

10 Now, you've got some Hells Angels walking up from
11 that way. This is at 26:32 on this one. They're met with --
12 with the Vagos, the Vagos are coming down into that group
13 that's leaving, carrying out their bags and stuff like that.

14 Q. All right, so can you tell what's happening at this
15 point in time?

16 A. Hit play. They're -- they're fighting, the two
17 groups are fighting.

18 Q. Can you tell anything about the numbers in the two
19 groups? How many Hells Angels?

20 A. I would -- there, I would say that there were fewer
21 Hells Angels there than there were Vagos. There was a lot of
22 Vagos coming down, there was a string of Hells Angels going
23 up.

24 Q. Right. Well, can you count the Hells Angels that we

1 see going up?

2 A. That we can identify?

3 Q. We're at 23:25 --

4 MR. LYON: Your Honor, I think the video speaks for
5 itself when it comes to those sorts of issues.

6 THE COURT: Sustained. I don't think it's
7 necessary for the witness to count what's on the video.

8 BY MR. HALL:

9 Q. Okay.

10 A. Here's some Hells Angels coming up, and Vagos --
11 Hells Angels are coming up from the right, Vagos are going
12 down from the left.

13 Q. All right, now, at this point in time what is
14 Mr. Gonzalez doing?

15 A. In the time differential, he walked into -- he's
16 over in the -- he's definitely over in the Trader Dick's bar
17 area, so he's either walking in -- the time difference, he's
18 either walking into the floor or he's approaching it on the
19 back side of Trader Dick's.

20 Q. Okay, so we've got more Vagos than Hells Angels
21 here, right? There's a fight going on here.

22 A. I would say that's correct.

23 Q. And he's going into Trader Dick's. All right,
24 what's the time stamp here?

1 A. 23:27:10.

2 Q. Okay. Now, this is the area where the kicking is
3 going on, right?

4 This is where Pettigrew gets shot in the back,
5 right?

6 A. Yes, that's --

7 Q. All right, how many seconds --

8 A. That's 23:27 and 16 seconds.

9 Q. How many seconds is that?

10 A. From when?

11 Q. From the time Pettigrew walks up to the fellow on
12 the floor, to the time he gets shot in the back?

13 A. About -- play it back for me one more time and
14 I'll --

15 Q. Okay.

16 A. 23:26:17.

17 Q. So at 23:26:40, we've got the Vagos and Hells Angels
18 fighting in this area.

19 A. Correct. Do you want to hit stop when we see them.

20 Stop. That's 23:27:10. So can you hit one at a
21 time, or real quick? And -- 23:27:15. So five seconds
22 from --

23 Q. Well, at this point Pettigrew is behind the guy with
24 the red bandana, right?

1 A. He's standing -- I thought he just went down.

2 No, he had just gone down.

3 Q. So how many seconds was that?

4 A. Five seconds. 40 to 45, were the seconds from the
5 time -- just coming to the edge of the camera view, and then
6 five seconds later he was down. So.

7 Q. Five seconds where things were really -- five
8 seconds.

9 MR. LYON: Your Honor, again.

10 MR. HALL: Okay, five seconds, we'll just leave it
11 at that.

12 BY MR. HALL:

13 Q. All right, so at 23:27:28 I've got Mr. Gonzalez is
14 now heading down with his gun towards the --

15 MR. LYON: Your Honor --

16 MR. HALL: Is that what we just talked about?

17 THE COURT: Why don't you just ask the witness the
18 question, don't set it up. I think that "your Honor" meant
19 objection.

20 MR. LYON: I did, your Honor. Thank you.

21 A. During this time frame, where it is of this, that's
22 23:27:31, and we had that at 20 -- he walked into the -- that
23 area, 23:26 -- 23:27:45. So yes, he was behind the -- in the
24 Trader Dick's area, that back aisle, during this time period.

1 And 27:41. 23:27.

2 BY MR. HALL:

3 Q. So we could match the seconds up on this camera,
4 could you do that, see how many second they're engaged with
5 this individual on the floor named Wiggins?

6 Were you able to count the seconds there? I'll
7 back up.

8 A. Going back from the -- do you want it from the time
9 they walk up to that area, or the time he takes a kick at
10 him?

11 Q. Let's go from the time he walks up there. Well, he
12 kind of walks up and takes a kick all at the same time.

13 A. About 39 seconds, yeah. About the time you stopped
14 it. And now he's down. And that's 45. So we're talking
15 about --

16 Q. Three or four seconds?

17 A. Well, if you go from 40 to 45 it's five seconds, 39
18 to 45, depends on when you stop. So four to six seconds, in
19 that time frame.

20 Q. Okay, can you identify any of these people? You
21 were shown -- you were pointed out who Gary Rudnick was,
22 right?

23 A. Correct. Is that Rudnick there? Yeah, bald-headed,
24 correct.

1 Q. All right. They didn't tell you who the other
2 people were, right?

3 A. Yes, I don't know.

4 Q. So you don't know?

5 A. I have no idea.

6 Q. You just know this guy here, right?

7 A. Yeah.

8 Q. Okay. So we've got Rudnick here and Ernesto there,
9 at 23:18:40. Is that correct?

10 A. Correct.

11 MR. HALL: Thank you, I have no further questions.

12 THE COURT: Anything further?

13 MR. LYON: Nothing further, your Honor.

14 THE COURT: Thank you, may this witness be excused?

15 MR. LYON: Yes, your Honor.

16 THE COURT: Sir, you may step down. You are
17 excused.

18 THE WITNESS: Do you want this back?

19 THE COURT: Yes, please hand it to the clerk.

20 Go ahead and call your next witness.

21 MR. HALL: I believe my investigator is getting him
22 right now, thank you.

23 JUROR: Judge, can I ask you a question? Can that
24 monitor be moved towards you? Because this gentleman's head,

1 when he's observing that, cut out the bottom right quarter of
2 the whole screen.

3 THE COURT: Oh, I don't know if it can be.

4 JUROR: Okay. I'll just bob back and forth.

5 THE COURT: You'll have to move your head back and
6 forth, and we can always look at it at break. It's kind of
7 tight up here. And we have to be sure people on the other
8 side can see.

9 MR. HALL: Your Honor, I would ask that if the
10 jurors cannot see part of the video that I could ask the
11 juror -- or the witness to move?

12 THE COURT: Certainly.

13 MR. HALL: And so if there is an issue, if they
14 would let us know, then we can make accommodation and replay
15 it, so that everybody can see what everything is shown on
16 there.

17 THE COURT: And the juror said he was moving his
18 head back and forth, so I think he could see what was
19 happening, it was just not easy.

20 Just let us know if you can't see.

21 JUROR: Yes, ma'am.

22 THE CLERK: Please raise your right hand.

23 //

24 //

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

GEORGE MESSINA

Called as a witness by the State
who, having been first duly sworn,
testified as follows:

THE CLERK: Thank you, please be seated at the
witness stand.

DIRECT EXAMINATION

BY MR. HALL:

Q. Mr. Messina, you work at the -- at the Nugget as
security supervisor, is that correct?

A. Yes, sir.

Q. And how long have you worked there?

A. Since November of 2009. So almost four years.

Q. And what are your duties there at the Nugget?

A. As a security director, I am responsible for
safeguarding the property of the Nugget, its employees and
guests, and supervising the security staff.

Q. How many staff do you supervise?

A. I have approximately 30 security officers and eight
transportation officers, six surveillance personnel.

Q. All right, and are any of your security people
armed?

A. No, sir.

Q. When you work security are you armed?

1 A. No, sir.

2 Q. And what is your training or background and
3 experience with law enforcement, if any?

4 A. 28 years a police officer with the City of Sparks.

5 Q. And then did you retire from the City of Sparks?

6 A. Yes, sir.

7 Q. And went to work for the Nugget?

8 A. Yes, sir. Not immediately after, but I did, yes.

9 Q. And were you working on September 23rd of 2011?

10 A. Yes, sir, I was.

11 Q. And in what capacity that evening?

12 A. I was the security director working the swing shift
13 that evening.

14 Q. All right, and so when did you come on to begin
15 work, around 3:00 or 4:00 in the afternoon?

16 A. 4 o'clock.

17 Q. And how many other security people did you have that
18 evening?

19 A. Approximately nine that evening.

20 Q. Would that be the regular number of staff you have,
21 or was the staff number increased due to Street Vibrations?

22 A. That was the same number that we would normally
23 have.

24 Q. Now, do you know, are you aware of any special

1 accommodations for the Vagos that were made there at the
2 Nugget?

3 A. I know that they had a group rate for reservations
4 which would guarantee a room rate when they stayed there,
5 made their reservations there.

6 Q. All right, and do you know the name that they
7 registered under?

8 A. Are you speaking the group code?

9 Q. The group code.

10 A. The group code would be abbreviation for Green
11 Nation, and that would be GRN, I believe it's GRNNTN,
12 something similar to that.

13 Q. So abbreviated, but it meant Green Nation?

14 A. Yes, uh-huh.

15 Q. So that was the Vagos code name, so if they called
16 up, wanted a reservation, and they wanted to get the
17 discounted rate -- because there were a lot of Vagos staying
18 there, is that how they would get a discounted rate?

19 A. Yes, sir.

20 Q. All right, do you know how many Vagos were at the
21 Nugget on Friday night, September 23rd, 2011?

22 A. I don't know how many total were there, I believe we
23 had 100 rooms booked there that evening, I believe that's the
24 number. But I don't know how many total were in the casino.

1 Q. Could you estimate how many you saw during the
2 course of the evening?

3 A. Anywhere from 100 to 130, probably.

4 Q. All right, and that would be in any one section of
5 the Nugget, is that right?

6 A. That would be throughout the casino, yes.

7 Q. All right. So when you're working security, what --
8 can you tell me what your normal mode of operation would be
9 as a security supervisor? Do you stay in one place, do you
10 monitor video in the surveillance area, do you walk around,
11 what do you usually do?

12 A. As the director, I have a supervisor who runs the
13 shift on a daily basis. When I'm there I work the shift, as
14 well, walking the floor, handling complaints and incidents,
15 and dealing with the customers and guests of the Nugget.

16 Q. All right. Now, with respect to the Green Nation,
17 were you asked to collect records from the -- registration
18 records for people who registered under the Green Nation?

19 A. Yes, I was.

20 Q. And did you gather all those records and turn them
21 over to the police?

22 A. Yes, sir, I did.

23 Q. I believe we have those listed in evidence as
24 Exhibit No. 4. I move for admission of 4.

1 MR. HOUSTON: No objection, your Honor.

2 THE COURT: Exhibit 4 is admitted.

3 (Exhibit No. 4 admitted.)

4 BY MR. HALL:

5 Q. Now, while we're on the issue of the registration
6 records, after Mr. Gonzalez was identified via the videotape,
7 you pulled some of those registration records, is that
8 correct?

9 A. That's correct.

10 Q. Do you recall what room he was staying in?

11 A. I believe it was 1604.

12 Q. All right, do you recall who he was rooming with?

13 A. I do not remember the other name. But I do remember
14 that he was an additional party listed on the room
15 registration.

16 Q. All right. And now is room 1604 in the east tower
17 or the west tower?

18 A. It's in the east tower.

19 Q. Now, that would be the one that would be closest to
20 Trader Dick's?

21 A. Yes, sir.

22 Q. And so the west tower would be down past the valet
23 area?

24 A. Yes.

1 Q. Down past Rosie's and down --

2 A. Near -- our roads go to the restaurant.

3 Q. Now, were you ever called over to the Oyster Bar
4 that evening?

5 A. We -- the security department received a call of an
6 altercation in the area of the Oyster Bar, bar. And so I
7 responded with several of the other security officers.

8 Q. All right, and where did you go when you responded
9 to that area?

10 A. I went through the Oyster Bar to an area by the exit
11 doors, just so that I can get a visual of what was
12 transpiring before we entered the bar area.

13 Q. And what doors -- which exit doors were those?

14 A. Those are the doors just adjacent to the Oyster Bar.
15 On the east side of the front of the Nugget -- or actually on
16 the west side of the front of the Nugget.

17 Q. So if I can draw your attention to the monitor
18 there, just make sure we're talking about the right doors
19 here. Do you recognize this location?

20 A. Yes, sir.

21 Q. All right. I believe these are the doors that you
22 can see on the monitor that are just north of the Oyster Bar.
23 So are these the doors that you were at?

24 A. Yes, sir.

1 Q. All right. So did you go to that location with
2 anybody else?

3 A. Several other security officers. I advised the
4 security officers to take a position along the outside of
5 this area, because there were so many Vagos and Hells Angels
6 in this area and I wanted us, if there was an altercation, to
7 protect the guests and other citizens of the Nugget. So I
8 had them go to the outside of the -- of this area.

9 Q. All right. So the point of view that we're looking
10 at on the video, is that generally where you were standing?

11 A. Yes, sir.

12 Q. And did you have -- what did you have your other
13 security officers do?

14 A. I just had them go to -- it would be along the north
15 wall of the slot area there, until we could determine if
16 there was a fight. There wasn't much we could do if there
17 was an altercation in there, with the number of people from
18 both organizations in that area.

19 Q. So what was your plan at that point to address this
20 situation?

21 A. To call the Sparks Police Department and ask them to
22 respond, because I felt that there was a potential for
23 violence at that point.

24 Q. And can you describe the demeanor of the parties

1 when you responded to the Oyster Bar?

2 A. Several of the Hells Angels and Vagos were speaking
3 to each other along the north wall of the bar by the keno
4 counter, and as I was standing there, there was a group of 30
5 or so Vagos walking quickly into the bar area. So I thought
6 that there was something potentially going to transpond -- or
7 transpire at that point.

8 Q. Were you concerned?

9 A. I was very concerned. That's why I called the
10 Sparks Police Department.

11 Q. Do you recall about what time you called the Sparks
12 Police Department?

13 A. Approximately 10:30, give or take five or so
14 minutes, probably.

15 Q. All right. Did you speak with any members of the
16 Vagos or the Hells Angels prior to calling the Sparks Police
17 Department?

18 A. I did not.

19 Q. So you just saw what you perceived as a problem and
20 called the police?

21 A. That's correct.

22 Q. And did you stay at that location and monitor the
23 situation?

24 A. Yes, I did. I stepped outside of the doors so that

1 I could make the telephone call to the police department.
2 There were several areas inside of the Nugget where the cell
3 service doesn't work, so I stepped outside so the dispatcher
4 could hear me on the telephone call.

5 Q. And that communication issue, is that -- you were a
6 Sparks policeman for 28 years, is that right?

7 A. Yes, sir.

8 Q. Is it a problem communicating inside the Nugget
9 using a hand-held radio or telephone?

10 A. Occasionally it is. The freeway goes over the top
11 of the Nugget, so there are dead areas in that -- on the
12 casino floor, and sometimes in the hotel.

13 Q. All right. Now, did any Sparks police officers
14 respond to your call for service?

15 A. Sergeant Jean Walsh responded, and I met with her
16 outside the doors and we walked inside, and we stood there
17 for a few minutes looking at the area.

18 Q. All right, and had anything changed from the time
19 that you called the police to the time that Sergeant Walsh
20 arrived?

21 A. Several of the Vagos group started walking away, so
22 it appeared that the tensions were easing at that point. So
23 after they -- a lot of them left, we walked through --
24 Sergeant Walsh and I walked through that area just to take a

1 further look inside of the casino at that point.

2 Q. All right, and can you describe where you went?

3 A. Well, we went north towards the Celebrity Showroom,
4 and we stood there for a few extra minutes, and Sergeant
5 Walsh said that she would be in the area, and if we needed
6 anything to call back.

7 Q. All right, so did you walk generally in the same
8 path that the person taking this video does? So in other
9 words, did you walk on the yellow brick road?

10 A. Yes, there's a tile walkway that goes around the
11 Nugget, and I walked along the tile walkway.

12 Q. All right, so you just would have went in, took a
13 left, kind of walked past --

14 A. Yes, uh-huh.

15 Q. -- the Oyster Bar?

16 A. Yes.

17 Q. Then continued down towards the Celebrity Showroom?

18 A. Correct, right straight down that tile walkway,
19 there.

20 Q. All right, and you indicated that was approximately
21 10:30?

22 A. Yes, sir.

23 Q. And Sergeant Walsh walked inside with you and took a
24 look around?

1 A. Yes, sir.

2 Q. So did you feel that the issue had resolved itself?

3 A. I didn't know if there was an issue, I just felt
4 that it was calm enough, and there was nothing at that point
5 for the police to take any enforcement action. So Sergeant
6 Walsh left, and then I just assumed the rest of my duties.

7 Q. Now, after that did you have any conversation with
8 any member of the Vagos or Hells Angels?

9 A. No, sir, I did not.

10 Q. Did you converse with any members of the Vagos or
11 Hells Angels before that?

12 A. No, sir.

13 Q. Okay. So there wasn't any reason for you to talk to
14 them and ask them about any of their business?

15 A. No, sir.

16 Q. Did you know about any meetings that they had
17 earlier that evening?

18 A. I believe there was a meeting in the -- on the
19 second floor of the -- I think it was the pavilion rooms,
20 which are the banquet rooms on the second floor.

21 Q. And where are those located?

22 A. They're on the west side of the banquet floor, the
23 convention floor, on the second floor.

24 Q. Would they be close to the west tower?

1 A. Yes.

2 Q. So completely other side of the casino.

3 A. Yes.

4 Q. All right, and so after you had your meeting with
5 Sergeant Walsh, what did you do?

6 A. I had a -- I walked past the Trader Dick's bar, and
7 then I had a call to the lost and found booth area, which is
8 along 11th Street, on the east side of the casino, and I went
9 over there to talk to another guest regarding another matter.

10 Q. All right, those 11th Street doors are the doors
11 that you would go out to go to the parking lot?

12 A. To the parking garage, yes.

13 Q. So they're on the east side?

14 A. Yes.

15 Q. Past pit number 1.

16 A. Yes.

17 Q. So the Horseshoe Bar would be on your right, and
18 this lost and found area is just on your left there?

19 A. That's correct.

20 Q. Right next to the little cabaret?

21 A. Yes, sir.

22 Q. So you're over in that area.

23 A. Yes.

24 Q. Addressing a lost and found issue.

1 A. Uh-huh.

2 Q. And then what happened?

3 A. After assisting that guest I walked back to the area
4 of Trader Dick's, and I was standing -- I went and stood by
5 the high limits slot machines, and I was standing there and
6 watching the group of Vagos at that point.

7 Q. All right. Why were you standing there watching
8 those guys?

9 A. It was just a very large group, and concern for the
10 safety of our other guests, I didn't want anything to
11 transpire with us -- without us, you know, having some visual
12 contact with them.

13 Q. What caused you concern about this large group of
14 Vagos in front of Trader Dick's?

15 A. Just the large number of members of that
16 organization. They have a tendency of intimidating people
17 when they walk by.

18 Q. All right. Now, did you see anybody, any -- well,
19 let me rephrase the question. How were you able to identify
20 the Vagos?

21 A. The Vagos were wearing lime green colored shirts and
22 vests with the logo on the back of their shirts and vests, or
23 jackets.

24 Q. Did you see any of them with weapons?

1 A. Not -- not at that point.

2 Q. All right, did you see anybody carrying knives?

3 A. I cannot say that I saw anybody carrying a weapon at
4 all. Visible. We would have asked them to leave if we saw
5 that.

6 Q. All right, so you ask them to leave if they carry a
7 knife on their -- like hunting knife strapped to their side?

8 A. We would, yes.

9 Q. Okay. So you were watching this large group of
10 Vagos, and where are you observing this group from?

11 A. From the area of the high limits, approximately 30
12 feet from the pathway, the tile pathway.

13 Q. All right, so that -- this would be the high limits
14 area here? Can you see this from where you're at?

15 A. Yes.

16 Q. You're over in this area, the high limits area?

17 A. Would be to your left a little bit.

18 Q. Over here?

19 A. Now to the top, just a little bit. Right about in
20 there.

21 Q. Okay. So just about to the opening of the Trader
22 Dick's there?

23 A. Correct.

24 Q. All right. And how long were you at that location?

1 A. I probably stayed there 20 minutes or so.

2 Q. Was that large group of Vagos there that entire
3 time?

4 A. Yes, sir.

5 Q. Do you know what time you got there?

6 A. I do not recall what time I was there, because I
7 handled the call at the lost and found and then I just walked
8 over there. So I don't know what the time frame would be.

9 Q. Okay, but you were at that location about 20
10 minutes?

11 A. Yes, uh-huh.

12 Q. And the large group of Vagos were there during that
13 time?

14 A. Yes, sir.

15 Q. And then what happened as you were at that location,
16 if anything?

17 A. While I was standing there I noticed a group of
18 Hells Angels walking along the tile walkway past -- past the
19 Trader Dick's aquarium and bar area towards Rosie's
20 restaurant, then all of a sudden the Hells Angels group
21 stopped and they started speaking with some of the Vagos
22 there. And then while they were conversing, or talking, all
23 of a sudden I see Mr. Pettigrew either throw or strike one of
24 the Vagos in the face, and then momentarily after that I see

1 Pettigrew and Villagrana pull out weapons and start shooting.

2 Q. Now, did you -- you had an opportunity to see this
3 conversation?

4 A. Yes, uh-huh.

5 Q. Was it a nice conversation, casual?

6 A. It was a very close confrontation between the two,
7 they were standing just inches between each other. It
8 wouldn't be a casual conversation that possibly I would have
9 with another person. It looked like it was a heated argument
10 or heated conversation.

11 Q. Two guys going to get in a fight, like in each
12 other's face, right?

13 A. Yeah.

14 Q. Okay, now, after -- you saw the first punch?

15 A. Yes, sir.

16 Q. Did you see any other blows struck?

17 A. There were several people fighting, and then at that
18 point the guns started coming out.

19 Q. Did you see any glass broken?

20 A. There were bottles and glass being thrown and people
21 struck with all sorts of those items. Glasses or bottles and
22 those kind of things.

23 Q. Did you see who was doing the striking, could you
24 tell or could you see or --

1 A. It was such a large melee, the thing that I saw was
2 the first punch that Pettigrew punched, and then it seemed
3 like everybody got involved with fighting.

4 Q. And was there a large group of Vagos there?

5 A. Yes, sir.

6 Q. Now, from your vantage point -- now, are you still
7 at the area where you were talking about earlier?

8 A. Yes, sir, I was.

9 Q. All right, could you tell me about how many Vagos
10 were there?

11 A. There would be probably 30 involved in the fight
12 with the Hells Angels. I think that's -- you know. It's
13 hard to say, because there was just such a melee involved
14 there.

15 Q. Right, but I mean it wasn't just three or four, it
16 was --

17 A. No, no, it was not just three or four, no.

18 Q. It was a bunch of them.

19 A. Yes.

20 Q. And your estimate, your best estimate is
21 approximately 30?

22 A. Yes, uh-huh.

23 Q. And so after those initial blows were thrown, you
24 saw guns drawn, is that --

1 A. Yes, sir

2 Q. -- what you recall?

3 A. Yes, sir.

4 Q. What happened after that?

5 A. Shots were fired, and at that point I called our
6 dispatcher and told him that shots had been fired, to call
7 the police department.

8 Q. All right, now, you didn't intervene?

9 A. I did not, I did not have a weapon.

10 Q. And did you give any instruction to staff after that
11 initial -- you know, once you saw the guns, did you give any
12 direction to staff about what action to take?

13 A. After the -- the only directions I could give would
14 be when the police department arrived, because everybody was
15 ducking for safety and we were attempting to move guests out
16 of the way. And I was attempting to keep an eye on the
17 people involved in the shooting.

18 Q. Now, can you tell me how many people were there at
19 the casino that night? Was it a busy night, slow night,
20 medium?

21 A. It was an extremely busy night. Very busy for a
22 Friday night. It was a Street Vibrations event, and I
23 believe the event had closed for the evening outside, so
24 people had come inside.

1 Q. And were there a lot of people at the gaming tables?

2 A. Yes, sir, there were.

3 Q. People on the dance floor and bar areas?

4 A. Yes, sir.

5 Q. So you were trying to keep an eye on what was going
6 on with the fellow with the gun, right?

7 A. Yes, sir.

8 Q. Did you see Mr. Pettigrew -- you're familiar with
9 the case, correct?

10 A. Yes, sir.

11 Q. So you know who Pettigrew is?

12 A. Yes, sir.

13 Q. So you saw him with a gun and you saw Villagrana
14 with a gun, is that right?

15 A. Correct.

16 Q. What happened after that?

17 A. After they started shooting, they started walking
18 around the slot machines. And I moved with them, it would be
19 towards the south -- towards the south of the Nugget. That
20 direction, through the Nugget. And I attempted just to keep
21 an eye on them to see -- to just watch. To become a good
22 observer.

23 Q. You didn't say hey, what are you doing?

24 A. No, I didn't say anything, no.

1 Q. Are they saying anything?

2 A. They're just fighting and shooting. There wasn't
3 much conversation, there was just a loud commotion between
4 the groups.

5 Q. And was the music still going on over in the dance
6 area?

7 A. Yes, sir.

8 Q. Was there music on the speakers in the Nugget?

9 A. That's correct.

10 Q. All right, so there's -- you play music in there,
11 correct?

12 A. Yes, sir.

13 Q. Additionally you've got the music from the dance
14 area.

15 A. Yes.

16 Q. Now, where are the Vagos at this point? When
17 you're -- you know, you're watching Pettigrew and the two
18 Hells Angels, right, primarily? Is that primarily Pettigrew
19 and Villagrana?

20 A. Yes, sir.

21 Q. All right. And you're -- where are you when you're
22 watching these two?

23 A. When they started shooting and moving to the south,
24 there are large concrete pillars that hold up portions of the

1 freeway. I moved up position over by those pillars, which
2 again would be south, through the Nugget.

3 Q. All right, so you're just kind of hiding behind the
4 pillars watching them walk down the --

5 A. Yes, sir.

6 Q. -- yellow brick road?

7 A. Yes, sir.

8 Q. Towards the bathrooms.

9 A. Yes.

10 Q. And is your view blocked by the slot machines?

11 A. Occasionally it is, yes.

12 Q. And do you try and keep pace with them as you're
13 walking?

14 A. Yes, uh-huh.

15 Q. And so did you see Pettigrew get shot?

16 A. I cannot say that I saw him get shot. I did see him
17 on the ground when I was over in front of Rosie's restaurant.
18 I finally saw him on the ground when the police department
19 came and sort of quieted the situation down with weapons,
20 making people get down on the ground. And so at that point I
21 went over to Rosie's, there was an individual from the Hells
22 Angels laying on the floor in front of Rosie's, and I just
23 stood by him at that point.

24 Q. All right. You stood by the fellow on the ground?

1 A. Yeah.

2 Q. Mr. Pettigrew?

3 A. No, it was not. Pettigrew was between some slot
4 machines, it would be north of my location.

5 Q. Okay. So who was the fellow on the ground?

6 A. It's just another Hells Angels member that the
7 police department told to prone out on the ground.

8 Q. All right, and what were all the patrons doing as
9 all this was going on?

10 A. Various -- various activities. Some of them were
11 still playing slot machines, some of them were attempting to
12 get their money out of the slot machines. Some of them were
13 hiding. There was a man and a woman on the floor by the
14 concrete pillar where I was standing, and I told them to
15 leave the area as quickly as they could. But just various
16 activities by the patrons. Because of the noise, I believe.

17 Q. So there was so much noise in there that not
18 everybody realized what was going on?

19 A. Yes, sir.

20 Q. Or they were involved in their game and looking at
21 that, is that your perception?

22 A. Yes, sir.

23 Q. So after you get over to these individuals on the
24 ground, did the police arrive rather quickly?

1 A. The police were there, and they did arrive it seemed
2 very quickly to me. Sergeant Walsh told me earlier that she
3 would be in the area, so she was one of the first officers on
4 the scene with others from the police department.

5 Q. All right. Then once the police arrived, what were
6 your duties at that point?

7 A. My duties at that point were to direct the security
8 staff to secure all of the entrances and exits of the casino,
9 to prevent people from leaving until the police department
10 deemed it was clear for them to let people in or out of the
11 casino.

12 Q. All right, was the casino closed down?

13 A. Yes, sir, it was.

14 Q. And was the area of the fight roped off?

15 A. Eventually the police department did, yes. As soon
16 as they I guess removed everybody that was involved and
17 injured.

18 Q. Did you see anybody get injured or shot?

19 A. I did not see anybody individually get shot myself,
20 no. But I know that there were people shot and injured.

21 Q. Did you see anybody get injured?

22 A. No.

23 MR. HALL: All right, thank you. I have no further
24 questions.

1 THE COURT: Cross-examination.

2 MR. HOUSTON: Thank you, your Honor.

3 CROSS-EXAMINATION

4 BY MR. HOUSTON:

5 Q. Good afternoon, sir, how are you?

6 A. Fine, thank you.

7 MR. STEGE: Judge, may we approach the bench?

8 THE COURT: Certainly.

9 (Unrecorded discussion at the bench.)

