

1 Q Were you drinking at that point?
2 A No.
3 Q At some point during the night you started drinking,
4 correct?
5 A Correct.
6 Q Would you say that your drinking was heavy that
7 night?
8 A Yes.
9 Q Was it out of the ordinary?
10 A Yes.
11 Q What were you drinking?
12 A Vodka.
13 Q Vodka?
14 A Uh-huh.
15 Q Okay. Anything else?
16 A No.
17 Q Mixing it with coke? Straight up?
18 A Juice.
19 Q How were --
20 A Yeah.
21 Q -- you doing it?
22 A Juice.
23 Q Okay. And there came a point in time where some
24 people came over to the house.
25 Do you remember that?

1 A Yes.

2 Q Okay. Who came over to the house?

3 A Biatte, and she brought a few girls with her. I
4 believe three, it was. I -- the first time I've ever met
5 them, so I don't know their names or -- or remember their
6 names or -- didn't know them prior.

7 Q Okay. But you knew Beate Arrington prior to this --

8

9 A Yes.

10 Q -- is that correct? And she brought some girls with
11 her as well, correct?

12 A Correct.

13 Q Did Biatte bring her son, Kevin, with them?

14 A He came a little bit later. But yeah, he was there.

15 Q Okay. When they came, how would you characterize
16 your demeanor? Were you drunk at that point?

17 A No.

18 Q Thinking clearly?

19 A Yeah.

20 Q Okay. Had you been drinking at that point?

21 A No. I was doing laundry when they came in the
22 house.

23 Q Doing the laundry. And how long did they stay at
24 the house?

25 A I really couldn't tell the time frames exactly, but

1 a couple -- few hours -- a couple hours. Yeah.

2 Q During that time period that they were at the house,
3 did you drink?

4 A Yes.

5 Q Did you drink a significant amount?

6 A Yes.

7 Q Did you get drunk?

8 A Yes.

9 Q All right. And do you recall Eric Gore coming to
10 the house?

11 A Yes.

12 Q When did that happen?

13 A What time, I don't know. I wasn't watching the
14 clock. I was having a good time.

15 Q Okay. Do you --

16 A And it was later.

17 Q -- remember he came with the -- with the other
18 girls, or did he come later?

19 A He came later.

20 Q Okay. So you do remember that.

21 A Yes.

22 Q All right. And was it uncommon for Eric Gore to
23 come to your house?

24 A I only seen him a couple of times. That was maybe
25 the fourth time I seen him.

1 Q It was maybe the fourth time you had seen him?

2 A That he's come to the house.

3 Q So you had seen him before, just not at the house;
4 is that correct?

5 A No. One time prior, we had lunch, but -- yeah. No.

6 Q So your testimony today is that Eric Gore -- you had
7 seen him a grand total of four times prior to October 22,
8 2011.

9 A Yeah.

10 Q Were you aware that Mike Jeffries and Eric Gore were
11 best friends?

12 A Yeah.

13 Q And they hung out together.

14 A Yep.

15 Q But you, yourself, had only been around four times
16 when they had been together; is that correct?

17 A We had only been living together for a year -- me
18 and Mike. And I do have three children, so I'm a very busy
19 person. And I --

20 Q Okay. So --

21 A -- work.

22 Q -- October 22nd of 2011, you had been living with
23 Mike Jeffries for how long?

24 A Probably a year.

25 Q A whole year?

1 A Mm-hmm.

2 Q You had previously been married, correct -- to
3 Richard Ames?

4 A Yep.

5 Q And when did you leave Richard Ames?

6 A When he left in April.

7 Q Of that --

8 A He went --

9 Q -- same year?

10 A -- into the service. Yeah. And that was when we
11 departed our ways.

12 Q So April of 2011, your husband --

13 A No. 2010.

14 Q Okay. So April of 2010 your husband leaves to go to
15 Army training, correct?

16 A Yep.

17 Q And when your husband leaves, that's when your
18 relationship with your husband ended, correct?

19 A When he officially left. Yeah.

20 Q So you broke up with your husband before he left, or
21 after he left to go Army -- do Army training?

22 A Yes.

23 Q Well, which was it, before or after?

24 A Before he went.

25 Q All right. And so later on in 2010, you started

1 living with Michael Jeffries.

2 A Correct.

3 Q You moved into his house.

4 A Correct.

5 Q All right. And during that period, from 2010 to
6 2011, you saw Eric Gore four times.

7 A Yeah. Roughly, yeah.

8 Q Give or take.

9 A Yeah.

10 Q Okay. When you did meet Eric Gore previously, do
11 you recall what his demeanor was?

12 A He was just usually drinking. He's a little loud,
13 obnoxious. I didn't really talk to him or get involved with
14 him. I've always kept myself busy. Like, the guys hang out
15 with the guys.

16 Q Okay. So you didn't really know him very well; is
17 that correct?

18 A Not really. No.

19 Q But you did know that Mike and Eric were best
20 friends.

21 A Yeah.

22 Q Okay. All right. And so Eric Gore gets there. He
23 had been to the house approximately four times before.

24 So not out of the ordinary for Eric Gore to come to
25 your house?

1 A No.

2 Q Okay. And he comes to the house. And what happens
3 next?

4 A He was a little bit loud and obnoxious. At that
5 point he was asked to keep it down so he didn't make my
6 two-year-old niece nervous.

7 Q He was asked. Who asked him to keep it down?

8 A I asked him. Mike asked him. Just calm down. He
9 was uncomfortable with it.

10 Q What was he saying when he was being loud and
11 obnoxious?

12 A Just talking to everybody, in general, not nothing
13 vulgar at that time, just he was pretty drunk.

14 Q You said not nothing vulgar, just --

15 A At that time just being really, like, Hey. What's
16 up? What's going on? How is everybody?

17 Q Was that consistent with his character, from what
18 you knew of Eric Gore?

19 A Yes.

20 Q So nothing out of the ordinary?

21 A Not in that state. I've also seen him calm --

22 Q Okay.

23 A -- when he wasn't drinking.

24 Q All right. And so Eric comes over and hangs out
25 with Mike, and they're drinking; is that correct?

1 A Mm-hmm.

2 Q All right. And then what happens after that?

3 A That night?

4 Q Yes.

5 A Everybody was having a good time. We were shooting

6 pool, talking, laughing.

7 Q Who was shooting pool?

8 A All of us.

9 Q Who is all of us?

10 A Each other. Me, Mike, the girls, Eric did a little

11 bit.

12 Q So you were all happy. Everybody is shooting pool

13 with the girls that were there.

14 A Mm-hmm.

15 Q All right. And then something happens where the

16 girls ultimately end up leaving; is that correct?

17 A Yes.

18 Q And during that time period that you were shooting

19 pool and having a grand time, were you in the house the whole

20 time?

21 A Yeah. I was in and out, outside smoking a

22 cigarette, here and there.

23 Q And where would you go to smoke cigarettes?

24 A The backyard.

25 Q Okay. And you come back into the house?

1 A Mm-hmm.

2 Q Did something significant happen when you came back
3 into the house?

4 A At one point when I was coming back in the house, I
5 was told that there was an argument by Biatte, and that she
6 was getting ready to leave.

7 Q All right. You were told that, but you didn't hear
8 an argument.

9 A With Eric and the girl? No.

10 Q Okay. There was argument between Eric and a girl,
11 but you didn't hear it.

12 A No.

13 Q You were outside?

14 A Yes.

15 Q How long were you outside?

16 A I have no idea. I smoked a couple cigarettes
17 outside --

18 Q How long --

19 A -- talking.

20 Q -- does it take to smoke a couple cigarettes?

21 A And talking? I -- 15, 10, 30 minutes. I don't --
22 I -- like I said, I wasn't paying attention to a clock. I
23 have no idea.

24 Q All right. So you don't know what time it was
25 either, then, when you were outside.

1 A No.

2 Q At some point you come back into the house. And
3 when you come back into the house what, if anything, do you
4 find?

5 A Biatte leaving.

6 Q Who left with Biatte?

7 A The three girls.

8 Q Was Kevin Arrington, her son, there with her at that
9 time?

10 A Yes.

11 Q And the girls leave, and Biatte leaves.

12 A And Kevin leaves.

13 Q And Kevin. And when they left, can you describe the
14 demeanor of the girls that left?

15 A They were not happy. They were -- but they left.
16 They were just...

17 Q Do you know why they were unhappy?

18 A Nope. And I --

19 Q No?

20 A -- wasn't in the room, and I didn't hear the
21 argument. I don't know what they --

22 THE COURT: You have to --

23 THE WITNESS: -- argued about.

24 THE COURT: -- speak up a little bit.

25 THE WITNESS: Sorry. I don't know. I wasn't in the

1 room. I didn't hear the argument. I don't know what they
2 were arguing over.

