

IN THE SUPREME COURT OF THE STATE OF NEVADA

---

MAZEN ALOTAIBI,  
Appellant,

v.

THE STATE OF NEVADA,  
Respondent.

---

Electronically Filed  
Feb 05 2016 03:46 p.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

Case No. 67380

**RESPONDENT'S APPENDIX**

DOMINIC P. GENTILE, ESQ.  
Nevada Bar #001923  
VINCENT SAVARSES, III, ESQ.  
Nevada Bar #002467  
410 South Rampart Blvd., Suite 420  
Las Vegas, Nevada 89145  
(702) 880-0000

STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
Regional Justice Center  
200 Lewis Avenue  
Post Office Box 552212  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
State of Nevada

ADAM PAUL LAXALT  
Nevada Attorney General  
Nevada Bar # 012426  
100 North Carson Street  
Carson City, Nevada 89701-4717  
(775) 684-1265

Counsel for Appellant

Counsel for Respondent

## **INDEX**

<b><u>Document</u></b>	<b><u>Page No.</u></b>
District Court Minutes of 02/02/15 (Sentencing) .....	240
Motion for New Trial and/or for an Evidentiary Hearing, filed 05/27/14.....	1-222
Opposition to Defendant's Motion for New Trial and/or for an Evidentiary Hearing, filed 07/16/14 .....	223-239

## **CERTIFICATE OF SERVICE**

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on 5<sup>th</sup> day of February, 2016. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

ADAM PAUL LAXALT  
Nevada Attorney General

DOMINIC P. GENTILE, ESQ.  
VINCENT SAVARESE, ESQ.  
Counsel for Appellant

RYAN J. MACDONALD  
Deputy District Attorney

*/s/ j. garcia*

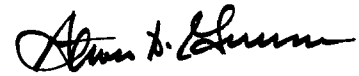
---

Employee, Clark County  
District Attorney's Office

RJM/Kelsey Einhorn/jg

ORIGINAL

Electronically Filed  
05/27/2014 05:47:06 PM



CLERK OF THE COURT

MTN  
GORDON SILVER  
DOMINIC P. GENTILE  
Nevada Bar No. 1923  
Email: dgentile@gordonsilver.com  
ANJALI D. WEBSTER  
Nevada Bar No. 12515  
Email: awebster@gordonsilver.com  
KORY KAPLAN  
Nevada Bar No. 13164  
Email: kkaplan@gordonsilver.com  
3960 Howard Hughes Pkwy., 9th Floor  
Las Vegas, Nevada 89169  
Tel: (702) 796-5555  
Fax: (702) 369-2666  
Attorneys for Defendant Mazen Alotaibi

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

CASE NO. C287173  
DEPT. 23

vs.

MAZEN ALOTAIBI,

Defendant.

gh ca/23  
6/12/14 @ 9:30am

**MOTION FOR NEW TRIAL AND/OR FOR AN EVIDENTIARY HEARING**

Mazen Alotaibi, by and through his attorneys, Gordon Silver, hereby files this Motion for  
a New Trial and/or Evidentiary Hearing.

///

///

///

///

///

///

///

///

///

1 This Motion is made pursuant to NRS 176.515, the attached Memorandum of Points and  
2 Authorities, the pleadings and papers on file herein, and any other material this Court may  
3 choose to consider.

4 Dated this 27<sup>th</sup> day of May, 2014.

5 GORDON SILVER

6  
7   
DOMINIC P. GENTILE

8 Nevada Bar No. 1923

9 ANJALI D. WEBSTER

10 Nevada Bar No. 12515

11 KORY KAPLAN

12 Nevada Bar No. 13164

13 3960 Howard Hughes Pkwy., 9th Floor

14 Las Vegas, Nevada 89169

15 (702) 796-5555

16 Attorneys for Defendant Mazen Alotaibi  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**NOTICE OF MOTION**

YOU, AND EACH OF YOU, will please take notice that the undersigned will bring the above and foregoing Motion on for hearing before this Court on the 12<sup>th</sup> day of June, 2014, at the hour of 9:30 o'clock a.m. of said day, or as soon thereafter as counsel can be heard in Department No. XXIII.

DATED the 27<sup>th</sup> day of May, 2014.

Submitted by:

GORDON SILVER



DOMINIC P. GENTILE

Nevada Bar No. 1923

ANJALI D. WEBSTER

Nevada Bar No. 12515

KORY L. KAPLAN

Nevada Bar No. 13164

3960 Howard Hughes Pkwy., 9th Floor

Las Vegas, Nevada 89169

Tel: (702) 796-5555

Fax: (702) 369-2666

Attorneys for Defendant Mazen Alotaibi

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I.

3 INTRODUCTION

4 After the trial in the above-captioned matter concluded, a witness recanted a portion of  
5 his trial testimony. Mr. Alotaibi respectfully submits that if the false, recanted, testimony had  
6 not been elicited at trial, it is probable that the jury would have reached a different result. Thus,  
7 Mr. Alotaibi respectfully requests that this Court grant this Motion. Alternatively, and to the  
8 extent this Court deems necessary, Mr. Alotaibi requests that this Court hold an evidentiary  
9 hearing on the matters addressed herein.

10 Specifically, the recantation relates to Mr. Alotaibi's level of intoxication. Sometime  
11 after arriving in Las Vegas in the early hours of December 31, 2012, Mr. Alotaibi and several  
12 others went to Olympic Gardens, a strip club ("Olympic Gardens"). Upon leaving Olympic  
13 Gardens, Mr. Alotaibi, Rashed Alshehri, and Mohammed Jafaari subsequently went to Circus  
14 Circus Hotel and Casino ("Circus Circus"). Following their arrival at Circus Circus, the alleged  
15 event occurred between Mr. Alotaibi and A.J. Dang. Mr. Alotaibi was subsequently charged  
16 with multiple offenses, all of which required a specific intent as an element except for the sexual  
17 assault charges.

18 At trial, Mr. Alotaibi's defense to the specific intent offenses charged against him was  
19 that he was too intoxicated to form the requisite mental state for each of those offenses. Specific  
20 intent crimes are crimes which have as an essential element a specific intent that a result be  
21 reached, and Nevada law recognizes that a defendant's level of intoxication can rise to such a  
22 level that the defendant may be incapable of forming the mental state required for such specific  
23 intent offenses.

24 However, undermining Mr. Alotaibi's defense, Mr. Alshehri testified at trial that after  
25 leaving Olympic Gardens, Mr. Alotaibi drove himself, Mr. Alshehri, and Mr. Jafaari from a  
26 public parking lot to Circus Circus, and that his driving was generally fine. The prosecution used  
27 Mr. Alshehri's testimony as a basis to claim that if Mr. Alotaibi was sober enough to drive at that  
28 time, Mr. Alotaibi was not so intoxicated that he was unable to form the requisite mental states

1 for the specific intent crimes charged against him. The jury ultimately found Mr. Alotaibi guilty  
2 of multiple specific intent offenses.

3 Mr. Alshehri subsequently informed Mr. Alotaibi's counsel that he testified falsely about  
4 the identity of the driver out of fear that he would otherwise be deemed an uncooperative  
5 witness. Mr. Alshehri's recantation was not made until after the conclusion of the trial and after  
6 the jury rendered the verdict.

7 Mr. Alotaibi respectfully submits that this recantation warrants a new trial. While Mr.  
8 Alotaibi recognizes that the State presented other testimony relating to his level of intoxication,  
9 the false testimony need not be such that its absence at trial would guarantee a different result.  
10 Rather, it need only be "probable" that had the false testimony not been admitted, a different  
11 result would have occurred at trial. Mr. Alotaibi's intoxication defense relates to the crimes  
12 charged against him which have as an essential element a specific intent that a result be reached.  
13 Mr. Alotaibi submits that in the absence of the false testimony that shortly before the incident,  
14 Mr. Alotaibi was not only sober enough to drive to Circus Circus, but to generally drive fine, it is  
15 probable that the jury would have reached a different result as to whether Mr. Alotaibi was so  
16 intoxicated that he could not form the mental states required for the specific intent crimes  
17 charged against him.

18 As a separate issue, Mr. Alotaibi was also charged with two counts of sexual assault with  
19 a minor under 14 years of age. Mr. Alotaibi respectfully submits that the jury should have also  
20 been instructed on statutory sexual seduction, which is a lesser-included offense of sexual assault  
21 with a minor. If this Court concludes that the failure to instruct the jury as such was based on  
22 any actions of Mr. Alotaibi's defense counsel, Mr. Alotaibi respectfully submits that he was  
23 deprived of effective assistance of counsel.

24 Thus, for the reasons discussed herein, Mr. Alotaibi respectfully requests that this Court  
25 grant this Motion and order a new trial.

26 ///

27 ///

28 ///



1 II.

2 FACTS AND PROCEDURAL HISTORY

3 After arriving in Las Vegas in the early hours of December 31, 2012, Mr. Alotaibi and  
4 several others went to Olympic Gardens, where Mr. Alotaibi consumed multiple alcoholic  
5 drinks. By the time Mr. Alotaibi, Mr. Alshehri, and Mr. Jafaari left Olympic Gardens, it was  
6 already light out. (Trial Transcript Day 6 at 37:18-38:1, **Exhibit 5**). Mr. Alotaibi, Mr. Alshehri,  
7 and Mr. Jafaari subsequently went to Circus Circus. Shortly after their arrival at Circus Circus,  
8 the alleged event occurred between Mr. Alotaibi and A.J. Dang. Mr. Alotaibi was subsequently  
9 charged with multiple offenses, all of which required specific intent as an element except for the  
10 sexual assault charges. (Amended Information, on file herein.)

11 Shortly after the alleged event, the Las Vegas Metropolitan Police Department (the  
12 "LVMPD") interviewed, among other people, Mr. Alotaibi and Mr. Jafaari about the event.  
13 (December 31, 2012, Statement of M. Alotaibi, **Exhibit 1**; December 31, 2012, Statement of M.  
14 Jafaari, **Exhibit 2**.) Mr. Alotaibi and Mr. Jafaari were not questioned about whom, if anyone,  
15 drove to Circus Circus at the time in question. See id.

16 The LVMPD did not interview Mr. Alshehri about the incident until September 14, 2013,  
17 more than eight months after the alleged event occurred. (September 14, 2013, Statement of R.  
18 Alshehri, **Exhibit 3**.) Mr. Alshehri did not want to be interviewed. (R. Alshehri Affidavit at ¶  
19 11, **Exhibit 4**.) Nevertheless, the person who contacted Mr. Alshehri by telephone to request  
20 that he come to Las Vegas told him that if he did not do so, he would be arrested and brought to  
21 Las Vegas in custody. Id. Mr. Alshehri is a citizen of Saudi Arabia living in the United States  
22 on an F-1 visa and studying on a scholarship at a college in Texas. Id. at ¶ 12. He was  
23 frightened when told that he might be arrested, as it would have terrible consequences for him.  
24 Id. At the September 2013 interview, Mr. Alshehri was not asked any questions about how he  
25 and Mr. Alotaibi traveled from Olympic Gardens to Circus Circus and did not give any  
26 information relating to that issue. Id. at ¶ 10; (September 14, 2013, Statement of R. Alshehri,  
27 **Exhibit 3**.)

28 ///

1 A few weeks after the September interview, Mr. Alshehri was again contacted by the  
2 Clark County District Attorney's Office and again ordered to travel to Las Vegas to be  
3 interviewed by the prosecutors. (R. Alshehri Affidavit at ¶ 13, **Exhibit 4**.) It was still Mr.  
4 Alshehri's understanding that he would be arrested if he refused. Id. This interview was not  
5 tape-recorded, but the prosecutors took notes. Id. at ¶ 14.

6 At this interview, the prosecution asked, for the first time, how Mr. Alshehri and Mr.  
7 Alotaibi traveled to Circus Circus after Olympic Gardens. Id. Mr. Alshehri had not thought  
8 about this prior to this interview. Id. Mr. Alshehri first advised that he had been drinking  
9 heavily that night and either Mr. Alotaibi or Mr. Jafaari drove. Id. Ultimately, he stated he was  
10 not sure but thought that Mr. Alotaibi drove to Circus Circus. Id. On information and belief, this  
11 second interview – where the question of how Mr. Alotaibi traveled to Circus Circus after  
12 Olympic Gardens was raised for the first time with anyone involved – occurred shortly before  
13 the trial commenced. See, e.g., (Trial Transcript Day 7 at 42:1-3, **Exhibit 6** (wherein an  
14 investigator from the district attorney's office refers to being present at an October 9, 2013,  
15 pretrial conference with Mr. Alshehri).

16 After this interview, upon reflection and further thought, Mr. Alshehri realized that Mr.  
17 Alotaibi had not driven, as he was far too drunk to do so. (R. Alshehri Affidavit at ¶ 15, **Exhibit**  
18 **4**.) When Mr. Alshehri was called to testify at trial, he arrived the day beforehand and was  
19 housed at a hotel near the courthouse. Id. at ¶ 16. At no time prior to testifying was Mr. Alshehri  
20 re-interviewed by the prosecution or detective so as to be given any opportunity to correct his  
21 prior incorrect statement that Mr. Alotaibi drove to Circus Circus. Id.

22 Given his prior interactions, Mr. Alshehri was fearful that if he did not testify at trial as to  
23 what he told the prosecution, he would be arrested. Id. at ¶ 18. Thus, Mr. Alshehri testified  
24 falsely at trial that after he, Mr. Alotaibi, and Mr. Jafaari left Olympic Gardens in the early  
25 morning hours of December 31, Mr. Alotaibi drove from a public parking lot to Circus Circus, a  
26 drive within an approximate 30-minute timeframe. Id.; (Trial Transcript Day 6 at 37-40, 43  
27 **Exhibit 5**.) Mr. Alshehri also testified that Mr. Alotaibi's driving was generally fine. Id. at 43.  
28 Also during the trial, the prosecution called Ruth Leon, an investigator with the district

1 attorney's office, who recounted a pretrial conference with Mr. Alshehri. (Trial Transcript Day 7  
2 at 41-44, **Exhibit 6.**) Ms. Leon testified that at the pretrial conference, Mr. Alshehri stated that  
3 Mr. Alotaibi drove, and that his driving was good. Id. at 43-44. No one else testified that Mr.  
4 Alotaibi drove to Circus Circus.

5 The State used Mr. Alshehri's testimony in its closing statement as a basis for claiming  
6 that Mr. Alotaibi was not so intoxicated that he could not form the *mens rea* required for the  
7 specific intent crimes charged against him. (Trial Transcript Day 8 at 50, **Exhibit 7.**) The jury  
8 found Mr. Alotaibi guilty of the following specific intent offenses: (1) burglary; (2) first degree  
9 kidnapping; (3) two counts of lewdness with a child under the age of 14; and (4) coercion.  
10 (Verdict, on file herein.)

11 Following trial, Mr. Alshehri sought to recant his false trial testimony. See generally  
12 (Affidavit of R. Alshehri, **Exhibit 4.**) Mr. Alshehri's recantation is wholly voluntary, and Mr.  
13 Alshehri was not pressured by Mr. Alotaibi or his defense counsel to recant his false trial  
14 testimony. Id. at ¶ 19. As will be discussed herein, this newly discovered evidence justifies a  
15 new trial because it is probable that had Mr. Alshehri's false testimony not been admitted, a  
16 different result would have occurred at trial.

### 17 III.

### 18 DISCUSSION

#### 19 1. Mr. Alotaibi is entitled to a new trial based upon Mr. Alshehri's recantation.

##### 20 a. Legal standard.

21 This Court has discretion to grant a motion for a new trial, Hennie v. State, 114 Nev.  
22 1285, 1289, 968 P.2d 761, 764 (1998), and this discretion extends to granting a new trial upon  
23 the discovery of perjury. See, e.g., Riley v. State, 93 Nev. 461, 462, 567 P.2d 475, 476 (1977)  
24 ("[T]he truth seeking function of the trial is corrupted by such perjury whether encouraged by the  
25 prosecutor or occurring without his knowledge. . . . [I]f the character of material evidence is  
26 false, due process inevitably is denied the accused."). Indeed, a new trial may be granted based  
27 on newly discovered evidence with respect to witness recantation of the defendant demonstrates  
28 each of the following elements: (1) the court is satisfied that the trial testimony of a material

1 witness was false; (2) the evidence showing that false testimony was introduced at trial is newly  
2 discovered; (3) the evidence could not have been discovered and produced for trial even with the  
3 exercise of reasonable diligence; and (4) it is probable that had the false testimony not been  
4 admitted, a different result would have occurred at trial. Callier v. Warden, Nevada Women's  
5 Correctional Center, 111 Nev. 976, 990, 901 P.2d 619, 627-28 (1995). Here, Mr. Alotaibi can  
6 demonstrate each of the required factors.

7 **b. The trial testimony of Mr. Alshehri was false.**

8 “A finding that the trial testimony was indeed false is essential in evaluating alleged  
9 perjury cases, and the trial court should first address this issue.” Callier, 111 Nev. at 990, 901  
10 P.2d at 627. The Nevada Supreme Court has recognized that “[n]umerous courts have  
11 determined that recantation should be viewed with suspicion and that before granting a new trial,  
12 the trial court must be satisfied that the witness' trial testimony was false.” Id. at 989, 901 P.2d  
13 at 627 (citing cases). However, even viewing Mr. Alshehri's recantation with suspicion, this  
14 Court should conclude that Mr. Alshehri's trial testimony was false.

15 Courts have considered a variety of factors to determine the credibility of the recantation  
16 testimony. For example, courts have held that “[w]hen the purported newly discovered evidence  
17 is recantation evidence, courts should consider the following factors:” (1) the inherent  
18 believability of the substance of the recanting testimony; (2) the witness's demeanor both at trial  
19 and at the evidentiary hearing; (3) the existence of evidence corroborating the trial testimony;  
20 (4) the reasons offered for both the trial testimony and the recantation; (5) the importance of facts  
21 established at trial as reconfirmed in the recantation; and (6) the relationship between the witness  
22 and the defendant as related to the motive to lie. People v. Bronson, 921 N.Y.S 2d 509, 516-17  
23 (N.Y. Crim. Ct. 2011). In addition, the Nevada Supreme Court has found that recantations are  
24 not credible when other evidence at trial suggests that the trial testimony was truthful; the  
25 recantations are incredible or contain false statements, or consist of “bald allegations of  
26 extraordinary prosecutorial misconduct;” the reasons given for the recantation are inconsistent;  
27 there is evidence that great pressure from family members has been placed on the witness to  
28 recant; and the recanting witnesses do not testify and subject themselves to cross examination.

1 Callier, 111 Nev. at 989, 901 P.2d at 628.

2 After considering these factors, this Court should conclude that Mr. Alshehri's  
3 recantation of his trial testimony is credible. Mr. Alshehri had no prior relationship with Mr.  
4 Alotaibi; in fact, Mr. Alshehri only knew Mr. Alotaibi for two days prior to the event. (R.  
5 Alshehri Affidavit at ¶ 20, **Exhibit 4**.) Thus, Mr. Alshehri has no ulterior motive to recant his  
6 testimony. This is not, for example, an instance where the recanting witness shares a close or  
7 familial relationship with the defendant. Cf., e.g., Callier, 111 Nev. at 989, 901 P.2d at 628  
8 (where the recanting witnesses shared a familial relationship with the defendants). There is  
9 nothing for Mr. Alshehri to gain by recanting his trial testimony.

10 Moreover, Mr. Alshehri has provided credible reasons for why his trial testimony was  
11 false: he was afraid, based on the LVMPD's initial threat of arrest, that he had to be a  
12 cooperative witness. (Affidavit of R. Alshehri at ¶¶ 11, 12, 18, **Exhibit 4**.) Mr. Alshehri is a  
13 citizen of Saudi Arabia living in the United States on an F-1 visa and studying on a scholarship at  
14 a college in Texas. Id. at ¶ 12. He was frightened when told that he might be arrested, as it  
15 would have terrible consequences for him. Id. Thus, Mr. Alshehri was fearful that if he did not  
16 testify at trial as to what he told the prosecution, he would be arrested. Id. at ¶ 18. Further, Mr.  
17 Alshehri was the only person who affirmatively testified that Mr. Alotaibi drove to Circus Circus  
18 after they left Olympic Gardens. On balance, Mr. Alotaibi respectfully submits that this Court  
19 should determine that Mr. Alshehri's trial testimony was false.

20 c. **The evidence showing that false evidence was introduced at trial is newly**  
21 **discovered and could not have been discovered and produced for trial even**  
**with the exercise of reasonable diligence.**

22 Next, "the trial court must determine whether the evidence exposing the trial testimony as  
23 false was recently discovered and whether this evidence was available at trial through reasonable  
24 diligence." Callier, 111 Nev. at 990, 901 P.2d at 627. Here, it is clear that the evidence showing  
25 that false evidence was introduced at trial is newly discovered, because Mr. Alshehri did not seek  
26 to recant his testimony until after the trial had already concluded. See generally (Affidavit of R.  
27 Alshehri, **Exhibit 4**.) Additionally, on information and belief, the prosecution did not even ask  
28 Mr. Alshehri about how Mr. Alotaibi arrived at Circus Circus after they left Olympic Gardens

1 until shortly before the parties delivered their opening statements on October 11, 2013. See, e.g.,  
2 (Trial Transcript Day 7 at 42:1-3, **Exhibit 6** (wherein an investigator from the district attorney's  
3 office refers to being present at an October 9, 2013, pretrial conference with Mr. Alshehri);  
4 Affidavit of R. Alshehri at ¶ 13, **Exhibit 4** (averring that his second interview was a "few weeks"  
5 after his September 14, 2013, interview)).

6 Alternatively, if this Court concludes that the evidence showing that false evidence was  
7 introduced at trial could have been discovered and produced at trial with the exercise of  
8 reasonable diligence, Mr. Alotaibi respectfully submits that he was deprived of effective  
9 assistance of counsel.

10 To succeed on a claim for ineffective assistance of counsel, a defendant must demonstrate  
11 that an attorney's representation fell below an objective standard of reasonableness and that the  
12 attorney's deficient performance prejudiced the defense. State v. Powell, 122 Nev. 751, 759, 138  
13 P.3d 453, 458 (2006). To establish prejudice, the defendant must show that but for the attorney's  
14 mistakes, there is a "reasonable probability" that the result of the proceeding would have been  
15 different. Id.

16 Mr. Alotaibi recognizes that judicial review of an attorney's representation is highly  
17 deferential, and that a defendant must overcome the presumption that a challenged action might  
18 be considered sound strategy. Id. However, "[a]n attorney must make reasonable investigations  
19 or a reasonable decision that particular investigations are unnecessary." Id. Further, courts have  
20 held that "[a] claim of ineffective assistance of counsel may arise where counsel has unjustifiably  
21 overlooked or ignored material, exculpatory evidence." Yoris v. State, 609 So. 2d 69, 70 (Fla.  
22 Dist. Ct. App. 1992). And "[i]t is trial counsel's obligation to conduct a reasonable and thorough  
23 pretrial investigation, including locating and interviewing potential witnesses. State v. Walker, --  
24 - S.E.2d ---, ---, A14A0719, 2014 WL 1887566 (Ga. Ct. App. May 13, 2014) (affirming a district  
25 court's grant of a new trial based on ineffective assistance of counsel). Here, if this Court  
26 concludes that the evidence showing that false evidence was introduced at trial could have been  
27 discovered and produced at trial with the exercise of reasonable diligence, then defense counsel's  
28 failure to interview Mr. Alshehri about whether Mr. Alotaibi drove to Circus Circus or to explore

1 the credibility of Mr. Alshehri's testimony relating to that issue during cross-examination,  
2 particularly in light of the fact that intoxication was Mr. Alotaibi's central defense to the specific  
3 intent crimes, was ineffective assistance of counsel.

4 Indeed, Mr. Alotaibi's defense counsel seemingly declined to dispute Mr. Alshehri's  
5 testimony that Mr. Alotaibi drove, stating the following:

6 Ms. Holthus: On the way back to Circus Circus. After the strip club they went back, my  
7 understanding is they went and picked up the car, which I believe was the defendant's car.  
8 He -- and I said to Rashed how did you get back and he said well, Mazen drove. And I  
9 said well, you let this guy who's so drunk that you have to keep an eye on him, that he's  
10 out of his mind drunk, you let him drive. And he said he drove good. So I think that is  
11 absolutely relevant.

12 Mr. Chairez: When you're saying, if we're talking about driving drunk from a hotel to  
13 another hotel here in Vegas early in the morning, we don't dispute that. But I don't believe  
14 there was any evidence at all other than what Mr. Rashed is going to say that he had any  
15 drinks from L.A. to Las Vegas.

16 Ms. Holthus: That's correct.

17 Ms. Bluth: That's correct.

18 The Court: Okay. I need direction then, Mr. Chairez, from you as to --

19 Mr. Chairez: Your Honor, if she wants to go into the stuff about after six or seven o'clock  
20 in the morning and after they were here, it's okay with me. We don't dispute that.

21 The Court: Okay. So if she starts with leaving the strip joint and she goes into him driving  
22 under the influence of marijuana, you're not going to object and you're not going to claim  
23 that's excludable as a prior bad act; is that right?

24 Mr. Chairez: Correct.

25 ...

26 The Court: ... You are not objecting if the State elicits testimony for the purpose of  
27 showing that he felt -- I'm guessing what I believe the State's going to say, something  
28 along the lines to the fact that Mazen was driving the vehicle and that he was not impaired  
-- he was not impaired to the extent that it would affect his ability to drive their vehicle  
because that goes to your claims of he was so wasted he had no clue. Are you objecting or  
not?

Mr. Chairez: No. If we're talking about after six or seven, after they're already in Las  
Vegas, we don't deny that. But if we're talking that he drove drunk and smoked marijuana  
from L.A. to Las Vegas -- I mean, they could go into it, but we don't believe that  
happened.

(Trial Transcript Day 6 at 9-10, 19, **Exhibit 5**.) If these statements were made by defense  
counsel without any basis due to his failure to undertake reasonable investigations, this was  
ineffective assistance of counsel warranting a new trial. If this Court concludes that the evidence

1 showing that false evidence was introduced at trial could have been discovered and produced at  
2 trial with the exercise of reasonable diligence, Mr. Alotaibi requests an evidentiary hearing on  
3 the issue of whether Mr. Alotaibi was deprived of effective assistance of counsel.

4 d. **It is probable that had the false testimony not been admitted, a different**  
5 **result would have occurred at trial.**

6 Finally, it is probable that had Mr. Alshehri's false testimony not been admitted, a  
7 different result would have occurred at trial. Mr. Alotaibi recognizes that Mr. Alshehri's false  
8 testimony was not the only evidence presented by the State as to Mr. Alotaibi's level of  
9 intoxication. Nevertheless, the fact that the jury was presented with testimony that Mr. Alotaibi  
10 drove to Circus Circus is significant.

11 Mr. Alotaibi's central defense to the specific intent crimes charged against him was that  
12 he was too intoxicated to form the specific intent required for such crimes. Courts have held that  
13 a conviction with respect to a crime involving an element of specific intent requires the State to  
14 prove that the defendant intended to achieve some additional purpose beyond the prohibited  
15 conduct itself, United States v. Jackson, 8 F. Supp. 2d 1239, 1241 (D. Colo. 1998), and that  
16 where a specific intent to do an act is an element of a crime, the State has the burden of proving  
17 specific intent beyond a reasonable doubt. State v. Richardson, 209 P.3d 696, 698 (Kan. 2009).  
18 Nevada law provides that while "[n]o act committed by a person while in a state of voluntary  
19 intoxication shall be deemed less criminal by reason of his or her condition, . . . whenever the  
20 actual existence of any particular purpose, motive or intent is a necessary element to constitute a  
21 particular species or degree of crime, the fact of the person's intoxication may be taken into  
22 consideration in determining the purpose, motive or intent." NRS 193.220. As such, while  
23 voluntary intoxication is not an excuse for a crime, it may reach such a level that it demonstrates  
24 that the defendant could not form the requisite specific intent. See, e.g., United States v.  
25 Martinez-Martinez, 369 F.3d 1076, 1083 (9th Cir. 2004) ("The defense of intoxication, even if  
26 that intoxication was voluntary, has been recognized by this circuit as a valid defense to the mens  
27 rea of specific intent.").

28 ///



1 Here, Mr. Alshehri's false trial testimony that Mr. Alotaibi drove to Circus Circus after  
2 leaving Olympic Gardens is directly relevant to Mr. Alotaibi's level of intoxication. Indeed,  
3 both the State and this Court expressly opined that the testimony was relevant to discrediting that  
4 Mr. Alotaibi was intoxicated:

5 The Court: What does drinking and driving have to do with whether or not he sexually  
6 assaulted the kid?

7 Ms. Holthus: Because his defense is that he was too intoxicated to know what he was  
8 doing. And we can show that within hours of that he was drinking or driving. So I'm not -  
- I don't know. Was he driving drunk or was he so sober that he could drive and he's  
making up the defensive intoxication for the -

9 Mr. Chairez: We're not making up anything, Your Honor. We just let the facts speak for  
10 themselves.

11 Ms. Holthus: You know what I'm saying? Do you see where it's relevant?

12 The Court: I understand like limited questioning of basically to the fact of would you drive  
13 -- is it true you were driving? Yes. Would you drive if you believe you're impaired? No.  
14 I mean, I can see that argument if you're saying that he did not believe he was impaired.  
He felt he was okay to drive and was not that impaired and thus, he was not impaired at the  
time of the hotel room. But it would be very narrow usage.

15 Ms. Holthus: That's all I want. The way I'll - I'll tell you exactly what Rashed said.  
16 Rashed said he was so drunk he asked me to keep an eye on him, to help him out because  
he was so drunk. And I said so well, how did you get back to the hotel.

17 Mr. Chairez: At what point is she referring to?

18 Ms. Holthus: I said how did you -

19 Mr. Chairez: at what time?

20 Ms. Bluth: The early morning hours after the strip club.

21 Ms. Holthus: On the way back to Circus Circus. After the strip club they went back, my  
22 understanding is they went and picked up the car, which I believe was the defendant's car.  
23 He -- and I said to Rashed how did you get back and he said well, Mazen drove. And I  
said well, you let this guy who's so drunk that you have to keep an eye on him, that he's  
out of his mind drunk, you let him drive. And he said he drove good. So I think that is  
absolutely relevant.

24 ...

25 The Court: I can see the relevance if you're talking about the ability to understand what  
26 he's doing if there's testimony, very limited testimony that says, you know, along the line  
like I indicated before, like he would not have driven if he was impaired and he felt he was  
okay to drive. I see that. But I don't see it for any other purpose. I mean -

27 (Trial Transcript Day 6 at 8-9, 18, **Exhibit 5**.)

28 ///

1 Further, the State clearly felt that Mr. Alshehri's testimony that Mr. Alotaibi drove was  
2 important enough to present not once, but twice: in addition to asking Mr. Alshehri whether Mr.  
3 Alotaibi drove to Circus Circus, the State also called Ms. Leon, an investigator with the district  
4 attorney's office, to the stand and asked her, in relevant part, whether Mr. Alshehri "spoke about  
5 the defendant driving from the parking lot to Circus Circus," and whether he spoke about  
6 "whether or not the defendant had any problems during that drive." (Trial Transcript Day 7 at  
7 43-44, **Exhibit 6**.)

8 Finally, other courts have used a defendant's ability to drive as a factor in determining  
9 whether a defendant was so intoxicated as to be unable to form the requisite mens rea for specific  
10 intent crimes. See, e.g., State v. Priest, 997 P.2d 452, 454 (Wash. Ct. App. 2000) ("Here, Mr.  
11 Priest was able to operate a motor vehicle, communicate with Trooper Reeves, purposely provide  
12 false information, and attempt to reduce his charges by being an informant. Based on this  
13 evidence, the trial court acted within its discretion in reasoning that Mr. Priest's alcohol  
14 consumption did not affect his ability to possess the required mental state of [his charged  
15 offense]." (Emphasis added)); Owens v. State, 659 N.E.2d 466, 472-73 (Ind. 1995) ("In this  
16 case, there was certainly substantial evidence that Owens had had a great deal to drink before he  
17 participated in the fatal beating of Bennett. But there was also evidence that Owens drove a car,  
18 was aware enough of what he was doing and had done to threaten[others], and that he, with  
19 Horan, devised a plan to dispose of Bennett's body. From this evidence, the jury could have  
20 reasonably concluded beyond a reasonable doubt that Owens knowingly killed Bennett."  
21 (Emphasis added)).

22 Given the relevance of Mr. Alshehri's recanted testimony to the level of Mr. Alotaibi's  
23 intoxication, it is probable that, had the jury not been presented with evidence that Mr. Alotaibi  
24 was allegedly sober enough to drive shortly before the incident, the jury would most likely have  
25 found that Mr. Alotaibi was sufficiently intoxicated to be unable to form the requisite intent to be  
26 convicted of any specific intent offense.