10 BY MR. HOUSTON:

11 Q. Sir, you indicated you were currently employed by
12 the Nugget?

13 A. Yes, sir.

14 Q. And I'm sorry, how long have you been there?

15 A. It will be four years in November, so three years
16 and six or seven months.

17 Q. And prior to that time you were employed by whom?

18 A. Prior to that was the Arrow Creek Homeowners
19 Association for seven years, and then 28 years at the Sparks
20 Police Department.

21 Q. And at Arrow Creek did you also do security?

22 A. Yes, sir.

23 Q. And at Sparks Police Department did you come up from
24 the ranks as a patrol person to any given position?

2799

1 A. I was a lieutenant when I retired, yes, sir.

2 Q. When you indicated to a question as to the presence
3 of security that night, being September 23rd, 2011, I think
4 you said there was normal security on duty, true?

5 A. That's correct.

6 Q. And you didn't see a need at least to increase
7 security because of the Vagos being in the hotel, correct?

8 A. That's correct.

9 Q. And in fact, had they stayed there before?

10 A. The previous year -- the previous year, when I was
11 there, yes.

12 Q. All right, and had the Hells Angels been there
13 before?

14 A. I do not know that.

15 Q. Were you familiar with whether the Hells Angels
16 actually had booths selling merchandise in previous years?

17 A. After the event I did learn that, yes. But prior to
18 the event, I did not.

19 Q. So it would be safe to say because you didn't
20 increase the number of security personnel that you certainly
21 didn't anticipate a problem simply because the Vagos were
22 there, right?

23 A. Correct.

24 Q. And in fact would it be a fair statement that the

1 Nugget actually solicits the business for Street Vibrations
2 from various organizations?

3 A. Yes, sir.

4 Q. You were talking about I believe the number of rooms
5 that had been blocked off as it concerned the Vagos?

6 A. Can you rephrase that?

7 Q. Sorry, bad question. How many rooms do you know
8 were supposed to be occupied by the Vagos?

9 A. I believe there were 100.

10 Q. Okay, and would that include family and friends and
11 things of that nature?

12 A. Yes.

13 Q. So do you really know how many Vagos total were in
14 the hotel that night?

15 A. I do not know, sir.

16 Q. Now, you also indicated that Mr. Gonzalez I believe
17 was blocked out for room 1604?

18 A. I think that was the room, yes.

19 Q. And you believed as well there was another person
20 that was supposed to be staying in 1604 with him?

21 A. Yes, sir.

22 Q. Now, did the Vagos, if you know, bunk up in the
23 rooms? Meaning was it characteristic that there was an
24 invited guest in more than just the room 1604?

1 A. I do not know that.

2 Q. What time do you think you were called to the Oyster
3 Bar that evening to kind of take a look at this?

4 A. It was around 10:20, 10:25, 10:30, somewhere in that
5 area.

6 Q. And who initially alerted you?

7 A. I believe it was the bartender from the Oyster Bar.

8 Q. And when he called you over, do you recall what you
9 saw?

10 A. Yes, there were several Hells Angels and several
11 Vagos in the bar area talking and standing around.

12 Q. Okay, and nobody doing anything aggressive, correct?

13 A. Correct.

14 Q. Nobody was pushing anyone, throwing anything,
15 correct?

16 A. Correct.

17 Q. You felt, though, because there were Vagos and Hells
18 Angels that you might want to call for a uniformed presence?

19 A. I felt that with the large amount of Vagos coming
20 into the area rapidly, I felt that something was going to
21 transpire, that's why I called.

22 Q. Were you aware of whether or not a meeting had
23 adjourned to where a lot of the Vagos would have been
24 released from the meeting at one point?

1 A. I do not know that, no.

2 Q. Okay. But what we do know is we have a casino with
3 tables and slot machines, correct?

4 A. Correct.

5 Q. And you've got restaurants, correct?

6 A. Correct.

7 Q. And you've got bars.

8 A. Yes, sir.

9 Q. Now, would it be a fair statement there were a lot
10 of Vagos throughout the casino?

11 A. Yes, sir.

12 Q. And we have what we call the yellow brick, true?

13 A. If that's the tile area, yes, sir.

14 Q. That's another word to call it. We've got the tile
15 area, and it's about how wide, if you know?

16 A. It's about four feet, maybe five feet wide.

17 Q. And that's sort of the major path that winds through
18 the casino, true?

19 A. Yes, sir.

20 Q. Now, did you build that path so you would actually
21 have a main walkway for people to sort of navigate the
22 casino?

23 A. I can't answer that because I wasn't there, but it
24 does transpire the whole entire casino from one end to the

1 other.

2 Q. And people use it for that purpose, correct?

3 A. Yes, sir.

4 Q. So it's not unusual if you've got groups of people
5 passing one direction to another to utilize that yellow tiled
6 pathway to get to wherever they're going, true?

7 A. True.

8 Q. So this night when you saw that there were Vagos
9 walking down the pathway, would it be correct you would also
10 have seen them walking in the opposite direction?

11 A. Yes, sir.

12 Q. And when you called for the uniformed presence you
13 said you had to walk away and you had to go outside and use
14 your cell phone?

15 A. Yes, sir.

16 Q. When you came back in, did you come back in with
17 Officer Walsh?

18 A. Yes, sir.

19 Q. And Officer Walsh walked through the casino with
20 you, correct?

21 A. Correct.

22 Q. Do you guys use that yellow brick road?

23 A. We did.

24 Q. When you're using the yellow brick road do you see

1 Vagos then?

2 A. Yes.

3 Q. Coming and going?

4 A. Yes, sir.

5 Q. Do you see Vagos in Rosie's, the restaurant?

6 A. I cannot say that I saw them in Rosie's, because I
7 wasn't in Rosie's that evening.

8 Q. And as you're walking down the path and Vagos are
9 going back and forth, you finally get to the area of the
10 Oyster Bar, correct?

11 A. Yes, sir.

12 Q. And once you're there, you don't see anything that
13 causes you to believe there's about to be an altercation,
14 true?

15 A. Not initially when I arrived.

16 Q. And did it appear as though something had happened;
17 in other words, things were calmed down?

18 A. Can you rephrase that again?

19 Q. Did it appear different from when you initially saw
20 it, and went outside to make the call, than what you saw when
21 you came back with Officer Walsh?

22 A. It seemed like the large group of Vagos that were
23 quickly walking to the Oyster Bar had decided to turn around
24 and leave, as if something made them leave the area.

1 Q. Maybe somebody told them to leave the area.

2 A. Yes.

3 Q. So at that point you and Officer Walsh are there for
4 how long?

5 A. Just a matter of five minutes, maybe 10 at the most.

6 Q. Now, as I understand the layout, you've got the
7 Oyster Bar in one spot, and then there's another bar that's
8 called Trader Dick's, is that correct?

9 A. Yes, sir.

10 Q. Did it look as though the Vagos that were at one
11 point at the Oyster Bar had left and now were going to a
12 separate bar over at Trader Dick's?

13 A. Yes, sir.

14 Q. Now, when you and Officer Walsh observed the
15 situation, about how long do you look at things or watch
16 things?

17 A. It was a matter of five or 10 minutes initially when
18 she walked in. And then we walked through the northern area,
19 towards the Celebrity Showroom, and then she left.

20 Q. Everything seemed calmed down.

21 A. Yes, sir.

22 Q. Now, I want to talk to you about when you and
23 Officer Walsh go back to the Oyster Bar for that first time,
24 and you're looking to see and it looks like that large group

1 of Vagos has left, okay?

2 A. Uh-huh.

3 Q. Did you see other Vagos that were still in the
4 Oyster Bar area talking with Mr. Pettigrew?

5 A. Yes.

6 Q. And did that occasion appear to be friendly?

7 A. I don't know that I would say that it was friendly.
8 They were having a conversation or talking.

9 Q. Nothing aggressive, though.

10 A. Nothing aggressive.

11 Q. And did you see those Vagos subsequently leave?

12 A. I didn't see the ones that were talking with
13 Mr. Pettigrew leave, because we had left prior to they --
14 prior to them leaving.

15 Q. Now, after you left and you walked through the
16 casino, and as you walked through the casino you don't see
17 any other problems, do you?

18 A. No, sir.

19 Q. Where do you go at that point?

20 A. I go to the lost and found booth to speak with a
21 guest.

22 Q. Okay, there was some other sort of problem at the
23 lost and found booth with a guest, correct?

24 A. Yes.

1 Q. And you're over at the lost and found booth, and
2 what happens?

3 A. Well, after I talked with that guest and solved
4 their problem, then I walked over to the area of the Trader
5 Dick's.

6 Q. And when you walk over to the area of Trader Dick's,
7 is that when you start to see the Hells Angels walking up
8 this yellow brick road?

9 A. I was there approximately 20 minutes, and then the
10 Hells Angels started coming through that area, yes.

11 Q. All right. And during that 20 minutes you don't see
12 anything that causes you to think oh, my gosh, I'd better go
13 outside and use my cell phone and call for uniformed presence
14 again, do you?

15 A. Not at that time, correct.

16 Q. And if you had, you would have, correct?

17 A. Yes.

18 Q. You also had other security personnel on the floor,
19 correct?

20 A. Yes.

21 Q. Approximately how many?

22 A. Approximately nine.

23 Q. So did any of those nine other security officers
24 report in to you there's a problem, we'd better call

1 somebody?

2 A. No, sir.

3 Q. Would you agree with me that the problem that later
4 developed seemed to stem from the Oyster Bar?

5 A. Yes.

6 Q. Okay. Now, when did you see the Hells Angels
7 actually start to walk up the pathway? Or did you, I'm
8 sorry.

9 A. When I was standing there watching the large group
10 of Vagos by the Trader Dick's, that's when I observed the
11 Hells Angels walk down the path, the tile walkway.

12 Q. Even during the period of time you're watching them
13 walk down this pathway, you see nothing that causes you to
14 think, uh-oh, there's a problem, I'd better go call for some
15 help?

16 A. Correct. Not at that time.

17 Q. So therefore, the fact that Hells Angels are walking
18 in the pathway, and Vagos were stepping out of the pathway to
19 let the Hells Angels pass, didn't cause any alarm to you, did
20 it?

21 A. No, sir.

22 Q. Now, if you're on the pathway in a group and you've
23 got to step back to let them pass, you would sort of
24 congregate on the edge of the path, wouldn't you?

1 A. I can't say that I observed them walk from the tile
2 to the carpeted area. They were standing there when the
3 Hells Angels walked through. I can't say that I saw a group
4 of Vagos move out of their way. They were standing there
5 when the Hells Angels came through.

6 Q. Did you ever see one of the Vagos make a hand sign
7 like that, that could indicate for people to get out of the
8 way?

9 A. I did not.

10 Q. All right. Now, when Mr. Pettigrew is walking down
11 the pathway, you indicated that there was a Vago on the side
12 that said something, or they started to talk?

13 A. Mr. Pettigrew was walking down the tile walkway, and
14 all of a sudden he turned to his left and faced an
15 individual, a Vago, and they were -- they were talking at
16 that point.

17 Q. Do you know or have you learned who that individual
18 was?

19 A. I do not.

20 Q. All right. Now, Mr. Pettigrew didn't have to stop
21 to talk with this individual, did he?

22 A. No, sir, he could just walked right on by.

23 Q. Right, no obstruction, he could have just kept
24 going, true?

1 A. Right.

2 Q. Now, he stops to talk with this individual, and how
3 long do you think he's talking to this individual before
4 Mr. Pettigrew decides to punch him in the head?

5 A. It was just a matter of a very few seconds, or up to
6 a minute. It wasn't very long at all.

7 Q. Now, up and to that point, no problem from any Vago
8 as far as any physical aggression, true?

9 A. Correct.

10 Q. And there was no physical aggression by any Vago
11 until the individual -- and I'll tell you his name, it's
12 Mr. Rudnick -- was punched in the head, right?

13 A. Correct.

14 Q. And then what you recall seeing is guns are pulled
15 by Mr. Villagrana and Mr. Pettigrew, correct?

16 A. Correct.

17 Q. And then I think as you have described, a melee
18 results.

19 A. Correct.

20 Q. And part of that melee would have been Mr. Pettigrew
21 and Mr. Villagrana shooting Vagos. Right?

22 A. Correct.

23 Q. They were also firing fairly randomly, correct?

24 A. Yes, sir.

1 Q. Now, if you weren't sitting there counting you
2 wouldn't know how many Vagos they hit or didn't hit, would
3 you?

4 A. No, sir.

5 Q. But certainly there was that possibility that they
6 had shot more than two, correct?

7 A. Correct.

8 Q. The Vagos reacted to the shooting in a pretty abrupt
9 fashion, correct?

10 A. Are you saying that they commenced to fight?

11 Q. Absolutely.

12 A. Yes, sir.

13 Q. And in fact, some ran away, true?

14 A. Yes, sir.

15 Q. And some engaged.

16 A. Yes, sir.

17 Q. So it wasn't a situation where every Vago in the
18 hotel appeared to know something was up and jumped on
19 Mr. Pettigrew or the rest of the Hells Angels, correct?

20 A. I can't answer that question.

21 Q. Well, you didn't see it.

22 A. I didn't see it.

23 Q. And you're in a pretty good situation or position to
24 watch, right?

1 A. Yes, sir.

2 Q. Now, once this melee starts, Vagos in some cases and
3 people in general would surge forward, gunfire, then they
4 would surge backward, true?

5 A. Yes, sir.

6 Q. At one point I believe you saw an individual go
7 down, and you saw him being beaten and kicked by the Hells
8 Angels. Do you remember telling the grand jury that?

9 A. I don't remember that.

10 THE COURT: Counsel, we're at the end of the day.

11 MR. HOUSTON: We can stop here, your Honor, that
12 would be fine.

13 THE COURT: I don't know how much more
14 cross-examination you have.

15 MR. HOUSTON: 10, 15 minutes, maybe.

16 THE COURT: We said we'd go six hours, and we've
17 gone six hours.

18 MR. HOUSTON: That's fine with me, thanks.

19 THE COURT: Okay. Ladies and gentlemen of the
20 jury, we're going to recess now for you this afternoon, and
21 we will be back on the record with you at 7:30 tomorrow
22 morning. You should follow the directions that you will
23 receive from the bailiff upon going into the jury room.

24 Now, during this break remember the admonition that

1 I've given you at all the other breaks, and that is you may
2 not discuss the case among yourselves or with any other
3 person, you may not form or express any opinion about the
4 ultimate outcome of this matter. You may not allow anyone to
5 speak of the case to you. If any person should attempt to
6 influence you or speak of the case to you, you must report it
7 to me immediately.

8 When I say that you may not discuss the case, that
9 includes discussing the case in internet chat rooms or
10 through internet blogs, internet bulletin boards such as
11 Facebook or Twitter, e-mails and text messaging. In
12 addition, you may not make any independent investigation or
13 inquiry into any of the facts and circumstances surrounding
14 this case. This means that you may not do any research,
15 referring to dictionaries, the internet, or any other
16 reference materials, regarding the subject matter of this
17 case, the case itself, the Sparks Nugget, or anything to do
18 with motorcycle groups.

19 I will see you back -- and you may not listen to,
20 view or read any news media accounts or any other accounts
21 that may occur regarding this case. We will see you back
22 tomorrow morning at 7:30. Please go into the jury room at
23 this time.

24 Sir, you are excused until tomorrow morning at

1 7:30.

2 THE WITNESS: Thank you, your Honor.

3 THE COURT: You're welcome.

4 (Jury absent.)

5 THE COURT: Please be seated. There are a couple
6 of housekeeping matters I wanted to go over. The Exhibit
7 130, which has been up there, it's my understanding that you
8 did offer that, is that correct, Mr. Hall? I admitted it?

9 MR. HALL: Yes.

10 THE COURT: Okay. Have you all looked at all the
11 photographs that have been marked in this case?

12 MR. HALL: Many times.

13 THE COURT: I mean together? Is there -- do you
14 have an idea of how many -- what photographs you intend to
15 use?

16 MR. HALL: Yes.

17 THE COURT: Can you share that with me?

18 MR. HALL: Yes.

19 THE COURT: Did you not get your lunch, Mr. Hall?

20 MR. HALL: No.

21 THE COURT: Counsel?

22 MR. STEGE: 7 --

23 MR. HALL: Not to be a smart aleck, seriously, we
24 plan on using most of the ones we've marked in this first

1 section, the first binder. Does that make sense? Is the
2 Court concerned that there's too many, or --

3 THE COURT: Well, no, not necessarily. But I was
4 concerned that perhaps you all hadn't talked about all of the
5 photographs that you wanted to use, the content, and I would
6 like to be sure that we have a stipulation on the
7 admissibility of the photographs before you offer them, or we
8 have a hearing outside the presence of the jury.

9 MR. HALL: Right.

10 THE COURT: So I just wanted to make sure that you
11 all had a chance to look them over, and I mean not just
12 independently, but together, and could maybe offer a
13 stipulation, or at least we would know which ones there would
14 be a disagreement about.

15 MR. HALL: Yes, and just for the record I would
16 indicate that we -- the defense has photocopies of all the
17 photographs, they took them to the copy shop and had them
18 copied, and so it was my understanding that they were going
19 to stipulate to basically the four binders. That were
20 copied.

21 And we'll have a discussion right now, and then
22 we'll make a record in the morning, if that would be --

23 THE COURT: That's fine with me.

24 MR. HALL: -- sufficient with the Court.

1 THE COURT: No, that's fine. And if you all have
2 any other exhibits that you want to stipulate to, we can put
3 that on the record in the morning. Is there anything else
4 that you would like to review with the Court this afternoon?

5 MR. LYON: Just tomorrow's witness list, your
6 Honor.

7 THE COURT: Okay, counsel approach, please.

8 (Unrecorded discussion at the bench.)

9 THE COURT: Okay, that concludes today's testimony,
10 I'll see you all back on the record tomorrow morning at 7:30.
11 Court is in recess.

12 (Recess.)

13 (Proceedings concluded.)

14 --o0o--

15

16

17

18

19

20

21

22

23

24

1 STATE OF NEVADA,)

2)

3 COUNTY OF LYON.)

4

5

6 I, MARCIA L. FERRELL, Certified Court Reporter of the
7 Second Judicial District Court of the State of Nevada, in and
8 for the County of Washoe, do hereby certify:

9 That I was present in Department No. 4 of the
10 above-entitled Court and took stenotype notes of the
11 proceedings entitled herein, and thereafter transcribed the
12 same into typewriting as herein appears;

13 That the foregoing transcript is a full, true and
14 correct transcription of my stenotype notes of said
15 proceedings.

16 Dated at Fernley, Nevada, this 3rd day of August, 2013.

17

18

19 /s/ Marcia L. Ferrell

20 Marcia L. Ferrell, CSR #797

21

22

23

24

4/9

1
2
3
4 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

5 IN AND FOR THE COUNTY OF WASHOE

6 THE HONORABLE CONNIE STEINHEIMER, DISTRICT JUDGE

7 -oOo-

8 STATE OF NEVADA,)

9 Plaintiff,) Case No. CR11-1718B

10 vs.)

11 ERNESTO MANUEL GONZALEZ,) Dept. No. 4

12 Defendant.)

13 _____)

14
15 TRANSCRIPT OF PROCEEDINGS

16 THURSDAY, JULY 25, 2013

17 MORNING SESSION

18 TESTIMONY OF

19 GEORGE MESSINA

20 JIMMY EVANSON

21 ERICK THOMAS

22 RENO, NEVADA

COPY

23
24 Reported By: MARCIA FERRELL, CCR No. 797

1 APPEARANCES:

2

3 For the Plaintiff: AMOS R. STEGE

4 KARL S. HALL

5 DEPUTY DISTRICT ATTORNEYS

6 1 S. Sierra St., 4th Floor

7 RENO, NEVADA 89520

8

9 For the Defendant Gonzalez: DAVID R. HOUSTON

10 ATTORNEY AT LAW

11 432 Court St.

12 RENO, NEVADA 89501

13 KENNETH E. LYON III

14 ATTORNEY AT LAW

15 10389 Double R. Blvd.

16 RENO, NEVADA 89521

17

18 WITNESS: DIR. CROSS REDIR. RECROSS

19 GEORGE MESSINA 4 10 16

20 22 23

21 JIMMY EVANSON 25 109 158 168

22 ERICK THOMAS 170

23

24

1 RENO, NEVADA, THURSDAY, JULY 25, 2013, 7:30 A.M.

2 --oOo--

3 THE COURT: Deputy Butler, is the jury all here?

4 BAILIFF: Yes they are, your Honor.

5 THE COURT: Okay, please bring them in.

6 (Jury present.)

7 THE COURT: Counsel, will you stipulate to the
8 presence of the jury?

9 MR. HALL: Yes.

10 MR. HOUSTON: Yes, your Honor.

11 THE COURT: Please be seated. Okay, Mr. Hall, do
12 we still have the witness?

13 MR. HOUSTON: Cross-examining the witness, your
14 Honor.

15 THE COURT: Yes.

16 Okay, sir, you're still under oath, please retake
17 the stand.

18 THE WITNESS: Thank you.

19 THE COURT: Thank you.

20 GEORGE MESSINA

21 Called as a witness by the State
22 who, having been previously sworn, was examined
23 and testified further as follows:

24 THE COURT: You may proceed, Mr. Houston.

1 MR. HOUSTON: Thank you, your Honor.

2 CROSS-EXAMINATION

3 (Continued)

4 By MR. HOUSTON:

5 Q. Good morning, sir, how are you?

6 A. Fine, sir.

7 Q. And excuse me if I repeat myself, because I'm trying
8 to more or less get up to where we were yesterday when we
9 took the break. You work at the Nugget, correct?

10 A. Yes, sir.

11 Q. And what's -- you're director of security?

12 A. Yes, sir.

13 Q. And you've been in that position for a number of
14 years, true?

15 A. Yes, sir.

16 Q. You were also present on the night of September
17 11th, correct?

18 A. September 23rd.

19 Q. I'm sorry, I'm thinking an entire --

20 A. 2011.

21 Q. September 23rd, 2011. And as a consequence of your
22 presence, I think as you testified yesterday you observed a
23 number of things that occurred on the casino floor, right?

24 A. Yes, sir.

1 Q. And one of the things that I wanted to make clear
2 with your observations. You know that there were two Hells
3 Angels involved with firearms, correct?

4 A. Yes, sir.

5 Q. And one was Mr. Pettigrew?

6 A. Yes, sir.

7 Q. And did you actually see him with his revolver?

8 A. Yes, sir.

9 Q. In fact, you observed him pistol-whipping another
10 individual, correct?

11 A. Correct.

12 Q. And did you see the two individuals shot, who were
13 shot?

14 A. I did not.

15 Q. Did you see Mr. Pettigrew shooting rounds throughout
16 the casino at others?

17 A. Yes.

18 Q. And Mr. Villagrana was the other individual,
19 correct?

20 A. Yes, sir.

21 Q. And did you see Mr. Villagrana shooting rounds
22 through the casino at others?

23 A. Yes, sir.

24 Q. At the time you're watching this -- I think I asked

1 this yesterday, so please forgive me. But at the time you're
2 watching this, you didn't know how many were hit or if any
3 were hit, correct?

4 A. Correct.

5 Q. Now, the two who were shot, did you actually see
6 them go down?

7 A. I did not.

8 Q. All right, were you surprised there weren't more
9 people injured?

10 A. Yes, sir, I was.

11 Q. And that would be because of the volume of gunfire
12 from the two Hells Angels?

13 A. Yes, sir.

14 Q. How many shots do you think they fired?

15 A. I have no idea.

16 Q. A lot?

17 A. What is a lot, I have no idea.

18 Q. I guess that's relative. More than 10?

19 A. I just do not know, Mr. Houston.

20 Q. Would you agree with me that in a situation like
21 that you're not counting rounds, so to speak?

22 A. I was not counting rounds at that time, that's
23 correct.

24 Q. Your primary purpose at that time was what?

1 A. To observe and to see if I could make our guests
2 safer, but it happened so quickly there wasn't much I could
3 do.

4 Q. Now, I understand yesterday when you were speaking
5 with the State you indicated you didn't intervene because you
6 weren't armed, true?

7 A. True.

8 Q. If you were armed you would have intervened,
9 wouldn't you

10 A. I would have, yes.

11 Q. And in fact you would also hope if you did and you
12 shot someone, you didn't get prosecuted for it, correct?

13 A. I would hope so, yes.

14 Q. Because if you did intervene, it would be to save
15 someone else from being shot or injured, correct?

16 MR. HALL: Objection, calls for speculation.

17 THE COURT: Sustained.

18 BY MR. HOUSTON:

19 Q. When you saw -- let me ask it this way. Yesterday
20 when I closed testimony for the recess, I had asked you a
21 question. I asked you whether you recalled testifying in
22 front of the grand jury in this case.

23 A. That's correct.

24 Q. I asked you whether you recalled telling the grand

1 jury that you saw someone on the ground in one of these
2 machines, in the area between the machines, with the Hells
3 Angels kicking and/or beating the individual on the ground.
4 Do you remember I asked you that?

5 A. Yes, sir.

6 Q. Do you remember what you told the grand jury?

7 A. I do, yes, sir.

8 Q. What did you tell the grand jury?

9 A. I told the grand jury exactly that, I also said I
10 could not identify --

11 Q. Right.

12 A. -- whether they were Hells Angels or Vagos.

13 Q. All that you know is you saw someone prone on the
14 ground, correct?

15 A. On the ground, I don't remember saying that he was
16 prone. At the time of the incident there were Hells Angels
17 hitting and beating Vagos, there was Vagos kicking Hells
18 Angels who were on the floor.

19 Q. Right.

20 A. It was just a large melee.

21 Q. Right, but I'm talking about the one incident that
22 you referred to at the grand jury, sir. You indicated you
23 saw the two Hells Angels beating or kicking someone laying on
24 the ground, right?

1 A. Yes.

2 Q. Okay. And did the individual who was laying on the
3 ground appear to be aggressive toward the Hells Angels?

4 A. I was moving so quickly through the area I couldn't
5 say one way or another.

6 Q. When you saw the Hells Angels beating and/or kicking
7 the individual on the ground, if you could have, would you
8 have intervened?

9 A. I would not have, no.

10 Q. You would have let them simply kick and beat him.

11 A. I was in no position to deal with the large number
12 of people that were fighting, both Hells Angels or Vagos.

13 Q. Because you were unarmed, right?

14 A. That's correct, and a single person with this
15 number, it would have been --

16 Q. Difficult.

17 A. Very difficult.

18 Q. Put yourself at jeopardy to do something like that?

19 A. Yes, sir.

20 Q. And you might have run away after you fired?

21 MR. HALL: Objection, speculation.

22 MR. HOUSTON: Nothing further. Thank you, your
23 Honor. Thank you, sir.

24 //

REDIRECT EXAMINATION

BY MR. HALL:

Q. Good morning, sir.

A. Good morning.

Q. Do you remember providing your statement to the police immediately after this incident?

A. Yes, sir.

Q. So just to put some tempo proximity to this issue, so after the fight did you have contact with the police?

A. Yes, sir.

Q. And then did you go down to the police station?

A. Yes, sir.

Q. And did you provide the police with a statement?

A. Yes, sir.

Q. Do you recall what you told the police with respect to your observations regarding the shooting incident?

A. Essentially the same what I've testified to here.

Q. All right, and what was that?

A. That the incident started over at the Oyster Bar, when we were called over there for an altercation. We responded to that area. While we were there, a large number of Vagos came to the area rapidly, and it appeared that they were going to have some kind of an altercation with the group that was in the Oyster Bar.

1 Q. All right, so this wasn't a situation where it
2 appeared as though this was casual strolling around the
3 casino.

4 A. That's correct. The Oyster Bar restaurant was
5 closed, and the bar was -- I believe they were due to close
6 fairly short -- shortly after that.

7 Q. And is -- when we looked at Exhibit 130 -- just
8 briefly, is there anything -- if the Oyster Bar was closed,
9 there's really -- is there anything over here as far as bars
10 other than the Oyster Bar that would attract a large number
11 of Vagos?

12 A. No, sir.

13 Q. And if the west tower, both towers, are over to the
14 left side of Exhibit 130, on the south side of the casino,
15 would there really -- would there be any reason for a large
16 number of Vagos to be in that area?

17 A. No, sir.

18 Q. And then you were called because there was some
19 concern, is that accurate?

20 A. Yes, sir.

21 Q. And can you describe how these -- well, first of
22 all, how many Vagos did you see approaching?

23 A. I would estimate approximately 30 of them. There
24 was a large group, and I thought it was approximately 30.

1 Q. All right, and do you recall in your prior statement
2 you said 40 or 50, or 30 or 40?

3 A. It's all subjective at the time, you know, I didn't
4 have a chance to count them. It could have been 30 to 50, it
5 was a very large number.

