

IN THE SUPREME COURT FOR THE STATE OF NEVADA

DEANGELO R. CARROLL,
Appellant,
v.

THE STATE OF NEVADA,
Respondent.

No. 64757

Electronically Filed
Oct 29 2014 03:45 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

Appeal

From the Eighth Judicial District Court
Clark County
The Honorable Valerie Adair, District Judge

APPELLANT'S APPENDIX
(Volume 3)

MARIO D. VALENCIA
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Counsel for Deangelo R. Carroll

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ORIGINAL

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Las Vegas, Nevada 89107
(702) 386-0333
Attorney for Defendant

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DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,)	
)	
Plaintiff,)	CASE NO. C212667
)	
v.)	DEPT. NO. XXI
)	
DEANGELO CARROLL,)	DATE:
#1678381)	
)	TIME:
Defendant.)	

MOTION TO SUPPRESS

COMES NOW, the Defendant, DEANGELO CARROLL. by and through his attorney, DANIEL M. BUNIN, and hereby files this Motion to Suppress.

This Motion is made and based upon all the papers and pleadings on file herein and oral argument at the time set for hearing this Motion.

DATED this 30 day of April, 2010.

BUNIN & BUNIN

By: [Signature]
DANIEL M. BUNIN, #5239
Attorney for Defendant

RECEIVED

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CLERK OF THE COURT

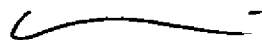
DECLARATION

DANIEL M. BUNIN makes the following declaration:

1. I am an attorney duly licensed to practice law in the State of Nevada; I represent the Defendant in the instant matter, and the Defendant has represented the following facts and circumstances of this case.

I declare under penalty of perjury that the foregoing is true and correct. (NRS 53.045).

EXECUTED this 3rd day of April, 2010.


DANIEL M. BUNIN

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1 Brimmings v State, 93 Nev. 434 (1977). If, after a Jackson v. Deno hearing the court finds that the
2 statement was not voluntarily given, the statement cannot be used at trial for any purposes. If the
3 court finds that the statement is voluntary, but a Miranda violation occurred, the statement cannot
4 be used in the State's case in chief. Under those circumstances, however, the statement may still
5 be used for impeachment purposes.

6 Both the United States and Nevada Supreme Courts upheld that to determine the
7 voluntariness of the confession, a trial court must consider the effect of the totality of the
8 circumstances on the will of the defendant. See Schneckloth v. Bustamonte, 412 U.S. 218, 226
9 (1973). The totality of the circumstances includes both the characteristics of the accused and the
10 details of the interrogation. United States v. Kelly, 953 F.2d 562, 566 (9th Cir.1992). It should be
11 remembered that the state must prove the voluntariness of the confession by a preponderance of
12 the evidence. Stinger v State, 108 Nev. 413 (1992).

13 **A. THE DEFENDANT'S FIRST INTERROGATION WAS CLEARLY**
14 **DONE IN VIOLATION OF MIRANDA AND MUST BE**
15 **SUPPRESSED.**

16 The police claim that Defendant volunteered to speak to them about this case. (See
17 Exhibit A). Although they claim he volunteered, Mr. Carroll was not interviewed at home or at
18 work, where he initially allegedly volunteered. He was forced to go to the Homicide office to give
19 his statement. Further, Mr. Carroll was not allowed to drive to the homicide office by himself. He
20 was told he had to ride with Detectives McGrath and Wildemann to the station. Once at the
21 Homicide office Defendant was interviewed in a small room with only Mr. Carroll and detectives
22 present. Under these circumstances, Mr. Carroll did not believe that he was free to leave without
23 giving a statement first.

24 During the course of the interview, Mr. Carroll made inconsistent statements that
25 were against his interest. Detectives accused Defendant of lying during the interview, and he kept
26 amending his statement. It was only after Detectives questioned Defendant for 85 pages, and
27 through that questioning Defendant made inconsistent and incriminating statements, that
28 Detectives finally read Defendant Miranda. (See Exhibit B page 85). After Miranda was read,
Defendant continued with his statement.

1 Obviously, this interrogation was done while the Defendant was in custody.
2 Because no Miranda warnings were given, the first statement clearly must be suppressed.

3
4 **B. BECAUSE THE SECOND INTERROGATION WAS A**
5 **NEARLY CONTINUOUS BY-PRODUCT OF THE FIRST**
6 **ILLEGAL INTERROGATION, IT MUST ALSO BE**
7 **SUPPRESSED.**

8 In Missouri v. Seibert, 542 U.S. 600, 124 S. Ct. 2601, 159 L. Ed. 2d 643 (2004), the
9 United States Supreme Court ruled on almost this exact same issue. In Seibert, the police engaged
10 in a "question-first" interrogation of a suspect after arresting her but without reading her Miranda
11 rights. After that confession, the police then Mirandized her, obtained a signed waiver, and
12 resumed questioning by confronting her with her pre-warning statements and getting her to repeat
13 and expand upon her first confession. Seibert, 542 U.S. 604-05.

14 The Missouri District Court suppressed Seibert's first statement but admitted the
15 post-Miranda second statement. Seibert was subsequently convicted of second degree murder.
16 The Missouri Supreme Court reversed and held that both statements should have been suppressed.
17 The United States Supreme Court affirmed. Seibert, 452 U.S. 606-07.

18 In Seibert, the court criticized "question-first" interrogation when it stated, as
19 follows:

20 The object of question-first is to render Miranda warnings ineffective by
21 waiting for a particularly opportune time to give them, after the suspect has
22 already confessed. 542 U.S. 611.

23 The court went on to state:

24 After all, the reason that question-first is catching on is obvious as its
25 manifest purpose, which is to get a confession the suspect would not make
26 if he understood his rights at the outset: the sensible underlying assumption
27 is that with one confession in hand before the warnings, the interrogator
28 can count on getting its duplicate, with trifling additional trouble.

Upon hearing warnings only in the aftermath of interrogation and just after
making a confession, a suspect would hardly think he had a genuine right
to remain silent, let alone persist in so believing once the police began to
lead him over the same ground again.

1 A more likely reaction on a suspect's part would be prolixity about the
2 reason for discussing rights at that point, bewilderment being in an
3 unpromising frame of mind for knowledgeable decision. What is worse,
4 telling a suspect that "anything you say can and will be used against you,"
without expressly excepting the statement just given, could lead to an
entirely reasonable inference that what he has just said will be used, and
with subsequent silence being of no avail.

5 The court went on to conclude, as follows:

6 thus, when Miranda warnings are inserted in the mist of coordinated and
7 continuing interrogation, they are likely to mislead and deprive a defendant
8 of knowledge essential to his ability to understand the nature of his rights
9 and the consequence of abandoning them. Siebert, 613-14 (emphasis
added).


10 The court went on to refute Missouri's claim that a "midstream" Miranda warning
11 was not illegal when it noted that the following facts rendered that claim meritless. The court
12 noted the completeness and detail of the questions and answers in the first round of interrogation;
13 the overlapping content of the two statements; the timing and setting of the first and second
14 interrogation; the continuity of police personnel; and the degree to which the interrogator's
15 questions treated the second round as continuous from the first. See Siebert 542 U.S. 615.

16 Clearly, the facts in the instant case are remarkably similar to those in Siebert. The
17 questions and answers in the first interrogation were complete and in detail. The second
18 interrogation took over right where the first one left off. The interrogation was done by the same
19 detective and the second interrogation was simply a continuation of his statement made prior to
20 being read Miranda. As in Siebert, almost all of the factors in the instant case are also present.

21 The Court went on to hold that the Miranda warnings in Seibert were clearly
22 inadequate, and as such, rendered both statements inadmissible. 542 U.S. 617. Based upon the law
23 in Siebert, this Court must suppress both statements given by the Defendant.

24 DATED this 30 day of April, 2010.

25 BUNIN & BUNIN

26 By: 
27 DANIEL M. BUNIN, #5239
28 Attorney for Defendant

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NOTICE OF MOTION

TO: CLARK COUNTY DISTRICT ATTORNEY, Attorney for Plaintiff:

YOU WILL PLEASE TAKE NOTICE that the law office of Bunin & Bunin will bring the above and foregoing Motion on for hearing before the Court on the 11 day of May 2010, at 9:30am.

DATED this 30 day of April, 2010.

BUNIN & BUNIN

By: [Signature]
DANIEL M. BUNIN, #5239
Attorney for Defendant

RECEIPT OF COPY

RECEIPT OF COPY of the above and foregoing Motion to Suppress is hereby acknowledged this _____ day of _____, 2010.

CLARK COUNTY DISTRICT ATTORNEY

By: _____

EXHIBIT A

ARREST REPORT

☐ City ☒ County ☐ Adult ☐ Juvenile Sector/Beat _____

EVENT# 050519-3518	ARRESTEE'S NAME (Last, First, Middle) CARROLL DEANGELO KESHAWN		S.S.# 530921061	
ARRESTEE'S ADDRESS (Number, Street, City, State, Zip Code) 1917 YALE No. LAS VEGAS, NV 89030				
CHARGES: CONSPIRACY TO COMMIT MURDER WITH A DEADLY WEAPON ~ & ~ MURDER WITH A DEADLY WEAPON				
OCCURRED:	DATE 5-19-05	DAY OF WEEK THURSDAY	TIME 2343	LOCATION OF ARREST (Number, Street, City, State, Zip Code)
RACE B	SEX M	D.O.B. 1-28-81	HT 5'11	WT 190
			HAIR BLK	EYES BRN
PLACE OF BIRTH LAS VEGAS, NV				

CIRCUMSTANCES OF ARREST

On 5-19-2005, at 2344 hours, Ismael Madrid called the Las Vegas Metropolitan Police Department to report a man lying in the roadway at North Shore Road east at Lake Mead Blvd. Patrol officers and medical personnel were dispatched to North Shore Road and East Lake Mead. Officer J. Lafreniere arrived and observed the man, who was later identified as Timothy Hadland, lying in the road with a gunshot wound to the head. Medical units arrived and confirmed Hadland had no signs of life and was dead. Officer Lafreniere informed LVMPD dispatch that there was a vehicle directly east of Timothy Hadland's body. The vehicle was a silver colored, Kia Sportage, with Nevada registration 803SHR. The Kia Sportage's front driver and passenger windows were down, the engine was running and the lights were on.

Detective G. King arrived and assumed control of the crime scene. The roadway at North Shore Road and East Lake Mead Blvd. was closed and the crime scene was secured. Detective King contacted Lt. Monahan at the Homicide section, who contacted Detective J. Vaccaro, Detective M. McGrath, Detective M. Wildemann, and Detective T. Kyger who responded to North Shore Road and E. Lake Mead Blvd.

Upon arrival Detectives Kyger and Wildemann were assigned to interview witnesses and Detective McGrath conducted the crime scene investigation.

Detective McGrath observed Timothy Hadland lying face up on the asphalt approximately 30 feet east of a silver Kia Sportage with Nevada registration 803SHR. The vehicle was registered to Mark and Pajit Karlson at 8032 Glowing Water Street in Las Vegas, Nevada. McGrath observed several advertisement flyers for the "Palomino Club" in the roadway approximately four feet from Timothy Hadland's body. Detective McGrath observed a Nextel cellular telephone on the driver's side floorboard. Detective McGrath recovered the cellular telephone from the vehicle and observed several "missed phone calls". A wallet with identification in the name of Timothy Hadland was located in the rear compartment of the vehicle. The vehicle was sealed with LVMPD evidence stickers and towed to the LVMPD Crime Lab. No cartridge casings or bullets were located at the crime scene.

ARRESTING OFFICER(S) M. McGRATH	P# 4575	APPROVED BY	CONNECTING RPTS. (Type or Event Number) O.R
------------------------------------	------------	-------------	--

LVMPD 802 (REV. 12-80) - AUTOMATED

CONTINUATION REPORT

ID/Event Number: 050519-3518

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On 5-20-05, at approximately 0900 hours, Detective McGrath and Detective Vaccaro attended the autopsy of Timothy Hadland at the Clark County Coroner's Office. The autopsy was performed by Dr. Teigenhoff, who determined the cause of death was multiple gunshot wounds to the head and the manner of death homicide. Several bullet fragments were recovered from the body of Timothy Hadland, which were impounded by CSA L. Morton.

Homicide detectives used the cellular telephone to identify family members and associates of Timothy Hadland. Detectives accessed the call history of the victim's cell phone, and learned that the last person to call Timothy Hadland's phone was "Deangelo" at 11:27 p.m. "Deangelo" was identified by name in the pre-programmed cell phone directory. A records check of Deangelo's telephone number showed the subscriber to the telephone was Hidalgo's Auto Body Works. The billing is addressed to Anabel Espindola at 6770 Bermuda Road, Las Vegas, Nevada. A records check in scope showed Annabel Espindola has a work card as general manager for the Palomino Club in North Las Vegas.

Det. T. Aiken discovered a person by the name of Deangelo Carroll has a work card for employment at the Palomino Club. The records check of the murder victim, Timothy Hadland, showed he also worked at the Palomino Club.

Detectives contacted Allena Hadland, the daughter of Timothy Hadland. Allena told detectives Timothy was camping at Lake Mead with his girlfriend, Paijit Karlson. Detective Wildemann and Detective Kyger met with Paijit Karlson at the Lake Mead camp site. Paijit informed detectives that Timothy Hadland left the campground at approximately 11:30 p.m. to meet Deangelo and two other persons. She said Timothy Hadland was driving her silver Kia Sportage when he left the campsite. She further stated "Deangelo" worked at the Palomino Club.

Detective Wildemann and Detective Kyger contacted Luis Hidalgo, the owner of the Palomino Club. Luis Hidalgo informed detectives Deangelo Carroll was an employee of the Palomino Club, but he did not have an address or telephone number for Carroll. Hidalgo told detectives to return after 7:00 p.m. and meet with Ariel, who managed the business.

Detective McGrath and Detective Wildemann returned to the Palomino Club at 7:30 p.m. and spoke with Michelle Schwanderlik, also known as "Ariel". She informed McGrath she was a Floor Manager at "the Club" (the Palomino Club) and worked for "Mr. H". She told detectives "Mr. H" was Luis Hidalgo the owner of the Palomino Club. She informed detectives Deangelo Carroll was working at "the Club" on 5-19-05 and 5-20-05. Ariel did not see Carroll between the hours of 11:00 p.m. on the 19th of May and 12:20 a.m. on the 20th. During the interview with Ariel, Deangelo Carroll arrived and agreed to speak with homicide detectives. Detectives McGrath and Wildemann drove Carroll to the Homicide office where he was interviewed.

Deangelo Carroll was read his Miranda Rights, he stated he understood and agreed to give a tape recorded statement.

The following information was provided by Carroll;

Carroll worked at the Palomino Club for Mr. Hidalgo. He performed various jobs for Mr. Hidalgo including handing out pamphlets and flyers to cab drivers and other potential customers. Carroll told detectives that Rontae Zone and Jayson Taoipu assisted him in passing out flyers for the Palomino Club.

On 5-19-05, Deangelo Carroll was contacted by Luis Hidalgo Jr., also known as "Little Lou". Luis Hidalgo, III is the son of "Mr. H" (Mr. Hidalgo) and manager of the club. "Little Lou" told Carroll to come to "the Club" and bring baseball bats and garbage bags. Carroll went to the Palomino Club and spoke with "Mr. H" (Mr. Hidalgo). "Mr. H" (Mr. Hidalgo) said he wanted to hire someone to "take care of" Timothy Hadland. Hadland was a previous employee of the Palomino Club and was "bad mouthing" the Club. Hadland had a lot of contact with cab drivers and was spreading rumors about "Mr. H" and "the Club". The Palomino Club was losing thousands of dollars in business. "Mr. H" told Carroll to find someone to kill Timothy Hadland. "Mr. H" said he would pay anyone who killed Hadland.

Carroll and Jayson drove to 1676 "E" Street in a white Chevy Astro Van. The van was a vehicle which was provided by "Mr. H". Carroll met with "KC", who lives at 1676 "E" Street with his wife and kids. Carroll told "KC" that "Mr. H" was looking to hire someone to kill someone. "KC" told Carroll he would do it. Carroll and Taoipu drove back to Carroll's apartment and picked up Rontae Zone. On 5-19-05 at approximately 11:00 p.m., Carroll, Zone, and Taoipu returned to 1676 "E" Street and met with "KC". "KC" entered the white Astro Van. "KC" was wearing a black "hoodie" sweatshirt, black pants, and black gloves. Carroll used his cellular telephone to contact Timothy Hadland. Hadland told Carroll he was camping at Lake Mead with his girlfriend.

Carroll told Hadland he would drive out to the Lake and meet at the stop sign. The stop sign would be at the end of the road after going through the E. Lake Mead toll booth. While driving to the meet Hadland, Carroll, Taoipu, Zone and "KC" all talked about killing Hadland. The plan was that Carroll would contact Hadland, and "KC" and Taoipu would shoot Hadland. During the drive out to meet Hadland, Carroll received a telephone call from Annabel Espindola. Espindola told Carroll that "Mr. H" said, "if Hadland was alone, then go through with the plan". However, if Hadland was not alone, he should not go through with the plan.

Carroll turned east on North Shore Road and observed Hadland driving west on North Shore Road. Carroll spoke with Hadland on his cell phone and both vehicles stopped on the side of the road. Hadland, who was driving the silver Kia Sportage, drove past Carroll's vehicle and made a U-turn in the road. Hadland drove east, parked in front of Carroll's white Astro Van and got out of his Kia Sportage. Hadland walked up to meet Carroll, who was seated in the driver's seat of the van. "KC" exited the van from the rear passenger's side door, walked to the front of the van and shot Hadland two times. Hadland fell to the ground and "KC" jumped back into the van, and yelled for Carroll to "drive". Carroll turned around and they drove south, ultimately driving into Henderson, before driving to the

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Palomino Club. "KC" and Carroll entered the Palomino Club and Carroll went into Mr. Luis Hidalgo, Sr.'s office and met with Anabel Espindola and Mr. Hidalgo, Sr. Carroll told "Mr. H", "it's done and "KC" wants his six thousand dollars." "Mr. H" told Espindola to get the money. Espindola went into the back room and came back with the money, which she handed to Carroll. Carroll then handed the money to "KC", who exited the club and left in a taxi cab. "Mr. H" and Anabel Espindola then devised a story that Carroll should use if the police contacted him.

Sometime between 3:30 pm and 7:30 pm, Carroll received a telephone call from "Mr. H" who told him that the police had been to the Palomino Club looking for him. He also revealed to Carroll that the detectives were driving a White Expedition.

Detectives McGrath and Wildemann asked Carroll for more details on "KC". Carroll explained that "KC" was a member of a criminal gang from California called "Black Pee Stone".

Through further investigation, detectives identified "KC" as possibly being Kenneth Counts. Carroll was shown a photograph of Kenneth Counts, and he positively identified Counts as the person he knows as "KC" and the person who shot Hadland.

On 5-21-05, Detectives McGrath and Wildemann spoke with Rontae Zone. Zone admitted to driving in the Chevy van along with Carroll, "KC" and Taoipu. Zone also confirmed that the plan was devised amongst the four to kill Hadland, and that he knew that "KC" was going to shoot Hadland. He confirmed they drove to 1676 "E" Street, where Counts (KC) was picked up prior to the shooting. Zone recognized the firearm as a .357 revolver, which would explain the absence of shell casings at the murder scene, since revolvers do not eject spent casings like semi-automatic handguns do. Zone told detectives that he personally witnessed "KC" shoot Hadland twice in the head. It should be noted that these statements were made to the police against his own penal interests, and tend to demonstrate his credibility.

On 5-21-05, Detectives Wildemann and Vaccaro spoke with Jayson Taoipu. Taoipu also confirmed that he was in the Chevy van along with Carroll, "KC" and Zone, and that they drove to Lake Mead specifically for the purpose of killing Hadland. He observed Counts (KC) shoot Hadland with a large revolver two times. He confirmed Counts (KC) was picked up at 1676 "E" Street prior to the shooting. Taoipu knew Counts (KC) was going to shoot Hadland, because the four of them had discussed how the shooting was to take place as they drove towards the Lake.

On 05/23/2005, at approximately 1030 hours, Detective Marty Wildemann received a telephone call from Deangelo Carroll. Carroll said he spoke with Luis Hidalgo III, who told him to pick up the Palomino shuttle bus and drive it to Simone's. Carroll was instructed to telephone Mark Quad, the parts manager of Simone's, at 860-6382 when he was ready to pick the shuttle up. On 05/23/2005, at approximately 1400 hours, Detective M. McGrath and F.B.I. Special Agent Brett Shields met with Deangelo Carroll. The purpose of the meeting was to conduct a tape recorded conversation with Luis Hidalgo, "Mr. H", Anabel Espindola, and Luis Hidalgo III. Carroll telephoned Quad and told him he was ready to drive the shuttle bus to Simone's. Carroll was outfitted with a recording device and

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surveilled directly to Simone's Auto Plaza at 6770 Bermuda Road. He entered the business through the garage. After approximately thirty minutes, Carroll exited the business and met with S/A Shields and Detective McGrath. Carroll handed S/A Shields a 750 milliliter bottle of "Tangueray" gin and fourteen hundred dollars of US currency. S/A Shields and Detective McGrath debriefed Carroll.

The following information was provided by Carroll:

Carroll drove directly to Simone's and entered the business. He met with Anabel Espindola, who told him to go to room # 6, Luis Hidalgo III's office. Carroll walked to Luis' office, knocked on the door and entered after being greeted by Luis Hidalgo III. Hidalgo told Carroll the telephones and room were bugged. Hidalgo disconnected the telephone and spoke in a whisper. Espindola entered the office and asked Carroll to remove his clothing. Espindola and Luis wanted to know if Carroll was wearing a "wire." Carroll removed all of his clothing except his underwear. After confirming Carroll was not wearing a wire, Espindola and Hidalgo spoke in a whisper throughout the conversation with Carroll.