27 Of note, this standard is different if the State knowingly or negligently used perjured  
28 testimony. See Riley v. State, 93 Nev. 461, 462, 567 P.2d 475, 476 (1977) ("It is established that

1 a conviction obtained by the knowing use of perjured testimony is fundamentally unfair and must  
2 be set aside if there is any reasonable likelihood that the false testimony could have affected the  
3 judgment of the jury.”); United States v. Torres, 128 F.3d 38, 49 (2d Cir. 1997) (“Where the  
4 newly discovered evidence is the existence of allegedly perjured testimony, the defendant must  
5 first demonstrate that perjury was in fact committed. And if the prosecution was unaware of the  
6 perjury, the defendant must also show that the jury probably would have acquitted in the absence  
7 of the false testimony. If instead the prosecution knew or should have known about the perjury,  
8 then the conviction will be set aside if there is any reasonable likelihood that the false testimony  
9 could have affected the judgment of the jury.”). To the extent that the prosecution should have  
10 known that Mr. Alshehri’s testimony was false based on the fact that Mr. Alshehri informed  
11 them that he himself was drinking heavily on the night of the alleged incident, that he was not  
12 initially certain who drove, that no one else ever averred that Mr. Alotaibi drove, or that the  
13 prosecution did not ask Mr. Alshehri how they got to Circus Circus until more than nine months  
14 after the incident, Mr. Alotaibi need only demonstrate that there is “any reasonable likelihood”  
15 that Mr. Alshehri’s false testimony could have affected the judgment of the jury. This standard is  
16 unquestionably met in this case.

17 **2. Mr. Alotaibi is entitled to a new trial based on the failure to instruct the jury on**  
18 **statutory sexual seduction.**

19 Another key issue in this case is whether Mr. Alotaibi was erroneously deprived of a jury  
20 instruction on statutory sexual seduction under NRS 200.364. Mr. Alotaibi respectfully submits  
21 that statutory sexual seduction is a lesser-included offense of sexual assault of a minor such that  
22 Mr. Alotaibi should have been entitled to an instruction on that offense. Indeed, Mr. Alotaibi  
23 could not have been convicted of sexual assault of a minor without all of the necessary elements  
24 of statutory sexual seduction also being found. Thus, Mr. Alotaibi submits that it was error not  
25 to instruct the jury as such. And, to the extent this Court concludes that the failure to instruct the  
26 jury on statutory sexual seduction resulted from any actions of defense counsel, Mr. Alotaibi was  
27 deprived of effective assistance of counsel.

28 ///

1 The State charged Mr. Alotaibi with two counts of "Sexual Assault with a Minor under  
2 Fourteen Years of Age." (Jury Instruction No. 3, on file herein.) The elements of the State's  
3 charged offense were first, that:

- 4 (1) Mr. Alotaibi willfully, unlawfully, and feloniously sexually assaulted and subjected A.J.,
- 5 (2) A child under fourteen years of age,
- 6 (3) To anal intercourse by inserting his penis into the anal opening of A.J.,
- 7 (4) Against his will, or under conditions in which Mr. Alotaibi knew, or should have known,  
8 that A.J. was mentally or physically incapable of resisting or understanding the nature of  
Mr. Alotaibi's conduct.

9 Id. And second, that:

- 10 (1) Mr. Alotaibi willfully, unlawfully, and feloniously sexually assaulted and subjected A.J.,
- 11 (2) A child under fourteen years of age,
- 12 (3) To fellatio, by placing his penis on and/or into the mouth of A.J.
- 13 (4) Against his will, or under conditions in which Mr. Alotaibi knew, or should have known,  
14 that A.J. was mentally or physically incapable of resisting or understanding the nature of  
Mr. Alotaibi's conduct.

15 Id.

16 In comparison, in pertinent part, statutory sexual seduction contains the following  
17 required elements:

- 18 (1) Ordinary sexual intercourse, anal intercourse, cunnilingus or fellatio;
- 19 (2) Committed by a person 18 years of age or older with a person under the age of 16 years.

20 NRS 200.364(6)(a).<sup>1</sup>

21 "A lesser offense is included in a greater offense when all of the elements of the lesser  
22 offense are included in the elements of the greater offense." Rosas v. State, 122 Nev. 1258,  
23 1263, 147 P.3d 1101, 1105 (2006). In this case, it is clear that there are no circumstances under  
24 which Mr. Alotaibi could be convicted of the offenses charged without also being guilty of the  
25 offense of statutory sexual seduction. As such, statutory sexual seduction is a lesser-included  
26

---

27 <sup>1</sup>Alternately, statutory sexual seduction also means "[a]ny other sexual penetration committed by a person  
28 18 years of age or older with a person under the age of 16 years with the intent of arousing, appealing to, or  
gratifying the lust or passions or sexual desires of either of the persons." NRS 200.364(6)(b).

1 offense of sexual assault with a minor. See Robinson v. State, 110 Nev. 1137, 1138, 881 P.2d  
2 667, 668 (1994) (characterizing statutory sexual seduction as a lesser-included offense of sexual  
3 assault).

4 Because statutory sexual seduction is a lesser-included offense of the sexual assault with  
5 a minor offenses charged against Mr. Alotaibi, he was entitled to a jury instruction on statutory  
6 sexual seduction. The only difference between the sexual assault offenses charged against Mr.  
7 Alotaibi and the offense of statutory sexual seduction is the presence or absence of consent (or at  
8 least a reasonable belief to it), and here, Mr. Alotaibi presented evidence that A.J. consented.  
9 See, e.g., (Trial Transcript Day 3 at 46-49, **Exhibit 8**.) A defendant is entitled to a jury  
10 instruction on a lesser-included offense as long as there is “some evidence” to support the  
11 offense. Rosas, 122 Nev. 1258, 147 P.3d 1101. Indeed, an instruction is mandatory if “there is  
12 evidence which would absolve the defendant from guilt of the greater offense . . . but would  
13 support a finding of guilt of the lesser offense.” Id. at 1264–65 n. 9, 147 P.3d at 1106 n. 9.  
14 Thus, Mr. Alotaibi had a right to a jury instruction on statutory sexual seduction, and the failure  
15 to instruct the jury as such warrants a new trial.

16 And, if this Court concludes that Mr. Alotaibi failed to receive such an instruction as a  
17 result of any actions of defense counsel, Mr. Alotaibi submits that he was deprived of effective  
18 assistance of counsel. As was discussed supra, to succeed on a claim for ineffective assistance of  
19 counsel, a defendant must demonstrate that an attorney’s representation fell below an objective  
20 standard of reasonableness and that the attorney’s deficient performance prejudiced the defense.  
21 Powell, 122 Nev. at 759, 138 P.3d at 458. To establish prejudice, the defendant must show that  
22 but for the attorney’s mistakes, there is a “reasonable probability” that the result of the  
23 proceeding would have been different. Id.

24 Here, if this Court concludes that the failure to instruct the jury on statutory sexual  
25 seduction resulted from any actions of defense counsel, Mazen submits that defense counsel’s  
26 representation fell below an objective standard of reasonableness, and that defense counsel’s  
27 deficient performance prejudiced Mr. Alotaibi. Specifically, but for defense counsel’s actions,  
28 there is a reasonable probability that the jury would have been instructed on statutory sexual

1 seduction. And, given that this Court itself agreed that Mr. Alotaibi presented evidence of  
2 consent at trial, there is a reasonable probability that Mr. Alotaibi would have been found guilty  
3 of the offense of statutory sexual seduction instead of sexual assault with a minor under 14 years  
4 of age.

5 The State charged Mr. Alotaibi with two counts of sexual assault with a minor under 14  
6 years of age. (Jury Instructions, on file herein.) This is punishable as a Category A felony. NRS  
7 200.366(3)(c). Indeed, sexual assault with a minor under 14 years of age requires “imprisonment  
8 in the state prison for life with the possibility of parole, with eligibility for parole beginning  
9 when a minimum of 35 years has been served.”<sup>2</sup> *Id.* In sharp contrast, statutory sexual seduction  
10 is punished as a category C felony, meaning that a person convicted shall serve “a minimum  
11 term of not less than 1 year and a maximum term of not more than 5 years,” and may pay up to a  
12 \$10,000 fine. NRS 200.368(1); NRS 193.130(c).

13 Therefore, without an instruction on statutory sexual seduction, the jury was placed in a  
14 position in which they would either have to find Mr. Alotaibi guilty of the crimes charged –  
15 which are Category A felonies punishable by life sentences – or acquit him on those charges.  
16 This Court itself acknowledged that there was testimony in this case of consent by the victim,  
17 (Trial Transcript Day 7 at 17, **Exhibit 6**), and a reasonable good faith belief of consent by Mr.  
18 Alotaibi would render Mr. Alotaibi not guilty of sexual assault with a minor under 14 years of  
19 age. But, given that Mr. Alotaibi purportedly insinuated in his allegedly voluntary statement to  
20 engaging in fellatio and anal intercourse with A.J., (December 31, 2012, Statement of M.  
21 Alotaibi at 59, 70, **Exhibit 1**), there is a reasonable probability that the jury would have been  
22 disinclined to find Mr. Alotaibi not guilty. Indeed, “[a] defendant is entitled to [a lesser-included  
23 offense] instruction because of the ‘substantial risk’ that a jury will convict despite a failure to  
24 prove the charged offense if the defendant appears guilty of some offense,” *Rosas*, 122 Nev. at  
25 1264, 147 P.3d at 1106, and that risk was present in this case.

26  
27  
28  

---

<sup>2</sup>The State charged Mr. Alotaibi with lewdness with a child under 14 years of age in the alternative. This is  
also a Category A felony and requires “imprisonment in the state prison for life with the possibility of parole, with  
eligibility for parole beginning when a minimum of 10 years has been served, and may be further punished by a fine  
of not more than \$10,000.” NRS 201.230(2).

1 Thus, there is at least a "reasonable probability" that but for defense counsel's actions,  
2 (1) the jury would have been instructed on statutory sexual seduction, and (2) the jury would  
3 have found Mr. Alotaibi guilty of statutory sexual seduction rather than sexual assault with a  
4 minor under 14 years of age. And significantly, this is arguably true whether statutory sexual  
5 seduction is a lesser-included offense or lesser-related offense to sexual assault with a minor  
6 under 14 years of age. If this Court concludes that the failure to instruct the jury on statutory  
7 sexual seduction resulted from any actions of defense counsel, Mr. Alotaibi submits that defense  
8 counsel's deficient performance prejudiced Mr. Alotaibi. And, it was objectively unreasonable  
9 for defense counsel to ignore the considerations discussed herein.

10 Mr. Alotaibi respectfully submits that defense counsel's ineffective assistance of counsel  
11 entitles Mr. Alotaibi to a new trial. See, e.g., State v. Walker, --- S.E.2d ---, ---, A14A0719,  
12 2014 WL 1887566 (Ga. Ct. App. May 13, 2014) (affirming a district court's grant of a new trial  
13 based on ineffective assistance of counsel). To the extent this Court deems necessary, Mr.  
14 Alotaibi respectfully requests an evidentiary hearing on this matter.

15 IV.

16 CONCLUSION

17 Based on the foregoing, Mr. Alotaibi respectfully requests that this Court grant this  
18 Motion for New Trial. Alternatively, and, to the extent the Court deems it necessary, Mr.  
19 Alotaibi respectfully requests that this Court hold an evidentiary hearing on the matters discussed  
20 herein.

21 Dated this 27<sup>th</sup> day of May, 2014.

22 GORDON SILVER

23   
DOMINIC P. GENTILE

24 Nevada Bar No. 1923

25 ANJALI D. WEBSTER

26 Nevada Bar No. 12515

27 KORY KAPLAN

28 Nevada Bar No. 13164

3960 Howard Hughes Pkwy., 9th Floor

Las Vegas, Nevada 89169

(702) 796-5555

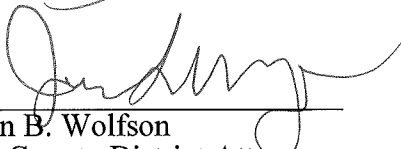
Attorneys for Defendant Mazen Alotaibi

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**RECEIPT OF COPY**

A RECEIPT OF COPY of the MOTION FOR NEW TRIAL AND/OR FOR AN  
EVIDENTIARY HEARING is hereby acknowledged this 27 day of  
May, 2014.

BY:

  
Steven B. Wolfson  
Clark County District Attorney  
James R. Sweetin  
Chief Deputy District Attorney  
200 Lewis Avenue  
Las Vegas, NV 89155-2212



**EXHIBIT TABLE**

<b>Exhibit</b>	<b>Description</b>	<b>Pages</b>
1	December 31, 2012, Statement of M. Alotaibi	71
2	December 31, 2012, Statement of M. Jafaari	20
3	September 14, 2013 Statement of R. Alsherhi	64
4	May 16, 2014, Affidavit of R. Alshehri	4
5	Excerpts from Trial Transcript Day 6	13
6	Excerpts from Trial Transcript Day 7	8
7	Excerpts from Trial Transcript Day 8	3
8	Excerpts from Trial Transcript Day 3	7
9	Declaration of A. Webster	2

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

# **EXHIBIT 1**

# **EXHIBIT 1**

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 1

EVENT #:121231-1318

---

**SPECIFIC CRIME:** SEXUAL ASSAULT

**DATE OCCURRED:**

**TIME OCCURRED:**

**LOCATION OF OCCURRENCE:**

**CITY OF LAS VEGAS**

**CLARK COUNTY**

---

**NAME OF PERSON GIVING STATEMENT:** MAZEN ALOTAIBI

**DOB:**

**SOCIAL SECURITY #:**

**RACE:**

**SEX:**

**HEIGHT:**

**WEIGHT:**

**HAIR:**

**EYES:**

**HOME ADDRESS:**

**PHONE 1:**

**WORK ADDRESS:**

**PHONE 2:**

---

The following is the transcription of a tape-recorded interview conducted by DETECTIVE A. CHRISTENSEN, P#7200, LVMPD Sexual Assault Detail, on December 31, 2012.

A: (Unintelligible).

Q: Okay. Well, I...

A: I - I mean...

Q: ...I'd like to talk to you about some things that occurred at the Circus Circus.

A: What?

Q: Do you understand what I'm tell - what I'm saying?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**  
PAGE 2

EVENT #:121231-1318  
STATEMENT OF: MAZEN ALOTAIBI

- A: Yes, something, (unintelligible) what are we?
- Q: Okay. I wanted to talk to you.
- A: Yeah.
- Q: About you being at the Circus Circus.
- A: Yeah.
- Q: Okay? Okay. Uh, you're not free to go right now, because you're obviously, you  
- you have a handcuff on you.
- A: Yeah.
- Q: You understand? You're - you're - you're in our custody. You understand that?
- A: Yeah.
- Q: Okay.
- A: (Unintelligible).
- Q: Well...
- A: (Unintelligible) our friend's room, and...
- Q: Well, that's what I wanna talk to you about. What happened, what went on in  
your friend's room?
- A: I don't know.
- Q: You don't know?
- A: (Unintelligible).
- Q: Well, that's uh, I wanna talk to you about that. Uh, you know you have the you -

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 3

EVENT #:121231-1318

STATEMENT OF: MAZEN ALOTAIBI

you have rights to talk to me, do you know that?

A: Huh?

Q: You have rights. Do you know what your rights are?

A: Rights? What I have?

Q: You can't understand what I'm sayin'?

A: No, I - I can get you, just continue our conversation.

Q: Okay.

A: (Unintelligible)...

Q: I'm gonna - I'm gonna - I'm gonna tell you some - some rights that you have, okay? You have the right to remain silent. Do you know what that means?

A: Huh?

Q: You have the right to remain silent. Do you know what that means?

A: No.

Q: It means you don't have to talk if you don't want to. Do you understand that?

A: Yeah.

Q: Okay. Anything you say can be used against you in a court of law. Do you understand that?

A: What's - what's my case first?

Q: Well, the case is - is - is about what happened that - at the hotel.

A: (Unintelligible) happened at the hotel first?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 4

EVENT #:121231-1318

STATEMENT OF: MAZEN ALOTAIBI

Q: Okay. I'm gonna read you your rights first, okay? Anything you say can be used against you in a court of law. Do you understand that?

A: Yeah.

Q: That means anything you say I can use in a court. Do you understand that?

A: Yeah.

Q: Okay. You have the right to the presence of an attorney before questioning. Do you know what that means?

A: Can you say it again?

Q: You have the right to the presence of an attorney before questioning.

A: Mm-hm.

Q: Do you understand that? You, if you cannot afford an attorney, one will be appointed before questioning.

A: What? Can you say again?

Q: If you cannot afford an attorney, one will be appointed before questioning. Do you understand that? Yes?

A: Yeah.

Q: Okay. Do you understand all the - the rights that I just read to you?

A: Yeah, but I - I still understand, I don't understand my case.

Q: You don't understand why you're here basically?

A: Yeah. Why am I?

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
VOLUNTARY STATEMENT**

**PAGE 5**

**EVENT #:121231-1318  
STATEMENT OF: MAZEN ALOTAIBI**

- Q: Okay. Well, what I wanna know is - is what happened? When did you get to the Circus Circus?
- A: I was with my friend, and the other guys 1:00 - 2:00 - 2:00 - 3:00 - 3:00.
- Q: 3:00?
- A: Yes, 3:00.
- Q: This morning? Or, yesterday afternoon?
- A: No, this morning. It was this morning.
- Q: It was this morning?
- A: Yes...
- Q: So you got...
- A: ...(unintelligible) drink - drink, and with my friend, she's my (unintelligible).
- Q: What's - how did you get to Las Vegas?
- A: Yeah, from California to here, 'cause we drive in a car.
- Q: You drove in a car from California to Las Vegas?
- A: With my friend.
- Q: Who's your friend?
- A: Me, and Mohammad.
- Q: Mohammad?
- A: Yeah, and one civilian guy.
- Q: Who's the civilian guy?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 6

EVENT #:121231-1318

STATEMENT OF: MAZEN ALOTAIBI

A: (Unintelligible) he's not military.

Q: He's not military?

A: No.

Q: Okay. Did he come down here to the police station with you also?

A: No.

Q: What's his name?

A: Rashad, R-A-S-H-A-D.

Q: Rashid?

A: Rashad.

Q: Rashad. Okay. So you came here with Mohammad and Rashad?

A: Yeah.

Q: And, what were you doing in California?

A: We was in the, uh, Christmas there.

Q: Oh okay. You take a break from...

A: Yeah and - and - and these guys has cousins in (unintelligible) for three days in his apartment for being here.

Q: Oh nice. What - what part of California?

A: Los Angeles.

Q: Oh okay. Did you see the beach?

A: Yeah, we go out.



**LAS VEGAS METROPOLITAN POLICE DEPARTMENT**  
**VOLUNTARY STATEMENT**  
**PAGE 7**

**EVENT #:121231-1318**  
**STATEMENT OF: MAZEN ALOTAIBI**

Q: Yeah?

A: Yeah.

Q: Do you have beaches in San- uh, Saudi Arabia, or no?

A: Yeah. I used to live in beach city.

Q: Oh, so you're used to the beach then? Is it warm there like it is here, or no?

A: No, not warm.

Q: No?

A: Yeah, warm, and humidity.

Q: Ah. Okay. How old are you?

A: I'm 23.

Q: 23? Okay. Uh, any brothers and sisters back home?

A: Yeah, I have two brother - or three brothers and four sisters.

Q: Big family.

A: Yeah. No, just from (unintelligible).

Q: Yeah, but big. Lot - lot of members.

A: Not big.

Q: No?

A: No.

Q: Three brothers and four sisters is not big?

A: Not big. Compared to the other families.

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
VOLUNTARY STATEMENT**

**PAGE 9**

**EVENT #:121231-1318  
STATEMENT OF: MAZEN ALOTAIBI**

Q: ...when you came to Cali...

A: And - and he said to me just go chill out to my friend's home, (unintelligible).

Q: So you were gonna get a room at 11:00?

A: Yeah, after 11:00 they (unintelligible).

Q: Okay. So, you said you got to Las Vegas about what time?

A: I got in Las Vegas, maybe 1:00 - 1:00 - 1:00 - 1:10 - 1:15.

Q: Oh, so about 1 o'clock in the morning?

A: 1 o'clock or 2 o'clock. (Unintelligible).

Q: Okay. And you met up with other friends at - at Circus Circus?

A: Yeah.

Q: Okay. And, uh, what did you guys - did you - did you go out on the town at all, or did you just hang out at your room?

A: No, in our room, we stay the whole time in the room. I wanted my friend to meet other friends, and other (unintelligible), we come back, I don't know, when I come back there was two black dude (unintelligible) I just came down, and (unintelligible) I don't know what happen, maybe I just, I drink too much.

Q: Were you - what were you drinking? What kind of liquor?

A: Hennessy.

Q: Oh Hennessy? How much?

A: I don't know.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**

PAGE 10

EVENT #:121231-1318  
STATEMENT OF: MAZEN ALOTAIBI

- Q: How much did he charge you for a drink of Hennessy on the strip?
- A: Expensive.
- Q: Yeah? I never go - If you live here, you don't go to the strip.
- A: If you go, you will lose the money that's it.
- Q: Yeah? What do they charge you for a drink, how much?
- A: (Unintelligible).
- Q: Yeah?
- A: (Unintelligible).
- Q: Wow. So, how many drinks did you have?
- A: Four, five, six.
- Q: You drink Hennessy straight up?
- A: Yeah, straight up.
- Q: No - no ice, no water, nothin'?
- A: No Coke, nothin'.
- Q: No? Warm, or cold?
- A: Uh, I don't know, maybe warm.
- Q: Yeah? Just - just shots?
- A: Yeah shot.
- Q: And, uh, you do anything else? Any- anything else last night? Marijuana?  
Drugs?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 11

EVENT #:121231-1318

STATEMENT OF: MAZEN ALOTAIBI

A: No, my friends, I no have (unintelligible) some in our room, some, I don't know, I don't have (unintelligible).

Q: You don't do, uh, marijuana? You don't smoke marijuana?

A: Sometimes, but not usually.

Q: Not usually?

A: I was thinking.

Q: Okay. Last night were you smoking marijuana?

A: No.

Q: No?

A: I drink too much.

Q: Oh okay. So, who all was in the - the hotel room with you last night?

A: My friend that I came with.

Q: Mohammad?

A: Mohammad.

Q: Whose room was it?

A: He (unintelligible) I think his room that (unintelligible).

Q: Mm-hm. He - he's the one that rented the room?

A: He was sleep, I don't know, he was sleep I think, he was sleep.

Q: Yeah?

A: He was sleep. He, I in the room, never met him when he was wake up.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 12

EVENT #:121231-1318

STATEMENT OF: MAZEN ALOTAIBI

Q: Whose room was it? Who rented the room? Who paid for the room?

A: Uh, the other guy that came with me.

Q: Was it...

A: I don't know his name. Shahad.

Q: Okay.

A: I (unintelligible) his family's (unintelligible).

Q: And...

A: Yeah, I just - I - I didn't see him last night, I think he was sleep - he was sleep.

Q: And, did you go to sleep in the room?

A: (Unintelligible).

Q: Where at in the room?

A: Huh?

Q: Where did you sleep?

A: I didn't sleep, just tried to (unintelligible), and he said just (unintelligible) and my friend tried to find another room that would be cheap- that would be cheaper for us.

Q: Yeah?

A: Yeah. He, I thought, yeah he started to call the reception or something like that.

Q: So...

A: (Unintelligible).

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**

PAGE 13

EVENT #:121231-1318  
STATEMENT OF: MAZEN ALOTAIBI

Q: So, you got there to the room about 1:00, what did you - you got to Vegas about 1:00, what time did you get to the Circus Circus?

A: We got - we (unintelligible). Circus Circus?

Q: Yeah.

A: No, we didn't go to Circus Circus. We're getting to (unintelligible) Sa- Sara.

Q: Sahara?

A: Sahara yeah. (Unintelligible) with my friend at Sahara.

Q: Okay.

A: (Unintelligible). And, after Sahara...

Q: Well, the Sahara's closed. The Sahara...

A: Yeah. Full. We - we came from Los Angeles to Sahara's 'cause my friend's she send me the address for this motel, and we would come to her, uh, to other friends, my friend's stay (unintelligible) over there, but before we go there, we gonna have to go to the nightclub. We tried to get in there, not the nightclub there wa- they were closed. And, after that (unintelligible) in taxi, and we go, we went to nightclub, stripper - strip...

Q: Strip club?

A: Yeah, I think it's (unintelligible).

Q: The - the girls nude? Were naked?

A: Yeah - yeah.

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
VOLUNTARY STATEMENT**

**PAGE 14**

**EVENT #:121231-1318  
STATEMENT OF: MAZEN ALOTAIBI**

- Q: What one did you go to?
- A: I had the address for it.
- Q: Oh. Okay. How much did they charge you to get in?
- A: How much they charge me to get in?
- Q: To the club?
- A: (Unintelligible) we just tried to spend (unintelligible).
- Q: Yeah. How much did they charge you to get in to the club? How much did you pay? 30?
- A: 30 - 30.
- Q: Oh okay. And, how long did you stay at the club?
- A: Basically, I think we spent one hour.
- Q: Okay. Where did you go after that?
- A: One hour, and 20. After that we go back.
- Q: To Circus Circus?
- A: I think Circus Circus.
- Q: Okay.
- A: My friends they all have room there, I just stay with them. No, we - we had - we have problem before we (unintelligible) I lose my keys. And, I have a spare keys in my car, and that's, I think take one hour to figure out so I lost my keys now.
- Q: Right.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**

PAGE 15

EVENT #:121231-1318  
STATEMENT OF: MAZEN ALOTAIBI

A: And, when we go close to the car, we found the car is open and no- nothing has happened with the car spare keys. And...

Q: Is that a rental? Is it a rental car?

A: Yeah, rental car.

Q: Oh okay. Where is your car now?

A: Yeah, I just basically (unintelligible) area close to the Sahara.

Q: Okay. Now, after you got back from the strip club, what did you do? Did you go back to the room?

A: Yeah, my friend just said to me, "Okay, after we find this key." (Unintelligible).

Q: Mm-hm.

A: After that we go back to his room, and just chill out, drink I think, yeah drink yeah we drank.

Q: You said you weren't smoking marijuana, was - were - were there other people smoking marijuana?

A: Well...

Q: In the room?

A: ...there were - there were a black - black dude to black dude.

Q: How did you meet the black man?

A: I - I didn't meet him. They were out, just came in this room, and said two people sleep (unintelligible) to one of them.



**LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
VOLUNTARY STATEMENT**

**PAGE 16**

**EVENT #:121231-1318  
STATEMENT OF: MAZEN ALOTAIBI**

- Q: Mm-hm.
- A: I don't know, just fucking, I don't know, when you drink you see us...
- Q: Yeah. Okay. What time did you get up?
- A: From?
- Q: From the room? You fall asleep somewhere?
- A: Yeah, I fell asleep.
- Q: Where at?
- A: Just get up when the police.
- Q: Okay. The police came, you got up?
- A: Yeah.
- Q: Okay. After you got back to the room, did you go out in the hallway at all?
- A: Yeah.
- Q: Did you meet anybody while you were there in the hallway?
- A: Yeah.
- Q: Did you talk to any - any - any, uh, children?
- A: Children?
- Q: Any young people?
- A: There - there is fucking Japanese guy tried to ask me about money, and he tried to get me to get me inside room.
- Q: He - he wanted to get with you?

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
VOLUNTARY STATEMENT**

**PAGE 17**

**EVENT #:121231-1318  
STATEMENT OF: MAZEN ALOTAIBI**

- A: Yeah, inside the room. He wanted money.
- Q: Yeah.
- A: Yeah.
- Q: What did he ask you?
- A: For money.
- Q: What did he say?
- A: I said that's fucked up, I say how (unintelligible) are you? And he said, "I'm Japanese. I'm not from here." I said, "You no, you are Asian." And he said, "No, I'm not, I'm here." Just, I think - I think probably he said - he said, what are you talking about just go sleep, we're gonna go (unintelligible). He was asking me about money, I don't know.
- Q: He was asking you about money?
- A: Yeah.
- Q: How much money did he ask you?
- A: I don't know. He will ask me about money, and ask me about weed.
- Q: Where did you see him at?
- A: Ask me about weed. At the close to my - close to my friend's room.
- Q: Yeah? In the hallway?
- A: Yeah, in the hallway, close - close to my room. That's before I give him (unintelligible).

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**  
PAGE 18

EVENT #:121231-1318  
STATEMENT OF: MAZEN ALOTAIBI

- Q: Yeah.
- A: He asked me about weed.
- Q: And...
- A: I said I have tried it (unintelligible), I was trying, I don't know.
- Q: Okay. And, after you talked to the Asian boy...
- A: Then he left.
- Q: He left?
- A: He left.
- Q: Okay. Where did he go?
- A: My friends call me, I go inside.
- Q: Where did - where did the boy go?
- A: Uh, he left, I don't know. He was close to us (unintelligible).
- Q: Huh?
- A: Yeah.
- Q: And, your friend pulled you into the room?
- A: Yeah.
- Q: And...
- A: Yeah, 'cause he sc- he got scared, 'cause uh, you know, he drank too much and...
- Q: Mm-hm. Your friend was - was scared you were talking to the boy?

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
VOLUNTARY STATEMENT**

**PAGE 19**

**EVENT #:121231-1318  
STATEMENT OF: MAZEN ALOTAIBI**

A: Yeah.

Q: What friend was that?

A: Yeah, he's other, he came with me.

Q: What's his name?

A: Mohammad.

Q: Okay, Mohammad is the one that grabbed you and pulled you in the room?

A: Yeah.

Q: Okay. Did you see the boy anymore after that?

A: No.

Q: Did you see that boy anymore after that?

A: No - no, I didn't see him.

Q: Did you touch him at all?

A: No, I didn't touch him. I didn't think about it now, why I think about him.

Q: You sure you didn't touch him?

A: I didn't touch him.

Q: Okay. What about his coat? Did you touch his coat - his coat?

A: Coat?

Q: Yeah.

A: I don't know...

((Crosstalk))

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**

PAGE 20

EVENT #:121231-1318  
STATEMENT OF: MAZEN ALOTAIBI

- A: ...and he said - he said, "What you guys doing? Where are from?" I said, "I'm from..." He (unintelligible) from the boy (unintelligible). That's it, he just asked me a que- crazy questions. (Unintelligible) he - he I think asked about money. I - I don't know what's he gonna do. But, he was close to our room. My friend pulled me inside (unintelligible).
- Q: You didn't see the boy again after that?
- A: No, I didn't see him.
- Q: Do you know what we - do you know what's going on here?
- A: Where?
- Q: Do you know what a trick roll is? That's where prostitutes steal from you.
- A: What?
- Q: Prostitutes. Do you know what a prostitute is?
- A: No.
- Q: Somebody who has sex for money.
- A: Mm-hm.
- Q: Okay. Do you know what that is?
- A: Yeah.
- Q: Okay. Did this boy steal anything from you?
- A: Uh, I don't remember. No.
- Q: You...

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 21

EVENT #:121231-1318

STATEMENT OF: MAZEN ALOTAIBI

A: I don't know.

Q: Did, I'm trying to find out if this boy is stealing from people in the hotel.

Sometimes they say, "Can I come in your room? You give me money."

((Crosstalk))

Q: Sex, and then they steal your wallet and watch.

A: No - no - no. My friend - my friend (unintelligible) be patient (unintelligible).

Q: Yeah.

A: That small Asian...

Q: Mm-hm.

A: ...he ask me. And he try, I said just wait let me ask - let me finish my (unintelligible), but I said, "You are Asian?" And, he said, "No, I'm originally from here." And, just after that he just (unintelligible). I don't know...

Q: He didn't come in your room at all?

A: No.

Q: He didn't try to take your wallet?

A: No.

Q: Did he take your money?

A: Money? No, I have all the cash in my pocket, I know where is it, no.

Q: He steal anything from you?

A: Uh, no. 'Cause that would 400 from Chris tonight, (unintelligible).

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 22

EVENT #:121231-1318

STATEMENT OF: MAZEN ALOTAIBI

Q: Did he comes in your room and steal from anybody?

A: Uh, no - uh, no.

Q: Do you remember seeing him inside your room at all?

A: No.

Q: I think he was - I think he was in your room stealing money from you.

A: Stealing money?

Q: I think he was.

A: He gots my money?

Q: I think so. That's what I'm trying to find out. That boy's got money from all - all kinds of money. I wanna know how he's got it.

A: He got money?

Q: He's got lots of money.

A: Maybe he got my - my money, I don't know.

Q: I...

A: Maybe he steal my (unintelligible).

Q: You said he - you said he didn't come in the room though.

A: I - I was drunk, I don't know.

Q: Okay. Well you said he didn't come in your room.

A: No, he didn't. My friend pu- pulled me out, and he looked at this guy, and he said, "Hey, don't make our - our (unintelligible)." And, he pulled me inside. And

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 23

EVENT #:121231-1318

STATEMENT OF: MAZEN ALOTAIBI

he start (unintelligible).

Q: You didn't - you didn't bring him in the room with you?

A: No, I didn't bring him, no.

Q: How old do you think this boy is?

A: Uh, he's fucking - he's fucking 11 - 12 - 13. 11 through 13 - 14. This age. He's Asian, not from here.

Q: Right.

