

1 Q. There is also an ID number associated  
2 with the person identified as John Lee White. It  
3 appears to be 1502845; am I right?

4 A. Yes.

5 Q. And it's on each one of the cards?

6 A. Yes.

7 Q. Is that the same ID number that is  
8 associated with the person in the picture that is  
9 identified as Donte Johnson?

10 A. Well, actually in this situation when  
11 we have moniker names there are several succeeding  
12 ID numbers, and this happens when people use  
13 fictitious names and ultimately the identities are  
14 established into one record and the photograph of  
15 Donte Johnson bears the ID number of 1586283, and  
16 the ID cards that you've shown me have succeeding --  
17 not sequential, but succeeding ID number that end up  
18 with 1586283.

19 Q. When you say succeeding or sequential  
20 numbers that end up in the same, do we then  
21 establish that John White and Donte Johnson are one  
22 and the same person?

23 A. That's correct.

24 Q. And how is that done in the police  
25 work?

1 A. Through fingerprints.

2 If somebody gives a -- if  
3 arrested for the first time and gives the name John  
4 White and not a true name, they'll be booked under  
5 that name. Unless they tell something different  
6 fingerprints are taken. If the person is arrested  
7 again under the name Donte Johnson, and the  
8 fingerprints are compared, and they realize that we  
9 have one person's fingerprints connected with two  
10 names, then the records are consolidated into what  
11 the person's true identity is.

12 Q. In this case do we know whether or not  
13 the person that we're referring to as Donte Johnson,  
14 if his true birth name is Donte Johnson or if it's  
15 John White?

16 A. In our end of the business, generally  
17 speaking, the name that is on the top of the  
18 printout which is Donte Johnson is the name that is  
19 believed to be his true birth name.

20 Q. Did there come a point in time when you  
21 actually arrested or were involved in the arrest of  
22 Donte Johnson?

23 A. Yes.

24 Q. What date was that?

25 A. I'd have to refer to my report, but I

1 believe it was the -- a day or two after the murder.

2 Q. Do you have your reports with you?

3 A. No, I don't.

4 Q. If I give you a copy of your report,  
5 would that assist you?

6 A. Yes, and/or Detective Buczek's report.

7 Q. Okay. I will give you mine. Yours  
8 would be captioned with your name at the top and  
9 Buczek's would have his name at the top.

10 Do you recall what name the  
11 person in Exhibit 3 gave you at the time of his  
12 arrest?

13 A. Initially when we had contact with him  
14 and arrested him at the scene he gave us the name of  
15 John White.

16 Q. Okay.

17 A. And he was arrested on 8/14. I'm  
18 sorry. This is the date of the occurrence. 8/18 at  
19 0345 hours.

20 Q. 8/18. So August 18th which would have  
21 been Tuesday?

22 A. Right.

23 Q. At what time in the morning?

24 A. About 3:45 in the morning.

25 Q. And at that point in time did you

1 actually make physical contact with the person in  
2 Exhibit 3?

3 A. Yes.

4 Q. And he identified himself as John White  
5 at that time?

6 A. Right.

7 Q. Did he subsequently tell, you know, my  
8 name is really Donte Johnson?

9 A. He told us then his moniker was Deko,  
10 and he also used the name of Donte Johnson.

11 Q. Spell Deko.

12 A. I heard it spelled D-e-k-o which  
13 doesn't quite match the pronunciation. I've seen it  
14 spelled D-e-e-k-o.

15 Q. I've heard it D-e-c-o, or am I a bad  
16 speller?

17 A. I've seen it spelled several ways. It  
18 depends on who you ask to spell Deko's name to get  
19 various spellings.

20 Q. Okay. Let me backtrack now that we've  
21 wrapped up this double name issue.

22 A. When did you start your  
23 investigation in this particular homicide?

24 A. We were called out on the evening of  
25 the 14th at about 7:00 o'clock and responded to the

1 scene.

2 Q. And what -- how did that actually  
3 occur? What prompted that call out?

4 A. A friend of the victims had gone to the  
5 house on Ever -- I'm sorry -- on Terra Linda to  
6 visit and discovered the victims inside apparently  
7 dead from criminal means and called the police. The  
8 police responded. Patrol officers, General  
9 Assignment detectives respond initially and once  
10 they determined that it was an apparent homicide  
11 then we were notified.

12 Q. Once being notified, did you actually  
13 respond to the scene of 4825 Terra Linda?

14 A. Right.

15 Q. Hero in Las Vegas, Clark County,  
16 Nevada?

17 A. Yes.

18 Q. There is an exhibit that is a diagram  
19 of that particular residence.

20 Do you see that right there in  
21 front of you?

22 A. Yes.

23 Q. Does that exhibit fairly and accurately  
24 depict the scene and your observations once you got  
25 there?

1 A. Yes, it is.

2 Q. How many decedents in total were there?

3 A. Four.

4 Q. Were all four in different rooms, or  
5 does that exhibit, that diagram, fairly and  
6 accurately reflect where the decedents were; three  
7 in one room and one in another?

8 A. That's correct. The diagram is  
9 accurate.

10 Q. Did you have occasion to actually walk  
11 through the entire residence?

12 A. Yes.

13 Q. Describe the residence as you observed  
14 it.

15 A. The residence was in total disarray.  
16 It had been extensively ransacked. Beds in various  
17 bedrooms had been looked over and overturned.  
18 Drawers, cabinets, enclosures, closets, whatnot, had  
19 been searched. Things were dumped on the floor.  
20 Cabinets in the kitchen had been gone through.  
21 Cushions on the sofa had been tossed. The place had  
22 been extensively ransacked.

23 Q. Can you tell me, in your career as an  
24 officer, detective, or sergeant, approximately how  
25 many robbery scenes you've investigated?

1           A.     I've been on numerous robbery and/or  
2 burglary scenes in the past. During my career I've  
3 worked both in Burglary and Robbery, and I've seen  
4 numerous scenes.

5           Q.     Was this scene consistent with a  
6 robbery or a burglary scene wherein persons or  
7 people had entered into a residence in order to  
8 obtain or find something?

9           A.     Yes.

10          Q.     Did you find personally any U.S.  
11 currency, paper currency, in this residence?

12          A.     No.

13          Q.     Would that be of significance to you?

14          A.     Yes.

15          Q.     Why?

16          A.     You would expect that with four people,  
17 young adults, that you would have somebody with at  
18 least some money on them. Their wallets had been  
19 apparently gone through. They were not in the  
20 pockets. They were laying on the floor. Things  
21 commonly associated with the contents of a wallet;  
22 ID, credit cards, miscellaneous things people would  
23 carry in their wallet were scattered about on the  
24 floor.

25          Q.     Among the items that were scattered,

1 did you find any paper currency, however?

2 A. No.

3 Q. How many -- well, did any of the  
4 persons, the four decedents have their wallets and  
5 contents intact?

6 A. No.

7 Q. Were all four persons' wallets near  
8 their bodies yet been rifled through?

9 A. That's correct.

10 Q. We've heard previously from Crime Scene  
11 Analyst Fletcher who talked about the processing of  
12 the scene.

13 Were you there while the scene  
14 was processed and work was done?

15 A. Yes.

16 Q. Showing you what has been marked -- it  
17 was previously up there as 14 and 15.

18 Now, did you actually see this  
19 Black and Mild cigar carton or container there at  
20 the scene on Terra Linda?

21 A. Yes, I did.

22 Q. Were you present when it was impounded?

23 A. I was there at the scene. I didn't  
24 actually witness it being impounded. The ID  
25 personnel set about doing their job which is



1 processing and impounding the evidence. I was there  
2 while that work was being done, but I wasn't present  
3 at every moment while they were doing it.

4 Q. There came a point in time when you  
5 left the actual scene at Terra Linda; is that  
6 correct?

7 A. Yes.

8 Q. Did you attend an autopsy the following  
9 day, I believe that being the 15th of August, that  
10 being of all four decedents?

11 A. Yes.

12 Q. Was there anything significant about  
13 the observation of the deceased either at autopsy or  
14 the residence?

15 A. Yes. All were shot in the same  
16 location in the back at the base of the skull. They  
17 all had been duct taped in the same manner. None of  
18 them had, if I recall, any currency on their bodies  
19 or in their pockets, and it appeared that they --  
20 that their feet were also bound so there were quite  
21 a few similarities in the way that they were  
22 murdered.

23 Q. Okay. At the time of the autopsy these  
24 individuals were brought to the medical examiner's  
25 office in their clothing; is that correct?

1 A. Right.

2 Q. Is it common at the time of an autopsy  
3 for police personnel to go through a decedent's  
4 clothing in order to do an impound of the items they  
5 have on their person?

6 A. That's correct.

7 Q. Were you present when that was done?

8 A. Yes.

9 Q. Were any moneys found on any of these  
10 four decedents?

11 A. Not to my recollection, no.

12 Q. So there would be no moneys impounded  
13 as well?

14 A. Right.

15 Q. Now, then, can you tell me after the  
16 15th and the autopsies were completed of the four  
17 young men, can you tell me what you did next in your  
18 investigation?

19 A. We continued the investigation. We had  
20 some information that perhaps we would find evidence  
21 at the Everman house where Mr. Johnson had been  
22 arrested from. We went back there and conducted a  
23 search of the residence with Mr. Armstrong's  
24 permission.

25 Q. Let me take you to that.

1                   The Everman house is a different  
2 residence than the Terra Linda residence?

3           A.     Right. It is the house Johnson was in  
4 when he was arrested.

5           Q.     How many blocks separate are the  
6 Everman house and the Terra Linda house?

7           A.     They're kind of opposite diagonals on  
8 the corner of Tropicana and Nellis. The scene of  
9 the crime is on the southwest area quadrant, and the  
10 Everman house is on the northeast quadrant. If a  
11 person were to walk between the two houses at a  
12 normal gait, I'd say it would take you five to ten  
13 minutes to walk. It's kind of hard to say in blocks  
14 because of the diagonal, and there's commercial  
15 areas, but generally speaking at about maybe four or  
16 five blocks.

17          Q.     How long would it take one to drive if  
18 they drove an ordinary speed limit through that  
19 area?

20          A.     Wouldn't take you very long. If you  
21 caught the light at Trop and Nellis you could be  
22 there within one minute and then if you caught a lot  
23 maybe a minute and a half.

24          Q.     I believe you told us previously John  
25 White, also known as Donte Johnson, also known as

1 Deko, was arrested on August 18th at about three  
2 something in the morning?

3 A. Right.

4 Q. Were you associated with that arrest?

5 A. Yes.

6 Q. Were you present at that time?

7 A. Yes.

8 Q. Did you have assistance in that arrest?

9 A. Yes.

10 Q. Who assisted you?

11 A. Detective Buczek and Detective Thowsen.

12 Q. Now, at the time of making that arrest,  
13 tell me how that took place at the Everman house.

14 A. Yes.

15 Q. And how did that arrest come about?

16 Did you call them out of the house? Did you go into  
17 the house? What happened?

18 A. Right. We implied the assistance of  
19 some of our SWAT officers who basically drove up in  
20 the driveway with a vehicle with a loud speaker and  
21 asked the occupants to come out which they did.

22 Q. How many occupants came out of the  
23 Everman house?

24 A. Three.

25 Q. Can you identify those three occupants?

1           A.     Besides Johnson there was his  
2 girlfriend who goes by the name of Lala, and I  
3 believe her first name is Charla. I believe her  
4 last name is Severs or something to that effect.  
5 And there was another person in there by the street  
6 name of Skells or Skills, and I believe his name was  
7 Bryan Morgan or Dwain. Excuse me. I think it was  
8 Dwain Anderson.

9           Q.     Okay. Dwain Anderson.

10                         Does Dwain Anderson use a second  
11 name that you know of?

12           A.     I believe he does have a second name on  
13 his SCOPE printout, and he goes by the street  
14 moniker of Skells or Skills.

15           Q.     So those three persons?

16           A.     Right.

17           Q.     Now, did you speak to Donte Johnson  
18 that morning?

19           A.     Yes.

20           Q.     Did you inquire as to whether or not he  
21 lived at that particular residence?

22           A.     Yes, I did.

23           Q.     What did he tell you?

24           A.     He told me no.

25                         I asked each of the individuals,

1       they were sitting there on the curb after we made  
2       contact with them initially, and I asked each one  
3       specifically if they lived in that house and they  
4       said no.

5               Q.     Now, at that point in time was Donte  
6       Johnson or John White one in the same person under  
7       arrest at that point in time?

8               A.     He'd been detained by SWAT officers.  
9       He'd been placed in flex cuffs, and we did take him  
10      from that point to jail.

11              Q.     Prior to asking him if he lived at that  
12      address had he been read his Miranda rights?

13              A.     No. He was a detained suspect at that  
14      point.

15              Q.     Not under arrest at that point?

16              A.     Right.

17              Q.     Donte Johnson indicated to you that he  
18      did not live at that residence, however?

19              A.     Yes.

20              Q.     How about Lala? Did she indicate  
21      whether or not she resided at that residence?

22              A.     I asked her too and she said no, she  
23      did not live there.

24              Q.     The other person you identified as  
25      Dwain Anderson, also known as Skells or Skills, did

1 he indicate whether or not he resided at that  
2 residence?

3 A. I also asked him, and he said he did  
4 not live there.

5 Q. With that information did you feel as  
6 though you were free to search that place?

7 A. Yes.

8 Q. Had you spoke to the owner of the  
9 residence and received permission from the owner?

10 A. We received written permission from Tod  
11 Armstrong to search the place.

12 Q. And who is Tod Armstrong? What is his  
13 relationship to the Everman residence?

14 A. My understanding is that his mother  
15 owns the residence. She lives out of state. Tod is  
16 the sole known occupant, resident of the house he  
17 told me. He had provided me with a key to the house  
18 which he said was the only key that he knew of that  
19 existed for that house.

20 Q. With that, did you actually make entry  
21 into the house?

22 A. Yes, we did.

23 Q. Showing you what has been marked as  
24 State's Exhibits 6 through 11.

25 I'll ask you if you recognize

1        what's depicted in those photographs?

2            A.        Yes, I do.

3            Q.        Where are those photographs taken from?

4            A.        These photographs are taken either  
5        outside the Everman address showing the address and  
6        location or inside various rooms inside the house.

7            Q.        Did you make any significant  
8        observations of items of evidence or things that you  
9        thought had evidentiary value in this case that were  
10       inside of the Everman residence?

11          A.        Yes.

12          Q.        Specifically what were those items?

13          A.        Found a pair of black pants with what  
14       appeared to be blood on them, blood splatter on  
15       them. They were tested at the scene by the crime  
16       scene analyst with a presumptive blood test. That  
17       test came back positive for blood.

18                    We also found several weapons, a  
19       rifle and handgun. We found a duffel bag, gym type  
20       bag, that had a partial roll of gray duct tape in  
21       it. We found a VCR in the front living room that  
22       appeared to be in a temporary setting as if it had  
23       just been sat there. It was hooked up to the  
24       television, but it wasn't installed in any -- what I  
25       would call a normal way. It wasn't in the TV cart.



1 It wasn't out of the way. It was kind of in an open  
2 area.

3 Q. Now, the pants that you indicated had  
4 blood splatter on them, what were the color of the  
5 pants?

6 A. Black denim pants.

7 Q. Where were the pants found or located,  
8 in what room?

9 A. In the southwest bedroom, the master  
10 bedroom of the house.

11 Q. The duffel bags, you know what area of  
12 the house it was located in?

13 A. It was in the living room.

14 Q. And contained in the duffel bag was the  
15 duct tape?

16 A. Correct.

17 Q. You indicated two guns. What type of  
18 guns were the two that you found that day?

19 A. There was a .22 rifle and a -- I  
20 believe a .32 automatic handgun without a magazine.

21 Q. I'll ask, does a .32 automatic handgun  
22 have the ability to shoot a .380 cartridge?

23 A. No, it doesn't.

24 Q. And what type of cartridges were found  
25 at the Terra Linda crime scene?

1           A.     We found the .22 rifle was loaded and  
2     had some --

3           Q.     I'm sorry. At the Terra Linda crime  
4     scene?

5           A.     I'm sorry?

6           Q.     What type of casings?

7           A.     .380 casings.

8           Q.     So the .32 automatic handgun would not  
9     have been the gun that fired the casings at Terra  
10    Linda; is that correct?

11          A.     That's correct.

12          Q.     Did you find a .380 at the -- now, I'm  
13    confused.

14          A.     Everman.

15          Q.     At the Everman house?

16          A.     No.

17          Q.     The black jeans that had presumptive  
18    test positive for blood, did you call for those  
19    pants to have subsequent testing for DNA?

20          A.     Yes.

21          Q.     Did you search the back yard for any  
22    items of evidentiary value --

23          A.     Yes.

24          Q.     -- of the house on Everman?

25          A.     Yes.

1 Q. Did you find anything that was  
2 significant to you?

3 A. Yes.

4 Q. Showing you what's on the table now.  
5 If you'll tell me what exhibits those are -- 12 and  
6 13.

7 Do those photographs fairly and  
8 accurately depict the items of evidence that you  
9 found in the back yard of the Everman house?

10 A. Yes.

11 Q. What's contained therein?

12 A. There's a blue Motorola pager and two  
13 rather large square keys that I commonly associate  
14 with hotel or motel room keys.

15 Q. Was the pager and the keys actually  
16 buried in the dirt, or were they laying on top of  
17 the dirt?

18 A. They were buried.

19 Q. How did you know to go to that area?

20 A. We were searching the whole back yard  
21 looking for anything that -- any type of disturbance  
22 in the ground or the dirt out there that looked like  
23 they might be recently buried.

24 Crime Scene Analyst Washington  
25 who was assisting us in the back yard search found

1 an area that he believed looked recent or unusual  
2 and probed that with a shovel and started digging  
3 and found these items.

4 MR. GUYMON: I move for the admission  
5 of 12 and 13 and ask to publish those.

6 THE FOREMAN: Yes.

7 BY MR. GUYMON:

8 Q. Let's just to sure up, I'll return to  
9 the issue I started on.

10 Is there a date of birth on the  
11 fingerprint cards associated with John Lee White?

12 A. Yes.

13 On the one card is a date of  
14 birth of 7 -- I'm sorry -- 5/27 of '77.

15 Q. And are any of the others dated with  
16 the date of births?

17 A. Not that I see.

18 Q. And on the SCOPE printout associated  
19 with Donte Johnson, do we have two dates of birth  
20 listed there?

21 A. Yes. We have a date of birth under the  
22 name, the primary heading of Donte Johnson, of 5/27  
23 of '79. And then also his record indicates that he  
24 uses -- also uses the birth date of 5/27 of '77.

25 Q. So the month and the date are the same

1 as to both, yet there are two different years that  
2 he uses?

3 A. Right.

4 MR. GUYMON: I have no other questions  
5 of this witness.

6 BY THE FOREMAN:

7 Q. Detective, that blue pager and the keys  
8 that were found, was there ever any ownership  
9 established to who they belonged to?

10 A. We had been told that they belonged to  
11 one of the victims, probably Matt Mowen. And that  
12 morning as I was finishing up the search Tod  
13 Armstrong came by to collect some of his belongings,  
14 and I showed him that pager, and he recognized it as  
15 being one of the victim's, presumably Matt Mowen's.

16 BY A JUROR:

17 Q. What are the dates on your cards for  
18 the fingerprints that were taken from White? You  
19 have two cards. What are the dates?

20 A. Yes, two. You have to bear with me.  
21 These are things that I'm not normally involved with  
22 in doing the fingerprints.

23 I've got one date here of May  
24 21st, 1997 and another date of January 24th, '97.

25 Q. Thank you.

1 BY A JUROR:

2 Q. Was the .380 gun ever recovered?

3 A. No, it hasn't been.

4 Q. It hasn't been.

5 BY A JUROR:

6 Q. Did they ever establish the bloody  
7 pants, who they belonged to?

8 BY MR. GUYMON:

9 Q. I ask if you have personal knowledge  
10 who they belonged to? But otherwise, if it calls  
11 for hearsay I would ask you not to answer that.

12 A. Okay. I wouldn't be able to answer  
13 that then.

14 BY A JUROR:

15 Q. To your knowledge, has anyone ever  
16 found any ID for this -- ID for Johnson with a  
17 picture on it or anything?

18 A. Not to my knowledge, no.

19 BY A JUROR:

20 Q. The SCOPE printout, is SCOPE an acronym  
21 for anything?

22 A. Yes, it is. I think it's -- I really  
23 can't remember. It's something like Shared Computer  
24 Operation something. In essence, it means that the  
25 law enforcement agencies in the county share and

1 contribute to this system.

2 So, for instance, the Henderson  
3 Police Department would record their arrests in  
4 here. The North Las Vegas Police Department, any  
5 other agency that might want to contribute  
6 information that would establish identity. If any  
7 of you have a sheriff's card, for instance, it would  
8 be in here. So anything that has to do with  
9 establishing identity or criminal record or work  
10 history record is reflected in SCOPE.

11 THE FOREMAN: Any other questions?

12 BY A JUROR:

13 Q. One more.

14 You arrested him, right?

15 A. I was present when he was arrested.

16 Q. You were present?

17 A. Yes.

18 Q. What name did he give that particular  
19 time?

20 A. Initially he gave the name of John  
21 White when we first contacted him, and we asked if  
22 he went by any other names, street names, and he  
23 said it was Deko. Then he also gave the name Donte  
24 Johnson.

25

1 BY A JUROR:

2 Q. Skells, did he also use the name of  
3 Red?

4 A. To my knowledge, that is not a moniker  
5 that he uses.

6 BY MR. GUYMON:

7 Q. Just one follow-up.

8 Have you continued to look then  
9 at attempting to identify the person identified as  
10 Red?

11 A. Yes, we have.

12 Q. Has he been found to date?

13 A. No.

14 Q. Has he been located or identified?

15 A. No.

16 Q. Is your investigation still open as it  
17 relates to Red?

18 A. Very much so, yes.

19 THE FOREMAN: Any other questions?

20 (No response.)

21 THE FOREMAN: Detective, by law, these  
22 proceedings are secret, and you are prohibited from  
23 disclosing to anyone anything that transpired before  
24 us including evidence presented to the Grand Jury,  
25 any event occurring or a statement made in the



1 presence of the Grand Jury, or information obtained  
2 by the Grand Jury.

3 Failure to comply with this  
4 admonition is a gross misdemeanor, punishable by a  
5 year in the Clark County Detention Center and a  
6 \$2,000 fine. In addition, you may be held in  
7 contempt of court punishable by an additional \$500  
8 fine and 25 days in the Clark County Detention  
9 Center.

10 Do you understand this  
11 admonition?

12 THE WITNESS: Yes, sir.

13 THE FOREMAN: Thank you.

14 You may be excused.

15 BY A JUROR:

16 Q. Can I ask one question?

17 Were there any other  
18 fingerprints other than Donte's found?

19 A. At the crime scene?

20 Q. Right.

21 A. There were numerous latent fingerprints  
22 recovered and at this point our Crime Lab is still  
23 going through them. It's my understanding that none  
24 of the other ones have been identified to anybody  
25 other than Johnson and/or the victims that may have

1 lived there. They've been eliminated to some of the  
2 victims. There's, I think, well over a hundred  
3 latents. It's a very time consuming task.

4 Q. Thank you.

5 MR. GUYMON: While the next witness is  
6 coming in, just as an admonishment, the fact that  
7 Donte Johnson, also known as John White, has a SCOPE  
8 printout, I would give the admonishment very briefly  
9 indicating you should not consider that as any other  
10 evidence. It could come from any police contact or  
11 work contact.

12 Ed Gunther has inquired and I'll  
13 ask because he's still attempting to make other  
14 identification from the prints. He would like the  
15 exemplar of John White returned to him.

16 THE SECRETARY: 32, 33 and 34?

17 MR. GUYMON: Yes.

18 May we return those exemplars?

19 THE JURY: (in unison) Yes.

20 A JUROR: I have one question for the  
21 detective.

22 Did they ever use the facilities  
23 of Social Security to see if Mr. White or Donte has  
24 a Social Security number?

25 Would he know or would it be

1 someone else?

2 MR. GUYMON: He wouldn't know.

3 THE WITNESS: Use the Social Security  
4 Administration for what?

5 A JUROR: To find out Donte or John  
6 White's identification.

7 THE WITNESS: No, we don't.

8 Generally speaking, we get into  
9 federal government agencies, whether Social Security  
10 Administration or Unemployment, and we run into some  
11 real privacy issues, and they're not a general  
12 common source of identification or confirming  
13 identification that we use.

14 A JUROR: I just thought there's a dual  
15 name that that would certainly narrow it down.

16 THE WITNESS: It's possible, but there  
17 again, like I say, it's not something we normally  
18 contact because generally speaking they're not real  
19 cooperative.

20 A JUROR: Not unless you knew the  
21 mother's maiden name.

22 THE WITNESS: We run into all kinds of  
23 complications for that.

24 (Witness excused.)

25 THE FOREMAN: Please raise your right

1 hand and be sworn in.

2 You do solemnly swear that the  
3 testimony that you are about to give upon the  
4 investigation now pending before this Grand Jury  
5 shall be the truth, the whole truth and nothing but  
6 the truth, so help you God?

7 MS. SEVERS: Yes.

8 THE FOREMAN: And you are here today to  
9 give testimony in the investigation pertaining to  
10 the offenses of burglary while in possession of a  
11 firearm, murder with use of a deadly weapon, robbery  
12 with use of a deadly weapon, and first degree  
13 kidnapping with use of a deadly weapon involving  
14 Donte Johnson as set forth in the proposed  
15 Indictment?

16 MS. SEVERS: Yes.

17 THE FOREMAN: Thank you.

18 Please sit up closer to the  
19 microphone so you can be heard.

20  
21 CHARLA SEVERS,

22 having been first duly sworn by the  
23 Foreman of the Grand Jury to testify to  
24 the truth, the whole truth and nothing  
25 but the truth, testified as follows:

EXAMINATION

BY MR. GUYMON:

Q. Will you state your full name and spell your last name for record, please?

A. Charla Severs, S-e-v-e-r-s.

Q. And Miss Severs, do you go by any other names?

A. Lala.

Q. Spell that.

A. L-a-l-a.

Q. May I ask, did you know a person as -- that you identified as John White?

A. Yeah.

Q. What is -- well, let me show you Exhibit Number 3 and ask you is that a photograph of John White?

A. Yes.

Q. Does John White use any other names?

A. Yeah.

Q. What names does this individual in this picture use?

A. Deko, Donte Johnson.

Q. Do you know if Donte Johnson or John White is his true birth name, which one is his birth

1 name?

2 A. I'm not sure.

3 Q. Well, do you know John White's mother?

4 A. No, I don't know her. I know her from  
5 the phone, but not from, you know, actually meeting  
6 her face to face.

7 Q. Do you know any of John White's family  
8 members?

9 A. No.

10 Q. So you wouldn't know what they call  
11 him?

12 A. No.

13 Q. What do John White's friends call him?\*

14 A. Deko.

15 Q. What do you call him?

16 A. Deko.

17 Q. What is your relationship with Deko?

18 A. He's my boyfriend.

19 Q. How long has he been your boyfriend  
20 for?

21 A. For only like two and a half months.

22 Q. So you started dating him in June?

23 A. Yeah, in June.

24 Q. Of 1998?

25 A. Of 1998.

1 Q. And describe the type of relationship  
2 you had with him.

3 A. What you mean?

4 Q. Well, was you and he as boyfriend  
5 girlfriend, did you date other people or just --

6 A. Yes.

7 Q. You were his girl and he was your man?

8 A. Yeah.

9 Q. Okay. How regularly did you see him  
10 from the time you first started dating him?

11 A. Every day I stayed with him.

12 Q. The two of you stayed together?

13 A. Yeah.

14 Q. And where did you stay say in June?

15 A. At the Thunderbird Apartments.

16 Q. At the Thunderbird?

17 A. Uh-huh.

18 Q. And who got you a room at the  
19 Thunderbird?

20 A. Ace. I don't know his last name, but I  
21 know his name is Ace.

22 Q. Ace Hart?

23 A. Yeah. The one that is out there.

24 Q. Describe Ace for us.

25 A. He's a white guy with blond hair, kind

1 of skinny.

2 Q. So if Ace previously testified to  
3 getting you a room, it would be the room at the  
4 Thunderbird then?

5 A. Yes.

6 Q. How long did you stay with Deko at the  
7 Thunderbird?

8 A. Just for like about -- we moved out  
9 on -- like the beginning of August. We moved out I  
10 think it was like August 6th or something like that.

11 Q. And when you moved out, where did you  
12 move to?

13 A. To Tod Armstrong's house.

14 Q. Do you remember what street that was  
15 on?

16 A. Yes, Everman.

17 Q. That would have been in early August of  
18 1998?

19 A. Yes.

20 Q. And who did you move into Tod's house  
21 with?

22 A. With Deko and Red.

23 Q. Now, Red, is Red a friend of Deko's?

24 A. Yeah.

25 Q. And how long has Red and Deko been



1 friends?

2 A. Just for about two months.

3 Q. How often did Red and Deko hang out  
4 together for those two months?

5 A. Every day.

6 Q. Every day?

7 A. Every day.

8 We all stayed up in the  
9 Thunderbird Apartments together.

10 Q. So Red, Deko and you stayed up in the  
11 Thunderbird?

12 A. Yeah.

13 Q. Then you all moved out together?

14 A. Uh-huh.

15 Q. You moved to Tod's?

16 A. Yes.

17 Q. When you got to Tod's were you paying  
18 Tod rent --

19 A. No.

20 Q. -- to live there?

21 A. No.

22 Q. Was Deko paying Tod rent?

23 A. Huh-uh, no.

24 Q. And how about Red?

25 A. No.

1 Q. Okay. Were you welcome guests?

2 A. Yes. They came to pick us up from the  
3 Thunderbird the day we moved out.

4 Q. Who's "they"?

5 A. Ace and B.J.

6 Q. Ace and B.J.?

7 A. Uh-huh.

8 Q. They both picked you up?

9 A. Yeah.

10 Q. Did they ask you at any point in time  
11 that you were living at the house on Everman, did  
12 they ever ask you to leave?

13 A. No, they did not.

14 Q. Do you recall them ever telling you,  
15 Deko or Red, that Tod's mother was coming back into  
16 town?

17 A. No. They never told me that.

18 Q. Were you there with Red and Deko  
19 always, or was there times that Deko and Red there  
20 without you?

21 A. No. I never went nowhere. I was there  
22 all the time.

23 Q. And you don't recall them saying that  
24 they wanted you to leave or that Tod's mother was  
25 coming back?

1 A. No.

2 Q. While at the Everman house did Red or  
3 Deko have any weapons at that house?

4 A. Yes.

5 Q. Approximately how many weapons?

6 A. It was like two of them. It was two of  
7 them.

8 Q. Describe the two guns.

9 A. One of them was like -- it was long,  
10 black, and had like a banana clip. You could see  
11 like about 32 bullets in it.

12 Q. What was the other style gun?

13 A. The other one was like a little bitty  
14 chrome gun, silver chrome.

15 Q. Did you only see two guns at the  
16 residence during that period of time?

17 A. Yes.

18 Q. And where -- whose guns were they?

19 A. I don't know because all of them  
20 were -- they would hold it, you know.

21 Q. Who's "all of them"?

22 A. Pass it around.

23 Ace, and Tod, and Deko, and Red.

24 Q. Who brought the guns to the house? Was  
25 it Deko that brought the guns?

1 A. Yes.

2 Q. So they were Deko's guns?

3 A. Yes.

4 Q. But the other fellows would hold them?

5 A. Yes.

6 Q. Were those the only two guns that you  
7 saw Deko with?

8 A. Those were the only two, but can I say  
9 something?

10 Tod brought -- one day he  
11 brought like a big shotgun over. I only seen that  
12 once, and the next day it wasn't there.