Luis had a large sword and was swinging it from side to side during this meeting. Luis told Carroll that if he told the police what happened, he would cut him up. Luis told Carroll that if he should have to go to jail, Luis would purchase "bonds" and give his wife a place to sleep. Luis said the bonds would increase and his wife could live in the condo, while he was in jail. Espindola told Carroll that "Mr. H" was already talking to a lawyer and that they would pay for his lawyer, should he get arrested. Carroll told them that "KC", and the "two others", referring to Jayson Taoipu and Rontae Zone, wanted more money. Espindola gave Carroll one thousand dollars to keep the "two others" quite and told Carroll the four hundred was for him.

Luis Hidalgo III handed Carroll a bottle of "Tangueray" gin. Espindola and Hidalgo discussed killing Zone and Taoipu. They told Carroll to put rat poison in the gin and give it to them. Espindola said, "that won't kill them." Hidalgo told Carroll to put rat poison in a "blunt", referring a marijuana cigarette. Hidalgo and Espindola believed that if they smoked the cigarette, they would die. Espindola told Carroll to get to the Palomino Club and resign. Espindola told him that he would still get money each week from them. Carroll could come back to work at "The Club" in a few months once the police stopped nosing around. Carroll exited the business and met with S/A Shields and Detective McGrath.

S/A Shields removed the recording device from Carroll. McGrath and Shields listened to the conversation. It was confirmed that the entire conversation was conducted in a whisper and all of the information provided by Carroll in this debriefing was determined to be accurate.

EXHIBIT B

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 1

EVENT #: 050519-3516

SPECIFIC CRIME: MURDER WITH A DEADLY WEAPON

DATE OCCURRED: 05-19-05

TIME OCCURRED: 2343

LOCATION OF OCCURRENCE: North Shore Rd. & Lake Mead Dr.

CITY OF LAS VEGAS

CLARK COUNTY

NAME OF PERSON GIVING STATEMENT: DEANGELO RESHAWN CARROLL

DOB: 01-28-81

SOCIAL SECURITY #: 530-92-1061

RACE: B

SEX: M

HEIGHT:

WEIGHT:

HAIR:

EYES:

WORK SCHEDULE:

DAYS OFF:

HOME ADDRESS:

HOME PHONE:

WORK ADDRESS:

WORK PHONE:

BEST PLACE TO CONTACT:

BEST TIME TO CONTACT:

The following is the transcription of a digitally-recorded interview conducted by Detective M. Wildemann, P#3516, LVMPD Homicide Section, on 05-18-05 at 2125 hours. The persons present during this interview are Deangelo Reshawn Carroll, Detective M. McGrath, P#4575, Detective Wildemann and are later joined by Detective J. Vaccaro, P#1480.

Q. Hello, operator. This is Marty. We're taking a, ah, taped statement. Uh, it's gonna be a death investigation under Event Number 050519-3516. Ah, person giving the statement last name is Carroll, C-A-R-R-O-L-L, first name of Deangelo, D-E-A-N-G-E-L-O, and middle name of Reshawn, R-E-S-H-A-W-N. He's a black male adult

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STATEMENT OF: DEANGELO RESHAWN CARROLL

with a date of birth of 01-28-1981 and a social security number of 530-92-1061. Ah, we're taking the statement at the Homicide offices and the date and time is 05-20-05, at approximately 2125 hours. Present are myself, ah, Mr. Carroll and, ah, Detective McGrath. Ah, Deangelo, is it okay if I call you Deangelo throughout this interview?

A. Yes, sir.

Q. Okay. And, ah, ah, I want you to know that we're taping it and we've made that understood to you and you understand that.

A. Yes, sir.

Q. Okay. And I also want you to know that you're not under arrest right now, okay, and you're here, you came down voluntarily with us and, and you're comfortable. Is that correct?

A. Yes, sir.

Q. Okay. Good. So we talked a little bit, ah, to let you know why, why we're talking to you and that was regarding the, ah, the death of your friend, T.J.

A. Yes, sir.

Q. I'm gonna call him T.J., okay.

A. Yes, sir.

Q. And, ah, you know who we're talking about.

A. Yes, sir.

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STATEMENT OF: DEANGELO RESHAWN CARROLL

Q. Okay. And, ah, according to, ah, things that we've learned and, and from you yourself, that you and T.J., ah, had worked together over at the Palomino. Is that right?

A. Yes, sir. For three months, to be exact.

Q. Okay. Can you give me a little bit of date history on that, when that was?

A. Man, I can't even, I can't give you exact day but I can let you know the day he quit though.

Q. Okay. Well, so ah...

A. He quit, let me see, it was last... It was last Wednesday or Thursday _____. Let me see. Was a... so it had to be last Wednesday, Thursday he quit. He called me and told me that they had gave him his last paycheck.

Q. Okay.

A. Because him and P.K. had got into some kinda argument. P.K., he hangs around the club. He has no title at the club and P.K. likes to start trouble with everybody.

Q. Okay.

A. P.K. beat up the deejay in the past. We used to call the deejay Little John and I guess him and T.J. had a problem the night before. I was not at work. I was on leave.

Q. Okay.

A. The day that T.J. left, I had came back off of leave.

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STATEMENT OF: DEANGELO RESHAWN CARROLL

Q. Okay.

A. 'Cause my uncle got killed August or not August but like in April 24th.

Q. Okay.

A. On Simmons and Alexander.

Q. Okay. So, ah, so you're, you've been employed at the Palomino for how long?

A. I've been on payroll for about six months.

Q. Okay.

A. But I've been around there for nine months 'cause I was working under the table for like three months.

Q. Okay. So you, ah, were working, are still working at the Palomino.

A. Yes, sir.

Q. T.J. was working at the Palomino and you say about May 11th, ah, he was terminated from there.

A. Correct.

Q. Okay. And P.K., do you know P.K.'s real name?

A. No.

Q. Okay.

A. Everybody knows him as P.K.

Q. (Sneeze) Okay.

A. _____ nobody at the club talks to P.K.

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STATEMENT OF: DEANGELO RESHAWN CARROLL

Q. Alright.

A. P.K.'s a troublemaker _____

Q. Okay. And are you friends with P.K.?

A. No.

Q. Okay. Have you ever done anything social with him?

A. No. Talked to him at the club. That's it as far as that. I don't conversate (sic) with him outside the club or nothin' like that.

Q. Okay. And, ah, P.K.'s also still working there though, correct?

A. P.K. doesn't even work for the club. P.K.'s just always there when Mr. Hidalgo got, bought the club, I guess he inherited P.K.

Q. Okay.

A. P.K.'s been a technician there for years. He used to fix the sound. He fixes the sound equipment, the system and everything.

Q. Okay.

A. But he is not employed by the Palomino.

Q. Okay. Alright. Good enough. Alright. So let's talk about, let's talk about yesterday because that's our day in question here, okay, and, ah, let's start with your day. What time did you start work yesterday?

A. Yesterday I started promotin'. I got to the club about, I said it's about, it was still daylight outside, about six o'clock.

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STATEMENT OF: DEANGELO RESHAWN CARROLL

Q. Okay. And when you say promoting, do you mean going out to businesses and handing out things?

A. No. We go out on the strip and we pass out flyers.

Q. Okay.

A. VIP passes to people.

Q. Okay.

A. And then later on that night, we got back to the club. We had some new flyers of our payout rates printed out and I'll go to like cab stations and I go to the cab lines and I pass 'em out to the cab drivers and I talk to the cab drivers and let 'em know what our payout rates are.

Q. Okay. So is that _____, what would you classify as your job primarily, is it promotions?

A. _____

Q. Say it again.

A. _____

Q. Okay. And what do you mean by that?

A. I do everything.

Q. Okay.

A. I drive the shuttle, I deejay. Ah, one day I might cash out girls. One day I might sell chips. I might work the floor. It just depends on where they need me basically.

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STATEMENT OF: DEANGELO RESHAWN CARROLL

Q. Okay.

A. I learned all the position. Right now I'm kinda learning how to do like the front door, the tickets, the cab tickets.

Q. Okay. Alright. So, ah, yesterday, what time did you start your shift?

A. Six o'clock.

Q. Six o'clock. Okay. So six in the evening.

A. Yes, sir.

Q. Okay. And, ah, when you got there, ah, your primary job you said was starting your promotions.

A. Yes, sir.

Q. Okay. So that includes going out on the road, hittin' the road.

A. Yes, sir.

Q. Okay. What time d'you hit the road do you figure?

A. I left the club, I was at the club a whole matter of ten minutes. I waited on Ariel. She went downstairs. No. Yeah. She went downstairs, got the radios in the, a box of flyers for me _____

Q. Okay. When you say flyers, are you talking—

A. VIPs.

Q. Okay. The VIP—

A. The box.

VOLUNTARY STATEMENT

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STATEMENT OF: DEANGELO RESHAWN CARROLL

- Q. Okay. Let me finish this one. Are they just those little business cards?
- A. Yeah. They're VIP cards. They look like little business cards.
- Q. Okay.
- A. And then I had took... _____ We took some of the, uh, payout rate papers too.
- Q. Okay. Alright. And, ah, are those like, like a, a sheet about this size?
- A. Just regular paper, regular _____ paper size.
- Q. Okay, so...
- A. Just half of the page.
- Q. Okay. And, ah, what other kind of flyers to you hand out?
- A. Just those and then we used to hand, hand out the cards, tagging cards.
- Q. Uh-huh.
- A. But I haven't been handing those out 'cause I don't like giving those out 'cause people don't like to take 'em 'cause they think it's pornography.
- Q. Okay.
- A. So we just went passing out the VIP passes.
- Q. Okay. Alright. So how long did you do the promotions yesterday?
- A. Yesterday I promoted, I came back to the club at about, I say nine.
- Q. Okay. Let me ask you somethin'. When you say we promoted, who was doing with you?

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STATEMENT OF: DEANGELO RESHAWN CARROLL

A. It was me, Rontae and another kid named J.J. but underage kid.

Q. Okay.

A. About 16.

Q. Okay. Rontae and J.J. are underage kids.

A. Yes, sir.

Q. Okay. So you, uh, you guys just pay 'em a little bit of cash to help out.

A. Yeah. We pay 'em like thirty dollars.

Q. Okay.

A. You know what I'm saying.

Q. Okay. Sure, I do. Alright. So you came back and tell me again what time that was.

A. Probably about nine, 9:15, 9:30, somewhere around there.

Q. Okay. And I noticed that you carry a Nextel cell, a, a cell phone.

A. Yes, sir.

Q. Is that, ah, provided to you by, by your job?

A. Yes, it is.

Q. Okay. So that's a phone. Do you know the phone number to that phone?

A. It just got the number 34. That's it.

Q. Okay. So there's no, I couldn't take my phone and dial number and, and it would ring and you pick up.

A. You would have to actually go into my info to get the whole Nextel number out.

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STATEMENT OF: DEANGELO RESHAWN CARROLL

Q. Okay, so—

A. In order for you to call me from your phone.

Q. So they're basically radios.

A. Yeah. They're just walkie-talkie. They're not cell phones.

Q. Okay. You don't have a phone function with it.

A. No, I don't.

Q. I gotcha. I gotcha. Okay. Now does T.J. have that, that information that we spoke of to radio to you?

A. Yeah. T.J., T.J. has my Nextel number.

Q. Okay.

A. Yes. He does.

Q. Okay. So you got back to the, ah, the club about nine-ish.

A. Yeah.

Q. And what happened then?

A. I hung out. We hung out by front for a while and then about 10:30, my wife called me and told me my son was running another fever. I went home.

Q. Okay. So you left. Did you check with anybody when you left of you just kinda slide?

A. No. ____ I, I just walk out.

Q. Okay, so—

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STATEMENT OF: DEANGELO RESHAWN CARROLL

- A. The cashier lady, she seen me throughout the night.
- Q. Okay.
- A. I was back and forth. She's taking my phone messages for me.
- Q. Okay.
- A. Ah, I went home, I made it home by like 11:15 'cause I fucked around for like another fuckin' 20 minutes before I even went home.
- Q. Okay. And you say you live at 1917 Yale. You literally live...
- A. Right behind _____
- Q. Two minutes from there, right?
- A. About a five-minute walk.
- Q. So that'd be about 45 minutes then that, that yo were messin' around if you didn't get home 'til...
- A. No. It was about 10:30 when she called me.
- Q. Okay. And that's when you left. Is that-
- A. And then I, I stood upstairs and I talked to fuckin' one of the dancers for a minute and then I talked to my cousin Andrew. He's a deejay over at the Saddle.
- Q. Okay.
- A. He's deejaying at the club now _____ I talked to him and his homeboy for probably like 15 minutes about trying to get a train on my promotions crew. His friend said he couldn't do it, he had to go home and be with his kids.

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STATEMENT OF: DEANGELO RESHAWN CARROLL

Q. Okay.

A. So then after that, Andrew was gonna go with us but he never came and I went home.

Q. Okay.

A. I made it to my house about 11:15. Eleven twenty I called T.J.

Q. Okay.

A. And I asked him if he had any weed.

Q. Now was that the first call that you put into him?

A. That was the very first call.

Q. Okay, 'cause earlier when we were talking at the club real quick, you, you mentioned you called him about 10:30 or 10:20.

A. No, no, no, no. My wife called me about my kid.

Q. Okay. So you, you never...

A. I never called P, I never... Tell you the truth, the first call had to be around 11:15.

Q. Okay.

A. When I talked to him.

Q. Okay.

A. And then the second call was about 11:30 and then the last time I tried to call him when he didn't answer was like 11:45.

Q. Okay.

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STATEMENT OF: DEANGELO RESHAWN CARROLL

A. And I left my house. It was 12. I got back to the club at 12:10 and I went upstairs and Ariel was, I think she was giving cocktail waitress her break.

Q. Let me ask you this. When you made these calls to T.J., you were at home then.

A. Yes.

Q. Okay. Ah, where'd you do it, in the livingroom, in the family room?

A. I was standing outside _____

Q. Okay, so...

A. No. _____ smoking last night, standing outside on the balcony.

Q. Okay. Was your wife or, or you say you live with your uncle too, right?

A. _____

Q. Was your uncle or your wife standing outside with you?

A. No. My wife _____

Q. Okay.

A. She, I was outside 'cause they told me that I can't smoke around my kid.

Q. Okay.

A. So that's why I was standing out on the balcony.

Q. Okay. And what was your motivation for calling T.J.?

A. I always talk to T.J.

Q. Okay.

A. Talk to T.J. all the time. Me and T.J. were close friends.

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STATEMENT OF: DEANGELO RESHAWN CARROLL

Q. Okay. Did you have a goal in mind?

A. T.J. had this dream about opening up a strip club, called his self Cash Daddy. He wanted, see, his plan was we get like a group of 60 girls and we present 'em to Mr. H and then Mr. H you know what I'm saying gives 'em a chance to like help the club out but it never happened that way. Everybody thought T.J. was full of shit, that he was blowing hot smoke up everybody's ass, so that never happened.

Q. Okay. So when I was talking about you calling T.J. though, I meant, and we talked about it earlier and, and you, you were thinking that you would pick up some weed from him.

A. Yes, sir.

Q. So, ah, so your motivation at the time was you were thinking you'd pick up some weed from, from T.J.

A. Yes.

Q. Okay. Did you know where T.J. was when you call him?

A. He told me that he was out at the lake.

Q. Okay. And this was the call when, the first call?

A. That was the first call.

Q. And that was at 11:15.

A. Eleven fifteen. Around 11:15, 11:20, some ____

Q. How do you remember that time? I mean it's pretty cool that you can do that.

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STATEMENT OF: DEANGELO RESHAWN CARROLL

- A. 'Cause it was like, I was like around, I'm home around that time, you know what I'm saying.
- Q. That's just the time you meandered home and you—
- A. Yeah.
- Q. As soon as you hit that stoop, you, you dialed up T.J.?
- A. Yeah, 'cause they told me that somebody had called for me from my house _____
I was on the phone with her last night about her car.
- Q. Okay.
- A. You know what I'm saying she called and she wanted to know if I had any money 'cause the Kia still belongs to her.
- Q. Okay. So when you called T.J. at, ah, at 11:15...
- A. Uh-huh.
- Q. And it's a Nextel, so it's a walkie talkie, right?
- A. Yeah.
- Q. And he's got a Nextel.
- A. Yeah.
- Q. So you're able to program his code into your phone and he's got your code in his phone.
- A. Yes, sir.
- Q. Okay. So you Nexteled (sic) him and what'd you talk about?

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A. Just weed, gettin' weed and then he was like, ah, he told me that him and his old lady and his dog was out at the lake, that we should come out there and I told him I have to talk to my wife to see what she thought. She didn't wanna go out there because my son was running a fever, so we were just trying to see if it was gonna break or not. His fever broke finally. We finally put him to sleep and then I went back to work. Miss Annabelle had called me and I had told her that I took my hour lunch break and she said that's fine but just come back to work.

Q. Okay. So she called you when?

A. Miss Annabelle called me, it had to be like, probably like 11:50 when she called me.

Q. And that'll be on your, on your Nextel she called you.

A. Yes, sir.

Q. Okay. Does it store the numbers?

A. Yes. It does.

Q. Okay. Can you bring up last night?

A. Ah, Miss Annabelle, this is when she called me, when she left the club at 2:54.

Q. Okay.

A. And then another time...

Q. Can you go further back? Can you go to 11?

A. _____ It won't go back.

Q. Oh, let me see.

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A. I got too many calls in from today and then my last call's from Miss Annabelle. Anytime like the same person calls you—

Q. It erases the time before.

A. It erases the time before.

Q. Okay.

A. And Miss Annabelle called me last night about 11:50 and asked me what, how was the promotion thing.

Q. Okay. So let's talk about the, the first phone call again real quick. Uh, you called him. You initiated the call.

A. Yes, I did.

Q. Okay. And he tells you that he's out at the lake, it's beautiful out there and you should come out.

A. Yeah.

Q. Okay. Ah, did you talk to your wife about going out there at all?

A. I never really mentioned it to him, you know what I'm saying. _____

Q. You got a sick little boy.

A. Yeah.

Q. Okay.

A. Know what I'm saying. She would've thought that I was just fuckin' off, so I ain't wanna mention that to her and have her mad at me.

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Q. Did you tell him that, ah, that you wanted to get some weed?

A. Yes. I did.

Q. Okay. And what was his reply?

A. He's like well, I'll meet you on Lake Mead and Hollywood 'cause he gets it from some guy over there.

Q. Okay.

A. So I said alright and then about 11:45, when we were at the house, I called him back to try to tell him that I might not come.

Q. Okay.

A. _____ you know what I'm saying, get called back to work and then I can't fuckin' tell Miss Annabelle where I was.

Q. Okay. So hold on. Let's get the call. You, you called him about 11:27 or 11:28, you say.

A. ____ (Talking at same time)

Q. What was that call pertaining to?

A. When I called him at 11:27, he was like well, I'll come meet you. That's when he had called me back.

Q. Okay.

A. And he's like well, I'll come meet you.

Q. Okay.

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A. And I was like well, alright, so then after that, I tried to call him back and it just kept saying user not available, bleep, bleep, bleep, bleep. That's all it kept doing and then it kept saying that _____

Q. Okay. What car were you riding in last night?

A. I was driving in my boss's white van.

Q. Okay. The big white van that we saw?

A. No, no, no, no, no, no. It's a sh, '96 Chevy van.

Q. Okay.

A. Two-door, three actually, a little van, Astro van.

Q. Okay. Alright. So you called him back at 11. How do you know it's 11:27? Why does that stick in your head that it was 11:27 that you called him?

A. Eleven twenty-seven when he called me is 'cause that's the last time I think that who fuckin' came to my house last night? Think I talked to Chris at 11:27, cousin Chris.

Q. Okay. Your cousin Chris.

A. But I'm sure it's like around 11:27. I'm not for sure, not actually a hundred percent sure what time it was.

Q. Okay.

A. I'm just giving you confirmation around—

Q. But you talked to him.

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A. Yeah.

Q. And he said I'll come meet you.

A. He told me to come meet him.

Q. Okay. Where did he say he'd come meet you at?

A. On Lake Mead 'cause I ain't know how to get out to like where he was. He said he was somewhere out on Mile Marker 5 or some shit like that.

Q. Okay.

A. And you know I don't ever go to the lake.

Q. Okay.

A. So...

Q. Alright. Could it be that he told you to meet him at Mile Marker 5?

A. I don't know how to get to Mile Marker 5.

Q. Okay.

A. _____ (Talking at same time)

Q. You've never been out there before?

A. No, sir.

Q. Okay. Alright. So...

A. The closest I've been to the lake is probably Hoover Dam.

Q. So tell me what the understanding was. The understanding was then that you would meet him at—

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- A. Understanding that he would meet me on Lake Mead and Hollywood.
- Q. Okay.
- A. At the Chevron.
- Q. At what time?
- A. And he didn't give a time. He just said that he'd come meet me and that was like at 11, had to be around 11:20, 11:30.
- Q. Okay.
- A. 'Cause I had made it home by 11:15. I remember that for a fact.
- Q. Okay. And when you made these calls, you were standing on your porch.
- A. Yes, sir.
- Q. At, at your house.
- A. Yes, sir.
- Q. Okay. So ____ your phone's working, it's sending out the, the, the, uh, the connection. You're, you're hearing it. You, and it's a good clear connection. All that stuff's working good.
- A. Actually breaking up.
- Q. Okay.
- A. It was like you know how we talk and like it sounds like distorted?
- Q. Uh-huh.

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A. Like somebody's trying to break in and _____ (unintelligible). That's how it was sounding. It kept doing that.

Q. When you called him or when he called you at 11:27...

A. Uh-huh.

Q. Could you hear people in the background?

A. No. Nothing.

Q. Okay. So did you get the impression that he was alone or he was with other people?

A. No. He's never alone.

Q. Okay. He's never alone.

A. He's always— if he, if he's out, he's either with his girl or he's with his son.

Q. Tell me about the white Chevy Astro Van. What's that used for?

A. Promotions.

Q. Okay.

A. Everybody drives that van.

Q. Okay. So is it loaded with stuff?

A. Usually it is. We took all the flyers out there in a big shuttle bus right now, uh, 'cause we got like a new thing we're startin' at the shop with, ah, it's like a window tint. It's a piece of plastic put over the window and you can fuckin' throw somethin' as hard as you can at it and it won't break the window.

