

1 THE WITNESS: Thank you, Your Honor.

2 THE COURT: Thank you.

3 THE BAILIFF: Stand here and face the clerk.

4 THE CLERK: Raise your right hand.

5 (The oath was administered to the witness.)

6 THE CLERK: Just have a seat.

7 EBONI SPURLOCK,

8 having been called as a witness herein,
9 being first duly sworn, was examined
and testified as follows:

10 DIRECT EXAMINATION

11 BY MR. YOUNG:

12 Q Good afternoon, ma'am.

13 A Hi.

14 Q Can you state your first and last name and
15 spell both for the reporter, please.

16 A Yes. Eboni Spurlock. E-b-o-n-i,
17 S-p-u-r-l-o-c-k.

18 Q Ma'am, do you know an individual by the name of
19 Quinzale Mason?

20 A Yes.

21 Q How do you know Mr. Mason?

22 A He's my kids' father.

23 Q He's your kids' father. Do you have -- you've
24 had an on-and-off-again dating relationship with

ROUGH DRAFT TRANSCRIPT

1 Mr. Mason?

2 A Yes.

3 Q For how long?

4 A Six years.

5 Q Okay. Do you see Mr. Mason in the courtroom?

6 A Yes.

7 Q Can you point him out and describe what he's
8 wearing, please?

9 A A white shirt.

10 Q Okay. Is he wearing a neck tie as well?

11 A Yeah, and a neck tie.

12 MR. YOUNG: Your Honor, the record reflect
13 identification.

14 THE COURT: It will,

15 BY MR. YOUNG:

16 Q Ma'am, I'm going to go back to August of 2014.
17 Where were you living on that day?

18 A On Patton.

19 Q Do you remember the exact unit that you were
20 living in?

21 A 2366.

22 Q Okay. On Patton Drive?

23 A Yes.

24 Q And who did you live there with, again, going

ROUGH DRAFT TRANSCRIPT

1 back to August of 2014?

2 A Me, Quinzale and our kids.

3 Q Okay. And is your apartment -- or was your
4 apartment one of a number of apartments in one
5 building?

6 A Right.

7 Q If that makes sense. Were you on the top or
8 the bottom floor?

9 A Top.

10 Q And there's a number of apartments closest to
11 Patton Drive and then it goes away; correct?

12 A Correct.

13 Q Which one were you?

14 A At the -- almost to the back, to the end.

15 Q Okay. Not closest to the street?

16 A Right.

17 Q Closest to Patton?

18 A Right, by Hug, behind the Hug side and by the
19 dead end.

20 Q Let me show you Exhibit 1, ma'am. Do you
21 recognize this overhead photo?

22 A Yeah.

23 Q Okay. And there's kind of a balloon arrow-type
24 item that points out 2366 Patton Drive; correct?

ROUGH DRAFT TRANSCRIPT

1 A Yes.

2 Q And that was the building that you were in?

3 A Yes.

4 Q And you said top floor. And I'm not quite
5 sure. Were you closest to Patton Drive or --

6 A Yeah. We're the top -- at the corner, the
7 first --

8 Q So if you're kind of separating this down, kind
9 of the unit in that area; fair?

10 A Yes.

11 Q And in August of 2014 you lived with Mr. Mason?

12 A Yes.

13 Q Did you own a car?

14 A Yes.

15 Q Do you still own that car?

16 A Yes.

17 Q What is that car?

18 A It's a 2001 Hyundai.

19 Q Do you know what -- it's a Hyundai. Do you
20 know what --

21 A An Accent.

22 Q Is it a four-door vehicle?

23 A Yes.

24 Q Do you know what the license plate of that

ROUGH DRAFT TRANSCRIPT

1 vehicle is?

2 A I don't.

3 Q Okay. If I show you a picture -- this is
4 Exhibit 13, ma'am. And there's some evidence tape and
5 the like. Does that appear to be your vehicle?

6 A Yes.

7 Q Now I'll show you Exhibit 16. Does that also
8 appear to be your vehicle?

9 A Yes.

10 Q And does that display the license plate of
11 432LTY?

12 A Yes.

13 Q So we're perfectly clear here, I'm going to
14 show you now Exhibit 24. This has been admitted as
15 some DMV records. Is that the registration records for
16 your vehicle that you've been testifying to?

17 A No.

18 Q No? What is that?

19 A I don't -- I've never had a car like that.

20 Q I'm sorry?

21 A The sedan?

22 Q Right.

23 A Yeah, that is mine. That's mine.

24 Q Okay.

ROUGH DRAFT TRANSCRIPT

1 A Yeah. I was looking at it wrong.

2 Q I don't mean to trip you up.

3 So this is registration records for your Hyundai
4 Accent bearing the 432LTY license plate?

5 A Yes.

6 Q And your full name is Eboni Nicole Spurlock?

7 A Yes.

8 Q Now, while the car was registered to you, was
9 it your car?

10 A Yes.

11 Q Okay. I said "was." But is it still your car?

12 A Yes.

13 Q You have gotten it back?

14 A Yes.

15 Q Did Mr. Mason have an opportunity to drive that
16 vehicle around?

17 A Yes.

18 Q And did he drive that vehicle around?

19 A Yes.

20 Q Ma'am, are you currently employed?

21 A Yes.

22 Q Where?

23 A I work at Starbucks at the GSR.

24 Q Okay. Do you know an individual by the name of

ROUGH DRAFT TRANSCRIPT

1 Anthony Holly?

2 A Yes.

3 Q And do you know his wife's name?

4 A Yes.

5 Q What's his wife's name?

6 A Mercedes.

7 Q Does she likewise work at Starbucks?

8 A Not anymore.

9 Q Back in August of 2014 did she work at
10 Starbucks?

11 A Yes.

12 Q And did you assist her in getting that job?

13 A Yes.

14 Q All right. I'm going to direct your attention
15 to a specific date being August 9th of 2014. Were you
16 working at the Starbucks at GSR on that day?

17 A Yes.

18 Q And what shift were you working at that time?

19 A I worked usually 4:00 to 12:00 in the morning.

20 Q 4:00 in the morning?

21 A Yes.

22 Q And was that the approximate time that you
23 worked on August 9th?

24 A Yes.

ROUGH DRAFT TRANSCRIPT

1 Q How did you get to work that day?
2 A I got a ride from my coworker.
3 Q And why was that?
4 A Because my car wouldn't start. It wasn't
5 working.
6 Q Where was your car parked?
7 A At home on Patton.
8 Q Okay. What we're looking at here at 2366?
9 A Right.
10 Q Now, do you recall what time you got home from
11 work on August 9th?
12 A Around 11:00, 11:30.
13 Q And was your car there at that point?
14 A No.
15 Q Okay. When you got home around 11:00 or 11:30
16 do you recall anything that happened that caught your
17 attention?
18 A I heard gunshots.
19 Q Do you recall how many gunshots you heard?
20 A Two.
21 Q After you heard gunshots what did you see?
22 A Well, I was in the house. I came outside. I
23 seen Anthony running down the street and it looked like
24 he had blood on him. And I asked him what happened.

ROUGH DRAFT TRANSCRIPT

1 He said, "Your baby daddy shot a kid." But I didn't
2 see it. I was in the house.

3 Q So when you heard the gunshots, you were
4 inside?

5 A Yes, I was inside. I just got home.

6 Q And who were you in the house with?

7 A Myself.

8 Q That's when you saw -- you came out and then
9 saw Anthony running?

10 A Yes.

11 Q And you said he had blood on his chest?

12 A Yes, on the side of his chest.

13 Q Okay. And he made that statement to you?

14 A Yes.

15 Q Okay. I believe you testified to this, but
16 Mr. Mason is the father of one of your children;
17 correct?

18 A Yes.

19 Q Do you know an individual by the name of
20 Delphine Martin?

21 A Yes.

22 Q Okay. And does she live in your neighborhood?

23 A Yes.

24 Q Where did she live?

ROUGH DRAFT TRANSCRIPT

1 A Across the street from us.

2 Q All right. Again, going back to this map
3 that's up here, do you know specifically what building
4 she's in?

5 A I don't.

6 Q Just somewhere across the street?

7 A Right.

8 Q Okay. Do you know whether she has children?

9 A Yes.

10 Q Do you know their names by chance?

11 A I don't. One of her kids goes to school with
12 my daughter.

13 Q Okay. And do the kids socialize or play
14 together at all?

15 A Yeah.

16 Q And, again, I'm going back to August of 2014
17 and previous. Fair?

18 A Yes.

19 Q I'm going to ask you a question. I don't mean
20 to be disrespectful. But you see that Mr. Mason today
21 is sitting in a wheelchair; correct?

22 A Yes.

23 Q Back in August of 2014 was he in a wheelchair
24 then?

ROUGH DRAFT TRANSCRIPT

1 A No.

2 Q Now, later on August 9th -- strike that. On
3 August 10th of 2014 were you contacted by the Reno
4 Police Department and asked about them conducting a
5 search of your vehicle that we were just looking at?

6 A Yes.

7 Q All right. And did you agree to allow the
8 police department to search your vehicle?

9 A Yes.

10 Q Do you recall whether they provided you with
11 any document?

12 A They did. They just had me sign the paper to
13 search the car. That was it.

14 Q And that's what I'm getting at. Rather than
15 just talking to you over the phone --

16 A Yeah.

17 Q -- they met with you --

18 A Yes.

19 Q -- and presented you a piece of paper?

20 A Yes.

21 Q And on that paper did it explain kind of--

22 A It just said to search the vehicle.

23 Q Okay. And on there did it advise you that it
24 was kind of your call, you could say yes or no?

ROUGH DRAFT TRANSCRIPT

1 A Yeah.

2 Q And did you agree to allow it?

3 A Yes.

4 Q And did you in fact sign the consent to search
5 form?

6 A Yes.

7 Q And that was for your vehicle?

8 A Yes.

9 Q Okay. Other than yourself and Mr. Mason, who
10 was allowed to drive that car?

11 A That's it.

12 MR. YOUNG: I have no further questions, Your
13 Honor.

14 THE COURT: Cross-examination of Ms. Spurlock,
15 Mr. Hylin.

16 MR. HYLIN: Thank you, Your Honor.

17 If I might have just a second.

18 CROSS-EXAMINATION

19 BY MR. HYLIN:

20 Q You said you got home from work about -- excuse
21 me. Good afternoon.

22 What time did you say you got home from work?

23 A Like 11:00, 11:30.

24 Q 11:30 or so. And Mr. Mason wasn't there?

ROUGH DRAFT TRANSCRIPT

1 A No.

2 Q The car wasn't there?

3 A No.

4 Q You don't -- but you don't know exactly who had
5 the car?

6 A Right, I don't. The car wasn't there when I
7 got home.

8 Q All right. And nobody told you who had taken
9 it or you had no information about the car?

10 A No.

11 Q You said the kids play together?

12 A Yes.

13 Q So that's how you know Delphine?

14 A Correct.

15 Q But you don't really know her otherwise
16 socially?

17 A Correct. We never really spoke, only if I seen
18 her outside I would speak and then the kids and I would
19 leave.

20 Q Just say hi and collect the kids and go home?

21 A Correct.

22 Q There was a time when -- pardon me -- you were
23 making a trip to the airport?

24 A Yes.

ROUGH DRAFT TRANSCRIPT

1 Q And what were you doing that for?
2 A We were picking up with Quinzale's mother.
3 Q And that's Virginia Stewart?
4 A Valerie.
5 Q Excuse me. Valerie Stewart?
6 A Yes.
7 Q She's from Phoenix?
8 A Yes.
9 Q All right. And she came -- do you know why she
10 came up?
11 A She came up because of what he was being
12 accused of and she said that she needed to find out
13 what was going on before we took him to turn himself
14 in.
15 Q Okay. So the purpose was -- you knew he was a
16 suspect?
17 A Right.
18 Q And so did everybody else in the car except
19 Valerie?
20 A Correct.
21 Q So then where did you go from the airport?
22 A We went out to go to Sun Valley to pick him up.
23 Q All right. Do you remember where in Sun
24 Valley?

ROUGH DRAFT TRANSCRIPT

1 A I don't. We just went up by -- towards the end
2 by -- going towards -- what is it? Going towards
3 Spanish Springs, the back way going into the valley.

4 Q Okay. Who was with you, by the way?

5 A Me, my mom and his mom.

6 Q And those are the three -- and so there was
7 only three people in the car?

8 A Right.

9 Q There were not four people in the car at the
10 airport?

11 A Oh, yeah. My cousin, we picked him up from the
12 airport. He just flew in from Colorado.

13 Q All right. So you had yourself, your mom,
14 Mr. Mason's mom, are your cousin?

15 A Yes.

16 Q Okay. So you picked two people up at the
17 airport?

18 A Correct.

19 Q All right. I get it.

20 When you left the Sun Valley place, who was in the
21 car then?

22 A Me, Quinzale, his mother and my mom.

23 Q All right. So there were four people at that
24 time also?

ROUGH DRAFT TRANSCRIPT

1 A Right.

2 Q And what happened on that trip?

3 A We just picked him up. And before he said he
4 was going to turn himself in to see what was going on,
5 he had to get something to eat, but we never got to
6 make -- to get him something to eat because they
7 stopped us, they stopped us before we could even take
8 him to the jail.

9 Q Do you know why he had to get something to eat?

10 A Because he's a diabetic.

11 Q And there was something wrong?

12 A His blood sugar was low.

13 Q So he has to eat when that happens?

14 A Right.

15 Q So after you were stopped by the police did you
16 explain to everyone where you were going?

17 A Yes.

18 Q So they knew where you were headed?

19 A Correct.

20 Q Did they question it?

21 A I don't know. They just apprehended him and
22 then they sent us on our way.

23 Q Okay. And so the morning of the 9th, you went
24 out to go to work. Do you usually drive your car to

ROUGH DRAFT TRANSCRIPT

1 work?

2 A Yes.

3 Q This morning it wouldn't start?

4 A Right.

5 Q Was it out of gas?

6 A It just wouldn't start. I don't know. Maybe
7 the battery, because the battery -- I had battery
8 problems. It just didn't work that morning. Like I
9 had been driving it all week.

10 Q Okay. All right. Was there anything wrong
11 with the outside of the car?

12 A The bumper was messed up.

13 MR. HYLIN: If I could have just a moment, Your
14 Honor.

15 THE COURT: Take your time.

16 BY MR. HYLIN:

17 Q You didn't see the cops search the car
18 apparently?

19 A No, I didn't. They already had the car.

20 Q All right.

21 MR. HYLIN: If I might have a second. I think
22 that's it, Your Honor. Thank you.

23 THE COURT: Redirect based on the
24 cross-examination.

ROUGH DRAFT TRANSCRIPT

1 MR. YOUNG: No questions, Your Honor.

2 THE COURT: You may be excused.

3 Is she free to go, Mr. Hylin?

4 MR. HYLIN: I believe so, Your Honor.

5 THE COURT: Mr. Young?

6 MR. YOUNG: Yes, Your Honor.

7 THE COURT: Ma'am, you're excused from your
8 subpoena. You're free to go.

9 Is Detective Blas also released, Mr. Young?

10 MR. YOUNG: Yes. Thank you.

11 THE COURT: Detective Blas is also released from
12 his subpoena and may go about his business.

13 Mr. Young, what's the next witness you're going to
14 call or who is the next witness?

15 MR. YOUNG: Detective Kassebaum.

16 THE COURT: All right. Well, we'll call Detective
17 Kassebaum.

18 Ladies and gentlemen, we've got about another 20 or
19 25 minutes before we take our noon recess, so if you
20 want to just stand up and just stretch your legs,
21 that's just fine. Circulate the blood a little bit.

22 Okay. Ladies and gentlemen, let's come back to
23 order. The detective is with us. And so, Mr. Young,
24 your next witness, please.

ROUGH DRAFT TRANSCRIPT

1 (The oath was administered to the witness.)

2 THE CLERK: Okay. Just have a seat.

3 DIMITRIUS KASSEBAUM,

4 having been called as a witness herein,
5 being first duly sworn, was examined
and testified as follows:

6 DIRECT EXAMINATION

7 BY MR. YOUNG:

8 Q Sir, good afternoon. Could you please state
9 and spell for the record your first and last name.

10 A Yes. My first name is Dimitrius. Last name is
11 Kassebaum. Spelling is D-i-m-i-t-r-i-u-s,
12 K-a-s-s-e-b-a-u-m.

13 Q Sir, with whom are you currently employed?

14 A The Reno Police Department.

15 Q And how long have you been with the Reno Police
16 Department?

17 A Eight and a half years.

18 Q Okay. And what is your current assignment?

19 A I am a financial crimes detective.

20 Q And when did you receive that promotion?

21 A January of this year.

22 Q Okay. Prior to just this last month of being
23 with the detectives what was your assignment with the
24 Reno Police Department?

ROUGH DRAFT TRANSCRIPT

1 A I was assigned to the patrol division.

2 Q For the balance of the -- would you say almost
3 nine years?

4 A No. During that balance I worked with the
5 Downtown Enforcement Team which is primarily assigned
6 to the downtown district. I did that for about three
7 years. And the rest of the time was to the patrol
8 division.

9 Q So approximately five and a half or six years
10 with general patrol?

11 A Yes.

12 Q Sir, I'm going to direct your attention to
13 August 9 of 2014. Did you respond over to 2397 Patton
14 Drive in response to a call?

15 A I did.

16 Q And do you recall the time that you
17 approximately arrived at Patton Drive?

18 A It was approximately 12:25 in the afternoon.

19 Q All right. Now, when you arrived on scene were
20 you made aware that there were some people that had
21 been taken to the hospital?

22 A Yes.

23 Q Had they already been transported upon your
24 arrival?

ROUGH DRAFT TRANSCRIPT

1 A That is correct.

2 Q Was there also an individual whose identity you
3 learned to be Anthony Holly?

4 A Yes.

5 Q Was Mr. Holly on scene when you arrived?

6 A No, he was not.

7 Q Can you explain what you did -- let me take
8 that back. Have you been assigned as the lead officer
9 to this case?

10 A Yes, I was assigned lead officer.

11 Q And were there other officers who arrived on
12 scene before you did?

13 A Yes.

14 Q Could you explain to the jury how it was that
15 you took the role of the lead officer?

16 A Yes. The Reno Police Department and most
17 agencies, we have certain beats, districts, which are
18 assigned to us. And that day I was assigned to the 48
19 beat which is in close proximity to where this crime
20 occurred which is the 46 beat. And as a result of me
21 being the closest beat officer to that designated
22 number, I took responsibility for the call for service
23 and the lead in this investigation to handle all the
24 followup required.

ROUGH DRAFT TRANSCRIPT

1 Q As the lead officer, if there was any followup
2 down the road, would those requests have been made to
3 you then?

4 A Yes.

5 Q Okay. Upon your arrival what did you do?

6 A On my arrival I began to canvass of the area.
7 And a canvass is, you know, knocking on doors to see if
8 anybody heard or saw anything in an attempt to identify
9 potential witnesses.

10 Q Were you -- did you make contact with several
11 individuals?

12 A I did, multiple individuals throughout this
13 neighborhood who stated that they heard anywhere from
14 two to three gunshots.

15 Q Was one of the individuals you made contact
16 with a Steve Maes?

17 A Yes.

18 Q I'm not going to have you get into content.
19 But did you have an opportunity to speak with Mr. Maze?

20 A I did have an opportunity.

21 Q Okay. Did you likewise have an opportunity to
22 observe the scene of what was alleged to have been the
23 shooting?

24 A I did.

ROUGH DRAFT TRANSCRIPT

1 Q Now, you're looking at the Exhibit No. 1 that's
2 on the screen that has been admitted. Do you recognize
3 that, sir?

4 A I do.

5 Q Okay. And that includes the Patton Drive area
6 that's been the subject of the investigation?

7 A Yes.

8 Q Okay. Now, was a -- I don't want you to tell
9 me specifically how, but was there a suspect that was
10 identified?

11 A Yes.

12 Q And what was that name?

13 A It was Quinzale Mason.

14 Q Now, was Mr. Mason on scene at the time you
15 arrived on August 9th?

16 A No, he was not.

17 Q Subsequent to that date did you have the
18 opportunity to have contact with Mr. Mason?

19 A Yes.

20 Q Do you see Mr. Mason in the courtroom today?

21 A I do.

22 Q Can you point him out to the judge and describe
23 what he's wearing, please.

24 A He's wearing the white shirt, blue tie with the

ROUGH DRAFT TRANSCRIPT

1 gray slacks.

2 MR. YOUNG: Your Honor, if the record could reflect
3 the identification, please.

4 THE COURT: So noted.

5 BY MR. YOUNG:

6 Q Just a couple other people that I'm curious if
7 you were able to identify. Were you able to identify a
8 possible girlfriend or a person who lived with Mason at
9 the Patton Drive residence?

10 A I don't recall if I was able to identify her
11 that day, but the following day I was able to identify
12 her.

13 Q Who was that person?

14 A Her name is Eboni Spurlock.

15 Q Okay. Now, getting back to the scene, if you
16 will, outside of 2397 Patton Drive, did you take steps
17 to confirm that was in the fact the scene?

18 A Yes, I did.

19 Q And how did you do that?

20 A Well, backing up, the officers who initially
21 responded took steps to identify the scene by
22 identifying shell casings and the area in which they
23 located the victims and they set up crime scene tape
24 around that area.

ROUGH DRAFT TRANSCRIPT

1 Q All right. And why is that done, crime scene
2 tape?

3 A Well, the condition of the victims are unknown,
4 not sure how many victims are outstanding or suspects
5 are outstanding. You need to lock down that scene to
6 ensure that, you know, people aren't coming into it
7 such as civilians and dropping things off or picking
8 things up, because there could be evidence that's very
9 important to solving these crimes.

10 Q I believe you stated that there were some
11 casings located?

12 A Yes.

13 Q What are casings?

14 A Casings, it's -- you know, shell casings,
15 they're generally, you know, the brass container which
16 the gun powder in bullets are contained in for the use
17 of firearms.

18 Q Okay. When a handgun is discharged is a casing
19 expended?

20 A Yes.

21 Q I'm going to show you what has been admitted as
22 Exhibit 7. It's a smaller picture, sir. But do you
23 recognize this?

24 A I do.

ROUGH DRAFT TRANSCRIPT

1 Q What is that?

2 A I recognize the scene in which the shooting
3 occurred. And then the little card that's folded in
4 half, that's marking one shell casing. And then about
5 halfway up the screen, there's another marker for an
6 additional shell casing.

7 Q When you say "marker," can you point that out
8 to the jury?

9 A Yes, a marker would be there and there.

10 Q Okay. Now --

11 A Kind of close.

12 Q Now, there are -- they are not sitting right
13 next to each other; correct?

14 A No, they are not.

15 Q Can you explain that?

16 A Yes. Generally when you fire a weapon,
17 especially when it ejects a shell, it's a semiautomatic
18 weapon, the timing of the gun is going to cause the
19 shell to extract. And where the shell extracts has --
20 there's a lot of variables. You know, wind conditions
21 can influence where it's going to land. The position
22 of the individual's hand when he fires the weapon is
23 going to change the trajectory of that.

24 Q What about when the casing is ejected, does

ROUGH DRAFT TRANSCRIPT

1 it -- might it be influenced by what it lands on?

2 A Yes. If it's a hard surface, it could bounce.
3 If it's a soft surface, it may just stop right where it
4 lands.

5 Q Did you learn in this case that there was a
6 vehicle that exited this parking lot after the
7 shooting?

8 A Yes.

9 Q Could that have any influence over the final
10 location of the casings?

11 A Absolutely.

12 Q And could you explain that?

13 A Several things can happen where the shell is
14 ejected where it could hit a surface of the vehicle or
15 it could be carried backwards, or if it goes underneath
16 the tire, it could get dug by the tire and then
17 deposited at another location.

18 Q Were you able to identify the casings as far as
19 what type of caliber those casings were?

20 A Yes. I was able to identify them as 9
21 millimeter casings due to 9 millimeter markings on the
22 casings.

23 Q And what did you do with those casings?

24 A I collected them and I booked them into the

ROUGH DRAFT TRANSCRIPT

1 Reno police evidence department.

2 Q Okay. Now, with a handgun where the casing, as
3 you've just described, is ejected, is there likewise a
4 bullet which is shot from the gun?

5 A Yes.

6 Q And the bullet is going to be different than
7 the casing; fair?

8 A Absolutely.

9 Q Were you able or were any of your fellow
10 officers able to identify or locate any bullets related
11 to this case?

12 A No, we were not.

13 Q Does that surprise you?

14 A No, it does not.

15 Q Could you explain that to the jury?

16 A Where the bullets end up, you know, you have
17 backdrop. In this case there is a vehicle, there are
18 buildings, there all sorts of surfaces which could
19 influence where that bullet actually goes. Oftentimes
20 it's very common that most of the bullets you buy over
21 the counter, they have a lead core with a copper
22 jacket. And, of course, when those hit a hard surface,
23 it's hard to predict exactly where that lead piece is
24 going to go versus where the actual copper jacket is

ROUGH DRAFT TRANSCRIPT

1 going to go. It's quite often that when we go to
2 scenes of shootings there is somebody that will say, "I
3 found a bullet hole inside of my -- there's a bullet
4 hole in my window." We find a shell inside. We'll
5 find the jacket separate from the actual bullet. And
6 in this case you can actually see--

7 Q For if record, I'm showing Exhibit 2.

8 A Okay. Sorry. But you can see that over on the
9 west side of this building complex there's a large
10 amount of dirt. And oftentimes when rounds go into
11 dirt, they can dissipate -- the energy gets dissipated
12 into the dirt itself and they could become buried and
13 very difficult difficult to locate.

14 Q Does this dirt area track all this way along
15 that building unit?

16 A It does.

17 Q Now, was there any other items that you
18 initially collected or was provided to you on scene
19 that later you were able to return to anyone?

20 A Yes. There was one single shoe. And when we
21 located that shoe, we determined that possibly could
22 belong to the outstanding victim who had fled the area
23 which was Anthony Holly.

24 Q Now, did Mr. Holly ever return to the scene?

ROUGH DRAFT TRANSCRIPT

1 A He did. He returned several hours later. It
2 was about 3:30 in the afternoon. And he agreed to
3 speak with us about what happened.

4 Q Okay. And did you have an opportunity to in
5 fact conduct that interview of Mr. Holly?

6 A Yes, I did.

7 Q That single shoe that you had located or that
8 officers had located, were you able to determine whose
9 shoe that was?

10 A Yes. Anthony Holly stated that that was his
11 shoe. And I gave it back to him.

12 Q So you returned it to Mr. Holly?

13 A Yes, I did.

14 Q Now, you stated that there was an individual
15 who was identified as a suspect, being Quinzale Mason;
16 correct?

17 A That is correct.

18 Q Did you have any contact with Mr. Mason on
19 August 9th of 2014?

20 A No, I did not.

21 Q Okay. Was there a time that you did have
22 contact with Mr. Mason?

23 A Yes, there was.

24 Q How did that come about?

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1 A It came about that we were actively looking for
2 him because we identified him and we determined there
3 was probable cause to arrest him and some of our
4 graveyard officers followed up on a tip where --

5 Q I'm not going to have you get too far astray.
6 Let me rein you in a little bit.

7 Did you learn and did the police department learn
8 of information that Mr. Mason's mother was flying into
9 Reno the following morning?

10 A Yes, we did.

11 Q That being August 10th?

12 A That is correct.

13 Q Once you learned that, what steps did you take
14 in conjunction with that information to locate
15 Mr. Mason?

16 A The steps that I took in conjunction with the
17 attempt to locate Mr. Mason was we knew -- or we had
18 information that his mom possibly was coming in. And
19 first off, we needed to confirm that information is in
20 the fact correct. Officer Jenkins, she provided me
21 with potential flight times in which aircraft was going
22 to be coming in to the Reno Tahoe Airport and possible
23 air carriers. I went to U.S. Airways and found out
24 that she had just checked in to a flight to come to

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1 Reno on a one-way ticket and she was due to land at, I
2 believe, at 9:28 if my memory serves me correctly at
3 the Reno Tahoe Airport.

4 And gaining further confirmation that she had
5 actually boarded the aircraft -- and I don't recall the
6 exact flight time. And she was coming from Phoenix.
7 And I don't remember if they were on their daylight
8 savings track or not, so I don't want to butcher it up,
9 the time lapse. But essentially we found out she was
10 due to arrive at the 9:28 on time.

11 And I took steps through the airport police and
12 their communications center to identify which gate that
13 aircraft was going to -- they were going to -- they
14 were going to have their passengers deboard. And that
15 was gate C9.

16 And I was able to watch her on video surveillance.
17 I had the video surveillance technician set up cameras
18 throughout the airport. And then I also called in
19 robbery/homicide detectives to assist me with the
20 surveillance, because even though the camera systems
21 are great in airports, sometimes a human eye is better,
22 because, you know, there are spots where you will lose
23 sight of the person.

24 So essentially what we did is we verified she was

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1 coming in at gate C9. I had a photo of her. It was
2 a-- his mother's name is Valerie Stewart. And the
3 photo that I had was off of the DMV driver's license.

4 And when she exited the aircraft, it was
5 approximately 9:40 in the morning. And she had a very
6 similar hair style and without a shadow of the doubt I
7 knew that was her because the camera systems in the
8 airport are very, very sophisticated.

9 We followed her through the secured area of the
10 airport on video surveillance. And I described her to
11 the detectives who were waiting downstairs at the
12 bottom of the escalators inside the Reno Tahoe
13 International Airport, at which point she came down the
14 escalators. I talked her on to Detective Allen who was
15 downstairs at which point he took over visually and
16 then we followed her to an address out in Sun Valley.

17 Q Now, are you aware of a vehicle that
18 Ms. Stewart got into at the airport and then drove to
19 the residence in Sun Valley?

20 A Yes. The vehicle was identified by the
21 detectives who were trailing her was a gold sedan with
22 a personalized plate. If I remember, it's Marsiya. It
23 was a gold four-door sedan.

24 Q Are you aware based on your investigation that

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1 there was another gold four-door sedan that was towed
2 to the Reno Police Department and searched in
3 conjunction with this case?

4 A Yes.

5 Q Was -- I didn't mean to cut you off.

6 A The evening prior it was located and abandoned
7 and it was identified as Eboni Spurlock's vehicle and
8 it was towed to the Reno Police Department as evidence.

9 Q So just to be clear, the gold sedan that picked
10 up Ms. Stewart at the airport and drove to Sun Valley
11 is a different gold four-door sedan than what was
12 towed?

13 A Yes.

14 Q Now, were you part of the surveillance team at
15 the residence in Sun Valley?

16 A I was in a marked patrol vehicle and I was
17 parked quite a distance away so that way I did not burn
18 our operation.

19 Q When you say "marked unit," what do you mean by
20 "marked"?

21 A It was generally marked patrol car. I was in
22 full uniform, lights and sirens on top, and I was just
23 in the general vicinity of where detectives were
24 watching the vehicle.

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1 Q Was there a later time that through the
2 surveillance Mr. Mason was identified as exiting the
3 residence in Sun Valley and getting into that same
4 vehicle with others and driving away?

5 A Yes, that is correct.

6 Q Okay. And was there a stop of that vehicle
7 effected at some point?

8 A Yes.

9 Q And did you participate in the traffic stop of
10 that vehicle?

11 A Yes. I was the initiating traffic officer to
12 stop the vehicle and I provided all the verbal commands
13 to have the passengers exit.

14 Q Where was -- before we get into that, where was
15 the stop actually effected?

16 A The stop was effected at McCarran and 395 on
17 McCarran itself.

18 Q And you stated you were in your marked unit.
19 So you were able to-- is that with overhead lights and
20 siren?

21 A Yes.

22 Q Now, we've had some testimony already as to the
23 mechanics of the traffic stop. But were all the
24 individuals removed from the vehicle?

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1 A Yes, they were.

2 Q And did you identify all of the occupants of
3 that vehicle?

4 A Yes, I did.

5 Q And how many occupants were there?

6 A There were four occupants total.

7 Q And who did you identify those individuals as?

8 A The driver of the vehicle was Stephanie Neal
9 who was Eboni's Spurlock's mother. And Eboni Spurlock
10 was in the passenger seat. The driver's rear seat,
11 that was Valerie Stewart which is the defendant Mason's
12 mother. And then in the right passenger seat, that was
13 Quinzale Mason.

14 Q Do you know at that point what happened with
15 Mr. Mason as far as where was he put?

16 A Well, once we called all the people back,
17 detained them, determined that none of them had weapons
18 on them, we identified Mason as our suspect who we were
19 looking for. And he again explained he wasn't feeling
20 well because he hadn't eaten. We had knowledge that he
21 is diabetic. And he had mentioned to us that he wasn't
22 feeling well because of his blood sugar levels. And as
23 a result of -- you know, he's in custody, we know he
24 doesn't have any weapons on him, but we wanted to make

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1 sure he was okay. So we contacted REMSA paramedics to
2 respond. And they arrived shortly thereafter and they
3 checked his blood sugar which they said yes, he does
4 need to go to the hospital, at which point he was
5 transported to Renown Medical Center for treatment.

6 Q All right. And at Renown did you confirm that
7 Mr. Mason was feeling better?

8 A Yes. Once they -- I'm not sure exactly what
9 they gave him, but he did start to feel better and his
10 blood sugar was brought under control to where it was
11 no longer a life-or-death situation. And then he
12 stated he was feeling better. And then the doctor
13 released him so he could be transported up to 911 Parr
14 Boulevard.

15 Q And at that point is when you placed Mr. Mason
16 under arrest?

17 A Mr. Mason was placed under arrest at the scene,
18 but, yes, it continued there.

19 Q Now, are you familiar with an Officer Ryan
20 Koger, if I'm pronouncing that correctly?

21 A Yes.

22 Q Was Officer Koger part of the team that
23 effected the traffic stop?

24 A Yes, he was.

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1 Q And were you present for any conversation that
2 Officer Koger might have had with the defendant?

3 A No, I was not.

4 Q Now, you mentioned that there was a separate
5 gold vehicle that was searched or towed and then
6 subsequently searched at the police department;
7 correct?

8 A That is correct.

9 Q All right. And I don't need you to give me a
10 full accounting of what you were told, but did you
11 learn of one of the items that was located and
12 collected in the car that caught your attention?

13 A Yes, I did.

14 Q What was that item?

15 A It was a red baseball hat.

16 Q Okay. And why was that important to you?

17 A The reason why that was important was I spoke
18 with a --

19 MR. HYLIN: Objection. Hearsay.

20 THE COURT: Mr. Young.

21 MR. YOUNG: I'll rephrase.

22 THE COURT: Sustained.

23 BY MR. YOUNG:

24 Q Again, I can't have you say what was told to

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1 you, so let me rephrase my question.

2 Based on the red hat, did you speak to somebody
3 else where that was -- again, a red hat -- important to
4 you?

5 A Yes.

6 Q Without telling us the content, who did you
7 speak with?

8 A Steve Maes.

9 Q Okay. So what did you do? What steps did you
10 take related to the red hat?

11 A I applied for a seizure order which I was
12 granted. And that seizure order was for obtaining a
13 reference sample of Mr. Mason's DNA, because in order
14 to -- there's a chain of custody issue. If somebody is
15 a convicted felon, their DNA will be in the system and
16 you could use that as reference, but in order to say --

17 MR. HYLIN: Objection, Your Honor. I think I need
18 to discuss something outside the presence of the jury.

19 THE COURT: I think now is a good time for us to
20 take our afternoon recess.

21 Ladies and gentlemen of the jury, I will request
22 that you go back to the jury room. It will be about 15
23 minutes. You are instructed not to discuss this case
24 among yourselves or with anyone else or to form any

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1 conclusions concerning the case until it is submitted
2 to you. You're not to read, look at or listen to any
3 news media accounts relating to this case should there
4 be any. You're not to form any opinion about the case
5 until it is finally submitted to you.

6 Do not experiment or investigate. Do not visit the
7 scene. Do not refer to any outside sources for
8 instructions on the law. Rely only on the court for
9 legal instructions.

10 All rise for the jury.

11 (Outside the presence of the jury:)

12 THE COURT: Mr. Young, could you please move the
13 television screen.

14 The record will reflect that the jury has retired
15 to the jury room.

16 Prior to the issue that I'm pretty sure I'm
17 guessing that Mr. Hylin is about to raise, I want to
18 let the parties know that the Court was made aware of
19 the fact that Mr. Mason has ongoing medical issues,
20 including he needs to have some long-release insulin
21 provided to him. And so the nurse from the Washoe
22 County Jail is here to provide that to him. And I
23 would request that she simply -- we check, deputies,
24 and see if she can just come in and give it to him here

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1 in the courtroom. There's no reason that he has to be
2 taken to the holding cell in order to provide that care
3 to him unless there is some sort of privacy issue
4 that's associated with it that I can't think of. But I
5 assume it's just a -- it's a shot, Mr. Mason?

6 THE DEFENDANT: It's a shot.

7 THE COURT: Well, they're just going to come in and
8 give you the shot, if that's all right with you.

9 THE DEFENDANT: No problem.

10 THE COURT: Mr. Hylin, regarding the issue that you
11 might want to take up now outside the presence of the
12 jury.

13 MR. HYLIN: Well, you know, I guess the cat is out
14 of the bag now because Officer Kassebaum blurted it
15 out, that he's checking in the felony base. I assume
16 he's talking about CODIS. You know, this could have
17 been discussed without mentioning prior felonies and
18 other matters. I don't even know if, you know, the
19 CODIS is even relevant in this particular instance
20 since they got a seizure order on a swab. I think it's
21 a gratuitous mention by Officer Kassebaum that he's
22 checking the felon database. And, of course, the only
23 reason he would be doing that is he wants to infer my
24 client has a prior felony. And, of course, this is the

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1 entire basis for making a decision as to him testifying
2 or not testifying. So I'm inclined to move for a
3 mistrial and I am doing so.

4 THE COURT: Mr. Young.

5 MR. YOUNG: Your Honor, as I heard the testimony,
6 it was more in the general sense of basically sometimes
7 we can check the database if they're a convicted felon.
8 And I heard Detective Kassebaum then say in this case
9 he applied for a seizure order which, frankly, would
10 suggest that the defendant is not a convicted felon.
11 Otherwise they just would have used the sample in the
12 database.

13 So I think it's easily cured by having Detective
14 Kassebaum explain that in this case there was no
15 reference -- if Mr. Hylin wants to even go that far or
16 just breeze over it and say in this case he had to
17 apply for a seizure order which again suggests that
18 there isn't any anything on file.

19 THE COURT: Mr. Hylin.

20 MR. HYLIN: That just exacerbates the situation,
21 Your Honor. There's no reason to be talking about
22 CODIS if they didn't utilize it and didn't need it. So
23 now Detective Kassebaum has informed the jury that my
24 client has a felony. And it's clearly in derogation of

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1 all the court rules I've ever known for the 30 years
2 I've been practicing. So I -- you know, like I say,
3 the bell has been rung and the cat is out of the bag,
4 whatever term you want to use.

5 THE COURT: How many more metaphors shall we mix?

6 MR. HYLIN: I won't mix them.

7 THE COURT: One moment. The nurse is present.

8 Ma'am, Mr. Mason is here.

9 If she can just come over -- you can come over and
10 tend to Mr. Mason in the presence of everyone. He's
11 not concerned about any privacy issues associated with
12 your giving him the shot.

13 I would like to thank you for making yourself
14 available in coming down here today. Thank you for
15 that service.

16 Mr. Hylin, the Court has gone back and looked at
17 the comment that Detective Kassebaum made that has
18 caused you to object. And though it's a rough
19 transcript, the testimony is, quote, "I applied for a
20 seizure order which I was granted and that seizure
21 order was for obtaining a reference sample of
22 Mr. Mason's DNA, because in order to -- if there's a
23 chain of custody issue, if somebody is a convicted
24 felony, their DNA will be in the system and you could

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1 use that as a reference, but in order to say" --

2 And then at that point you objected. I understand
3 what your concern is, Mr. Hylin.

4 The Court finds, though, that Detective Kassebaum,
5 number one, did not intentionally make a reference
6 regarding Mr. Mason's prior criminal conviction.
7 Actually let me clarify that a little bit.

8 Detective Kassebaum, did you have conversations
9 with Mr. Young or with some other representative of the
10 District Attorney's Office, possibly including one of
11 the investigators, about the fact that you're not
12 supposed to testify about somebody's prior criminal
13 history?

14 THE WITNESS: Yes.

15 THE COURT: And with that in mind, were you
16 attempting to make a statement about Mr. Mason's prior
17 criminal history in front of the jury?

18 THE WITNESS: Absolutely not.

19 THE COURT: Why did you make the reference to the
20 database if somebody is a convicted felon?

21 THE WITNESS: I believe I was just trying to build
22 up the importance of getting a seizure order for the
23 chain of custody because information that could be
24 available -- actually I never ran his information

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1 through CODIS, but could be available we could not use
2 for chain of custody reasons and that's why it was
3 important to actually get a seizure order so that we
4 had a very clean sample of his DNA so there's no
5 confusion at all. That's essentially what I was trying
6 to convey to the jury.

7 THE COURT: The Court finds that the State has not
8 violated -- the State and specifically the Washoe
9 County District Attorney's Office hasn't violated their
10 responsibilities based on the testimony of Detective
11 Kassebaum that they did discuss with him not making a
12 statement about the defendant's prior criminal history.

