

IN THE SUPREME COURT OF THE STATE OF NEVADA

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ERNESTO MANUEL GONZALEZ,

CASE NO. 64249

Appellant.

v.

THE STATE OF NEVADA,

Respondent.

APPELLANT'S APPENDIX, VOLUME XV

APPEAL FROM JUDGMENT AFTER  
JURY TRIAL AND SENTENCING

Second Judicial District  
State of Nevada

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**No. 64249**

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1 don't get you nowhere, but in trouble."

2 Q That's where I guess I'm asking the problem because,  
3 if he's that drunk and he's going to start a problem for the  
4 Vagos, in general, and we are going to start this shootout in a  
5 casino, I'm thinking that the group of Vagos -- and we had  
6 Caesar Morales, you know him, right?

7 A Yes, sir.

8 Q President of San Jose, correct?

9 A Yes, sir.

10 Q Diego Garcia, you know who he is, right? Hoo-Hoo?

11 A No.

12 Q Well, we had a number of the San Jose guys, so I'm  
13 thinking, as opposed to allow him to start a fight, all they  
14 had to say was, "Come over here, and buy a beer. Let's walk  
15 over to this other bar, have a beer, let them walk by."  
16 Everybody goes home happy, right?

17 I mean, that's what grown men would do in a situation  
18 where they want to get a drunken man away from starting a  
19 fight, right?

20 A I don't understand why would you buy a drunken man  
21 another drink, instead of putting him in a car and sending him  
22 home?

23 Q That's just one option. There's a lot of options to  
24 get a drunken man out of a bad situation?

25 A I --

1 Q Like you take his keys away, for example, or you  
2 distract him somehow, right? I mean, you can do that?

3 A That's your story. I mean, you know.

4 Q What's your story?

5 A Bottom line is, if he don't want to come, I'm not  
6 going to make him do anything -- you know, that's not policy.  
7 That ain't the way things work in life.

8 Q Okay?

9 A I can't make you not try this case or whatever you  
10 want to do.

11 Q Right?

12 A You know, I'm up here because I know my part of and my  
13 actions only --

14 Q Okay.

15 A -- you know? And that's the only -- the only thing I  
16 know.

17 Q All right. So you went and talked to Pettigrew?

18 A Yes.

19 Q So he was assured that there wasn't going to be any  
20 problem?

21 A There was no problem. We said -- I said that this is  
22 a bunch of bullshit, and I said that everybody here came up  
23 here to have a good time. He goes, I agree. I said, so, if  
24 you can get your guys to go down the street where they belong,  
25 where they are staying, then these guys should be all right.

1           I said, because nobody needs no problem, I'm a little  
2 too old for this shit. He says, "I agree, so am I. I'll  
3 gather everybody up, and we'll leave." I said, thank you very  
4 much. We shook hands. I walked off. Walked over to Dragon  
5 Man -- I mean, to Rudnick and told him, "Hey, stay away from  
6 them guys, go to your frigging room, seriously. You created  
7 enough problems."

8           That's when Dragon walked up to me and said, "Hey, you  
9 talked to the guy enough, let's go." I said, all right. And I  
10 went outside and was talking to somebody else when I heard  
11 gunshots.

12         Q     Okay. So did you recommend to Pettigrew that they  
13 leave the Nugget?

14         A     Did I recommend -- I suggested that it would be a good  
15 thing that if we got -- spread everybody apart for the rest of  
16 the night, then it would be -- everything should be good.

17         Q     All right. Were you aware that they were staying at  
18 the Nugget?

19         A     No, sir, I wasn't.

20         Q     All right. So you thought they were just going to go  
21 out that back door, is that what you were assuming?

22         A     I -- I didn't assume anything.

23         Q     Okay. You just said, "I suggest that you leave the  
24 Nugget to avoid problems"?

25         A     No, not to avoid problems. To just disperse from --

1 another -- any more problems happening -- you know, because I  
2 heard there's been problems all throughout the day -- you know,  
3 and he agreed. That was the end of my story -- you know.

4 Q Okay. And what was the problem? Can you identify the  
5 problem?

6 A Rudnick. Rudnick.

7 Q Rudnick was a problem throughout the day?

8 A Yeah.

9 Q The whole day, it was him?

10 A That's exactly what I heard.

11 Q Nobody else involved?

12 A No.

13 Q Okay. Well, then why did everybody respond down to  
14 the Oyster Bar, if it was just one guy? How do we get 50 other  
15 Vagos running down to the Oyster Bar?

16 A I think there were 50 or 60 of them throughout the  
17 casino, period.

18 Q All right.

19 A I'm not familiar with the Oyster Bar or that casino.  
20 This is the first time I've been here in 12 years -- you know.

21 Q Did you have a National Run in 2010?

22 A Yeah.

23 Q Where was that?

24 A I couldn't tell you. I didn't go.

25 Q Okay. Now, you threw your Vagos jacket down, is that

1 right?

2 A No, sir.

3 Q What happened to that?

4 A I took my colors -- my Vagos colors off, along with  
5 another brother, and we handed them to two other brothers. We  
6 walked across the street because the cops were surrounding  
7 everything. And, without green on, we weren't bothered. We  
8 told them we are going to go get the pickup truck and pick them  
9 up.

10 The officers approached them and asked them, "Who do  
11 those colors belong to?" They said, "We cannot tell you that."  
12 They said, "Well, good. You give us those and yours." So they  
13 took four sets of colors.

14 Q All right. They were actually thrown down in the  
15 bushes, right?

16 A I haven't a clue of that.

17 Q Where did you go after you spoke with Rudnick?

18 A I walked for two-and-a-half miles -- or two-and-a-half  
19 hours, excuse me, until I found a pay phone to find somebody to  
20 give me a ride.

21 Q And you took your colors off because you didn't want  
22 to talk to the police?

23 A Exactly. Why should I want to talk to the police? I  
24 didn't do anything, and I didn't know what was going on, so,  
25 hey, my natural thing was you know just walk. Get away from

1 harm's way. That way, you're not in trouble. Nobody gets in  
2 trouble. I have a family. I have kids. And, you know what,  
3 why put myself in jeopardy of any of that?

4 Q Well, you did know what was going on, right?

5 A No, I didn't.

6 Q Okay.

7 A That's wrong.

8 Q All right. Do you go by Cocky Rocky?

9 A Yes, sir.

10 Q So we got your hat, your cuts?

11 A Yes, sir.

12 Q What do all those patches mean? How do you earn those  
13 patches?

14 A Which patches are you talking about?

15 Q The ones on your jacket?

16 A As far as --

17 Q Well, let me just pull out a couple here. Looking at  
18 25-II, do you recognize what's depicted in that photograph?

19 A Yes, sir. It's my cutout.

20 THE COURT: So what exhibit was that, Mr. Hall?

21 MR. HALL: 25-II, is that correct?

22 THE COURT CLERK: That's correct.

23 THE COURT: Are you offering that?

24 MR. HALL: I thought we had a stipulation.

25 MR. HOUSTON: We do, Your Honor.

1 THE COURT: Okay. And that is with regard to the 25  
2 series?

3 MR. HOUSTON: In regard to that, Your Honor.

4 THE COURT: Okay. 25-I.

5 Counsel, as we start here, the clerk and I aren't  
6 aware of exactly the parameters of your stipulation. So are  
7 you stipulating to the entire 25 series or just some?

8 MR. HALL: Just -- if I may clarify a little bit, Your  
9 Honor? We have, out of an abundance of caution, included all  
10 of the photographs that we may use during the course of the  
11 trial. We have discussed those and provided counsel with  
12 those. We may not use all of those, but they are familiar with  
13 what they are, so we can both use them as required during the  
14 course of the trial, and then we'll admit them individually as  
15 we go, that would be our procedure to save time.

16 That way, we are not going through a whole bunch of  
17 them and trying to identify them, so we are trying to speed up  
18 the foundation aspect of the photographs. They've seen them,  
19 they are going to stipulate to them, and, at the end, we're  
20 going to have to take out the ones we don't use.

21 THE COURT: So you're stipulating to any ones that  
22 Mr. Hall wants to use, and you're stipulating to any he wants  
23 to use?

24 MR. HOUSTON: Yes, we've done it with the jail calls,  
25 with Rudnick. We've done it with the photographs. We've done



1 it with a number of the exhibits, simply to cut down on the  
2 time. And, as Mr. Hall uses it, then we agree and stipulate  
3 it.

4 THE COURT: Okay. So just make the record before we  
5 show it to the jury, that this is what the number is.

6 MR. HOUSTON: Okay.

7 THE COURT: So the clerk and I can note it.

8 MR. HOUSTON: Okay. Thank you.

9 THE COURT: 25-II is admitted.

10 (Exhibit 25-II admitted in evidence.)

11 BY MR. HALL:

12 Q All right. So those patches on the right, 69, 13, MF,  
13 swastika, how do you earn those?

14 A The 69 patch is for eating pussy.

15 Q Okay.

16 A Okay. Excuse me. The 13 -- you, at one point in  
17 time, smoke some marijuana. The MF is being part of the  
18 family. That's my family. The swastika is a personal deal  
19 that, because I'm white -- you know, that's my own personal  
20 deal. Everybody don't have those.

21 Q Okay.

22 A You know. And, actually, they've been taken out of  
23 the club completely because it's like -- you know, ain't nobody  
24 in the club racist, all right? So they just figure it was a  
25 racial thing, so we need to get rid of it.

1 Q All right. And then what's this one at the bottom.

2 "I like you. I'll kill you last"?

3 A That was a gift from somebody from another club.

4 Q Okay. "Trust no one." Is that the motto of the club?

5 A Well, you don't trust anyone that -- that -- you know,  
6 is going to harm you. I've always been one to read a person by  
7 their eyes -- you know? If that guy looks like he's going to  
8 harm me, then I'm going to be a -- I'm going to stay away from  
9 him -- you know, I'm going to avoid -- at all cost, I'm going  
10 to avoid any kind of altercation with anybody.

11 Q Now, the Vagos have regular meetings, is that right?

12 A You know what? I couldn't tell you, at this point in  
13 time and day, because I no longer go to meetings.

14 Q All right. So you can't tell me -- can you tell me  
15 anything about the Vagos now?

16 A I could. I can tell you they are a good bunch of  
17 guys -- you know.

18 Q Okay. The president is Tata?

19 A International president.

20 Q Pastor Palafox?

21 A Right.

22 Q And Dragon Man is under him?

23 A Under him, yeah, I would say that.

24 Q Or Jimbo?

25 A Right.

1 Q So who is next in command, under Pastor Palafox?

2 A Jimbo, international vice president.

3 Q Did you talk to him while you were up at Street  
4 Vibrations?

5 A To who?

6 Q Jimbo.

7 A No, I didn't see him.

8 Q And under Jimbo would be Dragon Man?

9 A I guess that would be the way it went.

10 Q All right. So Dragon Man has the power to pretty much  
11 tell everybody in the club what to do, right?

12 A No, no one individual has the power to tell anybody  
13 what to do. It's a vote. It has to go in front of --  
14 everybody has to agree on it -- you know, if something was to  
15 be happening, everybody would have to say, well, yeah, yeah or  
16 not. You're not going to get everybody to agree on one thing  
17 ever.

18 Q Okay. So then there's really no reason to have a  
19 president, I guess, if you can't tell anybody, or a  
20 sergeant-at-arms, if he can't tell anybody what to do or what  
21 not to do, huh?

22 A Well, then I guess there wouldn't be a reason to have  
23 a President of the United States, either.

24 Q Well, what is their function?

25 A To keep things kind of in line.

1 Q All right?

2 A To keep things --

3 Q What was Dragon Man's function on this night, I guess,  
4 is what I'm asking.

5 A To have a good time and enjoy himself, not have to  
6 worry about a bunch of dummies, you know what I mean?

7 Q Okay. Well, he was aware Rudnick was causing problem,  
8 right?

9 A I don't know if he was aware or not. Neither one of  
10 us was aware until they came up to told us.

11 Q Well, he went down there, and he dragged you away just  
12 moments before the fight broke out. He knew that Jabbers was  
13 starting problems with the Hells Angel, right?

14 A He was told not -- to go to his room. He was also  
15 asked to go to his room. He was asked to stop drinking. You  
16 can't control one man's actions. Nobody can.

17 Q If you couldn't control him, why was everybody  
18 supporting him in his efforts to pick a fight with Pettigrew?

19 A I don't think everybody supported him in his efforts.  
20 I think it was the heat of the moment, and when the melee  
21 started -- it was the heat of the moment.

22 Q So you can't explain why Boo-Boo would be putting on  
23 his gloves when the Hells Angels approached?

24 A Like I said, I don't know who Boo-Boo is.

25 Q Boo-Boo is Diego Garcia. He's one of the San Jose --

1 he's good friend of Mr. Gonzalez.

2 A Okay.

3 Q So, when the Hells Angels come down, he's putting on  
4 his gloves. Now, that would be a indication he's getting ready  
5 to fight, right?

6 A I don't know. Maybe he's getting ready to leave on  
7 his bike. Who knows? I don't have a clue. Why -- you know,  
8 you put your gloves on -- I don't fight with gloves on. I  
9 don't fight at all -- you know, but I'm 56 years old. I try  
10 not to fight at all.

11 Q All right. I want to wait for it to turn on. What  
12 we've already looked at, but I just want to ask you this  
13 question, so you did mention that there's a lot of -- you did  
14 mention in your statement to the police, if you were involved  
15 and wearing a patch and the fight starts, that everybody's got  
16 to get involved, right?

17 A No, I didn't say it exactly like that.

18 Q You said, "unfortunately."

19 A Unfortunately, if everybody was fighting, you're going  
20 to have to fight, too. I'm not going to stand there and get  
21 hit, you know what I mean?

22 Q Right.

23 A I'm not going to stand there and get my ass whooped,  
24 but, if you can avoid it, avoid it. Avoid the situation.

25 (Media played.)

1 BY MR. HALL:

2 Q All right. See him putting his gloves on? This is  
3 Diego Garcia right here.

4 A I can see the one guy putting gloves on.

5 Q Yeah. And you'll see Rudnick here, and he tells those  
6 girls to get out of there, see him waving away. And here comes  
7 the Hells Angels. That's the first group. They let those guys  
8 walk by. Those would be kind of the hangarounds and the  
9 friends, right, one patch? So here comes Pettigrew, the guy  
10 you just told, was everything was okay, right?

11 A I did not say that.

12 Q So then you see the Defendant go put his drink down.  
13 Now, if you were -- if there was a fight going to happen, you  
14 go put your drink down, right, so you're ready to go?

15 A You just said everybody is breaking bottles and all  
16 that over everybody's head. Why wouldn't you keep that in your  
17 hand to hit them with it, if that's what you're going to do?

18 Q I think he has a glass of water.

19 A What's it matter? Glass of water, beer, or what?

20 Q I think it's plastic.

21 A Oh.

22 Q You wouldn't want to hit anybody with a plastic cup,  
23 would you?

24 MR. HOUSTON: I object, Your Honor. That assumes  
25 facts not in evidence.

1 THE COURT: Sustained.

2 MR. HOUSTON: Thank you.

3 BY MR. HALL:

4 Q And, if you had a gun, you wouldn't want to be holding  
5 a glass of water if you had a gun, right?

6 So there is the president smashing a bottle up against  
7 one of the Vagos, as soon as this breaks out, right? There's  
8 another Vagos attacking another Hells Angel. Right up here.  
9 You'll see Pettigrew get hit from behind. You see Bobby Vierra  
10 get knocked to the ground. So you agree it's kind of a  
11 concerted effort, right, joint effort?

12 A On both parts?

13 Q Well, I don't see too many -- can you show me where  
14 you see the Hells Angels attacking the Vagos here?

15 A Can I -- can I see where? Well, who's the guy running  
16 back here with the hat on that was throw -- started fighting  
17 anyways? What's this guy doing right here? What was that?  
18 That's a fight. He's involved.

19 Q Right on.

20 A Okay.

21 Q So we -- we definitely have --

22 A And he's got a gun.

23 Q Absolutely.

24 A I see no other guns from no Vagos, except the Hells  
25 Angel's got a gun in his hand. Can I tell you who he is? No,

1 I couldn't.

2 Q Okay. You agree it wasn't just one guy that got in a  
3 fight, right? Everybody is involved now, right?

4 A I don't know about everybody. I know there was quite  
5 a few.

6 Q Okay. Now, is it common knowledge that the Defendant  
7 shot Pettigrew?

8 A No, it's not common knowledge.

9 Q When did you find out about that?

10 A That's hearsay.

11 Q When did you find out about it?

12 A The next day.

13 Q Okay. And so the next day, you knew that?

14 A No.

15 Q It was Ernesto Gonzalez that shot Pettigrew?

16 A No, I found out the next day that a Hells Angel was  
17 shot.

18 Q Okay. And when did you find out that it was the  
19 Defendant who shot him?

20 A I never found that out.

21 Q Okay. And Beirut was with you outside, is that right?

22 A Yes, he was.

23 Q Okay. And what's his status in the club?

24 A He's just a Nomad.

25 Q Okay.



1       A     Like I said, we actually walked two-and-a-half hours  
2 to find a pay phone to get a ride -- you know.

3       Q     Now, when we are watching the video, did you see the  
4 number of Vagos go up behind Mr. Rudnick and one fellow put his  
5 hand on his shoulder?

6       A     The Vagos did.

7       Q     The Vagos did?

8       A     No, I didn't --

9       Q     Didn't notice that?

10      A     I --

11      Q     That would be a showing of support, right?

12      A     No, it's probably to tell him, stop fucking around.

13      Q     Well, they could have done that well before, right?

14      A     It was done well before.

15      Q     You had ten Vagos there. They could have easily  
16 pulled him away if they didn't want to fight, right?

17      A     Um, it was done well before.

18           MR. HALL: Thank you. No further questions.

19           THE COURT: Cross?

20           MR. HOUSTON: May we approach for one moment?

21           THE COURT: Yes.

22                       (Discussion at the bench.)

23           MR. HOUSTON: Thank you, Your Honor.

24                       CROSS-EXAMINATION

25           BY MR. HOUSTON:

1 Q Good afternoon, Mr. Siemer.

2 A Good morning.

3 Q Is it morning?

4 A Afternoon.

5 Q Sir, you testified that you are a Nomad, true?

6 A Yes, sir.

7 Q And the difference between being a Vagos and a Nomad  
8 is that you're not really a member of the Vagos, is that  
9 correct?

10 A No, I'm a member.

11 Q Okay.

12 A It's just that I'm a long-time member, and I don't  
13 have to go and do everything everybody does all the time.

14 Q So does it mean you're not a member of any particular  
15 charter?

16 A Exactly.

17 Q All right. And anywhere you go where there's Vagos  
18 charter, you can essentially visit with those guys?

19 A Exactly.

20 Q Now, you came to Street Vibrations in 2011, true?

21 A Yes, sir.

22 Q And did you ride your bike up?

23 A Yes, sir.

24 Q Did you come up by yourself, or did you come up with  
25 other folks?

1           A     I came up with Tata, Dragon, and ten other brothers.

2           Q     When you -- when did you get to the Nugget? Do you  
3 recall?

4           A     Between 9:00 and 10:00 that night. We had a lot of  
5 problems on the way up, and we stuck around for people that  
6 were breaking down. So, when we arrived there, they had a  
7 meeting upstairs, and we went up there because everybody that  
8 arrived in town was to get to know each other. It was like a  
9 meet-and-greet.

10          Q     Okay. What's a National Run?

11          A     A National Run is where the National puts on a run  
12 that for everybody to participate in.

13          Q     And you go to some of them, but you don't go to all of  
14 them?

15          A     I'm not required to go to any of them, if I don't want  
16 to.

17          Q     Okay. And, once you got here and you had the  
18 opportunity to start talking with Tata and Dragon, I think we  
19 understand you became aware there was a problem downstairs?

20          A     Exactly.

21          Q     And it's correct, is it not, that the problem was a  
22 fellow by the name of Gary Rudnick?

23          A     Yes, sir.

24          Q     When you went downstairs, who went with you?

25          A     Dragon.

1 Q Was it your purpose in going downstairs to try to make  
2 certain nothing happened?

3 A Yes, sir.

4 Q And, when you went downstairs, did you actually go up  
5 and speak to Mr. Pettigrew?

6 A Yes, sir, I did.

7 Q Did -- did you know him personally?

8 A On a personal basis, no, but I had met him when Sonny  
9 Barger got out of prison. I was invited to the day he got out  
10 of prison, so I went.

11 Q Well, Sonny Barger was a Hells Angel, right?

12 A Yes.

13 Q You mean you, as a Vagos, got invited to a Hells  
14 Angels party?

15 A Yes.

16 Q So a fair statement, there was no war going on between  
17 the Hells Angels and the Vagos, was there?

18 A No. 1969, at one point in time.

19 Q Would something like this be good for a club?

20 A No, sir.

21 Q Meaning this type of brawl?

22 A No, sir.

23 Q Is that one of the reasons that you wanted to make  
24 certain there was peace that night, because it would be bad for  
25 the club if something went wrong?

1 A Yes, sir.

2 Q Now, when you went downstairs and you had a chance to  
3 encounter Mr. Rudnick, he's been described as a drunken fool.  
4 Would you agree with that description?

5 A That night, yes, sir.

6 Q When you talked to him, did you personally advise him  
7 to knock it off with Pettigrew?

8 A I asked him. I requested that he knock it off and  
9 quit drinking and go to his room, rest his fucking neck, is  
10 exactly what I said.

11 Q You don't have the authority to tell another member  
12 what to do, do you?

13 A No, sir.

14 Q And, in fact, none of the officers, per se, can order  
15 a member to do anything, can they?

16 A No, sir.

17 Q Now, Mr. Rudnick was from the Los Angeles charter,  
18 true?

19 A Well, he was in the Los Angeles chapter, then.

20 Q Right. Well, he got kicked out, didn't he?

21 A Yes, sir.

22 Q And he got kicked out because of what he did that  
23 night at the Nugget?

24 A Yes, sir.

25 Q It would be pretty unusual for the club to kick him

1 out because he did something the club ordered him to do,  
2 wouldn't it?

3 A Yes, sir.

4 Q So, if the club ordered him to do this to Pettigrew,  
5 they normally wouldn't then go kick him out bad, would they?

6 A No, sir.

7 Q That would be --

8 A It would never be ordered to do anything like that  
9 anyways.

10 Q Why couldn't it be? Why wouldn't it be ordered?

11 A Why wouldn't it be ordered?

12 Q Yeah. Why do you think the Vagos would never order  
13 some like that?

14 A It's way out of ground. There's no possible way you  
15 could get a whole group of guys to agree on one thing like  
16 that, period.

17 Q When you're in the Oyster Bar and you speak with  
18 Mr. Pettigrew, I think you stated that you suggested to  
19 Mr. Pettigrew that maybe we ought to split everybody up?

20 A Yes, sir.

21 Q And did you think that would solve the problem?

22 A Yes, sir.

23 Q Did you think, for a minute, Mr. Rudnick was going to  
24 go at Mr. Pettigrew after he had been told repeatedly to stop?

25 A I think that, when I -- when I walked off, he was

1 supposedly walking a different direction to go away from where  
2 he said he was going to go because he agreed that, okay, I'll  
3 do whatever.

4 Q So Rudnick actually agreed with your suggestion that  
5 he go rest his neck?

6 A Yes, sir.

7 Q And he actually walked away from where you were,  
8 appearing to take your advice?

9 A Yes, sir.

10 Q Was it your job to stand there the rest of the night,  
11 to make certain he didn't come back?

12 A No, sir.

13 Q Was it Dragon's job to do that?

14 A No, sir.

15 Q Isn't it true it's Rudnick's job to behave?

16 A Yes, sir.

17 Q And, when he doesn't behave, the club can take action  
18 against him in the form of kicking him out, right?

19 A Yes, sir.

20 Q And that's what they did, isn't it?

21 A Yes, sir.

22 Q Now, when you talked to Rudnick at the Oyster Bar and  
23 he walked off, there is a -- a bit of film where you can see  
24 you walking up -- or Dragon walks up and you're standing there  
25 talking to Rudnick, what are you telling Rudnick on that piece

1 of film? In fact, if I could, I'd like to show you that piece  
2 of film --

3 A Yes, sir.

4 Q -- or video. And, if you can, you can look on your  
5 monitor -- or, if that larger monitor is better, certainly, you  
6 can look at either one, whichever one works the best.

7 MR. LYON: You're going to have to give me a minute,  
8 so I can find the timeframe.

9 MR. HOUSTON: Sure, no problem.

10 BY MR. HOUSTON:

11 Q Is it unusual to see Vagos congregating together?

12 A No.

13 Q Is it unusual to see them slapping each other on the  
14 back and shaking hands?

15 A No.

16 Q And, in fact, that night in the Oyster Bar, when the  
17 Vagos came down to talk to Mr. Pettigrew, people actually shook  
18 hands, true?

19 A Yes, sir.

20 Q Maybe patted each other on the back, correct?

21 A Yes, sir.

22 Q You were aware, from talking with Jabbers, that his  
23 big problem was Mr. Pettigrew patted him on the back, true?

24 A Yes, sir.

25 Q What did you tell Mr. Rudnick about being patted on



1 the back, as far as an insult?

2 A I told him there's over thousands and thousands of  
3 people here rubbing and bumping or patting each other on the  
4 back or just bumping into each other. How can you take one  
5 little touch as an insult? I mean, you're drunk, go to your  
6 room, go lay down.

7 Q How many times do you think you tried to talk him down  
8 that evening?

9 A Well, I only seen him twice, maybe.

10 Q And, each time, you told him to knock it off?

11 A Just to go away.

12 Q Did you happen to see Jabbers going around to other  
13 members, trying to tell his story?

14 A No, I wasn't down there long enough.

15 Q When you were seen on the video -- and I want to show  
16 it to you now, and I apologize for the delay, maybe -- there it  
17 is. All right. Now, who -- stop for a second, would you, Ken?

18 The fellow right there in the center is who,  
19 Mr. Rudnick, correct?

20 A Yes, sir.

21 Q Who is he talking to?

22 A Myself.

23 Q And what's the conversation about during this point?

24 A When I walked up I said, Jabbers, I've been told that  
25 you've been starting shit all night, all day, enough is enough.

1 And then he's telling me that he got patted on or slapped on  
2 the back and the guy touched his clothes.

3 I said, so fucking what? People are touching people  
4 all night, there's thousands of people here, go to your fucking  
5 room and rest your neck, man, enough is enough, nobody needs no  
6 problems, we've got families here, we've got kids here, leave  
7 it -- leave it alone.

8 Q Okay.

9 A And, end of story, when I walked off, I went like  
10 that, I don't want to hear no more. That's when you don't want  
11 to hear nothing. It's like, hey, talk to the hand, you know  
12 what I'm saying (indicating)?

13 MR. HOUSTON: If we can stop for a second, Ken?

14 BY MR. HOUSTON:

15 Q This individual walking up is Dragon, true?

16 A Yes, sir.

17 Q And Dragon is the individual we referred to, I think,  
18 as the international --

19 A Sergeant-at-arms.

20 Q Thank you. And Dragon walks up. Does he say one word  
21 to Rudnick? Or does he just to talk to you?

22 A He didn't say nothing to Rudnick.

23 Q When he walks up, what does he tell you?

24 A "Let's go, don't talk to him anymore."

25 Q What were your last parting words to Rudnick?

1           A     Go to your room, rest your fucking neck.

2           Q     Now, when you walk away --

3                 MR. HOUSTON: Go ahead, Ken. Stop for a second.

4     BY MR. HOUSTON:

5           Q     I notice you're kind of doing this with your hand.  
6     You're making a gesture as though you're sort of brushing him  
7     away. What's the purpose of that?

8           A     I don't want to hear no more. Shut up.

9           Q     You've had enough?

10          A     I mean, why? Why go on? He is -- it's already  
11     escalated long enough. It's already enough that he's  
12     done -- you know. God damn, he was drunk. You know what I  
13     mean? How do you -- how do you make any sense or any kind of  
14     conversation with a drunk? You don't.

15          Q     When you are walking away, you're a firm believer this  
16     matter is squashed, correct?

17          A     Exactly -- you know, I'm recovering alcoholic,  
18     15 years, clean and sober. I know, I've been there, done all  
19     that.

20          Q     You indicated you did not hear about the shooting of  
21     Mr. Pettigrew until the next day, true?

22          A     Yes, sir.

23          Q     Can you envision a situation, having been in the club  
24     as long as you have, where the club would have sponsored  
25     Rudnick to assassinate Mr. Pettigrew?

1 A No, sir.

2 Q Does that make any sense at all?

3 A None at all. Why would you do something when you've  
4 got everybody there? Guys there that has their kids there,  
5 their families there, they're enjoying their self. Why would  
6 you put anybody's family in harm like that?

7 MR. HOUSTON: Thank you. I have nothing further.

8 THE COURT: Counsel?

9 REDIRECT EXAMINATION

10 BY MR. HALL:

11 Q Who is over there at the Oyster Bar with you?

12 A Dragon.

13 Q Who else?

14 A I can't recall that. Maybe show the picture, I could.

15 Q All right. So this is the Oyster Bar, 23:04. All  
16 right, so these are the people that are over at the Oyster Bar,  
17 23:04. So this is 20 minutes before this -- that fight breaks  
18 out that we are watching, right?