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Q. Okay.

A. It'll leave like a little fuckin' circle in the plastic part but it won't shatter your window, shatterproof plastic.

Q. Okay. Alright. So the understanding was is that you would meet him at Lake Mead and Hollywood, he'd meet you and you guys would hook up for some weed.

A. Yes, sir.

Q. Okay. But you hung up the phone without giving any ___ any type of an arrival time, so you didn't know when he was gonna arrive, he didn't know when you were gonna arrive.

A. No. I didn't even know he was leaving yet, not at all.

Q. Didn't that seem weird? How would you know when to be there?

A. I never went. Ah, that's _____

Q. Was your plan, was your plan—

A. The whole purpose was calling him when I left my house.

Q. Was your plan right there at the time that you were gonna just you know take a little longer from work and get over there and, and hook up?

A. Yeah.

Q. Okay.

A. Smoke with him and then he was gonna go back to the lake and I was gonna go back to work.

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Q. Okay. Was there anybody with you?

A. No, not at all. My wife, them was at the house. My house, Rontae and, ah, the little kid. He was at the house with his baby mom.

Q. Okay. So 11:27 is the last time that you actually talked to Tim.

A. Yes, sir.

Q. Tell me exactly what Tim said. Let me hear Tim's side of the conversation.

A. At 11:27, he was all like, ah, ____ it's so beautiful out here, it's to die for, you know what I'm saying.

Q. Uh-huh.

A. It's beautiful scenery. You should see it, you know what I'm saying. You should come out hang out with me and my old lady.

Q. Uh-huh.

A. And I told him yeah, I want to, you know what I'm saying but I gotta talk to my wife first, see what she says. He was like well, alright, well call me back and let me know. So you know I'm saying talked to him and shit.

Q. Talked to him and shit. What do you mean?

A. _____ That's last time I talked to him.

Q. So that was, that was the conversation?

A. No. That wasn't the last time I talked to him 'cause he called me back at 11:30.

Q. He called you right back.

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A. Yeah. He called me back at 11:30.

Q. Okay.

A. And he's like ____

Q. So that means he called you twice in a row.

A. Yeah. I called him and then he called me.

Q. No, because you—

A. I called him twice. I called him the first two times ____

Q. Which would've been when, 11:15, 11:27?

A. Yes, sir.

Q. Okay.

A. And then _____ (Talking at same time)

Q. 'Cause earlier you said— (Talking at same time)

A. Called me back and then I tried to call him back at 11:45.

Q. Hold on. Let's, so let me just get this straight 'cause I want ____ have this clear in my mind, so, so you're saying that you called him at 11:15 and your motivation was hey, let's get some weed.

A. Yeah.

Q. Then 11:27, you called him again.

A. Yes, sir.

Q. Okay.

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A. Then he called me back at 11:30 and then a fourth time, I called him.

Q. Okay. Why'd you call, why'd you call him at 11:27 then if, if—

A. Eleven twenty-seven's when—

Q. Let me, let me finish just so we're clear 'cause you said earlier that he called you, so if you called him, then you had a goal in mind when you called him at 11:27,

A. Yeah. That was to get the weed.

Q. Okay.

A. So you know what I'm saying, the first time I call him was to get the weed.

Q. Right.

A. Second time I called him was to find out if he had any. He said yeah, I have some and I had like a _____ 'cause T.J. always gets the chronic and that's all we usually smoke is chronic with T.J.

Q. Okay. I went to high school like a million years ago, so what's the difference between weed and chronic?

A. Chronic, okay, we— regular weed, it has a lotta sticks and seeds in it.

Q. Uh-huh.

A. Chronic, all you do is just break it down and roll it up and smoke it.

Q. Okay. So _____

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A. And that's what T.J., T.J. gets this little thing, puts the weed in and it grinds it up and he just pours it into _____ we just put it _____ smoke out his pipe.

Q. Okay. Alright.

A. So _____ (Talking at same time)

Q. So when he, so when you called him again, 11:27, you said hey, do you have some and he said yeah.

A. Yeah. He said he had some.

Q. Okay. Okay.

A. And then--

Q. Did he tell you he had some--

A. He said he didn't-- (Talking at same time)

Q. Did he tell you-- (Talking at same time)

A. He said he didn't have--

Q. Did he tell you he had some at 11:15?

A. Ah, I think so. I'm not sure.

Q. When does he make the, when ____, when ____--

A. But, but when I ask him about the weed, he told me at 11:15, that he had a little bit.

Q. Okay.

A. He said that's all he had was a little bit and I told him that I had a blunt and he said okay.

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Q. What's a blunt, a joint?

A. It's a regular ci, cigarillo cigar.

Q. Okay.

A. _____ rolled with the weed inside.

Q. Oh, okay.

A. And then he stated that you know what I'm saying he wanted to get some more weed. That's why he was gonna come and meet me on Lake Mead and Hollywood, so you know I'm saying.

Q. Okay. So then at 11:27, you called him again and now he's telling you I got weed, I got weed for you.

A. _____ No. That's when he told me he was gonna meet me on Lake Mead and Hollywood. _____ and I told him well, let me call you back and then I had to be at like 11:30, he called me back 'cause I never called him back and then 11:45, I tried to call him and tell him that I wasn't gonna go.

Q. Eleven thirty, he called you back. What'd he say?

A. He said, ah, that he was gonna come meet me then and I told him I'll call him back and let him know but then it never happened.

Q. Okay.

A. I never _____

Q. Okay.

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A. After that.

Q. So you never called him back.

A. No, sir.

Q. _____

A. I kept trying to call him. I tried to call him this morning and it won't go through.

Q. Okay. So I'm still confused, so just tell me, bare with me here.

A. Okay.

Q. So the first two, the first two calls talking about going to Lake Mead and Hollywood never came up.

A. No.

Q. Okay.

A. _____ (Talking at same time)

Q. They came up on the last call.

A. It was the, when he called me back at 11:30 that he was talking about meeting him on Lake Mead and Hollywood.

Q. Okay. And you told him you, you don't know, you'd call him back.

A. I said I don't know, let me call you back and then you know I'm saying, probably like 15 minutes went by and then you know I'm saying I tried to call him. He didn't answer. It just kept going _____ unavailable _____ user busy _____ That's all it kept

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_____ It never got, never went through. It was like somebody was trying to use his phone basically.

Q. Okay.

A. So you know I'm saying, that's _____ and I don't know.

Q. What time did you go back to work?

A. I made it back to work, it had to be about 12, between ____ 12:15. I had went up to Ariel, asked her for some more flyers and she said she can't get 'em, that fuckin' Luis had to print 'em, so Luis print up the flyers out for me and I got out _____

Q. So about 12:15, you get back to work.

A. Yes, sir.

Q. Okay. Ah, let me explain to you somethin' to you about the scene, okay, the murder scene itself.

A. Okay.

Q. Okay. It took place right on you know where North Shore Drive is.

A. Where's that?

Q. Okay. It's when you go out to the lake.

A. Okay.

Q. Okay. So you go out the lake, go through the park thing, right. They got that little, the, ah, the kiosk there.

A. The what?

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Q. You know the thing where you go through and you pay to get in the—

A. A toll booth.

Q. Get in the deal, right?

A. Yeah.

Q. So they got that there and it's all loaded with cameras and it's taking pictures everything that's going by day or night, doesn't matter.

A. Yeah.

Q. So you gotta go through there, right?

A. Yes, I do.

Q. Okay. So then you go to the end of that road and there's a stop sign. You either gotta go left or right.

A. Yeah.

Q. Okay. So to get out to where T.J. was, you'd have to go left.

A. Yeah, but I'm not sure, I never, I went out there probably, only time I've been out to the lake is when we out to by Hoover Dam.

Q. Okay.

A. That's the only time I've been out there.

Q. Okay. Here's what, ah, here's what I need to ask from you though.

A. Okay.

Q. Okay. We talked about it on the way here.

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A. Yeah.

Q. We talked about this is an opportunity to get it all out there.

A. Yes, sir.

Q. To get it all out there, okay, because when you trigger that cell phone, what's it do?

A. What do you mean?

Q. When you trigger your cell phone, what's it do? It's sending out. It's transmitting, right?

A. Yeah. It sends out a transmission _____

Q. Okay. It sends our transmission and you know what? Cell sites pick up that transition.

A. Yes. It does.

Q. It's gonna be the closest cell site to you.

A. Yeah.

Q. Okay. It's not gonna send a, it's not gonna send a transmission past 30 cell sites and pick up a cell site in Green Valley and then shoot it somewhere.

A. I know. I know.

Q. It's gonna be the closest one to you.

A. Yeah.

Q. Okay. And the reason we're talking to you now is because we picked up his cell phone and saw that you had called and couple other people had called but you're

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the only calls around 11:30, the only ones. The only ones earlier than that was nine somethin'.

MM. Yeah. Family.

Q. Right in there. It's family.

A. Yeah.

Q. Okay. After that, it's you.

A. Yeah.

Q. Okay. So we're the police, so we put a call in to Nextel and we're like where are these cell sites happening? And they're at, they're right off suh— Sunrise Mountain.

A. They were right on Hollywood and Lake Mead.

Q. Okay. So you were up there driving.

A. Yes. I was.

Q. 'Cause...

A. I never said I wasn't driving up there.

Q. No, no, no.

A. I didn't, I didn't, you know I'm saying, tell you the truth, _____ I went out, went out up Lake Mead. That was it but I never _____

Q. Listen to me.

A. Yes, sir.

Q. Okay. We talked about this and we said you need to tell the truth.

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A. Yes, sir.

Q. You looked me in the eye, you looked Mike in the eye and you said you were gonna tell the truth.

A. Yes, sir.

Q. Okay. Then you told me, you sat there and you told me that you made those phone calls off your balcony.

A. Yes, I did.

Q. Okay. Now you're telling me that you were up there on Lake Mead and Hollywood.

A. No. When I made the 11:45 call, I was at my house. My wife tell you, my wife, you can call my wife right now and ask her. She'll tell you that, that I was at my house.

Q. You're still confusing me, okay. You went home, let me finish this, okay. You went home.

MM. Relax, okay. Just relax.

A. Yes, sir. I, I'm just not trying to get in trouble _____

Q. Right. Right.

A. I have a son at home.

Q. I know but you realize that you've not told us the truth, right?

A. Alright. Can we just start over?

Q. Yes. Start over.

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A. Tell you the truth. Last night, you know I'm saying, I was supposed to go meet T.J. He's supposed to meet us at the stop sign. T.J. never came. So if you look at camera at the toll booth, you see where I turned around and I went back out to try to call T.J., never got ahold of T.J. I waited out there for 15 minutes. T.J. never came ____ I left. I went back to the club.

Q. What car were you driving?

A. I was driving the white Astro van.

Q. Okay.

A. I just, I don't wanna get in trouble, you know what I'm saying, I got a kid at home.

MM. Okay, okay. Let me just _____. Listen, listen. Okay, listen me.

A. Yes, sir.

MM. Okay. Maybe you're with somebody, okay, just think of this. Maybe you're with somebody, okay. Something happens. This isn't like your other case, alright. We're looking for witnesses as well as the person that did this, okay. I know you have more to tell us. Detective Wildemann knows that you have more to tell us.

A. How, how do I know that I'm fuckin' gonna be protected if I fuckin' say anything?

MM. Listen, listen.

A. I'm fuckin' scared for my life here.

MM. Listen. You're gonna be protected. I promise you, okay. We're gonna protect you one hundred percent and if you tell us now that you're in fear of your family, guess

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what? We'll make phone calls, we'll move you, okay, but listen. All we want from you is for you to tell us the truth. Your other charge was conspiracy because you were in the wrong place at the wrong time. You talk to us now and tell us.

A. But am I gonna— my question is if I tell you guys what happened, am I going to jail?

MM. You, listen—

A. That's what I wanna know.

MM. Alright. Here's this. Here's this, okay. Look at me. You tell me what happened. You tell Detective Wildemann what happened, alright. You truthfully tell us what happened. I'm gonna take you back. I'm gonna promise you that. I'm gonna take you back and if you tell us the truth, right, we're gonna, we'll do everything to prove your story is the truth and if you tell us the truth, start to finish.

A. That is the truth, you know what I'm saying, let me just start over and—

MM. Okay. Let's, let's, let's start over right now. Okay. Tell us.

Q. Start over from the phone calls.

MM. Just...

A. Phone calls, I called T.J., you know I'm saying. It was to get some weed. We we're supposed to just go meet T.J. and—

MM. Who's we?

A. It was me, two guys, Rontae and J.J. and there's another guy. He's in the van with us. We had picked him up. He want some weed, so _____

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Q. Who's the other guy?

A. We don't know him. That's the thing.

Q. Where'd you pick him up at?

A. Over there by my mom's house. He asked us if we know where to get some weed at, so we were gonna take him to go get some weed and fuck and we get up there and shit, he got to talkin' about he was gonna rob T.J. I was like no, this is my homeboy.

Q. Who's this that's gonna rob T.J.?

A. The guy that was with us.

Q. The guy that you don't know.

A. His name, he goes by name of Kay and fuckin' he's all like, ah, and _____ we gonna go rob. I was like no, we're not robbin' shit and fuck, when we got there, T.J. pulled up and T.J. was like Deangelo. I was like what up, T.J. and fuckin' T.J. walked up to the van and fuckin' shot T.J. twice in his head and fuckin' that was it and fuckin' he told us man, you say anything, I fuckin' kill all you.

MM. Okay.

A. And that's, and I'm fuckin' scared for _____

MM. Alright. Listen, listen, listen. Big step. You just made it. You just made the biggest step of this whole thing, okay, but I'm gonna ask you some more. We're gonna ask

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you some more questions, okay. Now this is what you need to do. The hardest thing's over. You understand that?

A. Yes, sir.

MM. Okay. So now I'm gonna ask you some more details and we'll get into it and maybe some of the things that you don't think you know you really know because a lotta times when traumatic events happen, people forget things that are happening and when we start asking you questions, things trigger in your mind, okay, but don't get upset, alright.

A. _____ go to jail _____ (Talking at same time)

MM. Alright. Listen, listen, listen. I'm gonna, I'm gonna, if you told us the truth and when we go through this whole statement, if you told us the truth, alright.

Q. The whole truth.

MM. The whole truth.

Q. The whole truth.

MM. Alright.

Q. Names.

MM. We're gonna go and try to, try to prove it and in my experience and Detective Wildemann's is people try to minimize stuff.

A. I'm not gonna try to--

MM. Okay. Listen, listen, listen.

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A. _____ (Talking at same time)

MM. Alright. Listen, listen. Don't minimize things, alright. If we start talking about your mom's house and, and all stuff like that, that's what we're gonna do. We're gonna go step by step.

A. _____ 'cause dude lives across street from my mom.

MM. Okay. Listen, listen, listen, listen, listen, okay. I mean in our experience, when we get people, we put the case against, against a person, that person goes. He don't get out. He don't get bail. You tell me that you need to move.

A. He has, he has friends that live, that's, that's only reason I lied to you is 'cause my mom. My mom's fuckin' sick. My mom don't need this shit.

MM. Okay. Listen, listen. Do you understand your mom's a grown person?

A. Yes. She is.

MM. She loves you, okay. She, you know what she's gonna say? She's gonna say I didn't ask him to do that, he's turned his life around. Okay?

A. _____

MM. You wanna do the right thing. Look at how well dressed you are. Every employee at that place says that you're a great guy.

A. Fuckin' _____

MM. Okay. So let's, let's go back, okay. Slowly go back. Take a deep breath.

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A. It was about 11, 11:30, I talked to T.J. and he's all like well, why don't you come out here and I was like alright, dude, you know what I'm saying. We was gonna go fuck off, you know what I'm saying, 'cause we already _____ but then we picked this dude up.

MM. Okay, okay.

A. _____ to get some weed from. That's the reason why I called you.

MM. Okay. Let's go back. Let's go back. We got the two people at your...

A. My house.

MM. And tell me who they are.

A. Rontae and J.J.

MM. Rontae.

A. And J.J.

MM. And J.J. And tell me who they are, their real names.

A. That's, that's their name, Jason and Rontae.

MM. And Jason.

Q. Jason who?

A. I don't know Jason's last name.

Q. Where's Jason live?

A. He lives off of, ah, _____

MM. Is this phone number in your, ah, cell phone?

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A. Don't have, he don't have a phone.

MM. Do you know how we get to his house?

A. I know how you can get ahold of him.

MM. Okay. And how's that?

A. Staying my house right now.

MM. He's at your house. And what about—

Q. Is he staying with you?

A. Yes.

MM. And what about, ah...

A. He's also at my house.

MM. Okay. They're both at your house. Okay. So you three are together in the white van.

A. Yes, sir.

MM. Is that right?

A. There's four of us in there.

MM. Okay. Where did this other person come from?

A. We picked him up over by my mom's house?

MM. And where is your mom's house?

A. 1669 E Street on, on the west side.

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MM. Okay. And I mean I used to work down there. That's why when you said your mom's name, I thought I knew your mom, okay.

A. Oh, I seen you before.

MM. Yeah. And, and I really know that area because I mean I used to go down to the Jets and one of the things I know is when you come down, White is one street and, ah, and—

A. Burns.

MM. Burns, as you come down Burns, you, you turn on G but as you turn around, you go down E Street.

A. Yes, sir.

MM. Right?

A. Yes, sir.

MM. And as you turn E, your mom's house on, on one of the sides is on the left side?

A. Yes, sir.

MM. And, ah—

A. It's on the right side.

MM. It's on the right side.

A. If you, if you come down from Burns, it's gonna be on the, yeah, it's gonna be on the left side. It's a blue and white house with the bars with the stone lying in the front yard.

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MM. Okay. Okay.

A. And, and the dude that fuckin' shot T.J., he lives in a house right catty-corner to my mom _____ 357.

MM. Okay. Let me, let, let's go back, okay. You grew up there.

A. No. I grew up in North Las Vegas.

MM. But, but your mom lives there.

A. Yeah.

MM. You've been over there. You're not just gonna pick up some guy that lives near your mom, okay, so you have to truthful and tell us his name, okay.

A. His name K.C.

MM. K.C. who?

A. That's what we know him by, K.C. I don't know his real name. I promise you I don't know his real name.

MM. Where, where's he from? I mean...

A. From California.

MM. Okay.

A. He's a, he's a Blood from California and you know I'm saying dude, dude don't play 'cause he threatened to shoot J.J. last night.

MM. Why, why would you take this guy if, if you know he's a player like he is?

A. I didn't, I didn't know him like that though.

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MM. Did you drive over your mom's to pick him up?

A. I was already, I was gettin' ready to go see my mom when he asked us for the weed.

MM. Wait a minute. How did K.C. get in van with you three?

A. 'Cause we told him we're taking to get some and that's when I called T-

MM. Where though, where were you?

A. Over across street from my mom's house.

MM. Okay. So...

A. _____ going to try to buy weed from _____ and he didn't have none and he asked us if we knew where to get some from.

MM. Okay.

A. So it was like yeah, we get can get some from my homeboy, T.J.

MM. Okay. So you turn around, call T.J.

A. And T.J. was like come on out and he was supposed to meet us at the stop sign.

MM. Okay.

A. But then he go when you get to the stop sign _____ T.J. walked up to the car and fuckin' he shot T.J.

MM. Tell me, tell me how were you guys driving this way and, and T.J. comes by this way and does he swing around? Tell me how-

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A. _____ was the one. T.J. was coming this way, we were going this way. We parked and fuckin'... T.J. flipped a bitch and got out of his car.

Q. So he pulls up front of you guys.

A. Yeah.

Q. Okay. The he hops out. Who's driving the van?

A. I was driving the van.

Q. Okay. Where is K.C. sittin'?

A. K.C. got out of the van. He got out of the van and shoot. He wanted to just rob him at first but then I was like no, _____

Q. Where was K.C. sitting when you guys pull into your parking spot?

A. In the back seat.

Q. In the far back seat.

A. Yes, sir.

Q. Okay. Did he slip out of the side or out of the back?

A. He went out the side door and walked around the front as soon as, when T.J., when T.J. was talking and then all of a sudden, he shot T.J. and T.J. dropped and I got scared. We all started panicking and shit. We're all lookin' around. He goes just fuckin' drive, fuckin' drive. He pulled a gun on us. I'm like man, no fuck that. He's like you better fuckin' drive.

Q. Who threw the flyers out the window?

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A. What flyers?

Q. All the Palomino flyers that are laying on the ground right next to T.J.'s body.

A. Fuckin', it had to be fuckin' him. He had to have the fuckin' Palomino flyers.

Q. Did you guys go through a bank or something on the way there just, just messin' around? Did you guys, somebody grabbed a tube out of one of them drive-up teller things?

A. No. That tube's been in the van for the longest.

Q. Whose fingerprints are on that tube?

A. Mine.

Q. Did you throw it out the window?

A. No. I didn't.

Q. 'Cause it's laying on the ground.

A. It had to fall out the car, look 'cause it was in the, it was in the back seat. It was in the back seat.

Q. Okay.

A. On the floor.

MM. When you said K.C. got out of the van, we're talking on the passenger side?

A. Out of the sliding door.

MM. Okay. So is there any way you think that when he got out to run out T.J., that stuff might've just fallen?

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A. It had to fall out 'cause the, the cannister that you're talking about from the bank was in the, it was in the van. It was in the back seat.

MM. Okay. I'm gonna, I'm, I'm gonna ask you to, ah, this is the stop sign right here and this is the thing. Show me where T.J.'s car was.

A. This is the stop sign. We got here, we went back.

MM. Okay.

A. I say, ah, you know how long the, the road is about right here.

MM. Right.