A: Yeah, I ask him, and he said, "No, I'm not from - I'm from here." I said, "You - you're from (unintelligible)." My friend after that pulled me inside, I don't know what happened after that.

Q: You did - did you - did you touch him in any way?

A: No, I didn't touch him. Why would I touch him? If I want - I came to Las Vegas (unintelligible).

Q: That's what I wanna know.

A: I just came with my friend last night to have fun, (unintelligible).

Q: Let me ask you this, are you married?

A: Yeah, I'm marriage.

Q: Do you have a wife?

A: I - I have wife, but I'm not married here. No, we're just married...

Q: You like...



LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**

PAGE 24

EVENT #:121231-1318  
STATEMENT OF: MAZEN ALOTAIBI

A: ...I just give her our ring...

Q: Yeah? You like girls?

A: Yeah, I like girls.

Q: Do you like boys?

A: No, I don't like boys.

Q: Okay. Do you know what a homosexual is? Somebody that likes boys.

A: Where is this guy? Where is this man? I can't make liar, and make a defense of me.

Q: Right.

A: 'Cause I did nothing.

Q: That's what I'm asking you. I'm asking you.

A: I did nothing.

Q: Okay.

A: I did nothing. I was drank, my friends tried to put me inside, and I tried to, after (unintelligible) that's it. Why (unintelligible)?

Q: That's what I wanna know.

A: (Unintelligible) ask him?

Q: That's what I wanna know, did you touch him?

A: No, I didn't touch him - I didn't touch him. I swear god, I didn't touch him, I swear, I didn't touch him. If I drunk or not, I did not touch, not touch.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 25

EVENT #:121231-1318

STATEMENT OF: MAZEN ALOTAIBI

Q: Did you take his clothes off?

A: No. No, I didn't.

Q: You didn't have sex...

A: No.

Q: ...with him?

A: No, I didn't have sex with him.

Q: What would happen in - in Saudi Arabia if you had sex with a young boy like that? What would happen to you?

A: It depends on the case.

Q: Huh?

A: It depends on the case. I don't know.

Q: It depends?

A: Yeah.

Q: What do they do to a person that does that?

A: They have to prove it.

Q: Okay, if they prove it, what happens?

A: (Unintelligible) I don't know, I haven't, 'cause I'm not - that's not my habit, and that's not my way. Sorry, really sorry - really sorry. Just the fact (unintelligible) he just go to the police, and say I have something on this guy, hey great. I don't know. (Unintelligible). That's not true.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**  
PAGE 26

EVENT #:121231-1318  
STATEMENT OF: MAZEN ALOTAIBI

- Q: He's telling me that he had sex with you.
- A: I - I, where is this guy? He tried to take advantage of her - of me, or what?
- Q: I don't know.
- A: He was telling me, asking about money. I said (unintelligible). I'll be honest with you, I didn't touch him. My friend pulled me inside his room. I didn't - I didn't touch him. And, there are a lot of guys inside this fucking room. For real, I was chilling out with them, how can I touch him? There's no time to touch him.
- Q: Did you take him in the bathroom?
- A: No, I didn't - I didn't, swear to God. Hey, talk with my other friend. Just ask him about that, he will answer you with that answer. He will (unintelligible) my friend.
- Q: How long have you known your friend?
- A: No, he was here with me.
- Q: How long have you known your friend?
- A: I know my friend.
- Q: How long? How many years?
- A: Yeah, before we came here. He was, he used to work with me, before we came here.
- Q: Okay. So, you've known him for how many years?
- A: For four years.
- Q: Four years?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 27

EVENT #:121231-1318

STATEMENT OF: MAZEN ALOTAIBI

A: No, three years.

Q: Okay.

A: Three years I know him.

Q: What happened...

A: (Unintelligible).

Q: Let me ask you this, do you know what the term rape is?

A: What term...

Q: Rape? When you rape somebody, you sexually assault them.

A: Salt?

Q: You have sex with that boy, and he don't want it.

A: Why - why he would he tell, he say that he came from his throat and I fuck with him?

Q: Yep.

A: And I don't wanna have sex with him?

Q: Yeah.

A: I didn't do it.

Q: Okay. What happens in Saudi Arabia if you do that to a boy?

A: To a boy?

Q: What do they do - what do they do? Do they put you in jail? What do they do?

A: They (unintelligible) put you in jail, 'cause you have to go to...

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 28

EVENT #:121231-1318

STATEMENT OF: MAZEN ALOTAIBI

Q: You go to court, right?

A: Yeah.

Q: Okay.

A: A lot of times to see where - where - where...

Q: And, if it happens, what happens? What do they do to you if you're found guilty?

A: That, if you got found guilty they put you in jail. But...

Q: That's it?

A: ...it's difficult to find you guilty.

Q: Why?

A: 'Cause you have to (unintelligible) to - two guys on people saw you when you did that.

Q: Okay.

A: 'Cause...

Q: What religion is that?

A: Muslims.

Q: Okay. So, you have to have more people, you have to have two guys that witness it?

A: No, on one guy's at - one guy's at least, or two women.

Q: Okay.

A: (Unintelligible)...

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**

PAGE 29

EVENT #:121231-1318  
STATEMENT OF: MAZEN ALOTAIBI

Q: So, if you're found...

A: ...I'm not talking about with a woman either.

Q: Okay. And, if they found you guilty in Saudi Arabia, what punishment?

A: I don't know.

Q: You know.

A: Afraid I don't know.

Q: You know.

A: (Unintelligible).

Q: You know how - you know what - how hard it is to get found guilty.

A: I know how...

Q: But, you don't know...

A: ...how - how - (unintelligible) guilty, if they catch you with one of those.

Q: There's got...

A: (Unintelligible)...

Q: ...there - there could be - there could be evidence.

A: No.

((Crosstalk))

A: I had - I had been tried before.

Q: Mm-hm.

A: And (unintelligible) I don't know. Just ask me.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 30

EVENT #:121231-1318

STATEMENT OF: MAZEN ALOTAIBI

Q: I am - I am asking you.

A: Yeah.

Q: I'm being...

A: I don't know - I don't know about that system the roads there. (unintelligible)  
case...

Q: Right.

A: ...it (unintelligible) proves.

Q: You know - you know a lot about what it depends on.

A: Yeah, what it depends on.

Q: Yeah.

A: Yeah.

Q: But, you don't know what happens when they get found guilty? Does anybody  
get found guilty?

A: No, because they...

Q: No?

A: ...they usually use it there.

Q: Okay.

A: I - I had to go to court, found - they not found me guilty, 'cause they don't have  
(unintelligible).

Q: Okay.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 31

EVENT #:121231-1318

STATEMENT OF: MAZEN ALOTAIBI

- A: And, he said nothing to all the people, that's why, they found me not guilty.
- Q: Have you been trial before for this?
- A: For - with a woman.
- Q: With a woman? She accused you?
- A: No. They just (unintelligible). It's not allowed.
- Q: It's not allowed?
- A: Yeah, to make out with a woman.
- Q: Mm-hm.
- A: If they touch you, they make you (unintelligible).
- Q: Okay.
- A: But, if they touch us, we - we were talking and - and put me in the jail for two days.
- Q: Two days?
- A: Yeah.
- Q: Do you know what you get for - for doing that here in the United States?
- A: I know. I didn't do it.
- Q: Okay. But, do you know what you get if that happens? Do you know what punishment it is here?
- A: It's (unintelligible) he can go...
- Q: Money?



LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 32

EVENT #:121231-1318

STATEMENT OF: MAZEN ALOTAIBI

A: ...he didn't - he didn't go to you for real.

Q: Okay. Do you know what - what the punishment is in the United States?

A: No. I don't know, 'cause I'm just here for studying, have fun - have fun for my New Year's...

Q: Mm-hm.

A: ...and go back to more studying, that's it.

Q: People go to prison for a long time. 40 - 50 years.

A: For what?

Q: For having sex with a boy like that.

A: I didn't have sex with him.

Q: Okay. But, let me ask you this, is your friend gonna tell me the same thing?

A: No, he's - he was - he was sleeping.

Q: You just told me he was awake.

A: No, not this - not we - we were at six or seven.

Q: Okay.

A: Mm-hm.

Q: Would he tell me the same thing, or would he lie to me?

A: No, he - he was sleeping.

Q: Okay. Who saw you?

((Crosstalk))

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**

PAGE 34

EVENT #:121231-1318  
STATEMENT OF: MAZEN ALOTAIBI

Q: How do you know?

A: I know about...

Q: You were out.

A: Yeah, 'cause he didn't like them too much. I know him for a long time, I said to you, he came with me from (unintelligible) Los Angeles and to here. I don't know (unintelligible).

Q: What if he has a medical exam? Do you know what that is?

A: What?

Q: A medical exam?

A: What is a medical exam?

Q: Where they go in by a doctor and a nurse, and they look and see, they look for evidence.

A: Yeah, (unintelligible) for evidence?

Q: Yeah.

A: I don't care.

Q: What if they have evidence, and it shows you - you had sex with him?

A: What evidence? What is what evidence?

Q: That evidence, that means your - your DNA. Do you know what that is?

A: My...

Q: Your body, your skin...

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 35

EVENT #:121231-1318

STATEMENT OF: MAZEN ALOTAIBI

A: Mm-hm.

Q: ...pieces of your body, hairs.

A: I don't know.

Q: They find that on...

A: (Unintelligible)...

Q: If they find that on that boy, that means you did it, right?

A: Yeah. But, I don't.

Q: Yeah? No?

A: I didn't do it - I didn't do it. My friend pulled me inside the room - my friend pulled me inside the room, and closed the door.

Q: I was told he pulled that little boy in the room, you did.

A: Me did?

Q: You - you pulled that little boy in the room.

A: I pulled?

Q: Yeah.

A: No, I didn't. I didn't. My friend pulled me - my friend pulled me.

Q: I think you took that boy, pulled him in the room, and had sex with him in the bathroom.

A: I forced him?

Q: Yeah.

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
VOLUNTARY STATEMENT**

**PAGE 36**

**EVENT #:121231-1318  
STATEMENT OF: MAZEN ALOTAIBI**

A: And he - he say nothing? And he not yelling, with before I get him inside? Fuck no.

Q: No?

A: No. If - if I force anybody, just keep in mind, if I force him, (unintelligible) everybody gonna know, even my friend, and if my friend knows it, me pulling this guy inside, (unintelligible) me make trouble.

Q: That's what I wanna know, did he...

A: Yeah.

Q: ...did he do this for money?

A: Yeah, this do it for money.

Q: The boy?

A: Yeah.

Q: Okay. Did he...

A: He ask me for money.

Q: Okay.

A: To do that. I don't know.

Q: Did you have sex with him?

A: I didn't - I don't know, I was drink too much.

Q: Did you have sex with him for money?

A: (Unintelligible).

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 37

EVENT #:121231-1318

STATEMENT OF: MAZEN ALOTAIBI

Q: That's a lot different than raping somebody. To force sex on him...

((Crosstalk))

Q: But to do it for money...

A: Listen - listen...

Q: ...Is - Is totally different.

A: ...this guy was asking me about money from this night, asking me about money - asking me about money. My friend pulled me inside, and he, I (unintelligible). He asked me about my money, 'cause they didn't have cash, I said I didn't have cash. And, my friend pulled me inside. (Unintelligible) if - if you just take (unintelligible)...

Q: Mm-hm.

A: ...I didn't have nothing to do, what - what at least you gonna do? You gonna (unintelligible).

Q: Mm-hm.

A: That's it. (Unintelligible).

Q: Right.

A: I didn't think that's happen, if in my (unintelligible), I didn't think this happen. My night was ease, go slowly, just not fucking disturbing, just still my friend pulled me inside, 'cause it that's it. Admitted that...

Q: We're going through your room right now, we're going through that room.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 38

EVENT #:121231-1318

STATEMENT OF: MAZEN ALOTAIBI

A: Mm-hm.

Q: Okay? My - the people I work with...

A: Mm-hm.

Q: ...they're going through that room. And the bathroom.

A: Mm-hm.

Q: And, they're gonna find out that you were in there with that boy. They're gonna find that out.

A: I don't know, 'cause I didn't do it, 'cause I'm for - I just drank too much - I just drank too much. I got a ten shot of Hennessy with my friend, she's Mexican. If I can call her, she will come to here to explain to you what happened last night.

Q: She was in the room?

A: No, she wasn't in the room.

Q: Then she ain't gonna know what happened. I wanna know who - I wanna know the truth.

A: Yeah it, if it was true...

Q: If you were there with the boy, 'cause he was trying to get money.

A: Yeah It was...

Q: That's o- that's different...

A: ...what - what he say to you - what the - the little boy, what did he say to y'all?  
That's it.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 39

EVENT #:121231-1318

STATEMENT OF: MAZEN ALOTAIBI

Q: He said he had sex with you.

A: Wh- I had - (unintelligible) he - he said I forced him?

Q: He said you give him money.

A: I give him money?

Q: For sex.

A: I give him money?

Q: Yes.

A: I didn't. I have none.

Q: What is it then? Did you force him to have sex? Or did you pay him for sex?

A: No, I didn't force him, at all, I didn't force him.

Q: Okay. Did you pay him for sex?

A: No. I already pay, I wa- I didn't count my money.

Q: Okay. Did you - did he have sex with you for free, for nothing?

A: I don't know.

Q: What do you mean you don't know? You don't know if you had sex with a little boy?

A: I don't know, just I try to talk with him, I get inside, that's it (unintelligible), I don't know what happened, 'cause I drank too much. My friend tried to take care of me.

Q: You remember your friend.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 40

EVENT #:121231-1318

STATEMENT OF: MAZEN ALOTAIBI

- A: He pulled - he pulled me inside to chill out, and just chill out in this chair, my friend come inside. (unintelligible) I don't know.
- Q: No, he said it was you.
- A: Yeah, he tried to talk with me about my money.
- Q: He say it was you he had sex with in the bathroom.
- A: Yeah, with the money. I didn't do it (unintelligible) with the money. I tried to just ask my friend to go chill outside to drop some...
- Q: Okay. Let me - if you have sex with somebody, and you both want it, you both to...
- A: Mm-hm.
- Q: ...that's not against the law. But, if you have sex with somebody who doesn't want to...
- A: Mm-hm.
- Q: ...that is against the law, you can't do that.
- A: Yeah - yeah.
- Q: So, that's my question...
- A: (Unintelligible)...
- Q: ...did you have sex with him?
- A: I don't know, I was...
- Q: Voluntarily?



**LAS VEGAS METROPOLITAN POLICE DEPARTMENT**  
**VOLUNTARY STATEMENT**  
PAGE 41

**EVENT #:121231-1318**  
**STATEMENT OF: MAZEN ALOTAIBI**

- A: ...I was drank - I just tried to make conversation with him, I was drank, I don't know what - what I did, what happened. I just talked, my friend pulled me inside, that's it. He tried to ask me about money, I didn't give him my money, I didn't give him.
- Q: Okay.
- A: 'Cause, my friend tried to ask me about my money, before him, I can't give him, 'cause this friend hold my money last night while drinking.
- Q: Okay.
- A: Now, what he just came to you, and say he had sex with me without saying nothing? If - if I pull him inside, he gonna yell.
- Q: Yeah, he'll yell.
- A: Yeah, he - he not yell.
- Q: I'm gonna - I'm gonna talk to him in private for a minute. I - I wanna talk to you without her here, okay?
- A: Yeah, that's okay.
- Q: Okay - okay. I wanna talk to you man to man, you understand?
- A: Yeah.
- Q: No girl Inside the room, no woman in the room.
- A: That, I'm telling the truth.
- Q: Just you and me.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 42

EVENT #:121231-1318

STATEMENT OF: MAZEN ALOTAIBI

A: I said 'cause...

Q: Okay. Here - here...

A: ...maybe if you drink too much...

Q: Yeah.

A: ...and somebody, just bother you, just try to take the money because you know you are (unintelligible)...

Q: My question is, I know you had sex with that boy, I wanna know if you forced him to...

A: I not force him.

Q: ...or did he want to?

A: No, he want to.

Q: He wanted to?

A: Yeah.

Q: Okay.

A: I think he want to - he want to - he just first asked me about my money, I said, no, you want to, my friend pulled me inside, maybe I drank, I don't know.

(Unintelligible) Inside (unintelligible) he want to, 'cause he fucking, you know what I mean? And walked - walked behind me, and you will see, if there's any cameras, you will see this boy walked behind me, 'til I get a little, I don't know - I don't know, uh...

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 43

EVENT #:121231-1318

STATEMENT OF: MAZEN ALOTAIBI

Q: There's a big difference. Do you know...

A: I'll be honest with you, I'm not just force the - the children to have sex with me.

Q: Yeah.

A: I don't know, but when you drink, and some fucking people came at you  
(unintelligible) what you gonna do?

Q: Here's the thing, I drink too. Okay? I don't drink Hennessy, but I drink.

A: I drink Hennessy (unintelligible).

Q: And, sometimes I do things I don't normally do.

A: Actually, when I - when I (unintelligible) I'm not control myself, I already told my  
friend, take care of me.

Q: Right.

A: And he just walk with me all this night. And...

Q: What I want to know...

A: ...if you see the cameras, you will see that I tried to have my friend, because we  
had some a situation, and this mess before, and we decided to go If you - you will  
see it, the cameras, 'cause the - the hotel gots cameras, and you will see that  
guy I talked with. (Unintelligible) I don't know.

Q: Yeah.

A: (Unintelligible) you will see he went with him without forcing him trust me.

Q: I wanna know if you...

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 44

EVENT #:121231-1318

STATEMENT OF: MAZEN ALOTAIBI

A: No, I'm not forcing - I'm not forcing.

Q: ...forced him - okay.

A: I'm not forcing, I'm just talk with him easy...

Q: okay.

A: ...as we are talking like you.

Q: Right.

A: Maybe he come with me, maybe I drink too much, I have nothing - no idea about it.

Q: You - you know whether or not you had sex with him.

A: I don't know.

Q: You don't know?

A: I don't know, I was too drink.

Q: Well, I think you do know. I think you should tell me whether or not you forced him to.

A: No, I not force...

Q: Or whether you had sex with him, and he wanted to.

A: Yeah, he just ask for money, I said no. He wanted my money.

Q: Okay.

A: I say - he wanted my money for 150.

Q: 150?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 45

EVENT #:121231-1318

STATEMENT OF: MAZEN ALOTAIBI

A: Yeah.

Q: Why did he want 150? What did he say he would give you for that?

A: Yeah, he - he just - he just say, I say (unintelligible), and he smoking the weed I think, he smoke weed yeah, and I ask him, "You smoke weed?" And he said, "I smoke weed three times a week."

Q: He said he smoked weed three times a week?

A: No, four times, fifth times, six times.

Q: Okay.

A: The guy smoked (unintelligible) the weed, I swear.

Q: Did you bring that boy in the bathroom with you?

A: No, I didn't. I just spoke with him, and he tried to pull my money. But I didn't have - I didn't have no - no cash, and I have - I have no cash. He wanted money.

Q: I understand you wanted the money, that's what I'm trying to figure out. I wanna know...

A: Listen - listen - I - I (unintelligible), listen, he wants money, he (unintelligible) I know what he want from me. I just spoke with him, that's all that happened. I...

Q: How long did you talk to him for?

A: For 20, 'cause we walked from the - the (unintelligible), you know the, it goes, uh...

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT**

**VOLUNTARY STATEMENT**

**PAGE 46**

**EVENT #:121231-1318**

**STATEMENT OF: MAZEN ALOTAIBI**

Q: The elevator?

A: ...elevator.

Q: Yeah.

A: I meet him on the (unintelligible), and he walked me to the elevator.

Q: So, you met him at the elevators?

A: Mm-hm.

Q: That's where you saw him first?

A: Mm-hm.

Q: And then, you both walked down to the room?

A: Yeah. And, he was just asking me, "You are Asian?" (Unintelligible). When he getting close to my room, (unintelligible), I smoke weed three times...

Q: So, he was following you?

A: Yeah, I smoke weed three times.

Q: That's what he said?

A: Yeah, three times.

Q: He said he smoked weed three times?

A: Yeah.

Q: That's what he told me. He told me that he went with you, and that he had sex with you in the bathroom.

A: Mm-hm.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 47

EVENT #:121231-1318

STATEMENT OF: MAZEN ALOTAIBI

Q: But, you didn't give him no money.

A: I didn't have sex with him, I can't give him money, now I don't care. I - I didn't remember I had sex with him, I didn't remember his face actually - I didn't remember his face actually. (Unintelligible) his face, that's our problem. I was, uh, my friend tried to take care of me, and (unintelligible) ask me about my money, in my (unintelligible) after that my friend, to help, my friend tried to get (unintelligible). He's trippin', It wasn't mine, that's it - that's it. Fine, give him my, give him at least 20, you gonna leave without (unintelligible), and then my friend pulled me inside.

Q: I'm gonna, here's what I'm gonna do.

A: Mm-hm.

Q: My partner's gone, she's not here.

A: Yeah.

Q: I'm gonna let you - one, I'm gonna give you one time, right now, to be honest with me.

A: Okay.

Q: Tell me the truth.

A: Mm-hm.

Q: If you - if you brought him into the bathroom to have sex with him...

A: Mm-hm.

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT**  
**VOLUNTARY STATEMENT**  
**PAGE 48**

**EVENT #:121231-1318**  
**STATEMENT OF: MAZEN ALOTAIBI**

- Q: ...and he wanted to, you tell me. But, if you - if you don't wanna - if you don't wanna tell me the truth...
- A: Mm-hm.
- Q: ...and you say you never brought him in that bathroom.
- A: Mm-hm.
- Q: I'm gonna leave here. I'm not gonna give you another chance to tell me the truth.
- A: Yeah, maybe I - maybe I tried bring him to the bathroom, I'm not for sure. I know...
- Q: And, that's fine. I - that's all...
- A: He asked about my money, I don't wanna (unintelligible) money up front, all people ask me about my money (unintelligible).
- Q: Okay. But...
- A: But, really I'm not gonna get my (unintelligible) this situation.
- Q: I understand that. But, I'm gonna - I'm gonna give you one chance right now.
- A: I know. Maybe I did, and...
- Q: Did you bring him in the bathroom and have sex with him?
- A: If I bring it, if I bring him in the bathroom, I didn't force him.
- Q: That's what I'm asking you.
- A: I didn't force him.
- Q: There's a big difference, huh?



LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**  
PAGE 49

EVENT #:121231-1318  
STATEMENT OF: MAZEN ALOTAIBI

A: I - I - I didn't force anybody. It was (unintelligible), just ask me about money, where do I bring it, where do I not, my friend pulled me inside, maybe, I don't know. But, I didn't force him. If I bring him, and have sex with him, I didn't force him, 'cause I was (unintelligible) I didn't force.

Q: Okay.

A: I didn't force him.

Q: Do you remember him being in the bathroom with you?

A: Y- I remember him try to get in.

Q: Trying to get in what?

A: Yeah.

Q: The room or the bathroom?

A: I wanted to smoke.

Q: Okay.

A: He wanted to smoke first. And tried to (unintelligible). So, I go to my girlfriend...

Q: Yeah.

A: ...she (unintelligible) her friends say no - no - no - no. I was all fucked up, I didn't know...

Q: So you said for 150 you could - you could have sex...

((Crosstalk))

A: I might bring him to the room, to the bathroom, or no I don't remember, 'cause

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**  
PAGE 50

EVENT #:121231-1318  
STATEMENT OF: MAZEN ALOTAIBI

I'm already very drunk.

Q: Okay.

A: I'm very drunk.

Q: But he - he told you...

A: (Unintelligible) from there.

Q: He told you for \$150, he will have sex with you?

A: Yeah, right, he told me that before - before he gave me my...

Q: Before he goes and meets his girlfriend?

A: Yeah - yeah, before he goes.

Q: Okay.

A: Bring food for the girlfriend.

Q: Okay.

A: Mm-hm.

Q: Did you have - did you bring him in the room then?

A: I don't know, maybe I bring him.

Q: Who knows if you don't know? You gotta - this is your last chance to tell me. If you don't tell me, I'm gonna leave, you get no more chance.

A: Yeah - yeah. The (unintelligible) is I drank too much.

Q: Okay.

A: I'm just trying to remember somethin' that was having to, I don't care, I think,

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**  
PAGE 51

EVENT #:121231-1318  
STATEMENT OF: MAZEN ALOTAIBI

(unintelligible) and I didn't care. But, I (unintelligible) tell you what happened,  
that's it. (Unintelligible) the only reason he want to smoke...

Q: He wanted to smoke?

A: He wanted smoke and have sex.

Q: Okay. But, if he wanted to that's different.

A: That's it.

Q: If he didn't want to, that's...

A: I - I (unintelligible), but I drink too much.

Q: Yeah.

A: I like to swing.

Q: I'm not judging you.

A: (Unintelligible).

Q: I'm not judging you.

A: (Unintelligible) that's it, I drink too much.

Q: Okay.

A: Drink too much, if you drink too much you'll do it.

Q: I'm not saying, listen to me...

A: I'm just saying to you (unintelligible), I just...

Q: Look at me - look at me.

A: Yeah?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**  
PAGE 52

EVENT #:121231-1318  
STATEMENT OF: MAZEN ALOTAIBI

- Q: I'm not judging you.
- A: Mm-hm.
- Q: I'm not saying it's wrong, but if he had sex with you, and he wanted to, that's between you two. Okay?
- A: Mm-hm.
- Q: That's not wrong.
- A: He want the sex.
- Q: But if he didn't want to...
- A: He want the sex, and want the money at the same time.
- Q: He wanted the sex and the money?
- A: Yeah.
- Q: Okay. So, what happened? Did he have, did you have sex with him in the bathroom...
- A: No.
- Q: ...and then make him leave?
- A: No.
- Q: You never had sex with him?
- A: I - I try it with him.
- Q: You tried?
- A: Yeah, he - he just, he just (unintelligible).

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 53

EVENT #:121231-1318

STATEMENT OF: MAZEN ALOTAIBI

Q: Yeah.

A: (Unintelligible). My friend - my friend, pushed him away and told me, "Hey, you're fucked up, let's leave this boy away, and just go." (Unintelligible)...

Q: All right. You know what, I'm gonna leave.

A: No wait. Let me speak to you.

Q: You don't wanna tell me. I wanna know. Did you bring him in the bathroom and have sex with him, and he wanted it?

A: (Unintelligible)...

Q: Yes or no?

A: What did he say to you?

Q: He said he had sex with you in the bathroom.

A: Yeah. If he said what - what the purpose of it, if he want have sex with you, I'd tell you.

Q: That's what I wanna know.

A: Huh? Why?

Q: Why?

A: Why?

Q: Did he - for money I'm sure.

A: Yeah, for money.

Q: Okay. Is that what you did? Did you have sex with him in the bathroom...

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 54

EVENT #:121231-1318

STATEMENT OF: MAZEN ALOTAIBI

A: Yeah.

Q: ...for money?

A: I - yeah, he told me, asking about my money, I didn't give him my money, 'cause I didn't have cash.

Q: Okay. So, was he mad because you didn't pay him, and that's what's...

A: I didn't have cash (unintelligible).

Q: I understand.

A: (Unintelligible).

Q: I can tell - I can tell that you've had a lot of alcohol in you.

A: Yeah - yeah, you can tell that.

Q: But, I'm trying to find out the truth.

A: Yeah.

Q: Did he come in the bathroom...

A: He wants money, he wants 150.

Q: Okay.

A: He want 150, but I - I didn't do anything, 'cause he said, "You have to pay first."

Q: Okay.

A: Then he just (unintelligible).

Q: Did you have him in the bathroom? Did you talk about this in the bathroom?

A: Yeah, we talk this about in the bathroom.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 55

EVENT #:121231-1318

STATEMENT OF: MAZEN ALOTAIBI

Q: So, you talked to him about it in the bathroom...

A: He said - he said (unintelligible).

Q: He said what?

A: He get his belt, and says, "Just pay 150."

Q: Mm-hm.

A: And, tried to pick me, uh, weed.

Q: Did he - did he figure...

A: I finished - finished quickly, I had to go (unintelligible).

Q: He said, "Finish quickly, I gotta go to my girlfriend." Did he take his clothes off at all?

A: He did.

Q: What was he wearing?

A: Huh?

Q: What was he wearing?

A: T-shirt and pants.

Q: He took his sh...

A: T-shirt and jacket.

Q: Yeah.

A: But, I know this dude, I know this (unintelligible) mother fucker, he just ask me about my money, I don't care. He asked me. If you look at the cameras...

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 56

EVENT #:121231-1318

STATEMENT OF: MAZEN ALOTAIBI

Q: So he asked for money?

A: ...if you look at the motel's camera...

Q: Yeah.

A: ...you will see this dude walk with me easily, th- there is nothing happen. I don't know what happened. He just wanted my money.

Q: So, what did he say in when you went in the bathroom, what did he say?

A: Pay.

Q: Pay?

A: Pay.

Q: Was the door shut to the bathroom or open?

A: No, just closed.

Q: Closed?

A: Closed.

Q: What was everybody else doing?

A: They - they're not paying attention.

Q: No?

A: (Unintelligible) no, they're not...

Q: They watching TV, smoking, drinking?

A: Yeah, drinking. They're not...

Q: Okay.



LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 57

EVENT #:121231-1318

STATEMENT OF: MAZEN ALOTAIBI

A: ...(unintelligible).

Q: Why did you tell me earlier that he didn't come...

A: (Unintelligible) there's too much I didn't know what happened, just he tried to get my money.

Q: I understand that.

A: That's it.

Q: But, remember...

A: I - I why - why - why maybe - maybe this company (unintelligible). He came with me to my (unintelligible) he want to.

Q: Right.

A: Free. I - I didn't do anything. If anybody...

Q: So - so...

A: And, when I came to you I'd say to you that when you're drinking (unintelligible).

Q: Right.

A: Be honest.

Q: I'm being honest.

A: Admit...

Q: But, here's - remember, here's the thing.

A: That's...

Q: Listen to me for one minute.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 58

EVENT #:121231-1318

STATEMENT OF: MAZEN ALOTAIBI

A: Yeah.

Q: You said earlier that he wasn't in the bathroom with you. And, I understand you're scared. Okay?

A: Mm-hm.

Q: Now you said, that you - you did go in the bathroom with him.

A: Yeah, but he wants money.

Q: And he wanted money?

A: First.

Q: First.

A: And, he gets to spend his drug money.

Q: Did he take his clothes off, and ask for the money, or did...

A: Yeah - yeah, he did, he get his clothes off, and he ask about my money.

Q: Okay. And, did - what did you say?

A: I said, "Okay, after we finish (unintelligible)."

Q: Okay. But, did you finish?

A: No. I - I didn't (unintelligible) though. I didn't put my dick in...

Q: You didn't put your dick in him?

A: No, just, I just touch him, and I didn't put my dick in.

Q: Okay. Where did you touch him at?

A: Hmm?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 59

EVENT #:121231-1318

STATEMENT OF: MAZEN ALOTAIBI

Q: Where did you touch him at?

A: He just - he just kind of mean, I just touch him (unintelligible) just pay me - pay me - pay me. I said, "Okay, I don't have money, I have to go to the cash." I said, "Okay, I gotta go."

Q: Okay.

A: (Unintelligible)...

Q: Did he suck you - did he put his penis in his mouth?

A: Yeah.

Q: He did?

A: Yeah.

Q: Was it - did - did you put your penis in his butt?

A: No.

Q: No?

A: Yeah, he put it in his mouth.

Q: That - just his mouth?

A: He want - he wanted - it's crazy.

Q: He wanted it?

A: He's crazy, yeah.

Q: Did you wear a condom?

A: No, because that's what I was (unintelligible).

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**  
PAGE 60

EVENT #:121231-1318  
STATEMENT OF: MAZEN ALOTAIBI

- Q: Oh. But you didn't put a - do you know what a condom is?
- A: Yeah, I know what a condom...
- Q: Okay.
- A: ....'cause I was scared. That's when I went to chill out.
- Q: Right.
- A: Yeah.
- Q: You - you - you didn't - you didn't come in his mouth though?
- A: No - no.
- Q: Did you - did you...
- A: You wanna know...
- Q: ...come at all?
- A: ...just pay - pay - pay, just okay, just trying, just suck my dick, after that he's -  
he's just he wants me to pay for it.
- Q: So he kept - he kept saying pay - pay - pay?
- A: Yeah, he said pay - pay, I say okay, after we finish we could go ATM.
- Q: Okay. You said...
- A: (Unintelligible).
- Q: I gotcha, okay. But, you said you'd pay after- afterwards, and then you go to the  
ATM?
- A: No, I didn't go there, 'cause he - he - he didn't - he didn't trust me, and he just go

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**  
PAGE 61

EVENT #:121231-1318  
STATEMENT OF: MAZEN ALOTAIBI

off...

Q: He took off?

A: Yeah, just (unintelligible).

Q: Did he scream at all?

A: No.

Q: He like it?

A: He was easy.

Q: He was easy?

A: Yeah, I think his job.

Q: That's his job?

A: Yeah. That's his job.

Q: Are you being honest with me now?

A: Yeah, now I'm honest with you. I don't care, now. Just - I'm just telling you, I'm not forced anybody. (Unintelligible), if I force this guy (unintelligible) he gonna scream, he (unintelligible) too.