13 Q. You say Tod brought that over?

14 A. Yeah.

15 Q. Now, did you know a guy by the name of  
16 Matt Mowen?

17 A. No, but now I do because I seen it on  
18 the news and everything.

19 Q. On August 18th of 1998, do you recall  
20 the police coming to the Everman house in the early  
21 morning hours and arresting Donte Johnson?

22 A. Yes.

23 Q. Do you remember speaking to the police  
24 that day?

25 A. Yes.

1 Q. Did the police ask you if you stayed at  
2 the Everman house or if you lived there?

3 A. Yes.

4 Q. And what was your answer?

5 A. Yes.

6 Q. Did you tell them yes, you lived there,  
7 or no, you didn't live there?

8 A. I told them yes, I was staying there.

9 Q. Did you tell them how long you'd been  
10 staying there?

11 A. I don't recall telling them that. I  
12 just remember him asking me did I stay there.

13 Q. Do you remember him asking -- well, was  
14 Deko there at the house that morning with you?

15 A. Yes.

16 Q. Do you remember them asking you about  
17 Deko?

18 A. Yes.

19 Q. Do you recall telling the police that  
20 you'd only known Deko for one day?

21 A. Yes.

22 Q. And they asked you what his name was  
23 and you told them what?

24 A. John Lee White.

25 Q. Do you recall where you told them you

1 met John White the day before?

2 A. Yes.

3 Q. Where did you tell them you met him?

4 A. House of tattoo and body piercing.

5 Q. Was that the truth or a lie?

6 A. A lie.

7 Q. Why did you tell the police a lie that  
8 day?

9 A. I was scared.

10 Q. Why did you think it would be important  
11 to lie on behalf of Deko?

12 A. Because I didn't know what they came  
13 for, and I didn't know him if it was something bad.

14 Q. So you didn't want to know him if it  
15 was something bad?

16 A. Uh-huh.

17 Q. Did you think that Donte Johnson had  
18 done something bad?

19 A. Yeah.

20 Because earlier that night -- I  
21 thought they came to the house because earlier that  
22 night they had ran from the Highway Patrolman.  
23 That's why I thought they were there.

24 Q. Okay. You say "they had run from the  
25 Highway Patrolman." Who's "they"?

1 A. Red and Deko.

2 Q. And that earlier that night when they  
3 ran from the Highway Patrolman did Red or Deko have  
4 guns on them?

5 A. I'm not sure.

6 Q. Is that the truth, ma'am?

7 A. Yes, that's the truth.

8 Q. Do you understand how important your  
9 testimony is since you're under oath today?

10 A. Yes.

11 Q. You don't know if they had thrown down  
12 their guns and ran from the Highway Patrolman?

13 A. No. All I know, they were speeding.  
14 He had warrants and he ran.

15 Q. That's what Deko told you?

16 A. Yeah.

17 Q. He was stealing (sic.) and he had  
18 warrants and ran?

19 A. No, speeding.

20 Q. Oh, speeding. My mistake, I'm sorry.

21 A. Yeah.

22 Q. Did he say whether or not the Highway  
23 Patrolman chased after him that night?

24 A. They did.

25 Q. But they didn't catch either one of

1       them?

2               A.     No.

3               Q.     Was there any other things that you  
4       were concerned about that Deko had done that were  
5       bad --

6               A.     No.

7               Q.     -- why you didn't want to tell the  
8       police?

9               A.     No. That's the only thing I know he  
10      did.

11              Q.     Did you know Deko to have been  
12      associated with or involved with controlled  
13      substances?

14              A.     Yes.

15              Q.     Was that a concern, of course?

16              A.     Yeah, that was. That too. I thought  
17      that.

18              Q.     There was a quadruple homicide that had  
19      occurred some fours days earlier. The arrest was on  
20      the 18th.

21                              Were you aware of the homicide?

22              A.     No; I was not. Not until after the  
23      detectives told me about it.

24              Q.     Had you seen the news on that homicide  
25      prior to the arrest?



1 A. Yes.

2 Q. Where were you at when you saw the  
3 news?

4 A. At home. I mean on Everman.

5 Q. And what date would that have been that  
6 you saw the news?

7 A. I think it was like a day after.

8 Q. There is a calendar. Let's see if we  
9 can't use the calendar for you.

10 A. Okay.

11 Q. On the 18th is when you got arrested or  
12 when Donte got arrested?

13 A. Yeah.

14 Q. How many days before Donte's arrest  
15 would you have seen the news?

16 A. Three days. On the 15th.

17 Q. Do you recall who was home when you saw  
18 the news?

19 A. Yeah.

20 Q. Who was home?

21 A. It was me, Red, and Deko.

22 Q. You, Red, and Deko; anyone else?

23 A. No.

24 Q. Was Tod at the house?

25 A. No.

1 Q. Was Ace at the house?

2 A. No.

3 Q. Were you ever home when Deko and Red  
4 spoke to Tod or Ace about the murders?

5 A. No, I wasn't. I mean I was home, but I  
6 didn't hear nothing about it.

7 Q. Did you ever see Deko or Red come home  
8 with moneys that didn't belong to them?

9 A. No. They was broke all the time.

10 Q. What kind of clothing did Deko commonly  
11 wear?

12 A. He wore like plaid, plaid clothing.  
13 Red, mostly red all the time.

14 Q. And what color pants?

15 A. Yeah. They're like -- he mostly wore  
16 like these red plaid shorts, and he had a pair of  
17 black shorts.

18 Q. Did he ever wear anything other than  
19 shorts?

20 A. Huh-uh. He had a pair of blue Fubu  
21 shorts. That's all he really had at the house.

22 Q. Did Deko own any long pants?

23 A. Huh-uh, no. He didn't have any at the  
24 house.

25 Q. What room did you stay in at the house?

1           A.     It's the back room to the left, all the  
2     way at the end. It had the bathroom in it.

3           Q.     The master bedroom?

4           A.     Yes.

5           Q.     Is that where Deko and Red kept their  
6     things?

7           A.     Yes.

8           Q.     Is that where you kept your things?

9           A.     Yes.

10          Q.     Did Deko have shoes --

11          A.     Yes.

12          Q.     -- that he wore?

13          A.     Yes.

14          Q.     Did he keep them in the master bedroom?

15          A.     Yes.

16          Q.     Did Red keep his shoes in the master  
17     bedroom?

18          A.     He only had one pair that he had on his  
19     feet.

20          Q.     What were those?

21          A.     They were some Fubu shoes.

22          Q.     Okay. Describe, if you would -- I  
23     didn't mean to laugh at your last statements. I'm  
24     sorry.

25                     Describe Deko's shoes, the one

1 he owned.

2 A. They're red Fubus. He had red ones,  
3 lime green. Her color, the color of her shirt,  
4 Fubu.

5 Q. F-u-b-u?

6 A. Yes.

7 Q. Did either of the two guys, Deko or  
8 Red, own any black Nikes?

9 A. Yeah, but he had them on his feet when  
10 he got arrested.

11 Q. And you all stayed in the back bedroom?

12 A. Yeah.

13 Q. Now, let me show you Exhibit Number 6,  
14 first of all, and ask you if that is the front door  
15 of the house that you stayed at?

16 A. Yes.

17 Q. I want to show you 7.

18 The shoe there, is that a Fubu?

19 A. Yes.

20 Q. Kind of a lime green color like you  
21 said?

22 A. Yes.

23 Q. Whose shoes are those?

24 A. Deko's.

25 Q. And is -- let me show you another

1 picture.

2 Is that the same shoe?

3 A. Yes. That's the same shoe.

4 Q. That's Deko's shoe?

5 A. Yeah.

6 Q. Is that the master bedroom?

7 A. Yes.

8 Q. Is that where you all kept your things?

9 A. Yes.

10 Q. And the black and white Nikes, are  
11 those Red's shoes?

12 A. Oh, yeah, those are.

13 Q. That's where they all kept their  
14 things?

15 A. Both of those are Red's shoes.

16 Q. Among their things they owned a long  
17 gun with a banana clip, right?

18 A. Yes.

19 Q. Is that their gun in their bedroom?

20 A. Yes, that's it.

21 Q. There's some women's shoes here. Are  
22 those your shoes?

23 A. Those are mine.

24 Q. Is that also in the master bedroom?

25 A. Yes.

1 Q. Now, did anyone else keep their jeans  
2 in the master bedroom in that house?

3 A. Well, when we first moved in there  
4 there was clothes all in the closet and everything.  
5 It was clothes there before we moved. Just had --  
6 their clothes were in like a Bernini bag, like a  
7 black Bernini.

8 Q. But once you guys started occupying  
9 that room, did the other kids take their things out  
10 of that bedroom?

11 A. No, they didn't. They didn't even  
12 clean up.

13 Q. The black pants that are near -- very  
14 near the other items that belonged to the fellows,  
15 the rifle or the gun and the shoes, whose black  
16 pants are those?

17 A. They look like Red's.

18 Q. Look like Red's pants?

19 A. Uh-huh.

20 Q. There are two pants. Did Red wear more  
21 than one pair of pants at a time?

22 A. Not at a time. He had more than one  
23 pair of pants.

24 Q. Did Deko ever wear black jeans?

25 A. No, not that I recall.

1 Q. Are you sure about that?

2 A. Yes.

3 Q. The guns that you said -- I think you  
4 said they carried around in a bag?

5 A. Yeah.

6 Q. Let me show you a couple of other  
7 pictures, 8 and 11.

8 Do you recognize that bag?

9 A. Yeah. I recognize that bag.

10 Q. And how about that bag, the same bag?

11 A. That's the same bag.

12 Q. What color is the bag on the outside?

13 A. Like green and brown. It looks like a  
14 green and brown bag.

15 Q. Is that the bag that Deko and Red carry  
16 the gun in?

17 A. No. The one I seen him carry the gun  
18 in is like a backpack that you carry on your back.

19 Q. This is a different bag?

20 A. Yes.

21 Q. The duct tape, had you ever seen the  
22 duct tape at the house before, the roll of silver  
23 tape?

24 A. Yes.

25 Q. When did you see the roll of silver

1 tape?

2 A. All the time. It was like under the  
3 coffee table in the living room.

4 Q. Whose tape was it?

5 A. I'm not sure. I just know the tape was  
6 always there.

7 Q. Did you ever see the tape with Deko?

8 A. No.

9 Q. Did you ever see the tape with Red?

10 A. No.

11 Q. As you sit here today, ma'am, do you  
12 want to get Deko in any trouble?

13 A. No.

14 Q. When is the last time that you spoke  
15 with Deko?

16 A. Yesterday.

17 Q. And how often do you speak with Deko?

18 A. Like two visits a week or when he calls  
19 my house.

20 Q. What are your feelings about Deko today  
21 as you sit here?

22 A. I care about him.

23 Q. Do you recall me calling you and  
24 speaking with you last -- it would have been  
25 Thursday, the 27th of August, 1998?



1 A. Yes.

2 Q. Do you recall what it was that I had  
3 told you?

4 A. Yes.

5 Q. What is it that I told you?

6 A. Just going to ask me a series of  
7 questions, and if I didn't -- I was going to be  
8 under oath. If I didn't answer truthfully you was  
9 going to come after me for perjury.

10 Q. Did I tell you how important it was for  
11 you not to perjure yourself?

12 A. Yes.

13 Q. Did I tell you how important it was  
14 that you tell the truth?

15 A. Yes.

16 Q. At the conclusion of my telling you  
17 what perjury was, and how important it was that you  
18 tell the truth, do you recall what you told me about  
19 how you knew that Donte didn't do this?

20 A. Yes.

21 Q. What did you tell me?

22 A. I told you he was with me, and we had  
23 smoked some weed that night, and then we had  
24 intercourse, and we went to sleep.

25 Q. And when I asked you what date that was

1       that you all were having those kind of relations,  
2       did you give me a date?

3             A.     No.

4             Q.     Did you know?

5             A.     I don't know.

6             Q.     Did you know what date it was?

7             A.     That we did this?

8             Q.     Yeah.

9             A.     Yeah. I recall what day it was because  
10       nobody was home. It was just me and him.

11            Q.     What date was that?

12            A.     Oh, damn. I'm not sure. I'm not sure  
13       what day it was.

14            Q.     You didn't know when I first asked you  
15       either, did you?

16            A.     No.

17            Q.     As you sit here today, even with the  
18       benefit of looking at the calendar, you can't tell  
19       us, can you?

20            A.     No.

21            Q.     Did you go on to tell -- well, you told  
22       me about having relations at the nighttime and  
23       falling asleep, and did I ask you about when you  
24       woke up what happened?

25            A.     Yeah, I think you did.

1 Q. Do you remember what you told me? I  
2 don't mean to embarrass you. I'm not trying to  
3 embarrass you.

4 Do you remember telling me what  
5 you did when you woke up the morning?

6 A. Yeah.

7 Q. The same thing you did the night  
8 before?

9 A. Yes.

10 Q. I asked you to tell me the date of that  
11 morning. Were you able to tell me the date of that  
12 morning?

13 A. No.

14 Q. Okay. Did you ever -- did Deko own a  
15 pager?

16 A. Yes.

17 Q. What color was the pager?

18 A. Red, fluorescent red.

19 Q. Did you ever see him with any other  
20 pagers?

21 A. No.

22 Q. What did the keys look like to the  
23 Thunderbird apartment?

24 A. It's a big key.

25 Q. A big key?

1 A. Yeah. Got like a wide head on it.

2 Q. The body of it, does it come down and  
3 it's thinner?

4 A. Yeah.

5 Q. Would you recognize the keys again if  
6 you saw them?

7 A. Yeah.

8 Q. Do you recall what room number you were  
9 registered to?

10 A. I think 6706.

11 Q. Okay. Let me show you -- are you sure  
12 about 06 or could it be 04?

13 A. It could be. We changed rooms like  
14 every week, but the last room we were in was 6706.

15 Q. Was it possible that you were ever in  
16 6704?

17 A. Possible, yeah.

18 Q. Is it possible that you were ever in  
19 6829?

20 A. Uh-huh.

21 Q. Do you remember those two numbers being  
22 numbers associated with you?

23 A. Yes.

24 Q. Would those keys be associated with  
25 Donte Johnson, also known as White, John White?

1 A. Yes.

2 Q. Would those keys also be associated  
3 with Red?

4 A. Yes.

5 Q. I want to show you a couple of keys and  
6 ask you if you can tell me if these are the keys to  
7 the Thunderbird?

8 A. Yes.

9 Q. Those two keys?

10 A. Uh-huh.

11 Q. If you look closely, ma'am, can you  
12 tell me what number is on this one here?

13 A. 6704.

14 Q. And if you look real closely, how about  
15 on that one, ma'am?

16 A. 6829.

17 Q. And who is associated with those rooms  
18 and those keys?

19 A. Those are the keys that we -- that Deko  
20 had, the keys to the room.

21 Q. Those keys appear to be in the dirt  
22 next to a pager?

23 A. Yeah.

24 Q. And who's associated with that pager,  
25 ma'am?

1           A.     I do not know. I never seen that  
2     pager.

3                   MR. GUYMON:    I have no other  
4     questions.

5     BY A JUROR:

6           Q.     You said that three of you were given a  
7     ride over from the apartments to the house; is that  
8     correct?

9           A.     Yes.

10          Q.     Then none of the three of you had a  
11     vehicle at that time; is that correct?

12          A.     No, we didn't.

13          Q.     But the night before Donte was arrested  
14     he was speeding; is that correct?

15          A.     Yes.

16          Q.     Did he purchase a car in that time or  
17     rent one?

18          A.     I think he used one of his friend's car  
19     because they dropped the car. They came and picked  
20     them up and then he took them back. I guess they  
21     dropped the person back and got the car and came  
22     back in the car.

23     BY A JUROR:

24          Q.     You said that Donte only had two pair  
25     of shorts at the house. He never wore long pants?

1           A.     No. He always wear his clothes for  
2 like three days in a row all the time.

3 BY A JUROR:

4           Q.     Do you know this Red by any other name?

5           A.     No, I don't.

6 BY A JUROR:

7           Q.     How tall was Red? How much would you  
8 say he weighed? Do you have any idea?

9           A.     Yeah. He was like five-eight, and I  
10 think he look like he weighed 250 pounds.

11 BY A JUROR:

12          Q.     This Everman address, how did you come  
13 to move there? Whose decision was it?

14          A.     It was Deko's decision. He came -- I  
15 don't know. He just called Ace one day and told him  
16 to come get us, pick us up. He picked us up and  
17 took us over there. He said it was a cool place to  
18 stay because the dude Tod didn't want no rent or  
19 nothing. All he would want is some crack to stay in  
20 there.

21 BY A JUROR:

22          Q.     When you first met this Deko or Donte,  
23 were he and Red already friends?

24          A.     Yes. They had just met like a couple  
25 of days before.

1 Q. But you don't really know that for a  
2 fact?

3 A. Yeah, I do, because he used to -- Deko  
4 used to go with Red's cousin. That's how Red's  
5 cousin introduced Red and Deko to each other.

6 Q. And you say you only knew him for a  
7 couple of months?

8 A. Yeah.

9 BY THE FOREMAN:

10 Q. Do you know what Red's cousin's name  
11 was, by any chance?

12 A. Yeah, Teresa.

13 Q. Did you know her -- did he ever mention  
14 her last name or anything?

15 A. No.

16 BY A JUROR:

17 Q. Are you still staying at the Everman  
18 address?

19 A. No, I'm not.

20 BY A JUROR:

21 Q. Had the person from the Everman  
22 address, had they ever visited the motel that you  
23 were in?

24 A. Yes.

25



1 BY MR. GUYMON:

2 Q. Which persons from the Everman  
3 residence visited you at the Thunderbird and how  
4 often?

5 A. Ace, Tod, and B.J. And they came like  
6 about twice a week.

7 Q. You gave a description of Red being  
8 about 250 pounds.

9 Can you describe for us Deko's  
10 height and weight?

11 A. He's like five-five. He probably weigh  
12 like 140.

13 BY A JUROR:

14 Q. Is Red from around here? Is he from  
15 Las Vegas?

16 A. He's from California.

17 BY A JUROR:

18 Q. Who was selling the narcotics?

19 A. All of them; Red, Deko.

20 Q. How about the other three?

21 A. No. They smoked it.

22 Q. They smoked it?

23 A. Yes.

24 Q. B.J.?

25 A. B.J., Ace, and Tod smoked the dope, and

1 Deko and them just gave it to them.

2 Q. Selling it, wasn't he?

3 A. No. He was giving it to him.

4 A JUROR: It was for rent.

5 BY A JUROR:

6 Q. So Deko, he's in California too then?

7 A. Yes.

8 BY THE FOREMAN:

9 Q. Do you know or ever see Deko acquire  
10 these contraband that he was selling to these other  
11 guys? Do you know where he got it?

12 A. No, I don't. He just come with it, but  
13 I never -- like I said, I never went nowhere. I  
14 stayed in the house every day.

15 BY MR. GUYMON:

16 Q. Miss Severs, when is the last time that  
17 you saw Red?

18 A. On the -- what day was it? The day  
19 that the SWAT team came. It was that -- well,  
20 earlier that night.

21 Q. That was the 18th that the SWAT team  
22 came, early in the morning?

23 A. Yeah. I seen him that night, the 17th,  
24 the night of the 17th.

25 Q. You haven't seen him since then at all?

1 A. No, I haven't.

2 Q. Do you know if they ever made any  
3 telephone calls to California in your presence?

4 A. No. We didn't have a phone on Everman  
5 so they didn't.

6 THE FOREMAN: Any other questions?

7 THE WITNESS: Can I say something?

8 MR. GUYMON: Is it related to the  
9 case?

10 THE WITNESS: Yes.

11 MR. GUYMON: Well, let's do this:

12 Let's excuse ourselves, and you can tell me what it  
13 is you want to say, and you can tell me, and I will  
14 see if it's admissible.

15 THE FOREMAN: Before you leave, by law,  
16 these proceedings are secret, and you are prohibited  
17 from disclosing to anyone anything that transpired  
18 before us including evidence presented to the Grand  
19 Jury, any event occurring or a statement made in the  
20 presence of the Grand Jury, or information obtained  
21 by the Grand Jury.

22 Failure to comply with this  
23 admonition is a gross misdemeanor, punishable by a  
24 year in the Clark County Detention Center and a  
25 \$2,000 fine. In addition, you may be held in

1 contempt of court punishable by an additional \$500  
2 fine and 25 days in the Clark County Detention  
3 Center.

4 Do you understand this  
5 admonition?

6 THE WITNESS: Yes.

7 THE FOREMAN: Okay. Now, you may be  
8 excused.

9 (Witness excused.)

10 MR. DASKAS: The State calls Bryan  
11 Johnson.

12 THE FOREMAN: Please raise your right  
13 hand and be sworn in.

14 You do solemnly swear that the  
15 testimony that you are about to give upon the  
16 investigation now pending before this Grand Jury  
17 shall be the truth, the whole truth and nothing but  
18 the truth, so help you God?

19 MR. JOHNSON: I do.

20 THE FOREMAN: And you are here today to  
21 give testimony in the investigation pertaining to  
22 the offenses of burglary while in possession of a  
23 firearm, murder with use of a deadly weapon, robbery  
24 with use of a deadly weapon, and first degree  
25 kidnapping with use of a deadly weapon, involving

1 Donte Johnson as set forth in the proposed  
2 Indictment?

3 MR. JOHNSON: Yes, sir.

4 THE FOREMAN: Thank you.

5

6 BRYAN JOHNSON,

7 having been first duly sworn by the  
8 Foreman of the Grand Jury to testify to  
9 the truth, the whole truth and nothing  
10 but the truth, testified as follows:

11

12 EXAMINATION

13

14 BY MR. DASKAS:

15 Q. Bryan, would you please state your full  
16 name for the record and spell your last name?

17 A. Bryan Christopher Johnson,  
18 J-o-h-n-s-o-n.

19 Q. Bryan spelled with an I or Y?

20 A. Y.

21 Q. Bryan, do you know a Tod Armstrong?

22 A. Yes.

23 Q. And how do you know Tod?

24 A. Been a friend of mine since high  
25 school, sir.

1 Q. Where did you and Tod go to high  
2 school?

3 A. Cimarron Memorial.

4 Q. Do you know Ace?

5 A. Yes, sir. Also from Cimarron Memorial  
6 High School.

7 Q. Let me direct your attention to the  
8 early part of August, 1998.

9 Do you know where Tod and Ace  
10 were living at that time?

11 A. Yes, sir. At 4815 Everman.

12 Q. That's here in Las Vegas, Clark County,  
13 Nevada?

14 A. Yes, sir.

15 Q. You had been to that house several  
16 times?

17 A. Yes, sir. I used to live there.

18 Q. When did you live at the Everman house?

19 A. From about October '97 to probably  
20 March or June of '98.

21 Q. Do you recall how many bedrooms are  
22 inside that house?

23 A. Three bedrooms, sir.

24 Q. And which bedroom did you stay in  
25 inside that house on Everman?

1 A. The middle bedroom.

2 Q. Is the middle bedroom the same as the  
3 master bedroom?

4 A. No. The master bedroom is the one in  
5 the back.

6 Q. Okay. When you lived at the house was  
7 anybody staying in the master bedroom?

8 A. Yeah. Joel Velasquez.

9 Q. When did Joel move out of that house?

10 A. Right around Christmastime, I believe.  
11 Maybe January.

12 Q. So he moved out before you did?

13 A. Yes, sir.

14 Q. From the time Joel moved out of the  
15 house on Everman until you moved out around June of  
16 '98, did anybody move into that master bedroom?

17 A. Ace had for a while.

18 Q. All right. And did there come a time  
19 when Ace moved out of that master bedroom?

20 A. Yes, sir.

21 Q. And when was that, if you know?

22 A. Well, he went to Michigan and came  
23 back.

24 Q. Do you recall when it was that he came  
25 back from Michigan?

1           A.     Not exactly. I'm not sure of the exact  
2     month. It was probably sometime a little bit about  
3     a month or two before I left.

4           Q.     As of the time that you moved out of  
5     the house on Everman, sometime around June of '98,  
6     was anybody staying in that master bedroom?

7           A.     Excuse me, sir?

8           Q.     When you moved out of the house on  
9     Everman sometime around June of 1998, was there  
10    anybody staying in the master bedroom?

11          A.     No, there was not.

12          Q.     All right. After you moved out of the  
13    house in June of '98, did you continue to visit the  
14    house?

15          A.     Yes, sir.

16          Q.     And did there come a time when you  
17    learned that other people were staying in the house  
18    besides Tod and Ace?

19          A.     Yes, sir.

20          Q.     Who was staying in the house?

21          A.     Deko, and Red, and Lala.

22          Q.     Do you know Deko by any name other than  
23    Deko?

24          A.     Donte Johnson.

25          Q.     Any other names?



1 A. John White.

2 Q. All right. What about Red? Did you  
3 know Red by any other names?

4 A. No, I didn't.

5 Q. And what about Lala?

6 A. No, I didn't.

7 Q. Let me ask you this: The person that  
8 you described or identified as Deko, I assume from  
9 your comments that this is a man that we're talking  
10 about?

11 A. Yes, sir.

12 Q. Do you know the race of Deko?

13 A. African American.

14 Q. What about Red?

15 A. African American.

16 Q. What about Lala?

17 A. African American.

18 Q. Did Deko have any unusual or distinct  
19 identifying characteristics or marks on his body?

20 A. He had a tear drop, two tear drops  
21 under his eye, a tattoo.

22 Q. Let me show you what's been admitted as  
23 State's Exhibit Number 3, and ask you if you  
24 recognize the person in that photograph?

25 A. Yes, sir.

1 Q. Who is that?

2 A. Donte Johnson or Deko.

3 Q. And that's the same person you've  
4 identified as John White?

5 A. Yes, sir.

6 Q. Do you know where it was that Deko was  
7 staying inside the house on Everman when he would  
8 stay there?

9 A. The master bedroom mostly.

10 Q. Did you see where Deko kept any of his  
11 belongings on the house at Everman?

12 A. In the master bedroom.

13 Q. Let me direct your attention to  
14 sometime around August 15th or 16th of 1998.

15 Did you learn of a crime that  
16 had taken place somewhere in the neighborhood of the  
17 Everman house?

18 A. Yes, sir.

19 Q. And how was it that you learned of this  
20 crime that had taken place?

21 A. Deko told me about it.

22 Q. All right. Do you recall what day it  
23 was that Deko told you about this crime?

24 A. Yes, sir. It was Saturday.

25 Q. You say it was a Saturday?

1 A. Yes, sir. Saturday morning.

2 Q. Let me direct your attention to the  
3 calendar behind you. You mentioned that Deko told  
4 you about this crime on a Saturday.

5 Are you able to tell me what  
6 date it was that Deko told you about the crime?

7 A. I believe it was the 15th, sir.

8 Q. August 15th, 1998?

9 A. Yes, sir.

10 Q. Is there any reason that you're able to  
11 recall that this was a Saturday when you had this  
12 discussion with Deko?

13 A. Yeah. Tod, and Ace, and I were going  
14 for a job interview, and we went back there so they  
15 could change and whatnot.

16 Q. Where was the interview that you had?

17 A. At Stallion Mountain Golf Course.

18 Q. Did somebody arrange that job interview  
19 for you?

20 A. Yes, Ace's mother did.

21 Q. She worked there?

22 A. Yes, sir.

23 Q. About what time in the morning did the  
24 conversation take place that you had with Deko about  
25 this crime?

1           A.     Pretty early in the morning. Around  
2     10:00.

3           Q.     Do you recall what time your interview  
4     was?

5           A.     I believe it was 11:00. I'm not sure  
6     exactly.

7           Q.     Did the conversation with Deko take  
8     place before or after your interview?

9           A.     Before.

10          Q.     What do you recall Deko telling you  
11     about the crime that occurred in that neighborhood?

12          A.     He told me that he and Red went there,  
13     and they went to rob the house. They went in, and  
14     there was one guy that was outside drinking a beer,  
15     and he brought him inside, told him, you know, to go  
16     inside, and he had a gun.

17          Q.     Who had the gun?

18          A.     Deko and Red both did.

19          Q.     All right.

20          A.     They went inside. There was another  
21     guy in the house. And then they tied them up with  
22     duct tape. And as they tied them up another guy  
23     came to the door, and they tied him up. And then  
24     somebody else came to the door, and I guess he got  
25     kind of smart or whatever with Deko, and he brought

1 him to the back room.

2 Q. Based on your conversation with Deko,  
3 what was your understanding of how many people  
4 eventually ended up in that house and were duct  
5 taped?

6 A. Four people, sir.

7 Q. You mentioned that Deko told you one of  
8 them got smart. Did Deko tell you what he did as a  
9 result of this person getting smart with him?

10 A. He shot him.

11 Q. Did he indicate where inside the house  
12 he shot the person that got smart?

13 A. In a back room. I don't know exactly.

14 Q. Did he say -- did Deko say anything  
15 else about the person that he shot in the back room  
16 of the house that got smart?

17 A. He said he was like a Mexican or Latin.

18 Q. Anything else that you recall?

19 A. Not that I can think of. He said he  
20 came back in the room. They were looking for drugs  
21 or money or anything they could find in the house.

22 Q. Did Deko indicate of the four people  
23 who was shot first?

24 A. The kid in the back room.

25 Q. So what did Deko tell you after he shot

1 the kid in the back room, he returned to the living  
2 room?

3 A. Yeah, tied up. He said one was being  
4 real cooperative, real polite. He didn't really  
5 want to kill him. He killed the other people and he  
6 would be a witness or whatever so --

7 Q. When you had this conversation with  
8 Deko, was anybody else present to hear the  
9 conversation?

10 A. Yes, sir. Ace was there, Tod, Red, and  
11 Lala.

12 Q. Were they all --

13 A. Mostly it was just Deko telling me and  
14 Ace, or Ace and I.

15 Q. But I take it throughout your  
16 conversation some people would enter the  
17 conversation?

18 A. Yes, sir, right.

19 Q. Did Deko tell you anything else about  
20 the killings?

21 A. Not that I can recall, sir.

22 Q. Do you recall whether Deko indicated to  
23 you that they took any property or belongings out of  
24 the house?

25 A. I don't believe so. I found that out

1 later that they had, but not at that time.

2 Q. Did you speak with Red about what  
3 happened?

4 A. Yes, sir.

5 Q. What did Red tell you about the  
6 killings, if anything?

7 A. Actually Red didn't tell me the whole  
8 story like Deko did. He just told me that there was  
9 a dog, that's all I remember, was there was a dog in  
10 the house. He thought he was going to shoot him  
11 too, but he didn't.

12 Q. And this was what Red told you?

13 A. Yes, sir.

14 Q. Was this before or after the  
15 conversation you had with Deko?

16 A. After.

17 Q. Was it that same morning, however?

18 A. Yes, sir.

19 Q. And do you recall if anybody else was  
20 present to hear that comment besides yourself?

21 A. Ace was and Deko.

22 Q. You mentioned that the victims were  
23 somehow secured or tied up.

24 Was that Deko that told you  
25 that?

1 A. Yes, sir.

2 Q. And he told you what he used to tie  
3 them up?

4 A. Yes, sir, duct tape.

5 Q. Did he tell you where he got that duct  
6 tape from?

7 A. No, he didn't.

8 Q. Did Deko mention to you any other  
9 specifics that you recall about what happened while  
10 they were inside the house?