A. Fuckin' T.J. was coming this way. I was going this way. T.J. rolled down his window. I was like what up, T.J., you know I'm saying. I got out the van to take a piss, to talk to T.J. and then fuckin' the side van door opened and fuckin' that's when K.C. slid out and I'm like looking, see what the fuck he was doing and then T.J. was talking and I, by then, I'm back in the van and T.J. was gettin' ready to walk back to his car fuckin'... He turned his car around right here and he got out and he walked back to the van. K.C. got out of the side door right here, walked this way, went right here fuckin' in front of the hood, _____ and fuckin' shot T.J. and T.J. fuckin' dropped and I started to get out of the van. That's probably how the flyers got by his body because they were in, on the driver's side. They were all over the floor _____ and when I tried to get out to see if he was all right, that's when he was like you better fuckin' drive.

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MM. Okay. So I understand the diagram but you sorta talked about, ah, K.C. getting out of the van and then get back in the van and then get back out of the van--

A. No. Ah, I'm saying... (Talking at same time)

MM. So just, just explain that again to me.

A. When we got here--

MM. You stopped the van. Show me where you stopped the van. Put a little...

A. I stopped, I stopped right here.

MM. Okay. Put a little, draw me a car.

A. He, he fuckin'...

MM. Draw me the van, where the van it. No. This is T.J.

A. That's T.J.

MM. Okay.

A. And here's the van.

MM. Okay.

A. Okay. Fuckin' right here, T.J. flipped the bitch, came back in front of the van and he parked like right here.

MM. Okay.

A. T.J. got out of his van and he walked back here and when he was gettin' out of his car, I had got out to take a piss and I was pissing right here at the sagebrush right here. When I got back in the car, when I was going to get back in the car, the side

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door opened. K.C. came out, fuckin' walks to the front _____ and fuckin' shot him twice. T.J. dropped. Opened the door, tried to see if T.J. was all right and that's when he aimed the gun at me, is like fuckin' drive. I fuckin' drove off.

MM. Okay. Let me ask you, let me ask you, ah, a couple quick questions. You had mentioned that the flyers might've come out the passenger side when K.C. jumped out.

A. Yes. And if, uh, if there was any in the dirt, that's when he jumped out of the van.

MM. Okay. And they might've been on the floor.

A. Yes, sir.

MM. On your side.

A. Yes, sir.

MM. But was it your intent to, to get out and help T.J.?

A. Yeah. To help him 'cause T.J.'s my fuckin' friend, you know what I'm saying. I ain't want nothin' happenin' T.J.

MM. Okay.

A. Nothing.

MM. Okay. You, you talked to us quick earlier about, ah, this gun being a .357. Describe it to me.

A. It's a chrome .357. It's long, gots a pistol grip on it. Fuckin' he had on black gloves. He had on, K.C. had on all black already when he picked him up.

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MM. Okay.

A. So his intentions was probably robbin' us anyway once we got the weed.

MM. Okay.

A. So you know...

MM. Okay.

Q. Where were, where were, ah, Rontae and, and J.J. sitting?

A. Rontae, Rontae was in the back. He was laying down in the back seat like leaning up against a window and J.J. was in the front seat.

Q. Okay. What are they saying after the thing occurred?

A. Everybody was fuckin' nervous. We didn't know what the fuck to do. Everybody was fuckin' scared.

MM. Okay. Do, ah, so you leave.

A. Yes, sir.

MM. Right?

A. Yes, sir.

MM. And do you go back through the toll?

A. No.

MM. How, how do you get...

A. Fuckin', ah...

MM. How do you get back?

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A. We went through a toll booth. We was driving straight and we ran into another one.

MM. Okay. So did you go back to the stop sign and turn or did you continue to go straight?

A. After T.J. got shot, tell you the truth, everything was like fuckin' just like crazy.

Q. Well, let's, let's, let's do it this way then. After T.J. shot, you came, pulled forward because his car's right in front of the van, right?

A. No. It wasn't right in front of the van. It was __--

Q. Okay. The van was a ways back.

A. Alright. Say like the hall, like say like...

Q. Hey go ahead, draw right here.

A. Our van was right here. T.J.'s van was up a ways.

Q. Okay. So what'd you do? Did you pull your van out on this side of T.J.'s car or on this side? How'd you do it?

A. _____

MM. Well, if you went this way, you'd run over T.J.

A. I made a U-turn.

MM. If T.J. was in the...

A. Yeah. T.J. was right by my window.

Q. Okay, so--

A. When he got shot.

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Q. So show me how you did it.

A. I made a U-turn and I drove off.

Q. Okay. And did you take a right where the stop sign was or did you just keep going straight.

A. And after that, I don't even remember _____

Q. Let me ask--

MM. _____

Q. That's Okay. Did you come back through Henderson?

A. Yes, sir. _____

Q. Okay. So you went straight. You didn't take a right.

A. We came, we came back from like the 95.

Q. Okay. So you came back through Henderson. You went across Boulder Highway and the whole thing, huh?

A. Yes, sir.

Q. Okay. Then you hopped on 95 by the Fiesta up there.

A. Yeah.

Q. Okay. Where all that construction is.

A. Yes, sir.

Q. You saw all that construction.

A. Yes, sir.

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Q. All the flyovers and stuff.

A. Yes, sir.

Q. And then you got on 95.

A. Got on 95 and then got off on Las Vegas Boulevard and then that's when he jumped out of the van and took off and I ain't see him no more since then.

Q. Let's take a break, Mike.

MM. Okay. Real quick.

Q. Go ahead.

MM. Two, two little questions. Where is the van?

A. At the shop.

MM. What shop?

A. Simone.

MM. What, what's Simone's?

A. Mr. H's shop.

Q. Why is it there?

A. That's where _____ I went to get the shuttle bus.

Q. Okay. So the one on Bermuda?

A. Yes.

Q. Okay. How--

A. _____ I ain't run over T.J. T.J. was like in the street.

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MM. I know but listen, listen, listen. We're gonna have to get the van.

A. Okay.

MM. Okay. So we're gonna have to go get the van, okay. We're gonna have to tow the van, process the van and we wanna do as much minimal to you, you know 'cause I wanna keep my word.

A. Am I, am I gonna be able to go home?

MM. Yeah. I'm gonna keep my word to you, okay. If you told us the truth, we're gonna go out and talk for a minute and give you a minute to think about you know any changes you wanna make in your story and, ah--

A. I'm not changing a thing. Can I just call Rontae and them and tell 'em to tell you guys everything?

MM. No, no, no. We'll go get 'em and, ah, and fact, I'm gonna hold on. Where's your other phone then?

Q. _____ second, okay. (Talking at same time)

MM. We're gonna go get 'em. We'll bring here and, ah, we'll tell 'em that you talked to us. Okay? They're at your place.

A. Yes, sir.

MM. Right now.

A. No. Actually, no. They left. They said they were going home going back to Rontae's baby mama's house ____

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Q. I thought you said you, they were staying with you.

A. They were staying at my house but after I left work, they said that they were gonna leave my house _____

MM. I'm gonna pause this, okay.

Q. Yeah. Pause it. We'll be back. Hold on, let me tell you the time. What time is it, Mike?

MM. Ah, I got, ah, 2208.

Q. Okay. Okay. We're back on. The time is 2221 hours. Ah, present, ah, once again are myself, Detective McGrath and, ah, Mr. Carroll. Ah, Deangelo, ah, Mike and I took a couple minutes to talk when we were outside the room and, ah, we came in, we talked to you. We know that we've got more stuff to cover here. We know that, ah, that, ah, you've got more stuff to tell us.

A. Yes, sir.

Q. And you asked for the opportunity to say what happened, so we said here it is, okay. So let's sit down there and I'm gonna— listen to me now. I'm gonna stop you if, if I'm startin' to smell bull shit, okay?

A. Yes, sir. Yes, sir.

Q. I'm gonna stop you because I smelled a lot earlier.

A. Yes, sir.

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- Q. Okay. And I know you did, you did a tremendous thing for you to even say what you said instead of saying listen, I never made it outta, out of, ah, Jerry's Nugget is huge, okay, and we understand that but if you start compound lying, lying more and more, it's gonna look bad and I don't think you're a bad guy.
- A. I'm not gonna lie to you anymore. I'm just gonna go ahead and tell you exactly what the hell happened.
- Q. Let's start, let's start from the beginning. You guys all work together. Am I right?
- A. Yes, sir. Not all of us. K.C. don't work with us.
- Q. Okay, so—
- A. Me, J.J. and Rontae were all _____. Yesterday I got called into the officer. Mr. H said he needed to talk to me.
- Q. Mr. H is, is Luis.
- A. Luis Hil, Hildy, I can't pronounce ____ Hidalgo.
- MM. Okay.
- A. You know what I'm saying, he called me up to the office and that's when the thing came up that supposedly T.J. was puttin' bad shit on his club and didn't like, so he tried to tell us, what, what, what he said is if you guys don't knock him out, at first he wanted us to beat him up, then he said that he wanted T.J. knocked off, so you know I'm saying _____ none of us wanted to do it, so fuckin' he had us go get

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somebody, so we went and got K.C., which is, I know K.C. from when I lived at my mom's. That's before I got married.

Q. Okay. So let's talk about this. Let's slow this down a little bit. So you go in there. Does, does— I'm gonna call him Mr. H, okay, and you know who we're talking about. We're talking about, ah, Luis.

A. Yes, sir.

Q. Ah, the older one.

A. Yes, sir.

Q. Who's the owner of the Palomino. Correct?

A. Yes.

MM. Hidalgo.

A. Hidalgo.

MM. Hidalgo, Okay.

Q. Hidalgo.

MM. Yeah.

Q. Okay.

A. Well, yes, sir, _____

Q. So he calls, he calls you in the office.

A. Before I got the shift and you know I'm saying, first, Junior called me and he's all like bring two garbage bags and a baseball bat, we have to go take care of _____

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but he never told me what it was about. Then when I got there to the club, I was called into the office.

Q. What time was this?

A. It had to be, I got to work yesterday. It was about six somethin' and I got back to, I had went and got the flyers and we were gonna go out to promote _____ and then Mr. H had to get to the club about 8:30, nine o'clock.

Q. Okay. So you, Ron-Rontae.

A. Rontae.

Q. You, Rontae and J.J. did go and do your promoting.

A. Yeah. We did go do our promoting.

Q. What vehicle were you in?

A. We was in the white Astro van.

Q. Okay. And so you went, you guys went did your stuff and you came back to... Did you have a feeling that somethin' was up while you were promoting? In the back of your head are you like...

A. When, when Luis told me to bring the baseball bat and the two bags, I already knew somethin' was up. My wife was like don't get in no trouble. I ain't even wanna do it and I told my wife I ain't wanna do it.

Q. Okay. So you, you told your wife, hey, man.

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A. I don't, I don't feel comfortable doing it, so then that's what that was the whole point of going to get K.C.

Q. Okay.

A. Somebody who didn't give a fuck.

Q. Slow down for a second. When you say doing it, do you, you mean at that time you knew that they want you to do somethin' to T.J.?

A. I never knew it was T.J. until we got to the office and I ain't wanna do it, you know I'm saying.

Q. Okay.

A. But everybody, everybody's been trying to put stuff on me at the club saying that I did this and that to Mr. H and Mr. H was gonna—

Q. Well, tell me what, tell me what you're talking about because it needs to make sense.

A. _____ (Talking at same time) See T.J. was selling the VIP passes in the front. Everybody knew that. They tried to say that I was rippin' Mr. H off and Mr. H is the type of person, you know I'm saying if he's gettin' ripped off, he'll have you hurt. This isn't, you know I'm saying, the first time they did somethin' like this.

Q. So you're saying that T.J. was really rippin' Mr. H off.

A. Yes, sir.

Q. Okay.

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A. _____ (Talking at same time)

Q. But for some reason, the mouth was gettin' put on you?

A. Everything, everything, after T.J. was gone, they were trying to get rid of me. Everybody at the club, Ariel and there's another little dude named Jerry. Jerry, Jerry tried to fuckin' threaten to kill me _____ there's another dude named Moose that's usually there but now he's in Arizona, you know I'm saying, and fuckin' Mr. H said he wanted him knocked off. By time fuckin' we got there...

Q. Okay. So he calls you. This is after the promotion.

A. Yes, sir.

Q. He calls you back in the office.

A. I went, I went in the office. I was in the office for about probably like 20 minutes

Q. Was Rontue and J.J. with you?

A. No, sir. They had _____

Q. Okay. What are you wearing?

A. Last night, I had on this.

Q. Okay. So you had the exact same thing.

A. _____ exact same shit on last night.

Q. Okay. So he calls you in the office and he says, now he's laid it on the line. He says, hey, look, I mean—

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A. _____ (Talking at same time)

Q. I'm not trying to put words in your mouth. You tell me.

A. He said, he said, ah, go take care of that mother fucker that when you guys get back, that he'll have some money in a envelope for us.

Q. Okay. And how did you know who the mother fucker was?

A. 'Cause he said his name, T.J.

Q. Okay. And you know T.J. to be your friend Tim that used to work there.

A. I don't him by his full name. I just know him by T.J.

Q. Okay.

A. Cash Daddy.

Q. Okay.

A. And fuckin' you know I'm saying, so fuckin'...

Q. Did he tell you how much, ah, cash would be in the envelope?

A. No. He never did.

Q. Did he tell you how he wanted him taken care of?

A. First he said he just wanted him hurt bad, then he changed his mind and told, told, ah, told me to tell dude to do whatever he felt was necessary to take T.J. out, whatever. So when I told dude, dude went, by time we got there--

Q. Don't say dude. Tell me--

A. By time me, K.C. and Rontae and all of us got there, ____--

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Q. How did you, how did you pick K.C.?

A. We went to his house and picked him up.

Q. Okay. Did, did Mr. H tell you K.C.'s your man or did you say Mr. H, I got a guy that'll do this.

A. No, no. We.... No. We know who K.C. was and we knew K.C. would do it 'cause we didn't wanna do it.

Q. Okay.

A. You know I'm saying, we don't nothin' to come back on us, so we went and got K.C. and fuckin' so by time we got there, it was already too late, K.C. had shot him and Miss Annabelle called us and said that she wanted him beat up.

Q. Okay. You made no sense right there. You made no sense.

A. Miss Annabelle-- (Talking at same time)

Q. By the time, wait, slow down.

A. By time, by time ____-- (Talking at same time)

Q. So you--

A. _____ after we got our orders. (Talking at same time)

Q. Stop. Let me talk. Stop. Okay. So when you, when you leave the club, Mr. H has told you what he wants.

A. Yeah.

Q. You leave the club. What time is it?

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- A. Probably like 11 somethin', 11 o'clock, when we left the club.
- Q. Okay. Did you put a call into, into T.J. at that time?
- A. I had called T.J. for some weed. That was original call and then that's when--
- Q. At what time? At what time?
- A. I couldn't give you the exact time but I know it was around 11 somethin'.
- Q. Okay.
- A. It was, it was around 11.
- Q. So you knew T.J. was at the lake.
- A. Yes, sir.
- Q. Okay. And at this time, you knew that Mr. H want somethin' done to T.J.
- A. Yes, sir, and--
- Q. And at that time, you felt that, in your gut, you felt any, as any reasonable man would, that Mr. H wanted more than just a beating administered to T.J., he wanted T.J. killed.
- A. Yes, sir. That's the way...
- Q. That's the way you ____
- A. It was brought to me.
- Q. Okay.
- A. And you know I'm saying I didn't wanna do it myself. I didn't really wanna go.
- Q. Did you tell Mr. H that?

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A. They already knew I didn't wanna go.

Q. Okay.

A. They didn't wanna do it _____

Q. Did you tell Mr. H that you know somebody that might do this?

A. No. I never told him straight I knew somebody who might do it. He just said find somebody, get it done, I don't care what y'all do, just make sure it's done tonight. So fuckin' we went got K.C., K.C. did it. I brung K.C. _____

Q. _____ Slow it down.

A. _____ (Talking at same time)

Q. So you leave, you leave the club.

A. Yes, sir.

Q. Okay. Do you put another call in to T.J.?

A. Yes, sir. That was the call that told T.J. that we was on our way out there.

Q. Okay. And about what time was that?

A. Roughly probably like 11:30.

Q. Okay.

A. And T.J. -

Q. Were you already well on your way out there?

A. We were already damn near there.

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- Q. Okay. So __ stop. So you, Ron--Rontae and J.J. leave the club, you get in the Astro van and you decide you're gonna go pick up K.C.
- A. Yes, sir.
- Q. Where, did you get ahold, did K.C. know this was coming or did you just take a chance that you'd catch 'em?
- A. No. K.C., you know I'm saying, he had knew that my boss, 'cause I told him that my boss would pay him before, that my boss was willing to pay him to go take care of some people 'cause he does stuff like that and K.C. was like as long as the money's right, then he'll do it, so then--
- Q. So what, what's the money right? What, what did your--
- A. So last night after everything was done, said, we got back to the club. K.C. was like in a panic and shit. He was all like well, tell your boss I want six thousand dollars.
- Q. Okay.
- A. So they paid him off six thousand dollars in cash. They gave him it to me and I handed it to him.
- Q. Okay. Slow this down, okay.
- A. ____
- Q. So you leave the club with, with Rontae and J.J.
- A. Yes, sir.
- Q. Where do you go to pick up K.C.?

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A. Across the street from my mom's house off of E Street.

Q. So he truly lives there.

A. Yes, sir.

Q. How long has he lived there?

A. He's been living there for a couple years now.

Q. Okay.

A. He has a black Suburban. He got a old Caprice. He got a old ____

Q. Slow down. Slow down. Black Suburban. He's got an old Caprice.

A. A old--

Q. Old square style, right?

A. Yeah. It's like a, probably like a maroon color, then he got a white old '76 Impala.

Q. A white '76 Impala.

A. Yes, sir.

Q. Okay. Who's he live in the house with?

A. His wife, kids and there's just a buncha people there. He sells drugs out of his house.

Q. Okay.

A. _____

Q. So is this, ah, is this house on your mom's street?

A. Yeah. It's right across the street from my mom.

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- Q. Right across 'cause your mom's right on the corner, right?
- A. No. My mom isn't in the corner.
- Q. She's a little bit further down.
- A. If you, if you come in from D Street...
- Q. Yeah.
- A. And you make a right on E, my mom's like where the cul-de-sac bends.
- Q. Okay.
- A. Where it goes around. She's right here _____
- Q. So he's right across the street.
- A. And he's like catty-corner right across the street.
- Q. Okay. So do you and, so you, Ron-Rontu-Rontae-
- A. Rontae.
- Q. And J.J. pull up to his house.
- A. Yeah.
- Q. Okay.
- A. In case he got- he _____
- Q. Do you honk the horn or what happens?
- A. No. We went up there, knocked on the door. K.C. came out. He was already dressed, had his pistol _____
- Q. How does he know that you were coming?

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- A. 'Cause we had went up over there. We were over there earlier ____
- Q. Earlier when?
- A. Earlier that night, probably like...
- Q. Did you—
- A. Right after we left Mr. H's office.
- Q. Okay. Did you ever call K.C.?
- A. No. I didn't.
- Q. Okay. You never called him.
- A. No.
- Q. Okay. So you had gone by K.C.'s house and you told him, hey, look, something's coming up, be ready.
- A. And my boss wants you to take care of somethin' for him.
- Q. And what did K.C. tell you to tell your boss?
- A. He, he didn't tell me tell my bah— all he said was as long as the money right, I'll do it.
- Q. Okay.
- A. So you know I'm saying I was like whatever, you know I'm saying. I didn't really wanna drive. I was like man, I don't even wanna go, I'll tell you where to go. He's like no, you gonna take me out there. So then he's all like well, and 'cause if you don't take me out there and I go out there, then I know somethin' ain't right, you

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gonna try to snitch on me and shit and then fuckin', he wanted J.J. to shoot. J.J. had a little 22 revolver, you know what I'm saying.

Q. So K.C. wanted J.J. to do the shooting.

A. ____ he had, J.J., he want J.J. to reach over me and shoot him but I was like man, no, fuck this, you know I'm saying—

Q. So when's—

A. And I told J.J. then not, not to do anything _____. I told them not to do nothin'.

Q. What's the conversation? Is this, all this taking place on the drive out there?

A. Yes, sir. It's all taking place out there and K.C. just kept ____ man, why, why you got all these mother fuckers with you, why you got all these mother fuckers with you? And you know I'm saying I just kept telling him man, they all right, they're cool, they're cool, you know I'm saying and that's to cover my ass so if this did come back on me and mother fuckers tried to say that I killed somebody, I'm not the gunman, there's two other people that knows that I didn't shoot him. There's two other people that saw him shoot him, you know I'm saying.

Q. Okay.

A. So then when we got, after it all happened, _____

Q. Let's, let's, let's...

MM. Can I just?

Q. Yes.

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MM. One question that we missed ____, tell me who K.C. really is.

A. I don't know K.C. by his real name. All we know him by is K.C. or K. I don't know him. I promise you.

Q. What set's he claim?

A. He's a Blood from California. I think Black Peace ____

Q. Okay. So the gang unit's over there at the house probably all the house, huh? How many times has dope kicked door?

A. Never.

Q. Never kicked in the door.

A. Never kick in his door but I can tell you where he keeps the drugs and everything. ____ if you go in his carport in front of the Suburban, it's like a little laundry room. If you open the door, behind the door is a little tin can, one of those popcorn cans with like the three popcorns in it and it's full of drugs. That's where he hides his drugs at.