Q: Right.

A: Everything was noisy, 'cause he want it, and he came when I was drank too much alcohol. Nobody play me, if I was (unintelligible).

Q: Right.

A: I just tell my friend to take control of me, 'cause I lose it. That's it.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 62

EVENT #:121231-1318

STATEMENT OF: MAZEN ALOTAIBI

Q: Have you ever done this before?

A: Kind- kind of, huh?

Q: Have you ever done that before?

A: No.

Q: With a boy?

A: No. Trust me, no.

Q: How - how long - how long was your penis in his mouth?

A: Huh?

Q: How long?

A: Just for two seconds.

Q: Two seconds?

A: Yeah.

Q: And, you didn't - you didn't ejaculate, you didn't come?

A: No - no - no. He just - just wanted paid. He, if I pay 150, you (unintelligible) with me, trust me. And nobody know.

Q: Did you have your clothes on or no?

A: Me?

Q: Yeah.

A: No, I didn't no.

Q: You took them off?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**

PAGE 63

EVENT #:121231-1318  
STATEMENT OF: MAZEN ALOTAIBI

A: Just for him.

Q: Just down to your knee?

A: Yeah.

Q: You pulled your pants down?

A: Yeah. My friend, nobody knows me.

Q: Nobody saw?

A: No- nobody not the swing.

Q: Okay.

A: (Unintelligible).

Q: I ain't gonna say nothin'...

A: I surprise them you know what I mean? I surprise them.

Q: Look...

A: Yeah.

Q: Mazen?

A: Yes, sir?

Q: I'm not gonna tell your friends, okay? Do you understand?

A: You already tell my (unintelligible).

Q: I'm not saying nothing to your friends. Mohammad, I know you've been friends a long time, I'm not gonna say nothin' to him. There's nothin' wrong. If that kids wanted it, that's him.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 64

EVENT #:121231-1318

STATEMENT OF: MAZEN ALOTAIBI

A: Okay, just I wanna go. What - what, I wanna pay it, I wanna do anything, I wanna go. I wanna go back.

Q: Here's the thing - here - here's the thing.

A: Yeah, just tell me, please.

Q: You tell - you be honest with me. I know you said you put your penis in his mouth.

A: Yeah.

Q: And, I know you put it in his butt too.

A: Mm-hm.

Q: I know that.

A: I don't know. Maybe.

Q: Come on.

A: Maybe, I did. If I put...

Q: The nurse, I saw the pictures, the nurse you did.

A: The nurse?

Q: The nurse took pictures, okay?

A: Mm-hm.

Q: It shows that your penis was in there. Don't lie to me, you already said that you put it in his mouth, don't lie and say you didn't put it in his butt.

A: I know, I was too - I drink too much. I was drinking.



LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 65

EVENT #:121231-1318

STATEMENT OF: MAZEN ALOTAIBI

Q: Okay, but you remember him saying 150 - 150 in the bathroom.

A: Yeah. Here - here - here we come - here we come - come.

Q: Did you put it in his butt too, or not? Yes or no?

A: Maybe.

Q: What do you mean maybe?

A: (Unintelligible). I drink too much.

Q: I drink too much too.

A: Yeah.

Q: I understand. Sometimes you do things you don't wanna do...

A: (Unintelligible)...

Q: ...but...

A: ...maybe I do think I can't remember if I did.

Q: Okay.

A: That's pretty good.

Q: Was he...

A: Maybe - maybe...

Q: ...was he laying down on the floor, you put your penis in his butt, and then turn him around quick, and put it in his mouth?

A: No.

Q: No?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**

PAGE 66

EVENT #:121231-1318  
STATEMENT OF: MAZEN ALOTAIBI

- A: Turn around? Ewe, no.
- Q: He said your penis was in his butt.
- A: Yeah, I not lay him down.
- Q: Okay.
- A: (Unintelligible).
- Q: Was he standing up...
- A: He suck my dick flrst.
- Q: Okay.
- A: And I trust him.
- Q: Okay.
- A: I said...
- Q: When you put your - I know you put your penis in his butt, was he standing up, or laying down, or being - bending over, what?
- A: No, he would stand. All - all - all of this shit.
- Q: All of it was while he was standing up?
- A: Yeah. We try - he just tried to make a deal.
- Q: Okay. But he's young, he's a small kid, right?
- A: I don't know.
- Q: He's small. So, did you use lub- some - some - some lotion to put on your penis to put inside his butt? 'Cause it'd be tight, it'd be hard if you didn't.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**  
PAGE 67

EVENT #:121231-1318  
STATEMENT OF: MAZEN ALOTAIBI

A: I don't know - I don't know.

Q: Did you put water on yourself? How did you put your - 'cause I know you put your penis in his butt.

A: I don't know how.

((Crosstalk))

Q: So, what did you do - what did you do to lube it up? Do you know what lube is?

A: What is lube?

Q: Lube.

A: No.

Q: You put lotion.

A: Yeah.

Q: You put lotion on your penis?

A: Uh, no. (Unintelligible) I don't know.

Q: You told me the truth okay? I know you're telling me the truth.

A: Yeah, I told the truth.

Q: You said you put your penis in his mouth.

A: But, I'm tired.

Q: I wanna know...

A: I'm - I'm - I'm trying to remember, that's it.

Q: So, be honest with me...

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**

PAGE 68

EVENT #:121231-1318  
STATEMENT OF: MAZEN ALOTAIBI

A: (Unintelligible)...

Q: ...one last time - one last time.

A: I was fucked up.

Q: I know that.

A: (Unintelligible) I tried to remember, that's it.

Q: But, did you put your penis in his butt? Yes or no?

A: I don't know.

Q: I don't think you're being honest with me now. Now - now I'm getting mad.

A: Why you getting mad?

Q: Because you're not being honest with me.

A: Yeah, you - you have to understand my situation. I was drink too much. Do you know imagine how I drink.

Q: Yeah, absolutely.

A: I drink too much.

Q: There's no - there's no mirrors in here. Okay? There's nobody watching right now.

A: I know nobody watching, I know.

Q: But, I want, so tell me. Be honest with me.

A: I - I was he was - he was just to take my money.

Q: I know he wanted your money.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**

PAGE 69

EVENT #:121231-1318  
STATEMENT OF: MAZEN ALOTAIBI

A: Yeah.

Q: And, I'm gonna go after that.

A: (Unintelligible).

Q: I'm gonna talk to him about that.

A: Yeah.

Q: But - but if you're not telling the truth...

A: And, he wanted weed - and he wanted weed.

Q: And he wanted weed.

A: (Unintelligible).

Q: Trust me, I'm going to. He's gonna be in trouble for weed and trying to get money.

A: Yeah.

Q: But, I need to know the truth.

A: Yeah, the truth.

Q: Not just part of the truth, all of it.

A: Yeah, all of it.

Q: My report has to have all of it in it.

A: Yeah - yeah, I know.

Q: So, if you told me you put it in his mouth, but you didn't put it in his butt

A: I know - I know. Yeah - yeah - yeah - yeah he came with me (unintelligible)

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**

PAGE 70

EVENT #:121231-1318  
STATEMENT OF: MAZEN ALOTAIBI

stupid kid, trying to get my money (unintelligible) why he came to me though. I  
don't know why he came to me.

Q: How long did you put your penis in his butt?

A: No, not...

Q: Not at all?

A: Just for a second.

Q: Okay.

A: For a second.

Q: So...

A: I didn't - I didn't fuck him, I didn't fuck him at all. I didn't use my penis.

Q: Okay. Did you...

A: After that I use condom.

Q: ...you put your penis in his butt for one second?

A: Maybe. I, maybe when I tried to make a deal with him, maybe I put it, and I didn't  
know. I don't know.

Q: Oh, come on, you're saying it slipped in?

A: Maybe - maybe it slipped in.

Q: It don't slip in, you put it in - you put it in. If he wanted it, that's okay.

A: Yeah. Maybe he wanted it. He was just chilling out.

Q: Okay.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 71

EVENT #:121231-1318

STATEMENT OF: MAZEN ALOTAIBI

A: And he just asked for my money, and he (unintelligible) for me, and it was getting close to...

Q: Did he back your - his ass up to you?

A: Yeah, he backed his ass...

Q: Okay. Well, then tell me that. The other...

A: (Unintelligible), you know what I mean?

Q: Yeah, I know.

A: (Unintelligible) that's it, he's fucking trying to get money, trust me.

(Unintelligible).

Q: I'll be right back.

---

**THIS VOLUNTARY STATEMENT WAS COMPLETED AT 400 SOUTH MARTIN LUTHER KING BOULEVARD ON THE 31<sup>ST</sup> DAY OF DECEMBER, 2012.**

**AC:Nettranscripts**

*ACD38*

# **EXHIBIT 2**

# **EXHIBIT 2**



LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**  
PAGE 1

EVENT #:121231-1318

---

**SPECIFIC CRIME:** SEXUAL ASSAULT

**DATE OCCURRED:**

**TIME OCCURRED:**

**LOCATION OF OCCURRENCE:**

---

**CITY OF LAS VEGAS**

**CLARK COUNTY**

---

**NAME OF PERSON GIVING STATEMENT:** MOHAMMED JAFARI

**DOB:**

**SOCIAL SECURITY #:**

**RACE:**

**SEX:**

**HEIGHT:**

**WEIGHT:**

**HAIR:**

**EYES:**

**HOME ADDRESS:**

**PHONE 1:**

**WORK ADDRESS:**

**PHONE 2:**

---

The following is the transcription of a tape-recorded interview conducted by DETECTIVE K. POOL, P#7300, LVMPD Sexual Assault Detail, on December 31, 2012, at 1405 hours.

Q: Operator, this is Detective K. Pool, #7300. Be conducting one interview reference LVMPD event # 121231-1318. Uh, location of the interview is LVMPD headquarters. Today's date is 12-31-2012. The start time 1405 hours. Person being interviewed is Mohammed, M-O-H-A-M-M-E-D; last name Jafaari, J-A-F-A-A-R-I. His date of birth is 10-20-1987. Also present is Officer, last name spelling N-E-S-H-E-I-W-A-T. That's Nora; Easy; Sam; Henry; Easy; Ida; William; Adam; Tom. And his P# is 9375. Okay, Mohammed, I wanted to let you know what

RA 000094

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**  
PAGE 2

EVENT #:121231-1318  
STATEMENT OF: MOHAMMED JAFARI

your rights are. I wanna talk to you right now. You stated that you understand what, what I'm telling you. But I want you to understand what your rights are.

A: Okay.

Q: You have the right to remain silent. Do you understand that?

A: Mm-hm.

Q: Yes?

A: Yeah.

Q: Okay. I need you - I need you to say nice and clearly when you talk to me; okay?

A: Okay.

Q: Okay. Anything you say can be used against you in a court of law. Do you understand that?

A: (Unintelligible).

Q1: ((Foreign Language Spoken)), Yes or no?

A: (Unintelligible). ((Foreign Language Spoken)).

Q1: Yes, or a no?

A: Okay.

Q1: Say yes or no. ((Foreign Language Spoken)).

A: ((Foreign Language Spoken)).

Q1: Okay.

Q: Okay. Anything you say can be used against you in a court of law. Does - do you understand that?

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT**  
**VOLUNTARY STATEMENT**  
**PAGE 3**

**EVENT #:121231-1318**  
**STATEMENT OF: MOHAMMED JAFARI**

A: Yeah, okay.

Q: Yes, or no? Yes or a no?

A: Yes.

Q: Thank you. You have the right to the present of an attorney during questioning.

A: Yes.

Q: Do you understand that? If you cannot afford an attorney, one will be appointed before questioning. Do you understand that?

A: Yes.

Q: Okay. Do you understand all these rights I've just told you?

A: Okay. I understand.

Q: You understand.

A: Mm-hm.

Q: I wanna talk to you right now about what, what was going on at the Circus Circus Hotel. Who, who got the room at the Circus Circus?

A: (Unintelligible).

Q: You didn't get a room?

A: No.

Q: So who - how did you end up at the, at the Hotel Circus Circus?

A: Just through, through our friend.

Q: Whose room was it?

A: Uh, just for my friend.

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
VOLUNTARY STATEMENT**

**PAGE 4**

**EVENT #:121231-1318  
STATEMENT OF: MOHAMMED JAFARI**

Q: Your friend had the room.

A: Hm.

Q: And who is your friend?

A: I think Mazine.

Q: Mazine?

A: I think so.

Q: You think he got the room?

A: Yeah.

Q: Let me just ask you this first of all. Do you, do you speak - you speak some English, okay?

A: Mm-hm.

Q: And you're telling me you understand what I'm saying; yes?

A: Yeah.

Q: Where are you from originally? W- what country you from?

A: From Saudi Arabia.

Q: Saudi Arabia?

A: Yeah.

Q: And why are you here in the United States right now?

A: For studying.

Q: For studying?

A: Yeah.

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT**  
**VOLUNTARY STATEMENT**  
**PAGE 5**

**EVENT #:121231-1318**  
**STATEMENT OF: MOHAMMED JAFARI**

Q: Studying what?

A: For studying here English.

Q: To study English?

A: Yeah.

Q: What do you do for money?

A: (Unintelligible).

Q: Do you have a job?

A: Yeah.

Q: What do you do?

A: Uh, we are military.

Q: You're in the military.

A: Yeah.

Q: Okay. And how long are you here in the United States for?

A: One year (unintelligible).

Q: When do you go back?

A: Yeah.

Q: When?

A: Uh, maybe after three months, or something like - It depends.

Q: It depends?

A: Yeah.

Q: So you might be here three more months?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**

PAGE 6

EVENT #:121231-1318  
STATEMENT OF: MOHAMMED JAFARI

- A: Yeah, maybe.
- Q: So what - where is your base at? Where do you stay right now?
- A: Station (unintelligible).
- Q: At an air - air base?
- A: Air - yeah.
- Q: Air Force base?
- A: Mm-hm.
- Q: Where at right now?
- A: We are in, uh, Laughlin.
- Q: Laughlin?
- A: Yeah.
- Q: In Texas?
- A: Yeah.
- Q: How long have you known Mazine?
- A: Mazine? (unintelligible).
- Q: How long have you known him?
- A: Uh, three months, four months.
- Q: Can you take your hand away from your mouth so I can hear you?
- A: Three months, four months.
- Q: That's - you've only known him for three, four months?
- A: Mm-hm.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 7

EVENT #:121231-1318

STATEMENT OF: MOHAMMED JAJAARI

Q: Can you ask him - I wanna be positive how long he's known him for.

Q1: ((Foreign Language Spoken)) Mazine.

A: Yeah, three months, four months, that's it.

Q: Did you know him before you'd come here to the United States?

A: No.

Q: Is he, is he in the military als- also?

A: Hm.

Q: Huh?

A: Yeah.

Q: But you didn't know him before here.

A: Yeah. I don't know him before.

Q: When did you come to Las Vegas?

A: Uh, two days ago.

Q: Two days ago?

A: Yeah; two days.

Q: What day was that?

A: Two days. Yesterday.

Q: Where did you come from?

A: We come from, uh, Los Angeles.

Q: Okay. How you get to Los Angeles?

A: By Central.

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT**  
**VOLUNTARY STATEMENT**  
**PAGE 8**

**EVENT #:121231-1318**  
**STATEMENT OF: MOHAMMED JAFARI**

Q: When - how did you get from Texas to Los Angeles?

A: By Central.

Q1: ((Foreign Language Spoken)).

A: ((Foreign Language Spoken)).

Q1: ((Foreign Language Spoken)) Texas...

A: Hm.

Q1: ...out of California, out of Los Angeles.

A: Hm.

Q1: Okay. They drove from Los Angeles to - or from Texas to Los Angeles.

Q: Okay. And then you drove from Los Angeles to Vegas?

A: Yeah.

Q: And why are you in Los Angeles?

A: Well, for a time. Just that's it.

Q: You have time.

A: Yeah.

Q: For vacation?

A: (Unintelligible).

Q: And where did you stay?

A: In a motel.

Q: You stayed at hotels the whole time you were there?

A: Yeah.



LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**  
PAGE 9

EVENT #:121231-1318  
STATEMENT OF: MOHAMMED JAFARI

- Q: How many people did you, did you go to L.A. with?
- A: Just four.
- Q: Four?
- A: Hm.
- Q: Who else besides you and Mazine?
- A: Yeah. And we, we, we met some people over there, but that's it.
- Q: You met people you already knew?
- A: No; we met some people over there just - we met people over there.
- Q: Yeah?
- A: Yeah.
- Q: Okay. How many people in your car from Texas to California?
- A: Uh, just two.
- Q: Just two?
- A: Yeah.
- Q: You and Mazine?
- A: Yeah. And our friends.
- Q1: ((Foreign Language Spoken)).
- A: ((Foreign Language Spoken)).
- Q1: ((Foreign Language Spoken)).
- A: ((Foreign Language Spoken)).
- Q1: ((Foreign Language Spoken)).

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 10

EVENT #:121231-1318

STATEMENT OF: MOHAMMED JAFARI

A: ((Foreign Language Spoken)).

Q1: ((Foreign Language Spoken)).

A: Mm-hm.

Q1: Yes. Just three subjects in, in that trip. ((Foreign Language Spoken)) Mazine.

A: ((Foreign Language Spoken)). Mazine.

Q1: Mazine. ((Foreign Language Spoken)).

A: ((Foreign Language Spoken)).

Q1: ((Foreign Language Spoken)).

A: ((Foreign Language Spoken)).

Q1: ((Foreign Language Spoken)).

A: ((Foreign Language Spoken)).

Q1: ((Foreign Language Spoken)).

A: ((Foreign Language Spoken)).

Q1: ((Foreign Language Spoken)).

A: ((Foreign Language Spoken)).

Q1: He's, he's stating that, uh, the other two - the other guy that came with them.

There's two guys. One was Mazine, another guy's name is Mazine. But he can't remember the other guy's last name.

Q: They're both named Mazine?

Q1: Yeah. ((Foreign Language Spoken)) Mazine.

A: ((Foreign Language Spoken)).

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**  
PAGE 11

EVENT #:121231-1318  
STATEMENT OF: MOHAMMED JAFARI

Q1: ((Foreign Language Spoken)).

A: ((Foreign Language Spoken)).

Q1: Okay. He said he's not sure, but I think his name is Mazine, the, the third subject. In the car.

Q: So you got to Circus Circus. What happened inside that room?

A: Nothing.

Q: Nothing?

A: Mm-hm.

Q: How many people were in the room?

A: Just my friends were in the room.

Q: Okay. So Mazine?

A: No. Some people sleeping.

Q: Okay. So how many people total?

A: I think two.

Q: Okay. You...

A: Sleeping.

Q: ...Mazine.

A: No. I mean the people that were sleeping there, two.

Q: What'd they look like?

A: I swear to God they covered.

Q: They what?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 12

EVENT #:121231-1318

STATEMENT OF: MOHAMMED JAFARI

A: They wear covering.

Q: They were covered so you couldn't see them?

A: Yeah.

Q: I don't think you're telling me the truth.

A: Really? I swear. (unintelligible)...

Q: Here's what I, here's what I wanna do.

A: Yeah. I said, I said (unintelligible)...

Q: Here's what I wanna do. Hold on, hold on.

A: Yeah.

Q: I think you're playing right now.

A: No, I...

Q: You're playing games, okay?

A: No.

Q: So here's what I'm gonna do.

A: Yeah.

Q: I'm, I'm not gonna play any more games; okay?

A: Okay.

Q: I wanna let you leave and go back to Circus Circus and go back to your base;  
okay?

A: Okay.

Q: But if you wanna keep playing games then I'm not. You can go - you can stay at

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**  
PAGE 13

EVENT #:121231-1318  
STATEMENT OF: MOHAMMED JAFARI

the jail...

A: No.

Q: ...for, for 60 to 90 days.

A: No. I don't want.

Q: And then we call Saudi Arabia military.

A: I don't want (unintelligible).

Q: Okay. Well, then, quit fuckin' around. Tell me the truth. Don't lie to me.

A: (Unintelligible)...

Q: Don't say nothin' at all.

A: Okay.

Q: Okay?

A: Okay.

Q: How 'bout that? How 'bout you and me start over right now?

A: I didn't do anything.

Q: Look at me. Me and you...

A: Yeah.

Q: ...start over right now.

A: Okay.

Q1: ((Foreign Language Spoken)).

A: Okay.

Q1: ((Foreign Language Spoken)).

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 14

EVENT #:121231-1318

STATEMENT OF: MOHAMMED JAFARI

A: ((Foreign Language Spoken)).

Q1: Okay. ((Foreign Language Spoken)).

A: ((Foreign Language Spoken)).

Q1: Okay.

A: Okay. That's it.

Q: Okay. There's two, two other people in the room. Were they white, black, Mexican?

A: No. I...

Q: Huh?

A: ...think white. (unintelligible). Yeah.

Q: Okay. No black men in the room?

A: No, no, black man.

Q: No African-Americans in there?

A: I think no.

Q: Okay. How come Mazine says you - he knows you for three, three, four years?

A: Yeah. Before maybe. Yeah, before we came here.

Q: When I asked you how long you know him you said three months.

A: Before we came here maybe. I told you, before we came here I know him before, before we came here.

Q1: ((Foreign Language Spoken)).

A: ((Foreign Language Spoken)).

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**  
PAGE 15

EVENT #:121231-1318  
STATEMENT OF: MOHAMMED JAJAARI

- Q1: ((Foreign Language Spoken)) Mazine.
- A: ((Foreign Language Spoken)).
- Q1: ((Foreign Language Spoken)).
- A: ((Foreign Language Spoken)).
- Q1: ((Foreign Language Spoken)).
- A: ((Foreign Language Spoken)).
- Q1: Okay. He's saying back home, you know, he would probably say about three years. But he's only known him for the three months here. But, uh, he said everybody knows each other back home. They're all, you know, they all work in the same base. They all know each other.
- Q: Okay. Everybody drinking alcohol yesterday?
- A: I don't know. Maybe (unintelligible). I don't know.
- Q: You and Mazine?
- A: Yeah, I was drinking.
- Q: Okay. You were. Was Mazine drinking?
- A: Yeah, he was.
- Q: Okay. What time did you get back to the club- to the Circus Circus? What time this morning?
- A: Seven one.
- Q: About 7:00?
- A: Seven, 6:00.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 16

EVENT #:121231-1318

STATEMENT OF: MOHAMMED JAFARI

Q: Six or 7 o'clock?

A: Yeah.

Q: Okay. Tell me about the, the Asian boy.

A: Asian boy? (unintelligible).

Q: You didn't see no Asian boy with Mazine?

A: No.

Q: You didn't see Mazine talkin' to no Asian boy?

A: No.

Q: I just got done talking to Mazine. He told me you did see him with him.

A: I didn't see...

Q: In the hallway?

A: (Unintelligible).

Q: You never saw him with no boy.

A: No.

Q: At all.

A: At all.

Q: Okay. Did you tell Mazine come, come get away from him and get in the room?

A: With Asian boy? No. I, I saw him without Asian boy, maybe. I did. But with Asian boy (unintelligible).

Q: Did you see him bring a boy in the room?

A: No.



LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**  
PAGE 17

EVENT #:121231-1318  
STATEMENT OF: MOHAMMED JAFARI

Q: What about the bathroom?

A: Bathroom, bathroom close to that, the door.

Q: Yeah?

A: I (unintelligible) bathroom, really. Maybe bring - bring him to the restroom, I don't know.

Q: Did you see him bring the boy in the restroom?

A: No, I don't know.

Q: Do you know - let me ask you this. You know what a prostitute is?

A: No.

Q1: ((Foreign Language Spoken)).

A: ((Foreign Language Spoken)).

Q1: ((Foreign Language Spoken)).

A: ((Foreign Language Spoken)).

Q1: ((Foreign Language Spoken)).

A: Mm-hm.

Q1: 'Kay. Says he understands.

Q: Okay. Did he bring a prostitute in to the room, in the, in the restroom?

A: I don't know. The restroom? I didn't see anything. Really, I'm serious.

Q1: ((Foreign Language Spoken)).

A: ((Foreign Language Spoken)). He ask me about did you see Mazine (unintelligible)...

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**  
PAGE 18

EVENT #:121231-1318  
STATEMENT OF: MOHAMMED JAFARI

- Q1: ((Foreign Language Spoken)).
- A: I didn't see Mazine with boy.
- Q: Okay.
- A: That's it.
- Q: Okay. You didn't see him with boy in the room.
- A: No.
- Q: Did you see him with boy in the hallway?
- A: No.
- Q: He says - Mazine say he is talking to boy in the hallway.
- A: Oh, yeah.
- Q: And you tell Mazine, "Come, let's go get away from him. Let's get in the room."
- A: But why, he didn't listen to me.
- Q: I don't know. You're saying he wasn't even with the boy.
- A: (Unintelligible)...
- Q1: I don't think he's understanding. ((Foreign Language Spoken)).
- A: ((Foreign Language Spoken)).
- Q1: ((Foreign Language Spoken)).
- A: ((Foreign Language Spoken)).
- Q1: ((Foreign Language Spoken)).
- A: ((Foreign Language Spoken)).
- Q1: ((Foreign Language Spoken)).

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**  
PAGE 19

EVENT #:121231-1318  
STATEMENT OF: MOHAMMED JAFARI

A: ((Foreign Language Spoken)).

Q1: Okay. He's saying he, he did try to tell Mazine to come inside the room, but he wasn't with anybody at the time. He was in with the, the, uh, victim.

Q: Did he see anybody - any juveniles at all in that room at any time yes- today or yesterday?

Q1: ((Foreign Language Spoken)).

A: ((Foreign Language Spoken)).

Q1: ((Foreign Language Spoken)).

A: ((Foreign Language Spoken)).

Q1: No.

Q: Okay.

Q1: He's saying no, he didn't see anybody other than the - him and Mazine and the other two subjects that were sleepin' in the bed.

Q: Ask him what the punishment is for forcibly raping a child in Saudi Arabia.

Q1: ((Foreign Language Spoken)).

A: Yeah.

Q1: ((Foreign Language Spoken)).

A: ((Foreign Language Spoken)).

Q1: ((Foreign Language Spoken)).

A: ((Foreign Language Spoken)).

Q1: ((Foreign Language Spoken)).

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**  
PAGE 20

EVENT #:121231-1318  
STATEMENT OF: MOHAMMED JAFARI

A: ((Foreign Language Spoken)).

Q1: ((Foreign Language Spoken)).

A: ((Foreign Language Spoken)).

Q1: ((Foreign Language Spoken)).

A: ((Foreign Language Spoken)).

Q1: ((Foreign Language Spoken)).

A: ((Foreign Language Spoken)).

Q1: They would, uh, castrate them. Or either chop his privates off, or chop the hand off in Saudi Arabia if someone were to commit that crime. But he wouldn't know because he doesn't know anybody that would do that kind of thing in Saudi Arabia.

Q: Okay. Operator, that's the end of the interview. The time is 1424 hours.

---

THIS VOLUNTARY STATEMENT WAS COMPLETED AT 400 SOUTH MARTIN LUTHER KING BOULEVARD ON THE 31<sup>ST</sup> DAY OF DECEMBER, 2012, AT 1424 HOURS.

KP:Nettranscripts

KP088

# **EXHIBIT 3**

# **EXHIBIT 3**

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
VOLUNTARY STATEMENT**

**PAGE 1**

**EVENT #:121231-1381**

---

**SPECIFIC CRIME:** SEXUAL ASSAULT, VICTIM UNDER 14

**DATE OCCURRED:**

**TIME OCCURRED:**

**LOCATION OF OCCURRENCE:**

---

**CITY OF LAS VEGAS**

**CLARK COUNTY**

---

**NAME OF PERSON GIVING STATEMENT:** RASHED ALSHEHRI

**DOB:**

**SOCIAL SECURITY #:**

**RACE:**

**SEX:**

**HEIGHT:**

**WEIGHT:**

**HAIR:**

**EYES:**

**HOME ADDRESS:**

**PHONE 1:**

**WORK ADDRESS:**

**PHONE 2:**

---

The following is the transcription of a tape-recorded interview conducted by DETECTIVE A. CHRISTENSEN, P#7200, LVMPD SEXUAL ASSAULT SECTION, on September 14, 2013, at 1146 hours.

**Q:** Operator, this is Detective A. Christensen, # 72001, conducting my interview on the date of September 14, 2013, at the time of 11:46. Our location will be LVMPD Headquarters, reference event# 121231-1381. I'll be speaking with one male, last name spelled A-L-S-H-E-H-R-I, first name spelled R-A-S-H-E-D. Date of birth of 09-26-1988. Rashed, can you just state your first and last name and your date of birth for me?

**A:** Uh, my name is Rashed Alshehri. I born in September 26, 1988.

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT**

**VOLUNTARY STATEMENT**

**PAGE 2**

**EVENT #:121231-1381**

**STATEMENT OF: RASHED ALSHEHRI**

Q: Okay, um, and you do speak English?

A: Yes, I do.

Q: And what is your native language?

A: Arabic.

Q: Okay, and operator, for the record, I do have a translator in the room with me. It is going to be Las Vegas Metropolitan Police Officer David - what's your last name?

Q1: N-E-S-H-E-I-W-A-T, P# 9375.

Q: And, um, just so you understand, for the benefit of the interview and because somebody has to type this out, we're going to do as much as we can in English, okay?

A: Right.

Q: Um, if you have a problem of understanding a question that I have, like, you know, the words, ah, the phrase, then - then David can go ahead and translate over for you, okay?

A: Okay.

Q: Or if you can't find the words to translate from Arabic over to the English, then David is going to help us, okay?

A: Okay.

Q: So he's here to help you, all right?

A: All right.

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT**

**VOLUNTARY STATEMENT**

**PAGE 3**

**EVENT #:121231-1381**

**STATEMENT OF: RASHED ALSHEHRI**

Q: Um, I also would like for you to understand that we've had the conversation, um, you currently live in Texas right now, correct?

A: Right.

Q: And you have flown out here by the request of me and the District Attorney's office for, um, an interview.

A: Right.

Q: Because we have confusion...

A: Uh-huh.

Q: About what happened on December 31, 2012. Do you understand that?

A: Right.

Q: Okay, you're not being charged with anything, okay, you're not in trouble.

A: Okay.

Q: Do you understand that?

A: Yeah.

Q: All right, but this interview is a legal, um, it- it's gonna be legally entered into the court system for a statement, does that make sense?

A: Yes.

Q: Okay, so you have the right not to answer any questions or say pass on anything, so don't feel like you have to answer a question if you don't want to answer a question. Does that make sense?

A: Yeah.



**LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
VOLUNTARY STATEMENT**

**PAGE 4**

**EVENT #:121231-1381  
STATEMENT OF: RASHED ALSHEHRI**

Q: If you decide that you no longer want to do this interview or you no longer want to talk to me, you can just simply say that you're done and you want to leave.

A: Okay.

Q: Okay? Does that make sense?

A: Yeah.

Q: Um, I know when we came in, we had to use badges to open the doors, but to leave, you just can walk out the doors, okay?

A: Okay.

Q: Like come into the building, all right?

A: All right.

Q: But then again, like I said, if you don't want to have, uh, a conversation, you want to end it, then I'll be more than happy to take you back to the airport.

A: Okay.

Q: Okay? Um, however, we do need to clarify the vacation that you were on before you came to Las Vegas.

A: Okay.

Q: And then some events that happened here in Las Vegas and then events on your way back home.

A: Right.

Q: Okay?

A: Okay.

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT**

**VOLUNTARY STATEMENT**

**PAGE 5**

**EVENT #:121231-1381**

**STATEMENT OF: RASHED ALSHEHRI**

Q: Does that make sense?

A: Yeah.

Q: Um, our main objective is to make sure that we clarify certain things that have to do with a young boy inside of a hotel room. And we also need to clarify some marijuana stuff, okay?

A: Okay.

Q: Does that make sense?

A: Yeah.

Q: So we're going to talk about that.

A: Okay.

Q: Okay? So what I'd like for you to do is we're gonna kinda work our way to the very beginning of your trip, all right?

A: All right.

Q: Um, and where you live and where you came from before the trip happened. So where did you live in December of 2012?

A: I arrived to USA at the 9th of December.

Q: Okay, where...

A: It was in (unintelligible).

Q: You arrived here?

A: Yeah, I arrived...

Q: From where?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 6

EVENT #:121231-1381

STATEMENT OF: RASHED ALSHEHRI

A: From my country, Saudi Arabia.

Q: Okay, and when you arrived from Saudi Arabia over here...

A: To San Antonio.

Q: Okay, so you went to San Antonio, Texas?

A: Yeah - yeah, because I know, uh, my friend - a close friend over there and he, like, uh, he said, "Come over and do - we gonna have fun on - before you go to school and I show you some - like, I will you show you all, like, the (unintelligible) in America." Something like that. And he was living there and I have nobody in America, so after this day, I been there because, uh, he's my close friend.

Q: Okay, did you already have arrangements to come - to go to school here in the United States?

A: Yeah.

Q: What school were you going to go to?

A: Texas Wesleyan University.

Q: And what are you going to major in?