11 A. I remember him saying that the -- that  
12 one of the kids, when he got shot, made some kind of  
13 a noise. I forget what it was now, but -- and he  
14 also said it looked like Niagara Falls, the blood,  
15 after he shot them.

16 Q. Deko said that?

17 A. Yes, sir.

18 Q. What was Deko's demeanor, like his  
19 attitude, as he related this story to you?

20 A. He was calm. Just like a regular  
21 conversation. A little sad, but mostly just real  
22 calm.

23 Q. Did you think he was making up the  
24 story based on the fact that he was calm?

25 A. No, sir.



1 Q. Did Deko ever mention to you anything  
2 about what he was wearing when these killings took  
3 place?

4 A. He didn't say anything about his  
5 whole -- all the clothes he was wearing, but he did  
6 say he got some blood on some pants, on the back of  
7 them.

8 Q. When did Deko tell you this?

9 A. That morning, sir.

10 Q. That Saturday morning?

11 A. Yes, sir.

12 Q. Did he mention anything specific about  
13 the pants, the type of pants, or the color of pants  
14 that he was wearing?

15 A. I can't remember that.

16 Q. You mentioned that Deko said that he  
17 shot the first victim in one of the back rooms.

18 Did Deko tell you who shot the  
19 remaining three victims?

20 A. Not that I can recall, sir.

21 Q. Did Red tell you?

22 A. No, sir.

23 MR. DASKAS: I have nothing else for  
24 this witness.

25

1 BY MR. GUYMON:

2 Q. I have a couple of questions, if I  
3 could, B.J.

4 There's been testimony from  
5 witnesses that cocaine was purchased from Deko by  
6 other persons.

7 Were you familiar with that?

8 A. Yes, sir.

9 Q. Did you ever purchase or use cocaine  
10 that was provided to you, Ace, or Tod Armstrong by  
11 Deko?

12 A. Yes, sir.

13 Q. How frequently did you obtain cocaine  
14 from Deko?

15 A. Three, four times a week.

16 Q. And actually, just the admonition  
17 again, I'm not trying to perjure Deko one way or  
18 another. I'm trying to get the veracity of the  
19 process of this Grand Jury presentation.

20 Was there arrangements --  
21 because I'm kind of curious as to what the  
22 arrangement was in order for Deko and Red to stay at  
23 the house. There's been testimony that they did not  
24 pay rent.

25 A. No, sir.

1 Q. Is that a true statement?

2 A. Yes, sir.

3 Q. Did they trade items of value in order  
4 to stay there with you kids?

5 A. Well, I wasn't living there at the time  
6 so --

7 Q. Do you have any information as to  
8 whether or not Deko used a barter system with Tod  
9 Armstrong in order to be able to stay there?

10 A. No, sir. I don't know that he gave him  
11 anything. No one paid rent. No one had a job.

12 Q. So you had no personal knowledge about  
13 that end of things?

14 A. Well, I know he gave him drugs before.  
15 I don't know as far as for staying there or not.

16 Q. And have I previously explained to you  
17 the importance of telling the truth in these  
18 proceedings?

19 A. Yes, sir.

20 Q. And I'm not suggesting you're not. I  
21 just want to make sure we understand one another.

22 A. Yes, sir.

23 Q. Did I explain the issue of perjury and  
24 how important it was for truthfulness?

25 A. Yes, sir.

1 Q. Let me ask you, did you -- you saw guns  
2 in the residence?

3 A. Yes, sir.

4 Q. Did you ever handle any of the guns in  
5 the residence?

6 A. Yes, sir.

7 Q. Okay. What guns did you handle in the  
8 residence?

9 A. I couldn't tell you what they were.  
10 One was a -- the only gun I think I ever handled was  
11 just a regular hand pistol. I don't know what kind  
12 it was or anything.

13 Q. What was the purpose of your handling  
14 that gun?

15 A. I was just looking at it. I mean  
16 that's basically it. I was just looking at it.

17 Q. How about Tod and Ace? Did you ever  
18 see them handle guns?

19 A. Yes, sir.

20 Q. What was the purpose of handling the  
21 guns?

22 A. Same thing. They were just checking  
23 them out, looking at them.

24 Q. Does Ace own any guns, to your personal  
25 knowledge?

1 A. No, sir.

2 Q. Did Ace bring any guns to the house on  
3 his own fruition?

4 A. No, sir.

5 Q. How about Tod? Does he own any guns?

6 A. No.

7 Q. Did Tod bring guns to the house?

8 A. No, sir.

9 Q. And yourself?

10 A. No, sir.

11 Q. Thank you.

12 BY A JUROR:

13 Q. You were having this conversation  
14 regarding the killing. Where was Lala?

15 A. I don't know. I believe she was  
16 sleeping, sir. She wasn't in the room at all.

17 Q. She didn't come into the room?

18 A. No, sir.

19 Q. Okay.

20 BY A JUROR:

21 Q. To your knowledge, of these two  
22 gentlemen, Red and this Deko, which one seemed more  
23 in charge of the other one?

24 A. Deko, by far.

25

1 BY A JUROR:

2 Q. How did you connect with Deko and Red?  
3 It's my understanding that they didn't live here.

4 A. I'm not understanding what you're  
5 getting at.

6 Q. How did you meet them?

7 A. Through Tod and Ace. Ace knew them  
8 from jail.

9 Q. Oh, okay.

10 MR. GUYMON: Again, the same  
11 admonishment.

12 BY THE FOREMAN:

13 Q. How long have you known Deko about?  
14 When would you have first met him? June, July, do  
15 you remember?

16 A. Probably June sometime. Not very long.  
17 Two months maybe.

18 BY A JUROR:

19 Q. Well, actually then Deko was just  
20 furnishing drugs to everybody for free?

21 A. No, I paid.

22 Q. You paid.

23 Who else paid, do you know?

24 A. I don't know. He would give them to us  
25 sometimes for free. I paid the majority of the

1 time.

2 BY A JUROR:

3 Q. You weren't living in the house?

4 A. No, ma'am, not at that time.

5 BY THE FOREMAN:

6 Q. When you were living in the house were  
7 you paying Tod or Tod's mother?

8 A. Yes, sir. I paid rent full. I had a  
9 job then at a car wash. I made good money, and I  
10 paid rent.

11 THE FOREMAN: Any other questions?

12 BY MR. DASKAS:

13 Q. Let me ask one follow-up.

14 Bryan, did you know personally,  
15 or had you ever met any of the victims that were  
16 murdered?

17 A. No, sir.

18 MR. DASKAS: Okay.

19 BY A JUROR:

20 Q. Deko or Red ever have a job, to your  
21 knowledge?

22 A. Selling drugs. I mean they never had a  
23 regular job.

24 MR. GUYMON: Again, the same  
25 admonishment. I don't -- when you evaluate the

1 charges that we have, I don't want you to be  
2 prejudiced by their drug affiliation so the same  
3 admonishment. I understand it may be relevant to  
4 the investigation, but --

5 THE FOREMAN: Any other questions?

6 (No response.)

7 THE FOREMAN: Hearing no more  
8 questions, by law, these proceedings are secret, and  
9 you are prohibited from disclosing to anyone  
10 anything that transpired before us including  
11 evidence presented to the Grand Jury, any event  
12 occurring or a statement made in the presence of the  
13 Grand Jury, or information obtained by the Grand  
14 Jury.

15 Failure to comply with this  
16 admonition is a gross misdemeanor, punishable by a  
17 year in the Clark County Detention Center and a  
18 \$2,000 fine. In addition, you may be held in  
19 contempt of court punishable by an additional \$500  
20 fine and 25 days in the Clark County Detention  
21 Center.

22 Do you understand this  
23 admonition?

24 THE WITNESS: Yes, sir.

25 THE FOREMAN: Thank you.



1                   You may be excused.

2                   (Witness excused.)

3                   MR. GUYMON:   Lala has discussed the  
4 information that she wished to correct. There is an  
5 answer that she wishes to come back and correct. If  
6 I could have the opportunity to call her. I want to  
7 make sure that I'm fair to all sides, both to the  
8 State and Donte. There's information that she  
9 wanted to provide along the lines of exculpatory  
10 that she wished to convey.

11                  THE FOREMAN: Charla or Lala, I do  
12 remind you you are still under oath.

13                  MS. SEVERS:    Okay.

14  
15                               CHARLA SEVERS,

16                   having been previously sworn by the  
17 Foreman of the Grand Jury to testify to  
18 the truth, the whole truth and nothing  
19 but the truth, testified further as  
20 follows:

21  
22                               FURTHER EXAMINATION

23  
24                  BY MR. GUYMON:

25                   Q.     At the conclusion of your testimony

1 previously you asked if there was something more you  
2 could say?

3 A. Yes.

4 Q. Do you recall that?

5 A. Yes.

6 Q. And I indicated that I wanted to make  
7 sure it was admissible and so we went outside and  
8 had a conversation; correct?

9 A. Yes.

10 Q. With that information in mind, I had  
11 previously asked you if you knew Matt Mowen, and do  
12 you recall your answer?

13 A. No.

14 Q. Did you then attempt to clarify that  
15 information with me, however?

16 A. Yes.

17 Q. Had you ever seen -- maybe that was a  
18 better question for you.

19 Had you ever seen Matt Mowen?

20 A. Yes.

21 Q. And when had you seen Matt Mowen?

22 A. It was like the week -- oh, gosh. It  
23 was earlier that week he came to the house.

24 Q. And which week?

25 A. The week of the 14th of the murder,

1 earlier that week.

2 Q. Sometime that week you say Matt had  
3 come over?

4 A. Yes.

5 Q. You didn't get to know him, you didn't  
6 meet him, you didn't get friendly with him, right?

7 A. No.

8 Q. You saw him?

9 A. Yes.

10 Q. What was the purpose for Matt being  
11 there? Who did he visit with?

12 A. Tod.

13 Q. Were you part of that conversation or  
14 that visit?

15 A. No, I wasn't.

16 Q. How long did you see Matt in the house?

17 A. For about five minutes.

18 Q. Can you describe Matt for us?

19 A. He kind -- he was a little chunky. He  
20 had like a beard. He was like a hippy or something,  
21 a white guy.

22 Q. Hippy looking fellow?

23 A. Yes.

24 Q. He was there five minutes and then he  
25 left?

1 A. Yes.

2 Q. Do you know where he left and went to?

3 A. No.

4 Q. Did you learn anything about Matt after  
5 talking to Tod?

6 A. Yes.

7 MR. GUYMON: Now, just as an  
8 admonition, this would be hearsay if I was offering  
9 it for the truth of the matter asserted. It's  
10 something that I think benefits the defendant more  
11 than anyone in this case, so I'm going to ask, or  
12 I'm going to elicit it and ask you not to consider  
13 it for the truth of the matter asserted, but perhaps  
14 for a motive or what have you which is why the  
15 witness wanted to offer it.

16 BY MR. GUYMON:

17 Q. What is it that Tod said to you and who  
18 was present when Tod said this?

19 A. Okay. Deko and Red and Ace was present  
20 when he said this, and he said that the guys, they  
21 always carry -- they always had like ten G's,  
22 \$10,000 in the house, and a bunch of mushrooms. And  
23 he said that -- that he wanted to rob them.

24 Q. That Tod wanted to rob these fellows?

25 A. Yes.

1 Q. Was anything more said about that?

2 A. Well, talking about like later on that  
3 week?

4 Q. During that conversation.

5 A. No.

6 Q. Because I don't want to get to the  
7 endless hearsay.

8 A. No.

9 Q. Did Deko say anything?

10 A. No.

11 Q. Red?

12 A. No.

13 Q. Or Ace?

14 A. No.

15 MR. GUYMON: Nothing else.

16 BY A JUROR:

17 Q. Lala, what would keep you in a  
18 residence that you never left, there wasn't any  
19 money, and this type of conversation?

20 A. I don't know. I was thinking the same  
21 thing.

22 BY A JUROR:

23 Q. Do you use drugs?

24 A. I smoke weed, yes.

25 Q. That would keep you there if it was

1       supplied.

2       BY A JUROR:

3               Q.       What did you do for food? Did you eat  
4       at restaurants?

5               A.       No. We walked to Sonic Burger every  
6       day.

7       BY MR. GUYMON:

8               Q.       You had mentioned that there were times  
9       that the men in the house would say it's time for  
10       them to have men talk, and they would not have you  
11       be part of that conversation; is that right?

12              A.       Yes.

13              Q.       Where would the men typically go when  
14       they were going to have what you refer to as the men  
15       talk?

16              A.       In the laundry room.

17              Q.       Was this talk about girls, or do you  
18       know what it was about?

19              A.       I don't know what it was about.

20              Q.       What was the subject matter that would  
21       typically call them or cause them to say it's time  
22       to have a man talk?

23              A.       They needed some money.

24              Q.       And who were the fellows or the men  
25       that would say we have to take this conversation

1 away from Lala and go have their conversation?

2 A. I don't know who actually would say it,  
3 but they -- all of them would like let's go to the  
4 back.

5 Q. Who's "they"?

6 A. Deko, Red, Tod, and Ace.

7 BY A JUROR:

8 Q. They'd send you to the laundry room, or  
9 they would go to the laundry room?

10 A. No. They'd go to the laundry room.

11 BY THE FOREMAN:

12 Q. Did you ever hear any conversation  
13 where Red and Donte were talking to Tod or Ace about  
14 this homicide that had taken place --

15 A. No.

16 Q. -- on the 14th?

17 A. No.

18 Q. Did you ever hear Donte or Red making  
19 any comments about that homicide that had taken  
20 place at any time to anyone?

21 A. No.

22 Q. The only time I believe I heard  
23 something is when I was home by myself one day and  
24 Ace -- and then Ace and B.J. came home, and I just  
25 heard them say did -- they said, "Did you see the

1 news?" That's it. They said it to each other.  
2 They said, "Did you see the news?" And that was it.

3 Q. Did you -- when they said, "Did you see  
4 the news," did you have any idea what they were  
5 referring to?

6 A. No, I didn't.

7 THE FOREMAN: Any other questions?

8 BY MR. GUYMON:

9 Q. Was that what you wanted to tell the  
10 Grand Jurors?

11 A. Yes.

12 THE FOREMAN: Hearing no more questions  
13 then, I would remind you that you are still under  
14 the admonishment that you were given before.

15 THE WITNESS: Okay.

16 THE FOREMAN: Do you understand that?

17 THE WITNESS: Yes.

18 THE FOREMAN: Thank you.

19 (Witness excused.)

20 MR. GUYMON: There may be one  
21 additional witness. We'll take a break, if that's  
22 all right with you folks, and then I'll conclude the  
23 presentation here. I'll then ask for your time to  
24 hear a witness or possibly two on an unrelated  
25 incident that will just be inquiring about an



1        investigative tool. It will not be for a proposed  
2        Indictment. I'll do that after we do the  
3        Indictment.

4                        Does that make sense?

5                        A JUROR: No.

6                        MR. GUYMON: It's an unrelated  
7        incident that the police are still in the  
8        investigation of. I wish to use the Grand Jury for  
9        part of that investigation.

10                      Does that make sense?

11                      A JUROR: Yes.

12                      (Lunch break.)

1 LAS VEGAS, NEVADA, SEPTEMBER 1, 1998, 1:35 P.M.

2  
3  
4 THE FOREMAN: Please raise your right  
5 hand and be sworn in.

6 You do solemnly swear that the  
7 testimony that you are about to give upon the  
8 investigation now pending before this Grand Jury  
9 shall be the truth, the whole truth and nothing but  
10 the truth, so help you God?

11 MR. PERKINS: I swear.

12 THE FOREMAN: Please slide up to the  
13 mike so you can be heard.

14 And you are here today to give  
15 testimony in the investigation pertaining to the  
16 offenses of burglary while in possession of a  
17 firearm, murder with use of a deadly weapon, robbery  
18 with use of a deadly weapon, and first degree  
19 kidnapping with the use of a deadly weapon involving  
20 Donte Johnson as set forth in the proposed  
21 Indictment?

22 MR. PERKINS: Yes.

23 THE FOREMAN: Thank you.  
24  
25

1                    JUSTIN ULRIC PERKINS,

2                    having been first duly sworn by the  
3                    Foreman of the Grand Jury to testify to  
4                    the truth, the whole truth and nothing  
5                    but the truth, testified as follows:

6  
7                    EXAMINATION

8  
9                    BY MR. DASKAS:

10                   Q.        Justin, let me have you state your name  
11                   for the record and spell your last name.

12                   A.        My name is Justin Ulric Perkins,  
13                   P-e-r-k-i-n-s.

14                   Q.        Justin, let me direct your attention to  
15                   August 14th of 1998, sometime around 6:00 p.m.

16                   Do you remember where you were  
17                   on that date at that time?

18                   A.        Yes, I do.

19                   I woke up kind of late, and I  
20                   knew I had to be at the bank before 6:00 o'clock  
21                   because they close at 6:00. And I went to the bank,  
22                   and I got some money because I owed my friend Matt  
23                   Mowen some money, and I picked it up. And by the  
24                   time I got to the house it was about 6:00 o'clock.

25                   Q.        You say you went to the bank and went

1 to somebody's house. Whose house did you go to  
2 after you went to the bank?

3 A. Matt Mowen's house.

4 Q. Do you know the address where Matt  
5 Mowen lived?

6 A. No, I don't.

7 Q. Do you know the name of the street?

8 A. No.

9 Q. Was it here in Las Vegas, Nevada?

10 A. Yes, it was.

11 Q. Other than Matt, do you know who lived  
12 in the house where Matt lived?

13 A. Yes. Tracey Gorringer, Jeff Biddle, and  
14 Tracey's brother Nick Gorringer. They all lived  
15 there.

16 Q. How many times prior to August 14th had  
17 you been to that house where Matt lived?

18 A. I mainly went there on weekends. I  
19 work all week. So I've gone there at least a month  
20 or two months worth of weekends.

21 Q. You were friends with everybody that  
22 lived in the house?

23 A. Yes.

24 Q. Go over and hang out on the weekend?

25 A. Yes.

1 Q. Tell me what happened when you showed  
2 up to the house sometime around 6:00 p.m. on August  
3 14th.

4 A. When I pulled up I noticed that the  
5 gate in front of the driveway was open.

6 Q. And was that unusual?

7 A. Yes, very unusual. They usually keep  
8 the gate closed so the dogs don't get out in the  
9 neighborhood. They keep them contained in the front  
10 yard.

11 Q. How many dogs?

12 A. Two puppy pit bulls, a male and a  
13 female.

14 Q. I take it based on your testimony that  
15 there was a gate that blocked off the driveway to  
16 the house?

17 A. Correct. That was the gate that was  
18 open.

19 Q. What did you do when you saw the gate  
20 was open?

21 A. I didn't think anything of it. I  
22 wasn't for sure.

23 I noticed that Tracey's truck  
24 was underneath the carport, and he doesn't park his  
25 truck underneath the carport. He parks his truck by

1 the door so that he doesn't have to walk very far to  
2 get inside or get outside of his truck.

3 I also noticed that the door,  
4 from the street, I could see the door was cracked  
5 open. Like I say, that's really unlikely because  
6 the dogs could get out and they run through the  
7 neighborhood, and they're very protective of the  
8 dogs.

9 Q. What did you do, or where did you go  
10 after you got to the house and noticed these things?

11 A. Even after I noticed them I still, you  
12 know, I still -- I figured somebody would be home.  
13 And I just walked up to the door as if, you know,  
14 any other day. And I was good friends with them,  
15 you know, so, you know, I pushed the door the rest  
16 of the way open.

17 Q. Tell me what you saw when you pushed  
18 the door open.

19 A. The first thing I saw was my friend,  
20 Jeff Biddle, laying on the floor face down, and his  
21 hands were tied behind his back with duct tape, and  
22 his ankles were tied with duct tape.

23 And then I seen my friend Tracey  
24 Gorringer laying next to him by his feet. He was  
25 also taped up with his hands behind his back and his

1 ankles together.

2 And then I seen my friend Matt.

3 I went over, and he was laying on the other side of  
4 Tracey face down with his hands tied behind his back  
5 and his feet tied together.

6 Q. Did you see anything that would suggest  
7 to you that any of the three of them had been  
8 injured?

9 A. Before what had happened, I noticed --  
10 I noticed the billy club was on the floor, and Jeff  
11 Biddle is -- was a security guard which he used that  
12 when he would do his patrols, but it was on the  
13 floor next to him.

14 Q. Did you see any blood in the house?

15 A. Yeah. I seen a large amount of blood.

16 Q. Was it near each of the victims?

17 A. It was underneath each of the victim's  
18 head, a large puddle. It was soaked up by the  
19 carpet. Also the puppies did not leave the house.  
20 They stayed inside with their owners, and they  
21 tracked blood all over, all over them and all over  
22 themselves.

23 Q. You noticed that as you looked in the  
24 doorway that there was blood that the dogs had  
25 tracked over?

1           A.     In the doorway, no, I didn't notice any  
2     blood. I didn't see any blood in the doorway. I  
3     just -- at that point, that's when I left to go to a  
4     neighbor's house.

5           Q.     Where did you go after you discovered  
6     the bodies?

7           A.     First I went to the neighbor's on the  
8     left hand side of the home and nobody was there. I  
9     just kept knocking and knocking, and nobody  
10    answered.

11                         So then I ran to the other  
12    neighbor's on the other side of their home, and the  
13    lady -- a lady answered the door. I told her to  
14    call the police. My friends have been robbed, and I  
15    didn't know -- I didn't want to know that my friends  
16    were dead. I just sort of blocked that out.

17           Q.     What did you do after you told the  
18    neighbor to call the police?

19           A.     I ran back to the house, and I stood in  
20    the doorway, and I tried to get the dogs outside.  
21    And the dogs just tracked blood outside and on me,  
22    and I called them out a couple of times.

23                         And then finally, I just, you  
24    know, realized that it didn't really matter. I let  
25    the dogs do what they were going to do. I stood



1       there, and I waited for the paramedics and the  
2       police to come.

3               Q.     Now, let me back up, Justin, if I  
4       could.

5                       You mentioned that this was  
6       August 14th, around 6:00 p.m. When was the last  
7       time you were at the house before August 14th at  
8       6:00 p.m.?

9               A.     I was there August 13th. I was there  
10      that night at, I'd say, between 7:00 and 8:00.

11              Q.     7:00 and 8:00 at night on August 13th?

12              A.     At night, yes, sir.

13              Q.     Who was there at that time at the  
14      house?

15              A.     It was Matt, Tracey, and Jeff, and then  
16      I had brought three of my friends -- two of my  
17      friends with me.

18              Q.     What are the name of the two friends  
19      you brought?

20              A.     Eric Kruger and Joe Hess.

21              Q.     How is it that you're certain about the  
22      time that you were at the house on August 13th?

23              A.     I wasn't feeling good so we left. They  
24      wanted me to stay, but I left, and I offered my  
25      friends a ride, and they accepted. And as we

1        were -- as I was taking them home, they were  
2        deciding where they wanted to get dropped off. They  
3        decided to go to their friends. I distinctly know  
4        they can't go there too late. I looked on my pager  
5        and on the pager the time said 8:30.

6                Q.        When you say you gave your friends a  
7        ride, what friends are you talking about?

8                A.        Joe Hess and Eric Kruger.

9                Q.        When you left the house sometime  
10       between 7:00 and 8:00 p.m. with your two friends,  
11       who was still remaining in the house?

12              A.        It was Jeff Biddle, Tracey Gorringer,  
13       and Matt Mowen. They said they needed to do some  
14       cleaning. That was their plan for the night.

15              Q.        And that was the last time you saw them  
16       alive?

17              A.        Yes.

18                      MR. DASKAS: I have no other questions  
19       of this witness, if anybody else does.

20                      THE FOREMAN: Any questions from the  
21       panel?

22                                (No response.)

23                      THE FOREMAN: Hearing no questions, by  
24       law, these proceedings are secret, and you are  
25       prohibited from disclosing to anyone anything that

1 transpired before us including evidence presented to  
2 the Grand Jury, any event occurring or a statement  
3 made in the presence of the Grand Jury, or  
4 information obtained by the Grand Jury.

5 Failure to comply with this  
6 admonition is a gross misdemeanor, punishable by a  
7 year in the Clark County Detention Center and a  
8 \$2,000 fine. In addition, you may be held in  
9 contempt of court punishable by an additional \$500  
10 fine and 25 days in the Clark County Detention  
11 Center.

12 Do you understand this  
13 admonition?

14 THE WITNESS: Yes.

15 THE FOREMAN: Thank you.

16 You may be excused.

17 (Witness excused.)

18 THE FOREMAN: Please raise your right  
19 hand and be sworn in.

20 You do solemnly swear that the  
21 testimony that you are about to give upon the  
22 investigation now pending before this Grand Jury  
23 shall be the truth, the whole truth and nothing but  
24 the truth, so help you God?

25 MR. ANDERSON: Yes, sir.

1 THE FOREMAN: And you are here to give  
2 testimony in the investigation pertaining to the  
3 offenses of burglary while in possession of a  
4 firearm, murder with use of a deadly weapon, robbery  
5 with use of a deadly weapon, and first degree  
6 kidnapping with use of a deadly weapon involving a  
7 Donte Johnson as set forth in the proposed  
8 Indictment?

9 MR. ANDERSON: Yes, sir.

10 THE FOREMAN: Thank you.

11 Please move up to the mike so  
12 that you can be heard.

13  
14 DWAIN ANDERSON,

15 having been first duly sworn by the  
16 Foreman of the Grand Jury to testify to  
17 the truth, the whole truth and nothing  
18 but the truth, testified as follows:

19  
20 EXAMINATION

21  
22 BY MR. GUYMON: .

23 Q. Can you state your name and spell your  
24 last name?

25 A. My name is Dwain Anderson,

1 A-n-d-e-r-s-o-n.

2 Q. And Dwain, do you use any other names?

3 A. Woody Cohen.

4 Q. How about street names?

5 A. Skell.

6 Q. Spell it.

7 A. S-k-e-l-l.

8 Q. S-k --

9 A. -- e-l-l.

10 Q. So Skell?

11 A. Uh-huh.

12 Q. Are you familiar with Donte Johnson?

13 A. Yes. Yes.

14 Q. How are you familiar with Donte?

15 A. Just friends.

16 Q. Describe your friendship with him.

17 What kind of friend is he to you and what kind of  
18 friend are you to him?

19 A. We look out for each other. He feed  
20 me, I feed him.

21 Q. What do you mean you feed him, he feeds  
22 you?

23 A. Like when I need something he look out  
24 for me and when he need something I look out for  
25 him.

1 Q. Does he use any other names?

2 A. Deko.

3 Q. Any others?

4 A. Huh-uh.

5 Q. Ever heard him called John White?

6 A. Yes.

7 Q. Who calls him John White?

8 A. His mama.

9 Q. Is his mother in town?

10 A. No, sir.

11 Q. Where is his mother from?

12 A. Los Angeles, California.

13 Q. And where did you meet John White and  
14 Donte Johnson?

15 A. In Los Angeles.

16 Q. I want to show you a picture and ask  
17 you, Grand Jury Exhibit Number 3, do you recognize  
18 the guy in that picture?

19 A. Yes, sir.

20 Q. Who is that?

21 A. That's Donte.

22 Q. Is that the same guy whose mother calls  
23 him John White?

24 A. Yes, sir.

25 Q. Also Deko?

1 A. Yes, sir.

2 Q. What do you call him?

3 A. Deko.

4 Q. Okay. He calls you Skell?

5 A. Yes, sir.

6 Q. And what was it, four days ago, I guess  
7 it was, on actually the 27th of August, 1998 you  
8 were arrested as a material witness?

9 A. Yes, sir.

10 Q. On a material witness warrant by  
11 Detectives Hardy and Chandler?

12 A. Uh-huh.

13 Q. You're currently housed in the Clark  
14 County Detention Center?

15 A. Yes, sir.

16 Q. Tell me, do you know a guy by the name  
17 of Red?

18 A. Yes, sir.

19 Q. And what is Red's relationship to Donte  
20 Johnson?

21 A. They don't know each other that long,  
22 but they friends.

23 Q. Okay. How common is it for the two of  
24 them to hang around together?

25 A. Every now and then.

1 Q. Are you a better friend of Donte than  
2 say Red is to Donte?

3 A. Yeah.

4 Q. Are you closer to Donte?

5 A. Uh-huh. Uh-huh. Yes.

6 Q. Do you know how -- what Donte's  
7 feelings are about Red? Does he consider him a  
8 friend?

9 A. Yes.

10 Q. Do you know where Donte was living back  
11 in June of 1998?

12 A. Not really.

13 Q. How about in July of 1998?

14 A. Not really.

15 Q. Are you familiar with the Thunderbird?

16 A. Yes, sir.

17 Q. Is that a hotel here in Las Vegas,  
18 Clark County, Nevada?

19 A. Yes, sir.

20 Q. Did Donte ever live at the Thunderbird?

21 A. No. I seen them over there, but he  
22 never lived there.

23 Q. Did he stay over there?

24 A. No. He just -- he been over there, but  
25 I don't think he stayed over there.



1 Q. Did he spend the night at the  
2 Thunderbird?

3 A. No, not that I know of.

4 Q. What's Donte's relationship to Lala?

5 A. Girlfriend, boyfriend.

6 Q. If Lala said that the two of them  
7 stayed over there at the Thunderbird, would she be  
8 telling the truth or would she be lying?

9 A. She telling the truth.

10 Q. Do you know if Red ever stayed at the  
11 Thunderbird?

12 A. Yeah. Yes, sir.

13 Q. How long did Red stay at the  
14 Thunderbird for?

15 A. For about a week.

16 Q. I'm going to leave the Thunderbird  
17 alone for now. We may come back to the Thunderbird  
18 later this afternoon.

19 A. Okay.

20 Q. I want to talk about the house that  
21 Donte was staying at the day he got arrested.

22 A. Uh-huh.

23 Q. Were you staying there too?

24 A. I was visiting.

25 Q. You were visiting?

1 A. Uh-huh.

2 Q. Had you ever been to the house on  
3 Everman before the day of the arrest?

4 A. Yes.

5 Q. When did you go to the house before?

6 A. With Tod.

7 Q. What was your relationship with Tod?

8 A. We was friends. We was friends. We  
9 was cool.

10 Q. Okay. How often did you go over to  
11 Tod's house?

12 A. Like not every day, every other day.

13 Q. And when you go over to Tod's house,  
14 who would be there?

15 A. Tod, Donte, Lala, and Tod's girlfriend.

16 Q. How long had Lala and Donte been  
17 staying at Tod's house?

18 A. For about probably like about a month.

19 Q. And would Donte spend the night there?

20 A. Yeah.

21 Q. Did you ever spend the night there?

22 A. Yeah, a couple of times.

23 Q. What room did Donte stay in there?

24 A. In the back room.

25 Q. The back bedroom?

1 A. Uh-huh.

2 Q. Did the back bedroom have a shower and  
3 a bath and toilet?

4 A. Like right by it. Like right beside  
5 it.

6 Q. Where did Lala stay? Where did she  
7 keep her clothing?

8 A. In the closet.

9 Q. In that bedroom?

10 A. Uh-huh.

11 Q. And how about Donte? Where did he  
12 sleep and keep his clothing?

13 A. I think in the closet.

14 Q. Do you know if Red ever stayed in the  
15 back bedroom too?

16 A. I think he spent the night a couple of  
17 times over there.

18 Q. Where would he keep his clothes, if you  
19 know?

20 A. I don't know if he had no clothes over  
21 there.

22 Q. Tell me the kind of clothes that Donte  
23 wore.

24 A. Jeans, khakis.

25 Q. What color were the jeans? What color

1 would they be?