3 BY MR. ZADROWSKI:

4 Q Okay. And Mike Jeffries and Eric Gore and your
5 daughter do not leave.

6 They're still in the house at that point, correct?

7 A Correct.

8 Q All right. And how would you describe Mike
9 Jeffries' demeanor at that point?

10 A He was fine.

11 Q What do you mean by "fine"?

12 A He was asking Eric to calm down because he was
13 yelling and arguing — or not arguing, but just yelling about
14 that bitch. Who is she to talk to me like that? And Mike was
15 just, like, Let it go. Let it go. It's okay. They're
16 leaving. Just let it go.

17 Q And did they continue to drink together at that
18 point?

19 A No. I don't...

20 Q No?

21 A No. I don't recall anymore drinking.

22 Q You don't remember if they were drinking after that
23 point together?

24 A No.

25 Q Were they hanging out together?

1 A No.

2 Q No?

3 A Hanging out? He was just trying to calm him down --
4 Eric down.

5 Q Okay. And where was this happening?

6 A In the house.

7 Q Where in the house?

8 A The living room.

9 Q And where were you during this time where he was
10 trying to calm him down?

11 A In the living room by the bar into the kitchen.

12 Q Could you hear everything that was being said at
13 that point?

14 A No. I wasn't really paying attention to every
15 detailed word.

16 Q So let me get this straight. You weren't paying
17 attention. Was the argument that they were having -- or I
18 think you said they weren't arguing. You said he was -- Eric
19 was just talking loudly.

20 Was it anything that caused you to be concerned?

21 A At that very moment? No. Later on, once Eric
22 really started getting riled up, saying that he didn't have to
23 leave, that he shouldn't be -- he should be chosen over three
24 girls. Why isn't he being chosen over these three girls -- or
25 these bitches. And at that -- I also asked Eric to leave

1 because he was getting a little too loud and rambunctious.

2 Q So your testimony today is that at that time you,
3 yourself, asked Eric to leave the house when he was getting
4 rambunctious?

5 A Yes.

6 Q Do you remember telling the police that, later on
7 when they interviewed you?

8 A I don't think so. I don't remember.

9 Q You don't think so.

10 A No.

11 Q So today is really the first time we're hearing that
12 you told Eric to leave, correct?

13 A Possibly. Yeah.

14 Q You remember that now?

15 A Yeah, I guess.

16 Q But you don't remember that at the time that you
17 talked to the police, correct?

18 A I don't remember a lot. It's been a long time, and
19 it's not something I sit here and play over and over in my
20 head, every single day of my life, word for word of what
21 happened.

22 Q Okay. All right. After that you asked Eric to
23 leave.

24 A Yes.

25 Q And what did he say?

1 A No. He doesn't have to.

2 Q You remember him saying that to you?

3 A Yeah.

4 Q Okay.

5 A He looked me straight in the face and said no, he
6 doesn't have to.

7 Q He looked you -- your testimony today is he looked
8 you straight in the face and told you, No, I don't have to.

9 A Yeah.

10 Q Do you remember telling that to the police?

11 A I don't know. I don't remember everything I told to
12 the police. And...

13 Q That seems like a fairly significant thing that you
14 might remember, three days after this incident happened, to
15 tell police.

16 MR. KANE: Your Honor, that's not a question.

17 THE COURT: That's argumentative.

18 BY MR. ZADROWSKI:

19 Q As you stand here -- as you sit here today, you
20 don't remember that.

21 A No. I don't remember talking to the police three
22 days after it happening. I only remember talking to them that
23 evening in the car -- or that morning.

24 Q So that morning you -- you didn't tell police that
25 that morning, but you're telling the jury that today.

1 A Not from the recording that I listened to in your
2 office. I don't recall hearing that. No.

3 Q All right. And so you tell him to leave. And he
4 says, No, I don't have to.

5 And then what happened?

6 A Just more words were exchanged with him and Mike.
7 Mike asking him to calm down and go, and he wouldn't go.

8 Q And you witnessed this?

9 A Yes.

10 Q And then what happened?

11 A I don't know.

12 Q You don't know?

13 A He didn't go. He didn't leave the house.

14 Q Okay. There's a dead man, ma'am. I'm asking you
15 what happened after the -- after you told him to go and he
16 wouldn't go.

17 What happened after that?

18 A They -- like I said, there was more words exchanged
19 between him and Mike.

20 Q Right. We've been over that. And then after more
21 words were exchanged, what happened after that?

22 A I asked my daughter to go into her room to go --

23 Q Why did --

24 A -- to bed --

25 Q -- you ask her --

1 A -- because they --

2 Q -- to go to her room?

3 A -- still -- because I didn't want her to listen to
4 two grown men argue.

5 Q All right. And did she do that?

6 A Yeah. From what --

7 Q She went into her room.

8 A Yes. From what I recall, she went in her room.

9 Q Okay. And what did you do?

10 A I stood by the bar drinking. The -- well, I had a
11 drink. I was still sipping on it and smoking a cigarette.

12 Q What did you see from that point?

13 A The stove and her bedroom door, when I would look
14 over to the side, to the left.

15 Q You said you were looking at the stove when you told
16 your daughter to go into her room; is that correct?

17 A I was looking at my daughter and talking to her.
18 You asked me what I was looking at if I was looking into the
19 kitchen. It would be the stove area.

20 Q Show the jury on this -- do you see that -- do you
21 see that diagram there?

22 A Yes.

23 Q Does that accurately depict, in your mind, how the
24 layout of the house was on October 22nd of 2011?

25 A Yeah.

1 Q All right. With your finger, right on the screen
2 there, why don't you point to where you were at the time that
3 you told your daughter to go to her room.

4 A About right here.

5 Q So you were on the -- your testimony today is that
6 you were on the side of the kitchen sink, in the living room
7 by the pool table; is that correct?

8 A Mm-hmm. Yes.

9 Q And show us where your daughter was when you were --
10 when you gave her that command to go into her room.

11 A She was about right here, next to me.

12 Q She was standing right next to you?

13 A Yeah.

14 Q And you were facing into the kitchen. Is that your
15 testimony?

16 A Well, facing -- my body was facing into the kitchen,
17 but I was talking to her on my left-hand side.

18 Q Okay. And why don't you show us up there where Mike
19 Jeffries was at that point?

20 A He would -- I have no idea.

21 Q You don't know where Mike Jeffries was at that
22 point?

23 A When I asked her to go to her room?

24 Q You don't remember?

25 A No, I don't.

1 Q Let's back up a little. You do remember telling
2 him -- telling Eric Gore to leave the house.

3 A Yes.

4 Q When did that happen in relation to when you told
5 your daughter to go to her room?

6 A Beforehand. I...

7 Q How far beforehand?

8 A Awhile. I don't -- maybe -- I don't know. Maybe
9 ten minutes. I don't know.

10 Q Okay. And where was Eric Gore when you had the
11 conversation with him?

12 A The -- I -- they were -- I can hear them voice --
13 their voices. They were behind me. I don't know if they were
14 by the sofas, by the pool table or -- they were just somewhere
15 behind, out of my eyesight. I didn't hear them --

16 Q All right. So --

17 A -- or see them.

18 Q -- you were in that general vicinity where the pool
19 table is when you had a conversation -- in your testimony --
20 where you looked him right in the eye and told him to leave.

21 A Yes.

22 Q Where was that?

23 A He was standing, like -- like, right where my
24 daughter would have been, maybe a little bit more in front.
25 But he wasn't -- my daughter wasn't there at that time. But

1 it was in that area when I had asked him to leave.

2 Q Okay. And so where was Mike Jeffries at that point?

3 A I don't know.

4 Q A moment ago you said Mike Jeffries was there with
5 him trying to calm him down.

6 A Yeah. But --

7 Q Was he standing --

8 A -- every --

9 Q -- next to him?

10 A We were -- they were walking. Everybody was pacing
11 around the house -- or Mike was pacing around the house, you
12 know, talking to him. Everybody was moving. It's not like
13 everybody stood in one little section of the house the entire
14 time. People were moving.

15 Q Okay. People were moving around? Okay. And so,
16 jumping back to the point where you told your daughter to go
17 to the room, do you remember which way you were facing?

18 A Towards the kitchen, but talking to her. My body
19 was towards the kitchen. My head was to my left, talking to
20 my daughter.

21 Q And you don't remember where Mike Jeffries or Eric
22 Gore were --

23 A No.

24 Q -- at that time.

25 A I was focused on my daughter and getting her in the

1 room so she didn't have to listen to that.

2 Q Are you getting angry?

3 A No.

4 Q Maybe?

5 A You just keep asking the same thing over again.

6 Q Okay. And what happened after that?

7 A She went to her room. Well, from what --

8 Q What did you see --

9 A -- I remember --

10 Q -- after that?

11 A -- her going to her room. I didn't see anything
12 after that.

13 Q What did you hear after that?

14 A A pop.

15 Q And what did you do when you heard the pop?

16 A Turned around.

17 Q Do you know what the pop was?

18 A The sound of a pop? Yeah. I knew --

19 Q What was it?

20 A It was a gun.

21 Q And then you looked to the area where the pop was?

22 A Yes.

23 Q And what did you see?

24 A Mike standing in the doorway of his bedroom.

25 Q What was he doing in the doorway of his bedroom at

1 that point?

