

JOHNSON - DIRECT

1 Q Once Joel moved out around Christmas time, did
2 anybody else move into the master bedroom?

3 A Ace had lived there for a while.

4 Q When you say Ace, is that Ace Hart?

5 A Yes, sir.

6 Q All right. To your knowledge, around that time, say
7 Christmas of '97, early '98 or later, did Ace move out of the
8 house?

9 A Afterwards, probably right around the same time I
10 moved out, if not before.

11 Q When Ace moved out of the Everman home, do you know
12 where he stayed?

13 A He stayed at my house for a while and then with his
14 mother.

15 Q All right. When you say he stayed at my house, are
16 you referring to your mother's house?

17 A Yes, sir.

18 Q After you moved out of the Everman home, did you
19 continue to visit the home?

20 A Yes, sir.

21 Q Your friends still lived there?

22 A Yes, sir.

23 Q Let me direct your attention to late July, early
24 August of 1998. Did you still continue to visit the Everman
25 home?

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1 A Yes, sir.

2 Q To your knowledge, did anybody other than Tod and
3 Ace begin to stay inside the Everman home?

4 A Yes, sir.

5 Q Tell me who it was that began to stay in the Everman
6 home?

7 A Deco, Red, and La La.

8 Q All right. You mentioned three names just now. You
9 say La La? Is that a yes?

10 A Yes, sir.

11 Q Do you know La La by any other names?

12 A No, sir.

13 Q Did you see her outside the courtroom today?

14 A Yes, sir.

15 Q You mentioned the name Red. Did you know Red by any
16 other names?

17 A No, sir.

18 Q Describe what Red looked like?

19 A African-American, somewhat heavy set. I'd say six
20 feet tall.

21 Q You mentioned the name Deco. Did you know Deco by
22 any other names?

23 A Yes, sir.

24 Q What other names?

25 A Donte Johnson and John White.

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1 Q Do you see Deco or Donte Johnson or John White in
2 Court today?

3 A Yes, sir.

4 Q Please point to him and describe something he's
5 wearing as he sits in Court this morning.

6 A Set of glasses.

7 MR. DASKAS: Judge, let the record reflect the
8 witness has identified the defendant?

9 THE COURT: Yes.

10 BY MR. DASKAS:

11 Q Bryan, let me ask you, as Deco sits in Court today,
12 does he appear any differently than he did back in August of
13 1998?

14 A Yes, sir.

15 Q What is different about Deco as he sits in Court
16 today?

17 A His hair.

18 Q How did he wear his hair when you knew him in August
19 of '98?

20 A Usually braided.

21 Q Did he wear glasses back then?

22 A No, sir.

23 Q Who was the owner of the Everman home?

24 A Tod's mother.

25 Q Did she live there?

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1 A No, sir.

2 Q You mentioned that Deco, Red and La La began to stay
3 in the Everman home after you moved out, but while you
4 continued to visit, did you see where they kept any of their
5 personal belongings?

6 A Yeah, in the master bedroom.

7 Q Anywhere else in the house where they kept their
8 personal belongings?

9 A Not to my knowledge.

10 Q Can you estimate for me how many times you saw Deco
11 at the Everman home between, say June of '98 and August of
12 1998?

13 A Every time I went there.

14 Q All right. How often would you go to the Everman
15 home?

16 A Three or four times a week.

17 Q Did you ever see Deco smoke?

18 A Yes, sir.

19 Q And what, if you know, would he smoke?

20 A Black and Mild cigars.

21 Q Did you ever see Deco smoke anything other than
22 Black and Mild cigars, any type of cigarettes?

23 A He may have, but I don't recollect.

24 Q Let me direct your attention specifically to the
25 15th day of August 1998, which I'll represent to you was a

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1 Saturday. Do you recall if you visited the Everman home on
2 that Saturday morning?

3 A Yes, sir.

4 Q Was there any particular reason you visited Everman
5 that day?

6 A Yeah. We had -- Tod Armstrong, Ace Hart and myself
7 had a job interview and we went back there to change -- they
8 had to change clothes to go to the interview.

9 Q Do you recall the location of that interview?

10 A Stallion Mountain Golf Course.

11 Q Was there anybody in particular who had arranged the
12 interview at Stallion Mountain?

13 A Ace Hart's mother.

14 Q She worked there?

15 A Yes, sir.

16 Q Can you estimate for me what time the interview was
17 to take place at Stallion Mountain on August 15th?

18 A 11:00 or 12:00, in that area.

19 Q Sometime before lunch time?

20 A Yes, sir.

21 Q Do you know what time you met Ace and Tod at the
22 Everman home on Saturday morning?

23 A I would -- approximately 10 o'clock, 9:30.

24 Q You mentioned that Tod and Ace had to change or get
25 ready at the Everman home?

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1 A Yes, sir.

2 Q I thought you mentioned, though, that Ace had
3 already moved out of the home.

4 A That is correct. He still had some belongings
5 there.

6 Q He had some of his clothes there still?

7 A Yes, sir.

8 Q Let me ask you, back around this time frame, July
9 and August of 1998, did you use crack cocaine?

10 A Yes, sir.

11 Q Did Ace Hart use crack cocaine?

12 A Yes, sir.

13 Q Did Tod Armstrong use crack cocaine?

14 A Yes, sir.

15 Q Did there come a time when you slowed down your use
16 of crack cocaine around August of 1998?

17 A Yes, sir.

18 Q When was that?

19 A I would say late July.

20 Q Was there any particular reason you stopped using as
21 much crack cocaine as you had in the past?

22 A Well, we -- Ace and I had gone to my mother's house,
23 like I said before, and you know, it was harder to get to and
24 it made it easier to not do it.

25 Q All right. So by the time or at the time you and

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1 Ace moved into your mother's house, did you continue to use
2 some crack cocaine?

3 A Yes, sir.

4 Q Not quite as much?

5 A Correct.

6 Q Do you know if Tod slowed down his use of crack
7 cocaine once you and Ace moved out of the Everman home?

8 A I believe that he did, sir.

9 Q Of the three of you, was there one of you, in
10 particular, who was able to purchase cocaine more frequently
11 than the other two?

12 A Yes, sir.

13 Q Who?

14 A I was.

15 Q Why was that?

16 A I had more money.

17 Q Let me talk to you specifically now about the
18 morning of August 15th, 1998. Was Deco at the Everman home?

19 A Yes, sir.

20 Q Was Red at the Everman home?

21 A Yes, sir.

22 Q Was La La there?

23 A Yes, sir.

24 Q Did there come a time before you left -- before you
25 left for your interview that you had a conversation or heard

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1 Deco make statements about a crime?

2 A Yes, sir.

3 Q Where were you when you overheard these statements
4 or engaged in this conversation?

5 A In the living room.

6 Q Who else was present when Deco spoke about a crime?

7 A When -- while he was talking, Ace and I were in the
8 room. Other people walked in and out --

9 Q All right.

10 A -- Tod, Red, and La La.

11 Q But you specifically recall you and Ace being
12 present the entire time Deco spoke about a crime?

13 A Yes, sir.

14 Q What specifically did Deco say about his involvement
15 in a crime?

16 A He started talking about how they went into the
17 house. He basically told us the whole story, sir.

18 Q You say he told us the whole story. I want you to
19 take me through chronologically what he told you first and
20 what he told you last.

21 A He started off, they drove over to a house, that
22 they were looking for money and/or drugs.

23 Q Well, let me stop you and I'll stop you
24 periodically. When you say they drove to a house, when Deco
25 said they drove to a house, did he tell you who he was

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1 referring to?

2 A Deco and Red.

3 Q And you say they drove. Do you know what Deco and
4 Red drove to get to this other house?

5 MR. FIGLER: Your Honor, I'm gonna object to the
6 form of the question. He can only ask about what this person
7 Deco said to him, not to speculate as to other events.

8 THE COURT: Sustained.

9 MR. FIGLER: Thank you.

10 BY MR. DASKAS:

11 Q And Bryan, understand that's why I'm asking you
12 about what you learned that morning. I want to know what Deco
13 said, so based on what Deco told you do you know how he and
14 Red got to this other location?

15 A He said they drove there.

16 Q All right. Did he say what happened once they
17 arrived at this other home?

18 A Yeah. He said they --

19 MR. FIGLER: Object. Did he say no, Your Honor?

20 MR. DASKAS: He said yeah. He said yes.

21 MR. FIGLER: I couldn't hear. Maybe if the witness
22 could move up a little bit closer to the microphone.

23 THE WITNESS: Should I speak up?

24 MR. FIGLER: Please.

25 THE COURT: Yeah, speak up.

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1 THE WITNESS: I'm sorry.

2 THE COURT: Thank you.

3 THE WITNESS: He said that once they got up to the
4 house, there was somebody standing outside drinking a beer and
5 they continued to go towards the person with guns. They told
6 him to go inside the house. Once they got in, there was two
7 other people inside the house. They started to duct tape 'em,
8 ask 'em where money was. Someone knocked at the door. They
9 brought him in the house, duct taped him also and --

10 BY MR. DASKAS:

11 Q Let me stop you there, Bryan.

12 A Okay.

13 Q Based on what Deco told you the morning of
14 August 15th, what was your understanding of how many victims
15 were eventually brought into that home?

16 A Four.

17 Q And you mentioned that Deco said there was duct tape
18 involved. What was your understanding of how many people were
19 duct taped?

20 A Four.

21 Q You mentioned that Deco and Red confronted somebody
22 with guns, is that correct?

23 A Yes, sir.

24 Q What was your understanding, based on what Deco
25 said, of who had guns?

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1 A He and Red.

2 Q At any point, did Deco mention to you the attitude
3 or demeanor of any of the victims who were taped up?

4 A Yes, sir.

5 Q Tell me what Deco said.

6 A One of the victims was getting smart with him or
7 back-talking and he -- excuse my language. He acted like it
8 was -- he said he acted like it was a fucking joke.

9 Q Those were Deco's words?

10 A Yes, sir.

11 Q All right. Did Deco say anything about the race or
12 nationality of the person who was acting like it was a joke?

13 A He said he was Mexican.

14 Q And did Deco say anything about what Deco did as a
15 result of the Mexican acting like it was a joke?

16 A Yes, sir. He said he took him into the back room
17 and shot him in the head.

18 Q He took him in the back room and shot him in the
19 head?

20 A Yes, sir.

21 Q All right. Did Deco mention anything about any of
22 the other victims in the house?

23 A Yes, sir. He said one was being real cooperative
24 and polite and he didn't really want to kill him.

25 Q Despite the fact that Deco said he didn't really

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1 want to kill the one who was being polite, did he tell you
2 what he did? What Deco did to that person?

3 A He didn't tell me what he did himself. He told me
4 that they killed all the people in the house.

5 Q In other words, what -- based on what Deco told you,
6 it was your understanding that everybody who was taped up was
7 eventually killed?

8 A Yes, sir.

9 Q Did Deco say anything about the reaction of any of
10 the victims who were shot?

11 A He said one made a loud noise and I can't remember
12 the noise he made now, but --

13 Q You say you can't remember the noise Deco made. Did
14 he, however, make a noise to imitate that person?

15 A Yes, sir.

16 Q And you recall that?

17 A Yes, sir.

18 Q But you're certain the noise that Deco made to
19 imitate the person?

20 A Correct.

21 Q Did he say anything else about the reaction or what
22 happened when these people were shot?

23 A He said the blood squirted up. It looked like
24 Niagara Falls.

25 Q Were those Deco's words, "It looked like Niagara

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1 Falls"?

2 A Yes, sir.

3 Q Did you believe Deco when he said these things?

4 A Yes, sir.

5 Q Did Deco mention anything on the morning of
6 August 15th about the clothes he was wearing when he and Red
7 committed these crimes?

8 A He mentioned that he'd got some blood on his pants.

9 Q Did Deco say anything about the proceeds, the loot
10 that he and Red got from this crime?

11 A Yes, sir. He had mentioned that they got
12 approximately two hundred and fifty dollars (\$250) and --
13 well, that's all that he mentioned.

14 Q Other than receiving money, did he say anything
15 about any -- any other items that were taken from the
16 residence?

17 A I don't recall him saying anything else.

18 Q You had visited the Everman home, you mentioned
19 numerous times up until August 15th, is that true?

20 A Yes, sir.

21 Q Any time prior to August 15th, when you were at the
22 Everman home, did you ever see a VCR in the living room area
23 prior to August 15th?

24 A No, sir.

25 Q Prior to August 15th, did you ever see a Sony Play

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1 Station in the living room area?

2 A When I lived there, there was one, but after I moved
3 out there was not one.

4 Q From the time you moved out until, say the day
5 before August 15th, did you ever see a Sony Play Station in
6 the living room at Everman?

7 A No, sir.

8 Q All right. Let me now direct your attention back to
9 the morning of August 15th. You mentioned this conversation
10 took place in the living room, is that true?

11 A Yes, sir.

12 Q Was there a VCR that you saw in the living room on
13 that morning?

14 A Yes, sir.

15 Q How about a Sony Play Station?

16 A Yes, sir.

17 Q Based on your conversation with the defendant, do
18 you have any knowledge about where those items came from,
19 based on your conversation with the defendant --

20 A No, sir.

21 Q All right. When you visited the Everman home after
22 Deco and Red started staying there, did you ever see -- you
23 mentioned they kept personal belongings there, is that true?

24 A Yes, sir.

25 Q Other than clothing, what types of personal

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1 belongings did you see at the Everman home?

2 A They had some guns.

3 Q You say some guns. Describe -- well, how many guns
4 did you see?

5 A Three, that I can recall.

6 Q You say three. Tell me about the three guns that
7 you saw. Describe the guns you saw.

8 A One was a shotgun, one was a regular handgun, as far
9 as I know, and looked like an automatic weapon.

10 Q All right. Do you know the difference between, say
11 a revolver and an automatic?

12 A I couldn't tell you the definition.

13 Q All right. Well, do they appear differently? If
14 you were to look at a revolver and look at a semiautomatic, is
15 there something about the two of them that makes them
16 different?

17 A Oh, yes, sir.

18 Q What's the difference?

19 A I can't even describe, sir.

20 Q All right. Do you know the difference between, say
21 a rifle and a handgun?

22 A Yes, sir.

23 Q All right. Of the three guns, were any of them more
24 like a rifle than a handgun?

25 A Pardon?

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1 Q Was any of them as long as a rifle, any of the three
2 guns you mentioned?

3 A The shotgun was.

4 Q All right. Describe that gun for me.

5 A It looked like a -- I would say like a hunting
6 shotgun.

7 Q Did you see the type of handle that it had, what you
8 would hold on to in order to shoot it?

9 A I saw it, but I don't recollect anything unusual.

10 Q Did you ever see any gloves at the Everman home
11 after Deco and Red started staying at the home?

12 A Yes, sir.

13 Q Describe the gloves that you saw.

14 A They were brown, not mittens, but actual gloves with
15 the five fingers and they were thin, furry material. We call
16 them Brownies.

17 Q You say you called 'em Brownies?

18 A Yes, sir.

19 Q All right. Do you know what type of material those
20 Brownies, those gloves were made of?

21 A I would guess cotton.

22 Q How many pairs of those gloves did you see at the
23 Everman home?

24 A I don't recollect.

25 Q More than one?

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1 A Yes, sir.

2 Q More than two?

3 A Probably.

4 Q And when you saw those Brownies, those gloves in the
5 Everman home, where were they located?

6 A In the master bedroom.

7 Q Along with the defendant's other personal
8 belongings?

9 A Yes, sir.

10 Q Did you ever see any of the clothes that the
11 defendant kept in the master bedroom?

12 A Yes, sir.

13 Q Did you ever see Deco wear black jeans?

14 A Yes, sir.

15 Q And how about Red?

16 A Yes, sir.

17 MR. DASKAS: I'll pass the witness, Judge.

18 THE COURT: Thank you.

19 Cross?

20 MR. FIGLER: Thanks, Judge.

21 CROSS-EXAMINATION

22 BY MR. FIGLER:

23 Q Good afternoon, Mr. Johnson. I just wanna make sure
24 you're the same Bryan Johnson I'm thinking about. You're the
25 Bryan Johnson who's friends with Ace Hart, right?

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1 A That's correct, sir.

2 Q And you're also the Bryan Johnson who's good friends
3 with Tod Armstrong, correct?

4 A That's correct.

5 Q Three buddies hung out a lot, right?

6 A Yes, sir.

7 Q Did a lot of things together, correct?

8 A Yes, sir.

9 Q And we're talking about a time in August when you
10 were all in a car together, driving out to some golf course to
11 try to get employment?

12 A Correct.

13 Q Okay. And about when was that?

14 A The 15th, sir.

15 Q 15th of August, correct?

16 A Yes, sir.

17 Q So that was on the same day that this alleged
18 conversation occurred in the Everman residence?

19 A Yes, sir.

20 Q So you went to the police that day and you told them
21 all this information that you had, right, August 15th?

22 A I don't recollect which -- if it was that day or
23 not. I believe so.

24 Q You did go to the police on August 15th?

25 A Okay.

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1 Q That -- is that your testimony? I'm asking you.
2 I'm not telling you. I'm asking you.

3 A I -- I don't recollect if it was that day or not.

4 Q Okay. How about the 16th? Was it the 16th that you
5 might've gone?

6 A I believe it was the 17th, but I'm not sure on the
7 date, sir.

8 Q Okay. Have a little memory problem years later?

9 MR. DASKAS: Objection, Judge; argumentative.

10 THE COURT: Overruled.

11 BY MR. FIGLER:

12 Q A little memory problem for the dates and things
13 like that?

14 A Absolutely, sir.

15 Q Okay. It's been some time, right?

16 A Correct.

17 Q Okay. Now, you did say that you were, in fact,
18 using crack cocaine around this time, correct?

19 A Yes, sir.

20 Q Okay. Now, I'm sure most members of the jury, if
21 not everyone, doesn't know about how that affects your ability
22 to perceive things. Can you describe for us what crack
23 cocaine does to your mind?

24 A It's like a very short, like minute-long high, and
25 for that like minute or so you -- you really aren't in

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1 reality. After that, you know, it varies. You really
2 don't -- it's not a long-term, as far as, you know -- it
3 doesn't last for half an hour or a day.

4 Q If you use crack over a long period of time, though,
5 you start to get pretty messed up, isn't that correct?

6 A I would reckon so, sir.

7 Q Okay. And it is an addictive drug, right?

8 A Correct.

9 Q And if other people testified that you were a heavy
10 crack user at one point, that wouldn't be inaccurate, right?
11 That -- that would be the truth?

12 A No, sir. That would be the truth.

13 Q Now, you talked about your buddy Ace Hart. Have you
14 seen him lately?

15 A Yes, sir.

16 Q When did you see him last?

17 A Yesterday.

18 Q Here in the courthouse?

19 A Right outside.

20 Q Okay. Now, let's go back to July of 1998. It's
21 your testimony that you moved out of the Everman residence
22 around that time, July or June, somewhere around there?

23 A Yes, sir.

24 Q Okay. And you know -- or you have personal
25 knowledge that this gentleman who you've identified before and

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1 this woman named La La moved into the Everman residence after
2 that?

3 A Correct.

4 Q Now, how are you making your money at this time?

5 A I work at a golf course, sir.

6 Q Okay. But before that --

7 A Oh.

8 Q -- when you had all this money to buy drugs and
9 things like that, how were you making your money?

10 A After a while, I worked at a car wash and the rest
11 of it I got from my mother.

12 Q Now, do you remember the circumstances surrounding
13 you telling the police, for the very first time, all this
14 information that -- about this alleged conversation?

15 A Yes, sir.

16 Q And what were the circumstances that led you to go
17 to the police department?

18 A I had an argument with my mother.

19 Q Okay.

20 A And my father called the police and they came out to
21 see what the problem was.

22 Q All right. Let me stop you there. So you had
23 enough of an argument with your mother that your dad had to
24 call the police?

25 A Yes, sir.

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1 Q Okay. Have you had arguments with your mother
2 before in your life?

3 MR. DASKAS: I'll object to relevance, Judge.

4 THE COURT: Sustained.

5 MR. FIGLER: Why -- I just wanna see if this was
6 standard or not, whether the police were called.

7 THE COURT: I understand what you're saying.
8 Sustained.

9 MR. FIGLER: Okay.

10 BY MR. FIGLER:

11 Q So the police came to your house on something
12 completely not related to this, correct?

13 A That's correct, sir.

14 Q Okay. So the police are there trying to figure out
15 what's going on between you and your mother, correct?

16 A Yes, sir.

17 Q Trying to calm down the situation?

18 A Yes, sir.

19 Q Decide if any kind of crimes are being committed, if
20 anyone needs to be arrested, that sort of thing?

21 A I believe so, sir.

22 Q And at some point you decide to talk to them about
23 this conversation that allegedly occurred a couple days
24 before, correct?

25 A That's right, sir.

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1 Q Now, did they record that statement?

2 A Yes, sir.

3 Q Now, during the recording of that statement, they
4 were talking to you on and off the tape recorder, right?
5 Well, first they had to find out what was going on with you
6 and your mom, right?

7 A Once -- once we left my house, that was no longer an
8 issue, sir, once we went to the detective.

9 Q Okay. So then you -- they transported you down to
10 the detective station or bureau or something like that?

11 A Correct.

12 Q So it wasn't the same officer who had originally
13 come out. Now we're talking about someone else, right?

14 A It was a different officer who asked me about the
15 crime, yes.

16 Q Okay. So would you remember if that was Detective
17 Buczek?

18 A Yes, sir.

19 Q Does that sound familiar?

20 A Yes, sir.

21 Q Okay. Now, were you truthful with Detective Buczek?

22 A Yes, sir.

23 Q Did you tell him everything that you told us here
24 today?

25 A To my knowledge, sir.

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1 Q Okay. And you had nothing to conceal, nothing to
2 hide, right?

3 A No, sir.

4 Q And you're telling us today that when this
5 conversation occurred, Tod was there?

6 A Tod was in the house.

7 Q On the conversation -- and I -- so no one
8 misunderstands, we're talking about this alleged conversation
9 on the 15th.

10 A Yes, sir.

11 Q You're saying that Tod was at the house?

12 A Yes, sir.

13 Q And La La was there?

14 A Yes, sir.

15 Q And Ace?

16 A Yes, sir.

17 Q Okay. So if La La had told us that you weren't
18 present, she would be mistaken, correct?

19 A Yes, sir. If it is the same conversation we're
20 talking about.

21 Q There's -- okay. Now, you testified today that this
22 gentleman here indicated that someone in the back room was
23 acting up, correct?

24 A No. He wasn't acting up in the back room. He was
25 acting up before he brought him to the back room, sir.

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1 Q Okay. And you identified that person as the Mexican
2 kid, correct?

3 A Yes, sir.

4 Q And it's your testimony that this individual told
5 you that it was the Mexican kid, specifically. He said those
6 words, right?

7 A I'm not sure the exact word he used, sir.

8 Q But he said Mexican kid to you, right?

9 A I said I'm not sure the exact word, sir.

10 Q Okay. You didn't tell the police, on August 17th,
11 1998, that this individual told you it was the Mexican kid,
12 did you?

13 A I don't recollect, sir.

14 Q All right. If I were to show you your statement
15 that you made that day and go through it, do you think that
16 the word Mexican would show up even once in it?

17 A I don't know, sir.

18 Q Well, I thought we could save a little time. I'll
19 represent to you that it doesn't show up here once and if the
20 prosecutors can say differently, I'm sure during their
21 redirect, they'll be able to bring it up.

22 MR. DASKAS: Judge, I'll object to the form of the
23 question.

24 THE COURT: Is there a question?

25 MR. FIGLER: Well, I could ask -- Your Honor, it's

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1 how you want to proceed with this. I could present it to him
2 and have him look through it.

3 THE COURT: Well, let me tell you, Mr. Figler, I
4 want to proceed with this and everything else --

5 MR. FIGLER: Okay.

6 THE COURT: -- according to the rules of evidence.
7 If I don't hear -- if I don't --

8 MR. FIGLER: I'll approach --

9 THE COURT: -- hear a question, that to me is
10 improper.

11 MR. FIGLER: Okay.

12 THE COURT: Now, I don't care whether you show him
13 the statement or you don't show him the statement.

14 MR. FIGLER: I understand that.

15 BY MR. FIGLER:

16 Q If I were to show you the statement, do you think
17 that would refresh your memory whether or not you told the
18 police that this individual told you it was a Mexican?

19 A I believe the statement to be accurate, sir.

20 Q Okay. Well, let me show it to you then. So why
21 don't you take the time to look through it, see if the word
22 Mexican shows up in there once.

23 (Pause in the proceedings)

24 A No sir, I don't see the word.

25 Q Okay. Nor do you see the word Hispanic in there, do

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1 you?

2 A No, sir.

3 Q Nor Latino?

4 A No, sir.

5 Q Nor Spaniard?

6 A No, sir.

7 Q Nothing like that, right?

8 A Correct.

9 Q Yet today, over two years -- almost two years later,
10 you remember that he told you that it was the Mexican kid,
11 correct?

12 A I'm not sure he used that exact word, but --

13 Q But that's what you testified today to. You agree
14 with that?

15 A Yes, sir.

16 Q Now, let me ask you, you didn't tell the police on
17 August 17th, 1998 about any guns that you saw in that house
18 either, did you?

19 A I don't recollect, sir.

20 Q Okay. You want to see it again and see if you say
21 anything about seeing guns in that house?

22 A No, sir.

23 Q Okay. You'll take my word for it that you didn't
24 tell the police that?

25 A I don't see you have any reason to lie, sir.

JOHNSON - CROSS

1 Q Okay. So that's another thing that you didn't tell
2 the police on August 17th, 1998?

3 A Apparently so.

4 Q Okay. Now, you testified on direct examination
5 that --

6 A Sir, also I'd like to indicate --

7 Q I don't have a question for you right now. You also
8 testified, during your direct examination, that this
9 individual allegedly told you that he got some blood on his
10 pants, isn't that correct?

11 A Correct, sir.

12 Q In fact, you told the police on August 17th, 1998,
13 that he told you that he got blood on the back of his pants,
14 right?

15 A I don't recollect where on the pants --

16 Q Let me show you his statement. See -- you read that
17 and if it refreshes your memory.

18 A Says blood on the back of his pants, sir.

19 Q You said that he said it was right on the back of
20 his pants, right?

21 A I would agree with the statement, sir.

22 Q That's what you told the police that day, right?

23 A Apparently so.

24 Q So it's your testimony that this individual here on
25 August 15th confessed to you this horrible crime in such

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1 specific detail that he even told you that he got blood on the
2 back of his pants? That was his conversation with you,
3 correct?

4 A To my knowledge, sir.

5 Q And you were really good friends with him, so that's
6 why he would tell you that, right?

7 A I wouldn't say that, sir, necessarily.

8 Q Okay. So he just happened to mention, then, a very
9 specific fact to you, correct?

10 A Apparently so, sir.

11 Q Now, you also testified on direct that you saw some
12 gloves, Brownies, correct?

13 A Correct, sir.

14 Q And in fact, you testified on direct that you called
15 them Brownies, isn't that right, or Browns?

16 A Brownies, yes, sir.

17 Q That's your word for them, right?

18 A Yes, sir.

19 Q You have words for gloves like that, right?

20 A No, I didn't make that up, sir.

21 Q It's a word that you have, though. You call them
22 Browns?

23 A I -- I learned that word from the defendant, sir.

24 Q Okay. And you don't associate yourself with the
25 defendant, right?

JOHNSON - CROSS

1 A As to what, sir?

2 Q As to being his friend, as being his ally.

3 A We were friends at the time, sir.

4 Q Okay. But you told the police, quote, unquote, "we"
5 -- you used the word "we called them Browns", referring to
6 yourself, isn't that correct?

7 A Myself included, sir, if I said "we".

8 Q Okay. So you were hanging out with Ace and Tod
9 alone, where there were the three of you, just the three of
10 you, between the 15th and the 17th when these statements start
11 to get made, isn't that correct, Bryan?

12 A I don't recollect saying that, sir.

13 Q Well, you testified on direct or at least there was
14 a time when you were all in the car together, isn't that
15 correct?

16 A Yes, sir, on Saturday the 15th, sir.

17 Q And you probably had discussions about, you know, at
18 least getting your job and what you're gonna do and that sort
19 of thing, right?

20 A Yes, sir.

21 Q Okay. And if there was other testimony that the
22 three of you were discussing what to do about this particular
23 case, is that true or not true?

24 A I don't recollect, sir.

25 Q So you don't have any recollection of discussing

III-164

JOHNSON - CROSS

1 what you were gonna do about this particular case between the
2 15th and the 17th before the police came to your house?

3 A I remember discussing it. I don't know -- remember
4 what we said.

5 Q Okay. So that was a discussion in addition to any
6 discussions about this that might've occurred in the car,
7 isn't that correct?

8 A Pardon me, sir?

9 Q You had a conversation in the car, correct?

10 A I'm sure we did. I don't remember what was -- what
11 was said.

12 Q 'Cause you were all in the car together, right?

13 A Yes. I don't remember what was said, but I -- I'm
14 sure we did have a discussion about something.

15 Q Okay. And you're saying that you do have some
16 recollection, at least, of another time when you were
17 discussing what was -- what were you gonna do about all this
18 information that you had, right?