2 A. Like 501. Like 501 blue jeans, red  
3 khakis, lickies (phonetic), and shorts.

4 Q. Did he have any black jeans?

5 A. Not that I know of.

6 Q. Do you recall having a conversation  
7 with Robert Daskas and myself last night in the  
8 Clark County Detention Center?

9 A. Yes, sir.

10 Q. And do you recall what you told us  
11 about the color of Donte's jeans?

12 A. Yes, sir.

13 Q. What did you tell us?

14 A. They were black.

15 Q. Is that the truth or not?

16 A. The truth.

17 Q. Did Donte own and wear a pair of black  
18 jeans --

19 A. I think so.

20 Q. -- in August of '98?

21 A. I think so.

22 Q. Did you know Donte to be associated  
23 with any guns, any weapons?

24 A. No.

25 Q. Did you ever see him with a gun?

1 A. Huh-uh.

2 Q. Is that a true statement?

3 A. That's a true statement.

4 Q. Let me ask one more time: Is that a  
5 true statement?

6 A. Yes, sir.

7 Q. What kind of cigarettes or cigars did  
8 you know Donte to smoke?

9 A. Swissy Swiss (phonetic). Black and  
10 Mild, Fellies (phonetic).

11 Q. How regular did Donte smoke cigars?

12 A. He start -- well, he smoke cigars to  
13 stop smoking cigarettes every now and then.

14 Q. Would he smoke them more than once a  
15 day?

16 A. Yeah.

17 Q. Smoke more than two a day?

18 A. Yeah.

19 Q. Smoke five a day?

20 A. About three a day.

21 Q. Did anybody else at Tod's house smoke  
22 the Black and Milds, to your knowledge?

23 A. I think Tod smoked them. I think, I'm  
24 not sure.

25 Q. You're not sure of that?

1 A. Huh-uh.

2 Q. Did you smoke Black and Milds?

3 A. I don't smoke, period.

4 Q. Did Red smoke Black and Milds?

5 A. Uh-huh.

6 Q. What?

7 A. Yes, sir.

8 Q. Describe Red for us.

9 A. He got braids, kind of chubby a little

10 bit.

11 Q. How heavy?

12 A. Weigh about a hundred twenty-five

13 pounds. Something like that.

14 Q. What do you weigh?

15 A. I weigh about probably like a hundred

16 fifteen, something like that.

17 Q. And you're telling us that Red only

18 weighs 10 pounds more than you?

19 A. Well, a hundred and thirty.

20 Q. Well, how tall is Red?

21 A. Probably about five-seven, five-six.

22 Q. And how heavy is Donte?

23 A. Donte just a little bit thicker than

24 me, so he will weigh like a hundred seventeen

25 pounds, something like that.

1 Q. So Red and Donte don't weigh very much  
2 more than each other?

3 A. No. Red is like bigger. He's chubbier  
4 is what I meant to say.

5 Q. How much chubbier? How many pounds  
6 chubbier?

7 A. Probably like seven pounds, something  
8 like that, chubbier.

9 Q. When is the last time you saw Red?

10 A. I seen Red like a week ago.

11 Q. And where was Red at?

12 A. On Fremont.

13 Q. Red commonly frequent the Fremont area?

14 A. Yeah.

15 Q. Do you have any information whatsoever  
16 about the quadruple homicide, the homicide we're  
17 here on today?

18 A. Yeah.

19 Q. Where did you get the information from?

20 A. From Tod.

21 Q. Okay. Let's not use what Tod told you  
22 because what Tod said will be hearsay.

23 Has Donte ever said anything to  
24 you --

25 A. No.

1 Q. -- about the quadruple homicide?

2 A. No. He never said anything about it to  
3 me.

4 Q. How about Red? Has Red ever said  
5 anything to you about the quadruple homicide?

6 A. No.

7 Q. Have you ever told Detective Hardy or  
8 Chandler that either Red or Donte said something to  
9 you about the quadruple homicide?

10 A. No.

11 MR. GUYMON: I have no other  
12 questions regarding the quadruple homicide regarding  
13 this witness.

14 BY THE FOREMAN:

15 Q. Have you ever heard Red referred to by  
16 any other names, street names?

17 A. No, sir.

18 Q. You don't know of him by any other name  
19 other than Red?

20 A. No, sir. Just by Red.

21 Q. How long have you known Red?

22 A. I've known Red for about a month.

23 Q. Do you know how long Donte knew Red?  
24 Did he know him from when he was in LA?

25 A. He knew Red before me, so I don't know.



1       Probably about a month and a half before I knew him.

2       BY A JUROR:

3               Q.     The house where Donte stayed, did you  
4       ever see any weapons there?

5               A.     Yeah. When the police had come there  
6       was a .22 rifle, and that's all I seen, .22 Ruger  
7       rifle.

8               Q.     Do you know why he was Red?

9               A.     Why was he called Red?

10              Q.     Uh-huh.

11              A.     Probably he's red skinned.

12              Q.     That's what I wanted to know.

13              THE FOREMAN: Any other questions?

14                               (No response.)

15              THE FOREMAN: Hearing no more  
16       questions, by law, these proceedings are secret, and  
17       you are prohibited from disclosing to anyone  
18       anything that transpired before us including  
19       evidence presented to the Grand Jury, any event  
20       occurring or a statement made in the presence of the  
21       Grand Jury, or information obtained by the Grand  
22       Jury.

23                               Failure to comply with this  
24       admonition is a gross misdemeanor, punishable by a  
25       year in the Clark County Detention Center and a

1 \$2,000 fine. In addition, you may be held in  
2 contempt of court punishable by an additional \$500  
3 fine and 25 days in the Clark County Detention  
4 Center.

5 Do you understand this  
6 admonition?

7 THE WITNESS: Yes, sir.

8 THE FOREMAN: Thank you.

9 You may be excused.

10 BY A JUROR:

11 Q. Could I ask one more question?

12 When you saw Red on Fremont  
13 Street, did you two speak to each other and, if so,  
14 what did you say?

15 A. I just asked him where the weed was at.  
16 I asked where the weed was at, that's it.

17 BY A JUROR:

18 Q. Do you know the color of his eyes?

19 A. Like mine, like dark brown.

20 BY A JUROR:

21 Q. Did you ever have weed at the house  
22 that you all was staying?

23 A. Yeah. The house that the SWAT team  
24 came to?

25 Q. Yeah.

1           A.     We were smoking on the blunt when the  
2     SWAT team came. We had finished. As soon as we  
3     finished it they had came.

4           Q.     Had you ever been to the other house?

5           A.     No, sir.

6           Q.     You had never been there?

7           A.     No, sir.

8           Q.     You didn't know the other kids?

9           A.     No, sir.

10          Q.     Thank you.

11         BY A JUROR:

12           Q.     When you were at that house, Tod's  
13     house, did you ever see a black bag in the bedroom,  
14     black and green like gym bag?

15           A.     I can't remember. I can't remember. I  
16     can't remember.

17           THE FOREMAN: Any other questions?

18                   (No response.)

19           THE FOREMAN: Hearing no more  
20     questions, you are under admonishment.

21                   You may be excused.

22           MR. GUYMON: We'll call no additional  
23     witnesses as to this particular proposed Indictment.

24                   I have given the clerk a couple  
25     of copies or a copy of the instructions that relates

1 to robbery with use of a deadly weapon, first degree  
2 kidnapping with use of a deadly weapon, burglary  
3 while in possession of a deadly weapon, and murder  
4 with use of a deadly weapon.

5 Should you have any questions  
6 about the elements they're all outlined in the  
7 documents that I gave to you.

8 A JUROR: How do you come up with  
9 kidnapping?

10 A JUROR: Because one of the guys out  
11 in the front, he took the guy from out in the front.

12 A JUROR: But the kidnapping is against  
13 all three.

14 A JUROR: Anytime you detain anybody  
15 for any length of time without their will, that's  
16 considered kidnapping.

17 A JUROR: When you move them. We'll  
18 talk about it in deliberations.

19 MR. GUYMON: There's four or five  
20 specific instructions I'd refer you to as you  
21 deliberate. I refer you to the diagram. It  
22 indicates the three persons and the one person and  
23 ask you to consider that as evidence associated with  
24 the kidnapping if you want to see that diagram  
25 again.

1                               Lastly, and again I give you  
2       this last admonishment. You heard a lot of  
3       testimony about drug trade, and the use of drugs,  
4       and the sale of drugs. I ask you not to consider --  
5       not to be prejudiced by that as it relates to the  
6       charges that we are looking for an Indictment on at  
7       the forefront of this case. Obviously there was  
8       motive involved. There was drugs associated with  
9       it. It is part of the complete story of the crime  
10      here, but I ask you not to be prejudiced by it as  
11      you consider the actual charges that we have listed  
12      here today.

13                           Okay. Thank you.

14  
15                           (All persons other than members  
16      of the Grand Jury left the room at 2:00  
17      p.m. and returned at 2:10 p.m.)  
18  
19  
20  
21  
22  
23  
24  
25

1 THE FOREMAN: Mr. District Attorney,  
2 earlier in the discussion you had mentioned there  
3 might be an amendment to the proposed Indictment.

4 What are your wishes on that?

5 MR. GUYMON: That we amend the  
6 Indictment to reflect Donte Johnson, also known as  
7 John White or John Lee White.

8 THE FOREMAN: Mr. District Attorney, by  
9 a vote of 12 or more Grand Jurors a true bill has  
10 been returned against the defendant, Donte Johnson,  
11 also known as John Lee White, charging the crimes of  
12 burglary while in possession of a firearm, murder  
13 with use of a deadly weapon, robbery with use of a  
14 deadly weapon, and first degree kidnapping with use  
15 of a deadly weapon in Grand Jury Case Number  
16 97BGJ184X, and we instruct you to prepare an  
17 Indictment in conformance with the proposed  
18 Indictment previously submitted to us, making note  
19 of a change of aka John Lee White.

20 MR. GUYMON: Very well. That will be  
21 done.

22 (End of proceedings.)

23

24

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25

## REPORTER'S CERTIFICATE

STATE OF NEVADA           )  
                                  : SS  
COUNTY OF CLARK         )

I, Brenda A. Lee, C.C.R. 198, do hereby  
certify that I took down in Shorthand (Stenotype)  
all of the proceedings had in the before-entitled  
matter at the time and place indicated and  
thereafter said shorthand notes were transcribed at  
and under my direction and supervision and that the  
foregoing transcript constitutes a full, true and  
accurate record of the proceedings had.

Dated at Las Vegas, Nevada, September 13th,  
1998.

  
BRENDA A. LEE, C.C.R. No. 198

1 IND  
2 STEWART L. BELL  
3 DISTRICT ATTORNEY  
4 Nevada Bar #000477  
5 200 S. Third Street  
6 Las Vegas, Nevada 89155  
7 (702) 455-4711  
8 Attorney for Plaintiff

ORIGINAL

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*Donella Thompson*  
CLERK

DISTRICT COURT  
CLARK COUNTY, NEVADA

8 THE STATE OF NEVADA,

9 Plaintiff,

10 -vs-

11 DONTÉ JOHNSON,  
12 #1586283, John Lee White

13 Defendant(s).

Case No.  
Dept. No.  
Docket

C153154  
V  
H

INDICTMENT

15 STATE OF NEVADA }  
16 COUNTY OF CLARK } ss.

17 The Defendant(s) above named, DONTÉ JOHNSON, aka John Lee White, accused by  
18 the Clark County Grand Jury of the crimes of **BURGLARY WHILE IN POSSESSION OF**  
19 **A FIREARM (Felony - NRS 205.060, 193.165); MURDER WITH USE OF A DEADLY**  
20 **WEAPON (Open Murder) (Felony - NRS 200.010, 200.030, 193.165); ROBBERY WITH**  
21 **USE OF A DEADLY WEAPON (Felony - NRS 200.380, 193.165); and FIRST DEGREE**  
22 **KIDNAPPING WITH USE OF A DEADLY WEAPON (Felony - NRS 200.310, 200.320,**  
23 **193.165),** committed at and within the County of Clark, State of Nevada, on or about the 14th  
24 day of August, 1998, as follows:

25 COUNT I - BURGLARY WHILE IN POSSESSION OF A FIREARM

26 did then and there wilfully, unlawfully, and feloniously enter, while in possession of a  
27 firearm, with intent to commit larceny and/or robbery and/or murder, that certain building  
28 occupied by MATHEW MOWEN, located at 4825 Terra Linda Avenue, Las Vegas, Clark



1 County, Nevada; the Defendant and an unknown individual aiding or abetting each other by  
2 counsel and encouragement and by entering into a course of conduct whereby the said Defendant  
3 and the unknown individual arrived at 4825 Terra Linda Avenue; the said Defendant and/or the  
4 unknown individual entering the residence while the Defendant and/or the unknown individual  
5 was in possession of a firearm; the said Defendant and/or the unknown individual binding the  
6 said MATTHEW MOWEN and placing him on the floor of the residence; then the said  
7 Defendant and/or the unknown individual shooting at and into the body of the said MATTHEW  
8 MOWEN with a firearm.

9 COUNT II - MURDER WITH USE OF A DEADLY WEAPON (OPEN MURDER)

10 did then and there wilfully, feloniously, without authority of law, and with premeditation  
11 and deliberation, and with malice aforethought, kill JEFFREY BIDDLE, a human being, by  
12 shooting at and into the body of the said JEFFREY BIDDLE, with a deadly weapon, to-wit: a  
13 firearm; the said Defendant and an unknown individual being responsible under the following  
14 theories of criminal liability, to-wit: 1) Premeditation and Deliberation; 2) Felony Murder,  
15 Defendant and an unknown individual committing the murder in the perpetration or attempted  
16 perpetration of kidnapping and/or robbery; 3) Aiding or Abetting, the Defendant and an  
17 unknown individual aiding or abetting each other by counsel and encouragement and by entering  
18 into a course of conduct whereby the said Defendant and an unknown individual arrived at 4825  
19 Terra Linda Avenue; the said Defendant and/or an unknown individual entering the residence  
20 while the said Defendant and/or the unknown individual was in possession of a firearm;  
21 Defendant and/or unknown individual binding the victim and placing him on the floor of the  
22 residence; the said Defendant and/or an unknown individual shooting at and into the body of the  
23 said JEFFREY BIDDLE with a firearm; 5) Conspiracy; by the said Defendant and/or an  
24 unknown individual acting pursuant to a conspiracy to commit kidnapping and/or robbery and/or  
25 murder, whereby the said Defendant and an unknown individual arriving at 4825 Terra Linda  
26 Avenue; the said Defendant and/or unknown individual entering the residence while the said  
27 Defendant and/or an unknown individual was in possession of a firearm; the said Defendant  
28 and/or unknown individual binding the said JEFFREY BIDDLE and placing him on the floor

1 of the residence; then the said Defendant and/or an unknown individual shooting at and into the  
2 body of the said JEFFREY BIDDLE with the said firearm.

3 COUNT III - MURDER WITH USE OF A DEADLY WEAPON

4 did then and there wilfully, feloniously, without authority of law, and with premeditation  
5 and deliberation, and with malice aforethought, kill TRACEY GORRINGE, a human being, by  
6 shooting at and into the body of the said TRACEY GORRINGE, with a deadly weapon, to-wit:  
7 a firearm; the said Defendant and an unknown individual being responsible under the following  
8 theories of criminal liability, to-wit: 1) Premeditation and Deliberation; 2) Felony Murder,  
9 Defendant and an unknown individual committing the murder in the perpetration or attempted  
10 perpetration of kidnapping and/or robbery; 3) Aiding or Abetting, the Defendant and an  
11 unknown individual aiding or abetting each other by counsel and encouragement and by entering  
12 into a course of conduct whereby the said Defendant and an unknown individual arrived at 4825  
13 Terra Linda Avenue; the said Defendant and/or an unknown individual entering the residence  
14 while the said Defendant and/or the unknown individual was in possession of a firearm;  
15 Defendant and/or unknown individual binding the victim and placing him on the floor of the  
16 residence; the said Defendant and/or an unknown individual shooting at and into the body of the  
17 said TRACEY GORRINGE with a firearm; 5) Conspiracy; by the said Defendant and/or an  
18 unknown individual acting pursuant to a conspiracy to commit kidnapping and/or robbery and/or  
19 murder, whereby the said Defendant and an unknown individual arriving at 4825 Terra Linda  
20 Avenue; the said Defendant and/or unknown individual entering the residence while the said  
21 Defendant and/or an unknown individual was in possession of a firearm; the said Defendant  
22 and/or unknown individual binding the said TRACEY GORRINGE and placing him on the floor  
23 of the residence; then the said Defendant and/or an unknown individual shooting at and into the  
24 body of the said TRACEY GORRINGE with the said firearm.

25 COUNT IV - MURDER WITH USE OF A DEADLY WEAPON (OPEN MURDER)

26 did then and there wilfully, feloniously, without authority of law, and with premeditation  
27 and deliberation, and with malice aforethought, kill MATT MOWEN, a human being, by  
28 shooting at and into the body of the said MATT MOWEN, with a deadly weapon, to-wit: a

1 firearm; the said Defendant and an unknown individual being responsible under the following  
2 theories of criminal liability, to-wit: 1) Premeditation and Deliberation; 2) Felony Murder,  
3 Defendant and an unknown individual committing the murder in the perpetration or attempted  
4 perpetration of kidnapping and/or robbery; 3) Aiding or Abetting, the Defendant and an  
5 unknown individual aiding or abetting each other by counsel and encouragement and by entering  
6 into a course of conduct whereby the said Defendant and an unknown individual arrived at 4825  
7 Terra Linda Avenue; the said Defendant and/or an unknown individual entering the residence  
8 while the said Defendant and/or the unknown individual was in possession of a firearm;  
9 Defendant and/or unknown individual binding the victim and placing him on the floor of the  
10 residence; the said Defendant and/or an unknown individual shooting at and into the body of the  
11 said MATT MOWEN with a firearm; 5) Conspiracy; by the said Defendant and/or an unknown  
12 individual acting pursuant to a conspiracy to commit kidnapping and/or robbery and/or murder,  
13 whereby the said Defendant and an unknown individual arriving at 4825 Terra Linda Avenue;  
14 the said Defendant and/or unknown individual entering the residence while the said Defendant  
15 and/or an unknown individual was in possession of a firearm; the said Defendant and/or  
16 unknown individual binding the said MATT MOWEN and placing him on the floor of the  
17 residence; then the said Defendant and/or an unknown individual shooting at and into the body  
18 of the said MATT MOWEN with the said firearm.

19 COUNT V - MURDER WITH USE OF A DEADLY WEAPON (OPEN MURDER)

20 did then and there wilfully, feloniously, without authority of law, and with premeditation  
21 and deliberation, and with malice aforethought, kill PETER TALAMANTEZ, a human being,  
22 by shooting at and into the body of the said PETER TALAMANTEZ, with a deadly weapon, to-  
23 wit: a firearm; the said Defendant and an unknown individual being responsible under the  
24 following theories of criminal liability, to-wit: 1) Premeditation and Deliberation; 2) Felony  
25 Murder, Defendant and an unknown individual committing the murder in the perpetration or  
26 attempted perpetration of kidnapping and/or robbery; 3) Aiding or Abetting, the Defendant and  
27 an unknown individual aiding or abetting each other by counsel and encouragement and by  
28 entering into a course of conduct whereby the said Defendant and an unknown individual arrived

1 at 4825 Terra Linda Avenue; the said Defendant and/or an unknown individual entering the  
2 residence while the said Defendant and/or the unknown individual was in possession of a  
3 firearm; Defendant and/or unknown individual binding the victim and placing him on the floor  
4 of the residence; the said Defendant and/or an unknown individual shooting at and into the body  
5 of the said PETER TALAMANTEZ with a firearm; 5) Conspiracy; by the said Defendant and/or  
6 an unknown individual acting pursuant to a conspiracy to commit kidnapping and/or robbery  
7 and/or murder, whereby the said Defendant and an unknown individual arriving at 4825 Terra  
8 Linda Avenue; the said Defendant and/or unknown individual entering the residence while the  
9 said Defendant and/or an unknown individual was in possession of a firearm; the said Defendant  
10 and/or unknown individual binding the said PETER TALAMANTEZ and placing him on the  
11 floor of the residence; then the said Defendant and/or an unknown individual shooting at and  
12 into the body of the said PETER TALAMANTEZ with the said firearm.

13 COUNT VI - ROBBERY WITH USE OF A DEADLY WEAPON

14 did then and there wilfully, unlawfully, and feloniously take personal property, to-wit:  
15 lawful money of the United States, from the person of JEFFREY BIDDLE, or in his presence,  
16 by means of force or violence, or fear of injury to, and without the consent and against the will  
17 of the said JEFFREY BIDDLE, said Defendant using a deadly weapon, to-wit: a firearm, during  
18 the commission of said crime; the Defendant and an unknown individual aiding or abetting each  
19 other by counsel and encouragement and by entering into a course of conduct whereby the said  
20 Defendant and the unknown individual arrived at 4825 Terra Linda Avenue; the said Defendant  
21 and/or the unknown individual entering the residence while the Defendant and/or the unknown  
22 individual was in possession of a firearm; the said Defendant and/or the unknown individual  
23 binding the said JEFFERY BIDDLE and placing him on the floor of the residence; then the said  
24 Defendant and/or the unknown individual shooting at and into the body of the said JEFFERY  
25 BIDDLE with a firearm.

26 COUNT VII - ROBBERY WITH USE OF A DEADLY WEAPON

27 did then and there wilfully, unlawfully, and feloniously take personal property, to-wit:  
28 lawful money of the United States, from the person of TRACEY GORRINGE, or in his

1 presence, by means of force or violence, or fear of injury to, and without the consent and against  
2 the will of the said TRACEY GORRINGE, said Defendant using a deadly weapon, to-wit: a  
3 firearm, during the commission of said crime; the Defendant and an unknown individual aiding  
4 or abetting each other by counsel and encouragement and by entering into a course of conduct  
5 whereby the said Defendant and the unknown individual arrived at 4825 Terra Linda Avenue;  
6 the said Defendant and/or the unknown individual entering the residence while the Defendant  
7 and/or the unknown individual was in possession of a firearm; the said Defendant and/or the  
8 unknown individual binding the said TRACEY GORRINGE and placing him on the floor of the  
9 residence; then the said Defendant and/or the unknown individual shooting at and into the body  
10 of the said TRACEY GORRINGE with a firearm.

11 COUNT VIII - ROBBERY WITH USE OF A DEADLY WEAPON

12 did then and there wilfully, unlawfully, and feloniously take personal property, to-wit:  
13 lawful money of the United States, from the person of MATHEW MOWEN, or in his presence,  
14 by means of force or violence, or fear of injury to, and without the consent and against the will  
15 of the said MATHEW MOWEN, said Defendant using a deadly weapon, to-wit: a firearm,  
16 during the commission of said crime; the Defendant and an unknown individual aiding or  
17 abetting each other by counsel and encouragement and by entering into a course of conduct  
18 whereby the said Defendant and the unknown individual arrived at 4825 Terra Linda Avenue;  
19 the said Defendant and/or the unknown individual entering the residence while the Defendant  
20 and/or the unknown individual was in possession of a firearm; the said Defendant and/or the  
21 unknown individual binding the said MATHEW MOWEN and placing him on the floor of the  
22 residence; then the said Defendant and/or the unknown individual shooting at and into the body  
23 of the said MATHEW MOWEN with a firearm.

24 COUNT IX - ROBBERY WITH USE OF A DEADLY WEAPON

25 did then and there wilfully, unlawfully, and feloniously take personal property, to-wit:  
26 lawful money of the United States, from the person of PETER TALAMANTEZ, or in his  
27 presence, by means of force or violence, or fear of injury to, and without the consent and against  
28 the will of the said PETER TALAMANTEZ, said Defendant using a deadly weapon, to-wit: a

1 firearm, during the commission of said crime; the Defendant and an unknown individual aiding  
2 or abetting each other by counsel and encouragement and by entering into a course of conduct  
3 whereby the said Defendant and the unknown individual arrived at 4825 Terra Linda Avenue;  
4 the said Defendant and/or the unknown individual entering the residence while the Defendant  
5 and/or the unknown individual was in possession of a firearm; the said Defendant and/or the  
6 unknown individual binding the said PETER TALAMANTEZ and placing him on the floor of  
7 the residence; then the said Defendant and/or the unknown individual shooting at and into the  
8 body of the said PETER TALAMANTEZ with a firearm.

9 COUNT X - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON

10 did wilfully, unlawfully, feloniously, and without authority of law, seize, confine,  
11 inveigle, entice, decoy, abduct, conceal, kidnap, or carry away JEFFREY BIDDLE, a human  
12 being, with the intent to hold or detain the said JEFFREY BIDDLE, against his will, and without  
13 his consent, for the purpose of committing robbery and/or murder, said Defendant using a deadly  
14 weapon, to-wit: a firearm, during the commission of said crime; the Defendant and an unknown  
15 individual aiding or abetting each other by counsel and encouragement and by entering into a  
16 course of conduct whereby the said Defendant and the unknown individual arrived at 4825 Terra  
17 Linda Avenue; the said Defendant and/or the unknown individual entering the residence while  
18 the Defendant and/or the unknown individual was in possession of a firearm; the said Defendant  
19 and/or the unknown individual binding the said JEFFERY BIDDLE and placing him on the floor  
20 of the residence; then the said Defendant and/or the unknown individual shooting at and into the  
21 body of the said JEFFERY BIDDLE with a firearm.

22 COUNT XI - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON

23 did wilfully, unlawfully, feloniously, and without authority of law, seize, confine,  
24 inveigle, entice, decoy, abduct, conceal, kidnap, or carry away TRACEY GORRINGE, a human  
25 being, with the intent to hold or detain the said TRACEY GORRINGE, against his will, and  
26 without his consent, for the purpose of committing robbery and/or murder, said Defendant using  
27 a deadly weapon, to-wit: a firearm, during the commission of said crime; the Defendant and an  
28 unknown individual aiding or abetting each other by counsel and encouragement and by entering

1 into a course of conduct whereby the said Defendant and the unknown individual arrived at 4825  
2 Terra Linda Avenue; the said Defendant and/or the unknown individual entering the residence  
3 while the Defendant and/or the unknown individual was in possession of a firearm; the said  
4 Defendant and/or the unknown individual binding the said TRACEY GORRINGE and placing  
5 him on the floor of the residence; then the said Defendant and/or the unknown individual  
6 shooting at and into the body of the said TRACEY GORRINGE with a firearm.

7 COUNT XII - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON

8 did wilfully, unlawfully, feloniously, and without authority of law, seize, confine,  
9 inveigle, entice, decoy, abduct, conceal, kidnap, or carry away MATHEW MOWEN, a human  
10 being, with the intent to hold or detain the said MATHEW MOWEN, against his will, and  
11 without his consent, for the purpose of committing robbery and/or murder, said Defendant using  
12 a deadly weapon, to-wit: a firearm, during the commission of said crime; the Defendant and an  
13 unknown individual aiding or abetting each other by counsel and encouragement and by entering  
14 into a course of conduct whereby the said Defendant and the unknown individual arrived at 4825  
15 Terra Linda Avenue; the said Defendant and/or the unknown individual entering the residence  
16 while the Defendant and/or the unknown individual was in possession of a firearm; the said  
17 Defendant and/or the unknown individual binding the said MATHEW MOWEN and placing him  
18 on the floor of the residence; then the said Defendant and/or the unknown individual shooting  
19 at and into the body of the said MATHEW MOWEN with a firearm.

20 COUNT XIII - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON

21 did wilfully, unlawfully, feloniously, and without authority of law, seize, confine,  
22 inveigle, entice, decoy, abduct, conceal, kidnap, or carry away PETER TALAMANTEZ, a  
23 human being, with the intent to hold or detain the said PETER TALAMANTEZ, against his will,  
24 and without his consent, for the purpose of committing robbery and/or murder, said Defendant  
25 using a deadly weapon, to-wit: a firearm, during the commission of said crime; the Defendant  
26 and an unknown individual aiding or abetting each other by counsel and encouragement and by  
27 entering into a course of conduct whereby the said Defendant and the unknown individual  
28 arrived at 4825 Terra Linda Avenue; the said Defendant and/or the unknown individual entering

1 the residence while the Defendant and/or the unknown individual was in possession of a firearm;  
2 the said Defendant and/or the unknown individual binding the said PETER TALAMANTEZ on  
3 the floor of the residence; then the said Defendant and/or the unknown individual shooting at  
4 and into the body of the said PETER TALAMANTEZ with the said firearm.

5 DATED this 2<sup>nd</sup> day of September, 1998.

6 STEWART L. BELL  
7 DISTRICT ATTORNEY  
8 Nevada Bar #000477

9 BY GARY L. GUYMON  
10 Deputy District Attorney  
11 Nevada Bar #003726

12 ENDORSEMENT: A True Bill

13 Keith Grover  
14 Foreperson, Clark County Grand Jury  
15

16 Names of witnesses testifying before the Grand Jury:

17 ACE HART, C/O DISTRICT ATTORNEY INVESTIGATOR ALEXIA CONGER

18 TOD ARMSTRONG, C/O DISTRICT ATTORNEY INVESTIGATOR ALEXIA CONGER

19 NICHOLAS DE LUCIA, 4815 TERRA LINDA, LVN 89120

20 DR. ROBERT BUCKLIN, CCME, 1704 PINTO LANE, LVN 89106

21 SHAWN FLETCHER, P#5221, LVMPD

22 B.C. GROVER, P#4934, LVMPD

23 EDWARD GUENTHER, P#5891, LVMPD

24 KEN HEFNER, P#2185, LVMPD

25 CHARLA (LA LA) SEVERS, C/O DISTRICT ATTORNEY INVESTIGATOR ALEXIA  
26 CONGER

27 BRYAN C. JOHNSON, C/O DISTRICT ATTORNEY INVESTIGATOR ALEXIA CONGER

28 JUSTIN ULRICH PERKINS, 310 REDONDO ST., HENDERSON, NV 89014

DEWAYNE ANDERSON, C/O DISTRICT ATTY INVESTIGATOR ALEXIA CONGER



1 Additional witnesses known to the District Attorney at the time of filing this Indictment:  
2 CARLON J. FRUGE, P#1460, LVMPD  
3 THOMAS THOWSEN, P#1467  
4 DAVID HORN, P#1928, LVMPD  
5 DEBRA MCCrackEN, P#2542, LVMPD  
6 JAMES STELK, JR., P#2550, LVMPD  
7 RANDY SUTTON, P#3239, LVMPD  
8 JAMES BUCZEK, JR., P#3702, LVMPD  
9 MICHAEL PERKINS, P#4242, LVMPD  
10 DAVID L. WEST, P#4338, LVMPD  
11 SHAWN MCLAIN, P#5221, LVMPD  
12 JAMES E. O'DONNELL, P#5709, LVMPD  
13 SHEREE NORMAN, P#3110  
14 COR LVMPD COMMUNICATIONS  
15 LUIS AMADO CABRERA, 4801 E, TROPICANA, BLDG. 15, APT 33, LVN 89121  
16 JEFF LYNN BATES, 4745 TERRA LINDA, LVN 89120  
17 GREGORY TRAVIS, 1605 E. FREMONT, RM.#15, LVN 89101  
18 ALBERT TALAMANTEZ, 5840 MEDALLION DR., #202, LVN 89122  
19 M. WASHINGTON, P#4725, LVMPD  
20 MELVIN E. ROYAL, 3503 MERCURY, #E, NLVN  
21  
22  
23  
24  
25  
26  
27 97BGJ184X/98F11830X/lg  
LVMPD EV#9808141600  
28 BURG WDW; MURD WDW; RWDW; 1ST KIDNP WDW - F

DISTRICT COURT  
CLARK COUNTY, NEVADA

FILED

SEP 14 2 10 PM '98

BEFORE THE GRAND JURY IMPANELED BY THE AFORESAID

DISTRICT COURT CLERK

THE STATE OF NEVADA,

) Case No. C/S 5121  
) 97BGJ184X

) 97BGJ184X

Plaintiff,

VS.