2 A Standing.

3 Q Show us on this diagram where Mike was standing.

4 THE COURT: There's some Kleenex there, Miss.

5 THE WITNESS: I'm sorry. I'm sorry.

6 THE COURT: Should we take a break?

7 MR. ZADROWSKI: I would like for her to answer the
8 question. But if we need to take a break, I'm fine with that.

9 THE COURT: Do you need to take a break?

10 THE WITNESS: I'm sorry.

11 THE COURT: Miss?

12 THE WITNESS: I just want this over with.

13 THE COURT: There's some Kleenex there. There you
14 go. Calm down. Just do the best you can to answer the
15 question, okay? All right. We'll start again.

16 MR. ZADROWSKI: Thank you.

17 BY MR. ZADROWSKI:

18 Q So when you looked over to the area where you heard
19 the pop, you saw Mike Jeffries, correct?

20 A Yes.

21 Q What did he have in his hands?

22 A I didn't see his hands. They were -- no. The --
23 the pool table was in my view. I couldn't -- I didn't see his
24 hands.

25 Q The pool table was in your view. You couldn't see

1 his hands.

2 Is that what you said?

3 A Yes.

4 Q Okay. And what was he doing?

5 A Just standing there. And he said that he -- he just
6 shot his best friend. Or he -- I think I just shot my best
7 friend.

8 Q Okay. And did you see Eric Gore?

9 A No.

10 Q You couldn't see him?

11 A No.

12 Q Where were Mike's hands when you -- when you saw
13 them? You said the pool table was blocking.

14 Did he have his hands down at his side?

15 A Yeah.

16 Q Did you hear Eric Gore say anything?

17 A No.

18 Q Did you heard Mike Jeffries say, I just shot my best
19 friend?

20 A Yes.

21 Q What did you do when that happened?

22 A I started walking towards Mike, and then I seen
23 Eric. Erik was laying on the floor, and I just kneeled down
24 and touched him on his shoulder, just to nudge him and say,
25 Eric. And then once I realized he didn't respond, I got my

1 phone, called 911, and handed it to Mike.

2 Q Did you hear what Mike said at that point?

3 A He told the operator what he had done, that he
4 thinks he has -- he has shot his best friend.

5 Q Do you recall when the police arrived?

6 A I had passed out. When the police got there, they
7 had to wake me up.

8 Q When did -- when's -- what's the last thing you
9 remember before you passed out?

10 A Mike talking on the phone. And I got really
11 nauseous. So I went into the kitchen, because I thought I was
12 going to throw up, and I passed out.

13 Q When you came to, what's the first thing that you
14 remember?

15 A The police there waking me up.

16 Q Later on in the -- in the morning, at about 3:45 in
17 the morning, do you recall speaking to a Detective Raetz about
18 what you saw?

19 A I recall talking to a police officer. Yeah.

20 Q "Yes"?

21 A Yes.

22 Q Okay. And do you remember the officer asking you
23 about what -- what kinds of things that you were drinking?
24 You don't remember?

25 A No. But I'm sure he probably did ask.

1 Q But you don't remember, as you sit here today?

2 A No.

3 Q Do you remember what -- telling the officer what you
4 were drinking?

5 A I said he probably did ask, but I don't recall
6 telling him what -- I don't remember the questions that he had
7 asked me, until I re-listened to the tape in your office --

8 Q Okay.

9 A -- to try to refresh my memory.

10 Q Do you remember talking to the officer about what
11 Mike and Eric Gore were talking about?

12 A No.

13 Q Do you remember him asking you what were they
14 arguing about? You don't remember what your answer was?

15 A No. Like I said, I don't -- I didn't -- I don't
16 know any of that until I listened to that tape in your office.
17 I don't recall the conversation at all.

18 Q You don't recall the conversation at all?

19 A Well, I remember talking to an officer -- him asking
20 me questions. But exactly which questions he was asking me,
21 no, I don't.

22 Q Okay. And so he had asked you what they were
23 arguing about.

24 You don't know what the answer was, correct?

25 A No.

1 Q You answered: They had -- I have no idea. I --
2 they were having conversations of something another girl had
3 said. What she had said, I'm not sure. I wasn't in the room
4 when it had taken place. I'm -- I don't...

5 Do you remember that?

6 A No. I don't remember telling them that.

7 Q Do you remember, later on during the interview, the
8 detective asking you about the girls that Eric was arguing
9 with?

10 A No.

11 Q You don't remember that at all?

12 A No.

13 Q Do you remember, when the officer asked you who was
14 having a confrontation with the girls, you said, Eric?

15 A As I --

16 Q Do you remember that?

17 A -- said, I don't recall any of the conversation with
18 the officer on that evening. I only recall after listening to
19 the tape -- the audio in your office.

20 Q Okay. And you don't recall answering the detective
21 the following: And then Mike was telling him to relax, to
22 chill out. It's okay. They're gone. Yada, yada, yada,
23 and...

24 Do you remember that?

25 A No.

1 Q Do you recall the detective asking you questions
2 about when the girls left in relation to when Mike Jeffries
3 shot Eric Gore?

4 A No. I don't remember --

5 Q You don't remember?

6 A -- the questions.

7 Q You don't recall what happened after him asking you
8 questions about what happened after the girls left?

9 A No.

10 Q You don't recall telling him: Mike and Eric still
11 continued to argue -- argue over what had happened between the
12 girl and Eric. Like I said, I was not -- I wasn't present
13 when they were arguing. I have no idea what they were even
14 arguing about or why they were even arguing.

15 Do you remember that?

16 A I told you, I don't remember having these exact
17 words with the police officer.

18 Q Okay.

19 A He asked --

20 Q You testified --

21 A -- me a bunch --

22 Q -- earlier --

23 A -- of questions.

24 Q -- that you were in the backyard smoking; is that
25 correct?

1 A Yes.

2 Q Okay. You remember that part. And after that, you
3 don't recall stating: When I was outside smoking with one of
4 the girls, Eric came outside. He was upset. And Mike came
5 outside with him to calm him down. The girls all left, and
6 Eric still stayed, and they were still arguing.

7 I asked my daughter -- I'm, like, They're arguing.
8 You know, go in your room. Just ignore it. Because I -- I
9 just figured it was guy arguing.

10 Do you remember that?

11 A No.

12 Q You know, she didn't need to see it. It wasn't like
13 it was a huge major -- major argument -- at least I thought --
14 and I was still smoking.

15 Do you remember telling the detective that?

16 A No.

17 Q You don't remember the words "it wasn't like it was
18 a huge major argument"?

19 A No.

20 Q Okay. Do you remember talking to the detective
21 about guns that Mike Jeffries keeps in the house?

22 A No.

23 Q You don't remember part of the --

24 A No.

25 Q -- interview? Do you remember the officer asking

1 you if you heard Mike say he was going to go get the gun?

2 A No.

3 Q Do you remember telling the detective: I didn't
4 hear it. I didn't?

5 A No.

6 Q The officer asked you: I understand they were
7 arguing. Was Mike trying to get anybody to leave or trying to
8 get Eric to leave?

9 Do you remember that?

10 A Nope.

11 Q Do you remember your answer that: No, that if you
12 don't like it, bro, go. I mean, but that was, you know, right
13 after the girls had left, and they were just talking. I
14 just -- I didn't think anything of it because it wasn't out of
15 character?

16 A No.

17 Q You don't remember that conversation?

18 A No.

19 Q Any idea what you might have meant when you said it
20 wasn't out of character?

21 A For -- no.

22 Q Them to be arguing, perhaps?

23 A No. Not for them to be arguing. I've never seen
24 them argue before.

25 Q Is that what it was about?

1 A About what? Them arguing?

2 Q Them arguing?

3 A I don't know.

4 Q You just said you had never seen them argue before?

5 A No. Not --

6 Q Do you remember telling the detective: It was not

7 out of character for them to have their little beefs. Like I

8 said, they've been best friends?

9 A No. I don't remember that.

10 Q So you told him to have their little beefs was not

11 out of character for that. They've been best friends. But

12 you've never seen them argue.

13 A No. I mean, not, like, argue -- like, disagreement

14 over two different teams. That's -- that's what I would

15 assume I meant. I don't know. Like I said, I don't recall

16 these questions that evening -- or after that evening,

17 morning -- whatever it was.

18 Q You are -- when did you become engaged to Mike

19 Jeffries?

20 A A few years ago.

21 Q Was it before or after this happened?

22 A Before, verbally.

23 Q I'm sorry, ma'am. I can't hear you. Could you

24 speak into the microphone there?