6 Q. And did the Vagos outnumber the Hells Angels that
7 were there in the Oyster Bar?

8 A. Considerably.

9 Q. All right, so it wasn't just one fellow, it wasn't
10 just this fellow Rudnick.

11 A. No, sir.

12 Q. So you were concerned at that time, and so concerned
13 that you called the police.

14 A. That's correct.

15 Q. And you called the police why?

16 A. I called the police because of the large number of
17 Vagos coming to the area quickly, I thought that there was
18 going to be some other altercation or fight in the Oyster Bar
19 or in that area that, you know, to protect the citizens and
20 everybody involved, I needed to call the police department to
21 have them respond.

22 Q. Now, did you have any contact information with any
23 of the higher echelon in the Vagos organization?

24 A. Not that day, no.

1 Q. Had you in the past?

2 A. The year prior I believe I had a conversation with a
3 fellow by the name of Sarge, who was the sergeant of arms for
4 the Vagos.

5 Q. And what did you ask him, if anything?

6 A. We had a large number of Vagos carrying long knives
7 on their person, and I had called him to ask him to have them
8 removed. And he said he would attempt to, but there were so
9 many of them that he didn't feel that he could have -- could
10 have everybody remove them.

11 Q. Now, after a walk through the Oyster Bar with
12 Sergeant Walsh from the Sparks Police Department it appeared
13 as though everything was calmed down, is that fair to say?

14 A. Yes, a lot of the Vagos left that area, and then we
15 walked through, and it appeared to be calm at that point.

16 Q. And if I recall your testimony from yesterday, you
17 indicated that you then went over to the lost and found area
18 by the 11th Street doors.

19 A. Yes, sir.

20 Q. Which would be just I guess just east of pit one?

21 A. Yes, sir.

22 Q. Then after that you walked back over to pit 2, which
23 would be closer to Trader Dick's area, is that right?

24 A. That's correct.

1 Q. And you took a position at that location, why?

2 A. I was concerned about the large number of Vagos
3 being in that area. They have a very large intimidation
4 factor to our casino guests, and I just wanted to stand by
5 just to make certain nothing else transpired. Because of the
6 previous incident.

7 Q. And while you were at that location, a fight broke
8 out.

9 A. Yes, sir.

10 Q. Now, did you see -- what did you see in terms of an
11 exchange of gunfire once the fight broke out?

12 A. I just saw Mr. Pettigrew and Mr. Villagrana. After
13 Mr. Pettigrew struck one of the Vagos, there was a very large
14 melee or fight, Vagos were throwing glasses and bottles at
15 the Hells Angels, and vice versa. They were fighting, they
16 were kicking each other. There was a Hells Angels on the
17 ground with a Vago kicking him. Mr. Pettigrew and
18 Mr. Villagrana pulled out firearms and commenced to fire.

19 Q. Did you see who they were shooting at?

20 A. I could not tell.

21 Q. Do you know if any of the Vagos had firearms?

22 A. I do not know.

23 Q. Do you remember providing a statement to police,
24 what you told the police back on September 23rd?

1 A. Yes, sir.

2 Q. And what did you tell them?

3 A. I told them exactly the same thing that I just
4 mentioned. And after the shooting, I just moved towards the
5 Rosie's restaurant and stayed there until the police arrived.

6 Q. All right, do you remember whether or not you were
7 concerned for your safety as far as being shot at?

8 A. I was not concerned, because they weren't pointing
9 the weapon at me personally. I was sort of behind them, and
10 they were pointing the weapons away from me.

11 Q. All right. And do you know what caused them to
12 start shooting?

13 A. I do not.

14 Q. Do you remember in your initial statement to police
15 that you thought that there was an exchange of gunfire
16 between the Vagos and the Hells Angels? That they were
17 shooting, there was a exchange of gunfire between both
18 groups?

19 A. It would appear that if one group was shooting at
20 the other, there was some reason why they were exchanging --
21 shooting gunfire. If it's just a fight, there would be no
22 reason to exchange or to start shooting.

23 It appeared that the Vagos were shooting, but I
24 have no personal observation of that.

1 MR. HALL: Thank you. I have no further questions.

2 THE COURT: Mr. Houston.

3 MR. HOUSTON: Thank you, your Honor.

4 RECROSS-EXAMINATION

5 BY MR. HOUSTON:

6 Q. Starting, officer, where you just finished, you
7 never saw a Vago with a firearm, correct?

8 A. That's correct.

9 Q. In fact, all that you did see was Hells Angels
10 shooting at the guys in green, right?

11 A. That's correct.

12 Q. And you thought that unusual, because other than
13 that it was a fistfight?

14 A. A fistfight, yes.

15 Q. It seemed to you as though the Vagos had raised --
16 or excuse me, the HAs, Hells Angels, had raised the stakes a
17 bit when they pulled the guns, correct?

18 A. I can't answer that as far as raising the stakes. I
19 don't know why they pulled the weapons out. I don't know if
20 somebody else started shooting at them first. All I know is
21 that there was a fight, the Hells Angels -- I saw the Hells
22 Angels with their weapons, and that's -- that's my
23 observation.

24 Q. You do know you didn't see a Vago pull a gun.

1 A. That's correct.

2 Q. And all that you know is you would think if somebody
3 pulls a gun and starts shooting at you, you might pull a gun
4 and shoot back, right?

5 A. If somebody pulled a gun at me and if I had one, I'd
6 probably pull it out and -- you know.

7 Q. Or if somebody was going to hurt you?

8 A. If somebody was going to hurt me, correct.

9 Q. Or your friend?

10 A. Possibly my friend.

11 Q. You indicated -- and I missed it, and I wanted to go
12 there. Referencing the Vagos had an intimidation factor as
13 it concerned the guests?

14 A. That's correct.

15 Q. Why invite the Vagos to your hotel?

16 A. I did not invite them, sir.

17 Q. Do you have a voice in that, by the way?

18 A. I do not.

19 Q. Okay. So it was the casino management that felt the
20 Vagos should come back?

21 A. It was the convention sales, the executive
22 vice-president, who arranged for the convention codes and
23 such.

24 Q. And when you talk about intimidation factor, do you

1 mean because maybe some of them are kind of big guys and
2 they're wearing their jackets or cuts, that presents in
3 itself an intimidation factor?

4 A. That's a part of it. A lot of them do carry large
5 weapons on their person.

6 Q. You mean the knives and so forth?

7 A. The knives, yes, and so forth.

8 Q. I want to ask you about that. You said the year
9 before, not 2011, that you actually contacted a member of the
10 Vagos, and you made a request of him that the Vagos not wear
11 any sort of hunting knife or knife, right?

12 A. Correct.

13 Q. When did you ask this person named Sarge to get that
14 done?

15 A. I believe -- I believe it was -- I get the two years
16 mixed up. 2010, 2011. I believe it was 2010.

17 Q. Okay.

18 A. It was during the Street Vibrations event, when we
19 start to see a large number of Vagos with weapons.

20 Q. Okay, so they're, in other words, already there.

21 A. They were there, yes.

22 Q. It wasn't like anybody in management had sent out a
23 message in advance saying, hey, no visible knives worn during
24 the casino hours or in the casino, right?

1 A. That's correct.

2 Q. And certainly that could have been done, right?

3 A. That's correct.

4 Q. That wasn't done.

5 A. I do not know if the management sent anything out.

6 I'm not aware of anything that was sent out.

7 Q. And that's something you would check for, as
8 director of security, wouldn't it?

9 A. Yes.

10 Q. You also knew that I guess after 2011, the Nugget
11 adopted a policy no colors are allowed?

12 A. That's correct.

13 Q. What's that mean?

14 A. That means that we do not allow anyone with
15 motorcycle club colors, weapons, anything that would identify
16 an individual as a motorcycle club member.

17 Q. As soon as you passed that rule, is that being
18 followed?

19 A. Yes, it is.

20 Q. And you've invited the Vagos back since 2011 to stay
21 in the hotel, correct?

22 A. I do not know that. I've not invited anybody back
23 from the Vagos.

24 Q. Of course, but that wouldn't be your job, right?

1 A. That's correct.

2 Q. Did you invite anybody back from the Hells Angels?

3 A. I haven't, no.

4 Q. Sir, when you talked about the numbers of the Vagos
5 in the casino that evening, correct?

6 A. Yes.

7 Q. And you thought there were a large number, right?

8 A. Correct.

9 Q. And you knew that there was a block of what, 100
10 some rooms for them, or 50 rooms?

11 A. I believe there was 100 rooms.

12 Q. And you knew they were holding their national
13 convention there?

14 A. I did not know the national convention was being
15 held there.

16 Q. Did you subsequently learn that?

17 A. I do not know anything about a national convention.
18 All I know is that the Vagos had a meeting room on the second
19 convention floor.

20 Q. Okay. A number of folks there, because they were
21 patrons and guests of the hotel, true?

22 A. Say that again?

23 Q. Vagos. A number of Vagos there were patrons and
24 guests of the hotel?

1 A. Correct.

2 Q. So in other words, they weren't interlopers, all of
3 them coming in off the street, true?

4 A. Correct.

5 Q. We talked a little bit about the Vagos walking in
6 groups, and we did that yesterday, correct?

7 A. Correct.

8 Q. And we talked a little bit about this yellow brick
9 road and how that's the pathway that meanders through the
10 casino, true?

11 A. True.

12 Q. And most people use that, correct?

13 A. Correct.

14 Q. Pretty narrow pathway?

15 A. It's wide enough for two individuals or three
16 individuals to pass.

17 MR. HALL: Excuse me, your Honor, we've already
18 covered this ground.

19 MR. HOUSTON: Well, your Honor, he brought it back
20 up when he was talking about numbers and activities of Vagos
21 within the casino and what they were doing and what he
22 observed.

23 THE COURT: I don't think he brought it up to go
24 through the whole thing all over again.

1 MR. HOUSTON: Oh, I didn't plan to, your Honor, I
2 have one more question.

3 THE COURT: One question.

4 BY MR. HOUSTON:

5 Q. Wide enough to where if you're in a group it's going
6 to bunch you up a bit, correct?

7 A. Correct.

8 MR. HOUSTON: All right, thank you. Nothing
9 further, sir.

10 Your Honor, are we doing direct, cross, redirect,
11 recross, redirect --

12 THE COURT: It sounds like we are going back and
13 forth quite a bit, but we'll see.

14 MR. HALL: Just one question.

15 THE COURT: Okay.

16 REDIRECT EXAMINATION

17 BY MR. HALL:

18 Q And that has to do with the numbers at Trader
19 Dick's. How many Hells Angels were there compared to how
20 many Vagos?

21 A. At the time of the shooting or before?

22 Q. At the time of the fight, when the fight broke out
23 in front of Trader Dick's.

24 A. There were I would guess 10 or 12 --

1 MR. HOUSTON: Objection, speculation, your Honor,
2 "I would guess."

3 BY MR. HALL:

4 Q. Were you guessing, or did you have an opportunity to
5 observe and estimate the numbers?

6 A. I observed the Hells Angels walk through the Trader
7 Dick's area.

8 Q. So what's your estimate about the numbers?

9 A. Approximately 10 to 12. Hells Angels.

10 Q. And how many Vagos?

11 A. There was probably 30 to 40 Vagos standing in that
12 area.

13 MR. HALL: Thank you.

14 RECROSS-EXAMINATION

15 BY MR. HOUSTON:

16 Q. The Hells Angels you observed --

17 MR. HALL: Excuse me, your Honor, doesn't the
18 State -- wouldn't the burden go first and last?

19 THE COURT: No, the State doesn't get to go last on
20 questioning. But you do get to go first on questioning.

21 BY MR. HOUSTON:

22 Q. You indicated you saw about 10 or 12 Hells Angels
23 walking down the path, correct?

24 A. Correct.

1 Q. You don't know how many were standing off to the
2 side or playing on the slots, do you?

3 A. I did not see anyone in red or any indication that
4 they were Hells Angels.

5 Q. Right, and you weren't looking that night to count
6 people, were you?

7 A. I was not.

8 MR. HOUSTON: Thank you, nothing further.

9 THE COURT: Is that it?

10 MR. HOUSTON: That's it, your Honor.

11 THE COURT: Good. Thank you. Can this witness be
12 excused?

13 MR. HALL: Yes, your Honor.

14 THE COURT: Sir, you may step down, you're excused.

15 Mr. Hall, call your next witness.

16 THE CLERK: Please raise your right hand.

17 JIMMY EVANSON

18 called as a witness by the State

19 who, having been first duly sworn,

20 testified as follows:

21 THE CLERK: Thank you, please be seated at the
22 witness stand.

23 //

24 //

DIRECT EXAMINATION

BY MR. HALL:

Q. Mr. Evanson, do you spell your name E-v-a-n-s-o-n?

A. Yes, sir.

Q. First name Jimmy?

A. Yes.

Q. Sir, do you live in California?

A. Yes.

Q. Okay. And are you involved in Vagos or have you been involved in the Vagos?

A. Absolutely.

Q. All right, and how did you get involved with the Vagos organization?

A. Mutual friends 26 years ago.

Q. All right, and did you have your own chapter?

A. At that time?

Q. No, eventually.

A. Yes.

Q. And do you know anybody else in the Vagos, do you know a lot of Vagos?

A. Yes.

Q. How many Vagos have you met over the course of your 23 years?

A. Hundreds.

1 Q. And what is the structure of the Vagos?

2 A. Well, the structure is you've got an international
3 president who is -- who is the top individual, who is the
4 very top of the upper echelon. You've got an international
5 vice-president, you've got an international secretary, you
6 have an international sergeant at arms, and then you have
7 international road captain. That's the structure at the top.

8 Q. And on the 23rd of September, 2011, what was your
9 position in the Vagos?

10 A. President of Southern California Riviera charter.

11 Q. And did you have a vice-president?

12 A. Yes.

13 Q. And who was that?

14 A. Leo Ramirez. Crusher.

15 Q. And were you staying at the Nugget that night?

16 A. Yes.

17 Q. And when did you arrive at the Nugget?

18 A. I arrived on Thursday in the afternoon.

19 Q. And did you ride a motorcycle up?

20 A. Yes, I did.

21 Q. And who did you travel with, to Reno?

22 A. Originally we traveled with Sarge, Crusher and
23 myself. And we had some following us in the car, but Sarge's
24 bike broke down, exhaust blew up, so we had to wait for a

1 truck, and he took off, but Leo and I just went ahead and
2 came in to the Nugget.

3 Q. And who is Sarge?

4 A. Sarge is an international sergeant -- international
5 secretary.

6 Q. All right. And so when you got to Reno, you were
7 staying at the Nugget?

8 A. Yes.

9 Q. And why did you come to Reno on that day?

10 A. Street Vibes. It's a mandatory type of run between
11 the Vagos, and that's why they were there.

12 Q. And what is a mandatory run?

13 A. Mandatory run is that everybody in a club has to go
14 to that run, when it's a mandatory run. There's no ifs and
15 buts about it. If you don't go to that run, the charter or
16 anybody within that charter, they get fined for it. And
17 there's some -- you know, there will be some issues.

18 Q. All right, so there's certain rules that the Vagos
19 would follow in terms of meetings?

20 A. Absolutely.

21 Q. And one of the rules is that you're supposed to go
22 to the mandatory run.

23 A. Yes.

24 Q. And this year was Street Vibrations?

1 A. Yes.

2 Q. And when you have a mandatory run are there any
3 meetings that take place?

4 A. Of course.

5 Q. And can you describe those meetings?

6 A. Yeah. On -- yeah, we have -- there was a meeting
7 set for the members, there's a meeting set for the prospects,
8 and there was a meeting set for the Nomads. And meetings
9 started at 8 o'clock for the members, 9 o'clock was for the
10 prospects, and then 10 o'clock was for the Nomads.

11 Q. All right. Now, did you have an opportunity
12 after -- what meeting did you attend?

13 A. 8 o'clock meeting.

14 Q. All right, and how many Vagos were in attendance at
15 that meeting?

16 A. I would imagine over 400.

17 Q. And were the majority of those members staying at
18 the hotel, or do you know?

19 A. Members, a lot of them were staying at the hotel,
20 and other hotels, also.

21 Q. And so the mandatory meeting for most of the members
22 was over around -- at least when you say members, are those
23 patched members?

24 A. Yes, there's a lot of patch members, there were also

1 prospects in that meeting. But then they had a designated
2 meeting for the prospects themselves.

3 Q. All right, and we'll talk about that a little later,
4 but as far as the patching process and the Vagos themselves,
5 and the organization, but what I'd like to talk about
6 initially would be what happened that evening starting out at
7 the Oyster Bar.

8 A. Okay.

9 Q. So did you go over to the Oyster Bar at
10 approximately 10:15, 10:20?

11 A. Yes, I did.

12 Q. And why did you go to the Oyster Bar?

13 A. Well, we were originally at the center bar that's in
14 the middle of the hotel, if you call it. There's a stage
15 over to the right, and tables. And what had happened is that
16 one of the members, and I'm sure it was sergeant at arms, got
17 a call that there were some issues going on at the Oyster
18 Bars with the Hells Angels. So everybody rushed over there.
19 And that's when I saw what was going on, there was a lot of
20 Vagos that were there. And walked around a little bit,
21 seeing what was happening, and I saw a gentleman called
22 Jabbers, a member, that was inside. He was in the corner,
23 left corner, and he was having a little bit of a
24 confrontational issue with Pettigrew.

1 Q. Do you know Mr. Pettigrew?

2 A. Yes, I do.

3 Q. And did you know Jabbers, also known as Gary
4 Rudnick?

5 A. Yes, I did.

6 Q. And how did you know Mr. Rudnick?

7 A. I've known Rudnick through Hells Angels and
8 associates of mine, friends.

9 Q. How did you know Pettigrew?

10 A. I knew Pettigrew through a friend of mine named
11 Rusty Coones, who was a Hells Angels. He was the president
12 of the SAV charter.

13 Q. Did you know any other members of the Hells Angels?

14 A. Yes.

15 Q. Who did you know that was there at the Oyster Bar
16 that night?

17 A. Bobby V.

18 Q. Is that Bobby Viera?

19 A. Yes, sir, it is.

20 Q. And can you tell me about how old Bobby Viera is?

21 A. I'd say he's about 56, 55 maybe.

22 Q. And how long have you known Mr. Viera?

23 A. For a few years.

24 Q. How about Jethro Pettigrew?

1 A. I've known Jethro Pettigrew through conversations
2 with Rusty for probably about five years, six years.

3 Q. And what is Jethro Pettigrew's status in the Hells
4 Angels?

5 A. Very powerful status. They call him the Godfather
6 of San Jose. He's one of the oldest living members of the
7 Hells Angels, was extremely respected through the world of
8 the Hells Angels. A lot of people loved him.

9 Q. And when you got over to the Oyster Bar, how many
10 Hells Angels did you see at that location?

11 A. There was only really I think there was like --
12 there was 20 in the group together, but patch members, maybe
13 seven or eight.

14 Q. And how many Vagos responded to that area after the
15 call?

16 A. I would imagine there was about 60 plus.

17 Q. Now, when we -- when you responded to that area, who
18 was there?

19 When you went to the Oyster Bar, let me rephrase,
20 when you went to the Oyster Bar, who did you recognize at
21 that location? We've already talked about Mr. Rudnick,
22 Mr. Pettigrew, the Hells Angels, Bobby Viera the Hells Angel.
23 Who else was at that location?

24 A. There was Romeo, he was at the location. There was

1 a lot of his charter members at the location. Diego was at
2 the location, Cesar was at the location. There was quite a
3 few people at the location.

4 Q. So if we looked at the video of the Oyster Bar,
5 would you be able to identify people in the video?

6 A. Sure.

7 Q. All right, we are looking at Vagos Oyster Bar number
8 1, and the time is 22:12:38.

9 And I'm stopping it now at 22:12:40 something. Can
10 you identify anybody in this location? And just for your
11 information, you can touch the screen, and identify and point
12 to people by touching the screen. So if you wanted to
13 identify this person, for example, you can circle him or you
14 can put an arrow.

15 A. Top Hat. That's myself.

16 Q. Can I ask you to touch the screen so we can
17 identify?

18 A. Top Hat.

19 Q. If you touch the screen it should --

20 A. That's it right there.

21 Q. Oh, I see, I can see the green. There we go.

22 A. Top Hat. That was me.

23 Q. All right, let's stop right there. Who is Top Hat?

24 A. Top Hat is, from what I remember, 20 year plus

1 member. He's one of the guys I met at the Vagos. He's a
2 Nomad.

3 Q. And what's a Nomad?

4 A. A Nomad is a person who has been in the club 10
5 years plus. Then after 20 years, they get the 20 years and
6 Forever patch.

7 Q. And so Top Hat, is he also known as William Pizel?

8 A. Yes, he is.

9 Q. So he's been in the Vagos for 20 years?

10 A. He's more than 20 years. Over 25 years.

11 Q. What would his status be in the Vago organization?

12 A. Well, he's been around for a long time, he has some
13 influential -- you know, feedback. A lot of people do know
14 him. He started a lot of charters back in the old days, 25
15 years ago. It was because of him that a lot of charters
16 started from the Vagos. Three or four, you know, Orange
17 County, Norco, Corona were started by him. He's the reason
18 why those charters started when he was the president at that
19 time.

20 Q. All right, and you see yourself there. And this
21 was -- you responded to this location after the phone call.

22 A. Yes.

23 Q. And over to the left of the screen, do you see these
24 individuals here?

1 A. Yes.

2 Q. And who are they, do you know?

3 A. Those are Hells Angels hang-arounds.

4 Q. And how do you know that?

5 A. I talked to them.

6 Q. All right, and so what's a hang-around?

7 A. A hang-around is a guy that comes in when they first
8 get to meet you, whether it's the Vagos or Hells Angels, and
9 the first part of the coming in, if they like you, you hang
10 around. You have to hang around for a certain period of
11 time.

12 After you become a hang-around for it could be up
13 to six months, it could be longer, then you become a
14 prospect, if they all vote that you should be a prospect and
15 come in as a prospect into the club. Then you have to
16 prospect for a certain period of time before you could earn
17 your patch.

18 But as a prospect you get the bottom rocker. And
19 then it goes on from there.

20 Q. Now, I stopped it at 22:17. Do you recognize
21 anybody else in the video at this point?

22 A. There's Diego.

23 Q. Would that be Diego Garcia?

24 A. Yes.

1 Q. Is he also known as Boo Boo?

2 A. Yes.

3 Q. And what chapter does he belong to?

4 A. San Jose.

5 Q. Do you know how long he's been a member of the San
6 Jose?

7 A. No, I do not.

8 Q. Do you know how Mr. Gonzalez is associated with the
9 San Jose chapter of the Vagos?

10 A. Cesar Gonzalez?

11 Q. I'm sorry -- yes, well, perhaps I misspoke. Ernesto
12 Gonzalez.

13 A. Oh, yes. Actually, what Ernesto runs, he runs more
14 the Nicaragua charter of the Vagos.

15 Q. Do you know if Ernesto Gonzalez, the defendant in
16 this case, is he associated with San Jose?

17 A. Absolutely.

18 Q. What's his association with San Jose?

19 A. They're family members, they're cousins.

20 Q. So he's pretty tight with San Jose, would that be
21 fair to say?

22 A. Absolutely.

23 Q. And who is Cesar Morales?

24 A. Cesar Morales is the president.

1 Q. President of what?

2 A. Of the San Jose charter.

3 Q. Now, as the president, what is the president's
4 authority in a chapter, what would his authority be over the
5 San Jose chapter?

6 A. Well, he has to delegate, and everybody has to
7 listen to the president of that particular charter, and has
8 to stand by their charter president. And the sergeant at
9 arms has to watch that at all times, and everybody, you know,
10 has to listen to his authority. And he's the one that
11 delegates the authority to the people.

12 Q. All right, so if Cesar Morales is the president,
13 would Diego Garcia be obligated to follow the --

14 A. Yes.

15 Q. -- commands, orders, wishes of Cesar Morales?

16 A. Absolutely.

17 Q. Then we pause, I can't really see what time we pause
18 it. 22:13:24. Do you recognize the individual in the center
19 of the screen with the beard?

20 A. This one here?

21 Q. Yes.

22 A. Yeah. I can't remember his name.

23 Q. Okay. Can you identify the defendant Ernesto
24 Gonzalez at this portion of the tape, which again is just

1 22 --

2 A. Right here.

3 Q. All right, and where is Mr. Pettigrew?

4 A. Mr. Pettigrew was over here. Right here.

5 Q. Getting now to 22:13:40. So at this point in time
6 at 22:14:06, what are you trying to do, if anything?

7 A. I'm talking to the hang-arounds, I'm trying to ease
8 everybody down. Because there was a lot of Vagos that came
9 into that part, as you see they're walking around, and where
10 the casinos were, there was a number of Vagos in the casinos
11 integrated in all of the casino machines. They were all
12 inside there, up to this area here. And I was talking right
13 there to these two guys, and the guys there were getting a
14 little nervous about what was going on. So I told them to
15 ease down, I think everything is going to be all right.

16 Q. Were you nervous?

17 A. Me?

18 Q. Yes.

19 A. A little bit.

20 Q. All right, how about did you get a sense of how
21 the -- those two people that you were talking about, the
22 hang-arounds, you indicated they were nervous?

23 A. Yes.

24 Q. What about the other Hells Angels, did you talk to

1 any of them?

2 A. Yes, I did.

3 Q. Who did you talk to?

4 A. Bobby V. Bobby V was right there, and I went up to
5 Bobby V, which I had talked to before, and I looked at him,
6 he put his hand out, and he shook my hand and he said that,
7 you know, he's too old for this shit. And I said we're both
8 too old for this stuff that was going on.

9 Q. Was tension high?

10 A. Yes. At that point, absolutely.

11 Q. All right, so Bobby V was concerned that there was
12 going to be an issue?

13 A. Absolutely.

14 Q. When I say an issue, does that mean a violent
15 altercation?

16 A. Absolutely.

17 Q. Did you get the sense that the Hells Angels wanted
18 to engage in any violence?

19 A. Not at that time. They were just relaxing. I think
20 what they wanted is everybody just to leave, leave them
21 alone.

22 See, there's -- excuse me.

23 Q. At 22:15?

24 A. Yeah.

1 Q. Do you recognize individuals at this point in time?

2 A. Yeah, that's Jabbers there, that's the sergeant at
3 arms, that was me, this is Pettigrew. As you see Pettigrew,
4 he's just putting his arm like what's going on, guys, you
5 know. And I think the point he was making is that everything
6 is cool. Because originally when he touched Jabbers' back,
7 when they were at the bar, he was just inferencing to buy him
8 a beer. That was basically it. And Jabbers took it in the
9 wrong context.

10 Q. All right, can we go back and identify -- let me
11 back up just a little bit so we can just identify who you're
12 talking about. You identified Rudnick at 22 --

13 A. Rudnick, sergeant at arms, Pettigrew here.

14 Q. Sergeant of arms of what chapter?

15 A. Los Angeles.

16 Q. Is he associated with Gary Rudnick?

17 A. Yes.

18 Q. What was Gary Rudnick's status in the --

19 A. VP. Vice president.

20 Q. Of what chapter?

21 A. Los Angeles.

22 Q. And so the sergeant at arms, what would his function
23 be?

24 A. His function is to watch his president and his

1 vice-president, that's what their function is. When they go
2 to a particular area, the sergeant at arms makes sure at all
3 times, and even -- all the sergeant at arms here, when a
4 situation is going on the sergeant at arms are the ones that
5 are the protective force. They're the enforcer that takes
6 care of their people.

7 Q. And so which individual is the sergeant of arms?

8 A. Right here.

9 Q. And do you know his name?

10 A. No, I don't.

11 Q. So how many times did Rudnick speak with Pettigrew,
12 do you recall?

13 A. Yeah, if you look right here, I was trying to get
14 everybody out of the way. And what I was doing is I was
15 telling everybody within this whole section, the Vagos, to
16 move back, to get away. And the reasoning was because
17 tensions were getting high. And so at this point I went and
18 talked to Pettigrew for a minute. Jabbers confronted him
19 probably three or four times, and kept taunting him. And he
20 kept taunting to the point that Pettigrew got a little
21 perturbed, because he wouldn't stop. And his actions were
22 don't put your hand -- and you keep touching my patch or you
23 keep touching my -- his cut, and he said -- just kept on and
24 kept on. And Pettigrew just said hey, all I want to do is

1 get a beer for you, you know, that was basically it. But he
2 wouldn't leave it alone.

3 So I told him to get the fuck out of there. I told
4 Rudnick twice to leave. He left once, came back again, and
5 he wouldn't stop.

6 Q. So you thought it appropriate to intervene?

7 A. Absolutely.

8 Q. And why did you want to do that?

9 A. Because I didn't want a problem to start.

10 Q. And when you talk about a problem, you're talking
11 about a fight.

12 A. Absolutely.

13 Q. So you intervened, you go in there, and what do you
14 tell the Vagos and the rest of the individuals that you see
15 on the video?