19 A I'm sure we did discuss this, sir, yes.

20 Q Okay. So the three buddies talking about what
21 you're gonna do, right?

22 A Yes, sir.

23 Q And you don't want to get in trouble, right?

24 A I don't believe I had anything to get in trouble
25 over, sir.

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JOHNSON - CROSS

1 Q You don't want to be arrested, do you?

2 A Does anybody? No, I don't want to get arrested.

3 Q So you came up with the story with Tod and Ace,
4 didn't you?

5 A I didn't come up with the story, sir.

6 Q And you came up with even specific details like
7 blood on the back of pants, isn't that true?

8 A I didn't come up with anything, sir.

9 Q And that's --

10 A I told what was told to me.

11 Q And that's because Tod gave you that information,
12 isn't that true?

13 A No, sir.

14 Q And that Tod wanted to save himself, isn't that
15 true?

16 A No, sir.

17 Q That Tod had a lot to get in trouble for, isn't that
18 true?

19 A No, sir.

20 Q That Tod was a suspect in this case, isn't that
21 true?

22 A No, sir.

23 MR. DASKAS: I'll -- I'll object. I think we're
24 getting argumentative at this point.

25 THE COURT: Overruled.

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JOHNSON - CROSS

1 BY MR. FIGLER:

2 Q And your answer, when I asked you if Tod was a
3 suspect in this case, and your answer was? What did you just
4 say?

5 A I saw his name in the paper.

6 Q You said no, didn't you, just now?

7 (Off-record colloquy)

8 BY MR. FIGLER:

9 Q You haven't been charged with anything at all, have
10 you?

11 A As far as this case goes, sir?

12 Q Right.

13 A No, sir.

14 Q Okay. Do you have any other kind of convictions or
15 anything like that or any sort of felonies?

16 A Not for a felony, sir.

17 Q You're not using drugs at all anymore?

18 A No, sir.

19 Q You still live here in Las Vegas?

20 A Yes, sir.

21 MR. FIGLER: Pass the witness.

22 THE COURT: Redirect?

23 MR. DASKAS: Thank you, Judge.

24 //

25 //

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JOHNSON - REDIRECT
REDIRECT EXAMINATION

1
2 BY MR. DASKAS:

3 Q Bryan, Mr. Figler asked you if when you spoke to the
4 police on August 17th, you told the police that you saw Donte
5 with guns at the house, do you recall him asking you those
6 questions just now?

7 A Yes, sir.

8 Q In fact, he represented to you that that was nowhere
9 contained in your statement, do you recall that?

10 A Yes, sir.

11 Q Let me show you, Bryan --

12 MR. DASKAS: And, counsel, I'm referring to page 2
13 of this voluntary statement to the police --

14 MR. FIGLER: What date?

15 MR. DASKAS: August 17th, 1998, the only statement
16 he's given to the police.

17 BY MR. DASKAS:

18 Q Bryan, I'll represent that this is a copy of your
19 statement, dated August 17th, is that correct?

20 A Yes, sir.

21 Q And you recognize the questions that were asked and
22 the answers that you gave on that date, is that true?

23 A Yes, sir.

24 Q Let me direct your attention to page 2. You were
25 asked some questions about a duffel bag. Do you see that on

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JOHNSON - REDIRECT

1 page 2?

2 A Yes, sir.

3 Q And you were asked, and I quote, "What did it
4 contain?" Do you see that question?

5 A Yes, sir.

6 Q Tell me, Bryan. What was your answer to the
7 question, what did that duffel bag contain?

8 A "Approximately four guns, sir."

9 Q So in fact, three days after the crime occurred,
10 when you spoke to police, you did tell the police that you saw
11 Donte Johnson with guns?

12 A Yes, sir.

13 Q Mr. Figler asked you, on cross-examination, whether
14 you told the police that the kid in the back room was Mexican.
15 You recall that question?

16 A Yes, sir.

17 Q Now, do you recall the police ever specifically
18 asking you to describe the person that was brought into the
19 back room?

20 A No, sir. That's -- that's what I was trying to get
21 at, sir.

22 Q Okay. Sometime later, about a week later, two weeks
23 later, you testified before the Grand Jury, is that true?

24 A Yes, sir.

25 Q In fact, I asked you some questions in front of that

III-169

JOHNSON - REDIRECT

1 Grand Jury?

2 A Correct.

3 Q Mr. Figler showed you your statement. And let me
4 show you and I'll represent to you this is a copy of your
5 testimony from the Grand Jury. Do you see the questions and
6 the answers?

7 A Yes, sir.

8 Q And do they appear to be the questions that I asked
9 you and the answers that you gave?

10 A Yes, sir.

11 Q Let me direct your attention to page 207 of your
12 Grand Jury testimony. Did I specifically ask you to describe
13 the person that Deco shot in the back room on August 14th?

14 A Yes, sir.

15 Q And tell me, Bryan, what was your answer when I
16 asked you that question?

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

18 Q So some two years after the crime occurred, this is
19 not the first time you're describing the kid in the back room
20 as Mexican, is it?

21 A No, sir.

22 Q Mr. Figler asked you about using drugs and you've
23 admitted that back around this time frame, August '98, you
24 used cocaine quite regularly, is that true?

25 A Yes, sir.

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JOHNSON - REDIRECT

1 Q Did you ever purchase cocaine from Donte Johnson?

2 A Yes, sir.

3 Q On those occasions when you purchased cocaine from
4 Donte Johnson, was it packaged in any particular fashion?

5 A Generally, it was in -- they were little small
6 pieces of rock inside little, like a cut off ziploc bag, very
7 small.

8 Q When Donte Johnson provided cocaine to you, did he
9 ever put it inside a Black and Mild cigar box?

10 A I don't remember him selling it to us like that
11 ever, no, sir.

12 Q All right. Mr. Figler asked you if you were charged
13 in this case with any crimes and you weren't charged with
14 anything, were you?

15 A No, sir.

16 Q Have I made any promises to you in exchange for your
17 testimony?

18 A No, sir.

19 Q Have I offered you any leniency for anything in
20 exchange for your testimony?

21 A No, sir.

22 Q When the police responded to your home on
23 August 17th after your mother or father, rather, called the
24 police, you obviously mentioned your knowledge about this
25 case, is that true?

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JOHNSON - REDIRECT

1 A Yes, sir.

2 Q Before the police showed up, did you tell your
3 mother about your knowledge involving this case?

4 A I believe so. I'm not -- I don't recollect if it
5 was before or after. I think -- I think I did, actually,
6 yeah.

7 Q When you, Tod, and Ace were brought down to the
8 detective bureau to give statements, did you all give
9 statements -- I'm sorry, did you all give statements at the
10 same time in the same room to overhear each other?

11 A No, sir.

12 Q Were you, in fact, separated from one another?

13 A Yes, sir.

14 Q And when the police officer responded to your home
15 and you mentioned the knowledge you had about this quadruple
16 murder, did you and Ace and Tod discuss what you knew in the
17 same room or were you separated?

18 A Could you repeat the question, please?

19 Q When the police responded to your home on
20 August 17th and you mentioned or somebody mentioned to the
21 police that you had knowledge about this quadruple murder
22 case, did you tell what you knew in the presence of Tod and
23 Ace or were you all three separated?

24 A We told them that we needed to speak with a
25 detective. They were in -- we were all together then. We

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JOHNSON - RECROSS

1 didn't talk about what had happened. We just -- we just said
2 that we had knowledge of it and that there was a detective
3 calling us about it.

4 Q You didn't discuss the facts of the case, so that
5 each of the other could overhear, did you?

6 A No, sir.

7 MR. DASKAS: I'll pass the witness, Judge.

8 THE COURT: Any recross?

9 MR. FIGLER: Yes. Thanks, Judge.

10 RECROSS EXAMINATION

11 BY MR. FIGLER:

12 Q So before you were separated you were all together,
13 right?

14 A Correct, sir.

15 Q Yes?

16 A You're speaking of the same day?

17 Q Yes.

18 A Yes, sir.

19 Q Now, you were giving very specific details to the
20 police when you gave that first statement, isn't that correct?

21 A I believe so, sir.

22 Q You just forgot to tell them that one specific
23 detail about the individual being Mexican, right?

24 A I didn't forget, sir. They didn't ask.

25 Q Oh, so they didn't ask, so -- did they ask if he

JOHNSON - RECROSS

1 specifically told you had there -- was there blood on the back
2 of the pants? Did they ask you if he specifically asked you
3 that?

4 A No, sir.

5 Q So that was a specific fact you gave without being
6 asked what to say, correct?

7 A Yes, sir.

8 Q And you have to agree that during that statement you
9 gave lots of very specific facts, isn't that correct?

10 A I believe so, sir.

11 Q And there was lots of opportunity for you to talk
12 with Tod Armstrong between the 14th and the 17th, isn't that
13 correct?

14 A Yes, sir.

15 Q Now, when's the last time you talked to the
16 prosecutors about this case before coming to Court today?

17 A Other than just briefly, yesterday when I was here
18 outside the room, it was probably a week ago.

19 Q So two times in the last week?

20 A Yes, sir.

21 MR. FIGLER: No further questions, Judge.

22 THE COURT: Any further, Mr. Daskas?

23 MR. DASKAS: One question.

24 //

25 //

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JOHNSON - FURTHER REDIRECT/RE CROSS

FURTHER REDIRECT EXAMINATION

BY MR. DASKAS:

Q Bryan, each and every time that you met either me or Mr. Guymon and myself in our offices, what's the one thing we asked of you?

A Tell the truth.

MR. DASKAS: Nothing else, Judge.

MR. FIGLER: I have one follow-up to that, Your Honor.

THE COURT: Go ahead.

FURTHER RECROSS EXAMINATION

BY MR. FIGLER:

Q They gave you statements and things like that to look over, isn't that correct?

A Yes, sir.

MR. FIGLER: No further.

THE COURT: You're excused.

Call your next witness, please, and while that witness is coming in, would counsel approach the bench, please.

(Off-record bench conference)

SHAWN FLETCHER, PLAINTIFF'S WITNESS, IS SWORN

THE CLERK: Please state your full name and spell your last name for the record.

THE WITNESS: Shawn Fletcher, F-L-E-T-C-H-E-R.

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FLETCHER - DIRECT

1 COURT RECORDER: Would you spell your first name,
2 please.

3 THE WITNESS: S-H-A-W-N.

4 DIRECT EXAMINATION

5 BY MR. GUYMON:

6 Q How are you?

7 A Fine. How are you?

8 Q Good. Can you tell me what your job is?

9 A I'm a crime scene analyst with Las Vegas
10 Metropolitan Police Department.

11 Q And just what is a crime scene analyst?

12 A A crime scene analyst is called to the crime scenes
13 by usually the officers or the detectives that are already
14 there and we come in to do all of the crime scene photography,
15 the fingerprinting, the collection of evidence, and often
16 times a diagram.

17 Q And tell me, do you work a crime scene alone or do
18 you work with a partner?

19 A It depends on the case. In this particular case,
20 there were several.

21 Q Let's talk a little bit about your training in order
22 to have the job that you do as a crime scene analyst.

23 A I have a Bachelor's Degree in exercise, science and
24 nutrition. I have an Associate's Degree in criminal justice.
25 When I got hired by Metro as a crime scene analyst, I went

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FLETCHER - DIRECT

1 through a -- I believe it was roughly 105-hour academy
2 regarding crime scene processing. We also did 13 weeks of,
3 what we call a ride-along or inservice training with a senior
4 crime scene analyst, where we respond to the scenes and our --
5 and our responsibilities gradually increased as the time went
6 by. I have been to two homicide conferences, where I learned
7 about homicide investigations. I have done several
8 fingerprint processing courses, numerous inservice training
9 courses, an American Institute of Applied Science is a
10 forensic home study course that's equivalent to approximately
11 260 hours of training time, and that was in crime scene
12 photography, crime scene processing, and then numerous
13 inservice and inhouse training.

14 Q Do you know a little bit about say fingerprints?

15 A Yes.

16 Q And about how many hours total have you spent in
17 training for fingerprints?

18 A In training for fingerprints, probably in the
19 academy, at least 40 hours and then basically everyday on the
20 job we do fingerprinting, so it's extensive.

21 Q Are there procedures that are commonly accepted
22 among experts or people such as yourself, a person such as
23 yourself, in the lifting of fingerprints?

24 A Yes.

25 Q Can you give us just quickly what some of the

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FLETCHER - DIRECT

1 processes are, very quickly?

2 A Generally, if you're using fingerprint powder, which
3 is usually some kind of combination of carbon and graphite,
4 the fingerprint powder will adhere to the latent print that's
5 left behind on a surface and we'll usually put a piece of
6 clear tape over it, it looks just like scotch tape. You lift
7 that up and place it on a white card and since the latent
8 fingerprint powder is black, it's easily visible. That's the
9 most common method.

10 Q Are there other methods?

11 A Yes. There's super glue fuming, which is basically
12 super glue that's kind of fumed onto a surface and it will
13 adhere to the fingerprint detail that's left behind and it
14 makes it kind of hard and white and at that time you can
15 either process it or photograph it. You can use powders on
16 that. There's also several different chemical methods.

17 Q Okay. Are both of the two methods that you
18 mentioned, both the powder and the super glue, are they both
19 commonly accepted among other crime scene analysts throughout
20 the, say, the United States?

21 A Yes.

22 Q Even by the FBI?

23 A Yes.

24 Q Common procedure then?

25 A Yes.

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FLETCHER - DIRECT

1 Q Can you get a reliable result -- in other words, can
2 you lift the print reliably through those methods?

3 A Yes.

4 Q And are you able to preserve it through that
5 method --

6 A Yes.

7 Q -- that being the print?

8 A Yes.

9 Q Okay. Now then, let me ask you a little bit about
10 the Terra Linda residence, 4800 Terra Linda. Does that mean
11 anything to you?

12 A Yes, it does.

13 Q And why?

14 A I was called there on August 14th to investigate a
15 multiple homicide.

16 (Off-record colloquy counsel and clerk)

17 BY MR. GUYMON:

18 Q As I'm waiting for the photograph, let me ask you,
19 what were your specific responsibilities at the Terra Linda
20 residence?

21 A My specific responsibilities were the collection and
22 the preservation of evidence.

23 Q Okay. And just what is the collection and
24 preservation of evidence?

25 A Basically in this particular case, if -- throughout

III-179

FLETCHER - DIRECT

1 our search, if somebody identified something they perceived as
2 evidence, what would happen is our photographer, who was Dave
3 Horn at the time, would photograph the evidence and then I
4 would be called in to help measure the evidence in for the
5 diagram and then I would collect it and preserve it either in
6 paper or plastic baggie, depending on what the type of
7 evidence is, for transport to the lab.

8 Q Now, in this particular case, what precautions, if
9 any, did you use so as not to, for instance, contaminate any
10 evidence?

11 A Basically, everything is -- while we're at the
12 scene, everything is packaged in a separate package. We
13 return to the lab and at that time, sometimes there's
14 photography that needs to be done or additional fingerprint
15 processing and then after that, it is preserved. It's
16 either -- like I said before, wrapped up or put in baggies and
17 it's booked from there on out and sealed.

18 Q Okay. Now, let me ask you, did you handle any
19 evidence in this case?

20 A Handle?

21 Q Yes. As you collected evidence, then, would you
22 touch the evidence?

23 A Yes, with gloves.

24 Q Okay. You said with gloves?

25 A Mm-hmm.

III-180

FLETCHER - DIRECT

1 Q Is that common practice?

2 A Yes.

3 Q And why wear gloves when you're touching the
4 evidence?

5 A Well, you want to preserve -- if there's any
6 fingerprints on the evidence, you don't want to destroy the
7 evidence. You don't want to add your own -- your own skin
8 cells or your own fingerprints to the evidence or any of your
9 own perspiration or anything like that.

10 Q Tell me what day was it when you went out to the
11 Terra Linda residence the first time?

12 A August 14th.

13 Q And what time did you arrive?

14 A I believe I arrived at roughly 7:30 p.m.

15 Q And can you tell me how many other crime scene
16 analysts came to that scene that night?

17 A There were three others, other than myself total.

18 Q Now, when you got to the crime scene analyst -- or,
19 excuse me, when you got to the crime scene, can you tell me
20 if, in fact, the scene had been secured and what that means?

21 A The scene was secured. There was a cyclone fence
22 around the yard and the cyclone gate across the driveway was
23 open but there was crime scene tape across the gate and there
24 were numerous officers surrounding the scene.

25 Q Can you tell us what the standard police procedure

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FLETCHER - DIRECT

1 is for the Las Vegas Metropolitan Police Department and
2 persons such as yourself when you come to a crime scene now?
3 Can anyone just enter a new crime scene?

4 A No.

5 Q Okay. Tell me what the practice is.

6 A There's usually an officer there that will log
7 everybody in, that does enter. I believe, in this particular
8 case, we all went in together, the four of us and the homicide
9 detectives and generally that's what we'll do. There will be
10 a walk through, what we call a walk through of the scene where
11 we walk through, I guess, and --

12 Q Can you tell me what, if anything, you did as you
13 walked through, so that you didn't alter or disturb the scene
14 in any way?

15 A I believe at this particular scene, we all had
16 booties on. We basically walked through and, more or less,
17 you just avoid stepping on things.

18 Q Did the other persons, the other crime scene
19 analysts and the detectives use the same say, care, that you
20 did or to not step on things and not disturb the scene?

21 A I believe they did. It's common procedure.

22 Q And was one of the other crime scene analysts that
23 were there David Horn --

24 A Yes.

25 Q -- who was your supervisor, is that correct?

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FLETCHER - DIRECT

1 A Dave Horn's a senior crime scene analyst. He was
2 running the homicide investigation at the time. There was
3 also a supervisor there.

4 Q Okay. Who was the supervisor?

5 A Mike Perkins.

6 Q Mike Perkins. He's a crime scene analyst as well?

7 A Yes. He's our senior supervisor.

8 Q Okay. So we have Dave Horn, Mike Perkins. What
9 other crime scene analysts?

10 A Jim O'Donnell.

11 Q And what was Jim O'Donnell's responsibility?

12 A Jim O'Donnell's main responsibility was the diagram
13 and I assisted with some of the measurements on the diagram;
14 specifically, the evidence measurements.

15 Q Okay. Can you tell me who actually did the
16 photographs of the Terra Linda residence?

17 A Dave Horn.

18 Q Okay. And were you present when those photographs
19 were done?

20 A Yes.

21 Q Okay.

22 (Off-record colloquy of counsel and clerk)

23 BY MR. GUYMON:

24 Q Can you describe or before you look at the
25 photographs 8 -- Ms. Clerk, 8 through 97. Can you describe

III-183

FLETCHER - DIRECT

1 the scene as you first make entry.

2 A As we first made entry into the living room, there
3 were three victims on the floor in the living room. They were
4 all face down. Their hands were bound behind their backs with
5 their fingers interlaced, duct tape around the wrists and
6 their ankles were duct taped. All three of them were in the
7 living room. The living room was extensively ransacked.
8 Items were pulled out of the entertainment center. There were
9 numerous items on the floor. There was a lot of blood, a lot
10 of dog paw prints in blood throughout the residence and on the
11 victims. There were cigarette butts. There was baseball
12 trading cards all over the place, all over the floor, and
13 basically just a lot of things were -- appeared to be
14 disturbed.

15 Q Did you attempt -- you and the other crime scene
16 analysts that were there, attempt document the disturbance
17 through photographs?

18 A Yes.

19 Q Do the photographs fairly and accurately depict say
20 the conditions in which the inside of this particular
21 residence was found when you entered?

22 A Yes.

23 Q Okay. Was the evidence disturbed in any way before
24 it was photographed?

25 A No.

III-184

FLETCHER - DIRECT

1 Q All right. And before we get to the inside, let's
2 even talk about the outside for the second, as I wait for the
3 photographs. Did you make any observations on the exterior of
4 the Terra Linda residence?

5 A On the exterior of the residence, as I said before,
6 the sliding gate that went across the driveway was open. I
7 don't believe there was any mail in the mailbox or anything
8 like that. There was a newspaper out there. There was a
9 truck underneath the carport in the driveway. There was some
10 dust disturbance to some of the windows on the exterior of the
11 residence; however, we did not have any reason to believe
12 there was any forced entry. There was no evidence of that,
13 other than that there was some dust disturbance on some of the
14 windows. The gate going into the backyard, which was on the
15 east side of the house, was closed. I don't believe it had a
16 lock on it. It was just closed. There was --

17 Q You mentioned no signs of forced entry on --

18 A No.

19 Q What do you mean by no signs of forced entry?

20 A We did not see any. The door was not kicked. There
21 was no damage to any of the windows. The windows were all
22 secured. The blinds were all down and closed. The front
23 door, upon my arrival, was open, but there wasn't any forced
24 entry; no shoe prints, no kick marks, no damage to the doors
25 or any of the windows.

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FLETCHER - DIRECT

1 Q And is that significant to you as a crime scene
2 analyst when you get to a crime scene?

3 A Yes.

4 Q Why?

5 A Well, it's significant in the sense that if there is
6 forced entry, we're obviously going to want to concentrate
7 some efforts on fingerprint processing at that area and just
8 basically document that there was forced entry.

9 Q Okay. Let me have you quickly thumb -- they're in
10 reverse order. If you'll just -- if you'll scan through those
11 and we'll want to keep them in order, would be --

12 A Okay. So you wanted me to go this way?

13 Q Well, whatever's easiest for you to look --

14 A Okay.

15 Q -- look through them, first to tell me if you
16 recognize the photographs, 8 through 97. Let me ask you to
17 stop at 20, if you will. The first 20 are -- do you recognize
18 the first 20?

19 A Yes.

20 Q And what's depicted in the first 20 photographs?

21 A In the first 20 photographs we have the address and
22 the outside of the residence, the front door specifically, and
23 the vehicle. We have the open front door. We have trash
24 cans. This is a picture of the sealed front door after we
25 left the first night, the seals and the lockout knob. Again,

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1 more pictures of the windows sealed and prior to sealing.

2 Q Do those windows and doors evidence the fact that
3 there was no forced entry.

4 A Yes, they do.

5 Q Is that how they appeared on the night in question?

6 A Yes.

7 Q Now, you mentioned that you put some evidence tape
8 on the doors the first night and I think you used the term
9 lockout on -- a lockout device on the door?

10 A A lockout knob, mm-hmm.

11 Q What's a lockout device and why is it used?

12 A A lockout knob is basically a metal cylinder that
13 fits over the door knob and it's locked onto the door knob so
14 you can't do anything. You can't turn the door knob or
15 anything. That thing just spins around on the door knob, so
16 basically you can't open the door.

17 Q All right. And other than putting the lockout
18 device, you put some seals across windows and doors.

19 A Yes.

20 Q Why?

21 A Seals. Basically, it's just an adhesive orange seal
22 that says, "Do not disturb", and if you try to open the window
23 or something it breaks the seal.

24 Q Okay. You said that was the first night. The
25 second night did you return?

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1 A Yes.

2 Q Okay. Were the seals still intact? Had any of them
3 been disturbed, in other words, on the door or any of the
4 windows?

5 A No.

6 Q And what assurance did that give you?

7 A Basically that the crime scene had not been
8 disturbed.

9 Q Okay. And is it common to process a scene and leave
10 and then return to it?

11 A It can be common. It depends on how extensive the
12 scene is.

13 Q The first night, can you tell me approximately how
14 many hours you spent at this crime scene processing?

15 A The first night, approximately seven.

16 Q And did the other three crime scene analyst also
17 spend those seven hours?

18 A Yes.

19 Q In total, can you tell me how many days or nights
20 did crime scene analysts return to the residence in order to
21 continue to process it?

22 A We were there a total of three days.

23 Q And can you tell me -- you say we. Are we talking
24 about a series of crime scene analysts?

25 A The first day it was the four that we've already

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1 discussed. The second day we had an additional two, so there
2 were six people there the second day and on the third day,
3 David Horn returned by himself.

4 Q Can you tell me how many hours in total were spent
5 by you and people similarly situated, in other words, crime
6 scene analysts in total, processing the scene?

7 A I would say at least 80, at least 80 hours.

8 Q The last one is number 20 and tell me if there's --
9 taken outside and there's a picture of a hose. Is there any
10 significance of that?

11 A Well, the hose was out in the driveway and basically
12 we were cutting off the end of it to fingerprint process the
13 hose.

14 Q Okay. And does State's Exhibit 20, fairly and
15 accurately depict the hose as you saw it out in the front
16 yard?

17 A Yes.

18 MR. GUYMON: I'd move for the admission of State's
19 Proposed Exhibit 20. The others have been admitted, Judge.

20 MR. SCISCENTO: No objection as to 20.

21 THE COURT: Received.

22 (Plaintiff's Exhibit No. 20 admitted)

23 MR. GUYMON: All right. Can I publish 20?

24 THE COURT: Sure.

25 //

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FLETCHER - DIRECT

1 BY MR. GUYMON:

2 Q Now, then, can you run through say number 21
3 through -- let's do 21 through 40, and if you can just tell me
4 if you recognize 21 through 40?

5 MR. SCISCENTO: Your Honor, if I may.

6 THE COURT: Sure.

7 THE WITNESS: Yes.

8 BY MR. GUYMON:

9 Q Okay. And do those particular photographs, that
10 being 21 through 40, accurately reflect the condition of the
11 room or the house as you saw it that night when you first
12 entered?

13 A Yes, they do.

14 Q Do they depict the -- I think you used the word
15 ransacked?

16 A Yes.

17 Q Okay. Tell me, you had mentioned some cigarette
18 butts, I think actually, early in your statements. Let me
19 direct your attention to Exhibits 21 and 25.

20 A Okay.

21 Q Are there cigarette butts depicted in 21 or 25?

22 A Yes. In 21, which is the dining room table, there's
23 cigarette butts in two of the ashtrays on the table.

24 Q And is there actually a closeup of some of those
25 cigarette butts?

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1 A Yes.

2 Q In 25?

3 A Yes. 25 -- this is the closeup of the ones that are
4 on the table.

5 Q Okay. Let me take you to 26. Is there a closeup of
6 cigarette butts as well?

7 A Yes.

8 Q And can you tell me what, if anything, happened to
9 the cigarette butts that are depicted in those photographs?

10 A The cigarette butts were placed in what we call coin
11 envelopes, which is basically just a paper envelope and they
12 were impounded as such, biohazard and refrigerated.

13 Q And first of all, who impounded those --

14 A I did.

15 Q -- cigarette butts? And why?

16 A I impounded the cigarette butts, because they're a
17 good source of DNA through the saliva.

18 Q Okay. Is that consistent with the training you've
19 received as a crime scene analyst?

20 A Yes.

21 Q Now, if they're a good source of DNA, what
22 precautions, if any, do you use so that you don't contaminate
23 the cigarette butt; that is to say, put your own DNA on the
24 cigarette butt?

25 A Again, with the cigarette butts, you're gonna wear

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FLETCHER - DIRECT

1 gloves and they're handled as carefully as possible, usually
2 not by the end that actually goes into the mouth, and they're
3 placed in a bag or a envelope.

4 Q Did you, in fact, handle the cigarette butts by
5 their, quote, "non-end", that is, the mouth piece?

6 A I believe I did, sure.

7 Q And were you wearing gloves when you did that?

8 A Yes.

9 Q Okay. And you indicated that you put 'em in a paper
10 envelope. Why do you put 'em in paper envelope?

11 A We put 'em in a paper envelope because of the
12 biological fluids that could possibly be on 'em and sealing
13 them up in a baggie, at times, can decompose the DNA.

14 Q Okay. And do you have any assurances that the
15 envelope that you put the cigarette butts in is also sanitary?

16 A Yes.

17 Q And how is that?

18 A Well, they're stored in the lab. They're stored
19 separately from anything. We keep 'em in our kits in sealed
20 baggies. They're secure.

21 Q And once you picked up, carefully, those cigarette
22 butts and put 'em in an envelope, do you seal up that
23 envelope?

24 A Yes.

25 Q And what do you do with the envelope?

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FLETCHER - DIRECT

1 A Usually that envelope is placed in what we call an
2 evidence bag, where all the information on the case and what's
3 actually in the bag is filled out on the front of it.

4 Q And where does that bag ultimately go?

5 A That bag is sealed by myself and then it ultimately
6 goes to the evidence vault.

7 Q Let me ask you -- showing you what's been marked as
8 State's Proposed Exhibit 182. Do you recognize that?

9 A Yes.

10 Q And how is it that you recognize it?

11 A Well, my initials and P number are on here and this
12 is the bag that I impounded all of the cigarette butts in.

13 Q Okay. Now, there's some -- there's actually a
14 biohazard sticker on the front, is that correct?

15 A That's correct.

16 Q There are some seals on the piece of evidence, is
17 there not?

18 A Yes.

19 Q And who's -- who placed those seals there?

20 A I placed the red one there and I believe the blue
21 one would've been place by Tom Wahl, who is one of our DNA
22 guys.

23 Q All right. So you know Tom Wahl then?

24 A Yes.

25 Q Tell me, is your seal -- what's the purpose of

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FLETCHER - DIRECT

1 placing a seal on the back of evidence envelope?

2 A The placing of the seal on the back of the envelope
3 as such is to basically preserve the evidence and to show that
4 it has not been contaminated. The seals tear fairly easily
5 for that reason, so that it's easy to tell and this seal is
6 still intact.

7 Q So does that tell you that -- that in fact, once you
8 sealed it, it wasn't tampered with?

9 A Yes.

10 Q And once you impounded the cigarette butts and place
11 'em in that envelope, put a seal on it, sign it, where does it
12 go?

13 A It's stored in our evidence vault until the people
14 from the main evidence vault come over and pick it up.

15 Q And is this particular -- these particular items,
16 are they put in a refrigerator?

17 A This particular item was put in the refrigerator,
18 yes.

19 Q Why?

20 A Initially, anything with any sort of a biological
21 fluid is placed in the refrigerator.

22 Q And by looking at State's Proposed Exhibit 182, I
23 believe it is, can you tell me how many cigarette butts in
24 total you impounded that night?

25 A Twelve.

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FLETCHER - DIRECT

1 Q All right. And can you tell me where the cigarette
2 butts came from? We've seen cigarette butts in the ashtray so
3 far. There's also another ashtray at 26, is that correct,
4 State's Exhibit 26?

5 A Oh. Yes.

6 Q All right.

7 A There was --

8 Q And how many cigarette butts were in State's Exhibit
9 26, that ashtray?

10 A Three.

11 Q So three in each ashtray?

12 A Mm-hmm. I believe so, yes.

13 Q That accounts for six of the cigarette butts. Tell
14 me where the other six cigarette butts were found.

15 A There was some in the ashtray on the northeast end
16 table in the living room. There was one on the dining -- or,
17 on the living room floor, towards the north end near the front
18 door. I believe there was one on the south love seat couch,
19 underneath some other items, and there was one in an ashtray
20 in the southeast bedroom. There was an ashtray on the filing
21 cabinet along the east wall and there was one in there.

22 Q Okay. Now, let me ask you, is there any way to
23 tell -- there's twelve cigarette butts in State's Exhibit --
24 State's Proposed Exhibit 182, is that correct, the evidence
25 envelope?