25 A Before, we had talked about it. Officially, after.

1 Q Before Mike Jeffries killed Eric Gore, you had
2 talked about --

3 A Yes.

4 Q -- about getting married?

5 A Mm-hmm.

6 Q And afterwards, you made it official.

7 A Years later. Yeah.

8 Q Years later? Like when?

9 A Like, last year.

10 Q Do you talk with your daughter about Mike Jeffries?

11 A Just very little, not a whole lot -- that he's out
12 riding his dirt bike this weekend type stuff.

13 Q So you talk to your daughter about little things
14 with -- that go on in Mike Jeffries' life?

15 A Yes.

16 Q Do you ever convey to your daughter how you feel
17 about Mike Jeffries?

18 A Of course, I do.

19 Q "Yes"?

20 A Yes.

21 Q Frequently?

22 A No. What do you mean by "frequently"? Like, every
23 five minutes? Every other day?

24 Q Every five minutes? Really? Do you frequently talk
25 to your daughter about what a great guy Mike Jeffries is?

1 A No. Just -- if it comes up in conversation.

2 Q Have you ever tried to influence your daughter with
3 regard to her testimony?

4 A No.

5 Q Have you ever talked to your daughter about her
6 testimony?

7 A No.

8 Q Never?

9 A No.

10 Q You've never once mentioned --

11 A The only thing I've ever talked to my daughter about
12 is to tell the truth.

13 MR. ZADROWSKI: I have no further questions, Your
14 Honor.

15 THE COURT: Mr. Kane?

16 CROSS-EXAMINATION

17 BY MR. KANE:

18 Q Is it your testimony that you don't remember what
19 happened that night or that you don't remember your
20 conversation with the detective?

21 A I don't remember the conversation, word for word,
22 with the detective. I know I went into a car and he asked me
23 abundance (sic) of questions. And what questions he asked, I
24 don't know. I don't recall.

25 Q The prosecutor has asked you some specific

1 questions -- if you were asked this question and gave that
2 answer.

3 Do you remember those?

4 A Yes.

5 Q Do you remember those questions?

6 A The questions --

7 Q You don't remember --

8 A -- that the prosecutor --

9 Q -- the police officer asking you that and giving
10 those answers, correct?

11 A No, I don't.

12 Q But you do remember being interviewed.

13 A Yes.

14 Q Were you being truthful with the officer while you
15 were interviewed?

16 A The state of mind I was in? Yes.

17 Q And do you have any reason to doubt the accuracy of
18 any of the specific questions and answers that the prosecutor
19 has read to you?

20 A No.

21 Q Okay. And you said you've never discussed her
22 testimony with your daughter, correct?

23 A Correct.

24 Q Any special reason for that?

25 A So that she can be a kid, and just live a normal

1 life, and not have to worry about this day-to-day. And we
2 were told that they couldn't communicate, and I just tried to
3 keep my two lives separate.

4 Q Told by who?

5 A We were sent -- right afterwards, I was sent a card
6 in the mail that said that they had a restriction, that she
7 couldn't have any contact with him. So I just kept it at
8 that, and thought it would be best for her.

9 Q And you've observed that restriction?

10 A Of course. Yes.

11 Q Nothing further, Your Honor.

12 THE COURT: Any redirect?

13 MR. ZADROWSKI: Yeah.

14 REDIRECT EXAMINATION

15 BY MR. ZADROWSKI:

16 Q You received a card in the mail from whom, about
17 what you could talk to your daughter about?

18 A It wasn't talk to my daughter. It was to keep my
19 daughter and Mike separate.

20 Q Who did you get that card from?

21 A It had the State -- it was a green card. It didn't
22 say who it came from.

23 Q The green card didn't say who it came from?

24 A I don't -- I mean, it might not, like.

25 Personally -- not like your name was on it. But it --

1 Q Do you remember what the words were on the card
2 that -- what it told you to refrain from doing?

3 A That she couldn't have -- it was a no-contact order.

4 Q And do you remember who sent it?

5 A No.

6 Q There was no address?

7 A I haven't seen the card since we got it. So I
8 don't --

9 Q So is the answer you don't remember, or it wasn't on
10 it?

11 A I don't remember.

12 Q Thank you.

13 MR. KANE: No, Your Honor.

14 THE COURT: All right. Thank you for being a
15 witness, Miss. You'll be excused now.

16 THE WITNESS: Okay.

17 THE COURT: Do I understand that that concludes your
18 witnesses for today?

19 MR. ZADROWSKI: Your Honor, that's all I had lined
20 up for today.

21 THE COURT: All right. I'm going to start at ten
22 o'clock tomorrow morning. During the recess, ladies and
23 gentlemen, it's again your duty not to converse among
24 yourselves or with anyone else on any subject connected with
25 this trial, or to read, watch, or listen to any report of or

1 commentary of by any medium of information, including
2 newspapers, television, and radio.

3 You may not form or express an opinion on any
4 subject connected with this case until it is finally submitted
5 to you. And that means we're interested in your decision, not
6 that of your spouse's or children or parents' or whatever. So
7 you've got plenty of time to think about other things tonight.

8 But maybe there's -- is there basketball on tonight?
9 Or no. That's all over with, isn't it? Okay. All right.
10 We'll see you tomorrow morning about ten o'clock. The marshal
11 will tell you when to be here.

12 THE MARSHAL: Leave your notebooks on your chairs.

13 THE COURT: That's right. It starts Thursday,
14 doesn't it? Okay. UCLA? That's right. She went to UCLA.
15 That should be a good game.

16 (Outside the presence of the jury.)

17 THE COURT: Let the record reflect the absence of
18 the ladies and gentlemen of the jury. Anything before we
19 recess for the night?

20 MR. KANE: No, Your Honor.

21 THE COURT: See you tomorrow morning, ten o'clock.

22 MR. ZADROWSKI: Thank you, Your Honor.

23 (Court recessed for the evening at 4:37 p.m.)
24
25

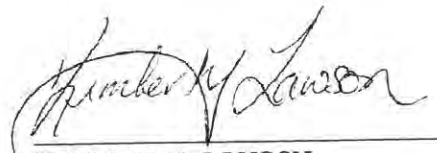
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I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT FROM THE AUDIO-VISUAL RECORDING OF THE PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

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1 Q And was she with you during that time period?

2 A No. She was in my bedroom sleeping.

3 Q She was sleeping. Do you remember what time she
4 went down for -- for nighttime?

5 A Approximately 9:30. Because that was her bedtime at
6 the time.

7 Q Okay. Did you, yourself, put her down?

8 A Yes.

9 Q Okay. So let's use that as a point -- time for a
10 reference here. And at 9:30, do you remember if those other
11 girls -- or those other people were at Mike Jeffries' house at
12 that time?

13 A Yes.

14 Q You remember they were there?

15 A Yes.

16 Q Okay. And how would you describe the atmosphere at
17 that time?

18 A It was -- it was happy. It was, like, a casual --
19 life, everybody just had, like, positive vibes in the room.
20 Like, there was no aggression -- or, like, I don't like that
21 person; why are they here -- type of situation. It was
22 very -- a positive environment.

23 Q Okay. So you didn't witness anybody yelling -- as
24 you recall here today, you -- at that point you didn't see
25 anybody yelling?

1 A Correct.

2 Q There was no physical altercations going on?

3 A Not at that time.

4 Q But you were in the house, correct?

5 A Yes.

6 Q If there had been some loud yelling, would you have

7 heard it?

8 A Most likely.

9 Q But you didn't.

10 A Correct.

11 Q And then after -- let's now go forward to after

12 9:30.

13 A Okay.

14 Q Did things change that you saw or heard?

15 A After -- it was explained to me that night that Eric

16 had got into an altercation with another woman.

17 Q You can't talk about what was explained to you,

18 okay?

19 A Okay. I don't know how else to approach this

20 because that happens -- I was told that this was happening and

21 that's why Eric was getting louder and why Eric was walking

22 outside and Mike was walking with him.

23 Q Okay. So I want to ask you: Did you see Eric

24 getting louder? Do you remember?

25 A Yes. I remember him getting louder.

1 Q Okay. And do you remember what Mike did at that
2 time, also? Was Mike getting louder?

3 A No. Mike was taking him outside.

4 Q And do you remember what was said between Mike and
5 Eric? Did you witness that?

6 A No. I did not witness that.

7 Q Are you sure about that? Did you witness Mike and
8 Eric having a conversation?

9 A No. I did not witness that.

10 Q And you're certain. As you sit here today,
11 that's -- that's your testimony?

12 A Yes.

13 Q Okay. Did it appear to you -- or I should ask you:
14 Were you afraid of Eric that night?

15 A No.

16 Q Did it appear to you that anybody else was afraid of
17 Eric?

18 A No.

19 Q Do you remember seeing the girls that were there in
20 the evening when they left?

21 A No.

22 Q After the girls left, you were still there in the
23 house, correct?

24 A Correct.

25 Q Who was in the house at that point, if you remember?

1 A I -- I don't remember who was there, specifically.
2 Q Do you remember seeing your mother?
3 A Yes.
4 Q Okay. Do you remember what she was doing?
5 A No. I -- a lot of the night I just remember her
6 standing next to the bar in the house.
7 Q Okay. Do you remember seeing Mike Jeffries there?
8 A In and out. Like, walking around or being next to
9 my mother, I remember.
10 Q Do you remember what his demeanor was? His
11 attitude? How he appeared?
12 A Happy. They were all happy that night.
13 Q And Eric Gore at that time, do you remember seeing
14 him?
15 A Yes. And he was happy, sociable -- his normal self.
16 Q And something happened that you remember that
17 changed all that?
18 A Yes. After the altercation with the woman, he was
19 more angry. That's why Mike Jeffries did take him outside, to
20 calm him down.
21 Q Where did he take him?
22 A Just out the front door, in front of the house.
23 Q Okay. And at some point did they both come back?
24 A Yes. They came back into the house.
25 Q Do you remember what they were doing when they came

1 back?