16 A. I tell them to back off.

17 I motion to everybody right here to move back.

18 Q. And your position with Vagos was a president?

19 A. Yes.

20 Q. Did you have a vice-president?

21 A. Yes.

22 Q. And who was that?

23 A. Crusher. Leo.

24 Q. Is he in this video?

1 A. Yes, he's right there.

2 Q. So what's -- what's Crusher's job?

3 A. Crusher's job was to watch my back.

4 Q. So he's supposed to stay with you?

5 A. Yes.

6 Q. Is that at all times?

7 A. Yes.

8 Q. So when you're out and about, around in the casino,
9 his job was to stay with you. And why would he have to stay
10 with you, or why is he supposed to stay with you?

11 A. Because at the time he was acting sergeant at arms
12 as well as the VP. So his job was to be by my side and make
13 sure everything was well with me at all times.

14 Q. So is he essentially a guard for you?

15 A. Yes.

16 Q. Are we looking at Oyster Bar number 2, at 22:13.
17 Again, can you identify people at 22:13 in Oyster Bar number
18 2?

19 A. Yes, there's Cesar right here, there's Romeo right
20 there. I mean Ernesto, his nickname is Romeo. Anyways,
21 Romeo was here, Cesar was there. You had Top Hat, you had --
22 you know, I can't see him real well. But there's a lot of
23 people there from San Jose.

24 Q. All right, so the person that you identified as

1 Cesar Morales, the president of San Jose --

2 A. Yes.

3 Q. -- chapter of the Vagos would be this individual
4 here talking to Mr. Pettigrew?

5 A. Yes.

6 Q. So at 22:14, is this when you're talking to the
7 Hells Angel hang-arounds over by the slot machines?

8 A. Absolutely.

9 Q. And the defendant is watching the P of San Jose. Do
10 you know who that other individual is talking to Pettigrew
11 with Cesar Morales, this individual here?

12 A. No, I can't see him. Let me see.

13 Q. Do you recognize this individual?

14 A. Yes. Look at him closer. Yeah, he was, if I'm not
15 mistaken, he was a charter member of San Jose also.

16 Q. Were there a number of San Jose charter members in
17 that area at that time?

18 A. Yes.

19 Q. At 22:14? And this individual is Cesar Morales?

20 A. Uh-huh.

21 Q. And then just again we have Top Hat, William Pizel,
22 Ernesto Gonzalez, is that accurate?

23 A. Yes.

24 Q. Mr. Rudnick?

1 A. Yes.

2 Q. At this time you're talking to --

3 A. Pettigrew.

4 Q. Pettigrew, and what are you telling or saying to
5 Mr. Pettigrew?

6 A. I'm just telling him that, you know, just relax, you
7 know, everything is going to be cool. And just trying to get
8 him to -- he says, hey, I'm just here just to have a good
9 time, basically. He wasn't there to create no issues or
10 whatever. And I was just trying to relieve him and to mellow
11 him out on the situation. Which he did, in that moment.

12 Q. And what was Mr. Rudnick's demeanor?

13 A. Mr. Rudnick's demeanor was to keep on moving
14 forward, and he kept coming back. And what happened is Bill
15 Pizel then comes over there, and Bill Pizel is talking to
16 him. And Bill Pizel is trying to talk to him about, you
17 know, everything is going to be fine, it's cool. And Rudnick
18 comes to the right of everybody, comes in, and he starts
19 pulling the shit again. Saying to him, you know, the same
20 old thing. You can't touch me. You were touching my cut.
21 You touched me like this. And he kept doing the same old
22 thing and same old thing over and over. And Rudnick just --
23 I mean, excuse me, Pettigrew just got a little infuriated at
24 that time because he kept on doing it. We kept telling him

1 to get the fuck out of there, but he kept moving forward.

2 So at that time Pettigrew said to him, said to
3 Jabbers, he said, "I'm done fucking talking to you," and then
4 he walked away.

5 Q. All right now, we talked a lot about this, this
6 touching the cut.

7 A. Uh-huh.

8 Q. What's up with that? Is that some showing of
9 disrespect?

10 A. Well, yeah, it is. You know, people aren't supposed
11 to come up and pat you on the -- touch your patch at any
12 time, anybody outsider or whatever. I don't think Pettigrew
13 was trying to touch his cut, in order to touch his cut. I
14 think what he was doing was just trying to say hey, buddy,
15 let's have a beer.

16 Q. So if I walked up to you as a Vago member and give
17 you a slap on the back and I didn't know you, would you take
18 offense to that?

19 A. It all depended on who you were.

20 Q. So if I was a rival -- are there rivals in the world
21 of Hells Angels and Vagos?

22 A. Absolutely.

23 Q. And who are the rivals of the Vagos?

24 A. You've got different rivals. You've got the

1 Mongols, you've got all types of people that are out there.

2 Q. Is there a rivalry between the Hells Angels and
3 Vagos?

4 A. Yes.

5 Q. Is there a problem between San Jose Hells Angels and
6 San Jose Vagos?

7 A. Absolutely.

8 Q. So at 22:15 you're talking to Pettigrew, and who
9 else is there, if you recall?

10 A. This is just me at this point. I told everybody
11 just to come out.

12 Q. So 22:15, that's the time you're telling everybody
13 to disperse or leave, get out of there?

14 A. Yeah. Absolutely. And I'm talking to Crusher and
15 said there's no problems here.

16 Q. At this time we still have a large number of San
17 Jose Vagos at that area?

18 A. Yeah.

19 Q. You've got Cesar Morales, Gary Rudnick, Ernesto
20 Gonzalez?

21 A. Uh-huh.

22 Q. Brian Marquez, is he there? Do you know who Brian
23 Marquez is?

24 A. Yes. This screen right here is real bad. I'm

1 having a hard time seeing everybody.

2 Q. Is it better to your right, can you see on your --
3 on the big screen any better?

4 A. Yeah. Right here. You've got Ernesto. And the
5 rest of his crew is here. You've got a San Jose member
6 there, Top Hat. You've got Crusher. You've got me, that's
7 when I got on the phone to talk to the guys.

8 Q. All right, so you're up here.

9 A. Uh-huh.

10 Q. Just at the entrance to the Oyster Bar. Gary
11 Rudnick down at the bottom. Ernesto Gonzalez, Cesar Morales?

12 A. Cesar Morales, yes.

13 Q. William Pizel aka Top Hat.

14 A. Uh-huh.

15 Q. And at this point you are making a phone call, and
16 who are you calling?

17 A. Tata.

18 Q. Who is Tata?

19 A. Tata is international president.

20 Q. And why are you calling Tata?

21 A. To tell him there's going to be a serious problem
22 down here. Rudnick was saying, he had a beer about so big,
23 and he had taken a little swig of that beer, and what he had
24 said was that if this thing doesn't get settled by the time I

1 drink this beer, this thing is on. And he was talking to --
2 primarily pointing his -- his dissension towards Top Hat.
3 And when Top Hat was sitting there, he told him why in the
4 fuck are you guys getting involved with our business, and he
5 was talking about the Nomads. Then he mentioned it again.
6 Why are you fucking Nomads --

7 MR. HOUSTON: Your Honor, excuse me. Just to be
8 specific, as opposed to the pronouns can we use the names?
9 When I hear he said or --

10 THE COURT: Oh, I see. Okay, yes, try to use the
11 name of whoever you're talking about, rather than he or she.

12 A. Rudnick, Jabbers, was talking to Top Hat, William
13 Pizel. And William Pizel, being a Nomad, he was telling
14 him -- and it's a really disrespectful thing to talk to him
15 as he was talking to him. And he said why -- why are you
16 fucking Nomads always involved with our business. Which was
17 saying the Nomads are here, and the members of the Vagos are
18 here. And he says you should mind your own business. Then
19 he proceeded to say that, with his beer, that there was this
20 much of my beer left, and by the time I get done with this
21 beer, if something isn't done, what he's going to do, he's
22 going to create havoc. It's on.

23 MR. HOUSTON: Your Honor, excuse me. Is "he"
24 Mr. Rudnick?

1 THE WITNESS: Yes.

2 MR. HOUSTON: Thank you.

3 BY MR. HALL:

4 Q. And why is Mr. Rudnick so upset? You talked about
5 the touching of their cuts, is there other problems? Why is
6 he so upset?

7 A. He's just mad at Pettigrew. Wouldn't let it go.

8 Q. Is there a issue with the Hells Angels being at the
9 Nugget, in light of the fact that the Nugget was the area
10 designated for the national run of the Vagos?

11 A. Well, yeah, there is a problem. But, you know, the
12 Hells Angels are just going to -- they're going to go to
13 their destination no matter what, even if there is -- you
14 know, a problem, which they didn't think there was a problem.

15 Q. So the Hells Angels have a certain amount of pride
16 and they're not going to be intimidated?

17 A. Absolutely.

18 Q. And where were the Hells Angels staying on Street
19 Vibrations in 2011, do you know?

20 A. They're staying at the Nugget.

21 Q. The Hells Angels?

22 A. Yes.

23 Q. Okay, these Hells Angels. But the rest of the Hells
24 Angels, do you know where they were staying?

1 A. Reno.

2 Q. One of the casinos over in Reno, Silver Legacy or --

3 A. Yeah, a few of the casinos there.

4 Q. And we talked about a phone call that brought the
5 Vagos over to the Oyster Bar. Could the Hells Angels do the
6 same if they perceive a problem, could they make a phone
7 call?

8 A. Absolutely.

9 Q. Was that one of the situations that you wanted to
10 avoid is a phone call made --

11 A. Absolutely.

12 Q. Did you talk to anybody?

13 A. Yes.

14 Q. Who did you talk with?

15 A. I tried to get ahold of Tata, the international
16 president, he didn't answer the phone. Then I talked to
17 Rocky.

18 Q. Who is Rocky?

19 A. Rocky is a national president of the Nomads.

20 Q. And so what would his status be compared to William
21 Pizel?

22 A. Oh, he's basically -- he's his boss, we call it.

23 Q. Showing you what has been marked as Exhibit 76. Do
24 you recognize Exhibit 76, sir?

1 A. Yes. Yes.

2 Q. And what is Exhibit 76?

3 A. That's -- that's Rocky's cut.

4 Q. So does Rocky go by Cocky Rocky?

5 A. Yes.

6 MR. HALL: I move for admission of 76.

7 MR. HOUSTON: No objection, your Honor.

8 THE COURT: Exhibit 76 is admitted.

9 Okay, that will be marked as 76A.

10 MR. HALL: Thank you.

11 THE COURT: And it's admitted.

12 (Exhibit No. 76A admitted.)

13 BY MR. HALL:

14 Q. All right, so you got ahold of --

15 A. Rocky.

16 Q. Rocky Siemer?

17 A. Uh-huh.

18 Q. Aka Cocky Rocky?

19 A. Absolutely.

20 Q. What did you tell him if anything?

21 A. I said there's a problem down here, I said Rudnick
22 is creating a big problem. There's a lot of Vagos here, I
23 said I think something is going to happen, I think it's going
24 to happen pretty quick. I told him what Rudnick said about

1 the beer situation with Bill Pizel, Top Hat. And he told me
2 to come upstairs, right then. Please come up here. Because
3 they were having a meeting up top. That's on the second
4 floor in the east wing.

5 So I proceeded to go there, Top Hat went there, we
6 cruised up, I went to the top of the second floor where we
7 had the original meetings, and I talked to him, and I talked
8 to Dragon, I talked to Al, that there's a serious problem
9 going on in there, and this thing is going to blow. And they
10 said go back downstairs, we're going to be down there, we'll
11 take care of it.

12 Q. And who is Dragon?

13 A. Dragon is international sergeant at arms.

14 Q. And what would his position be in the hierarchy of
15 the Vago organization?

16 A. Well, him as an international member has precedence
17 over everybody.

18 Q. So sergeant of arms, he would be the one that would
19 be at least be involved in making decisions whether or not
20 there was going to be a fight?

21 A. Absolutely. That's his job.

22 Q. And that's why you went up there to talk to him?

23 A. Absolutely.

24 Q. Because you didn't want to fight.

1 A. Yes.

2 Q. So you go talk to him, and then after you talk to
3 him what happens?

4 A. We go down, and him, Rocky, Sarge -- that's who I
5 was aware of, because that's all I saw walk down one
6 corridor, and they took a left. It was actually closer to
7 the stage, where Sparks was, the stage that they perform and
8 everything. And Al, who is his associate international
9 assistant, had everybody there, and told everybody to stop,
10 and relax. And they went ahead and went back there to talk
11 to Pettigrew and the Hells Angels.

12 Q. So at Oyster Bar number 2, you've still got Crusher
13 by -- next to you, William Pizel, you're trying to --

14 A. And at that time there was a lot of people that were
15 moving, and I told them get out of there. Because a lot of
16 them went out the door. I went over to the door, I told
17 everybody to get out and move back.

18 Q. But Mr. Rudnick stays there and talks to William
19 Pizel, Top Hat?

20 A. Yes. And this is Bobby V and I talking right there.
21 He put his hand out to me, I put my hand out to him and I
22 shook his hand. And that's when Bobby V was sitting there
23 talking to me, and he was telling me, he says, I'm getting
24 too old for this stuff. And I said I understand. I am, too.

1 Q. And then at 22:18, Rudnick goes back over to
2 Pettigrew?

3 A. Yes. With the sergeant at arms right next to him.
4 Look, see, he's starting to get -- Pizel was actually there
5 talking to him. William Pizel, Top Hat. And this is when I
6 went over there, and Crusher is there, and Rudnick is going
7 off on Pettigrew. And he went, "You were touching me like
8 this," is what he's telling him. But Rudnick didn't say
9 nothing about him touching on top, all he's saying to him is
10 basically I was just trying to be friendly and I was just
11 wanting to get you a beer, that was it. Rudnick -- I mean
12 Pettigrew seemed like just he uses his hand a lot when he
13 does things, talks with his hands. If he goes over to a
14 person he'll pat you on the back, and talk to you in that
15 mannerism.

16 Q. So now we've pulled up a video number 181, which
17 is -- I've got here, from 23:04 hours, so 11:04 to 11:06.
18 Can you identify who is at the Oyster Bar at this time? So
19 you've made the phone call, it's a little later in the
20 evening. So at first we were at approximately 10:15, 10:30,
21 so now we're 20 minutes, half hour later. This is after --
22 just to set the scene, this is after you've made the phone
23 call upstairs and asked some of the higher-up people in the
24 Vagos to come down and try and settle this situation so it

1 doesn't get out of hand and a fight starts. Is that fair to
2 say, is that accurate?

3 A. Absolutely.

4 Q. So who is down here speaking with Mr. Pettigrew and
5 the Hells Angels at 11 o'clock, or a little after 11:00?

6 A. You have Cesar Morales there, you've got Dragon Man
7 there. You've got Rocky. Diego is here. This is Beirut
8 here. And that's Top Hat there.

9 Q. All right, so just for clarification, we've got
10 Cesar Morales, the San Jose president.

11 A. Uh-huh.

12 Q. The you've got William Pizel.

13 A. Yes.

14 Q. The international Nomads, is that right? Or a
15 Nomad.

16 A. He's a Nomad, yes. He's a Forever Nomad.

17 Q. Forever Nomad.

18 A. Uh-huh.

19 Q. Who else did you identify? Diego Garcia?

20 A. Here. Then you've got Beirut here.

21 Q. Who is Beirut?

22 A. Beirut is a Nomad also. He's the one that -- he was
23 a Beat City vice-president, and his brother was a president
24 of Beat City. And I presume he became president. And then

1 he became a Nomad.

2 Q. Were you at this meeting?

3 A. No.

4 Q. Were you privy to this meeting or did you know what
5 was going on at this meeting?

6 A. Well, yes, they said they were going to have the
7 meeting, but I wasn't privy to the information at that
8 meeting.

9 This is Rocky. Right here, that's Rocky. Beirut.
10 Bill Pizel.

11 Q. Can you identify this individual?

12 A. It's Dragon Man.

13 Q. The international sergeant at arms?

14 A. Yes.

15 Q. We've got the international sergeant at arms, Diego
16 Garcia, who is a member of the San Jose chapter; Cesar
17 Morales, the president of the San Jose chapter; Beirut; Top
18 Hat, at 11:04:05, shaking hands. And that person right there
19 who just shook hands with Mr. Pettigrew?

20 A. Cesar Morales.

21 Q. All right, now we're going to go to camera 45, and
22 we are at 23:10:51. And this is the area outside of Trader
23 Dick's, and 23:51 can you tell who is at the center bottom of
24 the screen?

1 A. Yeah.

2 Q. Who is that?

3 A. Jabbers.

4 Q. Who is Jabbers talking to?

5 A. Rocky.

6 Q. Cocky Rocky?

7 A. Yes.

8 Q. International P?

9 A. National.

10 Q. I mean --

11 A. National P of the Nomads.

12 Q. National P of the Nomads. Who is approaching?

13 A. Dragon Man. International sergeant at arms.

14 Q. Now, you're right there in the mix?

15 A. Uh-huh. I'm right here.

16 Q. So can you identify other people that are at this

17 location?

18 A. Yeah, you've got Beat City guys, you've got -- this

19 is Beirut, you've got Monster, you've got other -- he's

20 the -- I just can't remember his name, but he's the president

21 of Beat City right here.

22 Q. Now, have you ever heard of a wrecking crew?

23 A. Absolutely.

24 Q. What is a wrecking crew?

1 A. A wrecking crew is a designated crew that's been in
2 existence for many years. And a wrecking crew is a set
3 amount of individuals that go out and take care of business.

4 Q. When you say take care of business, can you explain
5 that?

6 A. Whatever it might be. Whether it's take care of
7 somebody, beat them up, you know, harass them.

8 Q. Do you know who the wrecking crew was for the Vagos?

9 A. At this time?

10 Q. Yes.

11 A. No.

12 Q. Do you know if any members of Beat City were
13 wrecking crews?

14 A. Well, they were recognized, yeah, they were looked
15 at from different people that they were utilized as a --
16 looked at as a -- the wrecking crew.

17 Q. But there's no -- is there any formal recognition?
18 There's not like a set list of people? Or is there a set
19 list of people that would be the wrecking crew, or is it just
20 something that's understood within the Vagos?

21 A. No, they designate, they have a wrecking crew. They
22 have a certain amount of people that are in this wrecking
23 crew.

24 You see, if you could go back for a minute. This

1 gentleman, this Vago here. These are all -- a Vago called
2 Monster, and others, they're all part of Beat City's, and
3 these are the guys --

4 Q. I just want to make a record. At 23:10 you've
5 identified members of Beat City?

6 A. Uh-huh.

7 Q. Would you mind touching --

8 A. He's president. This is Animal. Animal used to be
9 at Compton, he moved over to Beat City's. And these are a
10 lot of Beat City guys that are here right now. As well as
11 San Jose individuals.

12 Q. Now, is Cesar Morales over in this area?

13 A. It's very hard to see this. I think that's Cesar
14 right here. If I'm not mistaken.

15 Q. And then we also have Mr. Gonzalez?

16 A. Yes.

17 Q. Mr. Rudnick?

18 A. Yes.

19 Q. Do you know who this individual is?

20 A. Yeah. Call him South Bay.

21 Q. Do you know his rank?

22 A. He's sergeant at arms.

23 Q. We'll go to 23:15. So again, at this time, 23:15
24 we've got Cesar Morales, Diego Garcia, Mr. Rudnick, talking

1 with those three individuals.

2 A. Uh-huh.

3 Q. So can you identify any other individuals at this
4 point in time? Do you know who this person is? You can see
5 Mr. -- Top Hat, or Pizel?

6 A. Right.

7 Q. We can go to 23:18. Can we -- do you recognize
8 Mr. Garcia, Mr. Rudnick?

9 A. Uh-huh.

10 Q. You're right there, is that you?

11 A. Yes. Diego behind me and --

12 Q. Mr. Gonzalez?

13 A. Yeah, that's Ernesto.

14 Q. So Gonzalez, Garcia, Rudnick?

15 A. Uh-huh. That's also a San Jose member, I can't
16 remember his name.

17 Q. Cesar Morales?

18 A. Cesar Morales.

19 Q. San Jose president?

20 A. Uh-huh.

21 Q. Again, just for the record, this is at 23:19. So
22 now we can go to 23:24. At 23:24:12, we still have Cesar
23 Morales?

24 A. Uh-huh.

1 Q. Ernesto Garcia -- I mean, excuse me, Ernesto
2 Gonzalez, Diego Garcia.

3 A. He's from Lakeside. This gentlemen here, this is a
4 Vago here, Lakeside. Lakeside charter.

5 Q. Do you know him as Greg Fearn?

6 A. Yes.

7 Q. So can you see what Diego Garcia is doing at this
8 point?

9 A. He's putting on some gloves.

10 Q. And so he's putting on some gloves, and where is
11 Mr. Rudnick?

12 A. Right next to him.

13 Q. And Diego Garcia, that was the individual we saw
14 over in the Oyster Bar about a half hour before this?

15 A. Uh-huh.

16 Q. With his P, Cesar Morales, shaking hands with
17 Mr. Pettigrew?

18 A. Absolutely.

19 Q. Now, at 23:25 do you recognize the group that's
20 walking southbound on the tile pathway?

21 A. Yeah. The Hells Angels.

22 Q. All right, and you mentioned the hang-arounds, do
23 you recognize the hang-arounds?

24 A. The hang-arounds were right in front right here.

1 Walking by.

2 Q. Just back up a little bit. So at 23:23:50 now, and
3 you've got Cesar Morales, Ernesto, Diego, Rudnick. Now, I've
4 circled Cesar Morales?

5 A. Uh-huh.

6 Q. Can he tell Rudnick what to do or not to do?

7 A. Yes. He can.

8 Q. All right.

9 A. He has superiority over him, he's his president.

10 Q. Okay, so he could say don't do anything.

11 A. Yes.

12 Q. He could say do not confront the Hells Angels, we've
13 made peace, everything has been resolved?

14 A. Absolutely.

15 Q. And if he told Rudnick to do that, he would have to
16 do that?

17 A. Absolutely.

18 Q. That would be the -- those would be rules that need
19 to be followed by Vagos?

20 A. Uh-huh.

21 Q. Or there would be discipline.

22 A. Absolutely.

23 Q. So can you tell who Diego Garcia is talking to while
24 he's putting on his gloves?

1 A. He's talking to Jabbers. That's Diego.

2 Q. And then Cesar Morales was talking to Gonzalez, the
3 defendant?

4 A. Uh-huh.

5 THE COURT: I'm sorry, sir, what was your answer?

6 THE WITNESS: Yes.

7 THE COURT: Thank you.

8 BY MR. HALL:

9 Q. So as you can see from the video, the group of Hells
10 Angels is somewhat spread out, and the first group of
11 approximately ten were allowed to pass by.

12 A. Yes.

13 Q. The second group, consisting of Pettigrew, Bobby
14 Viera, Cesar Villagrana, Christopher Knowlton, Eugene Anaya,
15 Jimmy Derosa, approximately six people, six or seven people,
16 have stopped. Now, just prior to that, you see Rudnick wave
17 away the women. Would there be a reason for that?

18 A. Yeah.

19 Q. What would be the reason for that?

20 A. Something is going to start happening. Move out of
21 the way.

22 Q. Would there be any significance of putting -- this
23 individual putting his hand on Mr. Rudnick's shoulder? While
24 he's talking to Mr. Pettigrew?

1 A. You're talking about Pettigrew on Jabbers' shoulder?

2 Q. No, I'm talking about a member of the Vago putting
3 his hand on Mr. Rudnick's shoulder.

4 A. Yeah, that's to start something. See, right then
5 everybody could have pulled him away, but it didn't happen.

6 Q. Right, so they already had a meeting saying
7 everything was going to be resolved --

8 A. It was resolved.

9 Q. The same people, so we've got the San Jose
10 president, got Diego Garcia, the same people who just met
11 with Pettigrew are standing right here in this group.

12 A. Right.

13 Q. Then they allowed half of the Hells Angels to walk
14 by.

15 A. Uh-huh.

16 Q. And stopped Pettigrew. And so now we can focus on
17 at 20 -- focus on what the defendant does.

18 Now, it's your understanding that Mr. Gonzalez is
19 closely associated with the San Jose chapter of the Vagos?

20 A. Yes.

21 Q. So Gonzalez puts his drink down and essentially
22 flanks the Hells Angels?

23 A. Yes.

24 Q. Gets in behind them?

1 A. Yes.

2 Q. So directing your attention to this area right here,
3 Cesar Morales, as soon as the first punch is thrown, what
4 does he do?

5 A. Hits a Hells Angel in the head with a bottle.

6 Q. And what does this individual do?

7 A. Hits another guy in the head with a bottle. Another
8 Hells Angel member.

9 Q. And then what happens to Mr. Pettigrew at this time?

10 A. Bobby V, Pettigrew, get -- looks like get hit from
11 behind. Yeah. And then he pulls out his gun.

12 Q. So essentially you've got four batteries, four
13 different batteries by Vagos all at the same time on the
14 Hells Angels?

15 A. Yes.

16 Q. By the people that were at the meeting at 11:00?

17 A. Uh-huh.

18 Q. The president and the people that are under that
19 president, who just shook hands with Pettigrew?

20 A. Yes. Absolutely.

21 Q. All right. So where was Crusher at this point? So
22 once this fight breaks out, where are you?

23 A. We were coming out of the bathroom. And when we
24 came out of the bathroom, that was by the restaurant, we were

1 looking down, and we saw Pettigrew throw the punch. And what
2 we did is we moved down there, and we took a right turn, and
3 by that point Pettigrew was in between the machines, in that
4 certain area, and he was getting beat down. Crusher -- I ran
5 forward, because there was a lot of citizens, and all of a
6 sudden gunshots start going off, it sounded more like 20 or
7 30 rounds going off at that time. And I went straight
8 forward because there was a lot of people standing up,
9 citizens, people, looking around. That were looking at the
10 situation, but didn't know what was happening.

11 What I did is I ran down and knocked over a machine
12 and told everybody to hit the ground, because gunfire was
13 going off and citizens could have got shot. But at this
14 time, as far as everybody was concerned, it was about
15 gunshots, it was about rivalry, they didn't care about nobody
16 that was around them.

17 Q. So it was a reckless disregard, just an all-out
18 melee at that point?

19 A. Absolutely.

20 Q. Hells Angels versus Vagos?

21 A. Absolutely.

22 Q. What were the numbers at this point in time, Vagos
23 versus -- how many Hells Angels versus how many Vagos?

24 A. Le me put it in the proper perspective, I don't want

1 to talk out of line here and give you something that's not
2 accurate, but I would feel there was -- you've got eight
3 members who are Hells Angels, and you've probably got three
4 or four hundred Vagos there.

5 Q. So it would be fair for say that the Hells Angels
6 were outnumbered by a lot?

7 A. Absolutely. And it wouldn't be in their best
8 interest to create a problem.

9 Q. So you approach the area, you hear gunshots, where
10 do you go?

11 A. Crusher turned left into -- everybody's backs were
12 there and they were punching on Pettigrew at the time, and he
13 ran in there and he just disappeared.

14 I went straight ahead, and there was people there,
15 and I told them all to hit the ground. Because they were
16 standing up and looking at this thing going on over here,
17 everybody's attention was there. Everybody froze. Told them
18 all hit the ground. The tables, I knocked the tables over.
19 I thought I got shot, but I didn't get shot. What I was
20 doing is trying to get the citizens to hit the ground because
21 gunshot was going off.

22 Q. So if you go to monitor 1, which is the view looking
23 south. Whoops. All right, so you're down by the bathrooms.

24 A. Okay, I'm up -- I'm up that way. Crusher actually

1 went that way, and came back out. That's Crusher right
2 there. I think.

3 Q. Right here? So Crusher was supposed to stay with
4 you, right?

5 A. Absolutely.

6 Q. But why did he run down here?

7 A. Just took it upon himself to do it.

8 Q. And where were you at this time?

9 A. I was down running down by the machines, where the
10 citizens were.

11 Q. And did you see any -- any gunfire?

12 A. No.

13 Q. And at this point in time, at 23:28 -- 27, I
14 believe -- or 23? 23:26:20. Where were you?

15 A. I was down there when the gunshot happened.

16 Q. I'm sorry, I can't see where you're --

17 A. Down here where the machines were. Where the craps
18 table and all the tables were, I ran into that.

19 Q. Over in this area?

20 A. No, no. I was farther down.

21 Q. Okay, over here?

22 A. Yeah.

23 Q. All right, so you were telling everybody get down?

24 A. Yes.

1 Q. And where do you go from there?

2 A. I lost my glasses, so I was kind of blind. Dude
3 asked me, he says, "Are you okay? Have you been shot?" I
4 said no. I need my glasses, I can't find my glasses, so I
5 couldn't really see well. So I stood back there, I went back
6 to by the escalators, and Top Hat was by the escalators at
7 that time, we were both sitting there. I saw Villagrana come
8 up, and he was shot in the leg, he was hopping. And people
9 were going up the escalator. Sarge, and then a lot of
10 different members and people were trying to get out of there.
11 So they went up there, the authorities were in there, came
12 in. And I was standing right there, but I really couldn't
13 see a lot what was happening at that point. So what we did
14 is we walked from there, we were right where the machines
15 were, and all we heard was get down, hit the ground, and all
16 that type of thing.