) Burglary While In

) Possession Of A

DONTE JOHNSON

) Firearm; Murder

aka John Lee White

) With Use Of A

# 1 5 8 6 2 8 3

) Deadly Weapon;

Defendant.

) Robbery With Use

\_) Of A Deadly Weapon;

First Degree

## Kidnapping With Use

Of A Deadly Weapon

Taken at Las Vegas, Nevada

Tuesday, September 1, 1998

8:20 A.M.

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Reported by: Brenda Anne Lee, C.C.R. No. 198

1 GRAND JURORS PRESENT ON SEPTEMBER 1, 1998:

2  
3 KEITH YOERGER, Foreman

4 EDMOND AZLYN, Deputy Foreman

5 SHARON HEAD, Secretary

6 COLLEEN HILLIARD, Assistant Secretary

7 CARL CHENCHICK

8 W. IRVIN COUSINS

9 RALPH DERNEHL

10 CAROL FREY

11 MARYILYN GREEN

12 JUDITH MASSEY

13 EDWARD M. OLSON

14 JOANN OSCARS

15 WARDELL OWENS

16 ROBERTA PENDERGRAFT

17 BERNARD SHERMAN

18  
19  
20 Also present at the request of the Grand Jury:

21 GARY L. GUYMON and ROBERT J. DASKAS,  
22 Deputy District Attorneys  
23  
24  
25

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1 LAS VEGAS, NEVADA, SEPTEMBER 1, 1998, 8:20 A.M.

2  
3 BRENDA ANNE LEE,

4 having been first duly sworn to  
5 faithfully and accurately transcribe  
6 the following proceedings to the best  
7 of her ability.

8  
9 MR. GUYMON: Just by way of  
10 introduction, my name is Gary Guymon. This is  
11 Robert Daskas. We'll present evidence on a  
12 quadruple homicide which some of you may have read  
13 about in the paper.

14 I'll ask if you read anything in  
15 the paper, to set that aside, and what you read, to  
16 not be prejudiced one way or another and wait until  
17 you hear the evidence.

18 I'll present somewhere in the  
19 vicinity of 10 to 13, maybe 14 witnesses today on  
20 this case. I hope that we're going to do it quickly  
21 and expeditiously.

22 I'll inquire before we get  
23 started, have you previously had cases presented  
24 with the element or with the crime of burglary while  
25 in possession of a firearm?

1 THE JURY: (in unison) Yes.

2 MR. GUYMON: Are you familiar with  
3 those elements of that crime?

4 THE JURY: (in unison) Yes.

5 MR. GUYMON: The crime of murder with  
6 use of deadly weapon, have you had presentation of  
7 the elements of that crime?

8 THE JURY: (in unison) Yes.

9 MR. GUYMON: Are you familiar with  
10 those elements?

11 THE JURY: (in unison) Yes.

12 MR. GUYMON: Robbery with use of a  
13 deadly weapon, have you had presentation with  
14 elements of that crime?

15 THE JURY: (in unison) Yes.

16 MR. GUYMON: Are you familiar with  
17 those elements?

18 THE JURY: (in unison) Yes.

19 MR. GUYMON: How about first  
20 kidnapping with use of a deadly weapon, have you had  
21 presentation of the elements relating to that crime?

22 THE JURY: (in unison) Yes.

23 MR. GUYMON: Are you familiar with the  
24 elements of that crime?

25 THE JURY: (in unison) Yes.

1 MR. GUYMON: Do you have any questions  
2 of the elements of any of the four crimes in which  
3 we're going to be proceeding with on the Indictment  
4 or proposed Indictment at this time?

5 THE JURY: (in unison) No.

6 MR. GUYMON: You all have a copy of  
7 the Indictment that we're going to work from today?

8 THE JURY: (in unison) Yes.

9 MR. GUYMON: With that introduction,  
10 and with your permission, I'd like to call the first  
11 witness, if I could.

12 I will call Ace Rayburn Hart.

13 THE FOREMAN: Please go by the  
14 microphone and raise your right hand and be sworn  
15 in.

16 You do solemnly swear that the  
17 testimony that you are about to give upon the  
18 investigation now pending before this Grand Jury  
19 shall be the truth, the whole truth and nothing but  
20 the truth, so help you God?

21 MR. HART: Yes, sir.

22 THE FOREMAN: Speak up and state an  
23 affirmative yes because the secretary (sic.) has to  
24 take this all down.

25 And you are here today to give



1 testimony in the investigation pertaining to the  
2 offenses of burglary while in possession of a  
3 firearm, murder with use of a deadly weapon, robbery  
4 with use of a deadly weapon, and first degree  
5 kidnapping with use of a deadly weapon involving a  
6 Donte Johnson as set forth in the proposed  
7 Indictment?

8 MR. HART: Yes, sir.

9 THE FOREMAN: Thank you.

10 Please be seated right there in  
11 front of the microphone.

12  
13 ACE RAYBURN HART,

14 having been first duly sworn by the  
15 Foreman of the Grand Jury to testify to  
16 the truth, the whole truth and nothing  
17 but the truth, testified as follows:

18  
19 EXAMINATION

20  
21 BY MR. GUYMON:

22 Q. Acè, state your full name and spell  
23 both your first and last names.

24 A. Ace Rayburn Hart. A-c-e H-a-r-t. Ace  
25 Rayburn Hart, II.

1 Q. And Ace, how old are you?

2 A. 19.

3 Q. I need you to speak up.

4 A. 19.

5 Q. All right. Can you pull that  
6 microphone just towards you a little bit so you  
7 don't have to lean forward too far?

8 Ace, are you familiar with Tod  
9 Armstrong?

10 A. Yes.

11 Q. And how is it that you're familiar with  
12 Tod Armstrong?

13 A. He's been my best friend and roommate  
14 for two years now.

15 Q. How about a guy by the name of Bryan  
16 Johnson?

17 A. Yes.

18 Q. Are you familiar with Bryan?

19 A. Yes.

20 Q. How are you familiar with Bryan?

21 A. He's been one of my good friends for  
22 about a year and a half now.

23 Q. You mention that Tod Armstrong had  
24 previously been your roommate. Are you currently  
25 roommates with Tod?

1 A. No, not no more.

2 Q. When were you roommates with Tod?

3 A. Up till about a month ago.

4 Q. All right. Let me talk about that.

5 A month ago would be late August  
6 or early July. Do you recall what address you lived  
7 at?

8 A. 4815 Everman.

9 Q. 4815 Everman?

10 A. Yes.

11 Q. Where is that, Everman?

12 A. Off Trop and Nellis by the old  
13 Chaparral Apartments.

14 Q. What kind of place did you and Tod live  
15 in there?

16 A. Just a three bedroom house.

17 Q. Who else other than yourself and Tod,  
18 who else stayed there?

19 A. Nobody.

20 Q. Okay. Were there persons or people  
21 that came over and would spend the night, however?

22 A. Yes.

23 Q. Okay. In the month of August, can you  
24 tell me, did Bryan Johnson spend the night at your  
25 place there at Everman?

1 A. Yes.

2 Q. In August were there any other persons  
3 that would sleep over at that residence?

4 A. Yes.

5 Q. Who were the other persons or people  
6 that would spend the night?

7 A. Just Donte Johnson and a guy that was  
8 called Red and Lala.

9 Q. How long have you known Donte Johnson  
10 for?

11 A. About I'd say nine months.

12 Q. Okay. And were you the one that  
13 introduced Donte Johnson to say Tod Armstrong and  
14 Bryan Johnson?

15 A. Yes.

16 Q. Showing you what has been marked as  
17 State's Exhibit 3.

18 Do you recognize the person that  
19 is in Exhibit 3?

20 A. Yes.

21 Q. Who is in Exhibit 3?

22 A. Donte Johnson.

23 Q. And is this the same Donte Johnson that  
24 would stay over at the place on Everman?

25 A. Yes.

1 Q. All right. Now, then, when Donte  
2 Johnson stayed over at Everman, did you have  
3 conversations with him about things he was involved  
4 in?

5 A. Yes.

6 Q. Were you on -- did you have a friendly  
7 relationship with Donte Johnson?

8 A. Yes.

9 Q. Did the two of you speak often about  
10 things that were going on in your lives?

11 A. Yes.

12 Q. Now, in the month of August -- I've  
13 placed a calendar up here so we can refer to some  
14 dates. It is marked as Exhibit Number 5.

15 Let me have you look at that.  
16 That is August of 1998. It is -- that's the month  
17 that we just completed. September 1 is today.

18 Did you have a job interview in  
19 August on a Saturday?

20 A. Yes.

21 Q. And looking -- was that in the month of  
22 August?

23 A. Yes.

24 Q. Do you know which Saturday that  
25 interview would have been?

1 A. I think it was the 15th.

2 Q. Okay. Let me talk to you about the  
3 15th then. You say you think it was the 15th.  
4 Let's make sure we can know it was the 15th.

5 Last Saturday, do you remember  
6 what you did?

7 A. No.

8 Q. Okay. Last Saturday would have been  
9 the 29th.

10 A. Yeah.

11 Q. Was your interview on the 29th?

12 A. No.

13 Q. One Saturday from that, the 22nd, would  
14 that have been the date of your interview?

15 A. I can't remember.

16 Q. Was your interview before or after you  
17 went to the police?

18 A. It was before.

19 Q. Okay. And do you recall giving a  
20 statement to the police associated with this  
21 particular case?

22 A. Yes.

23 Q. Showing you a copy of your statement.  
24 I'll ask you -- on the top it says voluntary  
25 statement, page 1, and underneath that appears your

1 name; is that correct?

2 A. Yes.

3 Q. I want you to look at that real briefly  
4 and tell me if those are the answers that you gave  
5 to the police that day?

6 A. Is this the same one I read through?

7 Q. Does that appear to be the same  
8 statement that you previously reviewed?

9 A. Yes.

10 Q. On the front -- on the front of the  
11 statement somewhere in the body of it it is dated,  
12 right in the center paragraph?

13 A. 8/17/98.

14 Q. 8/17 is right here.

15 A. Yeah. So it was the 15th.

16 Q. So your interview was definitely the  
17 15th?

18 A. Yeah, definitely.

19 Q. I want to make sure we're correct on  
20 dates today.

21 On the 15th then tell me what  
22 kind of interview was this for.

23 A. For Stallion Mountain Country Club.

24 Q. What kind of job were you applying for?

25 A. Outdoor services.

1 Q. Do you recall what time your interview  
2 was scheduled at?

3 A. 12:30.

4 Q. And what time were you getting prepared  
5 for your interview?

6 A. I got to my house from B.J.'s house at  
7 like between 9:30 and 10:00 because I had to wash my  
8 shirt and tie that I was wearing for my job  
9 interview.

10 Q. You say B.J.'s house, you mean Bryan  
11 Johnson?

12 A. Bryan Johnson.

13 Q. You got home 9:30, 10:00 o'clock?

14 A. Yeah.

15 Q. At Everman?

16 A. Yeah.

17 Q. Who was at the house when you got  
18 there?

19 A. Tod Armstrong, Donte Johnson, Red, and  
20 Lala.

21 Q. Okay. Let me make sure we introduce  
22 everyone here.

23 You mention the name Red. Who  
24 is Red a friend of?

25 A. Donte Johnson.



1 Q. Does Donte Johnson also have a street  
2 moniker or street name?

3 A. Yeah.

4 Q. What's his street name?

5 A. Deko.

6 Q. You say his friend is Red, R-e-d?

7 A. Yeah.

8 Q. Do you know Red's given or birth name?

9 A. No, sir.

10 Q. And you mention the name Lala. Who is  
11 Lala?

12 A. That is Deko's girlfriend.

13 Q. Is Lala, is that her actual birth name?

14 A. I don't know.

15 Q. Do you call her any other name other  
16 than Lala?

17 A. No.

18 Q. Once you got home did you speak to the  
19 persons you mentioned?

20 A. Yes.

21 Q. Okay. What did you say to them?

22 A. Well, I didn't say nothing to them at  
23 first when I first got there. That's when this was  
24 on the news and everybody was watching it.

25 Q. Where was the TV in the house?

1 A. In the living room.

2 Q. Do you recall what channel you were  
3 watching?

4 A. Either 8 or 5. That's all I ever  
5 watch. I think it was Channel 8.

6 Q. What is it that you saw on the news?

7 A. Just that there was a quadruple murder.

8 Q. Okay. Did it list the names of the  
9 persons that were murdered?

10 A. No, I don't think so.

11 Q. Did it list the residence where the  
12 murder occurred?

13 A. Yeah.

14 Q. Do you actually know the address?

15 A. No, I don't. 48 something. I don't  
16 know.

17 Q. That's fair. All I want is what you  
18 know.

19 A. All right.

20 Q. When you saw it on the news, what did  
21 you think to yourself?

22 A. That I knew the kids that -- I  
23 recognized the house because I'd been there before,  
24 and I knew two of the people. I knew three of the  
25 four people that lived in the house.

1 Q. What three people did you know that  
2 lived in that house?

3 A. Matt Mowen, Tracey, and Nick. I don't  
4 know their last names. They're brothers.

5 Q. Tracey and Nick are brothers?

6 A. Yeah.

7 Q. You don't know Tracey or Nick's last  
8 name?

9 A. No. It starts with a G.

10 Q. How did you know Matt?

11 A. I went to high school with him and  
12 junior high school.

13 Q. What high school was that?

14 A. Greenspun Junior High and Green Valley  
15 High School.

16 Q. How did you know Tracey and Nick?

17 A. I knew Nick from -- I think it was  
18 junior high too, and I knew Tracey through Nick. I  
19 used to get rides with them to school a couple of  
20 times.

21 Q. Approximately how many times had you  
22 been to the house where these fellows lived?

23 A. Like two or three times.

24 Q. Had any of the three persons been over  
25 to your house on Everman?

1 A. Yes.

2 Q. Which one of them or had all of them  
3 been?

4 A. All of them had been there before, but  
5 Matt is the one that came over that had met Deko.

6 Q. How many times -- say 30 days prior to  
7 August 15th, approximately how many times had Matt  
8 been over to your house on Everman?

9 A. Well, I can remember like three times,  
10 maybe three or four times.

11 Q. During those three or four times had  
12 you been present when Matt had met other persons at  
13 your house?

14 A. Like two of the times.

15 Q. Who had Matt met over at your house?

16 A. Donte Johnson.

17 Q. Anybody else?

18 A. And Red.

19 Q. And do you know what Matt's involvement  
20 or association was with Donte Johnson and Red?

21 A. Yes. He was buying drugs off of Donte.

22 Q. Did Donte commonly sell drugs from the  
23 residence at Everman?

24 A. No. He -- Matt and them was the only  
25 ones that bought drugs out of that house.

1 Q. Matt would buy drugs from Donte?

2 A. Yeah.

3 Q. Do you know what kind of drugs it was?

4 A. Crack cocaine.

5 Q. Do you know if Matt Mowen was -- did  
6 more than just use drugs? Did he sell drugs?

7 A. Yes.

8 Q. How did you know that?

9 A. He told me.

10 Q. Okay. Were you present when Matt had  
11 ever spoken about selling drugs?

12 A. Yes.

13 Q. Who else was present?

14 A. Donte Johnson, Red, and pretty sure Tod  
15 Armstrong too.

16 Q. And do you recall what that  
17 conversation was about, what was said?

18 A. That he followed the rock concert  
19 Phish, and he was selling like a hundred sheets of  
20 acid a day.

21 Q. Are you familiar with the rock group  
22 Phish?

23 A. No.

24 Q. Did Matt Mowen indicate how much moneys  
25 he made as a result of following this rock band and

1 selling acid?

2 A. He said he made a lot. I remember him  
3 saying that.

4 Q. Did Donte Johnson say anything about  
5 the moneys that Matt had made?

6 A. No.

7 Q. Can you give me an approximate date as  
8 to when that conversation would have taken place  
9 prior to August 15th, how many days before August  
10 15th?

11 A. It had to have been two weeks before  
12 because it was before I moved out.

13 Q. When did you actually move out of the  
14 place on Everman?

15 A. About like around the 1st. Two weeks  
16 before around the 1st, I guess.

17 Q. You think you moved out of Everman on  
18 August 1st?

19 A. Yeah.

20 Q. If you moved out of Everman on August  
21 1st, why is it you were going over to there to  
22 change on the 15th?

23 A. My stuff was there. I did not move to  
24 B.J.'s, to Bryan Johnson's house yet. I was just  
25 staying there.

1 Q. You started staying at Bryan Johnson's  
2 house pretty regularly on August 1?"

3 A. Every day.

4 Q. Your stuff was still over at Everman?

5 A. Yeah.

6 I had like maybe four outfits  
7 with me at Bryan Johnson's house, but the rest of  
8 the stuff, especially my dress stuff, that I didn't  
9 wear like every day, was still there. I wasn't  
10 going to move out. I just told Tod I was leaving  
11 until they got out.

12 Q. Until who got out?

13 A. Deko and Red.

14 Q. And why were you leaving until Deko and  
15 Red got out?

16 A. Because they were talking about other  
17 stuff before I left.

18 Q. Okay. Did the thing -- and I don't  
19 want to get into the other stuff. Did the other  
20 things that they were talking about make you  
21 uncomfortable?

22 A. Yes.

23 Q. Did they cause you fear for your safety  
24 or for others safety?

25 A. Something like that, yeah.

1 Q. I understand.

2 While the news was on and you  
3 said to yourself you knew the kids that lived at the  
4 house, was there any other conversation amongst the  
5 people that were there?

6 A. Yeah.

7 Deko and Red, after they had --  
8 after they were sitting there talking about it, I  
9 was like they knew I knew them, and I recognized the  
10 house. And I was like I was standing there, and Tod  
11 was sitting there, and everybody was sitting there.  
12 I was telling them that that was Matt, Tracey, and  
13 Nick's house, and Deko and Red went up -- got up and  
14 went in the back room and started talking. I don't  
15 know what they were saying to each other.

16 Q. Let me tell you -- have you tell these  
17 people about the conversation as Tod, yourself, Deko  
18 and Red sat there.

19 What was it that, first of all,  
20 that Donte Johnson was saying to Red and to you and  
21 to Tod as the news was going?

22 A. He wasn't saying nothing.

23 Q. Okay. What was Red saying as the news  
24 was going?

25 A. Nothing.



1 Q. Okay. So were you the first one to  
2 speak about this news episode?

3 A. Yeah, I think so. I don't remember. I  
4 was just saying that that was Nick and Matt's house.

5 Q. Once you said that did anyone say  
6 anything back to you?

7 A. I think Deko and them had left the room  
8 and then that's when Tod -- Tod was the first one to  
9 tell me about it, and then when I confronted Deko  
10 and Red about it is when they told me what happened.

11 Q. Let's talk about that then.

12 After Red and Donte Johnson  
13 leave the room you said you then confronted those  
14 two?

15 A. Yeah. Like they came -- they came back  
16 out.

17 Q. How many minutes later?

18 A. 15 minutes later.

19 Q. And what is it that you say to them?

20 A. When it first went down, I didn't have  
21 no clue it was them two that did it. And then they  
22 said that -- I don't remember exactly what I asked  
23 them, but I was saying that Tod had told me what  
24 happened. And they said, yeah, we went there that  
25 Thursday night, or whatever night it was, to rob

1       them from all the money, and they came out with 240  
2       bucks.

3               Q.       Who told you -- when you say they went  
4       there, who was actually speaking?

5               A.       Donte Johnson.

6               Q.       What did Donte Johnson specifically  
7       say?

8               A.       He said that he went -- he went into  
9       their house, that Matt Mowen was sitting out front  
10      watering the grass. And I think that's the only one  
11      he knew the name because those two were the ones who  
12      dealt together, drinking a beer. And he walked --  
13      he pulled in with the car in their driveway. He  
14      told them to get in the house. He say, "Get in the  
15      house. Get in the house."

16                      And just him -- just Matt and  
17      one other guy was in there he said at the time, and  
18      he -- he said he tied them up, and he was telling  
19      them, you know, where's the money, this and that.  
20      They were telling them, "We don't have nothing. We  
21      don't have nothing." Then someone else came and  
22      knocked on the door, and then he told them, "Get in  
23      here. Get in here."

24                      He tied that person up too, and  
25      then he went -- he told me that he had pulled his

1 car in the driveway and then the fourth victim that  
2 came had pulled in behind him. And Donte said he  
3 went outside and told him, "Back up. Back up. I  
4 need to get my car out of the driveway."

5 So the guy backed up. Donte  
6 backed up, and the fourth person had pulled into the  
7 driveway. Donte pulled in behind him and said he  
8 got out of the car with a gun and told him to get in  
9 the house too. That's the one -- the Mexican guy.  
10 That's the one that he said made him kill them  
11 because he was talking crap to him saying --  
12 thinking it was funny and trying to tell him, "You  
13 ain't going to do nothing to me," and this and that.  
14 And that's what Deko said set him off.

15 Q. Okay. Now, those are the things that  
16 Deko or Donte Johnson said to you?

17 A. Yes.

18 Q. Where was Red when this conversation  
19 was going on as Deko was speaking to you?

20 A. I think he was sitting right there.  
21 I'm not sure though.

22 Q. Did Donte Johnson tell you if he had a  
23 partner in this, in these activities?

24 A. Yes. He never told me, but Red would  
25 tell me the same things too that like they had --

1 Q. I want to build into that.

2 During the conversation as Donte  
3 spoke to you, did Red ever join in the conversation?

4 A. Yeah. I can remember once that Donte  
5 loves animals, and he said something about they had  
6 dogs in the house and Red was, "Man, I was like  
7 telling him to kill the dogs too."

8 Q. So Red joined in the conversation?

9 A. Yeah. Joined in the conversation. I  
10 told him, "Man, get rid of the dogs too."

11 MR. GUYMON: Just as a caveat for the  
12 Grand Jurors, I'm going to elicit some of Red's  
13 statements as a co-conspirator statement. I would  
14 ask you to consider those statements if, in fact,  
15 you conclude that we have proven by slight or  
16 marginal evidence that this is a conspiracy, then  
17 the statements of Red would be admissible as they  
18 relate to Donte Johnson.

19 Have you received instruction  
20 regarding the co-conspirator instruction before?

21 THE FOREMAN: Yes.

22 MR. GUYMON: Is my statement  
23 consistent with your understanding of a  
24 co-conspirator statement?

25 THE JURY: (in unison) Yes.

1 BY MR. GUYMON:

2 Q. During the conversation you said Red  
3 joined in and indicated that he wanted to kill the  
4 dog.

5 Is that what you said?

6 A. Yes. That he said to go ahead and kill  
7 the dogs.

8 And I think right around that  
9 time is when Deko had said that he -- the guy that  
10 they first shot was in the back bedroom. The other  
11 three were in the front, and Deko did that because  
12 he was the one yelling -- that kid was telling Deko,  
13 "You ain't going to do nothing to me." Deko said he  
14 was roughing him up, and he shot that kid first.  
15 And then he came out and Red had -- Red said that he  
16 shot. I don't know how many he shot. He shot them.

17 And then as we were talking  
18 about it, Deko said that it was -- there was blood  
19 coming out the back of their head like Niagara  
20 Falls. It was funny. They thought it was a game.  
21 Red was sitting there laughing saying that yeah,  
22 they made a comment about how one of the victims did  
23 whenever they got shot or something.

24 Q. I'm sorry. I didn't hear you.

25 A. They were making a comment like on how

1 the first guy that got shot, when they shot him in  
2 the head he shook and made a weird noise.

3 Q. Who was making that comment about the  
4 first guy that was shot shook and made a weird  
5 noise?

6 A. Actually Deko had said when the first  
7 guy I shot --- when I shot him, he like was shaking,  
8 and Red was like, yeah, man. He was like  
9 (unintelligible sound). You know, he like grunted  
10 real loud. He said he grunted.

11 Q. In the conversations, was it clear to  
12 you who shot the first person?

13 A. Yeah.

14 Q. Who said they shot the first person?

15 A. Donte said he shot the first person.

16 Q. As the conversation then continues, was  
17 it clear to you who shot the other three persons?

18 A. No, but I know Red was a shooter too  
19 because he -- Donte said he came out and Red was  
20 starting to shoot the next guy because he said if we  
21 did one, we had to do them all.

22 Q. Who said if we did one, we had to do  
23 them all?

24 A. Red said -- that's what he was saying  
25 to Deko. This is right around the time they were

1 talking about the dogs.

2 Q. Did -- when Red said that, did Deko  
3 agree with that in the conversation?

4 A. I don't remember.

5 Q. Okay. If you can finish up the  
6 conversation that you had with Donte and Red.  
7 Anything else said about the incident as you stood  
8 there and talked with them?

9 A. No, not that I remember.

10 Q. As you had the conversation, Donte was  
11 there, Red was there, you were there. Anyone else  
12 that was there?

13 A. I think Tod was.

14 Q. Do you recall what room of the house  
15 you were in when this conversation transpired?

16 A. Yeah. I was -- we were standing in  
17 the -- there's like a doorway for our living room,  
18 like in the hallway and then the living room. I can  
19 remember I was standing there. I had walked from  
20 the bathroom when I first started asking Deko about  
21 it, and he followed me out into the living room and  
22 was talking about it. We stopped right there and  
23 started talking about it.

24 Q. How long in total did the conversation  
25 last?

1 A. 20 minutes.

2 Q. How did the conversation -- what Donte  
3 and Red were telling you, how did it make you feel?

4 A. I don't even know. I was just  
5 disgusted, and it was two of my friends that they  
6 killed.

7 Q. Can you tell me what the tone of  
8 Donte's voice was when he talked about this?

9 A. Just he was nonchalant about it.

10 Q. Did you think that he was serious, or  
11 did you think he was simply bragging?

12 A. I thought he was serious.

13 Q. How about Red? Did you sense that Red  
14 was serious as he spoke to you?

15 A. Yeah.

16 Q. Or did you think he was joking?

17 A. I thought he was serious too.

18 Q. Why?

19 A. Just how they were talking about it I  
20 was -- just how they were telling us all the details  
21 about it.

22 Q. You mentioned in the conversation that  
23 Donte had spoke about tying these kids up?

24 A. Yeah.

25 Q. Did he say how he tied them up or with



1        what he tied them up?

2            A.        No. He said we just tied them up. He  
3        didn't say with what, that I remember.

4            Q.        Did that conclude the conversation then  
5        and did you go off to your interview at that point?

6            A.        Yeah, I think so.

7            Q.        Was there any conversation about how  
8        much moneys or what properties were taken from these  
9        kids?

10          A.        No. He just said that they got 240  
11        bucks.

12          Q.        Who said 240?

13          A.        Deko.

14          Q.        Did they -- was there any conversation  
15        about any other materials that they took from the  
16        kids?

17          A.        No.

18          Q.        Did there come a point in time when  
19        there was a conversation with Tod, Donte, and  
20        yourself about a pager?

21          A.        Yes.

22          Q.        When did that conversation happen?

23          A.        That was -- that was -- that was what  
24        closed the last, before I left for my interview. I  
25        was standing in the utility room. I can remember

1 this. I was tying my tie, and Red -- it was me,  
2 Tod, and Red, and Deko. And Tod was -- I think he  
3 just got out of the shower or something. He came in  
4 and was telling Deko that he wanted the pager that  
5 he seen him with earlier that day because Tod was  
6 still staying there. Tod had broken his. He threw  
7 it against the wall.

8 Q. Had you seen Donte Johnson with a pager  
9 earlier that day?

10 A. No.

11 Q. Had you ever seen Donte Johnson or Red  
12 with pagers?

13 A. Their own.

14 Q. Okay.

15 A. And it was a blue pager. And Deko's  
16 supposedly a Blood and his is red, I remember, for  
17 Blood gang. So Tod was like, well, let me get the  
18 pager because, you know, they -- it ain't their  
19 color anyway because it was blue. And Red was like  
20 no, and he said it was the victim's. And then Deko  
21 was like don't even worry about it. We buried it.

22 Q. So Red said it was one of the victim's?

23 A. Yeah.

24 Q. And it was Deko or Donte Johnson that  
25 said we buried the pager?

1 A. Yes.

2 Q. Did you know where they buried this  
3 particular pager?

4 A. No. They didn't say.

5 Q. And so let me make sure the record is  
6 clear.

7 The person you identified as  
8 Donte Johnson, that is also Deko, is it not?

9 A. Yes.

10 Q. After your interview did you go back to  
11 the house on the 15th?

12 A. No.

13 Q. Was Bryan -- is it Bryan Johnson?

14 A. Yeah.

15 Q. Was Bryan Johnson with you on the 15th  
16 when you got ready for your interview?

17 A. He had an interview. Me, Tod and B.J.  
18 all had interviews.

19 Q. Was Bryan Johnson part of this  
20 conversation where Donte Johnson and Red were?

21 A. I'm sure the whole 20 minute  
22 conversation that we had how they did it, B.J. was  
23 sitting there --

24 Q. Now, after your --

25 A. -- in the room with us.

1 Q. You and Bryan both went to the  
2 interview?

3 A. Me, Bryan, and Tod.

4 Q. After your interview did you return to  
5 the house?

6 A. No.

7 Q. Why not?

8 A. Because we had got a ride with Tod's  
9 girlfriend Brandi, and she had to get home. So I  
10 think -- I think she dropped us off at the mall  
11 because we were going to go to B.J.'s house so --

12 Q. Did you go back to the house on the  
13 15th or 16th to stay there on Everman?

14 A. No.

15 Q. Why not?

16 A. Because I thought that we were next  
17 because they would -- like before I left, before the  
18 two weeks, I thought that something was going to  
19 happen to us because they just -- they get high and  
20 walk around the house, and Skell and Deko and Red  
21 would just be like, "Are you ready?" You know, are  
22 you ready with all the guns. They had a bag full of  
23 guns. I mean I had a couple of times where Tod came  
24 to me and said are they talking about are you ready  
25 to get us?

1 MR. GUYMON: Let me give the Grand  
2 Jurors two admonitions.

3 There was a comment earlier  
4 about the pager being blue and Donte Johnson being a  
5 Blood. I ask that you not consider his affiliation  
6 with any criminal gang as guilt or innocence as it  
7 relates to this hearing today and also the drug use.

8 I probably should give you a  
9 warning that you'll hear about drug use on the part  
10 of many persons here. I ask you to consider that,  
11 for instance, the state of mind that is fixed by the  
12 witnesses that as they talk about that not so much  
13 as guilt or innocence as it relates to controlled  
14 substance or possession thereof.

15 BY MR. GUYMON:

16 Q. You indicated that -- you mentioned an  
17 extra name here. Now, I want to make sure that all  
18 of the Grand Jurors know who is Skell?

19 A. Skell is one of Deko's friends.

20 Q. Is it Skill or Skell?

21 A. Skell.

22 Q. S-k-a-l-e?

23 A. I don't know.

24 Q. You indicated that you previously saw  
25 Donte Johnson and Red have guns at the house?

1 A. Yes.

2 Q. Can you indicate what period of time --  
3 use the calendar, or if we don't have the date when  
4 you saw them with the guns that you're talking  
5 about?