2 A No. They were just walking near each other, heading
3 back to the kitchen.

4 Q They were walking in together?

5 A Yes.

6 Q Did you see how they looked? Like things were
7 settled or not settled?

8 A No. I wasn't paying attention to that.

9 Q And so you don't remember?

10 A Yeah. I don't remember.

11 Q All right. And then they came back in the house.
12 So then what happened?

13 A From there, they went into the kitchen. They pulled
14 out a bottle of the Jäger, and they started drinking the Jäger
15 and going back and forth. Mike was trying to calm Eric down
16 because Eric was still upset at the situation. So Eric was
17 going on about how irritated he was with that woman. And Eric
18 kept on, like --

19 Q And you saw this.

20 A Yes. I was standing on the opposite side of the
21 bar.

22 Q I just want to be sure we're talking about the
23 things you saw and heard --

24 A Yes.

25 Q -- okay? All right. So what was Mike -- how would

1 you -- how would you describe Mike Jeffries' demeanor as he
2 was trying to calm him down?

3 A Mike was being friendly but, like, assertive.

4 Q How so?

5 A Just the way he was talking to him. He was still
6 reminding him that he sees him as a really good friend, but he
7 needs to calm down because he was in his house.

8 Q Okay. Did that calm him down, from what you saw?

9 A Not necessarily.

10 Q Okay. What did Eric do --

11 A They --

12 Q -- if you remember?

13 A They continued to, like, take drinks from the Jäger
14 bottle. So it just didn't seem like they were calmed down --
15 he was calmed down.

16 Q How long did that go on with the Jägermeister shots?

17 A I couldn't be exact. It feels like a really short
18 amount of time. So maybe ten, twenty minutes.

19 Q Do you have a good recollection of how long?

20 A No.

21 Q So you don't remember.

22 A Correct.

23 Q After they -- at some point, they stopped doing
24 shots?

25 A Correct.

1 Q You saw that?

2 A Yes.

3 Q What happened after that?

4 A They became, like, more aroused towards each other.

5 And Mike asked Eric to stop, and Eric would not stop. So from

6 that point, what I viewed was -- I viewed a physical

7 altercation between them two. And I can't recall who started

8 it, but I do remember Mike hitting Eric.

9 Q So Mike Jeffries, you do remember hitting Eric Gore?

10 A Yes.

11 Q Where did that occur?

12 A Right inside of the kitchen.

13 Q Do you recall, was it one, two, three -- how many
14 times did he get hit?

15 A I don't remember.

16 Q You don't remember now?

17 A No.

18 Q Okay. So if you have testified to something
19 differently previously, or during an interview something
20 different previously, would that surprise you?

21 A No.

22 Q And as I said, it's okay if you say you don't
23 remember. That's fine.

24 A Okay.

25 Q And so you saw Mike Jeffries hit Eric Gore. How did

1 he hit him?

2 A I don't know.

3 Q You don't know or you don't remember?

4 A I don't remember.

5 Q Do you recall what happened after Mike Jeffries hit
6 Eric Gore?

7 A I remember -- this all happened extremely quickly,
8 so I just -- I don't -- I don't know. I remember after that
9 happened, sometime in the mix, my mother told me to go to my
10 bedroom. And I remember Mike getting up and heading to his
11 bedroom.

12 Q Do you remember if Mike said anything?

13 A No. I do not remember.

14 Q You do remember him getting up?

15 A Yes. I remember him getting up.

16 Q You said Mike Jeffries got up, correct?

17 A Yes. Mike Jeffries got up and walked to his
18 bedroom.

19 Q And where was Eric Gore when Mike Jeffries got up?

20 A I don't remember.

21 Q And he walked to his bedroom?

22 A Correct.

23 Q Mike Jeffries did.

24 A Yes. From there, I remember going towards my
25 bedroom door and looking to the side of me. Because -- and

1 straight across, I saw the gunfire.

2 Q Okay. So do you remember -- I'm going to stop you
3 there.

4 Do you remember why you were going towards your
5 bedroom?

6 A Because my mother told me to go to my bedroom.

7 Q You remember that she told you that.

8 A Yes.

9 Q And so you complied. You started going towards the
10 bedroom.

11 A Yes.

12 Q All right. And then what did you see after that?

13 A The gunfire.

14 Q How did you see it?

15 A Elaborate on that question.

16 Q Let me ask you this way: How do you know a gun
17 fired?

18 A I remember seeing the spark. I don't remember the
19 noise, but I had a very clear image of it firing -- like, just
20 a gun fire. Does that make sense?

21 Q Yes.

22 A Okay.

23 Q And who was holding the gun?

24 A Mike Jeffries.

25 Q And do you recall where he was in the house that

1 day?

2 A Near his bedroom door.

3 Q Do you recall where Eric Gore was at that point?

4 A Yes.

5 Q Where was he?

6 A He was standing towards the bedroom where Mike was.

7 Q Okay. And do you recall how far from Michael

8 Jeffries Eric Gore was?

9 A I do not.

10 Q But you were able to the see a clear spark, you

11 called it?

12 A Yes.

13 Q Muzzle flash -- a spark?

14 A Yes.

15 Q You saw that.

16 A Yes.

17 Q And then after that, what did you do?

18 A I ran into my bedroom.

19 Q And you ran into your bedroom. What did you do?

20 A I sat in the corner of my room, and I called my

21 father, Richard.

22 Q On your cell phone?

23 A Yes.

24 Q Did he answer right away?

25 A It took a couple of rings. But eventually --

1 Q Who was in the room with you at that point?
2 A Mary Jane, sleeping.
3 Q Okay. At any point did she wake up?
4 A No.
5 Q And you had a conversation with your father at that
6 point?
7 A Correct.
8 Q Can you describe how you felt at that point?
9 A I was panicked and afraid of what was going on.
10 Q Panicked?
11 A Very confused. Yes.
12 Q Crying?
13 A Yes.
14 Q Confused?
15 A Yes.
16 Q And you called your dad right away.
17 A Correct.
18 Q Do you remember what you told him?
19 A I pretty much just mumbled repetitively that Mike
20 just shot Eric.
21 Q Do you remember telling him anything else?
22 A I do not.
23 Q Do you recall Eric before the muzzle -- before the
24 spark as you put it -- what Eric did or said?
25 A No. I do not.

1 Q As you sit here today, you don't remember?
2 A I do not remember.
3 Q Did you ever hear Eric say anything at all at that
4 point?
5 A No.
6 Q Did you ever hear Eric Gore say anything after that?
7 A No.
8 Q Do you remember if Eric had any weapons on him at
9 any time during the night?
10 A I do not remember.
11 Q Do you remember if Eric had any weapons when he was
12 fighting -- or when Mike Jeffries punched Eric, did Eric have
13 anything in his hands? Do you remember seeing anything?
14 A I do not.
15 Q Is it that you don't remember, or did you not see
16 anything?
17 A I do not remember.
18 Q And do you remember who was in the house at that
19 point?
20 A At that point it was my mother, Mary Jane, myself,
21 and Mike Jeffries, and Eric Gore.
22 Q Okay. Now, before we get into what you testified to
23 at the -- you remember testifying in a previous hearing on
24 this matter; do you not?
25 A Correct.

1 Q And you remember being interviewed by police
2 detectives --

3 A Correct.

4 Q -- about what happened, correct?

5 A Correct.

6 Q Do you remember that a detective named Dean Raetz
7 spoke to you, at about three o'clock in the morning, about
8 what happened?

9 A Correct.

10 Q Do you remember where that occurred?

11 A In one of the police cars -- detective's cars,
12 either/or.

13 Q And you remember Detective Raetz was the police
14 officer, or do you not remember him?

15 A I don't remember his name.

16 Q Fair enough. And do you remember a few days
17 later -- three or four days later -- where you went down for
18 an interview on this same subject with another detective?

19 A Correct.

20 Q And you gave a story then?

21 A Yes.

22 Q And then you -- do you remember you and I talking at
23 a previous hearing, where you testified to events back in
24 February of 2012?

25 A Yes.

1 Q Okay. And I think I asked you earlier. You would
2 agree with me that your recollection of events that happened
3 on October 22nd into the early morning of October 23, 2011,
4 was better then than it is now?

5 A Correct.

6 Q Okay. Now, before -- actually, before I get into
7 that, let me ask you this: Did you like Mike Jeffries back in
8 2011?