17 Q. Did you see any other fight -- fights take place
18 other than what we just viewed on the video right in front of
19 Trader Dick's there?

20 A. Yeah, there was another fight that came up from the
21 side. Out here, there was a whole group of people that were
22 fighting right there against one of the members or two of the
23 members of the Hells Angels. And then Wiggins is the guy
24 that fell down over there, and that's the one that was

1 playing dead, if you call it.

2 Q. What was Wiggins doing when he fell down, do you
3 know?

4 A. He was playing dead. But he was fighting at first,
5 and everything just pushed him to that point, he hit his head
6 and fell on the ground, but he was playing dead so he
7 wouldn't get shot.

8 Q. Was he chasing Hells Angels?

9 A. Yes. Right before that, absolutely.

10 Q. Now, when we saw the beginning of this melee, was
11 this Rudnick who was trying to provoke this altercation?

12 A. Yes.

13 Q. And did he do that with the idea of a fight
14 starting?

15 A. Oh, absolutely.

16 Q. Now, you went over and you lost your glasses, did
17 you see any other fights or get involved in any other --

18 A. No. I didn't.

19 Q. All right, so what did you do after the cops came?

20 A. We left because they arrested some people. And what
21 we did, went up the back escalator there, that was by the bar
22 in the center, we went up that way, and we went up to the
23 rooms.

24 Q. All right, and then was there a meeting after that?

1 After -- like the next day?

2 A. Yes.

3 Q. That night?

4 A. Yes. We got a text from, if I recall, we got a text
5 from Sarge that the Street Vibes were still on in the
6 morning, and I thought that was kind of ridiculous after
7 everything happened. And then there was a meeting where
8 everybody went into the second floor again, and they told
9 everybody not to wear their patches, and everything. It was
10 mandatory everybody was leaving at noon.

11 Q. Why was that?

12 A. To get out of there. Because of repercussions of
13 Hells Angels coming.

14 Q. So everybody was ordered not to wear their colors?

15 A. Absolutely.

16 Q. So they couldn't be identified by Hells Angels?

17 A. You got it.

18 Q. And so the Hells Angels would want to take revenge
19 for killing Jethro Pettigrew?

20 A. Yes. As a matter of fact, one guy did get shot on
21 the freeway. His name was Turtle.

22 Q. All right, you don't know who did that?

23 A. No.

24 Q. That could have been a totally isolated event?

1 A. I don't know about that, but yeah, it could have
2 been.

3 Q. All right now, did you take off the next day and
4 ride your motorcycle out?

5 A. Yes.

6 Q. Did you have any -- well, would you mind turning on
7 the lights, please? All right now, have you ever been
8 convicted of a felony?

9 A. Absolutely.

10 Q. And when was that?

11 A. Maybe it was 2010. 2009.

12 Q. And what was that conviction for?

13 A. Securities fraud, and also money laundering.

14 Q. And after that conviction did you agree to cooperate
15 with the federal government?

16 A. Absolutely.

17 Q. So you basically turned States evidence?

18 A. Absolutely. Federal and State.

19 Q. All right. How did you get involved in assisting
20 the State?

21 A. I was working with organized crime, some other
22 issues I can't really get into.

23 Q. All right.

24 A. And then that's how we started with the Vagos.

1 Q. All right, and what was your agreement with the
2 State as far as working with the Vagos?

3 A. The agreement was, end result, when all was said and
4 done with my -- my two felonies, that at the end, that
5 something might -- you know, get to come out of it from the
6 cooperation.

7 Q. All right. In terms of prison, not have to go to
8 prison?

9 A. Lighter sentence, yeah, things of that nature.

10 Q. And who were you working with in law enforcement
11 with respect to the Vagos?

12 A. Homeland Security, I worked with special task force,
13 I worked with organized crime.

14 Q. All right, and what was your understanding of what
15 you were supposed to or going to provide as far as
16 information to or about the Vagos?

17 A. Provide information and infiltrate the Vagos.

18 Q. All right, and so would you be able to identify the
19 people who are in the Vagos, the chapter of the Vagos, the
20 organization, just essentially as much information as you
21 could gather?

22 A. Yes.

23 Q. And then would you relay that information to law
24 enforcement?

1 A. Absolutely.

2 Q. So based upon that did you have an opportunity to
3 know a lot of Vagos?

4 A. Yeah.

5 Q. And your position with Vagos was president?

6 A. Yes.

7 Q. What chapter was that?

8 A. My chapter? Southern California Riviera.

9 Q. And you indicated that Crusher or Leo Ramirez was
10 your vice-president?

11 A. Yes.

12 Q. And during this fight, he was there between the slot
13 machines and got shot in the stomach?

14 A. Yes.

15 Q. And was there anybody else in your chapter?

16 A. Not at that point.

17 Q. And so initially you testified at the grand jury, is
18 that correct?

19 A. Yes.

20 Q. Now, during the time that you were working with law
21 enforcement regarding Vagos information, was there an
22 investigation called Simple Green going on?

23 A. Absolutely.

24 Q. And do you know anything about what Simple Green was

1 all about?

2 A. Yeah, Simple Green was about, you know, drug
3 enforcement type of situation on them. Murder, rape,
4 numerous amount of things of that nature.

5 Q. All right, so an investigation into the Vagos
6 organization?

7 A. Yes.

8 Q. And crimes they may be involved in?

9 A. Absolutely. Absolutely.

10 Q. Now, I just wanted to talk a little bit about the
11 Vagos organization. So we had I think 76A, was that the
12 right -- yes, 76A, which you indicated was Cocky Rocky's cut.

13 A. Yes.

14 Q. All right, so we've got a number of patches on this
15 exhibit. Can you explain what these patches mean? What they
16 are?

17 A. Yeah. Located in the middle is the Norse god of
18 mischief, which has a meaning behind it.

19 Q. This patch here?

20 A. Yes, absolutely.

21 Q. And what does that mean?

22 A. A lot of different meanings. NeoNaziism,
23 supernatural, things of that nature.

24 Q. That's the main patch of the Vagos?

1 A. Yes.

2 Q. Excuse me one moment. Can you see all right? If we
3 talk about this? All right, we'll start on the back. All
4 right, so we've got a number of patches on this cut. All
5 right, so the center patch is the Loki patch, is that right?

6 A. Yes.

7 Q. And how do you earn the Loki patch?

8 A. Well, you have to go through, like I explained
9 before, you have to go through a process. You have to hang
10 around with the Vagos, then you go into what they call --
11 become a prospect, where you just get a bottom rocker, what
12 you see there, it says Forever Nomad, that's called your
13 bottom rocker. And you don't get nothing else at that time.
14 Until such time as you spend, you know, a little time, it
15 could be, you know, six months, it could be a year, depending
16 on what they feel about you. And at that time, if you pay
17 your dues and you do well, they'll hand you that patch. And
18 then you become a respected member of the Vagos motorcycle
19 club.

20 Q. All right, and then the Trust No One patch that is
21 atop the Loki patch, what is that? Is that one of the logos
22 or --

23 A. Yes.

24 Q. Part of the credo of the Vagos?

1 A. Absolutely. It's a moniker, yes.

2 Q. All right, and so would that be indicative of --

3 A. Everyone --

4 Q. -- preventing infiltration by law enforcement or
5 others that may provide information to law enforcement about
6 the Vagos?

7 A. Yeah, it was -- it could be -- it doesn't only go
8 for law enforcement, it depended on the Vagos themselves,
9 people you deal with.

10 Q. What is the significance on the left-hand side, what
11 is this patch here?

12 A. It was just a patch you put on, it's a patch that
13 was created called Fuck It, and it's just something that you
14 pick up and put on there.

15 Q. Can you buy those --

16 A. Yes.

17 Q. -- do you earn them? All right, just -- now, what
18 about these patches, little wings, we've got white wings, red
19 wings, black wings, do those have any significance --

20 A. Yeah.

21 Q. -- as far as activities that are engaged in by the
22 Vago member?

23 A. Yes.

24 Q. Are those sexual in nature?

1 A. Absolutely.

2 Q. So that would be various sexual acts they engage in?

3 A. Absolutely.

4 Q. Is there a way you earn those types of patches?

5 A. There are some women sitting there, but --

6 Q. You don't have to get graphic, but is there any --
7 for example, would somebody have to verify that you engaged
8 in these activities to earn this patch?

9 A. Yes, absolutely.

10 Q. So sexual activity that somebody has to watch, and
11 then you can get the patch.

12 A. You got it.

13 Q. Verify that you did it. Now, do you know the
14 significance of the swastika and the wings, is that
15 something --

16 A. No, that's something that you pick up at -- can't
17 remember the -- I'll think about it in a minute. A guy used
18 to make those. I wore one on my patch, my charter was pretty
19 much the first ones that started wearing those.

20 Q. All right, and what's the significance of -- looks
21 like a little swastika with an eagle and some wings?

22 A. It's more of a white supremacist type of a Nazi deal.

23 Q. All right. And the patches over on the right side,
24 back of -- so we've got kind of a 69 patch, is that what that

1 is?

2 A. Yes. All those patches there are earned.

3 Q. All right, so how do you earn the 69 patch, is that
4 another sexual act type patch?

5 A. Yeah.

6 Q. What's the 13 patch?

7 A. The 13 is a sign, almost like a gang sign.

8 Q. Okay, is there any significance to that? What does
9 it mean?

10 A. Basically what I just said, told you what it was.

11 Q. And the MF patch?

12 A. Motherfucker. Excuse me.

13 Q. Swastika patch?

14 A. Nazi.

15 Q. And then it says, the bottom one is "I like you,
16 I'll kill you last."

17 A. Uh-huh.

18 Q. Is that earned, or is that more of an intimidation
19 factor type patch?

20 A. That's more intimidation.

21 Q. Now going to the front of the vest. We've got a
22 patch on the upper left, I know it may be hard to see, so it
23 says, "Give what we get."

24 A. Uh-huh.

1 Q. Is there any significance to that patch, or is that
2 a common logo or saying of the Vagos?

3 A. Yes.

4 Q. All right, and what does that mean?

5 A. What I give you is what we get. It's a thing about
6 how I treat you and how you treat me back. I'm going to give
7 you so much, and if you don't deal with me in that aspect,
8 then something is going to happen.

9 Q. So if I treat you with respect, I would expect that
10 I get respect.

11 A. Absolutely.

12 Q. However, if I disrespect you, then you're going to
13 get that back.

14 A. Absolutely.

15 Q. So --

16 A. That's exactly what it means, give what you get.

17 Q. Then of course now would it be -- did you have a
18 cut?

19 A. Uh-huh.

20 Q. All right, did you have a president patch?

21 A. Yes, I did.

22 Q. So that's how you would identify ranking members in
23 the Vagos?

24 A. Yes.

1 Q. And then the Nomad patch would identify how long
2 he's been in the club for a Nomad?

3 A. Yes.

4 Q. Or what chapter they might be in?

5 A. No, Nomad is a Nomad. Nomad is -- you know, they're
6 a pretty high level type of group of individuals.

7 Q. Right, you indicated that they're in 20 years.
8 But -- and I misspoke.

9 A. And when it says Forever on the back of that patch,
10 that means that he's forever Nomad, he's a regular member of
11 the Vago motorcycle club.

12 Q. So would normal cuts have, in addition to a Loki
13 patch, would there be a rocker --

14 A. Yes.

15 Q. -- that would indicate chapter or area that the
16 member comes from?

17 A. Yeah, well, it would say California or would say
18 Nevada or would say whatever. Absolutely.

19 Q. Nicaragua?

20 A. Absolutely.

21 Q. And then the 1 percent patch, what's the
22 significance of that?

23 A. 1 percent is your 1 percent of the biker world. You
24 know, this is a notorious outlaw biker club, and it's 1

1 percent. That's 1 percent of what you call the total outlook
2 of the biker world. The 1 percent of biker outlaws.

3 Q. And then the patch down at the bottom says, "Do unto
4 others, then split." Are you familiar with that patch?

5 A. No, that's Rocky. Excuse me.

6 Q. All right, and then if we open this up -- this isn't
7 the one. Let me show you -- I believe we have another
8 example. May we have this marked as Exhibit B?

9 THE CLERK: 76B.

10 MR. HALL: 76B.

11 THE COURT: Any objection, Mr. Houston?

12 MR. HOUSTON: No, your Honor.

13 THE COURT: 76B is admitted.

14 (Exhibit No. 76B admitted.)

15 BY MR. HALL:

16 Q. All right, so we have 76B again, we're starting in
17 the back of 76B. So we talked about the centerpiece rocker,
18 which would be the Loki patch?

19 A. Uh-huh.

20 Q. So this would be indicative of a full-patch member?

21 A. Uh-huh.

22 Q. And the California bottom rocker would be indicative
23 of --

24 A. California.

1 Q. All right. Then we've got various patches, you've
2 got the California flag, United States flag, Nevada flag,
3 maybe a Green Nation flag? Are you familiar with this patch?

4 A. Yes.

5 Q. And what does that stand for?

6 A. The Green Nation.

7 Q. All right, and then we also have the Green Nation
8 patch.

9 A. Uh-huh. It represents the Green Nation.

10 Q. Do you know, in memory of brother J.J., do you know
11 who --

12 A. Yeah, I knew J.J.

13 Q. Now, is he -- so this also has a Forever patch on
14 the bottom?

15 A. Yes.

16 Q. And do you know the significance of the safety pin,
17 the big green safety pin?

18 A. They used that in the old days to put the patches
19 on. That was the first way of, back in the old days, of
20 using those pins to put your patch on. Pin through there,
21 and boom, put it on. That's how you went off when you got
22 your patch. It got a little bit more sophisticated as time
23 goes on, sewing and everything else.

24 THE COURT: Okay, Mr. Hall, this is a good place to

1 take our morning recess.

2 Ladies and gentlemen of the jury, we're going to
3 take that short recess we did yesterday. During this recess,
4 I want to remind you that you're admonished not to speak of
5 the case to anyone or allow anyone to speak of the case to
6 you. In addition, you may not discuss this case in internet
7 chat rooms or through internet blogs, internet bulletin
8 boards such as FaceBook, Twitter or email or text messaging.
9 If anybody tries to communicate with you, report such to the
10 Court. Do not listen to, read or view any news media
11 accounts regarding this case or anyone associated with it.
12 And do not do any independent investigation or inquiry into
13 any of the facts and circumstances surrounding this case.

14 We'll see you back in the courtroom in just a few
15 minutes. Court is in recess.

16 (Recess.)

17 (Jury absent.)

18 THE COURT: Counsel, are you ready to proceed?

19 MR. HALL: Yes, your Honor, I wanted to offer
20 Exhibit 132.

21 THE COURT: Okay, my understanding 132 and 154A
22 were both used by stipulation during opening.

23 MR. HALL: That's correct.

24 THE COURT: So we're moving them both in at this

1 time?

2 MR. HALL: Yes.

3 THE COURT: Okay, 132 and 154 are admitted.

4 (Exhibit Nos. 132 and 154 admitted.)

5 THE COURT: And are we ready for the jury?

6 BAILIFF: Yes, we are, your Honor.

7 THE COURT: Please bring the jury in. Ask that the
8 audience remain seated while the jury comes in.

9 (Jury present.)

10 THE COURT: Counsel stipulate to the presence of
11 the jury?

12 MR. HALL: Yes, your Honor.

13 MR. LYON: Yes, your Honor.

14 THE COURT: Thank you, please be seated. You may
15 proceed.

16 THE CLERK: Exhibit 76B marked during the recess.

17 BY MR. HALL:

18 Q. When we left off we were talking about Exhibit 76B,
19 which I believe has been admitted into evidence.

20 THE COURT: Yes, it has.

21 (Exhibit No. 76B admitted.)

22 BY MR. HALL:

23 Q. And so we were just going to discuss some of the
24 patches on 76B and their significance to the Vagos

1 organization. Some of these appear to be duplicative of some
2 of the ones on Cocky Rocky's, or Rocky Siemer's vest, is that
3 fair to say?

4 A. Uh-huh.

5 Q. You have to answer yes or no.

6 A. Yes.

7 Q. Thank you. Just because it's hard for the court
8 reporters. So again, looking at the right shoulder of
9 Exhibit 76B, we have "We give what we get," and then we have
10 VFFV, what does that stand for?

11 A. Vago Forever, Forever Vago.

12 Q. Then of course the Vagos patch, the Trust No One
13 patch, the MF patch, small Loki patch, swastika patch. And a
14 V, does that just stand for Vagos?

15 A. Yes.

16 Q. Now, do you have to earn any of these patches, or
17 you just buy them, or how do you get those?

18 A. A lot of times you can't get the Loki patch until
19 something of effect happens.

20 Q. All right. Now, inside there's some other patches.
21 Let me just show this to you a little closer so you can see.
22 Do you recognize any of these patches?

23 A. Yes.

24 Q. All right. And what do these patches signify, if

1 anything?

2 A. They signify a lot of stuff. You've got sergeant at
3 arms, you've got road captain, and you've got
4 secretary-treasurer. And that one belonged to Possum.

5 Q. All right. So I'm talking about the patches on the
6 left side of Exhibit 76B.

7 A. Yes.

8 Q. So we can start at the top and work our way down.
9 Can you see what I'm talking about from your location?

10 A. Yeah, I can see.

11 Q. And I'll bring it over if you can't. So first we've
12 got, number one, we've got secretary-treasurer.

13 A. Uh-huh.

14 Q. And so can you explain that position for the ladies
15 and gentlemen of the jury, please?

16 A. Yeah. The secretary is in third of command. And
17 you have your president, vice-president, then comes the
18 secretary. And the secretary, you know, pretty much
19 delegates, you know, paperwork. Delegates, if you're going
20 to go different places to stay, hotels, et cetera. And they
21 hold the meetings, when we have meetings, there's -- which is
22 called the church. He's involved in church very heavily and
23 brings a lot of information, as well as others. But that's
24 his primary function.

1 Q. You mentioned church, what is church?

2 A. There's a church that happens every week, where
3 charters get together and in that church discuss different
4 segments of issues that are going on, whether it's something
5 that's happening that's bad, good, derogatory, and filling
6 out the members within that church to make sure everybody is
7 doing what they're supposed to do, including the Vago
8 members.

9 Q. All right, and how often is church held?

10 A. Usually, you know, once a week. Some they don't do
11 it once a week, sometimes they do it once a month, depends on
12 the charter.

13 Q. Now, do Vagos usually pay dues?

14 A. Yes.

15 Q. And can you explain that?

16 A. Yeah, dues are paid, and what they do is the dues go
17 in and they go to the national. The dues that you have with
18 them. Each member has to pay a certain due, whether it's,
19 you know, 50 bucks, whether it's 80 dollars, or whatever that
20 number is. And each one of them have to pay those dues.
21 What those dues do is go up to national.

22 Q. All right, who sets the amount of the dues that must
23 be paid?

24 A. It's -- it's set up by national.

1 Q. And do you have to pay dues to be a member, is that
2 just part of the membership obligations?

3 A. You've absolutely got to pay your dues.

4 Q. Are there other obligations that a member must abide
5 by or other rules that a member should abide by?

6 A. Well, if they get a fine or anything happens where
7 they do something wrong and out of content, what will happen
8 is that depending on what it is, they get fined, and the fine
9 could be 500, could be 200, it could be a thousand.

10 Q. Would one of the rules that is either spoken,
11 written down, or at least understood by Vagos, understanding
12 the chain of command and abiding by the chain of command?

13 A. Absolutely.

14 Q. Now, with respect to 76B, we've got the patch Little
15 Joe, and Possum. Do you know who Little Joe and Possum are?

16 A. Yes.

17 Q. Who are they?

18 A. They're members of a charter. I don't know Possum
19 real well, but I know him. He knows me probably a lot more
20 than I know who he is.

21 Q. All right, and how about sergeant at arms, road
22 captain, and Eric, the next three. What if any significance
23 do those patches have on that inside of 76B?

24 A. Well, someone is acting as -- they've taken a lot

1 of -- they're taking a lot of positions there, if you call
2 it, because usually you don't have that many positions on one
3 cut, you know. You wouldn't see that if you have a full
4 charter. I mean, a secretary would be one person, a road
5 captain would be one person, and the other would be one
6 person.

7 Q. So this guy is taking on a lot of responsibility for
8 this --

9 A. Absolutely. Absolutely.

10 Q. All right, and then inside we've got Kicker, Jerry
11 the Jew, Ray Ray, Grouch, Smitty, JR. Are you familiar with
12 any of those individuals?

13 A. I know them all, yes.

14 Q. Do you know who they are?

15 A. Yes, I knew.

16 Q. And are they members of a specific charter?

17 A. Yeah. They're members of -- yeah, definitely.
18 Different charters.

19 Q. Are these -- would these be friends of this
20 individual?

21 A. Absolutely.

22 Q. Members of the same charter, or people that he's
23 affiliated with?

24 A. Well, sometimes what they would do is that a charter

1 member will give another member, you know, a patch, you know,
2 just in respect to him. To say you can wear this patch,
3 which belongs to them. Whether it's, say for instance, an
4 Orange County patch or Riverside patch, they have the
5 alternative of giving them a patch in respect to them.
6 That's why you see a lot of those patches there. He's a
7 respected guy.

8 Q. So what would be the relationship between patch
9 members just in terms of standing by each other or
10 affiliation, is there anything understood about patch
11 members?

12 A. As far as?

13 Q. As far as their relationship to each other, showing
14 respect to each other, defending each other, that type of
15 thing?

16 A. Absolutely. First thing, from the national
17 standpoint, international standpoint, and the bylaws, you
18 know, the first thing is the international person, as I
19 stated before, international vice-president, secretary,
20 sergeant at arms and the road captain. Underneath that you
21 have presidents. And underneath that, each president has his
22 same type of -- you know, correlation of individuals that are
23 there.

24 Now, the way it works is that everybody has got to

1 watch out for the international president. He's the one that
2 everybody has to watch out for most of the time. If he's
3 around, most of the sergeant at arms will be delegated by
4 Dragon to make sure he's okay, because his safety is number
5 one.

6 As far as the presidents are concerned, the
7 president is up from anybody, from anybody that's involved,
8 whether it's a prospect or whatever, has to have the utmost
9 respect of any president. And if a president asked -- like
10 for instance if you had two charters, and a president from
11 one charter asked a prospect of another charter that he needs
12 him to go do something, whether it's get him a burger, french
13 fries, this and that, that prospect will have to go do that.

14 Q. Now, with respect to --

15 A. The prospects belong to the whole club.

16 Q. Okay. With respect to that, that communication and
17 protection of, for example, the international sergeant at
18 arms, which was Dragon, when we watched the video at
19 approximately 23:18, right in that area on monitor 1, if I
20 recall correctly -- or 45, whichever one looked direct into
21 Trader Dick's -- what would the significance of Dragon Man be
22 leaving? Can you draw any significance of Dragon Man leaving
23 before this fight kicks off?

24 A. That's really a mystery, you know. That's really a

1 mystery to me. Why he would move forward and take off,
2 and --

3 Q. Now, Dragon Man would have the authority to talk to
4 Rudnick and say, hey buddy, get out of here. And Rudnick
5 would be required --

6 A. Absolutely.

7 Q. And he would have the authority to tell --

8 A. You know, he'd have the authority to kick the shit
9 out of him, right there and then, for creating that problem.
10 If that's what he felt needed to be done.

11 Q. Now, can anybody communicate with, say, Dragon Man
12 or Tata, the international president?

13 A. Yes. Sometimes it's hard to do that, but you can
14 communicate to them, it depends who you are.

15 Q. So in this Vago hierarchy who would be allowed to
16 call Tata, for example, and discuss Vago business?

17 A. A lot of the presidents.

18 Q. All right, would you expect other people to be --
19 have his phone number and --

20 A. Well, it's really -- over the years, things have
21 changed from the old international president to this
22 international president. And in that change, Terry the
23 Tramp, who was the original president, would really -- was
24 more of a guy who would accept a lot of calls if there was

1 problems, if things were going on, you can talk to him. And
2 then, you know, get an answer, and things were settled.

3 This international president is a little bit
4 different. He's a little bit more laid back, quiet, doesn't
5 like to talk to people on the phone, that type of thing.

6 So a lot of the times the calls do go to Dragon.
7 But a lot of the presidents -- and it has to be -- it
8 favors -- somewhat of a favoritism type of situation with
9 Tata, too. He likes certain people. It's just the way it
10 is. And certain people he will talk to, and certain people
11 he won't talk to.

12 Q. All right, and just to cover the back of 76D, do you
13 know what LVDV stands for?

14 A. Live Vago Die Vago.

15 Q. We've already talked about the Green Nation.

16 A. Uh-huh.

17 Q. Do you know Ruben?

18 A. No.

19 Q. Could be --

20 A. I don't remember Ruben, no.

21 Q. And these other patches we've already discussed with
22 the other -- other vest. Showing you what has been marked as
23 76C. Move for admission of 76C.

24 MR. HOUSTON: No objection, your Honor.

1 THE COURT: 76C is admitted.

2 (Exhibit No. 76C admitted.)

3 BY MR. HALL:

4 Q. Do you recognize this exhibit, sir?

5 A. Yes.

6 Q. What is it?

7 A. It's Cocky Rocky's hat. The national president of
8 the Nomads.

9 Q. You can tell because it says Cocky Rocky on the
10 side? And you saw him that evening?

11 A. Yes.

12 Q. He was wearing the cap?

13 A. Yes.

14 Q. That was one of the ways we were able to identify
15 him on the video?

16 A. Yes. I've known him for 26 years, too, so.

17 Q. You know him.

18 A. I've known him for a long time.

19 Q. Now, I wanted to also discuss what has been marked
20 and admitted as State's 132. Let me come over here so that
21 might be a little easier for everybody to see. So why don't
22 we just start at the upper left-hand corner. As a matter of
23 fact, I'll just hand you the pointer, and would you -- can
24 you identify these individuals and their rank? If you know.

1 A. This is Romeo, there.

2 Q. Ernesto Gonzalez.

3 A. Ernesto Gonzalez, excuse me. Jabbers. That's
4 Crusher -- I mean actually vice-president, president, and Boo
5 Boo, Diego Garcia.

6 Q. And what -- let's slow down a little bit. So Diego
7 Garcia is part of the San Jose chapter?

8 A. Absolutely. So is Rigoberto Garcia.

9 Q. Do you know the relationship between Rigoberto
10 Garcia and Diego Garcia?

11 A. I think they're cousins.

12 Q. You think they're cousins?

13 A. Uh-huh.

14 Q. All right, I've got people way back here, so if I
15 could ask you to speak up a little bit, I want to make sure
16 everybody can hear.

17 A. I think they're cousins.

18 Q. All right. Maybe it's just my hearing.

19 A. Yeah.

20 Q. How about the top right-hand person?

21 A. That's Gregory Fearn, the guy that got hit in the
22 face with the gun. And he's from Lakes -- Lake -- I've been
23 up there, but I can't remember the --

24 Q. Lakeport?

1 A. Lakeport, there you go. This is Dragon Man, that's
2 international sergeant at arms. Tata, international
3 president. Cocky Rocky, who is the national president of the
4 Nomads. You've got Robert Wiggins, he was the one who was
5 laying down on the ground playing dead.

6 You've got Lunchbox, who is now I think the
7 president of Los Angeles. Candyman.

8 Q. Let's stop right there. Who is Candyman?

9 A. Candyman was the original -- Campos was the original
10 president of the Los Angeles charter.

11 Q. All right, and who else do you know was in the Los
12 Angeles chapter? Who was under Candyman, who was his VP?

13 A. Jabbers.

14 Q. All right, so Candyman was the president, and
15 Rudnick was the vice-president?

16 A. Yes.

17 Q. All right, and where is Lunchbox now?

18 A. Lunchbox is now the president of Los Angeles.

19 Q. And what about Bradley Campos?

20 A. I don't think -- I don't know what Campos' position
21 is at this time.

22 Q. Well, if Jeff Martin is now the president, would
23 that mean that Bradley Campos is no longer the president?

24 A. Yes.

1 Q. All right, so you don't know if he got kicked out of
2 the club or put out bad -- do you know what put out of the
3 club means?

4 A. Absolutely.

5 Q. And what does that mean?

6 A. When you're put out of the club that means that they
7 come to you and they take your bike, they take your cut, they
8 take everything. And you go off bad. That's what means
9 going out bad.

10 Q. Why would that happen?

11 A. Many reasons. Disrespect type situations, things
12 that are out of order that are not a contributing factor to
13 the club. Things that are way out of boundaries that he has
14 done, whether it be -- it could be a drug deal behind the
15 club that they didn't know about, as far as that particular
16 charter. It could be a lot of different things. But it's a
17 bad thing when you get put out, when you get put out bad.

18 Q. So for example, if you had a big Vago tattoo on your
19 stomach, if you got put out bad are there rules about the
20 Vago tattoo, for example?