A: Uh, computer science.

Q: Okay, are the classes that you take in - in school, are they in English or Arabic?

A: In English.

Q: So you understand English?

A: Yes, I do.

Q: Okay, did you learn English in Saudi?

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT**

**VOLUNTARY STATEMENT**

**PAGE 7**

**EVENT #:121231-1381**

**STATEMENT OF: RASHED ALSHEHRI**

A: No, I lived in New Zealand.

Q: New Zealand?

A: Yeah.

Q: So you lived in New Zealand as well?

A: Yeah, for like a year and three months.

Q: Okay, any other countries that you lived at?

A: No, I just visit some countries.

Q: Just visit?

A: Yeah.

Q: Okay, and, um, which one is your friend? Who is your friend that invited you over? What's his name?

A: His name Ehmad Alshehri.

Q: Okay, and, um, are you cousins? Are you related?

A: No, just, ah, the same tribe.

Q: The same tribe?

A: But I know him for a long time.

Q: And, um, remember like I said, this is going to be a statement that's going to be heard by people that might not quite understand your culture.

A: Right.

Q: So when somebody has a same last name or they carry over the same first or middle names, it's because of a tribe.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 8

EVENT #:121231-1381

STATEMENT OF: RASHED ALSHEHRI

- A: Right.
- Q: Which is similar to, like, extended family?
- A: Exactly.
- Q: Right?
- A: Yeah.
- Q: So you're not brothers or cousins but of the same region or tribe?
- A: Yeah, like the same, uh, hometown, like that.
- Q: Um, when you landed here in the United States...
- A: Yeah.
- Q: Who picked you up at the airport?
- A: Ah, his (unintelligible), my friend.
- Q: Okay, did he have a car?
- A: Uh, yeah, I think he got one, like, he rented from the company. I don't know what's that name for the company, but he have like a car for rent. You know, it's not for him.
- Q: So he rented a car.
- A: Yeah.
- Q: Okay, where did you guys go once you landed? What did you guys do?
- A: Like, ah, when I stay in San Antonio?
- Q: Uh-huh.
- A: Ah, it was, like, uh, they have, uh, work to do, like, from Monday to Friday. Most

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
VOLUNTARY STATEMENT**

**PAGE 9**

**EVENT #:121231-1381  
STATEMENT OF: RASHED ALSHEHRI**

of the time, I would, like, stay in the home and if we have, we can - we went to some clubs and something like that.

Q: Where did you go on - did you take any trips, or where did you guys go on trips together?

A: Actually, he said, uh, we can go to Las Vegas for New Year. That's our plan before I came. But that changing - he's, ah, his school give him some weeks of (unintelligible) and he cannot go with me, and he said there are two people going up by car, if you want to go with them, because he, like - I say to him, "I feel bored, all the time in the house, and I was intending to go see any city or state in America." And then he said, "There is two people." They came - I don't know which state exactly, but near to Texas.

Q: Who are these two people?

A: Like, yeah, two people - they are - them friends, like, they are the same program. They come from Armenia and they have to - or study something. I don't know.

Q: What were their names?

A: Ah, Mazin- ah, Mazin Anatavia and Mohammed I don't know a last name.

Q: Okay.

A: Because he used all the time nickname called Kudi. Something like that.

Q: Okay, so Mohammed introduced you to Mazin? Right?

A: Yeah, both of them, they came to, uh, San Antonio...

Q: Okay.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 10

EVENT #:121231-1381

STATEMENT OF: RASHED ALSHEHRI

A: And they meet some friends over there and then for like two days - and then they said, "We're going to, uh, Las Vegas."

Q: Okay, tell me about your trip to Las Vegas. Where did you go and where did you stop?

A: And, uh, when I asked them, "Are you going to Las Vegas? I can join you guys?" And, uh, I said, uh, "My cousin in California if you will come take me there," and he stayed there for like one day or two days because, uh, he's my cousin and I want to see him.

Q: And where at in California?

A: In Santa Monica.

Q: Santa Monica?

A: Yeah.

Q: So you guys drove from Texas to Santa Monica?

A: Yes.

Q: Did you stop anywhere else? Any other cities or states?

A: N- no, like just for gas and some food.

Q: Okay, so straight through drive.

A: Yeah, like, uh, I think I drive before 300 miles.

Q: Okay, and, um, what day did you leave to go to Santa Monica?

A: What date?

Q: Uh-huh. Do you remember what day it was?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 11

EVENT #:121231-1381

STATEMENT OF: RASHED ALSHEHRI

A: Nah, I don't remember.

Q: Was it - do you - do you know what day Christmas is? Christmas is December 25.

A: Yeah.

Q: Was it before or after the Christmas holiday?

A: I think it's after. Yeah, after maybe - after, uh, like, two days.

Q: Two days after Christmas?

A: Maybe 27th or 28th, something like that.

Q: And when you - when you went to Santa Monica...

A: Yeah.

Q: You stayed with your cousin?

A: I stayed with my cousin for two days.

Q: Okay, what did you guys do in Santa Monica?

A: Ah, first day, we sleep, you know, because that was day three for us, and we sleep late until - like first day it was like sleeping and talking in the apartment. Didn't go out. That second day, we went to, uh, Los - Los Angeles.

Q: Uh-huh.

A: I don't - I don't know but, like, the downtown part of Los Angeles. And, uh, we left at, like - we just chilling and go around, ah, uh, that street - I don't know. There is a place - a famous place called, uh, Hollywood or something like that.

Q: Right, all the little tourist sites like the Chinese Theater and all that?



LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 12

EVENT #:121231-1381

STATEMENT OF: RASHED ALSHEHRI

A: Yeah.

Q: Um, when you guys were on your road trip and you're driving from Texas to California, did you take any drugs?

A: They used to some, uh, marijuana.

Q: They just smoked marijuana?

A: Yeah.

Q: Do you know what methamphetamine is? The crystal powder - did anyone take crystal powder?

A: No, I just saw them, ah, smoking marijuana.

Q: Smoke marijuana?

A: Yeah.

Q: Did they drink alcohol?

A: In the - in the trip? No.

Q: Where did the marijuana come from?

A: Ah, I think, ah, Mazin he got it but I don't know from where because I just know him in the trip.

Q: But Mazin had the marijuana? It was his marijuana?

A: I think, uh, both of them, they took me from my friend apartment...

Q: Uh-huh.

A: But that time is my first time to see Mazin, so I don't know exactly.

Q: When you guys were driving and they're smoking marijuana, is it like a cigarillo or

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 13

EVENT #:121231-1381

STATEMENT OF: RASHED ALSHEHRI

a cigarette, or is in a pipe?

A: Nah, cigarette.

Q: Cigarette?

A: Yeah.

Q: Pass it back or forth, or would they each have their own?

A: Yeah, they are like smoking.

Q: Passing?

A: Yeah.

Q: Did you have marijuana also?

A: No.

Q: Do you ever smoke marijuana?

A: Yes, I did. Uh, I did, I think, in New Zealand.

Q: When, um, you were in Santa Monica, did you get a medical marijuana card?

A: Yes, they took - uh, Mazin took, uh, from pharmacy with someone he met - he met someone.

Q: And they put it in your name?

A: My name?

Q: Uh-huh.

A: No.

Q: whose name was on the pill bottle? The marijuana bottle that was in the hotel room?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 14

EVENT #:121231-1381

STATEMENT OF: RASHED ALSHEHRI

- A: I think it's that guy who he meet him in the - in the street. He said, "I can buy for you what I wanted from the pharmacy."
- Q: Okay. I - I want to back up just a little bit because we kinda got a little - when you were in Santa Monica, you can get medical marijuana. And so Mazin...
- A: Uh-huh.
- Q: Decided to do this.
- A: Yeah.
- Q: Okay, can you tell me exactly - and I'm not gonna interrupt you - tell me how that happened again.
- A: We walking the street and some people, they ask us, like we have, uh - uh, (unintelligible) and we have some trip for you guys. Like foreign language spoken 0:14:19.
- Q1: They - they offered him things when he saw this person in the street.
- Q: Okay.
- A: Like, lemon and, uh, we have some, like, for foreign language spoken 0:14:29
- Q1: Uh-huh. He said they had stuff for tourists is what they were offering - tourist items.
- Q: Okay, is there, like, paperwork they had to fill out?
- A: Yeah, something like that. And then, ah, he ask him, they say, "We have everything; just, uh, just tell us what you need." He said, "I just want, uh, marijuana. If you got some, I will buy it." And that one said, "I can - I go to that

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 15

EVENT #:121231-1381

STATEMENT OF: RASHED ALSHEHRI

pharmacy. I'll give you some." Then they go together and he gave him that one.

Q: Okay, um, when - okay, you know how Santa Monica is? Do you know Santa Monica area? Do you know the beaches?

A: Mm, (unintelligible).

Q: You know Santa Monica beach?

A: Yeah.

Q: And then there's that boardwalk and there's a hot dog on a stick and the Muscle Beach area and then there's Venice Beach with all the people that have all the stuff on the sidewalks. Did you see all that?

A: No.

Q: Were you on the beach when you were buying the marijuana or...

A: No, not on the beach. It was in Los - uh, Los Angeles.

Q: In Los Angeles?

A: In downtown.

Q: Downtown Los Angeles, okay.

A: Yeah.

Q: So who filled out the paperwork to get the medical marijuana?

A: Uh, I think that one, he had - he went inside.

Q: He went inside?

A: Yeah, and he said for to stay out and I will give it to you.

Q: Ok, did you put anything in your name? Did you fill out paperwork?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 16

EVENT #:121231-1381

STATEMENT OF: RASHED ALSHEHRI

A: Me?

Q: Uh-huh.

A: No.

Q: Nothing?

A: Nothing.

Q: When, um, you guys get the medical marijuana and, um, you leave, how was it?

Is it in a big jar? A little jar? Like how much is it?

A: I think that one, it was in the (unintelligible).

Q: How many did you get over that time?

A: I don't know.

Q: Like, do you know how many times or how many bottles were filled?

A: I'm not sure about, uh, like - because I don't know how foreign language spoken

0:16:44

Q1: She doesn't know - he doesn't what sizes or how much is in them, so.

A: And because I didn't use it. Like, he use it, Mazin and - it's not my business to care about that, I think.

Q: When, uh, but how many bottles did you get? Did you - one, two or three bottles?

A: He got one - just one.

Q: Just one bottle? Okay. Did you smoke marijuana while you were in California?

A: No.

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT**

**VOLUNTARY STATEMENT**

**PAGE 17**

**EVENT #:121231-1381**

**STATEMENT OF: RASHED ALSHEHRI**

Q: Did you drink alcohol?

A: Yes, uh, in Vegas, I drink.

Q: In Vegas?

A: Yeah.

Q: Okay.

A: Maybe some beers in California.

Q: When, um, when does your friend Mohammed - he was here in Las Vegas with you, right?

A: When who?

Q: Mohammed.

A: The friend of, ah...

Q: The friend that invited you to...

A: With Mazin.

Q: Wait a minute.

A: It's like, I think that they are, like, roommate or they live in the same city. Something like that.

Q: Okay, the friend that invited you out here to come stay in Texas.

A: Yeah.

Q: Did he ever come to Las Vegas? Did he ever meet up with you?

A: No.

Q: Okay, so he stayed in Texas the whole time?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 18

EVENT #:121231-1381

STATEMENT OF: RASHED ALSHEHRI

A: Who? Mohammed?

Q: The friend that invited you out here.

A: I don't know them, like, very well because I just came, as I said, the 9th of December. On - like, they are like, uh, 15 or 20 people. Each day, they came new people. I just know my, uh - uh, just I know (unintelligible).

Q: Okay, did he come to Las Vegas?

A: We came back here without him. Mazin and Mohammed and me.

Q: Could you clarify that?

Q1: Foreign language spoken 0:18:33

A: Ehmada, no.

Q1: Foreign language spoken 0:18:41

A: Ehmada, yeah, but he came, uh, later, and - like, after two days. They - I meet them in Vegas but they didn't come with us.

Q1: I asked him if Ehmada went with them from Texas to Santa Monica and he stated no, he came at a later time.

Q: So - but he was here in Vegas?

Q1: But he came at a later time, correct.

A: Yes.

Q: Was he in the hotel room when police came?

A: Yes.

Q: Okay. What did he look like? Do you remember what he was wearing that day?

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
VOLUNTARY STATEMENT**

**PAGE 19**

**EVENT #:121231-1381  
STATEMENT OF: RASHED ALSHEHRI**

- A: We - we took Mazin from street to Ehmad because I called Ehmad. I said,  
"Mazin drink too much alcohol."
- Q: Okay, now, hold on.
- A: Um...
- Q: Let me have you back up, just before we get into that. So you - how did you get  
to Las Vegas?
- A: Ah, we - we continued by the car - the same car.
- Q: The car.
- A: Yeah.
- Q: And then your friend met you here from Texas? Did he fly in?
- A: No, he use a car.
- Q: So he drove up?
- A: Yeah, drove straight away to Vegas.
- Q: And where did you guys meet at?
- A: We meet, uh, um, in, I think, some place but I don't know what's the - what  
called.
- Q: A hotel or just a place?
- A: A place like for gambling and drink. But it's like public place.
- Q: Okay, so you meet at the place. Do you remember where you stayed the night?  
Where your hotel was?
- A: We didn't stay at hotel; we just met the people, uh, and they, uh, start drinking



LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 20

EVENT #:121231-1381

STATEMENT OF: RASHED ALSHEHRI

and some people was, uh, play gambling, and then we went to, like, uh - uh, a club, but we stay outside, like, maybe for ten minute, and they said, "It's gonna be closed after half an hour." So they decide to go, uh - uh, to a st- strip club, and then, like, it's about maybe eight people or ten, and one engaged with us - he - she came also from Santa - not Santa - like, their group about 20 people, 15 - something like that.

Q: Okay.

A: And then, after, uh, when we stay in the strip club, they used to drink, and I think that, uh, Mazin say, too - I remember that well. He said, uh, "Watch me out. I drink too much." But at the time, we just drink alcohol so when we arrive to - he - and I said, "Please, uh, come over, and, uh, we want to take you to the, ah - uh, come over and take an other - other room near to us." And then, uh, he - we arrived there, Mazin, like, he completely drunk. He doesn't know anything. And he start fighting Mohammed, his, ah, friend. At the time, I just called Ehmadi, I said, "He just fighting and he just run the street and he talking rubbish. I don't know. I just wanted something to do. I am in Vegas. I want to do what I want to do." Something like that. And they tried to took him to the room - uh, we take him to the room because, uh, we want him to sleep or do, like - because he get that crazy because he doesn't know what he doing. Then the people - some people outside - inside, they say, uh, "Let him smoke marijuana. Maybe he will sleep."

Q: Uh-huh.

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
VOLUNTARY STATEMENT**

**PAGE 21**

**EVENT #:121231-1381  
STATEMENT OF: RASHED ALSHEHRI**

- A: When we came to the room, we saw a Chinese guy. He was playing near to the  
- or just listening to music.
- Q: A Chinese guy?
- A: Yeah.
- Q: And he was inside the room?
- A: No, outside.
- Q: Okay.
- A: But we saw he was, like, near to the room.
- Q: Outside the room's door or...
- A: Yeah, yeah.
- Q: The hallway area?
- A: Near to the - my friend's room. And he just asked, uh, about marijuana.
- Q: Uh-huh.
- A: Then when we get inside and that door was locked, and, uh, we opened it and  
we saw the Chinese guy. And he stay - stand - I remember he stand up in front  
of me and someone ask him, "How old are you?" He said, "13." Then he took him  
outside and then he said, "Go to your - your family and don't come back." After a  
few minutes, we saw, uh, Mazin open the door and then open the door for, uh,  
the bathroom. They stay inside for, like, ten minutes, something like that.
- Q: Okay and that was the same Chinese boy that was back with him?
- A: Yeah, yeah. Then he said, uh, Mazin back and he said, "The Chinese guy went

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 22

EVENT #:121231-1381

STATEMENT OF: RASHED ALSHEHRI

to \$150 with, uh, (unintelligible)." But I didn't give him.

Q: What do you mean - the Chinese boy about \$150?

A: He need - he ask Mazin for \$150.

Q: He asked Mazin for \$150?

A: He said - Mazin said that, and someone - I said - and Mazin said, "I told him go outside," and (unintelligible).

Q: Okay. I'm gonna kinda clarify some stuff. Um, so you guys first are going up to your hotel room - first going up the first time.

A: Yeah.

Q: You see young Chinese boy in the hallway.

A: Yeah.

Q: And then that boy asked you about marijuana?

A: I think he asked or follow us. I'm not sure about that but he, like, he do something about and he used to - he's listen to, ah, music of Snoop Dogg or something like that.

Q: And you guys let him in the room?

A: First time, he knocked the door.

Q: So he talked to everybody in the room?

A: No, he just stay inside - talked - no, he just stay inside. This time, somebody ask him about his age, and he said 13. They kicked him out and then...

Q: Who kicked him out? Do you remember who it was?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 23

EVENT #:121231-1381

STATEMENT OF: RASHED ALSHEHRI

A: Yeah, his name Adel.

Q: Adel?

Q1: A-D-E-L.

Q: So, did the boy leave?

A: Yeah.

Q: Like, no problem? Or did he fight with you guys or say anything?

A: He - he looks like - I don't know. Like, he just, uh, when he say something, he (unintelligible). Like he said go out; he'd go out.

Q: Did he drink alcohol with you guys?

A: No, he didn't stay with us long time.

Q: When, uh, the joint was being passed around and everything, did he smoke marijuana in front of you?

A: No - no. They didn't let him go - do anything.

Q: Was Mazin already in the room when this happened?

A: Yes.

Q: So Mazin heard him say that he was a 13-year-old boy?

A: Sorry?

Q: Did Mazin hear him say he was 13?

A: Yeah, yeah.

Q: Um, where were you guys sitting at in the room when this happened?

Q1: Foreign language spoken 0:26:25

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 24

EVENT #:121231-1381

STATEMENT OF: RASHED ALSHEHRI

A: Foreign language spoken 0:26:41

Q1: Foreign language spoken 0:26:42

A: Foreign language spoken 0:26:43

Q1: Ah, he stated that, uh, there were some people sleeping in the two beds that were in the room. There was a couple people sleeping on the floor and they were all over the room, scattered.

A: No, but they not sleeping in the room.

Q1: Laying down.

A: There are like two peoples sleeping or...

Q1: (Unintelligible).

A: They were sleeping because we just came for - we only stay, like, for 15 minutes and then we take, uh, a room, because there's not enough for us. But that happened and the police catch us.

Q: Okay, um, when the boy left the room, did Mazin stay in the room?

A: Yeah.

Q: How long - how long, like, did time pass before Mazin left the room after the boy?

A: I think, uh, it's, uh, he wasn't, like, uh, about 30 minute, but I think the boy was outside.

Q: You think he was waiting outside?

A: Yeah, I think because he just opened the door and then straight away opened the door for bathroom. He just left us, like, for a couple - like, uh, some - I can't

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 25

EVENT #:121231-1381

STATEMENT OF: RASHED ALSHEHRI

← say, like in minute. It's just open it and opened the bathroom because the door was, uh, near to the bathroom.

Q: 'Cause we have video of Mazin and that boy walking around Circus Circus for a while in the elevator. So did Mazin leave the hotel room and go find the boy?

A: Uh-huh.

Q: Is that what happened?

A: I'm not sure about that because I wasn't in the room, so.

Q: Oh, I'm just saying, did Mazin say anything, like, "I'm going to go find the boy," or did he make - what - what did he say when he left the room?

A: So he left - he saw him, he left the room for like - and he followed the - that one, I didn't know it.

Q: Okay, but when Mazin left the room, what made him leave the room or what did he tell you? Did he say he was going to get breakfast? Did he say he was going to go gamble or drink?

A: No, he just go, like...

Q: Just walked out?

A: Yeah.

Q: Did anyone try to stop him?

A: We think he just, uh, like, uh - we think it's like he, uh - because first time, it was like so drunk and he shout out and after that (unintelligible) 30 minute or one hour, he like completely get quiet and relax and we thought that he's okay now.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 26

EVENT #:121231-1381

STATEMENT OF: RASHED ALSHEHRI

But maybe he went outside without, uh - we just - we didn't know, like, maybe something - maybe (unintelligible) talking.

Q: Um, when Ma- Mazin comes back with the Chinese boy, did Mohammed get into a fight with Mazin or did Mohammed say anything to them at the door?

A: We talk - ah, he talked to, uh, him, like, outside...

Q: Outside in the hallway.

A: Outside the door.

Q: Outside the door - the bathroom door?

A: Yeah.

Q: Was the boy inside the bathroom then?

A: Yeah, yeah, yeah, both of them. And he said, um, uh, just to open the door and something like that. And then I didn't hear anything, like I just saw - I think he - a shower or something.

Q: A shower?

A: Yeah.

Q: Like water turned on?

A: Yeah.

Q: What do you think happened in the bathroom? Or what did you think was happening?

A: I - I'm not sure, really.

Q: Please - and don't be - I'm tellin' you, don't be embarrassed. I mean, I

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
VOLUNTARY STATEMENT**

**PAGE 27**

**EVENT #:121231-1381  
STATEMENT OF: RASHED ALSHEHRI**

understand it's sensitive.

Q1: Foreign language spoken 0:30:56

Q: See, you're kind of smiling like you're kind of embarrassed but would you think that's not right?

A: It's not right, completely, but I think - I'm not sure what they doing. But when he went out, both the Chinese guy - he looks like not angry. He's the same, you know?

Q: Uh-huh.

A: If some- someone go outside, if he did something to him, like, any foreign language spoken 0:31:23.

Q1: If he forced him to do something.

A: Um, I think he will foreign language spoken 0:31:30

Q1: He would scream or he would say something.

A: But it was so quick and so quiet that I...

Q: And the water was on, also, right?

A: Yeah.

Q: The shower was on?

A: Yeah.

Q: Were - was there TV on in the room or music or anything?

A: No.

Q: No music, no TV?



LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 28

EVENT #:121231-1381

STATEMENT OF: RASHED ALSHEHRI

A: No music.

Q: Were you guys, uh, talking?

A: Yeah, talking (unintelligible) because some of them sleeping, so we didn't want to, like, uh, interrupt them.

Q: Were you smoking marijuana then?

A: I think, uh, they used to smoke and then I, uh, I caught the (unintelligible) for, uh, a room and they said, "We have a - a room available you can - you can get it." And then I asked Mohammed to go, um, outside. We gonna take our own because at that time, all the (unintelligible) we are so tired and drunk, and I just opened the door and the security came out. They s- saw me and...

Q: And stopped you?

A: Yeah.

Q: When Mazin is in the bathroom with, um, the boy, is he smoking marijuana or can you smell marijuana coming from the bathroom?

A: Mm, no - no.

Q: Did he take alcohol in the bathroom with him?

A: No.

Q: Um, did you see the boy leave the room?

A: Yeah.

Q: Um, when he left the room, tell - de- describe that to me. He comes out of the bathroom; what happens? What does he do?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**

PAGE 29

EVENT #:121231-1381  
STATEMENT OF: RASHED ALSHEHRI

A: He just, uh, look at Mazin, I think, and Mazin just left him, and Mohammed say to the boy, "Just go to your family." And Mazin said, "He want to \$150."

Q: That he wanted \$150?

A: Ah, yeah, and some marijuana.

Q: Why would the boy want \$150?

A: I don't - have no idea but that when Mazin said that to us, because he - we said, "What happened? What did you do?" Like he said, "He want \$150 and we talk about some marijuana."

Q: And we talked about some marijuana? So the boy wanted \$150 and marijuana? Okay. Have you ever been in a position, or during the trip, did Mazin ever scare you or threaten you or how did you feel about him? Did you like him or not like him?

A: I think he, like, uh, he just, uh, he grow up, like, in good family, I think, because sometime he do - did something bad, he say to me, "Ah, don't follow me." This is, ah, maybe, for just two weeks (unintelligible) and when we go back to Texas, don't try to do what I did.

Q: And what would be the things that he would do?

A: Like, uh, drive fast and, uh, talking with some people or smoking marijuana, like, he said, "Don't follow me," because, uh, like he just sometime he want to give me some advice.

Q: Is his - see if I see it right - is Mazin's family privileged?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 30

EVENT #:121231-1381

STATEMENT OF: RASHED ALSHEHRI

Q1: Foreign language spoken 0:34:54

A: Foreign language spoken 0:35:01

Q1: Foreign language spoken 0:35:02

A: Foreign language spoken 0:35:08

Q1: They're average.

A: Foreign language spoken 0:35:12

Q1: He's not sure but he thinks they're average.

Q: Is his - would he say Mazin's family is above his family or below or even?

Q1: Foreign language spoken 0:35:21

A: Foreign language spoken 0:35:29

Q1: Okay, he said he's not sure because he's only really - he only knew him for like three days.

Q: What does your family do? What's your dad do?

A: Ah, he work in the police.

Q: He works for police? Um, how are you able to go to New Zealand and all around the world and stuff? How are you able to travel? How do you get money?

A: Uh, first time I was, uh, working for three jobs.

Q: Three jobs?

A: I, uh, yeah. For a - for a (unintelligible) small company and then I way - I went to the army for two years, then I went, uh, I went, uh, I did - I worked in the bank.

And then I decide to, uh, study English. I have some money, like, saved for, uh,

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
VOLUNTARY STATEMENT**

**PAGE 31**

**EVENT #:121231-1381  
STATEMENT OF: RASHED ALSHEHRI**

one year or something in the bank, and then I went to New Zealand and I got a, uh, scholarship. I think without scholarship, I cannot come here.

Q: So you - you're smart, and you work hard.

A: Uh, yeah.

Q: So, um, because of you being smart and you working hard, that's what provided you to travel the world and come to United States?

A: Mm, it's not like that but, uh, my family, like, uh, my family pushed me to do something good because when I got out from high school, I, uh, said I don't want to study anymore. And my father pushed me to study at university because my old brother, he into university and he studied. I just said, "I want to do, like, I want to work and got some money, travel, something like that. I don't want to study for five years more." But so my father always, he said to me, ah, "You should do (unintelligible) anything all the time." So I decided to study abroad in first in New Zealand, then when I got scholarship, I said, uh, "Some people are (unintelligible) to study in America." They said, "Well, good education," so I moved there.

Q: Um, and you were in the army yourself, right?

A: Yeah.

Q: You did military time?

A: Yeah.

Q: Is that because your family or because it's - you have to?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 32

EVENT #:121231-1381

STATEMENT OF: RASHED ALSHEHRI

A: No, no. I - I just decided because I didn't find, uh, a good job and, uh, my father said, "You have to try - you should try, uh, in army." And I tried but doesn't like it, and I think it's, like, if I stay there, I will be more poor, or then I - I think foreign language spoken 0:38:31

Q1: He felt if he would have stayed there, he would have stayed the same or worse, so he decided to do something better with his life.

Q: How long were you in the army? How long did you have to stay?

A: Mm, like, probably one year and nine months, something like that.

Q: Is that mandatory time or could you leave whenever?

A: No, just, uh, we training for three months because I was just a soldier.

Q: Okay.

A: And so...

Q: So the army - and forgive me 'cause I know quite a bit of the structure for ours but over there it's a little bit different but where you live in Saudi, is there a lot of war going on, a lot of bombing, a lot of bad things happening? Or is it pretty peaceful where you lived?

A: Nah, I think it's pretty peaceful.

Q: Pretty peaceful?

A: Yeah.

Q: When you were in the army, were you paired up with American soldiers or were you just strictly Saudi army?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 33

EVENT #:121231-1381

STATEMENT OF: RASHED ALSHEHRI

A: Um, what can I say? Like, uh, it's not really about army; we working like in office or something like that. I meet some people, like general from American people, but I didn't talk and I didn't have any - because I'm so young and they are general or something like that.

Q: All right, so you're more of a desk army?

A: Yeah.

Q: Not soldier army; not fighting?

A: Not like we - like, I think it's not really army like I saw on the TV.

Q: Okay. Did you meet Mazin and Mohammed and all these guys in the army or did...

A: No, we are so different.

Q: How did you meet the - how did you meet your friend that lived in Texas that had you come over?

A: We study in high school and he - we - he live, ah, near to my home.

Q: And you're same tribe, so...

A: We're the same, yeah.

Q: So close.

A: Like, eh, like we know each other so I know some people from my tribe but I didn't go with him (unintelligible) because we are about 100 family. So this one, he just - we know each other from long time. We trust each other like that, but the other, we - we are different (unintelligible) Saudi foreign language spoken

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 34

EVENT #:121231-1381

STATEMENT OF: RASHED ALSHEHRI

0:40:53

Q1: He said they were studying planes and weapons.

Q: So they fly? Does your friend fly a plane?

A: No, like they can fix...

Q: In the engine workings?

A: Yeah, they are different.

Q: Okay, um, how did they get to United States as part of the army? Why did they come here? Do you know?

A: Uh...

Q: Like, how does that work? Or how do you think it works?

A: Yeah, because at first of all, they all came here to study English and then they, uh, study, uh, like a program about, uh, planes or something.

Q: When you say they come here to study English, how does that work? Like, are they in a classroom to study English? Do they go out in public? Like, how - how do you study English?

A: Uh, I think my - my - my friend, he said, "We study English different," because I told him when I was in New Zealand how I studied. He said, "Not like that. We study like we - we came from Saudi Arabia but we study with other countries, but most of the time we are together." So he said the English - our English cannot be improve because we are the same class. We talk in Arabic all the time.

Q: So you guys don't speak English - if you're all together, do you speak English or

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 35

EVENT #:121231-1381

STATEMENT OF: RASHED ALSHEHRI

Arabic?

A: No, Arabic. It's more easier.

Q: Do you ever practice?

A: Yeah, sometimes. Be - if someone came, like, his friend - I saw some of my friends that were there from Mexican or from some different country, they talk English so we have to talk English because he doesn't understand Arabic, and like that.

Q: And do you have a wife or a girlfriend?

A: No.

Q: No? No girl?

A: No girl.

Q: Do you have a girl named Jennifer in your life?

A: Say what? Yeah.

Q: Ah, I'm a smart one, huh? I do my homework. See, I'm a good student, too. You didn't tell. Who's Jennifer.

A: Oh, Jennifer (unintelligible).

Q: Oh, oh. Oh.

A: Jennifer, uh, (unintelligible).

Q: Are you blushing? Your face turned red.

A: I - I - I thought that you was talking about, uh, other girl. But...

Q: So how many Jennifer's do you have?



LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**

PAGE 36

EVENT #:121231-1381  
STATEMENT OF: RASHED ALSHEHRI

- A: That one, she came right. I saw her with them, like, most of the time.
- Q: So Jennifer's with them most of the time?
- A: Yeah, but I didn't know, wh- who is, uh, or her boyfriend.
- Q: Okay. Do you have a personal Jennifer in your life right now?
- A: No, no.
- Q: Jennifer Mendoza? Do you...
- A: I - I d- n...
- Q: Do you know a Jennifer Mendoza?
- A: No, no. You talking about Jennifer, oh, she st- stay with them.
- Q: She stayed with them?
- A: I saw them - like, he - she with them, like, (unintelligible).
- Q: Stayed with them in Texas before you went to California?
- A: Before I met, uh, her in, uh...
- Q: Okay.
- A: ...Vegas.
- Q: Okay.
- A: And then after the problem, we work to San Antonio. She came and talk about the problem. At that time, I just know about her.
- Q: Okay. She came and talked about what program?
- A: No, talk about the problem.
- Q: Oh, the problem.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 37

EVENT #:121231-1381

STATEMENT OF: RASHED ALSHEHRI

A: Because we saw it on TV, and...

Q: You saw it on TV? What did Jennifer say about the problem?

A: Um, she said, uh, "Why you let him do that?" And he - she - uh, "I know him, like, he - he will not do that if he not, uh, drunk."

Q: Is Jennifer and Masan did they - are they, uh, a couple? did they date?

A: No, no. Uh - uh, I don't know. Because I just saw Jennifer and Masan in Vegas and Masan maybe - we in the same car. We just drive.

Q: So Jennifer came up to Las Vegas with him?

A: No.

Q: Or with you guys?

A: She came with other people.

Q: Okay. But she was here?

A: Yeah. But, like, as friends, I think.

Q: Does she speak Foreign Language, English, Arabic?

A: Uh, I saw just English.

Q: Just English? Okay. So it's not uncommon for you guys to all talk Arabic to each other. Right? When it's you guys?

A: Arabic?

Q: Yeah, you speak Arabic together?

A: Yeah.

Q: When you opened up the door and the police, the security guys? They're - the

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**

PAGE 38

EVENT #:121231-1381  
STATEMENT OF: RASHED ALSHEHRI

security officers were at the door and they had you go in the elevator?

A: Um-hm.

Q: On video, it shows Masan is talking to you guys in Arabic. He's saying something to you guys. Especially kinda like over to you. What was he saying in the elevator?

A: I - I didn't - (unintelligible) - I didn't see him talking.

Q: You didn't hear him talking?