19 A I don't know. Am I up there?

20 Q Well, if it's 23 -- yeah, yeah. I think you're right  
21 up here. You have the hat on, right? We'll play it, so you  
22 can see. I know you haven't seen it before. Let's play it,  
23 give you an opportunity to look at it, see if you identify  
24 these individuals that are here with you. That's the purpose  
25 of looking at this, and I'll play it until you can identify

1 these folks.

2           You said Dragon was over there, right? You can see  
3 Dragon, the guy with the ponytail. Right here?

4       A     Yeah, I'm right in front of him.

5       Q     And you're right here?

6       A     Yes.

7       Q     Remember, I mentioned that guy, Diego Garcia? He's  
8 right there. You know William Pyzell?

9       A     Yeah.

10      Q     That's him right there, and there you go. And then,  
11 remember, we talked about Caesar Morales, the president of San  
12 Jose, that's him right there, right?

13      A     I can't clearly see that. From right here, it looks  
14 like ten other brothers that fit his description. You know  
15 what I'm saying? I can't clearly say that's him. I know I can  
16 see me because I know what I look like -- you know, and I see a  
17 couple of other brothers. I know what they look like because  
18 they are old and gray like myself, but, no.

19      Q     Well, let's keep watching and see if you can identify  
20 anybody.

21      A     All right.

22      Q     Can you identify that guy?

23      A     (The witness shakes his head.)

24      Q     You couldn't?

25      A     No, sir.

1 Q You couldn't identify that as Caesar Morales, the  
2 president of the San Jose chapter?

3 A Which one are you talking about?

4 Q This guy, right here, with the boots on.

5 A Right there?

6 Q That guy.

7 A That don't -- it didn't look like him, not to me.

8 Q All right. Well, I'm going to represent to you that  
9 that's him. Well, I'll represent to you that that's the same  
10 guy that smashed a bottle on Christopher Nolten's head and that  
11 guy was identified by other witnesses as Caesar Morales, okay?

12 A All right.

13 Q He's the president of the San Jose Vagos?

14 A I thought you said, earlier, he set his bottle down.

15 Q No, that was -- that was the Defendant. The guy that  
16 shot Pettigrew in the back and set his glass down and then  
17 backed up into the darkness of the Trader Dick's bar. All  
18 right.

19 So Caesar Morales was the one who shook Pettigrew's  
20 hand last, after you said, let's have everything settled down,  
21 right?

22 A (The witness shakes his head.)

23 Q All right?

24 A I don't know, is it?

25 Q So all those San Jose guys were at your location,

1 right in front of Trader Dick's, when you went over there and  
2 told Rudnick to take it to his room, right?

3 A I don't know if they were San Jose brothers. I  
4 couldn't tell you who was who. Like I say, I don't get out and  
5 about like that anymore.

6 Q Okay. So it would be fair to say you weren't in -- if  
7 there was information shared between those groups, you weren't  
8 in the know?

9 A True.

10 Q And, if Dragon Man had given the okay to start a fight  
11 with the Hells Angels, he didn't tell you?

12 A He wouldn't have done that. We were together.

13 Q Right. He didn't go over and talk to Rudnick, right?

14 A He didn't go over there and talk to anybody, unless he  
15 was with me.

16 Q But he talked to Pettigrew?

17 A Yeah, he was with me.

18 Q You talked to Pettigrew.

19 A We were together.

20 Q Everybody assured Pettigrew everything was okay, but  
21 he doesn't talk to Rudnick. In fact, he pulls you away from  
22 Rudnick when you're trying to tell Rudnick to go home. That's  
23 what happened. That's what the video says, right?

24 A He didn't pull me away. He said you talked to him  
25 enough.

1 Q And then you wanted to keep talking, and he comes back  
2 to get you?

3 A No, I didn't want to keep talking. I told him I was  
4 done talking, to rest his fucking neck.

5 Q All right.

6 A That was the end of the story.

7 Q Did Dragon Man pull you away from talking to Rudnick,  
8 yes or no?

9 A Did he pull me away? No. He said that's enough. You  
10 don't have to talk to him anymore. I walked off.

11 Q Did he ask you to step away?

12 A No. I walked off. He didn't ask me to step away. I  
13 stepped away because I wanted to.

14 Q You're talking to Rudnick, and then Rudnick comes up  
15 and says something to you, and then you leave, right? Is that  
16 fair?

17 A Yes, yes.

18 Q Now, if -- let's say, for example, that, if Dragon Man  
19 and Tata, Pastor Palafax says, yeah, these Hells Angels  
20 disrespected us, we are not happy about Oildale and  
21 Bakersfield, we are not happy about Arizona, we are not happy  
22 about -- you know, trying to expand in San Jose, for example,  
23 and then they come to our casino and disrespect. We are not  
24 happy about that, just as a hypothetical, right?

25 And they say -- you know, go ahead, do a beat down on



1 these guys, right? Now, if that happens and Pettigrew ends up  
2 getting shot during this, right? Now, the Hells Angels are mad  
3 at the Vagos right now, would you say that's true?

4 A No, sir.

5 Q No? Everything is cool?

6 A Not everything is cool.

7 Q Well, then, what is it?

8 A But it would never be said like that because people  
9 have families there, and we don't do that shit with family.

10 Q That's not the question. I'm asking you a  
11 hypothetical question.

12 A Hypothetically speaking, it will never happen.

13 Q Okay. Now, let's just say it did happen, okay? Now,  
14 if you wanted to send a message to the Hells Angels and say, it  
15 was this drunken fool, and I'm going to bring in my fellow  
16 Vagos, and they are going to say it was a drunken fool, and he  
17 did it by himself, and I want to send a message to the Hells  
18 Angels and say it was this guy, it was an accident, we  
19 certainly didn't condone that, you would kick him out of the  
20 club, and you kick his president out of the club to send a  
21 message to the Hells Angels that you're taking care of  
22 business, right?

23 A No, sir.

24 Q That would be a good message to send to the Hells  
25 Angels, wouldn't it?

1 A No, sir. They wouldn't care.

2 Q If you let them stay in the club after Pettigrew gets  
3 murdered, that's going to cause more problems, isn't it?

4 A No, sir.

5 Q Wouldn't you be saying, oh, good job?

6 A No, sir.

7 Q Good job for starting a fight with the Hells Angels.  
8 He's still a club member. You've got to do something as a  
9 Vagos, don't you?

10 A Well, naturally.

11 Q Naturally.

12 A But to kick him out of the club, that was the choice  
13 of his charter or whatever, you know what I mean? But the  
14 choice being, he made his choices.

15 Q Okay. So talking --

16 A Way before that happened.

17 Q So Tata says -- what if Tata says Jabbers is okay?

18 A Why would I -- how would I know what Tata is thinking?

19 Q That's the whole point. You don't know what Tata is  
20 thinking, do you?

21 A I would know he wouldn't order some stupid shit like  
22 that.

23 Q That's your opinion, right?

24 A No, that's my knowledge of the Vagos motor club.

25 Q You just said you don't know anything about what Tata

1 is thinking. And, in the background, you're thinking this is  
2 too crazy to be true. You're thinking, we wouldn't be stupid  
3 enough to do something like that, right? That's your opinion?

4 A Nobody in their right mind would be stupid enough to  
5 think of doing anything like that. It had to be one  
6 individual's thoughts. You're acting like and you're trying to  
7 say it's like a club function thing, sanction, and it's not.  
8 It never happens like that. You act like this is Sons of  
9 Anarchy or some shit. It's not like that. There's cop clubs  
10 out there. What do you think they would do in a situation of  
11 that sort?

12 Q I don't think they would go shoot somebody in the back  
13 for no reason.

14 MR. HOUSTON: Objection.

15 THE WITNESS: You better start reading the papers.

16 MR. HOUSTON: I object to the no reason. I think the  
17 jury is here to decide that, Your Honor.

18 THE COURT: You're through with this witness?

19 MR. HALL: After they started a fight.

20 MR. HOUSTON: Is there a question pending?

21 MR. HALL: I have no further questions.

22 THE COURT: Okay.

23 RE-CROSS-EXAMINATION

24 BY MR. HOUSTON:

25 Q Thank you. Mr. Siemer, I think, as Mr. Hall left off

1 with you, you said that would be absolutely stupid to even  
2 think something like that would happen, true?

3 A Yes, sir.

4 Q It doesn't happen that way?

5 A No.

6 Q Certainly wouldn't happen in front of witnesses and  
7 video cameras, would it?

8 A No.

9 Q You were with Dragon, you never heard Dragon give an  
10 okay to any kind of hit, did you?

11 A No.

12 Q SIS Dragon do anything that seemed to indicate he have  
13 had any ill will toward the Hells Angels?

14 A No.

15 Q In fact, it was to the contrary; Dragon was  
16 befriending and actually trying to keep the lid on it, wasn't  
17 he?

18 A Yes, sir.

19 Q You've seen the video where a fight starts, true?

20 A Yes, sir.

21 Q You've seen other Vagos get involved in the fight,  
22 correct?

23 A Yes, sir.

24 Q Unusual when other people are fighting for the Vagos  
25 to then start fighting as well. That happens, doesn't it?

1 A It happens.

2 Q Especially when people start pulling guns and shooting  
3 people, correct?

4 A Yes, sir.

5 Q One person wanted this to happen that night, true?

6 A Evidently, one person wanted it to happen all day.

7 Q And that one person was Gary Rudnick, wasn't it?

8 A Yes, sir.

9 Q And, if Mr. Rudnick needed to get coverage so he could  
10 get a plea bargain, it's pretty convenient to blame the club,  
11 isn't it?

12 A Hell yeah.

13 MR. HOUSTON: Thank you. Nothing further.

14 THE COURT: Anything further?

15 MR. HALL: I think I have one more question. Can you  
16 give me one second?

17 THE COURT: Okay.

18 MR. HALL: I know what it was.

19 REDIRECT EXAMINATION

20 BY MR. HALL:

21 Q Just assume that there was this little plan in place  
22 to make a statement on behalf of the Vagos against the Hells  
23 Angels. You'd want to assure them that everything was okay  
24 because you knew that there's a whole bunch of Hells Angels  
25 staying over in Reno, right?

1           A     No, sir.

2           Q     So, I mean, if you were going to attack a group of  
3     Hells Angels, you would want to attack a small group, not at  
4     big group, right?

5           A     No, sir.

6           Q     So, if you assured them everything is okay, we are  
7     going our own way, everything is good, then you're pretty  
8     confident that you're just going to have that group there  
9     because you've assured them that they can just go right to  
10    their room, everybody is going to break it off, everything is  
11    good, right?

12          A     No, sir.

13          Q     And then, when they walk down, they've got the same  
14    people smashing bottles over their heads that were just shaking  
15    is hands and assuring everything is okay?

16          A     That is not true.

17          Q     It was true. You can watch it on the video.

18          A     Not the same people.

19          Q     Okay. Not the same people?

20          A     In fact, you say you assume and you're assuming in  
21    there is 300 Hells Angels across the parking lot and 30 here,  
22    why are you going to jump on these 30, if you're going to get  
23    out of town anyway? That don't make no sense to me.

24          Q     I could not understand what you just said.

25          A     I'm assuming, the same thing that you said, you

1 assume. You said there's a bunch of Hells Angels over here,  
2 but you're going to jump on the little group over here.

3 Q Okay.

4 A Now, wouldn't that be pretty God damn stupid to jump  
5 on 30 guys, when you have 300 over here and you've got a 100  
6 God damn Vagos that have to get out of town? That would be  
7 pretty damn foolish.

8 Q That's why the next day, Tata says, everybody got to  
9 get out of town, no colors, let's get the hell out of here,  
10 right?

11 A No.

12 Q That's what happen the next day. You dumped your  
13 colors right away, right?

14 A We did that out of respect.

15 Q Did you dump your colors because you didn't want the  
16 Hells Angels chasing you or the cops?

17 A The cops. I ain't worried about nobody. I been a  
18 Vagos for 35 years. Come on.

19 Q Tata told everybody, "Hey, man, drop the colors."

20 A No, he didn't.

21 Q I mean, they were even going to leave their bikes in  
22 town.

23 A No, sir.

24 MR. HOUSTON: I object. It's leading. There's  
25 question after question. It's leading and nonsensical. Maybe

1 if we could have --

2 THE COURT: I don't think that's an objection.

3 MR. HOUSTON: How about one question at a time?

4 THE COURT: Okay. Sustained.

5 BY MR. HALL:

6 Q Tata told everybody to leave town, correct?

7 A He said that we are going to ride out of town in  
8 separate groups, not as a whole.

9 Q No colors?

10 A No colors, out of respect.

11 Q Oh, not because you were afraid that the Hells Angels  
12 were going attack you?

13 MR. HOUSTON: Objection. Leading, Your Honor.

14 THE COURT: Overruled.

15 THE WITNESS: We weren't afraid of anything. But we  
16 weren't -- we were doing it out of respect, so nobody else got  
17 hurt, in fact, especially the citizens in town. That's why it  
18 was done.

19 BY MR. HALL:

20 Q Because you didn't want anybody else to get hurt  
21 because you knew that there was a rivalry and the chances of  
22 more armed conflict between the two groups was highly likely at  
23 this point?

24 A Wrong. Because we had we had --

25 Q It was just respect?



1           A     We had --

2           Q     You wanted to show respect to the Hells Angels. Is  
3 that what you're saying?

4           A     We had people there.

5           Q     It was just respect to the Hells Angels? Is that what  
6 you're saying? Is that why?

7           A     No. It was respect for people of town. Respect --

8           Q     Stop right there. People for the town. What was the  
9 respect for the people of the town? Explain that.

10          A     So there were no more problems.

11          Q     All right. Explain the problems. Is that violence  
12 with guns and knives?

13          A     No, sir.

14          Q     Then what's the problem?

15          A     So nobody would get injured. Nobody would be injured  
16 because everybody had kids. They had family. They had this.  
17 They had everything going on.

18          Q     That's my point.

19          A     Why put anything else in harm's way of anything?

20          Q     There you go. That's my point.

21          A     What's your point?

22          Q     That's why you didn't want to wear the colors because  
23 other people were going to be put in harms' way by virtue of  
24 the conflict between the Vagos and the Hells Angels?

25          A     There was no conflict. It was an isolated incident.

1 Q All right. Was Bakersfield an isolated incident when  
2 Roger Villagrana got killed by Michael Pena?

3 A One individual, an 18-year-old kid that wasn't even a  
4 Vagos.

5 Q What about Chino Valley, when the Hells Angels and the  
6 Vagos shot it out there?

7 MR. HOUSTON: Your Honor, I object on foundation.

8 THE WITNESS: Where are we leading? Where are you  
9 going with this?

10 MR. HOUSTON: Excuse me. Hold on a second.

11 THE COURT: I'm going to sustain that objection, at  
12 this point.

13 MR. HALL: All right. Nothing further.

14 MR. HOUSTON: Briefly, Your Honor?

15 THE COURT: That was one question.

16 MR. HOUSTON: I know, but I will -- and he actually  
17 had three.

18 THE COURT: Okay.

19 RECROSS-EXAMINATION

20 BY MR. HOUSTON:

21 Q Mr. Siemer --

22 MR. HOUSTON: As you indicated, foundation on that  
23 question.

24 BY MR. HOUSTON:

25 Q Mr. Siemer, you indicated that the Hells Angels or the

1 Vagos did not wear their colors out of town due to respect,  
2 correct?

3 A Right.

4 Q There was no reason to celebrate the death of Jeffrey  
5 Pettigrew, true?

6 A Exactly.

7 Q And Tata did not want it to seem like the Vagos were  
8 doing so, did he?

9 A Exactly.

10 MR. HOUSTON: Thank you. Nothing further.

11 THE COURT: Can this witness be excused?

12 MR. HALL: Yes.

13 MR. HOUSTON: Yes. Thank you, Your Honor.

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

15 THE WITNESS: I can go home?

16 THE COURT: You can.

17 THE WITNESS: Thank you very much.

18 THE COURT: Ladies and gentlemen, we are very close to  
19 our normal breaking time, so we are going to take our next  
20 recess now before we hear from the next witness.

21 During this break, remember the admonition that I've  
22 given you at all the other breaks. Do not discuss the case  
23 amongst yourselves or anyone else. Do not form or express an  
24 opinion about the ultimate outcome of this matter. Do not  
25 listen to, view, or read any media accounts about this case,

1 and do not make any investigation or inquiry into any of the  
2 facts and circumstances surrounding this matter.

3 Go ahead, and go into the jury room for our second  
4 recess.

5 Court is in recess.

6 (End of morning session.)

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1 STATE OF NEVADA )

) ss.

2 COUNTY OF WASHOE )

3  
4 I, SUSAN CULP, an Official Reporter of the Second  
5 Judicial District Court of the State of Nevada, in and for the  
6 County of Washoe, State of Nevada, DO HEREBY CERTIFY:

7 That I am not a relative, employee  
8 or independent contractor of counsel to any of the parties, or  
9 a relative, employee or independent contractor of the parties  
10 involved in the proceeding, or a person financially interested  
11 in the proceedings;

12 That I was present in Department No. 4 of the  
13 above-entitled Court on July 30, 2013, and took verbatim  
14 stenotype notes of the proceedings had upon the matter  
15 captioned within, and thereafter transcribed them into  
16 typewriting as herein appears;

17 That the foregoing transcript, consisting of pages 1  
18 through 178, is a full, true and correct transcription of my  
19 stenotype notes of said proceedings.

20 DATED: At Reno, Nevada, this 7th day of September,  
21 2013.

22 /s/ Susan Culp

23 SUSAN CULP, CCR No. 343  
24  
25

54

Code No. 4185

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

THE HONORABLE CONNIE J. STEINHEIMER, DISTRICT JUDGE

-oOo-

STATE OF NEVADA,

Plaintiff,

vs.

ERNESTO MANUEL GONZALEZ,

Defendant.

Case No. CR11-1718B

Dept. No. 4

TRANSCRIPT OF PROCEEDINGS

JURY TRIAL

AFTERNOON SESSION

July 30, 2013

RENO, NEVADA

COPY

Reported By: DENISE PHIPPS, CCR No. 234

3545

APPEARANCES:

For the Plaintiff:

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- and -

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I N D E X

WITNESSES:	DIRECT	CROSS	REDIRECT	RECROSS
LEONARD M. RAMIREZ (Outside presence)	7			
LEONARD M. RAMIREZ (Inside presence)	19	31	38	43
GARY STUART RUDNICK (Outside presence)	46	51	59	61

<u>EXHIBITS:</u>	<u>MARKED:</u>	<u>ADMITTED:</u>
13 through 24	--	18
26-F through I	--	18
38	--	18

1 RENO, NEVADA, JULY 30, 2013, 2013, 12:15 P.M.

2 -o0o-

3  
4 (Hearing outside the presence of the jury)

5  
6 THE COURT: Counsel?

7 MR. STEGE: Yes, Your Honor. We had some  
8 documents delivered to chambers from the next witness,  
9 Mr. Ramirez, and I think the Court has the only copies of  
10 those.

11 THE COURT: Do you want those marked?

12 MR. STEGE: Yeah, I guess as a court exhibit.  
13 But I think the issue is the man has some psychiatric  
14 issues. But we don't believe it rises to the level that  
15 would prevent him from giving testimony today.

16 THE COURT: Have you spoken with him today?

17 MR. STEGE: Yes.

18 THE COURT: Have you seen any issues?

19 MR. STEGE: No. In fact, I talked to an  
20 investigator who has been with him today. There's no -- I  
21 don't see any competency issues with him being a witness.

22 THE COURT: Okay.

23 MR. HOUSTON: Your Honor, if I may?

24 THE COURT: Yes.

1 MR. HOUSTON: Actually, I approached him, sat  
2 down with him. He has a portfolio of his surgical  
3 intervention pictures, which are very, very graphic  
4 indeed.

5 It's a cut from what appears to be his sternum  
6 down toward his pelvic region that's completely spread  
7 open with spacers to supposedly allow it to heal. I asked  
8 him if he felt he could talk about this, and his comment  
9 was that he didn't feel he was fit to testify.

10 He's worried about what happens if he starts to  
11 get into it, because, as he explained to me, he spends a  
12 great deal of time trying to block it out because he can't  
13 deal with it.

14 THE COURT: Why is he carrying around those  
15 graphic pictures?

16 MR. HOUSTON: I guess to show what he had gone  
17 through. I don't know whether a lawyer told him to bring  
18 them or his doctor did. But someone advised him to bring  
19 that to show the Court what he had gone through to realize  
20 those letters were not just simply hocus pocus.

21 THE COURT: The letter is very suspect:  
22 Misspelled words, strange initials after the name. The  
23 clerk attempted to Google the name and the location that  
24 supposedly exists; no such person. So the letters are

1 very, very sketchy in terms of whether or not they  
2 represent what they purport to represent.

3 MR. HOUSTON: I know the Court's gotta make that  
4 call. I'm just overly concerned about protecting this  
5 trial and the record; and the last thing I would want to  
6 see is some sort of problem develop.

7 THE COURT: What kind of questions are you going  
8 to be inquiring? Are you going to ask him for the details  
9 of his injuries?

10 MR. STEGE: No. No. He was a percipient  
11 witness. He was there. He was a witness who was shot;  
12 but beyond being shot and being taken to the hospital,  
13 there's no necessity to talk about that, about the scope  
14 of his injuries.

15 MR. HOUSTON: If it's the case he was shot and  
16 went to the hospital, we'd stipulate that on the record to  
17 avoid the problem.

18 MR. STEGE: Well, no, there's a lot more to it.  
19 He's in places that he needs to explain what is happening.

20 THE COURT: Counsel approach.

21 (Bench conference between Court and counsel.)

22 THE COURT: We'll have a hearing. Please call  
23 the witness.

24 MR. HALL: Leo Ramirez.

1 (Witness sworn.)

2  
3 **LEONARD MICHAEL RAMIREZ**

4 called as a witness on behalf of the State,  
5 having been first duly sworn,  
6 was examined and testified as follows:  
7

8 **DIRECT EXAMINATION**

9 BY MR. STEGE:

10 Q Sir, will you state and spell your name.

11 A Leonard Michael Ramirez, L-e-o-n-a-r-d  
12 M-i-c-h-a-e-l R-a-m-i-r-e-z.

13 Q And you were present at the Nugget on  
14 September 23rd, 2011; is that correct?

15 A That's correct.

16 Q And ultimately you went to the hospital with a  
17 gunshot wound?

18 A Correct.

19 Q And you were a member of the South Coast Riviera  
20 Vagos chapter?

21 A Correct.

22 Q And you were involved in breaking things up at  
23 the Oyster Bar; is that right?

24 A We attempted to, yeah.

1 Q Now, after -- I'm going to jump ahead a little  
2 bit. After going to the hospital, you underwent surgery;  
3 is that correct?

4 A Correct.

5 Q And you were released from the hospital and went  
6 back home?

7 A Uh-huh.

8 Q And you brought some records with you today  
9 indicating you've undergone subsequent treatment; is that  
10 right?

11 A Correct.

12 Q And what is your recollection of the events or  
13 how good is your recollection of the events of  
14 September 23rd?

15 A I have no recollection of the events, only I  
16 guess leading up to it. Pretty much my last recollection  
17 is standing with Jake and talking to actually  
18 Mr. Pettigrew.

19 Q And do you have a recollection in terms of who  
20 shot whom, in general terms?

21 A I do not, no.

22 Q Do you have a recollection as to the type of  
23 weapon that was used to shoot you?

24 A I do not.

1 Q And when did your memory problems begin?

2 A Well, I never really tried to think about what  
3 happened too much. I was dealing with -- I left here. I  
4 went home, five days later I was in a coma in the  
5 hospital, in Orange County.

6 So the surgery that was done here, something went  
7 wrong, and I almost died subsequently. So I dealt with a  
8 lot of stuff. I've had four surgeries over the last two  
9 years. And none of them were minor. So --

10 Q So it's really a situation where you don't want  
11 to think about it, but you do have memories of it?

12 A Well, I don't have memories of it. I tried to  
13 think about it because I knew this was coming up. And  
14 it's something that I brought up to my psychologist. And  
15 I spoke with my psychiatrist about it, and the way she  
16 explained it, she said it's like a trigger mechanism that  
17 it allows you to go on with your everyday life without  
18 having to have those flashback memories of a traumatic  
19 experience, as she called it something like retrograde  
20 amnesia or something like that.

21 Q But you are going on with your regular life,  
22 right?

23 A As best as possible, sure.

24 Q You have a job?

1           A     Uh-huh.

2           Q     You have a family?

3           A     Yes.

4           Q     Do you have a mortgage, pay your mortgage?

5           A     No, I rent.

6           Q     But you're able to keep up with that?

7           A     It's been a struggle, but, yeah, missed a lot of

8     work.

9           Q     It's also true that after this event you were put

10    out bad by the Vagos, right?  You're going to have to

11    answer out loud.

12          A     Yes, sorry.

13          Q     And when did that happen, what month?

14          A     That's a good question.  I don't know.

15          Q     Was it one month, four months?

16          A     After the shooting?

17          Q     After the shooting, how long after that?

18          A     Maybe four, six months, maybe.

19          Q     And you were put out bad over your relationship

20    with someone who was later identified as an informant; is

21    that right?

22          A     That's what I believe.  But, yeah.  I mean, it's

23    speculation, I guess.

24          Q     And so you are concerned that if you testify



1 today that it would affect your status with the Vagos or  
2 affect your relationship with people who are Vagos?

3 A The relationship that I have with any of the  
4 Vagos that I know, I don't believe that -- I mean, I don't  
5 have any recollection. So it's really nothing for me to  
6 say.

7 Q You're afraid of retaliation from the Vagos if  
8 you testify?

9 A No, I'm not afraid of retaliation from anybody.

10 Q You know from being in the club that people who  
11 testify against the club are looked upon poorly?

12 A I'm not in the club, so it doesn't matter to me.

13 Q And you don't want to be seen as a snitch  
14 yourself from giving testimony in a case; isn't that true?

15 A I don't view a testimony or recalling an event  
16 being a snitch. You're just recalling, recanting the  
17 events that you can remember. So it's not like I'm  
18 turning someone in or anything like that. So, no, I don't  
19 believe that, in that manner.

20 Q What's the name of the person who said that you  
21 had retrograde amnesia?

22 A Marianne, my psychologist.

23 Q Is she trained as a medical doctor, to your  
24 knowledge?

1           A     She talked with the psychiatrist. I had a  
2     separate meeting with the psychiatrist without her  
3     presence, and they came together and said you shouldn't be  
4     going through this and we're going to write these letters.  
5     That's why Scott was supposed to give those to you before.

6           Q     Right, because it's emotionally traumatic for you  
7     to relive that?

8           A     To relive -- yeah, I guess you could say that.

9           Q     And psychologically difficult for you to relive  
10    or recount the events?

11          A     I suffer from anxiety and depression.

12          Q     Yet you hold --

13          A     Since the event.

14          Q     Yet you hold a job, right?

15          A     Yes. Sorry.

16          Q     And you were able to in fact get on the airplane  
17    yesterday and fly out here by yourself?

18          A     Yeah, but I had a lot of anxiety on the plane.  
19    The second plane I got on I asked to preboard.

20          Q     And you've been checked in the hotel yourself and  
21    you've been over here at court all day, right?

22          A     Yes.

23                MR. STEGE: Nothing further, Judge.

24                THE COURT: I haven't heard anything so far.

1 What are you going to inquire, what other areas are you  
2 going to inquire into?

3 MR. STEGE: On the stand I'm going to ask him  
4 about the events of that night.

5 THE COURT: Up to the point of his memory?

6 MR. STEGE: Well, right, and beyond. It's a  
7 subject more of argument. Let me ask him one more  
8 question.

9 BY MR. STEGE:

10 Q So you stated today that you don't know what kind  
11 of gun was used to shoot you; is that right?

12 A Correct. I don't remember.

13 Q Because you have no memory of it?

14 A No, I do not.

15 Q And when did these memory, your memory problems  
16 begin?

17 A I didn't really know that I was having major  
18 memory problems until I started seeing the psychologist.  
19 And she started trying to get me to recall things and talk  
20 about different things. That's when she told me, like,  
21 you're blocking certain things out.

22 Q You're blocking them out because it's emotionally  
23 difficult for you?

24 A I don't know if that's how I would word it. But

1 she just says your brain, it's like a safety mechanism.  
2 So you can go on with your everyday life, like I said  
3 before, and not have to have the stress of reliving the  
4 incidents. It's a normal psychosis, she said.

5 Q But it is true that you have talked about being  
6 shot subsequent to this event, haven't you?

7 A When? I mean...could have been a long time ago.

8 Q Right. How about in October of 2011, you talked  
9 about it then, didn't you?

10 A I don't remember talking about it.

11 Q Didn't you in fact tell someone that you were  
12 shot by a revolver?

13 A In October?

14 Q Yes.

15 A If I did, I don't remember. I mean, like I said,  
16 you can call my surgeon and he could probably verify what  
17 caliber came out of me.