21 A. Yeah, the rules are they're supposed to take that
22 tattoo off. But in most cases they'll blacken it out.

23 Q. And what would happen to your cuts?

24 A. They're just taken.

1 Q. And you say many times they'll take your motorcycle?

2 A. Absolutely.

3 Q. So would somebody have to violate the rules of the
4 Vagos to be out bad?

5 A. Yes.

6 Q. And so do you know -- you don't know what happened
7 to Candyman?

8 A. No, I don't.

9 Q. Now, are this politics -- is there politics between
10 clubs?

11 A. Of course.

12 Q. Is there communication between clubs?

13 A. There always has to be communication.

14 Q. Have you ever heard of the coalition of --

15 A. Absolutely.

16 Q. -- motor -- what's that?

17 A. A coalition is when a large number of bike clubs get
18 together. And Rich Lester is the guy that runs it, he's an
19 attorney, and what he does is that he brings the new laws and
20 regulatory situations that are coming out upon bikers. And
21 what he stresses in there with the community of the biker
22 world, outlaw world and et cetera, is different delegations
23 of new laws and different things that are going on that's
24 going to harm them, and that's why they have these meetings

1 for other people to meet one another. In a neutral
2 standpoint, in a neutral sense. So there's not no problems
3 with people walking in.

4 Q. All right, now, would Vagos and Hells Angels be
5 invited to the coalition meeting?

6 A. Yes. You have a coalition, for instance, they had
7 a -- I went to one, it was in New Mexico, and we had a big
8 meeting there. And you had the Outlaws there, you had the
9 Banditos there, you had the Vagos there, Hells Angels were
10 there, a lot of people were there. It was an extremely tense
11 situation there because of, you know, there's a lot of
12 dissension among all these guys.

13 And but anyways, they did have them. They had it
14 in a big conference room, and there was a panel, and actually
15 Sarge belongs to one of -- he is a panel member. And there's
16 different individuals from around the biker world, all the
17 way from New York to California, from New Mexico to, you
18 know, the top. Everybody is invited to come down. But it's
19 a neutral ground.

20 Q. Now, if there's -- are you aware of any rivalry
21 between the Hells Angels and the Vagos?

22 A. Yes.

23 Q. And can you tell me a little bit about what you know
24 about that rivalry?

1 A. Well, what has happened, you know, over the years is
2 that there's been certain things that have happened between
3 the Vagos and between Hells Angels. And for instance which
4 is a terrible thing --

5 MR. HOUSTON: Your Honor, excuse me, may we
6 approach?

7 THE COURT: Yes.

8 (Unrecorded discussion at the bench.)

9 BY MR. HALL:

10 Q. So as we were saying, you're aware of a rivalry
11 between the Vagos and the Hells Angels?

12 A. Yes.

13 Q. And that's based upon things that you've heard.

14 A. Yes.

15 Q. All right. And if there is a problem between, for
16 example, the Vagos and the Hells Angels, how do you resolve
17 those issues?

18 A. Well, you have individuals, and these are
19 intermediaries within these clubs that meet together, that
20 try to sort out the problems. Okay? You have to understand
21 the difference between the Vagos and the Hells Angels. Hells
22 Angels are all individually run, okay, each charter is its
23 own separate entity. So it could be with one charter, but if
24 things get out of control then other charters get involved.

1 The Vagos have individuals that will go out and meet, and
2 they would meet with these guys to talk about the problem at
3 hand.

4 For instance, Bakersfield, where the young man was
5 killed, the Vago young man was 18 years old.

6 MR. HOUSTON: Your Honor, excuse me.

7 THE COURT: Counsel, I'm not sure everyone
8 understood the same arguments that were being discussed at
9 the bench. So ladies and gentlemen of the jury, I do want to
10 kind of hear what's going on, so I'm going to ask that you
11 step out for a few minutes.

12 Now, during this break remember that you may not
13 discuss the case among yourselves or with any other person.
14 You may not form or express any opinion about the ultimate
15 outcome of this case. You may not listen to, view or read
16 any news media accounts regarding the case, or make any
17 independent investigation regarding it. If anyone should
18 attempt to influence you or speak about the case, let me know
19 immediately. You may go into the jury room.

20 (Jury absent.)

21 THE COURT: Okay, Mr. Houston.

22 MR. HOUSTON: Thank you, your Honor. Your Honor,
23 as I approached the bench with the jury present, I had
24 expressed concern referencing where the State was going with

1 the line of questioning. And further, whether or not the
2 witness was actually testifying from personal knowledge or
3 testifying from that which he heard from others. And if he's
4 not testifying as an expert and qualified as such, then
5 certainly I would object to him testifying as to hearsay
6 information, as provided by as many people that may have told
7 him over a certain period of time.

8 It clearly seems to fall outside of the rule of his
9 personal knowledge. And if he's present, then clearly I
10 would withdraw the objection, if he's actually seen what he's
11 speaking of. But if not, then of course the objections is
12 lodged.

13 THE COURT: Mr. Hall.

14 MR. HALL: Mr. Houston's objection is misplaced.
15 Under opinions by lay witnesses, if the witness is not
16 testifying as an expert, the witness's testimony in the form
17 of opinion, or inference, is limited to those opinions or
18 inferences which are rationally based on the perception of
19 the witness, which is what he's talking about, and helpful to
20 a clear understanding of the testimony.

21 And we laid a foundation for --

22 THE COURT: What statute are you quoting?

23 MR. HALL: NRS 50.265.

24 THE COURT: Okay, thank you. Go ahead.

1 MR. HALL: This, as indicated, this was a news
2 story -- what he's talking about is the murder of Roger
3 Villano by Michael Pena. And there was a trial, it was
4 publicized highly, I think everybody in California knew it,
5 it was common knowledge among bikers. And what he is talking
6 about is knowledge of the rivalry.

7 So he has, being involved in the Vagos, he has
8 knowledge of the rivalry. It goes directly to motive. We
9 have established the veracity or the truthfulness of that
10 particular incident with police reports, eyewitnesses, and
11 now we have a witness who is in the Vagos, who is familiar
12 with that as a basis for the rivalry, which provides motive.
13 So the bottom line is there is a substantial basis for his
14 knowledge. It is certainly helpful to the jury in terms of
15 understanding the facts and circumstances of this case.

16 So based upon the fact that this is essentially
17 public record, common knowledge among bikers, certainly he
18 can offer his knowledge regarding the basis of the rivalry.

19 So it's not necessarily offered for the truth that
20 there was actually a murder, it's offered for his
21 understanding of the rivalry. So it's not offered for the
22 truth, it's for his state of mind.

23 So his hearsay objection has no basis. We're
24 talking about the witness's state of mind with respect to the

1 rivalry, and the basis for that opinion. So based upon the
2 hearsay exception, under NRS 51, I believe 51, state of mind
3 would be -- with the Court's indulgence. I'm not finding in
4 my book. But the State -- exception under NRS 51, Chapter
5 51. So based upon NRS Chapter 51, the exception to the
6 hearsay rule, and NRS 50.265, I'd ask you to overrule the
7 objection so that he can express his state of mind with
8 respect to the rivalry, and the basis of the rivalry.

9 MR. HOUSTON: Your Honor, he has. The witness has
10 indicated he thinks there's a rivalry. The prosecutor has
11 cited you to NRS 50.265, and I think the operative phrase is
12 the witness is allowed to testify to those opinions or
13 inferences, one, rationally based on perception. Perception
14 of the witness.

15 I missed the subsection that says if you read the
16 newspaper you can report in on that as well. The fact of the
17 matter is the witness, if he has perceived the events to
18 which he is going to testify, I withdraw the objection. The
19 witness, as I understand it now, is going to testify based
20 upon he learned of things through newspaper accounts, and I
21 really didn't see that subsection in that particular statute.

22 If the witness wants to testify there is a rivalry,
23 then certainly I believe, as does Mr. Hall, because of his
24 experience that may be appropriate. But to go into specific

1 things that he may have heard about, read about, talked to
2 others about, is really inappropriate and does not fall under
3 what the prosecutor is trying to present it under, being
4 50.265.

5 MR. HALL: Well, where the argument is misplaced is
6 he's -- Mr. Houston is arguing that we're trying to argue
7 about the event itself. That's not the point here. We're
8 talking about the perception of the witness about the
9 rivalry. Not the event. And so to establish his
10 understanding of the rivalry, he made reference to the event,
11 which establishes his state of mind with respect to the
12 rivalry.

13 THE COURT: It's -- Mr. Hall, I think that without
14 him being an expert and being allowed to testify to specific
15 instances that the Court -- the circumstance of his opinion,
16 this kind of specific instances that are all based on hearsay
17 would be inappropriate. There would be no way to -- to admit
18 this, I don't know of any exception to the hearsay rule for a
19 lay witness to talk about something that happened outside of
20 their purview, where they -- it doesn't have any relationship
21 to what he was perceiving.

22 If Mr. Houston were to cross-examine him and refute
23 whether or not there was a rivalry, you may be able to get
24 into some more about why he believes there's a rivalry. But

1 at this stage in the proceedings I do not think it's
2 appropriate.

3 MR. HALL: Okay.

4 MR. HOUSTON: Thank you, your Honor.

5 THE COURT: Okay, we'll let the jury come back in.

6 (Jury present.)

7 THE COURT: Counsel, will you stipulate to the
8 presence of the of the jury?

9 MR. HALL: Yes, your Honor.

10 MR. HOUSTON: Yes, your Honor.

11 THE COURT: Thank you, you may proceed.

12 BY MR. HALL:

13 Q. We were talking about rivalries. Is there a rivalry
14 between the San Jose chapter of the Hells Angels and a
15 rivalry between the San Jose chapter of the Vagos?

16 A. Yes.

17 Q. Now, we were talking about the individuals who were
18 listed in Exhibit No. 132. I think we got to Bradley Campos,
19 who was Jabbers' or Gary Rudnick's president of the Los
20 Angeles chapter, is that correct?

21 A. Yes.

22 Q. And so moving on, at the bottom row of pictures,
23 starting on the left, we have Cesar Morales?

24 A. Uh-huh.

1 Q. We talked about him on the video, and once again,
2 who is Cesar Morales?

3 A. He's the president of San Jose.

4 Q. And then Richard Nickerson, or Ricky Nickerson, do
5 you know who he is?

6 A. Yes, I do, but I don't remember what charter he was
7 in.

8 Q. Do you know if he's associated or a friend of
9 Mr. Gonzalez?

10 A. Yes, I think he is.

11 Q. How about William Pizel?

12 A. Yes, Top Hat.

13 Q. We talked about him.

14 A. 22 -- he has a Forever Nomad patch on him. He's
15 been involved with Vagos over 25 years.

16 Q. So his status would be somewhat similar to Cocky
17 Rocky or Rocky Siemer?

18 A. Well, he had the time, but he's not at that level as
19 far as national president is concerned.

20 Q. Brian Marquez, do you know who he is?

21 A. No.

22 Q. How about Pete Amirson?

23 A. Yeah. I haven't seen him.

24 Q. David Hogg?

1 A. No.

2 Q. Now, finally, there was some discussion about your
3 being involved in law enforcement as an informant, is that
4 right?

5 A. Absolutely.

6 Q. You're not an informant for me, are you?

7 A. No.

8 Q. So I'm not paying you anything in exchange for your
9 testimony?

10 A. No.

11 Q. There's no deal you're working off with me?

12 A. No.

13 MR. HALL: Thank you, no other questions.

14 THE COURT: Cross-examination.

15 MR. HOUSTON: Thank you, your Honor.

16 CROSS-EXAMINATION

17 BY MR. HOUSTON:

18 Q. How are you, sir? I'm David Houston, and I'd like
19 to ask you a few questions based on some of the things you've
20 testified to this morning. Just to start off, and I'll move
21 this easel in a second, we were -- you were, rather, on your
22 direct examination discussing what's been referred to as the
23 cuts, correct?

24 A. Yes.

1 Q. This is the individual expression of the owner of
2 that particular garment?

3 A. Yes.

4 Q. And that's why some would have different patches
5 than others. True?

6 A. True.

7 Q. The Vagos are comprised of individuals, correct?

8 A. Yes.

9 Q. People, right?

10 A. Yes.

11 Q. People that have individual thoughts and processes,
12 correct?

13 A. Yes.

14 Q. Now, there are Vagos as well that are doctors?

15 A. Yes.

16 Q. Lawyers?

17 A. Yes

18 Q. Accountants?

19 A. I don't know about accountants, but maybe --

20 Q. Blue collar workers?

21 A. Yes.

22 Q. Family men?

23 A. Yes.

24 Q. Good people.

1 A. Yes.

2 Q. As in any organization, there are people that are
3 bad people, correct?

4 A. Absolutely.

5 Q. And in the Vagos organization, Jabbers would be one
6 of those bad people, correct?

7 A. I would say so, yes.

8 Q. Do you know how many children Mr. Gonzalez has?

9 A. Ernesto?

10 Q. Yes.

11 A. Do not.

12 Q. Do you know what business he was in?

13 A. Do not.

14 Q. Do you know how old he is?

15 A. No.

16 Q. You didn't really know a lot about Mr. Gonzalez,
17 correct?

18 A. Correct.

19 Q. And in fact, your knowledge of Mr. Gonzalez is based
20 upon seeing him at functions?

21 A. Uh-huh.

22 Q. Did you ever have a chance to talk?

23 A. I think we've talked once or twice.

24 Q. Okay, so you don't have much of a relationship with

1 him, fair statement?

2 A. No.

3 Q. Were you ever a member of the San Jose Vagos?

4 A. No.

5 Q. Were you ever -- did you live in San Jose?

6 A. No.

7 Q. So you base your opinion as to whether there was a
8 specific problem between the San Jose Vagos and the San Jose
9 Hells Angels on what other people may have told you?

10 A. Absolutely.

11 Q. Would it surprise you if members of the Vagos of San
12 Jose didn't think there was a rivalry?

13 A. Yes.

14 Q. How much time have you spent in San Jose with the
15 San Jose Vagos?

16 A. Not much time.

17 Q. How many meetings have you attended in San Jose with
18 the San Jose Vagos?

19 A. None.

20 Q. How many opportunities have you had a chance to
21 visit this coalition of -- what did you call it, I'm sorry?
22 This coalition of the biker world, what's that called?

23 A. It's called a confederation, coalition, yeah.

24 Q. And this confederation is held once a year?

1 A. Yes.

2 Q. And how many times have you been to that?

3 A. Two times.

4 Q. Did you attend with San Jose Vagos?

5 A. What's the question now again?

6 Q. Did you attend that meeting with the San Jose Vagos?

7 A. I'm sure the San Jose Vagos were at a coalition
8 meeting, yes.

9 Q. Who was that?

10 A. The charter.

11 Q. Well, who? I mean what --

12 MR. HALL: Objection, vague. What meeting is he
13 talking about? What year, what place?

14 MR. HOUSTON: The coalition --

15 THE COURT: Okay, gentlemen, please don't speak
16 over each other. The objection as to the vagueness of the
17 question is sustained, you could be more specific.

18 BY MR. HOUSTON:

19 Q. Thank you, your Honor. Sir, what years did you
20 attend this coalition?

21 A. For the last three years I was in the Vagos.

22 Q. Okay, and name the names of the Vagos from San Jose
23 that were present.

24 A. It's a -- it's a mandatory thing that they go to

1 this function, so it would be Cesar, the rest of them.

2 Q. I want to not talk about the national run at Street
3 Vibrations, I was talking about this coalition.

4 A. No, I understand what you're talking about.

5 Q. So it's your belief that everybody would have been
6 there?

7 A. I believe, yeah -- maybe not everybody, but maybe a
8 few of them.

9 Q. All right, but you're not sure who if anybody was
10 there.

11 A. No.

12 Q. And that would be true for every one of these
13 coalition meetings you attended?

14 A. Yes.

15 Q. Were you aware Mr. Rudnick was put out of the Los
16 Angeles club bad?

17 A. Yes.

18 Q. And you're aware that Mr. Rudnick, Jabbers, was put
19 out of the Los Angeles club bad because of what he did at
20 Street Vibrations, correct?

21 A. Yes.

22 Q. Because what he did at Street Vibrations resulted in
23 two Vagos being shot, and Jeffrey Pettigrew being killed,
24 true?

1 A. True.

2 Q. Sir, you worked very hard that night to make certain
3 that didn't happen, correct?

4 A. Yes.

5 Q. Now, you were a high ranking member of the Vagos,
6 true?

7 A. Yes.

8 Q. And I think you said at that time you were the
9 president?

10 A. Yes.

11 Q. You had authority over Jabbers, true?

12 A. Yes, I did.

13 Q. You couldn't control him, could you?

14 A. No.

15 Q. Sometimes, even in the Vagos, people don't follow
16 the rules, true?

17 A. Yes, sir.

18 Q. And the rule that night, as you knew it, was that
19 Jabbers was to leave Pettigrew alone.

20 A. Absolutely.

21 Q. Why didn't you just take care of it? Personally.
22 Drag him out of there.

23 A. Well, there was about 60 Vagos there, and it was
24 very an intense moment. So what I had to do was make the

1 move, because he wasn't listening to nobody.

2 Q. Right.

3 A. Okay? And what I should have done is knocked him on
4 his ass, okay.

5 Q. Right.

6 A. But what happened is they allowed his own charter
7 members that were there, the sergeant at arms were there, and
8 there would have been an influx of problems between us both.
9 So I said I'm going to call up national and say this is
10 what's happening.

11 Q. Right. And you did the right thing, wouldn't you
12 agree?

13 A. Yes.

14 Q. Now, when you say that his charter was there, I
15 think what we understand is Mr. Rudnick is the vice-president
16 of the Los Angeles charter, true?

17 A. Yes.

18 Q. And as vice-president, he's kind of up there in the
19 ranks, right?

20 A. Absolutely.

21 Q. Now, does that mean a patch holder -- if a VP from
22 another charter tells a patch holder from a different charter
23 to do something, they have to do it, right?

24 A. If the president is not there, yes.

1 Q. Okay. So for instance when we see Diego Garcia, who
2 is from the -- what charter? San Jose?

3 A. Yes.

4 Q. When we see Garcia and Rudnick talking to Garcia, if
5 Rudnick is telling Garcia to do something, Garcia pretty much
6 has to do it because Rudnick is a vice-president, correct?

7 A. Yes.

8 Q. And we see Garcia put on his gloves after we see
9 Mr. Rudnick tell him something, right?

10 A. Yes.

11 Q. Would you agree with me that Mr. Rudnick that night
12 was intent upon causing a problem with Jeffrey Pettigrew?

13 A. Yes.

14 Q. And that had been going on pretty much the majority
15 of the evening, correct?

16 A. Yes.

17 Q. In fact, we saw a lot of video, and we saw video
18 where you would see Rudnick approach Mr. Pettigrew. And in
19 some of it, others, Vagos, would seem to put their hands on
20 him, to attempt to do something. Do you know what they were
21 trying to do, the other Vagos?

22 A. Would you rephrase that question again, please?

23 Q. Well, there were a lot of other Vagos trying to pull
24 Rudnick out of there besides you, right?

1 A. Uh-huh.

2 Q. And in fact, that room that we looked at on the
3 video contained a lot of people other than Vagos and HAs,
4 correct?

5 A. Yeah, there was a few people there.

6 Q. You've talked about the structure of the Vagos, and
7 how it's different from the Hells Angels in the sense that
8 Vagos have individual charters, right?

9 A. No.

10 Q. Oh, I'm sorry. That's the HAs. Thank you. The
11 Vagos are one organization, correct?

12 A. Right.

13 Q. So as one organization, they have one person who is
14 the -- they call him the international president?

15 A. Yes.

16 Q. Now, is the international president the guy who kind
17 of has say over everybody?

18 A. Yes, he does.

19 Q. And in this case, at that time, the international --
20 may I approach, your Honor?

21 THE COURT: You may.

22 BY MR. HOUSTON:

23 Q. The international president was this fellow called
24 Tata, Pastor Palafox, right?

1 A. Absolutely.

2 Q. And we also had -- who was the international
3 vice-president, I'm sorry?

4 A. He's not there.

5 Q. Okay, and --

6 A. Sergeant at arms. Dragon Man.

7 Q. Okay, so Dragon Man, Albert Perez, was the sergeant
8 at arms, right?

9 A. Yes.

10 Q. Now, when you had attempted to stop Gary Rudnick
11 repeatedly, you made a decision, as you were saying, to call
12 somebody, right?

13 A. Yes.

14 Q. And you made that decision because in your opinion
15 you couldn't control Rudnick, correct?

16 A. Yeah, I couldn't control the situation that was
17 about to happen.

18 Q. Right, and Rudnick was the guy creating the
19 situation, true?

20 A. Yes.

21 Q. And you're a big guy. I mean, physically you're
22 pretty impressive, correct?

23 A. Thank you.

24 Q. Just my observation.

1 A. Yeah.

2 Q. You could certainly handle yourself if you needed
3 to?

4 A. Yes.

5 Q. And I don't think you were afraid of Rudnick, were
6 you?

7 A. No, not at all.

8 Q. But it was kind of the politics of the moment that
9 required you to literally call upstairs, because you wanted
10 to get somebody down there that might be respected above all,
11 right?

12 A. Correct.

13 Q. Now --

14 A. I want to say one thing to you, if it's okay.

15 Q. Sure.

16 A. An incident like that, there's been times where,
17 whether you're a president or a vice-president or whatever,
18 that sometimes within the organization there will be a fight
19 or a brawl that will create. Now, the way I looked at it was
20 this, there was about 60, 70 people there, and they were very
21 tensed up. And Jabbers had a lot of people's ears, okay?

22 Q. Right.

23 A. That's why I made the call.

24 Q. And when you say Jabbers had a lot of people's ears,

1 I mean literally Jabbers was going up jabbering, correct?

2 A. You got it.

3 Q. I mean, he's in everybody's face that will listen to
4 him, right?

5 A. You got it.

6 Q. Pretty honest statement that a lot of people would
7 have known what was going on with Jabbers and Pettigrew,
8 because Jabbers is telling everybody, right?

9 A. True.

10 Q. And in fact, you can see on video some places where
11 he's actually recreating for people what Pettigrew did that
12 he took --

13 A. By touching him, yes.

14 Q. By touching his back.

15 A. Uh-huh.

16 Q. When we see the video we see Mr. Pettigrew in there,
17 and he seems to be very friendly to everybody.

18 A. Uh-huh.

19 Q. He's kind of an icon, wouldn't you agree?

20 A. Absolutely.

21 Q. And I think you've stated it best, you said he was
22 loved by a lot of people, true?

23 A. Absolutely.

24 Q. Including some Vagos, right?

1 A. Absolutely.

2 Q. And in fact, Vagos and Hells Angels are actually
3 known to be good friends, true?

4 A. It depends on who they are, and the charters.

5 Q. I agree, and people are people.

6 A. The multitude of them, no. Some of them, yes.

7 Q. Right. People are people.

8 A. Uh-huh.

9 Q. You're going to be friends with a person because you
10 like the person, right? I'm sorry, you need to say yes or
11 no. I know you nodded yes.

12 A. Yes.

13 Q. You don't have to, if you're a Vago, hate every
14 Hells Angel, true?

15 A. No.

16 Q. And in fact you didn't, right?

17 A. No.

18 Q. And when you spoke on direct of the loss of
19 Jethro -- Jeffrey Pettigrew, it seemed as though you actually
20 felt that emotionally. And I don't want to pander the
21 situation, but that's true, isn't it?

22 A. Yes.

23 Q. And would it be a fair statement to say that there's
24 other Vagos that feel exactly as you do?

1 A. Yes.

2 Q. And this is the reason somebody like Jabbers would
3 get thrown out of the club for what he did, right?

4 A. Yes.

5 Q. And he certainly didn't make the club any better
6 because of what he did, did he?

7 A. No.

8 Q. In fact, he created a real problem between the Hells
9 Angels and Vagos at that point.

10 A. Absolutely.

11 Q. That night there were a lot of Vagos at the Nugget,
12 right?

13 A. Yes.

14 Q. And the Vagos actually were holding I think they
15 call it their national run?

16 A. Yes.

17 Q. And is a national run a lot like a convention of
18 sorts?

19 A. Well, yeah, national run, from a layman's term
20 standpoint you could say is like a convention. But what it
21 is is it's a mandatory type of situation that everybody has
22 to show up in the club.

23 Q. Okay, and if you don't show up you can be fined,
24 things like that.

1 A. Oh, absolutely.

2 Q. But at least that night was the international
3 vice-president of the Vagos present?

4 A. Yes, he was there.

5 Q. Okay, what's his name, I'm sorry?

6 A. Jimbo.

7 Q. Okay. And the idea of the international structure
8 of course is the ultimate authority figures, and what do you
9 do at your conventions? Do you talk about, for instance,
10 Street Vibrations, what you're going to do the next day,
11 things of that nature, at these meetings?

12 A. Well, when the first meeting took place, it was
13 talking more about, you know, where Tata's explanatory --
14 what he was talking about on stage is about the Vagos, where
15 the Vagos have come, where they're going, how they're
16 expanding, and then he named off charters, and he named off
17 my charter, different charters. Naturally talked about the
18 charter down in South America.

19 Q. Nicaragua?

20 A. Nicaragua. No, he didn't say Nicaragua. He said
21 Nicaragua. Romeo went, "What about Nicaragua?" If I
22 remember correctly.

23 Q. Nicaragua was a new charter, right?

24 A. You got it.

1 Q. In fact that was a charter that was started by
2 Mr. Gonzalez.

3 A. Uh-huh.

4 Q. And you're aware Mr. Gonzalez is from Nicaragua?

5 A. Yeah.

6 Q. It sounds like it's a time for recognition and
7 praise for what's going on, would that be a fair statement?

8 A. I don't understand your question.

9 Q. He wants to praise the charters for good work, what
10 they're doing.

11 A. As far as the national president was concerned, yes.

12 Q. Okay, and how long did that meeting last?

13 A. I would say close to an hour, maybe 45 minutes.

14 Q. Now, nobody in that meeting silting there irked and
15 screaming about the HAs, are they?

16 A. No.

17 Q. That would be inappropriate, right?

18 A. Well, it all depends.

19 Q. Well, if you had a real problem, I guess that would
20 be the best time to come forward and start talking about the
21 real problem you had with the Hells Angels?

22 A. That's true, yeah, that's true.

23 Q. And we know at least on September 23rd, 2011 at that
24 meeting at the Nugget, nobody was sitting there, standing up

1 grousing about the HAS, right?

2 A. No.

3 Q. All right. There was some discussion about the
4 hierarchy and what people do, like if you're a president, you
5 have somebody who kind of watches your back, and is that
6 sergeant at arms?

7 A. Yes.

8 Q. And this particular case, were you aware at one
9 point that Mr. Gonzalez was a member of the San Jose charter?

10 A. Yes.

11 Q. Okay, and the president of the San Jose charter was
12 Cesar Morales?

13 A. Yes.

14 Q. Now, if Mr. Gonzalez is kind of keeping an eye on
15 Cesar Morales, like Leonard Ramirez would do for you, that
16 would be normal, true?

17 A. Yes.

18 Q. Yeah?

19 A. Yes.

20 Q. If we see, for instance, video footage where
21 Mr. Morales has gone in to talk to Mr. Pettigrew, and
22 Mr. Gonzalez has waited in the area around here watching,
23 that would be normal, right?

24 A. He's -- yeah.

1 Q. I mean, he's there to kind of watch his back, too,
2 right?

3 A. Absolutely.

4 MR. HALL: Objection, calls for speculation.

5 THE COURT: Sustained.

6 BY MR. HOUSTON:

7 Q. When we had the situation with Mr. Ramirez, and you
8 had indicated that he was there to watch your back, there was
9 a point in time when he didn't, though, right?

10 A. That's right.

11 Q. And sometimes even Vagos, I think as we know from
12 Mr. Rudnick, but even like Mr. Ramirez, just don't do what
13 they're told, right?

14 A. Absolutely.

15 Q. Certain situations may arise where they feel they're
16 going to do what they want to do, correct?

17 A. That's what he did.

18 Q. That night, again going back to the September 11th
19 issue -- I'm sorry, September 23rd.

20 A. I'm like, where are you going. I was confused, man.

21 Q. I've been lost on September 11th all morning, I'm
22 sorry.

23 A. I understand.

24 Q. Going back to that 23rd issue, there were several

1 meetings that night, true?

2 A. Yes.

3 Q. And we have what we call the original -- it's like
4 the organizational get-together?

5 A. Yes.

6 Q. And then there's a prospect meeting?

7 A. Yes.

8 Q. And was there a hang-around meeting?

9 A. Nomad meeting.

10 Q. Okay, and then there's a Nomad meeting?

11 A. Yes.

12 Q. Now, what's a Nomad?

13 A. A Nomad has been a person that's been in a club for
14 over 10 years. And Rocky, who was the national president,
15 and the vice-president, but mostly him, is the one that
16 delegates the person that comes in as a Nomad. Over time,
17 it's based on time, you know. You have your 10 years, you
18 come in as a Nomad, and then from that standpoint if you've
19 got 20 years, then you have a Forever rocker.