13 Further, the Court finds that Detective Kassebaum
14 did not intentionally violate the defendant's rights
15 based on my observations of the testimony that was
16 provided and based on the testimony as I've read it.
17 It appears that Detective Kassebaum was attempting to
18 give an explanation of why he got a seizure order.

19 Mr. Hylin, I certainly understand the concern that
20 you've raised about the comment itself, but the Court
21 would note that not every comment about a defendant's
22 prior criminal history rises to the level of a
23 mistrial. Certainly this one does not.

24 The Court would note that Detective Kassebaum has

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1 actually not made a comment about the defendant's prior
2 criminal history. He made a comment about a general
3 reference to somebody -- or to if somebody was a
4 convicted felon they would be in the system. However,
5 under these circumstances, he's also saying that "We
6 are getting a seizure order." I think it's a
7 reasonable inference that could be drawn by the jury
8 that Mr. Mason was not a convicted felon based on the
9 fact that they were getting a seizure order, though I
10 also understand the argument that you're making, that
11 they might make that conclusion as well.

12 So while the Court is concerned that there was even
13 a mention of the words "convicted felon," the Court
14 would note that they weren't made directly about the
15 defendant, nor was the defendant's prior criminal
16 convictions for felonies referenced.

17 One of the things that the Court has to consider --
18 and I apologize for not having the case name off the
19 top of my head, Mr. Hylin -- is a curative instruction.
20 The Court certainly can give a curative instruction to
21 the jury. However, I also understand that defense
22 counsel often doesn't like curative instructions
23 because it simply draws the attention back to that
24 statement for which you're lodging your objection.

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1 So I will give you the opportunity. If you would
2 like me to offer a curative instruction or to direct
3 the jury to disregard that portion of Detective
4 Kassebaum's statement, I would be happy to do so. I
5 would leave it up to you at that point.

6 MR. HYLIN: Well, I don't know how to back the
7 camel's nose out from underneath the tent at this
8 point.

9 THE COURT: Now you are mixing metaphors,
10 Mr. Hylin.

11 I understand that. That, as the Nevada Supreme
12 Court and the United States Supreme Court have clearly
13 told us, is really one of two options. The one option
14 is a mistrial, which based on the nature of the
15 testimony and based on the rather passing and I would
16 suggest somewhat innocuous comment that was made and
17 the fact that it was not made directly about Mr. Mason,
18 I'm not inclined to grant -- I'm not going to give a
19 mistrial.

20 The other option is, do you want a curative
21 instruction? I would be happy to give one. But if you
22 don't want me to give one, I won't.

23 MR. HYLIN: I would rather you not draw attention
24 to it, Your Honor, if we're just going to go on, but I

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1 would like the witness instructed not to be talking
2 about felony databases. My understanding is they
3 didn't use that in this case. They didn't really glean
4 any information from it that was useful. They used the
5 seizure order sample so that the lab would be able to
6 have a DNA comparison.

7 THE COURT: My understanding -- go ahead,
8 Mr. Hylin.

9 MR. HYLIN: Well, my understanding is that's how
10 they matched the DNA with the item that they did.

11 THE COURT: It's my understanding based on past
12 experience in the Washoe County District Attorney's
13 Office that the Washoe County Crime Lab requires a
14 confirmatory DNA sample from the person. So while they
15 may use a reference sample contained in the National
16 Crime Information Center database in order to secure a
17 search warrant, once that -- or a seizure-- a search or
18 arrest warrant, once that person is arrested, then they
19 need a confirming sample from the person who is taken
20 into custody. So that initial sample from NCIC may be
21 used in order to establish probable cause, but they do
22 want the confirming sample later on.

23 Detective Kassebaum, I'll direct you not to
24 reference anybody's prior criminal history.

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1 When we come back and the jury comes back before
2 us, we will simply talk about the fact -- and Mr. Young
3 will ask you questions about the fact that you obtained
4 a search warrant and the results of -- and what you did
5 with that search warrant. And there's no reason to
6 reference any other database that the defendant or any
7 other person may be the. Do you understand that?

8 THE WITNESS: Yes, sir.

9 THE COURT: Court's in recess for approximately ten
10 minutes.

11 (A recess was taken.)

12 THE COURT: We'll go back on the record in
13 CR14-1830, the State of Nevada versus Quinzale Mason.
14 The record will reflect that Mr. Mason is present in
15 court with his attorney, Mr. Hylin. Mr. Young is here
16 on behalf of the State of Nevada. We're meeting
17 outside the presence of the jury.

18 The Court has provided counsel for the State and
19 counsel for the defendant the jury instructions in the
20 tentative order that I intend on using. So it will
21 give the parties the opportunity this evening to go
22 through those and see if there are any changes.

23 Mr. Young, I did take out a couple of jury
24 instructions that were duplicative of each other.

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1 Further, I took out a couple of other instructions that
2 we'll talk about when we settle jury instructions. It
3 may be that we add some instructions, but at this point
4 I just wasn't quite sure why certain instructions were
5 in the packet. And so I put them in a specific order.
6 And we'll go over them tomorrow.

7 The second thing I wanted to discuss very briefly
8 was as far as timing goes, Mr. Young, how many more
9 witnesses do you have?

10 MR. YOUNG: Your Honor, after Detective Kassebaum I
11 only have two. And they're both outside ready to go.
12 So I'm hopeful -- I keep looking at the broken clock.
13 I'm hopeful that absent something unexpected I could be
14 done with my case today, but they both realize if they
15 need to come back tomorrow, then that's the way it is.

16 THE COURT: As they say, a broken clock is right
17 twice a day, but it's never right when you want it to
18 be.

19 So we will bring the jury back in and we will
20 attempt to get as much testimony in today as possible.
21 It is now 3:30. So we will be using up the next hour
22 and a half. Mr. Young, you can use it in any way that
23 you see fit.

24 The Court will then reconvene tomorrow at 8:30. I

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1 actually have a telephonic hearing at 8:15. So, Deputy
2 Gray, we need to have Mr. Mason here at 8:30 in the
3 morning dressed and ready to go. I'll tell the jury
4 they need to be back here at 8:30 as well so we are
5 ready.

6 If we don't finish today, we will finish sometime
7 early tomorrow with the State's case in chief. I do
8 have a lunch appointment. As I informed the parties
9 last Friday, there's somewhere I have to be. It's just
10 downtown, but I have to be there at about 11:45
11 tomorrow morning.

12 I've also been informed that the nurse will be here
13 tomorrow to assist Mr. Mason with any needs he has
14 regarding his diabetes, so we've taken care of that as
15 well. So we'll just get through as much of it as we
16 can today. And then whatever we don't get through,
17 we'll get through tomorrow. After we do testimony
18 tomorrow, we may just settle jury instructions in the
19 morning and immediately go into closing arguments, but
20 we'll just see where we are at the close of business
21 today.

22 All rise for the jury.

23 (Within the presence of the jury:)

24 THE COURT: Will counsel stipulate to the presence

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1 of the jury? Mr. Hylin?

2 MR. HYLIN: Yes, Your Honor.

3 THE COURT: And Mr. Young?

4 MR. YOUNG: The State will, Your Honor.

5 THE COURT: Ladies and gentlemen, it is 3:30 right
6 now. And I anticipate we'll go right until 5 o'clock
7 today. The case is actually moving faster than we
8 thought it was going to. And so that's good news for
9 you. It looks like we will be finished -- if not
10 today, we might be finished early tomorrow. But I'll
11 give you some scheduling ideas after close of business
12 today.

13 Mr. Young, you may continue questioning Detective
14 Kassebaum.

15 And, Detective, you're still under oath.

16 MR. YOUNG: Thank you, Your Honor.

17 BY MR. YOUNG:

18 Q Detective, when we left off you were discussing
19 obtaining a seizure order for the defendant for
20 potential DNA testing; correct?

21 A That is correct.

22 Q And you did that by application to a court and
23 a judge's authorization of a seizure order?

24 A That is correct.

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1 Q Okay. And how do you collect a -- to effect
2 the seizure order, what did you do?

3 A To effect the seizure order, I went down with a
4 little DNA collection kit, because the seizure order
5 for was for DNA, and two Q-tips, little swabs. And you
6 run them inside between the gums and the cheek just to
7 get a lot of the cheek skin cells, saliva and skin
8 cells on those. And then you put them inside the box.
9 You do it, of course, with gloves on because you don't
10 want to cross-contaminate anything. And you seal it
11 and package it for testing.

12 Q And have you been trained in that process as
13 you've just testified to?

14 A Yes.

15 Q And is that what you did with Mr. Mason?

16 A Yes.

17 Q And was that back on September 19 of 2014 that
18 you obtained that sample?

19 A Yes.

20 Q Okay. Now, did you do so in order to have some
21 items that were collected from the vehicle in question
22 tested for DNA?

23 A Yes.

24 Q So how did you then get the items in question

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1 to be tested and the buccal swab or the DNA reference
2 sample from Mr. Mason? What do you do with those
3 items?

4 A Those items were booked into the Reno Police
5 Department in our evidence department. And I took the
6 DNA sample, attached it to that, and submitted it with
7 a lab request with a brief synopsis of what I wanted
8 tested.

9 Q And is that all, again, consistent with the
10 training and procedure that you've gone through?

11 A Yes.

12 Q Okay. Now, are there certain control numbers
13 that are listed on any items submitted to the crime lab
14 for tracking or chain of custody purposes?

15 A With the crime lab each lab request has a
16 control number and the control number is essentially
17 backup to a backup. We provide a case number they can
18 look up through reference, the items that we requested
19 be tested from our case number, or they can look it up
20 through their control number which is generally printed
21 on the lab request form.

22 Q I neglected to ask you earlier. Was there a
23 Reno Police Department case number assigned to this
24 specific investigation?

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1 A Yes.

2 Q And do you know that case number?

3 A I do. It's going to be a 14-15205.

4 Q Is the initial 14 based on the year, 2014?

5 A That is correct.

6 Q And then the balance of that, the 15205 is an
7 individual number for this case; correct?

8 A That is correct.

9 Q Now, as you sit here today do you specifically
10 -- strike that. Let me ask you a foundational
11 question. Did you submit the reference sample that you
12 obtained from Mr. Mason through the cheek swabs and
13 then certain items that you wanted tested for DNA to
14 the crime lab?

15 A I did.

16 Q What items for testing did you submit?

17 A The items that I tested to be submitted for DNA
18 was a red hat specifically within that bag.

19 Q And did you actually breach that bag at all?

20 A No, I did not.

21 Q So as it was packaged you provided that entire
22 bag to the crime lab?

23 A Yes.

24 Q Now, you mentioned that there are control

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1 numbers associated with any items submitted; correct?

2 A Yes.

3 Q Was there a control number for both the
4 reference sample from Mr. Mason as well as a separate
5 control number for the bag that you wanted tested?

6 A I believe that there's a separate lab request
7 filled out for both items, if I recall.

8 Q As you sit here now do you recall the specific
9 control number on both of those items?

10 A No, I do not.

11 MR. YOUNG: If I could approach, Your Honor.

12 THE COURT: You may.

13 BY MR. YOUNG:

14 Q I'm going to show you --

15 MR. HYLIN: I think there needs to be some
16 foundation for him to refresh his recollection.

17 THE COURT: I believe that he -- well, you can ask
18 the question again. I think he may have testified to
19 that a moment ago.

20 MR. HYLIN: That's fine. I don't want the sheets
21 named. That's all right, Your Honor. I'll withdraw
22 the --

23 THE COURT: So we don't have an objection.

24 Go ahead, Mr. Young.

ROUGH DRAFT TRANSCRIPT

1 BY MR. YOUNG:

2 Q Sir, are those the two sheets that you filled
3 out and submitted along with the reference sample and
4 the item -- the evidentiary item to be tested?

5 A Yes.

6 Q And the handwriting on there is your
7 handwriting; correct?

8 A Yes, it is.

9 Q And does each sheet which coordinates with the
10 reference sample and the separate items to be tested
11 have a different control number?

12 A They do.

13 Q In the interests of accuracy, if you were to
14 try to look at that and memorize it, would it better
15 for you to actually read them off those sheets?

16 A Yes.

17 Q If you could, please, tell us the control
18 number as it referenced each one of the items
19 submitted.

20 A The control number for the swab from Defendant
21 Mason is 283517 and the control number for the bag of
22 evidence which contained the red hat is 283556.

23 Q And do both of those begin with the letter "W"?

24 A Yes, they do.

ROUGH DRAFT TRANSCRIPT

1 Q Okay. Now, again, were you the one who booked
2 that bag, which included the red hat, into evidence?

3 A No, I was not.

4 Q Do you know who did?

5 A In my report I initially thought it was
6 Detective Allen, but I found out from the supplement
7 which was written it was Detective Blas who booked
8 those items.

9 Q And just to be clear, when you submitted the
10 bag of items, including that red hat to the crime lab,
11 you didn't breach that bag?

12 A No, I did not.

13 Q So you submitted the bag as it was booked into
14 evidence?

15 A Yes.

16 Q And were all of your submissions to the crime
17 lab, the two forms that you just discussed with the
18 control numbers and the corresponding reference sample
19 from Mr. Mason and the evidentiary items in the bag,
20 was that all done consistent with your training
21 procedure?

22 A Yes, sir.

23 Q Thank you, Detective.

24 MR. YOUNG: That's all the questions I have, Your

ROUGH DRAFT TRANSCRIPT

1 Honor.

2 THE COURT: Cross-examination, Mr. Hylin.

3 MR. HYLIN: Thank you, Your Honor.

4 CROSS-EXAMINATION

5 BY MR. HYLIN:

6 Q You only found -- good afternoon, by the way.

7 A Good afternoon.

8 Q You only found two shell casings?

9 A That is correct.

10 Q And you were not involved in the search of the
11 car?

12 A No, I was not.

13 Q Would it surprise you there was no shell
14 casings found in that car?

15 A No, it would not surprise me.

16 Q And there was no gun ever found?

17 A No.

18 Q So no ballistics tests could be run? No
19 bullets were found?

20 A That is correct.

21 Q And no bullet marks were found?

22 A That is correct.

23 Q Is that accurate?

24 We still have the 2397 overhead view on there. Do

ROUGH DRAFT TRANSCRIPT

1 you recall what this gray line is that I just pointed
2 out with my pin?

3 A Can you do it one more time, please.

4 Q Sure. Along here.

5 A Yes, the wall.

6 Q And what kind of wall is that?

7 A It's a cinderblock.

8 Q How tall?

9 A It's probably ten feet in height.

10 MR. HYLIN: If I could have just a moment, Your
11 Honor.

12 BY MR. HYLIN:

13 Q What I'm showing you now is marked as Exhibit
14 7. You looked at this before, I believe, on direct
15 examination.

16 A That is correct.

17 Q So that's a view looking from the east side of
18 the property to the west side of the property?

19 A Yes.

20 Q And this wall that my pen is pointing to right
21 here right now is that gray line that I just pointed
22 out on Exhibit 2, is it not?

23 A It is.

24 Q So that's a pretty tall wall?

ROUGH DRAFT TRANSCRIPT

1 A It is.

2 Q Probably, I don't know, 12 feet tall?

3 A It's hard to say with the vehicle and the
4 6incline and the height of the wall. Without getting
5 out there shooting angles, it's difficult to actually
6 estimate the height from the concrete or the height
7 from the top of the dirt to the wall. So it's just a
8 guesstimate of ten feet, sir.

9 Q Well, that's -- yeah, I know it's difficult.
10 You can't get a scale on this. But it's certainly
11 taller than most human beings?

12 A Absolutely.

13 Q And I'm presuming you checked that out?

14 A Yes, we did.

15 Q Found nothing?

16 A Nothing.

17 Q No impact marks?

18 A No.

19 Q You checked the building out?

20 A We did look at the building.

21 Q No impact marks?

22 A None that we saw.

23 Q And you checked the parking lot out?

24 A Yes.

ROUGH DRAFT TRANSCRIPT

1 Q No impact marks?

2 A None that we saw.

3 Q Now, a 9 millimeter round, if it were to strike
4 one of these surfaces, would undoubtedly leave a mark?

5 A It would. And the difficulty that we have
6 often here is, as you can see, the cement which is --
7 it's not well maintained. So if there was like a
8 painted wall, just freshly painted, everything is
9 freshly groomed, brand-new concrete and cement, it
10 would be easy to see a score mark. But with a surface
11 like this that is not well maintained, it's very
12 difficult to discern that, hey, that is a mark from a
13 bullet or that is just a gouge from somebody's bicycle.
14 It's very difficult to say, yes, that is a bullet
15 strike mark.

16 Q Okay. You're talking about the retaining wall
17 back there now?

18 A I'm talking about just the entire scene.

19 Q All right. Okay. The pavement -- usually if a
20 human being was standing firing a firearm, particularly
21 a near horizontal position or a slightly lower
22 trajectory like I'm pointing -- let the record reflect
23 I'm pointing toward the floor at a low angle -- and it
24 hit the pavement, you would usually see an elongated

ROUGH DRAFT TRANSCRIPT

1 scuff mark where the bullet glanced off the pavement?

2 A And, again, that depends on the actual angle in
3 which that bullet hits that, because if you have, say,
4 three degrees of an angle going down, it's not going to
5 be very steep, opposed to if you have 10 to 12 degrees.
6 So based on that, you are going to have either a
7 grazing strike or a deeper gouge, which is easily
8 discernable, yes, that's exactly where the round hit.
9 It's very hard to tell. Like I said, it's not a
10 well-maintained parking lot.

11 Q I think that photograph probably shows that not
12 in a great detail, but it's older pavement, it's older
13 asphalt, is that what it was?

14 A It is.

15 Q But nonetheless, if it was at a low angle, you
16 would see a glancing mark?

17 A Possibly.

18 Q Correct?

19 A Possibly.

20 Q And if it was a lower angle, you might see a
21 gouge or a hole?

22 A Yes.

23 Q And you found none of those?

24 A Nothing that we could say that that was a

ROUGH DRAFT TRANSCRIPT

1 bullet strike mark.

2 Q All right. And you found nothing in the
3 retaining wall back there that would be -- that looked
4 like a fresh chip or a --

5 A No. And as you can see, the retaining wall --
6 that's a old Chevy S10 that's there. And that's
7 probably about six feet at the top. So below that,
8 that's all dirt. And, of course, that's the backdrop
9 in which kind of we were working with, but we did not
10 see anything in that concrete wall which indicated a
11 bullet strike.

12 Q Well, if somebody were pointing a gun up in the
13 air, you wouldn't see any of those, would you?

14 A No.

15 Q Now, as far as the -- where did you pick up the
16 bag of items that you took to the crime lab?

17 A Those were -- I didn't physically take them.
18 They were booked into the Reno police evidence
19 department at which point we submit lab requests to be
20 attached and then evidence technicians take those up to
21 the crime lab for chain of custody purposes.

22 Q Okay. So you don't -- you never did see what
23 condition the bag was in or what the chain of custody
24 endorsements were?

ROUGH DRAFT TRANSCRIPT

1 A No, I don't recall.

2 Q So all you did is fill out the request and
3 that's it?

4 A Yes.

5 Q And that was the control numbers that you
6 recited?

7 A Yes.

8 Q All right. So that was the extent of it? You
9 never saw it afterwards either?

10 A No.

11 Q You haven't seen it since?

12 A No, I have not.

13 Q You didn't even see the contents?

14 A No.

15 Q So you don't even know what was in the bag
16 except through word of mouth?

17 A Yes, except for what was booked in by Detective
18 Blas.

19 MR. HYLIN: If I could have just a moment, Your
20 Honor.

21 THE COURT: Take your time.

22 THE WITNESS: And that was Detective Blas. I
23 misspoke and I said "deputy." I apologize.

24

ROUGH DRAFT TRANSCRIPT

1 BY MR. HYLIN:

2 Q I see. Okay. Yeah, he's a detective.

3 A Yes.

4 Q And the casings themselves render really no
5 forensic information other than the presence
6 themselves?

7 A Yes.

8 Q So without a -- you never did find the gun?

9 A No, we did not.

10 Q You can't do ballistics tests. Can you do
11 fingerprint analysis on shell casings?

12 A From what I understand, it's very difficult to
13 obtain fingerprints off of those, but we did not.

14 Q Did you inquire about doing fingerprint
15 analysis on the shell casings?

16 A No, I did not.

17 Q So that wouldn't yield any identification
18 information, would it?

19 A It possible could.

20 Q But you didn't do the test?

21 A No, I did not.

22 MR. HYLIN: I have no further questions, Your
23 Honor.

24 THE COURT: Redirect based on the

ROUGH DRAFT TRANSCRIPT

1 cross-examination.

2 MR. YOUNG: No questions, Your Honor.

3 THE COURT: Thank you, Detective Kassebaum. You're
4 free to go.

5 Is he released from his subpoena?

6 MR. YOUNG: Yes, Your Honor. Thank you.

7 THE COURT: Mr. Hylin?

8 Hold on a second, Detective.

9 Mr. Hylin, is the detective released from his
10 subpoena?

11 MR. HYLIN: Yes. I'm sorry.

12 THE COURT: Now you're free to go. Thank you.

13 The State can call its next witness.

14 MR. YOUNG: The State calls Steve Gresko.

15 THE CLERK: Sir, raise your right hand.

16 (The oath was administered to the witness.)

17 THE WITNESS: I do.

18 THE CLERK: Okay. Have a seat.

19 STEPHEN GRESKO,

20 having been called as a witness herein,
21 being first duly sworn, was examined
and testified as follows:

22 DIRECT EXAMINATION

23 BY MR. YOUNG:

24 Q Good afternoon, sir.

ROUGH DRAFT TRANSCRIPT

1 A Good afternoon.

2 Q Could you please state your first and last name
3 for the record and spell both for the reporter.

4 A My name is Stephen Gresko. First name is
5 S-t-e-p-h-e-n. Last name is GRESKO.

6 Q Sir, with whom are you currently employed?

7 A I'm a senior criminalist in the DNA section
8 with the Washoe County Sheriff's Office.

9 Q And how long have you held that position?

10 A A little over five years.

11 Q Okay. And as a senior criminalist in the DNA
12 division, what do you do?

13 A My primary job is the CODIS administrator. I
14 manage the DNA database, but I also split time doing
15 case work.

16 Q And when you say "case work," what is that?

17 A That's receiving items from law enforcement
18 agencies they've submitted that they believe have
19 biological staining on them that they're looking to get
20 a DNA profile off of to help their cases.

21 Q Okay. And could you tell the jury a little bit
22 about your education and other training and background
23 which led you to your position as a senior criminalist.

24 A Yes. I have a degree, a bachelor's degree, in

ROUGH DRAFT TRANSCRIPT

1 zoology from Brigham Young University. I worked first
2 as a DNA analyst for the Armed Forces DNA laboratory,
3 also known as AFDIL. We did identifications for the
4 military. I took a job with a private laboratory doing
5 criminal casework. I also worked at the Las Vegas
6 Crime Lab for a short time before coming to the Washoe
7 County Crime Lab.

8 Q And did you attend any sort of trainings or
9 seminars or otherwise in the field of DNA and DNA
10 analysis which assists you with your profession?

11 A Yes. In our profession we're required to do
12 training before we start work. I had an extensive
13 training program everywhere I worked, AFDIL, the
14 private labs, Las Vegas and Washoe County.

15 In addition to that, as part of our quality
16 assurance standards we're required to do eight hours of
17 continuing education every year. In our laboratory we
18 review current scientific journals monthly and stay
19 abreast of current topics in our field.

20 Q Have you testified as an expert previously in
21 any courts in the state of Nevada or otherwise as an
22 expert in the field of DNA analysis?

23 A Yes. I've qualified as an expert in DNA
24 analysis in the state of Montana, Oklahoma and in

ROUGH DRAFT TRANSCRIPT

1 Nevada.

2 Q Now, you mentioned the phrase "quality
3 assurance." What's that?

4 A Early on in the field of forensic science,
5 especially DNA, they determined that it would be --
6 "they," I mean, the FBI -- determined it would be a
7 very good thing if there were certain standards that a
8 DNA laboratory was held to make sure that the work that
9 was coming out of the laboratory was good quality work,
10 to prevent junk science from ending up in court. And
11 so there was a long process, but at the end of it all
12 the FBI came out with a set of standards that any
13 laboratory that said they were doing good forensic work
14 would have to adhere to. And they're called the DNA
15 Quality Assurance Standards.

16 Q And the Washoe County Crime Lab that you work
17 for, are they compliant with those standards?

18 A We are compliant with the FBI's quality
19 assurance standards and also with another accreditation
20 board that looks at the laboratory as a whole.

21 Q What's that other accreditation board?

22 A The other one that we do is called ASCLD, the
23 American Society of Crime Lab Directors, Laboratory
24 Accreditation Board. It's the gold standard that the

ROUGH DRAFT TRANSCRIPT

1 crime labs in the United States use for accreditation
2 purposes.

3 Q And are there either annual or otherwise
4 reviews of the Washoe County Crime Lab to maintain
5 those accreditations and certifications?

6 A There are. We are audited yearly. We have
7 outside experts come in and audit it us to the ASCLD
8 requirements and the federal FBI QAS standards. That's
9 externally every other year. Internally we do an
10 internal audit every year.

11 Q Now, when there are items submitted to -- and
12 I'm speaking generally for the time being -- submitted
13 to the crime lab for yourself to analyze, what sort of
14 steps or safeguards are taken to make sure that the
15 items being submitted to you for analysis, their
16 integrity is maintained?

17 A Items that are submitted for analysis to the
18 laboratory have to be submitted in a sealed package
19 with a completed chain of custody. They're submitted
20 to our evidence section. And before we ever see them,
21 they are maintained in a secured locked evidence area.

22 Q Okay. And is that again consistent with the
23 accreditation that you were just referring to?

24 A It is. It is a requirement of both ASCLD lab

ROUGH DRAFT TRANSCRIPT

1 and the FBI QAS.

2 Q You just stated that when an item is submitted
3 it has to be packaged?

4 A That is correct.

5 Q Okay. And are there any requirements for the
6 type of packaging upon submission to the crime lab?

7 A There are requirements. It depends on the type
8 of evidence that's being submitted. For biological
9 evidence we require that it be dried before its
10 submitted and the container doesn't really matter. A
11 manila envelope is sufficient for smaller items like
12 cigarette butts, swabs of things. If you have large
13 items like bedding, it can be submitted in cardboard
14 boxes or a large paper bag, but the key component to
15 submission is that when it is submitted to us it is
16 sealed by the agency that is submitting it.

17 Q Okay. And when you say "sealed," meaning no
18 entry areas, if you will?

19 A When I say "sealed," I mean that it's been
20 packaged up in a way that if anyone opened that package
21 it would be apparent that someone had opened it.

22 Q If you received an item that was -- again
23 hypothetically that was apparent that it had been
24 opened, what would you do with that item if it was

ROUGH DRAFT TRANSCRIPT

1 being requested to do DNA analysis?

2 A If we receive items that aren't properly
3 sealed, we return them to originating agency and
4 request that they be properly sealed before we receive
5 them.

6 Q In your capacity as a senior criminalist, your
7 current occupation, were you asked to conduct DNA
8 testing related to Reno Police Department Case No.
9 14-15205?

10 A I was.

11 Q And in your analysis do you separately assign a
12 Washoe County Crime Laboratory number to your work?

13 A We do assign our own laboratory number.

14 Q And did you prepare a Power Point presentation
15 sir, which you feel will assist you in describing to
16 the jury both in a general sense DNA analysis, how you
17 do that, and then the results of this specific case?

18 A I do have a presentation.

19 THE COURT: Mr. Hylin, do you have any objection to
20 the witness testifying in a narrative form regarding
21 the DNA testing?

22 MR. HYLIN: No. You mean the --

23 THE COURT: Power Point.

24 MR. HYLIN: No, I don't.

ROUGH DRAFT TRANSCRIPT

1 THE COURT: Ladies and gentlemen, generally what
2 happens is, as you've seen, the attorneys ask questions
3 and they have to be limited questions and direct
4 questions. But on occasion when it's of assistance to
5 the jury, I allow people to testify in a narrative
6 form. And that's what Mr. Gresko will do now. He will
7 discuss with you -- basically he'll give of a little
8 background on DNA analysis and how they do it at the
9 Washoe County Crime Lab. And he'll do that by going
10 through the Power Point presentation that you're about
11 to see.

12 And, Deputy Gray, just if we can make sure --

13 Can everybody see the screen all right? Mr.
14 Arecolino, can you see it okay?

15 A little bit to your right Deputy Gray.

16 I apologize Mr. Arecoline. I put an O on the end
17 of your name. I said Mr. Arecolino.

18 MR. YOUNG: Your Honor, for purposes of the record,
19 this for demonstrative purposes is Exhibit 26.

20 THE COURT: And Exhibit 26 has been marked for
21 demonstrative purposes. What that means, ladies and
22 gentlemen, is that it's not going to back to the jury
23 room with you for you to look at at some later time.
24 It just helps you understand the testimony of

ROUGH DRAFT TRANSCRIPT

1 Mr. Gresko.

2 BY MR. YOUNG:

3 Q Sir, I gave you a clicker. Feel free to use
4 that as you wish. Please, sir.

5 A Do I need to speak into this? I guess I can
6 just look at my screen.

7 THE COURT: I think we can hear you all right,
8 Mr. Gresko. I just turned up the microphone a little
9 bit. Just speak up.

10 THE WITNESS: Okay. So I'm going to give you a
11 little background on our testing. The basic foundation
12 of where DNA testing starts is with the cells. Cells
13 comprise the building blocks for all life, whether
14 you're talking about plants, animals or human beings.
15 Everything breaks down to a basic building block of a
16 cell.

17 If you take a closer look inside each cell, you'll
18 find that there's a control center that's similar
19 inside there. It kind of looks like the yolk of an
20 egg. And within that yolk is what we call the nucleus.
21 And that's where the DNA is found.

22 The DNA is very long molecule, billions of base
23 pairs long. Your body packs that tightly wound up into
24 what we call chromosomes. Inheritance works in that

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1 you get half of your chromosomes from your mom and half
2 of your chromosomes from your dad. That's why we can
3 use DNA to track paternity, because half of it is from
4 mom and half of it is from dad.

5 99.9 percent of the DNA is the same. .1 percent of
6 that DNA differs between individuals.

7 There are many sources of biological evidence that
8 we can use for DNA testing. Common things that are
9 submitted to the laboratory are blood, semen, saliva,
10 urine, hair, teeth, bone, tissue, sweat. We can get
11 DNA from all of these things.

12 The important thing to remember is that it doesn't
13 matter which area I test; I'm going to get the same DNA
14 profile. So DNA from muscle is going to be same as the
15 DNA from sperm, blood, teeth or sweat.

16 These are very common items that we see at the
17 crime lab: blood stains, semen stains, licked areas,
18 handled items, cigarette butts, bottles and cans,
19 chewing gum and food.

20 When I get an item in front of me, I'm going to
21 take it into the laboratory; I'm going to take a small
22 cutting of the area that I'm interested in analyzing.
23 So hair, blood, saliva, sweat or tissue, I'm going to
24 take that little cutting and put it into a tube.

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1 I'll add a series of chemicals that will break open
2 all the cells. So if you think of that cell again like
3 an egg, we're going to crack all the eggs open, break
4 the yolks and we're going to release the DNA into that
5 solution and then we're going to use a chemical process
6 to remove all of the other stuff and just leave behind
7 the DNA in the cell. We call this the extraction
8 process.

9 After we've extracted that DNA and isolated it, we
10 want to analyze very specific regions of the gene.
11 We're not looking at the entire genome. We're going to
12 look at some very specific regions that we call STRs or
13 short tandem repeats.

14 And to give you an idea of what a short tandem
15 repeat is, we blow up what that DNA molecule looks
16 like. It's got a backbone which is represented by the
17 blue and the red bands. And in between you'll see a
18 series of letters. Those are the basic building blocks
19 of a DNA molecule. There's only four of them, A, T, G
20 and C. And it's the sequence of those bases that
21 determines your physical characteristics. And so A, T,
22 G and C are the only four possibilities. A always
23 binds with T and G always binds with C.

24 So to explain what a short tandem repeat is, if you

ROUGH DRAFT TRANSCRIPT

1 go into certain portions of your genome, you'll find
2 areas where the sequence repeats itself over and over
3 again. So in the example we have here, you can see
4 there's two As followed by a T and a G. So A, A, T and
5 G. And that's repeated three times.

6 So when we're doing short tandem repeat analysis,
7 this is what we're looking at. The STR, short tandem
8 repeat, is this region where the sequence repeats
9 itself over and over again.

10 Everyone has the same repeating units at those
11 specific locations on their DNA. What's different is
12 the number of times that that repeat occurs from one
13 individual to the next. So everyone in the room will
14 have an STR region at a certain spot on their DNA, but
15 the number of times that that repeat is there is going
16 to be different from one person to the next.

17 So STR analysis is looking at the number of
18 repeating units at multiple locations on the DNA to
19 obtain a DNA profile. When we say "DNA profile," we're
20 talking about the number of repeats.

21 So if we look at Jack, we can see that he has four
22 repeats on the chromosome that he got from his mom and
23 he has one, two, three, four, five, six repeats on the
24 chromosome that he got from his dad. So his DNA

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1 profile at this specific location would be a 4-6.

2 If we look at Jill and we look at the exact same
3 spot on this chromosome, we can see that she has two
4 repeats on the chromosome from mom and three repeats on
5 the chromosome from dad. So her DNA profile at this
6 exact location would be 2-3.

7 So the STR analysis that we do is looking at
8 several different areas across the entire genome. You
9 have 23 pairs of chromosomes, so 46 total, half from
10 mom, half from dad. And then there's two
11 sex-determining chromosomes, the X and the Y. Females
12 have two Xs; men have an X and a Y.

13 Very often the amount of DNA isolated can be very
14 small, for instance, somebody touching something. We
15 can swab an area where they touched, but they left very
16 little DNA behind for us to analyze. So we have a
17 process in which we can take tiny amounts of DNA and
18 make copies of it to analyze. And that chemical
19 process is called the polymerase chain reaction or PCR.

20 To explain the polymerase chain reaction, we're
21 going to take our DNA that we isolated in the
22 beginning; we're going to use a chemical process to
23 make copies, just like the body would make a copy when
24 it wants to make a new cell. We're going to mimic that

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1 process in the lab and copy those very short STR
2 regions. And we do it over several cycles. So what
3 started out as your genomic DNA over 32 cycles becomes
4 billion of copies of those short tandem repeat regions
5 that we're interested in analyzing.

6 This is a picture of a genetic analyzer. It's too
7 small for you guys to see over there. I can barely see
8 it from there. But there's little capillary in there.
9 And those short tandem repeats will run along those
10 capillaries. It's filled with gel. The small ones
11 will run through that gel a lot faster than the big
12 ones. And by this technique we're able to separate our
13 fragments by size.

14 And so you can see this is what the readout looks
15 like when we're done. This is an actual what we call
16 electropherogram. The gray bars at the top are
17 different genetic locations where we have found STR
18 regions.

19 So the very first one is chromosome number 19 at
20 position 433. And we know there's an STR here. And
21 this person's DNA profile is a 12 and a 15.

22 If you move to the next location, there's an STR
23 here. We only see one peak that says 17. That means
24 that this person inherited a 17 from mom and a 17 from

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1 dad. That's why you only see the one peak, because mom
2 and dad had the same number of repeats.

3 And so we go along our electropherogram to look at
4 all of these different STRs and we are going to take
5 these repeat units and put them into a table.

6 So if we had an evidence sample, this is the DNA
7 profile that we would enter for our evidence profile.
8 This doesn't tell us a whole lot without having a
9 reference sample to compare it to. Having an
10 evidentiary DNA profile does not tell us a name. It
11 doesn't give us a name. So we need to compare
12 reference standards, DNA profiles from known people and
13 then compare them to our evidence DNA profile.

14 And so in our example we have two reference
15 standards. We typed the reference standard for number
16 1 and we can see that the profiles do not match. So
17 this person would be excluded as potentially matching
18 the evidence.

19 When we type reference standard number 2, we can
20 see that at every location the DNA profiles are
21 identical. This is what we would call a match.

22 So what does that mean? I have an evidence profile
23 that matches a reference profile. They're the same.

24 I like to kind of think of it as -- there's lots of

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1 different examples we could use, but we want to know
2 how significant does this match. Right? So if I know
3 that I'm looking for someone with blond hair, that's
4 going to narrow down my search from all of humanity to
5 just the people on the planet who have blond hair.

6 If I know a second piece of evidence, like they
7 have blue eyes, that will further narrow down my search
8 and make that match more significant.

9 And so with DNA each one of those STRs is going to
10 work as an independent event, an independent match. So
11 if you think of blond hair, maybe blond hair is one in
12 ten people. If I know that blue eyes is also one in
13 ten people, statistically I can multiply one in ten
14 times one in ten and I know that the significance of my
15 match is one in a hundred people.

16 So if we use our DNA profile and compare it to a
17 population database that does the same thing, we can go
18 in and determine exactly how significant this match is.
19 A population database just says how common is it to see
20 15 at this STR and how common is it in the general
21 population to see a 16 at that STR.

22 And we know through many studies that these
23 population databases are highly accurate. And so we're
24 going to go through and say having a 15-16 at this

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1 locus is one in ten. Having a 16-17 at this locus is
2 one in 20. And we'll go along and we'll multiply those
3 results together and that's how end up with these
4 gigantic numbers of statistics for match rarity.

5 And all that's telling you is how often would I
6 expect to see this profile in the population or, in
7 other words, if I tell you that I have a profile that
8 is rarer than one in five hundred billion people, that
9 means that I would expect to have to randomly type 500
10 billion people before I saw that profile again
11 randomly.

12 So here's some typical results. This is a full DNA
13 profile. It's from one person. I know it's from one
14 person, because I don't see any more than the two peaks
15 at any one of my STR locuses. If the profile is rarer
16 than one in five hundred billion -- this is actually an
17 old slide. I apologize. We have raised our threshold.
18 It's not rarer in one in eight trillion. If a profile
19 is rarer than one in eight trillion, then we will feel
20 comfortable saying that we believe that the reference
21 sample is the source of the evidence profile. If it's
22 more common than one in eight trillion, then we're not
23 going to feel comfortable saying that and we'll just
24 tell you what the frequency is.

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1 So other typical results. We don't get full
2 profiles. This happens when we don't have enough DNA
3 in our beginning mix or it's been degraded. So if we
4 don't have enough DNA or it's degraded, we'll get
5 partial profiles where some of the larger locuses have
6 dropped out.

7 Sometimes we'll get mixtures of DNA. More than one
8 person touched an item or more than one person -- more
9 than one person's DNA was present on the item that I
10 tested. And so you can see in this first example
11 there's four peaks there. So there's at least two
12 people that have contributed DNA to this profile.

13 Sometimes they'll be at equal levels. And there's
14 not much we can say about a mixed DNA profile. Other
15 times we'll see mixed patterns with a dominant
16 contributor and a minor contributor.

17 So if you look at our first locus, you can see that
18 the 30 and the 32.2 are much higher than the 31.2 and
19 the 33.2. And if you go to the second locus, 57, you
20 can see that the 10 is much higher than the 11 and the
21 12.

22 So we can pull out a dominant contributor, the
23 person who has the most DNA present, and separate them
24 from a minor contributor who had a little bit of DNA in

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1 the sample.

2 As I mentioned before, we can do relationship
3 testing. Due to low levels of DNA, the results can't
4 be interpreted. That's also a possibility due to low
5 levels of DNA. No conclusions can be offered is also a
6 possibility. And there are times when we don't get any
7 DNA results at all.

8 BY MR. YOUNG:

9 Q Let me start with what you just finished with.
10 Sometimes you won't get any DNA results at all. Why
11 might that be?

12 A There are a variety of reasons. Number one,
13 there was no DNA there to begin with. Another reason
14 would be that the DNA was destroyed. Heat,
15 environmental factors, there's lots of reasons why DNA
16 could have been present on a sample but it was
17 destroyed.

18 Q You talked about different items of evidence
19 which might be submitted for DNA. One was biological.
20 You had a list of a number of things. One of them was
21 touch DNA. What's the difference -- there are many
22 others than that; correct?

23 A Yes.

24 Q What is touch DNA?

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1 A Touch DNA is a term used in the DNA analysis
2 community to refer to swabbing an item that someone
3 touched. So you might think of if I pick up a bottle
4 and I'm and I set that bottle down, there's going to be
5 fingerprints on the bottle that could be of evidentiary
6 value. But we also leave DNA behind when we touch
7 things. So we would want to swab that bottle and that
8 swab would be a swab of the touched DNA, DNA left
9 behind from somebody touching something.

10 Q To use your example of someone grabbing a
11 bottle and drinking out of it, is there a -- between
12 touch DNA and then biological DNA, say, when you drink
13 from a bottle, your saliva being left on the lid of the
14 bottle -- fair?

15 A Very fair.

16 Q Is there a difference with respect to the
17 likelihood of you obtaining DNA results from touch DNA
18 and biological?

19 A Yes. It all comes back to how much -- how many
20 cells are being left behind. In my example of drinking
21 from the bottle, saliva contains a lot more cells per
22 square inch than just the oils from my hand in touching
23 something. And different people will leave behind
24 different amounts of DNA when they touch something.

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1 But we're all going to leave behind relatively the same
2 amount of saliva from drinking something. Every DNA
3 analyst on the planet would swab the mouth of a bottle
4 before they would start looking for touch DNA.

5 Q So there's differences -- not all DNA is the
6 same? Biological is certainly different than touch is
7 different than some other form?