18 Q But your surgeon never mentioned that you had  
19 memory loss, did he?

20 A My surgeon?

21 Q Right.

22 A No. No, never talked to my surgeon about that.

23 Q Would seeing the video of this incident refresh  
24 your recollection of those nights, of that night?

1           A     I don't know.

2           Q     Because you would agree that a video would be an  
3 accurate depiction of what you did that night?

4           A     I would imagine.

5           Q     And so viewing it might bring back some of these  
6 memories that you have a problem dealing with?

7           A     Possibly. It might bring back a lot of anxiety  
8 and depression as well. And that's part of the reason why  
9 my doctors wrote those letters.

10          Q     You don't want anxiety from testifying?

11          A     I think I block out the incident for a reason. I  
12 mean, I don't know -- if you have a video that shows what  
13 happened, then there's really no point in me saying what  
14 happened because it's on video. I mean, you could make me  
15 watch it, I suppose. The judge could say: Mr. Ramirez,  
16 you have to watch the video, but that's part of the reason  
17 why my doctors didn't think I should be up here.

18          Q     Because you'll have anxiety from it?

19          A     I have a tremendous amount of anxiety. That's  
20 why I started seeing the doctors, because I'm trying to  
21 get my family life back together.

22          Q     Did you express any -- you were feeling anxiety  
23 this morning?

24          A     I've been feeling anxiety really bad for the last

1 couple of weeks.

2 Q And it was worse this morning; is that --

3 A It's pretty bad right now.

4 Q And yet you never expressed that to any of the DA  
5 staff that you met with today, did you?

6 A I was under the impression that Scott had sent  
7 you the letters and you were aware of what was going on.

8 MR. STEGE: I have nothing else, Judge.

9 THE COURT: Did you have anything, Mr. Houston?

10 MR. HOUSTON: No, Your Honor.

11 THE COURT: You can step down. Please step  
12 outside and wait for me there.

13 (Witness excused.)

14 THE COURT: Counsel.

15 MR. STEGE: I think the man's competent to be a  
16 witness. He has anxiety about it. The extent -- I think  
17 we would be entitled to test the extent of his claimed  
18 memory loss on the stand in front of the jury.

19 THE COURT: The clerk has had an opportunity to  
20 find that there's someone by the name of Marianne Samuel  
21 on the Internet. So there is someone who goes by that  
22 name with those initials. Apparently has something to do  
23 with psychology, not necessarily a Ph.D., but is  
24 associated with the physician that the other letter is

1 from.

2 But the letters are not specific enough for the  
3 Court to exclude him as a witness. Therefore, at this  
4 time I am going to allow you to call him. However, I will  
5 caution counsel that this case isn't about his memory or  
6 lack thereof. And so I'll allow you to inquire as to  
7 relevant issues, but at some point if it requires that you  
8 move on, you're going to have to move on.

9 And I don't see any reason why either party has  
10 to look at those pictures that apparently give him a great  
11 deal of anxiety. Do you, Mr. Houston, Mr. Lyon?

12 MR. HOUSTON: No, Your Honor.

13 THE COURT: I ask we don't go into those pictures  
14 that cause him anxiety.

15 MR. HOUSTON: His medical pictures.

16 MR. STEGE: Your Honor, we did proffer some of  
17 our own photos of that evening related to him. Maybe if  
18 we can stip those in, we'll use them with another witness.

19 THE COURT: What documents are those?

20 MR. HOUSTON: If we can look at those.

21 THE COURT: Why don't you look at them now,  
22 together.

23 (Reviewing documents)

24 THE COURT: What are those numbers?

1 MR. STEGE: The exhibits in question, Judge, are  
2 28-F, G -- I'm sorry, 26-F, G, H and I. And there's  
3 another series in the 38 number that is 13, 14, 15, 16,  
4 17, 18, 19, 20, all the way through 24.

5 MR. HOUSTON: May I see those for just a second?  
6 And, Your Honor, we have no objection to the pictures.

7 THE COURT: Okay. Exhibit 26-F, G, H, I are  
8 admitted. Exhibit 38, 13 through 24 are admitted.

9 (Exhibits 26-F, G, H, I, 38, 13 through 24.  
10 admitted.)  
11

12 THE COURT: Bring the witness in. We'll reswear  
13 the witness in front of the jury.

14 (Jury present)

15 THE COURT: Counsel, will you stipulate to the  
16 presence of the jury?

17 MR. HOUSTON: Yes, Your Honor.

18 MR. STEGE: Yes.

19 THE COURT: Thank you. Please be seated. Call  
20 your next witness.

21 MR. STEGE: Leonard Ramirez.

22 ///

23 ///

24 ///



1                                **LEONARD MICHAEL RAMIREZ**

2                called as a witness on behalf of the State,

3                having been first duly sworn,

4                was examined and testified as follows:

5  
6                                **DIRECT EXAMINATION**

7        BY MR. STEGE:

8                Q        Sir, will you please state and spell your name.

9                A        Leonard Michael Ramirez, L-e-o-n-a-r-d  
10        M-i-c-h-a-e-l R-a-m-i-r-e-z.

11              Q        And back in September of 2011, you were in the  
12        South Coast Riviera chapter of the Vagos; isn't that true?

13              A        Yes.

14              Q        How long had you been in the Vagos?

15              A        A little over two years. About three years,  
16        maybe, right around there.

17              Q        Let's talk about the 23rd. Did you hold any  
18        offices in the Vagos?

19              A        I was a vice president.

20              Q        And on that night of the 23rd, were you down on  
21        the floor of the casino?

22              A        Yes.

23              Q        And were you wearing your Vago cut, your Vago  
24        vest?

1           A     Uh-huh.

2           Q     Were you also wearing a bandana around your  
3 forehead?

4           A     Yes.

5           Q     And at some point during the night did you go  
6 over to the Oyster Bar?

7           A     Was that where they were arguing?

8           Q     Yes.

9           A     Yes.

10          Q     And what did you do there at the Oyster Bar?

11          A     I was just watching Jake. I was actually, yeah,  
12 at the time I was acting sergeant-at-arms. So the task of  
13 the sergeant-at-arms is to keep the president safe.

14          Q     And safe from what?

15          A     From anything that might happen.

16          Q     And so you're shadowing your president,  
17 Mr. Evanson?

18          A     Correct.

19          Q     And what do you do there at the Oyster Bar?  
20 Who's arguing?

21          A     There's quite a few people arguing. I mean, it  
22 was mostly Jabbers and Pettigrew.

23          Q     And who else was there from the Vagos --

24          A     In the area?

1 Q Yeah.

2 A I don't remember.

3 Q At some point did you in fact go shoo people away  
4 from Pettigrew?

5 A I don't know if we -- I don't know if we shooed  
6 them away. Jake was trying to -- excuse me, Mr. Evanson  
7 was trying to diffuse the situation because he knew  
8 Mr. Pettigrew, I believe. He knew him personally. So I  
9 think he was kind of trying to go to his aid and just kind  
10 of diffuse everything and say everybody just go back to  
11 having a good time. I think that's kind of -- I was just  
12 there to shadow him. I wasn't listening to the  
13 conversations.

14 Q In fact, did you see him sort of make people get  
15 out of the Oyster Bar and stay away from Pettigrew?

16 A I don't remember that.

17 Q Do you remember whether prior to doing this like  
18 the mood of the other Vagos who were outside the Oyster  
19 Bar, besides Rudnick, what was their mood?

20 A I don't recall. We were all just having -- we  
21 were just there having a good time. We went over there  
22 when we heard something was going on. We were actually at  
23 a table having drinks.

24 Q And didn't someone wave you guys down like hey

1 something's going on down here?

2 A That I don't know. I just -- my president went,  
3 so I went with him.

4 Q And so after Rudnick is separated from Pettigrew,  
5 what happens next?

6 A I don't remember.

7 Q At some point do you end up leaving the Oyster  
8 Bar and going down to the Trader Dicks area or just  
9 generally on to the casino floor?

10 A Yeah, we left. We thought everything was fine as  
11 far as I know. I mean, I thought everything was okay and  
12 we left. That was it.

13 Q Do you know if senior people in the Vagos had  
14 been called to come and try to squash things with  
15 Pettigrew?

16 A No, I don't know.

17 Q So you leave that area, and what's the next thing  
18 that happens?

19 A I just see a scuffle break out.

20 Q What do you see when you see the scuffle break  
21 out?

22 A I don't remember. That's it. Flash forward to  
23 the hospital.

24 Q And when you woke up in the hospital, what did

1     you learn about your condition?

2           A     That I was shot and I just remember someone  
3     trying to pull a pillow off my face.

4           Q     You learned you had been shot in fact in the  
5     stomach or the belly area?

6           A     Right.

7           Q     Do you have any recollection of what shot you?

8           A     No, I do not.

9           Q     Do you have any recollection of the type of  
10    weapon used to shoot you?

11          A     I do not.

12          Q     Do you have a recollection of where you were in  
13    the casino when you were shot?

14          A     No. I mean, I know where I was standing when the  
15    scuffle broke out. But I don't know where I was standing  
16    when I got shot. There was like a little bar area that we  
17    were actually going there to go dance with some, with my  
18    wife and some of the other ladies. So that's where we  
19    just were going over there to dance. It was like a little  
20    dance area.

21          Q     Do you have a recollection of speaking with  
22    Detective Fiori in the hospital after you woke up?

23          A     No, I don't.

24          Q     Do you recall telling him that you had been shot

1 by Jethro?

2 A No, I don't recall.

3 Q Who is Jethro?

4 A Well, that's Mr. Pettigrew, I would imagine.  
5 Seen his name in the papers.

6 Q Do you have a recollection in October of 2011  
7 being visited in the hospital in California and stating  
8 that you didn't know who shot you but it was a revolver?

9 A No, I don't have a recollection of that.

10 Q Did you make that statement?

11 A I don't know.

12 Q Would it refresh --

13 A I was in the hospital. I was under a lot of  
14 trauma and a lot of pain, so I was on painkillers  
15 constantly, like even when I went home, I was on -- they  
16 were giving me painkillers and fentanyl patches.

17 If you see -- I have a picture of what I look  
18 like after the surgery. It looks like an autopsy. I was  
19 in a coma. I almost died. And I was under a tremendous  
20 amount of pain for a long time.

21 So if I said something, if someone came and  
22 interviewed me, I guarantee you I was on some pretty heavy  
23 stuff. So I don't recall anybody visiting me. I think my  
24 wife had tried to tell everybody when the detectives came

1 to the room, like they wanted us to give a statement in  
2 Reno. And she had told them we don't wish to give a  
3 statement; if they had any questions to please contact our  
4 attorney.

5 So given that, I don't know why a detective would  
6 come and see me after they've already been told that.

7 Q But you don't remember making the statement that  
8 Jethro shot you?

9 A I don't remember that.

10 Q You don't remember making the statement later?

11 A I don't remember making any statements at all.

12 Q Would it refresh your recollection to view the  
13 video of these events?

14 A I don't know.

15 Q Well, why don't we see and see how it affects  
16 your memory.

17 THE COURT: It's on both screens. You can see it  
18 either way.

19 BY MR. STEGE:

20 Q Let's start here, and let me just orient you here  
21 when we get to a clearer picture. This tile walkway in  
22 the middle leads up the top of this screen leads up to  
23 where Rosie's is. There's some bathrooms; the right side  
24 is the Aquarium Bar and the dance floor --

1           A     Rosie's was the restaurant?

2           Q     Yes.

3           A     Okay.

4           Q     Do you have a sense where we are right now?

5           A     No, not really. But I think I know what you're

6     talking about.

7           Q     I'm sorry, I think we missed you coming in here.

8                 Isn't that you right here wearing a headband?

9           A     I can't even see anybody; it looks like a

10    machine.

11          Q     But I want you to continue to view that area.

12          A     Wow.

13          Q     Did you recognize that to be you?

14          A     Where?

15          Q     That I just pointed out.

16          A     I'm sorry, I was watching what was going on at

17    the bottom of the screen.

18          Q     But --

19          A     Want to play it again.

20          Q     When I had circled that person, was that you, do

21    you know?

22          A     Yeah, looks like it.

23          Q     In fact, if we look at -- this view is taken,

24    it's the same area I just looked at from another angle.



1           A     See, I don't remember any of that.

2           Q     In fact, weren't you -- you were away from the  
3     area when the brawl started; isn't that true?

4           A     Yes.

5           Q     Which way -- were you down towards Rosie's; were  
6     you somewhere else?

7           A     I think that the wood is like the dance floor,  
8     right; is that right?

9           Q     Yes.

10          A     So we were kind of over in that area, because,  
11     like I said, we were going back over there to just go back  
12     to having fun.

13          Q     So you didn't see the brawl start; you saw it was  
14     going on and you ran to it or came up to it?

15          A     I don't see where I came up to it. But do I come  
16     into the picture somewhere?

17          Q     I believe you do. Let me show you and ask you if  
18     you see yourself.

19          A     Where am I looking?

20          Q     Keep your eye on the left-hand side of the screen  
21     here and I'm going to go a little slower here.

22          A     It doesn't look like I ran to it. It looks like  
23     I fell.

24          Q     Is that you on the --

1           A     That looks like me.

2           Q     What are you doing there?

3           A     Looks like I fell down.

4           Q     Was that when you got shot?

5           A     It's possible.

6           Q     Having seen --

7           A     I don't remember going down.

8           Q     Does it refresh your recollection now that you've

9     seen it?

10          A     No, I don't remember -- like I said, that's just

11     like foreign to me watching all those guys throwing

12     whatever they were throwing, glasses or bottles. Looks

13     like there's a lot of liquid flying around.

14          Q     Do you know Diego Garcia, Boo Boo, from the San

15     Jose Vagos?

16          A     Yes.

17          Q     Do you remember seeing him there?

18          A     Earlier in the day, yeah.

19          Q     Do you remember seeing him in the aisle by that

20     ATM machine where you just fell down?

21          A     No.

22          Q     Do you know if he had a gun?

23          A     No, I don't know.

24                 I didn't even -- the next -- I saw him earlier in

1 the day and talked to him, and the next time I saw him he  
2 was in the hospital, too. I didn't even know he had  
3 gotten shot.

4 Q Didn't you make the statement that there's a  
5 tall, lanky man waving a pistol that you thought was a  
6 revolver prior to getting shot?

7 A I don't recall making that statement.

8 Q Do you recall making the statement that you,  
9 after being shot, you got to your feet as soon as possible  
10 because you have martial arts training?

11 A No, I don't recall making that statement either.  
12 But it makes sense.

13 Q But it does make sense?

14 A Because if you train martial arts long enough  
15 everything becomes automatic. You don't have to think  
16 about it.

17 Q Did you have a weapon that night, a gun?

18 A No, I did not.

19 Q Do you remember making --

20 A I don't carry weapons. I don't own a weapon.

21 Q Do you ever remember making a statement that some  
22 of the other Vagos in the casino were, quote, strapped?

23 A No.

24 Q What does "strapped" mean?

1           A     I would imagine that means carrying.  
2           Q     That they were carrying a gun?  
3           A     Uh-huh.  
4           Q     Now, that we've seen some of the video and we've  
5     been talking about what happened, do you have --  
6           A     Your Honor, could I ask a question? May I ask a  
7     question.  
8           THE COURT: Of the --  
9           THE WITNESS: Yeah.  
10          THE COURT: No.  
11          THE WITNESS: Okay.  
12     BY MR. STEGE:  
13          Q     Now that you've seen some video and been talking  
14     about this, does any portion of your memory return?  
15          A     No.  
16          Q     Do you remember how you got to the hospital?  
17          A     It looks bizarre to me.  
18          Q     Do you remember how you got to the hospital?  
19          A     No, I do not.  
20          MR. STEGE: Court's indulgence.  
21          THE COURT: Okay.  
22          MR. STEGE: I'll pass the witness.  
23          THE COURT: Counsel.  
24          MR. HOUSTON: Thank you, Your Honor.

**CROSS-EXAMINATION**

BY MR. HOUSTON:

Q Good afternoon.

A Good afternoon, sir.

Q Do you want to take a couple minutes or is it okay to keep going?

A I'm okay.

THE COURT: You can pour another little bit of water if that would help.

BY MR. HOUSTON:

Q Would you like some water?

THE COURT: It's there.

BY MR. HOUSTON:

Q Okay.

Pretty safe to say that's pretty upsetting video for you, right?

A Yeah.

Q And you haven't seen that before, have you?

A No.

Q I know you've said a lot of times that you don't recall certain things after the fact, right?

A Uh-huh, correct.

Q And the fact is you had a lot of medical complications from this and almost died, right?

1           A     Yes.

2           Q     So you don't really remember even being  
3 interviewed by a police officer, do you?

4           A     Absolutely not, no.

5           Q     And if you were, I think as you told us, you had  
6 fentanyl patches and on top of that had oral analgesics,  
7 painkillers?

8           A     I was on a constant drip and I had patches. I  
9 mean, the wound, if you could see the wound, they had to  
10 come and clean it on a regular basis. And it was  
11 basically -- the only thing that was keeping my mid  
12 section together is what they called retention bars. The  
13 doctor cut straight through me this way and like this to  
14 open me up completely to get to all my organs. It was a  
15 bad surgery.

16                 And I was on a lot of painkillers for a long  
17 time. It actually -- I was worried about it. So as soon  
18 as I was able to, I weaned myself off of them because I  
19 did research on what they were and they were strong stuff.

20          Q     You're married?

21          A     Yes.

22          Q     And you have kids?

23          A     Yes.

24          Q     When you came up for Street Vibrations in 2011,

1 were you married in 2011 as well?

2 A Yes.

3 Q Had kids then, too?

4 A Yes.

5 Q You wouldn't have put yourself purposefully in a  
6 situation of getting hurt, would you?

7 A No.

8 Q Would that be the furthest thing from your mind?

9 A Absolutely.

10 Q Now, we saw on some of the video where what they  
11 called the Oyster Bar, you were kind of outside the Oyster  
12 Bar sort of shadowing Evanson?

13 A Yes.

14 Q Is it unusual for you to be there so you can  
15 shadow Mr. Evanson?

16 A No, it's actually required.

17 Q So you weren't there standing on the outside of  
18 the Oyster Bar to surveil Mr. Pettigrew, were you?

19 A No, no, I was at his shoulder right behind him.

20 Q Did you know Mr. Gonzalez that night? Had you  
21 met Ernesto Gonzalez before?

22 A Yes.

23 Q Did you see Mr. Gonzalez also outside the Oyster  
24 Bar?

1           A     Outside the Oyster Bar?

2           Q     Yeah, kind of about the same time you were.

3           A     I mean, possibly.

4           Q     If his president, Cesar Morales, were in talking

5     to some of the HAs, it would be sort of his job to be

6     standing out there, too?

7           A     Yes, absolutely.

8           Q     It doesn't mean he's surveilling Mr. Pettigrew

9     either, right?

10          A     No.

11          Q     You do have some pretty good recollection up to

12     the point you were shot, right, as far as what went on

13     that night?

14          A     As far as the argument. Like that scuffle to me

15     is foreign.

16          Q     You remember being there when Evanson was going

17     in trying to keep the peace?

18          A     I do remember that.

19          Q     And correct statement, it was because of what

20     Rudnick was doing, true?

21          A     That is correct. Everybody kept telling him to

22     calm down; and I believe Mr. Pettigrew had apologized, and

23     he was just trying to keep the peace basically. I mean,

24     the day before we were standing up front when Pettigrew



1 and his chapter checked in, and they came up and talked to  
2 us. They were very respectful.

3 Q Was it offensive to you that the HAs were in the  
4 Nugget hotel?

5 A I don't think anybody really was all that happy  
6 about it, but they were very respectful. They came up and  
7 they shook hands with everybody. It's kind of like in the  
8 club world, it's like a protocol, as a show of respect.

9 They could have came in and just said we're HAs,  
10 you guys are Vagos, we're not doing anything, we're not  
11 going to be respectful and come up and shake hands. But  
12 they all came up in a row and shook hands and introduced  
13 themselves and they were being respectful.

14 Q Would it be a fair statement that to your  
15 knowledge that the Vagos and the HAs co-exist with each  
16 other?

17 A Yes.

18 Q And the notion is to show respect and get  
19 respect, true?

20 A That's correct. That's one of their mottos.

21 Q And in fact, the night where all this went down,  
22 I think as you've said, you just went there to have a good  
23 time, right?

24 A Yeah, absolutely. I brought my wife. I mean, I

1 wouldn't bring her to a volatile situation. She was in  
2 the casino that night.

3 Q There was no plan, to your knowledge, of any  
4 attack upon Pettigrew by the Vagos as a club, was there?

5 A No, absolutely not.

6 Q Does that even make sense to you?

7 A No, as a matter of fact there had been  
8 conversations about them being in the hotel, and I  
9 remember most of the conversations were about at least  
10 they were being respectful. They weren't walking around  
11 like peacocks with their feathers out.

12 And I think because of the way Street Vibrations  
13 got set up, they had a booth that was right outside the  
14 casino. I think that was the motivation for staying  
15 there, because their booth was literally right outside the  
16 doors.

17 Q It was kind of your understanding, it was like,  
18 okay, we'll live with it?

19 A I mean, a lot of us actually went into their  
20 booth and looked at stuff and chatted with them a little  
21 bit and stuff. So I know a lot of the members did that.  
22 It's a mutual respect thing.

23 Q Now, as far as the character Jabbers, Gary  
24 Rudnick, did you have the authority to strong arm him and

1 drag him out of there?

2 A Yes and no. He's not one -- he wasn't in my  
3 chapter.

4 Q Is that a problem when you are not in one charter  
5 and you go and start something physical with a guy from a  
6 different charter?

7 A Right.

8 Q Especially if that guy is a VP, right?

9 A Right.

10 Q So if Rudnick is a VP, it's pretty difficult for  
11 you personally to take any sort of action against him,  
12 correct?

13 A It's really his chapter that's supposed to do  
14 that.

15 Q Right. How many times do you think people told  
16 him to knock it off that night, if you know?

17 A A lot.

18 Q It just didn't work, did it?

19 A No. I mean, I understand why he was upset. It  
20 is a sign of -- in the club world, it's a disrespectful  
21 thing to touch another member's patch. I get that. But  
22 the fact of the matter is they were just drinking and they  
23 weren't doing anything wrong, they were -- like I said,  
24 they weren't strutting around. They were in their little

1 own corner over there drinking, having drinks by  
2 themselves; they weren't bothering anybody.

3 They weren't eyeballing anybody or they didn't  
4 look like they were looking for a fight. They were just  
5 doing their thing.

6 Q No reason you knew of for the Vagos as a club to  
7 want to hurt the HAs?

8 A No, we knew they were there; we weren't really  
9 paying any attention to them.

10 Q Except for one guy?

11 A Well, yeah.

12 MR. HOUSTON: Thank you very much.

13  
14 **REDIRECT EXAMINATION**

15 BY MR. STEGE:

16 Q Except one guy backed up by all the Vagos  
17 standing outside the Oyster Bar; isn't that true?

18 A The Oyster Bar is where they were?

19 Q Where they were.

20 A I think when the argument happened, it attracted  
21 a crowd.

22 Q Right. A large crowd of Vagos was outside the  
23 Oyster Bar?

24 A Yeah, the whole casino was full of Vagos.

1 Q And a whole bunch of them ran over there when  
2 they heard there was a conflict with Pettigrew and they  
3 were standing outside, right?

4 A Yep. But I believe -- I remember -- I remember  
5 that part of it. And I remember everybody was, they were  
6 telling everybody go back to doing your thing. Just go  
7 back and have fun, go back to drinking, do your -- this is  
8 all -- it's all over, you know.

9 Q Yet people besides Rudnick or just Rudnick were  
10 going up to Pettigrew and going into that Oyster Bar?

11 A I'm not following what you're saying.

12 Q It wasn't just Rudnick who was going in there up  
13 to Pettigrew, was it?

14 A As far as I know.

15 Q Wasn't it Rocky Seimer, Top Hat, Cesar Morales?

16 A Going after Pettigrew?

17 Q Going and talking, into the Oyster Bar to talk to  
18 Pettigrew.

19 A I think they were just trying to diffuse the  
20 situation. They were trying to say, going to Rudnick and  
21 saying, hey, what happened and then going to him and  
22 saying what happened. It's all just a misunderstanding.  
23 He put his hand around him and said, hey, how's it going  
24 and he touched his patch.

1 Q Which is perceived in the Vago/HA world as  
2 disrespectful touching another person's patch?

3 A Right.

4 Q You were asked the question whether you had the  
5 authority to order Jabbers to do something or to check him  
6 and you sort of got caught off. Your answer was yes and  
7 no. Could you explain what you mean?

8 A I wasn't asked if I have the authority to order  
9 him to do something. I was asked if I have the authority  
10 to control him.

11 And I would say in a situation where it can be  
12 volatile and it needs to happen, then, yeah. I mean, if  
13 it's going to avoid a situation, then I probably would.  
14 But there was other people that outranked me there. And  
15 if my "P" would say you need to get him and remove him,  
16 then I probably would have done it.

17 Q And you would agree that it was a volatile  
18 situation, right, with Jabbers --

19 A At first. It seemed like he had calmed down. I  
20 mean, it seemed like they had talked it out. Pettigrew,  
21 he seemed to be all right. I mean, it was, I don't know,  
22 we were over there for a little while.

23 Q In fact, it was so volatile that phone calls went  
24 upstairs to people in national; isn't that true?

1 A I don't know.

2 Q You know who Albert Perez, Dragon Man, is?

3 A Do I know who he is? Yes.

4 Q He's the international sergeant-at-arms, right?

5 A I don't know. Is he?

6 Q Isn't he Tata's -- one of Tata's main guys?

7 A I know he's part of the club, I don't know what

8 he holds as far as status.

9 Q What about Jim Bo? What's his status?

10 A I don't know.

11 Q What about Tata?

12 A Tata is a president for the San Bernardino

13 chapter.

14 Q Isn't it true that he's the international

15 president for all Vagos?

16 A I would be speculating. I'm not in the club

17 anymore.

18 Q You were kicked out of the club because it turned

19 out that Evanson was a confidential informant; isn't that

20 true?

21 A I believe that's why, yes.

22 Q And so probably the other five witnesses who have

23 identified Tata as the international president are

24 incorrect?

1           A     I'm not saying that.  Incorrect.  I'm saying I  
2     don't know because I'm not part of the club anymore.

3           Q     But when you were in the club, he was, wasn't he?

4           A     When I was in the club, yes.

5           Q     And when you were in the club, Dragon Man was the  
6     sergeant-of-arms of international?

7           A     Yes, I believe so.

8           Q     You mentioned if your "P" had ordered you to do  
9     something against Jabbers, you would have that authority,  
10    right?

11          A     Well, I would probably need to act on it if he  
12    felt it was necessary to avoid a situation.

13          Q     So then people above your "P", people in  
14    international would definitely have that authority, right?

15          A     Yes.

16          Q     And "P"s of other chapters in a volatile  
17    situation would have the authority to quash things with  
18    Jabbers?

19          A     Uh-huh.

20          Q     Is that a yes?

21          A     Yes.

22          Q     And how many "P"s of the various chapters did you  
23    see on the floor of the casino that night?

24          A     One.



1 Q And who was that?

2 A Evanson.

3 Q What about Cesar Morales, president of San Jose?

4 A Earlier during the day or during the argument in  
5 the bar?

6 Q Leading up to the event.

7 A I don't remember. My focus was primarily on  
8 Mr. Evanson at that point. Because there was an argument  
9 going on, and my task is to make sure he's safe. So my  
10 complete focus was on that one person.

11 Q And his safety, you mentioned safety a few times,  
12 what does he need to be kept safe from?

13 A From anything that might happen.

14 Q Such as?

15 A If a fight breaks or people start throwing blows  
16 or something.

17 MR. STEGE: Nothing further. Thank you, Your  
18 Honor.

19 THE COURT: Did you have something?

20 MR. HOUSTON: Just a couple, Your Honor.

21  
22 **RECROSS-EXAMINATION**

23 BY MR. HOUSTON:

24 Q The argument you referred to was the argument

1 between Jabbers and Pettigrew?

2 A Correct.

3 Q He was doing pretty much all he can do to put  
4 that to rest, was he?

5 A Yes.

6 Q You thought it was put to rest?

7 A It was all taken care of.

8 Q Did you do anything to warrant being shot that  
9 night; were you attacking Mr. Pettigrew or Mr. Villagrana?

10 A No, not that I recall.

11 Q Do you wish someone had been able to stop them  
12 from shooting you?

13 A I'm sorry --

14 Q Do you wish that somebody would have stopped them  
15 from shooting you?

16 A Oh, yeah, absolutely.

17 Q Made a big difference, right?

18 A It would be nice if --

19 Q No one was there, right, to help?

20 A Yeah.

21 MR. HOUSTON: Thank you. Nothing further.

22 MR. STEGE: I don't have anything further.

23 THE COURT: You may step down. You're excused.

24 We're close to the end of the day. No, we're not. I'm

1 getting ahead of myself. Never mind.

2 (See partial transcript of the testimony of DONALD SANDY)

3 (The following was conducted in open court outside the  
4 presence of the jury.)