A: I just, uh, I (unintelligible) Mohammed, he was close to me and he just say, "Don't scare. Uh, we didn't do anything bad. If Masan do something bad, h- they will catch Masan." That one, I just remember Mohammed, he just (unintelligible) me all the time. We didn't have to scare about - because he say I come with you guys an y'all make me some problem we didn't (unintelligible) just (unintelligible) and something like that. I was, like, blaming him. And he said, uh, "Don't worry. We didn't do any bad and they will let us go."

Q: Did Mohammed think that Masan did something bad?

A: Hm?

Q: Did Mohammed think Masan did something bad? Like...

A: He said if Mohammed - uh, Masan do something, because we saw him hid in bathroom, so...

Q: So when you...

A: Nobody...

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 39

EVENT #:121231-1381

STATEMENT OF: RASHED ALSHEHRI

Q: When you see him in the bathroom with the young Chinese boy, you - you know what's going on?

A: I think they will do something bad, so - because in the bathroom, I...

Q: What would be bad to you?

A: Anything bad, you know.

Q: What's your bad?

A: Uh, I th...

Q1: Foreign Language Spoken 00:04:02

A: Foreign Language Spoken 00:04:02 But, uh, I don't have to say it - like something - because this problem - like, I don't wanna say anything about that, like if...

Q: I under- I understand. That's no problem.

Q1: Foreign Language Spoken 00:04:17.

A: Foreign Language Spoken 00:04:25.

Q1: Okay. He said he doesn't wanna answer.

Q: Um-hm. Um, I do have a question for your culture. Oh, on that. Um, where you're from in Saudi, it's different, right?

A: Yeah.

Q: Since you've lived now in America, in the United States and you've lived in New Zealand and you've lived in Saudi, things are different, right?

A: Right.

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
VOLUNTARY STATEMENT**

**PAGE 40**

**EVENT #:121231-1381  
STATEMENT OF: RASHED ALSHEHRI**

Q: Um, in United States, having a boy in the bathroom. Um, or taking a young boy someplace or spending time with a young boy. In the United States, is - makes people unhappy.

A: Is it...

Q: Right? In Saudi, is it okay? Or wh- how - do you understand what I'm saying?

A: Yeah, yeah. I get...

Q: Like, culture-wise is it acceptable to have a young boy...

A: N- our culture is more, uh, strict about that. Like, I think, uh, it's, like, something weird and more than weird, I think. Foreign Language Spoken 00:05:39.

Q1: Foreign Language Spoken 00:05:41.

A: Foreign Language Spoken 00:05:41.

Q1: Foreign Language Spoken 00:05:43.

A: Foreign Language Spoken 00:05:45.

Q1: Foreign Language Spoken 00:05:45?

A: Foreign Language Spoken 00:05:53.

Q1: Foreign Language Spoken 00:05:58?

A: Foreign Language Spoken 00:06:02.

Q1: Yeah. He said no, that's it's not normal in their culture.

A: It's - when they catch you, like, police will - they will do something.

Q: What would happen in your country for that problem?

A: I think they will, uh, go to jail and maybe, uh - if - if they found out, uh - uh, like if

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 41

EVENT #:121231-1381

STATEMENT OF: RASHED ALSHEHRI

they agreed about what happened, I think he will go to jail for a long time.

Q: Okay. How do you feel about the problem and about that day and night? Like, how do you feel, being in this position?

A: I feel it's like the lowest thing in my life.

Q1: Yeah...

A: Foreign Language Spoken 00:06:51.

Q1: Foreign Language Spoken 00:06:53.

A: Foreign Language Spoken 00:06:54.

Q1: Foreign Language Spoken 00:06:55? He felt like it was the worst thing in his life.

Q: Okay. Um, have you been contacted by Masan or by Masan's attorney?

A: No. After that, I didn't - I just saw - uh, made some (unintelligible) in Dallas. Like, by mistake. But I - like, (unintelligible) on they - they notes - like, uh, the - the same, uh, school or same program and I asked them about, uh, Masan. How (unintelligible) and something like that. Some people say, like, 20. Some people say (unintelligible). Because he's not really bad, but because I think alcohol, or drugs, uh, what he (unintelligible).

Q: Alcohol and drugs - like the alcohol and drugs make that judgment?

A: Yeah. Because he - I think - uh, most of the people, when we talk about that, they said he will not do it if he doesn't, uh, drink alcohol or something.

Q: Um, your friend that had you come out to Texas, and Mohammed and all those guys, have they been deported back to Saudi?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**

PAGE 42

EVENT #:121231-1381  
STATEMENT OF: RASHED ALSHEHRI

- A: Yeah.
- Q: Have you had any contact with them since they've went back to Saudi?
- A: Yeah, I met, uh, my friend when I back S- in Saudi, back last, uh, month. Uh, in June, I think. Yeah, June and August I was in Saudi Arabia. And I met, uh, Amud.
- Q: And what did he say? Or what was going on with him there? Is he free, or is he...
- A: Uh, he's just, uh - he continue his work.
- Q: That's good.
- A: But I think he got some, like, record on his work. Because, uh, they kicked him from - he di- doesn't continue (unintelligible).
- Q: Um-hm.
- A: And I think they know about the (unintelligible).
- Q: Why he was deported back?
- A: Yeah.
- Q: Did he talk about the problem? Did he talk about that night with Masan and what happened in the hotel? Did you guys have a conversation?
- A: Uh, before?
- Q: The - when you were back in Saudi over the summer.
- A: Me and ~~Amud~~ *E mad*.
- Q: Um-hm.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 43

EVENT #:121231-1381

STATEMENT OF: RASHED ALSHEHRI

A: I didn't think so, because he would not - he - all of us, we didn't like to talk about that. Especially, uh, he's - uh, Amud, like, uh, he care about his, uh, reputation.

Q: Um-hm.

A: His family's so strict about that, and - all of us, like - I think Masan family will do whatever for, uh - like, to say anything for people, because people talk, you know?

Q: Um-hm.

A: And - uh, the (unintelligible) people will affect his family.

Q: So they're disgraced right now? They're embarrassed? Masan's family?

A: I think - I don't know, but I think it's gonna happen. Like his mother, his father.

Q: Um, do you guys view it like it - it's not your problem and it's not respectful to ta-discuss it or to talk about it?

A: Not like that, but w- it's, uh - we can't believe that problem, because it happened without any, like, anything. Like it ha- it was happening so fast.

Q: Um-hm.

A: And we - when talk about it, we feel, like, bad about it.

Q: Has any of Masan's friends say that he's done this before or he's lost control before?

A: No.

Q: Did - like did somebody ever - or did anyone ever say...

A: No.



LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 44

EVENT #:121231-1381

STATEMENT OF: RASHED ALSHEHRI

- Q: You know, "Uh, Masan, he does this all the time."
- A: Uh, oh, no. All the people, they say if and he do something bad, like he does a little, but general he's - uh, he's not - not do like that. Like it was surprise for us.
- Q: Okay. Um, wh- and I wanna kinda go back to the hotel room. When that boy - when the Chinese boy walked into the room the first time, did he sit down? Or did he stand up? Like, did he sit down...
- A: No.
- Q: ...and talk to you guys?
- A: He just - it was stand up.
- Q: Just stand up?
- A: He doesn't talk about - we talk some time about that. Why he came to the room. They were asking each other why he came.
- Q: Did he...
- A: And he doesn't...
- Q: ...follow you in or did you guys invite him in?
- A: He - no.
- Q: Because he asked for marijuana. So how did he get in the room?
- A: First time, he knocked the door. Uh, f- first time, he - the people said we saw him, um, listening and, uh, the music and looked to them, but I didn't - I didn't think so they invite him.
- Q: (Unintelligible)...

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 45

EVENT #:121231-1381

STATEMENT OF: RASHED ALSHEHRI

- A: Because then - yeah, because first time when he get into the door...
- Q: Um-hm.
- A: All of them, they say he's young man. You know, let him go. And he go outside.  
But I didn't know he come back. How was (unintelligible) not sure about that.
- Q: The second time he came back into the room, did he go straight into the  
bathroom or did he come back into...
- A: Uh, we...
- Q: ...the hall and, like, the bed area.
- A: No, no. He just, uh, straight to the bathroom.
- Q: And that's what Mohammed met Masan at the door and talked to him?
- A: Because it was close to the bathroom, the door for the ba- the room.
- Q: Um-hm.
- A: You just open it, you can see the bathroom (unintelligible) side.
- Q: Okay.
- A: But the - you saw him in the video. He talking, like, the - in front of people?
- Q: Um-hm.
- A: Or he just talk with him.
- Q: Okay. The marijuana, um, pill bottle.
- Q1: Foreign Language Spoken 00:13:05?
- A: Foreign Language Spoken 00:13:05?
- Q: What's he asking?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 46

EVENT #:121231-1381

STATEMENT OF: RASHED ALSHEHRI

- Q1: He's asking you if, uh, you saw him on the video talking in front of the table, or going straight into the bathroom.
- Q: We don't have video of none of this, no.
- A: No, no. I - I mean, before.
- Q: We saw this downstairs, walking.
- A: So when he get in the room, before he get...
- Q: I - that i- that's why I'm talking to you, because there's no video.
- A: Yeah, because, uh, that's we talking about. He - if he need - he need something, but I don't know what he need, the Chinese guy. Because if he go outside and then - I think it's impossible to, like - I'm not sure, but maybe you saw the video, he go ta- talk him, like, uh, (unintelligible) just - he just came with him.
- Q1: He doesn't know if it was with force or if he just came with him.
- Q: Okay. So you don't know how he got into the room?
- A: That - that's - I would (unintelligible) about, but we think he don't do that Foreign Language Spoken 00:14:03.
- Q1: He said, "I don't think he forced him."
- Q: Did he touch the pill bottle that had the marijuana - the marijuana or anything? Did the boy touch it?
- A: No, no.
- Q: Did he touch any marijuana?
- A: No. He doesn't stay, like, for long. They...

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**

PAGE 47

EVENT #:121231-1381  
STATEMENT OF: RASHED ALSHEHRI

- Q: Did you look at that bottle that the marijuana was in? Did you read the label?
- A: Me? No.
- Q: You didn't read? So you don't know whose name was on that?
- A: No.
- Q: Do you think it was your name on the pill bottle?
- A: I didn't think so.
- Q: You don't think so? Okay.
- A: Why are you asking me that name (unintelligible) did you see my name, or?
- Q: I'm just trying to figure out, you - because you guys are from the same tribe and you have very common names...
- A: Um-hm.
- Q: ...and you all kind of have the same name, we're not for sure whose name is on that pill bottle. That's why I'm trying to figure out who that pill bottle belonged to. That marijuana bottle. Like, who got the - who got the marijuana card? Who got - who got the medical marijuana? Who...
- A: I...
- Q: Who purchased it?
- A: I told you, he - that guy, in the Los Angeles.
- Q: Um-hm.
- A: He - he got, I think, uh, he g- got into us, uh, into the pharmacy and he got some for Masan.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 48

EVENT #:121231-1381

STATEMENT OF: RASHED ALSHEHRI

Q: For Masan?

A: But somewhere I think maybe someone write it in - when the - in the room.

Q: Okay.

A: But I didn't think so. Uh, I'm s- I'm sure about, uh, they c- they took it from pharmacy, front of my eyes, yeah.

Q: Did you go into the pharmacy when they bought it?

A: We was outside.

Q: You were outside and then Masan went inside?

A: I think he get inside and come back outside. Because that guy said, "Wait for me, I will give it to you."

Q: Oh, okay. Did Masan, did you see him fill out paperwork?

A: No.

Q: No. Did he give him an ID card?

A: No. He just give him, I think, 70 bucks or something.

Q: \$70.00? So how did the guy know whose name to put on the medical prescription? On the - on the pill bottle?

A: That guy, he said, "I can get from pharmacy. I have a license for that." I think.

Q: Right. But how did they know whose name to put on the pill bottle? Do you see what I'm saying? If you don't write down your name or give them ID.

A: Um-hm.

Q: How did they know whose name to put on the bottle? Did somebody give them

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 49

EVENT #:121231-1381

STATEMENT OF: RASHED ALSHEHRI

an ID card or fill out paperwork?

A: No. It was - he said - uh, and I think - uh, that's what happened. He said you cannot take the marijuana from pharmacy. Only me. I can get that, because I have license.

Q: Um-hm.

A: So he g- he (unintelligible) inside and then he bring it for him.

Q: Okay. Hold on for me real fast.

A: Foreign Language Spoken 00:18:03.

Q1: Foreign Language Spoken 00:18:07.

A: Foreign Language Spoken 00:18:08.

Q1: Foreign Language Spoken 00:18:15.

A: Foreign Language Spoken 00:18:19.

Q1: Foreign Language Spoken 00:18:24.

A: Foreign Language Spoken 00:18:34?

Q1: Foreign Language Spoken 00:18:37.

A: Foreign Language Spoken 00:18:41.

Q1: Foreign Language Spoken 00:18:42.

A: Mmm.

Q1: Mmm..

A: Foreign Language Spoken 00:19:13.

Q1: He said...

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 50

EVENT #:121231-1381

STATEMENT OF: RASHED ALSHEHRI

Q: I n- I need to get, um, the arrangements for - to make sure we get you back and you - we don't miss your plane, because it leaves at...

A: Okay.

Q: ...like, 4:00. Um...

Q1: He said he didn't understand the question about the prescription bottle.

Q: Um, again, I'm (unintelligible) while I do that - because I need to make sure we get those phone calls so you don't miss your plane...

A: Okay.

Q: I'm gonna have my boss come in and you - he understands, so you can - uh, he'll ask the question again, okay?

A: Okay.

Q: So we'll go through that again.

Q1: I'll translate it.

?: Alshehri?

A: Yes.

?: Okay. Thank you for coming.

A: Okay.

?: We appreciate it. Okay. Uh, I'm gonna ask you some questions sorta regarding the marijuana. Uh, what I want you to know is this. Uh, you will not be held criminally liable or responsible for, um, anything you tell me regarding your use or even, um, the obtaining of that marijuana. Okay? You're not gonna be charged

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
VOLUNTARY STATEMENT**

**PAGE 51**

**EVENT #:121231-1381  
STATEMENT OF: RASHED ALSHEHRI**

or arrested.

A: Okay.

?: Regarding that marijuana. We just want the truth.

A: Yeah, yeah.

?: Okay. Um, so this is for informational purposes only.

A: Right.

?: Okay? My detectives, um - uh, when we executed the search warrant, when we searched that room, we located a, uh, bottle that looked like, um, it was a, um, uh, bottle obtained from California for medicinal marijuana.

A: Right.

?: And it had marijuana inside of it.

A: Right.

?: Okay? So I'm just gonna ask you some questions pertaining to that. Um, my detectives also told me that your name was on the bottle. Okay? Which led us to believe that you had obtained, uh, a, uh, recommendation from a doctor in California to buy medicinal marijuana. Do you understand?

A: Yeah.

?: Okay. So, uh, my question - uh, one of the questions I have for you is, um - uh, what knowledge do you have of that bottle of marijuana that had your name on it?

A: As I - as I said to her, uh, the - the bottle that he got - he got it from other guy.



**LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
VOLUNTARY STATEMENT**

**PAGE 52**

**EVENT #:121231-1381  
STATEMENT OF: RASHED ALSHEHRI**

The guy has a - a license for he can get some marijuana from the pharmacy.

?: Okay.

A: But I didn't (unintelligible) like, (unintelligible) time to know, is my name on that bottle?

?: Yes. That's why we don't understand it. Um, Masan came to Las Vegas from where? Uh, when you all met in Las Vegas?

A: Yeah.

?: Where did he travel from, Masan?

A: From (unintelligible). About 50...

?: From Texas?

A: Yeah.

?: Okay. Where did you travel from?

A: We take - we all together, in the same car.

?: Um, okay. So did you go from San Antonio to Los Angeles?

A: California - Sa...

?: California?

A: Santa Monica.

?: Santa Monica?

A: Yeah, my cousin over there. .

?: Okay.

A: Uh, I s- yeah.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 53

EVENT #:121231-1381

STATEMENT OF: RASHED ALSHEHRI

?: You both traveled by car from Santa Monica to Las Vegas?

A: Yes.

?: You and Masan?

A: Yes.

?: Just you two?

A: No, with Mohammed.

?: With Mohammed.

A: We all three.

?: Okay. Um, you obtained the marijuana in Santa Monica. Or Los Angeles, you said?

A: (Unintelligible)?

Q1: Foreign Language Spoken 00:22:54?

A: Los Angeles.

?: Los Angeles. Um, how is it - who transported it? Or how did it get from, uh, Los Angeles to that room in Las Vegas? Who - who brought it there?

A: Foreign Language Spoken 00:23:21?

Q1: Foreign Language Spoken 00:23:23?

A: Foreign Language Spoken 00:23:29.

Q1: Masan.

?: How did he transport it? Put it in a container? A suitcase? A bag? In the car? How did he transport it there?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 54

EVENT #:121231-1381

STATEMENT OF: RASHED ALSHEHRI

A: I think in the - uh, in the car. It was in the car. I'm (unintelligible) but I think it was in the car.

?: It was in the car?

A: Yeah.

?: Okay. Wh- why did the bottle have your name on it? How could that have happened?

A: I'm not sure. But this is more - I (unintelligible) this is my first time, I know that. But if someone write it down, that mean...

?: Your - your name was printed on the bottle...?

A: Printed?

?: ...from what my detectives...

A: Printed?

?: Yeah, it was printed on the bottle. My detectives told me that, uh, it had a - a label that was printed and that it had your name on it.

A: C- could you show me that? If - if...

?: I - I don't have it, no. I don't have it.

A: Because it's impossible, that I never...

?: You think it's impossible.

A: ...uh, do anything for...

?: You had nothing to do with it?

A: Yeah, it was, like, we (unintelligible) in the street.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 55

EVENT #:121231-1381

STATEMENT OF: RASHED ALSHEHRI

?: Okay.

A: And he met the guy and the guy give it to him, (unintelligible).

?: Did - so did the guy go into a dispensary and bring it out...

A: Yeah.

?: ...for you?

A: Yeah.

?: He did?

A: Yeah, he did.

?: Um, did Masan go in the dispensary with him or did you both stay outside?

A: We stay outside.

?: Both of you?

A: Yeah, because he said didn't go inside.

?: Okay.

A: But my question is, my name is, like, my first name or my family name? It was...

?: My detectives told me that, uh, your name was on the label.

A: Like, my first name or my last name? Because my last name is (unintelligible).

?: Uh, I - I believe, uh, a - a first and last name. They believe it was you. Whatever name was on the label, they believe that, uh, it was your name on the label. So that's - that's why we're asking you these questions. Uh, do you know how much marijuana was obtained? How much marijuana was in the - uh, the bottle?

A: No. I just know he just gave him, like, 70 bucks.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 56

EVENT #:121231-1381

STATEMENT OF: RASHED ALSHEHRI

- ?: Seventy bucks. Okay. So \$70.00 of marijuana. Do you have a - a medical marijuana card?
- A: No.
- ?: You don't? You've never applied for one before?
- A: Uh, yeah, I'm not smoking marijuana.
- ?: Okay. Have you ever applied for a medicinal marijuana card in any state?
- A: No.
- ?: No? Okay.
- A: That's why, uh, I feel like w- something strange (unintelligible) because if I have, uh - if I - they put my name on the bottle, I have, like - should be have, like, a license or something. So how would that - h- h- how it's happened, I don't know.
- ?: Okay. Who, um - who smoked, uh, marijuana in the room the day of the incident?
- A: I think...
- ?: Before the incident happened.
- A: I think, uh, all of - all of them.
- ?: Everyone?
- A: Everyone.
- ?: You, Masan, everyone?
- A: I didn't smoke.
- ?: You didn't smoke?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 57

EVENT #:121231-1381

STATEMENT OF: RASHED ALSHEHRI

A: No.

?: Okay. And - and - and you - did you smoke marijuana during your stay in Las Vegas last year?

A: Las Vegas? No, no.

?: You didn't smoke marijuana...

A: No.

?: ...at any time?

A: Not any time.

?: Did you smoke marijuana...

A: I smoke - I smoke before in New - when I was in New Zealand.

?: In New Zealand?

A: Yeah, when I was in New Zealand. But I - I didn't like it.

?: Okay. You've never smoked marijuana in - in America?

A: No.

?: Okay. Do you know what kind of marijuana was purchased? What the name of it was or what strain it was?

A: No.

?: No? And, uh - just, uh, to be clear. You spoke once of Masan, stating that, uh, the boy - the 13-year-old boy, uh, had asked for money and marijuana. Masan told you that.

A: He said for a favor. Like, we was, uh, s- uh, stay in the room. He said that. Like,

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 58

EVENT #:121231-1381

STATEMENT OF: RASHED ALSHEHRI

not personally. He says this for, uh, all of us.

?: Did the mar- Masan said marijuana's for all of you?

A: No, no. He said, uh, that guy asking - asking him for marijuana and, uh, the money.

?: Okay. Masan did that?

A: Um-hm.

?: He - okay, Masan said that to you?

A: Right.

?: Okay. Did you ever, uh, hear yourself - uh, hear the boy directly, uh, ask about marijuana? Or did you just hear Masan say he did?

A: He - he - first time he was standing in the room and someone told him - ask him about his age and he said 13 and he said, "You should go outside. You didn't - you shouldn't be in here." But - so I think he - uh, I didn't, uh, see - I didn't listen to him.

Q1: (Unintelligible) listening to him.

?: Okay, so - but w- yeah, what - what I wanna know from him is, um - uh, he - he describes an instance where Masan, uh, tells him the boy was asking for marijuana and money. I wanna know if, uh, he himself specifically heard directly from the boy...

A: No.

?: ...if he asked for marijuana or money.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 59

EVENT #:121231-1381

STATEMENT OF: RASHED ALSHEHRI

Q1: Foreign Language Spoken 00:29:18.

A: Yeah, (unintelligible) directly other than...

?: You never directly heard that from the boy?

A: Yeah. I didn't, uh, s- heard from boy anything.

?: Okay. Okay. Good enough. All right. One moment. Did you look at the pill bottle yourself? Did you see a name on it?

A: No.

?: No? You don't know whose name might be on the pill bottle yourself?

A: Yeah, no. It's first - is my first time, I - I had (unintelligible).

?: Okay. All right. But, um, if it's not your name, you don't know whose name it might have been?

A: I have no idea.

?: Okay. Do you think, uh, Masan might have used your information or your name to obtain that, for some reason?

A: No, I didn't think so.

?: Don't think so? Does he know you pretty well? Does he know your...

A: No.

?: ...your complete name? He doesn't?

A: He doesn't.

?: All right. Does Masan smoke a lot of marijuana?

A: Uh, I think so.



**LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
VOLUNTARY STATEMENT**

**PAGE 60**

**EVENT #:121231-1381  
STATEMENT OF: RASHED ALSHEHRI**

- ?: What makes you say that? Have you seen him smoke?
- A: Yeah, I have.
- ?: You - you have? Did you see him smoke marijuana in California, before you came to Las Vegas?
- A: I saw him in the - in the car when we came from, uh - uh, San Antonio.
- ?: San Antonio? Um, so when you traveled from San Antonio to California, he was smoking marijuana during that...
- A: Yeah.
- ?: ...trip? So he had brought marijuana with him?
- A: Yeah.
- ?: Okay. Um, where does he tend to keep his marijuana? Where does he usually, uh, keep it when he's traveling?
- A: The - what they call it? The...
- ?: Uh, the, uh - (unintelligible) console?
- Q1: Foreign Language Spoken 00:33:02?
- A: Um-hm.
- Q1: Foreign Language Spoken 00:33:03?
- A: Foreign Language Spoken 00:33:04.
- Q1: Yeah, the center console.
- ?: Center console? Okay. Do you believe him to, um - uh, have a medicinal marijuana card or does he buy it illegally?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 61

EVENT #:121231-1381

STATEMENT OF: RASHED ALSHEHRI

- A: I think he doesn't have that one. Because if he have - but he should ask that (unintelligible) and the (unintelligible).
- ?: Okay. Did he purchase any marijuana during his stay here? Did you see him buy any drugs of any kind while he was here?
- A: In Vegas?
- ?: In Vegas.
- A: No.
- ?: No? Did you see him try to, uh, ask anyone about it, or...
- A: I think we just stay in, like, for five hours. Something like that?
- ?: That's (unintelligible) - okay, not enough time, huh?
- A: Yeah.
- ?: And everything went to pot. All right. I understand. How many times, uh, a day does he smoke marijuana when you spend time with him? Like, how often? How - however many hours?
- A: Um, I saw him only in the - in the car when we traveling. Like, after two hours or three hours he (unintelligible). Something like that.
- ?: Okay. Okay. One moment.
- A: Foreign Language Spoken 00:34:38.
- Q1: Foreign Language Spoken 00:34:41.
- A: Foreign Language Spoken 00:34:42.
- Q1: Foreign Language Spoken 00:34:43.

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT**

**VOLUNTARY STATEMENT**

**PAGE 62**

**EVENT #:121231-1381**

**STATEMENT OF: RASHED ALSHEHRI**

A: Foreign Language Spoken 00:34:43.

Q1: Foreign Language Spoken 00:34:46.

A: Foreign Language Spoken 00:34:48.

Q1: Foreign Language Spoken 00:34:49. Hey, Angie? He's gonna use the restroom.

?: Oh, sure, that's fine.

Q1: Foreign Language Spoken 00:34:58.

A: Foreign Language Spoken 00:35:58.

Q1: Foreign Language Spoken 00:35:59?

A: Foreign Language Spoken 00:36:00.

Q1: Foreign Language Spoken 00:36:02?

A: Foreign Language Spoken 00:36:04.

Q1: Foreign Language Spoken 00:36:05?

A: Foreign Language Spoken 00:36:03.

Q1: Foreign Language Spoken 00:36:04?

A: Foreign Language Spoken 00:36:06.

Q1: Foreign Language Spoken 00:36:07.

A: Foreign Language Spoken 00:36:09.

Q1: Foreign Language Spoken 00:36:11?

A: Foreign Language Spoken 00:36:13.

?: He's (unintelligible)? Okay. Uh, that'll be fine. We're just making sure we don't have any more questions for you. Just give her a couple of minutes and, uh...

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 63

EVENT #:121231-1381

STATEMENT OF: RASHED ALSHEHRI

A: Okay.

?: We'll - we'll let you know. I think we're - we're either done or very close to done.

A: I think I d- I s- I, uh, I say, like, everything.

?: Yeah.

A: Yeah.

?: I think so, too.

A: Foreign Language Spoken 00:37:44?

Q1: Foreign Language Spoken 00:37:48.

A: Foreign Language Spoken 00:37:48.

Q1: Foreign Language Spoken 00:37:50. Foreign Language Spoken 00:39:20?

A: Foreign Language Spoken 00:39:23.

Q1: Foreign Language Spoken 00:39:26?

A: Foreign Language Spoken 00:39:27.

Q1: Foreign Language Spoken 00:39:29? Foreign Language Spoken 00:39:34

A: Foreign Language Spoken 00:39:38.

Q1: Foreign Language Spoken 00:39:44.

A: Foreign Language Spoken 00:40:17.

Q1: Foreign Language Spoken 00:40:20?

A: Foreign Language Spoken 00:40:25.

Q1: Foreign Language Spoken 00:40:43?

A: Foreign Language Spoken 00:40:48?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 64

EVENT #:121231-1381

STATEMENT OF: RASHED ALSHEHRI

Q1: Foreign Language Spoken 00:40:50.

A: Foreign Language Spoken 00:41:03.

Q: Operator, speaking Detective A. Christensen, P# 7200 ending the interview at the time of 1325. Total length of interview is to be one hour, 39 minutes, 44 s...

**THIS VOLUNTARY STATEMENT WAS COMPLETED AT 400 SOUTH MARTIN LUTHER KING BOULEVARD ON THE 14<sup>TH</sup> DAY OF SEPTEMBER, 2013, AT 1325 HOURS.**

AC:Nettranscripts

AC109  
(2012)

# **EXHIBIT 4**

# **EXHIBIT 4**

1 **AFF**  
2 GORDON SILVER  
3 DOMINIC P. GENTILE  
4 Nevada Bar No. 1923  
5 Email: dgentile@gordonsilver.com  
6 VINCENT SAVARESE  
7 Nevada Bar No. 2467  
8 Email: vsavarese@gordonsilver.com  
9 EUNICE M. BEATTIE  
10 Nevada Bar No. 10382  
11 Email: ebeattie@gordonsilver.com  
12 3960 Howard Hughes Pkwy., 9th Floor  
13 Las Vegas, Nevada 89169  
14 Tel: (702) 796-5555  
15 Fax: (702) 369-2666  
16 Attorneys for Defendant Mazen Alotaibi

10 EIGHTH JUDICIAL DISTRICT COURT  
11 CLARK COUNTY, NEVADA

12 THE STATE OF NEVADA,

13 Plaintiff,

CASE NO. C287173  
DEPT. 23

14 vs.

15 MAZEN ALOTAIBI,

16 Defendant.

17 **AFFIDAVIT OF RASHED ALSHEHRI**

18 STATE OF TEXAS )  
19 COUNTY OF HARRIS )ss.

20 I, Rashed Alshehri, state as follows:

21 1. That I am over the age of 18 years and make this Affidavit based upon my  
22 personal knowledge; and if called upon to testify to the matters set forth hereinafter I can and  
23 will competently testify as to the same.

24 2. On December 31, 2012, I was in Las Vegas, Nevada, with Mazen Alotaibi and a  
25 person known to me as Muhammed.

26 3. On October 17, 2013, I testified as a witness for the State of Nevada in connection  
27 with the case of State of Nevada v. Mazen Alotaibi, Eighth Judicial District Court of the State of  
28 Nevada, Case No. C287173-1.

1           4.     During the trial in the above-captioned matter, I testified that after Mazen  
2 Alotaibi, Muhammed and I left a strip club in Las Vegas, Mazen Alotaibi drove a vehicle from a  
3 public parking lot in Las Vegas to Circus Circus, and that it was an approximately thirty-minute  
4 drive.

5           5.     My testimony was false. Mazen Alotaibi did not drive any vehicle after we left  
6 the strip club at issue. Nor did Mazen Alotaibi drive any vehicle from a public parking lot to  
7 Circus Circus. Once we arrived in Las Vegas and parked the vehicle in the lot, Mazen Alotaibi  
8 never drove again.

9           6.     The vehicle was driven by Muhammed from the parking lot to Circus Circus. He  
10 was the only one of the three of us who was not drunk and who was able to drive.

11          7.     On the evening of the event itself, I had been drinking alcohol for hours by the  
12 time we arrived at the car by way of taxicab from the Olympic Gardens and I was drunk.

13          8.     I was not asked any questions by any investigators the night of the event that  
14 resulted in the filing of this case against Mazen Alotaibi.

15          9.     I was not asked any questions about the event until September 14, 2013, more  
16 than eight months afterwards, when I was interviewed in a tape recorded session by Detective  
17 Christensen of the Las Vegas Metropolitan Police Department at its headquarters.

18          10.    At the time of that interview I was not asked any questions about how we traveled  
19 from Olympic Gardens to Circus Circus hotel and did not give any information relating to it.

20          11.    Prior to coming to Las Vegas for the September 14, 2013 interview, I did not  
21 want to be interviewed. The person who contacted me by telephone to come to Las Vegas told  
22 me that if I did not do so I would be arrested and brought there in custody.

23          12.    I am a citizen of Saudi Arabia living in the United States on an F-1 visa and  
24 studying on a scholarship at a college in Texas. I was frightened when told that I might be  
25 arrested, as it would have terrible consequences for me.

26          13.    A few weeks after the interview by Detective Christensen I was again contacted  
27 by the Clark County District Attorney's Office and again ordered to travel to Las Vegas to be  
28



1 interviewed by the prosecutors in this case. It was still my understanding that I would be  
2 arrested if I refused.

3 14. I again traveled to Las Vegas and was interviewed by the two women prosecutors.  
4 This interview was not tape-recorded but the prosecutors were taking notes. During that  
5 interview I was asked questions for the first time ever about how we traveled from Olympic  
6 Gardens to Circus Circus. I had not thought about that prior to this interview. I advised the  
7 prosecutors that I had been drinking heavily for me that night and told them that it was either  
8 Mazen or Muhammed that drove. Ultimately I told them that I was not sure but thought it was  
9 Mazen.

10 15. After the interview, upon reflection and further thought I realized that it was not  
11 Mazen who drove, as he was far too drunk to do so. It was definitely Muhammed who drove.

12 16. When I was called to testify at trial I arrived the day before and was housed at a  
13 hotel near the courthouse. At no time prior to testifying was I re-interviewed by the prosecutors  
14 or the detective so as to be given an opportunity to correct my statement that it was Mazen who  
15 drove to the Circus Circus.

16 17. The only communication that I had with anyone after arriving in Las Vegas to  
17 testify at trial, prior to testifying, was with the taller of the District Attorneys who told me that I  
18 should stay in the hallway and would be called into the courtroom when I was to testify.

19 18. I testified falsely at trial that Mazen Alotaibi drove a vehicle after we left the strip  
20 club at issue because I felt threatened by the prosecution for the State of Nevada to do so. I was  
21 told in September 2013 that if I didn't cooperate with the police and prosecutors in this case I'd  
22 be arrested. I was fearful that if I didn't testify at trial as to what I told the prosecutors in their  
23 interview I'd be arrested.