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FLETCHER - DIRECT

1 A Yes. Yes.

2 Q Is there any way to tell which cigarette butt came
3 from which location?

4 A Not from just looking at this, but there is on my
5 evidence impound report, yes.

6 Q Okay. Your report would distinguish where each one
7 is found.

8 A Exactly.

9 MR. GUYMON: At this time, Judge, I'd move and
10 submit admission of State's Proposed Exhibit 182. I'm going
11 to -- let me ask for a stipulation real quick.

12 (Off-record colloquy of counsel)

13 MR. GUYMON: Judge, we have an agreement between the
14 parties, and that is because it is a biohazard, they will
15 agree to not open it in order to show the actual cigarette
16 butts that are depicted in the photographs that we'll be
17 admitting. We're gonna admit 182 and its contents, however.

18 THE COURT: Correct, Mr. Sciscento?

19 MR. SCISCENTO: Yes, that's correct, Your Honor.

20 THE COURT: Admitted.

21 (Plaintiff's Exhibit No. 182 admitted)

22 THE COURT: All right. We're gonna take our
23 afternoon recess, as I indicated yesterday, 5 minutes to
24 12:00.

25 During this recess, you're admonished not to talk or

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1 converse among yourselves, to anyone else on any subject
2 connected with this trial; read, watch or listen to any report
3 of or commentary on it by any medium of information including,
4 without limitation, newspaper, television, radio; to form or
5 express any opinion on any subject connected with this matter
6 until it's finally submitted to you.

7 If you'll report back to Stony at 5 minutes of 1
8 o'clock, we will -- if everybody's assembled, start straight
9 up at 1:00.

10 (Court recessed at 11:55 a.m., until 1:05 p.m.)

11 (Jury is present)

12 THE COURT: Go ahead, Mr. Guymon.

13 MR. GUYMON: Thank you.

14 DIRECT EXAMINATION (Continued)

15 BY MR. GUYMON:

16 Q And, Ms. Fletcher, we had spoke before lunch about
17 the cigarette butts and we admitted them at 182, is that
18 correct, Exhibit 182?

19 A Yes.

20 Q And showing you what has been marked as State's
21 Proposed Exhibit 183, do you recognize that particular
22 evidence envelope as well?

23 A I don't recognize this envelope. My initials and P
24 number have been written here.

25 Q Okay. That's -- just a moment.

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FLETCHER - DIRECT

1 MR. GUYMON: Your Honor, by way of stipulation
2 counsel and I will stipulate that, in fact, that particular
3 evidence is associated with 182, in fact, it is a cigarette
4 butt that was subsequently sent to Cellmark, which the jury
5 will learned about later. If you could allow me some latitude
6 with this witness, I'll run right through this.

7 THE COURT: So stipulated, Mr. Sciscento?

8 MR. SCISCENTO: Yes, Your Honor. Yes.

9 THE COURT: A stipulation by the way, as you'll hear
10 in one of the instructions hopefully sometime tomorrow, just
11 means rather than prove something where there's really no
12 doubt about something, the lawyers can get together and agree,
13 and once they agree on something you have to accept it as
14 true.

15 Go ahead, Mr. Guymon.

16 BY MR. GUYMON:

17 Q With that, let me ask you, I take it that any and
18 all cigarette butts that were admitted in this case -- or
19 excuse me, that were impounded in this case would have been
20 done by yourself?

21 A Yes.

22 Q And in total, how many were there?

23 A Twelve.

24 Q Okay. And you talked about a number of them where
25 they at. Did you tell the jury all twelve of the cigarette

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FLETCHER - DIRECT

1 butts?

2 A I believe there was also one that I didn't mention
3 earlier which was on the dining room floor. It was
4 approximately one inch -- this side of the east wall on the
5 floor towards the north end of the dining room.

6 Q Okay. And as -- is that particular cigarette butt
7 depicted in some of the photographs that were taken that day?

8 A It should be.

9 Q Okay. Now then, all twelve cigarette butts in total
10 would have been impounded as well, is that correct?

11 A Yes.

12 Q And you indicated that there was another seal that
13 was on 182 that you didn't recognize, nonetheless, was Tom
14 Wahl's?

15 A That's correct.

16 Q Are you aware of the fact that Tom Wahl did some DNA
17 testing of some of the cigarette butts?

18 A Yes, I've been told that.

19 Q Okay. And so would it surprise you if one of the
20 cigarette butts were actually -- was actually placed back into
21 183?

22 A No.

23 Q All right. With that, does this appear to be a Las
24 Vegas Metropolitan Police Department evidence envelope?

25 A Yes, it does.

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FLETCHER - DIRECT

1 Q Does it bear your P number?

2 A Yes.

3 Q Does it also bear signatures or writings from Tom
4 Wahl?

5 A Yes.

6 Q And it has the word Cellmark on it, is that correct?

7 A Yes.

8 Q Do you know what Cellmark is?

9 A No, I do not.

10 Q All right. With the exception of not knowing what
11 Cellmark is, does this appear to be in a preserved condition?

12 A Yes, it does.

13 MR. GUYMON: I'd move for the admission of 183.

14 MR. SCISCENTO: No objection, Your Honor.

15 THE COURT: Received.

16 (Plaintiff's Exhibit No. 183 admitted)

17 BY MR. GUYMON:

18 Q Okay. Now then let me ask you in State's -- well,
19 we left off with 40, let's go to -- from 41 to 51, they're now
20 straight on down and back. For the next ten, are they
21 indicative of what you found on the night in question? That
22 is the condition of the particular apartment?

23 A Yes.

24 Q All right. Now 51, if you would, has been admitted,
25 is that correct, on the back side?

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FLETCHER - DIRECT

1 MR. GUYMON: Has 51 not been admitted, Judge? I
2 believe it has. Ms. Clerk, 51 been admitted? Yes.

3 BY MR. GUYMON:

4 Q All right. 51, can you hold that up and tell the
5 jury what's depicted in that particular photograph and why it
6 was taken?

7 A This right here is an open drawer that was in the
8 bathroom that was adjacent to the southwest bedroom, and this
9 is a piece of duct tape that was similar to the duct tape that
10 was used to bind the victims.

11 Q Okay. Let me take you now to 54 through 59. It
12 should be right where you now got it.

13 A Okay.

14 Q If you can count back the next five?

15 A Okay.

16 Q 54 through 59?

17 A Mm-hmm.

18 Q Do you have those separated there?

19 A Yes.

20 Q Okay. Tell me what is depicted in 54 through 59?

21 A These are photographs of the entertainment center in
22 the living room.

23 Q Let me take the last ten. There you go. Thank you.

24 A Mm-hmm.

25 Q And tell me, was there anything significant about

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1 what you observed about the entertainment center in the living
2 room?

3 A The entertainment center appeared to be ransacked or
4 very disturbed. The TV's pulled out, there's empty cables and
5 items that look like something's been removed from them.
6 There's bloody paw prints and there's a lot of items down on
7 the floor in what appears to be quite a bit of blood.

8 Q You say there are actual cables that -- are the
9 cables connected to items?

10 A No, just one of them to the TV. The rest of them
11 are empty.

12 Q And how many cables in total are hanging there in
13 the pictures?

14 A Looks like about six or seven.

15 Q And are there -- is there an empty space, if you
16 will, in that entertainment center where a VCR would have
17 gone?

18 A Yes, actually there's two empty spaces.

19 Q While you were there did you find any say, Play
20 Station accessories?

21 A There was a gun type Play Station attachment or
22 whatever you want to call it.

23 Q And is it shown there in the entertainment center
24 itself?

25 A Yes, it's up in the top shelf.

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FLETCHER - DIRECT

1 Q What photograph?

2 A Actually, it's in quite a few of them, 52 -- or 54,
3 55, 56. It's in all of them.

4 Q All right. Using one of those, let's use 55, can
5 you point to the Play Station gun accessory that you're
6 talking about and where it's located?

7 A It's right up here on the shelf here. You can see
8 it quite clearly when you get it close up.

9 Q All right. And tell me, are you certain that that
10 was a toy gun?

11 A Yes.

12 Q Okay. In other words, it's not a gun that fires
13 bullets?

14 A No.

15 Q It's not a real gun?

16 A No.

17 Q Can you tell me what it was made of?

18 A I believe it was just plastic, I don't -- I don't
19 recall.

20 Q All right. And if you can me those, are they still
21 in order, if they are.

22 A I think so, yes.

23 Q Let me ask you, while you were in the Everman -- or
24 excuse me, the Terra Linda home, did you find evidence of
25 controlled substances or what you believed to be controlled

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FLETCHER - DIRECT

1 substances?

2 A Yes, we did.

3 Q And tell me what evidence of controlled substances
4 did you think you found?

5 A I found several baggies, one of which had a white
6 powdery type substance and I believe four other baggies that
7 contained white pills and one baggie actually had another
8 baggie inside of it that had some blue pills in it.

9 Q And you say white pills? How many white pills
10 approximately were there in the baggie?

11 A I don't know. I have the weights on my evidence
12 impound. I would say roughly twenty to thirty maybe.

13 Q Okay. Any other substances that you believe to be
14 controlled substances?

15 A We found some mushrooms in one of the bedrooms on
16 the floor and also one in the dining room --

17 Q Okay.

18 A -- on the floor.

19 Q And mushrooms or more -- perhaps more commonly
20 called "shrooms?"

21 A Correct.

22 Q Did you impound those?

23 A Yes.

24 Q The pills and the shrooms?

25 A Yes.

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FLETCHER - DIRECT

1 Q And are the shrooms actually photographed in some of
2 the photographs?

3 A Yes, they are somewhere.

4 Q Okay. Thank you. Did you -- and you impounded all
5 the -- what you believed to be controlled substances as well?

6 A Yes.

7 Q All right. Now then in a number of the photographs
8 and I can take you to perhaps 69 and 70, there are photographs
9 of wallets, are there not?

10 A Yes.

11 Q Tell me was a thorough search done on every room in
12 the house?

13 A Yes.

14 Q Was any paper currency, that is to say American
15 money, found in the house?

16 A No.

17 Q Did you check the wallets?

18 A Two of the wallets that were on the floor were
19 checked. The two that I impounded, the -- there were two
20 wallets attached to the victim's for -- like a wallet type
21 chain, and I did not go through those personally. That was
22 done at the autopsy.

23 Q Okay. So, two of the wallets went actually to the
24 autopsy with the -- with the decedents?

25 A That's correct.

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FLETCHER - DIRECT

1 Q But there were two wallets on the ground that are
2 photographed?

3 A Yes.

4 Q And those wallets, were they empty?

5 A One had a photograph in it and one had a dime in it.

6 Q A dime?

7 A A dime.

8 Q Okay. Now then, let me direct your attention to
9 State's Exhibit 66 and 67.

10 A Okay.

11 Q Let me take those from you now that --

12 A Okay.

13 Q Is there something particular in 66 and 67 that you
14 paid special attention to?

15 A Well, the three victims specifically in 66, also the
16 -- there's an open wallet, there's a PR24 police type baton,
17 there's a lot of items on the floor, there's quite a bit of
18 blood, there's the -- you can also see the two wallets here
19 that were attached to the victims. You've got a cigar box.

20 Q Let me talk about the cigar box. Can you tell there
21 in -- what exhibit is that that you're looking at now?

22 A This is 66.

23 Q In 66 can you tell what the type of cigar box that
24 is?

25 A Black and Mild.

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FLETCHER - DIRECT

1 Q All right. And if you could, let me take those
2 photographs off your lap. Can I ask you to come on down just
3 so we can run through the last? Can you just point out where
4 the Black and Mild box is there in the picture that you're
5 talking about?

6 A The Black and Mild box is right here at the victim's
7 feet between his sandals.

8 COURT RECORDER: Can you keep your voice up, please?

9 THE WITNESS: Can you guys see it? Right here
10 between the sandals.

11 BY MR. GUYMON:

12 Q All right. Now, without showing these just yet to
13 the jury, let me ask you Numbers 96 and 97, do you recognize
14 what's depicted there?

15 A Yes, I do.

16 Q And does those photographs fairly and accurately
17 depict the cigar box from close up?

18 A Yes.

19 Q As it appeared on the night in question and after
20 you did some fingerprint work with it?

21 A That's correct, yes.

22 MR. GUYMON: I'd move for the admission of 96 and
23 97, Your Honor.

24 MR. SCISCENTO: No objection, Your Honor.

25 THE COURT: Received.

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FLETCHER - DIRECT

1 (Plaintiff's Exhibit Nos. 96, 97 admitted)

2 BY MR. GUYMON:

3 Q All right. If I could ask you to actually tell the
4 jury what was done with the cigar box and who did it?

5 A Okay. This cigar box, the same one that I just
6 showed you, was processed for latent fingerprints by the -- I
7 believe it was the powder method that I talked to you about
8 earlier, and you can see the fingerprint tape that's on it,
9 which is the tape that I talked about earlier that looks like
10 Scotch tape. And right now, this is just a picture showing
11 the fingerprint taking place and the fingerprint is obviously
12 underneath this tape.

13 Q And ultimately what is done with the tape --

14 A Ultimately the tape is lifted up, like I was telling
15 you before, and placed on a white -- kind of a shiny white
16 card.

17 Q And can you tell me who the person was that
18 processed that particular piece of evidence?

19 A That was going to be Brad Grover who's also a crime
20 scene analyst.

21 Q Okay. And were you present when he did it?

22 A Probably.

23 Q Okay. And if you just walk right down the banister
24 here to let all the jurors see that process, if you will? I
25 take that when the Black and Mild box was at the feet of the

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FLETCHER - DIRECT

1 decedent, it didn't have that piece of tape on it?

2 A No, it did not.

3 Q Brad Grover would have had to lift up the box, after
4 it was photographed at the feet of the decedent, Tracy
5 Gorringer, and then work on the box?

6 A That's correct.

7 Q All right. Now, let me take you to 74. I don't
8 want you to show it just yet.

9 A Okay.

10 Q Let me have you run down to 74, 75, and 76 first.

11 A You want me to describe them?

12 Q Not yet.

13 A Okay.

14 Q Do those photographs fairly and accurately depict
15 the conditions there in the living room?

16 A Yes, they do.

17 MR. GUYMON: I'd move for the admission of 74
18 through 76, Your Honor.

19 MR. SCISCENTO: May I see them, Your Honor? May I
20 see it. May we approach?

21 THE COURT: Yeah.

22 (Off-record bench conference)

23 THE COURT: They'll be admitted subject to the
24 objection.

25 (Plaintiff's Exhibit Nos. 74, 75, 76 admitted)

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FLETCHER - DIRECT

1 MR. GUYMON: Thank you.

2 BY MR. GUYMON:

3 Q And 78 through 79, let's go right to -- from 78 down
4 to 82. Do you recognize those photographs and do they fairly
5 and accurately depict the scene?

6 A Yes.

7 Q Is that as it appears in the night in question when
8 you began to process it?

9 A Mm-hmm.

10 MR. GUYMON: I'd move for the admission of 78
11 through 82.

12 MR. SCISCENTO: Again, Your Honor, if I could review
13 those? Gary?

14 (Off-record bench conference)

15 BY MR. GUYMON:

16 Q Analyst Fletcher, can I have you give me 86 --

17 THE COURT: Same objection?

18 BY MR. GUYMON:

19 Q -- through 97?

20 THE COURT: These admitted subject to the same
21 objections.

22 MR. GUYMON: And Judge, I can -- I can withdraw 78.

23 THE COURT: So we're admitting 79, 80 --

24 THE WITNESS: I think I just have 86 and 95.

25 THE COURT: -- 81 and 82.

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FLETCHER - DIRECT

1 (Plaintiff's Exhibit Nos. 79 through 82 admitted)

2 MR. GUYMON: Okay. And counsel, if you wanted --

3 (Off-record bench conference)

4 THE COURT: Okay. So the only ones that are
5 objected to are the ones that we're not going to admit, right
6 Mr. Sciscento?

7 MR. SCISCENTO: Yes.

8 THE COURT: So, 86 --

9 MR. GUYMON: Withdrawing 87 and 88, Your Honor.

10 THE COURT: -- 89 through 95 will be admitted.

11 (Plaintiff's Exhibit Nos. 86, 89 through 95 admitted)

12 MR. GUYMON: Okay. And can I take a couple, Judge?
13 Thank you.

14 BY MR. GUYMON:

15 Q Now then, you -- let me ask you a little bit about
16 -- before I get to cartridge cases, there is a weapon, is
17 there not on one of the decedents?

18 A Yes.

19 Q What exhibit number is it?

20 A 86.

21 Q 86. All right. Can you show the jury members where
22 that weapon was found on the decedent, is that correct?

23 A This weapon was in his waistband and this is the
24 victim that was in the dining room. And it was actually, --
25 you can see somebody pulling his jersey back, it was actually

III-211

FLETCHER - DIRECT

1 underneath his jersey in his waistband.

2 Q Did you impound that particular weapon?

3 A Yes.

4 Q Can you tell me what kind of weapon that is?

5 A I believe this was a Colt .45 Mark IV,
6 semiautomatic.

7 Q Did you attempt to fire that weapon or can you tell
8 us what the condition of that weapon was?

9 A The condition of the weapon -- in this particular
10 weapon it's a -- I believe it was a single action. The hammer
11 back and the holster strap was between the hammer and the
12 firearm. It was loaded and the thumb safety was on.

13 Q And can you tell me if the weapon was actually in a
14 functioning condition? In other words, could it be fired?

15 A Not right away, no.

16 Q And why?

17 A Because the thumb safety was on and there was also a
18 -- the pin or something in there was broken and Dave Horn
19 actually --

20 MR. SCISCENTO: Your Honor, I object. I object to
21 that -- as for the pin and everything else. I don't know if
22 she's a firearm expert saying whether or not that can be
23 fired.

24 THE COURT: That part of it will be sustained for
25 lack of foundation.

III-212

FLETCHER - DIRECT

1 BY MR. GUYMON:

2 Q All right. Did David Horn actually look at that
3 weapon and work with that weapon?

4 A Yes.

5 Q Okay. I'll wait for Dave Horn then. Those
6 photographs -- I take it that particular photograph, 89 was
7 it?

8 A 86.

9 Q 86. That was the condition then of the weapon as it
10 was found on the decedent?

11 A That's correct.

12 Q Okay. Let me ask you, you mentioned a
13 semiautomatic, this was a .45 that Peter Talamantez had?

14 A Yes.

15 Q Okay. Did you find any evidence of a firearm having
16 been used to kill each one of these boys?

17 A Yes.

18 Q What evidence was there that a firearm was used to
19 kill each of these boys?

20 A We had four cartridge casings in the residence and
21 also some bullet fragments.

22 Q And just what is a cartridge casing?

23 A A cartridge casing basically houses the bullet, it's
24 the housing for the bullet. Commonly, when they're found at
25 scenes they're associated with a semiautomatic gun because a

III-213

FLETCHER - DIRECT

1 semiautomatic gun will eject the cartridge casing upon firing
2 it, and we found four cartridge cases.

3 Q Is a cartridge case ejected when you fire say a
4 revolver?

5 A No.

6 Q Where does the cartridge case stay when you fire a
7 revolver?

8 A In a revolver the cartridge casing's going to stay
9 in the cylinder unless you take it and dump it out.

10 Q And how many cartridge casings did you find?

11 A Four.

12 Q Beings that you found cartridge casings there, did
13 that tell you anything as a crime scene analyst?

14 A Other than that it was obviously used there was --
15 we probably assumed that it was going to be a semiautomatic.

16 Q Okay. Now, describe the four cartridge cases?

17 A The four cartridge casings all had the same head
18 stamp which was WIN .380 Auto.

19 Q WIN, is that the same as Winchester or is WIN a
20 brand?

21 A I believe WIN is the same as Winchester.

22 Q Okay. All four were stamped with WIN .380?

23 A .380 Auto.

24 Q All right. Now, is a .380, is that a caliber of a
25 gun?

III-214

FLETCHER - DIRECT

1 A Yes.

2 Q Is a .380 and a .45 the same caliber?

3 A No.

4 Q The gun of Peter Talamantez was a .45?

5 A That's correct.

6 Q Can a .45 shoot .380 ammunition?

7 A Not to my knowledge.

8 MR. SCISCENTO: Your Honor, I'm going to object to
9 this. I don't believe that she's an expert on this, that she
10 can testify to whether or not --

11 THE COURT: Sustained for lack of foundation at this
12 point.

13 BY MR. GUYMON:

14 Q Let me -- let me ask, have you had some training in
15 firearms?

16 A Some, yes.

17 Q Okay. Have you fired firearms?

18 A Yes.

19 Q Do you have enough training to tell us whether or
20 not a .45 can fire a .380?

21 MR. SCISCENTO: It's the same objection, Your Honor.
22 It's not been designated --

23 THE COURT: Overruled.

24 MR. SCISCENTO: -- she's not been designated as a
25 expert witness, Your Honor.

III-215

FLETCHER - DIRECT

1 THE COURT: Overruled.

2 THE WITNESS: To my knowledge a .45 cannot fire a
3 .380 round.

4 BY MR. GUYMON:

5 Q All right. Now, are the cartridge cases depicted in
6 Exhibits 91 -- actually 89, 91, 92, and 93?

7 A Yes.

8 Q Okay. Let's start with 89. If you'll just walk it
9 down the banister, just briefly so everyone can see. Tell us
10 where that cartridge case was in relationship to say the
11 decedents?

12 A Actually, I can't really tell from this particular
13 photograph. It was on the floor either in the living room or
14 in the dining room.

15 Q Okay. And did you, when you impounded it, actually
16 note where each one of the cartridge --

17 A Yes.

18 Q -- cases were?

19 A Yes.

20 Q All right. We'll do it that way then. And is that
21 cartridge case an empty cartridge case now?

22 A That's correct.

23 Q Okay. How about 91, is there a cartridge case
24 there?

25 A Yes.

III-216

FLETCHER - DIRECT

1 Q And is that cartridge case empty?

2 A Yes, it is.

3 Q From the photograph are you able to tell me where --
4 and again, I don't mean to ask you a trick question, but are
5 you able to tell me where that one was found in relationship
6 to the decedents?

7 A I believe this one's going to be in the living room.

8 Q Okay. If you can just show them briefly.

9 A I think that's the couch that's in the photograph.
10 And actually, now that I look at this closer, this is actually
11 on the couch.

12 Q Okay. That is the one that you said earlier that
13 was on the couch?

14 A Yes.

15 Q 92 and 93, do those photographs depict cartridge
16 cases?

17 A Yes.

18 Q Okay. And can you just show those photographs
19 briefly? Is that the very area in which the cartridge case
20 was found is where it's photographed?

21 A Yes, this one was in the living room along the south
22 wall and it's going to be in the southeast corner behind a
23 potted plant that was pulled up.

24 Q The plant was, I take it, unearthed out of that plot
25 -- pot?

III-217

FLETCHER - DIRECT

1 A Yes.

2 Q And 93, is that in fact a spent cartridge -- empty
3 cartridge case?

4 A Yes.

5 Q Okay. And does that -- does that also be a .380
6 WIN?

7 A Yes.

8 Q Okay.

9 A And this one is the one from the dining room, the
10 tile there is adjacent to the kitchen.

11 Q Now, you indicated that -- I think you mentioned the
12 word projectile, is that right? That a projectile is
13 something that projects from the cartridge case?

14 A That's correct.

15 Q All right. Is -- did you take a picture of a
16 projectile in Exhibit 90? Do I have 90 or do you?

17 A I don't think I have 90, but let me double check.
18 Oh, here it is. Actually, I can't tell from this photograph.
19 I believe that might be a mushroom.

20 Q Okay. You say it maybe one of the shrooms?

21 A I believe it is, yes.

22 Q All right. Let's leave that alone. Now then, you
23 mentioned that a diagram was done in this particular case that
24 kind of outlined or listed where the evidence was found?

25 A That's correct.

III-218

FLETCHER - DIRECT

1 Q Are you familiar with that diagram?

2 A Yes.

3 Q Did you assist in the dimensions and the location of
4 each one of the pieces of evidence?

5 A Yes.

6 Q I'm showing you what has been marked as State's
7 Proposed 162, do you recognize 162?

8 A Yes.

9 Q And how is it you recognize it?

10 A It's the diagram that I assisted in.

11 Q Okay. And does it show the -- say the bodies in
12 relationship to each one of the pieces of evidence that we
13 talked about in court today?

14 A Yes.

15 MR. GUYMON: I'd move for the admission of State's
16 Proposed Exhibit 162.

17 MR. SCISCENTO: No objection, Your Honor.

18 THE COURT: Admitted.

19 (Plaintiff's Exhibit No. 162 admitted)

20 MR. GUYMON: And I'd ask to be able to display it,
21 Judge, and have it point out from the markers.

22 Are you able to stand over here in this area --
23 Judge, is this all right?

24 THE COURT: Sure.

25 MR. GUYMON: Okay.

III-219

FLETCHER - DIRECT

1 BY MR. GUYMON:

2 Q All right. Tell me what we're looking at here and
3 kind of take the jury through this diagram.

4 A Okay. This is the front door here. This is a
5 carport, the vehicle was under here. This is the street out
6 here so we're on the south side of Terra Linda.

7 As you walk into the living room you see we have the
8 three victims. We had some of the cigarette butts here, here,
9 and one was somewhere in this general area. The cigar box is
10 marked right here as item 10, was right at the -- you saw the
11 picture right near the victim's feet.

12 We have a cartridge casing that was on the couch,
13 one of the other cartridge casings from the photographs was
14 right here. The bullet fragments were near a, I believe it
15 was a VHS box and it was right near the floor of this victim's
16 head. And there's the -- oh, thank you. And here's the
17 potted plant where the cartridge casing was right against this
18 wall.

19 This is the entertainment center that we talked
20 about earlier.

21 As you come through here, there was a -- this is
22 just kind of a little coat closet and items were pulled out of
23 this. As you go into this bedroom here, the -- the mushrooms
24 that we found in this bedroom, I believe one was right behind
25 the bed and one was over here between -- this is the file

III-220

FLETCHER - DIRECT

1 cabinet, between the file cabinet and the couch on the floor.

2 This is the file cabinet where the ashtray was that
3 had a cigarette butt in it that we impounded. And this room
4 basically was extensively ransacked. All items were pulled
5 out of the closet, the bed was tossed, that sort of thing.

6 As you come down here and you go into the dining
7 room you see victim number four here. We have a cartridge
8 casing on the floor near him. We also had -- this is a closet
9 that was ransacked, there were several items pulled out of
10 this and on the floor. I believe the mushroom that we found
11 in dining room was right here.

12 Some of the narcotics evidence that we found was on
13 this table. Also the cigarette butts that were in the two
14 ashtrays that were on the table were here.

15 This was the sliding glass door that was closed and
16 the blinds were closed. The door was unlocked.

17 As you come into the kitchen -- we didn't really
18 have any evidentiary items in the kitchen, but it appeared as
19 though it had been extensively ransacked. We had a lot of
20 sugar cube boxes and sugar cubes and a lot of pennies and
21 playing cards and baseball cards and whatnot throughout the
22 kitchen as well.

23 As you come down the hallway you had the southwest
24 bedroom which was extensively ransacked as well. This enters
25 into the bathroom where the duct tape was in the drawer right

III-221

FLETCHER - DIRECT

1 here of the sink. As you come down the hallway we had another
2 bathroom here that I don't believe we had any evidentiary
3 items recovered from this bathroom.

4 We had two bedrooms here in the front of the house.
5 Both of the bedrooms were extensively ransacked. And another
6 thing to make note of, I had talked about the paw prints
7 before. In almost all of the rooms we had quite a bit of
8 bloody paw prints that had been through here, all through
9 these rooms, and quite a bit in this bathroom around the
10 toilet area.

11 Q All right. And I was -- I wasn't standing in front
12 of the map when you showed us where the cigarette butts were.
13 Did you -- did you point those out?

14 A We had cigarette butts in the ashtray here that was
15 on the -- I believe it was -- it was this table here, I
16 believe. We had cigarette butts on this couch, underneath
17 some items that were here. There was one somewhere around in
18 this area on the floor. There were -- was one in the ashtray
19 that was on this file cabinet. We also had three in each
20 ashtray, there were two ashtrays on the dining room table that
21 we had cigarette butts in, and we had one that was on the
22 floor, kind of right up against this wall.

23 Q Now lastly, you mentioned some cartridge cases.

24 A Mm-hmm.

25 Q I want to show you what have been marked as State's

III-222

FLETCHER - DIRECT

1 Proposed Exhibit 156. Let me ask you, you probably don't
2 recognize this particular envelope?

3 A No.

4 Q This is not a Las Vegas Metropolitan Police
5 Department envelope?

6 A Doesn't look like it, no.

7 Q Okay. Let me, however, ask you if you recognize
8 what's now been listed there on the outside of the envelope?

9 A Yes.

10 Q Okay. And what appears to be listed there on the
11 outside of the envelope, that's a new document to you, is it
12 not?

13 A Very.

14 Q I'm not trying to throw you.

15 A This appears to be four WIN .380 auto cartridge
16 cases and one with some bullet fragments in it.

17 MR. GUYMON: And Your Honor, I believe the defense
18 will stipulate that, in fact, that is not the original
19 envelope that they were placed in, that by agreement by both
20 parties, the cartridge cases were sent out to another lab at
21 the request of the defense counsel, and -- but they've been
22 returned now in a different envelope.

23 THE COURT: Correct, Joe?

24 MR. SCISCENTO: Yes, Your Honor. We'll stipulate.

25 MR. GUYMON: This --

III-223

FLETCHER - DIRECT

1 THE COURT: Accepted.

2 BY MR. GUYMON:

3 Q Okay. Now then, presumably if the four cartridge
4 cases and the projectile that you impounded were returned,
5 would they be found within this here?

6 A Yes.

7 Q Okay.

8 MR. GUYMON: I move for the admission of State's
9 Proposed Exhibit 156 and ask just to open, real quickly,
10 Judge?

11 MR. SCISCENTO: No objection as to that, Your Honor.

12 THE COURT: Received.

13 (Plaintiff's Exhibit No. 156 admitted)

14 BY MR. GUYMON:

15 Q If you will, carefully open it without disturbing
16 the seals.

17 A Okay.

18 Q Now, do you recognize that particular --

19 A Yes.

20 Q Okay.

21 MR. GUYMON: And, Judge, would you like this marked
22 as 156A or how does the Court care to do it?

23 THE COURT: It's a matter of almost total
24 indifference, Gary. You do it however you like.

25 MR. GUYMON: Judge, can I do it this way then, can I

III-224

FLETCHER - DIRECT

1 move for the admission of State's Proposed 156 and its
2 contents?