8 A It is. You can think of it this way. What
9 would you expect to find more cells in, blood or
10 something that I just touched briefly? You would
11 expect to find more cells in liquid blood.

12 Q Now, you mentioned one of slides listed five
13 hundred billion and you said your threshold has changed
14 to eight trillion.

15 A Yes.

16 Q And what threshold or who sets that threshold?

17 A We set it internally at the laboratory. Each
18 lab is free to set their threshold wherever they think
19 is appropriate. The FBI's threshold I believe is not
20 as stringent as ours. We thought at our laboratory
21 that we would take the world population, we rounded up
22 to approximately 8 billion and then we applied a
23 99 percent confidence interval to that which basically
24 says that when I tell you my number, I'm 99 percent

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1 confident that the actual number is higher than the
2 number I'm reporting.

3 Q You said you round up. So the world population
4 is approximately 8 billion?

5 A I think we're under that, but 7 point
6 something. So we rounded up to 8 and then applied a
7 confidence interval to that number.

8 Q So for your analysis to come back as a source
9 DNA match at that figure has to be substantially
10 greater than even the world population?

11 A That's correct.

12 Q Now, did you -- there's a couple more slides on
13 your presentation as to your analysis specific to this
14 case; is that correct?

15 A That is correct.

16 Q Before we get into that, did you also prepare a
17 report based on your analysis in this case?

18 A I did.

19 Q And did that report include a lot of
20 identifiers related to the case, the people involved,
21 and the like?

22 A It does.

23 Q Okay. Do you recall as you sit here the agency
24 and the case number for which the submitted items

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1 originated from?

2 A I don't recall the specific numbers offhand.

3 Q Is that something that's on your report?

4 A It is on my report.

5 Q Unless objection, would you please take a look
6 at your report and advise the jury of the agency and
7 the case number associated with your report.

8 A Your Honor, may I refer to my report?

9 THE COURT: You may.

10 BY MR. YOUNG:

11 Q And you have a copy in front of you?

12 A I do.

13 Q Please.

14 A The agency is Reno Police Department. Our lab
15 number was L2671-14. And the Reno Police Department
16 case number was 14-15205.

17 Q Now, does it list the person requesting on
18 there as well?

19 A Yes. The person requesting was Kassebaum.

20 Q Okay. And it lists three other names right
21 above Kassebaum. Do those names include Quinzale
22 Mason?

23 A Yes. The suspect was listed as Quinzale Mason.

24 Q Okay. And then there are two other names. Is

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1 it Delphine Martin and Cecelia listed on there?

2 A Yes, they are.

3 Q Now, you stated that if items come to you and
4 are unsealed or breached in any way, you'll return them
5 to the agency?

6 A That is correct.

7 Q In this case, and consistent with your report,
8 did you receive two items to analyze against one
9 another effectively?

10 A I actually received three items all in one bag.
11 The bag was taped sealed. I noted that in my notes.

12 Q And what were the items that were submitted to
13 you?

14 A There was a red and gold 49ers baseball hat,
15 there was a black tank top and two white socks.

16 Q And was there a control number assigned to that
17 bag that was submitted to you?

18 A There was.

19 Q Okay. What was that control number?

20 A That control number was W283556.

21 Q Now, when an agency requests that you conduct
22 DNA analysis such as was done here, do you also require
23 a reference sample to be submitted?

24 A We do.

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1 Q And was a reference sample provided to you in
2 this case as well?

3 A A reference sample was provided.

4 Q And what was the control number for that
5 reference sample?

6 A The control number for the reference sample was
7 W283517.

8 Q And that was a reference sample from who, sir?

9 A Reference sample from Quinzale Mason.

10 Q Now, if you will, if you prefer, and you can
11 use the balance of your slides, could you explain to
12 the jury your findings or test results based on your
13 DNA analysis done in this case.

14 A Yes. So there were three items submitted under
15 W283556. I swabbed the interior of the hat and I
16 swabbed the armpit areas and the neck of the tank top.
17 I extracted those swabs. I got a mixture of DNA
18 profiles from at least two sources from both items. I
19 was able to determine a dominant DNA profile. Quinzale
20 Mason was the source of the dominant DNA profile
21 determined from each of those mixtures.

22 Estimated frequency of the profile is approximately
23 1 in 45.31 quadrillion individuals. That would be
24 source, as I stated earlier. And due to a low level of

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1 DNA, no conclusions can be offered for minor results
2 from those two items.

3 Q Can you explain to the jury -- you say you took
4 a swab from the interior of the hat and a swab, if I
5 understand you, from the neck and armpit area of the
6 tank top?

7 A That is correct.

8 Q Could you explain to the jury why you took
9 swabs from those locations?

10 A When I examine an item of clothing, if we're
11 looking for blood that's on an item, then I'll just
12 take a cutting or swab of the blood spot. But in this
13 days we were asked to determine who had worn those
14 items and so I was looking for areas that would have
15 been in the frequent contact with a person wearing
16 them. So the brim of the hat is going to collect sweat
17 from the person wearing the hat and it's also going to
18 be in contact with their skin. The same basic
19 principle applied to the tank top. The neck and the
20 armpit areas seemed like a good area to collect sweat
21 and skin cells.

22 Q And so from both items, as I understand your
23 testimony, you were able to obtain a DNA profile from
24 both the hat and the tank top?

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1 A I was.

2 Q And determine that the dominant source or
3 dominant profile -- the source of that profile was
4 Quinzale Mason?

5 A That is correct.

6 Q Okay. Do you have one additional slide as
7 well?

8 A I do.

9 Q Or is there anything else on this slide that
10 you wish to discuss?

11 A No.

12 Q Okay. Please.

13 A I extracted a cutting from the socks. They
14 were very soiled. I didn't really see a good place or
15 area to swab, so I took a cutting from like the ball of
16 the foot area, too small cuttings. It was a mixture of
17 DNA profiles from at least two sources, but it was very
18 low level and I couldn't make any conclusions about it.

19 Q And all three items, the socks, the tank top
20 and the hat, all came to you in the same evidence bag?

21 A That's correct, commingled.

22 Q Was there -- based on your background and your
23 training and experience, how you received the
24 evidentiary bag with these three items as well as your

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1 receipt of the reference sample from Quinzale Mason,
2 was there any concern to you as to the integrity of the
3 tests you conducted or your ultimate results?

4 A No. All the seals were intact; the packaging
5 was in good condition.

6 MR. YOUNG: I have no further questions, Your
7 Honor?

8 THE COURT: Cross-examination, Mr. Hylin.

9 MR. HYLIN: Thank you, Your Honor.

10 CROSS-EXAMINATION

11 BY MR. HYLIN:

12 Q Whose name was on the bag, do you recall?

13 A What do you mean by "on the bag"?

14 Q On the evidence bag.

15 A On the evidence bag. I don't know that there
16 was a name on the bag.

17 Q Well, you're familiar with RPD and WCSO
18 evidence bags, they all -- it's a paper bag?

19 A A tag number, yes.

20 Q And did you check the chain of custody on it?

21 A I did check the chain of custody.

22 Q All right. Did you see that it had been
23 breached?

24 A I did not see that it had been breached.

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1 Q Okay. But you didn't check the names on it?

2 A No. Typically when I get an item from
3 evidence, I am checking to see that the seals are
4 intact. And sometimes we'll receive bags that have
5 nothing written on the outside of them. As long as
6 they're sealed and intact, they'll have a control
7 number and detectives will generally fill out a
8 submission sheet and attach it to the bag. So there's
9 varying degrees of what a detective or submitting
10 agency will write on the actual bag.

11 What I'm concerned with is what they wrote down on
12 their submission sheet and the control number and to
13 make sure that those all are consistent and that the
14 bag is intact and the seals are intact.

15 Q Okay. Well, I guess what I'm getting at is if
16 somebody opened it and closed it ten times, you would
17 be concerned about cross-contamination or other issues
18 being exposed where it shouldn't be exposed to other
19 DNA; fair to say?

20 A If it was not in a controlled environment, that
21 would be a concern. I wouldn't be concerned about that
22 happening in our laboratory.

23 Q No, I'm not necessarily referring to your
24 laboratory, but I'm talking about the evidence room or

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1 how it was handled from the get-go.

2 A Sure.

3 Q All right. So as for DNA transfer, it's going
4 to occur, like I say, if somebody touches a table?

5 A Correct.

6 Q If somebody touches a gear shift knob?

7 A Yes.

8 Q Somebody touches a turn blinker?

9 A Yes.

10 Q Somebody touches a door handle?

11 A Yes.

12 Q Particularly the steering wheel?

13 A Yes.

14 Q Because that's someplace that the hands had to
15 be all the time?

16 A That's correct.

17 Q And you can successfully extract DNA from those
18 items as well?

19 A Absolutely.

20 Q And there was -- if there was a pop bottle or
21 like in this case there was a Starbucks cup -- you
22 would love to have a Starbucks cup, right?

23 A Very good evidence.

24 Q Because that has saliva on it?

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1 A That's correct.

2 Q It's a little more rich in cells. And that
3 would probably be a mistake overlooking that as
4 evidence?

5 A I wouldn't know if it was supposed to be
6 submitted or not. I can tell that you it's a good
7 source of DNA, but whether or not it would have been
8 good to submit, I have no knowledge about whether it
9 would have been good to submit or not.

10 Q I know. I'm not asking you to go beyond
11 your --

12 A Sure.

13 Q But it's a DNA rich source?

14 A It is.

15 Q As a matter of fact, they have solved crimes
16 off of five-year-old cigarette butts?

17 A That is correct.

18 Q And you've been a party to that?

19 A I have.

20 Q Where you analyzed -- and DNA can last years?

21 A Thirty- to 40-year-old cigarette butts.

22 Q All right. So you expect DNA in a car that was
23 commonly placed there by touch, wheels, gear shift
24 knobs, to last quite a while?

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1 A Potentially, yes, with the caveat that the most
2 recent toucher is going to be expected to be -- to
3 swamp out people who had touched it previously.

4 Q Thank you. I was coming to that. So actually
5 the last person to touch it would be what you would
6 call the dominant?

7 A You would expect the last person to have
8 touched something to be the dominant presence on there.

9 Q So if they didn't swab any of those items in
10 the car, we'll never know, will we? They didn't give
11 you anything to analyze that came from the steering
12 wheel, the gear shift knob, the car door handle or
13 anything?

14 A None of those items were submitted for
15 examination.

16 Q But I think you're indicating then that those
17 would be fertile grounds for DNA transfer and in fact
18 the last person that operated that car would probably
19 be the dominant DNA?

20 A It's quite possible, yes.

21 Q And the person who drank from that Starbucks
22 cup could be analyzed easily?

23 A Yes.

24 Q Okay. Speaking of the evidence that you did

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1 receive, would it be proper protocol to handle each
2 item individually with different gloves?

3 A Again, it depends on the circumstances. If all
4 of the items were deposited commingled, then it would
5 make sense to submit them commingled. If they were all
6 separate, it would make sense to submit them separate.

7 Q Okay. If somebody had one pair of gloves on,
8 they never changed gloves and they searched the car and
9 they're looking in the seats -- I don't know if you've
10 ever watched a search of a car, but they rub their
11 hands on the seats and they go in the glove box, they
12 look underneath the seats, they look everywhere, with
13 one pair of gloves. And then they start grabbing items
14 that they want analyzed. There could possibly be a DNA
15 transfer there, too?

16 A Transfer is possible.

17 Q So if it's negligently handled by the person
18 who is collecting the evidence and didn't change gloves
19 after rubbing their hands over everything in the car,
20 there's a likelihood that that DNA could be transferred
21 to the items that you analyzed?

22 A Yes.

23 Q However, the DNA samples can't tell you when
24 that item was placed where it was when it was found?

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1 A No. We don't know when the DNA got there.

2 Q And some of these may be intuitive. I'm not
3 trying to sound insulting.

4 A That's fine.

5 Q Okay. You can't tell the time that these
6 things were placed there?

7 A That is correct.

8 Q It could be months before?

9 A That is possibly, yes.

10 Q It certainly doesn't tell you the date that it
11 was left? You can't tell the time, correct?

12 A Correct.

13 Q And you can't tell whether it was deposited
14 consensually or otherwise? It's just -- it's a
15 scientific fact that this stuff is present basically is
16 all you can tell people?

17 A We can't tell you how or why it's there; we can
18 just tell you who it came from.

19 Q And you can't tell if it was transferred from
20 somewhere else?

21 A That's correct.

22 Q Okay. So an item could be contaminated but
23 your examination is only going to pick up the dominant
24 one and that may be a transferred DNA?

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1 A Well, in this particular instance it would be
2 highly unlikely that you would have -- if I just
3 touched a hat briefly to place it in the bag, that I
4 would be the dominant contributor, particularly if I
5 was wearing a pair of gloves to swap out all of the DNA
6 that had been deposited on the inside of a hat from who
7 knows how much sweating. If the hat was brand new,
8 then it would be possible. But this hat was in very
9 used condition, as was the shirt.

10 Q Okay. But there was a minor DNA there also?

11 A There was.

12 Q And it is a fact that some people shed skin and
13 other DNA-bearing biological evidence a lot more easily
14 than other human beings?

15 A That's true.

16 Q So if you had some sort of scalp condition or
17 something going on, even dandruff perhaps; correct?

18 A That's correct.

19 Q So somebody could wear that hat once and
20 transfer DNA that would be dominant because of
21 dandruff?

22 A That is possible.

23 Q Or other skin flakes that would come off of
24 their scalp?

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1 A . Yes.

2 Q And it wouldn't necessarily be a hat that was
3 their primary hat? You can't tell that --

4 A True.

5 Q -- when there's a dominant and a minor DNA?

6 A That's true.

7 MR. HYLIN: I don't think I have any other
8 questions, Your Honor.

9 THE COURT: Redirect based on the
10 cross-examination, Mr. Young.

11 MR. YOUNG: Thank you.

12 REDIRECT EXAMINATION

13 BY MR. YOUNG:

14 Q When Mr. Hylin asked you if you checked the
15 chain of custody and you responded, "I did not see it
16 was breached" -- do you recall testifying to that?

17 A Yes. He asked me if I remembered the name that
18 was on the bag. And I don't look for a name on the
19 bag. I look at the control number to make sure it's
20 the right control number and I check the seals to make
21 sure they're intact.

22 Q And did you that in this case?

23 A I did.

24 Q So when you said, "I did not see it was

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1 breached," that could be interpreted as, "No, it wasn't
2 breached," or, "I didn't see if it was breached." Did
3 you check in this instance?

4 A Your Honor, may I refer to my notes?

5 THE COURT: You may.

6 THE WITNESS: In my notes I wrote down that I
7 received one tape sealed -- typically in forensic
8 science when you seal something, you put your initials
9 and the date that you sealed it on the bag. The
10 initials that had been scribbled onto this seal were
11 illegible. No date was added, but it was an intact,
12 tape sealed, brown paper bag, just the one seal. So it
13 had only been gone into -- not even gone into. It
14 had -- items placed into it, tape sealed and I received
15 it.

16 BY MR. YOUNG:

17 Q So it had not been -- the hypothetical
18 Mr. Hylin said about if someone goes into it ten times,
19 that wasn't this case?

20 A What happened to it before it came to me I
21 couldn't say, but when it was submitted to the
22 laboratory, one seal.

23 Q Okay. And when you say "one seal," it means
24 that when the items at least were put in the bag and

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1 sealed up, that was the one seal?

2 A Correct.

3 Q And the evidence tape, you're familiar with
4 that tape based on your background; right?

5 A I am.

6 Q Is that tape that if it is breached in some way
7 it will be obvious to you?

8 A Yes. It's impossible to breach it and put it
9 back together without it being obvious.

10 Q All right. And Mr. Hylin went through a number
11 of items as far as the things in the car, the Starbucks
12 and whatnot. One other item I wanted to discuss with
13 you is shell casings, expended shell casings. Is that
14 something that you would test for?

15 A If it was a serious case and it was the last
16 thing, only hope that we would test it, but you have
17 little to no chance of getting DNA off of a spent shell
18 casing. The heat that comes off when the bullet is
19 fired cooks the DNA and destroys it 99.9 percent of the
20 time.

21 Q Okay. Now, you were asked about transfer, a
22 couple questions along that line. And you said that
23 transfer was possible.

24 A Yes, it is.

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1 Q And based on your results on the previous slide
2 that you had up there as far as Quinzale Mason being
3 the source of DNA for the hat and the shirt, is that a
4 major concern to you in this case?

5 A It is not.

6 MR. YOUNG: The Court's indulgence.

7 Thank you, sir.

8 That's all, Your Honor.

9 THE COURT: Recross based on the redirect,
10 Mr. Hylin.

11 MR. HYLIN: Nothing, Your Honor. Thank you.

12 THE COURT: Is Mr. Gresko free to go, Mr. Hylin?

13 MR. HYLIN: Yes, Your Honor.

14 THE COURT: Mr. Young?

15 MR. YOUNG: Yes.

16 THE COURT: Mr. Gresko, thank you for being here
17 today. You're excused from your subpoena.

18 Ladies and gentlemen, it's about 4:30, so I'm
19 informed that the State has one additional witness to
20 call, and so we'll go through that today.

21 MR. YOUNG: Officer Koger.

22 THE BAILIFF: Stand here and be sworn.

23 (The oath was administered to the witness.)

24 THE WITNESS: I do.

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1 THE CLERK: Just have a seat.

2 THE COURT: Mr. Young.

3 MR. YOUNG: If I can confer with your clerk for one
4 moment, Your Honor.

5 THE COURT: You may.

6 RYAN KOGER,

7 having been called as a witness herein,
8 being first duly sworn, was examined
and testified as follows:

9 DIRECT EXAMINATION

10 BY MR. YOUNG:

11 Q Sir, good afternoon.

12 A Good afternoon.

13 Q Would you please state and spell for the record
14 your first and last name.

15 A Ryan Koger, K-o-g-e-r.

16 Q With whom are you currently employed?

17 A The Reno Police Department.

18 Q And how long have you been so employed?

19 A About eight and a half years.

20 Q Okay. And in what capacity have you been
21 employed with the Reno Police Department?

22 A Patrol division.

23 Q Sir, I'm going to direct your attention to
24 August 9th of 2014. Did you respond over to a

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1 residence at Patton Drive related to a case?

2 A I did.

3 Q Do you recall what time you responded?

4 A I don't know the exact time, but it was midday,
5 probably around noon.

6 Q Okay. And were you the first officer on scene
7 or --

8 A No.

9 Q -- were there a couple there as well?

10 A There were other officers.

11 Q Okay. And what did you observe upon your
12 arrival?

13 A From what I remember, there were numerous
14 officers there doing various tasks, but there were a
15 couple officers tending to an adult female victim in
16 the parking lot.

17 Q And was there also a young girl being treated
18 as well?

19 A Not when I got there.

20 Q Not when you got there. And what did you do
21 upon arrival?

22 A I met with other officers and sergeants on
23 scene and I was tasked with taking some photographs.

24 Q Okay. And did you take photographs of the

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1 scene?

2 A I did.

3 Q I'm going to show you what has been admitted --
4 I'm not going to go through all of these, but I'll
5 start with Exhibit 5. This has already been admitted
6 and testified to. Is this one of the photographs you
7 took?

8 A Yes.

9 Q Okay. And, again, I'm not going to show all of
10 them to you, but just to make sure. That's Exhibit 7.
11 Again, one that you took?

12 A Yes.

13 Q And there's a series that were admitted. All
14 those scene photographs you yourself took; correct?

15 A Yes.

16 Q All right. I'm going to fast forward, Officer,
17 to August 10th of 2014, so the following day. On
18 August 9th did you have any contact with an individual
19 identified as Quinzale Mason?

20 A No.

21 Q On August 10th of 2014 did you have an
22 opportunity to have contact with an individual
23 identified as Quinzale Mason?

24 A Yes.

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1 Q Do you see Mr. Mason in the courtroom today?

2 A I do.

3 Q Can you point him out and describe to the jury
4 what he's wearing, please?

5 A He's seated in a wheelchair with gray pants and
6 a white shirt and dark tie.

7 MR. YOUNG: Your Honor, the record reflect
8 identification, please.

9 THE COURT: It will.

10 MR. YOUNG: Thank you.

11 BY MR. YOUNG:

12 Q And what was the basis for your contact with
13 Mr. Mason on August 10th?

14 A I heard officers on the radio advise that they
15 were following a suspect in the shooting from the
16 previous day.

17 Q And were you in the area?

18 A I was.

19 Q On an unrelated call?

20 A Correct.

21 Q So did you respond then?

22 A I did.

23 Q And where did you go?

24 A I responded to the area of North McCarran and

ROUGH DRAFT TRANSCRIPT

1 395 or 580. I'm not sure which it's referred to at
2 that area.

3 Q All right. Kind of the overpass over the
4 freeway there?

5 A Correct.

6 Q And what role did you take in effecting that
7 stop?

8 A I assisted in detaining the passengers, the
9 occupants of the vehicle.

10 Q Okay. Was there any in particular that you
11 assisted with?

12 A Yes.

13 Q Who was that?

14 A There was a young female and Quinzale.

15 Q Okay. As far as your involvement with
16 Mr. Mason goes, what did you specifically do with
17 respect to Mr. Mason?

18 A Assisted with getting him handcuffed.

19 Q And was there any conversation or statements
20 made by Mr. Mason during that process?

21 A There wasn't conversation but there were
22 statements, yes.

23 Q There was not conversation?

24 A No.

ROUGH DRAFT TRANSCRIPT

1 Q What do you mean by that?

2 A The only comments that we were making as police
3 officers were verbal commands to get him into custody.

4 Q Okay. The defendant made statements to you
5 while placing him in handcuffs?

6 A Correct.

7 Q What were those statements?

8 A They may not have been directly to me, but he
9 said them out loud.

10 Q You heard them?

11 A Yes.

12 Q Okay.

13 A He said something to the effect of "I was just
14 going" --

15 MR. HYLIN: Well, I'm going to object to "something
16 to the effect of," Your Honor.

17 MR. YOUNG: Fair enough.

18 THE COURT: Well, hold on. I'll rule on the
19 evidentiary objection. You can rephrase the question.

20 Officer Koger, to the best of your ability you need
21 to testify as to what was said, not to paraphrase. So
22 if you have a recollection of what Mr. Mason said, then
23 you may testify to that.

24 Rephrase the question, Mr. Young.

ROUGH DRAFT TRANSCRIPT

1 MR. YOUNG: I will.

2 BY MR. YOUNG:

3 Q Did you draft a police report in this case?

4 A I did.

5 Q Okay. And in fact in that police report did
6 you put very specific quotes that Mr. Mason said in
7 your contact with him?

8 A I did.

9 Q And in that report did you actually put the
10 statements he made in quotation marks?

11 A I did.

12 Q When you put something in your report with
13 quotation marks, why do you do that?

14 A It would be a verbatim quote.

15 Q Okay. Do you recall as you sit here now
16 testifying today the verbatim quotes that Mr. Mason
17 made?

18 A I don't know that I would be able to say it
19 verbatim. If I looked at my report I could read what I
20 have in my report.

21 Q Would that help you with accuracy purposes?

22 A Yes.

23 THE COURT: Once you've refreshed your
24 recollection -- Officer Koger, you can't read from your

ROUGH DRAFT TRANSCRIPT

1 report, but you may review your report in order to
2 refresh your recollection and then Mr. Young can ask
3 you the question again.

4 MR. HYLIN: And, Your Honor, prior to his answer I
5 would like to take him on voir dire briefly.

6 THE COURT: Okay. Before you refresh your
7 recollection, Mr. Hylin, go ahead.

8 MR. HYLIN: Thank you.

9 VOIR DIRE EXAMINATION

10 BY MR. HYLIN:

11 Q At what point did you place Mr. Mason in your
12 patrol vehicle?

13 A After he was handcuffed.

14 Q All right. And he was handcuffed and he was
15 clearly in custody?

16 A Correct.

17 Q He was being arrested?

18 A Correct.

19 Q So you placed him in the back of your patrol
20 unit, correct?

21 A Correct.

22 Q And there were matters being discussed between
23 you and him?

24 A No.

ROUGH DRAFT TRANSCRIPT

1 Q Were there commands from you or other police
2 officers regarding --

3 A Neither. Once he was placed in my patrol
4 vehicle, there was neither.

5 Q Okay. Were you standing outside the police
6 vehicle when these statements were made?

7 A No. I was seated in the driver's seat.

8 Q Had you already left for the station?

9 A We were never at the station.

10 Q Well, I mean, did you leave for 911 Parr?

11 A No.

12 Q Okay. He was -- you were in the police unit,
13 you were in the driver's seat, he was in the back?

14 A Correct. We were at the location of the
15 traffic stop.

16 Q You were at the location of the traffic stop.
17 Had you read him his Miranda admonition?

18 A No.

19 Q Did you ask him any questions?

20 A I did not.

21 MR. HYLIN: I have no further questions, Your
22 Honor.

23 THE COURT: Now you can refresh your recollection,
24 Officer Koger.

ROUGH DRAFT TRANSCRIPT

1 THE WITNESS: Okay.

2 THE COURT: Have you refreshed your recollection?

3 THE WITNESS: Yes.

4 THE COURT: Then Mr. Young will take back the
5 report and ask you the question again.

6 DIRECT EXAMINATION (Resumed)

7 BY MR. YOUNG:

8 Q During the handcuffing process of Mr. Mason,
9 again, based on refreshing your recollection from your
10 report, what did he say?

11 A He said, "I was going to the station to turn
12 myself in."

13 Q Okay. Did he say anything else at that time?

14 A Yes.

15 Q What?

16 A He said -- I'm sorry. I'm drawing a blank.

17 Q Do you want to review your report again?

18 A Yeah, please. I apologize.

19 Q No need to apologize. Just let me know if that
20 refreshes your recollection.

21 A Yes.

22 Q And, again, you're reading parts that are
23 placed in quotations; correct?

24 A Correct.

ROUGH DRAFT TRANSCRIPT

1 Q I'll get that back from you.

2 Again, during the handcuffing process, what did
3 Mr. Mason say?

4 A He said, "This has been messing me up."

5 Q Okay. Now, as counsel was kind of getting into
6 a little bit, after he was -- Mr. Mason was handcuffed
7 and made those initial statements, did you ask him any
8 questions prompting those statements at all?

9 A No.

10 Q Did any other officers that you heard ask him
11 any questions prompting those statements?

12 A No.

13 Q Now, as I understand the brief questioning that
14 Mr. Hylin did of you, Mr. Mason was placed in the
15 backseat of your patrol car?

16 A Yes.

17 Q And then you sat in the front seat in the
18 driver's seat of your patrol car?

19 A Yes.

20 Q At that point did you ask Mr. Mason any
21 questions whatsoever?

22 A No.

23 Q Was it your intention to question him at all?

24 A No.

ROUGH DRAFT TRANSCRIPT

1 Q Mr. Hylin brought up Miranda. Are you familiar
2 with Miranda?

3 A I am.

4 Q And the Miranda rights?

5 A Yes.

6 Q Do you advise an individual of that prior to
7 any questioning?

8 A No.

9 Q So how did the statements -- or did he make
10 statements, "he" being Mr. Mason, while sitting in the
11 back of your patrol car?

12 A Yes.

13 Q And, again, was that in response or prompted by
14 any questioning by you or any other officer?

15 A No.

16 Q What did -- if you recall, what did Mr. Mason
17 say while sitting in the back of your patrol car?

18 A He said, "I want to thank you guys for not
19 shooting me."

20 Q How did you respond to that?

21 A I said, "We only shoot people if they give us a
22 reason to."

23 Q And do you recall if Mr. Mason then responded
24 to that statement?

ROUGH DRAFT TRANSCRIPT

1 A Yes.

2 Q What was that?

3 A He said, "Well, what I did was violent and you
4 guys might have thought that I was going to be violent
5 with you."

6 Q Did you have any interaction with Mr. Mason
7 beyond what you've testified to here today?

8 A No.

9 Q Sir, you reviewed your report just now on the
10 stand as part are your testimony; correct?

11 A Yes.

12 Q And do you recall when it was in relation to
13 your contact on August 10th that you wrote your report?

14 A I don't recall. It was likely the same day,
15 but I can't say that for certain.

16 Q Okay. The comments that are in your report,
17 the statements in your report that you used to refresh
18 your recollection, all accurate?

19 A Yes.

20 MR. YOUNG: No further questions, Your Honor.

21 THE COURT: Cross-examination, Mr. Hylin.

22 MR. HYLIN: Thank you, Your Honor.

23 CROSS-EXAMINATION

24

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1 BY MR. HYLIN:

2 Q Did you have one of those little pocket
3 recording devices on that day?

4 A No.

5 Q What are your general orders as far as carrying
6 them?

7 A To carry some sort of device.

8 Q You're supposed to carry that?

9 A Correct.

10 Q But you weren't that day?

11 A I had a device but not a specific pocket
12 recorder.

13 Q All right. So you had a recording device?

14 A Correct.

15 Q But you didn't -- did you record this?

16 A No. I didn't have a chance to.

17 Q Well, doesn't the general order say that when
18 you're dealing with arrestees and other situations in
19 the field you're supposed to have it on so it's
20 recording?

21 A No.

22 Q All right. But you didn't have it on to record
23 it at this time?

24 A I did not.

ROUGH DRAFT TRANSCRIPT

1 MR. HYLIN: I have no further questions, Your
2 Honor.

3 THE COURT: Redirect based on the
4 cross-examination.

5 REDIRECT EXAMINATION

6 BY MR. YOUNG:

7 Q You said that you did not record -- in your
8 words you did not have a chance to?

9 A Correct.

10 Q What did you mean by that?

11 A It happened so fast that I didn't have a chance
12 to initiate a recording device.

13 Q If you were to intend on interviewing an
14 individual, would it be common for you to activate your
15 recorder?

16 A Yes.

17 Q And in this case you had no intention of asking
18 Mr. Mason any questions at all?

19 A No.

20 MR. YOUNG: That's all. Thank you.

21 THE COURT: Recross.

22 MR. HYLIN: Nothing further.

23 THE COURT: Is Officer Koger to go?

24 MR. YOUNG: Thank you, Your Honor.

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1 THE COURT: Mr. Hylin?

2 MR. HYLIN: Yes, Your Honor.

3 THE COURT: Officer Koger, you're released from
4 your subpoena. You're free to go about your business
5 today. Thank you being here today.

6 Does the State have any other witnesses to call?

7 MR. YOUNG: Your Honor, for the State's case in
8 chief, the State rests. Thank you.

9 THE COURT: Ladies and gentlemen, what the State is
10 indicating is that they have no other evidence that
11 they wish to present in their case in chief and so that
12 means that they're case in chief is over. It is 10
13 minutes to 4:00, and so we will break for the
14 afternoon, but I'm going to stay here and work with the
15 attorneys a little bit longer. I'm going to let you
16 go, though.

17 We will come back tomorrow. And what I anticipate
18 happening tomorrow is that we will begin with the
19 reading of jury instructions. So I want you to come
20 back at 9:30 tomorrow, not 8:30. I want you to be here
21 at 9:30 in the morning. And then the case will resume
22 at 9:30 a.m.

23 The admonition applies, so I'm going to read it to
24 you one more time today. You are instructed not to

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1 discuss this case among yourselves or with anyone else
2 or to form any conclusions concerning the case until it
3 is submitted to you. You're not to read, look at or
4 listen to any news media accounts relating to this case
5 should there be any. You're not to form any opinion
6 about the case until it is finally submitted to you.

7 Do not experiment or investigate. Do not visit the
8 scene. Do not refer to any outside sources for
9 instructions on the law. Rely only on the court for
10 legal instructions.

11 All rise for the jury.

12 (Outside the presence of the jury:)

13 THE COURT: Everyone may be seated.

14 The record will reflect that the jury has retired
15 to the jury room.

16 Mr. Mason, pursuant to a Nevada Supreme Court case
17 by the name of Phillips versus State, I am strongly
18 advised that I should talk to you about your right to
19 testify or not testify in these proceedings, and so
20 I'll do that now.

21 The Nevada Supreme Court instructs district courts
22 that we should do that the at or near the closing of
23 the State's case. And so what has happened is that the
24 State has indicated to me they're not going to present

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1 any additional evidence in their case in chief, and so
2 now is a good time for me to discuss this with you.

3 Mr. Mason, are you aware that you have a
4 constitutional right not to be compelled to testify in
5 your own case?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Have you discussed with Mr. Hylin?

8 THE DEFENDANT: Yes.

9 THE COURT: You need to speak a little louder for
10 me.

11 THE DEFENDANT: Yes.

12 THE COURT: Are you also aware that the decision
13 whether or not you testify or not -- whether or not you
14 choose to testify or not is solely up to you and no one
15 else. That's a decision that you alone have to make.
16 Do you understand that?

17 THE DEFENDANT: Yes.

18 THE COURT: But you make that with the advice of
19 your attorney. Mr. Hylin is a very experienced
20 attorney. And so the decision in the end is yours to
21 make, but you make that after talking to your attorney
22 and getting his advice on those issues. Do you
23 understand that?

24 THE DEFENDANT: Yes.

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1 THE COURT: And have you -- without telling me what
2 your decision is, have you had those discussions with
3 Mr. Hylin so far?

4 THE DEFENDANT: Not really, no.

5 THE COURT: Okay.

6 MR. HYLIN: Well, Your Honor, we have had some
7 discussions, but there's just been no decision yet.

8 THE COURT: I understand that. I don't expect you
9 to tell me right now, "I have decided to testify or not
10 testify." But the State is finished with their case,
11 and so you need to make that decision, because the next
12 thing that happens in the case is you have to put on a
13 case in chief if you choose to do so. And that would
14 be when you testify.

15 Do you understand that, Mr. Mason?

16 THE DEFENDANT: Yes.

17 THE COURT: Now, if you do testify, you will be
18 subject to cross-examination by Mr. Young. And based
19 on one of the charges in the Amended Information, I'm
20 aware that you're an ex-felon. And so your prior
21 criminal conviction if it meets with certain statutory
22 requirements would be the subject of cross-examination.
23 Do you understand that?

24 THE DEFENDANT: Yes.

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1 THE COURT: They wouldn't be able to get into the
2 facts of it, but the fact that you're a convicted
3 felon, when that felony occurred, and what the felony
4 was would be the subject of impeachment. Do you
5 understand that?

6 THE DEFENDANT: Yes.

7 THE COURT: All right. Now, is there anything
8 about your constitutional right to testify that you
9 want to ask me about? I can't give you legal advice,
10 but I can clarify any of those specific issues with
11 you.

12 THE DEFENDANT: As far as they bringing up my prior
13 felony, will I be able to explain the situation?

14 THE COURT: The State will not be allowed to
15 inquire as to the underlying circumstances of your
16 prior criminal conviction, because that would be other
17 act evidence under NRS 48.035 and, therefore, they
18 cannot do that. Whether or not you would be allowed to
19 start talking about that prior criminal conviction is
20 something entirely different. I'm not quite sure that
21 you would want to do that.

22 It's my understanding that -- well, at least, as I
23 understand it, your prior criminal conviction, at least
24 one of them, is for a homicide. And so I'm not sure

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1 that you want to get into what the nature of that
2 offense was or what happened. That would be something
3 Mr. Hylin and you would talk about. But I'll leave
4 that up to you and Mr. Hylin. I can't give you legal
5 advice about that. But I can tell you that the State
6 would not be allowed to start questioning you about
7 your prior criminal conviction beyond the fact that it
8 exists, when it was, and what the nature of the offense
9 was.

10 THE DEFENDANT: Will I be able to explain the
11 outcome of that situation as far as like --

12 THE COURT: You'll have to talk to Mr. Hylin about
13 that. I'm not going to give you legal advice. That's
14 Mr. Hylin's job. But I just want you to know that
15 that's something that they will be allowed to talk
16 about. So if you take the stand, that prior is put in
17 front of jury, just like Mr. Holly's three prior felony
18 convictions were placed in front of the jury as well.
19 Do you understand that?

20 THE DEFENDANT: Yes, I understand.

21 THE COURT: So the next time I see you, Mr. Mason,
22 I expect that you will have discussed those facts with
23 Mr. Hylin and you'll have the decision whether or not
24 you choose to testify. If you just indicate that

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1 you're not going to put on a case in chief, then I'll
2 assume that you're waiving your right to testify. Do
3 you understand that?

4 THE DEFENDANT: Yes.

5 THE COURT: So do you have any questions about that
6 beyond what we've discussed?

7 THE DEFENDANT: No, sir.

8 THE COURT: Counsel, other than Mr. Mason's
9 testimony, is it anticipated as you sit here at this
10 moment that there will be any additional witnesses that
11 the defense intends to call in its case in chief?

12 MR. HYLIN: Not for us, Your Honor. All we -- if
13 Mr. Mason decides to testify, that would be our only
14 witness.

15 THE COURT: Then what I would like to do is we will
16 meet with counsel in my chambers at 8:30 in the
17 morning. As I stated, I do have an 8:15 conference
18 call on a civil matter. So that should only take 15
19 minutes. So we'll meet at 8:30 in the morning to
20 finalize jury instructions. If the counsel could just
21 go through those. They're in the order that I intend
22 on offering them. Then we'll number them and we will
23 have the final conference pursuant to local criminal
24 rule 7 and NRS 175.161 at 8:30 in the morning. It

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1 should not take us very long to put them on the record.

2 Mr. Hylin, do you have any other instructions
3 you --

4 MR. HYLIN: I have one to offer if he decides to
5 testify, and that was it.

6 THE COURT: All right. And the one issue -- one of
7 the issues that I wanted to talk about, just so you
8 know, Mr. Hylin, is you'll see absent from the packet
9 is the jury instruction regarding the defendant's
10 testifying or not testifying. Mr. Young offered that.
11 But pursuant to NRS 175.185, I believe it is, the State
12 should not offer that jury instruction. That is an
13 instruction that is only offered by the defendant. And
14 so I took that out. It is not part of the packet.

15 If you want to offer it, you can either propose
16 your own instruction or I do have the one that
17 Mr. Young provided, but it was taken out of the jury
18 packet.

19 MR. HYLIN: Well, if he does not testify, I will
20 offer that one. I was satisfied with the language in
21 it.

22 THE COURT: Okay. It's just one of those things
23 that the State should never offer that jury
24 instruction. I don't know why it's even in the State's

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1 database.

2 Mr. Barb, an old prosecutor, actually got into an
3 argument once with a judge that I saw because the judge
4 told him to prepare it and he refused to even draft it
5 or to give it. But Mr. Barb was somewhat of a stickler
6 on the rules and, therefore, he just said, "I'm not
7 going to do it, Judge. If you want to get it, you can
8 do it yourself."

9 And I think we can all imagine Mr. Barb saying just
10 that.

11 So with that, we will be in recess until 8:30 in
12 the morning. Court's in recess.

13 (The proceedings were adjourned at 4:57 p.m.)

14 --o0o--

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ROUGH DRAFT TRANSCRIPT

1 ACKNOWLEDGMENT

2 I, LORI URMSTON, Certified Court Reporter, in and
3 for the State of Nevada, do hereby acknowledge:

4 That the foregoing proceedings were taken by me
5 at the time and place therein set forth; that the
6 proceedings were recorded stenographically by me and
7 thereafter transcribed via computer under my
8 supervision; that the foregoing is a true ROUGH DRAFT
9 transcription of the proceedings to the best
10 of my knowledge, skill and ability and has not been
11 proofread, corrected or certified.

12 I further certify that I am not a relative nor an
13 employee of any attorney or any of the parties, nor am
14 I financially or otherwise interested in this action.

15 I declare under penalty of perjury under the laws
16 of the State of Nevada that the foregoing statements
17 are true and correct.

18 DATED: At Reno, Nevada, this 6th day of
19 May, 2015.

20
21
22 LORI URMSTON, CCR #51

23
24 _____
LORI URMSTON, CCR #51

ROUGH DRAFT TRANSCRIPT

CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 6th day of July 2015. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Terrence P. McCarthy, Chief Appellate Deputy,
Washoe County District Attorney's Office

I further certify that I deposited a true and correct copy of the foregoing in the United States Mail, postage prepaid, and addressed to:

Mr. Quinzale Mason (#1135809)
Northern Nevada Correctional Center
P.O. Box 7000
Carson City, Nevada 89702

John Reese Petty
Washoe County Public Defender's Office

1 with the defendant?

2 A No.

3 Q No?

4 A No.

5 Q Any doubt in your mind that it was the
6 defendant that was shooting the gun?

7 A Yes.

8 Q You have a doubt in your mind?

9 A No. No. It was him.

10 MR. YOUNG: That's all. Thank you, Your Honor.

11 Thank you, ma'am.

12 THE COURT: Cross-examination, Mr. Hylin.

13 MR. HYLIN: Thank you, Your Honor.

14 CROSS-EXAMINATION

15 BY MR. HYLIN:

16 Q Good morning.

17 A Good morning.

18 Q When you were sitting outside the door, Cecelia
19 wasn't sitting next to you the whole time?

20 A She was playing for a little bit and then she
21 came and sat by me.

22 Q Okay. So when -- how were the -- were the
23 chairs sat right next to each other?

24 A She was sitting down on the ground.

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1 Q Okay. So there weren't two chairs there?
2 A No.
3 Q And you actually didn't see where the car came
4 from when it pulled in there?
5 A No, I just seen it pull up.
6 Q And you didn't think anything of it?
7 A Unh-unh.
8 THE COURT: You need to say "yes" or "no."
9 THE WITNESS: No.
10 BY MR. HYLIN:
11 Q All right. And as it pulled in there, you
12 didn't see who was driving it, did you?
13 A He was driving.
14 Q Okay. You noticed him --
15 A Your defendant.
16 Q My client was driving --
17 A Your client.
18 Q -- as it pulled in there?
19 A Yes, he was driving.
20 Q You hadn't seen him drive that car before?
21 A (Shakes head.)
22 Q You didn't notice?
23 A I didn't notice.
24 Q Did you -- do you know the folks upstairs?