Q. Okay. So you guys are on your way out there. You go through the toll booth.

A. Yes, sir.

Q. At what point do you call T.J.?

A. T.J. back? When, ah, it was, it was no service. We were supposed to call T.J. when we got to the fuckin' stop sign and he was gonna come meet us at the stop

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sign but then when we got to the stop sign, K.C. was like just go left and we're gonna meet him. The first time we went, we drove for—

Q. When, when did you call?

A. I called, it had to be like 11, it was probably like 11:35, 11:40 _____

Q. Okay. So you guys are in between the toll booth and stop sign when you call him?

A. No. We had to go back outside the toll booth to get reception.

Q. Okay.

A. _____ call him, so when I call him, he had no reception.

Q. So how many times did you go through that toll booth?

A. I went through there twice.

Q. So you went, you went like you go to the lake.

A. Three times. Three times. (Talking at same time)

Q. Then you came back through.

A. It was three times _____ (Talking at same time)

Q. Then you went back out.

A. Yes, sir.

Q. Okay.

A. It was once in, once out and once back in.

Q. Okay.

A. So three times.

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Q. Okay.

A. And then the next time—

Q. So you make a call to T.J. T.J. says I'm on my way out.

A. T.J. was already on his way.

Q. Okay.

A. His phone had no reception. When we seen T.J., T.J. was coming this way. Uh, can I use a paper?

Q. Yeah. ____

A. Like I showed you, T.J. was coming from, ah, this way from wherever he was and we was coming this way and then T.J. stopped right here and like yes. I was like yeah. He's like what's up, dude? And I was like nothin', so T.J., he was drunk. Don't leave that part out. Fuckin', he was fuckin' lit off his ass already, fuckin' he turned around and fuckin' parked off into the side right here and he got out and walked to the van. I had got out to take a fuckin' piss right here in the sagebrush and then K.C., when I was walking back to, uh, van, the side door slid open. K.C. slid out and then he went to the front and then while T.J. was talking to me, I looked and I seen K.C. coming and I went to tell T.J. fuckin' move, you know I'm saying but I couldn't get anything out. K.C. went down like this and came up in front of the van.

Q. (Coughing)

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A. And he shot him twice and he jumped back in the van and then I start to get out and that's how the flyer, the flyers fell out the van right there were he was. I was trying to see if he was all right, tried to help him and _____ I was gonna tell him to take the van but then fuckin' K.C.'s like you better fuckin' drive, drive this mother fucker, you're smashin' on the way up here, you better smash to get us the fuck outta here.

And then last night at the club _____--

Q. Okay. Stop. Stop, stop, stop. So you guys drive out but you drive past the stop sign and you go out the, the, the Henderson exit.

A. Yes, sir.

Q. Okay.

A. Yes, sir. Off the 95.

Q. Okay.

A. And like fuckin' when we got back to the club, we were in. K.C. stood outside for Mr. H's office. I wanted to tell Mr. H K.C. had done it, he took care of it. Mr. H is like fuck and he was all like, man, I just wanted him hurt. I was like that ain't what you said but then he, and I told him, I was like dude wants to be paid, he said he wants six thousand dollars. So Miss Annabelle was hesitant about paying off the money. Mr. H told him well, go ahead and pay out the money and she counted out--

Q. Who's Miss Annabelle? Tell me who Miss Anna--

A. Mr. H's assistant.

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Q. Okay. Now Miss Annabelle, is she in the office when all this conversation's taking place?

A. She _____ (Talking at same time) Yes, sir.

Q. Was she in the office at the original conversation when Mr. H is telling you—

A. She, she was in the office the whole time.

Q. To both conversations for, before you guys left to go do it and when you got back...

A. Yes.

Q. She's there for the whole thing.

A. She was in the whole time _____ She, she never leaves that office.

Miss Annabelle comes out of the office, really you have to be doing somethin' wrong for her to come up out.

Q. Okay.

A. Any other time, she's in there _____ and she's sleeping _____

Q. So, so she pay, she counts out the money.

A. She went back into the livingroom, into Mr. H's office. This another little room where the kitchen is and then there's another door and I guess _____ I never been back there. She came back with the money in a rubber band.

Q. Tell me about how money was, what it, twenties, hundreds?

A. It was all hundreds.

Q. It was all hundreds.

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A. Wrapped up in a rubber band and I handed it to K.C., counted his money and then—

Q. Did you count it?

A. No. I didn't. He counted it.

Q. Did, was the money very new crisp bills or was it shit that's been around?

A. It was crisp bills.

Q. It was crisp bills.

A. ____ Yes, sir.

Q. They're all Franklins.

A. Yes, sir.

Q. Okay.

A. He counted it up, then he got in a cab and he left.

Q. He didn't hang out the club at all.

A. No. That was the last time we seen K.C. that night and then I went back in the office and I was talking to Mr. H and Mr. H told me, he goes well you guys better go get some more flyers from Ariel and go out to the cab stands and make it look like you guys were out there, so that's what we did.

Q. How much, how much money, and I need you to tell me the truth...

A. Yes, sir.

Q. How much money did you get for this?

A. Like a hundred bucks.

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Q. You got a hundred dollars.

A. Yes, sir.

Q. Like a hundred dollars or a hundred dollars?

A. It was a hundred bucks.

Q. Was it two hundred bucks? Was it five hundred bucks?

A. No. It, it was a hundred bucks. ---

Q. So you got one Franklin for that.

A. Yes, sir.

Q. How'd you feel about that?

A. Felt shitty about it, you know I'm saying I didn't even wanna take it from him. He's like man, no, here take it, you helped me out. I was like no, because now I'm an accessory to murder and now my fuckin' family life's gonna be fuckin' ruined behind this shit. Now I might fuckin' go to prison for somethin' I, I didn't even do _____

Q. Why did you do this?

A. 'Cause Mr. H and them, they're always tellin' and everybody here isn't your friend, everybody's against you, you know I'm saying, show loyalty and this, that, loyalty and that. Everything with them was loyalty. If you're not loyal to them, then they'll fire you. They're always talking about firing me and this and that.

Q. So was just you that went up into the office for these meetings or did J.J. and Ron-Rontae go in there?

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- A. J.J. and Rontae weren't allowed inside the office. They, they sat out in the van. There was witnesses that seen 'em sittin' out in the van. There's a fat guy, there's a fat guy that always comes to the club. I think he's on the- I think he's a homosexual that wear glasses and they were all sittin' out in the van _____ and fuckin' we went to the cab station, we pass out a couple flyers and we came back to the club and I talked to Mr. H again and he left and then I-
- Q. Is this after the deed's done or is this before?
- A. This is, this is all after it's done.
- Q. This is after. So this is gettin' late now.
- A. Yeah. It's late and then Mr. H left the club and I had to go relieve the deejay. The deejay went on his break. When the deejay came back, I went home.
- Q. It's about 2:30, right?
- A. Yes, sir. And then when the deejay came back, I went home.
- Q. Okay. Ah-
- A. And that's the whole story.
- Q. Okay.
- A. I can't sugarcoat it and I can't hide anything. That's exactly what happened.
- MM. Okay. Ah, did, ah, Rontu (sic) and, ah, the other dude, they get a hundred bucks too?
- A. No. I bought 'em all, I got, we all went to breakfast this morning.

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MM. With your hundred bucks?

A. Yes, sir.

MM. Okay.

A. I paid for breakfast. The breakfast came to like fifty bucks and I went and got a haircut and then I bought a fan for my house.

Q. And where'd you get- where'd you go to, to breakfast at?

A. Went to IHOP.

Q. Where?

A. Off of Craig Road and Simmons.

Q. Craig and Sim-

A. Or Clayton.

Q. Clayton and Simmons.

A. Yes, sir.

Q. You went to IHOP.

A. Oh, Clayton and Craig.

Q. About what time?

A. We went to IHOP, it had to be, 'cause Felicia had to be to work 12:30. We left my house at like 10:30 this morning.

MM. Okay. Uh, a couple quick things that _____

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A. And a wait- if you guys wanna check that, the waitress, it was a black wait- waiter with braids. We tipped him fifteen dollars.

MM. Male or female?

A. It was a male. He'll tell you that we came, we all came and there was like a group, me, Rontae, J.J., Crystal, my wife, my son, uh, Joseph and Felicia, which is my uncle that got killed, his girlfriend. --

MM. Okay.

Q. Did you pay with the hundred dollars?

A. Yes, sir.

Q. So you paid with a hundred dollar bill.

A. Yes, sir.

Q. Okay.

A. I paid the bill before we even ate.

MM. Okay. Here, here's a couple important things, okay. Ah, number one, if K.C. got into a van, I mean into a cab, right?

A. Yeah.

MM. And presumably he went home to his house, right?

A. ____ (Talking at same time)

MM. Ah, the cab's log, when they leave there and where they go, do we know what cab company it might've been?

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A. _____ I don't. I have no idea what company they got in when I came outside 'cause he was like in a hurry to go home. He's like now get me the fuck outta here, get me the fuck outta here while Mr. H was still talking. So then he got impatient and I, I, when I came out, I was like where'd K.C. go? He said man, he got impatient and he jumped in a cab and he went home.

MM. Okay. How about this one? Ah, anything happen with the gun?

A. He has the gun. He keeps the gun. That gun has been used in murders, murders after murders. Ah, I don't know if you guys know him, Javon Gay (phonetic spelling), he shot a kid over there by the Jets a couple months ago in the neck.

Q. Okay.

A. That's the gun that was used.

Q. Did you, when K.C. came out of the house and got in, into the van to go to Lake Mead, he had a gun on him?

A. Yes, sir.

Q. So you saw him walk straight out of the house in your van?

A. I seen him when he walked out the house.

Q. Okay.

A. So _____

Q. He walked straight in your van.

A. He walked straight into the van.

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Q. Okay.

A. Had on black, all black.

Q. Did he show you the gun when he got in the van?

A. We didn't see the gun until fuck it he shot.

Q. Okay. ____

A. And then he got mad and he's all like man, he asked, he asked J.J. how come you didn't bust, how come you didn't bust and he was gettin' mad and that's when he was talking about shooting J.J. 'cause J.J. wouldn't shoot 'cause J.J. has a 22.

MM. Let me ask you this. How will we prove your story? I mean how, you, you tell us how we're gonna prove your story.

A. Talk to Rontae and them. Rontae and them knew about Mr. H wantin' to pay for the fuckin'...

MM. Just from you. Just from you telling them...

A. Yes, sir.

MM. I mean how are we gonna prove that Mr. H ordered you or told you to do this?

A. I'll testify in court, do whatever I have to do, you know. You guys asked me to tell you guys the truth. I told you guys the truth. Mr. H told me today, I was at the shop when after you guys talked to Mr. H. Mr. H told me you guys were looking for me, you know what I'm saying.

MM. How'd he get ahold of you?

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A. I was already at the shop. Miss Annabelle called me and told me to come to the shop to get more flyers.

MM. The, the shop down on Sunset?

A. Sunset and Bermuda and then when I got there, I was like where's Mr. H? She said Mr. H is at the ____, the _____

MM. Did, did anybody get blood on him? Did, when, did get any on the van when ____

A. There's no blood on the van, nothing.

MM. ____ (Talking at same time)

A. When he shot him, T.J. was like, like say like front of the van where you're at and T.J. was like standing in a window. He stooped down when he shot T.J. I don't where he hit T.J. in the head 'cause when he shot, I ducked down like this because I ain't wanna look at it!

MM. Okay.

A. Fuckin' T.J. was telling me, he was like drive.

MM. Now let me ask you something else. Ah, did, did someone throw at hat that was like a, a, a tan hat on T.J.'s chest?

A. No. T., T.J. had a hat on. He took his hat off. He had, he had on a tan hat when he got out of his car.

MM. Okay.

A. He had on a hat, no shirt and some shorts and some sandals.

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MM. Okay. So he took his hat off and what'd he do with it, hold it in his hand?

A. No. He, he had took his hat off and he had it in his hand and then when K.C. fired, T.J. dropped, all you heard was a thump and then K.C. jumped back in the van, like drive, nigger, drive and then we drove off and then that was...

MM. When you did the U-turn, you didn't go through any blood or, or anything like that with the van?

A. _____ No.

MM. Sure?

A. Positive. I, and if I did, I don't remember 'cause I was in a state of shock when this shit happened. I was just worried about gettin' the fuck away from there.

MM. Where is, ah, Rontu and J.J.?

A. When I left for work, they were all at my house.

MM. Okay.

A. But I think Rontae was talking about going back over his baby's mom's house and J.J. had left and then he came back.

MM. Okay. Let us do this. Let us walk out, digest this new story, okay, because I mean you've gone through one story, then a second story, a third story. Now we're on like a fourth or fifth story, alright?

A. And I, I understand _____

MM. _____ (Talking at same time)

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A. Hey, you guys, you guys could bring Rontae them in here. _____
tell you exactly what happened. I have no reason to lie about it because you know
right now—

Q. Let me ask you. Will they lie about it?

A. _____ (Talking at same time) No. They won't lie about it.

Q. Why?

A. They, they will try to lie about it at first because they don't wanna get in trouble but
I'm telling you if you tell, if you tell Rontae them to tell you exactly what happened,
they're gonna try to deny. Rontae pro—probably tell you man, I don't know nothin',
I'm not gonna say nothin' 'cause that's exactly what he said. Only way Rontae is
gonna open his mouth is if you guys stand there and I tell Rontae to tell you guys
exactly what happened.

MM. Okay.

A. I don't have to talk to Rontae, I don't have to coach Rontae. We can go get Rontae
right now and all I have to do is tell him, tell him exactly what happened and he'll tell
you.

MM. Okay. Let's go digest this. Just hang, okay. Okay? Drink your water. _____
for a second.

Q. Okay. We're back on tape. Present are Detective Vaccaro and Detective
Wildemann, along with, ah, Deangelo. Time is 1103 hours.

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JV. Eleven-o-three, okay. It's been a long 24, almost 24 hours since this all happened.

A. Yes, sir.

JV. Now you know I, I know these detectives have been here talking to you, ah, but I gotta tell you I'm tired and, ah, I've been paying attention to what's been going on in this room and, ah, you know I'm at a point where we don't play games here. We need to get the serious end of this thing and you have just come up with a, ah, a, a fascinating account of what's happened and I, I gotta tell you that I'm not buying your story right now and why I'm telling you that is because I wanna tell you about your rights, okay.

A. Yes, sir.

JV. Alright. And this is very serious right now. I want you to understand that because I wanna tell you your rights, that it's probably in your best interest right now for you to clear this matter up with us.

A. Okay.

JV. Okay? So you do have the right to remain silent and anything that you say could possibly be used against you. You understand that?

A. Yes, sir.

JV. Okay. And that would be against you in court, says it right here. You have the right to the presence of an attorney and if you cannot afford an attorney, one'll be

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appointed to you before questioning. Do you understand these rights just like you probably heard before?

A. Yes, sir.

JV. Okay. Ah, the fact is we wanna talk to you about this last account that you gave us where you talked about Mr. H.

A. Yes, sir.

JV. Now as detectives, what do you think we would do, our next step would be to do now that you've told us all the things about Mr. H? What do you think that we would wanna do?

A. Go investigate it.

JV. Okay. We wanna go investigate it but how are we gonna- It's kinda warm in here.

Q. I know. I know.

JV. How are we going to investigate this without bringing Mr. H right down here and puttin' him in a room right next door?

A. Put a wire on me. I'll wear a wire and I get you the fuckin', I'll get Mr. H to tell you. You hear everything Mr. H has been telling me all day. Mr. H called, his assistant called me to the shop today, sir.

JV. Okay.

A. And she pulled me into the office saying that she needed to give me some flyers.

JV. What's her name?

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A. Miss Annabelle _____

JV. Okay. I know who that is and so let's go over this, so let me just me and you, we're gonna get _____ right here, alright? So your story is that this guy, T.J. or whatever his name is, ah, Timothy. Is that what you know him by?

A. I know him by T.J.

JV. T.J., okay. That he has done so much damage over there at the club that this man, this man who may very well be a millionaire, he wants to have something done with this guy. Is that right?

A. Yes, sir.

JV. And what does he tell you? Tell me the words exactly that he tells you.

A. First, it started yesterday. I was at home and I got a phone call. Everybody was in the livingroom when Little Louie called.

JV. And Little Louie, tell me who that is.

A. ____ that's Mr. H's son.

JV. H's son. Okay.

A. He tells me, he goes man, you need to come to club, bring two black bags and a baseball bat.

JV. Okay, and—

A. And everybody in the livingroom heard him when he said that.

JV. Why? Was it over the radio?

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A. It was over the walkie talkie.

JV. Okay. And, ah—

A. That was like about, probably like eight o'clock.

JV. Okay.

A. Right before Mr. H got there. Mr. H and Miss Annabelle got to the club before Little Louie did. By time Little Louie got to the club, I was upstairs in the office talking to Miss, Miss A, Mr. H and Miss Annabelle. The said they didn't want Luis to get involved because Luis was gettin' real upset about everything, wanted to go take care of T.J. Luis came in a pair of black _____

JV. Luis, talking about the younger one.

A. _____ Luis the third.

JV. And he's getting upset. Why is he so bent about this?

A. Because people are, T., supposedly T.J. went and spreaded a buncha rumors about Mr. H's club and we haven't had any customers. The club's been dead for like the last—

JV. Come on, man. Listen. Wait a minute. This is some guy that just happens to work the front door.

A. Right.

JV. He's spreading rumors and he's hurtin' that business has been going there for 30, maybe 35years?

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A. And this, I'm telling you exactly what was being said, sir. You asked me to tell you what was said _____

JV. Yeah, I am but I, I'm gonna be a little confrontational with you, okay.

A. _____

JV. I'm not gonna patty-cake you in here.

A. I understand.

JV. Okay. So we're gonna get down to it right now. You and I, we're gonna talk about it and I don't want you to bull shit me.

A. Yes, sir. I know.

JV. Because I'm not gonna, I'm not gonna stand here and listen to it and if your account of this has one single hole in it, I swear I'm gonna jam it down your throat. Do you understand?

A. Yes, sir.

JV. Okay. So now Little Louie doesn't want any part of it, so he's calling you? What's he calling you for? What does he need your jokey ass to come down there and do this for him?

A. _____ before, couple months ago, there was a check stolen from Simone's.

JV. Alright.

A. And the guy that stole the check had Mr. H's daughter strung out on crystal meth, so Mr. H wanted us to go kidnap the dude and beat this dude up real fuckin' bad.

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JV. Uh-huh.

A. That's why Luis called me.

JV. So and that's what you did? And that's what you did? Did you that on occasion?

A. We never, we never, we never went and got the dude. Miss Annabelle called us off on it. She said don't worry about it because—

JV. How much were you supposed to make on that?

A. She didn't say nothing. She didn't say _____

JV. So Miss Annabelle is who to Mr. H?

A. Mr. H's assistant.

JV. So you want us to believe then that Mr. H and his, ah, his assistant, Annabelle, have, have gotten enough bad publicity about the club that they call you and whatever punks you can bring in to go and do something to somebody? That's their little thing that they do?

A. Yes, sir. Sir, if you don't believe me, I will wear a wire and I will go in Mr. H's office.

JV. But we may very well do that.

A. _____ and you can get the con— you can get a confession from him because all I got to do is go tell Mr. H, oh, yeah, they bought the story that you fuckin' tried to get me to tell 'em and he's gonna be like, okay, good. I promise you that. I will wear a wire right now. No bull shit, nothing.

JV. Alright. Stop.

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A. Straight up.

JV. So after you make this deal, Little Louie doesn't wanna get involved in it nor--

A. No. Mr. H wouldn't let Little Louie get involved. He didn't want him to get involved.

JV. He didn't want him get involved, so he comes to you and he says--

A. _____

JV. For you to get a couple guys. Is that right?

A. No. He didn't say get a couple guys. He wanted me to take care of it personally.

JV. Okay.

A. But I didn't wanna do it because I didn't wanna have that on my conscience, so we went and got K.C. K.C. don't give a fuck. K.C. said that he'll pop a nigger's noodle as long as the money right. So Mr. H told me, well, he wanted it done tonight, so we went to _____ because he was tired of T.J. spreading the rumors.

JV. And he says he wants it done that night.

A. He said he wanted it done tonight.

JV. Okay.

A. _____ (Talking at same time)

JV. This is what time on Thursday is he saying this?

A. This happened, was in his office about 8:30, nine o'clock.

JV. So 8:30, nine p.m. on that would be I think at that point Thursday night.

A. Yes, sir.

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JV. You have, ah, do you have any kind of cell phone conversations with him, ah, that will substantiate _____

A. No. If you get Miss Annabelle's, if you can get Mrs. Annabelle's, ah, cell phone, there was a call placed to Miss Annabelle between the time we were on our way to the lake and the time we got there.

JV. Okay. Why—

A. There was a phone call placed to her from a cell phone where she called me on my phone and told me that, ah, I needed to call her on her cell phone.

JV. And did you?

A. Yes. I did.

JV. And what was the conversation?

A. That's when she was like well, if he's by his self, then do him, if he isn't by his self, then just fuck him up _____, fuck him up and fuck up whoever's with him.

JV. This is Annabelle telling you this.

A. This is Miss Annabelle _____

JV. That's her language.

A. Yes, ma— yes, sir. That's how Miss Annabelle _____

Q. Why didn't you tell me that when we were in here a couple minutes ago?

A. You asked me, I told you the whole story, what was said in the office.

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JV. Alright. Let's keep going with this. So Miss Annabelle tells you if he's alone. Now at this point, do you already know that T.J. is out there at the lake?

A. Yes. _____

JV. How did you know that? When did you learn that he was gonna go _____

A. When I called him, when I called him the second time and he was like well, just come on up, it's beautiful, you know I'm saying.

Q. Okay.

A. And we went to the lake.

JV. So did you already have the other guys with you at that point?

A. Yeah. _____ was in the van already when we _____

JV. So you had them in the van with you before you knew T.J. was at the lake.

A. Yeah.

JV. So what were you guys gonna do? What were you just out cruising around?

A. No. We're out, it started _____ yesterday, sir, you know what I'm saying.

JV. Okay. Okay.

A. And then Miss Annabelle _____

JV. So then the opportunity presents itself 'cause you find out he's out by the lake.

A. Yeah. And that's why that happened at the lake, okay.

JV. Who asked who for weed?

A. I asked T.J. for weed.

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JV. You sure T.J. didn't ask you for the weed?