24 19. I do not have a personal interest in the outcome of the above-captioned matter. I  
25 am recanting my testimony voluntarily and due to the fact that it was false. Prior to the time I  
26 recanted my testimony, I was not asked by Mazen Alotaibi, his attorney or any other person to  
27 recant my testimony. Further, I did not receive any pressure from Mazen Alotaibi, his attorney  
28 or any other person to recant my testimony.

20. I do not have a close relationship with Mazen Alotaibi. I had only known him for two days prior to the event.

21. No counsel for Mazen Alotaibi, prior to his being represented by his current lawyer, Dominic Gentile, has ever requested or conducted an interview with me regarding any events relating to the above-captioned matter, nor did I speak with his trial lawyer prior to or after testifying at trial.

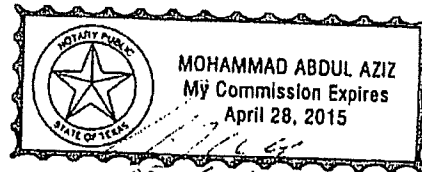
I declare under penalty of perjury that the foregoing is true and correct.

DATED this 16<sup>th</sup> day of May, 2014.

RASHED ALSHEHRI

SUBSCRIBED and SWORN to before me  
this 16<sup>th</sup> day of May, 2014, by  
Rashed Alshehri.

NOTARY PUBLIC in and for said  
County and State



# **EXHIBIT 5**

# **EXHIBIT 5**

(COPY

TRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA  
\* \* \* \* \*

STATE OF NEVADA,	)	CASE NO. C287173-1
	)	DEPT NO. XXIII
Plaintiff,	)	
vs.	)	
	)	
MAZEN ALOTAIBI,	)	TRANSCRIPT OF
	)	PROCEEDINGS
Defendant.	)	

BEFORE THE HONORABLE STEFANY MILEY, DISTRICT COURT JUDGE

JURY TRIAL - DAY 6

THURSDAY, OCTOBER 17, 2013

APPEARANCES:

FOR THE STATE:

MARY KAY HOLTHUS, ESQ.  
Chief Deputy District Attorney  
JACQUELINE M. BLUTH, ESQ.  
Deputy District Attorney

FOR THE DEFENDANT:

DON P. CHAIREZ, ESQ.

Also Present:

Nabiha Al-Abed, Interpreter

RECORDED BY MARIA GARIBAY, COURT RECORDER  
TRANSCRIBED BY: KARR Reporting, Inc.

KARR REPORTING, INC.

RA 000185

## **I N D E X**

### **WITNESSES FOR THE STATE:**

#### **RASHED ALSHEHRI**

Direct Examination By Ms. Holthus	22
Cross-Examination By Mr. Chairez	53
Redirect Examination By Ms. Holthus	73
Recross Examination By Mr. Chairez	80

#### **JULIE MARSCHNER**

Direct Examination By Ms. Bluth	84
Cross-Examination By Mr. Chairez	120
Redirect Examination By Ms. Bluth	126

## **E X H I B I T S**

### **STATE'S EXHIBITS ADMITTED:**

### **PAGE**

174	Buccal Swab Kit	89
175	Sexual Assault Kit	92
173	Penile Swabs	93
176	Items of Clothing	94
151	DNA Report	96
182	Graphs	100

1 he's doing these things that are just bad?

2 MS. HOLTHUS: The fact that he's drinking and  
3 driving?

4 THE COURT: What does drinking and driving have to do  
5 with whether or not he sexually assaulted this kid?

6 MS. HOLTHUS: Because his defense is that he was too  
7 intoxicated to know what he was doing. And we can show that  
8 within hours of that he was drinking or driving. So I'm not  
9 -- I don't know. Was he driving drunk or was he so sober that  
10 he could drive and he's making up the defensive intoxication  
11 for the --

12 MR. CHAIREZ: We're not making up anything, Your  
13 Honor. We just let the facts speak for themselves.

14 MS. HOLTHUS: You know what I'm saying? Do you see  
15 where it's relevant?

16 THE COURT: I understand like limited questioning of  
17 basically to the fact of would you drive -- is it true you  
18 were driving? Yes. Would you drive if you believed you're  
19 impaired? No. I mean, I can see that argument if you're  
20 saying that he did not believe he was impaired. He felt he  
21 was okay to drive and was not that impaired and thus, he was  
22 not impaired at the time of the hotel room. But it would be  
23 very narrow usage.

24 MS. HOLTHUS: That's all I want. The way I'll --  
25 I'll tell you exactly what Rashed said. Rashed said he was so

1 drunk he asked me to keep an eye on him, to help him out  
2 because he was so drunk. And I said so well, how did you get  
3 back to the hotel.

4 MR. CHAIREZ: At what point is she referring to?

5 MS. HOLTHUS: I said how did you --

6 MR. CHAIREZ: At what time?

7 MS. BLUTH: The early morning hours after the strip  
8 club.

9 MS. HOLTHUS: On the way back to Circus Circus.  
10 After the strip club they went back, my understanding is they  
11 went and picked up the car, which I believe was the  
12 defendant's car. He -- and I said to Rashed how did you get  
13 back and he said well, Mazen drove. And I said well, you let  
14 this guy who's so drunk that you have to keep an eye on him,  
15 that he's out of his mind drunk, you let him drive. And he  
16 said he drove good. So I think that is absolutely relevant.

17 MR. CHAIREZ: When you're saying, if we're talking  
18 about driving drunk from a hotel to another hotel here in  
19 Vegas early in the morning, we don't dispute that. But I  
20 don't believe there was any evidence at all other than what  
21 Mr. Rashed is going to say that he had any drinks from L.A. to  
22 Las Vegas.

23 MS. HOLTHUS: That's correct.

24 MS. BLUTH: That's correct.

25 THE COURT: Okay. I need direction then, Mr.

1 Chairez, from you as to --

2 MR. CHAIREZ: Your Honor, if she wants to go into the  
3 stuff about after six or seven o'clock in the morning and  
4 after they were here, it's okay with me. We don't dispute  
5 that.

6 THE COURT: Okay. So if she starts with leaving the  
7 strip joint and she goes into him driving under the influence  
8 of marijuana, you're not going to object and you're not going  
9 to claim that's excludable as a prior bad act; is that right?

10 MR. CHAIREZ: Correct.

11 MS. HOLTHUS: And just to be fair, I'm going to talk  
12 about from the time he hits Vegas, not just six or seven in  
13 the morning, because that's really kind of after the fact.

14 MR. CHAIREZ: That's fine too, Your Honor.

15 THE COURT: Okay, as long as you're conceding that.  
16 And let's step back one more so I'm clear. As far as the  
17 discussion the State wants to bring up, I have concerns about  
18 that, about the obtaining of the marijuana. Are you claiming  
19 that's a prior bad act where you want the Court to issue a  
20 ruling or are you --

21 MR. CHAIREZ: It is a prior bad act.

22 THE COURT: -- agreeable with that?

23 MR. CHAIREZ: I'm not going to fight it. Because my  
24 philosophy is the jury has a good internal gyroscope as to  
25 what is the truth and what is not the truth. And it doesn't



1 it's medical marijuana, go ahead.

2 THE COURT: Frankly, I'll be honest with you, I've  
3 said this a few times. I don't understand where the relevance  
4 is whether it was illegally or legally obtained. I mean, we  
5 know there was marijuana. There's testimony he was using  
6 marijuana. There's testimony from the young boy that he was  
7 using marijuana as well. The bottom line is the boy, even if  
8 it was legal for Mazen to have that marijuana, it is legal for  
9 that boy to smoke marijuana. So I don't really see the  
10 relevance as to whether or not he's actually assaulted this  
11 young man.

12 MS. HOLTHUS: It's not --

13 THE COURT: I can see the relevance if you're talking  
14 about the ability to understand what he's doing if there's  
15 testimony, very limited testimony that says, you know, along  
16 the line like I indicated before, like he would not have  
17 driven if he was impaired and he felt he was okay to drive. I  
18 see that. But I don't see it for any other purpose. I  
19 mean --

20 MS. HOLTHUS: I guess the --

21 THE COURT: He was either impaired or he wasn't.

22 MS. HOLTHUS: If it mattered, it's, you know, they  
23 were getting ready to party. They're bringing their  
24 marijuana, drinking, something and that would be the relevance  
25 that it was kind of the frame of mind, that they came to Vegas

1 for that.

2 THE COURT: Okay. Well, I don't think we need to go  
3 into the legal, illegal obtaining of the marijuana. I just  
4 think it's prejudicial. I don't see the relevance. Mr.  
5 Chairez is not objecting, and Don, Mr. Chairez, please tell me  
6 this is correct so we can bring the jury in. You are not  
7 objecting if the State elicits testimony for the purpose of  
8 showing that he felt -- I'm guessing what I believe the  
9 State's going to say, something along the lines to the fact  
10 that Mazen was driving the vehicle and that he was not  
11 impaired -- he was not impaired to the extent that it would  
12 affect his ability to drive their vehicle because that goes to  
13 your claims of he was so wasted he had no clue. Are you  
14 objecting or not?

15 MR. CHAIREZ: No. If we're talking about after six  
16 or seven, after they're already in Las Vegas, we don't deny  
17 that. But if we're talking that he drove drunk and smoked  
18 marijuana from L.A. to Las Vegas -- I mean, they could go into  
19 it, but we don't believe that happened.

20 THE COURT: Why don't we just limit the time frame,  
21 because wouldn't it really be what's important the hours  
22 leading up to this event?

23 MS. HOLTHUS: Oh, yeah. Let me just go verify with  
24 Rashed. My understanding is there was no drinking or smoking  
25 between L.A. and here, because I want that too because that

1           A     I saw him, like he used to drink Hennessy shots  
2 and a black drink, but I'm not really -- what is it.  
3           Q     A shot and a black drink?  
4           A     Yeah.  
5           Q     Like two different cups?  
6           A     Yes.  
7           Q     And how many did you see him -- how many shots  
8 of Hennessy did you see him drink?  
9           A     I'm not too sure, but it's like more than three.  
10          Q     More than three?  
11          A     Yeah.  
12          Q     And then the black drink, is that like a soda  
13 drink, a Coke or something?  
14          A     No, I think it's alcohol.  
15          Q     A black alcohol drink?  
16          A     I guess. Maybe the, the light for the strip is  
17 sometime I can't see exact.  
18          Q     So when you left the strip club, what time was  
19 that?  
20          A     I think it's like starting the morning.  
21          Q     Daylight?  
22          A     Huh?  
23          Q     Was it daylight? Was it dark out or light out?  
24          A     No, it's not dark out.  
25          Q     Was it light already?

KARR REPORTING, INC.

1 A Right.

2 Q Where did you go from the strip club?

3 A We wanted to take the car from the public.

4 Q So who left the strip bar together?

5 A We left, me and Mazen.

6 Q Just the two of you?

7 A And Mohammed.

8 Q The three of you?

9 A Yeah.

10 Q So you went by cab?

11 A Yes.

12 Q Did you leave the others still at the strip bar?

13 A No, they leaved.

14 Q At the same time?

15 A Yeah.

16 Q But it was just the three of you that went to

17 get the car?

18 A Yeah, because our --

19 Q It was your car, not their car.

20 A -- stuff with it.

21 Q So you take a cab back to the public parking,

22 yes?

23 A Yes.

24 Q How far are you from that? How long a trip?

25 A It's not that far.

1 Q And what do you do when you get back to the  
2 public parking?  
3 A We didn't find the key for this and then we look  
4 around the car and then we found it.  
5 Q Where was it?  
6 A I'm sorry?  
7 Q Where was the key?  
8 A In the car.  
9 Q The car was open?  
10 A Yes.  
11 Q So at that point who drove back to -- where did  
12 you go from there?  
13 A We went to the hotel.  
14 Q Which hotel?  
15 A The hotel has a -- the hotel you call it. I  
16 don't know what is it.  
17 Q The hotel had what?  
18 A The hotel over there and the problem.  
19 Q Circus Circus?  
20 A Circus Circus.  
21 Q How long did it take you to get from the public  
22 parking to the Circus Circus?  
23 A Less than 30 minutes.  
24 Q Who drove?  
25 A Mazen.

1 Q Did you come down the Strip? Did you drive down  
2 the Strip where all the hotels are?  
3 A I don't know. Like we came back from the public  
4 parking to the hotel.  
5 Q Right. But was the public parking on the Strip?  
6 A No.  
7 Q Okay. And you don't know where it was?  
8 A Yes.  
9 Q And then what happened when you got back to the  
10 Circus Circus? Where did you park?  
11 A We parked I think near to the hotel. Maybe it's  
12 for the hotel parking.  
13 Q Did you self-park?  
14 A Yeah.  
15 Q Then what?  
16 A Then we wanted to go upstairs to get a room.  
17 Q Did you have a room yet?  
18 A Not yet.  
19 Q Some of your friends had a room there, though?  
20 A Yes.  
21 Q Who had the room there?  
22 A I think Emad and Adel and Saeed.  
23 Q You knew which room it was, they said come on  
24 over, whatever?  
25 A Yeah. I called my friend Emad. He said you

1 Q You guys let him drive that drunk for 30 minutes  
2 from the parking, public parking to the Circus Circus?  
3 A Yes.  
4 Q Why?  
5 A Because we are all of us like drunk, but he just  
6 said I can drive, I can drive.  
7 Q He said he could drive?  
8 A Yeah.  
9 Q Did he have any problems driving?  
10 A I think like just speeding and something like  
11 that.  
12 Q But otherwise, he was able to drive?  
13 A He was driving, yes.  
14 Q So then who came down from the room to help you?  
15 A Adel.  
16 Q And what did Adel do?  
17 A He just like keep talking to him. We can stay  
18 in the room and then we can go outside.  
19 Q Tried to talk him back to the room, let's go  
20 hang out in the room for a while and then we'll go back out  
21 and party more?  
22 A Yeah. And he said, I think he just keeping say  
23 just leave me alone, I can go. I want to do like anything.  
24 Today we are in Vegas, we can outside. Why we came to the  
25 hotel? Some stuff like that.

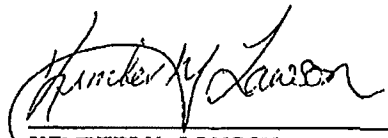
CERTIFICATION

I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT FROM THE AUDIO-VISUAL RECORDING OF THE PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

AFFIRMATION

I AFFIRM THAT THIS TRANSCRIPT DOES NOT CONTAIN THE SOCIAL SECURITY OR TAX IDENTIFICATION NUMBER OF ANY PERSON OR ENTITY.

KARR REPORTING, INC.  
Aurora, Colorado

  
KIMBERLY LAWSON

KARR Reporting, Inc.



# **EXHIBIT 6**

# **EXHIBIT 6**

(COPY

TRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA  
\* \* \* \* \*

STATE OF NEVADA,	)	CASE NO. C287173-1
	)	DEPT NO. XXIII
Plaintiff,	)	
vs.	)	
	)	
MAZEN ALOTAIBI,	)	TRANSCRIPT OF
	)	PROCEEDINGS
Defendant.	)	

BEFORE THE HONORABLE STEFANY MILEY, DISTRICT COURT JUDGE

JURY TRIAL - DAY 7

MONDAY, OCTOBER 21, 2013

APPEARANCES:

FOR THE STATE:

MARY KAY HOLTHUS, ESQ.  
Chief Deputy District Attorney  
JACQUELINE M. BLUTH, ESQ.  
Deputy District Attorney

FOR THE DEFENDANT:

DON P. CHAIREZ, ESQ.

Also Present:

Mohammad A. Taha, Interpreter  
Saad Musa, Interpreter  
Theresa Tordjman, Interpreter

RECORDED BY MARIA GARIBAY, COURT RECORDER  
TRANSCRIBED BY: KARR Reporting, Inc.

KARR REPORTING, INC.

RA 000199

## **I N D E X**

### **WITNESSES FOR THE STATE:**

RUTH LEON

Direct Examination By Ms. Bluth 41

Cross-Examination By Mr. Chairez 44

JERI DERMANELIAN

Direct Examination By Ms. Holthus 47

Cross-Examination By Mr. Chairez 85

Redirect Examination By Ms. Holthus 97

Direct Examination By Mr. Chairez 135

### **WITNESSES FOR THE DEFENDANT:**

JENNIFER MELENDEZ MURILLO

Direct Examination By Mr. Chairez 100

Cross-Examination By Ms. Holthus 118

MONTE MILLER

Direct Examination By Mr. Chairez 135

Cross-Examination By Ms. Bluth 165

## **E X H I B I T S**

### **STATE'S EXHIBITS ADMITTED:**

**PAGE**

7 through 34                      Photographs                      78

KARR REPORTING, INC.

RA 000200

1 THE COURT: -- I was inclined to allow this  
2 instruction if proffered by the defense after looking at the  
3 case law. I do think there is testimony in this case of  
4 consent by the victim.

5 MS. HOLTHUS: But then that makes it lewdness.

6 MR. CHAIREZ: No.

7 MS. HOLTHUS: And they're only entitled to lesser  
8 included. The law is clear about that.

9 THE COURT: I understand that. But they can also  
10 request --

11 MR. CHAIREZ: No.

12 THE COURT: -- lesser related.

13 MS. HOLTHUS: Our position, he's not entitled to it  
14 and we don't see where -- how do you get around the lewdness,  
15 I guess. When -- when would that be? If -- if your issue is  
16 consent, because AJ's 13, if it's consensual, it's a lewdness.  
17 Or not guilty.

18 MR. CHAIREZ: Then what is this -- what's statutory  
19 sexual seduction, then, Your Honor?

20 MS. HOLTHUS: Our --

21 MR. CHAIREZ: See, lewdness, in my opinion, is lack  
22 of penetration. So, if the -- you know, if the penis does not  
23 go in the mouth or the penis does not go in the rectum, then  
24 you would have lewdness. And --

25 MS. HOLTHUS: Well, lewdness in our facts, we have

1 witnesses out of order. Is the next one up the State's  
2 witness?

3 MS. BLUTH: Yes, Your Honor.

4 THE COURT: Okay.

5 MS. HOLTHUS: The next two are.

6 THE COURT: And please call your next witness.

7 MS. BLUTH: The State calls Ruth Leon.

8 THE MARSHAL: Who?

9 MS. BLUTH: Ruth Leon.

10 THE MARSHAL: Remain standing, raise your right hand  
11 to be sworn in by our clerk, please.

12 RUTH LEON, STATE'S WITNESS, SWORN

13 THE CLERK: Please be seated. State and spell your  
14 first and last name for the record, please.

15 THE WITNESS: Ruth Leon. R-U-T-H L-E-O-N.

16 THE COURT: Whenever you're ready.

17 MS. BLUTH: Thank you.

18 DIRECT EXAMINATION

19 BY MS. BLUTH:

20 Q Good afternoon, Ms. Leon. How are you employed?

21 A I'm an investigator with the district attorney's  
22 office.

23 Q Okay. So you work with Ms. Holthus and I on  
24 cases; is that correct?

25 A Right.

1           Q    I'd like to turn your attention specifically to  
2   October 9th of 2013.  On that day were you present at a  
3   pretrial conference with Rashed Alshehri?

4           A    Yes.

5           Q    And on that day did Mr. Alshehri talk to you  
6   about when he came to Las Vegas with the defendant, Mr.  
7   Alotaibi?

8           A    Yes.

9           Q    And during that questioning did he discuss  
10  drinking alcohol with the defendant?

11          A    Yes.

12          Q    And specifically when he talked about getting  
13  back to the Circus Circus after the strip club, did he ever  
14  use the term "blackout" when referring to the defendant's  
15  level of intoxication?

16          A    No.

17          Q    What did -- how did he discuss the defendant to  
18  be behaving?

19          A    He indicated that -- that the defendant had been  
20  drinking.  They were all drinking.  They went to retrieve the  
21  car back from the casino that they left the car at.  At that  
22  time, I believe, he said Mohammed and the defendant had an  
23  argument about the keys, misplacing them.  And then they were  
24  able to drive away.  They found the keys, they were able to  
25  drive away.  It was the defendant, Mazen, Mohammed, and

1 Rashed. They drove from the casino they were at to the Circus  
2 Circus.

3 Q Okay. And you said he never used the term  
4 "blackout"?

5 A No.

6 Q Did he ever -- what -- what did he say about  
7 once they got to the casino in regards to the defendant's  
8 intoxication level?

9 A He indicated they drove in, parked at the  
10 self-parking, and the defendant wanted to continue partying.  
11 That he didn't want to listen to reason, they were -- Mohammed  
12 and Rashed was trying to get him upstairs to go to sleep.

13 Q Did he ever mention that he had any trouble  
14 walking?

15 A No.

16 Q Talking?

17 A No.

18 Q Communicating with them?

19 A No. The only problem they had was trying to  
20 convince them to -- for him to go upstairs.

21 Q And you also mentioned that he spoke about the  
22 defendant driving from the parking lot to the Circus Circus?

23 A Correct.

24 Q Did he discuss whether or not the defendant had  
25 any problems during that drive?

1 A He said he indicated that he drove good.

2 Q And, lastly, in regards to when AJ Dang left the  
3 bathroom after the assault, did Rashed ever discuss whether or  
4 not he could see AJ exiting the room after the assault?

5 A He did indicate that he could see somebody -- he  
6 could see the body leave, but he couldn't see in detail who he  
7 was or how -- like, what he looked like. Like, if he, you  
8 know, he couldn't give us detail as to how he looked.

9 Q So, he didn't have a good enough view of the  
10 victim as he left the room?

11 A Correct.

12 Q And those were all answers that he gave in a  
13 pretrial conference before this trial started on October 9th?

14 A Correct.

15 MS. BLUTH: Thank you. I'll pass the witness.

16 THE COURT: Mr. Chairez, sir.

17 CROSS-EXAMINATION

18 BY MR. CHAIREZ:

19 Q Ms. -- is it Leone or Leon?

20 A Leon.

21 Q Okay. You don't know what the word "blackout"  
22 is in Arabic, do you?

23 A I don't.

24 Q All right. And would you say that Rashed's  
25 level of English was fluent, semi-fluent, un-fluent, or enough



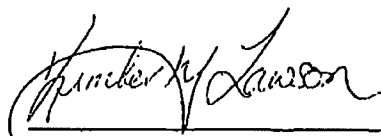
CERTIFICATION

I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT FROM THE AUDIO-VISUAL RECORDING OF THE PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

AFFIRMATION

I AFFIRM THAT THIS TRANSCRIPT DOES NOT CONTAIN THE SOCIAL SECURITY OR TAX IDENTIFICATION NUMBER OF ANY PERSON OR ENTITY.

KARR REPORTING, INC.  
Aurora, Colorado

  
KIMBERLY LAWSON

KARR Reporting, Inc.

# **EXHIBIT 7**

# **EXHIBIT 7**

RA 000208

## I N D E X

### CLOSING ARGUMENTS:

By Ms. Holthus	7
By Mr. Chairez	20
By Ms. Bluth	40

1 the bathroom to lubricate his own penis -- he also lubricated  
2 AJ's butt. So, he's of enough clarity that he's thinking how  
3 to make this process easier.

4 And he's sober enough to get an erection. And Ms.  
5 Dermanelian, the SANE nurse, talked to you about the effects  
6 that alcohol and things like marijuana can have on the ability  
7 of a man to get an erection. And he was able to get an  
8 erection, he was sober enough to do that.

9 You also heard from Rasheed or Rashed Alshehri. And  
10 the defendant drove good. He drove from where they were at  
11 the strip club, or where they had parked their car, all the  
12 way back to the Circus Circus. And he believed that drive was  
13 somewhere to amount of 30 minutes. And he didn't have any  
14 issues with that.

15 He also talked to you about how the door was locked,  
16 the defendant was sober enough that he knew to lock the door.  
17 And he wouldn't let them in, even though they were loudly  
18 banging. And then, after the boy left and his friends were,  
19 like, what was all that about? The defendant walked out and  
20 just calmly said to them, Oh, he wanted some weed and money.  
21 He didn't come out -- Rashed didn't say he came out stumbling  
22 and like he didn't know what happened. He came out and said,  
23 Oh, it was nothing, the boy just wanted some weed and money.

24 Mr. Chairez talked to you about Jennifer and what she  
25 remembered. And when you're thinking about what Jennifer

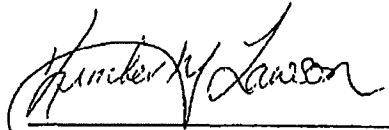
CERTIFICATION

I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT FROM THE AUDIO-VISUAL RECORDING OF THE PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

AFFIRMATION

I AFFIRM THAT THIS TRANSCRIPT DOES NOT CONTAIN THE SOCIAL SECURITY OR TAX IDENTIFICATION NUMBER OF ANY PERSON OR ENTITY.

KARR REPORTING, INC.  
Aurora, Colorado

  
KIMBERLY LAWSON

KARR Reporting, Inc.

# **EXHIBIT 8**

# **EXHIBIT 8**

(COPY

TRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA  
\* \* \* \* \*

STATE OF NEVADA,	)	CASE NO. C287173-1
	)	DEPT NO. XXIII
Plaintiff,	)	
vs.	)	
	)	
MAZEN ALOTAIBI,	)	TRANSCRIPT OF
	)	PROCEEDINGS
Defendant.	)	

BEFORE THE HONORABLE STEFANY MILEY, DISTRICT COURT JUDGE

JURY TRIAL - DAY 3

MONDAY, OCTOBER 14, 2013

APPEARANCES:

FOR THE STATE:

MARY KAY HOLTHUS, ESQ.  
Chief Deputy District Attorney  
JACQUELINE M. BLUTH, ESQ.  
Deputy District Attorney

FOR THE DEFENDANT:

DON P. CHAIREZ, ESQ.

Also Present:

Saad Musa, Interpreter  
Theresa Tordjman, Interpreter  
Habiha Al-Abed, Interpreter

RECORDED BY MARIA GARIBAY, COURT RECORDER  
TRANSCRIBED BY: KARR Reporting, Inc.

KARR REPORTING, INC.

RA 000213



## I N D E X

### WITNESSES FOR THE STATE:

AJ DANG

Direct Examination By Ms. Bluth	9
Cross-Examination By Mr. Chairez	36
Redirect Examination By Ms. Bluth	84

ERIC LASKIN

Direct Examination By Ms. Holthus	89
Cross-Examination By Mr. Chairez	95

JEFFREY JEFFERSON

Direct Examination By Ms. Bluth	97
Cross-Examination By Mr. Chairez	101

DAVID GARNER

Direct Examination By Ms. Bluth	103
Cross-Examination By Mr. Chairez	139
Redirect Examination By Ms. Bluth	143
Recross Examination By Mr. Chairez	145

## E X H I B I T S

### STATE'S EXHIBITS ADMITTED:

	PAGE
116 Circus Circus Video Surveillance	12
113 Photograph	34
114 and 115 Blueprints of Circus Circus	128
149 Color Graph of Circus Circus	128
117 through 148 Photographs	129

KARR REPORTING, INC.

RA 000214

1           Q     Now, when you were in the elevator, my client,  
2 he wasn't forcing you into the elevator, was he?  
3           A     No.  
4           Q     You said you were going with him voluntarily?  
5           A     Yes.  
6           Q     And you said he was talking to you about sex and  
7 money or something like that?  
8           A     Yes.  
9           Q     And when you say he leaned down and appeared to  
10 kiss you or touch you, you felt kind of queasy or anxious  
11 about the whole thing, correct?  
12          A     Yes.  
13          Q     And when you got down to the main elevator, did  
14 my client grab you or hold you and force you to stay with him?  
15          A     No. He just like -- he told me to follow him.  
16          Q     Okay. Could you say that again, please.  
17          A     He told me to follow him.  
18          Q     He told you to follow him. Okay. Now, when he  
19 touched you on your ear or on your neck, he wasn't doing that  
20 to turn you on sexually, was he?  
21          MS. BLUTH: Objection. Speculation.  
22          MR. CHAIREZ: Okay.  
23          THE COURT: Sustained.  
24 BY MR. CHAIREZ:  
25          Q     You didn't feel -- you didn't feel -- you didn't

1 feel any sexual vibes yourself from that encounter, correct?  
2 A Yes.  
3 Q It wasn't something that you wanted?  
4 A Yes.  
5 Q And you don't know what he was thinking when he  
6 was leaning over and being close to you, correct?  
7 A Actually, I think he was like trying to have  
8 sex.  
9 Q He was trying to what?  
10 A Like become sexual like towards --  
11 Q So you think he was touching your neck or ear  
12 for some type of sexual reason, correct?  
13 A Yes.  
14 Q Now, if you thought that, AJ, you still followed  
15 him voluntarily, correct?  
16 A Yes.  
17 Q You never saw him with a gun, did you?  
18 A No.  
19 Q You never saw him with a knife?  
20 A No.  
21 Q You never saw him with any kind of weapon, did  
22 you?  
23 A No.  
24 Q But you chose -- even though you felt he had  
25 touched you in a sexual manner, you chose to follow him out to

1 the alley, correct?

2 A Yes.

3 Q Okay. And when you followed him out to the  
4 alley, he wasn't dragging you there?

5 A No.

6 Q He wasn't forcing you there?

7 A No.

8 Q It was something that you did on your own?

9 A Yes.

10 Q Because you were hoping to get marijuana?

11 A Yes.

12 Q And you today, I think, testified that you took  
13 a couple hits off of the marijuana from him, correct?

14 A Yes.

15 Q And you knew it was wrong to use marijuana,  
16 correct?

17 A Yes.

18 Q And you knew it was unwise for you to be with  
19 somebody that you saw with the possession of marijuana,  
20 correct?

21 A Yes.

22 Q So after you were done taking these couple hits  
23 of marijuana, he didn't drag -- he didn't force you back into  
24 the elevator, did he?

25 A No.

1 Q And he didn't drag you into the elevator, did  
2 he?  
3 A No.  
4 Q And you went with him on the elevator all the  
5 way up to the sixth floor, correct?  
6 A Yes.  
7 Q And you followed him into his room?  
8 A Yes.  
9 Q Now, did you say you went into the bathroom?  
10 A Hmm?  
11 Q Did you go into the bathroom first, or did he go  
12 into the bathroom first?  
13 A He told me to go into the bathroom and close the  
14 door.  
15 Q He told you to go into the bathroom?  
16 A Yes.  
17 Q And why did you do it, AJ?  
18 A I don't know.  
19 Q You don't know?  
20 A [No audible response.]  
21 Q Okay. Did you do it because you still wanted to  
22 try to get marijuana off of him or his friends?  
23 A Yes.  
24 Q Now, do you remember the first time that you  
25 told this story, you told the detectives that when you looked

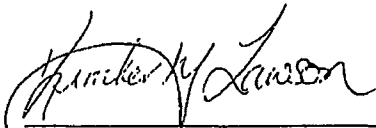
CERTIFICATION

I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT FROM THE AUDIO-VISUAL RECORDING OF THE PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

AFFIRMATION

I AFFIRM THAT THIS TRANSCRIPT DOES NOT CONTAIN THE SOCIAL SECURITY OR TAX IDENTIFICATION NUMBER OF ANY PERSON OR ENTITY.

KARR REPORTING, INC.  
Aurora, Colorado

  
KIMBERLY LAWSON

KARR Reporting, Inc.

# **EXHIBIT 9**

# **EXHIBIT 9**

1 **DECL**  
2 **GORDON SILVER**  
3 **DOMINIC P. GENTILE**  
4 Nevada Bar No. 1923  
5 Email: dgentile@gordonsilver.com  
6 3960 Howard Hughes Pkwy., 9th Floor  
7 Las Vegas, Nevada 89169  
8 Tel: (702) 796-5555  
9 Fax: (702) 369-2666  
10 **ANJALI D. WEBSTER**  
11 Nevada Bar No. 12515  
12 Email: awebster@gordonsilver.com  
13 100 W. Liberty Street, Suite 940  
14 Reno, NV 89501  
15 Tel: (775) 343-7500  
16 Fax: (775) 786-0131  
17 Attorneys for Defendant Mazen Alotaibi

10 DISTRICT COURT  
11 CLARK COUNTY, NEVADA

13 THE STATE OF NEVADA,

14 Plaintiff,

CASE NO. C287173  
DEPT. 23

15 vs.

16 MAZEN ALOTAIBI,

17 Defendant.

18 **DECLARATION OF ANJALI D. WEBSTER IN SUPPORT OF MOTION**  
19 **FOR NEW TRIAL AND/OR FOR AN EVIDENTIARY HEARING**

20 I, Anjali D. Webster, declare under penalty of perjury that the following is true and  
21 correct:

22 1. I am an attorney at Gordon Silver and, in that capacity, represent the Defendant. I  
23 have personal knowledge of the information below and am competent to testify as to the same if  
24 called upon by this Court. I make this Declaration in support of Defendant's Motion for New  
25 Trial and/or for an Evidentiary Hearing (the "Motion").

26 2. Attached as **Exhibit 1** to Mr. Alotaibi's Motion for New Trial and/or an  
27 Evidentiary Hearing is a true and correct copy of Mazen Alotaibi's December 31, 2012,  
28 Statement.