20 Q. So if you're a Nomad, like for instance if you live
21 in a place that doesn't have a charter, you can be a Nomad
22 and ride around --

23 A. Well, a Nomad can go into anyone's meeting. A Nomad
24 has a preference to go into any charter's meeting to listen

1 to what's going on. Like in for instance their church. When
2 they have their church, anytime they have their church, a
3 Nomad can walk into that church and sit down and listen, and
4 see what's going on. Because of the experience they have.

5 Q. And you have I think how much experience, 23 years?

6 A. I've been around the club for 26 years.

7 Q. 26 years. So after 26 years were you -- how did
8 you -- why did you become a Nomad as opposed to just a Vago?
9 Or a Vago, I'm sorry.

10 A. I wasn't a Nomad, I was a president of a charter.

11 Q. All right. And you were not the Nomad, Rocky was
12 the Nomad.

13 A. Yes.

14 Q. Now, why would Mr. Rudnick be upset with Rocky for,
15 quote, getting in his business, when Rocky is also telling
16 him to leave Pettigrew alone?

17 A. That is a good question.

18 Q. In other words, he should listen to him too, right?

19 A. He should listen to him 100 percent. Rocky has
20 definitely the power over him.

21 Q. How many people, if you can tell me, went to Rudnick
22 that night and said get away from Jeffrey Pettigrew, leave
23 him alone?

24 A. I can't answer that question, I don't know.

1 Q. Well, let's ask it this way. We know you did,
2 right?

3 A. Yes.

4 Q. We know Rocky did, right?

5 A. Top Hat did also.

6 Q. Top Hat is Jim -- is that different than Jimbo?

7 A. Yes, he's different, Top Hat is a Nomad.

8 Q. Top Hat did. Did Jimbo?

9 A. No, I didn't see Jimbo go there.

10 Q. How about Tata?

11 A. Didn't see Tata go there.

12 Q. Dragon?

13 A. Yes, he was there.

14 Q. And Dragon would kind of be the voice of Tata,
15 right?

16 A. Yes. Well, Dragon and Rocky both would be the
17 voice.

18 Q. Okay, so at least as we know it, the two voices of
19 Tata had gone to Rudnick and said essentially -- I'll put it
20 probably more bluntly -- knock it off --

21 MR. HALL: Objection, your Honor, calls for
22 speculation. He doesn't know what was said.

23 THE COURT: If the witness heard what was being
24 said or observed it, you may testify.

1 MR. HOUSTON: You were there.

2 MR. HALL: It's a compound question. He asked two
3 individuals, Dragon and --

4 THE COURT: First objection is overruled.

5 A. I thought you were talking about -- excuse me.

6 THE COURT: Second objection is sustained. Break
7 it down.

8 A. What I was thinking what you were asking me is when
9 they went and saw Pettigrew, that's what I thought you were
10 talking about.

11 BY MR. HOUSTON:

12 Q. Oh, okay.

13 A. I was a little confused, sorry about that.

14 Q. Not a problem, I asked a bad question. I'll take
15 you back, then. When Dragon comes down, does he have any
16 contact with Jabbers?

17 A. When he comes down to meet with --

18 Q. Pettigrew.

19 A. I don't know if he has any contact with him.

20 Q. How about Rocky, does Rocky talk to Jabbers that you
21 know of?

22 A. Later on, is what I seen, but I don't know if he
23 talked to him or what their conversations were in there. I
24 wasn't there.

1 Q. So I want to kind of go through, and I know you've
2 done this, but I want to kind of go through again. I'm not
3 going to use video, I'm just going to ask you based upon what
4 we've seen. But there were a timeline. We've got this
5 meeting that's supposed to go on upstairs at 8 o'clock,
6 right?

7 A. Uh-huh.

8 Q. How many people do you think attended, if you know?

9 A. There was quite a few hundred.

10 Q. Okay, then this meeting ends, correct?

11 A. Uh-huh.

12 Q. Do you stay there, or do you go downstairs?

13 A. I go downstairs.

14 Q. And do you linger at all in the upstairs hallways?

15 A. No.

16 Q. How would you describe the upstairs hallways as far
17 as full of people, not so many people?

18 A. No, there was quite a few people there.

19 Q. All right.

20 A. But then everybody was just leaving and going
21 downstairs.

22 Q. And the idea, was there any planned function
23 downstairs?

24 A. No, not actually.

1 Q. So the idea would be just to go down to eat, to
2 drink, to socialize?

3 A. Absolutely.

4 Q. We've seen some video where we see the guys from --
5 I think it said San Jose, together?

6 A. Uh-huh.

7 Q. That's not unusual to walk around with the guys in
8 your charter, is there?

9 A. No.

10 Q. You went over to the Oyster Bar I think
11 approximately 10:15, or was it earlier? The first time?

12 A. I don't know exact time, but it was right around
13 that area.

14 Q. All right, and why did you go to the Oyster Bar?

15 A. Because someone got a call -- I was actually in the
16 front bar, okay?

17 Q. Okay.

18 A. I was standing there, Leo was at the front bar, we
19 were all at the front bar. What happened is that a Vago
20 member got a call, and he went like this to everybody saying
21 there's a problem. And it was with the Hells Angels over
22 there.

23 Q. And the problem was Mr. Rudnick, right?

24 A. Yes.

1 Q. So because of that, and because of your rank, you
2 thought you would go over to see what was going on?

3 A. Oh, absolutely.

4 Q. And the desire was to preserve the peace, correct?

5 A. Absolutely.

6 Q. As far as you knew it, as a Vago, did you go there
7 with trying to cause a problem with the HAS?

8 A. No.

9 Q. Did you talk to any other Vagos who went there to
10 cause a problem for the HAS besides Rudnick?

11 A. No, I just talked to Bill Pizel, and Leo was there.

12 Q. In fact, you talked to some HAS, true?

13 A. Absolutely.

14 Q. They also told you we didn't come here for a
15 problem, right?

16 A. Absolutely.

17 Q. I think the phrase was we're too old for this shit,
18 that was Bobby V?

19 A. Absolutely. 100 percent.

20 Q. Were you affronted personally because the HAS were
21 at the Nugget?

22 A. What do you mean by that?

23 Q. Were you pissed off about it?

24 A. No.

1 Q. Had you been to Street Vibrations events before?

2 A. Yes.

3 Q. And you did see the HAs there before?

4 A. Yes.

5 Q. Did you ever feel the need to attack one of them
6 because they wore a cut that said Hells Angels on it?

7 A. No, I did not.

8 Q. That would be ridiculous, wouldn't it?

9 A. Yes.

10 Q. The fact of the matter is --

11 A. But you've got to understand one thing. I know a
12 lot of Hells Angels for a very long time.

13 Q. You've been at it for 26 years, right?

14 A. But I know a lot of Hells Angels that I knew very
15 well. So, you know, a lot of them were friends of mine.

16 Q. Of course, I accept that. Once you go over -- you
17 take sort of a temperature as to what's going on at the
18 Oyster Bar, right?

19 A. Yeah.

20 Q. And in your opinion, this is potentially a problem,
21 right?

22 A. Absolutely.

23 Q. Is that when you first talked to Jabbers? Rudnick?

24 A. I was looking over there, and then I seen what was

1 going on, I seen there was some friction going on with
2 Jabbers and Pettigrew, when they were at the corner. And
3 then when they moved out, Pettigrew was standing more in the
4 center, towards the front of the opening, there. And that's
5 when we came in, and I went around -- what I was doing was
6 telling all the Vagos to move back, get back. I said hey,
7 I'm your P, everybody move back. A lot of them would move
8 back and they would come to the door, a lot of them would do
9 this, they moved different ways. So, you know, I was trying
10 to get everybody moving. But I really didn't have a lot of
11 help doing this.

12 Q. If we look at the video, it seems like people listen
13 to you and they move back.

14 A. There's a few of them, but actually a couple more
15 came through and went back into the -- you know, the back
16 door there.

17 Q. Well, and in fact there might have been some that
18 didn't even know what was going on and just sort of walked
19 right through, right?

20 A. Everybody knew what was going on at that point.

21 Q. Do you think Jabbers had had enough time to tell
22 that many people?

23 A. Well, Jabbers or his sergeant at arms and people.
24 Because I directly looked at his sergeant at arms and I told

1 him to get the fuck out of there. And he goes I'm not
2 leaving my vice-president, I'm the sergeant at arms.

3 Q. Who is the sergeant at arms, what's his name?

4 A. I can't remember his name.

5 Q. Again, we're talking Jabbers L.A. Charter, sergeant
6 at arms L.A. charter.

7 A. Exactly.

8 Q. And you're telling the sergeant at arms to get out
9 of there.

10 A. Yeah.

11 Q. And he says I'm not leaving my vice-president,
12 right?

13 A. Exactly.

14 Q. When you looked at the Oyster Bar video, you see
15 Mr. Pettigrew -- and I'll say Oyster Bar 1, you see
16 Mr. Pettigrew, and it looks as though there's a lot of
17 friendly conversation even after Jabbers has tried to stir
18 things up, true?

19 A. Yeah, it seemed like that.

20 Q. Well, it seemed like still there were people getting
21 pats on the back, right?

22 A. Seemed like that.

23 Q. Handshakes?

24 A. A few.

1 Q. To you it was important to preserve the peace, true?

2 A. Absolutely.

3 Q. When you were present, and you may have testified to
4 this, and forgive me if you did, did you personally talk to
5 Mr. Pettigrew?

6 A. Absolutely.

7 Q. And when you talked to Mr. Pettigrew, what did you
8 say?

9 A. To Mr. Pettigrew?

10 Q. Yes, sir.

11 A. I just told him that this is a bad incident going on
12 right now. I told him that, you know, trying to get the
13 thing settled down, I said I don't know what's going on
14 between you and Rudnick. And Rudnick, he said that, you
15 know, I'm not trying to do anything, I just put my arms on
16 him, I wanted to buy him a beer. That's what his comment was
17 telling me. And he says there was a lot of commotion going
18 on, but what happened then is Bill Pizel was trying to talk
19 to him also, and we were both --

20 Q. Who is Bill Pizel again?

21 A. He's a Nomad.

22 Q. Okay.

23 A. And -- Top Hat. And it seemed like Pettigrew was
24 settling down. Seems like he was cool about everything right

1 then.

2 Q. You mean Rudnick or Pettigrew?

3 A. Pettigrew.

4 Q. Okay.

5 A. So we were talking to him, and he said he's been
6 around a long time. Bill actually told him, I remember this
7 now, he told him that I've been around for 26 years, and
8 Pettigrew told him I've been around for, you know, over 26
9 years. And we had that conversation, and then Rudnick came
10 back again. And I told him to back off. And he goes, you
11 know what, you touched my -- he -- used language in there,
12 but he basically said he touched my fucking -- you know, you
13 touched my vest. He touched my back.

14 And he kept telling the same thing, kept coming
15 back and taunting. "No one touches my shit." Back again. I
16 told him, "Jabbers, get the fuck out of here." I told him to
17 leave. Again, he came back. That's when Pettigrew got
18 upset.

19 Q. Pretty reasonable that Pettigrew got upset?

20 A. Pettigrew looked at him and said, "I'm tired, and
21 I'm not wasting my time talking to you, motherfucker."
22 That's what he said.

23 Q. We know that based upon at least -- excuse me --
24 based upon what you know, Pettigrew certainly wasn't there

1 looking for a fight, was he?

2 A. Not at all.

3 Q. And in fact, it would be kind of silly to come with
4 10, 15 guys so you could get in a fight with all of the
5 Vagos, right?

6 A. Oh, yeah. That would be kind of stupid to come with
7 20 guys when there's over 300 Vagos there. That wouldn't be
8 in their best interest.

9 Q. Right, and it was common knowledge all the Vagos
10 were at the Nugget, true?

11 A. Yes.

12 Q. And in fact, Mr. Pettigrew was actually staying
13 there, right?

14 A. He was.

15 Q. It would be kind of silly if there was some war
16 between the Vagos and the HAs to put their president up with
17 400 Vagos, wouldn't it?

18 A. Yes.

19 Q. Fair statement that the people you knew simply
20 wanted to have a good time?

21 A. Yes.

22 Q. And leave everybody alone.

23 A. Absolutely.

24 Q. And that's the way it had been, at least to your

1 knowledge, at the other Street Vibrations, too, right?

2 A. Absolutely.

3 Q. In fact, didn't Bobby V from the Hells Angels
4 actually have a booth selling T-shirts right outside of the
5 Nugget?

6 A. Yes. I went to that booth.

7 Q. You didn't buy a T-shirt, did you?

8 A. No. I walked up to the booth, I was out there
9 walking with Crusher, I was out there walking with Top Hat.
10 And I went up and Bobby V looked at me, he said, "Hey, what's
11 up?" It was cool, there was Hells Angels was standing there.
12 He goes, "Hey, let them through," and I went through. I
13 shook his hand. He goes, "Hey, there would be a lot of
14 talent here, man, a lot of chicks around." I said, "Yeah,
15 absolutely there is." So we talked for a few minutes, and I
16 walked out, and everything was fine.

17 Q. You indicated that you made the call to upstairs
18 because it was pretty obvious the efforts of people to stop
19 Jabbers wasn't working, true?

20 A. Yeah. He made the comment, you know, he was
21 really -- he was really downgrading Bill Pizel, the Nomad.

22 Q. Right.

23 A. It was very disrespectful what he was saying to him.

24 Q. Was that the comment of why are Nomads always

1 getting in our business?

2 A. He said, "Why are you Nomads always getting in our
3 fucking business, why don't you stay out of our business?"

4 Q. So that night, fair statement, Pettigrew -- excuse
5 me, Rudnick was not just being disrespectful to Pettigrew, he
6 was being disrespectful to his own club.

7 A. Oh, absolutely. Because what he was talking to him
8 about was this Pettigrew issue, about settling down, and
9 that's when he came up with this. You know, to him, about
10 keeping his fucking business out of it. The business of the
11 club.

12 Q. When you made the call -- did you say you went
13 upstairs?

14 A. Yes, absolutely I did.

15 Q. And who did you talk with when you went upstairs?

16 A. The first call I made to was Tata, he didn't answer
17 the phone.

18 Q. Okay.

19 A. The second call I made to was Rocky, and Rocky goes,
20 "What?" This is how Rocky talks. "What?" He says, "Come up
21 here right now. Come up here, come to the second floor,"
22 where we had the meeting. I said okay, so I rush up there to
23 the second floor.

24 Q. Right.

1 A. And they were in a meeting, all the -- you know,
2 national members were up there. And he was there, Dragon was
3 there. And I said listen, there's a problem, man, this is
4 going to turn into a real bad problem real quick. I said
5 Jabbers is being utterly disrespectful, and Bill had told
6 him, Pizel, the Nomad, said he's drunk, and he's out there
7 right now causing problems. There's a bunch of Vagos right
8 now, and things are getting tensed up, and he won't back off.
9 And they said okay, listen, we're coming down.

10 Q. Okay, and that's the national guy -- or the
11 international guys going to stop what they're doing, because
12 it's important enough for them to deal with this?

13 A. Him and him. And you also had Sarge, who is not
14 here, he's international secretary.

15 Q. Okay, so it was a pretty important to deal to them,
16 to stop what they're doing to come downstairs to try to put a
17 halt to this, right?

18 A. Oh, absolutely.

19 Q. And would you agree with me that Mr. Rudnick is now
20 pretty much disrespecting his whole club, because of his
21 actions?

22 A. Absolutely.

23 Q. When the guys come down -- and again, I know you've
24 said it, we know that Dragon Man came down, and who else? We

1 know Tata did not come down?

2 A. No.

3 Q. Dragon Man came down, and who else?

4 A. Rocky.

5 Q. Okay.

6 A. Cocky Rocky. And also Sarge was there. Sarge is
7 international secretary.

8 Q. We've seen Cocky Rocky's hat, correct?

9 A. Yes.

10 Q. What happens when those guys come down?

11 A. Well, they go through -- I didn't go through at that
12 point. There was Al, who is an associate international
13 sergeant at arms to Dragon Man. And what Al does is Al tells
14 everybody, he stops everybody, there's -- I mean, there
15 was -- God, I don't know how many Vagos, a hundred, but there
16 was just hundreds. And he tells everybody to stop.

17 And I see Rocky, and they came walk -- they walked
18 by there, take a left right where that -- you know, that --
19 not right where the Trader Dick's was, but the other walkway.

20 Q. Right.

21 A. They walked around there, and it was -- at that time
22 what I saw was Rocky, Dragon Man and Sarge. They were the
23 only three together, when they walked into the place where
24 Pettigrew was.

1 Q. Now, the Vagos initially were told, in large part,
2 to get out of there and to sort of vacate the Oyster Bar,
3 right?

4 A. Oh, what had happened is that he came back, Rocky
5 came back, they were in there for a few.

6 Q. Okay.

7 A. Maybe about five, 10 minutes, maybe a little more
8 than 10 minutes, maybe I'm a little wrong about that. Then
9 he came back and actually went to the other side where Trader
10 Dick's was. Rocky came through, I walked over there, and
11 Rocky said everything is cool. Leave it alone.

12 Q. And Rocky said that, in other words, everything is
13 cool, let's calm down --

14 A. Leave it alone.

15 Q. Everybody back off.

16 A. 100 percent.

17 Q. And Rocky is an international officer, true?

18 A. He's a national president of the Nomads.

19 Q. Speaking for --

20 A. The club.

21 Q. The organization, the club.

22 A. Yes.

23 Q. Okay. Did it work? Rudnick stop?

24 A. No, it didn't work.

1 Q. How long was it before Rudnick's back at it? And I
2 don't need times in minutes and seconds, but give me an idea.
3 How long did that work on Mr. Rudnick before he goes back at
4 it?

5 A. Well, as you can see in the video, Rocky is talking
6 to Rudnick. And he's a little bit perturbed with him in that
7 meeting.

8 Q. Right.

9 A. And they were talking. So from that point to there,
10 I don't know, I can't -- I really can't tell you, give you a
11 time, but I'll give you an estimation.

12 Q. Right.

13 A. Maybe 10 minutes.

14 Q. And were you there when Rudnick proceeds to go back
15 in and taunt Pettigrew?

16 A. No. I was down at the bathroom at the time, I was
17 coming out of the bathroom.

18 Q. Did you actually think, after Rocky had told
19 everybody it's over, everybody back off --

20 A. I thought it was over.

21 Q. Because everybody should have respected the guy,
22 right?

23 A. Yes.

24 Q. And Pettigrew wasn't doing anything to cause any

1 problem with the Vagos?

2 A. No, he was not.

3 Q. When you're in the bathroom, what happens when you
4 come out?

5 A. I come out, actually I went to the bathroom, Leo and
6 Top Hat was over there, too. We come out, and we start -- we
7 look down there where Pettigrew was coming up, we saw these
8 other guys as they come up right where we were at the
9 bathroom, just see them walking by, they're right there. And
10 then we look, and all we seen is Pettigrew, we see him throw
11 the punch. At Jabbers.

12 Q. Now, before you saw that, you're looking down the
13 pathway, Vagos as an organization hadn't grouped in at the
14 bathroom at the pathway and blocked the pathway, had they?

15 A. The pathway was not blocked.

16 Q. It was wide open for them to pass, true?

17 A. Yes.

18 Q. Now what happens is -- and tell me if you see
19 this -- Mr. Rudnick calls Mr. Pettigrew over, essentially.

20 A. Uh-huh.

21 Q. Were you aware that Mr. Rudnick had been demanding a
22 personal apology from Pettigrew?

23 A. No.

24 Q. Okay. So Mr. Rudnick motions Mr. Pettigrew over,

1 and obviously you're too far to hear what's said, right?

2 A. Absolutely.

3 Q. You'd agree with me it's a sign of disrespect for a
4 VP, Rudnick, to motion somebody who has the iconic status of
5 Jeffrey Pettigrew, over?

6 A. Yes.

7 Q. And fairness, Mr. Pettigrew could have kept on
8 walking, right?

9 A. Yes, he could have.

10 Q. But he stopped, and we know at that point, or a
11 little bit thereafter, that Mr. Pettigrew does throw the
12 first punch, true?

13 A. Yes, he does.

14 Q. And you agree with me that all hell breaks loose at
15 that point?

16 A. Yes, it does.

17 Q. What you don't see is any Vago pulling a firearm
18 shooting at an HA at that point, do you?

19 A. No.

20 Q. And really, the Vagos, I think you testified to it
21 in the grand jury, went into a protective mode, correct?

22 A. Uh-huh.

23 Q. It's normal, when something like that happens, for
24 the Vagos to get protective of one another, true?

1 A. Well, yeah, they've got to protect one another.

2 Q. And especially if somebody else has a firearm and is
3 shooting at them, right?

4 A. Absolutely.

5 Q. Do Vagos consider themselves brothers? I mean
6 member-to-member?

7 A. Yes.

8 Q. And that's taken seriously in the culture, is it
9 not?

10 A. Yes, it is.

11 Q. And if you see your brother down on the ground being
12 kicked at, are you going to do something to try to help him?

13 A. Absolutely.

14 Q. What's Beat City? I heard you say that a couple of
15 times.

16 A. Beat City is a charter.

17 Q. Okay, and you saw this lineup, I believe, right
18 before the punch --

19 A. Uh-huh.

20 Q. -- was thrown by Mr. Pettigrew, to hit Jabbers in
21 the head, and you were identifying certain people that were
22 standing there, do you recall that?

23 A. Yes.

24 Q. Okay, and you remember we had Romeo, Ernesto, at the

1 very end of that line, or thereabouts, right?

2 A. Right-hand side.

3 Q. Okay.

4 A. Looking this way.

5 Q. If you wanted to commit an assassination, it would
6 be pretty easy to walk up that line, correct?

7 MR. HALL: Objection.

8 THE COURT: Sustained.

9 BY MR. HOUSTON:

10 Q. You didn't see Mr. Gonzalez take any steps to try to
11 get closer to Mr. Pettigrew, did you?

12 MR. HALL: Objection. Foundation.

13 BY MR. HOUSTON:

14 Q. You saw him.

15 THE COURT: I think the jury can decide how close
16 and how far he was. I think your question is argumentative.

17 MR. HOUSTON: I'm sorry, your Honor, I wasn't going
18 to ask distance, I was just going to ask whether he observed
19 Mr. Gonzalez take any steps toward --

20 THE COURT: It's argument.

21 MR. HOUSTON: Okay, I'm sorry. Anyway.

22 BY MR. HOUSTON:

23 Q. You saw the video, correct?

24 A. Yes.

1 Q. All right, and where do you see Mr. Gonzalez go?

2 MR. HALL: The video speaks for itself, your Honor.

3 MR. HOUSTON: Well, your Honor, I thought we had
4 gone through it with Mr. Hall --

5 MR. HALL: We've seen the video.

6 MR. HOUSTON: We have, and I apologize, we've seen
7 the video.

8 BY MR. HOUSTON:

9 Q. At that point in time you're up by the bathroom,
10 right?

11 A. Yes, we're coming towards that way when we see the
12 punch.

13 Q. Why are you going towards it?

14 A. We're going towards Leo, Top Hat, start walking that
15 way, I start cruising that way. I told Leo, come with me.
16 And what we did is I took a right turn and Leo disappeared,
17 he went into -- there was like -- you know, backs of about
18 five or six brothers, and they were pouncing on Pettigrew.

19 Q. Okay, why were you going towards them?

20 A. I didn't. I went -- I went -- ran across and I went
21 into the -- you know, where the civilians were, and where the
22 machines were, and I knocked tables over.

23 Q. Okay.

24 A. Just to get them down, because the gunshots started

1 happening.

2 Q. Sure. And the gunshots were kind of random, true?

3 A. Yeah, it was like bam, bam, bam, bam. Bam, bam,
4 bam, bam. Bam bam bam bam bam. You could hear it loud and
5 clear. But people were standing up looking at it, and I told
6 them to get down. I said everybody hit the ground, because
7 someone is going to get shot. That's what I was worried
8 about.

9 Q. Was there any way to tell how many people may have
10 been shot at that point?

11 A. No.

12 Q. Were you worried that a number had been shot?

13 A. Yes.

14 Q. Now, I think you indicated for the jury that at some
15 point somebody had knocked your glasses off, true?

16 A. No. I did it myself.

17 Q. Oh, I'm sorry.

18 A. What I did was I ran into -- and I told everybody to
19 hit the deck, and what I did is I slipped and hit the tables,
20 the tables fell down. Everybody thought I was shot. And my
21 glasses came off, and when my glasses came off I can't see
22 real good. So I was down on the ground, and the guy says,
23 "Are you okay? Have you been shot?" I said, "No. No. Are
24 you okay?" I saw all the people -- then everybody got down.

1 Everybody got behind tables, everybody laid down. That's
2 what I was more worried about than anything.

3 Q. Was security helping at all that you saw?

4 A. I didn't see too much security around at the time.

5 Q. When you -- I would like to go back, because I
6 forgot to ask you something. And I want to go back in time
7 to the 8 o'clock time frame with the meetings upstairs.
8 You're a pretty high ranking Vago, fair statement, right?

9 A. Yeah.

10 Q. And you've been at the club for 26 years, correct?

11 A. Yeah, I've been involved with the club 26 years,
12 yes.

13 Q. Would you consider yourself kind of a statesman? I
14 don't want to say elder statesman, but a statesman.

15 A. Statesman in what regard?

16 Q. Just like someone who people come and talk to, if
17 there's a problem or issues come up, in general?

18 A. In general, yeah. Some people come talk to me.

19 Q. Did you see, as you left, any kind of meeting where
20 the assassination of Jethro Pettigrew was being planned by
21 the Vagos?

22 A. No, I did not know nothing about any assassination.

23 Q. Does that sound a little ridiculous to you?

24 A. Yes. It did.

1 Q. Thank you. And you're the guy who -- well, let's
2 put it this way. Because of who you are, you'd probably have
3 heard about something like that, right?

4 A. Yes. That's what I thought.

5 Q. You mentioned a thing called Simple Green, do you
6 remember that? Simple Green, Operation Simple Green?

7 A. Oh, yes.

8 Q. And Simple Green was an investigation, right?

9 A. Uh-huh.

10 Q. Now -- I'm sorry, you've got to say yes or no.

11 A. I said yes.

12 Q. Okay, I'm sorry. Simple Green, the purpose was to
13 investigate the Vagos?

14 A. Yes.

15 Q. Were you part of that from an investigative
16 standpoint?

17 A. Yes.

18 Q. So you would have been placed there as an
19 undercover?

20 A. Yes.

21 Q. Okay. And at the conclusion -- during the course of
22 Simple Green, do you know how many telephone calls were
23 monitored?

24 A. No, I can't answer that question. Don't know.

1 Q. During the course of your involvement, fair
2 statement, this man right here was never thought to have
3 committed a criminal act, right?

4 A. As far as Simple Green situation was going on?

5 Q. Yes.

6 A. No.

7 Q. And in fact, really the one thing you did know about
8 him was he was the guy that wanted to start the chapter in
9 Nicaragua, true?

10 A. Yes.

11 Q. You talked about the fellow named Wiggins. Wiggins
12 is kind of in this group that's surging forward and back,
13 correct?

14 A. Yes.

15 Q. Did you see Wiggins go down?

16 A. No.

17 Q. All right. And when you were talking about --

18 A. Can I explain?

19 Q. Oh, if you're in a position to see it, yeah. If
20 not, no.

21 A. There was a meeting after all this happened.

22 Q. Oh, I wanted to talk to you about that.

23 A. Okay, and there was -- it was a presidents meeting.

24 Q. Right.

1 A. And it was a sergeant at arms meeting. And in that
2 meeting the so-called doctor, Dr. Harry Hart, what he had
3 mentioned there was that he told -- I guess there was some
4 security and everything -- he was a doctor. Wiggins was
5 laying down there, and he went up to Wiggins, and he looked
6 at him, and he was checking him out to see if he was okay,
7 and Wiggins opened his eyes and he said to him, "Hey, what's
8 going on?" He goes, "I was playing dead."

9 Q. All right.

10 A. So that's what he did, he was playing dead so he
11 wouldn't get shot.

12 Q. And did you happen to see when Mr. Pettigrew and
13 Mr. Villagrana were kicking at his head?

14 A. I saw --

15 MR. HALL: Objection. There was no evidence he was
16 kicked anywhere.

17 MR. HOUSTON: I said at his head. Mr. Hall needs
18 to listen before he objects.

19 MR. HALL: That's the objection.

20 THE COURT: Okay.

21 A. The answer is no.

22 MR. HOUSTON: Thank you.

23 THE COURT: The form of the question was the
24 objection, I'm not sure that the witness understood the form

1 of the question. What did you observe, sir?

2 THE WITNESS: I didn't observe him get kicked in
3 the head.

4 BY MR. HOUSTON:

5 Q. Okay, thank you. When it was learned that he was
6 playing possum, I think you said because he didn't want to
7 get shot.