A. I'm positive.

JV. Okay, so--

A. And I told T.J., you know I'm saying, I said T.J., you know where to get weed from, he said he didn't have any on him, that he knew where to get some from and he was gonna come meet me and was gonna go back to the campsite but it never happened like that.

JV. Wait. Wait. Wait. He's gonna leave the campsite, come and meet you somewhere and then together, you're gonna go get some weed?

A. And then we're all go back to the campsite.

JV. Why, why does he need to go, why do you guys need to hold hands to go get the weed if he's the one _____

A. 'Cause we're all gonna hang out.

JV. So he's _____

A. I didn't know-- (Talking at same time)

JV. He leaves the campsite...

A. See, the thing was I didn't know how to get to where T.J. was. He said he was on mile marker five or some shit like that.

JV. Right.

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- A. I only been to the lake once and I came in by Hoover Dam. I never been out to the lake before, after that ever again. I never knew where T.J., exactly where T.J. was.
- JV. Okay. Okay. So you decide that you're gonna go out with these other thugs out there by the lake.
- A. Yeah. Let K.C. do what he had to do. We weren't gonna fuckin' touch ____
- JV. Okay. So here you are. You're driving out there, all the way out there knowing that your buddy's gonna get popped by this thug in the car.
- A. No. We, at first, it was, it was just, he was rob him and beat him up but then we got out there, he fuckin' got out and he shot him anyway. He got antsy and shot him. T.J. was never, it was never meant for T.J. to get shot. It was always meant for T.J. just to get beat up.
- JV. Who was gonna beat him up? Uh, how big is T.J.? T.J. looks like he can whip your ass.
- A. T., T.J., T.J.'s taller than I am. T.J., let me see, T.J.'s about this tall. He's about six four and ____ you know I'm saying, tell you the truth, me personally, I can't fight worth a fuck, you know what I'm saying. I might talk a good game but I cannot fight worth a fuck.
- JV. Okay. So, so these other little thugs, they're gonna just whip up on him?
- A. No. They were—
- JV. Or you thought they were gonna?

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A. No. They were with me. They were, we were all promotin'. We're all together already as it was.

JV. Right.

A. We had K.C. 'cause K.C. was gonna do everything. We weren't gonna do anything. We weren't even gonna get our hands dirty. K.C. was s'posed to do everything and instead, K.C. beatin' him up, he fuckin shot him twice and that's right hand to God. That's everything.

JV. What kinda gun did this K.C. have?

A. K.C. had, it was chrome .357 with a black handle, was a long extended barrel with a pistol grip handle.

JV. Where was he keeping that on his person?

A. It had to be under his sweater.

JV. He had a sweater on.

A. He had all black on. He had on black pants, black sweater and he had on a hoodie.

JV. When did you first see that gun?

A. I didn't see the gun until he got out to shoot T.J.

JV. No, no, no. You don't get in the car together.

A. We, we- (Talking at same time)

JV. Everybody talking shit to each other and you don't see the gun until you get out there, so stop lying. Tell me when you saw the gun earlier than that.

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A. I didn't, I didn't see that. Before I seen the gun?

JV. Yeah.

A. I seen the gun before another, when Javon (phonetic spelling) had it. That was the first time I seen the gun.

JV. When what—

A. But I __, I hadn't seen the gun yesterday until he got out to shoot T.J. 'cause he came directly out his house, got into the van.

JV. Was Javon one of the guys in the van?

A. No. Javon in jail right now.

JV. So how does K.C. or whatever his name is get the gun from Javon?

A. No. No. Listen. Javon shot a dude.

JV. Yeah.

A. He gave the gun to K.C. It's K.C.'s gun.

JV. Okay.

A. K.C. had the gun at his house.

JV. Alright.

A. Javon's been in jail for shootin' a guy in the neck.

JV. Okay.

A. So K.C. already had the gun. When K.C. came out the house, he already had the gun tucked away and he got in the van.

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JV. And you knew that.

A. The gun, the gun was never, you know I'm saying, I never seen the gun until he got out.

JV. You knew he had a gun on him.

A. Yeah. He always has a gun. I knew he had a gun but I didn't think he was gonna shoot T.J.

JV. Was there conversation about the gun? Even if you didn't see—

A. No. It wasn't.

JV. Was there conversation in the car about the gun?

A. There was no, there was no conversation _____

JV. So then _____ going out here to go meet this guy.

A. It was cah— it was conversation about just going to fuck him up. That's all _____

JV. Well, you can't fight, so who's gonna _____ this guy up?

A. K.C. was gonna fight him.

JV. And K.C.'s, tell me how big he is and what he's all about.

A. K.C., K.C. bigger than I am, he probably a little bit bigger than I am. He's from one of the hardest Blood gangs in L.A.

JV. Okay.

A. He don't give a fuck about shootin' anybody. K.C. wanted to shoot _____

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JV. Okay, but we're not shooting him now. We're just gonna beat him up. Is he capable of beatin' up, uh, T.J.?

A. Yeah. He's capable of beatin' us all up.

JV. Okay.

Q. About halfway there, Jimmy, Miss Annabelle's called and said—

A. Yeah.

Q. If he's alone, kill him.

A. Yeah. That's what was said.

Q. So did you relay that story to T.J.?

A. No. To T.J.?

Q. Ah, did you relay that to K.C.? Did you tell K.C. that?

A. No. I never told K.C. that. I never once told K.C. that Miss Annabelle, what Miss—

Q. K.C.'s understanding when he got in that van was is he was gonna kill. You said he'd pop—

A. _____ (Talking at same time)

Q. He'd pop a brother's noodle, right?

A. Yeah. That's what, exactly what he said.

Q. So he, his intention when he got in there—

A. _____ (Talking at same time)

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Q. And he must've gotten it from you 'cause you talked to him, was T.J.'s gonna get killed.

A. No. All, all that was said in the whole conversation with K.C. is that Mr. H needed somethin' handled, so K.C. was like how much is he paying? I said I don't know, all he said is he was gonna put money in a envelope and that's exactly what's said. If you call, _____ I promise you if you put a wire on me, I can get a confession from Mr. H for you and I can, I promise you, I give you my word on his. I'll give you _____

JV. Okay. So let's go ahead with the story. So you go out there.

A. _____

JV. You drive out there and I know, I heard the whole you went in, came out, went back in. Is that right?

A. Yeah, 'cause I can't get no service to find out where T.J. was.

JV. Right.

A. Went out and when I got service, I tried to call T.J. He was out of service. So then we went back in and we went left at the stop sign. We were driving for like, probably like five or six minutes and fuckin' T.J. appeared coming towards us and we stopped.

JV. How did you know it was him?

A. 'Cause I know his car.

JV. What kinda car is it?

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A. It's a little SUV Sportage with a black tire on the back. It ain't got tinted windows. It's a little four-door, you know I'm saying. I know T.J.'s car 'cause we smoked in his car all the time at work.

JV. Okay. Whose car is it? It's his car?

A. I, I believe so. He has a car, then he has another work truck.

JV. Did he say he was out there with anybody?

A. His wife and his dog, his old lady. He called her his old lady. He never called her his wife.

JV. And you knew that if he was coming to meet you, that she wouldn't be out there?

A. No. I had no idea that he would leave her out there.

JV. Okay.

A. By herself.

JV. Okay. So you saw his car coming—

A. ____ (Talking at same time) See, what I was specting (sic), I was expecting her and T.J. to be together, so then it would've just been a fight. T.J. would've never got killed. I never meant for T.J. to get killed. I never wanted anything like that to happen to T.J.

JV. You went all the way out there to meet him with this guy who's ready, who you know is a killer.

A. Yes, sir.

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JV. ____ (Talking at same time)

Q. Carries a gun all the time.

A. So you know I'm saying it was never, ah, it wasn't my intention on T.J. dying. T.J. was a good friend of mine. I never had no intentions on harming T.J. in that way. It was just dude fuckin' got all upset and fuck got out and fuckin' shot T.J. and then he want to shoot J.J. because J.J. wouldn't shoot.

JV. Okay. So J.J.'s in the car, K.C.'s in the car.

A. And Rontae's in the car ____ (Talking at same time)

JV. Rontae's in the car.

A. Yes, sir.

JV. And then you're in there, right? And, ah--

A. Yes.

JV. You knew that, ah, J.J. had a gun?

A. Yeah. He had a 22.

JV. And you knew that. Tell me what that looks like.

A. It's a little black revolver with a brown handle.

JV. Uh-huh. And was it loaded?

A. I don't think so. No. It was no shell. ____ 22 shells.

JV. Okay. So you saw the gun. Did you see it opened up and it had no shells in it?

A. Yeah. I seen it open up. It was at my house.

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JV. Why would K.C. get mad if he didn't shoot, if he you knew he didn't have any, any bullets in there?

A. That's when K.C. had got mad, was like how come you didn't shoot and that's when K.C. find out there was no bullets and then he asked me the fuck you bring these punks for _____ nothin' but a bitch and he started going off talking about how he wanted to do him because he felt that he was gonna snitch on him.

JV. Okay. So K.C. comes around the car. Do that whole car thing again.

A. K.C.

JV. I wanna know exactly who was sittin' where in the car. You're driving.

A. I was in the driver's seat. J.J. was right here. K.C. was in the back right here and Rontae was right here.

JV. Alright. Is there a van, is there a sliding door on both sides of the van?

A. No, sir. A sliding door on one side. It's a, it's a old Astro van.

JV. And it's on the passenger side?

A. Yes, sir.

JV. Okay. And that was K.C.'s position.

A. Yes, sir.

JV. And who was behind you in the driver's seat?

A. I was, Rontae was behind me in the driver's seat.

JV. Rontae and you don't know Rontae's whole, whole name, do you ?

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A. No, I don't.

JV. You just know him as Rontae.

A. I just know him _____

JV. Describe him. What's all about?

A. Rontae's probably like six-foot, dark skinned he got, can't really, he don't ever, you know I'm saying when he smiles, his teeth show, fuck and he always wears a black hat with a do-rag and then J.J., J.J., he's like Filipino or somethin', Asian or some shit and he gots long hair, skinny kid.

JV. Uh-huh.

A. You know what I'm saying.

JV. How, how old are these guys? Talk about Rontae.

A. Rontae' probably 18 now. Rontae should be 18.

JV. Okay. And J.J.?

A. And JJ is seventeen.

JV. Okay. And, ah, do they have any school time here at all? Do you know what schools they went to?

A. Rancho. (Talking at same time)

JV. _____ (Talking at same time) Rancho?

A. Rancho. Yes, sir.

JV. So if I show you a Rancho High School yearbook, can you pick them out?

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A. Yes, I can.

JV. Okay. And, ah, we'll be able to identify them. Where are the rest at? Where are they sleeping at?

A. Rontae was staying at my house but when I left to to work, I think they were talking about going back to his baby's mama's house and J.J. had just came back when I was leaving to go to work.

JV. Right. So J.J. and Rontae have gone to Rancho High School both.

A. Ahm, I don't know about J.J. I know Rontae went to Rancho.

JV. Oh, Okay. And you don't know where J.J. went to school at.

A. No. That's Rontae's friend.

JV. Okay. And, ah, and K.C., he's from?

A. California and he lives like at catty-corner from my mom's house. My mom's house is right here and if you walk across the street, K.C. lives right here.

JV. Okay. Ah, so is K.C. there? Is he out of town?

A. He's there right now.

JV. Yeah. He is there right now.

A. Yes, sir.

JV. Okay. And, ah, where's the pistol?

A. K.C. has the pistol.

JV. It's at, it's at that house right now?

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A. I don't know. Ain't no tellin' 'cause he mighta thought that we snitched but K.C. had the pistol.

JV. Okay. Who else cut their hair besides you?

A. I'm the only one that cut my hair. I cut my hair 'cause my wife asked me to cut my hair. I wasn't cuttin' my hair to fuckin' change my appearance 'cause everybody knows me with long hair _____

JV. Yeah, but I mean it seems kinda odd that you have long hair and then that, the day of this incident you get your hair cut short.

A. No. I was already getting my hair cut, sir. That's, swear to God I was already gonna get my hair cut 'cause Mr. H and them was complaining about me fuckin' have long hair. They were talkin' about fuckin' gettin' rid of me stuff from the club.

JV. So he's worried about you having long hair but doesn't mind asking you to go out put some lumps on somebody, right?

A. No.

JV. And Annabelle doesn't mind calling you and, and telling you go ahead and kill him if he's out there by himself, right? You must be heck of a guy to them.

A. Well, I just—

JV. Worry about your haircut, right?

A. Sir.

JV. _____ (Talking at same time)

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- A. _____ (Talking at same time) Everybody talked about my haircut because they thought I was some kind big gang banger because I always fuckin' talk but I would never fight anybody. You know what I'm saying. I never like me and Jay got in a incident. It's another guy that works there, where he threatened to kill me and I, you know I'm saying, I didn't stand down to him. I was like fuck you, you know I'm saying do whatever the fuck you wanna do, you know I'm saying 'cause I knew he wasn't gonna do anything inside and so now we're here.
- JV. Okay. So the next thing that happens is this thing goes ugly out there. Do you actually get out of the van on the driver's side to talk to, ah, T.J. out there?
- A. No. I got out the, I got out the car _____
- JV. You pass each other and _____ (Talking at same time)
- A. _____ passing each other when T.J. was pulling up. I had got out to use the bathroom and then that's when you know I'm saying, T.J. had _____ parked in front of us and he got out of his truck and he walked back towards the van and K.C. had got out the side and then he walked in front of the van and he shot twice. After he shot T.J., I tried to get out of the van and to see if T.J. was all right and fuckin' K.C. was like drive mother fucker, drive, you ain't fuckin' act like this when we was on our way up here, fuckin' drive and fuckin' then he, that's when he got trip and yellin' at us when we was on our way back to town.
- JV. Okay. Well, you're in the driver's position right now. Right? And I'm T.J.

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A. Yeah.

JV. Okay. So I just came up to your, you at the driver's window to greet you, right?

A. Yeah.

JV. And now how do I end up gettin' shot by K.C.? Where does he come from? Just stay where you're at in the driver position.

A. Okay.

JV. _____ (Talking at same time)

?: _____ (Talking at same time)

JV. Around the back this way.

A. I'm in driver's position. T.J. walks up to the window and he's taking his hat--

JV. I'm, I'm T.J. (Talking at same time)

A. He's taking his hat off.

JV. Right.

A. By then K.C. had already slid out the door and he's standing on the side of the van like this, he came to the hood and then he shot T.J. and then he jumped back in the car.

JV. So how far away, ah, from T.J. is he when he shoots him?

A. Is who, K.C.?

JV. Yeah.

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A. The front of the car's right here and the window's right here. He was right here in front of, he's in front of the hood.

Q. Did he— does he pass the headlights or does he stay?

A. No. He, he was in front of the hood and he stayed in front of the hood the whole time that he shot.

JV. And, ah, and T.J. didn't see him coming and do anything.

A. No. T.J. never saw him coming because it was dark outside, he had on a black hoodie and he fuckin' walked in front of the hood and the lights on the van went off.

JV. Where on T.J.'s body would you expect that he was shot? Where would you expect to have a bullet?

A. I, tell you the truth, I didn't even look. When, when he went to the front, I bent over like this 'cause I didn't wanna look at and fuckin' all I heard was T.J. drop.

JV. How many shots were fired?

A. Two.

JV. Just two.

A. Yes, sir.

JV. And it was from this revolver?

A. Yes, sir.

JV. Okay. And do you know what kinda ammunition was in that revolver?

A. I have no idea.

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JV. Okay. And, ah, was it pretty loud pops?

A. It was like pop, pop. We couldn't hear 'cause it was like out in the open in the desert.

JV. Right.

A. It was like a muffle 'cause he was in the front of the fuckin' van or whatever.

JV. Were the headlights still on on the van?

A. Yeah.

JV. So your headlights were on and T.J. never saw him.

A. T.J. was, T.J. was under the influence last night. T.J. was drunk.

JV. Okay.

A. When he, when he got out of this car, T.J. staggered. He staggered to the van. I mean literally staggered.

JV. Okay.

A. And he took off his hat and then that's when K.C. was at the front and he shot twice and then he ran and jumped back in the van. He was like fuckin' drive, fuckin' drive.

JV. Okay. So then if I'm T.J. and I've just now been shot someplace by a person that's over here like where this detective is, then, ah, what did you do? Did you drive out that way?

A. I drove up and I made a U-turn, turned back around.

JV. So basically you went around T.J.'s body.

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A. Yes.

JV. In the road.

A. Yes.

JV. And but did you say something earlier that you got out of the van? I thought you said you got out of the van?

A. That's what I just told you. I tried to get out of the van to see if T.J. was all right and he yelled get the fuckin' van and fuckin' drive.

JV. But you said you got out of the van.

A. And take a piss.

JV. Well, you said you got out of the van and that's how flyers came out of the van.

A. Yeah. Right by T.J.'s body but on a side. I was never on a side. And then he asked me about the cannister from the fuckin' bank teller that was in the van. That was in the back seat where K.C. was sittin'.

JV. Okay.

A. _____

JV. So when K.C. slid the door open, did that bounce out on the ground?

A. It had to 'cause when K.C., when K.C., he didn't like step out. He slid out the van. He slid his body out the van and then at first 'cause T.J. and at first, T.J. was parked behind us and then he pulled in front of us.

JV. Right.

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A. And that's, when I was pissing, T.J. was behind us.

JV. Okay.

A. And then I got back in the van and then fuckin' T.J. pulled in front of us ____

JV. Why? I mean how long did it take you to piss? I mean if he's back there, why would he reposition his vehicle?

A. No. He pulled in front of us and then he got out.

JV. Right.

A. 'Cause he as like ____ well follow me and then he got out and he was walking back to the van and then that's when K.C. shot him.

JV. Okay. And K.C. shot him just because you brought him out there and the whole plan was to go out there and take care of business.

A. Yes, sir. That was the whole fuckin' plan. That was the whole reason why.

JV. Now what's Rontae doing while this is all happening?

A. Rontae's just sittin' in the, in the van. Both Rontae and J.J. are just sittin' there. They're both fuckin' scared. They're sittin' in the van and Rontae all like this. He was in the back seat behind me and he was just sittin' there and then J.J. was sittin' in the front seat and then K.C., K.C. got in and the whole time we're driving he had the pistol like this in his hand and then that's when he started talkin' shit to us, ____ you mother fuckers weren't driving like this before, fuck, smash, nigger, smash, get me the fuck up out these mountains and those were his exact words.

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JV. So you decided to go out a different way because...

A. _____ after it all happened, I was in shock. He said just drive and I must've missed the stop sign or whatever and then I kept going straight and I came, when we came back to town, it was off the 95. I remember that much.

JV. Okay. So you went past another toll booth, right?

A. Yes, sir.

JV. And then you ended up out there by a casino maybe or somethin'?

A. Off of like the Fiesta.

JV. Okay.

A. And that's where we got on the freeway.

JV. You came in that way.

A. Yes, sir.

JV. Okay. And is he just giving you a bad time the whole time?

A. The whole time we're on the road, he just fuckin' flippin' out and shit, going off on us.

JV. Saying what? Tell me some more what he said.

A. Man, you brung all these mother fuckers with you and shit, now these mother fuckers have seen my face and this and that, that's a bitch, shit, nigger, how come you didn't shoot, nigger, how come you didn't shoot and he wouldn't even give us time to say anything.

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JV. Uh-huh.

A. He was just going off and then when we got back to the club, fuckin' we went upstairs and he was like beatin' on the doors like man, hurry the fuck up, hurry the fuck up. I went and told Mr. H, man, he wants to get paid for what he did and Mr. H was like well, how much. I said he said six thousand dollars and Miss Annabelle hes-hesitated to get the money and Mr. H said go ahead, pay the man. He was like shh, just pay him and he was like get this mother fucker away from here and then that's when he went outside and he was waiting for me to come out. Mr. H told me go get more flyers from Luis so that Ariel can see me. He wanted Ariel to see me.

JV. So you're the one—

A. _____

JV. You're the one that went in there and got Annabelle and told her that it happened, right?

A. Yes.

JV. What were the words that you said to her? What did you say?

A. I said Miss Annabelle, he shot him. He jumped out, flipped out and he shot dude.

JV. And what did she say?

A. She goes man, I, I told you guys only to hurt him and all this and that. I was like dude, you said you wanted him done, you said to get somebody to do it, I went and got it and it's done, you know what I'm saying, what do you want me to do? Fuckin',

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then they're all fuckin' trippin' telling me to shut up, shut up and then they were trying to cover everything.

JV. So who was in that room while you were talking to Annabelle?

A. It was just me, Miss Annabelle and Mr. H and then Luis kept walking in and out and then they kept telling me to be quiet every time Luis came in because they thought Luis might fuck somethin' up.

JV. Who came up with the six thousand dollar figure?

A. K.C.

JV. K.C. tells you to go in there and tell them he wants six grand.

A. Yes, sir.

JV. Why? Why not five? Why not ten?

A. He said six grand. He said that it was worth more but he's only gonna charge him six grand. And those were K.C.'s exact words _____

JV. And what was he gonna do if they didn't pay?

A. Fuckin' trip out on us and trip out with Mr. H. Mr. H never wanted K.C. to see his face and 'cause I tried to get K.C. to go in the office. I like come on, K.C., let's go in there and talk to him and Mr. H would never talk to him. Mr. H was like I don't want that mother fucker to know that I have anything to do with this. I don't wanna be involved. That's what Mr. H was telling us the whole time. Mr. H don't want ever let anybody—

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Q. ____ telling us. Who's us?

A. He was telling me. I can't say us 'cause he was talking to me but Mr. H don't ever let nobody see his face when he's talking business, nobody.

JV. He trusts you, a guy, he's worried about your haircut, he's trusting you to with all this shit that could destroy his world.

A. Sir, and he told me today, he goes man, just stand firm, don't break and my lawyers'll get you out, I got good lawyers but if I'm on the inside, then I'm dead, I can't do nothin' for you. That's after you guys talked to him today.

JV. And he gave you that little bit of advice.