3 THE COURT: Any problem, Joe?

4 MR. SCISCENTO: No problem, Your Honor.

5 THE COURT: Admitted.

6 (Plaintiff's Exhibit No. 156 and its contents admitted)

7 BY MR. GUYMON:

8 Q Now then, do you recognize the envelope you just
9 removed from the first envelope, 156?

10 A Yes.

11 Q And how is it you recognize that?

12 A It's got my name and P number on it, it's got my
13 seal on it, and I recognize my writing.

14 Q Okay. And does it appear to be in the same
15 condition as when you impounded it on the night in question?

16 A Well, there's a lot more seals on it, but other than
17 that, yes.

18 Q Let's talk about the "lot more seals." Are there
19 additional seals that you recognize other people's signatures
20 or handwriting?

21 A Yes, there is.

22 Q All right. And whose handwriting appears to be on
23 the additional seals?

24 A Ed Guenther is down on this seal and he's one of our
25 latent fingerprint examiners. I believe this one -- I don't

III-225

FLETCHER - DIRECT

1 recognize the one on the top there, the red one.

2 Q All right. Is the red one nonetheless a Las Vegas
3 Metropolitan Police Department evidence seal?

4 A Actually, no. This one says Hayward, California.

5 Q Okay.

6 A Forensic Analytical.

7 Q Similar to the first writings of Forensic
8 Analytical?

9 A Yes.

10 Q Okay. Let me have you open that particular evidence
11 envelope if you can do so without disturbing the police seals.

12 A This is biohazard, too.

13 Q Well, let's not open it then.

14 A Okay.

15 Q And I appreciate you telling us. And simply tell us
16 what's found there in that envelope?

17 A In this envelope are the four cartridge casings that
18 I impounded and the bullet fragments and it's biohazard
19 because there's some apparent blood on a couple of the items.

20 Q And are those cartridge cases the same cartridge
21 cases that are depicted in the photograph and then on the
22 diagram?

23 A Yes.

24 Q All right.

25 MR. GUYMON: I'd pass the witness, Your Honor.

III-226

FLETCHER - CROSS

CROSS-EXAMINATION

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BY MR. SCISCENTO:

Q Ms. Fletcher, Officer Fletcher or?

A Ms. Fletcher's fine.

Q Ms. Fletcher. You wrote a report on these matters?

A Yes, I wrote an evidence impound.

Q Okay.

MR. SCISCENTO: If I may approach?

BY MR. SCISCENTO:

Q This evidence impound report is one that you wrote?

A Yes.

Q Did you write any subsequent reports?

A I believe there's one more evidence impound report that I wrote. There's one more evidence impound report. It's just a one-page one, it has a disposable camera on it.

Q Disposable camera and that's it?

A Yeah.

Q Okay. You said that you located twelve cigarette butts?

A Yes, that's correct.

Q And if I understand that they were found throughout the -- most of them were found throughout the house?

A Correct.

Q And there was one, I believe, was Exhibit 90 -- Exhibit 21. I'm sorry, Exhibit 182, which was analyzed?

III-227

FLETCHER - CROSS

1 A Okay.

2 Q Is that correct?

3 A I don't know what the exhibit number is, but there's
4 one, I believe.

5 Q There was one that was analyzed for DNA?

6 A I actually don't know. I'm assuming that all of
7 them were analyzed. I'm not sure on that.

8 Q Do you know where that one was found, Exhibit 182?

9 A No. If you tell me the item number I could tell
10 you.

11 Q They were found -- I'm going to see if I understand
12 you. Cigarette butts were found throughout the house?

13 A In the -- in the living room, the southeast bedroom,
14 and the dining room only.

15 Q Living room and in the southeast bedroom?

16 A That's correct.

17 Q How many were found in the southeast bedroom, do you
18 recall?

19 A I believe only one. Could I refer to the --

20 Q You can refer to your notes --

21 A -- impound? Thank you.

22 Q -- or your report.

23 A There was just one in the -- in the bedroom there,
24 in the ashtray. That would be this one.

25 Q Okay. All right. How many were found in the dining

III-228

FLETCHER - CROSS

1 room, do you recall?

2 A I believe there was seven total. I think there was
3 three in each ashtray on the dining room table and then one
4 the floor against the east wall.

5 Q Item 22-1 is a cigarette butt?

6 A Yes.

7 Q That was found where?

8 A That was on the dining room floor --

9 Q Okay.

10 A -- quite near the east wall.

11 Q And that was found with six other cigarette butts?

12 A Well, that was the only one on the floor, but yes
13 there were -- there was six or seven total in that room.

14 Q So this wasn't by itself, so to speak, in the room?
15 There was other ones in there?

16 A Correct.

17 Q On your -- do you have Exhibit -- I think it was 96.
18 It shows a Black and Mild cigar box?

19 A Correct.

20 Q You didn't photograph that but you pointed that out?

21 A Correct.

22 Q Your job is to go in there to point out what you
23 suspect is evidence and try to preserve it and point it out?

24 A Basically, everybody was pointing out evidence and I
25 was the one that ultimately measured it and collected it.

III-229

FLETCHER - CROSS

1 Q That was a cigar box?

2 A The cigar box was not impounded as evidence.

3 Q That's the Black and Mild box you're talking about?

4 A Yes.

5 Q So that's why it does not appear on your impound
6 report as evidence?

7 A That's correct.

8 Q Does it appear on anybody's impound report as
9 evidence?

10 A No.

11 Q That's the Black and Mild can -- Black and Mild
12 cigar box that we're talking about?

13 A Correct.

14 Q Did you go on the outside of the house and look
15 around the outside of the house?

16 A Yes.

17 Q Did you come upon a trash can -- find out there?

18 A Yes, in the front yard.

19 Q Okay. Did you notice anything in the backyard? Was
20 there a trash can in the backyard? Well, I'm sorry. When you
21 say the front yard, you mean by the front door?

22 A Actually the -- it would have been along the east
23 fence line, kind of along the driveway not near the carport.

24 Q Around this way?

25 A Yeah, a little bit further down by the arrow there.

III-230

FLETCHER - CROSS

1 Q For the record I made a little mark with my pen on
2 accident. In that box or in that trash can, did you find
3 anything of significant value, evidentiary value?

4 A I believe Mike Perkins found some items in the trash
5 can, one of which was the disposable camera that I talked
6 about earlier.

7 Q Was there anything else such as antifreeze?

8 A Yes, there were several bottles.

9 Q There were numerous bottles of antifreeze?

10 A I believe so, yes.

11 Q This is the middle of July?

12 A Yes -- August actually.

13 Q I'm sorry, August.

14 A Sorry.

15 Q This is a warm month in Las Vegas?

16 A Correct.

17 Q How many bottles of -- how many bottles of
18 antifreeze were there, if you recall?

19 A Roughly ten, maybe.

20 Q Okay. So there were numerous?

21 A Yes.

22 Q Was any other -- anything else in there? Any
23 Clorox, any other boxes or bottles that made you see as
24 evidentiary value in that?

25 A I believe there were a couple of other items in

III-231

FLETCHER - REDIRECT

1 there but I'm not -- I'm not sure of exactly what they were.

2 Q Do you have any idea why there would be numerous
3 bottles of antifreeze?

4 A Well, there could be several reasons.

5 Q Okay. What's the most common reason?

6 A Methamphetamine labs.

7 Q And this was -- you found on the sofa, if you
8 recall, you stated that there were baggies of white substance?

9 A Yes.

10 Q Okay. And the white substance was tested, do you
11 know?

12 A I don't know.

13 Q Okay. You found items with -- which contained pills
14 in them?

15 A That's correct.

16 Q And do you know if those pills were tested?

17 A I don't know.

18 MR. SCISCENTO: No further questions, Your Honor.

19 THE COURT: Anything further?

20 MR. GUYMON: Yes, very briefly.

21 REDIRECT EXAMINATION

22 BY MR. GUYMON:

23 Q You indicated that the Black and Mild cigar box was
24 not impounded?

25 A That's correct.

III-232

FLETCHER - REDIRECT

1 Q Okay. Tell me, were fingerprints lifted from other
2 areas in the house?

3 A Numerous, yes.

4 Q Okay. Was each item that had a fingerprint on it
5 impounded in the house?

6 A No.

7 Q Why is that?

8 A Basically because the fingerprint is the evidence
9 and once the fingerprint is lifted, the item is not impounded
10 unless it has some other significance.

11 Q Is it common police procedure to not actually take
12 items from, say, residences if they have a fingerprint?

13 A Generally, yes.

14 Q Okay. So you would -- in other words, let's say
15 there's a fingerprint on a television in a house if you go to
16 a burglary scene. Do you take the whole TV out of the house?

17 A No.

18 Q What would you do in that case?

19 A In that case we would just lift the fingerprint and
20 recover the fingerprint as the TV did not have any evidentiary
21 value.

22 Q Once the tape is lifted from the Black and Mild box,
23 is the fingerprint preserved?

24 A Yes.

25 Q Does the box still have the fingerprint on it?

III-233

FLETCHER - RECROSS

1 A Generally, no.

2 Q Okay. So is that the reason why the fingerprint or
3 the Black and Mild box was not actually impounded then?

4 A That's correct.

5 Q The process, however, was photographed?

6 A Yes.

7 Q All right. Also, you indicated that cigarette butt
8 -- the one on the ground there by the table, I believe you
9 said it was, in the living room, is that right? There was one
10 on the ground?

11 A In the living room there was one on the ground
12 towards the north wall. In the dining room there was one on
13 the floor towards the east wall.

14 Q The dining room was the one that's marked 22-1, is
15 that the item?

16 A Yes.

17 Q Okay. So, 22-1 is the cigarette butt on the dining
18 room floor?

19 A That's correct.

20 MR. GUYMON: I have no other questions.

21 THE COURT: Anything further?

22 MR. SCISCENTO: Very quickly, Your Honor.

23 RECROSS EXAMINATION

24 BY MR. SCISCENTO:

25 Q There was some cigarettes found that were on the

III-234

FLETCHER - FURTHER REDIRECT

1 floor? There were some cigarettes found in an ashtray,
2 numerous cigarettes would be on the floor and ashtray or one
3 was on a couch, is that correct?

4 A In the living room?

5 Q Throughout the house?

6 A Yes.

7 Q Okay. So they were scattered in different places?

8 A In the three rooms, yes.

9 Q Some were in an ashtray container, some were not?

10 A That's correct.

11 Q On the Black and Mild cigarette box, once you dusted
12 for fingerprints and lift it, the fingerprints are removed?
13 They're gone?

14 A Generally, yes.

15 Q Okay. So any chance of retesting then is removed?

16 A My opinion on that particular item, I would say that
17 the item -- the fingerprint was probably removed and it would
18 not be able to be tested again.

19 Q Do you know what happened to that Black and Mild
20 cigarette box?

21 A It was probably left at the scene.

22 MR. SCISCENTO: No further questions.

23 FURTHER REDIRECT EXAMINATION

24 BY MR. GUYMON:

25 Q Can the fingerprint, though, that's been lifted from

III-235

FLETCHER - FURTHER RECROSS

1 that box be reanalyzed by someone else?

2 A Yes.

3 Q So, the fingerprint's preserved for anyone to
4 analyze?

5 A That's correct.

6 Q Okay.

7 MR. GUYMON: No other questions.

8 THE COURT: Thank you.

9 MR. SCISCENTO: Let me -- let me do a follow up
10 very, very briefly, Your Honor.

11 FURTHER RECROSS EXAMINATION

12 BY MR. SCISCENTO:

13 Q Did you test the inside of the Black and Mild
14 cigarette box for any traces of cocaine, crack cocaine, any
15 illegal substance?

16 A I personally did not.

17 Q Okay. And once it was -- once you left the scene,
18 you close it off, and then consider the scene closed, you left
19 the Black and Mild cigar box there?

20 A That's correct.

21 Q And it was never tested nor could it ever be tested
22 to see if any drugs are there?

23 A That's correct.

24 Q Okay.

25 MR. SCISCENTO: No further questions.

III-236

1 THE COURT: You're excused. Thank you.
2 Call your next witness.
3 MR. GUYMON: Judge, we have a stipulation at this
4 point in time that --
5 THE COURT: Are you going to want that marked? I
6 wasn't clear about that?
7 MR. GUYMON: Yeah. Please. And I'd ask the Court's
8 to -- well, read or have one of us read it at this point in
9 time, it's associated with evidence that was impounded --
10 THE COURT: Is this going to be admitted as Exhibit
11 187?
12 MR. GUYMON: Yes, Your Honor. We move for its
13 admittance.
14 THE COURT: So stipulated, I gather, Joe?
15 MR. SCISCENTO: Yes.
16 THE COURT: Okay. This is the stipulation which, as
17 I said before, takes the place of putting a witness on the
18 stand. Both the State and the defense stipulate or agree that
19 "Francis Beaudette is a criminalist employed by the
20 Las Vegas Metropolitan Police Department. That on
21 September the 8th, 1992, Francis Beaudette qualified
22 in the Eighth Judicial District Court of Clark
23 County, Nevada as an expert witness to testify
24 regarding the identity of controlled substances.
25 "On or about October the 2nd, 1998, Francis

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GROVER - DIRECT

1 Beaudette received evidence associated with this
2 case from the evidence vault. This evidence had
3 previously been impounded at the Terra Linda
4 residence by Criminalist Shawn M. Fletcher on August
5 the 14th, 1998. Francis E. Beaudette examined the
6 evidence described as a possible mushroom,
7 identified it as psilocin. Psilocin is a controlled
8 substance commonly referred to on the street
9 "shrooms." Francis Beaudette also examined a
10 substance described as a white powdery substance
11 impounded from the Terra Linda residence and
12 identified the same as methamphetamine, a controlled
13 substance."

14 Is this David Horn?

15 MR. DASKAS: No. Bradley Grover.

16 THE COURT: Oh, I didn't really look. Okay.

17 BRADLEY CRAIG GROVER, PLAINTIFF'S WITNESS, IS SWORN

18 THE CLERK: Please state your full name and spell it
19 for the record.

20 THE WITNESS: Bradley Craig Grover, G-R-O-V-E-R.

21 DIRECT EXAMINATION

22 BY MR. DASKAS:

23 Q Mr. Grover, where do you work?

24 A I work as a senior crime scene analyst for the Las
25 Vegas Metropolitan Police Department.

III-238

GROVER - DIRECT

1 Q How long have you been a crime scene analyst with
2 Metro?

3 A A little over five years.

4 Q Prior to coming to work for Metro, did you work for
5 any other law enforcement agency?

6 A No, I did not.

7 Q You mentioned you were a crime scene analyst, tell
8 us a little bit about your duties and responsibilities with
9 Metro?

10 A As a crime scene analyst we respond to crime scenes,
11 document the crime scenes using notes, photograph, diagrams,
12 and reports. We process the scene for fingerprints and we
13 identify, collect, and preserve evidence.

14 Q What type of special training have you received to
15 qualify you to do the work that you've just explained?

16 A Well, we could start with my -- I have a Bachelor of
17 Science degree in biology from the University of Nevada, Las
18 Vegas. I worked for seven years in a forensic toxicology lab
19 prior to working for Metro. After I gained my employment with
20 Metro I had a forty hour class in the techniques of crime
21 scene investigation followed by three months of field training
22 with a senior crime scene analyst. During my first nine
23 months of employment I completed the American Institute of
24 Applied Science Forensic Science course which was heavily
25 weighted in fingerprints. I've attended the FBI fingerprint

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GROVER - DIRECT

1 classification course, crime scene technology II course
2 through Northwestern University. I recently attended a
3 fingerprint class on techniques for processing the sticky side
4 of tape through the secret service. I'm a member of the
5 International Association of Identification, both the national
6 and the Nevada state divisions. I get their periodical that
7 they put out. And I've had five years on the job training or
8 experience.

9 Q Let me direct your attention specifically to the
10 15th day of August 1998. You were employed and working on
11 that date?

12 A Yes, I was.

13 Q Did you respond to a residence at 4825 Terra Linda
14 here in Las Vegas, Nevada?

15 A Yes, I did.

16 Q When you arrived at that location, was it apparent
17 to you that other police personnel had already been to the
18 scene?

19 A Yes, there was.

20 Q And what lead you to that assumption?

21 A I had noticed that there was seals on the -- on some
22 of the windows and doors. I believe the crime scene tape was
23 still in place from the previous evening.

24 Q Did those things indicate to you that an effort had
25 been made to preserve the crime scene?

III-240

GROVER - DIRECT

1 A Yes. I believe there was also an officer standing
2 by at the scene itself.

3 Q When you responded were other crime scene analysts
4 present?

5 A Yes, there were.

6 Q And, in fact, had other analysts been present the
7 day before?

8 A Yes, they were.

9 Q Were you assigned any specific responsibility at the
10 Terra Linda home once you responded?

11 A Yes, I was.

12 Q What was your assignment?

13 A I was assisting in the processing of the scene for
14 fingerprints and I personally used two different methods. I
15 did some Super Glue fuming and I also processed with
16 conventional powders and magnetic powders.

17 Q You mentioned two different methods of developing
18 prints. The training you mentioned earlier, does that qualify
19 you to develop prints in the two methods you just mentioned?

20 A I believe it does, yes.

21 Q Can you give us a little explanation about each of
22 those methods of developing fingerprints?

23 A Well, the method I use the most and we most -- most
24 of us use the most is just processing with conventional
25 powders for -- the black powder or magnetic powders and what

III-241

GROVER - DIRECT

1 that entails is using a powder and a fiberglass brush.
2 Applied to a surface and the powder will adhere to any
3 moisture or fats or oils that are present in a fingerprint.
4 Once the fingerprint is developed with the powder we can then
5 apply a piece of adhesive tape it. We photograph the location
6 of that tape, then we can lift that tape and put it on a card
7 and preserve it that way.

8 Q I think you mentioned a second method, however, that
9 you're qualified to do?

10 A Super Glue fuming.

11 Q Tell me about that?

12 A What that is is we use cyanoacrylate ester and it's
13 known commonly as Super Glue. There's a cartridge -- the
14 method that I use there's a cartridge that is put into a
15 heating device which heats the Super Glue and becomes a vapor.
16 The Super Glue will adhere to the fingerprint. It actually
17 bonds with it and forms a polymer. That enables -- enables us
18 to visualize it and it also makes fragile prints a little more
19 stable and able to be developed with fingerprint powders.

20 Q Of the two methods you just mentioned, did you
21 employ or utilize either of or both of those methods at the
22 Terra Linda household?

23 A Both of those methods.

24 Q Were you assigned to any specific room in the Terra
25 Linda household?

III-242

GROVER - DIRECT

1 A The Super Glue fuming I performed in two bedrooms
2 and the dining area. I didn't have any luck with that. Then
3 I began doing some conventional fingerprint processing in the
4 living room area.

5 Q Other than responding to the crime scene at Terra
6 Linda and developing prints, have you responded to other crime
7 scenes?

8 A Yes, many.

9 Q Can you estimate how many?

10 A In my career?

11 Q Yes.

12 A Between two thousand and twenty-five hundred.

13 Q And in the majority of those was your duty and
14 responsibility to develop fingerprints?

15 A On many of them, the majority of them.

16 Q Let me show you what's been admitted as State's
17 Exhibit 162. Okay. And with the Court's permission, can you
18 step down here, Mr. Grover, please? You mentioned that you
19 were assigned or at least had some luck in developing prints
20 in one particular room. Can you point out for the jury which
21 room that was?

22 A At the living room area.

23 Q And for the record you've pointed to an area where
24 there are three diagrams of bodies located?

25 A Mm-hmm. Right.

III-243

GROVER - DIRECT

1 Q Is that a yes?

2 A Definitely this area.

3 Q And within that room, within that location was there
4 any particular item of evidence that you were able to develop
5 prints from?

6 A Yes, on a cigar box.

7 Q Do you recall the type of cigar box?

8 A Middletons.

9 Q And is the cigar box somehow delineated on the
10 diagram?

11 A Yes, it is.

12 Q Is there a number that appears next to the cigar
13 box?

14 A Number 10.

15 Q Why don't you return to your seat, please. Do you
16 recall specifically where in the living room that cigar box
17 was located?

18 A Yes, it was on the floor generally in the northeast
19 quadrant next to a recliner and there was a, what we call a
20 PR24 baton on the floor also, it was next to that and the
21 recliner.

22 Q At the time you responded to the Terra Linda home,
23 were the victims bodies already removed?

24 A Yes, they had been removed.

25 Q Let me show you what has previously been admitted as

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GROVER - DIRECT

1 State's Exhibit 96 and 97 and ask you if you recognize what's
2 depicted in those two photographs?

3 A Yes, in this State's Exhibit 97 we have the
4 Middletons cigar box with a piece of the latent fingerprint
5 tape on it as well as the baton, also with a piece of
6 fingerprint tape on it.

7 Q This -- when you say the baton is that the same item
8 you referred to as the PR24?

9 A PR24.

10 Q All right.

11 A Yes.

12 Q State's Exhibit 96 is a photo of the Middleton cigar
13 box with a piece of fingerprint tape on it.

14 Q I assume that when you first responded to the home
15 and noticed the Black and Mild cigar box that tape was not on
16 it?

17 A That's correct.

18 Q Other than that, does -- do those photos accurately
19 depict the condition of the cigar box when you noticed it on
20 August 15th?

21 A Yes, they do.

22 Q If you would, with the Court's permission, why don't
23 you step down in front of the jury with those photographs and
24 explain to them, if it would assist the jury to use the
25 photographs --

III-245

GROVER - DIRECT

1 A Okay.

2 Q -- the process you utilized to lift -- to develop
3 and lift the print from that cigar box?

4 A Okay. On the cigar box what I used was magnetic
5 powder, which in my experience is better -- is more conducive
6 for lifting prints on a -- on paper or a semi-porous surface
7 as this paper would be. And then after I develop the
8 fingerprint I apply the adhesive tape to it.

9 Q You say you applied adhesive tape. Once you applied
10 the tape to the print, what do you do with the piece of tape?

11 A Well, the tape will -- the powder is then
12 transferred to the tape and will give you the image of the
13 fingerprint. After I lift the tape, after it's been
14 photographed, I lift the tape and adhere it to a card which is
15 then placed on file in the latent fingerprint bureau.

16 Q Is it common practice in your line of work to
17 impound the specific item from which you lift the fingerprint?

18 A Not always.

19 Q Okay. And why would you not impound the actual
20 item?

21 A For a couple of different reasons. First of all the
22 fingerprint is the evidence. Second of all, in this
23 particular scene we processed hundreds of items in this house,
24 virtually everything in the house. If we were to impound
25 every item that we recovered a fingerprint on there'd be so

III-246

GROVER - DIRECT

1 much that we wouldn't have anywhere to put it for one. Second
2 of all, unless an item is obviously an item of evidence, .
3 firearms evidence or something that we can directly relate to
4 being evidence, we're not sure what the significance might be
5 at that time. For instance, there was a lot of CDs in the
6 scene that we processed and recovered fingerprints off of.
7 Assumedly, that could be -- belongs to the victim. Unless we
8 know that we can directly tie it to a suspect then we're not
9 going to recover it.

10 Q At the time you developed and lifted the print from
11 the cigar box, you had no idea that the print would come back
12 to anybody in particular?

13 A No idea.

14 Q Now, you say you lifted that piece of tape and
15 placed that piece of tape on a fingerprint card?

16 A Yes, it is.

17 Q Describe what a fingerprint card is?

18 A A fingerprint card is basically a glossy card with
19 an area to describe the location that that fingerprint was
20 recovered as well as to put the information of the person who
21 recovered the fingerprint, the event number, the date that we
22 recovered it, and that's basically it.

23 Q Once you place the fingerprint tape onto a
24 fingerprint card, did you keep that card in your sole care,
25 custody, and control?

III-247

GROVER - DIRECT

1 A Yes, I did.

2 Q Did you bring that card to you -- with you to Court
3 today?

4 A Yes, I did.

5 Q All right. Can you hand it to me, please?

6 A Sure.

7 MR. DASKAS: For the record, Judge, I'm having
8 marked State's Proposed Exhibit 188, a Las Vegas Metropolitan
9 Police Department manila envelope that contains what purports
10 to be a fingerprint card. And I'll show it to defense
11 counsel, Judge, once it's marked.

12 Judge, for the record, I'm showing defense counsel
13 what's been marked as State's Proposed Exhibit 188.

14 BY MR. DASKAS:

15 Q Mr. Grover, let me hand you what's been marked as
16 State's Proposed Exhibit 188 and ask you to identify and
17 describe what that is?

18 A This is the -- a piece of fingerprint tape with a
19 latent fingerprint placed onto a card which has my initials on
20 it where I signed across the tape and where I filled out all
21 the pertinent information.

22 Q Now, based on your experience, is each criminal case
23 with Metro assigned an event number?

24 A Yes, it is.

25 Q And is an event number specifically unique to each

III-248

GROVER - DIRECT

1 (Plaintiff's Exhibit No. 188 admitted)

2 MR. FIGLER: Thank you.

3 MR. DASKAS: Thank you, Judge.

4 BY MR. DASKAS:

5 Q Mr. Grover, can you step down, with the Court's
6 permission, and explain and show to the jury the fingerprint
7 card and how it relates to the tape from the photo that is 96
8 and 97 from which you lifted the fingerprint?

9 A Okay. This is the piece of tape that I lifted off
10 of the cigar box that was in the photo that I showed you
11 earlier.

12 COURT RECORDER: Could you keep your voice up?

13 THE WITNESS: This is the piece of tape that I
14 lifted from the cigar box that I showed you in the photo
15 earlier and I had lifted it off the box and placed it onto
16 this card.

17 BY MR. DASKAS:

18 Q Now, Mr. Grover, it's your testimony that State's
19 188 or at least the contents of 188 is actually the very
20 fingerprint that was lifted from the cigar box?

21 A Yes, it is.

22 Q You mentioned a few minutes ago that there was
23 additional writing that appears on that card, is that true?

24 A Yes, that's true.

25 Q And I believe you mentioned that would be the

III-250

GROVER - DIRECT

1 writing of a fingerprint examiner?

2 A That's correct.

3 Q Tell me the protocol with Metro when somebody such
4 as yourself, an analyst recovers a print, what's done with the
5 print generally speaking?

6 A After we recover the fingerprint we fill out the top
7 of the card with all the pertinent information which has the
8 event number and my name and the date and the victim name, the
9 location of the occurrence, and also the location that I
10 recover the fingerprint from. Then we submit all of those as
11 a packet to the latent print examiners and they're the people
12 who do the actual comparisons with whoever they want to
13 compare with.

14 Q You, as a crime scene analyst, would not compare the
15 print you lifted to anybody's known fingerprints?

16 A No, I would not.

17 Q That's the job of a fingerprint examiner?

18 A That's correct.

19 Q All right. Is it a fact, however, that because you
20 preserve that fingerprint from the cigar box that it's
21 available to be compared for all time sake basically?

22 A That's correct.

23 Q Any other work that you performed at the crime scene
24 at Terra Linda that's significant to this case?

25 A I believe that would be it.

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ORIGINAL

FILED IN OPEN COURT
JUN 08 2000 20

DISTRICT COURT
CLARK COUNTY, NEVADA

SHIRLEY B. PARRAGUIRRE, CLERK

BY *Carole D'Aloia*

CAROLE D'ALOIA DEPUTY

STATE OF NEVADA

Plaintiff

vs.

DONTE JOHNSON,
aka John Lee White

Defendant

CASE NO. C153154

DEPT. V
DOCKET "H"

Transcript of
Proceedings

BEFORE THE HONORABLE JEFFREY D. SOBEL, DISTRICT COURT JUDGE

JURY TRIAL - DAY 3
WEDNESDAY, JUNE 7, 2000
VOLUME III

APPEARANCES:

FOR THE PLAINTIFF:

GARY L. GUYMON
Chief Deputy District Attorney
ROBERT J. DASKAS
Deputy District Attorney

FOR THE DEFENDANT:

DAYVID J. FIGLER
Deputy Special Public Defender
JOSEPH S. SCISCENTO

COURT REPORTER:

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District Court

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1 LAS VEGAS, NEVADA, WEDNESDAY, JUNE 7, 2000, 8:15 A.M.
2 (Jury is present)
3 THE COURT: Thank you. Please be seated.
4 Go ahead, Mr. Guymon.
5 MR. GUYMON: Charla Severs.
6 CHARLA SEVERS, PLAINTIFF'S WITNESS, IS SWORN
7 THE CLERK: Please state your full name and spell
8 your last name for the record.
9 THE WITNESS: Charla Severs, S-E-V-E-R-S.
10 MR. GUYMON: Talk right into the mike.
11 DIRECT EXAMINATION
12 BY MR. GUYMON:
13 Q And, Charla, do you go by any other names?
14 A Yeah.
15 Q And what other names do you use?
16 A La La.
17 Q La La, L-A L-A?
18 A Yeah.
19 Q Is that a yes?
20 A Yes.
21 Q Okay, I need you to speak real loudly because the
22 air conditioners are loud and we've been told that we're not
23 being heard on the tapes, okay?
24 I take it Charla Severs is your birth name then.
25 It's the name your mother gave you?

III-2

SEVERS - DIRECT

1 A Yes.

2 Q Who calls you La La?

3 A Like my friends and my family.

4 Q Have you ever used any other names other than -- or

5 gone by any other names other than Charla Severs or La La?

6 A No. Only sometimes, when I get arrested, maybe.

7 Q Okay, you say when you've been arrested you use a

8 different name --

9 A Yeah.

10 Q -- than your own?

11 A Yeah.

12 Q Why?

13 A Just so they wouldn't have my real name.

14 Q Okay. Now, then, do you live here in Las Vegas,

15 Nevada now?

16 A Yes.

17 Q And who do you live with?

18 A My mother.

19 Q Directing your attention to the summer of 1998, do

20 you remember that summer?

21 A Yes.

22 Q Okay, I want to talk a little bit about that summer,

23 okay?