6 A. It was before -- probably before  
7 August, late August. I mean it was probably late  
8 July.

9 Q. Okay. And describe the guns that you  
10 saw. Who had the guns, first of all?

11 A. Donte and Red.

12 Q. And how many guns were there?

13 A. They had about five or six guns, maybe  
14 more than that.

15 Q. What style or type of guns were they?

16 A. They had a couple of rifles, like .22  
17 rifles, a .38, a .380. They had like a pistol grip  
18 with a little banana clip on it and stuff, and then  
19 they had a real big gun. They called it a .30-30.  
20 It had a banana clip. It was real big.

21 Q. Where did they keep the guns?

22 A. In a duffel bag in the closet.

23 Q. What color was the duffel bag?

24 A. Black.

25 Q. How regular did Donte Johnson and Red

1 stay there at the house on Everman?

2 A. Every night.

3 Q. For how long, approximately?

4 A. About a month.

5 Q. About a month?

6 A. About a month.

7 Q. And do you know who originally invited  
8 Donte and Red to the house?

9 A. It was kind of a messed up situation.  
10 He had called and said that he needed to come up  
11 here and stay.

12 Q. Who called?

13 A. Donte. This is when our phone was  
14 hooked up.

15 Q. Who did he call?

16 A. He called me.

17 Q. And how did he have your number? Had  
18 you met him earlier --

19 A. Yeah.

20 Q. -- and exchanged numbers?

21 A. Yes.

22 Q. Had you telephonically called Donte  
23 Johnson before he called you?

24 A. No.

25 He called -- he had called and

1        said he needed to come up there, and I had got him a  
2        room before that at the Thunderbird. So he called  
3        and said, "I'm coming up there." So he came up  
4        there and just moved in. Like no one really told  
5        him he was staying there or not. He just -- every  
6        night he was there.

7                Q.        Now, who was the person that was in  
8        charge of the house on Everman?

9                A.        Tod Armstrong.

10              Q.        Did you know whether or not Tod wanted  
11       these guys to stay indefinitely?

12              A.        He didn't, but you really -- I mean  
13       he'd say something to him, and they'd just blow it \*  
14       off like all right.

15              Q.        Is there a reason why you didn't tell  
16       these two, Donte Johnson and Red, to leave the  
17       Everman house?

18              A.        No. I just -- I mean I didn't know  
19       what to say. You know, they -- like we mentioned  
20       like you guys got to go. Girls are coming over or  
21       something. They'd be like okay. Hopefully they'd  
22       get their stuff and leave. We were hoping they  
23       wouldn't come back, and they'd come back early in  
24       the morning and go to sleep.

25              Q.        When they'd come back, did you tell



1           them they weren't welcome any more?

2           A.     No.

3           Q.     What room would Donte and Red stay in  
4           when they'd come back?

5           A.     They'd stay in the master bedroom.

6           Q.     If this was Tod's place, and he was in  
7           charge, why wasn't Tod staying in the master  
8           bedroom?

9           A.     He didn't like the master bedroom. The  
10          whole six months that we lived in the house he never  
11          went in the master bedroom. He rented it out to  
12          another kid a while back. That room was 250 a month  
13          and the other rooms was 200 a month.

14          Q.     Do you have personal knowledge as to  
15          whether or not Donte and Red were paying rent?

16          A.     No, they weren't.

17          Q.     Were you paying rent at the house?

18          A.     Yes.

19          Q.     Now, what was your rent?

20          A.     It was just 200 bucks a month, and we  
21          just would share the bills.

22          Q.     I want to show you State's Exhibits 6,  
23          7, 8, 9, 10 and 11, and ask you if you can identify  
24          what's depicted there?

25          A.     That's my front door.

1 Q. The first one is of the Everman house?

2 A. That's my front door.

3 Q. Does it clearly depict the Everman  
4 house and the front door?

5 A. Yes.

6 Q. The next one, Number 7. Do you  
7 recognize Number 7?

8 A. Yes. Those are Donte Johnson's shoes  
9 and one of their black pants.

10 Q. And how about 8? Do you recognize  
11 what's depicted in Number 8?

12 A. Yes. That's their bag with the duct  
13 tape.

14 Q. Okay. You say that's the bag. Is that  
15 the bag that the guns were placed in?

16 A. I don't know. I thought the bag was  
17 all black though that -- I never really paid  
18 attention to their stuff. I never got into their  
19 business while they were there, but I thought the  
20 bag was all black.

21 Q. Have you ever looked at the inside of  
22 the bag to see the color of the inside?

23 A. No. I never paid any attention. I  
24 just seen them load the guns into the bag.

25 Q. What color was the outside?

1 A. Black.

2 Q. Showing you State's Exhibit Number 9.  
3 Do you recognize Number 9?

4 A. Yes. This is our -- that's the master  
5 bedroom.

6 Q. And whose belongings are those?

7 A. That's their pants.

8 Q. Who is "their"?

9 A. Red and Deko's.

10 That's the gun, one of the guns  
11 that I was talking about. That's Deko's. And those  
12 are Red's shoes, and those are Deko's shoes, Fubus?

13 Q. Deko's shoes, you called them Fubus?

14 A. Yeah.

15 Q. F-u-b-u?

16 A. Yeah.

17 Q. Number 10, do you recognize that?

18 A. Yes.

19 Q. Is that a closer picture of the gun  
20 that was depicted in 9?

21 A. Yes.

22 Q. That's the master bedroom?

23 A. Yes.

24 Q. Number 11, do you recognize it?

25 A. Yeah. That's our living room.

1 Q. Whose items of clothing are draped  
2 across that sofa?

3 A. I'm not sure. It must be one of their  
4 black pants. I got mine, and Tod said he had his.

5 MR. GUYMON: I move for admission of  
6 Exhibits 6 through 11 and ask to publish them.

7 BY MR. GUYMON:

8 Q. Now, then, I showed you a statement  
9 that was dated the 17th which would be a Monday.

10 Is there a reason why you didn't  
11 go to the police with this information on Saturday,  
12 the 15th?

13 A. No. I didn't know what we were going  
14 to do. It was mentioned, but there's no reason why  
15 we didn't.

16 Q. Excuse me?

17 A. It was mentioned if we should or not,  
18 but I didn't -- we didn't know if we were going to  
19 go. We didn't know what we were going to do yet.

20 Q. Did you call the police on the 15th?

21 A. No.

22 Q. Why didn't you call them on the 15th if  
23 you thought about it?

24 A. I was scared to even say anything at  
25 all.

1 Q. Why?

2 A. Just because I didn't want them coming  
3 back on me.

4 Q. On the 16th, did you talk with B.J. and  
5 Tod about going to the police?

6 A. Yeah.

7 A detective got ahold of my  
8 girlfriend, and she called me and said that he needs  
9 to talk to you. So I went and called him. And then  
10 that's when I said that we might as well tell the  
11 truth.

12 Q. So you told all the guys that --

13 A. Yeah.

14 I told -- Tod came over later  
15 that day. I think he was at Brandi's house. I told  
16 him to call this detective and the detectives knows  
17 already.

18 Q. And did you tell the detective that on  
19 the 17th what happened?

20 A. Yes.

21 Q. Have you had any contact with either  
22 Donte Johnson or Red since the 17th speaking to the  
23 police?

24 A. Huh-uh.

25 Q. Is that a no?

1 A. No.

2 MR. GUYMON: I have no other  
3 questions. I'll turn it over to the Grand Jurors.

4 BY A JUROR:

5 Q. B.J., is that a brother of somebody?

6 A. No. That's just one of our friends,  
7 Bryan Johnson.

8 Q. He's white then?

9 A. Yeah. It's a white guy.

10 BY A JUROR:

11 Q. I am assuming that the house was  
12 rented?

13 A. Yes.

14 Q. Or did someone own it?

15 A. Tod Armstrong's mother owned it, and  
16 she rented it to us.

17 Q. I see.

18 BY A JUROR:

19 Q. What kind of personalities did these  
20 two guys have, Donte and Red? Were they --

21 A. To tell you the truth, they were kind  
22 of funny. You know, they were always messing around  
23 and just make funny jokes when they're around.

24 Q. Did you ever fear either one of them  
25 before or after the incident?

1 A. Yeah.

2 After, not now. Before I even  
3 moved out I did a couple of times because Tod  
4 brought it to my attention that he thought maybe  
5 they were going to do something to us, and I was  
6 just kind of like shaken up.

7 BY A JUROR:

8 Q. You mentioned he called you. What, did  
9 he call you from California?

10 A. No.

11 Q. New York or where?

12 A. I don't know where he was. In town.

13 Q. He was here in town?

14 A. Yeah. I don't know where he called me  
15 from though. He said he was coming up there and  
16 that he needed to stay there for the night.

17 Q. He was coming up there?

18 A. Up to our house to stay the night.

19 Q. The drugs Donte was -- you said  
20 something about a concert?

21 A. A concert?

22 Q. Yeah. A rock band or something that  
23 you guys --

24 A. Phish. It was a rock group that Matt,  
25 Tracey, and Nick followed around.

1 Q. And Donte supplied the drugs for the  
2 concert?

3 A. Donte had nothing to do with the Phish  
4 concerts. They would just sell -- they were saying  
5 they were selling acid. Donte had nothing to do  
6 with that. Donte had sold the Matt kid crack  
7 cocaine.

8 BY MR. GUYMON:

9 Q. Just to make sure we have a  
10 clarification.

11 At Phish concerts, you only  
12 associate Matt with the Phish concerts?

13 A. No. Matt, Tracey, and Nick, but Nick  
14 and Tracey, they had like a van that they sold  
15 pizza. They made pizza. It was kind of like the  
16 Grateful Dead thing when they have all of the people  
17 out there. I can only recall Matt saying that they  
18 were selling sheets of acid and making good money.

19 Q. And we're talking about the Grateful  
20 Dead, we're talking about traveling with the band  
21 stop to stop?

22 A. Yeah.

23 Q. Donte was not, however, associated with  
24 drug activity as it relates to Phish?

25 A. No.



1 MR. GUYMON: That's it. Thanks.

2 A JUROR: He keeps referring to one of  
3 the victims as Nick.

4 MR. GUYMON: Actually he's referring  
5 to Nick as a person that lives there.

6 THE WITNESS: That's Tracey's little  
7 brother.

8 BY A JUROR:

9 Q. Was Donte from a gang in California,  
10 the Bloods or something?

11 MR. GUYMON: Actually I'm going to ask  
12 that he not answer that question.

13 A JUROR: All right.

14 THE FOREMAN: Any other questions?

15 BY A JUROR:

16 Q. How did you happen to befriend Donte  
17 and get him a room at the Thunderbird?

18 A. I met him in jail a long time ago and  
19 then saw him at the Stratosphere Tower the day I got  
20 the room. I ran in to him, and then that's when Red  
21 had recognized Tod from Chaparral High School, I  
22 think it is, and he said can you get me a room  
23 because he didn't have an ID.

24 MR. GUYMON: Just an admonition with  
25 regard to where the two of them met. I would ask

1       that you not consider that in your determination in  
2       regards to probable cause, the fact that either of  
3       these two were in jail on unrelated charges.

4       BY THE FOREMAN:

5               Q.     You said earlier that Matt got his  
6       stuff from Donte. Was that for Matt's own use or  
7       was that for --

8               A.     Yeah.

9               Q.     And what kind of a drug was that that  
10      he was getting from Donte?

11              A.     Crack cocaine.

12      BY MR. GUYMON:

13              Q.     I have one additional question that I  
14      failed to ask, if I might ask.

15                      Did you know Donte Johnson to  
16      smoke any particular type of cigar or cigarette?

17              A.     Yes. He smoked Black and Mild cigars,  
18      or Black and Gold, or Black and Mild, that type.  
19      Black and something cigar.

20              Q.     Were you familiar with the packaging of  
21      Black and Mild cigars?

22              A.     Yes. I smoked them before.

23              Q.     What style of packaging is it?

24              A.     They're just -- I don't know how many  
25      comes in it, but it's real thin. It's not like a

1 regular big long package. It's thin.

2 Q. Do you recall what color the packages  
3 are?

4 A. They're -- it's like -- I think it's  
5 black on the bottom. I know it says like in a slant  
6 Black and Mild, or Black and Gold, or whatever it  
7 is.

8 Q. Did you ever see Red smoke Black and  
9 Milds?

10 A. No. I can't remember if I ever seen  
11 him. I know Deko did though.

12 Q. How common or how regular did Deko  
13 smoke Black and Milds?

14 A. Like smoking cigarettes. Quite a bit.

15 Q. Lastly, showing you what has been  
16 marked as State's Exhibits Number 14 and 15 which  
17 we'll have some subsequent testimony of.

18 Do you recognize this package  
19 here?

20 A. It's Black and Milds.

21 Q. Is that the packaging that Black and  
22 Milds come in?

23 A. Yes.

24 Q. Is that the style of package that you  
25 saw Donte Johnson with?

1 A. Yes.

2 MR. GUYMON: Okay. I'll move and ask  
3 for permission to publish them.

4 And with that, I have no other  
5 questions.

6 BY A JUROR:

7 Q. To your knowledge, was Donte and Red,  
8 were they together very often?

9 A. Yeah. They were inseparable. They  
10 were together all the time.

11 MR. GUYMON: Any other questions?

12 (No response.)

13 THE FOREMAN: Hearing no more questions  
14 from the panel, by law, these proceedings are  
15 secret, and you are prohibited from disclosing to  
16 anyone anything that transpired before us including  
17 evidence presented to the Grand Jury, any event  
18 occurring or a statement made in the presence of the  
19 Grand Jury, or information obtained by the Grand  
20 Jury.

21 Failure to comply with this  
22 admonition is a gross misdemeanor, punishable by a  
23 year in the Clark County Detention Center and a  
24 \$2,000 fine. In addition, you may be held in  
25 contempt of court punishable by an additional \$500

1 fine and 25 days in the Clark County Detention  
2 Center.

3 Do you understand this  
4 admonition?

5 THE WITNESS: Yes, sir.

6 THE FOREMAN: Thank you.

7 You may be excused.

8 (Witness excused.)

9 THE FOREMAN: Please raise your right  
10 hand and be sworn in.

11 You do solemnly swear that the  
12 testimony that you are about to give upon the  
13 investigation now pending before this Grand Jury  
14 shall be the truth, the whole truth and nothing but  
15 the truth, so help you God?

16 MR. ARMSTRONG: Yes, I do.

17 THE FOREMAN: And you are here today to  
18 give testimony in the investigation pertaining to  
19 the offenses of burglary while in possession of a  
20 firearm, murder with use of a deadly weapon, robbery  
21 with use of a deadly weapon, and first degree  
22 kidnapping with use of a deadly weapon involving  
23 Donte Johnson as set forth in the proposed  
24 Indictment?

25 MR. ARMSTRONG: Yes.

1 THE FOREMAN: Please be seated in front  
2 of the microphone.

3  
4 TOD ARMSTRONG,

5 having been first duly sworn by the  
6 Foreman of the Grand Jury to testify to  
7 the truth, the whole truth and nothing  
8 but the truth, testified as follows:

9  
10 EXAMINATION

11  
12 BY MR. DASKAS:

13 Q. Tod, if you would state your name for  
14 the record and spell your first name and last name?

15 A. Tod, T-o-d, Armstrong,  
16 A-r-m-s-t-r-o-n-g.

17 Q. Tod, let me direct your attention to  
18 the early part of August of this year, 1998.

19 Where were you living at that  
20 time?

21 A. 4815 Everman Drive.

22 Q. Is that here in Las Vegas, Clark  
23 County, Nevada?

24 A. Yes.

25 Q. And who actually owned the house on

1 Everman?

2 A. My mother, Cheryl Stevens.

3 Q. Did anybody live there on a permanent  
4 basis besides yourself?

5 A. Myself and Ace Hart.

6 Q. Ace is the gentleman that just walked  
7 out of the Grand Jury room?

8 A. Yes.

9 Q. How many bedrooms is the house on  
10 Everman?

11 A. Three. It's considered a four bedroom,  
12 but it's really three.

13 Q. What bedroom did you stay in?

14 A. I stayed in, well, the far right when  
15 you go down the hall.

16 Q. And what bedroom did Ace stay in?

17 A. The one right next to it.

18 Q. Were either of those two bedrooms  
19 considered the master bedroom?

20 A. No.

21 Q. Other than yourself and Ace, did  
22 anybody stay at the house on a part-time basis?

23 A. Yes. Deko or Donte Johnson, Red, and  
24 Lala.

25 Q. You mention three different people just

1 now; is that correct?

2 A. Yes.

3 Q. You mentioned the name Deko, and you  
4 said you know Deko by some other name?

5 A. Donte Johnson or John White.

6 Q. So you know him by three different  
7 names, I guess?

8 A. Yes.

9 Q. And you mentioned the name Red. Do you  
10 know Red's actual name?

11 A. No, I don't.

12 Q. Is Red a man or a woman?

13 A. Man.

14 Q. What race is Rod?

15 A. He's black.

16 Q. And you mentioned the name Lala?

17 A. Yes.

18 Q. Is Lala a man or a woman?

19 A. Woman.

20 Q. And what race is Lala?

21 A. She's black, Cuban.

22 Q. Describe for me whether Deko has any  
23 identifying marks or unique characteristics that  
24 would cause somebody to recognize Deko.

25 A. He has two tear drops tattooed on his



1 left eye, and he has C.K. tattooed on one of his  
2 hands on the web in between the pointer finger and  
3 the thumb.

4 Q. Let me show you what's been marked as  
5 State's Exhibit Number 3 and ask you if you  
6 recognize the person in that photograph.

7 A. Yes.

8 Q. Who is that?

9 A. That's Deko.

10 Q. That's State's Exhibit 3 that's marked  
11 on the back there?

12 A. Yes.

13 Q. Is that the same person you identified  
14 as Donte Johnson or John White?

15 A. Yes.

16 Q. How often did Deko stay in your house  
17 during the month of August 1998?

18 A. Just almost every night. He would come  
19 in and out though.

20 Q. Was there any relationship between Deko  
21 and Lala that you're aware of?

22 A. Kind of boyfriend, girlfriend.

23 Q. When Deko would stay in the house on  
24 Everman, was there any particular room where he'd  
25 stay?

1 A. Master bedroom, in the living room.

2 Q. Did Deko keep any of his belongings in  
3 the house?

4 A. Yes.

5 Q. Where would he keep his belongings?

6 A. The master bedroom and the living room.

7 Q. What about Red and Lala? Did they have  
8 any belongings in the house?

9 A. Lala didn't. She brought some like  
10 towards the last couple of days, some clothes, but  
11 they would be in the master bedroom or in the living  
12 room.

13 Q. If it was your mother's house, why is  
14 it that you wouldn't stay in the master bedroom?

15 A. Because the people that lived there  
16 before, the waterbed -- I helped them move, and I  
17 didn't want to move the waterbed into the master  
18 bedroom, so I just took that room.

19 Q. Was Deko paying rent when he stayed at  
20 the house?

21 A. No.

22 Q. What about Red or Lala?

23 A. No.

24 Q. Did you know Lala by any other names?

25 A. No.

1 Q. Who had keys to the house on Everman?

2 A. Ace and I, but there was only one set  
3 of keys, but it would go between Ace and me.

4 Q. How would Deko get in and out of the  
5 house?

6 A. The door would be unlocked or the  
7 bathroom window was broken out.

8 Q. Let me direct your attention to  
9 sometime around August 13th or August 14th, 1998.

10 And if it assists you, there's a  
11 calendar behind you that assists you as to what days  
12 those were.

13 As of August 13 and 14 were  
14 Deko, Lala, and Red staying at the house?

15 A. Yes.

16 Q. Let me direct your attention to August  
17 13th, 1998.

18 Do you recall when you were home  
19 that night?

20 A. I believe I was home that night, yeah.

21 Q. And do you recall who else was at the  
22 house on Everman in the nighttime on August 13th?

23 A. Lala was there, and then Deko and Red  
24 showed up later on.

25 Q. Do you recall what time Deko and Red

1       showed up at the house?

2               A.     It was after 12:00 o'clock midnight and  
3       before day, like before 5:00 a.m.

4               Q.     Okay. Where were you sleeping, if you  
5       were sleeping, when Deko and Red showed up?

6               A.     I was on the couch in the living room,  
7       the big couch.

8               Q.     You were sleeping on the couch that  
9       night?

10              A.     Uh-huh.

11              Q.     Is that a yes?

12              A.     Yes.

13              Q.     Let me see if I can clarify some of  
14       these dates.

15                               There's been some testimony  
16       about an interview that took place on Saturday, I  
17       believe the 15th of August. Do you recall going to  
18       an interview on that date?

19              A.     I don't recall. I'm sorry.

20              Q.     Do you recall whether Ace went to an  
21       interview sometime around August 15th, a Saturday?

22              A.     I don't. I don't recall what day. I  
23       know I had an interview with the Homicide  
24       detectives.

25              Q.     No, no, no. I'm talking about a job

1 interview.

2 A. Oh, a job interview?

3 Q. Yes.

4 A. Yeah. We had -- I had an interview for  
5 the golf course.

6 Q. Do you know the name of that golf  
7 course?

8 A. Stallion Mountain.

9 Q. Do you recall what day you had an  
10 interview?

11 A. I don't recall.

12 Q. Do you recall whether it was the same  
13 day that Ace had an interview with the golf course?

14 A. Yes, it was.

15 Q. It was the same day?

16 A. No. It was the same day that Bryan had  
17 an interview --

18 Q. Okay.

19 A. -- not Ace. Ace had already had it,  
20 talked to the person.

21 Q. Do you recall whether your interview  
22 with the golf course, the country club, was before  
23 or after Ace's interview?

24 A. It was after.

25 Q. Now, you mentioned waking up sometime

1 in the early morning hours when Deko and Red came  
2 home.

3 Do you recall that testimony?

4 A. Yes.

5 Q. Do you recall what time it was that  
6 Deko and Red came into the house?

7 A. No. It was after midnight.

8 Q. Okay. Do you know whether it was light  
9 outside?

10 A. No. It wasn't light. It was dark.

11 Q. Do you know where Lala was at that  
12 time?

13 A. Yeah. She was sleeping in the master  
14 bedroom.

15 Q. Is that where she --

16 A. Or she was in there.

17 Q. Is that where Lala would sleep when she  
18 stayed the night at the house?

19 A. Sometimes she would sleep in the master  
20 bedroom or on the smaller couch.

21 Q. When you woke up in the early morning  
22 hours when Deko and Red came into the house, Lala  
23 was still in that master bedroom?

24 A. Yes.

25 Q. Do you recall what time she went to bed

1 the night before?

2 A. No, I don't.

3 Q. Did you see her go to bed the night  
4 before?

5 A. No.

6 Q. How was it that you know she was in the  
7 bedroom sleeping?

8 A. She came out of the room when Deko and  
9 Red came home.

10 Q. Did you ever hear her leave that night,  
11 that is from the time you went to sleep on the couch  
12 until Deko and Red woke you up the next morning?

13 A. No.

14 Q. What happened when Deko and Red came  
15 into the house the next morning?

16 A. Deko and Red, they came in with some  
17 bags. Deko went to the master bedroom, and Red sat  
18 down on the small couch and ---

19 Q. Let me stop you.

20 If you could, can you describe  
21 the bags that they had when they came into the  
22 house?

23 A. Like a duffel bag, duffel bags.

24 Q. Do you recall what color the bag or the  
25 bags were?

1 A. Dark colors. I don't recall.

2 Q. Do you recall how many bags they were  
3 carrying?

4 A. I think two.

5 Q. Have you ever seen --

6 A. Or three.

7 Q. Either two or three?

8 A. Yeah. Two or three.

9 Q. Had you ever seen either of those bags  
10 before that morning?

11 A. Yes.

12 Q. All of them, or just some of them?

13 A. Some of them.

14 Q. What colors were the bags that you had  
15 seen prior to that morning?

16 A. I believe it was green and black.

17 Q. And where had you seen that green and  
18 black bag?

19 A. In the living room or in the master  
20 bedroom.

21 Q. Do you know what was kept in that bag?

22 A. Guns.

23 Q. You saw guns inside the bag?

24 A. Yes.

25 Q. Do you recall how many guns you saw in



1       that bag?

2               A.     It depends. They would leave with --  
3 they would put the guns in the bag and leave, or  
4 they would just keep them in there. So it just  
5 depended. Like they had like five guns.

6               Q.     What types of guns were they?

7               A.     A .30-30. I guess it's called Carp. A  
8 .380, .32 auto, .22 automatic rifle.

9               Q.     Some of the guns were pistols and some  
10 of the guns were rifles?

11              A.     Yes.

12              Q.     Today let me show you what's been  
13 marked as State's Exhibit Number 8 and ask you if  
14 you recognize what's in that photograph?

15              A.     Yes.

16              Q.     What is that?

17              A.     That's the duffel bag that they kept  
18 the guns in.

19              Q.     Is that also one of the bags you saw  
20 Deke and/or Red carry back into the house that early  
21 morning that you testified about?

22              A.     Yes.

23              Q.     Is that a yes?

24              A.     Yes.

25              Q.     When they returned to the house early

1 in the morning, did Deko or Red have any  
2 conversation with you?

3 A. Yes, they did.

4 Q. Who spoke to you?

5 A. First Red spoke to me.

6 Q. What did Red tell you early in the  
7 morning when you were sleeping on the couch and they  
8 came into the house and woke you up?

9 A. When they came into the house, I asked  
10 what they were doing, or where they were. They said  
11 they just got done robbing someone, and that he  
12 killed four people. And then Deko came out from the  
13 master bedroom, and they just started talking about  
14 like how they killed them and who they were.

15 Q. Other than what you've just mentioned  
16 Red saying, did Red say anything else to you before  
17 Deko came out of the master bedroom?

18 A. I don't believe so.

19 Q. And then how long did that conversation  
20 last between you and Red?

21 A. Like two minutes, a minute.

22 Q. And Deko then returned from the master  
23 bedroom?

24 A. Yes.

25 Q. What did Deko say about what had

1       happened?

2               A.       He was just -- he was laughing and like  
3       telling stories on like what happened in the house.  
4       And he said that their -- he walked up, or that  
5       they -- I don't know if they drove up to the  
6       driveway or whatever, but Matt was standing outside  
7       and watering his lawn. I guess he told him to get  
8       inside. And then, I guess, there was another guy  
9       inside, so there was two people inside the house.

10              Q.       Let me stop you, if I could.

11                               Deko told you that Deko told  
12       Matt to get inside the house?

13              A.       Yes.

14                               And I guess they -- I don't  
15       know. They didn't say they tied them up, but they  
16       said they had them in there and somebody came  
17       knocking on the door, and they told him to get in.  
18       And then it happened again and then --

19              Q.       You say it happened again. What  
20       happened?

21              A.       Another person came. So four people  
22       total inside the house.

23              Q.       Was this Deko telling you about the  
24       four people or was Red telling you?

25              A.       It was both of them.

1 Q. All right. As Deko and Red related the  
2 story to you, was each of the other one present when  
3 the other one was speaking?

4 A. Red said there was four people and then  
5 Deko came in and said that there was four.

6 Q. Their stories appeared to be  
7 consistent?

8 A. Oh, yes. Yes.

9 Q. What else did Deko tell you when he  
10 came out from the master bedroom?

11 A. That one of the guys that knocked on  
12 the door I guess was being kind of cocky, I guess.

13 Q. Well, when you say one of the guys was  
14 being cocky, I guess, what did Deko tell you to make  
15 you believe that the guy was cocky?

16 A. He just said he was like -- he didn't  
17 like take him seriously. He was just kind of  
18 talking back to Deko.

19 Q. Did Deko say what he did as a result of  
20 this guy being cocky?

21 A. He said he shot him in the back of the  
22 head, and he made a sound. And that's what he was  
23 laughing about because he said when he made the  
24 sound it was like a (unintelligible sound) kind of  
25 when he shot him. Kind of twinged, I guess.

1 Q. And the court reporter can't take down  
2 the grunt that you made.

3 Is it accurate to say that Deko  
4 made a grunting noise when he shot this person?

5 A. Yes.

6 Q. Did Deko mention to you where in the  
7 house that he shot this person?

8 A. He didn't mention that.

9 Q. What else did he say about that crime?

10 A. About -- then I guess he came back. He  
11 said he was in the hallway, I think, or in the  
12 bedroom, and he came out of like a separate area.  
13 And then he was -- he said that he was really high  
14 off marijuana, and he didn't want to kill them, but  
15 they knew who he was so he just started shooting.

16 MR. DASKAS: Let me stop you, if I  
17 could.

18 I'd give the Grand Jurors the  
19 same admonition as Mr. Guymon about the drug use.  
20 It's not to be considered when considering the  
21 Indictment.

22 BY MR. DASKAS:

23 Q. Did Deko or Red ever mention to you  
24 whether they took anything from the residence?

25 A. They said they got some money.

1 Q. Did they mention how much money?

2 A. I didn't really catch it. I didn't  
3 really want to know. Not that much.

4 Q. Was it Deko or Red who told you that  
5 they got money?

6 A. It was both of them really. Deko and  
7 Red, both.

8 Q. All right. Was anyone else present  
9 when you had this conversation or discussion with  
10 Deko and Red in the early morning hours when they  
11 returned?

12 A. No.

13 Q. Did you know any -- well, let me back  
14 up.

15 At some point you learned the  
16 names of the individuals that were killed?

17 A. Yes.

18 Q. Did you know any of those four  
19 individuals?

20 A. Yes.

21 Q. Who did you know?

22 A. I knew Matt and Tracey.

23 Q. To your knowledge, had Deko or Red ever  
24 met any of those four individuals prior to this  
25 crime?

1 A. Yes.

2 Q. And what do you know about that?

3 A. Matt, I guess, used to buy drugs from  
4 Deko.

5 Q. Did you ever see that take place?

6 A. Yes.

7 Q. And where did that take place?

8 A. One time at my house I saw it take  
9 place.

10 Q. At the house on Everman?

11 A. Yes.

12 Q. Do you know if any of those  
13 transactions ever took place at the house where Matt  
14 lived?

15 A. I don't know.

16 Q. Did you ever see Deko or Donte Johnson  
17 smoke cigarettes or cigars?

18 A. Black and Milds.

19 Q. How often did you see Deko or Donte  
20 Johnson smoke those Black and Milds?

21 A. All the time.

22 Q. Of the group that you ran around with  
23 did anybody else smoke that brand of cigarette or  
24 cigar?

25 A. No.

1 Q. Let me show you what's been marked as  
2 State's Exhibit Number 14.

3 Do you recognize what's in that  
4 photograph?

5 A. Yes.

6 Q. What is that?

7 A. Middleton's Black and Milds.

8 Q. Is that the packaging that contains the  
9 brand of cigarettes or cigars that Deko smoked?

10 A. Yes.

11 Q. Did you ever see Red smoke cigarettes  
12 or cigars?

13 A. No.

14 Q. Did Deko keep any of his clothes in the  
15 master bedroom in your house?

16 A. Yes.

17 Q. Do you know specifically what types of  
18 clothes he kept in that master bedroom?

19 A. They had a red Fubu jersey.

20 Q. Fubu is a brand of clothing?

21 A. Yes.

22 And some tennis shoes.

23 Q. Did you ever see --

24 A. Pants.

25 Q. You mentioned pants?



1 A. And shorts. Yes.

2 Q. Can you describe some of the types of  
3 pants he kept in the master bedroom?

4 A. Black pants.

5 Q. Dress pants, jeans, shorts?

6 A. Jeans.

7 Q. Black jeans?

8 A. Yes.

9 Q. Did you ever see him wear black jeans?

10 A. Yes.

11 Q. How often?

12 A. Probably twice a week.

13 Q. Do you own a pair of black jeans?

14 A. Yes.

15 Q. How tall is Deko say compared to you?

16 A. Short.

17 Q. Shorter?

18 A. Yes, much shorter.

19 Q. Could you wear the same size pants?

20 A. No.

21 Q. They'd be a little short on you?

22 A. What's that?

23 Q. They'd be a little long on Deko if he  
24 wore your pants?

25 A. Oh, yes.

1 Q. Did you ever have a conversation with  
2 Deko or Red while Ace was present about the  
3 killings, about the murders?