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1 A The one above me?
2 Q Correct.
3 A Yes.
4 Q So what's his name?
5 A Stanley.
6 Q I'm sorry?
7 A Stanley.
8 Q Okay. Is that a last name or first name?
9 A I don't know the last name. Paul, Stanley,
10 Paul.
11 Q Was there -- did you notice another car in
12 front of that building?
13 A No, there was no other car.
14 Q Okay. This is the same building we talked
15 about earlier that was on direct examination. And --
16 THE COURT: Is that Exhibit No. 1, Mr. Hylin --
17 MR. HYLIN: I believe it is, Your Honor.
18 THE COURT: -- that you're showing to the jury?
19 MR. HYLIN: Exhibit No. 2. I'm sorry.
20 THE COURT: Go ahead. Go ahead.
21 BY MR. HYLIN:
22 Q So you said the car pulled in right in this
23 approximate area where I'm pointing right now?
24 A Right there.

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1 Q And what kind of car was it?
2 A Gold. I don't know what the model was.
3 Q You didn't see the license number?
4 A No.
5 Q Didn't see anything else about it?
6 A No.
7 Q And was there another car there in that parking
8 lot?
9 A No. There was one -- actually, yes, there was
10 one from upstairs.
11 Q Okay. Is that where you --
12 A Their car.
13 Q All right. Is that where you just touched the
14 screen there?
15 A Right here.
16 Q Okay. On the other end of the building?
17 A Yes.
18 Q All right. Where I'm pointing right here?
19 A Yes.
20 Q You just touched that and made that red dot?
21 A Yes.
22 Q Okay. What car was that?
23 A It's a Blazer, I believe.
24 Q Who does that belong to?

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1 A Huh?

2 Q Who does that belong to, do you know?

3 A To my upstairs neighbor.

4 Q Mr. Stanley?

5 A Yes.

6 Q So you didn't notice anything else about this
7 car, the one that pulled in?

8 A The gold one? I probably seen it before. I
9 can't remember. But I remember seeing like a little
10 primer on the driver's side, I believe.

11 Q Some -- okay.

12 A Like black primer.

13 Q It was black primer on the driver's side?

14 A I believe.

15 Q Like somebody sprayed it on there?

16 A I don't know.

17 Q Well, do you know what primer is?

18 A Where you --

19 Q I'm not trying to, you know, trip you up. I
20 just --

21 A It's just primer. It was black on the driver's
22 side.

23 Q Okay. So somebody had like sprayed something
24 on the door?

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1 A I believe it was the door or the -- where the
2 tire is.

3 Q You said it was on the driver's side? Okay,
4 By the tire?

5 A Yeah.

6 Q The front tire or the rear tire?

7 A The front, I believe.

8 Q Was it like a big patch? Two feet?

9 A Yeah, about there. Yes.

10 Q Two feet. Okay. Now, you said you kind of
11 knew Anthony?

12 A Kind of. I didn't associate with him. It was
13 just like "Hi, neighbor."

14 Q You guys never had barbecues together?

15 A No. He invited my kids over there, but --

16 Q For the barbecue?

17 A Yeah.

18 Q Did he barbecue a lot?

19 A A couple times he has I've seen.

20 Q All right. Did he have a dog?

21 A A dog, yes.

22 Q What happened to that dog?

23 A He had a few dogs.

24 Q Okay. Well, he gave you one of his dogs?

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1 A Yes.

2 Q All right. And that dog -- whenever Anthony
3 would come around, the dog would get excited and go
4 greet him?

5 A Yes, my dog would go greet Anthony.

6 Q Is that the only dog you had?

7 A I -- he had -- I had got one and he had. I
8 don't know if he had that dog at the time of the
9 shooting, but he ended up getting one of -- my dog had
10 a sister, and he bought one from me, from my therapist.

11 Q Okay. So you had two dogs?

12 A Yes, I ended up having two because he couldn't
13 take care of it, I guess.

14 Q So you took the dog in?

15 A Yes.

16 Q So when this car pulled in, you say you
17 recognized my client?

18 A Yes.

19 Q And how did you recognize him?

20 A I seen -- I remember him from when he pulled
21 up.

22 Q Okay. He had a hat on? No?

23 A No.

24 Q Had a shirt on?

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1 A Yeah.

2 Q What kind of shirt?

3 A I can't recall.

4 Q How about pants?

5 A Yeah, I'm sure he had pants on.

6 Q You're not -- you said you're sure he did, but
7 that kind of indicates that you might not be so sure.

8 A Well, he was on his driver's side; I was
9 sitting down. He was standing by the car.

10 Q So you couldn't see?

11 A I don't know if he was wearing shorts, pants.

12 Q All right. So you said that Anthony was
13 standing near where that arrow is, the red arrow on the
14 screen?

15 A About there, but closer to the apartment
16 complex.

17 Q All right. He was near the car when it pulled
18 in?

19 A Like here goes the car and here goes Anthony.

20 Q So where was Anthony in relation to the car?

21 A In front.

22 Q The front of the car?

23 A Yes.

24 Q And were you paying any attention to what was

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1 going on then?

2 A When he got out of the car and started
3 shooting, I was just thinking about my daughter. I
4 covered her.

5 Q Okay. You were kind of distracted, wouldn't
6 you say?

7 A Yes.

8 Q So after you heard the shots, you didn't see
9 much after that?

10 A No. I did see him leave, though.

11 Q I'm sorry?

12 A I did see him back up and leave.

13 Q Okay. So you saw him pull in, saw him get out,
14 heard some shots, and then you saw him leave?

15 A Yes.

16 Q Does that about sum it up?

17 A Yes.

18 Q You actually were -- you were distracted enough
19 so you didn't really see him shooting?

20 A I saw him shooting.

21 Q One time?

22 A I believe it was three times.

23 Q Did you watch him shoot three rounds?

24 A Yes.

ROUGH DRAFT TRANSCRIPT

1 Q Okay. And you heard three rounds?

2 A I believe it was three rounds.

3 Q Weren't you diving to cover your daughter?

4 A Yeah, I ended up doing that.

5 Q Okay. And you were diving to cover your
6 daughter and watching him at the same time?

7 A Well, bending down. As I bend down, going
8 down, I was looking and grabbed her.

9 Q All right. So, you know, that -- when this all
10 began, Anthony was just a few feet away from him
11 standing by the car; correct?

12 A Yes. There was probably more shooting. I
13 don't know.

14 Q Okay. And then you said he ran down in front
15 of the apartment building?

16 A Yes.

17 Q So it ranged from a few feet down to about
18 15 feet to where you were away from that car?

19 A I believe it was 15 feet.

20 Q All right. And you said out of shock he didn't
21 get him?

22 A Yeah, it didn't hit Anthony.

23 Q Even though he -- even though he fell twice?

24 A Yes.

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1 MR. HYLIN: If I could have just a moment, Your
2 Honor.

3 THE COURT: Take your time, Mr. Hylin.

4 MR. HYLIN: I don't think I have any further
5 questions, Your Honor.

6 THE COURT: Thank you, Mr. Hylin.

7 MR. HYLIN: If I could have just a moment.

8 THE COURT: Hold on. One moment.

9 MR. HYLIN: I don't have anything further, Your
10 Honor.

11 THE COURT: Redirect based on the
12 cross-examination, Mr. Young.

13 MR. YOUNG: Just a couple.

14 REDIRECT EXAMINATION

15 BY MR. YOUNG:

16 Q Ma'am, have you ever experienced anything like
17 this that happened on August 9th?

18 A No. It was the first time.

19 Q You testified that you saw the shooting, that
20 you believed there was three shots. Any doubt in your
21 mind that you saw shooting?

22 A Yes, there was shooting.

23 Q Okay. So no doubt in your mind?

24 A What do you mean by "doubt"?

ROUGH DRAFT TRANSCRIPT

1 Q Well, I mean, are you positive that you saw
2 somebody shooting?

3 A Yes.

4 Q Are you positive that it was the defendant who
5 was shooting?

6 A Yes.

7 THE COURT: No further questions, Mr. Young?

8 MR. YOUNG: No. Thank you.

9 THE COURT: Recross based on the redirect,
10 Mr. Hylin.

11 MR. HYLIN: Nothing, Your Honor.

12 THE COURT: Is Ms. Martin free to go and released
13 from her subpoena? Mr. Young?

14 MR. YOUNG: Yes. Thank you.

15 THE COURT: Mr. Hylin?

16 MR. HYLIN: I think so.

17 THE COURT: Ms. Martin, thank you for being here
18 today. You're released from your subpoena. You may
19 go.

20 The State may call its next witness.

21 MR. YOUNG: Steve Maes.

22 THE BAILIFF: Stand right here and face the clerk
23 and be sworn in, please.

24 THE CLERK: Just raise your right hand.

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1 (The oath was administered to the witness.)

2 THE CLERK: Just have a seat.

3 STEPHEN MAES,

4 having been called as a witness herein,
5 being first duly sworn, was examined
and testified as follows:

6 DIRECT EXAMINATION

7 BY MR. YOUNG:

8 Q Good morning, sir. Could you please spell and
9 state your first and last name for the record.

10 A I am Stephen Maes. S-t-e-p-h-e-n. Last name,
11 M-a-e-s.

12 Q Sir, I don't need your specific address, but do
13 you live in Reno?

14 A Yes. I live in Sun Valley.

15 Q Okay. Are you familiar with Patton Drive?

16 A I've been there.

17 Q Okay. Have you ever lived on Patton Drive?

18 A No, I have not.

19 Q What do you currently do for work, sir?

20 A I'm a union ironworker working at the tiger
21 plant.

22 Q Working at the tiger plant?

23 A Tesla.

24 Q Do you know an individual by the name of

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1 Jazmine Gilger, if I'm pronouncing that right?

2 A No, I do not.

3 Q Do you know a Jazmine?

4 A Joy was the lady that I was there to help.

5 Q Joy. Excuse me.

6 A Her mom.

7 Q Okay. When you say you were there to help, how
8 were you helping Joy?

9 A I had a truckload of Joy's furniture in my
10 truck and I was delivering it to that house.

11 Q And what house were you delivering it to?

12 A It was the middle one on the top. I don't
13 remember the building number.

14 Q That's okay. Did you do a written statement as
15 part of this case?

16 A I did.

17 Q And did you write the unit number that you were
18 delivering furniture to on that statement?

19 A I did. At that time I did know it.

20 Q If I showed you a copy of your written
21 statement might that refresh your recollection as to
22 the specific unit?

23 A Absolutely.

24 Q It's been, what, four or five months; correct?

ROUGH DRAFT TRANSCRIPT

1 A Five and a half.

2 MR. YOUNG: Your Honor, if I could approach.

3 THE COURT: You may.

4 BY MR. YOUNG:

5 Q I don't want you to read this out loud, sir,
6 but just take a look at it. Is that the written
7 statement you did?

8 A Yes, it is.

9 Q And kind of halfway down or a little bit above
10 that you wrote down the unit that you were moving
11 furniture to; correct?

12 A Yes.

13 Q Does that refresh your recollection after
14 looking at that?

15 A Yes, it does.

16 Q I'll get that back from you.
17 What unit was it?

18 A It was 2332.

19 Q On what street?

20 A On Patton Drive.

21 Q Okay. And you yourself had never lived in that
22 area?

23 A No.

24 Q Other than the person you were helping move in,

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1 did you know anybody in that area?

2 A Not at all.

3 Q Owl. And do you recall what date specifically
4 that you were helping to move?

5 A It was August 9th.

6 Q Okay. Of last year, 2014?

7 A 2014.

8 Q All right. Did something happen while you were
9 helping your friend move in that day which brings you
10 here to court?

11 A I observed a car pull into the parking lot
12 acting very suspicious. He pulled in, did a U-turn.
13 And as he drove by me, it just gave me the chills, the
14 creeps. I felt that there was something going on. And
15 directly that vehicle left, went up the street and into
16 the next place, "pop, pop, pop, pop," and then, "Oh, my
17 God, somebody got shot," and screaming and confusion
18 and so on and so forth.

19 Q Okay. I'm going to show you what's been
20 admitted as Exhibit 1, sir, so we can get some -- do
21 you recognize -- do you recognize that?

22 A Yes, I do.

23 Q Okay. That's Patton Drive. Is that the area
24 that you were?

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1 A I was exactly -- the 2366 was -- the parking
2 lot to the south of that is exactly where my truck was
3 parked.

4 Q Okay. Now, you can actually touch that screen,
5 sir.

6 A Okay. This is where my truck was. And I was
7 helping load into that apartment right there.

8 Q Okay. And so for the record, there's a unit
9 that I'm pointing to with a little balloon that says
10 "2366 Patton Drive"; correct?

11 A Yes.

12 Q You were parked in this parking lot and it was
13 the building just to the south of that that you were
14 helping move in?

15 A Yes.

16 Q And you stated that you saw a car pull into the
17 parking lot, U-turn and pull out. Was it that parking
18 lot you were talking about?

19 A Yes, exactly that parking lot. In fact, in the
20 photograph where there's two cars up here, that was
21 where he was trying to go. He came in -- can you erase
22 that for a moment?

23 Q Yes, I can.

24 A He came in, around, stopped at the doorway for

ROUGH DRAFT TRANSCRIPT

1 a second and out and up the street.

2 Q Okay. And, again, just -- you correct me if
3 I'm wrong. Just for purposes of the record, the
4 vehicle drove northbound here on Patton, pulled in,
5 U-turn, stopped near the front of this building, exited
6 the parking lot and then continued northbound on
7 Patton?

8 A Continued northbound.

9 Q Did I get that right?

10 A Yes.

11 Q Did you see anything or hear anything when the
12 vehicle stopped in the area where those two vehicles
13 are parked in this photo?

14 A I heard the driver inquiry, "Is so and so" --

15 MR. HYLIN: Objection.' Hearsay.

16 MR. YOUNG: Your Honor --

17 THE COURT: Maybe you can lay some more foundation,
18 Mr. Young, but at this point I would agree that it's
19 hearsay.

20 BY MR. YOUNG:

21 Q Do you know who the driver was?

22 A I am not certain who the driver was.

23 Q Did you have an opportunity to see the driver?

24 A Just briefly.

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1 Q Okay. And could you describe what the
2 driver -- what you noticed the driver to look like?

3 A I saw a black man with a heavy beard wearing a
4 red ball cap pulled down lower over his eyes. He was
5 scrunched in the car so I could just see from the top
6 of his shoulder up.

7 Q Do you recall -- I'm sorry.

8 A Go ahead.

9 Q Do you recall the type of vehicle that it was?

10 A It was a tannish brown Nissan, Honda, small
11 hoopedie ride.

12 THE COURT: A what ride, sir?

13 THE WITNESS: Hoopedie, cheap, ghetto car.

14 MR. YOUNG: Your Honor, based on context, I would
15 ask that it be admitted.

16 THE COURT: Mr. Hylin.

17 MR. HYLIN: I'm sorry. Say it again.

18 THE COURT: Mr. Young, you can rephrase what you
19 just said or state it again for Mr. Hylin.

20 MR. YOUNG: I would ask as far as my question about
21 what was said from that vehicle that it be allowed in
22 as a party opponent admission.

23 THE COURT: Mr. Hylin.

24 MR. HYLIN: A party opponent admission of what?

ROUGH DRAFT TRANSCRIPT

1 The ghetto car?

2 THE COURT: No. You objected -- the foundation
3 that was laid by Mr. Young was in response to my
4 sustaining your objection regarding hearsay. If it's
5 an admission of a party opponent, then it's not
6 hearsay. So Mr. Young's argument is that he's
7 clarified that issue by laying foundation regarding who
8 said it, the driver of this car.

9 MR. HYLIN: The driver of the car, but we haven't
10 established actually who the driver of the car is, we
11 haven't established what car -- what relevance that car
12 has to this case. There's no license number. There's
13 a vague description of a car that it may or may not
14 have relevance in this particular case. And all this
15 testimony that's been given by Mr. Maes is actually
16 very elusive and is probably more prejudicial than
17 probative since he doesn't know anything about this
18 incident except he was moving somebody in at that
19 apartment.

20 So, you know, his descriptors obviously are
21 telling. He says this was really spooky and, you know,
22 all this stuff is going on because the car comes in and
23 stops a minute in the parking lot and then drives on up
24 Patton. You know --

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1 THE COURT: Mr. Young.

2 MR. YOUNG: Based on, again, taking the testimony
3 of Mr. Maes in the context with other testimony Your
4 Honor has heard, what he's already testified to is this
5 car pulled in, it continued up Patton and immediately
6 shots were fired, which based on the description of the
7 individual and, again, in context with the balance, I
8 would submit is pretty clear what vehicle we're talking
9 about.

10 THE COURT: Well, I'm not as concerned with the
11 vehicle itself, but as to -- the Court's concern is who
12 actually said it. In order for -- or said what
13 Mr. Maes heard. In order for it to be admission or a
14 statement of a party opponent, we have to establish who
15 that party opponent is.

16 And as I have considered Mr. Maes's testimony, I'm
17 just not quite sure that we know who the person was who
18 said it. And, therefore, I'll sustain the objection.

19 Next question.

20 MR. HYLIN: Thank you, Your Honor.

21 BY MR. YOUNG:

22 Q How many people did you see in that vehicle?

23 A There was one driver only in that vehicle.

24 Q Okay. Nobody else?

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1 A Nobody else.

2 MR. YOUNG: Your Honor, does that--

3 THE COURT: How long was it from the time you saw
4 this vehicle until the time you heard the shots?

5 THE WITNESS: Twelve seconds.

6 THE COURT: I'll overrule the objection based on
7 that. The concern the Court obviously had was who was
8 in the car and if there was more than one person. It
9 will be up to the jury ultimately to decide, but the
10 Court will admit the statement at this point. The
11 jury's decision will be who said it and what was said.

12 Go ahead.

13 BY MR. YOUNG:

14 Q Getting back to my question, you heard somebody
15 from that vehicle, you don't know who, the driver, say
16 something?

17 A I heard the driver inquiry and spoke a name,
18 which I don't recall, "Is so and so here?" The answer
19 from the house was --

20 THE COURT: Whoa. Stop. Now I don't want you to
21 say anything further. That would be hearsay.

22 Next question.

23 BY MR. YOUNG:

24 Q After that inquiry is made, at that point the

ROUGH DRAFT TRANSCRIPT

1 vehicle takes off?

2 A Immediately exited there, took a right, went up
3 to the next apartment.

4 Q Okay. Did you see where specifically that
5 vehicle went to? When you say the "next apartment,"
6 what are you referring to?

7 A As you can see from the photograph, there's
8 trees obscuring that. There was no --

9 Q Fair enough.

10 MR. HYLIN: Your Honor, actually I'm going to move
11 to strike the entirety of his testimony. There has
12 been no connection with this case whatsoever concerning
13 the car, concerning the person in the car. There's not
14 an admission against interest here because he didn't--
15 there's nothing that he admitted to. Even given
16 Mr. Maes' statement of what he heard the person in the
17 car saying, he can't testify as to exactly where the
18 car went because his vision was blocked.

19 So he sees a car come in, stop for a minute, and
20 says, "Is so and so here?" He can't remember the name,
21 so we can't connect that to the case. We don't even
22 know if there was a person that he was talking to,
23 because that hasn't been testified to at a different
24 apartment building.

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1 This whole -- this whole testimony has no relevance
2 to this case.

3 THE COURT: I'll overrule the objection. As to the
4 previous testimony, I'm not quite sure if Mr. Maes will
5 be able to testify to anything beyond what he's
6 testified to right now, but I'll overrule it regarding
7 the prior testimony.

8 Next question, if you have one.

9 MR. YOUNG: I do.

10 BY MR. YOUNG:

11 Q Do you recall how many gunshots you heard?

12 A I think four.

13 Q Now, again, you kind of thought about it for a
14 little bit there. Correct? And this has been five and
15 a half months later. Do you recall in your police
16 report or your statement that you wrote listing how
17 many gunshots you heard?

18 A You know, I didn't even scan that. I didn't
19 even look at that.

20 Q If I show you that and it was different than
21 what you just testified to as to the number of
22 gunshots, might that help?

23 A Of course.

24 MR. YOUNG: If I could approach again?

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1 THE COURT: You may.

2 MR. HYLIN: Well, did he ever state that he didn't
3 remember? He said, I think, four.

4 THE COURT: So you're objecting that he doesn't
5 need to refresh his recollection?

6 Sustained.

7 BY MR. YOUNG:

8 Q In your report did you say --

9 THE COURT: Now, stop. The witness has not
10 testified that he needs to refresh his recollection
11 and, therefore, Mr. Hylin is correct, that there's no
12 reason to approach the witness with his statement. If
13 the witness made a prior inconsistent statement, then
14 he may be impeached based on his prior inconsistent
15 statement.

16 Next question.

17 MR. YOUNG: That's what I'm doing right now.

18 BY MR. YOUNG:

19 Q In your written statement did you say that
20 there was two to three gunshots?

21 MR. HYLIN: Objection. He's refreshing his
22 recollection without -- by the improper method by
23 asking questions.

24 THE COURT: Overruled, Mr. Hylin. He's not

ROUGH DRAFT TRANSCRIPT

1 refreshing his recollection. He's pointing out that he
2 said something differently in the past. It's a prior
3 inconsistent statement. Mr. Young may impeach his own
4 witness if he chooses to do so.

5 Go ahead.

6 BY MR. YOUNG:

7 Q In your statement did you say you heard two to
8 three shots?

9 A Yes.

10 Q And, again, there's been five months between
11 when you made the statement and your testimony today;
12 correct?

13 A Correct.

14 Q After the gunshots did you hear anything?

15 A I heard a lady screaming, "They shot" -- and
16 spoke a child's name, a girl's name. And at that point
17 I decided to tune out.

18 Q Did you see the vehicle that you testified to
19 pulling into the parking lot? Did you see that vehicle
20 again?

21 A I just heard it and watched it drive by heading
22 south at a moderately high rate of speed.

23 Q And when you say "south," south on Patton Drive
24 here?

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1 A South on Patton Drive.

2 Q I'm not sure if you testified to this. If so,
3 I apologize. You described, you said, a black male
4 with a beard scrunched down; correct?

5 A Yes.

6 Q Did you see anything that that individual
7 driver was wearing on his head?

8 A I saw a red ball cap.

9 Q Okay. When you say "ball cap," like a baseball
10 cap?

11 A Baseball cap.

12 Q Other than helping your friend move into this
13 unit on Patton Drive, did you have any association with
14 that area whatsoever?

15 A No.

16 MR. YOUNG: No further questions.

17 THE COURT: Cross-examination, Mr. Hylin.

18 MR. HYLIN: Just briefly, Your Honor.

19 CROSS-EXAMINATION

20 BY MR. HYLIN:

21 Q You didn't get the license number of the car?

22 A No, sir.

23 Q Okay. And you didn't -- you didn't really get
24 a fine description of it, although you thought it was a

ROUGH DRAFT TRANSCRIPT

1 small foreign model?

2 A Yes.

3 Q And just, you know, it was a tannish brown in
4 color?

5 A Yes.

6 Q A cheapo ghetto car. What do you mean by
7 "ghetto car"?

8 A I said "hoopdie."

9 Q Okay. You said "hoopdie," but you further
10 clarified that by saying it was a ghetto car. Can you
11 explain what you mean by ghetto car?

12 A Unloved.

13 Q Okay. I think that just muddied the waters.
14 Can you explain "unloved"?

15 A Not cared for, poor quality, poor condition.

16 Q Other than that, that's the only description
17 you have of it?

18 A Of that car?

19 Q Correct.

20 A It had cracked windows; it had a dirty tint
21 like a purplish tint on the back.

22 Q Wait a minute. Purplish tint on the trunk?

23 A On the back window.

24 Q Okay. Were all the windows up on the car when

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1 you saw it?

2 A All the windows were down.

3 Q Okay. But you couldn't recognize anybody in
4 the car, you just saw somebody driving it hunched down;
5 is that fair to say?

6 A Yes.

7 Q All right. You're sure he had a cap on,
8 though?

9 A Yes. I saw the ball cap; I saw the white
10 T-shirt.

11 Q All right. You said saw a ball cap on, but you
12 don't know -- you don't -- nothing special about that
13 cap?

14 A I would say it was either a Phillies or a Reds
15 baseball cap.

16 Q All right. But you don't know which?

17 A No, I couldn't say.

18 Q Was it red all over?

19 A Yes.

20 Q Everything about it was red?

21 A Except for a white something on the front.

22 MR. HYLIN: All right. I don't have any further
23 questions, Your Honor. Thank you.

24 THE COURT: Redirect based on the

ROUGH DRAFT TRANSCRIPT

1 cross-examination.

2 MR. YOUNG: None. Thank you.

3 THE COURT: Mr. Maes, thank you for being here.

4 Is Mr. Maes free to go, Mr. Young?

5 MR. HYLIN: Yes, Your Honor.

6 THE COURT: And Mr. Hylin? Mr. Hylin is Mr. Maes
7 free to go?

8 MR. HYLIN: Yes, Your Honor. I'm sorry.

9 THE COURT: Mr. Maes, you're excused from your
10 subpoena.

11 Mr. Young, call your next witness.

12 MR. YOUNG: Let me see who's out there. Officer
13 Kleidosty.

14 THE CLERK: Raise your right hand.

15 (The oath was administered to the witness.)

16 THE CLERK: Have a seat.

17 THE COURT: Ladies and gentlemen of the jury, we've
18 got about 30 minutes before lunchtime, just so you
19 know.

20 BRIAN KLEIDOSTY,
21 having been called as a witness herein,
22 being first duly sworn, was examined
and testified as follows:

23 /////

24 /////

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DIRECT EXAMINATION

BY MR. YOUNG:

Q Good morning, sir. Would you state your first and last name and spell both for the reporter, please.

A Brian Kleidosty. B-r-i-a-n, K-l-e-i-d-o-s-t-y.

Q Sir, with whom are you currently employed?

A The City of Reno.

Q In what capacity?

A I work for the police station as a police officer.

Q How long have you been employed with the Reno Police Department?

A Since October of 2008.

Q And have you been assigned to a specific division throughout that employment?

A Yes, sir, patrol.

Q Okay. On August 9th of 2014 did you become involved in an investigation that brings you here to court?

A I did.

Q Okay. Can you tell the jury what time you became involved?

A It was, I believe, shortly after coming on shift, around 2200 hours, a little after that maybe.

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1 Q Okay. 2200 hours military time, 10 p.m.?

2 A Correct.

3 Q And how did you become involved?

4 A I was asked to provide surveillance on a
5 vehicle that was earlier involved in a shooting.

6 Q And were you directed to a specific location of
7 this vehicle?

8 A Yes, sir.

9 Q Okay. Do you recall the area that you went to?

10 A Yes, sir. It was in Sun Valley in the area of
11 Fifth Avenue and Tornado.

12 Q Okay. I'm going to show you what's been marked
13 as 3 and 4.

14 MR. YOUNG: If I could approach, Your Honor.

15 THE COURT: You may.

16 BY MR. YOUNG:

17 Q Take a look at both of those. Do you recognize
18 those, sir?

19 A I do.

20 Q And what do you recognize those to be?

21 A Number 3 depicts where the original incident
22 occurred on Patton. It's a larger scale map. And it
23 also shows the area of Sun Valley of Fifth and tornado.

24 Q Okay.

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1 A And number 4 depicts a closer-up image of where
2 Fifth and Tornado meet and the dirt access off of that
3 intersection.

4 MR. YOUNG: I move for 3 and 4, Your Honor.

5 THE COURT: Any objection, Mr. Hylin?

6 MR. HYLIN: The one on Patton Drive?

7 THE COURT: No. This is Exhibits 3 and 4 which are
8 in Sun Valley.

9 MR. HYLIN: No, I have no objection.

10 THE COURT: Exhibit 3 and 4 are admitted.

11 (Exhibits 3 and 4 were admitted.)

12 BY MR. YOUNG:

13 Q Now, you said where the incident occurred on
14 Patton. Did you learn that, where the incident
15 occurred?

16 A Yes, sir.

17 Q Okay. Did you have any role, if you will, in
18 the investigation at Patton? Did you go to Patton
19 yourself?

20 A I did not.

21 Q You were working what shift?

22 A Graveyard.

23 Q Okay. So this is Exhibit 3 that we're looking
24 at. In kind of the lower left there's a little bubble

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1 or arrow area. Does that point out Patton Drive?

2 A Yes.

3 Q And at the top right of that exhibit, there's
4 another bubble arrow that points out Tornado and Fifth.
5 Is that about the area where the vehicle you conducted
6 surveillance on was?

7 A Roughly, yes.

8 Q Now I'll show you Exhibit 4. And 4 is a
9 closeup of that area that was bubbled of Tornado and
10 Fifth?

11 A Yes, sir.

12 Q Okay. Can you point out to the jury -- we're
13 looking at Exhibit 4 and it shows Trapper and Sun Mesa
14 are identified; correct?

15 A Yes, sir.

16 Q Exhibit 4 I can zoom in. Does this also
17 identify Fifth and Tornado as well?

18 A Yes.

19 Q Just so we're all perfectly clear, Fifth and
20 Tornado, that intersection you were referring to, is
21 where?

22 A They meet right here.

23 Q Okay. I'm going to zoom in to that area, sir.
24 Where was the vehicle when you were dispatched to the

ROUGH DRAFT TRANSCRIPT

1 area and conducting your surveillance? Was where the
2 vehicle actually positioned?

3 A It was back here behind this fence. I would
4 actually move that if I could, if you don't mind
5 clearing that. I give it right where the red dot ended
6 up showing up.

7 Q Okay. So as we zoomed in, this is that kind of
8 intersection of Fifth and Tornado?

9 A Yes, sir.

10 Q What is this? This path from that intersection
11 of Fifth and Tornado back here, what is that comprised
12 of?

13 A Just a dirt access. It seemed to be heavily
14 traveled. Although not depicted, it shows or has a
15 little bit of a grade.

16 Q Okay. A grade upward or downwards?

17 A If you're traveling east, it would be up.

18 Q So coming off of Fifth and Tornado back in this
19 area you have to head uphill?

20 A Yes, sir, slightly.

21 Q Okay. This line that kind of abuts back here
22 and all the way down, what is that?

23 A A continuance of the access road.

24 Q Is there any fencing back there?

ROUGH DRAFT TRANSCRIPT

1 A There's wood fencing all along the backyards of
2 those residences. If you came around to the other side
3 of where this access would exit onto another street,
4 it's blocked by giant rocks and a metal grate.

5 Q Does this depict what you were just testifying
6 to?

7 A Yes, although I don't believe you can see where
8 the rocks or the metal gate would be.

9 Q Okay. But just could you point to the area
10 you're referring to.

11 A Um-hum.

12 Q Okay. Where that access road kind of comes
13 back towards Tornado?

14 A Right.

15 Q Going back to -- I apologize for keeping moving
16 in and out.

17 This area that you pointed out that the vehicle was
18 located, to the east of that, what is all that land?

19 A Just hills and two track and it looks like a
20 heavy-used recreation area for motorcycles, ATVs.

21 Q The vehicle as it was parked that you observed,
22 was there anybody in that vehicle when you first
23 observed the vehicle?

24 A No, sir.

ROUGH DRAFT TRANSCRIPT

1 Q Based on the positioning of the vehicle, if you
2 were out on Fifth and Tornado, would you be able to see
3 that vehicle?

4 A No, you would not.

5 Q Do you recall what type of vehicle it was?

6 A Yes, sir.

7 Q What was that?

8 A It was a 2001 gold Hyundai Accent.

9 Q Okay.

10 A Bearing Nevada 432 Lincoln Tom yellow, I
11 believe.

12 Q And that's the license plate number?

13 A Correct.

14 Q And when you say "432 Lincoln Tom yellow," that
15 stands for what?

16 A YT -- LTY.

17 Q Okay. Is it easier for you to actually say the
18 call signs?

19 A Yes.

20 Q 432LTY; fair?

21 A Yes, sir.

22 Q Okay. You said that nobody was in that
23 vehicle?

24 A Correct.

ROUGH DRAFT TRANSCRIPT

1 Q Did you conduct then surveillance of that
2 vehicle?

3 A Yes, sir.

4 Q For what purpose?

5 A To see if anyone came back to the area, if
6 anyone had any interest in that vehicle and to ensure
7 that no one in fact did come back to that vehicle.

8 Q And where were you during the conducting of
9 that surveillance?

10 A Myself and Officer Barber parked about --
11 Would you mind clearing that, please. .

12 Q Sure.

13 A -- along this fence line where the dot
14 appeared. At this point the hill actually does create
15 quite a significant incline. And where we were
16 positioned, our vehicle could not be seen from standing
17 near that vehicle, the vehicle we were watching, but we
18 could see all the way down the dirt access and all the
19 way along the fence line whether someone would come and
20 approach it.

21 Q And at any time during your surveillance did
22 anybody approach that vehicle?

23 A No, sir.

24 Q The vehicle that you were in, was that a marked

ROUGH DRAFT TRANSCRIPT

1 unit or unmarked unit?

2 A It was a marked unit.

3 Q Marked?

4 A I'm sorry. Unmarked.

5 Q An undercover vehicle effectively?

6 A Yes, sir.

7 Q Did you notice anything about the windows,
8 whether they were up or down?

9 A All of them were either down or slightly down.

10 Q Okay. And when I say "the vehicle," I'm
11 referring to the vehicle you were conducting
12 surveillance of.

13 A Yes, sir.

14 Q Was there a time that based on inactivity
15 towards that vehicle that the decision was made to tow
16 that vehicle?

17 A Yes, sir.

18 Q And were you still there conducting
19 surveillance at that time?

20 A Yes.

21 Q What time was that?

22 A A little after 4 a.m.

23 Q Okay. And were there any steps that you took
24 in preparation of tow?

ROUGH DRAFT TRANSCRIPT

1 A Yes, sir.

2 Q What was that?

3 A We placed evidence stickers on the door seals
4 and trunk seal -- or trunk.

5 Q Why did you do that?

6 A That will indicate whether a door or trunk has
7 been opened after the sticker had been placed.

8 Q And is that for kind of the integrity of the
9 investigation?

10 A Correct.

11 Q And is there information that's listed on those
12 stickers identifying who placed those stickers and the
13 like?

14 A Yes, sir.

15 Q I'm going to show you Exhibit 17.

16 MR. YOUNG: If I could approach, Your Honor.

17 THE COURT: You may.

18 BY MR. YOUNG:

19 Q Take a look at that and let me know if you
20 recognize that, please.

21 A I do.

22 Q What is that?

23 A This is a sticker I placed with my writing
24 indicating the date, the case number, my name, and

ROUGH DRAFT TRANSCRIPT

1 badge number.

2 Q And that is related to the vehicle that you
3 were conducting surveillance of?

4 A Correct.

5 Q Is that a true and accurate depiction of one of
6 those stickers that you placed?

7 A Yes.

8 MR. YOUNG: I move for 17, Your Honor.

9 THE COURT: Any objection, Mr. Hylin?

10 MR. HYLIN: Yes, I do object. There's been no
11 proper foundation laid for the vehicle for any
12 relevance to this particular case.

13 MR. YOUNG: You know what, I'll withdraw my
14 admission and I'll wait.

15 THE COURT: Okay. So 17 has not been admitted yet.
16 Mr. Young has withdrawn his offering of Exhibit 17.

17 BY MR. YOUNG:

18 Q Did you make any efforts through your computer
19 system or otherwise to identify the registered owner of
20 that vehicle?

21 A That was done prior.

22 Q Okay.

23 A By another officer, I believe.

24 Q Okay. Where was the vehicle towed to?

ROUGH DRAFT TRANSCRIPT

1 A The main station, police station.

2 Q Do you know the address of that main station?

3 A 455 East Second Street.

4 Q Here in downtown Reno?

5 A Yes, sir.

6 Q And was there anything that -- did you follow
7 the vehicle again during transit and once it arrived at
8 the police station?

9 A Yes, sir.

10 Q Were there any steps you took once at the
11 police station to kind of -- were there any steps you
12 took related to the car at the police station?

13 A Yes, sir. I collected black trash bags to seal
14 the windows that were either cracked or down to prevent
15 either weather or persons from being able to get into
16 the vehicle.

17 Q Okay. I show you what's been marked as 13 and
18 14. I'm not going to move to admit these yet. Take a
19 look at that. Do you recognize what's depicted in
20 those photos?

21 A Yes, sir.

22 Q How do you recognize that?

23 A It's the vehicle that I've been speaking of,
24 and it shows the evidence stickers along with the black

ROUGH DRAFT TRANSCRIPT

1 plastic bag with evidence tape to seal the windows.

2 Q And you're specifically the one who filled out
3 those evidence stickers and placed those?

4 A Correct.

5 Q And specifically you're the one who placed the
6 bags over the windows?

7 A Yes.

8 Q And you taped the evidence stickers on all
9 access points of the vehicle?

10 A Yes, sir, probably minus the hood.

11 Q I'm sorry.

12 A All the doors and trunk, minus the hood.

13 Q Did you yourself at any time enter the vehicle
14 that you were conducting surveillance on?

15 A I did not.

16 Q Or conduct any searches of that vehicle?

17 A I did not.

18 Q Or disturb any items in that vehicle?

19 A No, sir.

20 MR. YOUNG: No further questions.

21 THE COURT: Cross-examination, Mr. Hylin.

22 MR. HYLIN: No questions, Your Honor.

23 THE COURT: Thank you for being here today,
24 Officer. Is the officer free to go?

ROUGH DRAFT TRANSCRIPT

1 MR. YOUNG: He is, Your Honor.

2 MR. HYLIN: Yes, Your Honor, as far as I'm
3 concerned.

4 THE COURT: Officer Kleidosty, you're free to
5 leave. Thank you for being here. You're excused from
6 your subpoena.

7 Mr. Young, your next witness, please.

8 MR. YOUNG: Detective Blas.

9 THE COURT: Ladies and gentlemen of the jury,
10 again, I apologize that we haven't quite got the clock
11 working properly here in Department 10. It's a quarter
12 to 12:00, and so we've got about 15 minutes and then
13 we'll take our lunch recess.

14 THE BAILIFF: Stand up here.

15 (The oath was administered to the witness.)

16 THE CLERK: Have a seat.

17 PATRICK BLAS,
18 having been called as a witness herein,
19 being first duly sworn, was examined
and testified as follows:

20 DIRECT EXAMINATION

21 BY MR. YOUNG:

22 Q Good morning, sir.

23 A Good morning.

24 Q Could you please state and spell for the record

ROUGH DRAFT TRANSCRIPT

1 your first and last name.

2 A First name is Patrick; last name is Blas,
3 B-l-a-s.

4 Q Sir, with whom are you currently employed?

5 A I'm currently employed by the City of Reno
6 Police Department.

7 Q And in what capacity are you currently
8 employed?

9 A I'm currently assigned as a homicide detective
10 to the Robbery/Homicide Unit.

11 Q How long have you been a homicide detective?

12 A Approximately two years.

13 Q And how many total years of law enforcement
14 experience do you have?

15 A Sixteen total, 11 with Reno.

16 Q Sixteen total?

17 A Yes.

18 Q Sir, I'm going to direct your attention to
19 August 10th of 2014. Were you contacted by a sergeant
20 in the Robbery/Homicide Unit for assistance related to
21 a case which brings you here to court?

22 A Yes, I was.

23 Q Is that how it typically works in your unit,
24 that you're on an on-call basis?

ROUGH DRAFT TRANSCRIPT

1 A Yes, that weekend I was on call. Typically
2 there are three homicide detectives. We run teams, and
3 so we're on call over the weekend in the event that
4 there's way call out for a particular case or if
5 there's something that requires our investigation.

6 Q Okay. In a case in general, but specific to
7 this matter, did you respond to the police station and
8 obtain a briefing of a general overview of what the
9 investigation entailed?

10 A Yes, I did.

11 Q And in this case was there a suspect who was
12 identified to you through that the briefing?

13 A Yes, there was.

14 Q Who was that?

15 MR. HYLIN: I'm going to object. That's all
16 through hearsay and whatnot. I don't think this
17 detective had anything to do with any identification of
18 the defendant or the scene.

19 THE COURT: Mr. Young.

20 MR. YOUNG: Your Honor, at this point it's
21 foundational, not being offered for the truth.

22 THE COURT: Ladies and gentlemen, you will not
23 consider the statement that Detective Blas will make as
24 truthful. It's not being offered for the truth of the

ROUGH DRAFT TRANSCRIPT

1 matter asserted, only for the effect upon the listener;
2 that is, what it caused Detective Blas to do.

3 I'll overrule the objection on that ground. Go
4 ahead.

5 BY MR. YOUNG:

6 Q Who was the suspect identified?

7 A Quinzale Mason.

8 Q Now, did you also learn of some information
9 through that briefing of an individual who was flying
10 into Reno that morning?