24 And did you have a boyfriend in 1998?

25 A Yes.

III-3

SEVERS - DIRECT

1 Q And who was your boyfriend?

2 A Deco.

3 Q And who is Deco?

4 A Donte Johnson.

5 Q Is Donte Johnson in the room today?

6 A Yeah.

7 Q Can you point to him and describe an article of
8 clothing that he's wearing in court?

9 A You want me to point at him?

10 Q Will you, please?

11 MR. GUYMON: The record will reflect the
12 identification of the defendant, Your Honor.

13 THE COURT: Yes.

14 BY MR. GUYMON:

15 Q Now you say -- What did you call him, Deco or Donte
16 Johnson?

17 A Deco.

18 Q All right. And did Deco go by any other names other
19 than Deco or Donte Johnson?

20 A Yeah, yes.

21 Q What name -- What other name do you know Deco by?

22 A John White.

23 Q Okay. Now do you know what Deco's mother calls him?

24 A No.

25 Q All right. Tell me, when did you first start dating

III-4

SEVERS - DIRECT

1 Donte Johnson or Deco?

2 A Like in July of '98.

3 Q July '98?

4 And tell me a little bit about your relationship
5 with Donte Johnson in July. Did you live together or did you
6 see -- just see each other once in a while?

7 A We lived together.

8 Q Okay. And where were you staying at?

9 A At the Thunderbird Motel.

10 Q Okay. Can you tell me about how long you stayed at
11 the Thunderbird Motel with Deco?

12 A For like maybe three weeks or something.

13 Q Okay. And before -- Is that when you first met Deco
14 and started staying with him was the Thunderbird or did you
15 stay with him somewhere else before that?

16 A That's when I first met him and started staying with
17 him.

18 Q Okay, so how soon after you met him did you start
19 staying with him?

20 A Like maybe a week or two weeks.

21 Q Okay. And once you started staying with him, did
22 you stay with him continuously?

23 A Yeah.

24 Q How often? Would that be every day?

25 A Yeah.

III-5

SEVERS - DIRECT

1 Q Okay. Now when you were staying at the Thunderbird
2 Hotel, did anyone else stay with you other than you and Deco?

3 A Yeah.

4 Q And who stayed at the hotel with you?

5 A Red and this guy named Ace.

6 Q Okay. Now describe Red for us, if you would.

7 A He's like 5'8" and like 250 pounds, or something
8 like that, and he got braids -- he had braids in his hair.

9 Q Okay. Would you recognize Red if you saw him again?

10 A Yeah.

11 Q Does Red go by any other names?

12 A Terrell Young.

13 Q And you mentioned a guy named -- by the name of Ace.
14 Describe Ace for us.

15 A He's like tall and skinny and he had curly hair.

16 Q Okay, white guy or black guy?

17 A Black.

18 Q Okay. And do you also know a guy by the name of Ace
19 Hart?

20 A Yes.

21 Q Is that a different Ace than the Ace that stayed
22 with you at the Thunderbird?

23 A Yes.

24 Q Okay. How long did Ace stay with you and Donte over
25 there at the Thunderbird?

III-6

SEVERS - DIRECT

1 A I don't remember -- until we moved out of the
2 Thunderbird, like a couple of days before we moved out.

3 Q And did Terrell Young stay the entire time at the
4 Thunderbird or did he move out before you moved out?

5 A He stayed the whole time.

6 Q All right. Now, tell me, do you know what room --
7 or what name the room at the Thunderbird was rented under?

8 A Ace, Ace Hart.

9 Q Ace Hart?

10 A Yeah.

11 Q And that's a different Ace than the one that stayed
12 over at the room?

13 A Yeah.

14 Q Do you know how the room was paid or who paid the
15 room?

16 A No.

17 Q Okay. Tell me, how would you get in and out of the
18 room at the Thunderbird? Was there a lock on the door?

19 A Yeah.

20 Q And who had keys to the rooms -- or the room at the
21 Thunderbird?

22 A Deco.

23 Q Okay, anyone else have a key to the room?

24 A Red.

25 Q Okay. And did you have your own key to the

III-7

SEVERS - DIRECT

1 Thunderbird room?

2 A No.

3 Q Okay. And how long do you think you stayed at the
4 Thunderbird approximately?

5 A Like three weeks or something like that.

6 Q Now once you left the Thunderbird, who did you leave
7 the Thunderbird with?

8 A Deco.

9 Q Anyone else go with you?

10 A Yeah, Red.

11 Q And where did you go to?

12 A To Tod's house.

13 Q Okay. And can you describe Tod for us just so we
14 know who you're talking about?

15 A A tall, skinny white guy.

16 Q Okay. Now do you recall about what month it was
17 when you moved or went over to Tod's house?

18 A August.

19 Q The start of August, the end of August or middle?

20 A Like the start.

21 Q Okay. And you indicated that you would recognize
22 Terrell Young if you saw a picture of him.

23 Do you know a person by the name of Sikia Smith?

24 A Yes.

25 Q And how do you know Sikia Smith?

III-8

SEVERS - DIRECT

1 A I met him at Tod's house.
2 Q Okay. And do you know who Sikia Smith was friends
3 with?
4 A Yeah.
5 Q Who was Sikia Smith friends with?
6 A Deco.
7 Q And if you saw Sikia Smith's picture again, would
8 you recognize it?
9 A Yeah.
10 Q I'm showing you what has been marked as State's
11 Proposed Exhibit 180. Do you recognize the person that I'm
12 pointing to right here on the far side of the board?
13 A Yes.
14 Q Who is that?
15 A Tiny Bug.
16 Q Okay, did Sikia Smith use the name Tiny Bug?
17 A Yeah.
18 Q And is -- On the other far end, is that picture
19 appropriately named and labeled?
20 A Yes.
21 Q And who is it?
22 A Red.
23 Q Okay. Is this how those three looked to you in
24 August of 1998?
25 A Yes.

III-9

SEVERS - DIRECT

1 Q Okay. And in the center is your boyfriend Deco, is
2 that right?

3 A Yeah.

4 MR. GUYMON: I'd move for the admission of State's
5 Proposed Exhibit 180.

6 MR. SCISCENTO: Your Honor, I think, pursuant to our
7 objection before, if you're gonna admit it, we do have an
8 objection as to -- as to the way it's presented in the red.

9 THE COURT: All right, well, it will be admitted
10 subject perhaps to some alteration and subject to your earlier
11 objection.

12 (Plaintiff's Exhibit No. 180 admitted)

13 BY MR. GUYMON:

14 Q Charla, I'm showing you what has previously been
15 admitted as two calendars and the months are August and July
16 of 1998. Do you recognize those months?

17 A Yes.

18 Q Will it assist you to refer to the calendar if I ask
19 you about dates?

20 A Yes.

21 Q Okay.

22 MR. GUYMON: And those exhibits, sorry, Judge, are
23 numbered 158 and 159, for the record.

24 BY MR. GUYMON:

25 Q Now, then, is this the month you lived at the

SEVERS - DIRECT

1 Thunderbird?

2 A Yes.

3 Q Can you tell me about when you would have moved or
4 gone over to Tod's house?

5 A Like August 4th, around that time.

6 Q Right around here?

7 A Yeah.

8 Q All right. Now, tell me, when you went over to
9 Tod's house, how is it that you all knew Tod, you, Deco and
10 Red? Did you know Tod?

11 A No.

12 Q Was this the first time you met Tod?

13 A Yeah.

14 Q Okay, did you have like a mutual friend, somebody in
15 the middle of the two of you?

16 A Yeah.

17 Q Who was in the middle?

18 A Deco.

19 Q Okay. Did Deco know Tod?

20 A Yeah.

21 Q Okay. When you went to Tod's, how long did you
22 think you were gonna stay there?

23 A I didn't know. I didn't know.

24 Q Did you have like a lot of clothing and stuff when
25 you went to Tod's house?

III-11

SEVERS - DIRECT

1 A No.

2 Q And what I mean by that is did you take all your
3 clothes over to Tod's house?

4 A No.

5 Q Did you take any of your stuff to Tod's house when
6 you first went there?

7 A No.

8 Q Why?

9 A 'Cause I didn't have no clothes where I was at.

10 Q Okay. You just had the clothes that were on your
11 back?

12 A Yeah.

13 Q Okay. And did you later start taking clothes and
14 things to Tod's house?

15 A Yeah.

16 Q All right, we'll talk about that.

17 Tell me, before we talk about the Everman residence,
18 let me ask you a couple of things. During the month of July
19 did Deco have a job?

20 A No.

21 Q Did Terrell have a job?

22 A No.

23 Q And do you know if Sikia Smith had a job?

24 A No.

25 Q Okay. Did you have a job?

III-12

SEVERS - DIRECT

1 A No.

2 Q In the month of July 1998 did you smoke cigarettes?

3 A Yeah.

4 Q What kind of cigarettes?

5 A Newport.

6 Q Do you if Deco or Donte Johnson smoked cigarettes?

7 A No, he smoked Black and Mild cigars.

8 Q Okay, he smoked Black and Mild cigars?

9 A Yeah.

10 Q Did he ever smoke cigarettes?

11 A Maybe, if he ran out of cigars, once in a while.

12 Q Okay. Did he ever ask you for a Newport, for

13 instance?

14 A Not that I remember.

15 Q Okay. Did you see him smoke cigarettes though when

16 he ran out of cigars?

17 A Yeah.

18 Q Okay. And how about Terrell Young, did he smoke

19 cigarettes?

20 A I don't remember. I don't remember.

21 Q Let's talk a little bit about the Everman residence

22 now. Tell me, when you got there, can you describe the

23 Everman residence for these people? How many bedrooms?

24 A Three.

25 Q Okay, one-story house or two-story house?

III-13

SEVERS - DIRECT

1 A One story.
2 Q Okay. And whose house was it?
3 A Tod's mother's.
4 Q Okay, was Tod's mother living there?
5 A No.
6 Q Was Tod living there?
7 A Yeah.
8 Q Was anybody else living there with Tod in the month
9 of August?
10 A I think -- I think Ace and B.J.
11 Q Okay.
12 A I mean Ace.
13 Q Ace?
14 A Yeah.
15 Q Now when we talk about Ace, is this the same Ace
16 from the -- that stayed at the Thunderbird or is this the
17 different Ace?
18 A This is the white guy.
19 Q Okay. Describe Ace Hart for us.
20 A He's like short, he's white and he got blonde hair.
21 He's skinny.
22 Q Okay. And how -- You say short?
23 A Yeah.
24 Q How short?
25 A Like maybe 5'6".

III-14

SEVERS - DIRECT

1 Q Okay. Now do you know in the month of August if Tod
2 had a job?

3 A No, he didn't.

4 Q Did Ace have a job?

5 A No.

6 Q You mentioned one other person. I think you said
7 B.J.

8 A Yes.

9 Q Does B.J. have any other name other than B.J.?

10 A Bryan.

11 Q Okay, is that -- Let's talk about Bryan. Did Bryan
12 actually live at the house on Everman or Bryan visit the house
13 on Everman?

14 A He visited the house.

15 Q Okay, he did or didn't live there?

16 A He didn't live there.

17 Q Okay. Do you know if Bryan had a job?

18 A No, he didn't.

19 Q Okay. Now had you ever met Tod, Ace or B.J. before
20 August?

21 A Yeah, I met B.J. and Ace before August.

22 Q Okay. And about what month would you have met B.J.
23 and Ace?

24 A In July.

25 Q Okay. And do you know if B.J. smoked crack cocaine

III-15

SEVERS - DIRECT

1 in July?

2 A Yeah, he did.

3 Q How about Ace?

4 A Yeah.

5 Q And tell me, how about Tod Armstrong, in August,
6 once you met him, did he smoke crack cocaine?

7 A Yes.

8 Q Did you know these three to smoke it by themselves,
9 with each other or how would they -- when would you see 'em or
10 how would they use crack cocaine?

11 A When they was all together at the house they would
12 smoke it.

13 Q Okay. How often were Ace, Tod and B.J. together at
14 the Everman house?

15 A Like every other day. Like every other day they
16 were there.

17 Q Okay, so how often would say Tod Armstrong smoke
18 crack cocaine?

19 A Like every other day when B.J. would come over.

20 Q Okay. And tell me, how would Tod or Ace or B.J. get
21 their crack cocaine, if you know?

22 A They would sometimes buy it from Deco.

23 Q And who would be the one that actually buys it, if
24 you know?

25 A B.J.

SEVERS - DIRECT

1 Q And why would B.J. be the one that buys?
2 A 'Cause his mom gave him money all the time.
3 Q Okay. Of those three, who was the one with money?
4 A B.J.
5 Q Okay. Who would they buy there drugs from? You
6 said Deco?
7 A Yes.
8 Q All right. Okay, now did you actually see Deco sell
9 them drugs before?
10 A Yeah.
11 Q When Deco would sell drugs to B.J., how would he
12 give the drugs to B.J.?
13 A I'm not sure. One time I seen him give it to him in
14 a Black and Mild box.
15 Q Okay, you say one time?
16 A Yeah.
17 Q Did you ever see him give it to him without a Black
18 and Mild box?
19 A Yeah.
20 Q And about how many times did you see him do it
21 without a Black and Mild box?
22 A Maybe like once or twice.
23 Q Okay. Had you ever seen Donte sell crack cocaine to
24 anyone else other than these three?
25 A No.

III-17

SEVERS - DIRECT

1 Q Okay, you never seen him sell it to anybody else?
2 A No.
3 Q Okay. Now, then, when you went to the Everman
4 house, how long did you think you were gonna stay there?
5 A Until we like got enough money to leave town or
6 something.
7 Q And when you say, "we got enough money to leave
8 town," who was planning on leaving town?
9 A Deco and Red and me.
10 Q Okay. And why were you gonna -- I mean, did you
11 want to leave town with Deco?
12 A Yeah.
13 Q If your mother lived here, why wouldn't you want to
14 stay here with your mother?
15 A 'Cause I was with Deco.
16 Q Okay. Can you tell me what your relationship was
17 like with Deco in say August, what your feelings were for him?
18 A I loved him.
19 Q Is that something you felt strongly about in August?
20 A Yeah.
21 Q How strongly?
22 A Real strong.
23 Q Okay. Had you been in love before?
24 A No.
25 Q Had you had a boyfriend before Deco?

III-18

SEVERS - DIRECT

1 A No, not a boyfriend.
2 Q I take it you dated other boys before.
3 A Yeah.
4 Q Had you ever felt this strongly about a boy or a man
5 before?
6 A No.
7 Q Now, then, once the three of you went to the Everman
8 residence, who had a key to that house?
9 A I'm not sure. I'm not sure.
10 Q Okay, did you have a key?
11 A No.
12 Q Did Deco have a key?
13 A No.
14 Q Did Terrell have a key?
15 A No.
16 Q Was there a lock on the door?
17 A Yes.
18 Q Was there more than one door, meaning a front door
19 and perhaps a back door or a side door?
20 A Yeah, all three of those.
21 Q How would you, Deco and Red come into the house?
22 A Well, I know most of the time I came through the
23 window 'cause nobody was there and by the time they'd get
24 there somebody would be there, so they'd just knock on the
25 door.

III-19

SEVERS - DIRECT

1 Q Okay.

2 A Or come through the door.

3 Q So if no one was there, you'd go through the window?

4 A Yeah.

5 Q And what window are we talking about?

6 A The bathroom window.

7 Q And if someone was there, you'd go through the front
8 door?

9 A Mostly the side door.

10 Q Okay. And who would let -- Would Tod let you in?

11 A Yeah.

12 Q Ace or B.J. if they were there?

13 A Yeah.

14 Q Now how often did -- Well, you say B.J. actually
15 came over about every other day?

16 A Yeah.

17 Q Okay. And did I ask you if you knew if Tod, Ace or
18 B.J. had a job?

19 MR. GUYMON: I don't mean to repeat myself, Judge,
20 if I did.

21 THE WITNESS: Yeah, you asked me that.

22 MR. GUYMON: I'm sorry.

23 BY MR. GUYMON:

24 Q Now what bedroom did you stay in at the Everman
25 house?

III-20

SEVERS - DIRECT

1 A The master bedroom.

2 Q And what bedroom did Deco stay in?

3 A The master bedroom.

4 Q And how about Terrell?

5 A The master bedroom.

6 Q Okay. Now did -- The longer you stayed there you
7 started to get some things for yourself, is that right,
8 clothing?

9 A Yes.

10 Q More than just the clothes you came with?

11 A Yeah.

12 Q And where would you keep your clothing items?

13 A In the master bedroom.

14 Q How about Deco, did he have more than one change of
15 clothes?

16 A Yes.

17 Q And where would he keep his items?

18 A In the master bedroom.

19 Q And how about Terrell Young?

20 A In the master bedroom.

21 Q Okay. And did anyone else, other than the three of
22 you, keep anything in the master bedroom?

23 A Well, when we got there, there was clothes of Tod's
24 in there and Ace's clothes in the master bedroom.

25 Q Okay. And did Tod and Ace keep their clothes in any

III-21

SEVERS - DIRECT

1 other room other than the master bedroom?

2 A In the laundry room.

3 Q Okay, so there's a laundry room in the house,
4 there's a master bedroom and two other rooms?

5 A Yeah.

6 Q Is there a living room in this house?

7 A Yeah.

8 Q Can you describe the living room?

9 A It's like -- It's kind of small and it had a big
10 window in the front and it had -- the couch was in front of
11 the window and there was another couch across from that couch.

12 Q Other than clothing items that you had, Deco and
13 Terrell had, did Deco or Terrell bring any other items to the
14 house at Everman?

15 A Yes.

16 Q Okay, let me talk about that. Had you ever seen a
17 duffel bag at the Everman house?

18 A Yes.

19 Q And whose duffel bag was it?

20 A Deco's.

21 Q Can you describe the duffel bag?

22 A It was like green and tan, I think.

23 Q I need you to speak --

24 A It was like green and tan.

25 Q And can you show the jury about how large the duffel

III-22

SEVERS - DIRECT

1 bag was with your hands?

2 A Like -- Maybe like this big.

3 Q How many feet or inches is that?

4 A I'm not sure, like maybe four feet.

5 Q Okay. And how tall was the bag?

6 A Like this tall.

7 Q And how many inches or feet is that?

8 A I'm not sure.

9 Q Okay. Do you know what was in the bag?

10 A Guns.

11 Q Okay, now how do you know there were guns in that
12 bag?

13 A 'Cause that was always what was in the bag.

14 Q Okay, who brought the guns -- or the bag with the
15 guns to the house?

16 A Deco.

17 Q Now had you ever seen these guns that were in the
18 bag?

19 A A couple of them.

20 Q Okay, let's talk about the couple of guns in the bag
21 you've seen. How many guns have you seen in the bag?

22 A Like two of them.

23 Q Okay, describe the two you'd seen.

24 A One was like a revolver and the other one was like a
25 -- like a sawed off looking gun.

III-23

SEVERS - DIRECT

1 Q Okay, you say a sawed off looking gun.

2 A Yeah.

3 Q I'm gonna try to have you explain that to me. Was
4 there a part of the gun that you held on to, a handle?

5 A Yeah.

6 Q What did the handle look like?

7 A Like a banana. I don't know. The whole thing kind
8 of looked like a gun.

9 Q Okay, you've done a shape that curved, is that
10 right? You did a curving shape with your finger just now?

11 A Yes.

12 Q What part of it curved?

13 A The handle part.

14 Q Okay. And did it curve a long ways down or a short
15 ways down?

16 A Short ways down.

17 Q And what color was this handle part that curved
18 down?

19 A Brown.

20 Q And how long was the handle part, if you can show
21 me?

22 A Like -- Maybe like this long.

23 Q And how long was the barrel part? You said it was
24 sawed off, is that right?

25 A Yeah, it was like this long, but it was like short

SEVERS - DIRECT

1 at the end right here.

2 Q Okay, so --

3 MR. SCISCENTO: Your Honor, perhaps we can have the
4 record indicate how -- maybe she can indicate inches or -- so
5 we have a clean record, indicate that she's indicating with
6 her fingers the length and maybe we can also have her give the
7 length itself.

8 MR. GUYMON: My mistake, Judge.

9 BY MR. GUYMON:

10 Q How many inches was the handle part?

11 A I'm not good at math, so I don't know.

12 Q Can you --

13 A It was like --

14 Q Can you show us with your fingers?

15 A The handle part?

16 Q Yeah.

17 A Like this, maybe like six inches.

18 Q Okay. And how long was the barrel part, the whole
19 barrel, first of all?

20 A Like 12 or 13 inches.

21 Q And how long was the part that stood off the handle?

22 A It was -- It was kind of little, like maybe three or
23 four inches.

24 Q Okay. Other than the revolver and the gun you just
25 described, did you see any other guns at the house at Everman

SEVERS - DIRECT

1 that were in that bag?

2 A Yeah.

3 Q Describe the other guns.

4 A There was a black one with a clear clip on it shaped
5 like a banana.

6 Q Okay, you say it was a black gun with a clear clip?

7 A Uh-huh.

8 Q What color was the clip?

9 A It was like black, clear black.

10 Q And can you tell me how many bullets, for lack of a
11 better word, went in the clip?

12 A Maybe like 24 or something like that.

13 Q How long was the clip, if you'll show me with your
14 hands.

15 A Like eight or nine inches and it curved like that.

16 Q And you say it curved?

17 A Yeah.

18 Q Okay.

19 MR. GUYMON: The witness has held up her hands and
20 estimated eight or nine inches.

21 BY MR. GUYMON:

22 Q How long was this gun total, in other words, the
23 total length? Can you show me with your hands?

24 A It was like this long.

25 Q Okay. And about how long is that?

SEVERS - DIRECT

1 A Maybe like 19 inches, 20 inches.
2 Q Okay.
3 A 19 or 20.
4 Q Was it -- It was broader than your shoulders, right?
5 A Yes.
6 Q You've held your hands out beyond your shoulders?
7 A Yeah.
8 Q Okay. Now how often did those guns stay in the bags
9 or how often were they out of the bags?
10 A They stayed in the bag most of the time, mostly all
11 the time, not unless they was handling them or whatever.
12 Q Okay, so I guess by that, if they were handling
13 them, they were out of the bag?
14 A Yes.
15 Q And if they weren't handling the bags -- or the
16 guns, where would the guns go?
17 A Inside the bag.
18 Q Was there anything else kept in the bag?
19 A No.
20 Q Okay. Did you ever see any gloves at the Everman
21 house?
22 A Yes.
23 Q Can you describe the gloves you saw?
24 A It was like brown all over and in the palm part it
25 was like black knit, a black knit part.

III-27

SEVERS - DIRECT

1 Q And how many pair of gloves did you see at the
2 Everman house?

3 A Like three or four.

4 Q Whose gloves were they?

5 A Deco's and Red's and Tiny Bug's.

6 Q And do you know how Deco, Red and Tiny Bug got the
7 gloves?

8 A No.

9 Q Do you know where they got them from?

10 A No.

11 Q How many times did you see the gloves at the house?

12 A All the time.

13 Q How often did Tiny Bug come over to the house?

14 A Not that often. It only seemed like maybe two
15 times.

16 Q Okay. Did you ever see any duct tape at the house?

17 A Yes.

18 Q Where was the duct tape that you saw?

19 A Under the coffee table in a box, in like a shoebox.

20 Q And do you know where the duct tape came from?

21 A No.

22 Q And how many rolls of duct tape?

23 A One.

24 Q Okay. Now other than the guns you've described or
25 of the guns you described, did you ever see Tod Armstrong, Ace

SEVERS - DIRECT

1 or B.J. handle those guns?

2 A Yes.

3 Q Okay. And how often would Tod, Ace or B.J. handle
4 those guns?

5 A Whenever they would pull 'em out and was just
6 looking at 'em and holding 'em.

7 Q Whenever who would pull 'em out?

8 A Like Deco would pull 'em out and the guys, they'd
9 just pull 'em out and be holding 'em.

10 Q And how often did Deco pull the guns out?

11 A Just once -- I'm not sure, just once in a while.

12 Q Okay. And did Ace, Tod or B.J. ever just pull the
13 guns out themselves?

14 A No.

15 Q And did you ever see Tod with a gun, not the kind of
16 guns you're talking about from the bag, but another gun?

17 A Yes.

18 Q Okay. And that was a shotgun?

19 A Yes.

20 Q And did Tod keep that shotgun at the house?

21 A I'm not sure.

22 Q How many times did you see the shotgun at the house?

23 A One time.

24 Q Do you know what happened to the shotgun after you
25 saw it the one time?

III-29

SEVERS - DIRECT

1 A No.

2 Q And did you ever meet a person or know a person by

3 the name of Matt Mowen?

4 A Yeah.

5 Q How did you meet Matt Mowen?

6 A He came to the house one day.

7 Q In what month?

8 A August.

9 Q And where were you staying when Matt came to the

10 house?

11 A I was staying on Everman.

12 Q Okay, still at the Armstrong residence or house?

13 A Yes, yes.

14 Q And using August '98, can you tell me about what day

15 Matt would have come to the house, if you can tell me, if you

16 know?

17 A Like the 14th.

18 Q Okay, you say like the 14th?

19 A Yeah, August 14th.

20 Q Now you've given previous statements, is that

21 correct?

22 A Yes.

23 Q About a homicide that occurred?

24 A Yes.

25 Q What day did the homicide occur on?

III-30

SEVERS - DIRECT

1 A The 17th.

2 Q Okay. Let me, if I could, if you saw a statement
3 that was dated, would that refresh your recollection as to the
4 date?

5 A If I what?

6 Q If you see a statement that you gave in this case,
7 about --

8 A Uh-huh.

9 Q -- what day we're talking about, would that refresh
10 your recollection?

11 A Yes.

12 Q Okay.

13 MR. GUYMON: If I could approach?

14 BY MR. GUYMON:

15 Q I want to show you August 18th, 1998 is the date on
16 this voluntary statement. Whose name appears at the top?

17 A Mine.

18 Q Okay. And at the end I believe it's dated the same
19 day and gives the time, August 18th. Do you see what day on
20 the calendar August 18th is?

21 A Yes.

22 Q And do you know when the police first came to the
23 house and arrested Deco?

24 A Yeah.

25 Q What day was that?

III-31

SEVERS - DIRECT

1 A The 18th.

2 Q Okay. And how many days after the murder did the

3 police come and arrest Deco?

4 A Okay, like three, three or four days later.

5 Q Okay. And what day did the murder happen?

6 A It was like maybe the 13th, the 13th.

7 Q Okay. And if the murders happened -- If the police

8 arrested Deco on the -- you said the 18th, right?

9 A Yes.

10 Q The night you gave a statement?

11 A Yes.

12 Q And if the murders happen on the 13th, what day

13 would Matt have come to the house?

14 A Like the 11th.

15 Q About the 11th?

16 A Yeah, the 10th or 11th, yeah.

17 Q Okay, now let me talk about that. When Matt came to

18 the house, who was home?

19 A Tod and Deco and Red and myself.

20 Q Tod, Deco, Red and yourself?

21 A Yeah.

22 Q Ace was not there?

23 A No, not that I remember.

24 Q Okay, how about Sikia Smith?

25 A No.

III-32

SEVERS - DIRECT

- 1 Q And what is it that Matt was doing at the house?
- 2 A He was coming to look for some crack.
- 3 Q Now had you ever seen Matt before?
- 4 A No.
- 5 Q Had Matt, based on what you'd seen, had Matt ever
- 6 purchased cocaine with Deco before or from Deco?
- 7 A No.
- 8 Q How often were you with Deco in July and August?
- 9 A Every day.
- 10 Q Would Deco go places without you?
- 11 A Yeah.
- 12 Q How often?
- 13 A Every day.
- 14 Q Okay. And how long would he be gone for?
- 15 A Maybe like three, four hours.
- 16 Q When you were with Deco each day in July and August,
- 17 had you ever see Deco sell any cocaine to Matt Mowen?
- 18 A No.
- 19 Q Did Matt buy cocaine from Deco that day?
- 20 A No.
- 21 Q Why?
- 22 A 'Cause he didn't have any.
- 23 Q Who didn't have any?
- 24 A Deco didn't have any crack.
- 25 Q Okay. And did Matt say anything to Deco or talk

SEVERS - DIRECT

1 with all of you?
2 A Yeah.
3 Q And what did Matt talk about?
4 A He was just showing us these -- like these Valiums
5 he had. They was some pills that make you relax.
6 Q And what color were the pills?
7 A I think they were white. They were little and they
8 were white.
9 Q About how many pills did he have?
10 A Well, he just handed -- he handed me one and he
11 handed Red one.
12 Q And did he have more than two or do you know? .
13 A I'm not sure.
14 Q Okay. Did he talk about those pills at all?
15 A Yeah. He said they'd make you feel good.
16 Q Other than talking about the pills that he gave you,
17 did he say anything else?
18 A No.
19 Q Okay.
20 A Not that I remember.
21 Q Did Matt talk at all about selling drugs himself?
22 A No.
23 Q Did Matt talk at all about any money that Matt had?
24 A Did Matt say about any money he had? No.
25 Q Okay. Did Matt talk about a music group, a Phish

III-34

SEVERS - DIRECT

1 concert?

2 A No, not that I remember.

3 Q Okay. Were you part of the conversation?

4 A No.

5 Q Okay, who was part of the conversation?

6 A Deco and Red and Tod.

7 Q And where were you?

8 A I was sitting right in the living room, right in the

9 same room with them, on the floor.

10 Q Were you paying attention to the conversation?

11 A Just parts of it.

12 Q Why only parts of it?

13 A 'Cause I was -- I was -- I don't know. I just

14 wasn't. I was watching TV and I wasn't paying attention.

15 Q Okay. How long was Matt there at the house?

16 A Maybe like five or ten minutes.

17 Q Now when Matt left, was there any conversation that

18 you heard between Tod, Deco and Red?

19 A Yes.

20 Q What did they talk about?

21 A Tod said that Matt had -- that he had like ten

22 thousand dollars (\$10,000) at the house and a lot of mushrooms

23 and that they can get some money at the house if they went and

24 robbed him.

25 Q And that's what you say Tod said?

III-35

SEVERS - DIRECT

1 A Yeah.
2 Q What did Deco say about it?
3 A I can't remember. I don't remember what he said
4 about it.
5 Q And how about -- Well, did he say anything?
6 A I don't remember.
7 Q Okay. And how about Terrell, do you know if Terrell
8 said anything about it?
9 A No.
10 Q Did the conversation ever come up again about Matt
11 having money after Matt left?
12 A Not around me, no.
13 Q Okay. Now, then, I want to take you to August 13th
14 of 1998. Were you at the Everman residence?
15 A Yes.
16 Q When you came to the Everman residence on the 4th,
17 did you think you were gonna stay there 'til the 13th?
18 A No.
19 Q And who else was home that night?
20 A On what day?
21 Q On the 13th, before the murders happen.
22 A Red and Deco and -- Red, Deco and Tod and Ace.
23 Q Red, Deco, Tod and Ace?
24 A Yeah.
25 Q Anyone else?