5  
6 THE COURT: Let the record reflect that we're  
7 convened outside the presence of the jury for a hearing  
8 outside the presence.

9 Counsel, are you ready to proceed?

10 MR. HALL: Yes, Your Honor.

11 THE COURT: Call your witness. Unless you want  
12 to do argument first.

13 MR. HALL: No. I'll call the witness. I think  
14 we have to make a determination of clear and convincing  
15 evidence. Why don't we just get right to the evidence  
16 part.

17 ///

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1                                   **GARY STUART RUDNICK**

2                   called as a witness on behalf of the State,

3                   having been first duly sworn,

4                   was examined and testified as follows:

5  
6                                   **DIRECT EXAMINATION**

7   BY MR. HALL:

8           Q     Sir, state your name and spell your last name.

9           A     Gary Stuart Rudnick, R-u-d-n-i-c-k.

10          Q     Do you know Ernesto Gonzalez?

11          A     Yes.

12          Q     And how do you know him?

13          A     A member of the Vagos.

14          Q     How long had you known him prior to  
15   September 23rd, 2011?

16          A     Since he's been in the club.

17          Q     How long have you been in the club?

18          A     Almost 10 years.

19          Q     And at the time, in September, what was your  
20   position?

21          A     Vice president.

22          Q     Of the LA chapter?

23          A     Yes.

24          Q     And how well did you know Mr. Gonzalez?

1           A     Very well.

2           Q     How often would you see him?

3           A     Pretty much on the runs he attended and I

4     attended.

5           Q     And how often would that be?

6           A     We had a run pretty much every month.

7           Q     And did you ever go up to San Jose?

8           A     Yes.

9           Q     Did he come down to your neck of the woods, down

10    in southern California?

11          A     Yes.

12          Q     Did he ever stop at your house?

13          A     Yes.

14          Q     Did you ever take rides with him?

15          A     No.

16          Q     No? You would just meet him in different areas?

17    I mean, when you would meet him at the end of the run,

18    when you would have runs, rides to a certain area, where

19    you party; is that accurate?

20          A     Yes.

21          Q     When Mr. Gonzalez came over to your house, would

22    he do anything, in particular?

23          A     Yes.

24          Q     What would he do?

1           A     He would drop off his gun.

2           Q     All right. And why would he do that?

3           A     He was going to cross the border.

4           Q     So is it not good to take a gun across the  
5 border?

6           A     Yeah, you don't want to take a gun across the  
7 border.

8           Q     Why is that?

9           A     You might get caught. I mean border check or  
10 something.

11          Q     So you're afraid that if they catch you with a  
12 gun as you're going across the border, that could be a  
13 problem?

14          A     Yes.

15          Q     And did you ever know Mr. Gonzalez to be involved  
16 in drug smuggling?

17          A     Yes.

18          Q     And can you tell me about that?

19          A     The club would go across the border to pick up  
20 drugs.

21          Q     Did you ever go across the border?

22          A     Yes.

23          Q     Did you ever go across the border with him?

24          A     No.

1 Q How do you know that he was involved then in drug  
2 smuggling?

3 A I don't for 100 percent sure, but that's what I  
4 was told.

5 Q Okay. And so somebody provided you with that  
6 information?

7 A Yes.

8 Q And that would be other members?

9 A Yes.

10 Q And was that your impression, when he would stop  
11 at your house and drop off the gun, that that's what he  
12 was doing?

13 A Yes.

14 Q Did you ever have discussions with him about  
15 that?

16 A No.

17 Q So he wouldn't say, yeah, I picked up a load or I  
18 picked up anything; he would just drop it off and drop off  
19 the gun and come back and pick it up?

20 A Yes.

21 Q How long would he be gone?

22 A A couple of days.

23 Q How often would that happen?

24 A I mean, I didn't count. Couple times.

1 Q So as far as the drugs go, you're not quite sure  
2 that he was trafficking in drugs; that's just what you  
3 heard?

4 A Yes.

5 Q But as far as the dropping off the gun at your  
6 house before you go over to Mexico, that happened on a  
7 number of occasions, at least, what, three or four?

8 A At least half a dozen times.

9 Q At least six times?

10 A Yes.

11 Q And you had known him, you indicated, for about  
12 five or six years?

13 A As long as he's been in the club and I've been in  
14 the club, yes.

15 Q And do you know a lot of members of the San Jose  
16 chapter?

17 A Yes.

18 Q Do you know of any other criminal activity that  
19 Ernesto Gonzalez was involved in?

20 A No.

21 Q So we just narrowed it down to drug smuggling and  
22 carrying guns, right?

23 A Yes.

24 MR. HALL: Thank you. No further questions.



1 THE COURT: Cross.

2  
3 CROSS-EXAMINATION

4 BY MR. HOUSTON:

5 Q Mr. Rudnick, you indicated that you have no  
6 firsthand knowledge as to any drug smuggling, as far as  
7 Mr. Gonzalez?

8 A Can you explain?

9 Q The only way you got information about  
10 potentially being involved in drug smuggling, meaning  
11 Mr. Gonzalez, was from other people?

12 A Yes.

13 Q All right. I want to talk to you a little bit  
14 about Mr. Gonzalez. You said you knew him well?

15 A I knew him when I was in the club.

16 Q And isn't it true when you were first -- well,  
17 when you were interviewed on February 15th, didn't you  
18 indicate to the police that you knew him as Romeo or Rome?

19 A Yes.

20 Q And you didn't even really know his last name?

21 A No.

22 Q So this guy that you know really well you don't  
23 even know his last name, true?

24 A Yes.

1 Q How many kids does he have?  
2 A We don't know that.  
3 Q Never talked to you about his family?  
4 A Yeah, there's a couple of times that he had his  
5 kid with him when he came to my house.  
6 Q A kid or his kids?  
7 A I didn't go into questions on that.  
8 Q Where did he live?  
9 A Excuse me?  
10 Q Where did Mr. Gonzalez live, what was his  
11 address?  
12 A San Jose.  
13 Q What was his address?  
14 A I don't know his address.  
15 Q Do you think he lived in San Jose and not San  
16 Francisco?  
17 A I don't know that for sure.  
18 Q You don't really even know where he lived?  
19 A No.  
20 Q What kind of business was he in?  
21 A I don't know that.  
22 Q Tell me the dates that he dropped off the gun.  
23 A I can't tell you the exact date. I don't keep  
24 track of that.

1 Q Tell me the time of year.  
2 A What do you mean by the time of year?  
3 Q When he dropped off the gun.  
4 A It was mostly at nighttime.  
5 Q Time of year. I don't mean time of day. I meant  
6 was it fall, spring, summer, the first time, how many  
7 times did you say there were? Six?  
8 A At least six times.  
9 Q Talk about the first one. What time of year was  
10 it? Spring, fall, summer?  
11 A I don't recall.  
12 Q How about the second time?  
13 A I don't recall it.  
14 Q Third time?  
15 A I don't recall.  
16 Q That would be true all the way through, correct?  
17 A Exactly.  
18 Q Anybody else back you up on this besides you?  
19 A My wife.  
20 Q Well, your wife's not here, true?  
21 A Yes.  
22 Q So is it really your wife or your girlfriend?  
23 A My wife.  
24 Q What's her name?

1 A Crystal.

2 Q And you're here testifying, but not Crystal,  
3 true?

4 A Yes.

5 Q You've entered into a negotiation with the State,  
6 correct?

7 A Explain yourself on that.

8 Q You entered into a plea bargain?

9 A I pleaded.

10 Q Do you have a bargain?

11 A No.

12 Q You didn't make a deal?

13 A No.

14 Q You didn't make a deal to have the charges  
15 dismissed?

16 A No.

17 Q So you think you pled straight up to everything  
18 that you were charged with initially?

19 A Yes.

20 Q Do you realize what you were charged with  
21 initially?

22 A Yes.

23 Q Did you ever look at the indictment?

24 A Yes.

1 Q What were you charged with?

2 A With murder.

3 Q Did you plead guilty to murder?

4 A I pleaded to conspiracy of murder, if I recall.

5 I don't have the paper with me.

6 Q You're not sure what you pled guilty to?

7 A I do, but I don't recall right offhand.

8 Q But you got some charges dismissed, right?

9 A Now, you also -- when you -- you had two

10 debriefings that we know of, right? You had one on

11 January 5th with Detective Eric Bennett, true?

12 A Yes.

13 Q And then you had another one on February 15th as

14 well, true?

15 A If that's the date I had it, I don't recall.

16 Q Now on your January 5th debrief you also admit

17 you're smuggling drugs internationally to a federal

18 officer, don't you?

19 A What's your question again? I'm sorry.

20 Q Do you remember talking to Detective Bennett and

21 telling him that you moved kilos of methamphetamine and

22 cocaine from Mexico to the United States?

23 A Yes.

24 Q Do you remember telling him that you bribed

1 border guards in the process?

2 A It wasn't me that bribed the border patrol.

3 Q You don't remember telling him you'd bundled up

4 \$500 and handed it over with your driver's license?

5 A I told him that's how the process worked.

6 Q Have you been prosecuted for those charges?

7 A No.

8 Q Have you been prosecuted for any distribution of

9 controlled substance in the United States?

10 A No.

11 Q Have you been prosecuted for anything in

12 reference relation to operations Simple Green?

13 A What's that now?

14 Q That was the investigation of the Vagos

15 operation, Simple Green.

16 A No.

17 Q So the only prosecution then that you're facing

18 is the one conspiracy to commit murder?

19 A Yes.

20 Q What's your sentence going to be?

21 A Four to ten.

22 Q Have you stipulated to that?

23 A That's what it is. That's what I understood it

24 was.

1 Q So you understand you're going to prison for a  
2 minimum of four years?

3 A Four to ten.

4 Q Meaning you're going to prison?

5 A Yes.

6 Q You're not expecting probation?

7 A No.

8 Q We'll get into that later.

9 So as far as you're concerned, the other activity  
10 referencing the smuggling from Mexico to U.S. is not going  
11 to be charged?

12 MR. HALL: Your Honor, I'm going to object. As  
13 counsel well knows, there's a little corpus issue. So it  
14 couldn't be charged. So this whole line of questioning is  
15 basically unsupported by law, and he knows better than  
16 that.

17 MR. HOUSTON: That's not true.

18 THE COURT: Gentlemen, it's not relevant for the  
19 purposes of today. He's already said what he believes his  
20 charges are going to be.

21 BY MR. HOUSTON:

22 Q As far as Mr. Gonzalez and dropping the gun off  
23 at your house six times, over what period of time was  
24 that?

1 A I don't recall.

2 Q You don't know the dates, the time of year but  
3 you do recall it was six times?

4 A Yes.

5 Q What kind of gun?

6 A Small handgun.

7 Q And Mr. Gonzalez, according to you, would drop  
8 that gun off because he didn't want to be caught with a  
9 gun wherever he was going?

10 A Going across the border.

11 Q How do you know he went across the border?

12 A Because he would tell me.

13 Q You never went with him when he went across the  
14 border after leaving the gun?

15 A No.

16 Q Did you ever verify where he went?

17 A No.

18 Q As far as dropping the gun off then, what we have  
19 today to support that is your testimony that it happened  
20 at some time but you're not sure when, right?

21 A Yes.

22 MR. HOUSTON: I have no further questions.

23 THE COURT: Mr. Hall.

24



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BY MR. HALL:

Q Now, with respect to the gun being dropped off at your house, do you recall when you may have met Mr. Gonzalez, like for the first time?

A On one of the Vago runs.

Q So this happened in 2000 -- let's see if we can work this out in our head, try to figure out when it could have been. Okay. Just so we have some temporal proximity to provide the Court with some information about when that gun could have been dropped off.

So you've been a Vago for eight or nine years at that time, correct?

A Yes.

Q How long after you joined the Vagos do you think that you may have met the defendant?

A Last four to five years.

Q Okay. And so you knew him for probably four or five years prior to the September 23rd incident, would that be fair to say?

A Yes.

Q And so -- and you would meet him on those runs.  
You guys know him fairly well; is that fair to say?

A Yes.

1 Q There was the Vagos network? I mean, people  
2 know, they communicate on a regular basis; would that be  
3 fair to say?

4 A Yes.

5 Q Communicate on the national runs, through your  
6 regular meetings, those types of things, information you  
7 shared?

8 A Yes.

9 Q So Mr. Gonzalez would stop at your house,  
10 probably in the four years preceding your trip up to Reno  
11 in September of '11, correct?

12 A Yes.

13 Q And your estimate was that he came over at least  
14 six times?

15 A Yes.

16 Q Now, did he drop a gun off every time or would he  
17 come over on other occasions as well?

18 A Every time.

19 Q Okay. And so would it be once a year, twice a  
20 year or can you recall, or more often?

21 A I don't recall. I mean, I didn't keep track.

22 Q But you just recall within the last four years he  
23 dropped it off at least six times?

24 A Yes.

1 Q And I guess down there, there are no seasons  
2 really to speak of, is there, down in southern California?

3 A Fall, spring.

4 Q It's not like up here it rains, it snows. So you  
5 can't say I remember when it was snowing when he came  
6 over; it's typically sunny where you live, right?

7 A Yes.

8 Q So that's not going to be something that you can  
9 identify with him coming over to your house, right?

10 A Yes.

11 Q And you've got a couple of kids, right?

12 A Yes.

13 Q And your wife knows Mr. Gonzalez as well?

14 A Yes.

15 Q So she's met him a couple of times?

16 A Yes.

17 Q He brought his children or at least one child  
18 over to your house on at least one occasion?

19 A Yes.

20 Q Thank you. No further questions.

21  
22 **RECROSS-EXAMINATION**

23 **BY MR. HOUSTON:**

24 Q Going back to the gun issue, approximately the

1 first time, what year?

2 A I don't keep track.

3 Q Do you know when Mr. Gonzalez was in Hawaii?

4 A No, it's not my concern.

5 MR. HOUSTON: All right. Nothing further. Thank  
6 you.

7 THE COURT: May this witness step down?

8 MR. HOUSTON: Yes, Your Honor.

9 THE COURT: You may step down, I think you'll be  
10 called at a later time.

11 Counsel.

12 MR. HALL: Well, at least we don't have to worry  
13 about the drug issue.

14 THE COURT: That's true.

15 MR. HALL: So with respect to the gun, I don't  
16 know that that necessarily is another bad act evidence.  
17 So I think that merely describes his knowledge of the  
18 defendant and the fact that he did meet the defendant on a  
19 number of occasions when he came by.

20 So in light of the fact that it is part of his  
21 knowledge of the defendant and it's not necessarily a bad  
22 act, I don't know that it needs to be excluded from his  
23 testimony.

24 We would ask we be allowed -- as counsel

1 mentioned, he brought it up during his other interviews.  
2 So he's been consistent in that regard.

3 Obviously knows the defendant. They were seen  
4 together there at the, on the video on a number of  
5 occasions and during the course of the evening, I should  
6 say. They're in the same club; it would be consistent  
7 with his knowledge of the defendant.

8 MR. HOUSTON: Your Honor, I'm somewhat surprised  
9 the prosecutor, after asking for a Petrocelli hearing,  
10 recognizing it was a PBA, now is saying, well, since I  
11 can't prove it's a PBA, so let's call it something else.

12 The fact of the matter is there's absolutely  
13 nothing to support this as a clear and convincing  
14 standard. And I'd ask the Court to exclude reference to a  
15 firearm. Thank you.

16 THE COURT: Yes?

17 MR. HALL: I just take exception to him saying  
18 that I'm calling it something else when we're talking  
19 about trafficking kilos of cocaine versus dropping off a  
20 gun. I mean, obviously trafficking kilos of cocaine is  
21 what I was concerned about, and the gun was part and  
22 parcel of the reason why he was dropping off the gun when  
23 he was going to get cocaine. So they were tied together  
24 in that sense. However, I don't believe it is other bad

1 act evidence because it's not illegal necessarily to carry  
2 a gun or drop off a gun at somebody's house.

3 THE COURT: In terms of whether or not the  
4 evidence has shown sufficiently for prior bad act  
5 evidence, it hasn't been. And so in that regard the  
6 discussion about drugs and weapons should be excluded.

7 I agree with you, it's not necessarily illegal to  
8 have a gun, but in the context of this particular case, we  
9 have a stipulation from the defense that he did have a gun  
10 and that he was using it.

11 And absent any argument that he doesn't use guns,  
12 doesn't possess against, that he found the gun on the  
13 floor, something like that, this evidence really wouldn't  
14 be relevant and could be highly prejudicial and not  
15 probative.

16 So although the communication between the two,  
17 the visits between the two, the knowledge of each other's  
18 family, et cetera, that would be totally relevant and goes  
19 to the relationship between the two and whether or not  
20 Mr. Rudnick's ultimate testimony will be believed.

21 MR. HALL: I just have one observation, and my  
22 observation was when Mr. Lyon was cross-examining Donald  
23 Sandy, he was traversing Mr. Sandy's observation that the  
24 defendant shot Mr. Pettigrew. So initially they said,

1    yeah, we're going to stipulate to it but then they get up  
2    and say you didn't see that.  So I haven't seen that  
3    stipulation yet in writing.  I mean, I heard it in his  
4    opening.  But I just thought it was interesting that then  
5    they get up and try and call Mr. Sandy a liar,  
6    essentially.

7               MR. HOUSTON:  Well, Your Honor, I think he's  
8    misplaced the function of that examination of the witness.  
9    The witness was indicating positioning timing; that was in  
10   dispute.  I've said it in the opening.  For Mr. Hall's  
11   benefit.  I'll say it again the defendant admits he fired  
12   at the direction of Mr. Pettigrew and Mr. Villagrana.  I  
13   made it clear and I'll make it clear again.

14              MR. HALL:  He throws in Villagrana.

15              MR. HOUSTON:  Well, he was standing there, I  
16   didn't throw him in.

17              MR. HALL:  Connect him to the guy with no gun.

18              MR. HOUSTON:  He had a gun.  It was laying  
19   underneath him.

20              THE COURT:  Gentlemen, are you through?

21              MR. HOUSTON:  Yes.

22              THE COURT:  So with regard to this particular  
23   part of Mr. Rudnick's testimony, I think it's highly  
24   prejudicial to talk about dropping of guns when we don't

1 have any relationship. In light of the stipulations I do  
2 not think it's necessary, it's not probative of anything.

3 So I am going to grant the request. I guess  
4 denying the State's request asking the defendant's  
5 request. Either way we look at it, Mr. Rudnick shouldn't  
6 be talking about this dropping off of guns.

7 So we're on schedule for tomorrow for 7:30; is  
8 that correct?

9 MR. HALL: We're on schedule. However, you know,  
10 I do note that we do have a number of other witnesses. So  
11 we're going to have to -- counsel, defense counsel is  
12 going to have to step it up here a little bit.

13 MR. HOUSTON: Your Honor, can we have an idea who  
14 the witnesses are tomorrow. I'm going to guess  
15 Mr. Rudnick.

16 THE COURT: Does that mean we'll go quicker?

17 MR. HOUSTON: Absolutely. That's my goal.

18 MR. HALL: So if he cannot take all day with  
19 Mr. Rudnick, we can move forward with this.

20 THE COURT: We've had 21 witnesses so far. And  
21 we're at a week.

22 MR. HALL: About halfway done.

23 THE COURT: So that's not really -- if we're only  
24 halfway done, it's going to be tough to get finished so



1 we're going to have to --

2 MR. STEGE: I count about 15 more.

3 THE COURT: Okay. So.

4 MR. HOUSTON: So, Your Honor, if we start  
5 tomorrow with Mr. Rudnick tomorrow, who would follow?

6 MR. STEGE: We've been doing it at the bench.

7 THE COURT: Absolutely. You may approach.

8 (Bench conference between Court and counsel.)

9 THE COURT: It's my understanding counsel has a  
10 stipulation with regard to evidence that you will have no  
11 objection if it is offered; is that correct?

12 MR. HALL: That's correct, Your Honor.

13 MR. HOUSTON: Yes, Your Honor.

14 THE COURT: What would those exhibits relate to?

15 MR. HALL: Those would be Exhibits 1 through  
16 155-B.

17 MR. LYON: What number is that?

18 MR. STEGE: 74.

19 MR. HOUSTON: Yes, Your Honor.

20 THE COURT: Okay. Now, it's my understanding  
21 that even though you're stipulating to the admissibility  
22 of those, there are some exhibits that the State would  
23 like to withdraw and do you know what those exhibit  
24 numbers are.

1 MR. HALL: No.  
2 THE COURT: Work on it.  
3 MR. HALL: Need time to work on it, yes.  
4 THE COURT: If you have no objection to them  
5 withdrawing those exhibits, then I will make a ruling and  
6 direct the clerk to return them to the State as long as  
7 you have no objection. But we can go through that later  
8 today, tonight, and you can make a record tomorrow  
9 afternoon.  
10 MR. HOUSTON: Sounds good.  
11 THE COURT: Anything further for today?  
12 MR. HOUSTON: Nothing Your Honor.  
13 MR. HALL: No.  
14 THE COURT: Thank you, gentlemen. Court's in  
15 recess.

16 (Recess taken at 3:55 p.m.)  
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STATE OF NEVADA     )  
                              )  
COUNTY OF WASHOE    )

I, DENISE PHIPPS, Certified Shorthand  
Reporter of the Second Judicial District Court of the  
State of Nevada, in and for the County of Washoe, do  
hereby certify:

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

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

DATED: At Reno, Nevada, this 18th day of  
September, 2013.

/s/ Denise Phipps

DENISE PHIPPS, CCR No. 234, RDR, CRR

55

Code No. 4190

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF WASHOE

THE HONORABLE CONNIE J. STEINHEIMER, DISTRICT JUDGE

-oOo-

STATE OF NEVADA,	)	
	)	
Plaintiff,	)	Case No. CR11-1718B
	)	
vs.	)	
	)	Dept. No. 4
ERNESTO MANUEL GONZALEZ,	)	
	)	
Defendant.	)	
_____	)	
	)	

PARTIAL TRANSCRIPT OF PROCEEDINGS

JURY TRIAL - AFTERNOON SESSION  
EXAMINATION OF DONALD SANDY

JULY 30, 2013

RENO, NEVADA

COPY

Reported By: DENISE PHIPPS, CCR No. 234, RDR, CRR

3614

APPEARANCES:

For the Plaintiff:

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Deputy District Attorney  
Washoe County

AMOS STEGE  
Deputy District Attorney  
Washoe County

For the Defendant:

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- and -  
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I N D E X

WITNESSES:	DIRECT	CROSS	REDIRECT	RECROSS
DONALD SANDY	4	25	49,65	59

<u>EXHIBITS:</u>	<u>MARKED:</u>	<u>ADMITTED:</u>
157	15	15
12-G		56
12-R		56

1 RENO, NEVADA, TUESDAY, JULY 30, 2013

2 -oOo-

3  
4 (Beginning of partial transcript.)

5  
6 DONALD SANDY,

7 Called as a witness by the State,  
8 having been first duly sworn, was examined  
9 and testified as follows:

10  
11 **DIRECT EXAMINATION**

12 BY MR. HALL:

13 Q Sir, you go by Sandy, Donald Sandy?

14 A Yes, sir.

15 Q And did you happen to be up in Reno on  
16 September 23rd, 2011?

17 A Yes.

18 Q And who did you come up to Reno with?

19 A Jethro, Cesar and Little Andy.

20 Q Did you ride bikes?

21 A Yeah.

22 Q What time did you arrive?

23 A We probably got here about 5:30, 6:00ish on that  
24 Friday.



1 Q And you indicated that you came up with Jethro,  
2 Cesar and Little -- I didn't catch that.

3 A Little Andy.

4 Q Little Andy.

5 A He goes by Little Andy.

6 Q That's not Jimmy Arnett, is it?

7 A Arnett.

8 Q He just goes by Little Andy?

9 A Yes.

10 Q Jethro is president of the San Jose chapter;  
11 Cesar is a member?

12 A Yes.

13 Q And Little Andy or Jimmy Arnett is also a member?

14 A Yes.

15 Q You got here about 5:30 or 6:00?

16 A Yes.

17 Q When you got here, did you meet with anybody in  
18 particular?

19 A Not really. We just parked across from the  
20 trailer.

21 Q Okay. The trailer was parked out there on  
22 Victorian Avenue, kind of facing -- I guess it would be  
23 north?

24 A North.

1 Q And parked over close to the trailer?  
2 A Yes, right across the street.  
3 Q And did you see Bobby V and some of the folks  
4 that were hanging around him?  
5 A Yes.  
6 Q Were there any other people hanging around you  
7 guys at that time, or did you just ride up, the four of  
8 you?  
9 A We picked up people up in Auburn and also  
10 Truckee.  
11 Q All right. And how many of you arrived at the  
12 Nugget together that afternoon?  
13 A Just the Nugget alone, I would say probably ten,  
14 ten of us came to the Nugget.  
15 Q Was that the group that was in the Oyster Bar a  
16 little later that night, that same group?  
17 A Yes.  
18 Q So how many total people were there with you  
19 inside the Oyster Bar?  
20 A Probably max of 12, 14.  
21 Q All right. So you arrive; you park out front.  
22 Did you hang around the booth and go inside to the Oyster  
23 Bar, were those the two primary places you were?  
24 A We were kind of in and out throughout the day.

1 Q Did you check into the hotel before or at any  
2 time?  
3 A Later in the evening we did.  
4 Q Did you put your bags up in your room and that  
5 sort of thing?  
6 A Yes.  
7 Q And then did you come back down to the Oyster  
8 Bar?  
9 A Yes.  
10 Q All right. And how long did you, how long would  
11 you estimate you were at the Oyster Bar?  
12 A We left there, it was roughly about 11:15, 11:30,  
13 I want to say.  
14 Q While you were there, can you describe the mood  
15 of the people that you were with?  
16 A We were all fine, in a good mood. A little tired  
17 from the ride and whatnot, but we were just fine.  
18 Q Did there come a time when there was a problem  
19 with Pettigrew and members of the Vagos?  
20 A Yes.  
21 Q Could you describe it from your perspective?  
22 A Throughout the day, when we got there, shortly a  
23 couple of hours after we were in and out of the Oyster  
24 Bar, they had come up to us four or five times within the

1 evening.

2 Q When you say "they," were you talking about  
3 various members of the Vagos?

4 A Yeah.

5 Q It wasn't just one guy?

6 A The first time there was only a few, maybe 10.  
7 The second time, a little more of them; the third time  
8 more. Probably about four times they come up, by then  
9 there was 100 deep of them.

10 Q And that was over at the Oyster Bar?

11 A Yeah.

12 Q So after that it appeared as though there was  
13 some people talking to Jethro Pettigrew over at the Oyster  
14 Bar in an effort to ease the tension?

15 A Yes.

16 Q And so did there come a time after that -- let me  
17 rephrase that. At about 12:03, there's a number of  
18 people, excuse me, 11:04, I think is what I had, in my  
19 mind, on one of the videos, Oyster Bar video, 11:03,  
20 11:04.

21 There was about five or six people talking to  
22 Mr. Pettigrew. And then shortly before -- do you remember  
23 what time you guys left the Oyster Bar?

24 A I don't remember for sure what time it was; it

1 was fairly late. I would say it's probably 11:30ish,  
2 maybe closer to midnight. Not too sure.

3 Q 11:26, something like that. About 20 minutes  
4 before that there's about four or five Vagos talking to  
5 Pettigrew; do you remember that?

6 A Yes.

7 Q Seemed like there weren't that many Vagos around,  
8 just that group. Were you privy to that conversation?

9 A I did not hear it.

10 Q And did you get the impression that everything  
11 was going to be fine as far as you guys proceeded to your  
12 room through the casino?

13 A Yeah, because Jethro came up to me to say that  
14 everything was okay. There was a mutual agreement;  
15 nothing was supposed to happen that weekend.

16 Q Okay. So did you get the impression he had  
17 assurances from the Vagos?

18 A What I had seen was their main guy, it seemed  
19 like.

20 Q So you felt comfortable -- Jethro felt  
21 comfortable, and he conveyed to you that it seemed like  
22 everything was going to be fine as far as you guys  
23 proceeding to your room?

24 A Yeah. Actually I was going to stay there at the

1 bar with some other people. And I told him I was going to  
2 stay. He said they were going to the room, he told me no,  
3 I was to go with them. And I said why? He said because  
4 I'm wearing my colors. And I said you're probably right.  
5 And I left with him.

6 Q Can you explain the significance of -- can I ask  
7 you to speak up a little bit. I can't hear very well.

8 You mentioned that Jethro was going to leave, he  
9 wanted you to come with him because he was wearing his  
10 colors?

11 A I was wearing my colors.

12 Q You were wearing your colors. And was there  
13 concern about you wearing your colors and you being alone?

14 A Yeah, pretty much.

15 Q So he said come with us, we need to stay  
16 together?

17 A Yeah.

18 Q Strength in numbers?

19 A Yeah.

20 Q So you all basically left at the same time, had  
21 kind of a rally and then take off?

22 A We were probably like two separate groups, if I  
23 remember right.

24 Q But all generally at the same time?

1           A     Went at the same time.

2           Q     Did you get separated as you were walking from  
3     the Oyster Bar over towards the elevators?

4           A     Yeah.

5           Q     And what group were you in? We saw two groups.  
6     There was kind of a first group and a second group with  
7     Pettigrew, Cesar, looked like?