11 A Yes, I did.

12 Q And in that regard, is that why you were
13 contacted for assistance in this case?

14 A Yes, I was.

15 Q Why were you contacted as a member of the
16 homicide unit?

17 A Due to the nature of the case, the severity of
18 the case, and the need for non-uniformed personnel to
19 assist in the investigation, we were requested to come
20 out and to assist the officers with conducting
21 surveillance at the airport for a particular subject
22 that was supposedly arriving in town in reference to
23 the investigation.

24 Q Okay. And, again, based on that briefing, who

ROUGH DRAFT TRANSCRIPT

1 was the identity of the subject arriving in town?

2 A I believe Valerie Stewart.

3 Q Did you and other members of your unit respond
4 to the Reno Tahoe International Airport for such
5 surveillance?

6 A Yes, we did.

7 Q And how was the surveillance set up once
8 arrival at the airport?

9 A We obviously had contacted airport police who
10 was assisting us in setting up the logistics of setting
11 up a surveillance of the gate at which the flight was
12 supposed to arrive. We placed one detective at the
13 gate in the area of the gate to receive the passengers
14 as they were coming in and identify Mrs. Stewart at
15 which time he would then relate to us that she had
16 arrived.

17 She was getting her bags. And then we were set up
18 in the parking lot, and I believe -- I forget -- on
19 Terminal Way there as you're coming out so that we
20 would be able to follow whatever vehicle she had gotten
21 into.

22 Q And is it your understanding that Ms. Stewart
23 was identified exiting a plane?

24 A Yes, she was.

ROUGH DRAFT TRANSCRIPT

1 Q Okay. And through both officers and the
2 surveillance team at the airport was her track, if you
3 will, to a vehicle followed?

4 A Yes, she was.

5 Q And did she enter a vehicle and drive away from
6 the airport?

7 A Yes, she did. She entered a gold -- I believe
8 it was a gold sedan, four-door sedan.

9 Q Now, what time was it that this occurred?

10 A I can't be absolutely certain on the time. If
11 I can refer back to my report, I can give you --

12 Q Did you put the time in your report?

13 A I believe I did.

14 MR. YOUNG: If I could approach, Your Honor.

15 THE COURT: You may.

16 BY MR. YOUNG:

17 Q Let me know if that is a copy of your report.
18 And if so, just review it for the time that the
19 surveillance of Ms. Stewart was initiated.

20 A Yes, this is a copy of my supplemental report.

21 Q Does that refresh your recollection?

22 A Yes, it does.

23 Q Give it back to me.

24 What time did that surveillance begin?

ROUGH DRAFT TRANSCRIPT

1 A 9:40, approximately 9:40 a.m. in the morning.

2 Q And who was -- do you know who was in the
3 vehicle that Ms. Stewart got into? I don't mean by
4 name, but descriptions, if you will.

5 A There were three -- it was occupied by three
6 females.

7 Q And then Ms. Stewart?

8 A And then Ms. Stewart.

9 Q Now, did you partake in any sort of
10 surveillance at the time that this vehicle left the
11 airport?

12 A Yes. We continued to surveil the vehicle, to
13 follow it. And we followed it all the way from the
14 airport up to I believe it was 619 Lone Circle, I
15 believe was the address, in Sun Valley.

16 Q Let me show you -- this is Exhibit 4. It has
17 been admitted.

18 A Yes. Loan Cedar Lane.

19 Q There's a star with kind of a highlighted 619
20 Lone Cedar Lane. Is that the address the vehicle went
21 to?

22 A Yes.

23 Q And were you yourself part of that
24 surveillance?

ROUGH DRAFT TRANSCRIPT

1 A Yes, I was. We had set up surveillance of the
2 residence. I specifically was placed -- it would be
3 the cul de sac across the street. And if you're
4 looking at the picture to the left of the star, so
5 right where it says "Lone Cedar" on the map, directly
6 below the "C" there, that cul de sac there is where I
7 situated myself to have an eyes on, to have a direct
8 eyeball of the front of the residence and the vehicle.

9 Q And just so everybody is clear -- you can
10 actually touch that screen -- could you point out
11 approximately where your vehicle was positioned?

12 A Right here.

13 Q And you were from that position able to see the
14 residence?

15 A Yes, I was.

16 Q Okay. Now, you said surveillance was set up.
17 Was it set up prior to the vehicle arriving at that
18 residence?

19 A No. Once the vehicle arrived on scene and the
20 occupants had exited and gone into the house, several
21 other members had set up in certain locations so that
22 we would be able to follow it if it left the residence
23 or if we decided to follow anyone in particular from
24 the residence. And so my -- I myself was in the cul de

ROUGH DRAFT TRANSCRIPT

1 sac, as I mentioned. We had another officer parked
2 here at Sixth and up here by Sixth Street, and then as
3 well as another one down at the end here a little
4 further than that, I believe, at the end of Lone Cedar,
5 so right by the stop sign. So if the vehicle left in
6 either direction, we would have been able to pick it up
7 and continue to follow it.

8 Q Let me ask this question: Prior to this
9 vehicle that you were following to Lone Cedar, did you
10 know anything about that residence prior to the vehicle
11 actually pulling into that residence?

12 A No, I did not.

13 Q Okay. Now, you said it was a gold sedan;
14 correct?

15 A Yes.

16 Q Do you know the license plate, because there
17 was -- do you know the license plate of that --

18 A I believe it was a personalized license plate,
19 Marsiya.

20 Q If your report spells it M-a-r-s-i-y-a, would
21 that be accurate?

22 A Yes.

23 THE COURT: Mr. Young, before you go any further,
24 do you have very much -- very many more questions for

ROUGH DRAFT TRANSCRIPT

1 Detective Blas?

2 MR. YOUNG: I don't know.

3 THE COURT: Now might be a good time to take the
4 recess.

5 Ladies and gentlemen of the jury, we will take our
6 recess now. We will be in recess until approximately
7 1:15. But what I would request that you do is just
8 remain in the jury room momentarily until Deputy Gray
9 releases you for the lunch hour. But as I told you
10 yesterday, today when we've got this longer lunch hour,
11 you are free to leave the building, but don't leave the
12 building until Deputy Gray comes in and makes sure that
13 everything is set up for you to leave, that you've got
14 your badges in place. So just hang tight for a couple
15 of minutes and then we'll get you out of here.

16 I do need to admonish you prior to the lunch
17 recess, though. You are instructed not to discuss this
18 case among yourselves or with anyone else or to form
19 any conclusions concerning the case until it is
20 submitted to you. You're not to read, look at or
21 listen to any news media accounts relating to this case
22 should there be any. You're not to form any opinion
23 about the case until it is finally submitted to you.

24 Do not experiment or investigate. Do not visit the

ROUGH DRAFT TRANSCRIPT

1 scene. Do not refer to any outside sources for
2 instructions on the law. Rely only on the court for
3 legal instructions.

4 And please be back here in the jury room at 1:15.
5 All rise for the jury.

6 (Outside the presence of the jury:)

7 THE COURT: The record will reflect that the jury
8 has left the courtroom. The reason that I instructed
9 the jury to remain the jury room is that the nurse from
10 Washoe County Sheriff's Office is present. And so we
11 will need to transport the defendant with the Washoe
12 County Sheriff's officers. And so I wanted the jury to
13 remain in the jury room and we can get the defendant
14 into the holding cell without the jurors seeing that he
15 is in custody.

16 So with that, court will be in recess until 1:15.

17 And, Mr. Mason, if there are any additional issues
18 regarding your health that need to be addressed, just
19 let Mr. Hylin know and we'll be sure and take care of
20 them.

21 MR. HYLIN: Thank you, Your Honor.

22 (The lunch recess was taken.)

23 --oOo--

24
ROUGH DRAFT TRANSCRIPT

1 RENO, NEVADA; TUESDAY, FEBRUARY 10, 2015; 1:23 P.M.

2 --oOo--

3 (Within the presence of the jury:)

4 THE COURT: Will counsel stipulate to the presence
5 of the jury? Mr. Young?

6 MR. YOUNG: The State will.

7 THE COURT: Mr. Hylin.

8 MR. HYLIN: Yes, Your Honor.

9 THE COURT: Detective Blas, you are still under
10 oath.

11 Mr. Young, I believe you were doing direct
12 examination with Detective Blas when we broke for
13 lunch.

14 MR. YOUNG: Thank you, Your Honor.

15 BY MR. YOUNG:

16 Q Detective, good afternoon.

17 A Good afternoon.

18 Q To kind of get us back on track, you correct me
19 if I'm wrong, but I believe where we effectively left
20 off was as we're looking at Exhibit 4, you had just
21 finished testifying to following the vehicle to the
22 Lone Cedar address, setting up surveillance, and it was
23 four females, one of which was Valerie Stewart, that
24 entered the residence at 619 Lone Cedar. Did I

ROUGH DRAFT TRANSCRIPT

1 summarize that accurately?

2 A Yes.

3 Q And I believe that's effectively where we left
4 off.

5 A Yes.

6 Q What happened at that point?

7 A Well, as I mentioned previously, we had set up
8 the surveillance. And I myself took up a position in
9 the cul de sac sort of across the street. And that
10 would be to the south, kind of the southwest, of the
11 residence. I kept an eye on the front door and
12 watching the car to see if anyone occupied it or if it
13 went mobile. In the event, we would be able to
14 identify any of the subjects. And then if we needed
15 to, we would be able to follow the car and eventually
16 take any type of action that we needed to as far as the
17 investigation.

18 Q What happened?

19 A About -- we got there and approximately right
20 around an hour into the whole surveillance of watching
21 the house, three females and a male subject exited the
22 residence and got into the vehicle. I called out to
23 the other detectives and the other officers that were
24 in the area that we had movement and that I had four

ROUGH DRAFT TRANSCRIPT

1 subjects coming out, three of which were females now
2 and one was a male. I watched them as they exited. I
3 noted that the male subject matched the physical
4 description of Mr. Mason and so I let everyone know
5 that I believed he was getting in the vehicle and that
6 we needed to follow it as it left the residence.

7 Q Okay. Did members of the police department
8 follow that vehicle?

9 A Yes, they did.

10 Q Okay. And what happened?

11 A We continued to follow it. It made its way out
12 to Sun Valley Boulevard and then started heading south
13 as if it was heading back into Reno or towards downtown
14 Reno, just for a perspective. As we followed it, we
15 called a marked patrol unit so that it was marked and
16 it would be easily identifiable as a police vehicle to
17 join in with us. And once the marked patrol vehicles
18 were able to join in basically the surveillance and
19 following the vehicle, we would have that marked unit
20 with a uniformed officer conduct a stop of the vehicle.

21 And I believe it followed them down to the area,
22 finally got the marked police vehicle in with us. And
23 it was in the area of McCarran Boulevard and kind of
24 the overpass of 395, right there, that it was able to

ROUGH DRAFT TRANSCRIPT

1 activate its emergency lights and effectuate the stop.

2 Q So the stop actually occurred on McCarran
3 Boulevard?

4 A Yes, it did.

5 Q Heading eastbound or westbound?

6 A Eastbound towards Sparks.

7 Q And were you again on scene during that traffic
8 stop?

9 A Yes, I was.

10 Q Were you able then to identify the four
11 subjects that exited that vehicle?

12 A Yes, I was.

13 Q And were you able to identify the male subject
14 that exited that vehicle?

15 A Yes, I was.

16 Q And who was the male subject?

17 A It was Quinzale Mason.

18 Q Do you see Mr. Mason in the courtroom today?

19 A Yes, I do.

20 Q Could you point him out and tell the jury what
21 he's wearing, please.

22 A Mr. Mason is wearing a white buttoned-up
23 collared shirt with a blue tie, looks like gray slacks,
24 and sitting in a wheelchair.

ROUGH DRAFT TRANSCRIPT

1 MR. YOUNG: Your Honor, if the record could reflect
2 identification.

3 THE COURT: It will so reflect.

4 MR. YOUNG: Thank you.

5 BY MR. YOUNG:

6 Q Now, you just mentioned sitting in the
7 wheelchair. I don't mean this to be disrespectful, but
8 on the day that this traffic stop was done was
9 Mr. Mason in a wheelchair on that date?

10 A No.

11 Q Okay. Could you explain how the stop was
12 conducted, how the traffic stop was conducted.

13 A Based on the severity of the case, the violence
14 and the information that we had not recovered a weapon,
15 the stop that was -- that we conducted was what we
16 would call a felony stop wherein instead of approaching
17 the vehicle, because we don't know what the dangers or
18 what the intent is of any of the occupants, we have to
19 assume for officer safety purposes that they -- that
20 the person may still be armed with the weapon.

21 We conducted a felony stop which basically is we
22 would announce out to the occupants of the vehicle upon
23 the stop, announcing who we were, calling out that we
24 were -- identifying ourselves as the Reno Police

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1 Department and then ordering each occupant of the
2 vehicle to exit one at a time, walk back towards us in
3 a safe manner so that we could secure them and detain
4 them and obviously make sure that they don't have any
5 weapons and then detain them right there. And once
6 everyone was out of the vehicle, we would make our
7 approach up to the vehicle, make sure that there's no
8 one else in it and make sure that it's safe, at which
9 time we then contain the scene.

10 Q And was that series of events done in this
11 case?

12 A Yes, it was.

13 Q Now, on such a stop are the occupants either
14 always or typically or otherwise placed into a patrol
15 vehicle?

16 A Yes, they are.

17 Q Okay. And was that done in this case?

18 A Yes, it was.

19 Q Do you know which patrol vehicle Mr. Mason was
20 placed into?

21 A I'm not sure exactly whose patrol vehicle,
22 which officer's patrol vehicle it was; however, it was
23 one of the marked Reno Police Department patrol
24 vehicles that had initiated the stop.

ROUGH DRAFT TRANSCRIPT

1 Q All right. And at that juncture did you have
2 any further dealings with Mr. Mason?

3 A Yes, I did.

4 Q Okay. What was that?

5 A I explained to him who I was, talked to him for
6 a little bit as far as how he -- who he was,
7 identifying him, himself. He mentioned to me that he
8 had a medical condition. I wanted to make sure that we
9 took care of that first. He had asked me about -- he
10 had some water and some food. So I approached back to
11 the car, went and made sure I got the water and some
12 food to give it to him so that he could start eating.
13 He said his blood sugar was low.

14 We immediately requested for REMSA to respond to
15 our location so that they could render some medical
16 assistance in the event he needed it. So he was
17 basically treated on scene. And at that time it was
18 determined that if he was going to be arrested and
19 booked at the jail, he would need to go to the hospital
20 first for medical clearance through a doctor and then
21 be cleared to be booked up at the jail.

22 Q And are you aware of whether Mr. Mason in fact
23 was transported to the hospital for that clearance?

24 A Yes, he was.

ROUGH DRAFT TRANSCRIPT

1 Q Okay. Now, was there another area -- as far as
2 your involvement at that juncture, anything else you
3 did at the scene of the traffic stop?

4 A My partner, Detective Allen, and I, we had been
5 in -- we had -- he had been talking to I believe it's
6 Mr. Mason's cousin or girlfriend and was able to
7 obtain -- we were made aware that the vehicle used
8 during the incident was back at the RPD main station.
9 It had been located prior, the evening prior, and it
10 had been sealed up and taken to the Reno Police
11 Department station and parked pending our ability to
12 search it for any evidence of the crime or of this
13 case.

14 Detective Allen, my partner, and I were tasked with
15 conducting that search. And Detective Allen, he
16 obtained written consent from Eboni who I believe was
17 the registered owner of the vehicle, authorizing and
18 giving us written consent to go in and search her
19 vehicle for any of the evidence.

20 Q All right. Was there a form -- when you said
21 you obtained consent for a search of the vehicle, is
22 there actually a form that your office has that you
23 used in this case to obtain that consent?

24 A Yes, it's the RPD admonition and waiver of

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1 rights and consent to search.

2 Q Okay. And was that sought and executed in this
3 case by Eboni?

4 A Yes.

5 Q Now, did you respond over to the Reno police
6 station and conduct the search as you were just
7 describing?

8 A Yes, we did at about -- I believe it was around
9 11:30. So just after the stop, once everything that we
10 had set up and everything had been determined, what we
11 were going to do and assignments were given out, I
12 responded back to the station along with my partner and
13 about 11:30 we conducted the search of the vehicle that
14 had been located and that was believed to have been
15 used during the incident.

16 Q When you say 11:30, in the afternoon?

17 A Yes.

18 Q Well, late morning?

19 A Excuse me. 11:30 a.m., in the morning.

20 Q Now, when you got there, how did you know that
21 the vehicle had been undisturbed from the time it was
22 towed to the Reno police station and your search of
23 that vehicle?

24 A Because it was sealed.

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1 Q Okay. I'm going to approach--

2 MR. YOUNG: If I may, Your Honor.

3 THE COURT: You may.

4 BY MR. YOUNG:

5 Q I'm going to show you Exhibits 13 through 21
6 sir. If you would flip through those and let me know
7 if you recognize those.

8 A Yes, I do. These are the photographs that I
9 took prior to and during my search of the vehicle.

10 Q Okay. And you're the one that took those
11 photographs?

12 A Yes, I am.

13 Q Are those accurate representations of the
14 photographs you took?

15 A Yes, they are.

16 MR. YOUNG: Your Honor, I would move for 13 through
17 21.

18 THE COURT: Mr. Hylin.

19 MR. HYLIN: I'm still going to object to -- that
20 car is still out in limbo, Your Honor. There's really
21 never been any -- well, they say consent to search.
22 Who consented to the search? Was it a passerby?

23 THE COURT: I believe Detective Blas -- Mr. Hylin,
24 I believe Dr. Blas just testified that the consent to

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1 search was from the registered owner of the vehicle.

2 MR. HYLIN: Who?

3 THE COURT: Eboni -- what was her name?

4 THE WITNESS: Whitlock. I would have to refer to
5 my report for the last name to be sure.

6 THE COURT: I believe -- it's certainly up to the
7 jury to decide what the testimony of the witness was,
8 but I believe that the previous testimony was from
9 Detective Blas that he had gotten a written consent to
10 search from the owner and he used the name Eboni.

11 Was that correct, Detective?

12 THE WITNESS: Yes, it is. And if the I may refer
13 to my report, I can tell you the exact last name of the
14 subject.

15 THE COURT: And regarding the -- so assuming that
16 the consent to search is valid, is there some other
17 evidentiary objection?

18 MR. HYLIN: Well, I think that's -- well, there's
19 still -- this car is still left in the same state it
20 was when I objected to the admission of other testimony
21 and the car itself. There's not been establishment of
22 that car and those photos with the scene. So far what
23 we have is a car that was found out by a fence in Sun
24 Valley. That's really all it is. That was towed to

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1 the police station. There's been no nexus with this
2 car to that scene other than people describing a gold
3 car. Well, how many million gold cars are there in the
4 world?

5 THE COURT: Can I see the pictures please,
6 Mr. Young.

7 MR. YOUNG: Yes, Your Honor. And if I may, while
8 I'm showing you this as well, I would also move for
9 admission at this time -- I would like to show you this
10 as well, Your Honor, Exhibit 24, which is a certified
11 copy from DMV of vehicle registration. I would move
12 for the admission of 24.

13 THE COURT: Regarding Exhibit 24, do you have any
14 objection to the certified copy of the registered --

15 MR. HYLIN: No, I've seen that, Your Honor.

16 THE COURT: Exhibit No. 24 will be admitted.

17 (Exhibit 24 was admitted.)

18 THE COURT: Can I see the photographs, please,
19 Mr. Young.

20 MR. YOUNG: Yes.

21 THE COURT: Exhibits 13 through 21 will be admitted
22 over the duly noted objection of Mr. Hylin. The Court
23 finds that they are admissible under NRS 48.015 .025
24 and .035.

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1 Mr. Hylin, you're certainly free to argue the
2 weight to give those exhibits during your closing
3 argument, but they'll be admitted for the jury's
4 consideration.

5 MR. HYLIN: Very well, Your Honor.

6 (Exhibits 13 through 21 were admitted.)

7 MR. YOUNG: If I could publish all exhibits just
8 referenced.

9 BY MR. YOUNG:

10 Q Now, before I get there, you said that you had
11 Eboni's full name as set forth in your police report.

12 A Yes.

13 Q If I showed you a copy of your police report,
14 would that help refresh your recollection?

15 A Yes, it will.

16 MR. YOUNG: If I may approach, Your Honor.

17 THE COURT: You may.

18 BY MR. YOUNG:

19 Q Again, is this your report or your supplement
20 report?

21 A Yes, it is.

22 Q Just let me know without answering if that
23 refreshes your recollection as to Eboni's full name.

24 A Yes.

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1 Q What is Eboni's full name?

2 A Eboni Spurlock.

3 Q And that's who provided written consent to
4 search the question in vehicle?

5 A Yes.

6 Q Showing you Exhibit 24, which was just admitted
7 which is that certified copy of DMV records and
8 detective, do you see at the top here in this area it
9 lists a 2001 Hyundai Accent bearing Nevada license
10 plate 423LTY? Is that the vehicle in question that you
11 searched?

12 A Yes, it is.

13 Q And according to the certified record from DMV,
14 the registered owner of that vehicle is who?

15 A Eboni Nicole Spurlock.

16 Q All right. Let's go in order of these
17 photographs, Detective. Showing you first what's been
18 now admitted as 13, if you can explain to the jury what
19 that is, please.

20 A That is the vehicle that was recovered by Reno
21 Police Department patrol officers on the night of the
22 incident and was sealed at the location that it was
23 found. Basically no one had gone into it. To prevent
24 any contamination and to preserve it as much as they

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1 could, they sealed it up. If you see right along the
2 door, the door frame or the door and the frame, any
3 points of exit or entry are taped over with RPD
4 evidence seal just to indicate that if it were a broken
5 seal, it would tell me or tell anyone else that the
6 vehicle had been opened or had been tampered with.

7 Q Okay. And is that -- are you -- in your line
8 of work, is that something, those seals, that you're
9 used to seeing and dealing with when searching
10 vehicles?

11 A Yes, it is. It ensures me that the vehicle
12 itself or whatever item is to be searched has been
13 properly handled, has been properly maintained and has
14 been properly sealed to prevent to any type of, as I
15 said, contamination or tampering.

16 Q We're looking at the passenger side of this
17 vehicle. There's some black taping with some red
18 tape -- or a black bag rather with some red tape around
19 the side around the window. What is that?

20 A I believe that the front passenger window was
21 broken out or is inoperable and so it was taped over in
22 order to make sure -- as I mentioned, to seal it up as
23 best as possibly could be done so that it would prevent
24 any kind of contamination or any type of tampering.

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1 Q It's really hard to see because it's small.
2 But on that red tape is there anything printed on that?

3 A It says "Reno Police Department evidence tape."
4 It's a specific type of tape that we use when
5 processing and packaging evidence that is extremely
6 sensitive. So any type of -- if it's tampered with,
7 you can't just retape it back and make it look like it
8 had never been touched. It will definitely show that
9 it's been torn, ripped or that it's been tampered with.

10 Q I show you Exhibit 14. Again, sir, what is
11 that?

12 A It's the same vehicle on the driver's side and
13 once again noting that the trunk had been sealed, the
14 rear passenger door, the front passenger door as well
15 as the windows that were cracked or that were down were
16 covered up as well to prevent any type of damage and
17 maintain its integrity as far as contamination.

18 Q Okay. Showing you 15, is that the front of
19 that vehicle?

20 A Yes, it is.

21 Q It's kind of hard to see there. That depicts
22 the license plate as referenced in your report?

23 A Yes, it does.

24 Q This is Exhibit 16. It's the back of that

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1 vehicle?

2 A Yes, it is.

3 Q And you can see the license plate a little
4 clearer in this one?

5 A Yes.

6 Q Now, you talked about the evidence stickers.
7 This is Exhibit 17. Is that a closeup of that?

8 A Yes, it is.

9 Q And what — as far as the hand-printed
10 information on there, what kind of information is
11 included?

12 A The date, obviously the date that it was
13 recovered and that it was processed or that it was
14 contained and that it was packaged or sealed, the case
15 number that this particular vehicle or this particular
16 item is in reference to, and then the actual officer
17 who conducted the location and the recovery of the
18 vehicle.

19 Q The ID number in the middle, the 14-15205, is
20 that the number assigned to this case?

21 A Yes, it is.

22 Q And does every case, every different case, get
23 a different Reno Police Department number?

24 A Yes, they do.

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1 Q All right. Now, all these pictures that we've
2 looked at thus far are the external of the vehicle;
3 correct?

4 A Yes, it is.

5 Q So did you take all these as seen in the
6 unbreached sticker right there prior to entering the
7 vehicle?

8 A Yes, I did.

9 Q Okay. Now, was entry ultimately made into the
10 vehicle?

11 A Yes, it was.

12 Q I'm going to show you 18, sir. What is that?

13 A This is the insurance card and the DMV
14 registration. Basically one of the things that I
15 looked for was indicia of ownership to confirm that the
16 person who had -- who rightfully or is the registered
17 owner of the car and identify who that person is. And
18 in this case it is Eboni Nicole Spurlock who is the
19 same person that in fact gave us written consent to
20 search the vehicle.

21 Q I'm going to show you Exhibit 19. Was there
22 anything during the course of your search that you
23 found that caught your attention and you collected as
24 evidence?

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1 A Yes. As you can see here on the front
2 passenger seat is a white Wal-Mart grocery bag.
3 Contained within that bag was a red ball cap, I believe
4 a tank top and two white socks. They didn't look brand
5 new. They looked like they had been used or that they
6 were items of clothing that had been previously worn.

7 Q And you can see -- it's not totally clear on
8 the overhead. It's better on the picture. But the
9 window area over here, do you see that as being
10 partially down?

11 A Yes, which is why we had to seal it up. We
12 didn't have the key, or if it was inoperable, we
13 weren't able to turn on the vehicle and operate the
14 electric windows to seal it up.

15 Q Now, the picture that you just took right here
16 that we're looking at in Exhibit 19 of the door, the
17 front passenger door open and that Wal-Mart bag, did
18 you take that picture prior to disturbing or moving
19 that bag at all?

20 A Yes. I took this photograph as I saw it, as I
21 discovered it on the search.

22 Q All right. I'm going to show you Exhibit 20.
23 What is that, sir?

24 A That is the interior. That's looking down into

ROUGH DRAFT TRANSCRIPT

1 the white Wal-Mart grocery bag that's on the front
2 passenger seat of the vehicle.

3 Q And, again, same as the previous picture, is
4 this picture depicting the bag and contents as is prior
5 to any disturbance by you?

6 A Yes, it is.

7 Q Okay. Now, was there a time that you removed
8 some of the items or all the items from that bag?

9 A Yes. I had to pick up the -- as you can see,
10 the ball cap to ascertain if there was anything else
11 underneath it inside the bag. And one of the items
12 that was relayed to us or the information that was
13 given to us by Officer Kassebaum who was handling the
14 case was that --

15 Q Let me stop you right there. Without getting
16 into too much detail, was a red hat of interest to you?

17 A Yes, it was.

18 Q As part of the investigation?

19 A Yes, it was.

20 Q Okay. I'm going to show you 21. What is that?

21 A That is the red ball cap that was inside the
22 plastic bag.

23 Q Okay. And did you -- what did you do with that
24 red ball cap?

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1 A That was taken as evidence from the vehicle.

2 Q Okay. And when you say "taken as evidence,"
3 can you explain to the jury what that means?

4 A In conducting the search of the vehicle, we
5 were looking for any potential evidence of the crime or
6 of the incident. One of the items that -- one of the
7 items that was -- that I was informed of --

8 MR. HYLIN: Objection.

9 THE COURT: Hold on. Stop. Stop, Detective Blas.
10 What's the objection?

11 MR. HYLIN: Hearsay, Your Honor.

12 THE COURT: Mr. Young.

13 MR. YOUNG: Well, I'm not sure how far he's going
14 to go. I'm not offering it certainly for the -- well,
15 let me rephrase my question, Your Honor.

16 THE COURT: Detective Blas, the Court will sustain
17 the objection. Just listen to the next question that
18 Mr. Young is going to pose to you.

19 BY MR. YOUNG:

20 Q Did you collect the red hat for evidentiary
21 purposes?

22 A Yes, I did.

23 Q Explain -- I'm not asking you why you did it,
24 but explain the actual procedure and the steps you took

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1 in collecting that as evidence, what you did with the
2 red hat and the other items in the bag.

3 A The items were photographed. They were -- I
4 took them for -- I took them as evidence, placed them
5 in individual bags and then booked them into RPD
6 property as evidence of this case.

7 Q Okay. And have you received training with
8 respect to booking items of evidence such as clothing
9 and a hat?

10 A Yes.

11 Q Okay. Now, are you aware based on your
12 training and experience that items such as this may be
13 testable or analyzed for DNA?

14 A Yes..

15 Q So there are steps that you take in booking
16 evidence to make sure that the integrity of the items
17 remains?

18 A Yes.

19 Q Okay. Can you explain that to the jury?

20 A As far as maintaining the integrity --
21 obviously handling it with rubber gloves so that it's
22 not contaminated or cross-contaminated by myself or
23 anyone else, processing it. And if we were going to
24 obtain DNA samples, we would submit it, package it,

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1 seal it up, send it up to the Washoe County Crime Lab
2 with a lab request requesting that DNA tests be done on
3 it.

4 Q Now, in this case did you at least package and
5 book these items as evidence consistent with that
6 procedure you just explained?

7 A Yes, I did.

8 Q Did you actually submit it to the crime lab?

9 A I don't -- I don't believe so. I booked it so
10 that the actual officer who was handling the case and
11 investigating it would be the one to -- he would be the
12 one to submit it or whoever he designated to. Just
13 because I wasn't sure when he wanted it to be
14 submitted, so rather than doing it myself, I booked it
15 into property where it remained secured until he was
16 ready to do so.

17 Q Okay. And you just answered my next question.
18 The property unit at Reno police station is a secure
19 area?

20 A Yes, it is.

21 Q And when you book it into property, another
22 officer, if he or she elects, can remove that property
23 and submit it to the crime lab for analysis?

24 A Yes, they can.

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1 MR. YOUNG: The Court's indulgence, Your Honor.

2 THE COURT: Okay.

3 MR. YOUNG: That's all the questions I have.

4 Thank you, Detective.

5 THE COURT: Cross-examination, Mr. Hylin.

6 MR. HYLIN: Yes, Your Honor. Thank you.

7 CROSS-EXAMINATION

8 BY MR. HYLIN:

9 Q Good afternoon.

10 A Good afternoon.

11 Q When you were surveilling the car, I believe
12 that was 619 Lone Cedar Lane?

13 A Yes.

14 Q You were there in the cul de sac --

15 A Yes.

16 Q -- when they left, three people came out to get
17 in the car?

18 A Four people.

19 Q Four people. Three women and one guy?

20 A Yes.

21 Q And you followed that vehicle and did a felony
22 stop?

23 A Um-hum.

24 Q And when you talked to the people in that

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1 car -- you said you talked to Eboni Spurlock?

2 A No, I did not.

3 Q You talked with her cousin?

4 A I did not talk -- my partner, Detective Allen,
5 had made contact with Eboni Spurlock while I was
6 talking with Mr. Mason.

7 Q About when you were talking to Mr. Mason did he
8 explain where they were going?

9 A He said that they were going to get something
10 to eat and he was supposed to turn himself in.

11 Q Okay. And you mentioned some medications.

12 A Yes.

13 Q A condition --

14 A A medical condition, yes.

15 Q Did he describe what that was?

16 A No. He said that his blood sugar was low and
17 that he needed something to eat. That's why they were
18 heading to get something to eat. I actually -- I
19 believe I spoke with his mom. And that's where I was
20 trying to facilitate getting the food and drink for
21 him, because he said he needed something to drink and
22 something to eat right then and there.

23 Q Okay. Did you talk to the mom about anything
24 else, like where they were going or what they were

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1 doing?

2 A No, I did not.

3 Q Okay. You said Eboni Spurlock signed the
4 consent form?

5 A Yes.

6 Q But you haven't seen that since, I don't think?
7 You haven't seen it here?

8 A No, I have not.

9 Q All right. Did you watch her sign it?

10 A No, I did not.

11 Q So you don't know if she signed it?

12 A I cannot say if she did sign it. Her signature
13 is on there and I was advised that she was the
14 registered owner and had signed a written consent.

15 Q That's what you were advised by somebody else,
16 you didn't watch it happen?

17 A Yes, I was advised by another detective.

18 Q So when you -- from there you went over -- was
19 it immediately after that that you went over to search
20 the vehicle?

21 A No. Obviously Mr. Mason had some medical
22 issues. We wanted to make sure that he was treated on
23 scene, that he was secured. And then once that was --
24 once he was stabilized and the decision was made, we

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1 regrouped and kind of talked about where we needed to
2 go, what else needed to be done with reference to the
3 investigation.

4 Q Okay. And then what did you do?

5 A I responded back to the station. My partner,
6 Detective Allen, and I responded back to the station so
7 that we could conduct the search of the vehicle.

8 Q Okay. Did you check the DMV records or
9 anything else prior to doing that?

10 A I believe Detective -- I believe we did. Yes,
11 we did, because we had the DMV readout or printout for
12 the driver's--

13 Q And you saw that?

14 A Yes.

15 Q You saw the DMV printout of the registration?

16 A Yes, I did.

17 Q When you -- when you opened -- did you open the
18 passenger side door first?

19 A I believe we started with the driver's side.

20 Q Driver's side. And found nothing over there?

21 A No. No. As I mentioned, there were two of us.
22 I had the passenger side. The driver's side -- the
23 driver's side door was opened first. I opened the
24 passenger side and my partner and I searched the

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1 vehicle, both sides of the vehicle.

2 Q Did you watch your partner search things?

3 A Yes. He was right across from me inside the
4 car.

5 Q He was on the driver's side; you're on the
6 passenger side?

7 A I'm on the passenger side.

8 Q And your partner found nothing that he thought
9 of value to collect on his side?

10 A No.

11 Q So on your side you found -- what you had in
12 these exhibits is a white plastic bag?

13 A Yes. It was on the front passenger seat.

14 Q All right. And did you -- and you collected --
15 he just picked up the bag itself or did you separately
16 bag these?

17 A I'm sorry?

18 Q Did you separately bag each item?

19 A I believe the -- I believe that the items were
20 all placed into one bag. They all came with one bag,
21 so they were placed into one bag.

22 Q Well, let me clarify that. You took them out
23 of the white bag that you saw them in that we had a
24 picture of here?

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1 A Yes.

2 Q And then you placed them all in the same bag,
3 evidence bag?

4 A Yes. They came together in one bag; I kept it
5 together booking it in together.

6 Q In the same white bag?

7 A I'm not certain if it was in the same white bag
8 or if it was in that bag, but in order to book it into
9 evidence, our RPD evidence, I cannot use a white
10 Wal-Mart bag. We have specific evidence bags that we
11 put the items of evidence into.

12 Q Did you keep the white Wal-Mart bag?

13 A No. I --

14 Q You disposed of that?

15 A Yes.

16 Q Wouldn't that in itself be evidence, though?

17 A No, it would not. If the information to me is
18 for clothing and weapons, then I would not consider the
19 white Wal-Mart bag clothing or a weapon.

20 Q Well, I mean, you're able to analyze it
21 yourself. Do you think there might be something on
22 that bag that would be of evidentiary quality?

23 A It wouldn't be any different than what's on the
24 hat, the socks or the tank top.

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1 Q How would you know?

2 A You're asking --

3 Q It depends on who handled the bag, wouldn't it?

4 A Counsel, you just asked me if I would be able
5 to analyze it, and I told you I analyzed it.

6 Q So I'm asking you further questions --

7 A Okay.

8 Q -- Detective. If you're -- if you're going to
9 consider that evidence, wouldn't you want to consider
10 everything that was in the car evidence?

11 A No.

12 Q All right. Well, let's go back and talk about
13 gathering DNA. Have you ever been trained in that?

14 A Yes.

15 Q What were you trained in? Were you trained in
16 just using gloves and just the rudiments or were you
17 trained on exactly what you should take as samples for
18 a DNA search?

19 A I was trained on what we should take as samples
20 or what would contain or has the highest probability of
21 containing samples of a person's DNA.

22 Q Okay. You know by placing like your hand on
23 that table, you've been trained that that would
24 probably leave some of your DNA on that table, wouldn't

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1 it?

2 A It may.

3 Q Right. And by driving a car with your hands,
4 you would -- it would be very, very likely that you
5 would leave DNA on the steering wheel; correct?

6 A It's possible.

7 Q But you did no swabs of anything else in the
8 car?

9 A No.

10 Q You didn't swab the gear shift lever?

11 A No.

12 Q You didn't swab the steering wheel?

13 A No.

14 Q You didn't swab the radio knobs or any of the
15 other operating equipment in the car?

16 A No.

17 Q You took no DNA sample from the seats?

18 A No.

19 Q You didn't take any DNA samples from the door
20 handles?

21 A No, I did not.

22 Q So, in other words, nowhere else in this car
23 did you gather any samples that you thought wouldn't be
24 of evidentiary value?

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1 A No. Based on fact that it was located with the
2 windows open and the proximity as far as the time from
3 the time that I went to obtain the sample with the
4 windows open -- one of the things that we are trained
5 in is that you have to look at the timeframe and is
6 there a possibility or a high probability that it may
7 be contaminated by the elements, environment, how long
8 has it been there, sunlight, heat. So based on those
9 factors -- I could have tested it. I chose not to,
10 because in that particular instance we were well into
11 the next day, the windows were open the entire night or
12 for however long before the officers found it. So
13 there was no way for me to be confident that none --
14 that any of the DNA was possibly contaminated or gone.

15 Q But you don't know that for sure, do you?

16 A No, I don't.

17 Q So when -- were you trained to do DNA swabs?

18 A Yes.

19 Q So you knew how to do swabs and you know what
20 to swab?

21 A Um-hum.

22 THE COURT: Stop. Detective Blas, you keep making
23 noises. You either need to say "yes" or "no" or say
24 something at all, but it's very difficult for my court

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1 reporter to take down the noises that you're making
2 that sound like affirmative noises, but I'm not sure.
3 So just --

4 THE WITNESS: I'm sorry.

5 THE COURT: It's usually better if you just listen
6 to the question and then once the officer -- or excuse
7 me -- once the attorney is finished asking the
8 question, then you can respond to it instead of making
9 affirmative noises as the question is going on. All
10 right?

11 THE WITNESS: Yes, Your Honor.

12 THE COURT: Thank you, Detective. One moment.

13 BY MR. HYLIN:

14 Q All right. What I'm getting at, Detective
15 Blas, is if somebody else was driving that car, they
16 would have left their DNA on the steering wheel,
17 wouldn't they have?

18 A Yes. It's possible.

19 Q And you're trained that DNA lasts a long time?
20 It's not like a head of lettuce that it dries out in a
21 day and a half in the sun and then it's gone; isn't
22 that a fact?

23 A Yes, I'm trained that DNA can last under
24 certain conditions.

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1 Q Correct. And when you -- when you arrived at
2 that car, it was sealed?

3 A Yes.

4 Q And there were bags over the windows?

5 A Yes.

6 Q And the windows were up?

7 A Yes.

8 Q And they were effectively sealed with evidence
9 tape with bags over the windows?

10 A Yes.

11 Q So there was nothing circulating in that car,
12 was there?

13 A As it was sealed, no.

14 Q Right. So if you were actually looking for
15 someone who might have been driving that car, it would
16 be more appropriate then to swab the items in the car
17 to get a DNA sample of the steering wheel, the radio
18 knobs, the gear shift knob, the car handles; correct?

19 A Yes.

20 Q But you didn't do that? So we can't tell from
21 your investigation who actually drove that car for the
22 last time; correct?

23 A No.

24 Q Now, you knew that this car supposedly was

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1 involved in some shooting; correct?

2 A Yes.

3 Q Did you consider any gunshot residue tests
4 anywhere around the car?

5 A No, I did not.

6 Q Okay. Did you consider -- did you ask anybody
7 the particulars of the scene where the shots were
8 taking place, in other words, were they taken near the
9 car?

10 A I'm sorry. I don't understand the question.

11 Q If somebody shot a gun over the roof of a car,
12 in all likelihood there would be some sort of gunshot
13 residue on that, wouldn't there?

14 A It would depend on the time.

15 Q Well --

16 A The timeframe.

17 Q -- it would depend on the time, but there would
18 be gunshot residue that would be deposited on the roof
19 of that car; correct?

20 A There may or may not.

21 Q But if you don't test, you don't know; correct?

22 A Correct.

23 Q Now, you and your partner, I'm assuming, are
24 going to exclaim that it was a pretty thorough search

ROUGH DRAFT TRANSCRIPT

1 of the car?

2 A Yes.

3 Q Did you look in the trunk?

4 A Yes.

5 Q Didn't find anything of any evidentiary value
6 in the trunk?

7 A No.

8 Q Didn't find anything that you thought was
9 evidentiary value in the backseat?

10 A No.

11 Q Didn't find anything of evidentiary value in
12 the driver's seat?

13 A No.

14 Q The only thing you thought was of evidentiary
15 value was what was in that white bag?

16 A Yes.

17 Q But what was in that white bag doesn't tell you
18 who was driving that car, does it?

19 A No, it does not.

20 Q You didn't find a gun in the car?

21 A No, we did not.

22 Q Didn't find any shell casings in the car?

23 A No, we did not.

24 Q Now, did -- I'm sorry. Who was your partner

ROUGH DRAFT TRANSCRIPT

1 again on the search?