9 A Yes, I did.

10 Q Okay. He was dating your mom?

11 A Yes.

12 Q Okay. And since this incident, have you had any
13 contact with Mike Jeffries, whatsoever?

14 A No.

15 Q None at all.

16 A None at all.

17 Q You saw Mike Jeffries on October 23rd -- October 22,
18 October 23, 2011.

19 A Yes.

20 Q After that, when was the next time you saw him?

21 A At the next hearing.

22 Q That was in February -- on February 7th of 2012?

23 A Correct.

24 Q Have you ever seen him since then?

25 A No.

1 Q Now, he's dating your mother. In fact, they're
2 engaged; is that correct?

3 A Correct.

4 Q They're going to be married.

5 A Correct.

6 Q And during this whole time, you've never seen him?

7 A Correct.

8 Q All right. Why is that?

9 A My mother thought it was safest for me, so that none
10 of our words ever got twisted or no one ever believed that
11 these stories were ever interchanged.

12 Q Okay. And I asked you earlier about whether you
13 liked Mike Jeffries back in 2011.

14 A Yes.

15 Q Do you like Mike Jeffries now?

16 A Yes. He's a good person to my mother.

17 Q How do you know that?

18 A He -- she -- my mother, when she comes back from
19 Mike's on the weekends or whatever day she spends with him,
20 she will tell me how he's doing and she'll explain to me,
21 like, things they went -- places they, like, enjoyed together.
22 Like, I know they go camping. I know they go to a burger
23 place. She keeps me updated on his life.

24 Q And you talk to your mom frequently about Mike
25 Jeffries?

1 A Not frequently, but enough for me to know what's
2 going on in their lives.

3 Q And you're living with your mother since 2012; is
4 that correct?

5 A Correct.

6 Q All right. Approximately how many times, since
7 February 7th of 2012, have you talked to your mom about Mike
8 Jeffries?

9 A Plenty. And we -- we do talk about him. He's not a
10 subject that we don't touch on. He is --

11 Q There's not a subject you don't touch on? Is that
12 what you said?

13 A Yeah. Like, between -- yes.

14 Q Okay. So how often do you talk about the night that
15 Eric Gore was shot and killed by Mike Jeffries? How often do
16 you talk about that?

17 A We do not.

18 Q A moment ago you said there's not a subject you
19 don't talk about.

20 That's the one subject you don't talk about?

21 A Correct.

22 Q Have you talked about it leading up to today's
23 testimony?

24 A No.

25 Q Not at all.

1 A No.

2 Q But you have a good opinion of Mike Jeffries from
3 what your mom tells you.

4 A Correct.

5 Q Is there anything else that causes you to like Mike
6 Jeffries today?

7 A I knew he took care of me as a child, so that makes
8 me respect him. He would babysit me when my mother needed
9 help. He would babysit my older sister and my younger
10 brother. So I know he was current in my life, and I respect
11 him for that.

12 Q And you still do today; is that correct?

13 A Correct.

14 Q And you don't want to see anything happen to Mike
15 Jeffries today, do you?

16 A Correct.

17 Q All right. I want to talk to you about some things
18 you mentioned earlier about not remembering. We just talked a
19 moment ago about the hearing on February 7th of 2012.

20 You do remember giving testimony on that day,
21 correct?

22 A Correct.

23 Q All right, Brittany. So I asked you earlier about
24 what you remember and, for much of your testimony today, you
25 said you didn't remember. Now let's start with at the time

1 when Mike Jeffries and Eric Gore were arguing.

2 A Correct.

3 Q You said you didn't remember what they were talking
4 about.

5 A Correct.

6 Q Do you remember me asking you a question at that
7 hearing with regard to anything that you heard or anything
8 that you saw?

9 A Can you repeat the question? Sorry.

10 Q I'm sorry?

11 A Can you repeat the question?

12 Q Do you remember me -- do you remember me asking you
13 questions about anything that you heard Mike Jeffries tell
14 Eric Gore?

15 A Yes.

16 Q Okay. And what was it?

17 A I remember very similar questions to what you're
18 asking me today of what happened when Mike Jeffries got the
19 gun, what happened when I went to my bedroom, what kind of
20 noises was I hearing from my bedroom -- situations like that.

21 Q But you don't remember your answers; is that
22 correct?

23 A Correct.

24 Q Okay. And so when you heard the question that I
25 asked you earlier about anything that Mike said to Eric, you

1 don't recall what your answer was at the hearing.

2 A Correct.

3 Q Do you remember saying that you heard Mike tell Eric
4 that he was being disrespectful?

5 A I remember saying it, but I don't remember it
6 happening that night. I remember telling you this.

7 MR. ZADROWSKI: Okay. Court's indulgence. Do you
8 have some Kleenex? I think she might...

9 THE COURT: Here's some Kleenex.

10 BY MR. ZADROWSKI:

11 Q Are you okay?

12 A Yeah.

13 Q Okay. Can we go -- can you go on?

14 A Yes.

15 Q Do you need some time?

16 A No.

17 Q All right. So you don't remember that statement?

18 A Correct.

19 Q Okay. You don't even remember saying it at the
20 preliminary hearing?

21 A Correct.

22 Q Do you recall answering questions with regard to
23 Mike punching Eric?

24 A Do I remember answering questions?

25 Q Yes.

1 A Yes.

2 Q When I asked you earlier if you remember how many
3 times Mike punched Eric, you said you didn't remember,
4 correct?

5 A Correct.

6 Q Okay. Do you recall answering questions about that
7 at the preliminary hearing?

8 A Correct. I do.

9 Q Do you remember what your answer was?

10 A No. I do not.

11 Q You don't remember? Okay. Would seeing a
12 transcript of what you said at that time, would it help you to
13 remember?

14 A You -- you can show me. But what I am telling you
15 is what I do remember to this day. When I look at that
16 transcript, that's maybe what I did say at that time.
17 Because, like I said, my memory then was much clearer than my
18 memory now.

19 Q Okay. Well, let's do this -- let's do it this way.
20 So you remember when I asked you: Did you --

21 MR. ZADROWSKI: I'm referring to page 13 of the
22 (inaudible).

23 BY MR. ZADROWSKI:

24 Q Did you see Eric yelling at the female?

25 MR. ZADROWSKI: Page 13, line 22.

1 BY MR. ZADROWSKI:

2 Q Do you remember what you -- what your answer was at
3 that point?

4 A No. I do not.

5 Q Do you remember answering: I saw, like, a little
6 bit of it. He was just, like, pointing at her -- like,
7 calling her the B-word and all of these other words.

8 Do you remember that?

9 A No.

10 Q That doesn't refresh your recollection?

11 A No.

12 Q Okay. And do you remember me asking you whether
13 your mom was present during the argument that Eric had with
14 the other female?

15 A I don't remember that question.

16 Q You don't remember answering: No. Me, Mike, and my
17 mom were all in the backyard while he was yelling at the girl?

18 A I don't remember that.

19 Q Okay. Do you remember the question: Do you know
20 how long the argument went on between Mike and Eric?

21 A No. I do not.

22 Q You don't remember your answer?

23 A No.

24 Q You answered: It went on for awhile. At least,
25 like, ten to fifteen minutes.

1 Do you remember that?

2 A No.

3 Q Okay. Do you remember me asking you to tell us what
4 happened when the argument became physical?

5 MR. ZADROWSKI: Page 15.

6 BY MR. ZADROWSKI:

7 Q Now, today you testified it became physical. Mike
8 punched him.

9 But you don't remember how many times; is that
10 correct?

11 A Correct.

12 Q Do you remember what happened to Eric Gore after he
13 punched him?

14 A No.

15 Q Okay. At that time, you stated -- see if you
16 remember this: Mike punched Eric in the jaw area -- in the
17 facial area, and Eric ended up tumbling to the floor and fell
18 against the wall.

19 Do you remember that?

20 A I do remember Eric falling to the floor.

21 Q You remember that now.

22 A Yes.

23 Q Okay. So that refreshes your recollection as to
24 what you said?

25 A Yes.

1 Q Do you remember what you said after that?

2 A No. Other than Mike getting up.

3 Q Okay. Do you remember saying: And then Mike came
4 over again and punched him a couple times. And then -- like,
5 five or six times, and then got up and went to his room and
6 grabbed his gun?

7 A No. I don't remember that.

8 Q You don't remember that?

9 A No.

10 Q And do you remember where Eric was after he got
11 punched five or six times by Mike Jeffries?

12 A I know in my statement I said, Against the wall,
13 towards -- like --

14 Q Did he --

15 A -- near the --

16 Q -- fall against the wall onto the interior?

17 A Yes.

18 Q Okay. And do you remember if he was on his front
19 side or on his backside?

20 A I don't remember.

21 Q Okay. Do you remember -- you don't remember saying
22 he was on his -- when I asked you if he was on his back, you
23 said: Yes?

24 A I don't remember.

25 Q You don't remember that? Do you remember what Mike

1 was doing when Eric Gore was on the ground on his back?

2 A No. Other than getting up. No.

3 Q You don't remember that?

4 A No.

5 Q And I asked you: How was Mike over him, when you
6 said he was over him? And you testified: Mike was, like,
7 hovering over him -- not completely on the floor, but just
8 hovering over him enough to reach his body.