III-36

SEVERS - DIRECT

1 A No, not that I remember.
2 Q And how long -- Well, was it dark or was it light?
3 A I don't remember.
4 Q Okay. Did Deco leave the house that night?
5 A Yeah.
6 Q And who did he leave the house with?
7 A With Red.
8 Q Anyone else?
9 A The day of the murder?
10 Q Yes.
11 A And Tiny Bug.
12 Q Okay, so you say Deco, Tiny Bug and Red leave the
13 house together?
14 A Yeah.
15 Q Do you remember what -- well, where Ace was when
16 they left?
17 A No.
18 Q Okay. Are you sure that Ace was at the house then?
19 A I thought you said the day before the murder.
20 Q I'm sorry, the day of the murder. That's my
21 mistake.
22 A No, Ace wasn't there.
23 Q Ace was not there?
24 A No.
25 Q Okay, the day of the murder who was there?

III-37

SEVERS - DIRECT

1 A Tod, Red, Deco and Tiny Bug.
2 Q Okay. And who all left the day of the murder?
3 A Tiny Bug, Red and Deco.
4 Q Okay. And was it light outside or dark outside when
5 they left?
6 A It was -- It was dark.
7 Q What time was it, if you know?
8 A I'm not sure.
9 Q Okay. When the three of them left, did you go with
10 them?
11 A No.
12 Q Did you watch them leave?
13 A Yeah.
14 Q Are you sure they left together?
15 A Yeah.
16 Q Was Tod still at the house when the three left
17 together?
18 A Yeah.
19 Q Are you sure of that?
20 A Yeah.
21 Q Where was Tod at when they left? What room was Tod
22 in?
23 A The living room.
24 Q And what room were you in when they left?
25 A The master room. After they left I went to the

III-38

SEVERS - DIRECT

1 bedroom.

2 Q Okay. When you went to the bedroom after they left,
3 did you come out into the living room at all?

4 A Maybe once.

5 Q And did you see Tod when you came out?

6 A Yeah.

7 Q Did Tod stay at the Everman house that night?

8 A Yes.

9 Q Are you sure of that?

10 A Yes.

11 Q Did you stay at the Everman house that night?

12 A Yes.

13 Q Now when the three left, can you tell me what Deco
14 was wearing?

15 A Some black jeans and a black shirt and some red FuBu
16 [phonetic] shoes.

17 Q And you say black jeans.

18 A Yeah.

19 Q Do you know what style they were?

20 A No.

21 Q What brand?

22 A No.

23 Q And a black shirt, long sleeve or short sleeve?

24 A Short sleeve.

25 Q And do you recall what Terrell wore?

III-39

SEVERS - DIRECT

1 A The same thing that Deco had on. He had black jeans
2 on and a black shirt.

3 Q Now did Deco have his own clothes and Terrell have
4 his own clothes?

5 A Yes.

6 Q Would they wear each other's clothes?

7 A No.

8 Q They didn't share clothes?

9 A No.

10 Q How did Deco wear his pants?

11 A Like sagging off his butt.

12 Q Did you say sagging?

13 A Uh-huh.

14 Q All right, would they be tight on his waist?

15 A No.

16 Q How would they be on his waist?

17 A They wouldn't be on his waist. They'd be like under
18 his butt, like when people sag and they wear their pants under
19 their butt.

20 Q Okay. And how, if they're wearing them under their
21 butt, how would Deco keep his pants on?

22 A With a belt.

23 Q Now when -- And how did Terrell wear his pants?

24 A The same way.

25 Q Sagging?

III-40

SEVERS - DIRECT

1 A Yeah.

2 Q How about Sikia Smith, what was he wearing when he

3 left that night?

4 A Some brown like Dickie pants and a black hoodie.

5 Q Brown pants and a black hoodie?

6 A Yeah.

7 Q I guess that's a shirt with a hood?

8 A Yeah.

9 Q Okay. Now when the three of them left, did any of

10 them take anything with them?

11 A Yeah.

12 Q What was taken out of the house when they left?

13 A The duffel bag.

14 Q And who took the duffel bag?

15 A Red was carrying it.

16 Q And where were the guns when they left?

17 A Inside the bag.

18 Q Now are you sure of that?

19 A Yeah.

20 Q Did you actually see Red carry the bag?

21 A Yeah.

22 Q Could you tell, as you watched Red with the bag, if

23 the bag was full or not?

24 A Yes.

25 Q Was it full?

III-41

SEVERS - DIRECT

1 A Yeah, it was heavy looking.
2 Q Were any of the guns left at the house?
3 A No.
4 Q Did you see any guns at the house that night?
5 A No.
6 Q Now can you tell me where the gloves were that night
7 when the three boys leave?
8 A Red had his on and I think Deco's is hanging out his
9 back pocket and I don't know where Tine Bug's was at.
10 Q Was the duct tape still in the shoebox that you
11 described?
12 A I don't remember.
13 Q Okay. Did you see the duct tape one way or another?
14 A No.
15 Q Okay. Can you tell me how long you were -- that
16 Deco was gone from the house?
17 A Like six hours, maybe.
18 Q Okay. And what did you do for those six hours?
19 A I was asleep.
20 Q What room did you sleep in?
21 A The master bedroom.
22 Q And can you tell me where Tod was when you went to
23 sleep?
24 A On the couch in the living room.
25 Q And what was Tod doing before you actually went to

III-42

SEVERS - DIRECT

1 sleep? What's the last thing you saw Tod doing?
2 A He was asleep in the living room.
3 Q Okay. Now did you wake up after sleeping for a
4 while?
5 A Yeah.
6 Q Can you tell me about how long you'd been asleep for
7 before you work up?
8 A I don't know.
9 Q Do you know what time it was when you woke up?
10 A No.
11 Q Okay, tell me what woke you up.
12 A When Deco came home, he kissed me on my cheek.
13 Q Okay. Was it still dark outside?
14 A Yeah.
15 Q Could you see outside to see it was dark?
16 A Yeah.
17 Q Was there a window in the master bedroom?
18 A Yes.
19 Q Okay. Deco kissed you on the cheek?
20 A Yeah.
21 Q And you woke up?
22 A Yeah.
23 Q And what happens from there?
24 A Then we went into the living room.
25 Q And who is in the living room at that point?

III-43

SEVERS - DIRECT

1 A Red and Tod and I don't remember who else. I can't
2 remember who else.

3 Q Okay, Red and Tod?

4 A Yeah.

5 Q Are you sure Tod's in the living room?

6 A Yeah.

7 Q Are you sure Red's in the living room?

8 A Yeah.

9 Q And what happens now in the living room?

10 A Oh, they was just talking. Everybody was all --
11 They was all talking, kind of hyped up, talking and
12 everything.

13 Q Hyped up? Who was hyped up?

14 A Deco.

15 Q Anyone else hyped up?

16 A Not really.

17 Q What do you mean by hyped up?

18 A They was like talking, just like -- like they just -
19 - like they just having fun or something.

20 Q And who was talking the most?

21 A Deco.

22 Q What is it that Deco was saying and who was he
23 talking to?

24 A I don't know what he was saying, but he just told me
25 that we have to go to sleep 'cause you have to go to sleep

III-44

SEVERS - DIRECT

1 after you kill somebody.

2 Q All right. And who said that to you?

3 A Deco.

4 Q Okay. When Deco said you have to go to sleep after
5 you kill somebody, what did you do?

6 A Nothing.

7 Q What?

8 A Nothing.

9 Q Why wouldn't you do anything if Deco told you he'd
10 just killed somebody?

11 A I don't know, 'cause I didn't think nothing of it.

12 Q Okay. When Deco says that and you're in the living
13 room, where is the duffel bag?

14 A On the floor next to the couch.

15 Q Can you see if the duffel bag's full or is it empty?

16 A It was full.

17 Q Did you see any other items in the -- Well, was the
18 duffel bag ever opened?

19 A No.

20 Q Was there any other items in the living room that
21 hadn't been there earlier?

22 A No, not that I seen at that time, no.

23 Q Okay. Now how long was everyone in the living room
24 for after you walked out of the master bedroom?

25 A Maybe like an hour.

III-45

SEVERS - DIRECT

1 Q Okay. And during that period of time, what is it
2 that Deco said about where he'd been?

3 A All I remember is he just said he had to go get some
4 money -- he went to go get some money.

5 Q He told you he'd gone to get some money?

6 A Yeah.

7 Q And did he get money while he was gone?

8 A Not like -- Not the amount of money that he wanted.

9 Q Okay, how much money did he tell you he got?

10 A Only like a couple of hundred bucks.

11 Q And did he tell you if he got anything else?

12 A No.

13 Q And did he tell you how he got the money?

14 A No.

15 Q And do you know, when the three boys left that
16 night, what they left in? In other words, did they walk, did
17 they drive? How did they get around?

18 A They drove.

19 Q And what kind of car did they drive?

20 A Like a white Tempo.

21 Q Okay. And did Deco tell you what he did once he got
22 to his destination, once he got to the place he was going to
23 get money at?

24 A I just know that --

25 MR. SCISCENTO: Your Honor, I object to this. If

SEVERS - DIRECT

1 she doesn't have any personal knowledge, then I think she's
2 gonna speculate on this.

3 THE COURT: I don't understand the question. Would
4 you repeat the question so the witness is clear as to what it
5 is?

6 MR. GUYMON: Yes.

7 BY MR. GUYMON:

8 Q The question was did Deco tell you what he did once
9 he got to where he was going to get the money?

10 A No, I don't remember. I don't understand -- I don't
11 quite understand what you're saying, but --

12 Q Okay, during the conversation in the living room, --

13 A Uh-huh.

14 Q -- did Deco tell you how he got the money or where
15 he got the money from?

16 MR. SCISCENTO: Your Honor, I object. This is --

17 THE WITNESS: No, he didn't tell me where.

18 MR. SCISCENTO: Your Honor, I object. I think this
19 is leading.

20 THE COURT: Overruled.

21 THE WITNESS: He didn't tell me where, but he told
22 me that he had to kill somebody.

23 MR. SCISCENTO: Your Honor, I move to strike that as
24 non-responsive.

25 THE COURT: Overruled.

III-47

SEVERS - DIRECT

1 BY MR. GUYMON:

2 Q He told you that he had to kill somebody?

3 A Yeah.

4 Q And did he tell you why he killed somebody?

5 A Because they wouldn't know who he was and he didn't
6 get no money.

7 Q Okay. And did he tell you if more than one person
8 was killed?

9 A No, not at that time.

10 Q Okay. Did he tell you who killed the person?

11 A I know he told me he killed the Mexican, a Mexican
12 dude.

13 Q Did he tell you why he killed the Mexican dude?

14 A Because he don't like Mexicans and he was talking --
15 talking mess.

16 Q Talking mess?

17 A Yeah.

18 Q And did he tell you what he did before he actually
19 killed the Mexican dude for talking mess?

20 A He was just cussing him out and he pulled him -- he
21 had kicked him and stuff, he kicked him, and that's it.

22 Q And did he tell you how he killed him?

23 A He shot him in the back of the head.

24 Q And did he tell you what happened when he shot the
25 person in the back of the head?

III-48

SEVERS - DIRECT

1 A Yeah, 'cause I had asked him.
2 Q What did you ask him?
3 A I asked him what kind of noise they made when he
4 shot 'em.
5 Q And what did he tell you?
6 A He said they said -- they made an "uh" noise.
7 Q And did he tell you whether or not there was any
8 blood?
9 A Yeah.
10 Q And what did he tell you about blood?
11 A That it just -- it just squirted up, that it
12 squirted up, up like in the air.
13 Q Did he tell you, during this first conversation that
14 we're talking about in the living room, if -- or how many
15 people were killed?
16 A No, not that I remember.
17 Q Okay. Were there other conversations where he told
18 you more about what happened?
19 A Yeah, because I asked him how did he -- how the
20 people didn't hear the gunshots and he said 'cause he
21 turned --
22 MR. SCISCENTO: Your Honor, I object. I think
23 that's non-responsive.
24 THE COURT: Overruled.
25 (Pause in the proceedings)

III-49

SEVERS - DIRECT

1 BY MR. GUYMON:

2 Q Let me -- I'll get to the other conversations in
3 just a minute. Before I get there, let me ask you this. Did
4 he tell you -- Well, let's talk about the other conversations
5 then.

6 At the end of this conversation, where did you go?

7 A In the room, in the bedroom.

8 Q And who went with you?

9 A Deco.

10 Q And did the two of you sleep together that night?

11 A Yeah.

12 Q And how about Terrell Young, where did he go?

13 A He stayed in the living room.

14 Q And do you know if Tod went anywhere that night?

15 A No, no.

16 Q Okay. Now were there other conversations about what
17 had happened that night when he was gone for six hours?

18 A Well, yeah.

19 Q All right, when did the other conversations happen?

20 A In the room.

21 Q Which room?

22 A The master bedroom.

23 Q Okay, tell me, was this the next day?

24 A No, this is still the same day, I believe.

25 Q Okay, the same day before you go to sleep?

III-50

SEVERS - DIRECT

1 A Yeah.
2 Q And tell me what you asked him in the master
3 bedroom.
4 A How did he -- How did people not hear the gunshots.
5 Q And what did Deco tell you?
6 A 'Cause he turned the music up real loud.
7 Q And who did he say turned up the music?
8 A He did.
9 Q Deco?
10 A Yeah.
11 Q And where's Terrell when you -- when Deco says that
12 to you?
13 A In the living room.
14 Q Did you ask him anything else --
15 A No.
16 Q -- that night?
17 A No.
18 Q Okay. Did you go to sleep after that?
19 A Yeah.
20 Q Okay. Now did you talk again about the murders?
21 A The next day.
22 Q Okay. And did you learn more from Deco about the
23 murders the next day?
24 A Yeah.
25 Q And tell me where you're at when you talk to Deco

III-51

SEVERS - DIRECT

1 the next day and learn more.

2 A In the living room.

3 Q And who's there for that talk?

4 A Red.

5 Q Anyone else?

6 A No.

7 Q Okay. And who's telling you now about the murders?

8 A Deco.

9 Q And what does Deco now tell you?

10 A He told me to watch the news.

11 Q Okay. And did you watch the news?

12 A Yeah.

13 Q And what did you see?

14 A I seen like a prom picture of Matt on the news and
15 then they was pulling bodies out of this house.

16 Q Had you ever been to Matt's house before?

17 A No.

18 Q Did you know where Matt lived?

19 A No.

20 Q Did you recognize Matt when you saw him in that prom
21 picture on the news?

22 A Yeah.

23 Q What did -- Did that mean anything to you when you
24 saw it?

25 A No.

III-52

SEVERS - DIRECT

1 Q Okay, did you recognize it?

2 A Yeah.

3 Q Did you say anything about the fact that you
4 recognized Matt?

5 A And I was like he -- I said, "He was just over here
6 the other day." And then I said like, "I know you didn't,"
7 and then he said, "Yeah," and then I said, "That's fucked up."

8 Q Okay, you said to Deco, "I know you didn't"?

9 A Uh-huh.

10 Q Is that a yes?

11 A Yes.

12 Q And what did Deco say?

13 A He said yeah, he did.

14 Q And you told him that was fucked up, is what you
15 said?

16 A Yeah.

17 Q Is that what you thought?

18 A Yeah.

19 Q And did you talk about what you thought and what had
20 happened?

21 A No, that was -- that's all I can remember I said.

22 Q Okay, did Deco tell you anything more?

23 A He told me don't worry about it.

24 Q Anything else?

25 A No, not that I remember.

III-53

SEVERS - DIRECT

1 Q And did the conversation come up again between you
2 and Deco about what happened?

3 A No.

4 Q Did you learn anything more about -- from Deco about
5 how many people were killed total?

6 A Yeah.

7 Q Okay. And who told you, total, how many people were
8 killed?

9 A Deco.

10 Q And how many people did Deco tell you total were
11 killed?

12 A Four people.

13 Q Did he say how the other three died?

14 A He said he shot them in the back of the head.

15 Q And did he tell you anything about whether or not
16 those people bled when they were shot in the back of the head?

17 A Uh-huh. Well, when I asked him how the blood
18 looked, he said it squirted out, so I figured he was talking
19 about all of them.

20 Q Did he tell you that each was shot in the back of
21 the head?

22 A Yes.

23 Q Now did Deco ever tell you how many people were at
24 the house when he first got there that night?

25 A Uh-huh, yeah.

III-54

SEVERS - DIRECT

1 Q What did Deco tell you about how many people were at
2 the house?

3 A There was just like two people at the house.

4 Q And what did he tell you those people were doing
5 when Deco and the other two drive up?

6 A I think one of 'em was mowing the lawn -- I mean,
7 watering the grass.

8 Q Did he say which one was watering the grass?

9 A No.

10 Q Okay. And what was the other one doing?

11 A I don't remember.

12 Q Okay. What did Deco tell you he did or said to the
13 guy that was watering the grass?

14 A To get his fucking ass in the house.

15 Q Were those Deco's words?

16 A Yeah.

17 Q Tell me what Deco told -- Did Deco tell you what the
18 guy did?

19 A He went in the house.

20 Q Did Deco tell you what Deco or the others did to the
21 guy once the guy went in the house?

22 A No, not that I remember.

23 Q Okay. There were two, you say, at the house?

24 A Yes.

25 Q Did Deco tell you how the third one got to the

III-55

SEVERS - DIRECT

1 house?

2 A They didn't have no money and they didn't want to
3 die, so they said that they've got friends that got money, so
4 they called 'em to come over.

5 Q Okay. And how many more came over other than the
6 two?

7 A Just two more came over.

8 Q How much money in total did Deco tell you he got?

9 MR. SCISCENTO: Objection, Your Honor, that's asked
10 and answered.

11 THE COURT: Sustained.

12 BY MR. GUYMON:

13 Q Did Deco tell you if anything else was taken?

14 MR. SCISCENTO: Again, Your Honor, that's asked and
15 answered.

16 THE COURT: If it was, I didn't hear it. Overruled.

17 THE WITNESS: Uh-uh, no, he --

18 BY MR. GUYMON:

19 Q From the house.

20 A No.

21 Q Okay. Now in August, say August 13th of 1998, was
22 there a VCR, before the murders, in the living room of the
23 Everman house?

24 A No.

25 MR. SCISCENTO: Your Honor, I'll object. This is

III-56

SEVERS - DIRECT

1 asked and answered. He already went through this before. He
2 asked her if it was in the house, he asked her if there was
3 any VCR there prior. This has already been -- during direct.

4 THE COURT: Overruled.

5 THE WITNESS: I forgot what you said.

6 BY MR. GUYMON:

7 Q Before the murders, before the 13th of August 1998,
8 was there a VCR in the living room of the Everman house?

9 A No.

10 Q Was there a VCR in the living room of the Everman
11 house after the murders?

12 A Yes.

13 Q And did you see that VCR?

14 A Yes.

15 Q Did you find out where the VCR came from?

16 A Tod told me it was his girlfriend's.

17 MR. SCISCENTO: I'm gonna object to that, Your
18 Honor, as hearsay.

19 BY MR. GUYMON:

20 Q Without telling me what Tod tells you.

21 A Uh-huh.

22 Q How about a Play Station, was there a Play
23 Station --

24 A Yes.

25 Q -- at the house before the murders?

III-57

SEVERS - DIRECT

1 A Oh, no.

2 Q How about after the murders?

3 A Yes.

4 Q Did you ever see a blue pager at the house at
5 Everman?

6 A No.

7 Q Never?

8 A No, never.

9 Q Okay. And based on your knowledge, okay, what you
10 saw, did you ever see or hear Deco talk to Tod about what had
11 happened, the killings?

12 A No, no.

13 Q Okay, how about to B.J. or Ace?

14 A No.

15 Q And did you see -- Did B.J. or Ace come over to the
16 house after the killings at all, the next day or the day
17 after?

18 A Yeah, one time.

19 Q Okay. And do you remember what day that would have
20 been that B.J. and Ace came to the house?

21 A The day after the murder.

22 Q Okay. And was Deco home then?

23 A No.

24 Q Was Terrell home?

25 A No.

III-58

SEVERS - DIRECT

1 Q Okay. Now, then, what day was Deco arrested?
2 A On August 18th.
3 Q All right, let me talk about that, but was it during
4 the daytime or the nighttime?
5 A It was like early in the morning, like dawn.
6 Q Okay. And who was home when Deco got arrested?
7 A Me and Scale and Deco.
8 Q You, Scale and Deco. Now who's Scale?
9 A Deco's homeboy.
10 Q And homeboy is what?
11 A His friend.
12 Q Okay. Had Scale been involved in the four boys'
13 murders?
14 A No.
15 Q Had you seen -- Did Scale leave with the others on
16 the night of the 13th?
17 A No.
18 Q When the police came to the house, did they bring
19 all three of you out of the house?
20 A Not at one time.
21 Q Okay, at different times?
22 A Yeah.
23 Q Now when the police came to the house, just before
24 they got there, where were the guns?
25 A In the bag.

III-59

SEVERS - DIRECT

1 Q And did anyone try to move the guns before the
2 police got there?

3 A Yeah.

4 Q Who?

5 A Deco and Scale. They hid them.

6 Q You say Deco and Scale hid them?

7 A Yeah.

8 Q Did you watch them hide them?

9 A No, I was looking out the window and just watching.

10 MR. SCISCENTO: Well, Your Honor, then I move to
11 strike that. If she has no personal knowledge and hasn't seen
12 that, then there's no way she could testify to what she saw.

13 THE WITNESS: But --

14 THE COURT: We'll reserve ruling on that until we
15 hear her whole answer.

16 Go ahead.

17 THE WITNESS: I heard them say they had to hide the
18 guns.

19 BY MR. GUYMON:

20 Q And who said that?

21 A Deco said, "Hide the guns."

22 Q Okay. And where was the bag at when Deco says hide
23 the guns?

24 A On the side of the couch.

25 Q All three of you are taken out of the house?

III-60

SEVERS - DIRECT

1 A Yeah.
2 Q And where are you placed?
3 A On the sidewalk.
4 Q Now did Deco say anything to you while you were on
5 the sidewalk or as the police were arresting him?
6 A Yeah.
7 Q What did he tell you?
8 A To tell them that I just met him, to say that I just
9 met him.
10 Q Okay, tell me this, right before Deco's getting
11 arrested, what are your feelings for Deco?
12 A I love him.
13 Q Were you sure of that?
14 A Yeah.
15 Q Did you want to get Deco in trouble?
16 A No.
17 Q What did you want to do for Deco at that moment?
18 A I wanted to help him.
19 Q Were you willing to help him?
20 A Yeah.
21 Q And did you try to help him?
22 A Yeah.
23 Q Okay. Now that night, on the 18th I think it was, I
24 showed you this statement, right?
25 A Yeah.

III-61

SEVERS - DIRECT

1 Q Did you talk to the police?
2 A Yeah.
3 Q Did you try to help Deco that night?
4 A Yeah.
5 Q What did you do in order to try to help Deco that
6 night when you talked to the police?
7 A I told them I had just met him.
8 Q Was that true?
9 A No.
10 Q And why did you tell them that?
11 A 'Cause he told me to tell them that.
12 Q Did you tell them if you knew Deco's name?
13 A Yeah, I told 'em I knew his name.
14 Q And what did you say his name was?
15 A John Lee White.
16 Q Okay. And did the police ask you whether or not you
17 knew anything about four boys that were killed?
18 A Yeah.
19 Q What did you tell them?
20 A I didn't know what he was talking about.
21 Q Now did you, in fact, know what the police were
22 talking about?
23 A Yeah.
24 Q Why would you lie to the police then?
25 A Because I was trying to help Deco.

III-62

SEVERS - DIRECT

1 Q Despite what you told the police, was Deco arrested?

2 A Yes.

3 Q Now after Deco's arrested, did you still keep in
4 contact with Deco?

5 A Yeah.

6 Q Why?

7 A Because he was my boyfriend and that's what people
8 do, they visit 'em and keep contact if they're in jail.

9 Q Okay. And how regularly would you visit or talk to
10 Deco after his arrest?

11 A Like every visit and I talked to him every day.

12 Q Okay, on the phone?

13 A Yeah.

14 Q Okay. Would you talk to him about helping him?

15 A Yeah.

16 Q And did you, in fact, tell him you'd help him?

17 A Yeah.

18 Q Now between the day of his arrest, August 18th, and
19 September 1st -- September 1st was the day of the Grand Jury.
20 You remember that?

21 A Yeah.

22 Q Did you get a subpoena?

23 A Yeah.

24 Q Had you ever met me or did you know me before
25 September 1st?

III-63

SEVERS - DIRECT

1 A No.

2 Q When is the first time you and I met?

3 A At the Grand Jury on September 1st.

4 Q And when you came to the Grand Jury, tell me, did
5 you want to get Deco in trouble?

6 A No.

7 Q What did you want to do for Deco at the Grand Jury?

8 A Get him out of jail.

9 Q You came into the Grand Jury and you swore to tell
10 the truth, is that correct?

11 A Yeah.

12 Q You took an oath?

13 A Yeah.

14 Q And did you tell the truth to the Grand Jurors?

15 A No.

16 Q Why?

17 A 'Cause I was trying to help Deco.

18 Q Did I ask you questions about whether or not you
19 knew about the murder?

20 A Yeah.

21 Q And did you tell the truth about what you knew?

22 A No.

23 Q Did I ask you any questions about a pair of black
24 pants?

25 A Yeah.

III-64

SEVERS - DIRECT

1 Q What did I ask you about the black pants?

2 A Whose were they.

3 Q Now had you ever seen a picture of the black pants
4 before that time?

5 A No.

6 Q So this would have been the first time you saw a
7 picture of the black pants?

8 A Yes.

9 Q Okay.

10 (Pause in the proceedings)

11 THE COURT: You were invited up, but --

12 MR. GUYMON: Oh, I'm sorry, Judge. I'm sorry.

13 THE COURT: Ma'am, could you move a little closer
14 this way, please?

15 (Pause in the proceedings)

16 BY MR. GUYMON:

17 Q Ms. Severs, directing your attention to State's
18 Exhibit 98, do you recognize Number 98?

19 A Yes.

20 Q What's number 98?

21 A The Everman house.

22 Q It's a picture --

23 MR. SCISCENTO: I'm sorry, if I may --

24 BY MR. GUYMON:

25 Q A picture of the Everman house?

III-65

SEVERS - DIRECT

1 A Yes.

2 Q And in '99 -- Can I have you hold that for me?
3 Where is that picture from?

4 A The living room at the Everman house.

5 Q And what do you see there in the living room?

6 A The TV and the VCR and the Play Station and a
7 Nintendo.

8 Q Okay, now was the VCR -- Is this the VCR that wasn't
9 there before the murders?

10 A Yes.

11 Q All right, when's the next, after the night that you
12 were woke up, when's the next time that you see -- or the
13 first time that you see the VCR and the Nintendo -- or the
14 Play Station?

15 A I don't remember. I just know it was there.

16 Q Okay. Keep those in order.

17 And can you tell me, that's Number 102, if -- what
18 that's a picture of?

19 A The living room, the coffee table.

20 Q And whose things are on the coffee table?

21 A Everybody's.

22 Q Okay. Everybody meaning the people that were
23 staying at the house?

24 A Yes.

25 Q Deco's things?

III-66

SEVERS - DIRECT

1 A Yes.
2 Q Terrell's things?
3 A Maybe the cup, yeah.
4 Q Okay. And how about anything of Tod Armstrong's?
5 A Yes.
6 Q Okay. You'd previously talked about a box in the
7 living room, is that right?
8 A Yes.
9 Q Number 103, is there a box in the living room?
10 A Yes.
11 Q Whose box is that?
12 A Deco's.
13 Q And can you tell me what's in that box?
14 A Some Garcia Vega cigars or some Black and Mild
15 cigars.
16 Q And what's a -- I think you said a Garcia and Vega
17 cigar?
18 A Yeah.
19 Q And is that a -- That's a type of cigar?
20 A Yes.
21 Q And the Black and Milds?
22 A Yes.
23 Q Is there more than one Black and Mild box in that
24 shoebox?
25 A Yes.

III-67

SEVERS - DIRECT

1 Q And whose shoebox was that?
2 A Deco's.
3 Q Number 104, do you recognize 104?
4 A Yes.
5 Q How do you recognize 104?
6 A That's the living room with the duffel bag and the
7 radio.
8 Q Okay. And that duffel bag, is that the duffel bag
9 you described earlier?
10 A Yes.
11 Q And what was kept in that duffel bag?
12 A Guns.
13 Q Is that the same duffel bag that Deco said we got to
14 get the guns and hid 'em when the police came?
15 A Yeah.
16 Q Is that where the guns were at right before the
17 police got there?
18 A Yeah.
19 Q Number 107, do you recognize 107?
20 A Yes.
21 Q And what's in 107?
22 A The master bedroom with the gun and the black jeans.
23 Q All right, which gun is shown there?
24 A The black gun with the banana clip on it.
25 Q And is that the one you were talking about earlier?

III-68

SEVERS - DIRECT

1 A Yeah.

2 Q Now tell me this, when is the first time that you
3 saw that picture?

4 A When I went to the Grand Jury on September 1st.

5 Q And how was it that you saw that picture? Where
6 were you at when you saw it?

7 A In front of the Grand Jury.

8 Q Were people sitting there listening to you?

9 A Yes.

10 Q And did I show you this?

11 A Yes.

12 Q Okay. And what had you told me, in front of the
13 people in the Grand Jury, about black pants at that house?

14 A That Deco didn't have no black pants.

15 Q Was that the truth?

16 A No.

17 Q Tell me the truth about the black pants that are
18 shown here. Whose black pants are they?

19 A Deco and Red's.

20 Q One pair for Deco and one pair for Red?

21 A Yeah.

22 Q Now when you were shown this particular picture, did
23 you have any idea that there was blood on those pants?

24 A No.

25 Q When did you learn that there was blood on those

III-69

SEVERS - DIRECT

1 pants?