2 A Detective Dustin Allen.

3 Q Detective Allen?

4 A Yes.

5 Q Did he have gloves on?

6 A Yes, he did.

7 Q Did you have gloves on?

8 A Yes, I did.

9 Q Did you have gloves on when you bagged each --

10 these items here?

11 A Yes, I did.

12 Q Did you touch each item?

13 A Yes, I did.

14 Q You know that if you don't change gloves when

15 you handle each item you would cross-contaminate all

16 the other items; true? That's part of your training,

17 isn't it?

18 A Yes.

19 Q But you didn't change gloves?

20 A No, I did not.

21 Q So you might have cross-contaminated something

22 that's in this bag because you didn't change gloves?

23 A It's possible.

24 Q Okay. And you're moving around in the car,

ROUGH DRAFT TRANSCRIPT

1 you're looking under things, and you're opening the
2 glove box; correct?

3 A Yes.

4 Q That's where you got the registration, from the
5 glove box?

6 A Yes.

7 Q So you're looking inside the glove box, you're
8 touching everything with the same set of gloves;
9 correct?

10 A Yes.

11 Q So when you handle these items here, it's very
12 possible according to your training that you could have
13 transferred some of the DNA from the other items you
14 were touching to everything in that bag; isn't that
15 correct?

16 A Yes, it's possible.

17 Q And that's what -- that's the contamination
18 that they warn you to avoid in your training; correct?

19 A Yes.

20 Q So you didn't change your gloves ever?

21 A No, I did not. I used the same gloves.

22 Q All right. The same gloves. Did you make a
23 list of the evidence that you collected?

24 A Yes. I believe it was --

ROUGH DRAFT TRANSCRIPT

1 Q Or was it just -- did you consider the list the
2 bag, the evidence bag?

3 A I listed each item, I believe. As I said in my
4 report, it was the hat, the socks, and I believe there
5 was a shirt or a tank top.

6 Q All right. Did you make out a separate
7 evidence sheet?

8 A Excuse me?

9 Q Other than your report did you --

10 A Yes, they are -- in my report they are booked
11 in individually.

12 Q All right. Did you use a pen in filling things
13 out with the same pair of gloves?

14 A Did I use a pen in filling what out? I don't
15 understand.

16 Q All right. You had your gloves on. Did you
17 use a pen to fill out either the evidence bag or make
18 any notes or fill out an evidence sheet with a pen with
19 the same gloves on?

20 A Yes.

21 Q Did you touch your face? Did you touch your
22 clothes? Did you touch anything else with those
23 gloves?

24 A I couldn't tell you if I did or I didn't.

ROUGH DRAFT TRANSCRIPT

1 Q All right. So if you did, that could
2 cross-contaminate items that you touched with the same
3 pair of gloves; correct?

4 A Yes.

5 Q Did you cough or sneeze while you were handling
6 this evidence?

7 A I don't recall if I coughed or sneezed at any
8 time during the search.

9 Q They train you that you can cross-contaminate
10 things if you cough or sneeze; correct?

11 A Yes.

12 Q So that would be noteworthy. If you coughed or
13 sneezed, you should have written that down?

14 A Yes. If I believed that I may have
15 cross-contaminated something, I would note that down.

16 Q And protocol also calls for you to wear a face
17 mark in these situations, too, doesn't it?

18 A No, it does not.

19 Q You've never been trained to wear a face mask
20 to keep your breath, your sneeze, your droplets from
21 your lungs and mouth off of the evidence?

22 A No, I have not.

23 Q All right. So you placed all this evidence in
24 the white bag, you placed that all in a separate

ROUGH DRAFT TRANSCRIPT

1 evidence bag?

2 A Yes.

3 Q And you haven't seen that evidence bag here
4 yet?

5 A No, I have not.

6 Q Where did you place the evidence in the
7 evidence bag?

8 A Where did I place --

9 Q Yeah. What geographic location did you place
10 the evidence in the evidence bag?

11 A I placed it at the Reno Police Department
12 evidence room.

13 Q So how did you transport the evidence that you
14 secured from that car into the Reno Police Department
15 evidence room?

16 A Once it was recovered from the vehicle and
17 placed into the evidence bag, it was sealed up and
18 taken to the evidence room from the parking lot where
19 we were at into the evidence room and booked in.

20 Q Okay. So I think you answered my question
21 there. You placed it in the evidence bag out in the
22 parking lot where the car was?

23 A Yes, packaged it from the vehicle.

24 Q All right. And then transported it in there?

ROUGH DRAFT TRANSCRIPT

1 A Yes.

2 Q Was it a new evidence bag?

3 A Yes, it was.

4 Q Do you know what the storage conditions are
5 like in the evidence room?

6 A No, I do not.

7 Q All right. Was the evidence clerk there?

8 A No, she was not.

9 Q So what did you do with the evidence bag once
10 you took it to the evidence room?

11 A In the evidence room or the evidence section of
12 the Reno Police Department are rows of secured lockers.
13 When you book in property that you are booking in, you
14 would place it -- you would first log in the case
15 number on a sheet and who is logging in the property
16 and write down the locker number that you are placing
17 it into, taking the key out, locking it and securing it
18 and then depositing the key into a locked box for the
19 evidence personnel when they come in the next day or
20 during the regular workday to be able to access each
21 locker and then book it into the main booking room.

22 Q And all the -- all the items in that bag were
23 placed into the same evidence bag?

24 A Yes.

ROUGH DRAFT TRANSCRIPT

1 Q Commingled?

2 A Yes.

3 Q Do you know who picked it up next?

4 A No, I do not.

5 Q The proper protocol was for you to fill out the
6 information on the evidence bag; correct?

7 A Yes.

8 Q And that has the chain of custody on it?

9 A Yes.

10 Q Did you fill all that out?

11 A I filled -- yes, I filled out all the
12 information and then it goes into booking, yes.

13 Q Was there any other names that were placed on
14 that as far as any other persons who handled that
15 evidence?

16 A I do not know. I don't know if it had been
17 checked out by any other officers or if it had been
18 checked out by the evidence personnel, so I couldn't
19 tell you.

20 Q Okay. Did Detective Allen handle the stuff?

21 A No.

22 MR. HYLIN: I have no further questions, Your
23 Honor.

24 THE COURT: Redirect based on the

ROUGH DRAFT TRANSCRIPT

1 cross-examination, Mr. Young.

2 REDIRECT EXAMINATION

3 BY MR. YOUNG:

4 Q Mr. Hylin went through a litany of questions
5 about coughing and sneezing and masks and the like;
6 correct?

7 A Correct.

8 Q Your handling of this evidence and your booking
9 the items into evidence of the secured unit at the
10 police station, was that all consistent with your
11 training and procedure?

12 A Yes, it was.

13 Q Okay. He asked about changing gloves. Do you
14 do that in -- you did not change gloves in this case?

15 A No.

16 Q Was that consistent with your training and
17 procedure?

18 A Yes.

19 Q Do you necessarily have to change gloves if you
20 touch a single item and the next item and the next
21 item?

22 A No, you don't.

23 Q Are you the one who booked the property that
24 we've been discussing here, including the red hat, into

ROUGH DRAFT TRANSCRIPT

1 evidence at the police station?

2 A Yes.

3 Q And that's into a secure, as you described,
4 locker; correct?

5 A Yes.

6 Q And then there are safeguards and procedures in
7 place to make sure that it hasn't been tampered with?

8 A Yes.

9 Q Okay. Mr. Hylin asked you about swabbing
10 various items around the car, the steering wheel, the
11 gear shift, the other levers and knobs, if you will, in
12 the car. And you testified you did not do that, right?

13 A Yes.

14 Q Why didn't you do that?

15 A The DNA type that is being referred to is touch
16 DNA. It's skin cells. As compared to saliva DNA, it's
17 a different type of DNA. So any touch or anyone within
18 proximity of touching something could deposit touch
19 DNA. Someone walking by who happens to rub up against
20 it could also do the same thing. So you may have
21 multiple layers of touch DNA upon each other. There's
22 no way to definitively ascertain one specific DNA was
23 the only one present there.

24 So based on that, I didn't swap it because in my --

ROUGH DRAFT TRANSCRIPT

1 based on my training and experience, there was too much
2 of a likelihood that it had already been
3 cross-contaminated. There would be multiple other
4 types of DNA that was possibly there that would be in
5 effect.

6 Q Are you aware that DNA might be obtained from
7 different sources? You just talked about touch DNA.

8 A Yes.

9 Q Are you aware that's different than, say, a
10 sample of biological?

11 A Yes.

12 Q And would a DNA analyst be able to better
13 discuss that --

14 A Yes.

15 Q -- than, say, you?

16 A Yes.

17 Q Mr. Hylin asked if the hat in the bag on the
18 front passenger seat doesn't tell you who was driving,
19 and you said yes; correct?

20 A Yes.

21 Q Did you collect this evidence, including the
22 red hat, and was that part of the totality of the
23 investigation?

24 A Yes, it was.

ROUGH DRAFT TRANSCRIPT

1 Q You have to take the evidence that you collect
2 in the context with everything else; fair?

3 A Yes, I do.

4 Q Last area I want to discuss with you,
5 Detective, is Mr. Hylin brought up gunshot residue or
6 GSR. Do you recall him talking to you about that?

7 A Yes.

8 Q And he asked about swabbing -- as I understood
9 the question, swabbing the outside of the car. Is that
10 how you understood his question as well?

11 A Yes.

12 Q Okay. And did you do any swabs for GSR of the
13 car?

14 A No, we did not.

15 Q Okay. And did you in fact do any swabs of the
16 defendant for GSR?

17 A No, we didn't.

18 Q Can you explain why that was?

19 A Based on, as you mentioned, the totality of the
20 case, the timeframe from the time of the incident to up
21 until that point, there's too much -- there's too much
22 of a time lapse. And so given environmental factors,
23 rain, heat, sun, whatever the environmental factors
24 are, as well as if there was anyone else that may have

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1 contacted the car prior to -- there's a less likelihood
2 as time goes on that GSR will be present, if any.

3 Q As you sit here today are you second guessing
4 your decision not to collect or try to collect GSR from
5 the vehicle?

6 A No, I'm not.

7 Q What about the defendant? Did you take any --
8 GSR is collected from an individual by disks or swabs;
9 correct?

10 A Yes.

11 Q Did you do that with or did anybody with the
12 Reno Police Department do that with Mr. Mason?

13 A Not to my knowledge.

14 Q Are you second guessing that as you sit here
15 today?

16 A No, I am not.

17 Q Why?

18 A As I mentioned, because he could have -- you
19 can wash your hands, you can touch other items, you can
20 come into contact with other people and it can be
21 transferred on to you or you transferring it on to
22 someone else. It's not conclusive enough.

23 All a GSR would show is that you were -- the person
24 was either in the area when a gun went off or may have

ROUGH DRAFT TRANSCRIPT

1 come into contact with someone that was in the area
2 when a gun went off. That's what it would show. But
3 there's nothing definitive enough that it would be only
4 that particular person.

5 Q It's similar to -- you were talking about as
6 time passes on, the likelihood reduces. Is that the
7 same for the disks you would use with a person?

8 A Yes.

9 Q That's all. Thank you.

10 THE COURT: Recross based on the redirect,
11 Mr. Hylin.

12 MR. HYLIN: Yes. Thank you, Your Honor.

13 RECROSS EXAMINATION

14 BY MR. HYLIN:

15 Q When you're talking about timeframes, Detective
16 Blas, about the thing, the things that we were talking
17 about, the swabs, the evidence and whatnot -- okay. So
18 you picked up the items here. So why did you pick up
19 those items and think there might be DNA on those but
20 nowhere else?

21 A Based on the fact that it was contained within
22 a plastic bag that was contained within the vehicle, I
23 felt that based on, as I said, my training and
24 experience, that was a little more secure than, say,

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1 the exterior of the vehicle or something that had
2 direct exposure to the elements. So being that it was
3 in the bag.

4 Q Detective Blas, you keep talking about training
5 and experience, but they don't train you to make time
6 judgments. This is less than 24 hours after the
7 incident; correct?

8 A Yes.

9 Q All right. So what's going to happen to these
10 cars or these items inside the car within 24 hours
11 that's going to obliterate any DNA samples?

12 A I couldn't tell you, sir.

13 Q Right. And we'll never know because you didn't
14 collect them; correct? It's just like I was talking
15 about --

16 THE COURT: Mr. Hylin, you asked a question, but
17 you didn't let him answer the question. What's the
18 answer to the question?

19 THE WITNESS: It's possible.

20 THE COURT: Next question.

21 MR. HYLIN: Thank you.

22 BY MR. HYLIN:

23 Q Just like I mentioned the gunshot residue, I
24 mean, anywhere, it could -- you know, when you took

ROUGH DRAFT TRANSCRIPT

1 Mr. Mason into custody, you could have actually bagged
2 his hands and done a GSR test there, but you didn't;
3 right?

4 A I was not -- I was not there to make that
5 determination when he was finally --

6 Q But you could have ordered it done and it would
7 have been done, though; right?

8 A I could have ordered it to be done?

9 Q Right.

10 A No, I could not.

11 Q Or could you have asked anybody else who was in
12 charge of that particular operation to bag his hands?

13 A I could have offered it up. I could have
14 offered a suggestion, but I couldn't order someone to
15 do it.

16 Q You could have offered it as a suggestion, but
17 you didn't?

18 A No, I did not.

19 Q Because you didn't think of it?

20 A I didn't think -- I did not think of it. I
21 didn't think it was pertinent.

22 Q And to your knowledge, nobody else did a
23 gunshot residue test either on the car or him?

24 A Yes.

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1 Q Those are pretty definitive tests, though,
2 aren't they?

3 A Definitive --

4 Q If you fire a gun, you know, and it leaves
5 residue on your hands and you do a GSR -- I'm sorry --
6 a gunshot residue test on the hands, it doesn't tell
7 you the make or model of the pistol or the firearm or
8 anything else, but it sure tells you that there's
9 gunshot residue there which makes it more likely that
10 they're the one who fired the gun?

11 A Not necessarily.

12 Q Or a gun.

13 A Not necessarily.

14 Q So --

15 A Not necessarily.

16 Q So you're saying that gunshot residue just
17 occurs naturally in nature?

18 A No, I'm not. What I'm saying, as I said
19 before, is gunshot -- when a firearm goes off, there's
20 a large cloud of gunshot residue. Anyone standing
21 within the vicinity who did not fire the gun could
22 possibly have gunshot residue on them.

23 Q How close?

24 A It's not definitive enough to tell me that a

ROUGH DRAFT TRANSCRIPT

1 single person was the only person that fired that
2 weapon.

3 Q Well, if you find it on them but nobody else
4 was tested and you check their hands and they have
5 gunshot residue on their hands but nowhere else?

6 A It's still not definitive enough, counsel.

7 Q Okay. If you -- if I fired a pistol close to
8 the top of the roof of a car, you'd not only find
9 gunshot residue on there, you would probably find some
10 powder residue on there; correct?

11 A I couldn't speak to that. I'm not a firearms
12 experts.

13 Q Well, you're trained to swab and test crime
14 scenes; correct?

15 A Yes.

16 Q So in your training and experience in gunshot
17 residue would train you to do that, wouldn't it?

18 A Yes. Just for the presence, yes.

19 Q But that wasn't done either?

20 A No, it was not.

21 Q And within a 24-hour-time period it is really
22 unlikely that DNA would decay to the point where it was
23 undetectable?

24 THE COURT: Before he answers that question,

ROUGH DRAFT TRANSCRIPT

1 Mr. Hylin, I don't believe that any foundation has been
2 laid that Detective Blas can answer that question.
3 That would call for expert testimony. So I'm going to
4 direct him not to answer.

5 BY MR. HYLIN:

6 Q All right. In your training and experience did
7 they ever give you any timeframes for DNA decay?

8 A In my training and experience they have given
9 us a general guideline as far as the time -- as far as
10 a timeframe of DNA. It could last for a very long
11 time; it could last for days, months and weeks.
12 However, you have to factor in the environmental
13 conditions and the circumstances, the contact of that
14 specific specimen or whatever item it is has come into
15 contact with.

16 Q All right. So we have the car.

17 A Yes.

18 Q It's being surveilled for hours during the
19 nighttime. There's no sun, no wind that was discussed.
20 There was no rain. There were no other environmental
21 factors other than just the calm atmosphere that
22 surrounded that vehicle while it was being surveilled.

23 MR. YOUNG: Your Honor, is this being asked as a
24 hypothetical question or is this --

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1 MR. HYLIN: No. It was already testified to, Your
2 Honor.

3 MR. YOUNG: I don't recall any testimony as to
4 weather.

5 THE COURT: Stop. Counsel, I don't need both of
6 you to argue at the same time.

7 Mr. Hylin, included in your hypothetical are a
8 number of things that there was no specific testimony
9 about. And, therefore, I'll direct you to rephrase the
10 question. The objection will be sustained. You can
11 rephrase the question, but you might want to exclude
12 some of the things that so far there's been no
13 testimony about.

14 MR. HYLIN: Well, I guess that's my point, Your
15 Honor. So let me ask it in that fashion.

16 BY MR. HYLIN:

17 Q If nobody testified that it rained or that
18 there was direct sunlight on the subject car, you would
19 probably assume that being at nighttime that they
20 surveilled, which was testified to, and they towed it
21 at nighttime and sealed the car in the nighttime, then
22 you could probably assume then that it was delivered in
23 the nighttime. And you were there in the daylight
24 hours of the next day to search it. Okay. That was

ROUGH DRAFT TRANSCRIPT

1 testified to --

2 A Okay.

3 Q -- by you and the people that towed the car.
4 So what I'm saying is in that time period since it was
5 sealed --

6 MR. YOUNG: Your Honor, I would object again.
7 Again, it inputs facts that have not been in evidence.

8 THE COURT: Mr. Hylin, you can rephrase the
9 question. Go ahead.

10 BY MR. HYLIN:

11 Q All right. This car was sealed when you came
12 upon it?

13 A Yes.

14 Q And did you talk to the people that sealed it?

15 A No, I did not.

16 Q Did you know when it was sealed and towed to
17 the yard?

18 A Just the night prior or the night before that
19 it had been towed to the station.

20 Q All right. So how many hours elapsed do you
21 think from the time it was towed? Did you review any
22 of those records?

23 A I did not get a specific time on when it was
24 recovered or towed.

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1 Q You knew it was last night?

2 A I knew it was the night prior and I knew that
3 it was secured at the station.

4 Q All right. So when did you encounter the car
5 and search it?

6 A 11:30 on the morning of -- I believe it was
7 10th when we stopped Mr. Mason and then I was given the
8 assignment to conduct the search of the vehicle.

9 Q So it was sometime from the night before until
10 11:30, so maybe 12 hours elapsed?

11 A Possibly.

12 Q In the 12 hours that elapsed from there, your
13 training in DNA samples would not lead you to believe
14 that the DNA would have become worthless anywhere else
15 in the car; correct?

16 A As I mentioned, I made the decision based on
17 the fact that I did not know what had happened to the
18 car prior to the officers making contact with it,
19 surveilling it.

20 Q Listen to the question, Detective. The
21 question was, during that time period, that would not
22 allow the DNA to decay; correct?

23 A I couldn't tell you if it would.

24 Q Just the passage of time itself.

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1 A Just the passage of the time itself, okay, no.

2 Q Okay. Thank you.

3 MR. HYLIN: I have no further questions, Your
4 Honor.

5 THE COURT: Thank you for being here today,
6 Detective Blas.

7 Mr. Young, is Detective Blas excused from his
8 subpoena?

9 MR. YOUNG: Your Honor, I would like him subject to
10 recall.

11 THE COURT: On what issue? He's been here and he's
12 been subject to direct examination. He's your witness.
13 Why would he be subject to recall?

14 MR. YOUNG: Based on -- well, my next witness who
15 is prepared to testify based on what she says.

16 THE COURT: Who is your next witness?

17 MR. YOUNG: Eboni Spurlock.

18 THE COURT: That's fine. So it might be a rebuttal
19 testimony?

20 MR. YOUNG: It depends what Ms. Spurlock testifies
21 to.

22 THE COURT: Under those circumstances then,
23 Detective Blas, you may step down, but I would request
24 that you remain outside the courtroom.

ROUGH DRAFT TRANSCRIPT

IN THE SUPREME COURT OF THE STATE OF NEVADA

QUINZALE MASON,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

Appeal from a Judgment of Conviction in Case Number CR14-1830
The Second Judicial District Court of the State of Nevada
Honorable Elliott A. Sattler, District Judge

JOINT APPENDIX VOLUME THREE

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UNCERTIFIED
DRAFT TRANSCRIPT

8 SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

9 IN AND FOR THE COUNTY OF WASHOE

10 HONORABLE ELLIOTT A. SATTLER, DISTRICT JUDGE

11 STATE OF NEVADA,

12 Plaintiff,

Case No. CR14-1830

13 vs.

Dept. No. 10

14 QUINZALE MASON,

15 Defendant.
16 _____/

17 ROUGH DRAFT TRANSCRIPT OF PROCEEDINGS

18 TRIAL - DAY 2

19 FEBRUARY 10, 2015; TUESDAY

20 RENO, NEVADA

21
22
23
24 Reported by:

LORI URMSTON, CCR #51

ROUGH DRAFT TRANSCRIPT

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ROUGH DRAFT TRANSCRIPT

1 RENO, NEVADA; TUESDAY, FEBRUARY 10, 2015; 8:35 A.M.

2 --oOo--

3 (Outside the presence of the jury:)

4 THE COURT: We'll go on the record in CR14-1830,
5 the State of Nevada versus Quinzale Mason. The record
6 will reflect we're meeting outside the presence of the
7 jury. Mr. Mason is present. Mr. Hylin is here on his
8 behalf. Mr. Young is here on behalf of the State of
9 Nevada.

10 Mr. Hylin, my bailiff informed me that there was
11 something that you would like to take up outside the
12 presence of the jury before we start this morning.

13 MR. HYLIN: Yes, Your Honor. It should be fairly
14 brief. It's an area that I'm not sure where the
15 Court's authority stands but probably encompasses --
16 well, let's me explain first.

17 THE COURT: We always seem to think that judges
18 have more authority than we actually do. Let's put it
19 that way. My authority doesn't often extend outside
20 these four walls.

21 Go ahead, Mr. Hylin.

22 MR. HYLIN: At any rate, when he got back up to the
23 jail, they tested his blood sugar and it was up to 430
24 which is -- you know, that's hospital time, whatnot.

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1 And the problem is they're not providing any insulin
2 medication prior to his lunch, so essentially it's
3 absorbed into the blood stream. He's got obviously
4 severe type 1 diabetes. And what they have to do is
5 they have to test his blood sugar before he eats, give
6 him an dose of insulin, and then he eats. And the
7 insulin in the system then controls the insulin release
8 so as to take care of the glucose in his bloodstream.

9 Well, they're not -- there's been no arrangements
10 made, which my understanding there would be, to test
11 him and then inject some insulin before he eats lunch
12 here.

13 THE COURT: Well, I'm not quite sure, Mr. Hylin,
14 how the sheriff's staff would be able to provide
15 medical care to the defendant here. And by the
16 "sheriff's staff" I mean my bailiff and the other
17 deputies who are present. The sheriff has an
18 infirmary, but I don't believe that Deputy Gray or any
19 of the other deputies have the training, nor are they
20 qualified, to provide the defendant with insulin or an
21 insulin shot.

22 As I said earlier, I believe it was last Friday, I
23 know how difficult diabetes can be. I have a very
24 close family member who is diabetic. So I understand

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1 the issues that are associated with it, but I'm not
2 quite sure what we can do to assist the defendant.

3 One of the concerns, I would assume that the
4 sheriff's office has, is providing the defendant with a
5 needle to inject himself with his insulin. Does the
6 defendant do his own insulin injections up at the
7 sheriff's office?

8 MR. HYLIN: Well, he did when he wasn't
9 incarcerated, but he's up there and he essentially
10 lives in the infirmary. He's got several medical
11 problems aside from the diabetes which might be an
12 outside growth of that severe disorder. But what I was
13 requesting -- I wouldn't expect the deputies to involve
14 themselves in medical procedures, but it wouldn't be
15 beyond the can of the medical services to send somebody
16 up here for lunch, test him, inject him and then go
17 back to work.

18 THE COURT: Well, I don't know. I'll ask Deputy
19 Gray to contact the sheriff's office -- I know that he
20 has the ability to do that here in the courtroom -- to
21 contact his supervisors and possibly get us some more
22 information about that. If need be, I know that my
23 authority at least is strong enough that I can direct
24 somebody from the infirmary from the Washoe County

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1 Sheriff's Office to come down here and at least provide
2 us with an explanation.

3 This trial is only going to last, I would
4 anticipate, through tomorrow, possibly into Thursday at
5 the latest. And so it's not going to be a longterm
6 issue. But at the same time, I want Mr. Mason to be as
7 comfortable as possible and have his medical needs
8 looked after to the best of our ability.

9 I agree with you, Mr. Hylin, it doesn't seem
10 unreasonable for somebody from the sheriff's office,
11 given the fact that the Washoe County Sheriff does have
12 the care, custody and control of the defendant even
13 when he's here, to come down and provide him with that
14 minimal amount of medical treatment here. He can --
15 you know, they can see him in the holding cell, they
16 can provide him with the insulin in the holding cell
17 and inject him with the insulin there and then
18 Mr. Mason can eat his lunch.

19 So, Deputy Gray, if you at least send an e-mail to
20 somebody up at the sheriff's office and let them know
21 that that is my desire and order, that somebody come
22 down here today, because we know Mr. Mason will be here
23 today eating his lunch, at approximately 11:45 in order
24 to provide that required medical treatment to

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1 Mr. Mason. I would appreciate that.

2 And then on the break, which will be at
3 approximately I'll say 10:15 or so, we can take up any
4 additional issues regarding Mr. Mason's medical care.
5 Hopefully somebody will get back to Deputy Gray while
6 we're doing the trial this morning.

7 Is there anything else, Mr. Hylin?

8 MR. HYLIN: No. That's it, Your Honor.

9 THE COURT: And, Mr. Mason, I did say and I -- if
10 you need something while you're sitting at counsel
11 table, if you need to eat something -- I know different
12 people have different things that they like to eat in
13 order to level their blood sugar -- go ahead and let me
14 know about that and we'll try and do our best to
15 arrange to have that available to you while you're
16 here, because I do want you to be as comfortable as
17 possible during the trial.

18 Is there anything else, Mr. Hylin?

19 MR. HYLIN: That's it, Your Honor.

20 THE COURT: Let's bring in the jury, Deputy Gray.

21 (Within the presence of the jury:)

22 THE COURT: Will counsel stipulate to the presence
23 of the jury? Mr. Young?

24 MR. YOUNG: The State will, Your Honor.

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1 THE COURT: Mr. Hylin?

2 MR. HYLIN: So stipulated, Your Honor.

3 THE COURT: Ladies and gentlemen, thank you for
4 being here on time this morning. We are starting just
5 a couple of minutes late because there was one issue we
6 needed to take up outside your presence. But I do
7 appreciate everyone getting here on time. We will
8 continue with the trial.

9 Mr. Young, you may call your next witness.

10 MR. YOUNG: The State calls officer Stockwell.

11 (The oath was administered to the witness.)

12 THE WITNESS: I do.

13 THE CLERK: Have a seat.

14 ROBERT STOCKWELL,

15 having been called as a witness herein,
16 being first duly sworn, was examined
and testified as follows:

17 DIRECT EXAMINATION

18 BY MR. YOUNG:

19 Q Good morning, sir. Could you state your first
20 and last name and spell both for the reporter, please.

21 A Robert Stockwell. R-o-b-e-r-t,
22 S-t-o-c-k-w-e-l-l.

23 Q Sir, with whom are you currently employed?

24 A The Reno Police Department.

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1 Q How long have you been so employed?

2 A With the Reno Police Department, about three
3 years, and prior to that LAPD for seven.

4 Q LAPD?

5 A Yeah.

6 Q So you have going on ten years or about ten
7 years of law enforcement experience in total?

8 A Correct.

9 Q Sir, I'm going to direct your attention to
10 August 9th of 2014. Were you on duty on that day?

11 A Yes.

12 Q And did you respond to a call over on Patton
13 Drive that brings you here to court?

14 A Yes.

15 Q Do you recall approximately what time you were
16 dispatched and responded?

17 A About 12:15 in the afternoon.

18 Q And where did you respond to?

19 A 2397 Patton.

20 Q Okay. That's in Reno?

21 A Yes, it is.

22 Q Now, this was briefly discussed yesterday, but
23 are you -- do you have access to a dispatch system or
24 radio system that gives you information and updates on

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1 where to go?

2 A Yes.

3 Q And did you receive a very brief description of
4 the call you were responding to?

5 A Yes.

6 Q So you knew upon arriving on scene what it was
7 that you were going to investigate?

8 A Correct.

9 Q When you arrived at that residence on Patton
10 Drive can you tell the jury what you observed and what
11 you did.

12 A When I got there, there was another -- at least
13 one other officer on scene as well as the Reno Fire
14 Department and REMSA, the paramedics. They were -- the
15 Reno Fire Department was treating the mother Delphine
16 and her daughter Cecilia for possible gunshot wounds.

17 Q Did you have an opportunity on scene to look at
18 any injuries that might have been sustained by either
19 individual?

20 A I did.

21 Q And could you describe what you observed?

22 A Starting with the mother Delphine, she had a
23 small what appeared to be a scratch on her lower right
24 back. Her daughter Cecilia had a small, approximately

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1 a quarter inch or so, it looked like a penetrating
2 wounds to her lower right leg that was bleeding a
3 little bit.

4 Q Okay. What happened at that point? What did
5 your investigation entail?

6 A At this time the Reno Fire Department was using
7 what appeared to be just standard white towels. They
8 were putting pressure on her leg and wiping her leg,
9 Cecilia's. At this point I began speaking with Cecilia
10 to try to get a little bit information firsthand about
11 what occurred for other officers responding to the
12 area.

13 Q That was Cecilia, the little girl?

14 A Cecilia.

15 Q Did you also -- and I don't want you to tell me
16 what anybody told you, but did you also have an
17 opportunity to speak on scene with Delphine, the
18 mother?

19 A I did.

20 Q Okay. And, again, without getting into the
21 specific content, what was Delphine's demeanor like on
22 scene?

23 A She was very hysterical, at one point began
24 hyperventilating. I thought she was going to vomit at

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1 one point. It was very -- she was very chaotic and
2 just kind of all the place, very concerned for her
3 daughter.

4 Q So, again, without getting into too much of the
5 content, did you have any significant meaningful
6 conversation with Delphine at Patton Drive?

7 A No, not -- very little.

8 Q What happened with Delphine and Cecilia?

9 A They started bringing Cecilia to the
10 paramedics, the ambulance that was waiting. And that's
11 when Delphine began to hyperventilate and really get
12 concerned. And at that point is when I stopped asking
13 her questions.

14 Q Was Cecilia loaded into an ambulance?

15 A Yes.

16 Q And what about Delphine?

17 A She went in the same ambulance.

18 Q And where did they go to?

19 A Renown Medical Center.

20 Q Did you likewise go to Renown?

21 A I did.

22 Q And once you got there what did you do?

23 A I went into the trauma room that Cecilia was
24 taken into.

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1 Q Now, did you have an opportunity at the trauma
2 room at Renown to take photographs of Cecilia?

3 A I did.

4 Q And did you take photographs of Delphine as
5 well?

6 A Yes.

7 Q Okay.

8 MR. YOUNG: If I could approach, Your Honor.

9 THE COURT: You may.

10 BY MR. YOUNG:

11 Q I'm going to show you what's been marked as
12 Exhibits 11 and 12, sir. Just take a look at those and
13 let me know if you recognize those.

14 A I do.

15 Q Are those photographs that you took?

16 A Yes.

17 Q Are they fair and accurate depictions of the
18 photographs you took?

19 A Yes.

20 Q And who is the person that you photographed in
21 those pictures?

22 A Cecilia.

23 MR. YOUNG: Your Honor, I would move for 11 and 12.

24 THE COURT: Any objection?

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1 MR. HYLIN: No objection, Your Honor.

2 THE COURT: 11 and 12 will be admitted. Mr. Young,
3 you may publish them to the jury.

4 (Exhibits 11 and 12 were admitted.)

5 BY MR. YOUNG:

6 Q And both of these effectively show the same
7 defect that you were previously describing; correct?

8 A Correct.

9 MR. YOUNG: Your Honor, if I could bring the screen
10 forward again.

11 THE COURT: Sure. Thank you.

12 Can everyone in the jury see the screen where it
13 is?

14 Go ahead, Mr. Young.

15 MR. YOUNG: Thank you, Your Honor.

16 BY MR. YOUNG:

17 Q Is that clear for you, Officer?

18 A That's fine.

19 Q It's a little blurry. What does this
20 photograph depict?

21 A This is while Cecelia is lying on the bed in
22 the hospital in the trauma room, a picture of her right
23 side of her right leg and the penetrating wound.

24 Q And you can actually, Officer, touch that

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1 screen or draw a circle or otherwise. Can you point
2 out the penetrating wound as you've testified to?

3 A (Witness complies).

4 Q Now, you say "penetrating wound." Why do you
5 say that?

6 A Based on training and experiencing other
7 victims of gunshot wounds and stabbings --

8 MR. HYLIN: I'm going to object to that, Your
9 Honor. There's case law from the Nevada Supreme Court
10 that disallows officers being able to describe or
11 characterize wounds like that. They can describe what
12 they saw, but they can't make an analysis of that.

13 THE COURT: Well, the jury will be instructed that
14 the officer is not rendering a medical opinion about
15 the nature of the wound. He may testify about what he
16 observed, but he's not testifying as an expert
17 regarding causation on the wound itself.

18 MR. HYLIN: I agree, Your Honor, but the reason I'm
19 stating this is when I hear the words "based on my
20 training and experience," he's going to go into a
21 dissertation of what he thinks that is. And that's
22 what I'm objecting to. That's going to have to be
23 testified to by medical experts, not the officer.

24 THE COURT: That's true, Mr. Hylin.

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1 The witness can testify to his experience, but he
2 has no training regarding the causation of those types
3 of injuries.

4 Next question.

5 THE WITNESS: I understand.

6 BY MR. YOUNG:

7 Q So based on what you heard from the judge, your
8 experience is you've seen penetrating wounds in the
9 past?

10 A I've seen several penetrating wounds in the
11 past and this looks similar to those I've seen.

12 Q Fair enough.

13 How was Cecelia? What was her demeanor, if you
14 will, at the -- both on scene at Patton and then when
15 you saw her at Renown for these photographs?

16 A Given the circumstances, she was actually
17 very -- she was very calm. She was crying on scene.
18 By the time she got to the hospital, I don't recall if
19 she was actually crying. She actually did very well
20 just laying there letting the medical staff do what
21 they needed to do.

22 Q And was there a time that Cecelia and her
23 mother Delphine ended up back in the same hospital
24 room?

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1 A Yes.

2 Q Okay. And did you have an opportunity then
3 likewise to go to that room and be with both Cecelia
4 and Delphine?

5 A Yes.

6 Q Okay. And, again, without giving us content of
7 what was said, did you have an opportunity at Renown to
8 speak with Delphine?

9 A I did.

10 Q Do you know what Delphine's last name is by
11 chance?

12 A I believe it's Martin.

13 Q Now, I'm going to show you -- this is Exhibit
14 12, sir. That's just a photograph of the same thing
15 you were testifying to?

16 A It is.

17 Q Just kind of a different angle?

18 A Yes.

19 Q And, again, that's a picture of Cecelia?

20 A It is, her right leg.

21 MR. YOUNG: That's all the questions I have, Your
22 Honor. Thank you.

23 THE COURT: Cross-examination, Mr. Hylin.

24 MR. HYLIN: Thank you.

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CROSS-EXAMINATION

BY MR. HYLIN:

Q You can see the wound there, but you couldn't see anything else besides that?

A I don't understand.

Q You could just see the surface of her skin? You have no knowledge of how that wound was created, personal knowledge?

A I wasn't there when this incident occurred.

Q Correct. So you're observing that there was what you would characterize as a puncture wound?

A A penetrating wound.

Q A penetrating wound. Okay.

MR. HYLIN: No further questions, Your Honor.

THE COURT: Redirect based on the cross-examination.

MR. YOUNG: Nothing, Your Honor. Thank you.

THE COURT: Is the witness excused, Mr. Young?

MR. YOUNG: Yes, Your Honor.

THE COURT: Mr. Hylin?

MR. HYLIN: Yes, Your Honor.

THE COURT: Thank you for being here today, Officer. You're free to go.

The State may call its next witness.

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1 MR. YOUNG: The State calls Dr. Cinelli.

2 Your Honor, I'm going to use this again. Can I
3 just leave it there?

4 THE COURT: Yeah, just leave it there. That's
5 fine.

6 THE BAILIFF: Stand right here and face the clerk,
7 please.

8 THE CLERK: Raise your right hand.

9 (The oath was administered to the witness.)

10 THE WITNESS: I do.

11 THE CLERK: Have a seat.

12 SCOTT CINELLI, M.D.,

13 having been called as a witness herein,
14 being first duly sworn, was examined
and testified as follows:

15 DIRECT EXAMINATION

16 BY MR. YOUNG:

17 Q Doctor, good morning.

18 A Good morning.

19 Q Could you state -- could you state your first
20 and last name for the record and spell both for our
21 court reporter, please.

22 A Scott Cinelli. S-c-o-t-t, C-i-n-e-l-l-i.

23 THE COURT: Dr. Cinelli, would you mind pulling
24 that microphone just a little bit closer to you so we

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1 can make sure that we can hear you clearly.

2 Go ahead.

3 BY MR. YOUNG:

4 Q Sir, what is your professional occupation?

5 A I'm a trauma surgeon.

6 Q And are you with a group or are you a solo
7 practitioner? How does that work?

8 A I work with Premier Surgical Specialists in
9 town and we contract with Renown Regional Medical
10 Center.

11 Q Okay. Now, when you say "trauma surgeon," what
12 do you do?

13 A I take care of trauma patients in the emergency
14 room and in the intensive care unit.

15 Q Okay. Could you tell the jury a little bit
16 about your educational background which led you to your
17 current occupation?

18 A I went to college for biology and English in
19 the '90s, transitioned to medical school in 1998.
20 After four years of medical school I completed five
21 years of general surgical residency in Albany, New York
22 and New York City and I was trained in trauma and
23 critical care in Las Vegas.

24 Q And did you partake in any fellowships or

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1 additional trainings upon your graduation from medical
2 school?

3 A I did a critical care and acute care surgery
4 fellowship in Las Vegas for two years.

5 Q And what is a fellowship?

6 A A fellowship is additional training after
7 residency training where you focus on one particular
8 area of specialty. In this case it was trauma and
9 intensive care.

10 Q Are you licensed to do what you do, to practice
11 medicine, in any states here in the United States?

12 A I'm licensed in Massachusetts, New York,
13 California, and Nevada.

14 Q Now, are you also a member of any professional
15 organizations related to your field?

16 A Society of Critical Care Medicine, the American
17 College of Surgeons.

18 Q Have you ever testified before, Doctor, in any
19 courts in the state of Nevada or otherwise?

20 A Yes.

21 Q In the field that you're testifying to today?

22 A Yes.

23 Q Where has that been?

24 A Predominantly in Reno. I've testified in

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1 Springfield, Massachusetts as well.

2 Q Now, you stated that you have a contract with
3 Renown?

4 A Yes.

5 Q Is that you individually or the group you're
6 associated with?

7 A There's actually a trauma group contract where
8 surgeons from multiple different practices in town that
9 do trauma surgery contract with the hospital.

10 Q And are you yourself a part of a group?

11 A Yes.

12 Q And what's that group name?

13 A Well, there's the trauma group and the critical
14 care group at Renown. And then the general surgery
15 group that I'm a member of is Premier Surgical
16 Specialists.

17 Q Premier -- I'm sorry.

18 A -- Surgical Specialists.

19 Q Okay. Were you working in one of those
20 capacities on August 9th of 2014 at Renown Regional
21 Medical Center?

22 A I was the trauma surgeon on call at Renown.

23 Q And did you treat a patient or patients that
24 day which brings you here to court?

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1 A Yes.

2 Q Do you recall who it was specific to this case
3 that you treated?

4 A It was Mrs. Martin and her daughter Cecelia.

5 Q Okay. Did you have an opportunity to evaluate
6 and treat both Ms. Martin and her daughter Cecelia?

7 A Yes.

8 Q Okay. In your line of work -- before I get
9 into specifics -- do you have an opportunity and is it
10 routine for you to review imaging, in other words,
11 x-rays, CT scans, MRIs, and the like?

12 A All images I review every day. So as patients
13 come in, depending on what they get done, whether it's
14 ultrasound, x-ray, CT scan, MRI, I review them all.

15 Q And what purpose, just in a general sense, do
16 those images serve you?

17 A We try to get a focused assessment of areas of
18 the patient that we are concerned with injury.

19 Q Now, Doctor, I'm going to start with Delphine
20 Martin. Can you tell the jury what you observed with
21 respect to any noted injuries or defects and your
22 treatment of Delphine Martin first.

23 A Mrs. Martin came in with injuries to her back.
24 Initially they were suspected to be gunshot wounds.

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1 And we performed a detailed examination of her in the
2 trauma bay and CAT scan to determine whether or not it
3 was a projectile track.

4 Q And what were you able to determine based on
5 your evaluation?

6 A It seemed that she had two wounds to her back,
7 the right upper back and the right lower back, which
8 were very superficial.