9 Do you remember that?

10 A No.

11 Q Okay. Do you remember the line of questioning about
12 how Mike was -- Mike Jeffries was holding the gun?

13 A Yes. I remember you asking.

14 Q Okay. Do you remember what your answer was?

15 A I remember saying left hand. Because I assumed,
16 because he's left-handed.

17 Q Okay. Do you remember what the gun looked like?

18 A It was black. It was a small handgun.

19 Q Okay. Do you know the difference between a revolver
20 and a semi-automatic?

21 A Yes.

22 Q Do you remember telling the court at that time how
23 Mike was holding the gun?

24 A No.

25 Q You don't remember?

1 A I do not remember.

2 Q So you answered: It was a pretty lazy hold. It was
3 one-handed, and it was just a lazy jug hold. He wasn't that
4 stable at that point.

5 Do you remember that?

6 A No.

7 Q Do you remember I asked you earlier: How far Mike
8 Jeffries was from Eric when he shot him?

9 A Yes. I remember.

10 Q Do you remember how far away he was?

11 A No.

12 Q Do you remember answering: Like, 2 to 3 feet?

13 A No.

14 Q You don't remember that?

15 A No.

16 Q Okay. Do you remember how far away you were from
17 them when this happened?

18 A As the gun fired?

19 Q Yeah.

20 A I was at my bedroom door.

21 Q At your bedroom door?

22 A Yes.

23 Q Do you know how far way that is?

24 A Not exactly.

25 Q So I'm standing here, and you're sitting there. Was

1 it about that distance, further, or closer?

2 A Maybe, like, 2 feet further from us.

3 Q Okay. And did you have -- do you remember if you
4 had a clear line of sight to see Mike Jeffries holding the gun
5 at that point?

6 A Yes, I did.

7 Q Okay. Could you see Eric's reaction?

8 A No. I don't remember it.

9 Q You don't remember, as you sit here today?

10 A Correct.

11 Q Do you remember answering that question back then?

12 A No.

13 Q No? You don't remember the answer when I asked:

14 Could you see Eric's reaction? And you responded: Kind of.

15 He was kind of, like, backing up, like he was scared. And you
16 said: Like, he was, like, Stop. Whoa. He was scared.

17 A No. I don't remember.

18 Q You don't remember that?

19 A No.

20 Q And then I asked: You said he said, Whoa? Do you
21 remember that?

22 A No.

23 Q Your answer was: I saw the gun fire, and I ran to
24 my room.

25 Do you remember that?

1 A No.

2 Q Do you remember how long you remained in the room at
3 that point?

4 A Not exactly. So no.

5 Q Not exactly?

6 A Correct.

7 Q Now, during this same hearing back in February of
8 2012, there was another attorney there that asked you some
9 questions.

10 Do you remember that?

11 A Yes.

12 Q Okay. Do you remember the questions he asked you,
13 in general?

14 A No.

15 Q You remember him asking you some questions, right?

16 A I remember both sides approaching me. Yes.

17 MR. ZADROWSKI: Court's indulgence.

18 BY MR. ZADROWSKI:

19 Q So the attorney asked you -- he was referring to a
20 diagram that you were pointing to at that point.

21 Do you remember that?

22 A Yes. I remember the diagram.

23 Q And he asked you: How did you get from point 5
24 to 8? You had asked -- he had asked you questions about that.

25 A Yes. I remember.

1 Q And do you remember what your answer was: How did
2 Eric get from the point where they were -- where he was on the
3 ground to where he was finally shot?

4 A I do not.

5 Q Okay. You don't remember that?

6 A No.

7 Q And you don't remember the answer: Like, he was
8 following after Mike, kind of. But I wasn't sure what he was
9 trying to do?

10 A I don't remember the answer.

11 Q You don't remember that?

12 A Correct.

13 Q And then later on --

14 MR. ZADROWSKI: This is page 56.

15 BY MR. ZADROWSKI:

16 Q -- when I got a chance to talk to you again, after
17 he -- that attorney talked to you, do you remember what you
18 had said about where Mike Jeffries kept the gun?

19 A No. I do not.

20 Q Let me ask you this: As you sit here today, do you
21 remember where Mike Jeffries kept guns in the house?

22 A I remember at one point seeing it tucked under a
23 mattress, but I don't know when that was. But I do remember
24 knowing that he had a gun in the house.

25 Q Okay. Now, you didn't -- did you -- do you remember

1 seeing where Mike went when -- Mike Jeffries went when he went
2 into his room?

3 A No. I only remember him walking towards his
4 bedroom.

5 Q And you do remember -- do you remember what he came
6 out of his bedroom with?

7 A With?

8 Q Yes.

9 A The gun.

10 Q You remember seeing that.

11 A Yes.

12 Q All right. So that night, at about three o'clock in
13 the morning, you met with one of the detectives; is that
14 correct?

15 A That night at 3:00 a.m.?

16 Q Yes.

17 A Yes.

18 Q You remember that? Okay. And do you remember
19 giving a statement to him?

20 A Yes.

21 Q Do you remember what you told him?

22 A No.

23 Q Do you remember him telling you that the
24 conversation was recorded?

25 A Yes.

1 Q Okay. Do you remember him talking to you about what
2 happened?

3 A Yes.

4 Q You don't remember what you told him?

5 A Correct.

6 Q Do you remember talking to the detective about
7 whether or not -- I asked you earlier about whether or not you
8 saw Eric Gore with any weapons on him.

9 A Okay.

10 Q And you said you didn't remember.

11 A Correct.

12 Q Do you remember giving a statement to the police
13 about that subject?

14 A No.

15 Q You don't remember that?

16 A No.

17 Q Do you remember giving a statement about the --
18 about when Mike and Eric Gore started fighting?

19 A I remember -- I remember him asking about what just
20 happened in the house.

21 Q And do you remember specifically about the question
22 about whether Eric ever hit Mike back?

23 A No.

24 Q You don't remember the answer to that?

25 A Correct.

1 Q Do you remember what happened, as you sit there
2 today?

3 A Specifically?

4 Q Yes.

5 A No.

6 Q You don't remember.

7 A Correct.

8 Q Do you remember speaking to the detective about
9 which way Eric went when he got up after being knocked to the
10 ground by Mike Jeffries?

11 A I do not.

12 Q You don't remember that? A moment ago you said you
13 don't remember hearing the gunshot; is that correct?

14 A Correct.

15 Q Is that because you just don't remember?

16 A I don't remember.

17 Q You have no recollection of the gunshot?

18 A I -- what would be the difference between...

19 Q The difference is: Do you remember your answer to
20 the question versus whether or not you actually heard a
21 gunshot?

22 A From you today?

23 Q Yes.

24 A I remember you asking it, and I remember replying
25 with, No, I did not hear it. I don't remember hearing it.

1 Q Okay. Thank you. All right. Now, there occurred
2 during that -- during that interview, do you remember giving a
3 diagram to the -- to the officer about -- the diagram of the
4 house and where things happened?

5 A That night in the car?

6 Q Yes.

7 A I do not remember making him a diagram.

8 Q At some point later on, do you remember giving a
9 diagram -- a handwritten diagram about what happened -- of the
10 diagram and what happened?

11 A To you at the last court?

12 Q Let me ask you this: Do you remember giving a
13 diagram -- this particular diagram -- to the detectives --

14 A No. I --

15 Q -- after the incident?

16 A I do not.

17 Q You don't remember that.

18 A No.

19 Q Do you remember meeting with a Detective O'Kelley on
20 the 27th of October, three or four days after this incident?

21 A Yes.

22 Q Okay. And do you remember any of the answers that
23 you gave to him?

24 A No.

25 Q All right. I want to show you --

1 MR. ZADROWSKI: Your Honor, may I approach the
2 witness?

3 THE COURT: Yes.

4 BY MR. ZADROWSKI:

5 Q Let me show you what's been previously marked as
6 State's proposed Exhibit No. 3 for identification.

7 Would you please take a look at that and tell me if
8 you recognize that?

9 A This is the floor plan of Mike Jeffries' house.

10 Q This is the floor plan of Mike Jeffries' house?

11 A Yes.

12 Q That State's proposed 3? And you recognize that.
13 You didn't create this, did you?

14 A No.

15 Q Okay. But is that a good rendition of the layout of
16 the house as it existed on October 22nd of 2011?

17 A Yes.

18 Q Okay. And you could, if you were asked to give
19 testimony about this, be able to point to places and things
20 that happened in the house from this diagram, correct?

21 A Yes.

22 MR. ZADROWSKI: Your Honor, I move to admit State's
23 3.

24 MR. SLIFE: No objection, Your Honor.

25 THE COURT: 3 is received.

1 (State's Exhibit 3 admitted.)

2 MR. ZADROWSKI: Thank you.

3 BY MR. ZADROWSKI:

4 Q And I'm going to show you that in just a minute.
5 But I want to get through this other stuff here. I'm going to
6 show you what's been previously marked as State's proposed 4.