2 A When you showed me the picture at the Grand Jury.

3 Q Okay. Now if you would have known that there was
4 blood on those pants, either the night the police got there or
5 before the police got there, what would you have done to those
6 pants?

7 A I would have washed 'em out.

8 Q Why?

9 A So there wouldn't be no evidence, no blood on the
10 pants.

11 Q Did you think evidence of the blood would be
12 important to the prosecution?

13 A Yeah.

14 Q If blood evidence was important, why would you try
15 to wash it out?

16 A 'Cause I wasn't trying to help you.

17 Q You weren't trying to help me?

18 A No.

19 Q Tell me something, you were under oath when you
20 testified in front of the Grand Jury, did that matter to you?

21 A I didn't think nothing of it.

22 Q What did you think more of, your oath or your love
23 of Donte?

24 A Donte.

25 Q September 3rd, 1998, two days later, after the Grand

III-70

SEVERS - DIRECT

1 Jury, --
2 A Yeah.
3 Q -- did detectives meet with you?
4 A Yes.
5 Q Okay. Was that in my office?
6 A Yes.
7 Q Was I present?
8 A Yes.
9 Q And how about Mr. Daskas?
10 A Yes.
11 Q Now during that meeting did either myself, Mr.
12 Daskas or the detective threaten you in any way?
13 A No.
14 Q And did anyone make any promises to you at that
15 time?
16 A No.
17 Q Did we tell you what to say in any way?
18 A No.
19 Q Did we suggest to you what answers to give?
20 A No.
21 Q Okay. And did you tell the same story or the same
22 things on September 3rd that you told to the Grand Jury?
23 A No.
24 Q All right, what did you change? What did you tell
25 us different?

III-71

SEVERS - DIRECT

1 A That Deco wasn't with me and that he was at the
2 murder.

3 Q Okay, you said -- So to the Grand Jury, what did you
4 tell the Jury where Deco was at?

5 A With me at home.

6 Q Was that true? Was he with you at home?

7 A No.

8 Q And, in fact, let me ask you this. When you told
9 the Grand Jury that Deco was at home with you, is that the
10 first time you and I had met?

11 A Yeah.

12 Q The first time we were talking?

13 A Yeah.

14 Q And when you told me that, did I ask you, "Okay, if
15 he was with you, tell me what night it was"?

16 A Yeah.

17 Q And could you tell the Grand Jury what night it was?

18 A No.

19 Q Did you have any idea what day it was --

20 A No.

21 Q -- that you were telling the Grand Jury about? No
22 idea?

23 A No.

24 Q Okay, so on September 3rd, 1998 what is it that you
25 tell the police that's different?

III-72

SEVERS - DIRECT

1 A That Deco was at the murder and he wasn't at home
2 with me.

3 Q And tell me, on the 3rd, how did you feel about
4 Deco?

5 A I still loved him.

6 Q Okay, now if you still loved him, why would you now
7 -- Well, did you think that information would help Deco?

8 A No.

9 Q Well, did you think it would hurt him?

10 A Yeah.

11 Q If you loved him and that information would hurt,
12 why would you tell the police that then?

13 A I don't know.

14 Q Any reason at all you can think of?

15 A No.

16 Q Did you tell the police anything different now or
17 anything new on the 3rd as the police were talking to you?

18 A I told 'em Tod had went with him.

19 Q You said Tod had went with him?

20 A Yeah.

21 Q Now was that true?

22 A No.

23 Q And why would you say that Tod went with him then?

24 A Because he had set up everything and I thought
25 everybody was being prejudiced and just trying to arrest

III-73

SEVERS - DIRECT

1 Donte.

2 Q Okay. You had believed that Tod had set it up, is
3 that right?

4 A Yeah.

5 Q And you wanted Tod to get in trouble too?

6 A Yeah.

7 Q And did Tod go with the boys that night?

8 A No.

9 Q Did Tod kill the boys?

10 A No.

11 Q Where was Tod at that night?

12 MR. SCISCENTO: Objection, Your Honor. This is
13 asked and answered. We've already been through this before.

14 THE COURT: Sustained.

15 BY MR. GUYMON:

16 Q Now then after September 3rd, on September 15th,
17 1998, did you come in front of the Grand Jury again, a second
18 time?

19 A Yes.

20 Q Did you get a subpoena?

21 A Yeah.

22 Q Now did you want to have to come back for the Grand
23 Jury?

24 A No.

25 Q Why did you do it then?

III-74

SEVERS - DIRECT

1 A 'Cause I didn't want to get a warrant for my arrest.

2 Q Okay. Do you remember what you told the Grand Jury
3 on the 15th?

4 A That Deco wasn't at home with me.

5 Q Okay. Now was this the same people that you'd lied
6 to 15 days earlier?

7 A I think so, yeah.

8 Q Okay. You told them that in fact Deco wasn't with
9 you?

10 A Yeah.

11 Q And where did you tell them that Deco had gone?

12 A To the house where the people got murdered at.

13 Q And do you recall anything else that you told them
14 about Deco's involvement, the second time now in front of the
15 Grand Jury?

16 A Yeah, I told them that he had killed them. I told
17 them that he had killed the people.

18 Q Now did you think that information was gonna help
19 Deco?

20 A No.

21 Q And how did you feel about Deco on the 15th?

22 A I still loved him.

23 Q After telling the Grand Jury about Deco's
24 involvement, did you think Deco would get in more trouble?

25 A Yeah, yes.

III-75

SEVERS - DIRECT

1 Q Did you want Deco to get in more trouble?

2 A No.

3 Q Did you want to still help Deco?

4 A Yeah.

5 Q Did you try to help Deco after testifying the second
6 time?

7 A Yeah.

8 Q Do you remember what you did in order to help him?

9 A I told 'em that he didn't have no -- he still didn't
10 have no black pants.

11 Q Okay, so you still wanted to help Deco a little bit.

12 A Yeah.

13 Q So you told the Grand Jury that he didn't have black
14 pants?

15 A Yeah.

16 Q Why would you have told the Grand Jury that?

17 A 'Cause I knew that the pants had blood on 'em and
18 that they was his pants and they could probably say that he
19 was there at the murder.

20 Q Did you think that that would be an important piece
21 of evidence?

22 A Yeah.

23 Q So you told the Grand Jury some things, but not
24 everything?

25 A Yes.

III-76

SEVERS - DIRECT

1 Q Now you were still under oath though, right?

2 A Yeah.

3 Q Why wouldn't you tell them everything?

4 A 'Cause I was still trying -- I just didn't want them
5 to know that the pants was his.

6 Q Now, then after the 15th did you leave the Grand
7 Jury?

8 A Yeah.

9 Q And did you try to help Deco in some way after the
10 15th?

11 A Yeah.

12 Q And how often would you talk with Deco say after the
13 15th?

14 A Every day.

15 Q Did you want Deco to know that you had told on him?

16 A No.

17 Q Did Deco know if you had told on him by then?

18 A No.

19 Q Okay. Now what did you do next in order to help
20 Deco?

21 A I wrote a letter.

22 Q Okay. And tell me -- You wrote a letter. Who did
23 you write the letter to?

24 A To the District Attorney's Office.

25 Q Now at that point in time did you know my name?

III-77

SEVERS - DIRECT

1 A Yeah.

2 Q Had I threatened you at all in this case in any way
3 from the time I first met you until even after the 15th when
4 you left?

5 A No.

6 Q Had I persuaded you or tried to tell you what
7 answers to give?

8 A No.

9 Q Had I made any promises to you whatsoever?

10 A No.

11 Q Given you any benefits?

12 A No.

13 Q Okay, so you wrote a letter to me. Do you remember
14 about what day that was?

15 A No.

16 Q Okay, I'm showing you what has been marked, and I've
17 shown counsel, what has been marked now as Exhibit 185. Do
18 you recognize that letter?

19 A Yes.

20 Q And on the other side of that letter, who do you
21 write it to?

22 A To whom it may concern.

23 Q Okay. And tell me what you did with that letter.

24 A I put it on your door.

25 Q Okay, you put it on my door where?

III-78

SEVERS - DIRECT

1 A At the District Attorney's Office.

2 Q Okay, right there at the District Attorney's Office,
3 the 4th floor door?

4 A Yes.

5 Q Did you know that really wasn't my door?

6 A I knew that that's where you would -- that's where
7 you'd be at.

8 Q Okay, that's the building, at least, the floor I'm
9 on?

10 A Yes.

11 Q And tell me what is it that you wrote in the letter?

12 A I said that I lied on Deco and he really wasn't
13 there and that --

14 Q Okay, I need you -- I can't hardly hear you.

15 A I said that I lied on Deco and he really wasn't
16 there, that somebody else was there.

17 Q Now who did you say was there?

18 A Somebody named Belo.

19 Q And who was that somebody named Belo?

20 A Just somebody that I had -- a name that I had knew
21 of somebody before.

22 Q Okay. Did you want Belo to get in trouble for this?

23 A No.

24 Q And is that the whole letter that you wrote to me?

25 A Yes.

III-79

SEVERS - DIRECT

1 Q Now what did you believe this letter would cause me
2 to do?

3 A Believe that Deco didn't do it.

4 Q Okay, you thought it would make me believe Deco
5 didn't do it?

6 A Yeah.

7 Q What were your feelings for Deco when you wrote the
8 letter?

9 A I loved him.

10 MR. GUYMON: I'd move for the admission of State's
11 Proposed Exhibit 185.

12 MR. SCISCENTO: No objection.

13 THE COURT: Received.

14 (Plaintiff's Exhibit No. 185 admitted)

15 BY MR. GUYMON:

16 Q Now, then, after you wrote that letter to myself,
17 did Deco get any real benefit from that letter?

18 A No.

19 Q Did anything change for Deco?

20 A No.

21 Q And how did that make you feel, that the letter
22 didn't help Deco?

23 A I was mad.

24 Q Okay. Did you try to help him a second time or
25 again?

III-80

SEVERS - DIRECT

1 A Yeah.

2 Q And how is it that you tried to help him now?

3 A I had wrote a letter to the news.

4 Q You wrote a letter to the news?

5 Now did you know that this case had been on the news

6 a couple of times by now?

7 A Yes.

8 Q Okay. And do you remember what news channel you

9 wrote?

10 A Channel 8.

11 Q And where were you at when you wrote that news

12 letter?

13 A In jail.

14 Q And were you in jail in relation to this case at

15 all?

16 A No.

17 Q Okay. I'm showing you what has been marked as

18 State's Proposed Exhibit 186. Is that a copy of the letter to

19 Channel 8 News?

20 A Yes.

21 Q And can you tell me who wrote that letter?

22 A I did.

23 Q Is it signed by yourself?

24 A Yes.

25 Q Okay. Now what is it that you told Channel 8 News

III-81

SEVERS - DIRECT

1 about this murder?

2 A That I was there and Deco wasn't there.

3 Q Okay. And what date was that letter written on?

4 A December 2nd.

5 Q Okay. And I should have asked you, if I could, what
6 date the first letter was written on. That's my mistake.

7 A August 27th.

8 Q Did you say August 27th?

9 A Yes.

10 Q Okay.

11 A I mean, September 27th.

12 Q September 27th. And this is --

13 A December 2nd.

14 Q So two months later, is that right?

15 A Yeah.

16 Q And what did you tell Channel -- You said you told
17 Channel 8 that you were there and he wasn't?

18 A Yeah.

19 Q And what did you think that was gonna do for Deco?

20 A Get him out of jail.

21 Q And did it get him out of jail?

22 A No.

23 Q Did it help him?

24 A No.

25 Q And did you want to help him then?

III-82

SEVERS - DIRECT

1 A Yeah.

2 Q Now did you have a plan when you wrote that letter
3 to Channel 8?

4 A Yeah.

5 Q And who made that plan?

6 A Me and Deco.

7 Q Had you talked to Deco about the plan?

8 A Yeah.

9 Q And what was the plan?

10 A That I say that I did it and then he'd get out of
11 jail and then I say that he threatened me and that's why I
12 said I did it and then I get out of jail and then I meet him
13 somewhere, wherever he would have went.

14 Q Did you still want to be able to meet up with Deco
15 and --

16 A Yeah.

17 Q -- be with him?

18 A Yeah.

19 Q Did that plan work?

20 A No.

21 Q Now when that plan wouldn't -- didn't work, what did
22 you do?

23 A Nothing, not that I remember.

24 Q And did you believe that sooner or later you'd get
25 subpoenaed on this case?

III-83

SEVERS - DIRECT

1 A I didn't think nothing of it.

2 Q Okay. Did you stay in Las Vegas, Nevada?

3 A No.

4 Q Where did you go?

5 A New York.

6 MR. GUYMON: And I'd move for the admission of
7 State's Exhibit 186.

8 MR. SCISCENTO: No objections, Your Honor.

9 THE COURT: Received.

10 (Plaintiff's Exhibit No. 186 admitted)

11 BY MR. GUYMON:

12 Q And while in New York did you get arrested?

13 A Yes.

14 Q And what was it an arrest from? Are you familiar
15 with a Material Witness Warrant in this case?

16 A Yes.

17 Q And do you know who issued that Material Witness
18 Warrant or who drafted it?

19 A You.

20 Q Okay. And who was it for?

21 A For this case.

22 Q Okay. And it was for whose arrest though?

23 A Oh, my arrest.

24 Q Okay. Were you arrested as a material witness then?

25 A Yes.

III-84

SEVERS - DIRECT

1 Q In what state?

2 A New York.

3 Q Okay, when you were arrested in New York for a
4 Material Witness Warrant, did you want me to be able to find
5 you?

6 A No.

7 Q Did you want to help me in the case against Donte
8 Johnson?

9 A I didn't think nothing of it.

10 Q Okay, was he still your boyfriend?

11 A No.

12 Q But you still have feelings for him though?

13 A Yeah.

14 Q Did you want to have to come back here and testify
15 against Donte at that time?

16 A No.

17 Q And the Material Witness Warrant forced you to be
18 brought back in custody, correct?

19 A Yes.

20 Q Didn't you come back and be placed in custody?

21 A Yes.

22 Q And about how long were you in custody?

23 A Like two months.

24 Q Okay. Now while you were in custody, did Mr. Daskas
25 and myself come to the jail?

III-85

SEVERS - DIRECT

1 A Yeah.

2 Q And did I make any promises to you then?

3 A No.

4 Q Did Mr. Daskas make any promises to you then?

5 A No.

6 Q Did we in any way suggest what to tell us?

7 A No.

8 Q Did you have an understanding of what it was I
9 expected from you if you were to testify again?

10 A To tell the truth.

11 Q And did you -- Was there actually a time when you
12 came then back to court during those two months or after those
13 two months, while in custody, and testify?

14 A Yes.

15 Q And on that occasion did you take an oath?

16 A Yes.

17 Q Did you tell the truth?

18 A Yeah.

19 Q Now then, why did you tell the truth then finally?

20 A Because I wanted to get it over with and I wanted to
21 get out of jail.

22 Q Okay. Did you think that if you testified and told
23 the truth you'd get out of jail?

24 A Yes.

25 Q And prior to -- or when you were in jail, did you

III-86

SEVERS - DIRECT

1 get an attorney?

2 A Yeah.

3 Q And who asked for you to be released from jail?

4 A My attorney.

5 Q Okay. And what did the State do when your attorney
6 asked for that?

7 A They was -- They just wanted a deposition and it was
8 all right.

9 Q Okay. When you were released, was there any
10 conditions of your release?

11 A Yeah, I was on house arrest.

12 Q Okay. And did you obey those conditions?

13 A Yes.

14 Q And do you know why you were on house arrest? What
15 was the purpose of house arrest?

16 A So I wouldn't leave town.

17 Q And did you leave town?

18 A No.

19 Q And from being on house arrest, what was that
20 ultimately supposed to make you do?

21 A I don't know.

22 Q Okay. What assurances did the State want?

23 A That I would be here for trial.

24 Q Okay. And you've done that?

25 A Yeah.

III-87

SEVERS - DIRECT

1 Q Now when you were arrested for the Material Witness
2 Warrant, you were brought back here and there was also a
3 warrant for possession of a stolen vehicle?

4 A Yeah.

5 Q Okay. Now did I make any promises about that case?

6 A You told me that if I granted my subpoenas and
7 stayed out of trouble I would get -- the case would get
8 dropped.

9 Q Okay, so you had to stay out of trouble?

10 A Yeah.

11 Q And you had to make your appearances?

12 A Yes.

13 Q Now did I tell you that you had to testify a certain
14 way in order to get that case dismissed?

15 A No.

16 Q Did I tell you what answers you'd have to give in
17 order to get that case dismissed?

18 A No.

19 Q At any time, in my meetings with you, have I
20 suggested what answers to give?

21 A No.

22 MR. GUYMON: The Court's indulgence.

23 THE COURT: Sure.

24 BY MR. GUYMON:

25 Q Have you wanted to be here today to testify?

III-88

SEVERS - CROSS

1 A No.

2 Q And why?

3 A Because I'm nervous and I don't want to be up here.

4 Q Okay, there's been times that you've cried or you've
5 looked down and put your hands in your face.

6 MR. SCISCENTO: Objection, Your Honor. I don't see
7 the relevancy of this.

8 THE COURT: Let's hear the question.

9 BY MR. GUYMON:

10 Q Is there a reason why you would do that?

11 A No, just 'cause I get emotional.

12 MR. GUYMON: No other questions, Your Honor.

13 THE COURT: Cross.

14 (Pause in the proceedings)

15 CROSS-EXAMINATION

16 BY MR. SCISCENTO:

17 Q Good morning, Ms. Severs. How are you?

18 A Fine.

19 Q The last time you were here, about four months ago,
20 five months ago, --

21 A Yes.

22 Q -- you were testifying right over there.

23 A Yes.

24 Q Sitting in that chair?

25 A Yes.

III-89

SEVERS - CROSS

1 Q And the day before you were testifying you were in
2 custody in the Clark County Detention Center, correct?

3 A Yes.

4 Q And that custody was there because the district
5 attorneys put you in jail?

6 A Yes.

7 Q Okay. And then they wanted you to testify in this
8 case?

9 A Yes.

10 Q You gave testimony?

11 A Yes.

12 Q In hopes that you'd be released after you gave that
13 testimony, right?

14 A Yes.

15 Q And, as a matter of fact, later that day, less than
16 an hour later, you were out front in the -- outside in the --
17 out by the street, isn't that correct?

18 A Yes.

19 Q You were sitting there -- One minute you were in
20 prison and the next you were out, right?

21 A I wasn't out of jail, but I was, yeah, I was --

22 Q You weren't in handcuffs that day.

23 A No.

24 Q After you gave the testimony.

25 A No.

III-90

SEVERS - CROSS

1 Q You weren't in prison garb that day after you gave
2 testimony.
3 A No.
4 Q And it's shortly thereafter you were released?
5 A Yes.
6 Q Okay. Who is Jacquinisha [phonetic]?
7 A It was my daughter,, but I lost her.
8 Q I'm sorry?
9 A It was my daughter, but I had lost her.
10 Q Do you have a child now?
11 A In my stomach.
12 Q When you say you lost her, what do you mean?
13 A Like she died. I had a miscarriage.
14 Q There was a miscarriage?
15 A Yes.
16 Q Then there is no Jacquinisha --
17 A No.
18 Q -- Litiva White living in New York with another
19 person?
20 A No.
21 Q There's no child that you had?
22 A No.
23 Q You wrote a letter saying that you had a child.
24 A Yeah.
25 Q You sent a picture to John White --

III-91

SEVERS - CROSS

1 A Yeah.

2 Q -- showing this.

3 A Yeah.

4 Q You told him it was his child?

5 A It was.

6 Q You showed a picture of a fully-developed baby.

7 A That lives in New York.

8 Q That was living in New York?

9 A Yeah.

10 Q But, in fact, that was not?

11 A I take care of the baby, but it's not my baby, no.

12 Q It was just somebody else's baby that you propped up

13 and took a --

14 A That I take care of, yeah.

15 Q And you took a picture of and you told John White

16 that it was your -- that it was his child?

17 A Yeah.

18 Q And you said it was Jacquinisha?

19 A Yes.

20 Q Is the name you gave it?

21 A Yeah.

22 Q And, in fact, that was a lie?

23 A That's her name.

24 Q But it's not your child?

25 A No.

III-92

SEVERS - CROSS

1 Q And that's what you told John White?

2 A Yeah.

3 Q See anything wrong with that?

4 A No.

5 Q The truth is what you want to make it, is that what
6 you --

7 MR. GUYMON: Judge, argumentative.

8 THE COURT: Sustained.

9 BY MR. SCISCENTO:

10 Q All right, let's talk about the night that this --
11 the murders happen. You said that you were at the Everman
12 house?

13 A Yes.

14 Q Who was there?

15 A Tod, Deco, Red, myself and Tiny Bug.

16 Q Okay, Tiny Bug's Sikia Smith?

17 A Yeah.

18 Q And you said you saw them leave, that being Tod --
19 I'm sorry, that being Deco, Red and Tiny Bug?

20 A Yes.

21 Q The three of 'em?

22 A Yes.

23 Q Okay. Tod was there that night?

24 A Yes.

25 Q He was in the house?

III-93

SEVERS - CROSS

1 A Yes.
2 Q He saw them leave?
3 A Yes.
4 Q Okay, so if Tod says only two of them were there and
5 only two of them left, he's mistaken?
6 A I guess so, yeah, because I seen three of 'em leave.
7 Q 'Cause you saw three leave?
8 A Yeah.
9 Q But he didn't say -- So if he says Sikia Smith or
10 Tiny Bug wasn't there, that was a mistake or maybe he missed
11 it?
12 A Yes.
13 Q Okay. When they came back that night later on, who
14 came back?
15 A Red, Deco and Tod -- I mean, Red and Deco and Tiny
16 Bug, all three.
17 Q And Tiny Bug's Sikia Smith?
18 A Yes.
19 Q Do you know Sikia Smith's girlfriend?
20 A Yeah.
21 Q What's her name?
22 A Shawn.
23 Q LaShawnya?
24 A Yeah.
25 Q Okay, LaShawnya Wright?

III-94

SEVERS - CROSS

1 A I guess that's her last name.
2 Q Okay, so Sikia Smith came back with them that night?
3 A Yes, I think so, yeah.
4 Q And if Tod stated -- Was Tod home that night when
5 they came back?
6 A Yes.
7 Q Was he awake?
8 A Yes, when I came in the room.
9 Q Did he see these people come back in?
10 A Yeah.
11 Q And did Tod see all three of these people come back?
12 MR. GUYMON: Objection. She can't say what Tod saw.
13 MR. SCISCENTO: Okay.
14 BY MR. SCISCENTO:
15 Q Was Tod blind that night?
16 MR. GUYMON: Objection, it's argumentative.
17 BY MR. SCISCENTO:
18 Q Let me ask you this. You saw three people come in
19 that night?
20 MR. GUYMON: Objection, asked and answered.
21 THE WITNESS: I didn't see who came in.
22 MR. SCISCENTO: No, it has not been answered. It's
23 been asked.
24 THE WITNESS: I didn't see who came in, but when I
25 came in the living room that's who I believe was in the living

III-95

SEVERS - CROSS

1 room.

2 BY MR. SCISCENTO:

3 Q Who do you believe was in the living room?

4 MR. GUYMON: Been asked and answered, Judge.

5 MR. SCISCENTO: I don't think --

6 THE COURT: Overruled.

7 THE WITNESS: Deco, Red and Tiny Bug.

8 BY MR. SCISCENTO:

9 Q Okay, Sikia Smith?

10 A Yes.

11 Q Okay, was Tod there at that time?

12 A Yes.

13 Q Was Tod awake at that time?

14 A Yes.

15 Q Was Tod engaging in some kind of conversation or was
16 he standing near them where he could see all three of 'em?

17 A He was sitting on the couch.

18 Q And he had a perfect vision of all three of 'em?

19 A Yes.

20 Q Now let's talk about this duffel bag.

21 MR. SCISCENTO: Your Honor, may I see the exhibits?

22 (Pause in the proceedings)

23 BY MR. SCISCENTO:

24 Q Did you see inside of that duffel bag on that night
25 prior to Deco, Red and Sikia Smith leaving?

III-96

SEVERS - CROSS

1 A No.

2 Q You didn't see what was inside that duffel bag?

3 A No.

4 Q And when he came back you didn't see what was inside

5 that duffel bag?

6 A No.

7 Q No?

8 You don't -- You didn't even look the next day, did

9 you?

10 A No.

11 Q And you didn't -- So you don't know what was inside

12 there?

13 A Yeah, I do.

14 Q You can tell me every item that was in there as he

15 was walking out the door that night?

16 A No.

17 Q 'Cause you didn't see inside of it, am I right?

18 A Yeah.

19 Q Okay. When you first moved into the Everman house,

20 when was that?

21 A August 4th.

22 Q August 4th.

23 And who was living there already?

24 A Tod and Ace.

25 Q Tod and Ace.

III-97

SEVERS - CROSS

1 Did you notice -- Did you look around the house at
2 all when you first moved in?

3 A No.

4 Q The duct tape that you were talking about when you
5 first moved in there, it was there on the coffee table, wasn't
6 it, under the coffee table?

7 A Not that I remember, no.

8 Q When do you first remember seeing that?

9 A When I was sitting in the living room one day and I
10 just looked under the coffee table and the duct tape was in
11 there.

12 Q And when was that?

13 A I don't remember.

14 Q Prior to August 14th or after August 14th, the
15 murders?

16 A Before August 14th.

17 Q So before you saw the duct tape sitting there in the
18 open, in the living room, under the coffee table?

19 A Yes.

20 Q Okay. And it wasn't in this duffel bag that we're
21 talking about?

22 A No.

23 Q And it was Tod's house?

24 A Yes.

25 Q And Tod had lived there for -- before you got there?

III-98

SEVERS - CROSS

1 A Yes.

2 Q Was Tod Armstrong smoking crack cocaine during the

3 time that you were there?

4 A Yes.

5 Q How many times a week would he smoke crack cocaine?

6 A Like four.

7 Q Four?

8 A Four or five times a week.

9 Q Four or five times?

10 A Yeah.

11 Q Almost every day?

12 A Yeah.

13 Q How many times per day was he smoking it?

14 A All day.

15 Q All day?

16 A Uh-huh.

17 Q You're gonna have to help me out. When you say all

18 day, I mean, --

19 A Like --

20 Q He'd start up in the morning?

21 A Yes.

22 Q And keep going at night?

23 A Yes.

24 Q Would he stay up all night?

25 A Yes.

III-99

SEVERS - CROSS

1 Q All right. Who else was over there smoking crack
2 cocaine?

3 A B.J. and Ace.

4 Q B.J. and Ace?

5 A Yes.

6 Q Who smoked the most?

7 A B.J.

8 Q B.J. did it more than anybody else?

9 A Yeah.

10 Q And Ace did it quite a bit too?

11 A Yes.

12 Q Okay. And where did they get the crack?

13 A Most of the time they'd get it from Deco.

14 (Pause in the proceedings)

15 Q You'd mentioned before that Deco had sold some crack
16 cocaine to other people.

17 A Yes.

18 Q And you had mentioned that sometimes when he sold it
19 he put it into a Black and Mild box, is that correct?

20 A Yes.

21 Q And they showed you Exhibit 103, which has a box,
22 which you said was Deco's.

23 A Yes.

24 Q And a Garcia Vega?

25 A Yes.

III-100

SEVERS - CROSS

1 Q And a Black and Mild box?
2 A Yes.
3 Q Is that the kind of box that he would deposit the
4 crack cocaine in and sell it to -- or hand it to somebody?
5 A Yes.
6 Q Okay, so he used that sometimes in his transactions?
7 A Yes.
8 Q Because it was a way to carry the drugs away?
9 A Yes.
10 Q And that was common for him to do that sometimes?
11 A I only seen him do it once.
12 Q Okay, how many times did you see him sell cocaine?
13 A Like two or three times.
14 Q Two or three times, so 30 percent of the time he'd
15 sell it in the Black and Mild boxes?
16 A Yeah.
17 Q And there's nothing odd about that?
18 A No.
19 Q Did you ever speak to LaShawnya Wright regarding
20 this case?
21 A No.
22 Q You talked about the -- The District Attorney asked
23 you about a VCR. Did you ever hear that Deco bought the VCR
24 for twenty dollars (\$20) from Sikia Smith?
25 A No.

III-101

SEVERS - CROSS

1 Q You never heard that?

2 A No.

3 Q Okay. You mentioned that Deco never talked to Tod
4 or Ace --

5 A I didn't say --

6 Q -- about this?

7 A About this what?

8 Q About this murder.

9 A No, I didn't say that.

10 Q He, in fact, did?

11 A Yes.

12 Q When did he talk to them about it?

13 A I'm not sure, I wasn't around, but they knew about
14 it when --

15 Q Okay.

16 A -- they was around me.

17 Q So when you answered to the District Attorney that
18 Deco spoke to Tod and Ace about this, that's incorrect?

19 MR. GUYMON: Actually, that misstates what her
20 answer was to me, Judge, and it misstates the evidence.

21 MR. SCISCENTO: No, she said she wasn't present.

22 THE COURT: What's your question?

23 MR. SCISCENTO: My question is when you -- when you
24 told the District Attorney that you heard Deco talking to Tod
25 and Ace about this, in fact it wasn't true because she said

III-102

SEVERS - CROSS

1 she wasn't present there when the --

2 THE COURT: She can answer it if she understands
3 what you're saying.

4 MR. SCISCENTO: All right, well, let me lead up to
5 it then.

6 BY MR. SCISCENTO:

7 Q All right, were you present, personally, physically
8 present, when you heard Deco talking to Tod about these
9 murders?

10 A No.

11 Q Okay, were you physically present when you heard --
12 when Deco -- if Deco spoke to Ace about these murders?

13 A No.

14 Q So do you have -- What about for B.J., do you have
15 independent knowledge that Deco spoke to B.J.? Were you there
16 present when Deco spoke to B.J. about these murders?

17 A No.

18 Q Okay. So, in fact, you have no knowledge that Deco
19 ever spoke to Ace, Tod or B.J. about these murders, isn't that
20 correct?