A. He came, he's the one-- he told me about the, the telephone calls that you guys knew that I talked to T.J. and everything. He's the one that came up with the whole fuckin' story to tell you guys from jump.

JV. Okay, so let's go over that too but first, ah, he called you today after we talked to him in the morning?

A. No. Miss Annabelle called me and told me I needed to come to the club, to the shop to get some flyers.

JV. Okay.

A. Mr. H had already been gone to go talk to you guys or whatever and she pulled me in to the little office off the main office.

JV. And what was the conversation?

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A. The conversation was she was telling me that Lu- Mr. H, they call him Luis, was at the PD station with the PD and that then they told how she said that one of his Palomino employees might've been involved in a homicide. That's what she told me and then she went in there, she started talking to a white lady and a white guy and I fell asleep in the office and Mr. H came in and he woke me up.

JV. So Annabelle's telling you that Mr. H is at the police department?

A. Yes.

JV. And he's reporting what, that one of his-

A. No. That you guys, you guys called him and told him he needed to come to the PD 'cause one of his employees had been involved in a homicide and then when he got back, I was in the chair sleeping. He kicked the chair and told me go back to his son's room 'cause his son sleeps at the shop in the back room and so we went in there and he was writing it down on a piece of paper, said that you guys _____

JV. The shop off of, ah...

A. Bermuda.

JV. Bermuda.

A. That you guys got the Nextel records and that's how you guys linked it back to me, that you guys were looking for me.

JV. Right. So then do you have the conversation with Annabelle or with Mr. H about what story to tell us? Who tells you?

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A. Both of 'em.

JV. And when does that take place?

A. Right when he, we went in Luis's room. He wrote on a piece of a paper ____--

JV. This is down at the shop on Bermuda.

A. Yes, sir. He brought the piece of paper, then he flushed the piece of paper in the toilet and told me, he goes man, now how am I gonna get him out of the shop? That was the whole point of me taking the shuttle bus 'cause I was supposed to take the van again. There was never really any pickups tonight. That's where the shuttle bus came in. If you go to the shuttle bus, the fuckin' papers that's in there, we don't pass those flyers out. I never pass those flyers out. I always pass out the Palomino flyers. There's a bunch of 'em inside the shuttle bus.

JV. So the shuttle bus is down at the shop is what you're saying.

A. Yes, sir.

JV. And you got--

A. That's how, that's how I got back home.

JV. Because the van is now down at the shop.

A. Yes.

JV. Okay. Has anything happened to the van other than it got parked?

A. The tires are changed on it.

JV. Why would the tires change?

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- A. Because Mr. H asked if there was any blood or anything on 'em. I said I'm not sure, I don't know if there was any blood or anything. He goes, he gave me a hundred dollars, told me to go have all four tires changed and that's what I did this morning at the car shop.
- JV. And where did you go do that?
- A. Right there off of Griswold and Las Vegas Boulevard, the Mexican shop. You remember where Cal's Bar used to be at?
- JV. Yeah.
- A. Right there. Mexican shop.
- JV. Okay. And you went in there and you said what?
- A. I told him that, ah, I needed four new tires.
- JV. And wheels or just tires?
- A. Just, just tires.
- JV. And, ah, and who, where did you get the money from to do that?
- A. Mr. H gave me a hundred dollars.
- JV. A hundred dollars for four tires?
- A. Yes.
- JV. Okay.
- A. They only charged me sixty 'cause they put used tires on the van.
- JV. Okay. And, ah, did they keep the tires?

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A. No. We threw the tires away.

JV. Where'd you throw 'em away at?

A. In a dumpster right there by the, ah, like you know where the, if you go down Van Der Meer, it's like a tire club.

JV. Right.

A. There's two in that, in that dumpster right there and there's one in the Seven Eleven dumpster right there on Civic Center, Las Vegas Boulevard, two of 'em.

JV. Do you remember what size tires or brand they were _____

A. No, but I can tell you they were white wall tires.

JV. They were white wall.

A. Yes, sir. Now there's no white walls on the van.

JV. Okay. So if we see the van going through the toll booth on the TV cameras...

A. It'll have white walls.

JV. It'll have white walls.

A. Yes.

JV. And it doesn't now.

A. It doesn't now.

JV. And you got that done, performed because Mr. H asked you to do that.

A. Yes, sir.

JV. Not Annabelle.

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A. Mr. H.

JV. Mr. H asked you to do that. And, ah, and then he told you and she told you what story to tell us. Tell us the story they told you.

A. They was like man, _____ and T.J. had a relationship, just tell 'em that you know T.J. were, you know I'm saying, 'cause I would've never told you guys that me and T.J. got high together. That was their idea to tell you guys that we got high together so it look like I was, you know I'm saying.

JV. No. I don't know what you're saying.

A. Cooperating with you guys, telling you know what I'm saying, cooperate with you guys and so I did. I told you guys that me and T.J. got high together, which we did. It was no lie, you know I'm saying. Me and T.J. got high on occasion. Every night we got high.

JV. So, so the first story you told about your, your going home to your wife at 10:30 or whatever that was 'cause the kid was sick, who told you to tell us that story?

A. That was the idea that they, that was the idea that they came up with because my son was sick and I had proof that he, we took him to the hospital the day before but my son was sick last night. I did go home at ten to go check on my son and my wife could vouch for that. I did go check on my son.

JV. And then that's when you found the thugs and you all got in the van together.

A. No. We're all together.

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JV. You were all together already.

A. We're all, we had already been out promotin'.

JV. From earlier in, in the evening.

A. Yes, sir. And then when Mr. H came to work, he called me into his office.

JV. Did you guys stop and get food someplace while you're out promotin'?

A. No. We ate at my house.

JV. Okay, 'cause you said somethin' about you ate afterwards at an IHOP someplace.

A. No. We ate today at IHOP.

JV. Oh, today at IHOP.

A. This morning.

JV. This morning. Right.

A. Yes.

JV. And that's after the shooting obviously, right?

A. Yeah. Yeah.

JV. And, ah, and, ah, but did you have any food while you're with those guys before?

A. No.

JV. So I can't see all you guys together inside some sandwich shop or somethin' like that?

A. No. You can't.

JV. Okay.

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- A. We never went and got anything to eat. We went and got gas at the 76 Station. I think it was 76 Station. _____ gas, the gas money came from _____
- JV. Which, which 76 Station?
- A. Right there on Las Vegas Boulevard and Lake Mead.
- JV. Okay. What about time, about what time was that?
- A. It had to be right before we left to go to the lake, so it had to be like elevenish.
- JV. About 11. And is everybody in the van then? All four of you are in the van.
- A. ____ Wait a minute. There was only three of us in the van, then we had to go and pick up K.C.
- JV. And you went over by E Street.
- A. Yeah.
- JV. He was at that house.
- A. Yes.
- JV. And—
- A. He was gettin' his hair cut when we got there.
- JV. And you pulled up and what'd you do? Somebody run up there or did you just wait out front?
- A. I went up there and I waited out front 'cause the first time we went over there, my uncle's girlfriend, Felicia, took me over there. It was just me, her and fuckin' J.J. We went up over there.

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JV. So you didn't go and get K.C. for any reason to be promotin' or nothin' like that.
You went and got him for one reason.

A. Yes, sir.

JV. And what was that?

A. To go beat up T.J.

JV. Okay, but you knew he always carried a gun.

A. Yeah.

JV. And you knew he would shoot anybody.

A. I didn't think he would shoot T.J. 'cause at first, he was like yeah, I'm just gonna whoop this fool and then go get paid but then when we got up there, for some reason he got frustrated and he shot him and that's when everything went bad.

JV. Did T.J., when he came over by your window to greet you, did he touch the van in any way? Did he lean in the window and say what's going on or anything like that?

A. No. He had took off his hat and as soon as he took off his hat, that's when K.C. shot him.

JV. Okay.

A. He never touched the van.

JV. What was T.J. wearing?

A. T.J. had on some shorts, a hat, some sandals and no shirt.

JV. Okay, and he was drunk.

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A. Yes.

JV. Okay. Did he threaten you or say anything threatening to anybody there?

A. T.J. would never threaten anybody. That isn't T.J.'s way.

JV. Okay.

A. T.J. don't.

JV. Okay. What did he think was gonna happen, you were all gonna drive _____
someplace to get weed?

A. We're all, we're all just gonna go fuckin' get some weed, go back to the campsite
and smoke.

JV. Okay. How were you dressed at the time?

A. Just like this.

JV. And you just gonna go to the camp out there with a suit, pants and a tie and shirt
on, right?

A. This is exactly what, actually, I didn't have this on. I had on black dress pants, white
dress shirt _____

JV. And where is that clothing now?

A. It's at my house.

JV. Okay. And, ah—

A. And this is the shirt that I had on.

JV. _____ clean the, those items of clothing?

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A. No. This is the shirt that I had on right here.

JV. That's the shirt.

A. Yes, sir. It has never been washed. You can see in the collar where it's all brown and dirty.

JV. I believe you.

A. It hasn't been washed. I had on a ba-- black pair of pants, I had on these shoes. I never, only thing that's different tonight is these pants and this tie.

JV. Okay. Your window of the van was down.

A. Yes, sir.

JV. And you ducked away, so you didn't have to see what happened.

A. Yes, sir.

JV. And you never did get back out of the van then after that.

A. No, sir.

JV. Okay. So now you're telling us then that these people were there, ah, believe that you're gonna keep this secret forever, right? Annabelle and Mr. H.

A. Yes, sir. They told me to stand firm, don't break. She even told me to put a tack in my, in my fuckin' shoe and step on it every time I felt the fuckin' adrenalin start to build up.

JV. Really?

A. Yes, sir.

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JV. Does that work?

A. I don't know. I ain't got no tack in my shoe. The fuck do I look like? I'm not trying to poke myself.

JV. Okay.

A. I came to work, you know I'm saying, I wasn't, you know I'm saying, that's the only reason why, you know I'm saying hey, 'cause at first, I was scared. I seen the other cops when I pulled up in a white SUV like the one we're in that are parked right there and then I went in. Mr. H was downstairs and Mr. H was like man, the homicide detectives is in the office.

JV. And what'd you say?

A. I said okay, let's go talk to 'em and Mr. H kept telling me to hold on right here and then he went in talked to you. That's when I came around the corner. I was like how ya' doin', I'm Deangelo. I ain't wanna wait. I want to go talk to the detective and that's exactly what I did. I went in and I talked to 'em.

JV. Alright. You gotta sit here and choke for a minute. We gotta go out and talk some more.

A. Do you wanna take the test?

JV. Yeah. I'll do in a second. I'll do in a second. It's gonna show that you didn't fire a gun, right?

A. Yes, sir. Yes, sir. I did not fire a gun.

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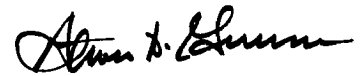
JV. You didn't handle that gun at all.

A. I did not touch that gun. If you want, I promise you guys right now, you can put a, a wire on me and I can get a statement from Mr. H and he'll be like yeah, okay, they bought the story, woo-dee-woo, and he'll be high-fiving me in the office. I guarantee you. I give you my word on that.

JV. Alright. We're gonna go out and talk.

THIS VOLUNTARY STATEMENT WAS COMPLETED AT THE LVMPD HOMICIDE OFFICE ON THE 18th DAY OF MAY, 2005 AT 2125 HOURS.

MW/MM/JV/im
05V0536



CLERK OF THE COURT

OPPS

DAVID ROGER
Clark County District Attorney
Nevada Bar #002781
MARC DIGIACOMO
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200 Lewis Avenue
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DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

DEANGELO CARROLL,
#1678381

Defendant.

CASE NO: C212667

DEPT NO: XXI

STATE'S OPPOSITION TO DEFENDANT'S MOTION TO SUPPRESS

DATE OF HEARING: 5/11/10

TIME OF HEARING: 9:30 AM

COMES NOW, the State of Nevada, by DAVID ROGER, District Attorney, through MARC DIGIACOMO, Chief Deputy District Attorney, and hereby submits the attached Points and Authorities in Opposition to Defendant's Motion to Suppress.

This opposition is made and based upon all the papers and pleadings on file herein, the attached points and authorities in support hereof, and oral argument at the time of hearing, if deemed necessary by this Honorable Court.

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STATEMENT OF FACTS

On May 19, 2005, shortly before midnight, the Las Vegas Metropolitan Police Department received a 9-1-1 emergency dispatch concerning a homicide on North Shore Road near Lake Mead. When they arrived, they found the body of Timothy Hadland lying in the middle of the road with an apparent gunshot wound to the head. Inside Mr. Hadland's vehicle, police located his cellular phone. The last call to Mr. Hadland was from "Deangelo." Based upon this information, Detectives attempted to locate Defendant Carroll.

Detectives contacted Defendant Luis Hidalgo in an effort to locate Defendant Carroll. According to Defendant Carroll, Defendant Hidalgo informed him that the police were looking for him. Based upon this information, Defendants Carroll, Hidalgo and Espindola created a story to tell the police. After concocting the story, Defendant Carroll responded to the Palomino Club to contact the police. When he arrived Defendant Carroll voluntarily approached officers and agreed to speak to officers. Detectives asked Defendant Carroll if he would agree to go to the homicide offices to conduct the interview. Defendant Carroll agreed.¹

In the ensuing video and audio recorded statement, the following exchanges took place:

MW: I'm just going to start this, fire it up, and get it going, okay?

MW: Hello, operator. This is Marty. We're taking a, ah, taped statement. Uh, it's gonna be a death investigation under Event Number 050519-3516. Ah, person giving the statement last name is Carroll, C-A-R-R-O-L-L, first name of Deangelo, D-E-A-N-G-E-L-O, and middle name of Reshawn, R-E-S-H-A-W-N. He's a black male adult with a date of birth of 01-28-1981 and a social security number of 530-92-1061. Ah, we're taking the statement at the Homicide offices and the date and time is 05-20-05, at approximately 2125 hours. Present are myself, ah, Mr. Carroll and, ah, Detective McGrath. Ah, Deangelo, is it okay if I call you Deangelo throughout this interview?

CARROLL: Yes, sir.

MW: Okay. And, ah, ah, I want you to know that we're taping it and we've made that understood to you and you understand that.

¹ It should be noted that the detectives had no probable cause to detain Defendant Carroll at this point and had he not wanted to voluntarily accompany them to the homicide offices, he could not be forced to go.

1 CARROLL: Yes, sir.

2 MW: Okay. And I also want you to know that you're not under arrest
3 right now, okay, and you're here, you came down voluntarily with us and,
and you're comfortable. Is that correct?

4 CARROLL: Yes, sir.

5 MW: Okay. Good. So we talked a little bit, ah, to let you know why, why
6 we're talking to you and that was regarding the, ah, the death of your
friend, T.J.

7 CARROLL: Yes, sir.

8 (Defendant's Exhibit A, p. 2). In his initial story, Defendant Carroll indicated that he talked
9 to Mr. Hadland that evening by telephone but never saw him.² After thirty-five pages,
10 Defendant Carroll indicated that he was scared and had additional information to tell the
11 police:

12 CARROLL: How, how do I know that I'm fuckin' gonna be protected if I
13 fuckin' say anything?

14 MM: Listen, listen.

15 CARROLL: I'm fuckin' scared for my life here.

16 MM: Listen. You're gonna be protected. I promise you, okay. We're
17 gonna protect you one hundred percent and if you tell us now that you're
18 in fear of your family, guess what? We'll make phone calls, we'll move
you, okay, but listen. All we want from you is for you to tell us the truth.
You talk to us now and tell us.

19 CARROLL: But am I gonna— my question is if I tell you guys what
20 happened, am I going to jail?

21 MM: You, listen—

22 CARROLL: That's what I wanna know.

23 MM: Alright. Here's this. Here's this, okay. Look at me. You tell me
24 what happened. You tell Detective Wildemann what happened, alright.
25 You truthfully tell us what happened. I'm gonna take you back. I'm
gonna promise you that. I'm gonna take you back and if you tell us the
truth, right, we're gonna, we'll do everything to prove your story is the
truth and if you tell us the truth, start to finish.

28 ² The Court should note that after the initial story, the police still did not have probable cause to arrest Defendant Carroll.

1 CARROLL: That is the truth, you know what I'm saying, let me just start
2 over and—

3 MM: Okay. Let's, let's, let's start over right now. Okay. Tell us.

4 MW: Start over from the phone calls.

5 (Defendant's exhibit A, pp. 35-6). It is in this exchange that Defendant Carroll indicated for
6 the first time, that he also had some fear of going to jail, however, Detective McGrath
7 specifically informed Defendant Carroll that no matter what Defendant Carroll told police in
8 the interview, he was not going to be arrested and that Detective McGrath would drive him
9 home.³ Thereafter, Defendant Carroll proceeded to describe the incident wherein he claimed
10 that Defendant Counts tried to rob Mr. Hadland and shot him during the process. During this
11 version of events, Defendant Carroll maintained that he had nothing to do with the killing
12 and that he was merely a scared witness. After that version of the story, the following
13 exchange took place:

14 MM: Okay. So we're gonna have to go get the van, okay. We're gonna
15 have to tow the van, process the van and we wanna do as much minimal to
you, you know 'cause I wanna keep my word.

16 CARROLL: Am I, am I gonna be able to go home?

17 MM: Yeah. I'm gonna keep my word to you, okay. If you told us the
18 truth, we're gonna go out and talk for a minute and give you a minute to
think about you know any changes you wanna make in your story and, ah—

19 CARROLL: I'm not changing a thing. Can I just call Rontae and them
20 and tell 'em to tell you guys everything?

21 MM: No, no, no. We'll go get 'em and, ah, and fact, I'm gonna hold on.
Where's your other phone then?

22 MW: _____ second, okay. (Talking at same time)

23 MM: We're gonna go get 'em. We'll bring here and, ah, we'll tell 'em
that you talked to us. Okay? They're at your place.

24 CARROLL: Yes, sir.

25 MM: Right now.

26
27
28 ³ Even at this point, detectives had no probable cause to arrest Defendant Carroll.

1 CARROLL: No. Actually, no. They left. They said they were going
2 home going back to Rontae's baby mama's house _____

3 MW: I thought you said you, they were staying with you.

4 CARROLL: They were staying at my house but after I left work, they said
5 that they were gonna leave my house _____

6 MM: I'm gonna pause this, okay.

7 MW: Yeah. Pause it. We'll be back. Hold on, let me tell you the time.
8 What time is it, Mike?

9 MM: Ah, I got, ah, 2208.

10 MW: Okay

11 MM: We'll be right back. Relax. Drink some water. You know what, let
12 me tell you something. . .

13 CARROLL: Hey, do one of you got a smoke. Can I just smoke a
14 cigarette

15 MM: I don't have a smoke, but we will see what we can do to try and find
16 one. But listen to me. You did probably the greatest thing for your family
17 you've ever done.

18 CARROLL: I just want to go home and be with my family

19 MM: Okay, Okay, we will be back in a minute

20 CARROLL: I don't want anyone at work to fuckin know about
21 _____

22 MM: Okay, we will do whatever we can, but we are going to need to take
23 the van, Okay

24 MW: Alright, you good on water, or you want some more?

25 CARROLL: _____

26 MW: You want some more?

27 MM: I'll get it, right now. You want to leave that door open, its pretty hot
28 in there

29 MW: Yeah, it's hot in here

30 MM: I'll be right back

31 (Defendant's Exhibit A, pp. 54-5, videotape of interview at approximately 00:45:00
32 minutes). Thereafter, Detectives left the room with the door open to discuss this latest
33

1 version.⁴ Upon returning to the room, Defendant Carroll volunteered that there was more to
2 the story, and Defendant Carroll asked to restart from the beginning. Thereafter, Defendant
3 Carroll described how Defendant Hidalgo ordered a “hit” on Mr. Hadland. At the end of the
4 story, Defendant Carroll told detectives he was willing to testify against Defendant Hidalgo.
5 (Defendant’s Exhibit A, p. 81). Detectives then took another break and once again left
6 Defendant Carroll in the interview room with the door cracked open. (Videotape of
7 Defendant Carroll’s statement at approximately 01:23:10). Upon returning detectives, out of
8 an abundance of caution, read Defendant Carroll his Miranda rights from a card. Upon being
9 told he was going to be read his rights, Defendant Carroll specifically asked:

10 CARROLL: Does this mean that I am going to jail?

11 JV: No, I did not say that.

12 CARROLL: Okay.

13 JV: I want to talk to you first. We are on tape right?

14 MW: No, no.

15 MW: Okay. We’re back on tape. Present are Detective Vaccaro and
16 Detective Wildemann, along with, ah, Deangelo. Time is 1103 hours.

17 (Videotape of Defendant Carroll’s statement at approximately 01:39:00). After being read
18 his rights, Defendant Carroll waived his rights and continued to talk to detectives. At the end
19 of the interview, Detective Vaccaro had Defendant Carroll sign the Miranda card. The
20 following exchange occurred.

21 JV: Here, I need you to do this. Do you understand your rights? I am
22 checking the box yes cause you said yes, right?

23 CARROLL: Yes.

24 JV: Okay. See that? Sign, that’s you.

25 CARROLL: Does this mean that I’m going to jail?

26 JV: No, it doesn’t. At any point in there does it say you are going to jail.

27 CARROLL: No, sir.

28 ⁴ Even at this point, Detectives did not have probable cause to hold Defendant Carroll and were treating him
as merely a witness, not a suspect.

1 JV: Okay. It means that I advised you of those rights.

2 CARROLL: Yes, sir.

3 JV: And you said that you understood them, right?

4 CARROLL: Yes, sir.

5 JV: Okay.

6 CARROLL: I'm willing – like I said, I'm willing to put on a wire, do
7 whatever it takes.

8 (Videotape of Defendant Carroll's Statement at approximately 02:15:36). After the
9 conclusion of the interview, Defendant Carroll was driven home. Defendant Carroll was not
10 arrested for several days thereafter.