4 A. Yes.

5 Q. Now, you mentioned that you had a  
6 conversation with Deko and Red when they returned in  
7 the early morning hours.

8 When did you have a conversation  
9 where Ace was present?

10 A. I believe it was the next day.

11 Q. Okay. And where did that conversation  
12 take place?

13 A. In my house.

14 Q. Do you recall what room in the house  
15 the conversation took place?

16 A. The laundry room.

17 Q. What did Deko say during that  
18 conversation?

19 A. Pretty much the same thing. He just  
20 said what happened, just repeated the story again.

21 Q. Did Red say anything during that  
22 conversation about what happened?

23 A. No. Red wasn't in the room.

24 Q. You said Red was not in the room?

25 A. Yeah.

1 Q. Other than the two conversations that  
2 you've mentioned, do you recall any other  
3 conversations where Deko and/or Red spoke about the  
4 killings?

5 A. No.

6 Q. When was the first time that you spoke  
7 with any police detective or police officer about  
8 what happened?

9 A. It was three days after.

10 Q. You think it was about three days after  
11 the killings themselves?

12 A. Yes.

13 Q. And how was it that that conversation  
14 or interview took place? Was it at your request or  
15 the request of one of the police detectives?

16 A. It was -- well, the police detectives  
17 called Bryan's house and then I called him back.

18 Q. You mentioned Bryan. What's Bryan's  
19 last name?

20 A. Johnson.

21 Q. Is he a friend of yours?

22 A. Yes.

23 Q. Did he run in the same group with you  
24 and Ace?

25 A. Yes.

1 Q. Did Bryan live in the house on Everman  
2 where you stayed?

3 A. No. He used to.

4 Q. Why didn't you go to the police sooner  
5 than three days after the killing if you knew  
6 something about what happened?

7 A. I was scared.

8 Q. Scared of what?

9 A. Of Deko and Red.

10 Q. What then prompted you to disclose to  
11 the police what you knew?

12 A. Pretty much that there was four people  
13 that were dead that shouldn't have died and no  
14 reason for it.

15 MR. DASKAS: That concludes my  
16 questions.

17 Anybody have any questions?

18 BY A JUROR:

19 Q. How did you personally feel about this  
20 Donte and Red staying at the house if they weren't  
21 paying any rent?

22 A. At first I didn't mind for the first  
23 like two days. Then I was -- I didn't want them  
24 there. I was trying to find ways to get them out of  
25 the house. I told them that my mom was coming in

1 town so he couldn't be there. I just -- I didn't  
2 want them there. I was scared. They had so many  
3 guns and --

4 Q. Before the incident you feared them?

5 A. Yes.

6 Q. Okay.

7 BY A JUROR:

8 Q. As they're telling you this story, did  
9 they like threaten you and tell you not to tell?

10 A. They didn't threaten me. They were  
11 telling me the story like it was nothing. They were  
12 joking. They were laughing about it. They didn't  
13 threaten me. They weren't serious at all on  
14 explaining it. They were just -- they were laughing  
15 about it.

16 BY A JUROR:

17 Q. Your whole story was on Deko and Red.  
18 Is Deko Donte?

19 A. Yes, Deko is Donte Johnson.

20 Q. Deko is just a nickname for Donte?

21 A. Yes.

22 Q. Oh, okay.

23 BY MR. DASKAS:

24 Q. If I could ask a follow-up question.

25 Tod, you mentioned in response

1 to one of the questions that Deko and Red weren't  
2 serious when they described what happened to you.  
3 Do you mean they weren't serious in the sense they  
4 were making this up?

5 A. No. No. They -- I mean it really  
6 happened, but they -- they didn't have any emotion  
7 toward it. They were laughing about it. They  
8 thought it was funny about how they died and the  
9 noises that they made.

10 MR. DASKAS: Any other questions?

11 BY THE FOREMAN:

12 Q. Could you verify again what was the  
13 address of your house?

14 A. 4815 Everman.

15 Q. Where in relationship to this 4825  
16 Terra Linda Avenue is that, how far?

17 A. I guess it's about three blocks up from  
18 my house.

19 THE FOREMAN: Any other questions?

20 BY MR. GUYMON:

21 Q. If I might ask.

22 At any time during your  
23 conversations with Donte Johnson, also known as  
24 Deko, or Red, did they talk about getting any blood  
25 on their clothing?

1           A.     Yes. Red was talking about that he got  
2 blood on his pant leg.

3           Q.     Who said he got blood on his pant leg?

4           A.     Red.

5           Q.     Did Deko say anything, Deko or Donte  
6 Johnson being the same person, say anything about  
7 getting blood on his clothing?

8           A.     I don't believe so.

9           THE FOREMAN: Any other questions?

10          BY MR. DASKAS:

11          Q.     Actually I do have a follow-up  
12 question.

13                    Tod, I asked you about the date  
14 it was that they came into the house in the early  
15 morning hours. How certain are you of the date that  
16 this took place?

17          A.     I'm not real certain on it. It was  
18 Wednesday late night, Thursday morning, or if it was  
19 Thursday late night, early Friday morning on the  
20 night that they came in.

21          Q.     Are you fairly certain it was one of  
22 those two mornings?

23          A.     Yes.

24          MR. DASKAS: All right. I have no  
25 other questions.

1 THE FOREMAN: Any other questions?

2 (No response.)

3 THE FOREMAN: Hearing no more  
4 questions, by law, these proceedings are secret, and  
5 you are prohibited from disclosing to anyone  
6 anything that transpired before us including  
7 evidence presented to the Grand Jury, any event  
8 occurring or a statement made in the presence of the  
9 Grand Jury, or information obtained by the Grand  
10 Jury.

11 Failure to comply with this  
12 admonition is a gross misdemeanor, punishable by a  
13 year in the Clark County Detention Center and a  
14 \$2,000 fine. In addition, you may be held in  
15 contempt of court punishable by an additional \$500  
16 fine and 25 days in the Clark County Detention  
17 Center.

18 Do you understand this  
19 admonition?

20 THE WITNESS: Yes, I do.

21 THE FOREMAN: Thank you.

22 You may be excused now.

23 (Witness excused.)

24 MR. GUYMON: With your permission, can  
25 we call Dr. Bucklin before you break?



1 THE FOREMAN: Yes.

2 MR. GUYMON: With the Grand Jury's  
3 permission, we'll call Nick Delucia, D-e-l-u-c-i-a.

4 THE FOREMAN: Please raise your right  
5 hand and be sworn in.

6 You do solemnly swear that the  
7 testimony that you are about to give upon the  
8 investigation now pending before this Grand Jury  
9 shall be the truth, the whole truth and nothing but  
10 the truth, so help you God?

11 MR. DELUCIA: I do.

12 THE FOREMAN: And you are here today to  
13 give testimony in the investigation pertaining to  
14 the offenses of burglary while in possession of a  
15 firearm, murder with use of a deadly weapon, and  
16 robbery with use of a deadly weapon, and first  
17 degree kidnapping with the use of a deadly weapon  
18 involving a Donte Johnson as set forth in the  
19 proposed Indictment?

20 MR. DELUCIA: Yes.

21 THE FOREMAN: Thank you.  
22  
23  
24  
25

NICHOLAS DELUCIA,

having been first duly sworn by the  
Foreman of the Grand Jury to testify to  
the truth, the whole truth and nothing  
but the truth, testified as follows:

EXAMINATION

BY MR. DASKAS:

Q. Nick, if you would state your name and  
spell your complete name?

A. It's Nick Delucia. N-i-c-h-o-l-a-s  
D-e-l-u-c-i-a.

Q. You go by Nicholas or Nick?

A. Nick.

Q. Where do you live?

A. 4815 Terra Linda.

Q. Where is that in relation to 4825 Terra  
Linda?

A. Next door.

Q. That's here in Las Vegas, Clark County,  
Nevada?

A. Yes.

Q. Let me direct your attention to August  
13th of this year, sometime around midnight, and

1 then into the early morning of August 14th, 1998.

2 Do you recall where you were  
3 during that time frame?

4 A. I woke up at midnight to get ready to  
5 go to work.

6 Q. I take it you work some unusual hours?

7 A. Yeah.

8 Q. What hours?

9 A. It varies, but that night I worked at  
10 2:00 a.m.

11 Q. When you woke up around midnight,  
12 anything unusual happen?

13 A. Well, right before midnight, about  
14 11:30 to 11:45, somewhere in there, my dogs started  
15 barking and woke me up. I really didn't pay any  
16 attention to it. The alarm went off about midnight.  
17 I got out of bed maybe 12:30. I laid in bed that  
18 whole time, but I was awake.

19 Q. Did you get up at some point and get  
20 ready for work?

21 A. Yeah, 12:30.

22 Q. What time did you leave your house to  
23 go to work?

24 A. 1:30.

25 Q. That was 1:30 in the morning of August

1 13th and into August 14th?

2 A. Right.

3 Q. So you leave for work at the same time  
4 all the time?

5 A. No.

6 Q. How do you know it was 1:30 when you  
7 left?

8 A. I looked at the clock.

9 Q. As you left for work at 1:30 in the  
10 morning, did you notice anything unusual?

11 A. I noticed there was a couple of people  
12 in the yard next door. I saw one guy with a hose  
13 coming from the back yard. I saw another guy over  
14 by the driveway. I couldn't really see him all that  
15 well, and it looked like -- it looked like the guy  
16 that had the hose was talking to somebody from the  
17 back yard, but I didn't see anybody in the back  
18 yard.

19 Q. So you saw a total of two people?

20 A. Right.

21 Q. Men or women?

22 A. I know it was one man. It was a  
23 silhouette in the driveway. I didn't really pay  
24 attention. I could tell it was one man and what  
25 looked to be another man.

1 Q. All right. Could you tell what race  
2 either of those people were?

3 A. I could tell the one guy was white.

4 Q. You couldn't tell the second person?

5 A. Right.

6 Q. When you say that you saw this next  
7 door, was that at 4825 Terra Linda?

8 A. Yes.

9 Q. Did you know any of the people that  
10 lived at that address?

11 A. No.

12 MR. DASKAS: That's all of the  
13 questions I have of Mr. Delucia if anyone has any  
14 questions.

15 THE FOREMAN: Any questions?

16 BY A JUROR:

17 Q. During the period that you awoke about  
18 11:30 until you started to go to work, did you hear  
19 any noise?

20 A. No.

21 Q. Thank you.

22 BY A JUROR:

23 Q. Did you say your dogs woke you up?

24 A. My dogs barked at about 11:30, 11:45.

25

1 BY A JUROR:

2 Q. You lived next door did you say? Was  
3 there frequent traffic coming in?

4 A. Yes. I didn't know who lived there and  
5 who didn't.

6 Q. There was a lot of trafficking going in  
7 there?

8 A. Right. Yeah.

9 THE FOREMAN: Any other questions?

10 (No response.)

11 THE FOREMAN: Hearing no more  
12 questions, by law, these proceedings are secret, and  
13 you are prohibited from disclosing to anyone  
14 anything that transpired before us including  
15 evidence presented to the Grand Jury, any event  
16 occurring or a statement made in the presence of the  
17 Grand Jury, or information obtained by the Grand  
18 Jury.

19 Failure to comply with this  
20 admonition is a gross misdemeanor, punishable by a  
21 year in the Clark County Detention Center and a  
22 \$2,000 fine. In addition, you may be held in  
23 contempt of court punishable by an additional \$500  
24 fine and 25 days in the Clark County Detention  
25 Center.

1 Do you understand this  
2 admonition?

3 THE WITNESS: Yes.

4 THE FOREMAN: Thank you.

5 You may be excused.

6 (Witness excused.)

7 MR. DASKAS: The State would now call  
8 Dr. Robert Bucklin.

9 THE FOREMAN: Please raise your right  
10 hand.

11 You do solemnly swear that the  
12 testimony that you are about to give upon the  
13 investigation now pending before this Grand Jury  
14 shall be the truth, the whole truth and nothing but  
15 the truth, so help you God?

16 DR. BUCKLIN: I do.

17 THE FOREMAN: And you are here today to  
18 give testimony in the investigation pertaining to  
19 the offenses of burglary while in possession of a  
20 firearm, murder with use of a deadly weapon, and  
21 robbery with use of a deadly weapon, and first  
22 degree kidnapping with use of a deadly weapon  
23 involving a Donte Johnson as set forth in the  
24 proposed Indictment?

25 DR. BUCKLIN: Yes.

1 THE FOREMAN: Thank you.

2  
3 ROBERT BUCKLIN,

4 having been first duly sworn by the  
5 Foreman of the Grand Jury to testify to  
6 the truth, the whole truth and nothing  
7 but the truth, testified as follows:

8  
9 EXAMINATION

10  
11 BY MR. DASKAS:

12 Q. Doctor, would you please state your  
13 name and spell your name for the record?

14 A. I'm Dr. Robert Bucklin, B-u-c-k-l-i-n.

15 MR. DASKAS: And let me just inquire  
16 of the jurors, if I could, has Dr. Bucklin testified  
17 before you before?

18 THE FOREMAN: Several times.

19 MR. DASKAS: I assume you are satisfied  
20 with his qualifications as a forensic pathologist?

21 THE JURY: (in unison) Yes.

22 MR. DASKAS: You would allow him to  
23 testify in that capacity?

24 THE JURY: (in unison) Yes.  
25



1 BY MR. DASKAS:

2 Q. Doctor, based on that, let me quickly  
3 ask you what your training and experience is in the  
4 field of pathology?

5 A. I have a doctor of medicine degree from  
6 La Jolla University School of Medicine in Chicago, a  
7 law degree in Houston, Texas. I practiced some 57  
8 years. In fact, today is the second day of my  
9 retirement. Up until two days ago I was deputy  
10 medical examiner for Clark County. Now, I'm foot  
11 loose and fancy free, retired. And I've done  
12 something like 25,000 autopsies in the time that  
13 I've been practicing.

14 Q. Doctor, let me direct your attention to  
15 August 15th of 1998.

16 You were employed on that date;  
17 is that correct?

18 A. Yes.

19 Q. Did you perform an autopsy -- actually  
20 four autopsies on individuals identified as Jeffrey  
21 Biddle, Tracey Gorringer, Matthew Mowen, and Peter  
22 Talamantez?

23 A. Yes.

24 Q. Where did those autopsies take place?

25 A. At the Clark County Morgue at 1704

1 Pinto Lane.

2 Q. At the time of each of those four  
3 autopsies were photographs taken?

4 A. Yes.

5 Q. Would those photographs assist you in  
6 describing for the members of the Grand Jury what  
7 examination you performed?

8 A. I don't think I need them now. I think  
9 I have enough word description to be able to answer  
10 your questions.

11 Q. All right. Let me first ask you about  
12 the autopsy performed on Jeffrey Biddle.

13 Did you, as part of your autopsy  
14 examination, perform an external examination of  
15 Jeffrey Biddle?

16 A. That's right.

17 Q. Did that external examination result in  
18 any significant pathology?

19 A. The only thing that noted was a gunshot  
20 wound of entrance on the back of the skull on the  
21 right side. The point of entrance was five inches  
22 below the top of the head and two inches right of  
23 the midline. It was one half by three-eighth inch  
24 wound, had some charring of its edges.

25 Other than that, Jeffrey was 68

1 inches tall, weighed 173 pounds, and appeared to be  
2 about 20 years of age.

3 Q. Doctor, if I could, let me show you  
4 what we've marked as State's Proposed Exhibits 16  
5 through 20 and ask you to take a look at those and  
6 tell me if you recognize what's depicted in each of  
7 those photographs?

8 A. Yes.

9 One photo shows the -- a picture  
10 of the bullets removed. One fragment from the neck  
11 and three from the head.

12 Number 17 shows the side of the  
13 head or the face downward.

14 18 shows the clothed body of Mr.  
15 Biddle with his head down, face down, and his arms  
16 tied with duct tape and duct tape also on the feet.

17 19 shows a view from the feet  
18 toward the head and shows the tied arms and the feet  
19 with the duct tape on them.

20 20 shows a closer view of the  
21 head, and you can see the duct tape on the hands on  
22 this one also.

23 Q. State's Proposed Exhibits 17 through  
24 20, do they fairly and accurately depict Jeffrey  
25 Biddle as he was?

1 A. Yes.

2 Q. Showing you State's Exhibit 16.

3 Does that fairly and accurately  
4 reflect the items you recovered from Jeffrey  
5 Biddle's body on that date?

6 A. Yes.

7 MR. DASKAS: I move for the admission  
8 and ask to publish State's Exhibits 16 through 20.

9 THE FOREMAN: Yes.

10 BY MR. DASKAS:

11 Q. Did you, as part of your autopsy, also  
12 perform an internal examination of Jeffrey Biddle?

13 A. Yes.

14 I removed the chest organs and  
15 the abdominal organs. Everything was perfectly  
16 normal for his age and size. The internal  
17 examination of the head was done, and this showed  
18 that the bullet had entered the right posterior  
19 portion of the head, going in a back to front  
20 direction. The bullet fragmented as it entered the  
21 skull. And as the photo shows one piece of bullet  
22 went into his neck and the other ones extended up  
23 into the brain, and I recovered those bullets from  
24 the brain.

25 Q. What did you do with the bullets that

1        were recovered from Jeffrey Biddle?

2            A.        I gave them to the crime scene analyst  
3        who was there, Sheree Norman.

4            Q.        Other than the things you just  
5        mentioned, were there any other significant findings  
6        as a result of your internal examination of Jeffrey  
7        Biddle?

8            A.        No.

9            Q.        Did you find any evidence in your  
10       examination that would suggest Jeffrey Biddle died  
11       as a result of natural causes?

12          A.        No, he did not die of natural cause.

13          Q.        Did you form an opinion as to whether  
14       these injuries was self-inflicted?

15          A.        It was not self-inflicted.

16          Q.        As a result of your examination, both  
17       internal and external, did you form an opinion as to  
18       the cause of Jeffrey Biddle's death?

19          A.        Yes. Jeffrey Biddle died as a result  
20       of a gunshot wound to the head, and I ruled it  
21       homicide.

22          Q.        How do you define homicide?

23          A.        Homicide is the killing of a human by  
24       another person.

25          Q.        And you also mentioned you performed an

1 autopsy on a Tracey Gorringer; is that correct?

2 A. Yes.

3 Q. That was performed at the same place?

4 A. Yes.

5 Q. At the time of Tracey Gorringer's  
6 autopsy photographs were taken?

7 A. That's right.

8 Q. Let me show you what's been marked as  
9 State's Proposed Exhibits 21 through 23 and ask you  
10 to look at those and tell me if you recognize what's  
11 depicted in the photographs.

12 A. Number 21 shows bullet fragments which  
13 were recovered from the body of Tracey Gorringer.

14 22 shows the body unclothed,  
15 face down.

16 And Number 23 shows the body  
17 face down, unclothed, looking upward from the feet.

18 Q. Doctor, do State's 21 through 23 fairly  
19 and accurately depict the condition of Tracey  
20 Gorringer when you performed the autopsy and of the  
21 items recovered from Tracey Gorringer?

22 A. Yes.

23 MR. DASKAS: I move for admission and  
24 ask to publish 21 through 23.

25 THE FOREMAN: Yes.

1 BY MR. DASKAS:

2 Q. As part of your autopsy examination,  
3 did you perform an external examination of Tracey  
4 Gorringer?

5 A. Yes.

6 Tracey was an adult Caucasian  
7 male who was 84 inches tall and weighed 158 pounds  
8 and appeared to be the stated age -- which I didn't  
9 write down in my report.

10 With the exception of a gunshot  
11 wound to the back of the head, there were no other  
12 external abnormalities.

13 The internal examination showed  
14 normal heart, lungs, and intestinal organs, and the  
15 injury was a gunshot wound to the very back part of  
16 the head with the bullet passing into the brain and  
17 fragmenting. And I was able to recover the  
18 fragments from the right frontal lobe and from the  
19 cerebellum.

20 Q. Based on your examination did you form  
21 an opinion as to the cause of death of Tracey  
22 Gorringer?

23 A. Yes. Tracey died as a result of a  
24 gunshot wound to the head, and I again ruled it  
25 homicide.

1           Q.     You also performed an autopsy  
2 examination on a third individual identified as  
3 Matthew Mowen; is that correct?

4           A.     Yes.

5           Q.     Let me show you what's been marked as  
6 State's Proposed Exhibits 24 through 28 and ask you  
7 if you recognize what's depicted in those  
8 photographs?

9           A.     The first one, 24, shows two large  
10 bullet fragments which I recovered from Mr. Mowen's  
11 brain.

12                         25 shows the back of the body  
13 with a hand clasped after the duct tape had been  
14 taken off, and it shows portions of a tattoo on the  
15 middle of his back.

16                         26 shows the body face down with  
17 the hands behind the back and the duct tape is  
18 clearly seen around the hands and wrist and around  
19 the ankles.

20                         27 is a side view of the right  
21 side of his face showing a good deal of blood on the  
22 face and curly blond hair, and he -- 28 is a view of  
23 the back of the head, and it shows the entrance type  
24 gunshot wound located in the mid portion of the back  
25 of the head.



1 Q. And Doctor, do those exhibits fairly  
2 and accurately depict the condition of Matthew Mowen  
3 and the items recovered from Matthew Mowen when you  
4 performed the autopsy examination?

5 A. Yes, they do.

6 MR. DASKAS: I move for the admission  
7 of these and ask to publish these.

8 THE FOREMAN: Yes.

9 MR. DASKAS: I believe that's 24  
10 through 28.

11 BY MR. DASKAS:

12 Q. Did your external examination result in  
13 any significant findings?

14 A. Only the gunshot wound to the back of  
15 the head and the presence of the ligatures around  
16 the wrists and the ankles.

17 Q. Those ligatures were consistent with  
18 the duct tape that was present on Matthew Mowen  
19 before you performed your autopsy examination?

20 A. That's right.

21 Q. Did your internal examination result in  
22 any significant findings?

23 A. One interesting thing about the head  
24 was he had an unusually large brain. His brain  
25 weighed over 1900 grams which is about 400 grams,

1 maybe three quarters of a pound larger than the  
2 average human brain. It's one of the largest things  
3 I had seen.

4 The gunshot wound entered the  
5 upper part of the neck at the base of the skull and  
6 went into the structures of the neck. It transected  
7 the cervical spinal cord at the first and second  
8 cervical levels and that was the immediate cause of  
9 his death.

10 Q. And did you form an opinion as to the  
11 manner of his death, Matthew Mowen's death?

12 A. Yes. The cause of death was a gunshot  
13 wound to the neck and the mode or manner was  
14 homicide.

15 Q. Again there was nothing to indicate the  
16 injury was self-inflicted?

17 A. That's correct.

18 Q. And that's the same as to Tracey  
19 Gorringer, the last examination we discussed?

20 A. Yes.

21 Q. Nothing indicated that that was  
22 self-inflicted?

23 A. That's right.

24 Q. Finally, you performed an autopsy  
25 examination on August 15th on a Peter Talamantez?

1 A. Yes.

2 Q. Let me show you what's been marked as  
3 State's Proposed 29 through 30 and ask you if you  
4 recognize what's depicted in those photographs?

5 A. Number 29 is -- shows three bullet  
6 fragments which are recovered from the brain of  
7 Peter Talamantez.

8 Number 30 shows a front view of  
9 the face of this boy.

10 Q. 29 and 30 fairly and accurately reflect  
11 the condition of Peter Talamantez and the items you  
12 recovered on the date that you -- on the date of the  
13 autopsy?

14 A. Yes.

15 MR. DASKAS: I move for the admission  
16 of 29 and 30 and ask to publish.

17 THE FOREMAN: Yes.

18 BY MR. DASKAS:

19 Q. What findings did you find on the  
20 external examination?

21 A. Peter Talamantez was a young adult  
22 Caucasian male, 69 inches tall, weighing 105 pounds,  
23 and he appeared to be about 20. I later learned he  
24 was 17. He had no gross abnormalities except for a  
25 very widely patent anus. His anus had a funnel

1 shape as if chronic sodomy had been an issue. That  
2 was the only abnormality externally with the  
3 exception of the gunshot wound which was located on  
4 the left side of the occipital scalp, five inches  
5 below the top of the head and two inches left of the  
6 anterior midline. This was an ovoid wound,  
7 five-eighths by three-eighths, some charring, but no  
8 gun powder or stippling around the wound. There was  
9 a blunt laceration of the top of his head a couple  
10 of inches above the gunshot wound, a three quarter  
11 or half inch laceration of the scalp which was very  
12 superficial.

13 Q. Did that appear to be a recent  
14 laceration?

15 A. Yes, it was recent.

16 Q. And did you also perform an internal  
17 examination of Peter Talamantez?

18 A. Yes.

19 The chest and abdomen were not  
20 remarkable in any way nor the neck organs, the head.  
21 Internal examination was the most significant  
22 examination, and it showed that the bullet entered  
23 the skull going in a left to right direction and  
24 upward. It went through the middle fossa of the  
25 skull, the left lobe of the cerebellum, and the

1 right lobe of the brain. I recovered the three  
2 bullet fragments which were noted in that photo.

3 Q. As a result of your examination, both  
4 internal and external, did you form an opinion as to  
5 the cause of death of Peter Talamantez?

6 A. Yes, sir.

7 Peter died as a result of a  
8 gunshot wound to the head. I ruled homicide.

9 Q. Was there anything indicated that the  
10 wound was self-inflicted?

11 A. No.

12 Q. Doctor, let me ask you this about each  
13 of the four individuals that you performed an  
14 autopsy on.

15 Was a toxicology screen also  
16 performed on each individual?

17 A. Yes.

18 Q. And did that result in anything  
19 significant as to each of the four individuals?

20 A. Each of the drug screens I felt was  
21 significant for the presence of methamphetamine.

22 Peter Talamantez had 3,169  
23 nanograms of methamphetamine which is a tremendously  
24 high dose. It approaches the lethal level. There  
25 was amphetamine as well. There was no alcohol in

1 his blood.

2 Matthew Mowen had 0.03 grams of  
3 alcohol which is probably two -- equivalent of two  
4 drinks. He had 1050 nanograms of methamphetamine,  
5 and also a 1,415 nanograms of cocaine metabolite  
6 benzoylecgonine, and he also had amphetamine 163  
7 nanograms and Nordiazepam (phonetic) 123 nanograms.

8 Tracey Gorringer had negative  
9 alcohol, 878 nanograms of methamphetamine, 142  
10 nanograms of amphetamine, and 176 nanograms of the  
11 cocaine metabolite benzoylecgonine.

12 Jeffrey Biddle had 1,069  
13 nanograms of methamphetamine, 163 nanograms of  
14 amphetamine, 92 nanograms of the cocaine metabolite,  
15 and no alcohol.

16 MR. DASKAS: That concludes my  
17 questions of Dr. Bucklin if anybody has any  
18 questions.

19 THE FOREMAN: Any questions?

20 BY A JUROR:

21 Q. Matt Mowen, I think it was his brain  
22 was just enlarged, it wasn't diseased or nothing?

23 A. No. It was not diseased.

24 Brain size used to be considered  
25 relative to intelligence. I don't think that's held

1 out necessarily. Some very, very famous highly  
2 intelligent people have had large brains when  
3 they've been examined, but it doesn't have any other  
4 significance except for the high end of being  
5 normal.

6 THE FOREMAN: Any other questions?

7 (No response.)

8 BY THE FOREMAN:

9 Q. Doctor, was there any indication of  
10 powder burns or anything on any of the victims to  
11 indicate distance?

12 A. There was no soot powder or stippling  
13 on any of these. There was charring which is one  
14 indication of closeness, but there were no barrel  
15 imprints and nothing to indicate that -- that the  
16 gun barrel actually touched the skin.

17 In that line, I wondered whether  
18 or not a silencer might have been on the gun. I  
19 don't know this, and it's just a conjecture, but if  
20 a silencer had been on a gun, we might not see the  
21 contact type changes, the mode of -- the way these  
22 boys died was like an execution and ordinarily in  
23 those situations the gun is very, very close to the  
24 skin, but in this case there was no imprint from the  
25 gun or anything to tell me precisely what the gun

1 barrel skin distance might have been.

2 THE FOREMAN: Any other questions?

3 (No response.)

4 THE FOREMAN: Doctor, hearing no more  
5 questions, by law, these proceedings are secret, and  
6 you are prohibited from disclosing to anyone  
7 anything that transpired before us including  
8 evidence presented to the Grand Jury, any event  
9 occurring or a statement made in the presence of the  
10 Grand Jury, or information obtained by the Grand  
11 Jury.

12 Failure to comply with this  
13 admonition is a gross misdemeanor, punishable by a  
14 year in the Clark County Detention Center and a  
15 \$2,000 fine. In addition, you may be held in  
16 contempt of court punishable by an additional \$500  
17 fine and 25 days in the Clark County Detention  
18 Center.

19 Do you understand this  
20 admonition?

21 THE WITNESS: Thank you.

22 THE FOREMAN: Thank you, Doctor, and  
23 enjoy your retirement.

24 (Witness excused.)

25 MR. GUYMON: Shawn Fletcher.



1 THE FOREMAN: Please raise your right  
2 hand and be sworn in.

3 You do solemnly swear that the  
4 testimony that you are about to give upon the  
5 investigation now pending before this Grand Jury  
6 shall be the truth, the whole truth and nothing but  
7 the truth, so help you God?

8 MS. FLETCHER: I do.

9 THE FOREMAN: And you are here today to  
10 give testimony in the investigation pertaining to  
11 the offenses of burglary while in possession of a  
12 firearm, murder with use of a deadly weapon, robbery  
13 with use of a deadly weapon, and first degree  
14 kidnapping with use of a deadly weapon involving a  
15 Donte Johnson as set forth in the proposed  
16 Indictment?

17 MS. FLETCHER: Yes.

18 THE FOREMAN: Thank you.

19  
20 SHAWN FLETCHER,  
21 having been first duly sworn by the  
22 Foreman of the Grand Jury to testify to  
23 the truth, the whole truth and nothing  
24 but the truth, testified as follows:  
25

EXAMINATION

BY MR. GUYMON:

Q. Good morning.

A. Hi.

Q. With whom are you employed?

A. Las Vegas Metropolitan Police  
Department.

Q. Can you -- I overstepped myself. Have  
you stated your name?

A. Shawn Marie Fletcher, F-l-e-t-c-h-e-r.

Q. And in what capacity are you employed  
with the Las Vegas Metropolitan Police Department?

A. I'm a crime scene analyst.

Q. As a crime scene analyst, did you have  
occasion to go out to the residence of 4825 Terra  
Linda on August 14th, 1998?