1           3.       Attached as **Exhibit 2** to Mr. Alotaibi's Motion for New Trial and/or an  
2 Evidentiary Hearing is a true and correct copy of Mohammed Jafaari's December 31, 2012,  
3 Statement.

4           4.       Attached as **Exhibit 3** to Mr. Alotaibi's Motion for New Trial and/or an  
5 Evidentiary Hearing is a true and correct copy of Rashed Alshehri's September 14, 2013,  
6 Statement.

7           5.       Attached as **Exhibit 4** to Mr. Alotaibi's Motion for New Trial and/or an  
8 Evidentiary Hearing is a true and correct copy of Rashed Alshehri's May 16, 2014, Affidavit.

9           6.       Attached as **Exhibit 5** to Mr. Alotaibi's Motion for New Trial and/or an  
10 Evidentiary Hearing is a true and correct copy of certain excerpted pages from Day 6 of the trial  
11 in the above-captioned matter.

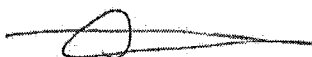
12          7.       Attached as **Exhibit 6** to Mr. Alotaibi's Motion for New Trial and/or an  
13 Evidentiary Hearing is a true and correct copy of certain excerpted pages from Day 7 of the trial  
14 in the above-captioned matter.

15          8.       Attached as **Exhibit 7** to Mr. Alotaibi's Motion for New Trial and/or an  
16 Evidentiary Hearing is a true and correct copy of certain excerpted pages from Day 8 of the trial  
17 in the above-captioned matter.

18          9.       Attached as **Exhibit 8** to Mr. Alotaibi's Motion for New Trial and/or an  
19 Evidentiary Hearing is a true and correct copy of certain excerpted pages from Day 3 of the trial  
20 in the above-captioned matter.

21               I declare under penalty of perjury under the law of the State of Nevada that the foregoing  
22 is true and correct.

23               DATED this 21 day of May, 2014.

24  
25 

26 ANJALI D. WEBSTER

  
CLERK OF THE COURT

**OPPS**  
STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
MARY KAY HOLTHUS  
Chief Deputy District Attorney  
Nevada Bar #003814  
JACQUELINE BLUTH  
Nevada Bar #010625  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,	)	
	)	
Plaintiff,	)	CASE NO: C-13-287173-1
	)	
-vs-	)	DEPT NO: XXIII
	)	
MAZEN ALOTAIBI,	)	
#2884816	)	
	)	
Defendant.	)	

**OPPOSITION TO DEFENDANT'S MOTION FOR NEW**  
**TRIAL AND/OR FOR AN EVIDENTIARY HEARING**

DATE OF HEARING: AUGUST 1, 2014  
TIME OF HEARING: 9:30 A.M.

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, District Attorney, through MARY KAY HOLTHUS and JACQUELINE BLUTH, Chief Deputy District Attorneys, and hereby submits the attached Points and Authorities in Opposition to Defendant's Motion for New Trial and/or An Evidentiary Hearing.

This opposition is made and based upon all the papers and pleadings on file herein, the attached points and authorities in support hereof, and oral argument at the time of hearing, if deemed necessary by this Honorable Court.

//

RA 000223

1 **POINTS AND AUTHORITIES**

2 **STATEMENT OF FACTS PERTINENT TO THIS OPPOSITION**

3 Defendant, MAZEN ALOTAIBI, was charged by way of Information with the crimes  
4 of Burglary (Category B Felony – NRS 205.060); First Degree Kidnapping (Category A  
5 Felony – NRS 200.310, 200.320); Sexual Assault With a Minor Under Fourteen Years of Age  
6 (Category A Felony – NRS 200.364, 200.366); Lewdness with a Child Under the Age of 14  
7 (Category A Felony – NRS 201.230) and Coercion Sexually Motivated (Category B Felony –  
8 NRS 207.190, 207.193). The victim in this case is a minor, hereinafter “AJ”. The crimes  
9 occurred on or about December 31, 2012, at the Circus Circus Hotel and Casino, where the  
10 young male victim was staying as a guest along with his grandmother. Defendant was a  
11 stranger to the victim in this case.

12 On or about October 10, 2013, a two week jury trial commenced in this case.

13 On October 23, 2013, Defendant was found guilty of the crimes of Burglary, First  
14 Degree Kidnapping, Sexual Assault with a Minor Under Fourteen Years of Age (2 counts),  
15 Lewdness with a Child Under the Age of 14 (2 counts) and Coercion (Misdemeanor).

16 A sentencing date was set to commence on December 16, 2013, but was reset by the  
17 Court to January 29, 2014.

18 On January 29, 2014, Defendant’s trial counsel, Don Chairez, Esq., was permitted to  
19 withdraw as Defendant’s counsel of record, after Defendant retained new counsel, Vincent  
20 Savarese, III, Esq., and Dominic Gentile, Esq., of the law firm Gordon Silver. At that time,  
21 Mr. Savarese requested a sixty day continuance to review the trial transcripts due to him stating  
22 that was the time period required to prepare for sentencing. The State advised that the  
23 prosecutors had only agreed to a thirty day continuance. The Court ordered the sentencing  
24 continued for sixty days.

25 On May 7, 2014, a stipulation and order to continue the sentencing date to June 4, 2014,  
26 was filed with the Court.

27 //

28 //

1 On May 8, 2014, counsel for the Defendant filed a Motion to Examine Evidence on  
2 Order Shortening Time. Defense counsel stated that they needed to examine the phone to get  
3 contact information for individuals that may aid in their sentencing arguments.

4 On May 14, 2014, Defendant's motion was granted and an order was filed with the  
5 Court. A meeting was agreed upon by the Defense and the State to allow Defense to do an  
6 evidence review on the phone. However, counsel for the Defense failed to show up for the  
7 evidence review.

8 On May 27, 2014, Defendant filed a Motion for New Trial, which has been set to be  
9 heard on July 10, 2014, along with a status check regarding the resetting of Sentencing.

10 On June 17, 2014, the State filed a Motion to Proceed to Sentencing and to Stay  
11 Defendant's Motion for New Trial, which is set to be heard on June 30, 2014.

12 The State herein files its Opposition to Defendant's Motion for New Trial.

13 **LEGAL ARGUMENT**

14 **I. DEFENDANT IS NOT ENTITLED TO A NEW TRIAL OR AN**  
15 **EVIDENTIARY HEARING FOR THE SAME**

16 Under NRS 176.515(3), a trial court may grant a motion for new trial based on newly  
17 discovered evidence within two (2) years after the finding of guilt. A trial court's grant or  
18 denial of a new trial based upon the ground of newly discovered evidence is within the  
19 discretion of the trial court. See Sanborn v. State, 107 Nev. 399, 406, 812 P.2d 1279 (1991).

20 In the defense's motion their claim of "newly discovered" evidence comes in the form of  
21 the supposedly perjured testimony of Rashed Alshehri. In 1995, the Nevada Supreme Court  
22 addressed the issue of the credibility of recanted trial testimony for the purposes of granting a  
23 motion for new trial and for habeas petition purposes. See Callier v. Warden, 111 Nev. 976,  
24 901 P.2d 619 (1995). Since we are dealing with both "newly discovered evidence" and  
25 "recanted trial testimony" both the Sanborn case as well as Callier need to be addressed.

26 //

27 //

28 //

1       **A. MOTION FOR A NEW TRIAL UNDER SANBORN**

2           Under Sanborn, to establish a basis for a new trial based on newly discovered evidence,  
3 the Defense must show:

- 4       1. **The evidence must be newly discovered**  
5       2. **It must be material to the defense**  
6       3. **It could not have been discovered and produced for trial even with the exercise of**  
7       **reasonable diligence**  
8       4. **It must be non cumulative**  
9       5. **It must indicate that a different result is probable on retrial**  
10      6. **It must not simply be an attempt to contradict or discredit a former witness;**  
11      7. **It must be the best evidence the case admits. Sanborn at 406.**

12           The State will now address each of these prongs as it relates to the facts and evidence  
13 presented in this case.

14       **A. 1. Newly Discovered**

15           The Defense has not met the initial prong of the analysis. The Defense is attempting to  
16 claim that this evidence is newly discovered. However, this evidence is actually not new at all.  
17 What Mr. Alshehri is basically saying is that the Defendant was intoxicated and therefore  
18 didn't drive due to his level of intoxication. The fact that the Defendant was intoxicated was  
19 clearly presented at the trial repeatedly through video evidence, the State's witnesses, and the  
20 Defense witness. Therefore, there is nothing new about this evidence at all.

21       **A. 2. Material to the Defense**

22           The information that Mr. Alshehri is now providing cannot possibly be considered  
23 "material" to the defense. While levels of intoxication can affect the ability to form the intent  
24 required for the crime of Lewdness with a Minor under Fourteen Years of Age, the fact that  
25 the Defendant did or did not drive to the casino is not a factor to be considered in this analysis.  
26 There will be significant evidence produced in analysis under "A.5." to show that this  
27 testimony would not have been material due to the fact that the Defendant's intoxication level  
28 was discussed ad nauseum by multiple witnesses. Therefore, to claim that this "new" piece of

evidence is so material that it warrants a new trial is absurd.

**A.3. Could not have been discovered and produced for trial even with the exercise of reasonable diligence**

The Defense does not meet this prong of the analysis. The State fails to see how this could not have been discovered and produced for trial. The Defense had the opportunity to pretrial Mr. Alshehri just as the State did. The Defense had Mr. Alshehri's contact information and could have contacted him both before and during the trial. Mr. Alshehri even sat outside of the courtroom before court started, the Defense could have easily sat down with him and discussed his testimony right then and there. Thus, the Defense cannot now claim that they could not have obtained this information even if they had exercised the most minimal amount of diligence.

**A. 4. Non cumulative**

The Defense's claim of "newly discovered evidence" is **anything** but new. The position the defense takes is that the only thing that Rashed Alshehri lied about on the witness stand was the fact that the Defendant drove to Circus Circus. Mr. Alshehri now, for the first time, claims that his friend Mohammed was the actual individual driving. The Defense acts that the Defendant being too intoxicated to drive is a huge piece of evidence that wasn't heard by the jury. That couldn't be further from the truth. The jury heard about the Defendant's intoxication level from not only Rashed Alshehri, but also the named Victim in this case, the Defense witness Jennifer Melendez, and the Defendant himself.

The Defense even claims in their very own motion that the Defendant's "central defense to the specific intent crimes charged against him was that he was too intoxicated to form the specific intent required for such crimes." The jury heard evidence, **repeatedly**, regarding how intoxicated the Defendant was. Furthermore, the jury saw a video of the Defendant walking up and down the casino floors for 30 minutes or longer. So, this "newly discovered" evidence is actually not new at all. In fact look at the testimony and evidence presented by a multitude of witnesses, including the Defendant himself, discussing the Defendant's intoxication level:

//

**Testimony of AJ Dang**

**Q: Why did you ask the Defendant if he had marijuana?**

**A: Because when he passed by I saw that he had pink eyes and he smelled like it.**

**P. 17**

**A: And then we smoked two hits, and then he did two, and then he started advance onto me again p. 21**

**Q: Smelly breath. But was it the smell of marijuana or was it the smell of alcohol?**

**A: Mixed**

**Q. Mixed. Okay. And when you spoke to him, could you tell whether or not he might be drunk or he might be high.**

**A: He was like - - he couldn't speak right. P. 57**

**Testimony of Rashed Alshehri**

**Q: Was Mazen drinking there (at the casino)?**

**A: Yeah**

**Q: What was he drinking?**

**A: I guess he drink Hennessy. P. 33**

**Q: And were you with Mazen the whole time you were at the strip club?**

**A: Not all the time.**

**Q: During the time that you were with him, did you see him drink?**

**A: Yeah, I saw him drink.**

**Q: How many drinks did you see him drink?**

**A: I saw him, like he used to drink Hennessy shots and a black drink, but I'm not really – what is it.**

**Q: A shot and a black drink?**

**A: Yeah.**

**Q: Like two different cups?**

**A: Yes**

//

1 Q: And how many did you see him – how many shots of Hennessy did you see him  
2 drink?

3 A: I'm not too sure, but it's like more than three. P. 36-37

4 Q: So you get to the parking lot and what happened then?

5 A: And then like Mazen started talking, like I drink, like he black out at that time.

6 Q: You think what?

7 A: He's like I think black out, you call it.

8 Q: He blacked out?

9 A: Yeah. Like he just trying to fight his friend Mohammed and he just talking  
10 about like something is stupid, you know. And we know he's like drunk.

11 Q: He's drunk?

12 A: Yeah.

13 Q: Who wanted to go to the room?

14 A: So I called my friend, Emad, to bring anyone who can like control him because  
15 he wouldn't...

16 Q: And what did Mazen want to do?...Keep partying?

17 A: Yeah. PP. 41, 42

18 Q: All right. Was he sleeping?

19 A: No, he's drunk. He doesn't know. I don't know, he start fighting us, you know.

20 Q: And when was it he got so drunk?

21 A: I think at the time, like he's completely changed.

22 Q: When did he completely change?

23 A: After we parking and he started fighting with Mohammed because  
24 Mohammed said give me the car, you are drunk. And he just left the key in the  
25 car and he said do what you like to do, just leave me alone, something like that p.  
26 42

27 Q: You lose. Okay. How many drinks do you think you had at the first casino  
28 when you guys came from Los Angeles to Las Vegas?



1 A: I didn't like - - we drink a lot. We drink something like, because it's like a  
2 holiday. We drank a lot. p. 60

3 Q: And who was the one that lost them (the keys), you, Mohammed, or Mazen?

4 A: He.

5 Q: Mazen did?

6 A: Because he was the hold the key of the car. P. 64

7 Q: But when Mazen would walk, would he walk like he was falling down or did  
8 he walk like it was almost normal?

9 A: It's not normally.

10 Q: It's not normal? Okay. And you were able to recognize that, correct?

11 A: Exactly. PP. 64, 65

12 Q: So why did you and Mohammed want to get food for Mazen?

13 A: Because we want him to like wake up because he just drunk, he want to fight  
14 us.

15 Q: So you were trying to sober him up?

16 A: Like we want to control him because we couldn't. P. 66

17 Q: Were you and your friends smoking marijuana in the room?

18 A: Yeah I think Emad said like we have - - I ask Emad to control him and he said  
19 like I want to give him some weed to sleep.

20 Q: Give who some weed?

21 A. Mazen.

22 Q: So the purpose in giving him the marijuana was to help put him to sleep?

23 A: Right. P. 66

24 Q: But I want to make sure of one thing, Rashed. In your mind, there's no  
25 question that when you came back form the strip club, Mazen was very drunk.

26 A: Your question, he was very drunk.

27 Q: Very drunk.

28 A: But like - - yes.

1 **Q: He was drunk enough that you were concerned we need to buy him food to**  
2 **help him out.**

3 **A: Right...**

4 **Q: And he was drunk enough that your friend said we need to give him marijuana**  
5 **to help him calm him down, correct?**

6 **A: Exactly.**

7 **Q: He was drunk enough, but when he would walk around you felt he was not**  
8 **walking normal, correct?**

9 **A: Exactly**

10 **Testimony of Jennifer Melendez**

11 **Q: Did you see Mazen drinking?**

12 **A: Yes.**

13 **Q: And what was he drinking?**

14 **A: He does a lot of doubles with no mixers. Crown, any brown liquor. P. 109**

15 **Q: When you looked at him, could you tell whether he had been drinking?**

16 **A: Yes. His eyes were bloodshot and he was just sitting there. He wasn't really**  
17 **doing anything.**

18 **Q: All right. Did he - - so, in your opinion, was he drunk?**

19 **A: Yes. Well, having a bunch of doubles. P. 13**

20 **Q: All right. So, then they show up, and how many drinks do you have there once**  
21 **the defendant and his friend show up?**

22 **A: I probably had two.**

23 **Q: And how many did they have? How long were you there?**

24 **A: Oh, I don't know. They drink fast. So they had at least more than two or**  
25 **three. P. 126**

26 **Transcript of the Defendant played for the Jury**

27 **Q: Okay. And what did you guys – did you – did you go out on the town at all, or**  
28 **did you just hang out at your room?**

1           **A: ...I don't' know what happen, maybe I just, I drink too much.**

2           **Q: What were you drinking? What kind of liquor?**

3           **A: Hennessy.**

4           **Q: Hennessy? How much?**

5           **A: I don't know. P. 9**

6           **Q: So how many drinks did you have?**

7           **A: Four, five, six?**

8           **Q: You drink Hennessey straight up?**

9           **A: Yeah straight up. P. 10**

10          **Q: Okay. Last night were you smoking marijuana?**

11          **A: No, I drink too much. P. 11**

12          The only piece of testimony that Rashed Alshehri is recanting is the fact that he now  
13 remembers that the Defendant did not drive to the hotel but in actuality, Mohammed did. The  
14 only reason that would be relevant or material to the Defense's case is because it would  
15 somewhat show that the Defendant was too intoxicated to drive. As this Court can see from  
16 the pages and pages of testimony from trial, the fact that the Defendant was intoxicated was  
17 brought up over and over again from both the State as well as Defense witnesses. This is not  
18 a new concept. The jury saw a video where the Defendant can be seen having issues walking  
19 correctly, they heard from the Victim that the Defendant's eyes were red and he smelled of  
20 marijuana, they heard from Rashed that the Defendant was drinking so heavily that he had  
21 issues comprehending what was going on and even "blacked out", they heard from the  
22 Defense's own witness, Jennifer Melendez, regarding how drunk the Defendant was, and lastly  
23 they got to hear and see the Defendant through the video of his statement to Detectives.  
24 Therefore, the information that Rashed now wants to provide is the exact information the jury  
25 already heard. Due to this, there is no need for a hearing and absolutely no need for a new  
26 trial.

27        //

28        //

1           **A. 5. It must indicate that a different result is probable on retrial**

2           The so called “new evidence” that the defense is referring to would absolutely not  
3 indicate that a different result would be probable on retrial if the jury heard this information.  
4 The jury heard repeated testimony and saw evidence that the Defendant was inebriated. They  
5 not only heard it from three witnesses, they got to see the Defendant on two different types of  
6 videos. The first video is him walking and/or stumbling through the Circus Circus, and the  
7 second video is his videotaped interview.

8           As aforementioned, the jury heard testimony regarding the Defendant’s inebriated state,  
9 however, they also heard testimony contradicting that as well. Multiple security guards  
10 testified that the Defendant was not drunk. They discussed the fact that he could walk, talk,  
11 and follow directions and commands. Officer Haros discussed the fact that he was the security  
12 officer to “pat” the Defendant down. He never smelled any alcohol. When they got to the  
13 elevator the Defendant put his head down and began speaking very quickly and abruptly to his  
14 friends as if he was issuing orders. Officer Haros then noted that the other men just nodded  
15 their heads. The Defendant was told multiple times to quit talking, yet he continued to do so.  
16 Officer Haros said it best when he stated that: Did it seem like the Defendant had been  
17 drinking, yes. Did it seem as though he were drunk, no. P. 45

18           Furthermore, upon arrest the Defendant was able to give his name, date of birth, where  
19 he was from. He was also photographed and searched by a crime scene analyst, he had no  
20 problems with that process either.

21           The facts are what they are. Had the Defendant been drinking that night, yes. Had the  
22 Defendant smoked marijuana that night, yes. However, was the Defendant so intoxicated that  
23 he didn’t understand the nature of his actions, absolutely not.

24           The jury heard conflicting evidence on whether or not the Defendant was drunk, but at  
25 the end of the day they heard time and time again that the Defendant had been heavily drinking,  
26 even to the point of “black out.” So, therefore there would be no different result on retrial if  
27 Rashed testified that somebody else drove the car to Circus Circus.

28    //

1           **A. 6. It must not simply be an attempt to contradict or discredit a former witness**

2           The type of testimony/evidence the defense is attempting to bring in is the EXACT type  
3 of evidence that is not permitted under case law. This new statement by Rashed is a complete  
4 attempt to contradict his previous testimony. Pursuant to the sixth prong of Sanborn, this “new  
5 evidence” is not only old, it is simply impermissible.

6           **A. 7. It must be the best evidence the case admits**

7           This is not “the best evidence” the case admits, because it is the same evidence that was  
8 already presented repeatedly throughout trial. Therefore, the defense cannot make the  
9 argument that this would be the best evidence they could produce at a new trial, because it was  
10 already produced in the first trial.

11           In conclusion under the seven prong test delineated by Sanborn, it is clear to see that a  
12 motion for new trial is not warranted. This evidence is not newly discovered, it definitely is  
13 cumulative, and it could never have produced a different probable outcome at jury trial, thus  
14 the Defendant’s motion should be denied. Furthermore, there is no need for an evidentiary  
15 hearing because Mr. Alshehri already put what his testimony would be in an affidavit. Both  
16 parties are already aware of what he is claiming, thus the Court can make a ruling on the  
17 motions themselves. After reviewing the affidavit and seeing that this is not “new evidence”  
18 as required under case law, the State is requesting the motion be denied.

19           **B. MOTION FOR A NEW TRIAL UNDER CALLIER**

20           In Callier v. Warden, 111 Nev. 976, 901 P.2d 619 (1995), the Nevada Supreme Court  
21 addressed the issue of the credibility of recanted trial testimony for the purposes of granting a  
22 motion for new trial and for habeas petition purposes and stated:

23           **“Although we have formulated a general standard to be used**  
24 **in assessing motions for a new trial based on newly discovered**  
25 **evidence, we have not yet articulated the precise standard**  
26 **under which witness recantations, either in the context of new**  
27 **trial motion or in a habeas petition, should be assessed.” Id.**  
28 **At 627**

//

//

//

1 The Court went on to opine,

2 “We agree with the Ninth Circuit that the “probable  
3 acquittal” standard articulated in our test for newly  
4 discovered evidence should be used in recantation situations,  
5 whether in the context of a new trial motion or a post-  
6 conviction petition for a writ of habeas corpus. This  
7 conclusion is consistent with our previous cases dealing with  
8 recantation. We also conclude however, that the general “new  
9 trial” standard does not adequately emphasize the need for a  
10 finding that the recanting witness’ trial testimony was false.  
11 Numerous courts have determined that recantations should be  
12 viewed with suspicious and that before granting a new trial,  
13 the trial court must be satisfied that the witness’ trial  
14 testimony was false.

15 A finding that the trial testimony was indeed false is essential  
16 in evaluating alleged perjury cases, and the trial court should  
17 first address this issue. In addition, the trial court must  
18 determine whether the evidence exposing the trial testimony  
19 as false was recently discovered and whether this evidence was  
20 available at trial through reasonable diligence. Finally, the  
21 trial court must determine whether the outcome at trial would  
22 probably have been different had the perjured testimony not  
23 been introduced at trial. In other words, in evaluating  
24 recantation cases, whether in the context of a new trial motion  
25 or a habeas petition, the trial court should apply the following  
26 standard:

27 (1) the court is satisfied that the trial testimony of material  
28 witnesses was false;

(2) the evidence showing that false testimony was introduced  
at trial is newly discovered;

(3) the evidence could not have been discovered and produced  
for trial even with the exercise of reasonable diligence; and

(4) it is probable that had the false testimony not been  
admitted, a different result would have occurred at trial.  
Only if each component is met should the trial court order a  
new trial.

Callier, 111 Nev. 976, 986-990, 901 P.2d 619, 625-628.

Mr. Alshehri has recently admitted that he provided perjured testimony at trial of this  
matter. Mr. Alshehri has provided this Court with a sworn affidavit indicating that he lied  
during his trial testimony, but only about the Defendant driving the car back to the hotel. Mr.  
Alshehri also asserts that he was threatened with arrest by law enforcement prior to coming to  
Las Vegas for an interview in September 2013; and, that he was under the impression he would

1 be arrested if he did not travel to Las Vegas a few weeks later to speak to prosecutors. Mr.  
2 Alsherhri's affidavit indicates that after speaking with prosecutors he realized that Defendant  
3 did not drive the car from the Olypmic Gardens to the hotel, an individual named Mohammed  
4 drove. Mr. Alsherhi testified falsely at the time of trial because he was still under the belief  
5 that he could be arrested if he did not repeat what he had told the prosecutors in his pretrial  
6 meeting with them.

7 The State finds Mr. Alshehri's admission of perjured testimony as to only the issue of  
8 who drove the car back to the hotel extremely suspect. Furthermore, Mr. Alshehri could have  
9 very well been told that the State could have a material witness warrant issued if he chose to  
10 ignore the subpoena's being issued for his appearance in the matter. Mr. Alshehri was not  
11 threatened in any way by law enforcement or the prosecutors in this case to testify in any  
12 certain manner. Nor was he ever told that if he said something on the stand different than what  
13 he said during his pretrial, he would be arrested.

14 At the pretrial conference with prosecutors, Mr. Alshehri was asked causally about  
15 who drove the car from the strip club to the hotel. Mr. Alshehri unequivocally stated that the  
16 Defendant did; and, that the Defendant drove "really good" but maybe sped a little. Mr.  
17 Alshehri was even astute enough to remember that the Defendant had lost the keys but then  
18 found them. While this conversation does establish that the Defendant was intoxicated along  
19 with everyone else; however, was okay to drive back to the hotel, it does nothing to exonerate  
20 or exculpate the Defendant with regard to sexually abusing the victim in this case.

21 Nothing more can come out of a hearing on this issue. At a hearing, Mr. Alshehri will  
22 do one of two things: recant his affidavit or admit that he lied during his trial testimony. Mr.  
23 Alshehri now faces a perjury charge either way. Mr. Alshehri can simply not be trusted.

24 It really has no bearing as to who drove the car back to the casino. Both parties  
25 presented testimony from various witnesses that establish that the Defendant was very  
26 intoxicated along with the others prior to returning to the hotel and that the Defendant was  
27 belligerent and wanted to continue partying. Additionally, the video of the Defendant's actions  
28 inside the hotel also illustrate a level of intoxication on the part of the Defendant. The fact of

1 the matter is that the State presented evidence that the Defendant was not falling down, was  
2 not slurring his words, and was not so intoxicated that he could not have possibly formed the  
3 intent to commit lewd acts with the minor. This Defendant gave a full confession to the police  
4 regarding his sexually assaulting the victim in this case. The State also presented DNA  
5 evidence to support the crimes as well as showed the jury pictures of the sexual assault nurse  
6 examination where the Victim's anus was shown to be bruised and torn. When considering  
7 all of these facts, the Defense cannot meet the prongs set out in Callier.

8 **B. 1. The trial testimony of the material witness was false**

9 Any information taken from Rashed Alshehri is and always will be incredibly suspect.  
10 This is an individual who never wavered in pretrial, never wavered during testimony, and now  
11 all of the sudden out of the blue states he lied on the stand. Therefore, either way he is either  
12 lying or has lied to this court. It will be utterly and completely impossible for this Court to  
13 ever make a finding that Mr. Alshehri's testimony was false. As Callier states, "Numerous  
14 courts have determined that recantations should be viewed with suspicion and that before  
15 granting a new trial, the trial court must be satisfied that the witness' trial testimony was false."  
16 There is no way this Court can make that finding after Mr. Alshehri's actions and testimony  
17 in this case.

18 **B. 2. The evidence showing that false testimony was introduced at trial is newly**  
19 **discovered**

20 Again, as in the State's analysis under Sanborn, this evidence is not newly discovered.  
21 The jury already heard that the Defendant was intoxicated so this is not some new, material  
22 evidence that would completely change the jurors' mind.

23 **B. 3. The evidence could not have been discovered and produced for trial even**  
24 **with the exercise of reasonable diligence**

25 Just as in the previous analysis under Sanborn, this information could have easily  
26 been obtained from Rashed had defense counsel spoke to him before he took the stand.

27 //

28 //



1           **B. 4. It is probably that had the false testimony not been admitted, a different**  
2           **result would have occurred at trial**

3           Whether or not the Defendant drove to the Circus Circus is completely inconsequential.  
4           The material issue was whether or not the Defendant was SO intoxicated that he could not  
5           form the requisite intent required by law for the crime of Lewdness With a Minor Under  
6           Fourteen Years of Age. The jury repeatedly heard testimony regarding the Defendant's  
7           intoxication level. Therefore, the fact that he drove to the Circus Circus would have absolutely  
8           no effect at a new trial.

9           The State apologizes for the repetitive nature of the opposition. However, it is  
10          important to conduct the analysis under both Sanborn and Callier, even if some of the prongs  
11          are the same. In conclusion, this very small piece of inconsequential "new evidence" isn't  
12          new and it's not material. The Defense cannot meet the prongs to even necessitate a hearing,  
13          thus the State is asking that the request for the hearing and new trial be denied.

14          **II.    INEFFECTIVE ASSISTANCE OF COUNSEL MAY NOT BE RAISED IN A**  
15          **MOTION FOR NEW TRIAL**

16          At the time of trial, defense counsel first requested a jury instruction on Statutory  
17          Sexual Seduction but later withdrew the request based upon a strategic decision which is  
18          clearly stated in the record. The issue of whether Defendant was entitled to that instruction is  
19          not ripe for consideration as the request for the same was voluntarily withdrawn by defense  
20          counsel. Defendant would like this Court to consider defense counsel's strategic decision  
21          regarding the instruction ineffective assistance of counsel. Defendant would also like this  
22          Court to consider the fact that defense counsel did not meet with Mr. Alshehri prior to his trial  
23          testimony, as ineffective assistance of counsel. However, ineffective assistance of counsel is  
24          an issue to be raised in Post-Conviction Relief. It is never an issue for the trial court to consider  
25          upon motion for new trial.

26          //

27          //

28          //

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CONCLUSION**

Based upon the above and foregoing Points and Authorities, Defendant's Motion for New Trial and/or for an Evidentiary Hearing must be DENIED.

DATED this 16th day of July, 2014.

Respectfully submitted,

STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565

BY /s/ MARY KAY HOLTHUS  
MARY KAY HOLTHUS  
Chief Deputy District Attorney  
Nevada Bar #0038144

BY /s/ JACQUELINE BLUTH  
JACQUELINE BLUTH  
Chief Deputy District Attorney  
Nevada Bar #10625

**CERTIFICATE OF E-SERVICE**

I hereby certify that service of the above and foregoing was made this 16TH day of JULY 2014, to:

DOMINIC GENTILE, ESQ.  
dgentile@gordonsilver.com

BY /s/ HOWARD CONRAD  
Secretary for the District Attorney's Office  
Special Victims Unit

hjc/SVU

[Skip to Main Content](#) [Logout](#) [My Account](#) [Search Menu](#) [New District Criminal/Civil Search](#) [Refine Search](#) [Close](#)

Location : District Courts [Images](#) [Help](#)

## REGISTER OF ACTIONS

[CASE No. C-13-287173-1](#)

State of Nevada vs Mazen Alotaibi

§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§

Case Type: **Felony/Gross Misdemeanor**  
Date Filed: **02/01/2013**  
Location: **Department 23**  
Cross-Reference Case Number: **C287173**  
Defendant's Scope ID #: **2884816**  
ITAG Booking Number: **1200072808**  
ITAG Case ID: **1455697**  
Lower Court Case # Root: **12F20986**  
Lower Court Case Number: **12F20986X**  
Supreme Court No.: **67380**

### PARTY INFORMATION

**Defendant** Alotaibi, Mazen

**Lead Attorneys**  
**Dominic P. Gentile**  
*Retained*  
702-880-0000(W)

**Plaintiff** State of Nevada

**Steven B Wolfson**  
702-671-2700(W)

### CHARGE INFORMATION

Charges: Alotaibi, Mazen	Statute	Level	Date
1. BURGLARY	205.060.2	Felony	12/31/2012
2. FIRST DEGREE KIDNAPPING	200.310.1	Felony	12/31/2012
3. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE	200.366.3c	Felony	12/31/2012
4. LEWDNESS WITH CHILD UNDER THE AGE OF 14	201.230.2	Felony	12/31/2012
5. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE	200.366.3c	Felony	12/31/2012
6. LEWDNESS WITH CHILD UNDER THE AGE OF 14	201.230.2	Felony	12/31/2012
7. LEWDNESS WITH CHILD UNDER THE AGE OF 14	201.230.2	Felony	12/31/2012
8. LEWDNESS WITH CHILD UNDER THE AGE OF 14	201.230.2	Felony	12/31/2012
9. COERCION	207.190.2b	Misdemeanor	12/31/2012

### EVENTS & ORDERS OF THE COURT

02/02/2015 [Sentencing](#) (9:30 AM) (Judicial Officer Miley, Stefany)  
*Sentencing - Count 9/Imposition of Restitution*

#### Minutes

02/02/2015 9:30 AM

- Arabic Interpreter not used. Court advised it had not adjudged Deft. guilty of Count 9 as it was not contained in the presentence report and stated restitution was overlooked. DEFT. ALOTAIBI ADJUDGED GUILTY of COUNT 9 - COERCION (M) and SENTENCED to credit for time served. FURTHER, \$2,723.94 Restitution IMPOSED and is to be paid to Social Services. NDC

[Parties Present](#)

[Return to Register of Actions](#)

RA 000240