11 POINTS AND AUTHORITIES

12 Once voluntariness of a confession has been raised as an issue, there must be a
13 hearing pursuant to Jackson v. Denno, 378 U.S. 368, 84 S.Ct. 1774 (1964), before an
14 accused's statements are brought before a jury. At this hearing, the court must hear what the
15 defendant told the police and the circumstances under which the defendant made the
16 statement. The court must then decide (1) whether his statement was voluntary using the
17 totality of the circumstances, and (2) whether Miranda was violated. In this regard, Nevada
18 adopted the "Massachusetts rule." See Grimaldi v. State, 90 Nev. 89, 518 P.2d 615 (1974).

19 The State's burden of proof at a Jackson v. Denno hearing is a preponderance of the
20 evidence, both with respect to voluntariness, Brimmage v. State, 93 Nev. 434, 567 P.2d 54
21 (1977), Falcon v. State, 110 Nev. 530, 874 P.2d 772 (1994), and with respect to Miranda.
22 Falcon, 110 Nev. 530.

23 If the court finds that the statement was involuntary, it ceases to exist legally and
24 cannot be used for any purpose. Mincey v. Arizona, 437 U.S. 385, 98 S.Ct. 2408 (1978). If
25 it was voluntary but Miranda was violated, it can only be used for impeachment if the
26 defendant testifies and contradicts the statement. Harris v. New York, 401 U.S. 222, 91 S.Ct.
27 643 (1971); Oregon v. Hass, 420 U.S. 714, 95 S.Ct. 1215 (1975); McGee v. State, 105 Nev.
28 718, 782 P.2d 1329 (1989). If the court finds that it was voluntary and Miranda warnings

1 were not necessary, it can be used for all purposes during trial.

2 Miranda rights are required to be given to a defendant before a custodial
3 interrogation. Mitchell v. State, 114 Nev. 1417, 1423, 971 P.2d 813, 817-818 (1998),
4 overruled on other grounds by Sharma v. State, 118 Nev. Adv. Op. No. 69 (October 31,
5 2002). Custody has been defined as a “‘formal arrest or restraint on freedom of movement’
6 of the degree associated with a formal arrest.” Alward v. State, 112 Nev. 141, 154, 912 P.2d
7 243, 252 (1996) (*citing* California v. Beheler, 463 U.S. 1121, 1125, 103 S.Ct. 3517, 3520
8 (1983)). When determining whether a person who has not been arrested is “in custody,” the
9 test “‘is how a reasonable man in the suspect’s position would have understood his
10 situation.’” Alward at 154 (*citing* Berkemer v. McCarty, 468 U.S. 420, 442, 104 S.Ct. 3138,
11 3151-3152 (1984)).

12 One is “in custody” for purposes of Miranda considering the following factors: (1) the
13 site of the interrogation; (2) whether the investigation has focused on the subject; (3) whether
14 the objective indicia of arrest are present (see discussion *infra*); and (4) the length and form
15 of the questioning.

16 In State v. Taylor, the objective indicia of arrest exists when “there has been a formal
17 arrest, or where there has been a restraint on freedom of movement of the degree associated
18 with a formal arrest so that a reasonable person would not feel free to leave. ... A suspect's
19 or the police's subjective view of the circumstances does not determine whether the suspect
20 is in custody.” In determining whether objective indicia of custody exist, this court considers
21 the following factors:

22 (1) whether the suspect was told that the questioning was voluntary or that he
23 was free to leave; (2) whether the suspect was not formally under arrest; (3)
24 whether the suspect could move about freely during questioning; (4) whether
25 the suspect voluntarily responded to questions; (5) whether the atmosphere of
questioning was police-dominated; (6) whether the police used strong-arm
tactics or deception during questioning; and (7) whether the police arrested the
suspect at the termination of questioning.

26 See State v. Taylor, 114 Nev. 1071, 1081, 968 P.2d 315, 323 (1998).

27 The case before the Court is clearly a situation where Defendant Carroll could never
28 be deemed to be “in custody.” While the site of the interrogation was the police department,

1 that fact alone does not establish custody. Coupled with the fact that the suspect was not
2 arrested after an interview at the police station the following cases conclude that Miranda
3 warnings were not required. Oregon v. Mathiason, 97 S.Ct 711 (1977); California v.
4 Beheler, 103 S.Ct 3517 (1983); State v. Lanning, 109 Nev. 1198 (1993).

5 In Lanning, the defendant agreed to come to the police station to be interviewed as a
6 suspect in various felony offenses. She was advised that she was not in custody and was free
7 to leave at any time. No Miranda warnings were given to Lanning. Lanning told detectives
8 that “I should see an attorney because I do not want to incriminate myself.” Lanning was
9 told again that she was not in custody and that she was free to leave at any time. Lanning
10 suddenly broke down crying, confessed to the forgeries and gave the police a handwriting
11 exemplar. The Nevada Supreme Court held “Ms. Lanning was at the [police] station of her
12 own free will, that she was not in a coercive environment and that she was free to leave at
13 any time.” Id at 1201, 866 P.2d 272, 274.

14 The Nevada Supreme Court has commented on California v. Beheler wherein it held:

15 Second, California v. Beheler, held that Miranda rights need not be
16 provided simply because the questioning took place at the police station or
17 because appellant was the person the police suspected of the crime. Beheler
18 also noted that the appellant voluntarily accompanied the police to the station
19 to be questioned. Id. at 1123, 103 S.Ct. at 3519. Likewise, Silva voluntarily
went to the police station with Dibble and Scholl. Just because the questioning
took place there does not automatically mean that he was in custody.
Accordingly, after a review of the record and, in particular, the transcript of the
second statement, we conclude that Silva was not in custody at that point.

20 Silva v. State, 113 Nev. 1365, 1370, 951 P.2d 591, 594 (1997).

21 Like Silva and Lanning, Defendant Carroll voluntarily accompanied detectives to the
22 homicide offices after responding to the Palomino Club knowing he would be speaking to
23 detectives. At the time the police contacted Defendant Carroll, they had no probable cause
24 to arrest Mr. Carroll. During the interview, he was repeatedly told that no matter what he
25 said, he would not be arrested. During much of the interview, Defendant Carroll acted as a
26 scared witness and the police treated him as such. In fact, at least prior to Miranda being
27
28

1 read, there wasn't any police domination of the interview.⁵ Once Defendant Carroll
2 implicated himself in the crime, detectives continued to leave him in the interview room
3 alone with the door open. Absolutely no restraints were placed on Defendant Carroll. After
4 he implicated himself in the crime, out of an abundance of caution, and not because there
5 was any indicia of custody, he was read his Miranda warnings. Even then, Defendant
6 Carroll asked whether he was being arrested and he was told that he wasn't. After the
7 conclusion of the interview, Defendant Carroll was driven home and not arrested. Nothing
8 in the totality of the circumstances indicates that Defendant Carroll would have reasonably
9 believed he was under arrest nor would a reasonable person believe so when he was
10 expressly told he was being driven home no matter what he said. As such, Miranda
11 warnings were not required.

12 CONCLUSION

13 Based on the foregoing, Defendant's Carroll's Motion To Suppress should be denied.

14 DATED this 4th day of May, 2010.

15 Respectfully submitted,

16 DAVID ROGER
17 Clark County District Attorney
Nevada Bar #002781

18
19
20 BY /s/MARC DIGIACOMO
21 MARC DIGIACOMO
22 Chief Deputy District Attorney
Nevada Bar #006955

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24
25
26
27 ⁵ In fact, the only deception in the interview came when police told Defendant Carroll that they had cellcote
28 records of his calls to Mr. Hadland. But even after this passing reference, Defendant Carroll did not
immediately implicate himself. Instead, he provided the story where he was merely a scared witness.

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that service of the above and foregoing, was made this 4TH day of May, 2010, by facsimile transmission to:

THOMAS ERICSSON, ESQ.
FAX: 658-2502

DANIEL BUNIN, ESQ.
FAX: 386-0344

BY /s/D. Daniels
Secretary for the District Attorney's Office

18

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CLERK

TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

ORIGINAL

THE STATE OF NEVADA,)
)
Plaintiff,) CASE NO. C212667
vs.) DEPT. XXI
)
DEANGELO RESHAWN CARROLL,)
)
Defendant.)
)
)
)
)

BEFORE THE HONORABLE VALERIE ADAIR, DISTRICT COURT JUDGE

TUESDAY, MAY 11, 2010

RECORDER'S TRANSCRIPT OF HEARING RE:
STATE'S MOTION FOR DISCOVERY RE: EXPERT TESTIMONY AND
MOTION IN LIMINE RE: EXPERT TESTIMONY
DEFENDANT'S MOTION TO SUPPRESS

APPEARANCES:

FOR THE STATE: MARC DIGIACOMO, ESQ.
Chief Deputy District Attorney
GIANCARLO PESCI, ESQ.
Chief Deputy District Attorney

FOR THE DEFENDANT: THOMAS A. ERICSSON, ESQ.
DANIEL M. BUNIN, ESQ.

RECORDED BY: JANIE L. OLSEN, COURT RECORDER/TRANSCRIBER

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CLERK OF THE COURT

1 LAS VEGAS, CLARK COUNTY, NV., TUES., MAY 11, 2010

2
3 THE COURT: State versus Deangelo Carroll. Mr. Carroll is present in
4 custody. We have Mr. Ericsson and Mr. Bunin, and Mr. DiGiacomo and Mr. Pesci
5 for the State.

6 The jury questionnaires are available for you to pick up and begin
7 reviewing them. I believe the State already did pick those up.

8 MS. WISNER: Mr. Ericsson picked up his. Mr. Bunin is the only one that's
9 left.

10 THE COURT: Okay. I don't know if you two were sharing them, but we made
11 copies for Mr. Bunin as well.

12 MR. BUNIN: I sent June's here to get it. They didn't come yesterday?

13 THE COURT: You can have your own copies. In any event, those are here.

14 This is the State's motion on the expert witness, and we did not receive
15 an opposition. Who's doing this, Mr. Ericsson or Mr. Bunin?

16 MR. ERICSSON: Your Honor, I am.

17 THE COURT: Okay. Go ahead.

18 MR. ERICSSON: Your Honor, it's my understanding that we do have a duty
19 under disclosure requirements --

20 THE COURT: Right.

21 MR. ERICSSON: -- to provide any raw data or reports, and I actually spoke
22 with Mr. Pesci this morning. Our doctors, they are willing to comply with that, but
23 they're telling me that under their rules that they have to turn it over to another
24 doctor, that they're not allowed to turn over their reports to lay personnel. And so
25 they said as soon as they know who it is that the DAs are planning to use that they'll

1 make their test results available.

2 THE COURT: Okay. Mr. DiGiacomo, I mean --

3 MR. DI GIACOMO: I've heard that before, and that's true. The doctor absent
4 a court order may not turn over the records to a lay person under their ethical
5 obligations, but our statutes which trump any ethical obligations requires them to
6 provide it to me.

7 THE COURT: Right.

8 MR. DI GIACOMO: And so as long as the Court signs the order he'll comply
9 to it and provide it to us.

10 THE COURT: Yeah, I mean, obviously Mr. DiGiacomo can't prepare it unless
11 or Mr. Pesci unless they have the report.

12 MR. DI GIACOMO: The concern of the doctor is that the MMPI and those
13 type of things do not get released out into the public. I will put in the order that we
14 will not release it to anybody who's not a licensed psychiatrist or psychologist.

15 THE COURT: Right, to your own expert for that person's review.

16 MR. DI GIACOMO: Correct.

17 THE COURT: Okay. That's fine. So are we in agreement when this will all
18 be done? Is everything available now to release to the State?

19 MR. ERICSSON: Your Honor, I can have -- I should be able to have that to
20 them by Thursday at the latest if not tomorrow. I spoke with the doctors last week,
21 and I don't physically have copies of that, but I can get it shortly.

22 MR. DI GIACOMO: That's fine with us, Judge. We just want to have a
23 chance to review it in order -- because we have obligations to file a notice of rebuttal
24 witnesses if we're going to use one, and we --

25 THE COURT: Right, until you have the records and you have -- if you decide

1 to have a doctor look at them, you don't know what you're going to do, and we have
2 to wait for your doctor to tell you. So that makes sense.

3 MR. DI GIACOMO: Correct.

4 THE COURT: All right.

5 MR. PESCI: I apologize, if I could -- my understanding is that there's no
6 report; it's just data. Is that --

7 THE COURT: Yeah, he needs to prepare a report, or you need to provide
8 them with exactly a summary of what he's going to say. The obligation isn't just to
9 provide them with the raw data and have them figure out what he's going to say.
10 Whatever his conclusions are going to be based on the raw data, that needs to be
11 placed in a report of some sort because otherwise they may -- their conclusion
12 regarding the data may differ from his conclusion, number one.

13 And number two, if for some reason their conclusion -- his conclusion
14 goes into the province of the jury or beyond what an expert can testify to, then they
15 have a right to make an objection to that. Unless they have a report, they're not
16 going to know that. So, you know, I don't think you can just hand them the data and
17 say figure it out, figure out what the doctor's conclusions are going to be.

18 MR. ERICSSON: Your Honor, in talking to the doctors last week, they had
19 not generated any report. I will request that they do so promptly. I don't think that
20 they have --

21 THE COURT: Okay. I mean, either they have to generate the report or
22 through you at the very least you have to prepare a statement saying this is what the
23 substance of the testimony is. These are the opinions that the doctor is going to be
24 giving regarding Mr. Carroll because as I said, otherwise their conclusion may differ
25 from what he's going to say. So, yeah, that at a minimum needs to be provided.

1 MR. ERICSSON: Okay.

2 THE COURT: So I would say because we're really coming up on our date
3 here, that should be done within the next 48 hours.

4 MR. DI GIACOMO: That would be great, Judge.

5 MR. ERICSSON: We can do that.

6 THE COURT: I mean, 'cause otherwise -- and their doctor needs to know
7 what he's going to be refuting if anything.

8 The next matter is the defendant's motion to suppress. Anything to add
9 on that?

10 Is that you, Mr. Bunin?

11 MR. BUNIN: It's my motion although, you know, once I file it I believe it's the
12 State's burden to show by a preponderance of evidence that the statement was
13 voluntary. I didn't know if they were intending to bring the detective or just argue it
14 off the statement itself.

15 Did you bring --

16 MR. DI GIACOMO: Judge --

17 THE COURT: Well, I think we would set it over for a hearing if we were going
18 to hear the testimony of the detective.

19 MR. DI GIACOMO: Right. I didn't bring the detective. What I did bring the
20 Court, though, was a digital copy of the video, and then I also -- and I provided that --
21 -- or Mr. Pesci provided it to counsel this morning. The entire video wasn't
22 transcribed. It was just the taped statement that was transcribed --

23 THE COURT: Right.

24 MR. DI GIACOMO: Now the entire video is transcribed, and so I'd like to give
25 that to the Court as a court exhibit --

1 THE COURT: Have me review it.

2 MR. DI GIACOMO: Have you review it. If we need to, we can have a short
3 hearing with Detective McGrath and Wildemann prior to --

4 THE COURT: Yeah, I mean, here's the thing. This may dispose of some of
5 the issues. If it doesn't, it will certainly possibly limit the questions the Court has.
6 So why don't I look at this today or tomorrow and then issue a minute order, and
7 Penny will call you guys indicating whether or not we're going to have a hearing,
8 anyone you'd like to schedule that for.

9 MR. BUNIN: And obviously I'd like to have a hearing, but what I'd like you to
10 focus on when you're considering your decision is -- and I'm going to focus on the
11 things that the State cited in their opposition. They cite many instances where
12 Deangelo Carroll says in answer to a question, Am I going to jail if I answer this
13 question. Am I going to jail, and often what the officer will do is either not really
14 answer the question or he'll say, If you're truthful me, you're not going to jail. I'm
15 going to take you home.

16 And then every time they get to a point where Deangelo says
17 something that is arguably incriminating, he again asks the question: Am I going
18 home? Am I going to go to jail? And the officers just continually say, If you're
19 truthful, we're going to take you home. And what they do is mislead every time they
20 do this. I'd like you to read this carefully because what Deangelo is really saying is,
21 are these statements going to be used against me? Am I going to end up going to
22 jail at some point? Am I going to be charged with these crimes?

23 But what they do is interpret it as, No, we'll take you home today
24 without ever telling him they're going to use these statements against him. Oh, and
25 by the way, you're going to be arrested in two days, charged with first degree

1 murder, face the death penalty, and he's been in custody for five years, five years
2 other than the two days between the time of the statement and the time they actually
3 arrested him.

4 So I'm just asking you to focus on the fact that every time the officer
5 says, Yes, I'm going to take you home, it's actually misleading. What they're trying
6 to tell Deangelo is, yes, answer the questions you're going home. They never tell
7 him they're going to use the statements against him.

8 And then obviously I cite the case law that talks about once Miranda is
9 read both the statement before he was Mirandized and after have to be suppressed
10 if you don't believe the statement was voluntary in the first place. So just -- that's
11 what I'd like you to focus on when you're considering your minute order.

12 THE COURT: Anything you want to say, Mr. DiGiacomo?

13 MR. DI GIACOMO: Just very briefly. The standard is a reasonable, innocent
14 person what they would believe, and if a reasonable, innocent person says, If I talk
15 to you am I going to go to jail, and the police say, no, as long as you're truthful to us,
16 you're going to be taken home. That person does not believe he's in custody. He's
17 told he's free to leave.

18 He went down there voluntarily. He remained there, and if you actually
19 watch the video, at some point he really wants to be there 'cause he knows that he's
20 implicated himself, and he says, but if I keep giving you more information, can I
21 continue to be a witness. Can I be a witness. Can I be a witness, and that's what
22 his request is. He's obviously never in custody during the entire period, and he goes
23 home, which is one of the factors that you rely upon.

24 And after that he has numerous other contacts with the police in which
25 he's out of custody, clearly. They don't even claim his numerous other contacts are

1 in custody, and it's not until several days later that he's arrested and charged with
2 the crime.

3 MR. BUNIN: That argument is exactly what Seibert wants you to focus on.
4 Once the police question him without reading him his rights, get him to make
5 statements that are incriminating -- and by the way, this is the only person that they
6 knew to speak to at this point in the case. They got Deangelo's name from the cell
7 phone of the deceased, and they found out that he worked at the Palomino very
8 quickly. So this was the suspect for them.

9 When they spoke to him, they got him to make incriminating
10 statements, and then they read him his rights so then of course Deangelo wanted to
11 stay and continue to make statements, and Siebert says that's exactly what
12 happens. That's why -- that's why we don't allow the question first, Mirandize later
13 technique because once incriminating statements are made after they're Mirandized
14 they now feel like, number one, their previous statements might be used if they don't
15 clear it up, and then number two, they absolutely have to clear it up at this point or
16 they're going to be in a lot of trouble. And Siebert specifically forbids that.

17 The exact argument that the prosecution is making is the argument that
18 the defense agrees with, and the case law forbids it. They never informed him they
19 were going to use the statements against him. They misled him by continually
20 telling him he was going to go home, and then for the next two days they use him by
21 putting a wire on him. Then they arrest him and then here he is.

22 They never tell him any of these things are going to occur so it's
23 misleading, Your Honor.

24 THE COURT: Anything else, Mr. DiGiacomo?

25 MR. DI GIACOMO: No, Judge.

1 THE COURT: All right. Like I said, we'll do something in the next -- hopefully
2 today, tomorrow at the latest because obviously time is of the essence given the trial
3 date.

4 MR. DI GIACOMO: Thank you, Judge.

5 THE COURT: Thank you.

6 MR. BUNIN: Thank you.

7 MR. ERICSSON: Your Honor, our next court date unless we get a hearing --

8 THE COURT: Unless you get further direction is May 13th for calendar call.

9 MR. DI GIACOMO: That's Thursday.

10 MR. PESCI: Thursday.

11 THE COURT: Yeah, this is wrong. I'm lying. No, it is May 13th. The trial date
12 on the calendar is wrong.

13 MR. DI GIACOMO: Trial date is --

14 MR. BUNIN: Monday.

15 MS. WISNER: May 17th.

16 THE COURT: Right. So our next date is Thursday, the calendar call.

17 MR. DI GIACOMO: Yes, Judge.

18 MR. ERICSSON: The other set of jury questionnaires, are those back in --

19 MS. WISNER: Yes.

20 MR. DI GIACOMO: Thank you, Judge.

21 -oOo-

22 ATTEST: I hereby certify that I have truly and correctly transcribed the audio/video
23 proceedings in the above-entitled case to the best of my ability.

24 
25 JANIE L. OLSEN
Recorder/Transcriber

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Felony/Gross
Misdemeanor**

COURT MINUTES

May 11, 2010

05C212667-1

The State of Nevada vs Kenneth Counts

May 11, 2010

9:30 AM

All Pending Motions

ALL PENDING MOTIONS 5/11/10 Court Clerk: Denise Husted
Reporter/Recorder: Janie Olsen Heard By: Valerie Adair

PARTIES

PRESENT: Di Giacomo, Marc P. Attorney
Pesci, Giancarlo Attorney

JOURNAL ENTRIES

- STATE'S MOTION FOR DISCOVERY RE: EXPERT TESTIMONY AND
MOTION IN LIMINE RE: EXPERT TESTIMONY

Mr. Erickson argued opposition to State's Motion for Discovery; under the rules, doctors have to turn over their reports to other doctors and not lay personnel. COURT ORDERED, reports can be released to a licensed physician. Mr. Erickson informed the Court he will provide to the State by 5/12/10. Mr. Pesci advised that a report is not ready as yet, only data is available. COURT ORDERED, report has to be completed within forty-eight hours. As to Defendant's Motion to Suppress, the Court informed parties that a ruling will be made following an in-camera review of briefs, transcript and the DVD.

CUSTODY

CLERK'S NOTE: After reviewing the transcript, DVD and Defendant's interview, COURT FINDS no need for an Evidentiary Hearing on the Defendant's Motion to Suppress. Based upon the briefs, transcript and DVD, COURT ORDERED, Defendant's Motion to Suppress is DENIED.