8           A     Bobby V. I was with Jethro, Cesar, Bobby V, me,  
9     Eugene.

10          Q     DeRosa?

11          A     Yes, Chris.

12          Q     And so you were in that group?

13          A     Yeah.

14          Q     Can you describe what happened?

15          A     As we were walking by, one of the guys, two of  
16     them, three of them were standing there. One talks to  
17     Jethro and asked if everything was going to be okay  
18     tonight. There's going to be no problems. Jethro walked  
19     up to him, said everything's going to be cool. It's a  
20     squash over the weekend, kind of touched him, I want to  
21     say kind of on the shoulder. And a few more guys came  
22     around and I kept walking probably 10 feet away from him.  
23     I don't know what else was said after that.

24          Q     You said a few more guys started approaching, are

1 you talking about your guys or their guys?

2 A Their guys.

3 Q So more Vagos started approaching Jethro's  
4 location as he stopped to talk to this Vago?

5 A Right.

6 Q Did that cause you concern?

7 A Yeah.

8 Q Why?

9 A We were outnumbered, regardless. If anything was  
10 going to happen, it was -- I didn't feel safe.

11 Q So then what happened?

12 A Next time I knew it, punches were being thrown; I  
13 could hear bottles, people yelling, screaming. So I was  
14 confronted by one of them. We were going to kind of  
15 square off. He didn't want any, and I certainly didn't  
16 want any. And we sat there and watched. And I see Jethro  
17 and Cesar fighting.

18 Q Did you see Jethro pull his gun?

19 A Yeah.

20 Q Did you see him get hit in the back of the head?

21 A I don't remember him getting hit in the back of  
22 the head.

23 Q Do you remember him getting hit at all?

24 A Yeah.



1 Q All right. Was that at the beginning of the  
2 fight or later?

3 A Later.

4 Q Okay. So you don't recall anybody punching him  
5 from behind?

6 A No, I don't recall that.

7 Q He pulls out his gun. And what did you notice  
8 about other members of the Hells Angels, for example,  
9 Bobby V, did anything happen to him?

10 A Bobby V was hit. On the ground, Jethro was  
11 trying to get him up. Jethro was waving his gun, just  
12 trying to get people to back up. And Cesar, same thing,  
13 was waving his gun. Trying to gather things up.

14 Jethro had his laptop. Trying to get that. And  
15 Cesar had his mask for his breathing at night. And so  
16 they were trying to gather everything up and whatnot. We  
17 thought it was over, but apparently not.

18 Q Did something happen that kind of took things to  
19 the next level?

20 A I think the whole thing with Bobby V being down,  
21 they were still kicking on him and hitting him. Jethro,  
22 when he went to go help him, it was kind of -- I think at  
23 that time they were throwing more beer bottles. I know  
24 Chris got hit on the side of the head with a bottle. And

1 Eugene got hit.

2 And it kind of escalated from there, just more  
3 and more. So Jethro was trying to help them and more and  
4 more came after Jethro. There was more knives and whatnot  
5 out at that time.

6 Q Did you see Jethro go over to, come to the aid of  
7 Bobby V?

8 A Yes.

9 Q And so what happened when he was over at that  
10 location; did you see anything happen to Jethro?

11 A Not really. I just remember picking him up.  
12 Lori came around, Bobby's wife, and kind of got Bobby out  
13 of there.

14 Jethro was at that time around the side of the  
15 slot machines. I couldn't see him from there. But I  
16 could hear the beer bottles and noise, commotion. I was  
17 already by the other bar.

18 Q Did you retreat back into the bar at that time?

19 A I stood right in front of the flower bed right  
20 there, on the opposite side of where Jethro was.

21 Q So you were standing there watching what was  
22 going on?

23 A Yes. Because Cesar went by me towards the  
24 bathrooms.

1 MR. HALL: Can I have this marked, please?  
2 THE CLERK: Exhibit 157 marked.  
3 (Exhibit 157 marked.)  
4 BY MR. HALL:  
5 Q I have a diagram. And if you could explain where  
6 you were. I'll show you the bigger diagram first, then  
7 we'll scale it down and use 157.  
8 The bigger diagram is here marked as Exhibit 130.  
9 Perhaps you can orient yourself to Exhibit 130. I just  
10 would indicate that this would be the Fish Tank Bar, men's  
11 and women's bathroom, entry to Trader Dicks area here.  
12 And so I want to show you a smaller diagram that  
13 is a little more descriptive of this area, the dance floor  
14 area, the area back behind the Fish Tank Bar, okay.  
15 A Okay.  
16 THE COURT: Any objection to the admission of  
17 Exhibit 157?  
18 MR. HOUSTON: No, Your Honor.  
19 THE COURT: It's admitted.  
20 (Exhibit No. 157 admitted.)  
21 BY MR. HALL:  
22 Q Can you see 157 there?  
23 A Yeah.  
24 Q Do you recognize what 157 depicts or what it

1 shows?

2 A Yes.

3 Q You can see the tile walkway right there in the  
4 middle of the diagram?

5 A Yes.

6 Q You can write on your screen to indicate where  
7 you were. So, for example, where the fight generally  
8 broke out and where you went from there. So if you could  
9 describe where you went.

10 A I was right between, right there, in front of the  
11 flower bed.

12 Q That's right when the fight broke out?

13 A Yeah.

14 Q And then where did you go from there?

15 A I stood right here in front of the entrance of  
16 that area.

17 Q And how long were you at that location?

18 A Probably a good minute, minute and a half.

19 THE COURT: Counsel, I'm sorry. I think you  
20 disconnected.

21 MR. HALL: I'm sorry.

22 THE COURT: Thank you.

23 BY MR. HALL:

24 Q I'm sorry. I was asking you, you were at that

1 location for about a minute. And then what was happening  
2 while you were at that location? Did you hear any shots  
3 fired while you were at that location?

4 A Yeah. There were shots fired. From there I kind  
5 of went even further into the restaurant, within the doors  
6 or the opening, right by the first booth, a little further  
7 in.

8 Q Did you see who was doing the shooting at that  
9 time?

10 A I couldn't tell. At that time I couldn't tell.  
11 I could just hear bullets and guns.

12 Q Right. So you're ducking for cover at that time?

13 A Pretty much, yeah.

14 Q All right. Now, this area of the dance floor,  
15 the diagram would indicate that there's a wall along here;  
16 is that accurate?

17 A Yes.

18 Q So we've got a couple of booths right there  
19 inside of the Trader Dicks dance floor?

20 A Yes.

21 Q And there's some tables here and there's a dance  
22 floor over in this area; is that how that's laid out?

23 A Yes.

24 Q So you hear the shots. You duck in there. Then

1 can you tell us what happened after that?

2 A I see Jethro come out between the slot machines  
3 somewhere in here, waving his gun. And all of a sudden I  
4 seen him fire, I heard him fire. I thought I heard  
5 multiple, two to three shots, as he comes around between  
6 somewhere in here. And I look over at Cesar, there's a  
7 commotion by the bathrooms over here, and Cesar's, I  
8 guess, right in front of here, this slot machine here.

9 There was a guy down on the ground. They went  
10 up, kicked his legs or something, stomped on his butt,  
11 something of that nature.

12 Jethro walks back towards the slot machine,  
13 somewhere back where I had seen him, and -- the next time  
14 I seen him he was shot.

15 Q Where were you when you saw --

16 A I was -- some lady was yelling at this bench,  
17 this booth here. I grabbed her, and I threw her under the  
18 table. I threw her under the table, seen him come around  
19 the corner with his gun, raise his gun up, shoot Jethro in  
20 the back.

21 Q Do you see the man who shot Jethro in court here  
22 today?

23 A Yes.

24 Q Could you point to him and describe what he looks

1 like here today.

2 A Yes, slick black hair, glasses.

3 MR. HALL: Could the record reflect the  
4 identification of the defendant, Ernesto Manuel Gonzalez?

5 THE COURT: The record will so reflect.

6 BY MR. HALL:

7 Q So I want you to describe how the defendant came  
8 in and shot Mr. Pettigrew in the back. Did he take a lot  
9 of time to assess the situation, or can you describe that?

10 A No, he just walked straight in, ten seconds,  
11 walked straight, looked at Jethro, probably straight in  
12 his back, four, five shots, that's all I heard.

13 Probably had a better shot at Cesar because he  
14 was more in plain view, but Cesar had his gun in his hands  
15 still. To me that was probably his better shot. But I  
16 think he targeted Jethro for being a president.

17 Q Right. Did you see anybody being attacked? Did  
18 you see any Hells Angels being attacked before in the area  
19 of the bathrooms, before Jethro and Cesar and those, Jimmy  
20 DeRosa and Eugene walked back down towards there?

21 A I heard a scuffle that way, I don't know who was  
22 in it. There was just so many people by the bathrooms.

23 Q Did Jethro have a gun out when he was shot?

24 A No.

1 Q What did you do after you saw Mr. Pettigrew go  
2 down?

3 A When I seen the shooter come around, I was trying  
4 to get up the lady, who had my shirt. I mean, we were  
5 literally five, six feet away from each other. I was  
6 trying to get up. I wanted to tackle him before he shot  
7 and I couldn't get up -- we literally passed as I was  
8 getting up and he was running away, and I just ran and  
9 covered Jethro.

10 And I got on him and I said: Jethro, it's  
11 Donald, it's Donald. He just told me -- he was just  
12 curled up like a fetal position. He says: I can't feel  
13 anything, I can't feel anything.

14 And I just asked what do you want me to do. I  
15 tried to lift his vest and feel for how many holes he had  
16 in him. And the last thing he says is just -- he just  
17 said: "Tell Summer"... and that was it.

18 Q And who is Summer?

19 A His daughter.

20 Q Now, did you perceive a threat to that person on  
21 the ground?

22 A A threat like what? Oh, as being attacked again?

23 Q Right.

24 A Yeah, I covered him. I kind of leaned over on



1 him. You could still hear beer bottles and commotion,  
2 stuff like that.

3 Q The Vago that was on ground --

4 A No, I thought he was knocked out. I don't know.  
5 Cesar kind of ran -- he was like in front of the guy. The  
6 guy was laying there. I thought he was knocked out. I  
7 don't know if he was playing possum. Cesar comes to us  
8 and wants to know about Jethro.

9 Q Okay. I want to back up a little bit, before  
10 Pettigrew gets shot, before Cesar arrives to that location  
11 where Pettigrew gets shot. There's that fellow laying on  
12 the ground, right?

13 A Uh-huh.

14 Q Can you give me a description of that individual  
15 on the ground, what he's doing, what his position is as  
16 those people approach, as Cesar approaches and Pettigrew  
17 approached his location?

18 A He was like in the, right in the corner slot  
19 machine, just laying down on the ground on his stomach,  
20 kind of facing slot machines. His feet were like on the  
21 tile, the walkway facing the walkway area.

22 Q Could you see where he was kicked?

23 A I couldn't tell, but it looked like, because --  
24 they barely kicked him, like on the back of his legs more

1 or less.

2 Q Did you hear any threats made to him?

3 A No.

4 Q Did you see Mr. Villagrana fire his gun at that  
5 point in time?

6 A No.

7 Q As they were kicking, were there any threats made  
8 like: I'm going to kill you; I'm going to shoot you, or  
9 did you hear any of that kind of stuff?

10 A No.

11 Q Did you see any pointing of a pistol at that  
12 individual at that time?

13 A No.

14 Q Now, you, after Pettigrew gets shot, did you  
15 watch him get shot?

16 A Yes.

17 Q And after he got shot, you ran over to his  
18 location?

19 A Yes.

20 Q What is Villagrana doing?

21 A He's kind of watching me cover Jethro, and as  
22 coming towards us kind of at the same time, like he was  
23 coming to his aid as well.

24 Q You knew where the shots came from that killed

1     Pettigrew, right?

2           A     Yes.

3           Q     And Mr. Pettigrew had his back to Mr. Gonzalez at  
4     the time he got shot?

5           A     Yes.

6           Q     Could you tell -- could you tell whether or not  
7     Cesar knew where those bullets came from?

8           A     No.

9           Q     You didn't know?

10          A     I don't think he could, because it was kind of  
11     dark already inside that bar area that we were at. It was  
12     pretty dark in there.

13          Q     Okay.

14          A     So it looked like Cesar was looking towards  
15     Jethro. Wherever Jethro was walking to, back to those  
16     slot machines, Cesar was watching him, more or less.

17          Q     He was kind of looking forward?

18          A     Right, Jethro, yeah.

19          Q     And so how long were you there with  
20     Mr. Pettigrew?

21          A     It felt like forever. I couldn't even tell you.  
22     Probably 10, 15 minutes. Well, during the whole scenario.  
23     I guess I was there before the cops came in, probably  
24     three, four minutes.

1 Q Did you leave that location?  
2 A No.  
3 Q Did you ever have any conversation with that Vago  
4 on the ground?  
5 A No.  
6 Q Did he ever move?  
7 A No.  
8 Q He just stayed right there?  
9 A Yep.  
10 Q Never said anything?  
11 A No.  
12 Q Anybody say anything to him?  
13 A No.  
14 Q Ever hear him complain of any injury or do  
15 anything?  
16 A No.  
17 Q Were you there when the police came?  
18 A Yes.  
19 Q Did you assist in carrying Pettigrew out to get  
20 medical assistance?  
21 A Yes.  
22 Q And then you came back?  
23 A Yes.  
24 Q And that's when the police gave you guys some

1 witness statements and you filled out the statements and  
2 that sort of thing?

3 A They just detained us most of the night. We  
4 didn't really do anything, they detained us there for  
5 quite a few hours, for whatever weapons we had on us and  
6 IDs.

7 Q At the time that Mr. Pettigrew was shot, were  
8 there still a lot of Vagos inside the casino in that  
9 general area?

10 A I think there was quite a few of them at the  
11 bathroom area.

12 Q When you came out and you approached Pettigrew,  
13 did you see any Vagos in that general area?

14 A Not where Jethro was, no.

15 Q Just that one fellow on the ground?

16 A Right.

17 MR. HALL: Thank you. No further questions.

18 THE COURT: Cross?

19 MR. LYONS: Thank you, Your Honor.

20  
21 **CROSS-EXAMINATION**

22 BY MR. LYON:

23 Q Good afternoon.

24 A Good afternoon.

1 Q I understand it, you came to the Nugget about  
2 5:30, 6:00 the evening of the 23rd?  
3 A Yes.  
4 Q And you were going check in; you check in a  
5 couple of hours later?  
6 A Yes.  
7 Q You rode up with Mr. Pettigrew, Mr. Villagrana  
8 and one other individual?  
9 A Yes.  
10 Q You were at the Oyster Bar when there was a  
11 problem with one -- between Mr. Pettigrew and one of the  
12 Vagos, true?  
13 A Yes.  
14 Q And did you know that Vago?  
15 A No.  
16 Q Did you know him by the name of Mr. Rudnick, as  
17 you sit here today?  
18 A No.  
19 Q Ever heard the name Jabbers?  
20 A No.  
21 Q Had that ever come up at all in your discussions  
22 with Mr. Pettigrew that evening?  
23 A No.  
24 Q Did you have any conversations with any other

1 Vagos that evening?

2 A We were confronted by some as we were going to  
3 register.

4 Q Before the Oyster Bar?

5 A Yes. Well, we were at the Oyster Bar and then we  
6 went off to get our stuff, went to go register.

7 Q I think you said that there was -- you described  
8 there was some Vagos that came into the Oyster Bar and  
9 some more Vagos came in. And a little bit later then more  
10 Vagos showed up, kind of this progression of Vagos?

11 A Yes.

12 Q And isn't it true that that was caused by one  
13 individual by the name of Mr. Rudnick?

14 A I have no idea. The very first time some had  
15 come up, there was probably five or six. So I don't know  
16 if it was one individual or not. But they had come up.

17 Q Did you see Mr. Pettigrew, in essence, pat a Vago  
18 on the back, and that's kind of what upset that Vago; did  
19 you see that at all?

20 A As we were going back to our rooms, yes.

21 Q This is before the fight broke out, I'm talking  
22 back at the Oyster Bar still.

23 A No.

24 Q Never saw that?

1 I think you did say at some point in time you  
2 noticed that members of the higher-ups come down from the  
3 Vagos and talk with Mr. Pettigrew?

4 A Yes.

5 Q And things seemed to calm down?

6 A Yes.

7 Q In fact, all the Vagos left at that point in  
8 time, true?

9 A Yes.

10 Q And you guys had the Oyster Bar to yourselves for  
11 a period of time?

12 A Yes.

13 Q Then it's your testimony that as you all got  
14 ready to leave the Oyster Bar, you're going down back  
15 towards your rooms?

16 A Yes.

17 Q And as you're getting in front of Trader Dicks,  
18 here on the video, the monitor -- let me clear that.  
19 Roughly here, is that roughly where the fight took place?

20 A Yes.

21 Q And you position yourself where?

22 A Here. In front of the planter box.

23 Q And, again, it was just one individual that was  
24 talking with Mr. Pettigrew at that point in time, true?



1           A     Yes.

2           Q     Had you noticed him as being the individual that  
3     had been causing problems earlier back at the Oyster Bar?

4           A     I don't know causing problems, but I know he was  
5     in the group when they came.

6           Q     And you said something to the effect that when  
7     Mr. Pettigrew was walking down, he stops and he turns to  
8     this individual. And I'll just identify him as  
9     Mr. Rudnick. Okay?

10          A     Okay.

11          Q     And you said something to the effect that  
12     Mr. Rudnick said to Mr. Pettigrew: Is everything going to  
13     be okay?

14          A     Yes.

15          Q     And then you heard Mr. Pettigrew respond back:  
16     We're okay, we're okay?

17          A     Yes, he said there was going to be a truce this  
18     weekend; that's what he said.

19          Q     You didn't hear any other conversation between  
20     the two of them?

21          A     No. By that time I'm walking away.

22          Q     And where did you walk away to?

23          A     In the spot in front of here.

24          Q     Where were you when you were hearing this

1 conversation?

2 A About three feet from Jethro.

3 Q Then you walk back to this area here?

4 A Yes.

5 Q And did you see Mr. Pettigrew punch the Vago,  
6 identified as Mr. Rudnick, did you see that take place?

7 A I didn't see that punch. I thought he got  
8 punched first.

9 Q Do you now understand that Mr. Pettigrew threw  
10 the first punch?

11 A Yes.

12 Q Do you know why he threw the first punch?

13 A I don't know why.

14 Q And then I think you testified that you saw  
15 Mr. Pettigrew and Mr. Villagrana both pull guns?

16 A Yes.

17 Q And they were shooting, correct?

18 A Not at that time.

19 Q Where are you when they pulled the guns?

20 A Still that same spot.

21 Q You haven't moved at all?

22 A No.

23 Q No Vago had come up and pushed you, hit you,  
24 anything like that, true?

1           A     One had come up to me but we didn't square off.  
2           Q     When you say come up to you, what do you mean?  
3           A     Came up like we were going to fight. That's  
4     pretty much when the gunfire started and he ran.  
5           Q     You just stood where you were?  
6           A     I just moved closer to the booth into the dance  
7     floor area of the opening here. This one's a little  
8     closer here.  
9           Q     And what's taking place when you make that move  
10    closer into the dance floor?  
11          A     That's when we hear gunfire, more bottles, people  
12    yelling, scattering.  
13          Q     And where is the gunfire coming from?  
14          A     At that time I don't know where it was coming  
15    from; you could hear it more or less where the fight  
16    started, on that side of the slot machines.  
17          Q     Did you see who was shooting?  
18          A     I did not.  
19          Q     You now know it was Mr. Pettigrew and  
20    Mr. Villagrana?  
21          A     Yes, I do.  
22          Q     Before the shooting, you had indicated things had  
23    kind of calmed down, that you thought it was over?  
24          A     Before all this, yeah.

1 Q And then I think your testimony was that  
2 something happened with Bobby V; he either fell down or he  
3 got kicked, and Mr. Pettigrew kind of went to his aid?  
4 A Yeah, he got punched.  
5 Q Did you know Bobby V was carrying a gun that  
6 night?  
7 A I did not know that.  
8 Q And then things actually do calm down at that  
9 point in time, true?  
10 A True.  
11 Q There's no other Vagos attacking either  
12 Mr. Pettigrew, Mr. Villagrana, true?  
13 A True.  
14 Q No Vagos attacking you?  
15 A No.  
16 Q Where are you at at this point in time?  
17 A I'm walking -- I'm still in the same spot. Just  
18 really stayed right there, closest to the path.  
19 Q And Mr. Villagrana and Mr. Pettigrew, they're  
20 going over and looks like they're picking stuff up off the  
21 floor?  
22 A Yes.  
23 Q Did you see that?  
24 A Yes.

1 Q And they gather their stuff and they start  
2 walking down the path?

3 A Yes.

4 Q And at this point in time, I think you testified  
5 that you did see kind of something going on a little bit  
6 farther down the path?

7 A Yes.

8 Q What did you see?

9 A It looked like more fighting. I mean, there was  
10 just so many people, I don't -- it was probably just more  
11 fighting; you just hear more noise and bottles.

12 Q Where are you at when you see this?

13 A Same spot.

14 Q You hadn't moved at all?

15 A No. I'm just moving in and out, seeing what's  
16 going on.

17 Q And at that point in time do Mr. Villagrana,  
18 Mr. Pettigrew pass in front of you?

19 A Cesar did.

20 Q Cesar did?

21 A Uh-huh.

22 Q Where was Mr. Pettigrew?

23 A I believe that's when he went back to where the  
24 fight originally started, it was in that vicinity.

1 Q Mr. Villagrana is walking down the path and  
2 Mr. Pettigrew is back where the fight started?  
3 A Yeah.  
4 Q Does Mr. Villagrana continue down the path?  
5 A Yes.  
6 Q How far does he get down the path?  
7 A Basically by the bathrooms.  
8 Q Basically by the bathrooms?  
9 A Yeah.  
10 Q Okay. And then Mr. Pettigrew follows him?  
11 A I don't recall if he followed him or not. But  
12 that's when I believe I seen Jethro coming through, just  
13 something else happened with him on the other side of the  
14 slot machines. He was coming through, he was waving his  
15 gun. That's when I heard him fire.  
16 Q Okay. But I'm talking after the firing had taken  
17 place. Everything's ended; is that a fair statement?  
18 A Yes.  
19 Q No one else is firing any guns; there's no  
20 fighting going on between Mr. Pettigrew and  
21 Mr. Villagrana, any other Vagos?  
22 A Right.  
23 Q You saw that?  
24 A Right.

1 Q And you're standing in the place where you've  
2 identified on the diagram there?

3 A Yes.

4 Q So at that point in time that's when you see  
5 Mr. Villagrana walk down the path towards the bathrooms?

6 A Him and Jethro were together at that time.

7 Q Him and Jethro were together?

8 A Yeah.

9 Q Where were you as you're seeing them walk down  
10 the path?

11 A I was still in the same spot, kind of behind him,  
12 within ten feet of him.

13 Q According to your testimony, what happens next?

14 A At that point, that's when the one guy was laying  
15 on the ground and they just kind of kicked him in the legs  
16 from that point, and that's when Jethro walked away.

17 Q You saw them kicking at the Vago who was laying  
18 on the ground?

19 A Yeah, it wasn't a hard kick, it was almost a  
20 nudge kick, I guess.

21 Q A nudge kick?

22 A Yeah.

23 Q And then that's when you saw Mr. Gonzalez come  
24 into the dance hall; is that your testimony?

1           A     Yes.

2           Q     Where were you specifically standing when you saw  
3 Mr. Gonzalez first go into the dance hall?

4           A     I was at this last booth at the entryway where he  
5 came walking in.

6           Q     I'm going to clear it -- I'm sorry. If you can  
7 point that out one more time.

8           A     This shows a chair, but it's a booth that's right  
9 there. At that point I'm kneeling on the ground with this  
10 lady, trying to put her under the table.

11          Q     And why are you kneeling on the ground putting a  
12 lady underneath the table at that point in time if  
13 everything is all calmed down?

14          A     She was screaming irately. I told her they're  
15 not here for you. And I just kind of threw her under the  
16 table.

17          Q     And you're kneeling?

18          A     Yes.

19          Q     And which way are you facing?

20          A     I'm facing -- that would be north.

21          Q     Towards the top of the diagram?

22          A     Facing here, facing this way. Okay.

23          Q     And where does Mr. Gonzalez enter the dance hall?

24          A     From that same door, entryway.



1 Q So you see him walk in?  
2 A Yes.  
3 Q And what do you see?  
4 A I see him walk in with a gun on his side, his  
5 right hand. I'm watching him like this, I'm up on my  
6 knees, I watch him pull his hand up. And at this time I'm  
7 trying to get the lady ahold of me, and I'm watching him,  
8 and he just starts firing shit at Jethro.  
9 Q How long do you think he was in the dance hall?  
10 A Ten seconds, 12 seconds.  
11 Q Is that something you read in the newspaper?  
12 A No. It's something that I've seen.  
13 Q It's true you never reported any of this to the  
14 police; is that true?  
15 A Nope.  
16 Q So you go over and you talk with Mr. -- or you go  
17 over to the body of Mr. Pettigrew, and you're there and  
18 police show up. Wouldn't it be fair to say that there was  
19 some discussion about what happened that night, who shot  
20 Mr. Pettigrew?  
21 A I don't know his name, so I couldn't give that.  
22 Q Okay. But you didn't even talk to the police  
23 about the fact that you had seen the shooter that night?  
24 A No.

1 Q You didn't give any identification of the shooter  
2 that night?

3 A No.

4 Q You didn't tell them you were inside the dance  
5 hall or any of the events you testified to here today?

6 A No.

7 Q Isn't it true you've seen all of this play out in  
8 the media and that's why you're here today, is to bolster  
9 this story?

10 A No.

11 Q Have you seen nay of the video in this case?

12 A Very little.

13 Q What video have you seen?

14 A The one that -- just at the beginning of the  
15 fight.

16 Q How long were you in the dance hall after the  
17 shooting, after Mr. Gonzalez shot Mr. Pettigrew?

18 A After he shot him -- I mean, we literally passed  
19 each other after he shot him. I was getting up at the  
20 time. So I was probably in there five seconds, ten  
21 seconds.

22 Q You didn't make any effort to chase after  
23 Mr. Gonzalez?

24 A I was trying to get up. The lady had my shirt.

1 Q She was holding you down?

2 A She was holding me down.

3 Q And after you got free of her, you didn't try to

4 go off and find Mr. Gonzalez?

5 A No. He already passed me. I wasn't worried

6 about it. I was worried about the president.

7 Q And that's when you come out of the dance hall

8 shortly after he leaves?

9 A Yes.

10 Q Which direction do you come out?

11 A The way I went in, straight in here [drawing] .

12 Q So you exit this way?

13 A Yes.

14 Q Shortly after the shots were fired?

15 A Yes.

16 Q Can you identify yourself in this video at all?

17 That's where the first punch took place. Do you see

18 yourself at all?

19 A It's kind of blurry.

20 Q What were you wearing that evening?

21 A Black support shirt and a red hat.

22 Q You were wearing a red hat?

23 A Yeah.

24 Q Do you see anybody else -- this isn't you right

1 here, is it?

2 A No.

3 Q See anybody else with a red hat in that video?

4 A No.

5 Q How about there, you're supposedly up over here,

6 true?

7 A Yes.

8 Q See yourself anywhere in that video?

9 A No, it's too dark.

10 Q Have you seen yourself yet in any of this video?

11 A No.

12 Q Let me know if you see yourself, please. About

13 this point in time everything's died down, correct?

14 A Yes.

15 Q All the shooting's ended; Mr. Villagrana and

16 Mr. Pettigrew appear to be picking things up off the

17 floor, gathering themselves?

18 A Yeah.

19 Q At this point in time you're back into the dance

20 hall, that's your testimony?

21 A Yeah. Either I'm there or right on the other

22 side of the slot machine. It's on the far right what's

23 happening.

24 Q Do you see the Vago on the ground right there

1 behind Mr. Villagrana, true?

2 A True.

3 Q You see Mr. Pettigrew hit?

4 A Yes.

5 Q That's what you call a little nudge, is that how

6 you would characterize that kick?

7 A The one I see right there is Cesar kick him, a

8 little kick in the leg or nudge.

9 Q That's what you would call a nudge?

10 A Yes.

11 Q Then watch closely. Now Mr. Pettigrew is down,

12 true?

13 A Yes.

14 Q Shots have been fired, right?

15 A Yes.

16 Q According to your testimony, you were supposedly

17 passing Mr. Gonzalez, exiting the dance hall, going to the

18 aid of Mr. Pettigrew, do you see yourself at all?

19 A Right there.

20 Q That's you?

21 A Yep.

22 Q Isn't it the fact that you were coming out of the

23 bathroom?