9 Q Superficial?

10 A Yes.

11 Q You said that you did some CT scans to look for
12 a bullet trajectory; did I get that right?

13 A Yes.

14 Q What do you mean by that?

15 A When someone after a gunshot incident comes in
16 with two wounds, you worry that there is a track
17 connecting the two. So we performed a CT scan which is
18 three-dimensional imaging of the torso and it allows
19 you to connect the two points in a virtual image of the
20 patient.

21 Q And based on your evaluation of Delphine
22 Martin, did she sustain any sort of track injury?

23 A No, there was no gunshot wound.

24 Q Okay. And you were able -- how were you able

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1 to determine there was no gunshot wound?

2 A Well, a gunshot wound would penetrate deeper
3 than the superficial layers of the skin and back and
4 she had very superficial penetration.

5 Q Let me shift focus, Doctor, to Cecelia. Could
6 you tell the jury your evaluation of Cecelia and what
7 your determinations were.

8 A Cecelia presented with a wound to her leg. The
9 wound was in the right foreleg about halfway down to
10 the foot in the lateral portion. She had difficulty
11 moving her foot. And there was no obvious exit wound
12 in the area. So on assessment of her, we performed an
13 x-ray of her leg and found metallic fragments lodged
14 between the bones of her leg.

15 Q Okay. Are you able based on your evaluation
16 and your background and training to give an approximate
17 timeframe -- I don't mean minutes or seconds, but are
18 you able to say this wound happened in such and such
19 period of time? Are you able to say that at all?

20 A Yes. The wound was very fresh. The surface
21 had not coagulated.

22 Q I'm going to show you a picture which was just
23 admitted, Doctor. This is 11, Exhibit 11. It's not
24 coming up great. Are you able to see that, Doctor?

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1 A Yes.

2 Q It's a little blurry. Do you recognize that?

3 A Yes.

4 Q What is that?

5 A That's a wound in the lateral portion of the
6 right foreleg.

7 Q Is that of Cecelia?

8 A I can't tell from the exact picture because
9 there's no identifiers, but it would be consistent with
10 her exam as documented.

11 Q Okay. Now, you said there was no obvious exit
12 wound. When you say "exit wound," what do you mean by
13 that?

14 A When someone has a -- any penetrating injury, a
15 foreign object enters the body, there's always the
16 concern that it passed through and through. So she had
17 a wound on the anterior leg. If it was a
18 through-and-through wound, we would have suspected that
19 there would have been a wound on the posterior calf and
20 there was not.

21 Q Is that consistent with the metallic fragments
22 that you located in her leg?

23 A Yes.

24 Q How were you able to tell that they were

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1 metallic fragments in her leg?

2 A Based on the density of the fragments on the
3 x-ray images, it is consistent with metallic fragments.

4 MR. YOUNG: If I could approach, Your Honor?

5 THE COURT: You may.

6 BY MR. YOUNG:

7 Q I'm going to show you what's been marked for
8 identification as 22 and 23. Now, this happened back
9 in August, correct, Doctor?

10 A Yes.

11 Q Have you had an opportunity between August and
12 today to kind of review the case file, review the
13 imaging, to refresh your recollection of this specific
14 incident?

15 A Yes, I reviewed the -- I actually reviewed the
16 films themselves within the last 48 hours.

17 Q Okay. What is 22 and 23 that you're looking
18 at?

19 A They are a lateral and an anterior posterior
20 view of the right foreleg.

21 Q And you were saying that x-rays were taken.
22 Are those copies of those -- of that x-ray?

23 A Yes, this is the film.

24 Q All right. And based on your review in the

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1 last 48 hours, does that appear to be a true and
2 accurate representation of those x-rays taken?

3 A The images are not distorted. Is that what
4 you're asking?

5 Q They're not what? I'm sorry.

6 A They're not distorted.

7 Q So those are true and accurate of the x-rays?

8 A Yes.

9 Q And that is the x-rays of Cecelia?

10 A Yes.

11 MR. YOUNG: Your Honor, I would move for 22 and 23.

12 THE COURT: Any objection, Mr. Hylin?

13 MR. HYLIN: No objection.

14 THE COURT: 22 and 23 will be admitted.

15 MR. YOUNG: Thank you, Your Honor.

16 (Exhibits 22 and 23 were admitted.)

17 MR. YOUNG: If I could publish, Your Honor.

18 THE COURT: You may.

19 BY MR. YOUNG:

20 Q I'm going to show you 22. I'm going to kind of
21 start up here. Cecelia, was she a juvenile?

22 A Yes.

23 Q And so you understand that's why the last name
24 is kind of blacked out or whited out there?

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1 A I understand. There's multiple identifiers on
2 this image that show it to be the same x-ray I looked
3 at.

4 Q And that's what I want to have you explain.
5 What identifiers are you speaking of?

6 A We use multiple things on the imaging.
7 Probably most significant would be the medical record
8 number, the date and time consistent with the reports
9 that I had reviewed, as well as the account number of
10 the patient. And all of them coincide with the
11 appropriate birthdate.

12 Q And that's all listed on the top kind of left
13 part of that image?

14 A Yes.

15 Q Now, what I will -- once you establish the
16 identifiers -- you talked about it briefly, but could
17 you tell the jury -- and, Doctor, you can actually
18 touch your screen or make lines or circles, however you
19 want. Tell the jury what we're looking at.

20 A We're looking at the area in the middle of the
21 circle, that irregularly-shaped object between the two
22 bones of the leg. That object, while it does not look
23 like a bullet, there's significant distortion of it.
24 It is consistent with a metal fragment due to its

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1 density.

2 On a digital reconstructed image, which we use in
3 the hospital, it is actually darker than bone. And the
4 difference between that and a wood fragment or a rock
5 fragment would be the uniformity of the density of the
6 object. So a wood fragment tends to be shaded in
7 shades of gray and a rock fragment tends to appear
8 porous or a pebble-like appearance.

9 Q Have you had the opportunity in your past to
10 treat individuals with gunshot wounds?

11 A Yes, regularly.

12 Q Okay. And you just testified that it
13 doesn't -- I may not get your words exactly right --
14 something along the lines of it doesn't appear to be --
15 it doesn't have the same similarity as a bullet. What
16 did you just testify to? I don't want to misquote you.

17 A The irregular shape is not consistent with,
18 say, a jacketed bullet. It's not -- in a jacketed
19 bullet you usually don't see distortion. And in a
20 direct hit on an individual, the bullet will retain its
21 shape to some extent. This does not.

22 Q Okay. And based on your background with
23 individuals you've treated with gunshot wounds, have
24 you seen this type of fragment before?

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1 A Yes.

2 Q So how do you explain that then?

3 A Distortion of the metal fragments is typical
4 with a ricochet.

5 Q So the fact that this doesn't look like a
6 bullet per se on the image doesn't necessarily rule out
7 that it was from a gun?

8 A It doesn't rule it out, because we take
9 multiple things into consideration, including the
10 description of the scene by the paramedics and also the
11 description of the incident as reported by the police
12 in the trauma bay.

13 Q I'm going to show you Exhibit 23. And, again,
14 just start with -- the same identifiers is again
15 consistent with the same patient you treated?

16 A Yes.

17 THE COURT: Mr. Young, I don't know if this is
18 intentional or not, but I would note that the victim's
19 name is actually whited out in one spot and not whited
20 out in another spot.

21 MR. YOUNG: You're right. I'll take care of that
22 after court, Your Honor.

23 THE COURT: Okay. Thank you.

24 MR. YOUNG: At the top there?

ROUGH DRAFT TRANSCRIPT

1 THE COURT: Yes.

2 MR. HYLIN: I note that is on both of them.

3 THE COURT: Right. I didn't say anything about it
4 before, but it's on two of the three images.

5 Go ahead.

6 MR. YOUNG: I'll talk to Mr. Hylin and we'll get
7 that squared away.

8 THE COURT: Thank you.

9 MR. HYLIN: And I have no objection to whitening that
10 out after the -- after admission, Your Honor.

11 THE COURT: Thank you.

12 MR. YOUNG: Thank you.

13 BY MR. YOUNG:

14 Q Again, Doctor, this is Exhibit 23. Could you
15 explain -- it appears to be a different angle. But
16 what are we looking at here?

17 A A similar thing. We're looking at this area,
18 the dense area that is just posterior to the fibula and
19 tibia. When looked at in conjunction with the prior
20 film, it basically tells you that the fragments are
21 lodged in the -- almost in the exact center of the leg.

22 The other thing you see on this image is a -- the
23 tech holding the bottom of the child's leg has a gold
24 ring on which is actually a more dense metal than it

ROUGH DRAFT TRANSCRIPT

1 actually appears. When appropriately projected, it
2 actually appears slightly darker than the metal of the
3 bullet fragments.

4 Q And just to be clear, could you circle that
5 ring that you were just referring to.

6 A Sure. So gold or platinum, which is typical of
7 a wedding band, would actually appear more white than
8 the bullet fragments, even though they're both metal.

9 Q Consistent with what you've testified to here?

10 A Correct.

11 Q All right. Now, you say that for you to make a
12 determination as to the cause of injuries -- and I'm
13 talking in a general sense now. Do you consider what
14 the police advise you from the scene in your evaluation
15 and other factors?

16 A Yes.

17 Q Okay. And in this case you, in addition to the
18 x-rays, actually saw Cecelia's leg as you've testified
19 to?

20 A Yes.

21 Q So based on the totality of everything that you
22 learned, that you saw, based on your training and
23 experience, are you able to identify what type of
24 injury Cecelia suffered?

ROUGH DRAFT TRANSCRIPT

1 A If I were given this image without a history, I
2 would say that this is a -- some type of -- some sort
3 of metallic fragment.

4 Q With the history that you were provided?

5 A I would say that this is likely a ricocheted
6 bullet.

7 Q Now, what sort of treatment or follow-up was
8 done with -- we'll start with Delphine. Was there
9 anything necessary for Ms. Martin?

10 A Ms. Martin had her assessment with the CAT
11 scan. When we determined that there was no true
12 penetrating injury, she had just dressings placed on
13 her wounds and she was discharged from the emergency
14 department.

15 Q What about Cecelia?

16 A Cecelia had significant swelling of the leg
17 over the hour after the presentation and she was
18 admitted to the hospital for overnight observation to
19 watch for extensive swelling.

20 Q And when was Cecelia discharged?

21 A The day after admission.

22 Q Okay. Now, what sort of procedures or did you
23 do any procedures with respect to the metallic fragment
24 in her leg?

ROUGH DRAFT TRANSCRIPT

1 A No. Our standard course of action with
2 something like this is to observe and see if there's
3 any complications of the injury itself. In this case
4 excessive swelling of the leg might have necessitated
5 an operation to decompress the swelling. However, that
6 didn't occur in her case.

7 Q What about the metallic fragments, were those
8 removed or recovered at all?

9 A Removing metallic fragments that are that
10 deeply embedded in an extremity can cause significant
11 damage, scarring, and disrupt the way the muscles and
12 nerves course, so we usually do not dig out these type
13 of fragments.

14 Q Okay. And with respect to Cecelia, was that
15 the course that you took?

16 A Yes.

17 MR. YOUNG: The Court's indulgence, Your Honor.

18 THE COURT: Okay.

19 MR. YOUNG: That's all the questions I have. Thank
20 you, Your Honor.

21 THE COURT: Cross-examination of Dr. Cinelli.

22 MR. HYLIN: Thank you, Your Honor.

23 /////

24 /////

ROUGH DRAFT TRANSCRIPT

CROSS-EXAMINATION

BY MR. HYLIN

Q Good morning, Dr. Cinelli.

A Good morning.

Q When you looked at Delphine, you described her wounds as just superficial?

A Yes.

Q So superficial from what cause? Could you determine any of that?

A It wasn't a definitive cause. We initially assumed it may be a gunshot wound, but after review of the imaging and rereview of her wounds, we were unable to determine the exact cause of those wounds.

Q It could have been a scratch from something when she was scrambling --

A Yes.

Q -- at the scene?

And you just used the word "assumed" when you were -- in conjunction with the information that you received from the scene.

A Yes.

Q Is that correct?

So the information that you received from other people of this sort of incident plays a lot in how you

ROUGH DRAFT TRANSCRIPT

1 view the injuries that you see; is that accurate?

2 A Yes.

3 Q Okay. So when it comes to Cecelia's injury
4 here, would it be fair to say that your opinion of this
5 might be a bullet fragment is probably based a lot on
6 what your information received from the scene was?

7 A Yes.

8 Q That being there was a discharge of a firearm?

9 A Correct.

10 Q But just judging from the x-rays, you can
11 probably determine that that may be some sort of metal
12 accurately?

13 A Correct.

14 Q But you don't know the chemical composition of
15 that. And you said it didn't look like a jacketed type
16 of bullet that you've seen in other bullet wound
17 injuries; correct?

18 A Correct.

19 Q So in reality, this could have been a fragment
20 of another piece of metal that came from somewhere else
21 on that scene?

22 A Absolutely.

23 Q And the word "consistent with" that is used
24 oftentimes by prosecutors, that word -- as you said,

ROUGH DRAFT TRANSCRIPT

1 this is consistent with a bullet fragment with a
2 ricochet?

3 A Yes.

4 Q But the word "consistent" really doesn't prove
5 that, does it?

6 A That is true.

7 Q So, in other words, it's not really proof? The
8 word "consistent with" means you have to make certain
9 assumptions based on your knowledge of -- meager
10 knowledge of the incident there; correct?

11 A Correct.

12 Q So when you render an opinion -- when the
13 prosecutor asked you for it, it's based on what he --
14 which Mr. Young described as the totality of
15 everything, but absent some of the information you got
16 from the scene, you probably wouldn't know what that
17 metal fragment was from, would you?

18 A Correct.

19 Q Now, you said it does not look like a piece of
20 rock or a piece of wood.

21 A Yes.

22 Q Have you seen those sorts of fragments before?

23 A I have.

24 Q And they're detectable by the shade in the

ROUGH DRAFT TRANSCRIPT

1 x-ray?

2 A Yes. The density of the material corresponds
3 to the brightness on the x-ray.

4 Q All right. Would there have been any residue
5 throughout the length of the puncture?

6 A It's possible.

7 Q But that wasn't analyzed in this case?

8 A Well, you can't see anything on the film
9 itself.

10 Q Well, I mean, not just from the x-ray but when
11 you're examining the wound, you didn't see any residue
12 of anything on the surface of the skin?

13 A No rock or wood, no.

14 Q Okay. You said it doesn't rule out a ricochet.
15 I think that was your term.

16 A Right.

17 Q But it doesn't rule it in either, does it?

18 A Well, it's a -- some form of metal object was
19 inserted into her leg by a high-energy mechanism.

20 Q And by "high energy" -- actually let's say if
21 this was -- are you familiar with firearms?

22 A Yes, sir.

23 Q Okay. You're familiar with a 9 millimeter
24 firearm?

ROUGH DRAFT TRANSCRIPT

1 A Yes.

2 Q If a 9 millimeter firearm would have been
3 pointed at her leg, you wouldn't see this type of
4 injury, would you?

5 A Usually it's at a close range. If it were a
6 direct hit from a 9 millimeter firearm, there would be
7 a small entry wound and a small exit wound.

8 Q Correct. In other words, it would have gone
9 through her leg?

10 A Yes.

11 Q So this is a fragment of metal from somewhere,
12 but we don't know where?

13 A Exactly.

14 Q And when you say "high energy," it's probably
15 not as high energy as the bullet itself?

16 A No.

17 Q After it's discharged from the firearm, it
18 could be from anywhere on that scene?

19 A Correct.

20 MR. HYLIN: If I might have just a moment, Your
21 Honor.

22 THE COURT: Certainly.

23 MR. HYLIN: I have no further questions, Your
24 Honor.

ROUGH DRAFT TRANSCRIPT

1 THE COURT: Redirect based on the
2 cross-examination, Mr. Young.

3 REDIRECT EXAMINATION

4 BY MR. YOUNG:

5 Q Mr. Hylin used the word "assumption" several
6 times.

7 A Yes.

8 Q Are you assuming or are you forming an opinion
9 based on the information relayed to you and your own
10 evaluation?

11 A I'm forming an opinion based on the evidence
12 available.

13 Q Okay. You said if it was a direct hit, in
14 other words, if the bullet -- if the 9 millimeter, to
15 use Mr. Hylin's hypothetical situation, was shot
16 directly into Cecelia's leg, you would not expect to
17 see this; correct?

18 A No. I would expect to see a more circular
19 entry wound and a possible irregular exit wound from
20 the leg, because a 9 millimeter has enough energy to
21 pass through a bone of that density.

22 Q And was there any bone fracture to Cecelia's
23 leg in this incident?

24 A There was not.

ROUGH DRAFT TRANSCRIPT

1 Q So is this part of the reason for your
2 testimony that it -- your opinion that it was a
3 ricochet bullet?

4 A Yes.

5 MR. YOUNG: No further questions.

6 THE COURT: Recross based on the redirect
7 examination.

8 MR. HYLIN: Nothing further.

9 THE COURT: Dr. Cinelli, thank you for being here
10 today.

11 May Dr. Cinelli be excused from his subpoena,
12 Mr. Young?

13 MR. YOUNG: Yes, Your Honor.

14 THE COURT: Mr. Hylin?

15 MR. HYLIN: Yes, Your Honor.

16 THE COURT: Thank you, Doctor. You may go.

17 The State's next witness.

18 MR. YOUNG: Your Honor, the State calls Wilma Gray.

19 THE COURT: Okay.

20 THE BAILIFF: Stand here; face the clerk.

21 THE CLERK: Raise your right hand. Just there is
22 fine. Just raise your right hand.

23 THE COURT: This way. Just face this lady right
24 here. There you go.

ROUGH DRAFT TRANSCRIPT

1 (The oath was administered to the witness.)

2 THE CLERK: Okay. Just have a seat.

3 WILMA GRAY,

4 having been called as a witness herein,
5 being first duly sworn, was examined
and testified as follows:

6 DIRECT EXAMINATION

7 BY MR. YOUNG:

8 Q Good morning, ma'am.

9 A Good morning.

10 Q Could you please state your first and last name
11 and spell both for our reporter.

12 A My name is Wilma Gray. And it's W-i-l-m-a,
13 G-r-a-y.

14 Q Ma'am, do you know an individual by the name of
15 Quinzale Mason?

16 A Yes.

17 Q How do you know Mr. Mason?

18 A He's my grandson.

19 Q Okay. Do you see Mr. Mason in the courtroom?

20 A Yes.

21 Q Okay. Could you point him out to the judge?

22 A He's right there.

23 Q Could you explain what he's wearing right now,
24 please.

ROUGH DRAFT TRANSCRIPT

1 A He has on a white shirt and it looks like a
2 brown -- is that a brown neck tie and gray pants? Is
3 that gray?

4 Q Okay. Thank you, ma'am.

5 MR. YOUNG: Your Honor, if the record could reflect
6 identification.

7 THE COURT: I think Ms. Gray knows who her grandson
8 is. Go ahead.

9 BY MR. YOUNG:

10 Q Ma'am, you don't live in Reno, do you?

11 A No.

12 Q Okay. And where -- I don't need a specific
13 address, but what city do you live in?

14 A Las Vegas.

15 Q And how long have you lived in Las Vegas?

16 A Fifty-two years.

17 Q Okay. Prior to your arrival -- did you arrive
18 in Reno yesterday?

19 A Yes.

20 Q Prior to your arrival in Reno have you ever
21 been to Reno before?

22 A No.

23 Q Have you had opportunity over the years to
24 speak with your grandson, Mr. Mason?

ROUGH DRAFT TRANSCRIPT

1 A Over the years, sure.

2 Q Okay. And has that been mainly in person or
3 over the phone?

4 A Mainly in person.

5 Q Okay. And you've had an opportunity to speak
6 with Mr. Mason over the phone on past occasions?

7 A Sure.

8 Q Okay. Now, ma'am, I'm going to direct your
9 attention to -- well, did you have an opportunity to
10 speak with Mr. Mason over the phone in August and that
11 conversation brings you here to court?

12 A Well, I did speak to him in August, because
13 August is my birthday and he called me on my birthday.
14 This was August the 8th.

15 Q So your birthday is August 8?

16 A Yes.

17 Q Okay. And Mr. Mason called you on that day?

18 A To wish me a happy birthday.

19 Q Okay. When is the next time you spoke on the
20 phone with Mr. Mason?

21 A It was after whatever happened happened.

22 Q Okay. Well, do you recall getting a phone call
23 from Mr. Mason on August 9th, the day after your
24 birthday?

ROUGH DRAFT TRANSCRIPT

1 A No.

2 Q Okay. And let me pare that down for you
3 briefly.

4 A Yeah. My birthday was on Friday, I think. I'm
5 not sure. But it was August 8th. And the next time I
6 spoke to him was after the incident.

7 Q Right. Do you recall -- when you say "after
8 the incident" --

9 A Yes.

10 Q -- could you give the jury to the best of your
11 ability the date and time that you spoke with Mr. Mason
12 on the phone.

13 A I spoke with him that -- I think that Sunday.

14 Q Okay. Could it have been Saturday, the day
15 after your birthday?

16 A I don't think it was Saturday, because -- I
17 don't have an answer for that.

18 Q Okay. Let me ask you this. Friday was
19 August 8th.

20 A Okay.

21 Q Correct?

22 A Yes.

23 Q Okay.

24 A Saturday --

ROUGH DRAFT TRANSCRIPT

1 Q Saturday would have been August 9th.

2 A Yes.

3 Q Do you recall speaking to Mr. Mason Saturday,
4 August 9th, sometime afternoon?

5 A I spoke with -- it might have been the night
6 or in the morning. I don't exactly know what time it
7 was, but I did speak with him at some point.

8 Q And I know I'm getting a little nitpicky. I
9 apologize. Let me ask you a question. Let me try to
10 help build the timeframe.

11 A Okay.

12 Q Do you recall receiving a phone call from a
13 Reno police officer?

14 A Sure. Sure.

15 Q Okay. Do you know who it was that called you?

16 A I think her name was Officer Jenkins.

17 Q Okay. And you said "her." So it was a female
18 officer that called you?

19 A Yeah, it sounded like a female to me.

20 Q Sure. Do you recall when it was that Officer
21 Jenkins called you?

22 A It was sometime before morning, late night or
23 before morning, because I was asleep.

24 Q Okay.

ROUGH DRAFT TRANSCRIPT

1 A I wasn't asleep. Excuse me. I wasn't asleep,
2 because I had already received the call about Quinzale.

3 Q Okay. Who did you receive that call from?

4 A One of my daughters.

5 Q So your birthday is on August 8th. You said
6 that you received a call from Officer Jenkins sometime
7 before morning, so kind of middle of the night?

8 A Yes.

9 Q All right. And would that have been -- again,
10 I'm not trying to trip you up here, but do you know the
11 date in that middle of the night that you got a call?

12 A I think it was Sunday morning. I think it was
13 Sunday morning.

14 Q All right. And when you say "morning," still
15 dark out?

16 A Yes.

17 Q And why did -- or what did Ms. Jenkins, Officer
18 Jenkins, tell you the reason she was calling you?

19 A She told me what had happened, that Quinn had
20 shot somebody and that they were looking for him and
21 they -- he couldn't get dialysis anywhere because they
22 had told -- you know, not to treat him. So she told me
23 if he calls me -- because by this time he hadn't called
24 me yet. So she told me if he calls me to tell him to

ROUGH DRAFT TRANSCRIPT

1 turn himself in because they were looking for him. And
2 could I say what I told her?

3 Q I'm going to get to that real shortly.

4 A Okay.

5 Q So when Officer Jenkins called you, she told
6 you, among other things, that the police were looking
7 for your grandson?

8 A Yes, and he wasn't going to be able to get
9 treatment.

10 Q Okay. All right. Now, when she said that they
11 were looking for Quinzale, your grandson, what did you
12 say back to Officer Jenkins?

13 A Well, I told her -- I asked her for the police
14 not to hurt him. I did.

15 Q And what did she say?

16 A And she said, "We're not going to hurt him
17 unless it's necessary."

18 Q Okay. And we'll get back to that later. When
19 Officer Jenkins told you that they were looking, that
20 the police were looking for your grandson, did you know
21 that they were looking for your grandson?

22 A Yes, I assumed they were, because my daughter
23 had told me --

24 Q I'm not going to have you say what your

ROUGH DRAFT TRANSCRIPT

1 daughter told you.

2 A Okay.

3 Q I can't get into that.

4 A Yes.

5 Q Based on what some things that your daughter
6 told you?

7 A Yes.

8 Q Which daughter?

9 A Her name is Tiffany.

10 Q Okay. All right. Let me ask you this, ma'am.
11 When Officer Jenkins told you that the police were
12 looking for Mr. Mason, did you tell her the reason that
13 you knew?

14 A I don't remember. I don't know whether I told
15 her the reason that I knew. I don't remember that. I
16 really don't.

17 Q Do you recall telling Officer Jenkins that you
18 knew the police were looking for your grandson because
19 he had shot a kid?

20 A I didn't know -- I didn't know who had been
21 shot.

22 Q Okay. You don't recall saying that he had shot
23 a kid?

24 A No.

ROUGH DRAFT TRANSCRIPT

1 Q Okay. Do you recall telling Officer Jenkins
2 that you had in fact talked with Mr. Mason, your
3 grandson?

4 A I hadn't talked with him at that time.

5 Q Okay. Do you --

6 THE COURT: Ms. Gray, you need to let the
7 prosecutor ask you the question first and make sure
8 that he's finished before you answer the question.
9 Okay?

10 THE WITNESS: Okay.

11 THE COURT: Go ahead, Mr. Young.

12 BY MR. YOUNG:

13 Q Do you recall telling Officer Jenkins when she
14 called you that you had spoken with Mr. Mason, your
15 grandson?

16 A No, I didn't tell her that.

17 Q Okay. Do you recall telling Officer Jenkins
18 that it was in fact Mr. Mason that told you on the
19 phone that he had shot a kid?

20 A No, I didn't tell her that.

21 Q Okay. So I understand the testimony just of
22 the timeframe, when Officer Jenkins -- your testimony
23 is when Officer Jenkins had called you in the early
24 morning hours of Sunday, is it your testimony you had

ROUGH DRAFT TRANSCRIPT

1 not yet spoke with Quinzale Mason?

2 A I had not.

3 Q Okay. Do you recall telling Officer Jenkins
4 that you had spoken with him?

5 A No.

6 Q Okay. What did you -- you ultimately did have
7 a conversation with Mr. Mason on the phone; correct?

8 A Yes.

9 Q To the best of your recollection, when did that
10 take place?

11 A It was sometime during the morning, sometime
12 during the morning.

13 Q Okay. And, again, I'm not trying to be
14 nitpicky, but we've talked about several days. What
15 morning are you talking about?

16 A I think it was Sunday morning.

17 Q You think it was Sunday morning?

18 A Yeah.

19 Q And so that would have been two days after your
20 birthday, the 10th?

21 A Sure.

22 Q Does that sound right?

23 A Sounds right.

24 Q Okay. Did he call you or did you call him?

ROUGH DRAFT TRANSCRIPT

1 A He called me.

2 Q Okay. And, again, if you don't know, that's
3 okay, but do you recall -- you said sometime in the
4 morning. As best as you can remember, what time was it
5 on Sunday morning that Mr. Mason called you?

6 A The best I can remember, it was after 9:00,
7 sometime after 9:00.

8 Q After 9:00?

9 A After 9:00 in the morning sometime.

10 Q And can you tell the jury about your
11 conversation with Mr. Mason when he called you?

12 A Yes, I can.

13 Q Please.

14 A When he called, I told him what the officer had
15 told me over the phone and I asked him to turn himself
16 in. And -- continue to explain?

17 Q Please.

18 A And he told me that he was going to turn
19 himself in but he was waiting until his mother come.
20 She lives in Arizona. He has no relatives here. So he
21 said he was going to wait until she get here to turn
22 himself in.

23 Q Okay. You recall the conversation you had with
24 Officer Jenkins?

ROUGH DRAFT TRANSCRIPT

1 A Sure.

2 Q Okay. Do you recall telling Officer Jenkins
3 your part of what you just testified to of telling
4 Mr. Mason he needs to turn himself in? Do you recall
5 telling Officer Jenkins that?

6 A I think -- I'm not quite sure, but I think I
7 did tell her. I know I told her that I asked him to
8 turn himself in, you know.

9 Q Okay.

10 A And then later --

11 Q Go ahead.

12 A And then later I told her -- I don't know
13 whether it was the Officer Jenkins or -- because I
14 spoke with two people. But I told them that I asked
15 him to turn himself in. And I also told them that he
16 said that he was going to turn himself in when his
17 mother gets here, as I said before, because he had no
18 family here and he did not want to go alone.

19 Q Okay. And you recall telling that to Officer
20 Jenkins?

21 A Well, like I said, I spoke to two officers, so
22 I told her or the other officer. I don't remember
23 which one. But I told one of them what he had told me.

24 Q Okay. Do you recall telling Officer Jenkins

ROUGH DRAFT TRANSCRIPT

1 when you told your grandson to turn himself in that he
2 responded that turning himself in was not an option at
3 this point?

4 A No, I never said that.

5 Q Okay. And you didn't tell Officer Jenkins
6 that?

7 A No.

8 Q Okay. All right. Did you tell Officer Jenkins
9 that when you spoke with your grandson, Mr. Mason, that
10 he told you he was in fact looking for a way out of
11 Reno?

12 A He never told me that.

13 Q Okay. Mr. Mason never told you that?

14 A No.

15 Q Okay. And you never told that to or relayed
16 that comment to Officer Jenkins?

17 A No.

18 Q Okay. Have you ever met Officer Jenkins
19 before, ma'am?

20 A Not in person, no.

21 Q Okay. You've talked to her on the phone?

22 A I just spoke to her on the phone.

23 Q And help me understand. You said you talked to
24 two officers?

ROUGH DRAFT TRANSCRIPT

1 A Yeah. One was a man.

2 Q Okay. When did you speak with the male
3 officer?

4 A It was after I spoke to Officer Jenkins. I
5 spoke to Officer Jenkins first. She's the one that
6 called first.

7 Q And, again, as best as you can, you said you
8 spoke to her kind of middle of the night, very early
9 morning on Sunday?

10 A Yeah.

11 Q As best as you can, when did you speak with the
12 male officer?

13 A Sometime after I spoke with her. I don't
14 exactly remember when exactly, but it was after. It
15 was the same morning, though.

16 Q Okay. Kind of still middle of the night,
17 morning?

18 A No, I think it was more like -- like 6:00 or
19 7 o'clock maybe.

20 Q And do you know --

21 A Maybe later.

22 Q Do you know the male officer's name?

23 A I don't remember his name.

24 Q Okay. That's okay. When you did speak with

ROUGH DRAFT TRANSCRIPT

1 Mr. Mason, your grandson, did you have an opportunity
2 to ask him about his possession of a firearm?

3 A I'm not -- I don't know. I'm not sure. I'm
4 not sure. I don't think I did.

5 Q Well, did the --

6 A Because I --

7 Q No. I'm sorry. I don't mean to interrupt you.

8 A Because I didn't ask him about his possession
9 of a firearm. I was more concerned about what had
10 happened.

11 Q Did the conversation -- whether you asked him
12 or not, did the conversation come up about his being in
13 possession of a firearm when you spoke with him?

14 A Not at that time.

15 Q No?

16 A Not at that time.

17 Q Okay. I met you for the first time yesterday;
18 correct?

19 A Yes.

20 Q When you flew into Reno?

21 A Yes.

22 Q And you I -- prior to yesterday, I've never met
23 you?

24 A No.

ROUGH DRAFT TRANSCRIPT

1 Q And you and I had an opportunity to speak in my
2 office yesterday for --

3 A Yes.

4 Q -- 15 or 20 minutes maybe?

5 A Um-hum.

6 Q And I just basically asked you to tell me about
7 the phone -- kind of what I'm doing now, right?

8 A Yes.

9 Q Okay. Do you recall yesterday telling me that
10 the conversation of Mr. Mason and his possession of a
11 firearm came up in your conversation with him?

12 A But it didn't come up that particular day.

13 Q Okay.

14 A I've asked him that question since he's been
15 incarcerated.

16 Q Okay.

17 A But not during that time.

18 Q I understand. I apologize.

19 A That's okay.

20 Q Can you tell the jury -- so it was after your
21 conversation with him, your testimony is, on that
22 weekend after your birthday?

23 A Yes.

24 Q Sometime after that you also spoke with

ROUGH DRAFT TRANSCRIPT

1 Mr. Mason about his possession of a firearm?

2 A Much later. Not too long ago.

3 Q Okay. Can you tell the jury what Mr. Mason
4 said in that regard?

5 A Sure. He told me -- I asked him, "Why did you
6 have a gun anyway? Why do you carry a gun?"

7 And he said that he was -- people always picked on
8 him because he was small, because he was, you know, a
9 little man. And he carried it for his protection. But
10 that was since he's been in here.

11 Q Okay.

12 A Not that he carried one all the time.

13 Q I'm sorry?

14 I'm sorry. I didn't hear what you said.

15 A Not that he carried one all the time. I just
16 wanted to know why did he have one in his possession.

17 Q Okay. And that's when he said he's a little
18 man and he carries one for his protection?

19 A Yeah, he had one for his protection. And can I
20 say what I told him?

21 Q In response to that?

22 A Yeah.

23 Q Yeah, sure. Why not?

24 A Yeah, I asked him -- I told him he should be

ROUGH DRAFT TRANSCRIPT

1 careful who he be around, the type of people he be
2 around that he would need it. That's what I told him.

3 Q Fair enough. And you said that because you
4 care for him?

5 A I love him.

6 Q Okay. That's reasonable; right?

7 Ma'am, let me just -- I just want to make sure I
8 understand your testimony on a few key points and then
9 I'll be done. All right?

10 You don't recall in your conversation with Officer
11 Jenkins saying that Quinzale Mason called you sometime
12 in the afternoon of August 9th? You don't recall
13 telling Officer Jenkins that?

14 A About what?

15 Q When you spoke -- today you're testifying that
16 you spoke with Mr. Mason on Sunday morning sometime.

17 A Sometime, yeah.

18 Q That would be August 10th; right?

19 A I guess so, yeah.

20 Q Do you recall telling Officer Jenkins that when
21 Mr. Mason called you in fact it was August 9th,
22 sometime afternoon? Do you recall telling her that?

23 A Say that -- repeat that.

24 Q Sure, I will.

ROUGH DRAFT TRANSCRIPT

1 Rather than your testimony today that when you
2 spoke to Mr. Mason was August 10th -- as I understand
3 your testimony, that's when you believe you spoke with
4 Mr. Mason; correct?

5 A Yes, I believe that.

6 Q Do you recall telling Officer Jenkins that the
7 defendant had called you on August 9th sometime after
8 noon? Do you recall telling officer Jenkins that?

9 A No. August 9th. I told her he called me
10 August 8th which was my birthday.

11 Q Okay. So you never told Officer Jenkins that
12 he called you August 9th, sometime after noon?

13 A Not that I recall.

14 Q Okay. And you don't recall in your
15 conversation with Mr. Mason that he told you that he
16 had shot a kid?

17 A No.

18 Q Okay. And you don't recall in your
19 conversation with Mr. Mason that he told you he was
20 looking for a way out of Reno?

21 A No.

22 Q And you don't recall after you had told
23 Mr. Mason, "Hey, you need to turn yourself in," you
24 don't recall him responding to you that turning himself

ROUGH DRAFT TRANSCRIPT

1 in was not an option for him?

2 A Oh, no.

3 Q That's all. Thank you. Thank you, ma'am.

4 THE COURT: Cross-examination, Mr. Hylin.

5 Hold on a second, Ms. Gray. The other attorney is
6 going to ask you some questions.

7 THE WITNESS: Okay.

8 MR. HYLIN: Thank you, Your Honor.

9 CROSS-EXAMINATION

10 BY MR. HYLIN:

11 Q Good morning, Ms. Gray.

12 A Good morning.

13 Q You're a Christian woman. How long have you
14 been a Christian?

15 A About 35 years.

16 Q Okay. You attend church regularly?

17 A Every Sunday and two times during the week,
18 bible study and church service.

19 Q You have could you characterize it a very, very
20 strong belief in the Christian tenets?

21 A Sure.

22 Q And one of those tenets is you don't lie to
23 people?

24 A Not intentionally. I don't practice lying.

ROUGH DRAFT TRANSCRIPT

1 Q Would you ever lie on behalf of Mr. Mason?

2 A No, never.

3 Q So --

4 A And he knows that.

5 Q If Officer Jenkins reported that she talked to
6 you after Quinzale had called, would that be the truth
7 or not?

8 A Well, one time I talked to her and one of the
9 other officers after he called, but before her first
10 phone call, I had not heard from Quinzale.

11 Q Okay. So if she reported to the prosecutor
12 that that was your -- that she had called for the first
13 time after you talked with Quinzale, that wouldn't be
14 accurate?

15 A Oh, no, that wouldn't be accurate. She called
16 first. But she didn't call first. My daughter called
17 first and told me what happened.

18 Q Okay. And did you ever state to her during
19 that first phone call of hers that you knew she was --
20 they were looking for him because he had shot a kid?

21 A I didn't say no kid, because I didn't know who
22 was shot.

23 Q That was because nobody told you what happened
24 at that point in time?

ROUGH DRAFT TRANSCRIPT

1 A Nobody told me. And I don't think at that time
2 anybody really knew. In the family I'm talking about.
3 So, no, I didn't know who was shot.

4 Q To your knowledge Quinzale, nor anybody else,
5 had told any of the family members what had been going
6 on here?

7 A Not to my knowledge.

8 Q So when Officer Jenkins called you and talked
9 to you, you didn't even know anything about what
10 happened?

11 A I didn't know who was shot, but I knew
12 something had happened because one of my daughters
13 called me and told me.

14 Q Okay. So when she reported to the prosecutor
15 that Quinzale had called sometime after noon the day
16 before, that's not accurate?

17 A No, not since my birthday. He called on
18 August 8th.

19 Q Okay. Did you tell Officer Jenkins that?

20 A Yeah, I told her. I say he -- I told her that
21 August 8th was my birthday and he had called me on my
22 birthday. He's usually the one -- the first one that
23 calls. He called early that morning.

24 Q All right. So it's possible she could have

ROUGH DRAFT TRANSCRIPT

1 been confused about when he called?

2 MR. YOUNG: I'll object to that as speculative.

3 THE COURT: Don't answer that question.

4 Mr. Hylin.

5 MR. HYLIN: That's all right. I'll withdraw the
6 question.

7 THE COURT: The objection is sustained. Next
8 question.

9 So don't answer it.

10 BY MR. HYLIN:

11 Q But the fact of the matter is on August 8th he
12 gave you no information about this incident?

13 A No.

14 Q Okay. And that's because it hadn't occurred
15 yet?

16 A No, it hadn't.

17 Q Okay. Did you -- would she be correct or
18 incorrect if she reported to the prosecutor that you
19 told her that Quinzale was looking for a way out of
20 Reno and was very upset?

21 A Oh, no, that's incorrect. I never told anybody
22 that.

23 Q All right. Did anybody ever discuss with you
24 getting Quinzale out of town?

ROUGH DRAFT TRANSCRIPT

1 A No.
2 Q Even his mother?
3 A No.
4 Q Did you pray with Quinzale over the phone?
5 A Sure. I still do. Yeah, I pray with him over
6 the phone.
7 Q So he lived in Las Vegas for the most of his
8 life?
9 A Yeah.
10 Q And he came up here to be with Eboni?
11 A And his daughter.
12 Q And a daughter?
13 A Um-hum.
14 Q But he used to call you regularly?
15 A Yeah, pretty regular.
16 Q I mean, not every day.
17 A Not every day but maybe every week or every
18 week and a half, something like that.
19 Q All right. And you would pray over the phone
20 with him when he called?
21 A Not every time, but I prayed over the phone
22 with him, yeah.
23 Q So that wasn't unusual during your phone call?
24 A No.

ROUGH DRAFT TRANSCRIPT

1 Q Did you discuss with him turning himself in and
2 he stated to you that that's not an option?

3 A He never said that.

4 Q He never said that at all?

5 A No.

6 Q Did Valerie call you?

7 A Did Valerie call me?

8 Q Yeah.

9 A Yes.

10 Q Did she tell you that she was going to be
11 flying up from Phoenix first thing in the morning and
12 pick him up and take him back to her house?

13 A No. He said -- she said that she was coming up
14 here and take him to turn himself in. That's what he
15 was waiting for. You didn't ask me that. But she came
16 to go with him to turn himself in.

17 Q And that's exactly what Valerie told you?

18 A That's exactly what she told me.

19 Q So to your knowledge, nobody was coming to get
20 Quinzale to take him out of town?

21 A No.

22 MR. HYLIN: If I could have just a moment, Your
23 Honor.

24 THE COURT: Take your time.

ROUGH DRAFT TRANSCRIPT

1 BY MR. HYLIN:

2 Q Had you ever met Officer Jenkins or just talked
3 to her on the phone?

4 A No, I never met her.

5 Q When did Valerie call?

6 A Well, you know, I don't quite remember, because
7 she called quite a few times. Matter of fact, the
8 family -- different members of the family called quite
9 a few times. I don't know who called -- I know who
10 called first when I first got the news, but after then
11 I don't know who called when.