8 A. Yeah.

9 Q. There was another meeting, I guess the next day, is
10 that correct? Would that be Saturday morning?

11 A. Yes.

12 Q. And did you attend that meeting?

13 A. Absolutely.

14 Q. And it was agreed that people would leave and they
15 would not fly their colors, true?

16 A. What I just said.

17 Q. Wasn't part of that the fact nobody wanted to be
18 seen as though they were celebrating what happened?

19 A. No. I think it was more for their protection.

20 Q. Okay. Who made the directive, do you know?

21 A. Had to be from national. But Sarge is the one that
22 came out and talked to everybody and told them that there
23 would be no patch -- no patch or vest on, just go with your
24 clothes on, and get out of here quick.

1 Q. Okay. And it's pretty clear that there if there
2 wasn't a lot of tension before between the HAs and the Vagos,
3 there was going to be now, right?

4 A. Well, if you figure you've got a guy that's been a
5 Hells Angels, one of the upper echelon, that's a very
6 powerful guy. There was 4,000 people at his funeral, so you
7 figure that one out.

8 Q. Right. Certainly didn't help the Vagos as a club,
9 did it.

10 A. No.

11 Q. Would you agree with me, sir, that Mr. Rudnick is
12 primarily responsible for what happened that night?

13 A. Oh. I thought you said Pettigrew. I was like, no.

14 Q. No.

15 A. Well, my opinion is he was the one that started it.

16 MR. HOUSTON: Thank you. Nothing further.

17 THE COURT: Redirect.

18 REDIRECT EXAMINATION

19 MR. HALL:

20 Q. So the Vagos started it. Right?

21 A. Yes.

22 Q. Let's go back a little bit to some of the questions
23 that you were asked. Now, originally when you responded to
24 the Oyster Bar, Mr. Pettigrew was concerned, right?

1 A. Yes.

2 Q. There was tension in the air.

3 A. Yes.

4 Q. The Hells Angels were concerned, they were scared.

5 A. Uh-huh.

6 Q. They weren't scared of Rudnick, were they?

7 A. No.

8 Q. They were scared of all the Vagos that --

9 MR. HOUSTON: Objection to the leading nature of
10 the question, your Honor.

11 THE COURT: Sustained.

12 BY MR. HALL:

13 Q. Did Rudnick himself present a threat to the Hells
14 Angels?

15 A. No.

16 Q. Who presented a threat, based upon your
17 observations, to the Hells Angels?

18 A. The Vagos.

19 Q. And how many Vagos were there?

20 A. Probably, going back to the machines and all,
21 probably 60, 70.

22 Q. And that was based upon communication between the
23 Vagos?

24 A. Uh-huh.

1 THE COURT: You have to answer yes or no.

2 A. Yes.

3 BY MR. HALL:

4 Q. All right, and then there was some conversation
5 about the authority of Rudnick, when they were over at Trader
6 Dick's, correct?

7 A. Absolutely.

8 Q. And the question was, well, Mr. Rudnick would have
9 authority over Diego Garcia when he's putting on his gloves,
10 right?

11 A. Absolutely.

12 Q. But Diego Garcia is president, Cesar Morales is the
13 first one to smash a bottle over Christopher Knowlton's face.

14 A. Absolutely.

15 Q. So apparently the president of the San Jose chapter
16 of the Vagos didn't get the message from Rocky or Dragon Man.

17 A. Apparently.

18 Q. And those individuals were the individuals that we
19 saw on the video talking to each other before the Hells
20 Angels came down, right?

21 A. Yes.

22 Q. And those were the individuals -- Cesar Morales,
23 Cocky Rocky, Dragon Man -- who were down shaking
24 Mr. Pettigrew's hand and assuring him that everything had

1 been resolved. Come on down.

2 A. Absolutely.

3 Q. Then we start talking a little bit about politics.
4 Now, the next day there was an issue regarding fear that the
5 Hells Angels were going to retaliate. Is that correct?

6 A. Yes.

7 Q. So the Vagos were told don't wear your colors,
8 because something could happen.

9 A. Yes.

10 Q. Something violent. Get shot, killed, beat up,
11 something, right?

12 A. Uh-huh.

13 Q. Now, in the -- if you were going to play a little
14 politics wouldn't you want to send a message out to the Hells
15 Angels and say hey, Hells Angels, this was just one guy, you
16 know, we tried to control him, he didn't control, things --
17 you know, he was just drunk, an idiot, and we're sorry. So
18 we took action, kicked him out of the club, kicked Campos out
19 of the club, we took care of our house. Wouldn't that be
20 some politics that you might want to play if you were Tata,
21 Dragon Man, who had authorized taking out the president of
22 the Hells Angels?

23 A. Absolutely.

24 Q. You'd want to send them a -- you'd want to offer --

1 A. There would definitely be a meeting between both
2 parties, and both parties would discuss that situation.

3 Q. So that would be a showing that the Vagos had taken
4 care of their house by kicking --

5 A. Rudnick out.

6 Q. Mr. Rudnick out and Campos out.

7 A. Absolutely.

8 Q. Now, when you came down to the fight we saw -- on
9 the video we saw a number of people lined up waiting for
10 Pettigrew's group to walk by, is that right?

11 MR. HOUSTON: Your Honor, I'm going to object to
12 characterization as waiting for. That assumes a fact not in
13 evidence, we've not heard that from any witness.

14 BY MR. HALL:

15 Q. All right, well, what we saw in the video, I don't
16 know how you would characterize it, or how anybody else might
17 characterize it --

18 MR. HOUSTON: Standing next to the yellow brick
19 road.

20 THE COURT: Okay, it doesn't matter if you agree on
21 how you're going to characterize it. Neither should be
22 characterizing it. Just ask a straight question.

23 BY MR. HALL:

24 Q. Let me back up a little bit. There were some

1 questions about the meeting that was had -- the 8 o'clock
2 meeting. The Vago meeting up in the pavilion area.

3 A. Yes.

4 Q. Do you remember talking about that?

5 A. Yes.

6 Q. And you were asked about, well, everybody didn't sit
7 there and talk about the Hells Angels. But there was mention
8 of the 99 incident, isn't that right?

9 A. Absolutely.

10 Q. What was the 99 incident?

11 A. 99 incident was a gun was pulled on three guys,
12 three Vago members, and told them that this was their
13 territory, and basically told them to get the fuck out. So
14 what was going to happen is Rocky told everybody that we're
15 going to go down the 99. He says no ifs and buts about it,
16 it's mandatory, everybody is going on 99. And the reasoning
17 for him to do that is to show, you know, how many people that
18 the Vagos really had. Show some force.

19 Q. So on the way up to Street Vibrations, some Vagos
20 were accosted by Hells Angels.

21 A. Yes.

22 Q. Guns were pulled on Vagos by Hells Angels.

23 MR. HOUSTON: Your Honor, I'm going to object to
24 lack of foundation at this point. I'm not sure the witness

1 was there, so I'm not really --

2 THE COURT: I think you opened the door.

3 MR. HOUSTON: If I did that's fine, he can talk
4 about it.

5 THE COURT: Okay.

6 BY MR. HALL:

7 Q. So just to clarify, some Hells Angels had pulled
8 some guns on some Vagos as they drove up the 99, which is
9 traditionally Hells Angel territory.

10 A. Yes.

11 Q. That information was conveyed to other members of
12 the Vagos, and that incident was discussed?

13 A. It was conveyed in the meeting.

14 Q. In the meeting?

15 A. Yes.

16 Q. So to basically retaliate or show that the Vagos are
17 not going to be intimidated, Cocky Rocky says we're all going
18 to wear our colors, we're going to go down in force down the
19 99 --

20 MR. HOUSTON: Objection, leading, your Honor.

21 A. Yes.

22 THE COURT: Sustained. The answer is stricken, it
23 was leading.

24 MR. HALL: What was the -- I'm sorry --

1 THE COURT: Objection was leading, and I sustained
2 it.

3 MR. HALL: Okay.

4 BY MR. HALL:

5 Q. Well, I just wanted to make sure that I was accurate
6 in my rendition of what was said at the meeting. Was that
7 fairly accurate?

8 A. Yes. We're going down the 99.

9 Q. And the purpose for going down the 99?

10 A. To show that we have a lot of members in force.

11 Q. Was that a message to the Hells Angels?

12 Q. Absolutely it was going to be a message to the Hells
13 Angels, if they were to see it.

14 Q. And what was the message?

15 A. The message was we're not fucking around, we're
16 coming down the 99, we're bringing our people down.

17 Q. Now, you indicated earlier that there was a rivalry
18 between the San Jose Hells Angels and the San Jose Vagos, is
19 that accurate?

20 A. Uh-huh.

21 Q. Now, when we were talking about politics, if there
22 was a rivalry and the San Jose Vagos were to take out the
23 president of the San Jose Hells Angels, would that send a
24 message?

1 A. Absolutely.

2 Q. Would that increase the defendant's status in the
3 Vago club, if he agreed to kill the president, and kill them?
4 Of the Hells Angels?

5 A. Uh-huh. Yes.

6 Q. Now, there was some questions about what you saw
7 when you came down from the bathrooms at the beginning of the
8 fight. Did you see, if I understood your answer correctly,
9 you saw Pettigrew being beaten by five or six Vagos?

10 A. At the time of the punch, and then everything
11 happened, the melee started, he ended up -- we came down --
12 because the Hells Angels, the guys that went through, the
13 prospects and all the rest of the guys, were running with
14 their Igloos or with those big square things, running down,
15 running away from the situation. They're running.

16 And what happened is that we went down there, there
17 was a big flush of individuals there. We took a right,
18 Crusher just went into this thing, and he disappeared. And I
19 went straight ahead, like I said, into the machines and games
20 and all that.

21 Q. And what did you see at that point?

22 A. Me? I saw the floor.

23 Q. Okay.

24 A. I hit the floor.

1 Q. All right. I thought you said --

2 A. And I told everybody to hit the floor themselves.
3 Because I was afraid --

4 Q. I thought you said on cross-examination that you saw
5 Pettigrew being beaten by five or six Vagos.

6 A. Well, yeah, he was in there, he was getting -- I
7 couldn't really see much of it, but he was there getting beat
8 up. I looked -- because there was like five guys right here,
9 their backs were to me.

10 Q. Now, you testified back in November, is that right?

11 A. Yes.

12 Q. At the grand jury?

13 A. Uh-huh.

14 Q. And the charges at that time were murder, challenge
15 to fight resulting in death, carrying a concealed weapon,
16 discharge of a weapon in a casino, is that right?

17 A. Yes.

18 Q. All against Mr. Gonzalez, right?

19 A. Yes.

20 Q. Those charges didn't change after Rudnick came
21 forward and said that there was actually a plan to kill
22 Pettigrew? Or you don't know?

23 A. Don't know.

24 Q. Now, why would somebody -- we found these cuts from

1 Cocky Rocky, and these other cuts, why were they discarded?
2 If they were discarded?

3 A. What do you mean?

4 Q. Well, just give you an example, a hypothetical. So
5 these cuts were found outside the Nugget lying in the bushes.
6 So why would somebody get rid of their valuable cuts, why
7 would that be?

8 A. Well, probably from trying not to get busted.
9 That's the only reason why you would take your cut off and
10 throw it away.

11 Q. Then the next day you were ordered not to wear cuts
12 as well, right?

13 A. Absolutely.

14 Q. So you didn't want to get busted, for fear of rival
15 gang members.

16 A. Absolutely.

17 MR. HALL: Thank you, I have no other questions.

18 THE COURT: Any questions?

19 MR. HOUSTON: Just a couple, your Honor.

20 RECROSS-EXAMINATION

21 BY MR. HOUSTON:

22 Q. Sir, just real briefly, you brought up this 99
23 incident where apparently some Vagos were told to take off
24 their cuts to ride through town, was that pretty much it?

1 A. No, no, no. Are you talking -- oh, you're talking
2 about the 99 incident with the guy with the gun.

3 Q. Yeah.

4 A. Yeah, he told -- yes.

5 Q. Who is Rick Beutel?

6 A. It's a member of the group.

7 Q. Isn't he the president of the Inland Empire?

8 A. Yeah.

9 Q. Rick wasn't at Street Vibrations, was he?

10 A. You're talking about Rude Rick?

11 Q. Yes, from Arizona.

12 A. No, he wasn't -- no, no, I'm talking about Rude Rick
13 in -- I'm talking a different Rick.

14 Q. Is there more than one Rude Rick?

15 A. Yeah. There's a Rude Rick is over in -- down in the
16 Riverside area. It's not Riverside but, you know, it's one
17 of the charters out there.

18 Q. As far as the --

19 A. Rude Rick didn't go through there.

20 Q. As far as the 99 incident, I mean, you weren't
21 there, right?

22 A. No.

23 Q. And so you don't really know what happened?

24 A. No, I do not.

1 Q. But the response was we're going to ride down 99
2 because whatever happened isn't cool.

3 A. Absolutely.

4 Q. Okay. Nobody --

5 A. If someone pulled a gun on you when you were with
6 Vagos, if that happened, that would be a statement for
7 somebody to do something like that.

8 Q. Right, it wasn't a statement to go down with guns
9 blazing, right?

10 A. No.

11 MR. HOUSTON: Thank you very much. Thank you, sir.

12 THE WITNESS: Thank you.

13 THE COURT: Anything further, Mr. Hall?

14 MR. HALL: Nothing further, your Honor.

15 THE COURT: Can this witness be excused?

16 MR. HALL: Yes.

17 THE COURT: Sir, you may step down, you are
18 excused.

19 THE WITNESS: Can I take the stick with me?

20 THE COURT: No. No souvenirs. You can call your
21 next witness.

22 MR. STEGE: Our investigator is grabbing him.

23 THE CLERK: Please raise your right hand.

24 //

1 ERICK THOMAS

2 Called as a witness by the State
3 who, having been first duly sworn,
4 testified as follows:

5 THE CLERK: Thank you, please be seated at the
6 witness stand.

7 DIRECT EXAMINATION

8 BY MR. STEGE:

9 Q. Good afternoon, please state and spell your name.

10 A. Erick Thomas, E-r-i-c-k T-h-o-m-a-s.

11 Q. And how are you employed?

12 A. I'm a lieutenant with the patrol division of the
13 Sparks Police Department.

14 Q. How long have you been a lieutenant?

15 A. I've been a lieutenant for approximately five years.

16 Q. And were you on duty on the evening of September
17 23rd, 2011?

18 A. Yes, I was.

19 Q. And where were you when you received or noticed or
20 learned of what was going on at the Nugget?

21 A. Initially I was at the station finishing up
22 paperwork for the evening.

23 Q. And how many people do you supervisor as a
24 lieutenant?

1 A. On the swing shift that I supervise, it's 8 to 10
2 people.

3 Q. And so that night, is that -- you had 8 to 10
4 officers working?

5 A. Yes.

6 Q. And do you typically go out on patrol with your
7 officers, or do you --

8 A. I do, when I -- I have collateral assignments I have
9 to take care of at the station, but whenever I can I get out
10 on the road.

11 Q. So what was the first instance you heard of what was
12 going on at the Nugget?

13 A. Lieutenant Hawkins, who is a special events
14 lieutenant, called me earlier in the evening and stated there
15 had been some tensions down at the Nugget, and asked me to
16 have a couple of my officers go by and check on it.

17 Q. And in fact did you send one of your sergeants by
18 there?

19 A. Yes, Sergeant Walsh.

20 Q. And were you later in the evening listening to the
21 radio?

22 A. Yes, I was.

23 Q. How long after Walsh was sent through the casino did
24 you hear something on the radio?

1 A. Approximately 10, 15 minutes I would believe, maybe
2 20.

3 Q. And what did you hear?

4 A. Dispatch put out a radio call that there was a fight
5 at the Nugget, and it was involved a Hells Angel -- or Hells
6 Angels. Shortly after that they said there was firearm
7 involved, and I started to respond. And as I was responding,
8 the call came out that there had been shots fired.

9 Q. Did you hear some of your own officers calling out
10 for assistance?

11 A. Yes, I did. As I was responding to the area, I was
12 a little farther away than a lot of the officers were, and as
13 officers were getting into the area I had multiple officers
14 that were calling for assistance, and yelling for cover units
15 in different locations around the Nugget.

16 Q. So where did you first respond?

17 A. Initially I had officers on the east side of the
18 Nugget that were saying that they had a report of a subject
19 that had dumped a firearm underneath a van, and that they
20 were attempting to catch up to this subject. I was starting
21 to respond to that, to their area. Once I got in their area,
22 they had three subjects detained and said they were code 4,
23 which means they were all right, so I began responding over
24 to Officer Mowbray on the east side of the Nugget, because he

1 was calling for assistance.

2 Q. Was there a lot of radio traffic?

3 A. Yes, there was.

4 Q. Was this a typical call for the Sparks Police
5 Department?

6 A. Not at all. Not at all, it was very chaotic, it was
7 very spread out. I had a lot of officers in a lot of
8 locations that were needing help.

9 Q. And urgent requests for help.

10 A. Urgent requests for help.

11 Q. So where is the first area that you said you went to
12 Mowbray's location?

13 A. The first area I went to was the east side of the
14 Nugget -- or the west side of the Nugget, where they dropped
15 a gun. The second area I went to was Officer Mowbray, was on
16 the 11th Street side. He put out a call that he was out with
17 a possible shooting victim, and that he was pretty much
18 surrounded by a number of Vagos.

19 Q. And what happened when you went to his location?

20 A. By the time I got to his location, another officer
21 had already gotten there and was helping him. He said he was
22 all right. I observed that there was a subject laying on the
23 ground that appeared to have a gunshot wound to the leg, and
24 there were probably about 15, 20 Vagos standing around.

1 Q. Was the man who was shot a Vago or wearing Vago
2 clothing?

3 A. Yes.

4 Q. So he's -- things are okay there, or --

5 A. Yeah, things were okay there. Officer Mowbray told
6 me he was fine for the moment, and that he had medics en
7 route for the injured subject.

8 Q. So what do you do next?

9 A. I went in the 11th Street doors, and I had some
10 other officers that were calling for assistance near the
11 cabaret bar. As I got to them they told me they were okay
12 also, so I continued on to near the Trader Dick's, where I
13 knew there were subjects that were being held by officers at
14 gunpoint.

15 Q. And did you in fact see officers holding people at
16 gunpoint?

17 A. I did, when I got in front of the -- the Trader
18 Dick's bar, I observed Officer Bayer and Hopkins had about
19 four subjects lying on the ground, with their guns pointed at
20 them.

21 Q. Were any of the people that had the guns pointed at
22 them in handcuffs?

23 A. Not yet.

24 Q. And who was -- who had guns pointed at them?

1 A. There were two Hells Angels -- two people wearing
2 Hells Angels colors and two people wearing Vagos colors.

3 Q. And so what was -- in terms of inside the casino,
4 did police have control of the situation?

5 A. No. At that point, no, there were hundreds of
6 people around and including probably 50 to 60 Vagos that were
7 wearing Vagos colors that were still in the area, standing
8 there watching.

9 Q. What about -- let's sort of back up. From the time
10 you get there, do you see citizens or people who aren't
11 wearing Vago stuff or Hells Angels stuff?

12 A. Yes, there were hundreds of people still in the
13 casino gambling and milling about watching.

14 Q. What about when you initially are responding, are
15 you seeing citizens out on the street or coming out of the
16 casino?

17 A. Not at that time. When I was arriving I really
18 wasn't looking for that, and so I didn't really notice a lot
19 of them flowing out of the casino.

20 Q. What was your primary concern in going inside to the
21 location of Bayer and Hopkins?

22 A. Just getting them help and seeing what the situation
23 was.

24 Q. Were they still calling out on the radio for

1 assistance?

2 A. Yes. They said they needed officers over there.

3 Q. And so what do you do next?

4 A. When I got there, Officer -- one of the officers
5 told me that they needed somebody to handcuff -- start
6 handcuffing the subjects. So I started giving commands to
7 the subject that was identified as Villagrana, telling him to
8 get his hands behind his back so I could handcuff him. And
9 he initially wasn't complying with my commands, he was just
10 kind of looking at me with kind of a blank stare. And after
11 about four or five times of telling him, I finally grabbed
12 his left hand and put it behind his back and cuffed him.

13 Q. Now, was this group that the officers had their guns
14 on, were they standing up, and was this like a confrontation
15 between these --

16 A. No, they were proned out on the ground. With their
17 hands out to the side.

18 Q. So you ultimately handcuffed Villagrana?

19 A. Yes, I did.

20 MR. STEGE: Your Honor, I'll move for the
21 introduction of Exhibit 12A, which I understand is admitted
22 by stipulation.

23 MR. HOUSTON: Yeah, no objection, your Honor.

24 THE COURT: Now, did you say that's 34?

1 MR. STEGE: I'm sorry, I turned my back to the
2 Court, it's 12A.

3 THE COURT: 12A, thank you.

4 MR. STEGE: May I publish this?

5 THE COURT: You may.

6 (Exhibit No. 12A admitted.)

7 BY MR. STEGE:

8 Q. Do you recognize this individual?

9 A. Yes, I do, that's the subject I handcuffed,
10 Villagrana.

11 Q. Mr. Villagrana? Once you handcuffed Villagrana,
12 what did you do next?

13 A. I went and assisted a Reno officer handcuffing
14 another subject.

15 Q. And where was that?

16 A. It was right next -- right next to --

17 Q. Who was that person that you handcuffed?

18 A. That person I couldn't identify. All I did, his
19 head was turned away from me, and I just assisted in helping
20 the Reno officer.

21 Q. What happens next?

22 A. At that point, after we got them handcuffed, I
23 notice that there was a number of Vagos still hanging around.
24 I tried to clear the area, told them to leave. They would

1 leave or mill around and then come back, and it was -- it was
2 a losing battle as far as trying to get them out. So I tried
3 to call out and get an officer to bring in some crime scene
4 tape so we could rope off that area to keep people out, but
5 my radio would not transmit inside the Nugget, so I had -- I
6 then left the Nugget area, or left there out the 11th Street
7 doors, and found Officer Coombs and had him bring in some
8 crime scene tape.

9 Q. At this point, do you -- are you gaining control of
10 the casino?

11 A. At this point, no. It was still pretty chaotic.

12 Q. And you still have Vagos inside the casino.

13 A. Yes.

14 Q. So you order Coombs to do what?

15 A. He brought in some crime scene tape and we
16 immediately -- he and I cleared out the area immediately
17 surrounding where the fight had occurred, and -- and the
18 subjects were being taken into custody. Secured it with
19 crime scene tape, and cleared that area out first.

20 Q. And I wonder if you could step down here and sort of
21 show us where you ordered -- actually, why don't you take us
22 through your path once you entered the casino from the 11th
23 Street doors.

24 THE COURT: Sir, I'm going to allow to you do this,

1 but you have to stand over here on the side so you don't have
2 your back to the jury and you're not blocking any of the
3 jury's view. I think we have a pointer.

4 MR. HALL: We do, it's right here.

5 THE COURT: Thank you. Can everyone see? Okay,
6 you may proceed.

7 A. So there's the 11th street door is right here. I
8 came in this way, and proceeded approximately through here,
9 and about right up in here I think is where I met with the
10 officers.

11 BY MR. STEGE:

12 Q. Is that the general area where you handcuffed
13 Villagrana?

14 A. Yes, right around this area.

15 Q. And then you ordered Coombs to put up crime scene
16 tape?

17 A. Yes, we strung crime scene tape up pretty much I
18 think around all this area right here, to keep people out
19 initially.

20 Q. And did you then clear an area of the casino, did
21 you grab another officer and decide to clear the areas of the
22 casino?

23 A. Well, after we got that done I went back outside and
24 met with one of the detectives sergeants, and we made the

1 decision to clear the entire casino area. I had Reno Police
2 Department was there with their S.W.A.T. team, so I asked
3 them to assist with clearing people out of the entire casino
4 area.

5 Q. And which part did you yourself clear?

6 A. Oh. After -- after doing that, Officer Ginchereau
7 and I -- or Officer Ginchereau let me know that Trader Dick's
8 area had not been cleared. And officers had their back to
9 it, so Officer Ginchereau and I and a Reno officer cleared
10 the area of Trader Dick's all the way through the restaurant
11 and through the kitchen area.

12 Q. Okay, thank you. If you'll take your seat. At some
13 point did you meet with officers who had a subject by the
14 name of Bradley Campos detained?

15 A. Yes, I was notified by a Reno officer that they had
16 a subject detained that they had information had destroyed a
17 telephone -- a cell phone.

18 Q. A cell phone of a patron?

19 A. Yes.

20 Q. And so what was your involvement in that?

21 A. I went up and asked Mr. Campos if he had witnessed
22 any of the fight or what had happened, and he told me no. I
23 asked him if he would consent to come down to the station for
24 an interview, and he told me that he didn't see the point

1 because he did not see anything.

2 Q. Was he a Vago?

3 A. Mr. Campos I believe is a Hells Angel.

4 Q. Did you -- were you the primary officer dealing with
5 him, or is it fair to say that throughout the evening,
6 because you're a -- sort of have a command role, you took a
7 command role?

8 A. Yes.

9 Q. And delegated or assigned --

10 A. Yeah, I assigned two officers to watch Mr. Campos.

11 Q. And how long did it take to gain control of the
12 casino?

13 A. It probably took -- if by gaining control you mean
14 getting all the people out, it probably took a good half
15 hour, 20 minutes. 20 minutes, half hour.

16 Q. What happens next?

17 A. After we cleared the casino, I pretty much
18 concentrated on coordinating the -- the perimeter units and
19 making sure that our Sparks officers were positioned at the
20 exits to try and get as much information from people that
21 were leaving as possible.

22 Q. And did you at one point meet with Officer Sandy?

23 A. I was in radio contact with Officer Sandy most of
24 the night, and she was detaining the three subjects that they

1 had information had ditched a gun, and eventually they
2 brought those subjects over to the other side of the casino
3 where we were.

4 Q. So how did the -- once the casino was cleared, what
5 was the organization in terms of what to do next? With
6 witnesses, things like that.

7 A. We were trying to establish what -- which witnesses
8 were going where, we had -- trying to line up transportation
9 for witnesses, and we had some of the witnesses were going to
10 go to the Reno Police Department, some to the Sparks Police
11 Department.

12 Q. Which ones to Reno, which ones to Sparks?

13 A. I don't remember which one was which.

14 Q. How did you divide which one where?

15 A. That was decided with the detectives, I believe.

16 Q. Did you decide to keep Hells Angels folks at one
17 police station and Vagos folks at another police station?

18 A. Yes.

19 Q. And did you direct officers to get a list of people
20 staying at the casino?

21 A. Yes, I did, I asked the security director if they
22 had a list of Hells Angels and Vagos that were staying. And
23 he said they did not have a list of Hells Angels, but they
24 did have a list of the Vagos that were staying there.

1 Q. Yet you got information in terms of where in the
2 hotel the Hells Angels were staying, and you directed people
3 to get information about that?

4 A. Yes.

5 Q. And who did you leave -- who did you leave in sort
6 of charge or turn the scene over to?

7 A. The interior scene I left Sergeant Cleveland in
8 charge of, and the exterior perimeter I asked Lieutenant
9 Krall to handle that part.

10 Q. Do you remember authorizing a report in this case?

11 A. Yes.

12 Q. Do you recall detailing the clothing that was worn
13 by Bradley Campos, the person detained for allegedly breaking
14 a patron's phone, destroying the phone?

15 A. I -- yes, I --

16 Q. Would it refresh your recollection to see that?

17 A. Yes.

18 THE COURT: I think it's a good time to stop.

19 MR. HALL: Okay.

20 THE COURT: We have to take our recess.

21 We're running just a little bit behind schedule
22 today, ladies and gentlemen of the jury, but we're still
23 going to make it by our ending time. So during this second
24 break which you're going to have I want to remind you that

1 you may not form or express any opinion about the ultimate
2 outcome of this matter. You may not speak of the case to
3 anyone or allow anyone to speak of the case to you. That
4 includes discussing the case in internet chat rooms, through
5 internet blogs, internet bulletin boards such as Facebook,
6 e-mails, and Twitter, and text messaging. In addition, if
7 anyone tries to communicate you with regard to this case,
8 report it immediately. Do not listen to, view or read any
9 news media accounts or any other accounts regarding this
10 case, and do not make any independent investigation or
11 inquiry or research into any of the facts or circumstances
12 surrounding the case.

13 We'll see you back in the courtroom in a few
14 minutes. Court is in recess.

15 (Recess.)

16 --o0o--

17

18

19

20

21

22

23

24

1 STATE OF NEVADA,)
2)
3 COUNTY OF LYON.)
4
5

6 I, MARCIA L. FERRELL, Certified Court Reporter of the
7 Second Judicial District Court of the State of Nevada, in and
8 for the County of Washoe, do hereby certify:

9 That I was present in Department No. 4 of the
10 above-entitled Court and took stenotype notes of the
11 proceedings entitled herein, and thereafter transcribed the
12 same into typewriting as herein appears;

13 That the foregoing transcript is a full, true and
14 correct transcription of my stenotype notes of said
15 proceedings.

16 Dated at Fernley, Nevada, this 3rd day of August, 2013.
17
18

19 /s/ Marcia L. Ferrell_____

20 Marcia L. Ferrell, CSR #797
21
22
23
24