24 A No.

1 Q This is another angle. For the record this is  
2 camera five.

3 Could we turn down the lights. The glare is  
4 really hard to see.

5 And while you're with this video --

6 A I've never seen the video.

7 Q I'll represent that that's up near the dance  
8 hall. Does that correspond with your recollection?

9 A Yeah.

10 Q Do you see yourself anywhere in that area during  
11 this video?

12 A No.

13 Q Mr. Pettigrew is here, correct?

14 A I can't tell if that's him or not.

15 Q Unfortunately, it goes a little -- now it's back.  
16 Just see Mr. Pettigrew walk by, did you see that?

17 A Yes.

18 Q And so you're supposedly there in the dance hall  
19 during this timeframe, true?

20 A Yes.

21 Q And that's the opening to the dance hall, would  
22 you agree with that?

23 A Yes.

24 Q See yourself anywhere coming out of the opening

1 of the dance hall in this video?

2 A No.

3 Q Mr. Villagrana is running back; can you see him  
4 go by?

5 A Yes.

6 Q So would it be fair to say that Mr. Pettigrew has  
7 already been shot?

8 A And we're on the other side of the slot machine?

9 Q Pardon?

10 A Are we on the other side of the slot machine?

11 Q Yeah. I believe Mr. Pettigrew would be down that  
12 way.

13 A Okay.

14 Q You don't see yourself anywhere in that video, do  
15 you?

16 A No.

17 Q Do you recognize this individual at all with the  
18 red hat and the red bag?

19 A No, I don't.

20 Q Do you recognize this individual, the person  
21 that's on the ground prior to the person Mr. Pettigrew and  
22 Villagrana were kicking?

23 A No.

24 Q Did you see that individual? Did you notice if

1 he was wearing glasses or not?

2 A No, I don't.

3 Q You don't recall that?

4 A No, he was laying on the ground when I seen him.

5 Q I'm sorry?

6 A He was already laying on the ground when I seen

7 him.

8 Q At least in this picture he's kind of sitting up,

9 correct?

10 A Looks like it.

11 Q Do you recognize that individual?

12 A No, I don't.

13 Q Who is that?

14 A I don't know.

15 Q Fair to say that's when Mr. Pettigrew is kicking

16 at the individual on the ground?

17 A Yeah.

18 Q That's where Mr. Villagrana is kicking the

19 individual on the ground?

20 A Yes.

21 Q It's true Mr. Villagrana had his gun out,

22 correct?

23 A Yes.

24 Q Did you hear any shots?



1 A No, his gun's jammed by then.

2 Q His gun was jammed by then?

3 A Yeah.

4 Q How do you know that?

5 A Because I seen him try to shoot the ground, and

6 it wouldn't fire.

7 Q He tried to shoot the ground, like at the

8 direction of the Vago?

9 A No, before all this.

10 Q When did he try to shoot the ground?

11 A When he had fired at the other end, whenever the

12 gunfire first started, the gun had already jammed on him,

13 it would not fire at this point.

14 Q And you're saying that you purposely saw him

15 trying to shoot a jammed gun into the ground?

16 A Yeah.

17 Q Isn't the individual we see in the video, isn't

18 the individual the one coming out of the bathroom right

19 there?

20 A Who?

21 Q Let me back it up. Remember the video when I

22 showed you kind of the long one looking down the path, and

23 you said that that was you running across, remember that?

24 A I came out of the bar area.

1 Q Right. But there was an individual that came  
2 across and you said it was you.

3 A Well, to me it looked like me coming out of the  
4 bar.

5 Q Watch closely.

6 Do you see the individual in the bathroom; that's  
7 not you?

8 A Nope.

9 Q And he runs across, true?

10 A True.

11 Q So that's the person we see in monitor one, in  
12 the first video I showed you; isn't that correct?

13 A Could have been. But I was the first one on  
14 Jethro.

15 Q How many shots did Mr. Gonzalez fire?

16 A I heard four to five.

17 Q You were feet away from him?

18 A Yeah.

19 Q Which hand was he holding the gun in?

20 A Right hand.

21 Q Is that the hand he shot the gun?

22 A Yes.

23 Q What kind of gun was it?

24 A I don't know, it was dark.

1 Q What was he wearing?  
2 A His jeans, his vest, his glasses.  
3 Q What kind of glasses?  
4 A Black glasses.  
5 Q What was he wearing besides his vest?  
6 A That's all I seen is his Vago vest.  
7 Q Which direction was he running?  
8 A He ran back out the way he came in, north.  
9 Q And you didn't tell anybody that night what you  
10 saw, that's true?  
11 A Right.  
12 Q When was the first time you told anybody about  
13 this observation of yours?  
14 A After I talked to the club.  
15 Q Went and talked to the club?  
16 A Yeah.  
17 Q And then what happened?  
18 A And then they wanted to know what I had seen.  
19 They just told me not to say anything.  
20 Q Not to say anything?  
21 A Yeah.  
22 Q So according to you, a member of the Vagos shoots  
23 down your president, true?  
24 A Yes.

1 Q And your club tells you not to say anything?  
2 A Yep.  
3 Q Even though you have, even though you're the only  
4 eyewitness to this shooting, true?  
5 A Uh-huh.  
6 Q The only one that can identify Mr. Gonzalez,  
7 true?  
8 A Uh-huh.  
9 Q But according to your testimony, the Hells Angels  
10 didn't want you to talk to anybody?  
11 A Correct.  
12 Q Until today, apparently?  
13 A I actually called the PD and someone up here a  
14 month or so later.  
15 Q No written reports, true?  
16 A No.  
17 Q No written statements at all?  
18 A No.  
19 Q First time we're hearing this is today?  
20 A You are.  
21 Q Right.  
22 A Uh-huh.  
23 Q Don't show up on any of the video?  
24 A You don't have the right video.

1 Q Have you seen a video where you show up?

2 A No. I was giving Jethro CPR and had to carry him  
3 out. Do you have that video?

4 Q I don't doubt that you went over to Jethro. What  
5 I doubt is that you were inside the dance hall that you're  
6 claiming; it didn't show up on the video.

7 MR. HALL: Objection.

8 THE COURT: Sustained.

9 BY MR. LYON:

10 Q Doesn't show up on that video.

11 A You don't have that video then.

12 Q Fortunately we're stuck with what we have, sir.  
13 Thank you, Your Honor.

14 THE COURT: Okay. Any further questions?

15 MR. HALL: Yes, Your Honor, one or two.  
16

17 **REDIRECT EXAMINATION**

18 BY MR. HALL:

19 Q Sir, do you recall -- of course you wrote out a  
20 statement, right; do you remember this?

21 A At the casino?

22 Q Yes.

23 A Yes.

24 Q All right. There's one report. Do you recall

1 getting a telephone call?

2 A A few.

3 Q And being interviewed by Detective Brown on or  
4 about 11-4-2011?

5 A Could have been. I don't know the dates. But,  
6 yeah, we called them.

7 Q Couple years ago, though?

8 A Yes.

9 Q And at that time you said that you were less than  
10 six feet away from a male when he was shooting and you  
11 described the gun as a semi-automatic handgun?

12 A I might have. I did.

13 Q Basically the report says the male was carrying a  
14 gun, he saw a male shot three or four shots at Pettigrew.  
15 Pettigrew was fighting with another person on the ground.

16 Ventura said he was less than six feet from the  
17 male when he was shooting. And then he asks him to  
18 describe the gun. And you describe this individual as a  
19 Vagos member, describe average size, Hispanic male wearing  
20 a Vagos black leather vest. The other male was wearing  
21 dark glasses, salt and pepper hair that was combed back;  
22 that he entered the dark bar area and approached the tiled  
23 area outside the bar. Said the male entered from the  
24 Trader Dicks restaurant?

1 A Correct.

2 Q That's what you told them back in November. So  
3 apparently you did talk to somebody and gave them a  
4 statement --

5 A Yes.

6 Q -- in November of 2011.

7 Did you get a good look at Pettigrew when you  
8 went over to attend to him after he got shot in the back  
9 five times?

10 A Yes.

11 Q Did you notice any injury to his face?

12 A Yeah, his nose was frayed, just hanging there by  
13 the skin.

14 Q His nose was almost cut off, half his nose?

15 A Yes.

16 Q Did you see where that happened?

17 A I thought that's where the first punch was thrown  
18 where he was hit with the bottle, that's what I assumed.

19 Q Now, when we look at camera five, that's one we  
20 haven't really looked at very much. And counsel was  
21 asking you to look at the upper left-hand corner to see if  
22 you could see you coming in and out of Trader Dicks bar  
23 area. Can you see anybody coming out of there or anybody  
24 going in? Can you see anybody going in or out?

1 A I can't. It's too dark.

2 Q We could watch it for a while, but I think we  
3 would be wasting time since you can't see anything there.  
4 But what I want you to look at now is this area here. The  
5 fight's going to break out over here, and then you're  
6 going to see Bobby V get attacked over here by some Vagos.  
7 And you're going to see Mr. Pettigrew come to his aid and  
8 be attacked by three more Vagos in this area. So what I'm  
9 trying to determine if that's where his nose almost got  
10 cut off?

11 A At that point that's when he's holding his nose.

12 Q It was injured at that time?

13 A He kept wiping his face, his nose at the time.

14 Q So you can see individuals up at the top of the  
15 screen. This would appear to be Leo Ramirez and other  
16 individuals over here. You can see a number of Vagos in  
17 this area, right?

18 A Yes.

19 Q At least three?

20 A At least three there.

21 Q Probably more.

22 A That's where he gets hit right there, yeah.

23 Q So he's attacked by at least three, and that's  
24 when he starts shooting?



1 A Yes.

2 Q And his nose almost gets cut off. Now, if we  
3 continue to watch, remember there was a couple of fights  
4 going on. So we had this initial fight, and counsel said  
5 now everything kind of stops, right?

6 A Yes.

7 Q All right. So at least Pettigrew now has chased  
8 off those Vagos that were there because Leonard Ramirez is  
9 shot, Diego's shot, and they run off?

10 MR. LYON: Leading, Your Honor.

11 THE COURT: Sustained. Do you have a question?

12 BY MR. HALL:

13 Q Question is coming up right now.

14 So did you notice the ruckus down at the other  
15 end, down by the bathrooms and Rosie's Cafe?

16 A Yes, I looked down there. You can see a fight  
17 going on.

18 Q So we had Jimmy DeRosa testify earlier that he  
19 and that other guy with the vest --

20 MR. LYON: Leading, Your Honor.

21 MR. HALL: I'm laying a little foundation here if  
22 it's all right, counsel.

23 THE COURT: Okay. Go ahead.

24

1 BY MR. HALL:

2 Q So we had Eugene Anaya, the guy with the vest, no  
3 sleeves, and Jimmy DeRosa testify that they were getting  
4 chased.

5 Did you see that?

6 A I didn't see the chase, no.

7 Q Okay. We can see on this video here in a minute,  
8 I think they're going to come into view. Let's see if we  
9 notice them.

10 A I did see that run through here, but I didn't see  
11 them being chased by the bathrooms.

12 Q So can you see Pettigrew moving up at the top  
13 right hand of the screen?

14 A Yes. And then they come in.

15 Q That's a Vago patch. So we've got Vagos chasing  
16 Hells Angels down there; would that be consistent with  
17 your observation?

18 A Yes.

19 Q So based upon your observation, Pettigrew, I'm  
20 just asking now, and these are questions that the defense  
21 asked, that looked like everything had stopped, right,  
22 between Pettigrew and Villagrana?

23 A Yes.

24 Q But the Vagos are still chasing Hells Angels down

1 the casino, right?

2 A Yeah.

3 Q So they still are pressing the issue, pressing  
4 the fight?

5 A Right.

6 Q Now, you were indicated that you were confronted  
7 when you were checking in?

8 A Yes.

9 Q And who confronted you when you were checking in?

10 A Several Vagos.

11 Q Several Vagos?

12 A Yes.

13 Q And what time was that, do you recall?

14 A I want to say around eightish; we'd been there a  
15 couple of hours already.

16 Q Okay. And did you see that one fellow, the bald  
17 headed guy that was kind of getting into Mr. Pettigrew's  
18 face, was he one of those guys?

19 A I don't recall if he was or wasn't.

20 Q Now, let me show you what was marked for  
21 identification as 12-R and also 12-G.

22 Move for admission of 12-R and G.

23 MR. LYON: No objection.

24 THE COURT: 12-R and G are admitted.

1 (Exhibit No. 12-R and 12-G admitted.)

2 BY MR. HALL:

3 Q So earlier you said you were wearing a red hat,

4 right?

5 A I believe so, yes.

6 Q Does this refresh your recollection that you were

7 actually wearing a black hat?

8 A Black cap, yes.

9 Q So that's you there, right?

10 A Yes.

11 Q So if we wanted to find you on the video walking

12 by, we go back to probably camera 45.

13 Do you recognize anybody in this group that's

14 walking by now?

15 A Yeah, a few of them, Jimmy Arnett, Carl. It's

16 the Sloan (phonetic) brothers.

17 Q Is this you right here?

18 A Yes.

19 Q So you said you kept on walking, you heard a

20 couple of words and kept on going?

21 A Yes.

22 Q Looks like what you did. Okay. And go to -- now

23 this view is -- we saw you walk down and walk past, but

24 can you pick yourself out in this video?

1 A Not at all.

2 Q All right. I did have one other -- now you gave  
3 a description regarding how the defendant walked in. What  
4 was the distance -- can you estimate distance between the  
5 defendant shooting, where he shot from and where Pettigrew  
6 was? So if I were to back up, can you tell me how far it  
7 would be?

8 A Probably in the vicinity, probably a good 35,  
9 40 feet.

10 Q About something like this?

11 A Yeah, about there.

12 Q Could I indicate for the record, I'm almost back  
13 to the bar. And you're sitting behind the witness chair.  
14 So I can measure that, 35, 40 feet is what you're  
15 estimating, something like that?

16 A Yes.

17 Q I'd like you to demonstrate exactly what you saw  
18 the defendant do. And I mean real time, just show me what  
19 he did?

20 A Stand up and do it.

21 Q You can get up and walk, want a demonstration.

22 A It was kind of just a -- on the side, he just  
23 walks up like this, just straight up and just starts  
24 shooting, turns around and starts running out.

1 Q Could you kill the lights for me, please?

2 Now, did you see when that shooting first  
3 started, did you see the defendant back up into that  
4 hallway between the bar and the dance area, kind of the  
5 entrance into the restaurant, did you see him standing  
6 there?

7 A Just in the video, yeah.

8 Q Okay. You didn't see him shooting then?

9 A No.

10 Q When the shooting's going on, he wasn't shooting?

11 A I couldn't recall if he did or didn't.

12 Q For the record, we're on camera. It says 2:16.

13 On the video it says, it says 2:15, at 23:30:50. So

14 23:31:04, here's the defendant.

15 Can you see the gun in his left hand?

16 A Yes.

17 Q You can still see him there at the entrance?

18 A Yes.

19 Q And walks in there and you can see the flashes in  
20 the background of the gunfire?

21 MR. LYON: Objection, Your Honor, counsel's  
22 characterizing the video.

23 THE COURT: Sustained.

24

1 BY MR. HALL:

2 Q Maybe you can characterize it for me. Let's  
3 watch him walk down and when we see him go in, and you'll  
4 see those lights flash, what conclusion do you draw?

5 A Looks like six flashes.

6 Q So is that what you saw?

7 A Yes.

8 Q Runs in, raises his gun, shoots the president,  
9 just like that?

10 A Just like that.

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

13 THE COURT: Thank you.

14  
15 **RE CROSS-EXAMINATION**

16 BY MR. LYON:

17 Q Mr. Sandy, going back to when you first reported  
18 this to the police. I may have confused you. I may have  
19 confused myself, apologize. It's true you did not report  
20 this to the police at all that night?

21 A No, I did not.

22 Q And it took about a month or so for you to, is  
23 the word, get approval from your club to come forward; is  
24 that the right terminology?

1           A     I did it my own. I was told not to say anything  
2     that night.

3           Q     You didn't say anything for about a month,  
4     correct?

5           A     Correct.

6           Q     You come in actually on November 4th of 2011.

7           A     Okay.

8           Q     That's the date of the report.

9           A     Okay.

10          Q     Mr. Gonzalez was arrested in October, correct?

11          A     Okay.

12          Q     His description had already been out in the  
13     public, did you hear about that?

14          A     I did not.

15          Q     You didn't hear about his arrest?

16          A     I heard about the arrest, yeah.

17          Q     And the description of what he was wearing the  
18     night of the shooting?

19          A     I don't recall if there was a description on  
20     there or not.

21          Q     And today you testified that when you saw him in  
22     the Oyster Bar or on the dance hall, you describe him as  
23     having the jeans and the vest and the dark glasses, true?

24          A     True.



1 Q And isn't it true also when you described him for  
2 purposes of your reporting in November, after his arrest,  
3 you just describe him as he was less than six feet from  
4 the male, saw the male fire three to four shots; all you  
5 indicated was that he was wearing a black leather vest and  
6 had salt and pepper hair, true?

7 A True.

8 Q You couldn't describe the gun at all at that  
9 point in time?

10 MR. HALL: I'm going to object, Your Honor, he  
11 should indicate this is a report from a telephone  
12 conversation. He didn't put down -- he didn't accurately  
13 state what the report says. He didn't write the report.  
14 So if he's trying to impeach him with a report, I think he  
15 ought to do it in the proper fashion.

16 THE COURT: Okay. So the objection is to the  
17 form of impeachment. I think we have to be careful what  
18 you're using and give him an opportunity to explain.

19 MR. LYON: I understand.

20 BY MR. LYON:

21 Q Now, when I had asked you questions earlier, we  
22 had gone through the amount of time Mr. Gonzalez had been  
23 inside the dance hall, and I believe your testimony was  
24 that he had been there about 10 or 12 seconds?

1 A Correct.

2 Q Do you recall that?

3 A Yes.

4 Q That's still your testimony?

5 A Yes.

6 Q That he had been in there 10 to 12 seconds. You

7 were kneeling down and there was some woman next to you.

8 Now, were you able to see Mr. Pettigrew during this whole

9 time that you're with the woman?

10 A Yeah, I was watching both him and Cesar.

11 Q So you're able to see them walk by and approach

12 the Vago that was on the ground, correct?

13 A Jethro was actually walking away at that time,

14 yes, I seen Cesar there, yeah.

15 Q Cesar where?

16 A On top of the Vago, when he kicked him.

17 Q But both of them had walked down the pathway,

18 correct?

19 A Correct.

20 Q And Mr. Gonzalez is in there at that time?

21 A Not at that time he wasn't in there.

22 Q He's in there for 10 to 12 seconds, according to

23 your testimony prior to the shooting?

24 A Jethro had already walked away.

1 Q So Jethro had walked away from the Vago --  
2 A Yes.  
3 Q -- prior to the time Mr. Gonzalez entered the  
4 dance hall?  
5 A Yes. Jethro was walking away basically the same  
6 time he was walking into the dance hall.  
7 Q So under your testimony, Mr. Gonzalez stands  
8 there for 10 to 12 seconds before he shoots?  
9 A No, the whole time he was there, from walking in  
10 to walking out, 10 to 12 seconds.  
11 Q That's what I'm trying to get at, because if you  
12 see the video, 10 or 12 seconds before the shooting,  
13 Mr. Villagrana, Mr. Pettigrew are walking down the  
14 pathway, correct?  
15 A If they were.  
16 Q Pardon?  
17 A If they were, I don't recall. I don't know the  
18 timeframe.  
19 Q You saw them pass by you, correct?  
20 A Yes.  
21 Q And then Mr. Gonzalez is in the dance hall at  
22 that point in time, true?  
23 A No, it wouldn't be true because Cesar and Jethro  
24 were on top of the other guy for a few seconds before the

1 shooter came in.

2 Q Your testimony is they didn't come in until after  
3 they were done kicking?

4 A Yes.

5 Q But so he comes in and he shoots and then he's  
6 there for 10 to 12 seconds?

7 A From the time he comes in to the time he leaves  
8 is about 10 to 12 seconds.

9 Q But your testimony is that you didn't see. -- by  
10 the time Mr. Gonzalez comes in, the kicking had already  
11 taken place?

12 A Yes.

13 Q Mr. Pettigrew was essentially walking away from  
14 that, the kicking that he had done?

15 A Yes.

16 MR. LYON: Court's indulgence.

17 BY MR. LYON:

18 Q I'll show you the video one more time, sir.

19 See them walking, Mr. Pettigrew and  
20 Mr. Villagrana?

21 A Yes.

22 Q Walking down that area. They're kicking at that  
23 point in time, right?

24 A Yes.

1 Q And it's your testimony Mr. Gonzalez was not in  
2 the dance hall at that point in time?

3 A No.

4 Q Goes down right there. How many seconds did you  
5 think that was? 10 to 12?

6 A I guess it could have been.

7 Q You're saying there was 10 to 12 seconds between  
8 the time Mr. Pettigrew kicked and the time he fell or got  
9 shot?

10 A It could have been less; I wasn't counting. I  
11 wasn't looking at a clock, but yes.

12 Q It's your testimony that he was in there 10 to  
13 12 seconds, Mr. Gonzalez was?

14 A I said I wasn't counting, so --

15 MR. LYON: That's all I have, Your Honor.

16 THE COURT: Okay. Anything further?

17  
18 **FURTHER REDIRECT EXAMINATION**

19 BY MR. HALL:

20 Q We can actually count how many seconds; we've got  
21 a clock right on the video, right?

22 A Right.

23 Q If you want to get right down to it.

24 Would you mind hitting the lights, please.

1           What I'd like for you to do, sir, is tell me if  
2 you can see the defendant up in this area before he goes  
3 in there. Because there's plants and stuff on the front,  
4 as we saw in that diagram, right?

5           So he'd have to kind of wait for Pettigrew and  
6 Villagrana to come into the opening before you could get a  
7 good shot at him?

8           A     Right.

9           Q     Okay. Here he is 23:31:04. Let's see how long  
10 we can see him standing outside in the hallway there. In  
11 the hallway trying to find his -- so he just went in,  
12 stuck up here just a minute, see him go in.

13           And he's out.

14           MR. LYON: Your Honor, is there a question  
15 pending? I'm not sure what we're doing here.

16           THE COURT: I'm not sure either.

17           MR. LYON: And I would also -- I believe my last  
18 line of questioning was the timing with respect to the  
19 kick. This video doesn't even show any of that. I don't  
20 think my questions were discussions about when he may have  
21 entered the dance hall or exited, it all had to do with  
22 relation to the kick.

23           THE COURT: I didn't understand that to be your  
24 question. Maybe Mr. Hall didn't either. But if that was

1 the only question you were doing --

2 MR. HALL: I didn't understand that. I thought  
3 his question was it was ten seconds from the time he  
4 entered the dance hall until he shot. I was trying to  
5 demonstrate it's about two seconds from the time he  
6 actually goes into the dance floor and you see the  
7 blanks -- that's what I was trying to demonstrate for  
8 counsel's edification.

9 THE COURT: But I think that's really argument,  
10 and so I think we can finish up.

11 MR. HALL: Yes.

12 THE COURT: Turn the lights on, please.

13 BY MR. HALL:

14 Q Are you in the club?

15 A No, I'm not.

16 Q They're just friends of yours?

17 A Yes, they are.

18 Q When you were questioned by the police, you  
19 wanted to tell them what you knew?

20 A Right.

21 Q You are able to identify this man here as the man  
22 who shot Mr. Pettigrew?

23 A Yes.

24 Q And he was a friend of yours?

1           A     Jethro was, yes.

2                 MR. HALL:  Nothing further.

3                 MR. LYON:  Nothing further.

4                 THE COURT:  May this witness be excused?

5                 MR. LYON:  Yes.

6                 THE COURT:  Ladies and gentlemen, that's going to  
7     conclude the testimony you're going to hear today.  You're  
8     going to be admonished as you leave and I'm going to have  
9     you coming back tomorrow morning again at 7:30.

10                During this recess you may not speak of the case  
11    or allow anyone to speak of it in your presence.  This  
12    includes discussing the case on the Internet, chat rooms  
13    through net blogs, Internet bulletin boards such as  
14    Facebook, Twitter, e-mails or text messaging.  If anyone  
15    should attempt to communicate with you, report such an  
16    occurrence to the Court.

17                Do not read, watch or listen to or view in any  
18    way any news media accounts or any other accounts about  
19    the trial or anyone associated with it, including any  
20    online information.  Do not do any research on any of the  
21    parties or groups or law involved in this case, including  
22    consulting dictionaries searching the Internet or using  
23    any other reference materials.

24                Do not make any independent investigation about



1 the case, and this includes you may not go to the Sparks  
2 Nugget in person or through the Internet. We'll see you  
3 back tomorrow morning. Thank you.

4 Counsel approach, please. Court's in recess.

5 (Recess taken at 2:46 p.m. Jury excused.)

6 (End of Partial Transcript)

STATE OF NEVADA     )  
                              )  
COUNTY OF WASHOE    )

I, DENISE PHIPPS, Certified Shorthand  
Reporter of the Second Judicial District Court of the  
State of Nevada, in and for the County of Washoe, do  
hereby certify:

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

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

DATED: At Reno, Nevada, this 2nd day of  
August, 2013.

/s/ Denise Phipps

DENISE PHIPPS, CCR No. 234, RDR, CRR

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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 WEDNESDAY, JULY 31, 2013

17 MORNING SESSION

18 TESTIMONY OF

19 GARY RUDNICK

20 ABBOT GLOVER

21 RENO, NEVADA

COPY

22  
23  
24 Reported By: MARCIA FERRELL, CCR No. 797

1 APPEARANCES:

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17

18 WITNESS: DIR. CROSS REDIR RECROSS

19 ABBOT GLOVER 4 11 32 41

20 GARY RUDNICK 48 127

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23

24

1 RENO, NEVADA, WEDNESDAY, JULY 31, 2013, 7:30 A.M.

2 --o0o--

3 THE COURT: Counsel, are you ready to proceed with  
4 the jury?

5 MR. HALL: Yes.

6 MR. LYON: Yes, your Honor.

7 THE COURT: Okay, go ahead and bring the jury in,  
8 please.

9 (Jury present.)

10 THE COURT: Counsel, will you stipulate to the  
11 presence of the jury?

12 MR. HALL: Yes, your Honor.

13 MR. HOUSTON: Yes, your Honor.

14 THE COURT: Thank you, please be seated. Good  
15 morning, ladies and gentlemen. We will proceed with  
16 witnesses again this morning. Mr. Hall, you may call your  
17 next witness.

18 MR. HALL: Thank you. Your Honor, the State calls  
19 Abbot Glover to the stand.

20 ABBOT GLOVER

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

24 THE CLERK: Thank you, please be seated at the

1 witness stand.

2 DIRECT EXAMINATION

3 BY MR. HALL:

4 Q. Mr. Glover, you spell your name G-l-o-v-e-r, last  
5 name?

6 A. That's correct.

7 Q. And are you a resident of Washoe County?

8 A. Yes, I am.

9 Q. Do you live in Sparks or Reno?

10 A. Reno.

11 Q. And do you assist the DJ down there at the Nugget on  
12 weekends when they're playing music at the Trader Dick's  
13 dance area?

14 A. Yes, I have.

15 Q. And how long had you been doing that, in 2011?

16 A. I've been doing it for some time. Pretty much every  
17 weekend for at least a year before that had happened. Before  
18 the incident happened.

19 Q. And are you familiar with some of the locals that  
20 frequent Trader Dick's bar and dance area?

21 A. Yes, I am.

22 Q. On the 23rd of September, 2011, were there a lot of  
23 locals there that night in addition to the people from out of  
24 town?

1           A. Yes, there was -- there was quite a few people that  
2 I recognized there.

3           Q. All right, and you'd see them on a regular basis  
4 there at the Nugget?

5           A. Yes, they'd come down and hear him play quite a bit.

6           Q. All right, and what was your relationship with the  
7 DJ?

8           A. He's a good friend of mine.

9           Q. All right, so what would you do in terms of  
10 assisting him?

11          A. I would get there with him, we would set up all his  
12 equipment, his lights, his turntables, speakers, plug  
13 everything in and have everything ready to go by 10 o'clock.

14          Q. Is that when the music kicked off?

15          A. Yeah. He would go from 10 at night -- 10 p.m. to 1  
16 a.m.

17          Q. And was the music loud?

18          A. Yes.

19          Q. Could you hear yourself talk when you were -- when  
20 the music was playing?

21          A. Only if I was right on top of him, so I could like  
22 talk in his ear or whatnot. But if I was like from here to  
23 there, it was really hard to hear.

24          Q. That means it would flow out into the area there



1 into the walkway and over by Trader Dick's bar area?

2 A. Yes, it did.

3 Q. So what time did you arrive at the casino that  
4 night?

5 A. About 9:30.

6 Q. You helped set up, is that right?

7 A. That's right.

8 Q. And where would you station yourself or where would  
9 you stay during the course of the evening?

10 A. I would sit on a stool, there's a set of stairs that  
11 go up to the DJ where it's elevated, the platform is elevated  
12 above the dance floor. And I would sit off to the edge of  
13 the stairs on the stool, so people when they had requests,  
14 they would come and just give me the request and I'd write it  
15 down and pass it on to him.