A. Yes.

Q. And what was the purpose in which you  
went to that location?

A. To investigate a homicide.

Q. And do you recall approximately what  
time it was that you actually got to that residence?

A. I arrived at approximately 7:00 p.m.,  
1900 hours.

1 Q. When you got there, can you tell me who  
2 else was there and who else joined you in this  
3 endeavor?

4 A. Crime Scene Analyst Dave Horn was  
5 already there and Supervisor Mike Perkins was  
6 already there. Jim O'Donnell was there. He's  
7 another crime scene analyst. Detective Thowsen,  
8 Sergeant Hefner, and Detective Buczek was there, and  
9 a lot of patrol.

10 Q. Describe the residence as you pulled  
11 up.

12 This is in Clark County, I take  
13 it?

14 A. Yes.

15 Q. Describe the area in which this house  
16 was.

17 A. Can I use the diagram?

18 Q. Sure.

19 Is this a residential  
20 neighborhood?

21 A. Yeah. It's a residential neighborhood.

22 The street is up at the top  
23 here. We pulled up, and this was the drive here.  
24 There was a car underneath here. This here is the  
25 front door going into the living room, and then you

1 have the back door here. And there's houses on both  
2 sides. This is on the south side of Terra Linda.

3 Q. What are the major cross streets?

4 A. I believe San Anselmo would be over  
5 here. San Anselmo joins Tropicana. It's just west  
6 of Nellis.

7 Q. Take us -- and I take it that you went  
8 through the entire house in an effort to process  
9 this crime scene; is that correct?

10 A. Yes.

11 Q. Were you the primary crime scene  
12 analyst or were you one of many?

13 A. I was one of many.

14 Mike Perkins was the supervisor.  
15 Dave Horn was the senior. They were heading the  
16 investigation, and myself, and O'Donnell.

17 Q. Did you have occasion to note,  
18 yourself, significant items of evidence that were  
19 either impounded by you or by others?

20 A. Yes.

21 Q. If you'll take us through the residence  
22 stating sort of your significant findings and some  
23 of the things that you thought to be of evidentiary  
24 value?

25 A. As we came in obviously you see three

1 victims in the living room. In the living room we  
2 found three cartridge casings from, I believe it  
3 was, a .380. There was one here. There was a couch  
4 right here. One was on the couch. There was one  
5 behind a couch on the wall or on the floor here.

6 All three of the victims were  
7 lying face down, and the entire room was ransacked  
8 along with the rest of the house. The entire house  
9 was ransacked. As you came back in here we didn't  
10 find a lot of evidence.

11 In the southeast bedroom we did  
12 find a couple of mushrooms on the floor.

13 Q. So we understand, are you talking about  
14 a controlled substance?

15 A. I'm not sure. They were mushrooms. I  
16 don't know if they've been analyzed or not. They  
17 looked like a mushroom you cook with. Whether  
18 they've been processed or not, I don't know.

19 Q. All right.

20 A. Again, this room is totally tossed and  
21 ransacked. The bed was flipped and everything was  
22 ransacked.

23 In the dining room another  
24 victim. We found another cartridge case right in  
25 this area. The dining room was ransacked. The

1 items were pulled out of the closet. And there was  
2 a bunch of change and everything on the floor.

3 There was also baseball cards  
4 throughout the entire house, mostly on the floor in  
5 the living room, and also all over here in the  
6 kitchen. The kitchen was also ransacked.

7 You come through here and into  
8 this southwest bedroom. This whole bedroom was  
9 ransacked. The bed was pulled out, all of the  
10 dressers and everything was pulled out and dumped.  
11 You come into the master bedroom here, and it  
12 appeared fairly undisturbed. We found a piece of  
13 duct tape in one of the open drawers.

14 As you go down through the  
15 hallway bathroom, the main significant thing we  
16 found in the hallway bathroom, there was a blood  
17 like substance on the top of the toilet seat. And  
18 then as you go into the northwest bedroom again this  
19 entire room was ransacked. We didn't find too much  
20 significant evidence in this room.

21 I don't believe we found a lot  
22 of -- throughout the entire house a lot of pieces of  
23 paper with handwriting, phone numbers, and names.  
24 Everything was ransacked. There were papers  
25 everywhere. We did collect all of the papers that

1 had phone numbers and names written on them. There  
2 were several of them throughout the house.

3 In the front bedroom here was  
4 ransacked, and I don't believe we got any  
5 significant evidence out of this room.

6 In the living room we also had  
7 two empty wallets. One was lying about right here.  
8 It had just a picture in it, or, I believe, or a  
9 dime or something like that. There was another  
10 empty wallet underneath a couch right here. I  
11 believe it was these two victims that had wallets  
12 attached to their belts. I don't know what the  
13 contents of those were. The coroner looked through  
14 them. I had the two wallets from in here.

15 We took several blood samples.  
16 We also had some looked like blood out in the  
17 driveway, but from what I understand, when Mike  
18 Perkins got there there were three dogs in the  
19 house, and they had been tracking blood all over.  
20 So we had a lot of that in here.

21 Q. With the issue of the dogs there, were  
22 you able to make a determination as to whether or  
23 not the dogs had left the imprints in the bathroom  
24 that you previously testified to on the toilet?

25 A. It is possible.

1                    Apparently they had blood here  
2                    and on their faces and their paws, so I don't know  
3                    about as far as the blood on the toilet seat. I'm  
4                    not sure about that. We did find paw prints in  
5                    blood on several of the linoleum floors and on the  
6                    carpets and the victims. You could see where they  
7                    licked the victims and paw prints on the victims as  
8                    well.

9                    Q.        With regard to the shell casings that  
10                    you found, were all four shell casings that were  
11                    found, were there four or three?

12                    A.        There was four, and there was a bullet  
13                    fragment as well.

14                    Q.        Were all four of them similar make?

15                    A.        I believe they were. I can check.

16                                    Do you want me to look real  
17                    quick?

18                    Q.        Will you?

19                    A.        I believe they were all the same. Let  
20                    me double check though.

21                    Q.        You previously referred, I believe, to  
22                    .380 casings.

23                    A.        Yes. All four of them were Wynn .380  
24                    auto, all the same make and same caliber and  
25                    everything.



1 Q. And with regards to the wallets that  
2 you found, I believe you indicated that they were  
3 empty?

4 A. Yes.

5 The one that was right here I  
6 believe just had a picture in it, and there was one  
7 over here. And I think that one just had a dime in  
8 it. Other than that they were empty. You could  
9 see, you know, them on the floor. You're always  
10 writing numbers down and sticking them in their  
11 wallets. It appeared a lot of those came out of the  
12 wallets. We had several ID cards, video cards, that  
13 kind of things that belonged to the victims that  
14 were scattered over here and over here.

15 Q. With the exception of the dime and the  
16 change, the change that you indicated was around,  
17 did you find any paper currency, U.S. currency, in  
18 the house whatsoever?

19 A. No, I did not. I can't say if anybody  
20 else did, but I don't believe anybody did.

21 Q. In your observations of the house, did  
22 you find any evidence of controlled -- what you  
23 believed to be controlled substance based upon your  
24 experience and training?

25 A. Yes.

1                   We found some on -- there was a  
2 couch here. Again some on the couch in a baggie  
3 here. There was some more in a baggie here. On the  
4 dining room table we had a couple baggies of pills  
5 and white powdery substance and a couple glass pipes  
6 and a butane tank.

7                   Q.     Were you involved with the efforts in  
8 order to lift fingerprints that were found here at  
9 the scene?

10                  A.     Yes, I was.

11                  Q.     Were there others also engaged in that  
12 endeavor?

13                  A.     Yes.

14                  Q.     Showing you Exhibits 14 and 15. I  
15 might ask you if you recall observing that  
16 particular container at the scene at 4825 Terra  
17 Linda?

18                  A.     Yeah. I believe the cigar box was at  
19 the feet of -- somewhere in this area. I did not  
20 recover this latent print, but both the PR-24 and  
21 the cigar box were in this area.

22                  Q.     You say you didn't actually recover the  
23 print?

24                  A.     No, I did not. Brad Grover did.

25                  Q.     He's outside though?

1 A. Yes.

2 Q. You do recall seeing that particular  
3 box there at the scene?

4 A. Yeah.

5 Q. It was obviously preserved and  
6 subsequently a print was lifted?

7 A. Right.

8 Q. Did that then conclude your involvement  
9 there at the crime scene?

10 A. No.

11 We did most of our processing  
12 the second day, so we did return to the scene. We  
13 locked out the scene and returned the second day  
14 where we did most of our latent print processing.  
15 That would have been the end of what I did. I  
16 booked all of the evidence after that.

17 Q. Now, lastly, you've previously referred  
18 to this diagram.

19 MR. GUYMON: I believe it's marked as  
20 Exhibit 2; am I correct?

21 THE SECRETARY: The diagram is 4.

22 MR. GUYMON: I'm sorry, Exhibit 4.

23 BY MR. GUYMON:

24 Q. Does Exhibit 4 fairly and accurately  
25 depict the residence as you observed it?

1 A. Yes, it does.

2 Q. Are the bodies placed in the same rooms  
3 that you found the bodies?

4 A. Yes, they are.

5 Q. Now, with regards to the bodies, can  
6 you tell me anything interesting that you saw about  
7 the bodies as they laid there?

8 A. All the victims appeared to be mostly  
9 face down. The one in the dining room was slightly  
10 on the right side. The faces were face down. The  
11 hands were all behind their back and their fingers  
12 were interlaced like such, and they were duct taped  
13 around their wrists and around their ankles. And  
14 they all appeared to have a gunshot wound to the  
15 back of the head.

16 MR. GUYMON: That concludes my  
17 questioning.

18 Any questions?

19 BY THE FOREMAN:

20 Q. In the shell casings that you -- that  
21 were recovered, in your experience did they all --  
22 could you tell whether they came from one weapon or  
23 more than one?

24 A. No, I can't tell.

25

1 BY A JUROR:

2 Q. It appeared that a considerable amount  
3 of duct tape was used in this incident.

4 Is there any evidence as to the  
5 source of the duct tape?

6 A. We didn't find a roll of duct tape at  
7 the scene other than the duct tape that was on the  
8 victims. We only found that small piece in the  
9 bathroom drawer, but we did not find a roll of duct  
10 tape at the scene.

11 BY A JUROR:

12 Q. Was there a house adjacent to that  
13 living room, another house on the street?

14 A. Yes, there was. There is a house on  
15 each side.

16 Q. Did anybody question those people as to  
17 whether they heard gun shots?

18 A. I'm not sure. I'm sure Patrol did. We  
19 didn't get into any of the questioning of any of the  
20 witnesses or anything like that.

21 Q. Oh, okay.

22 THE FOREMAN: Any other questions?

23 (No response.)

24 THE FOREMAN: Hearing no more  
25 questions, by law, these proceedings are secret, and

1       you are prohibited from disclosing to anyone  
2       anything that transpired before us including  
3       evidence presented to the Grand Jury, any event  
4       occurring or a statement made in the presence of the  
5       Grand Jury, or information obtained by the Grand  
6       Jury.

7                       Failure to comply with this  
8       admonition is a gross misdemeanor, punishable by a  
9       year in the Clark County Detention Center and a  
10      \$2,000 fine. In addition, you may be held in  
11      contempt of court punishable by an additional \$500  
12      fine and 25 days in the Clark County Detention  
13      Center.

14                      Do you understand this  
15      admonition?

16                      THE WITNESS: Yes.

17                      THE FOREMAN: Thank you.

18                      You may be excused.

19                      (Witness excused.)

20                      THE FOREMAN: Please raise your right  
21      hand.

22                      You do solemnly swear that the  
23      testimony that you are about to give upon the  
24      investigation now pending before this Grand Jury  
25      shall be the truth, the whole truth and nothing but

1 the truth, so help you God?

2 MR. GROVER: I do.

3 THE FOREMAN: And you are here today to  
4 give testimony in the investigation pertaining to  
5 the offenses of burglary while in the possession of  
6 a firearm, murder with use of a deadly weapon, and  
7 robbery with use of a deadly weapon, and first  
8 degree kidnapping with use of a deadly weapon  
9 involving Donte Johnson as set forth in the proposed  
10 Indictment?

11 MR. GROVER: Yes.

12 THE FOREMAN: Thank you.

13 Please be seated.

14

15 BRADLEY GROVER,

16 having been first duly sworn by the  
17 Foreman of the Grand Jury to testify to  
18 the truth, the whole truth and nothing  
19 but the truth, testified as follows:

20

21 EXAMINATION

22

23 BY MR. GUYMON:

24 Q. Please state your full name and spell  
25 your last name, please.

1 A. Bradley Craig Grover, G-r-o-v-e-r.

2 Q. Are you currently employed with the  
3 Metropolitan Police Department as a crime scene  
4 analyst?

5 A. Yes, I am.

6 Q. On August 14th of 1998, did you have an  
7 occasion to go over to 4825 Terra Linda to a  
8 residence there and participate in a crime scene  
9 investigation?

10 A. Actually not on the 14th. I responded  
11 on the 15th.

12 Q. You returned the following day?

13 A. Yes, I did.

14 Q. When you returned on the 15th, were you  
15 aware of the fact that police investigation had  
16 originated there on the 14th, the day earlier?

17 A. Yes.

18 Q. Had the crime scene, or was there  
19 evidence that the crime scene itself had been  
20 preserved upon your return?

21 A. Yes, there was.

22 Q. What type of assurances or what kind of  
23 prevention measures had you observed on your -- on  
24 the 15th?

25 A. I seen seals on the windows and doors.



1 When I arrived there were already fellow workers at  
2 the scene.

3 Q. What was your purpose in joining this  
4 investigation now the next day, the 15th?

5 A. I was called by my supervisor and asked  
6 if I could come out and assist in processing the  
7 scene.

8 Q. Did you do that?

9 A. Yes, I did.

10 Q. Are you familiar with the lifting of  
11 fingerprints and the process that has to be  
12 conducted in order to successfully do that?

13 A. Yes.

14 Q. How are you familiar with that process?

15 A. Training.

16 Q. Briefly give me your training as it  
17 relates to fingerprints and removing of  
18 fingerprints.

19 A. Well, when I first was employed with  
20 Metro I had 40 hours of in-service training followed  
21 by three months of field training with the senior  
22 crime scene analyst.

23 I then completed a forensic  
24 science course through the American Institute of  
25 Applied Science. I attended a fingerprint course

1 through the FBI, and I've had a crime scene  
2 technology class through the Northwestern  
3 University.

4 Q. Can you tell me what items of evidence  
5 you attempted to obtain prints from?

6 A. There was numerous items I attempted to  
7 obtain fingerprints from. There was quite a few  
8 items in the room. I know that I worked mostly in  
9 the north end of the living room is primarily where  
10 I worked.

11 Q. Specifically in the living room, did  
12 you come across a package or a carton, cigar carton  
13 of Black and Milds?

14 A. I believe I did.

15 Q. Did you attempt to remove prints from  
16 that particular container?

17 A. I believe I did, yes.

18 Q. Were you successfully able to do that?

19 A. Yes, I did lift a print.

20 Q. Showing you what's marked as State's  
21 Proposed Exhibits 14 and 15.

22 Do you recognize that particular  
23 container?

24 A. Yes, I do.

25 Q. And how do you recognize it?

1           A.     I recognize it as being something I  
2           processed at the scene.

3           Q.     And where was that at the scene when  
4           you attempted to process it?

5           A.     That was on the floor of the living  
6           room near a chair at the north end of the room.

7           Q.     Using Exhibit 4 there, that's  
8           previously been referred to by Crime Scene Analyst  
9           Fletcher.

10                           Is the living room marked there  
11           with three decedents in the living room?

12           A.     Yes, it is, right here.

13           Q.     When you returned on the 15th were the  
14           decedents still in the house or had they been  
15           removed?

16           A.     They had been removed.

17           Q.     When you lifted that print, did you  
18           actually make a print card out of the print that  
19           came off of 14 and 15?

20           A.     Yes, I did.

21                           You could see there's a piece of  
22           tape on the box. I lifted the taped print, put it  
23           on a print card and submitted it to latent prints.

24           Q.     Showing you what has been marked as  
25           Exhibit Number 31.

1 Do you recognize that particular  
2 print card?

3 A. Yes, I do.

4 Q. And how is it that you recognize it?

5 A. My initials are on the tape, my P  
6 Number is on here, the event number, and that's my  
7 handwriting.

8 Q. Does that card appear to be in the same  
9 condition when you prepared it on the 15th?

10 A. Other than some of the writings. This  
11 here is not my writing. I did not make these marks  
12 on here.

13 Q. With those exceptions ----

14 A. Yes.

15 Q. -- does it fairly and accurately  
16 reflect the card you prepared?

17 A. Yes.

18 MR. GUYMON: I ask for the admission  
19 of 31 and ask for it to be published.

20 THE FOREMAN: Yes.

21 MR. GUYMON: Also ask for the  
22 admission of 4, I failed to do that previously.

23 BY MR. GUYMON:

24 Q. Do you know if Exhibit 31 has been  
25 analyzed by a fingerprint comparison individual with

1 the Las Vegas Metropolitan Police Department?

2 A. I've been told that it has.

3 Q. Okay. Were there other items of  
4 evidence there at the crime scene that you were able  
5 to successfully lift prints from?

6 A. Yes, there was.

7 Q. To your understanding, has all of the  
8 crime scene now been analyzed and the evidence  
9 preserved?

10 A. I'm not sure if all of the latent print  
11 processing has been completed on all of the  
12 evidence. I know the items that were not recovered  
13 from the scene have been processed.

14 MR. GUYMON: That concludes my  
15 questions at the time.

16 THE FOREMAN: Any questions of the  
17 panel of this witness?

18 (No response.)

19 THE FOREMAN: Hearing no questions, by  
20 law, these proceedings are secret, and you are  
21 prohibited from disclosing to anyone anything that  
22 transpired before us including evidence presented to  
23 the Grand Jury, any event occurring or a statement  
24 made in the presence of the Grand Jury, or  
25 information obtained by the Grand Jury.

1 Failure to comply with this  
2 admonition is a gross misdemeanor, punishable by a  
3 year in the Clark County Detention Center and a  
4 \$2,000 fine. In addition, you may be held in  
5 contempt of court punishable by an additional \$500  
6 fine and 25 days in the Clark County Detention  
7 Center.

8 Do you understand this  
9 admonition?

10 THE WITNESS: Yes, I do.

11 THE FOREMAN: Thank you.

12 You may be excused.

13 (Witness excused.)

14 MR. DASKAS: State would next call Ed  
15 Gunther.

16 THE FOREMAN: Please raise your right  
17 hand.

18 You do solemnly swear that the  
19 testimony that you are about to give in the  
20 investigation now pending before this Grand Jury  
21 shall be the truth, the whole truth and nothing but  
22 the truth, so help you God?

23 MR. GUNTHER: I do.

24 THE FOREMAN: And you are here today to  
25 give testimony in the investigation pertaining to

1 the offenses of burglary while in possession of a  
2 firearm, murder with use of a deadly weapon, robbery  
3 with use of a deadly weapon, and first degree  
4 kidnapping with use of a deadly weapon involving a  
5 Donte Johnson as set forth in the proposed  
6 Indictment?

7 MR. GUNTHER: Yes, sir.

8 THE FOREMAN: Thank you.

9 Please be seated.

10  
11 ED GUNTHER,

12 having been first duly sworn by the  
13 Foreman of the Grand Jury to testify to  
14 the truth, the whole truth and nothing  
15 but the truth, testified as follows:

16  
17 EXAMINATION

18  
19 BY MR. DASKAS:

20 Q. Mr. Gunther, if you'd state your name  
21 and spell your last name for the record, please.

22 A. My name is Edward Gunther. That's  
23 spelled G-u-n-t-h-e-r.

24 Q. Mr. Gunther, by whom are you employed?

25 A. By the Las Vegas Metropolitan Police

1 Department in the forensic laboratory.

2 Q. What's your job title?

3 A. I'm a latent fingerprint examiner.

4 Q. Tell me briefly, if you would, your  
5 qualifications, training, and experience in the  
6 fingerprint work area.

7 A. Okay. My training in latent  
8 fingerprints began back in 1975. I was employed by  
9 the Federal Bureau of Investigation as a fingerprint  
10 technician. I worked there for two years. And then  
11 in 1977 entered into a latent fingerprint training  
12 program with the State of Ohio. I completed that  
13 training program and did routine case work with them  
14 until 1980 when I took employment with the Florida  
15 Department of Law Enforcement in Tampa, Florida. I  
16 did latent fingerprint work with FDLE for 18 years  
17 before taking my current position with Metro in May  
18 of this year.

19 I also have a bachelors degree  
20 from University of South Florida and am a certified  
21 latent fingerprint examiner and a member of Florida  
22 division of an international division of  
23 identification.

24 Q. Have you previously testified in courts  
25 of law regarding fingerprint work that you have



1 done?

2 A. Yes. In the federal courts and state  
3 courts of Ohio and Florida.

4 Q. Tell us, if you would, what a  
5 fingerprint is briefly.

6 A. A latent fingerprint?

7 Q. Yes.

8 A. Well, when you -- the skin on your  
9 hands and fingers is different than on the rest of  
10 your body. We have pores or it's raised in rows  
11 called ridges. These ridges constantly are  
12 excreting perspiration and other trace amounts of  
13 chemicals.

14 When you touch something with  
15 your hands or feet you'll leave a deposit of that  
16 material on that surface. We, as latent examiners,  
17 through various physical processing techniques,  
18 powders or chemical techniques, try to develop those  
19 prints off surfaces and make comparisons with known  
20 inked standards of individuals.

21 Q. What is an exemplar?

22 A. Well, an exemplar or a known ink  
23 standard is a record that is taken of an individual  
24 as he either comes into contact with the criminal  
25 justice system or as here in Las Vegas comes in for

1 a work card or some sort of contact where they have  
2 to be fingerprinted. Those records are maintained  
3 either with us at the Metropolitan Police Department  
4 or downtown in the civil files of the Metro Police  
5 Department.

6 Q. Are the terms known inked print and  
7 exemplar then synonymous, they mean basically the  
8 same thing?

9 A. Yes, they do.

10 Q. How are comparisons made and  
11 identification is affected of fingerprints?

12 A. Well, the basis for fingerprint  
13 identification is that no two fingerprints have ever  
14 been found to be exactly alike in the arrangement of  
15 the ridge structure.

16 And the way the examination is  
17 done is the item would come into the laboratory with  
18 say, in this instance, it was a latent lift. The  
19 first job the examiner has to do is evaluate the  
20 lift and determine whether it has enough individual  
21 characteristics to make -- to make an identification  
22 with any individual. Individual characteristics are  
23 what make your fingerprints different from anyone  
24 else's, so that's what we're looking for first.

25 And from that, we take that, and

1 we have the exemplar or the standard that is  
2 supplied to us, and we actually make a physical  
3 comparison using a magnifier glass between the  
4 latent fingerprint and the exemplar, and what we're  
5 trying to ascertain is whether there's enough -- a  
6 sufficient number of characteristics on the latent  
7 fingerprint that correspond in size, shape, and  
8 position on the inked fingerprint. And when we do  
9 that then we, as an examiner, will make a positive  
10 identification stating that the latent fingerprint  
11 from the crime scene was, in fact, made by the same  
12 person who left this standard ink standard.

13 Q. Did you bring with you to court today  
14 an exemplar or a known inked print?

15 A. Yes, I did.

16 Q. You've actually handed me three  
17 different documents.

18 Are these all exemplars?

19 A. Yes, they are.

20 Q. And to whom do these exemplars belong?

21 A. Well, we have one set of exemplars here  
22 that belong to an individual -- at least they're  
23 titled to an individual named John L. White. The  
24 second set, this regular what we call an  
25 eight-by-eight card is also titled to an individual

1 named John Lee White.

2 Q. Does a date of birth appear on any of  
3 these exemplars?

4 A. Yes, they do.

5 Q. What's the date of birth?

6 A. The date of birth at least on this  
7 particular eight-by-eight card is 5/27/77.

8 Q. From where were those exemplars  
9 obtained?

10 A. This eight-by-eight exemplar was  
11 obtained from the civil files of the Metropolitan  
12 Police Department, and this is what we call a SPC  
13 because it has palm print standards. This was  
14 retrieved at the laboratory files where we keep this  
15 type of card.

16 MR. DASKAS: I'd ask to have these  
17 marked as next in order, State's Proposed Exhibits  
18 32 through 34.

19 BY MR. DASKAS:

20 Q. Now, Mr. Gunther, did you then make a  
21 comparison between the exemplars?

22 Mr. Gunther, did you then make a  
23 comparison with the exemplars that are now marked as  
24 State's Proposed Exhibits 32 through 34 with a  
25 latent print that was recovered from the crime scene

1 at 4825 Terra Linda?

2 A. Yes, I did.

3 Q. Mr. Gunther, let me show you what's  
4 been marked as -- admitted as State's Exhibit Number  
5 31.

6 Do you recognize that exhibit?

7 A. Yes, I do. It has the lab or the event  
8 number on it, and my initials are also present on  
9 the card.

10 Q. And is that the latent print that you  
11 compared with the exemplars of the person you named  
12 as John White?

13 A. Yes, it is.

14 Q. What was the result of the comparison  
15 between the exemplar of John White and the latent  
16 print recovered from the crime scene?

17 A. The results of my comparison were that  
18 the fingerprint that was recovered here from State's  
19 Exhibit Number 31 from the Middleton cigar package  
20 on the floor of the living room identified that  
21 fingerprint as being made by the same person that  
22 made the standards of John L. White.

23 Q. Has anybody other than yourself  
24 examined the exemplar and the latent print that was  
25 recovered from the crime scene?

1           A.     Yes. In the laboratory we have a  
2 verification process that every identification is  
3 checked by a second individual.

4           Q.     And that person's examination resulted  
5 in the same findings as your own examination?

6           A.     Yes, sir.

7           MR. DASKAS: I have no further  
8 questions of Mr. Gunther.

9                     I would move to admit and  
10 publish State's Exhibits 32 through 34.

11 BY A JUROR:

12           Q.     Do you have a photograph of John White?

13           A.     Do I have a photograph of him, no, sir.

14           Q.     Have you seen a picture of John White?

15           A.     No, sir.

16           Q.     How did you get these exemplars then?

17           A.     The exemplars -- the name is supplied  
18 to us, or the event number. I'm sorry. The  
19 identification number is supplied to us either  
20 through -- usually through the detective, and they  
21 say -- they will say to us I have a number 7777.  
22 Let's see if you can find a record of him. I want  
23 him compared against the latents from this  
24 particular case.

25           Q.     You still didn't explain how you got

1 John White involved.

2 MR. GUYMON: We'll have a subsequent  
3 witness that will come in.

4 A JUROR: You will?

5 MR. GUYMON: Yes.

6 BY A JUROR:

7 Q. Does Mr. White go under any different  
8 name, or was he only known as Mr. White as far as  
9 the fingerprints?

10 MR. GUYMON: Let him answer if he can  
11 answer that. We'll have subsequent witnesses.

12 THE WITNESS: I don't have any -- the  
13 only thing I know was what was related to me by  
14 other individuals that this -- that it may be an  
15 alias for another individual.

16 A JUROR: Thank you.

17 THE FOREMAN: Any other questions?

18 MR. GUYMON: This may prompt other  
19 questions.

20 At the conclusion of our  
21 presentation we'll be asking you to amend the  
22 proposed Indictment to also reflect a second aka for  
23 Donte Johnson which will be John White. We'll  
24 present some witnesses, and we'll get to that issue  
25 ultimately. I don't know if you have any subsequent

1 questions of what I'm going to ask you to do  
2 ultimately.

3 THE FOREMAN: Any other questions?

4 (No response.)

5 THE FOREMAN: Hearing no more  
6 questions, by law, these proceedings are secret, and  
7 you are prohibited from disclosing to anyone  
8 anything that transpired before us including  
9 evidence presented to the Grand Jury, any event  
10 occurring or a statement made in the presence of the  
11 Grand Jury, or information obtained by the Grand  
12 Jury.

13 Failure to comply with this  
14 admonition is a gross misdemeanor, punishable by a  
15 year in the Clark County Detention Center and a  
16 \$2,000 fine. In addition, you may be held in  
17 contempt of court punishable by an additional \$500  
18 fine and 25 days in the Clark County Detention  
19 Center.

20 Do you understand this  
21 admonition?

22 THE WITNESS: Yes, sir.

23 THE FOREMAN: Thank you.

24 You may be excused.

25 THE WITNESS: Thank you.



(Witness excused.)

THE FOREMAN: Please raise your right hand.

You do solemnly swear that the testimony that you are about to give upon the investigation now pending before this Grand Jury shall be the truth, the whole truth and nothing but the truth, so help you God?

SERGEANT HEFNER: Yes.

THE FOREMAN: And you are here today to give testimony in the investigation pertaining to the offenses of burglary while in possession of a firearm, murder with use of a deadly weapon, robbery with use of a deadly weapon, and first degree kidnapping with use of a deadly weapon involving a Donte Johnson as set forth in the proposed Indictment?

SERGEANT HEFNER: Yes.

THE FOREMAN: Thank you.

KEN HEFNER,

having been first duly sworn by the Foreman of the Grand Jury to testify to the truth, the whole truth and nothing but the truth, testified as follows:

EXAMINATION

BY MR. GUYMON:

Q. Good morning, Detective or Sergeant.

Can you state your full name and spell your last name?

A. Ken Hefner, H-e-f-n-e-r.

Q. And Sergeant Hefner, are you currently employed with the Las Vegas Metropolitan Police Department in the Homicide Detail acting as a sergeant?

A. Yes.

Q. And were you assigned or associated in any way with the quadruple homicide that occurred on would be what, August 13th and into the 14th of 1998?

A. Yes, I was.

Q. Are you familiar with an individual that's been identified as Donte Johnson?

A. Yes.

Q. Does Donte Johnson use any other name other than Donte Johnson?

A. He has a street moniker of Deko, and he has another moniker. I believe the name is White. Last name is White. First name might be John. I'm

1 not quite sure. I'd have to check the SCOPE  
2 printout.

3 Q. If I can give you a picture there.  
4 It's Number -- I believe it's Number 3.

5 Do you recognize that person?

6 A. Yes. This is Donte Johnson.

7 Q. How is it that you recognize Donte  
8 Johnson? Have you had physical contact with him?

9 A. Yes.

10 Q. When did you first come in contact with  
11 Donte Johnson?

12 A. The night we arrested him.

13 Q. You indicated a criminal SCOPE. Can I  
14 show you a criminal SCOPE and ask you if you're  
15 familiar with criminal SCOPE?

16 A. This is Donte Johnson's criminal SCOPE  
17 record. It also shows that he has several other  
18 monikers, aka Donte Cain, C-a-i-n, Donte Fritz,  
19 F-r-i-t-z, and John White.

20 Q. I'm going to show you three fingerprint  
21 cards of what appears to be the same three different  
22 times printed John Lee White is at the top.

23 A. Right.

24 Q. Is that correct?

25 A. Yes.

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IN THE SUPREME COURT OF THE STATE OF NEVADA

\* \* \* \* \*

DONTE JOHNSON,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

S.C. CASE NO. 65168

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APPEAL FROM DENIAL OF PETITION FOR WRIT OF HABEAS CORPUS  
(POST-CONVICTION)  
EIGHTH JUDICIAL DISTRICT COURT  
THE HONORABLE JUDGE ELISSA CADISH, PRESIDING

~~~~~  
APPELLANT'S APPENDIX TO THE OPENING BRIEF  
VOLUME I  
~~~~~

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**CERTIFICATE OF SERVICE**

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on the 9<sup>th</sup> day of January, 2015. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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