12 Q Okay.

13 A I just know I got calls.

14 Q But the first one to call after he called to
15 wish you a happy birthday on the 8th was then Officer
16 Jenkins?

17 A Yeah, because August 8th this hadn't happened.
18 So when I heard from -- the first one that called
19 August 8th or you mean the next day? I don't
20 understand.

21 Q Well, he called -- Quinzale called you on the
22 8th to wish you a happy birthday?

23 A Yes.

24 Q And then Officer Jenkins called on the 10th.

ROUGH DRAFT TRANSCRIPT

1 Do you recall?

2 A That morning, yeah, early.

3 Q Very, very early in the morning?

4 A Um-hum.

5 Q So who had you talked to before Quinzale? Did
6 you talk to anybody before you talked to Quinzale?

7 A Sure. My daughters, my grandchildren.
8 Everybody was calling. After we, you know, heard about
9 it, everybody in the family mostly was calling.

10 Q All right. But nobody spoke of getting him out
11 of town?

12 A Oh, no.

13 MR. HYLIN: I have no further questions, Your
14 Honor.

15 THE COURT: Redirect based on the
16 cross-examination, Mr. Young.

17 MR. YOUNG: Yes, Your Honor.

18 REDIRECT EXAMINATION

19 BY MR. YOUNG:

20 Q Ma'am, just a few more minutes of your time.

21 A Okay.

22 Q Did I understand your testimony -- you correct
23 me if I'm wrong -- but that you didn't even know that
24 the case involving Quinzale Mason involved a kid at

ROUGH DRAFT TRANSCRIPT

1 all?

2 A No, I didn't know that. Really I didn't -- I
3 just only knew he -- see, Quinn didn't talk about what
4 happened, but I heard that he had shot somebody. Then
5 later I heard there wasn't anybody hurt. So I didn't
6 know a kid was involved, a child.

7 Q And that's what Mr. Mason told you, no one was
8 hurt?

9 A Did Mr. Mason tell me that?

10 Q Yeah.

11 A No, Mr. Mason didn't tell me that. I don't
12 remember quite who told me that, but it was one or
13 two -- and I don't know where they got it from, but
14 they said that whoever was --

15 Q I got to be careful how far astray we go.

16 A Okay. It's my first time doing this.

17 Q I understand. It's not common speak, is it?
18 Okay. When you spoke with Officer Jenkins, so early
19 morning hours of Sunday, did you know at that time that
20 there was a kid even involved?

21 A No.

22 Q Okay. And you testified that you were awake
23 when Officer Jenkins did call you?

24 A Yes, I was.

ROUGH DRAFT TRANSCRIPT

1 Q So your conversation with her, you were alert
2 and you were having a back-and-forth --

3 A I was alert.

4 Q Now, Mr. Hylin was just asking you some
5 questions about a conversation you had with Valerie.

6 A Yes.

7 Q Is that Valerie Stewart?

8 A His mother, yes.

9 Q And your daughter?

10 A Yes.

11 Q Okay. And Mr. Hylin asked if you had any
12 conversation with Valerie Stewart and she said whether
13 she was coming down to pick up Mr. Mason and drive him
14 out of town. And you said that was no conversation you
15 had with Ms. Stewart; correct?

16 A No, not about taking him out of town.

17 Q Okay. Do you recall in your conversation with
18 Officer Jenkins telling Officer Jenkins that in your
19 conversation with Valerie Stewart that she told you she
20 was flying from Phoenix, Arizona to Reno first thing in
21 the morning to pick Mr. Mason up and take him back with
22 her to her house?

23 A No.

24 Q You never told that to Officer Jenkins?

ROUGH DRAFT TRANSCRIPT

1 A No.

2 Q That's all. Thank you, ma'am.

3 THE COURT: Recross based on the redirect.

4 MR. HYLIN: Nothing, Your Honor.

5 THE COURT: Ms. Gray, thank you for being here
6 today. You're free to go.

7 May Ms. Gray being excused from her subpoena,
8 Mr. Young?

9 MR. YOUNG: Yes.

10 THE COURT: Mr. Hylin?

11 MR. HYLIN: Yes, Your Honor.

12 THE COURT: You're free to go, ma'am.

13 The State's next witness.

14 MR. YOUNG: Officer Jenkins.

15 THE COURT: Ladies and gentlemen of the jury, if
16 you would like to stand up and stretch your legs for a
17 moment while Officer Jenkins comes in.

18 Why don't we take a morning recess now. It's a
19 little bit early, but rather than starting Officer
20 Jenkins' testimony, we can take the morning recess now.

21 Ladies and gentlemen, it will be for 15 minutes.
22 You are instructed not to discuss this case among
23 yourselves or with anyone else or to form any
24 conclusions concerning the case until it is submitted

ROUGH DRAFT TRANSCRIPT

1 to you. You're not to read, look at or listen to any
2 news media accounts relating to this case should there
3 be any. You're not to form any opinion about the case
4 until it is finally submitted to you.

5 Do not experiment or investigate. Do not visit the
6 scene. Do not refer to any outside sources for
7 instructions on the law. Rely only on the court for
8 legal instruction.

9 All rise for the jury. We'll be in recess until 10
10 minutes at 10:00.

11 (Outside the presence of the jury:)

12 THE COURT: Counsel, during the morning's
13 proceedings Deputy Gray has been able to get in contact
14 with representatives from the Washoe County Sheriff's
15 Office and somebody will be coming down to assist the
16 defendant with his medical needs during the lunch hour.

17 Court's in recess.

18 THE DEFENDANT: Thank you, Your Honor.

19 THE COURT: Thank Deputy Gray. He's the one who
20 took care of it.

21 (A recess was taken.)

22 (Within the presence of the jury:)

23 THE COURT: Will counsel stipulate to the presence
24 of the jury? Mr. Young?

ROUGH DRAFT TRANSCRIPT

1 MR. YOUNG: The State will, Your Honor.

2 THE COURT: Mr. Hylin?

3 MR. HYLIN: Yes, Your Honor, stipulate.

4 THE COURT: Mr. Young, your next witness, please.

5 MR. YOUNG: Detective Jenkins.

6 (The oath was administered to the witness.)

7 THE WITNESS: Yes, I do.

8 ALLISON JENKINS,

9 having been called as a witness herein,
10 being first duly sworn, was examined
and testified as follows:

11 DIRECT EXAMINATION

12 BY MR. YOUNG:

13 Q Good morning, ma'am.

14 A Good morning.

15 Q Could you state your first and last name and
16 spell both for the reporter.

17 A Allison Jenkins, and the last is J-e-n-k-i-n-s.

18 Q Ma'am, with whom are you currently employed?

19 A The Reno Police Department.

20 Q How long have you been so employed?

21 A It will be seven years this Valentine's Day.

22 Q What is your current assignment?

23 A I'm a detective in the financial crimes unit.

24 Q And did you get promoted to detectives

ROUGH DRAFT TRANSCRIPT

1 recently?

2 A Yes, I did.

3 Q When was that?

4 A It would have been this January.

5 Q So about a month ago?

6 A Yes, sir.

7 Q The balance of that seven years outside of this
8 last month have you been assigned to the patrol
9 division?

10 A Yes, I have.

11 Q And were you assigned to the patrol division on
12 August 9th into the morning of the 10th of 2014?

13 A Yes, I was.

14 Q And were you working the graveyard unit?

15 A Yes.

16 Q Graveyard shift rather.

17 A Yes, sir.

18 Q What are the hours that the graveyard shift
19 covers?

20 A We start at 9 p.m. and we get off at 7 a.m. in
21 the morning.

22 Q Did you become involved in a case, an
23 investigation, regarding a shooting on Patton Drive?

24 A Yes, I did.

ROUGH DRAFT TRANSCRIPT

1 Q Okay. And I don't want you to give me too much
2 of your basis for learning this, but was a suspect
3 identified in that shooting?

4 A Yes, sir.

5 Q Who was that?

6 A Mr. Quinzale Mason.

7 Q And did you ever have any -- yourself any
8 dealings with Mr. Mason --

9 A No, I did not.

10 Q -- related to this case?

11 A No, sir.

12 Q Okay. What was your involvement in this
13 matter?

14 A We had been made aware in briefing that a
15 suspect was outstanding and that the shift before us
16 had received an anonymous tip that he was trying to
17 flee town. And so subsequent to that, I was asked by
18 my supervisor --

19 MR. HYLIN: I'm going to object and move to strike
20 this, Your Honor. This is all rank hearsay.

21 THE COURT: I'm not quite sure what the difference
22 between regular hearsay and rank hearsay is, Mr. Hylin.

23 MR. HYLIN: Well, rank means it's really bad.

24 THE COURT: Okay. I understand.

ROUGH DRAFT TRANSCRIPT

1 I believe that there's only one definition of
2 hearsay in the Nevada Revised Statutes and there's no
3 rank qualification.

4 It is hearsay.

5 Mr. Young, are you offering the information for the
6 truth of the matter asserted?

7 MR. YOUNG: No, I'm not, Your Honor.

8 THE COURT: Ladies and gentlemen, the comments that
9 Detective Jenkins has just made are not being offered
10 for the truth of the matter asserted. You're not to
11 assume that they are true. They're only being offered
12 for the effect on the listener; that is, what Detective
13 Jenkins did as a result of hearing those.

14 Go ahead.

15 BY MR. HYLIN:

16 Q Based on the information you received what
17 steps did you take as part of the investigation?

18 A I was asked by my supervisor to try and get
19 ahold of any of his associates or relatives to try and
20 find out if they knew where he was.

21 Q And did somehow you receive a list of contact
22 information for a number of individuals?

23 A Yes, I did.

24 Q Was one of those individuals Wilma Gray?

ROUGH DRAFT TRANSCRIPT

1 A Yes, sir.

2 Q And do you know the relationship between Wilma
3 Gray and Quinzale Mason?

4 A Wilma Gray is his grandmother.

5 Q Okay. Did you learn where Ms. Gray resided?

6 A If I recall correctly, I believe she resided in
7 Las Vegas, Nevada.

8 Q Okay. Did you have an opportunity to call
9 Ms. Gray on the phone number provided to you and speak
10 with Ms. Gray?

11 A Yes, I did.

12 Q What day and time did you make that phone call?

13 A I spoke to her in the early morning hours,
14 around 3 o'clock in the morning, on August 10th.

15 Q Okay. And did Ms. Gray answer the phone?

16 A Yes, she did.

17 Q And did she properly identify herself as Wilma
18 Gray?

19 A Yes, she did.

20 Q Okay. Did she, being Ms. Gray, did she seem
21 alert during your conversation with her?

22 A Yes, she did.

23 Q What was her demeanor at least from what you
24 could decipher over the telephone?

ROUGH DRAFT TRANSCRIPT

1 A She was very upset and it sounded as if she
2 were crying on the other end of the phone.

3 Q Okay. How did that conversation begin? In
4 other words, what did you tell Ms. Gray?

5 A I introduced myself to her as an officer
6 working for the Reno Police Department and I told her I
7 was looking to find her grandson.

8 Q Now, at this point when you made the call did
9 you know -- beyond the little bit you were informed in
10 briefing, did you know much about the case?

11 A No, I didn't.

12 Q Okay. When you told Ms. Gray that you were
13 looking for her grandson, what did Ms. Gray respond?

14 A She told me she knew I was looking for him and
15 that she knew that because he told her he had shot a
16 kid.

17 Q Now, "shot a kid," were those words -- are you
18 paraphrasing or were those words that Ms. Gray actually
19 used?

20 A Those are the words she used.

21 Q And you just testified that she told you she
22 knew that information because Quinzale Mason had called
23 and said that. Are you positive about that?

24 A I am.

ROUGH DRAFT TRANSCRIPT

1 Q Okay. Was it -- were you surprised when she
2 said those words?

3 A A little.

4 Q Why is that?

5 A You know, I wasn't sure how much --

6 MR. HYLIN: Objection, Your Honor. Her surprise
7 isn't relevant.

8 THE COURT: Mr. Young.

9 MR. YOUNG: I would just submit it is. It goes to
10 the nature of the call based on the testimony we just
11 heard from Ms. Gray and Detective Jenkins' testimony.

12 THE COURT: I'll overrule the objection.
13 You can answer the question.

14 THE WITNESS: Thank you.

15 I was a little surprised. I didn't know how
16 involved she would be, if at all. I really had very
17 little knowledge of the case at that time and so it was
18 a little --

19 BY MR. YOUNG:

20 Q Okay. Did you ask Ms. Gray when she had spoken
21 with Mr. Mason?

22 A Yes, I did.

23 Q And what did Ms. Gray tell you?

24 A She told me that he had called her the day

ROUGH DRAFT TRANSCRIPT

1 before, so that would have been the 9th.

2 Q August 9th?

3 A August 9th. I'm sorry. Yes.

4 Q And did she specify a timeframe that Mr. Mason
5 had called her on August 9th?

6 A That it was sometime after noon.

7 Q Okay. Did she tell you what she initially
8 thought he was calling her for?

9 A Yes. She told me that she was excited to hear
10 from him -- to hear from him initially and thought that
11 he was maybe calling to wish her a happy birthday.

12 Q And is there any doubt in your mind that she
13 told you she received a call on August 9th versus any
14 other day?

15 A No, there's not.

16 Q Okay. What else did Ms. Gray tell you during
17 that conversation?

18 A She told me that he had called her asking for
19 help and told her that he needed to get out of Reno and
20 was looking for her to help him with that.

21 Q And did Ms. Gray tell you through the course of
22 that conversation that she advised Mr. Mason that he in
23 fact instead of looking for a way out of Reno needed to
24 turn himself in to the police?

ROUGH DRAFT TRANSCRIPT

1 A She did tell him that.

2 Q And what did Ms. Gray tell you was Mr. Mason's
3 response to that comment?

4 A That that wasn't an option for him.

5 Q Any doubt in your mind as to the content of
6 what Ms. Gray told you as you testified to right now?

7 A No, there is not.

8 Q Okay. While speaking with Ms. Gray did you
9 also have an opportunity to speak with her or did she
10 advise you a phone call that she had with a Valerie
11 Stewart?

12 A Yes, sir.

13 Q And based on your investigation and your
14 involvement in the case, do you know who Valerie
15 Stewart is?

16 A Mr. Mason's mother.

17 Q Okay. And what did Ms. Gray tell you about her
18 conversation with Ms. Valerie Stewart?

19 MR. HYLIN: Objection. Hearsay, Your Honor. I
20 understand, you know, he's offering a lot of this as a
21 prior inconsistent statement, so I'm not making a lot
22 of noise about it, but the one from Valerie Stewart in
23 this regard is double hearsay.

24 THE COURT: Mr. Young.

ROUGH DRAFT TRANSCRIPT

1 MR. YOUNG: Your Honor, I didn't even go into that
2 in my questioning. Mr. Hylin opened the door in
3 specifically asking Ms. Gray about her conversation
4 with Ms. Stewart. She denied in questioning on
5 cross-examination by Mr. Hylin that Ms. Stewart had
6 said anything about leaving town and in fact had said
7 she was going to Reno to have Mr. Mason turn himself
8 in. So it's a prior inconsistent statement directly
9 rebutting that.

10 MR. HYLIN: That's not really the case. This isn't
11 an open-the-door sort of thing. That's for character
12 witness testimony, Your Honor. Hearsay is hearsay.
13 And if it's double hearsay, he has to offer another
14 exception for that, which I don't think the one he just
15 offered is adequate.

16 THE COURT: Mr. Young, do you have a good faith
17 belief that the testimony of Detective Jenkins will be
18 inconsistent with the testimony that Ms. Gray offered
19 earlier today?

20 MR. YOUNG: Absolutely.

21 THE COURT: The Court will overrule the objection
22 pursuant to NRS 51.035. A prior inconsistent statement
23 of a witness is not hearsay. But ladies and gentlemen
24 of the jury, regarding specifically what was said by

ROUGH DRAFT TRANSCRIPT

1 the defendant's mother, you're not to consider that for
2 the truth of the matter asserted. All you're to be
3 focusing on regarding this statement is that it is
4 contrary according to what Mr. Young has informed the
5 court to what Ms. Gray told us earlier today.

6 So you can ask the question again.

7 BY MR. YOUNG:

8 Q To get us back on track, Ms. Gray spoke with
9 you about a conversation she had also had with Valerie
10 Stewart; correct?

11 A Correct.

12 Q According to what Ms. Gray told you on the
13 phone, what was her conversation with Ms. Stewart?

14 A She told me that she had spoken to her over the
15 phone and told her -- well that -- I'm sorry.
16 Ms. Stewart had actually told her also that Quinzale
17 was in the trouble and that she would be flying to
18 Reno --

19 THE COURT: Hold on a second. Stop. Let's start
20 the question again. And just focus simply on what
21 Ms. Gray told you, not what Ms. Stewart said. And
22 there's a difference between those two things.

23 THE WITNESS: Okay.

24 THE COURT: So ask the question again, Mr. Young.

ROUGH DRAFT TRANSCRIPT

1 MR. YOUNG: I'll narrow it down.

2 BY MR. YOUNG:

3 Q Was there a conversation between you and
4 Ms. Gray --

5 A Yes.

6 Q -- when you spoke with her own the phone of
7 what -- of the reason that Ms. Stewart said she was
8 flying to Reno?

9 A Yes, sir.

10 Q What was that?

11 A It would be to pick up Mr. Mason and take him
12 back to her home.

13 Q Okay. And did Ms. Gray tell you where
14 Ms. Stewart's home was?

15 A Phoenix, Arizona.

16 Q Now, as part of this case did you draft a
17 police report?

18 A Yes, I did.

19 Q And is that common in any case that you play
20 any sort of significant role?

21 A Yes, sir.

22 Q Okay. So you didn't do a police report
23 specifically for this case and omit reports from other
24 cases; fair?

ROUGH DRAFT TRANSCRIPT

1 A Fair.

2 Q From the time that you spoke with Ms. Gray, you
3 said about 3 o'clock in the morning on August 10th,
4 when did you actually draft and prepare your police
5 report?

6 A Within one hour.

7 Q So that would have been still August 10th?

8 A Yes, sir.

9 Q 4 o'clock in the morning or thereabout?

10 A Yes, sir.

11 Q And is that police report specifically for me
12 or is that your police report that wherever it goes, it
13 goes?

14 A It's my police report.

15 Q Okay. Now, in addition to the phone call that
16 you had with Ms. Gray, did you also as part of the
17 investigation look into information related to the Reno
18 Tahoe International Airport?

19 A Yes, I did.

20 Q And why did you do that and what did you do?

21 A I did it in the thought that Ms. Stewart would
22 be flying to Reno to contact her son.

23 Q Okay. And did you learn based on what you
24 learned her location to be and flights into Reno.

ROUGH DRAFT TRANSCRIPT

1 various airlines of flights that flew into Reno in the
2 morning of August 10th?

3 A Yes, I did.

4 Q And did you make that information available to
5 other officers?

6 A Yes, I did.

7 Q Did you have any -- beyond what you testified
8 to, primarily the phone call with Ms. Gray and
9 obtaining information from the airport, did you have
10 any other involvement in this case?

11 A No, I did not.

12 Q Had you ever met Ms. Gray, Wilma Gray -- have
13 you ever met her?

14 A No, sir.

15 Q How many times did you speak with Ms. Gray on
16 the phone?

17 A Just one time.

18 Q Okay. That would have been 3 o'clock in the
19 morning on the 10th?

20 A Yes, sir.

21 Q Do you know whether there was -- if any other
22 officers spoke with Ms. Gray?

23 A I asked a day shift officer to contact her and
24 let her know her grandson was safe if we found him.

ROUGH DRAFT TRANSCRIPT

1 Q Do you know -- if you know -- whether another
2 officer actually contacted her at any time?

3 A Officer Kassebaum told me he had contacted her.

4 MR. HYLIN: Objection, Your Honor.

5 THE COURT: Sustained. The jury will disregard
6 that last comment. That would be hearsay.

7 BY MR. YOUNG:

8 Q Do you know firsthand? In other words, you
9 weren't part of any phone call to Ms. Gray?

10 A No, I was not.

11 Q Beyond the one you've testified to?

12 A No, sir.

13 MR. YOUNG: That's all, Your Honor. Thank you.

14 THE COURT: Cross-examination, Mr. Hylin.

15 MR. HYLIN: Thank you, Your Honor.

16 CROSS-EXAMINATION

17 BY MR. HYLIN:

18 Q Detective Jenkins, did you take notes of this
19 phone conversation?

20 A I had.

21 Q Do you have them with you now?

22 A No. In fact, I think I wrote them on my hand.

23 Q You wrote the notes on your hand?

24 A Yes, sir.

ROUGH DRAFT TRANSCRIPT

1 Q So you have a report that's roughly
2 three-quarters of a page long and you wrote those notes
3 on your hand?

4 A Well, I wrote chicken scratch on my hand,
5 things that were relevant to me to help me remember.

6 Q Okay. So you called at 3 a.m.?

7 A Yes, sir.

8 Q Why would you call at 3 a.m.?

9 A It was a very time sensitive issue and those
10 were the hours I was working. It's when I had been
11 assigned that task.

12 Q All right. You didn't think of calling at,
13 say, 7 a.m. or more when people would be up and about?

14 A With the information that he was trying to
15 actively flee town, I thought it best to call right
16 away.

17 Q But that information never panned out to your
18 knowledge? Just to your knowledge.

19 A Which information? I'm sorry.

20 Q That he was fleeing town.

21 A Just that we had the anonymous tip that he was
22 actively trying to.

23 Q Right. And that's all you ever got?

24 A Right.

ROUGH DRAFT TRANSCRIPT

1 Q And you said when Quinzale called, you said
2 that was on the 9th?

3 A Are you asking me what his grandmother told me?

4 Q Correct.

5 A Yes, sir.

6 Q Because you said it was on the 9th and he
7 called to wish her a happy birthday?

8 A Yes, sir.

9 Q You're sure about that?

10 A Yes, sir.

11 Q Now, you weren't at the airport?

12 A No, I was not.

13 Q Did you learn later that they saw Valerie
14 Stewart there?

15 A Yes, I did.

16 Q All right. But you don't know what happened
17 after that?

18 A No, I don't.

19 Q This is the only involvement you had in this?

20 A Yes, sir.

21 MR. HYLIN: I have no further questions, Your
22 Honor.

23 THE COURT: Redirect based on the
24 cross-examination, Mr. Young.

ROUGH DRAFT TRANSCRIPT

1 MR. YOUNG: Just two.

2 REDIRECT EXAMINATION

3 BY MR. YOUNG:

4 Q The reason -- would you call somebody at 3 a.m.
5 in every single case, in every instance?

6 A Absolutely not.

7 Q It depends on the nature of the case?

8 A Yes.

9 Q Did you feel in this case it was appropriate to
10 make a call at 3:00 in the morning?

11 A Yes, I did.

12 Q And Mr. Hylin was asking about your report and
13 the notes on your hand. Is everything that you put in
14 your report accurate based on what you -- your
15 conversation --

16 A Yes, sir.

17 MR. YOUNG: That's all.

18 THE COURT: Recross based on the redirect.

19 MR. HYLIN: Subject to recall, Your Honor.

20 THE COURT: Okay. Detective Jenkins, you're free
21 to go now, but you're not excused from your subpoena
22 because the defense has indicated they might want to
23 recall you. So thank you for being here today.

24 THE WITNESS: Yes, sir.

ROUGH DRAFT TRANSCRIPT

1 THE COURT: Your next witness, Mr. Young.

2 MR. YOUNG: The State calls Delphine Martin.

3 THE COURT: Okay.

4 THE BAILIFF: Stand here and face the clerk.

5 THE CLERK: Raise your right hand.

6 (The oath was administered to the witness.)

7 THE CLERK: Have a seat.

8 DELPHINE MARTIN,

9 having been called as a witness herein,
10 being first duly sworn, was examined
and testified as follows:

11 DIRECT EXAMINATION

12 BY MR. YOUNG:

13 Q Ma'am, good morning.

14 A Good morning.

15 Q Could you please state for the record your
16 first and last name and go ahead and please spell both
17 for the reporter.

18 A It's Delphine, D-e-l-p-h-i-n-e, Martin,
19 M-a-r-t-i-n-e.

20 THE COURT: Ms. Martin, you don't need to put your
21 face right up next to that microphone. Just kind of
22 tilt it back towards you and relax.

23 Go ahead.

24
ROUGH DRAFT TRANSCRIPT

1 BY MR. YOUNG:

2 Q Ma'am, back in August of 2014 did you live on
3 Patton Drive?

4 A Yes.

5 Q Okay. Do you recall the specific address or
6 unit that you lived on?

7 A 2393 Patton Drive.

8 Q Okay. I don't need you to give me your current
9 address, but have you since moved?

10 A Yes.

11 Q Okay. And was the reason you moved based on
12 events that happened in August?

13 A Yes.

14 Q Okay. Going back to 2393 Patton Drive, could
15 you explain to the jury the position of your specific
16 unit in that building.

17 A I lived downstairs and there was like -- it
18 was -- we were sitting outside.

19 Q We'll get to that. Let me help you. How many
20 individual apartment units were in your building?

21 A Four.

22 Q Okay. And you said you were on the --

23 A Downstairs.

24 Q -- the ground floor?

ROUGH DRAFT TRANSCRIPT

1 Okay. How many units are on that ground floor?

2 A Two.

3 Q And then two upstairs?

4 A Yes.

5 Q Okay. Now, we'll get into what happened on a
6 certain day, but do you have any -- before we get
7 there, do you have any children?

8 A Yes.

9 Q How many?

10 A Two.

11 Q Okay. And what are their names?

12 A Cecelia and Antonio.

13 Q How old is Cecelia?

14 A Four.

15 Q What's Cecelia's date of birth?

16 A It's June 28th, 2010.

17 Q Okay. Now, on August -- well, did something
18 occur on August 9th which brings you here to court?

19 A Yes.

20 Q Okay. Go ahead -- I didn't mean to cut you off
21 earlier. Please tell the jury what that was.

22 A It was -- about the shooting?

23 Q Yeah.

24 A Me and my daughter were sitting outside and I

ROUGH DRAFT TRANSCRIPT

1 was on the chair and my daughter was on the side of me.
2 And Anthony went to go walk my dog and he came back --
3 he was at the gate and that's when he seen him pull up
4 and he got out of the car.

5 MR. HYLIN: Objection, Your Honor. I think we're
6 getting into a narrative again.

7 THE COURT: Sustained.

8 Mr. Young, you can ask another question.

9 MR. YOUNG: Sure. That's fine.

10 BY MR. YOUNG:

11 Q Why were you outside?

12 A My daughter was playing outside.

13 Q Okay. Do you recall what she was playing?

14 A Just running around.

15 Q Okay.

16 A And then she stepped by me.

17 Q And you said that you were sitting?

18 A Yes.

19 Q Where were you sitting?

20 A By my door.

21 Q Are there some chairs out there?

22 A There was one.

23 Q Okay. Now, you mentioned Anthony.

24 A Yes.

ROUGH DRAFT TRANSCRIPT

1 Q Do you know his last name, by chance?

2 A Holly, I believe.

3 Q Okay. Holly. And going back to August of last
4 year, do you know where Anthony lived?

5 A He lived right across from me upstairs.

6 Q All right. When you say across from you --

7 A He was a neighbor basically.

8 Q Okay. Let me show you -- across from you
9 across the parking lot or across the street?

10 A He lives across the parking lot.

11 Q While you were sitting there, what were you
12 doing?

13 A We were just talking outside.

14 Q And where was Anthony while you were talking?

15 A He was in the front with one of his friends,
16 and then me and my daughter, and then he asked me if he
17 could walk my dog and I gave him the dog.

18 Q So when you say he was in front, in front of
19 what?

20 A My house, my place.

21 Q All right. And he asked you to walk the dog.
22 Does he have some kind of connection to that dog?

23 A He had a dog that was sisters.

24 Q Okay. And so he asked to walk the dog. Did

ROUGH DRAFT TRANSCRIPT

1 he?

2 A Yes.

3 Q And was the dog free to run around or was the
4 dog on a leash?

5 A On a leash.

6 Q So what did Anthony do with the dog?

7 A Took him to the -- was walking towards the
8 street by the gate and grass and then --

9 Q Let me stop you right there. When you say
10 towards the street --

11 A Like on my side where the stairway is.

12 Q What street was he walking towards?

13 A Patton.

14 Q Okay. And he had the dog with him?

15 A With him.

16 Q What's the dog's name?

17 A Bandit.

18 Q Bandit. I didn't mean to cut you off. What
19 happened at that point?

20 A Which point?

21 Q Well, you just testified that he took Bandit up
22 towards Patton and was in the grass area.

23 A Yeah, where the gate and the grass is.

24 Q Where the gate and the grass is?

ROUGH DRAFT TRANSCRIPT

1 A Um-hum.

2 Q Okay. What happened at that point?

3 A He turned around and started walking towards
4 our way and that's when he showed up.

5 Q When you say "that's when he showed up" --

6 A I don't know his name.

7 Q Okay. That's okay. Do you see the person
8 when you say "he showed up" who that person is?

9 A Yes.

10 Q Can you point him out to the jury, please.

11 A (Pointing._

12 Q And can you describe what he's wearing today?

13 A He's wearing white with gray pants.

14 Q Does he have a neck tie on?

15 A Yes.

16 MR. YOUNG: Your Honor, if the record reflect
17 identification.

18 THE COURT: It will so reflect.

19 Go ahead.

20 BY MR. YOUNG:

21 Q You said that the defendant came -- how did he
22 come up?

23 A In a car.

24 Q Okay. Can you describe the car?

ROUGH DRAFT TRANSCRIPT

1 A Gold.

2 Q Big? Little?

3 A Small.

4 Q Okay. And when you said "he came you," where
5 did he go?

6 A He pulled in front of my neighbor's place.

7 Q What's your neighbor's name?

8 A I don't know his name.

9 Q All right.

10 A I forgot his name.

11 Q That's okay.

12 A It's been a while.

13 Q That's okay. Did you move out of this
14 residence -- do you know when you moved out of the
15 Patton Drive residence?

16 A October.

17 Q Okay. When the defendant pulled up in this
18 vehicle, what happened?

19 A He got out and said something to him and
20 started shooting.

21 Q When you say he said something to him, who's
22 him?

23 A Anthony.

24 Q Okay. Now, where was -- when the defendant

ROUGH DRAFT TRANSCRIPT

1 pulled up, where was Anthony?

2 A He was like by the stairway and the poles,
3 because he turned around.

4 MR. YOUNG: If I could move this back forward, Your
5 Honor.

6 THE COURT: You can.

7 Ms. Martin, there's a screen on the bench in front
8 of you. You'll be able to see the same thing that's
9 going to be here on the bigger screen, just so you
10 know.

11 BY MR. YOUNG:

12 Q I'm going to show you Exhibit 2. This may help
13 a little bit. Do you recognize that, ma'am?

14 A Yes.

15 Q Okay. It's effectively kind of an overhead
16 satellite image of the building that you were in.

17 A Yes.

18 Q Okay. So let me kind of backtrack a little
19 bit. And you can -- in fact, if need be, you can touch
20 your screen, you can draw your finger across it and it
21 will make some marks on it. Okay?

22 A Okay.

23 Q Where was Anthony originally? You said he was
24 in front of your apartment. Where approximately was

ROUGH DRAFT TRANSCRIPT

1 he?

2 A Right here.

3 Q Okay. And then you said he took Bandit and
4 walked towards Patton. Where did he go?

5 A Right down here.

6 Q Okay. Now, again, now that you have a picture
7 in front of you, you said that the defendant pulled his
8 vehicle in. Where did he park?

9 A Right -- I believe right here.

10 Q Okay. And you're pointing to that first
11 parking spot in front of your building?

12 A Yes.

13 Q Okay. Now, I'm going to clear this. And you
14 just identified that as the parking spot; correct?

15 A Yes.

16 Q Again, if you could use -- point out. Where
17 was Anthony approximately when the defendant pulled and
18 parked there?

19 A Probably like right there.

20 Q Right next to --

21 A Right next --

22 Q -- to the car?

23 A Yeah.

24 Q Then what happened?

ROUGH DRAFT TRANSCRIPT

1 A He got out of the car, said something to him,
2 "This is for you," or something like that, I believe,
3 and started shooting.

4 Q When you say he started shooting, who is "he"?

5 A The defendant.

6 Q Okay. How long had you known Anthony prior to
7 this day?

8 A I had seen him -- when I moved down to the
9 apartments, I've seen him around, but like I didn't
10 associate with him.

11 Q How long did you live in that apartment
12 building?

13 A I believe a year and a half.

14 Q Okay. And it's kind of hard to see --

15 A Or two.

16 Q One and a half to two?

17 A Yeah.

18 Q It's kind of hard to see. The picture cuts
19 off. But do you see at the top here there's the start
20 of another building?

21 A Yes.

22 Q Is that the one you're referring to that
23 Anthony lived in?

24 A Yes.

ROUGH DRAFT TRANSCRIPT

1 Q Now, let me ask you about the defendant. As
2 you sit here do you know his name?

3 A No.

4 Q Okay. Prior to the events on August 9th did
5 you socialize with the defendant at all?

6 A No.

7 Q Okay. Did you know who he was?

8 A No.

9 Q Okay. Did you know whether he had any
10 children?

11 A Yes.

12 Q How did you know that?

13 A Well, I knew because when -- one time his kids
14 were over there and I didn't know he was the father
15 until I seen the daughter running up to him.

16 Q Okay. So when I ask if you prior to
17 August 9th knew the defendant, you didn't know him in a
18 social scene?

19 A No. No.

20 Q But did you see him around the neighborhood?

21 A A couple times. I can't remember.

22 Q The defendant you testified got out and made a
23 comment to Anthony and started shooting?

24 A Yes.

ROUGH DRAFT TRANSCRIPT

1 Q Did you see that?
2 A Yes.
3 Q Did you see what type of gun the defendant had?
4 A No.
5 Q Do you know much about guns?
6 A No.
7 Q Okay. What direction was the defendant
8 shooting?
9 A Towards Anthony and then shot across.
10 Q Now, where was -- you said that Anthony
11 initially was by the defendant's car when he pulled in.
12 Where did Anthony go?
13 A He went running. As he was shooting, he went
14 running. He fell down, got back up and ran towards the
15 back.
16 Q Okay. And if you could, go ahead and -- again,
17 use your finger and draw that for us, please.
18 A Ran down this way and that way.
19 Q You said --
20 A But he fell twice.
21 Q And where did -- when he fell, Anthony --
22 A Um-hum.
23 Q -- where did Anthony fall?
24 A I know one was in front of the car, his car,

ROUGH DRAFT TRANSCRIPT

1 and then he got back up and ran, like ducking, and ran
2 towards me and my daughter's way. And there's a pole,
3 so he fell when he went around there.

4 Q Around kind of that corner of your building?

5 A The post.

6 Q Where is that?

7 A I believe it's right there and -- I believe
8 it's right there. He went around and then that's -- he
9 got back up and went there.

10 Q And so when you say "the pole," like a support
11 pole?

12 A Yes.

13 Q Okay. On the top floor of that building is
14 there a kind of a walkway or a patio area?

15 A Yes.

16 Q Now, you've drawn, at least on your screen with
17 respect to Exhibit 2, that Anthony ran towards you said
18 you and your daughter and then kind of went behind the
19 building?

20 A Yes.

21 Q Did you see where Anthony went after that?

22 A I believe he was standing there for a minute
23 until he checked to see if he left and then came out.

24 Q Okay. You did see Anthony again?

ROUGH DRAFT TRANSCRIPT

1 A Yes.

2 Q Where did Anthony go?

3 A He walked towards his place and went upstairs
4 and came back down. And then he left us because all
5 the police and ambulance were on their way.

6 Q After Anthony went to his place -- and that's
7 the unit you described, the building across the parking
8 lots?

9 A Um-hum.

10 Q -- you said he then left?

11 A Yeah, he left. He hopped in someone's car.

12 Q Do you know whose car he got into?

13 A No.

14 Q Do you recall any description of that car?

15 A It was a black car.

16 Q Okay. I'm going to go back to take those marks
17 off the screen.

18 Going back to when you saw the defendant pull into
19 the parking lot, was there anybody else that you saw in
20 that vehicle with him?

21 A No.

22 Q Had you seen that vehicle before?

23 A Yes.

24 Q Okay. Where?

ROUGH DRAFT TRANSCRIPT

1 A Just like -- I didn't know he lived there until
2 I seen the car there before.

3 Q When you say "lived there," what do you mean?

4 A In the apartments back -- say you go out on
5 Patton and then there's an apartment complex and the
6 next apartment complex.

7 Q I show you Exhibit 1, ma'am. Can you see that?

8 A Yes.

9 Q What apartment complex are you referring to?

10 A I believe it's this one.

11 Q Okay. You testified that the defendant started
12 shooting; right?

13 A Yes.

14 Q Are you sure about that?

15 A Yes.

16 Q Do you recall how many shots he fired?

17 A Three, I believe.

18 Q Three, you believe?

19 THE COURT: You do need to speak up just a little
20 bit.

21 THE WITNESS: Three, I believe.

22 BY MR. YOUNG:

23 Q And what happened at that point? We'll start
24 with the defendant. What did he do?

ROUGH DRAFT TRANSCRIPT

1 A He was shooting at Anthony and then when he was
2 done -- well, I ducked down to protect my daughter.
3 And when he was done, I seen him back up and leave.

4 Q And can you explain -- when you say he left,
5 how did he the leave?

6 A In his car.

7 Q Okay. The same car that he drove up in?

8 A Yes.

9 Q Okay. Did you see which direction he went?

10 A Down Patton.

11 Q Okay. And is there only one way from your unit
12 to go on Patton?

13 A No, there's two ways.

14 Q Okay. Which way did he go?

15 A I don't know, because it's like down, all the
16 way down.

17 Q I understand. But coming out of your apartment
18 you can either come out of your parking lot and turn
19 left towards Hug, correct, or turn right. Which way
20 did he --

21 A Right.

22 Q So he came away from Hug?

23 A Yes.

24 Q Once you saw him drive away, what did you do?

ROUGH DRAFT TRANSCRIPT

1 A I ducked down to protect my daughter as he was
2 shooting and I picked her up and I realized there was
3 blood all over my hands.

4 Q Do you know whose blood that was?

5 A My daughter's.

6 Q Did you see how your daughter got injured --

7 A No, I didn't.

8 Q -- at that time?

9 A No.

10 Q Was there a time later that you learned how
11 your daughter got injured or where she got injured?

12 A From the shooting.

13 Q Okay. Did you see specifically on her body
14 where she got hurt?

15 A On her leg.

16 Q Could you -- when you saw that while you were
17 sitting outside of your apartment, what was your kind
18 of demeanor or your mental process like?

19 A I couldn't breathe.

20 Q Okay.

21 A I was freaking out.

22 Q Did you suffer any injury, ma'am?

23 A I got glazed.

24 Q Okay. And where did you suffer any injury?

ROUGH DRAFT TRANSCRIPT

1 A On my right back part and the shoulder.

2 Q Okay. I don't mean to this sound like -- I
3 don't mean this to be a silly question. But prior to
4 the shooting did you have what you just described to
5 your person?

6 A What do you mean by that?

7 Q Let me rephrase that.

8 Prior to the shooting did you have any injuries to
9 your back?

10 A No.

11 Q And, again, I don't mean to --

12 A After the shooting.

13 Q Again, I don't mean this to be silly, but prior
14 to the shooting did your daughter have an injury to her
15 leg?

16 A When the shooting happened, after.

17 Q All right. Did she have that injury prior to
18 the shooting?

19 A No.

20 Q Do you recall going to the hospital?

21 A Yes.

22 Q Do you know how you got to the hospital?

23 A The ambulance.

24 Q And did your daughter likewise go to the -- by

ROUGH DRAFT TRANSCRIPT

1 way of ambulance?

2 A Yes.

3 Q I'm going to backtrack, ma'am.

4 Before the shooting took place, so earlier in the
5 morning on August 9th, was there anything that was
6 going on outside of your apartment that you happened to
7 see?

8 A No.

9 Q Do you know who Anthony's wife is?

10 A I forgot her name, but I -- we didn't
11 socialize. We would just say hi.

12 Q But you know --

13 A -- of her. I've seen her.

14 Q Do you know, again, back in August of 2014,
15 whether Anthony's wife worked?

16 A Yes.

17 Q Where did she work, do you know?

18 A I believe Starbucks.

19 Q Okay. There's a lot of Starbucks in the Reno.

20 A In the -- what's that casino place? It was at
21 a casino. The GSR.

22 MR. YOUNG: The Court's indulgence.

23 BY MR. YOUNG:

24 Q Do you recall Anthony's demeanor, kind of how

ROUGH DRAFT TRANSCRIPT

1 he was acting prior to the shooting while he was
2 talking with you and playing with Bandit?

3 A He was talking about how he was playing dice
4 and --

5 Q I'm not asking you what he told you. I'm just
6 asking what was his demeanor like.

7 A He was calm.

8 Q Okay. Was he -- in speaking with you, what was
9 the tone of the -- again, don't tell me what was said.
10 But was it a calm conversation?

11 A Calm, yes.

12 Q Did you see that change at all when as you
13 described him running around?

14 A No.

15 Q He just started running?

16 A He just started running.

17 Q You testified that he ran. I believe you said
18 he was ducking?

19 A Yeah.

20 Q What do you mean by that?

21 A Like kind of staying low so he won't get hit
22 probably.

23 Q Prior to August 9th of 2014 when the shooting
24 took place, did you have any issues or bad dealings

ROUGH DRAFT TRANSCRIPT