16 Q. And can you describe the dance area and the seating  
17 in that area?

18 A. The dance floor is not very -- not a very big dance  
19 floor. The seating is a lot of booths down the sides around  
20 the bar area, and then there are some tables right kind of  
21 staggered in the middle of -- right outside the dance floor.

22 Q. And where are the entrances?

23 A. There is a big entrance straight ahead where the  
24 tile is, and then there's an entrance off to the left by

1 Trader Dick's restaurant.

2 Q. All right. Now, is the view obscured from your area  
3 into the casino area?

4 A. No.

5 Q. Are there any walls in there like in the corners  
6 where the booths are?

7 A. There's a wall off to the right that kind of kicks  
8 out, so anything that happens off to that side you can't see  
9 anything, people disappear behind that wall and you can't see  
10 anything. There's a big -- a pole in the middle of the --  
11 sorry -- of the area, looks like a giant support pole for the  
12 hotel. And then there's another wall to the left that --  
13 kind of where the restaurant starts.

14 Q. And do you know where the menu sign is on the corner  
15 of the bar?

16 A. Yeah.

17 Q. All right, so there's a wall there?

18 A. Yes.

19 Q. Where those booths are?

20 A. That's correct.

21 Q. And that would obscure your view into the casino?

22 A. Into the restaurant, I couldn't see into the  
23 restaurant, nor -- I could see only into the main part into  
24 the casino, I can't see anything to the right of that wall.

1 Q. Can you tell us what you saw that evening?

2 A. I was up there and I noticed a large group that had  
3 kind of congregated out in the front main area of the main  
4 tile area straight ahead of me. They seemed to be kind of  
5 agitated with each other. There was a group that had come  
6 through first, quite a large group had come through first,  
7 and then a second group came through right after that, and  
8 that's where everybody seemed to be kind of agitated about  
9 what was going on. There was a big gentleman, really tall  
10 guy, hovering above a smaller gentleman, and they seemed to  
11 be having a very animated discussion about something. What  
12 they were saying I could not hear because of the music.

13 Q. All right, and what happened?

14 A. There was a lot of -- a lot of kind of where they  
15 were jawing back and forth, and then there was some pushing,  
16 and then some drinks being thrown around, and then there were  
17 shots fired right after that.

18 Q. All right. Did you see anybody shooting?

19 A. I saw the taller gentleman do some shooting where he  
20 pulled his gun and fired it, it looked like into the floor.  
21 And there was a lot of chaos and commotion as everybody was  
22 scrambling around trying to get out of the -- what seemed to  
23 be the line of fire.

24 Q. So the guy you saw shoot into the floor, was that

1 the big --

2 A. The big gentleman, he had a bandana on. He was a  
3 really large gentleman, he was a very stocky fellow.

4 Q. And what color clothing was he wearing?

5 A. He had a black vest on, the bandana I believe was  
6 red, I can't really remember completely what color it was,  
7 but he had a big -- a vest on, looked like a Hells Angels  
8 vest.

9 Q. And you saw him shoot into the ground?

10 A. I saw him shoot into the ground, kind of like to  
11 scatter people and get them back or warn them off kind of  
12 thing.

13 Q. And what happened after that?

14 A. Then there was still a lot of commotion, the dance  
15 floor -- music was still playing while this was going on, but  
16 everybody in Trader Dick's was down on the ground yelling and  
17 screaming. Then another gentleman came from the left, right  
18 into Trader Dick's, I don't know how many -- about 10 feet.  
19 He proceeded to fire his gun quickly. As soon as the clip  
20 locked, he ran, then he ran off back out to the left of the  
21 area that he came into.

22 Q. All right, did he spend any time assessing the  
23 situation, or just come in and shoot?

24 A. He just came in and shoot -- and shot. He was in

1 quick, unloaded his entire gun. When the slide locked, then  
2 he ran off.

3 Q. Now, could you see what he was shooting at?

4 A. I could not see what he was shooting at, he just  
5 seemed to be shooting into the casino. Again, the wall was  
6 there and obscures the view, so I couldn't see where he was  
7 shooting at. He shot across into the casino.

8 Q. Do you see that person who did the shooting inside  
9 of the dance floor area here in court today?

10 A. Yes.

11 Q. Would you point to him and describe how he looks  
12 here today?

13 A. He is the gentleman with the glasses on right there.

14 MR. HALL: Would the record reflect the  
15 identification of the defendant?

16 THE COURT: The record will so reflect.

17 BY MR. HALL:

18 Q. So you just saw him walk right in, pull his gun,  
19 start shooting.

20 A. Yeah.

21 Q. Empty the clip and run out?

22 A. Yeah. I mean, he came in quick, shot quick, and  
23 then he ran out.

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

1 THE COURT: Counsel.

2 MR. LYON: Thank you, your Honor.

3 CROSS-EXAMINATION

4 BY MR. LYON:

5 Q. Good morning, Mr. Glover.

6 A. Good morning.

7 Q. So you get to the Nugget about 9:30 that evening of  
8 the 23rd?

9 A. That's correct.

10 Q. And help with the DJ in setting up with the bar --  
11 or the dance floor?

12 A. That's correct.

13 Q. And then you basically start working around 10  
14 o'clock?

15 A. Yes.

16 Q. When was the fight that you recall, about what time  
17 did that break out?

18 A. It was about -- I couldn't really say, about an hour  
19 and a half, maybe two hours into our setup -- I mean our --  
20 as we were going with the music.

21 Q. Okay, so you had been there about an hour and a half  
22 or so --

23 A. Yeah.

24 Q. -- before all of this took place.

1 A. That's correct.

2 Q. Fair to say it was a busy night?

3 A. Yes.

4 Q. You talked about a lot of the locals were there, as  
5 you would normally see on a Friday night?

6 A. Yes.

7 Q. And fair for say there were a lot of bikers there as  
8 well?

9 A. Yes.

10 Q. From various clubs?

11 A. Yes.

12 Q. Including the Vagos?

13 A. To be honest with you, I'm not familiar with biker  
14 clubs at all. I know of the Hells Angels, I actually until  
15 that day never really have known anything about the Vagos.

16 Q. Did you -- was there anything that you saw with  
17 respect to people that you now know as Vagos that you could  
18 identify as Vago?

19 A. From the green that they wear.

20 Q. You had talked about when you were describing the  
21 taller gentleman wearing the red bandana, he had the red and  
22 white on his vest, you identified him as a Hells Angel.

23 A. I had known that the Hells Angels were down there, I  
24 had seen them when I came through the casino that night, I

1 could see the patches on the back of the vest and what they  
2 were wearing. But when he turned -- when they were having  
3 their discussion, his back was right to me, so I could see  
4 the patch on the back of his vest.

5 Q. Okay, and could you see who -- it was him that was  
6 having the discussion?

7 A. He had come through and he had -- like the first  
8 group had come through with no problem. The second group  
9 that he was part of had come through, had stopped, they were  
10 talking just like -- I don't know who said what to who, but  
11 he stopped, he turned around, and then he, like I said, he  
12 towered over this other gentleman and they really started  
13 getting into the discussion. And there was a bunch of people  
14 that showed up on each side, that then there was a large  
15 group that had congregated in that area.

16 Q. So after the two of them kind of started talking to  
17 each other, that's when people started to congregate.

18 A. That's correct.

19 Q. Now, where were you at while this was going on?

20 A. I was up on the stage.

21 Q. Okay, and you had described that from your vantage  
22 point you were able to look out of the dance hall essentially  
23 out to the casino area, correct? That's one vantage point  
24 that you had?



1 A. That's correct.

2 Q. And when you look out in that area you're seeing  
3 what's -- are you familiar with the term yellow brick road?

4 A. Yes.

5 Q. And that's that yellow pathway that kind of courses  
6 through the Nugget?

7 A. That's correct.

8 Q. So one vantage point that you have is you're looking  
9 out and you can see the casino area with the yellow brick  
10 road.

11 A. That's correct.

12 Q. And then you indicated you could also -- there's an  
13 opening for the dance hall, if you're sitting there it's off  
14 to your left.

15 A. It's off to my left, that's right.

16 Q. And that's the opening that's over -- that goes over  
17 to the fish tank bar?

18 A. That's right, and the restaurant is right there,  
19 too.

20 Q. And Trader Dick's.

21 A. Yes, that's right.

22 Q. So at least from your vantage point you're able to  
23 see out both of those entrances?

24 A. That's correct.

1 Q. Now, what entrance are you able -- are you looking  
2 out of when you see this altercation going on?

3 A. Straight out to the yellow brick road.

4 Q. So you're looking straight out and you see these  
5 people stop, you see the big guy, and do you see any punches  
6 thrown?

7 A. I saw them kind of start scuffling, then you could  
8 see like the liquid from beer or alcohol or drinks being  
9 thrown around, you could see it flying around from where they  
10 had thrown it at each other.

11 And then they started really going at it, and then  
12 there were shots, and then everybody kind of just scattered  
13 after that, everybody in the bar -- in the dance floor had  
14 just dropped down to the ground and was on the floor of the  
15 dance floor. And in the bar itself in the seating area  
16 everybody was down on the ground.

17 Q. What did you do?

18 A. I actually stayed up on the stage, I kind of just  
19 kneeled down a little bit, kind of got a little bit lower.  
20 But I could still see everything that was going on. But I  
21 stayed there with the DJ because he actually didn't really  
22 realize what was going on, and his music was still playing,  
23 then I kind of just tugged him down and got him down, so.

24 Q. So you're looking out -- would it be fair to say

1 once the shots got fired it was fairly chaotic?

2 A. It was very chaotic.

3 Q. Were people running into the dance hall area?

4 A. Actually, people were running away from the dance  
5 hall area, running out to the left, down into Trader Dick's  
6 restaurant. A lot of people -- I could see people run into  
7 that area, down the back side of the fish tank bar as well.  
8 But nobody ran out into the yellow brick road area, because  
9 that's where everything was going on, so everybody was going  
10 the opposite direction.

11 Q. How about -- nobody was running in?

12 A. There was nobody running into it until the gentleman  
13 came back into the bar and fired into the casino. He was the  
14 only one that ran in there at that time. He came from the  
15 left, shot into the casino, and then he ran back out the same  
16 way he came in.

17 Q. Okay, and we'll get to that in a minute. So you're  
18 sitting there, it's pretty chaotic. When the first gunshots  
19 go off, people hit the ground?

20 A. No, nobody really I don't think really realized what  
21 was going on because of the gunshots. Then all of a sudden  
22 everybody is yelling, there's a gun, get down, get down, and  
23 then everybody gets down on the ground.

24 Q. And you described the big guy that you associate

1 with the Hells Angels, he shot like a couple of times  
2 downward?

3 A. Yeah, it looked like he fired his gun into the floor  
4 to like either warn people off or scare people off, as that  
5 was going on.

6 Q. How many shots do you hear?

7 A. I hear -- well, when he shot? I can't hear really  
8 anything because of the music. I can see the flash and I can  
9 see him shooting, but I can't hear anything.

10 Q. Do you recall testifying previously in this matter?

11 A. Yes.

12 Q. Do you recall when you previously testified that you  
13 heard two shots?

14 A. I could -- you know, like I said, it's been a long  
15 time now, and at the time when I did testify I did -- I did  
16 say that I did hear two shots.

17 Q. And then after that do you see him do anything else  
18 with his gun?

19 A. I don't remember -- recall seeing him. I remember  
20 him kind of going off back into the casino, but I don't  
21 recall him doing anything else with his gun at that time.

22 Q. Do you recall when you testified previously that you  
23 testified that you saw him shooting out into the casino?

24 A. Which gentleman are we talking about, are we talking

1 about the Hells Angels gentleman?

2 Q. Yes, the Hells Angels gentleman.

3 A. He probably could have been shooting into the  
4 casino. Like I said, everything happened so fast I don't  
5 really --

6 MR. HALL: I'd like to object at this point, if  
7 he's going to make reference to prior testimony I'd ask that  
8 he identify that testimony.

9 THE COURT: I'm going to sustain the objection.

10 MR. LYON: May I approach the witness, your Honor?

11 THE COURT: First you have to make note of where  
12 you're looking.

13 MR. LYON: I'm looking at the grand jury testimony  
14 page four.

15 THE COURT: Okay.

16 MR. LYON: And it would be lines 14 through 17.

17 THE COURT: He's asking that you read that to  
18 yourself, and see what you said previously.

19 THE WITNESS: Yeah, that's correct, I made that --  
20 I did make that statement.

21 BY MR. LYON:

22 Q. Does that refresh your recollection?

23 A. Yes.

24 Q. What your testimony was previously?

1           A. Yeah. That's correct. Yeah, as he -- as they  
2 backed up into the casino, he did shoot some more.

3           Q. Now, before he shot did you hear other gunshots  
4 going off?

5           A. I don't recall hearing any other gunshots going off.

6           Q. Okay, and how many gunshots in total do you think  
7 you heard before Mr. Gonzalez came into the dance hall?

8           A. I -- at least -- two that are for sure, and others I  
9 can't be sure of.

10          Q. Okay, but you did see Mr. Villagrana -- well, I'll  
11 identify the big gentleman as Mr. Villagrana.

12          A. Okay.

13          Q. Do you know him by that name?

14          A. Yes, I do.

15          Q. Mr. Villagrana shooting out into the casino.

16          A. That's correct.

17          Q. And you don't hear any other shots?

18          A. Again, music is playing at the time, too, so if  
19 there's more going on into the casino, I can't -- I couldn't  
20 hear it.

21          Q. Okay. And how long is it after you're hearing the  
22 shots that Mr. -- that you observe Mr. Gonzalez come into the  
23 dance hall?

24          A. It wasn't long, a couple minutes, maybe. It wasn't

1 long after they -- everybody kind of scattered off that he  
2 came back in.

3 Q. Okay. And he comes in from that left entrance?

4 A. That's correct, he comes in from the left entrance,  
5 walks -- comes in about, I don't know, a couple few yards,  
6 shoots -- just doesn't really even stop. Comes in, shoots  
7 quickly. When the slide locks on his gun, then he runs off.

8 Q. How long do you think he's in the dance hall?

9 A. About maybe five, 10 seconds.

10 Q. Have you seen any video of the fight and the  
11 shooting at all?

12 A. Yes, I have.

13 Q. Sorry, trying to get it queued up here to the --  
14 here's where the individual stops. Have you seen this video  
15 before?

16 A. Yes, I have.

17 Q. Is this -- is this the gentleman that you're  
18 referring to as the one that was doing the shooting?

19 A. That's correct.

20 Q. Now, and you can touch your screen. Where would  
21 you -- you're not in this video, correct?

22 A. That's correct.

23 Q. Can you you give us an idea of where you would be in  
24 relation to this fight?

1           A. I would be up inside of this part here. Here's  
2 where the opening is that I can see out of, but I'm all the  
3 way to the back on the stage.

4           Q. So you're kind of seeing it at an angle?

5           A. Yes.

6           Q. Do you see -- do you know who Mr. Pettigrew is?

7           A. No.

8           Q. Or was? This individual here?

9           A. Okay.

10          Q. Did you see -- do you recall seeing him at all?

11          A. I vaguely remember, I just remember the jacket,  
12 because it's like a USA red, white and blue jacket.

13          Q. Do you remember him ever producing a firearm?

14          A. No. I don't recall ever seeing him produce a  
15 firearm.

16          Q. Did you know that Mr. Pettigrew was the first one to  
17 throw a punch?

18          A. No, I did not.

19          Q. You didn't see that?

20          A. No, I did not.

21          Q. I think you did testify that you saw like liquid  
22 being thrown, something to that effect?

23          A. That's correct.

24          Q. What was Mr. Gonzalez wearing that night, do you



1 recall?

2 A. He had a vest on, I do believe it was a green  
3 bandana hanging out of his pocket. He had sunglasses on,  
4 which is the one thing that really sticks out with me is he  
5 had sunglasses on in the casino. Because it's already dark  
6 in there as it is, and he was wearing sunglasses at that  
7 time.

8 Q. How many times -- did you ever see him come in more  
9 than once?

10 A. As far as come in that one entrance that night?

11 Q. Yeah.

12 A. No, I only saw him that one time when he came in and  
13 fired.

14 MR. LYON: Could we get the lights? Sorry, it's  
15 just really hard -- this thing glares here.

16 A. Okay.

17 BY MR. LYON:

18 Q. Can you identify that individual?

19 A. That's the gentleman that came in and shot.

20 Q. So if you'll watch him, if you will. He would be,  
21 at this point in time, he would be back over by that other  
22 entrance over by Trader Dick's.

23 A. That's correct. Where he's standing right now  
24 there's a lot of plant -- like fake plants that are sitting

1 right there, so it's hard to see through those.

2 Q. Okay, but beyond those fake plants is where people  
3 can go in and out of the dance floor.

4 A. That's correct.

5 Q. Just keep your eye on him, if you will. Can you  
6 still see him?

7 A. Yes, I do.

8 Q. And is he about where the entrance is at that point  
9 in time?

10 A. He's actually a little bit farther up from the  
11 entrance right there.

12 Q. Okay. Do you see him go over to the bar area?

13 A. That's correct.

14 Q. And then it looks like he enters the dance hall at  
15 that point in time?

16 A. No, he -- he's still outside of it, he's standing by  
17 the wall, it looks like. I don't see him go into it, I still  
18 see him standing -- he's standing right by the wall there.

19 Q. Now, and that's what I want to point out is you have  
20 the entrance -- he could be at that entrance, correct, but  
21 not necessarily into the dance hall.

22 A. That's correct.

23 Q. But from that vantage point he could basically see  
24 through that other entrance out into the casino and the

1 yellow brick road that you described?

2 A. From off where he -- if you were looking at an angle  
3 from where he's standing, or straight ahead?

4 Q. No, looking at an angle off to his right.

5 A. Yeah, he could see through there.

6 Q. Okay, meaning there weren't walls or any other  
7 obstructions?

8 A. The only obstruction there would be there from where  
9 he's standing would be the plant life that's right there.

10 Q. But if he was around the plant life --

11 A. Yeah.

12 Q. -- he would have a clear view through the dance hall  
13 out to the casino?

14 A. Yes.

15 Q. And you don't see him at this point in time -- or at  
16 least you don't notice him.

17 A. I didn't see him, I didn't notice him. I was still  
18 more seeing what was going on straight ahead of me and not  
19 off to the left.

20 Q. Now, here it appears that's when Mr. Villagrana is  
21 at least shooting his gun again. Now, you had heard shots  
22 prior that time, correct?

23 A. Yes.

24 Q. And you had also at that -- was it prior to this

1 shooting also that you had seen him out shooting out in the  
2 casino?

3 A. That's about where I could have seen him shooting.  
4 Like I said, it was really chaotic so I cannot recall  
5 everything that was being shot or where they were waving guns  
6 or, you know, trying to get everybody back or whatever they  
7 were doing at that point.

8 Q. Okay, and I want to draw your attention back up to  
9 where Mr. Gonzalez was during this time period when the  
10 shooting is taking place. Kind of back it up, and we'll --  
11 do you still see Mr. Gonzalez?

12 A. Yes, I do.

13 Q. Now, he is -- at this point in time he is back up by  
14 that entrance to the dance floor?

15 A. That's correct.

16 Q. Okay, so once Mr. Villagrana starts shooting did you  
17 see Mr. Gonzalez go into the dance hall?

18 A. No, I did not.

19 Q. And I'm referencing the video, not -- not that --  
20 did you see it on the video?

21 A. No, I did not.

22 Q. Draw your attention up to this area. Can you see  
23 Mr. Gonzalez?

24 A. Yes, I can.

1 Q. Now, if you'll watch, once the shooting starts.

2 A. Yeah, now he turned into the casino -- into Trader  
3 Dick's right there.

4 Q. Okay, so you did see him go into --

5 A. Yeah.

6 Q. Now, you don't remember him coming into the dance  
7 hall area once the shots were fired?

8 A. No, I don't.

9 Q. And if you'll keep your eye on that part, see if you  
10 see him leaving.

11 A. He just -- yeah, there he went down the fish tank  
12 bar right there.

13 Q. Now, that's not when the shots were fired by  
14 Mr. Gonzalez, true?

15 A. No.

16 Q. Would it be fair to say that things have have calmed  
17 down at this point in time?

18 A. Yeah, it looked like everything had started to  
19 settle down right there.

20 Q. Did you notice anything else going on in the casino  
21 at this point in time?

22 A. No, I was still kind of just watching what was going  
23 on out here by the yellow brick road.

24 Q. Now, after the shots had been fired you indicated

1 that a lot of people had run out of the dance area?

2 A. It looked like everybody had -- some people had run  
3 off into the Trader Dick's restaurant, there was people that  
4 ran into the restaurant and back down by the fish tank bar,  
5 the back of the fish tank bar.

6 Q. After the shots were fired did you see anybody come  
7 into the front -- you know, that front entrance of the dance  
8 hall?

9 A. No, I didn't.

10 Q. Okay, so if there was testimony from somebody that  
11 said that they had ran in after the shots were fired, you at  
12 least didn't see that?

13 A. I didn't see that, no.

14 Q. Did you see any -- actually, let me ask you this,  
15 how far -- your vision to some degree to your -- if you're  
16 looking out the front part of the dance hall out across the  
17 casino and the yellow brick road, your vision is somewhat  
18 limited to your right, correct?

19 A. That's right, because there's a wall there that  
20 obscures the view. Anything that happens on the other side  
21 of the wall, you can't see anything.

22 Q. So basically at that point in time you can't see  
23 what's going on farther to your left.

24 A. That's -- I can't see anything to my right.

1 Q. To your right, I'm sorry.

2 A. Yeah, I can't see anything that's going farther on  
3 down in the casino to my right at all.

4 Q. So if you'll keep your attention kind of up here.  
5 Do you see Mr. Gonzalez go --

6 A. Yes, I did.

7 Q. Okay, and the time frame is about 23:27:34, would  
8 you agree with that? And for the record, this is monitor 45,  
9 or camera 45. And is that when you saw him enter the --

10 A. That's correct, that's when I saw him come in.

11 Q. And people were running out at that point in time?

12 A. Yeah, there was some people that had run by down by  
13 the back side of the fish tank bar.

14 Q. And then was that Mr. Gonzalez just ran out?

15 A. Yes, it was.

16 Q. So we have 23:27:48, would you agree with that?

17 A. That's correct.

18 Q. So approximately 14 seconds?

19 A. That would be -- that sounds about right. Like I  
20 said, everything happened so quickly, I couldn't keep track  
21 to see what kind of time it was.

22 Q. Would you agree it was pretty chaotic?

23 A. It was pretty chaotic, yes.

24 Q. You were probably pretty stressed out about what was

1 going on

2 A. Yeah, I was a little -- a little concerned about  
3 what was going on.

4 Q. Concerned for the safety of the people inside?

5 A. Yes, my friend, people I knew, my DJ friend,  
6 everything.

7 Q. Yourself.

8 A. Myself too, yeah.

9 Q. Now, you could not see what Mr. Gonzalez was  
10 shooting at, correct?

11 A. That's correct.

12 Q. But you assumed he was shooting at the bigger guy  
13 that had been firing before.

14 A. I couldn't say who he was shooting at. Like I say,  
15 he just came in and shot quickly and then he was gone.

16 Q. Okay.

17 A. But I didn't see him aim or what he was shooting at.  
18 If he was shooting into the casino, I couldn't see anything  
19 to the right if who he was shooting at.

20 Q. You couldn't see Mr. Villagrana and Mr. Pettigrew  
21 kicking an individual prior to Mr. Gonzalez shooting?

22 A. I didn't see them kick anybody. But again, it was  
23 already -- already gotten chaotic, so I -- you know, I was  
24 kind of like watching but not seeing everything that was



1 going on, because I was watching all these people running --  
2 coming back and forth.

3 Q. Okay. And when Mr. Gonzalez entered the dance hall  
4 isn't it correct he was watching Mr. Villagrana and  
5 Mr. Pettigrew kind of walk by?

6 A. I would assume that's what he was looking at, I'm  
7 not -- again, I don't really recall what he saw.

8 Q. Do you recall seeing them walk by?

9 A. I recall seeing them, yeah.

10 Q. And they would have walked by in front of you and  
11 then out of your line of vision.

12 A. That's correct, they would have came through, and  
13 then once they're on the side of that right wall, I couldn't  
14 see where they had gone or anything that was going on on that  
15 side.

16 Q. Do you recall seeing Mr. Villagrana with his gun?

17 A. That's correct.

18 Q. How about Mr. Pettigrew?

19 A. I don't recall Mr. Pettigrew's gun at all.

20 Q. And did you hear any shots as they were passing  
21 through other than what Mr. Gonzalez -- you heard coming from  
22 Mr. Gonzalez?

23 A. No, I didn't hear any shots.

24 Q. So Mr. Gonzalez comes in, is watching them go by,

1 correct?

2 A. That's correct.

3 Q. And then does he move forward, farther into the  
4 dance hall?

5 A. I don't recall if he moved farther in, but I know he  
6 came in, stopped, shot, and then he left. But I can't tell  
7 you if he came in and then he stopped, walked some more, then  
8 shot and then left, I can't say I saw that or not.

9 Q. But we do know from watching the video he's in there  
10 about 14 seconds.

11 A. That's right.

12 Q. And what's going on with the people as he's coming  
13 in?

14 A. They're down on the ground still, some are  
15 screaming, some are crying. Just a lot of chaos. A lot of  
16 fear.

17 Q. Sure. After he shoots, anybody get up and run, kind  
18 of cross paths with him?

19 A. No.

20 Q. You didn't see anybody else kind of jump up and run  
21 out right after he shot?

22 A. I didn't recall seeing anybody. Because after he  
23 left, then I went down to the floor to check on a few people,  
24 make sure they were -- just people that I knew, to make sure

1 they were okay.

2 Q. And pretty much once he shot everybody stayed put,  
3 correct?

4 A. Pretty much. Everybody pretty much stayed down  
5 until the police arrived.

6 Q. And the police arrived, what, a couple minutes  
7 later?

8 A. Couple minutes later, five minutes later maybe at  
9 the most. It was, like I said, really quick and then they  
10 were there.

11 MR. LYON: Thank you, sir, that's all I have.

12 THE COURT: Redirect.

13 MR. HALL: Thank you.

14 REDIRECT EXAMINATION

15 BY MR. HALL:

16 Q. Now, do you remember seeing another view of the  
17 video from the angle behind the bar?

18 A. Yes, I do.

19 Q. All right, and were you able to see how long the  
20 defendant was inside the bar before you see those flashes in  
21 the back of the -- see those flashes inside the bar?

22 A. Not very long. A few seconds. When he gets in  
23 there, just a few seconds, then you see all the flashes and  
24 then you see him run out.

1 Q. All right, if you look at Exhibit 32 -- 36. Is it  
2 36H? 36H.

3 THE COURT: Any objection to the admission?

4 MR. HOUSTON: No, your Honor.

5 THE COURT: 36H is admitted.

6 (Exhibit No. 36h admitted.)

7 BY MR. HALL:

8 Q. All right, now, when you saw Mr. Villagrana shoot  
9 that warning shot into the floor, could you tell what was  
10 going on down to your right down towards the bathrooms?

11 A. I could not.

12 Q. All right, so you couldn't tell -- you didn't see  
13 those Vagos chasing the Hells Angels?

14 A. I didn't see any of that, no, sir.

15 Q. Okay. And now, there's some obstructions between --  
16 when you're inside of the dance floor area, there's  
17 obstructions, so you can't see the whole walkway, right?

18 A. That's correct.

19 Q. Did you see the defendant with his gun out running  
20 down the hallway?

21 A. No, I didn't.

22 Q. All right, you didn't see that? And then -- and  
23 then if somebody was walking down the yellow brick road  
24 towards Rosie's, you wouldn't be able to see him until they

1 came into that one line of sight, right?

2 A. That's correct.

3 Q. So if he's standing there, you'd almost to have wait  
4 for them to come by, right?

5 A. That's correct.

6 Q. So then they would come into view, and then he could  
7 run in, shoot, and run off, right?

8 A. That's right.

9 Q. And we could see that. So if we look at  
10 Exhibit 36H, we know that the defendant was down at this  
11 area. We saw a video earlier, and he had his gun out, down  
12 here?

13 A. Okay.

14 Q. And kind of watching what's going on. So if he's  
15 running back behind here, he couldn't see anybody walking  
16 down the yellow brick road, could he?

17 A. Not through the fish tank, it's pretty obstructed,  
18 it has a lot of rock and everything, stone in it, so it's  
19 hard to see through it.

20 Q. So if somebody's walking down the yellow brick road,  
21 he couldn't see anything because there's a wall here.

22 A. That's correct.

23 Q. Let me make that bigger. All right, so as he runs  
24 southbound behind the bar and he gets to this area, the

1 people that are walking from here -- and this is where the  
2 fight was, right, right by this little kiosk?

3 A. That's correct.

4 Q. So here's the warning shot, then from there you see  
5 basically Pettigrew and Villagrana walking down this way.

6 A. That's correct.

7 Q. All right, so they wouldn't even come into view  
8 until they got to about here, right?

9 A. That's right, there's like a big pole in the middle  
10 of the -- of the dance floor right off to the side there, as  
11 well.