21 A No. I mean, yeah, that's correct.

22 Q Okay, so you weren't -- you never heard this
23 conversation and you never saw it?

24 A No.

25 Q Okay. When's the last time you talked to Tod,

III-103

SEVERS - CROSS

1 Armstrong that is?

2 A I said hi to him yesterday.

3 Q Okay, how long did you talk with him?

4 A Like five seconds.

5 Q Okay, before that when's the last time you talked to
6 him?

7 A Like a couple of days before the -- like a couple of
8 days before the murder.

9 Q Okay. And then after that did you speak to him at
10 all?

11 A No.

12 Q You haven't talked to him since the days after the
13 murders?

14 A No, no.

15 Q No.

16 Now in this case, under these facts, you've given
17 five separate statements, is that right?

18 A I believe so.

19 Q Okay, you wrote two letters, one dated December 2nd
20 and one dated September 27th?

21 A Yes.

22 Q All right. And one you gave to Channel 8 News
23 saying I did it, that being you?

24 A Yeah.

25 Q And the other one you said Deco didn't do it,

III-104

SEVERS - CROSS

1 somebody else did it?

2 A Yes.

3 Q You said Tod was there and Tod wasn't there?

4 A Yes.

5 Q You got up in front of the Grand Jury, you promised
6 to tell the truth and you lied?

7 A Yeah.

8 Q You got up there and you said, "Okay, well, Deco did
9 it, but he wasn't wearing black pants."

10 A Yes.

11 Q Okay, now explain this to me. You said you wanted
12 to help and Mr. Guymon asked you, "Well, why would you still
13 lie about the pants?" You got up there with the Grand Jury
14 and you gave them a statement implicating Deco as the killer.

15 A Yes.

16 Q And you knew that was gonna hurt him, am I right?

17 A Yes.

18 Q You knew your statement was gonna hurt what -- was
19 gonna hurt him?

20 A Yes.

21 Q But you figured now, if I tell a lie about the pants
22 and say he was wearing shorts, that that could save him?

23 A Yeah.

24 Q Don't you think that's like trying to raise the
25 Titanic with a helium balloon?

III-105

SEVERS - CROSS

1 MR. GUYMON: Judge, objection.

2 BY MR. SCISCENTO:

3 Q If you've said that he committed the murders and
4 said all these things about him, what was your thinking then
5 about, "Well, I'll just tell them that he wasn't wearing the
6 black pants"?

7 A 'Cause I thought maybe if I said that he was there,
8 okay, that's one thing, but if they don't have no evidence
9 that he was there then he could still get off on it.

10 Q And you're the one that said he did the shooting,
11 though, in the Grand Jury transcripts.

12 A I wasn't the only one that said it though.

13 Q My question is -- You said earlier, "Well, maybe if
14 they think he was there, but didn't do the shooting, he could
15 get off," but at the Grand Jury testimony you said he was the
16 shooter.

17 A I said if they didn't have any evidence, if they
18 didn't have any evidence, that he -- then they would -- he
19 would get off.

20 Q At the Grand Jury testimony you said that he was the
21 shooter, am I correct?

22 A Yes.

23 Q Okay. Further, at the Grand Jury testimony, you
24 stated -- you were asked what they were wearing and you said
25 that Deco was wearing shorts, is that correct?

III-106

SEVERS - CROSS

1 A Yeah.

2 Q And you said again -- You were asked, "Did Deco have
3 any -- Did Deco own any black pants," and your answer to that
4 was, at the Grand Jury here, --

5 A That he didn't own any black pants.

6 Q Okay. You committed what we call perjury in front
7 of the Grand Jury? Would you agree with that?

8 A Yeah.

9 Q You lied under oath. You promised to tell the truth
10 not once, not twice, three times?

11 A If that's how many times I went, yeah.

12 Q You gave statements you promised to tell the truth,
13 but in the Grand Jury you lied, am I right?

14 A Yeah.

15 Q Have you been charged with perjury yet?

16 A No.

17 Q Okay. Your motivation to be here today is why?

18 A 'Cause I want to get this over with.

19 Q And you don't want to go to prison, isn't that
20 right?

21 A No. That is what you think my motivation is, but
22 no.

23 Q Well, when I asked you last time, "Why is it today
24 your statement is consistent with the facts and you're saying
25 Mr. Johnson did this, but you're changing the facts as to

III-107

SEVERS - CROSS

1 whether or not he's wearing black" --

2 MR. GUYMON: Judge, I'm gonna object to him reading
3 any other questions. If he wants to properly ask her what
4 she's testified to, --

5 THE COURT: Well, I haven't heard the end of the
6 question yet.

7 BY MR. SCISCENTO:

8 Q Did you ever state to me, "Because I had to tell the
9 truth because I'm gonna go to jail"?

10 A Yeah.

11 Q You ever say that before?

12 A Yeah.

13 Q And that was your motivation to tell the truth,
14 isn't that right?

15 A At that time I was in jail, yes.

16 Q That was your motivation to testify?

17 A Yes.

18 Q All right. It was the District Attorney that told
19 you about the black pants, isn't that correct?

20 A Yes.

21 Q It was the district attorneys or the investigators
22 in this case that told you about the blood on the back of the
23 pants, isn't that correct?

24 A Yes.

25 Q You had no knowledge of this?

III-108

SEVERS - CROSS

1 A No.

2 Q You knew that that was an important piece of
3 information?

4 A Yes.

5 Q Suddenly, when you're in handcuffs, you're brought
6 back here on a Material Witness Warrant, you're placed in
7 custody, you're told if you testify you'll be released, you
8 then bring up the fact that, yes, in fact, there are black
9 pants, isn't that correct?

10 A I think I brought it up before then.

11 Q When?

12 A Like maybe the last -- I don't know.

13 Q What statement? What of these five statements did
14 you -- did you bring that up in?

15 A Or maybe I didn't.

16 Q Maybe it was the last one after you were in
17 handcuffs --

18 A Okay.

19 Q -- and the District Attorney told you there were
20 black pants with blood on it and that's when you --

21 MR. GUYMON: Judge, I'm gonna object. That
22 absolutely misstates the evidence. I did not tell her that.
23 It was in front of the Grand Jury that she learns through a
24 photograph. It impugns my integrity terribly and I think it's
25 objectional.

III-109

SEVERS - CROSS

1 THE COURT: Well, then let the record -- We're gonna
2 sustain the objection, but on the basis of argumentative.

3 BY MR. SCISCENTO:

4 Q Let's talk a little about Tod. How long have you
5 known Tod?

6 A I met him on August 4th.

7 Q On August 4th?

8 A Yeah.

9 Q And how long have you known Ace, did you know Ace?

10 A I met him in like the end of July.

11 Q Okay. What's a lick? What's that called -- What's
12 that considered, a lick?

13 A Like when somebody go rob somebody to get some
14 money.

15 Q Okay. Did Tod ever want to do a lick?

16 A Yes.

17 Q Who did he want to do a lick with?

18 A Ace.

19 Q And he was upset -- Tod was upset that Ace hadn't
20 done a lick with him?

21 A Yeah.

22 Q Okay. Tod was home the night that Deco, Red and
23 Sikia Smith came back from the Everman house -- from the Terra
24 Linda house, right?

25 A Yes.

III-110

SEVERS - CROSS

1 Q Tod was upset that there was no cocaine, isn't that
2 right?

3 A Yeah.

4 Q Tod expected money -- or expected cocaine to be
5 brought back?

6 A Yes.

7 Q Did he tell you that?

8 A No, but he was mad because there wasn't.

9 Q Did you -- You heard him say that though, right?

10 A Yes.

11 Q You heard him say, "Where's my cocaine?"

12 A Yes.

13 Q Or something to that effect?

14 A Yes.

15 Q So Tod was expecting something to come back on this?

16 A Yes.

17 Q Do you know -- Do you have any personal knowledge of
18 whether or not Tod took anybody by the Terra Linda house to
19 show 'em where Matt Mowen lived?

20 A No, I'm not sure about that.

21 Q Do you know if Tod ever drove that white Ford Tempo
22 that you talked about?

23 A No.

24 Q You don't know?

25 A No, I don't -- I don't know.

III-111

SEVERS - CROSS

1 Q Tod is the one that brought up the fact that there
2 was ten thousand dollars (\$10,000) that Matt Mowen had?

3 Q Yes.

4 Q He's the one that mentions it to everybody?

5 A Yeah.

6 Q He's the one that tells it to Ace, am I right?

7 A I don't know if he told it to Ace.

8 Q Ace was present when Tod talked about the ten
9 thousand dollars (\$10,000), am I correct?

10 A Not that I know of. I don't remember seeing Ace.

11 Q You don't remember seeing it or --

12 A I don't remember seeing Ace there.

13 MR. SCISCENTO: May I have a moment, Your Honor?

14 (Pause in the proceedings)

15 BY MR. SCISCENTO:

16 Q What time on the 14th do you say that now Sikia
17 Smith, Red and Deco leave?

18 A Like around 8:00 o'clock.

19 Q 8:00 o'clock at night?

20 A Yeah.

21 Q And what time do they get back?

22 A Like around 3:00.

23 Q 3:00 in the morning?

24 A Yeah.

25 Q So if somebody says that they leave later, that's

III-112

SEVERS - CROSS

1 wrong? How do you know it was 8:00 o'clock?

2 A That's what time I believe it was because I was
3 watching something on TV.

4 Q What were you watching on TV?

5 A Martin.

6 Q I'm sorry?

7 A Martin, Martin.

8 Q Martin, okay.

9 Did you and Tod ever have any kind of relationship?

10 A No.

11 Q When you were out in New York you were arrested on a
12 Material Warrant, Witness Material Warrant, right? How were
13 you stopped?

14 A For prostitution.

15 MR. GUYMON: Objection, relevance.

16 THE COURT: Sustained.

17 (Pause in the proceedings)

18 BY MR. SCISCENTO:

19 Q Let me ask you, your name's Carla Severs?

20 A Charla.

21 Q Charla Severs?

22 A Yes.

23 Q Do you also go by the name of Carla Dyess?

24 A No.

25 Q You've never used that before?

III-113

SEVERS - CROSS

1 A No.
2 Q Carla Sedvers?
3 A No.
4 Q Kerline Esmaga?
5 A Yeah, I used that before.
6 Q Carmen Hernandez?
7 A I used that before.
8 Q You've used that before? Leijai Davis?
9 A I don't remember.
10 Q Or Davis Leijai?
11 A I don't know.
12 Q And how about Kashawna Hives?
13 A Yeah.
14 Q You've used that before.
15 Kim Davis?
16 A I don't remember.
17 Q How many aliases do you use?
18 A I might have used like five of 'em. I don't know.
19 Q Five?
20 A Yeah.
21 Q As many as you need?
22 A In different states --
23 Q Whatever --
24 A -- I might use a different name.
25 Q Whatever you need to do to get by?

III-114

SEVERS - CROSS

1 A Is that a question?
2 Q Yes. Whatever name you need at the time you use?
3 A Whatever name I gave them, yes.
4 Q Okay. You have a possession of a stolen vehicle
5 charge?
6 A Yes.
7 Q Do you know how long you could -- That's a felony,
8 right?
9 A I believe so, yes.
10 Q How long could you serve in prison on that felony?
11 Do you know?
12 A Not as long as murder. No, I don't know.
13 Q How many years?
14 A I don't know.
15 Q Did you ever speak to your -- any attorney regarding
16 that?
17 A No.
18 Q Did you ever look up in the law library on how long
19 you could spend in there?
20 A No.
21 Q And you know it's a felony?
22 A Yeah.
23 Q Okay. And if you testify today and you stay out of
24 trouble, what happens to that felony?
25 A It wasn't if I testified. It's if I grant my

III-115

SEVERS - CROSS

1 subpoenas and stay out of trouble, then it would be dismissed.

2 Q Okay, the subpoena is to come here and testify,
3 right?

4 A Yeah.

5 Q So in order to follow and grant your subpoena, you
6 got to come to court?

7 A Yeah, but you're trying to make it sound different.

8 Q Did you think you were just gonna come to court and
9 sit in the back?

10 A Well, you was trying to make it sound different than
11 what it really is.

12 Q I'm just trying to find the truth.

13 A Okay.

14 Q You're here today because of a subpoena?

15 A Yeah.

16 Q You're here testifying because you were subpoenaed
17 to testify in court?

18 A Yeah.

19 Q All right, so in order to grant your subpoena or
20 follow your subpoena, once you do that and you stay out of
21 trouble, your felony's dismissed?

22 A Yeah.

23 Q And you also were let out of prison or out of jail
24 on the Material Witness Warrant, am I right?

25 A Yeah.

III-116

SEVERS - CROSS

1 Q And you were let out because you testified on behalf
2 of the State, am I right?

3 A I don't know. I was let out 'cause the judge didn't
4 feel that I was an accomplice, so he let me out.

5 Q I'm sorry, I didn't understand that.

6 A I was let out 'cause the judge didn't feel I was an
7 accomplice and that's how I was let out.

8 Q He didn't think you were an accomplice?

9 A Yes, the judge didn't think that.

10 Q Isn't it true that he let you out because once you
11 testified the bond can be lifted?

12 A No, because when I was reading my statement he said
13 -- he said that if I do the deposition that doesn't mean I get
14 out. If he thinks, after my deposition, that I'm not an
15 accomplice, then my release will be looked at. He said it at
16 the beginning of the deposition.

17 Q In the beginning of the deposition?

18 A Yeah.

19 Q In the beginning of the deposition I'm the one that
20 raised the fact that you may have been an accomplice, isn't
21 that correct?

22 A Yes.

23 Q But when the District Attorney said that they have
24 no reason to believe that you're an accomplice, the argument's
25 gone, am I right, the argument was gone at that time?

III-117

SEVERS - REDIRECT

1 A No, not that I believe. I just know what the judge
2 said on the paper.

3 MR. SCISCENTO: The Court's indulgence for one
4 moment.

5 (Pause in the proceedings)

6 BY MR. SCISCENTO:

7 Q Let me ask you this, Ms. Severs. If you were to
8 testify today that Donte had nothing to do with it, do you
9 think that felony would be dismissed?

10 A No.

11 Q Okay. You had written a letter previously regarding
12 this case, do you remember that, so you had a couple of
13 letters. In one of those letters you said -- Well, strike
14 that.

15 MR. SCISCENTO: No further questions, Your Honor.

16 THE COURT: Any redirect?

17 REDIRECT EXAMINATION

18 BY MR. GUYMON:

19 Q Let me ask you, what was the deal that was struck on
20 the possession of stolen vehicle case? What were you to do?

21 A To stay out of trouble and grant my subpoenas.

22 Q Okay, if you didn't grant your subpoena, in other
23 words, if you didn't come, what would happen in that case?

24 A I would be -- have to go to -- come down to District
25 Court and be sentenced for it or whatever.

III-118

SEVERS - REDIRECT

1 Q Okay, face a trial for the possession of stolen
2 vehicle case, right?

3 A Yes.

4 Q Or if you got in trouble what would happen?

5 A I would have to face a trial for it.

6 Q Did you get in any trouble since you made that deal?

7 A No.

8 Q Did you have a lawyer on that deal?

9 A Yeah.

10 Q And how long ago did you make that deal?

11 A Like maybe four or five months ago.

12 Q Okay. And did you -- And you honored your subpoena?

13 A Yeah.

14 Q So what do you believe is gonna happen to that case?

15 A It's gonna get dismissed.

16 Q Now if those were the conditions -- Was there any
17 other conditions?

18 A No.

19 Q If those were the conditions, had you come here
20 today and not told the truth, would you still have done the
21 two conditions?

22 MR. SCISCENTO: Objection, Your Honor, to the
23 characterization. The prosecutor's vouching now for what will
24 happen in this process. He knows very well if she testifies
25 differently that she doesn't get any kind of benefit and she'd

III-119

SEVERS - REDIRECT

1 still be in jail today.

2 MR. GUYMON: Judge, that is not true. It isn't --

3 THE COURT: She can answer the question, overruled,
4 if she understands what you're asking.

5 MR. GUYMON: All right.

6 BY MR. GUYMON:

7 Q How many conditions were there on the deal you made?

8 A Two.

9 Q Okay. Now you didn't get into any trouble, right,
10 so that condition's met?

11 A Yes.

12 Q And you showed up today?

13 A Yes.

14 Q Okay, if you showed up today and didn't tell the
15 complete truth or didn't tell the truth, would you still have
16 made that condition?

17 MR. SCISCENTO: Your Honor, I object. It's his
18 truth. You can't characterize it that way.

19 THE COURT: And it shouldn't be his truth. If I
20 understand --

21 MR. SCISCENTO: Well, that's what it's turned into.

22 THE COURT: If I understand the question, it is what
23 her belief is.

24 MR. GUYMON: Right.

25 THE COURT: And not Mr. Guymon's understanding of

III-120

SEVERS - REDIRECT

1 the deal.

2 MR. GUYMON: Oh.

3 THE COURT: So if you'll rephrase it in such a way
4 that that is clear to her.

5 BY MR. GUYMON:

6 Q What did you believe, if you came here today, would
7 happen --

8 A That I would --

9 Q -- to your possession of stolen vehicle case?

10 A That it would get dismissed.

11 Q Okay. And did I threaten you in any way about how
12 you were to testify in this case today?

13 A No.

14 Q Did I tell you what answers to give?

15 A No.

16 Q Okay. If you came here and testified -- If you
17 lied, say you gave the -- you just gave a different story all
18 together and you just lied, you said green Martians did it, --

19 MR. SCISCENTO: Your Honor, I'll object to that
20 characterizing as a lie, a different story.

21 THE COURT: I'll sustain it to that form.

22 MR. GUYMON: Okay.

23 BY MR. GUYMON:

24 Q If you came to court and you said that Martians did
25 the murder, --

III-121

SEVERS - REDIRECT

1 MR. SCISCENTO: Objection, Your Honor,
2 argumentative.

3 THE COURT: Overruled.

4 BY MR. GUYMON:

5 Q -- what did you believe would happen to your
6 possession of stolen vehicle case?

7 A I would have to go to trial on it.

8 Q Okay. Now let me ask you, has anyone tried to alter
9 or change your testimony in any way?

10 A No.

11 Q When is the first time you learned about blood being
12 on those pants?

13 A On September 1st at the Grand Jury.

14 Q Was there anything secretive about you learning
15 about that?

16 A No.

17 Q Did I pull you aside and whisper to you, "By the
18 way, you should know these things"?

19 A No.

20 Q Did I tell you any facts about the case?

21 A No.

22 Q Who was present when you learned it and how did you
23 learn it?

24 A About the pants?

25 Q Yes.

III-122

SEVERS - REDIRECT

1 A The Grand Jury and the District Attorney.

2 THE COURT: This has been covered already, Mr.

3 Guymon.

4 BY MR. GUYMON:

5 Q Now moving to the next area, you indicated that if
6 there was no -- you used the words if there was no hard
7 evidence maybe he would get off.

8 A Yes.

9 Q That was your term?

10 A Yes.

11 Q In your mind, what's hard evidence?

12 A Like blood on some pants that belong to him.

13 Q What else would be -- I mean, is there other things
14 that are hard evidence?

15 A Like some DNA test or something.

16 Q Okay. And is there a distinction in -- Is there a
17 difference in your mind between hard evidence and what someone
18 says?

19 A Yeah.

20 Q And what's the difference in your mind?

21 A I mean, if they got evidence that will show that you
22 was there, they got blood or something on it, that's like you
23 know that you can't -- Just because of what somebody says
24 don't mean it, 'cause it could be like my word against his
25 word or whatever.

III-123

SEVERS - REDIRECT

1 Q Okay. Now did you ever discuss that belief with
2 Deco?

3 A About the blood on the pants?

4 Q Yes.

5 A Yeah.

6 Q And what did Deco tell you -- We'll leave that
7 alone.

8 Did you ever discuss hard evidence with Deco or the
9 subject of hard evidence with Deco?

10 A I just told him that they have blood on -- why he
11 didn't tell me about blood on his pants, because they showed
12 me at the Grand Jury.

13 (Pause in the proceedings)

14 MR. GUYMON: The Court's indulgence.

15 THE COURT: Sure.

16 (Pause in the proceedings)

17 BY MR. GUYMON:

18 Q Do you remember what he said about the blood on the
19 pants?

20 A He said he forgot -- he forgot that it was on the
21 pants.

22 Q Now they asked you if Tod expected some cocaine out
23 of this deal and you said yes.

24 A Yeah.

25 Q Did Tod expect four kids to die from this?

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SEVERS - REDIRECT

1 MR. SCISCENTO: Objection, Your Honor, that calls
2 for speculation.

3 THE COURT: Sustained in that form.

4 BY MR. GUYMON:

5 Q One last area, this idea about a child. Jacquinisha
6 was it?

7 A Uh-huh.

8 Q All right. When this case first -- When Donte was
9 first arrested, did you think you were pregnant?

10 A Yeah.

11 Q Did Donte know that?

12 A Yeah.

13 Q And whose child did you think it was?

14 A Donte.

15 Q And who did Donte believe the child was?

16 A Donte's.

17 Q And why did Donte believe that?

18 A 'Cause I was having sex with him.

19 Q Okay. And do you know -- Did Donte talk to you
20 about how that made him feel, that you were pregnant?

21 A No.

22 Q Okay. Did you and Donte talk about the fact that
23 you were pregnant?

24 A Not really.

25 Q Did you want to have Donte's child?

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SEVERS - REDIRECT

1 A Yeah.

2 Q And did you lose that child?

3 A Yeah.

4 Q That pregnancy?

5 A Yeah.

6 Q From a miscarriage?

7 A Yeah.

8 Q Now if you lost that child, why is it you would have
9 told Donte that Jacquinisha was the baby?

10 A 'Cause I thought it would make him happy at least.

11 Q And why did you think it would make him happy?

12 A Because I just thought it would.

13 Q Did you want to still make him happy?

14 A Yeah.

15 Q Did you want to help him then?

16 A Help him how?

17 Q Well, help him with his case or make him happy?

18 A No.

19 MR. GUYMON: The Court's indulgence, Judge.

20 THE COURT: Sure.

21 (Pause in the proceedings)

22 BY MR. GUYMON:

23 Q Ms. Severs, you used the word -- or the words that
24 you think Bug was at the house that night when they came back.

25 A Yeah.

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SEVERS - RECROSS

1 MR. SCISCENTO: Objection, Your Honor. I don't
2 think she said thinks. She specifically -- And I asked her
3 specifically who was there and she said numerous times --

4 THE COURT: Let him phrase the question how he --
5 how he wants to. It will be the jury's recollection that
6 governs. And if she can answer the question the way it's
7 phrased, she can answer it.

8 BY MR. GUYMON:

9 Q Are you sure that Bug was at the house when Deco and
10 Terrell came back?

11 A I said it's what I remember. Yeah, I think he was
12 there.

13 Q You said --

14 A I said from what I remember I believe he was there.

15 Q Okay.

16 MR. GUYMON: I have no further questions.

17 THE COURT: Recross, and then we'll take our morning
18 break.

19 MR. SCISCENTO: I'll try to be quick, Your Honor.

20 RECROSS EXAMINATION

21 BY MR. SCISCENTO:

22 Q This Jacquinisha, you had a letter that said that
23 she was born May 8th of '99, am I right?

24 A Yeah.

25 Q You gave testimony here in December of '99, am I

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SEVERS - RECROSS

1 right?

2 A I don't know.

3 Q It was close to the New Years, right?

4 A Oh, yeah.

5 Q Okay, it was after May 9th -- May 8th, 1999, right?

6 A Yeah.

7 Q So really you didn't think that you were pregnant
8 with John White's baby. In the letter you said that the baby
9 was already born.

10 A And if it was born in May '99 it would -- by
11 December it would have already been born, 'cause May comes
12 before December.

13 Q Exactly, but then you just told the District
14 Attorney, when you were testifying, you thought you were
15 pregnant with John's baby.

16 A When he got locked up and he got locked up in August
17 of '98.

18 Q This is May 8th of '99.

19 A And you carry babies for nine months.

20 Q That's news.

21 So, in fact, I just want to make sure I understand
22 this, there's no Jacquinisha that was your child that was born
23 on May 8th of '99 and that's just a lie?

24 A Yeah.

25 Q All right, you talked about hard evidence, that

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SEVERS - RECROSS

1 evidence being, surprisingly, DNA and blood, right?

2 A Yes.

3 Q Okay. You didn't bring up any other kind of
4 evidence which you consider hard evidence?

5 A No.

6 Q 'Cause there's no photographs in here?

7 MR. SCISCENTO: Strike that, Your Honor.

8 BY MR. SCISCENTO:

9 Q You had said earlier that other people had testified
10 at the Grand Jury that John White had committed the murders.

11 A Yeah.

12 Q Well, you don't consider numerous other people
13 saying that hard evidence?

14 A No.

15 Q No.

16 So then if you just threw the District Attorney and
17 the police off a little by talking -- saying yes, he committed
18 the murders, but he's wearing his shorts and that way you
19 can't find the blood, it's all gonna work out in the end?

20 A I don't understand what you're trying to say.

21 Q Well, I'm trying to figure out -- I still don't
22 understand why is it that you could say that Deco did the
23 killing but if I tell 'em they don't have the blood -- or the
24 pants it's gonna help him out. I'm having trouble following
25 that.

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SEVERS - RECROSS

1 A I mean, I don't see how, because if I said he did
2 it, okay, that's one thing, but if they have blood on the
3 pants and I say they're not his pants, then how would they
4 figure out it was his pants and he was there? That's what I'm
5 trying to say.

6 Q But you also said that other people testified that
7 Deco did it that day at the Grand Jury.

8 A Yeah, crackheads.

9 Q Crackheads.

10 And you can't trust crackheads?

11 A No.

12 Q Ace is a crackhead?

13 A Yeah.

14 Q As a matter of fact, he stole some crack cocaine
15 from your purse at one time, isn't that right?

16 MR. GUYMON: Objection, goes beyond the scope,
17 Judge.

18 THE COURT: Overruled.

19 THE WITNESS: Yeah.

20 BY MR. SCISCENTO:

21 Q Now you mentioned -- The District Attorney asked you
22 on redirect about washing the pants. When were the pants, if
23 you know, first discovered by the police, what date? Do you
24 know?

25 A The 17th -- the 18th.

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SEVERS - RECROSS

1 Q The 18th of August?

2 A Yeah.

3 Q And that was about four, five days after the
4 murders?

5 A Yeah.

6 Q If Deco would have told you, "There's blood on
7 there, you need to wash the pants," the pants would have been
8 washed?

9 A Yeah.

10 Q But he forgot?

11 A Yeah, that's what he said.

12 Q How hard would it have been for you to wash those
13 pants?

14 A It would have been real simple.

15 Q Did Deco wear those pants after the 14th of August?

16 A No.

17 Q No?

18 Did you ever have any sexual relationships with him
19 while he was wearing those pants?

20 A I only remember -- While he was wearing those pants,
21 I don't remember.

22 (Pause in the proceedings)

23 Q I don't know if it was objected to or not, the
24 District Attorney asked you that if Martians -- you'd have
25 said the Martians did it there would have been a problem. If

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SEVERS - REDIRECT

1 you would have testified any other way than you testified back
2 in December of '99, do you think your deal of having the case
3 dismissed and being released from prison would have been
4 honored?

5 A No.

6 MR. SCISCENTO: No further questions, Your Honor.

7 THE COURT: Anything further, Mr. Guymon?

8 MR. GUYMON: One question.

9 FURTHER REDIRECT EXAMINATION

10 BY MR. GUYMON:

11 Q Why is it that you're testifying the way you are
12 today?

13 A 'Cause I want to get it over with. I don't know why
14 the heck he's putting everybody through this. We should just
15 get it over with.

16 Q Is the truth important to you today?

17 A Yeah.

18 Q Why?

19 A Because it needs to be over and done.

20 MR. GUYMON: No more questions, Your Honor.

21 THE COURT: Thank you. You're excused.

22 And during this recess, folks, you're admonished not
23 to talk or converse among yourselves or with anyone else on
24 any subject connected with this trial, read, watch or listen
25 to any report of or commentary on the trial, and any person

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JOHNSON - DIRECT

1 connected with it, by any medium of information, including,
2 without limitation, newspaper, television and radio, or to
3 form or express any opinion on any subject connected with this
4 matter until it's finally submitted to you.

5 We'll be in recess 'til 20 minutes of 11:00.

6 And could I see counsel briefly in chambers?

7 (Court recessed at 10:25 a.m.)

8 (Jury is present)

9 THE COURT: Call your next witness, please.

10 MR. DASKAS: Bryan Johnson.

11 BRYAN C. JOHNSON, PLAINTIFF'S WITNESS, IS SWORN

12 THE CLERK: Please state your full name and spell
13 your last name for the record.

14 THE WITNESS: Bryan Christopher Johnson.

15 THE CLERK: Spell your last name.

16 THE WITNESS: J-O-H-N-S-O-N.

17 THE COURT: Proceed.

18 DIRECT EXAMINATION

19 BY MR. DASKAS:

20 Q Bryan, tell me how old you are.

21 A Twenty years old.

22 Q You say 20 years old?

23 A Yes.

24 Q All right. Let me direct your attention back to
25 August of 1998. Were you living here in Las Vegas?

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1 A Yes.
2 Q Did you ever visit a home at 4815 Everman Street?
3 A Yes.
4 Q In fact, did you live at that home for a period of
5 time?
6 A Yes, sir.
7 Q Tell me what month you lived in the Everman home.
8 A Approximately October '97 to June '98.
9 Q How many bedrooms are in the Everman home?
10 A Three.
11 Q At the time you lived at that address, who were your
12 roommates?
13 A Tod Armstrong and Joel Valesquez [phonetic].
14 Q While you lived in the home, did Joel eventually
15 move out of the home?
16 A Yes, sir.
17 Q And you recall when that was?
18 A Approximately January of '98.
19 Q When you lived in the Everman home, was there a
20 particular room that you stayed in, that you slept in?
21 A The middle bedroom.
22 Q You said the middle bedroom?
23 A Yes, sir.
24 Q Did anybody stay in the master bedroom?
25 A Joel did while I lived there.

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IN THE SUPREME COURT OF THE STATE OF NEVADA

* * * * *

DONTE JOHNSON,

S.C. CASE NO. 65168

Appellant,

Electronically Filed
Jan 09 2015 11:39 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

vs.

THE STATE OF NEVADA,

Respondent.

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 IX  
~~~~~

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IN THE SUPREME COURT OF NEVADA

DONTE JOHNSON,

CASE NO. 65168

Appellant,

vs.

THE STATE OF NEVADA

Respondent.

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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 9th 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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