12 Q. All right, so he'd have to kind of wait for them to  
13 come into view, right?

14 A. That's correct.

15 Q. And apparently he was standing there waiting, and  
16 then as soon as they came into view he runs in, shoots, and  
17 runs out?

18 MR. LYON: Objection, leading.

19 THE COURT: Sustained.

20 BY MR. HALL:

21 Q. Let's check the walk-through video and we can  
22 demonstrate this as well. Back up just a little bit. Do you  
23 recognize this area as the Noodle Hut?

24 A. That's correct.

1 Q. So that would be the view down the yellow brick road  
2 from the left side of the fish tank, correct?

3 A. That's correct.

4 Q. So from here, your view would totally be obstructed  
5 from seeing anything out on the yellow brick road or the  
6 casino, is that fair to say?

7 A. That's correct, yeah, you can't see through anything  
8 there at all across -- if you're looking to your left, trying  
9 to look through the fish tank, you can't see anything over  
10 there.

11 Q. So you still can't see anything from this viewpoint.  
12 I mean, you can see to your left, but you can't see into the  
13 casino, basically, where your viewpoint is.

14 A. Yeah, you can't see -- right here you can't see  
15 anything through to the other side.

16 Q. So you were -- let's back up a little bit here. All  
17 right, can you tell us where you would have been?

18 A. I would have been right on top of the stage, right  
19 there.

20 Q. Okay.

21 A. Right about where the stool is sitting, that's where  
22 I usually sit, because that's right at the edge of the  
23 stairs.

24 Q. Okay, right here?

1           A. Right there. There's a stool right there, that's  
2 usually where I would sit.

3           Q. So now this view is from inside, right?

4           A. That's correct.

5           Q. So you'd have to be inside to see people -- so the  
6 foliage that you were talking about would be right here?

7           A. That's correct.

8           Q. So you'd have to be inside to see individuals in  
9 this area.

10          A. That's right.

11          Q. Now, these are the booths in the corner?

12          A. That's right.

13          Q. All right, so when all this fighting is going on do  
14 you think anybody could have backed into the -- into these  
15 booths area without you noticing them?

16          A. It's at all possible, but there's already people  
17 sitting there. I don't know if --

18          Q. Do you think if there was a fight going on they  
19 could have been standing there and you wouldn't have  
20 necessarily noticed them?

21          A. That's correct.

22          Q. I mean, you didn't take account of everybody that  
23 was running around there, did you?

24          A. No, I didn't.



1 Q. So if there's a guy that backs in there, you know,  
2 like -- I mean, you're watching the shooting and the guys  
3 with the guns and guys walking back and forth and this guy  
4 shooting?

5 A. That's correct.

6 MR. LYON: Objection, leading.

7 THE COURT: Sustained.

8 BY MR. HALL:

9 Q. So when we look at 215, and see how many -- you  
10 remember looking at this? Correct?

11 A. Yes, I do.

12 Q. And so he was standing outside of the bar area or  
13 the Trader Dick's area just before you see the flashes, is  
14 that your recollection?

15 A. That's my recollection, yes.

16 Q. All right. And so he already approaches with his  
17 gun out, and assesses the situation from outside of the bar.  
18 Is that what you observed from this viewpoint?

19 A. Yes.

20 Q. And you couldn't tell what was going on with the  
21 Hells Angels, you couldn't see what was going on out there?

22 A. I couldn't see what was going on out there.

23 Q. Now, when you saw the argument at the beginning, you  
24 said a lot of other people gathered around?

1           A. Yeah, it was -- it got quite a large -- large group  
2 that had -- once they started talking to each other, arguing  
3 with each other, then the group got considerably larger.

4           Q. All right. Now, did the numbers grow with respect  
5 to the guys in red or the guys in green?

6           A. It was pretty -- pretty even.

7           Q. Yeah?

8           A. It was a pretty big group. And like I said, they  
9 had started out with a big group of Hells Angels, the  
10 original group that had come through, and then a second group  
11 had come through. And once they started arguing, it looked  
12 like they had come from both sides and they had just formed  
13 both ways.

14          Q. So he's still outside the area, right?

15          A. That's right.

16          Q. That's him right there?

17          A. Yes.

18          Q. Then he goes in. So as soon as he goes in, that's  
19 when you see the flashes, right?

20          A. That's correct.

21          Q. So he doesn't even go in until just seconds before  
22 you see those flashes, right?

23          A. That's right.

24          Q. So he's outside the casino, just out of that one

1 line of sight. You don't know anything about who started the  
2 fight or what happened earlier?

3 A. No, I don't.

4 Q. And you didn't see the Vagos attacking Hells Angels  
5 down by the bathroom?

6 A. No.

7 Q. So you don't know why that warning shot was fired?

8 A. No.

9 Q. Do you know how Pettigrew got his nose cut off?

10 A. I didn't see any of that, no, sir.

11 Q. All right. You didn't see anybody else shooting  
12 besides Villagrana?

13 A. That was the only one I saw, when he shot into the  
14 floor.

15 Q. And you don't know why he was shooting?

16 A. No.

17 Q. You don't know if he was shooting in self-defense?

18 A. I don't --

19 MR. LYON: Objection, calls for a conclusion. This  
20 witness doesn't know.

21 THE COURT: Sustained.

22 BY MR. HALL:

23 Q. Could you tell if the Hells Angels were being  
24 attacked?

1 A. I couldn't say. It looked like -- it looked like  
2 they both were just --

3 Q. Mixing it up?

4 A. Mixing it up, yeah.

5 Q. Both sides just fighting.

6 A. Yes.

7 Q. And that fight involved the use of deadly force?

8 A. That's correct.

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

10 RECROSS-EXAMINATION

11 BY MR. LYON:

12 Q. So I want to go back through the one video of the --  
13 we're calling the walk-through video.

14 Could you hit the lights? That's the entrance to  
15 the dance hall, correct?

16 A. That's correct.

17 Q. This is the restaurant, Trader Dick's? Or actually,  
18 coming back behind the fish tank bar.

19 A. That's correct.

20 Q. This would have been the area where you saw  
21 Mr. Gonzalez come from and leave to, correct?

22 A. That's correct.

23 Q. Now, that's the entrance into the dance hall,  
24 correct?

1 A. That's correct.

2 Q. Okay, how wide do you think that is?

3 A. I couldn't say for sure. 10 -- I'm not really sure  
4 how wide it is. I've never really thought about that, I  
5 don't know if it's, you know, 10, 15 feet wide, I'm not  
6 really sure.

7 Q. Is this pretty much in the way it was on that  
8 evening?

9 A. As far as the setup of it and everything?

10 Q. Yeah.

11 A. Yeah, that's pretty much how it looks all the time.

12 Q. Okay, so you would agree you're not even -- looks  
13 like the camera, whoever is holding the camera, isn't even  
14 across the wood flooring there, but you can see through the  
15 dance hall at that -- from this point of view, correct?

16 A. You could see a little bit through it.

17 Q. You can see through the foliage?

18 A. Yes, right straight ahead you can see a little bit  
19 of the casino there, right.

20 Q. And those plastic trees, right?

21 A. Yeah, they're all plastic.

22 Q. And you can see out to the front to some degree, at  
23 least from this camera angle?

24 A. Yes.

1 Q. And at this point in time you're not even inside the  
2 dance hall, correct?

3 A. That's correct.

4 Q. And you had indicated you were kind of up in this  
5 area there?

6 A. That's correct.

7 Q. Now, there's booths and everything off to your  
8 right?

9 A. There's --

10 Q. If you would walk in at that point in time?

11 A. Off to my right, if I was coming in from this angle?

12 Q. Right.

13 A. That's correct, there's booths over there.

14 Q. And there would be booths off to the left over  
15 there.

16 A. That's correct.

17 Q. Okay, and then the tables that you see kind of in  
18 the middle there, were those there that evening or were they  
19 taken out to give room for dancing?

20 A. No, everything -- pretty much the tables are there  
21 all the time. The dancing is pretty much restricted to the  
22 floor itself.

23 Q. Okay, and we kind of walked through this as from a  
24 perspective of actually being inside the dance hall?

1 A. That's correct.

2 Q. You never saw Mr. Gonzalez over in this area, right?

3 A. Not until after -- not until when he came in and had  
4 fired.

5 Q. Okay, did he come that far into the dance hall?

6 A. He came about where this angle is right here. About  
7 as far as he was in is right about there.

8 Q. Okay. Okay, now, the entrance is kind of through  
9 there, right?

10 A. Yeah, that's where the yellow brick road is, is  
11 right there.

12 Q. Excuse me, the entrance out to Trader Dick's.

13 A. Oh, it was off -- right to the left.

14 Q. Okay, right there? Or --

15 A. It's back just a little bit farther. It's right  
16 after where this booth is, it's right after -- right before  
17 that booth.

18 Q. Maybe I'll just let you put a marker there.

19 A. So somewhere in this area over here is where the  
20 entrance is.

21 Q. Okay, so as you came to that entrance this would be  
22 your vantage point through the casino.

23 A. That's correct.

24 Q. Or through the dance hall.

1 A. That's right.

2 Q. You see that object?

3 A. The trash can right there?

4 Q. Is that what that is?

5 A. That's a trash can here, and then the slots are  
6 right there.

7 Q. About how far away, to give us some perspective, if  
8 you're standing where the camera is being shot from to that  
9 trash can, how far away would you estimate that to be?

10 A. About 10 yards.

11 Q. And you certainly see people walking by, correct?

12 A. That's correct.

13 Q. Now, this perspective, is this taking us farther  
14 into the dance hall?

15 A. Yes, it is.

16 Q. Did you see Mr. Gonzalez move into roughly where the  
17 camera is at this point in time?

18 A. No, I did not.

19 Q. You didn't see him move in that closely?

20 A. No, sir.

21 Q. Now, when you saw him fire, what hand was he using?

22 A. His right hand, I believe.

23 Q. Did you see any of the shell casings come out?

24 A. No, I did not.



1 Q. And direct you back to I think it's Exhibit 36 -- C?  
2 H. Page 36H. As I understand it, these were where the shell  
3 casings were found? Do you remember ever seeing shell  
4 casings located -- or dropped on the floor?

5 A. I didn't see them dropped on the floor, I remember  
6 when it was all over I heard a few people had said they had  
7 found shell casings on the floor.

8 Q. Did you ever see that?

9 A. I did not.

10 Q. Would this correspond with what you recall about the  
11 position of Mr. Gonzalez? As far as his -- how far he was  
12 into the dance hall?

13 A. Well, if he came from this entrance here, he's  
14 somewhere roughly in this area right about there.

15 Q. Let me clear this. He came in from this entrance,  
16 correct?

17 A. That's correct.

18 Q. And if the shell casings are here, that would  
19 suggest he came into the dance floor in that direction,  
20 correct?

21 A. That's correct.

22 Q. And again, you never saw what Mr. Gonzalez was  
23 shooting at.

24 A. That's correct.

1 Q. Now, you were asked one question about possibly  
2 somebody coming in and sitting into that booth in the back,  
3 and you said yeah, sure, it's possible -- it's possible, but  
4 in your -- when I was asking you questions, you said you  
5 never did see anybody?

6 A. I didn't see anybody, but it was possible that  
7 somebody could have done that. Because like I said, it was  
8 very chaotic, so I couldn't say for sure yes or no somebody  
9 was in there or not.

10 Q. But as far as -- as you sit here today, you have no  
11 recollection of somebody coming in and sitting down.

12 A. That's correct.

13 Q. And I think you said that's because the booths were  
14 already filled by people that --

15 A. Yeah, it was a pretty busy night in there. I mean,  
16 it was busier than usual for a Friday night.

17 MR. LYON: All right, thank you very much, sir.

18 THE WITNESS: Thank you.

19 THE COURT: Anything further, Mr. Hall?

20 MR. HALL: No further questions.

21 THE COURT: Thank you, sir, you may step down, you  
22 are excused.

23 THE WITNESS: Okay.

24 THE COURT: Go ahead and call your next witness.

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GARY RUDNICK

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. Sir, would you state your name and spell your last  
name?

A. Gary Stuart Rudnick, R-u-d-n-i-c-k.

Q. And were you one of the members of the Vagos back in  
September?

A. Yes.

Q. 2011?

A. Yes.

Q. And how long had you been involved with the Vagos at  
that time?

A. About 10 years.

Q. And can you tell us how you got involved with the  
Vagos and how you become a Vago?

A. From the beginning?

Q. Yes.

A. In the beginning you got to know somebody, you hang

1 out with them, and then eventually they ask you to prospect.  
2 And then from prospect you become a patch holder. And then  
3 you're a full pledge Vago at that time.

4 Q. All right. Now, when you prospect are there certain  
5 tasks that you must perform in order to become a full patch  
6 member?

7 A. Yes.

8 Q. All right, well, what types of tasks would you have  
9 to perform?

10 A. It varies on who asks you to do something.

11 Q. All right, so can you give us an example?

12 A. There might be an incident that you stay in line and  
13 get someone's food for them, another patch holder. Go pick  
14 up somebody if they're broken down. It varies.

15 Q. All right, are you required to carry any kind of  
16 equipment that a charter member may need, for example  
17 cigarettes or candy or matches or tools or anything like  
18 that?

19 A. Yes, you have your prospect patch, your prospect  
20 bag, excuse me.

21 Q. And what types of items would you have in your  
22 prospect bag?

23 A. It varies. Some people want certain things,  
24 cigarettes, condoms, lighters, you know, comb, candy.

1 Q. Okay, and when you first got involved with the Vagos  
2 what chapter were you involved with?

3 A. South Bay.

4 Q. And who was in South Bay initially when you got  
5 involved?

6 A. It was my sponsor that brought me in, Big Lo. A  
7 gentleman named Big Tome, a gentleman named Smokey, Montana,  
8 Rocco, a gentleman by the name of Roy. Maybe one or two that  
9 I don't recall, but mostly those guys.

10 Q. Now, I notice that you're referring to these  
11 individuals with their monikers?

12 A. Their --

13 Q. Their nickname?

14 A. Yes.

15 Q. So do most members of the Vagos have a nickname?

16 A. Yes.

17 Q. Or a lot of them have a nickname?

18 A. Yes.

19 Q. Did you have a nickname?

20 A. Yes.

21 Q. And what was your nickname?

22 A. Jabbers.

23 Q. And when you get to know another member, a prospect,  
24 do you ask them about their personal life?

1 A. Not often.

2 Q. Do you ask them about their real name, their  
3 address?

4 A. Not often.

5 Q. Those types of things?

6 A. Not often.

7 Q. And why was that?

8 A. You're just taught not to, you know, ask those  
9 questions, you know. You know, you learn who they are down  
10 the line when you become a patch holder, you're invited over  
11 to their house or you get to know them later on down the  
12 line.

13 Q. Is there a certain code of conduct where you  
14 wouldn't necessarily delve into somebody's personal life?

15 A. I don't understand your question.

16 Q. Well, if you go by a moniker or you go by a  
17 nickname, and you don't -- you said you don't necessarily  
18 talk about those types of things, about personal matters. I  
19 mean, is that part of what Vagos do or don't do? Not really  
20 delve into somebody's personal life or anything like that?

21 A. Some charter members, you know, want that. Some  
22 charter members don't. In your charter you pretty much know  
23 where your other members live, and sometimes you don't know  
24 their real name. Sometimes you just know them by Big Tome or

1 their nicknames.

2 Q. When you go on runs are you introduced to people by  
3 their nicknames or by their real names?

4 A. It depends. If they have a nickname, it's the  
5 nickname. If they have the -- you know, if they go by their  
6 real name, you know, go by real name.

7 Q. Now, when you got involved with the Vagos did they  
8 have regular meetings?

9 A. Yes.

10 Q. Okay, and what were those meetings called?

11 A. You have churches.

12 Q. And what's a church?

13 A. Is your charter have meetings, and then they have  
14 OMs.

15 Q. What's an OM?

16 A. National officer meeting.

17 Q. And who is invited to those?

18 A. All the Ps, VPs and nationals.

19 Q. All right, and what is discussed at those meetings?

20 A. It varies on what's going on.

21 Q. So can you give us an example of what you might  
22 discuss depending on what's going on, or what has gone on?

23 A. I mean, different incidents that go on. Whatever  
24 the scenario is, like say the month before. If there's an

1 incident where we're having a problem with another outlaw  
2 club, then we discuss it there.

3 Q. Do you also discuss other things such as runs or  
4 parties or --

5 A. Yes. I'm sorry.

6 Q. People passing away, just a variety of things.

7 A. Yes.

8 Q. All right. But one of the things that you also  
9 discuss would be problems with other clubs?

10 A. Yes.

11 Q. Or other gangs?

12 A. Yes.

13 Q. All right, and did you have any rivalries?

14 A. Yes.

15 Q. And who was that?

16 A. Hells Angels. Mongols.

17 Q. Okay, now, did you personally have any problem with  
18 the Hells Angels?

19 A. No.

20 Q. Did you ever -- were there any Hells Angels that  
21 lived by you that you didn't like?

22 A. No.

23 Q. Did you ever meet any of them?

24 A. Not really.



1 Q. Did you ever talk to any of them or know any Hells  
2 Angel members?

3 A. No.

4 Q. Were you aware -- how were you aware that there was  
5 an issue with the Hells Angels as far as a rivalry?

6 A. Can you explain yourself? Or -- I don't understand  
7 the questions that you're trying to --

8 Q. Well, you said that there was a rivalry with the  
9 Hells Angels, is that right?

10 A. Yes.

11 Q. Okay, how did you find out about that, or when did  
12 you know about that?

13 A. We had numerous -- oh. Phone calls. We'd get phone  
14 calls telling you what's going on.

15 Q. Would that be one of the things that you might  
16 discuss at your meetings?

17 A. Yes.

18 Q. I got a little far afield there. We started off  
19 with your -- beginning when you initially prospected and  
20 became a patch member?

21 A. Yes.

22 Q. So what chapter were you with when you became a  
23 patch member initially?

24 A. I was in South Bay.

1 Q. And then did you go to another chapter?

2 A. Yes.

3 Q. What chapter was that?

4 A. San Diego Valley.

5 Q. How long were you with the San Diego Valley?

6 A. Couple of years.

7 Q. And then did you change chapters again?

8 A. Yes.

9 Q. And where did you go next?

10 A. L.A. charter, the Los Angeles charter.

11 Q. All right, and who was your president at the L.A.  
12 charter?

13 A. Candyman.

14 Q. And how long were you with the L.A. charter?

15 A. About six months.

16 Q. And what was your rank?

17 A. Vice-president.

18 Q. So what does the vice-president do?

19 A. Make decisions on different issues that goes on,  
20 talk to other clubs if you have issues.

21 Q. Now, you're familiar with the hierarchy of the  
22 Vagos, is that right?

23 A. Yes.

24 Q. Do you know a lot of members?

- 1 A. Yes.
- 2 Q. All right, can you see this?
- 3 A. Yes.
- 4 Q. All right, can we start at the upper left and can  
5 you tell us -- identify all of these individuals?
- 6 A. Yes. First one is Romey.
- 7 Q. So that would be the defendant, Ernesto Gonzalez?
- 8 A. Yes.
- 9 Q. He goes by Romeo?
- 10 A. Yes.
- 11 Q. How do you know him?
- 12 A. By being a member.
- 13 Q. And did you see him on occasion?
- 14 A. Yes.
- 15 Q. And how long had you known him?
- 16 A. For as long as I've been in the club and he's been  
17 in the club.
- 18 Q. How long would that be?
- 19 A. Couple years.
- 20 Q. And then of course this is you?
- 21 A. Yes.
- 22 Q. So then we have Leonard Ramirez, do you know him?
- 23 A. I don't know of him.
- 24 Q. You know of him?

1 A. Yes.

2 Q. Seen him around?

3 A. Yes.

4 Q. And where would you see him?

5 A. At different runs.

6 Q. And how often would you have a run?

7 A. It varies from it could be every weekend, to every  
8 other weekend.

9 Q. So everybody gets together on a fairly frequent  
10 basis?

11 A. Yes.

12 Q. And then do you know Diego Garcia?

13 A. Yes, Boo Boo.

14 Q. What chapter is he in?

15 A. San Jose.

16 Q. And how do you know Boo Boo?

17 A. From being a Vago.

18 Q. And would you see him on a regular basis?

19 A. Yes, at different runs.

20 Q. All right, and Rigoberto Garcia?

21 A. Yes.

22 Q. Are you familiar with him?

23 A. Yes.

24 Q. And what chapter is he in?

1 A. San Jose.

2 Q. And then do you know Greg Fearn?

3 A. I do not know him.

4 Q. Have you met him before?

5 A. Probably on occasion, but not -- you know, don't  
6 recall.

7 Q. He's not somebody that you would associate with or  
8 recall seeing?

9 A. Yes.

10 Q. Do you know anybody from Lake County?

11 A. Not too many people.

12 Q. All right, did you know he was a Lake County  
13 vice-president?

14 A. No.

15 Q. All right, do you know Albert Perez?

16 A. Yes, Dragon Man.

17 Q. And what's his status in the organization?

18 A. He is a national sergeant of arms.

19 Q. What's a national sergeant of arms do?

20 A. He makes calls, and in case something happens he  
21 makes decisions that he gets from the hierarchy.

22 Q. All right, who is above Dragon Man, or Albert Perez,  
23 is there somebody above him that could give him orders?

24 A. Above Dragon?

1 Q. Yes.  
2 A. Yes.  
3 Q. Who is that?  
4 A. The vice-president.  
5 Q. Who is that?  
6 A. Jimbo.  
7 Q. Is Jimbo on this diagram?  
8 A. No.  
9 Q. Or on Exhibit 132?  
10 A. No.  
11 Q. All right. How about Pastor Palafox?  
12 A. Yeah, Tata?  
13 Q. Yes  
14 A. Yes.  
15 Q. What's his status?  
16 A. IP.  
17 Q. And what's an IP?  
18 A. International president.  
19 Q. So would he be the head guy?  
20 A. Yes.  
21 Q. Top man?  
22 A. Yes.  
23 Q. He can tell everybody what to do?  
24 A. Yes.

- 1 Q. Or what not to do?
- 2 A. Yes.
- 3 Q. Do you know Robert Wiggins?
- 4 A. I've seen him.
- 5 Q. Okay, do you know him?
- 6 A. Not offhand, but I see him on poker runs.
- 7 Q. Okay, do you hang out with him, talk to him?
- 8 A. Not often.
- 9 Q. Do you like him?
- 10 A. I have nothing against him, I don't really know him.
- 11 Q. Okay, what about Cocky Rocky?
- 12 A. Yes.
- 13 Q. How do you know him?
- 14 A. A patch member.
- 15 Q. Now, he testified here earlier and said he was a
- 16 Nomad?
- 17 A. Yes.
- 18 Q. What's a Nomad?
- 19 A. It's when you get your 25 years, you're able to get
- 20 a Nomad.
- 21 Q. Now, would he have the authority to tell you, a VP,
- 22 what to do?
- 23 A. In somewhat, but if I don't listen to him.
- 24 Q. Why is that?

1           A. He's a Nomad. So he's like a retired Vago who can  
2 do what he wants to do.

3           Q. So if you're retired, kind of put out to pasture,  
4 it's kind of like I'm going take care of my business and you  
5 take care of your business, or how would you phrase it?

6           A. He has his time in the club, he doesn't need to go  
7 to every single run, and he can pick and choose what he wants  
8 to do.

9           Q. All right. Well, as far as giving you advice or  
10 telling you what to do, what would be his authority in that  
11 regard?

12          A. Nothing.

13          Q. Do you know Jeff Martin?

14          A. Yes, Lunchbox.

15          Q. And how do you know him?

16          A. He was in my charter.

17          Q. And what was his position in your charter?

18          A. At that time, secretary. Or treasurer.

19          Q. And what does a secretary-treasurer do?

20          A. Keeps track of the money that comes in. If we need  
21 to buy anything, make reservations, anything like that, he  
22 takes care of it.

23          Q. Were there regular dues that needed to be paid?

24          A. Yes.



1 Q. How much were the dues?

2 A. It depends on your charter. From 50 to \$100.

3 Q. Would that be a month?

4 A. It could be a month, it could be every other month,  
5 it depends on how your charter got set up.

6 Q. And do you know what Mr. Martin's status in the club  
7 is now?

8 A. No, I do not.

9 Q. How about Candyman, Bradley Campos?

10 A. Yes, Candyman I do know.

11 Q. And what was his position in the club?

12 A. He was my president.

13 Q. All right. And you had been in that chapter for  
14 about six months?

15 A. Yes.

16 Q. And so could the president tell you what to do?

17 A. Yes.

18 Q. So if he tells you to do something, then you need to  
19 do it?

20 A. Yes.

21 Q. And what happens if you don't do it?

22 A. I can get my position taken away or I can get a  
23 fine, or become a prospect.

24 Q. All right, and now would he have the same authority

1 as Dragon Man or Tata?

2 A. To our charter, yes. But to make shot calls, no.  
3 Only if it concerns our charter.

4 Q. What's a shot call?

5 A. Would be hierarchy calls.

6 Q. A big decision?

7 A. Yes.

8 Q. Like a decision to fight with another gang?

9 A. Yes.

10 Q. So who could make those decisions?

11 A. Tata. And Jimbo.

12 Q. Not Bradley? Not Candyman?

13 A. Not if it doesn't -- if it concerns only our  
14 charter.

15 Q. Cesar Morales, do you know who he is?

16 A. Yes.

17 Q. And who is he?

18 A. He's the president of San Jose.

19 Q. All right, what about Richard Nickerson?

20 A. Yes.

21 Q. Who is he?

22 A. He's a patch holder for San Jose.

23 Q. All right, do you know William Pizel?

24 A. Yes, Top Hat.

1 Q. All right, and what's Top Hat's position?

2 A. He's a Nomad Forever.

3 Q. All right, so Mr. Pizel and Siemer, they're both  
4 Nomads?

5 A. Yes.

6 Q. So they've been in the club a long time, but they  
7 basically retired.

8 A. Yes.

9 Q. Brian Marquez.

10 A. Yes.

11 Q. Do you know him?

12 A. Yes.

13 Q. And who is he?

14 A. A San Jose member.

15 Q. Do you know a lot of the San Jose members?

16 A. Yes.

17 Q. Did you see them on a regular basis?

18 A. Yes, at different runs.

19 Q. Did you hang out with them?

20 A. Yes.

21 Q. And do you know Pete Amirson?

22 A. I'm aware he's a patch holder, but I don't know him.

23 Q. And do you know David Hogg?

24 A. No, I don't.

1 Q. All right now, directing your attention to September  
2 23rd, 2011, how did you get to Reno?

3 A. I rode my motorcycle.

4 Q. Who did you ride up to Reno with?

5 A. With my charter and another charter.

6 Q. And what route did you take?

7 A. Went through Bishop, 395.

8 Q. How many guys did you have altogether riding out?

9 A. 10 to 15.

10 Q. And did you bring your wife?

11 A. No.

12 Q. Did she come up to Reno?

13 A. Yes, she did.

14 Q. How did she get up there?

15 A. She flew up.

16 Q. And did you pick her up at the airport or did she  
17 take a cab over to the Nugget or --

18 A. She took a cab.

19 Q. And you met with her -- what day did you arrive?

20 A. I arrived Friday.

21 Q. And did you have any problems checking in?

22 A. No.

23 Q. Did you have any problems with the Hells Angels when  
24 you checked in?

1 A. No.

2 Q. Did you see anybody, any Hells Angels when you were  
3 checking in?

4 A. Yes.

5 Q. Did you mad dog them or give them dirty looks or  
6 talk to them?

7 A. No.

8 Q. Were you surprised to see them there?

9 A. Yes.

10 Q. And why were you surprised to see them there?

11 A. We were told that they were going to stay out of  
12 that hotel, that it was our hotel.

13 Q. All right, so would there be an understanding that  
14 if you had your national meeting at the Nugget that there  
15 wouldn't be other clubs there, other motorcycle people there?  
16 That would belong to either the Hells Angels or the Mongols  
17 or the Pagans or whatever?

18 A. We were told just the Hells Angels was not going to  
19 be there.

20 Q. Now, would that be a major group that you would be  
21 concerned about?

22 A. Yes.

23 Q. And so why would there be an agreement for them not  
24 to be at that location?

1 A. The tension that we had going on with them.

2 Q. Now, was there any tension -- did you learn about  
3 any tension that day, the 23rd of September?

4 A. Yes.

5 Q. What did you become aware of that day?

6 A. There was a issue on Highway 99 with a couple Hells  
7 Angels and a couple of our guys.

8 Q. And what was the issue?

9 MR. HOUSTON: Your Honor, I'm going to object at  
10 this point, lack of foundation based on personal knowledge.

11 MR. HALL: State of mind.

12 THE COURT: Counsel approach.

13 (Unrecorded discussion at the bench.)

14 MR. HOUSTON: Thank you, your Honor.

15 THE COURT: You're welcome. Overruled.

16 BY MR. HALL:

17 Q. How did you hear about the incident on 99?

18 A. From different people.

19 Q. All right, and I think you were telling us about  
20 that incident or what you had heard.

21 A. Yes.

22 Q. What you understood about what happened?

23 A. Yes.

24 Q. What was that?