7 Do you recognize that picture?

8 A That's Eric Gore.

9 Q That's Eric Gore? I'm sorry. Was that your answer?

10 A Yes.

11 Q Okay. And it accurately depicts how Eric Gore was
12 on that night?

13 A As in body language? Facial? In what way?

14 Q Yes. In all those ways. Is that how Eric Gore
15 looked on October 22nd of 2011?

16 A Yes.

17 Q Okay. I sense some hesitancy there. Why?

18 A Because I don't know what this picture is depicting.
19 Because it makes him look as if he's, like, this big macho
20 man. And he has this smug face on. And I don't remember him
21 coming into this house with that kind of arrogance.

22 Q So how do you remember Eric that night?

23 A Coming into the house?

24 Q Yes.

25 A In a normal Eric attitude -- very talkative, happy.

1 Q Let me ask you this: Do you see there's something
2 going on in the background of that picture?

3 What is it?

4 A That's the Xbox is on, on the projector.

5 Q You've got Xbox on a projector there?

6 A Yeah. That's the projector in the house.

7 Q And that's Eric Gore standing in front, showing his
8 muscles?

9 A Yes.

10 MR. ZADROWSKI: Okay. Move to admit State's 4?

11 MR. SLIFE: No objection, Your Honor.

12 THE COURT: 4 is received.

13 (State's Exhibit 4 admitted.)

14 BY MR. ZADROWSKI:

15 Q State's proposed 5. Do you recognize who is
16 depicted in that picture?

17 A This is Mike Jeffries facing towards us, and Eric
18 Gore facing towards Mike Jeffries.

19 Q Any idea what they're doing in that picture?

20 A Not personally. I would not know what they were
21 doing.

22 Q Okay. But you recognize that to be Mike Jeffries
23 and Eric Gore.

24 Was that from that night?

25 A Correct. I don't know if it's from that night,

1 but -- I don't remember what they were wearing.

2 MR. SLIFE: Your Honor, I'll stipulate that that --

3 THE COURT: Okay.

4 MR. SLIFE: -- was taken on that night.

5 BY MR. ZADROWSKI:

6 Q All right. Okay. But that's Eric and Mike
7 Jeffries, correct?

8 A Yes. Correct.

9 THE COURT: You're offering it?

10 MR. ZADROWSKI: Yes, Your Honor.

11 THE COURT: All right. It will be received.

12 (State's Exhibit 5 admitted.)

13 MR. ZADROWSKI: Thank you, Your Honor.

14 BY MR. ZADROWSKI:

15 Q State's proposed 6. Do you recognize that?

16 A That is the front of Mike Jeffries' house.

17 Q Do you recognize those cars in the front?

18 A Yes.

19 Q Whose cars are those?

20 A The black Chrysler is Mike Jeffries' and the Ford is
21 Mike Jeffries'.

22 Q And that's the address at Don Horton that we've been
23 talking about, here in Clark County, Nevada?

24 A Correct.

25 MR. ZADROWSKI: Move to admit State's 6.

1 MR. SLIFE: No objection, Your Honor.

2 THE COURT: 6 is received.

3 (State's Exhibit 6 admitted.)

4 BY MR. ZADROWSKI:

5 Q State's proposed 7. What are we looking at there?

6 A The front -- the entrance of Mike Jeffries' house.

7 Q Fairly and accurately depict how it looked on
8 October 22nd into 23rd, 2011?

9 A Yes.

10 MR. ZADROWSKI: Move to admit State's 7.

11 MR. SLIFE: No objection, Your Honor.

12 THE COURT: 7 is received.

13 (State's Exhibit 7 admitted.)

14 BY MR. ZADROWSKI:

15 Q State's proposed 8. Do you recognize what that is?

16 A The front door to Mike Jeffries' house.

17 Q Does that fairly and accurately depict the front
18 door of Mike Jeffries' house on Don Horton on the day in
19 question?

20 A Correct.

21 MR. ZADROWSKI: Move to admit State's 8.

22 MR. SLIFE: No objection, Your Honor.

23 THE COURT: 8 is received.

24 (State's Exhibit 8 admitted.)

25 BY MR. ZADROWSKI:

1 Q State's proposed 9. What are we looking at there?

2 A The entranceway of Mike Jeffries' house. Over to my
3 left would be a small -- not small, a larger loft/family room,
4 I guess you could say. Straight ahead would be the living
5 room. Off to the side would be the master bedroom door in
6 this picture.

7 MR. ZADROWSKI: All right. I'm sorry. Move to
8 admit 9.

9 MR. SLIFE: No objection, Your Honor.

10 THE COURT: Okay. Received.

11 (State's Exhibit 9 admitted.)

12 BY MR. ZADROWSKI:

13 Q State's proposed 10. What are we looking at there?

14 A The living room.

15 Q The living room of the address at Don Horton?

16 A Yes.

17 Q A picture of the pool table? Do you recognize
18 anything else that was present on that day?

19 A No.

20 Q No? Okay. That's an accurate depiction of the
21 living room on that day, correct?

22 A Yes.

23 MR. ZADROWSKI: Move to admit State's 10.

24 MR. SLIFE: No objection, Your Honor.

25 THE COURT: It will be received.

1 (State's Exhibit 10 admitted.)

2 BY MR. ZADROWSKI:

3 Q And State's proposed 11. Pool table?

4 A Yes. I remember it.

5 Q You remember it?

6 A Yes.

7 Q Looking just like that on that day?

8 A I don't know if that stuff was on top of it. But
9 yes, it was there.

10 Q Okay. Other than the stuff on top -- which you
11 don't remember -- fairly and accurately depict how the pool
12 table looked on that day?

13 A Yes.

14 Q Okay.

15 MR. ZADROWSKI: Get her some Kleenex there. Move to
16 admit State's 11.

17 MR. SLIFE: No objection, Your Honor.

18 THE COURT: It will be received.

19 (State's Exhibit 11 admitted.)

20 BY MR. ZADROWSKI:

21 Q State's proposed 12. What are we looking at in that
22 picture?

23 A That is the living room.

24 Q That's the living room.

25 A Yes.

1 Q Okay. And does that picture fairly and accurately
2 depict how the living room looked on that day?

3 A Correct.

4 MR. ZADROWSKI: Move to admit State's 12?

5 MR. SLIFE: No objection, Your Honor.

6 THE COURT: Received.

7 (State's Exhibit 12 admitted.)

8 MR. ZADROWSKI: Now, Your Honor, I'm going to
9 attempt to use -- well, let me do it this way.

10 BY MR. ZADROWSKI:

11 Q I'm going to show you State's proposed 13.

12 Can you tell us what that is?

13 A The living room is still located in the same area,
14 and you have the kitchen over here.

15 Q Okay. So if the person taking this picture -- where
16 would they be standing to be able to get this angle?

17 A Towards the back wall, next to the backyard area.

18 Q Okay. And where, in relation to your room, is this
19 picture?

20 A Off to the side -- not in this picture.

21 Q Does this picture fairly and accurately depict the
22 pool table in the room as it was on that day?

23 A Yes.

24 MR. ZADROWSKI: Move to admit State's 13.

25 MR. SLIFE: No objection, Your Honor.

1 THE COURT: Received.

2 (State's Exhibit 13 admitted.)

3 BY MR. ZADROWSKI:

4 Q State's proposed 14. What are we looking at there?

5 A The kitchen, living room. And you can see the loft
6 in the back.

7 Q The loft?

8 A The playroom. I don't know what to call it. It's
9 just a larger extra room area.

10 Q Okay. And does that fairly and accurately depict
11 the -- that area as it existed on October 22, 2011?

12 A Yes.

13 MR. ZADROWSKI: Move to admit State's 14.

14 MR. SLIFE: No objection, Your Honor.

15 THE COURT: It will be received.

16 (State's Exhibit 14 admitted.)

17 BY MR. ZADROWSKI:

18 Q Okay. State's proposed 15. What is that?

19 A Mike's bedroom. Mike Jeffries' bedroom.

20 Q Does it fairly and accurately depict his bedroom on
21 that day?

22 A Yes.

23 MR. ZADROWSKI: Move to admit State's 23.

24 MR. SLIFE: No objection, Your Honor.

25 THE COURT: It will be received.

1 (State's Exhibit 23 admitted.)

2 MR. ZADROWSKI: 23? Court's indulgence.

3 BY MR. ZADROWSKI:

4 Q State's proposed 35. Take a look at that and tell
5 me what that is.

6 A It's me holding Mary Jane.

7 Q Does that accurately depict you and Mary Jane on
8 that day?

9 A Yes.

10 Q What time was that taken?

11 A I don't know.

12 Q Do you remember getting your photo taken --

13 A I do not.

14 Q -- by the police at that time?

15 A No.

16 Q You don't remember that?

17 A No.

18 Q Okay. But that accurately depicts you on that day?
19 Is that what you were wearing?

20 A I assume so. I don't know. I don't know if I was
21 wearing -- if that's --

22 Q But that's you and your -- and your niece, correct?

23 A Cousin. Yes.

24 Q Cousin?

25 A Yes.

1 MR. ZADROWSKI: Move to admit 35.

2 MR. SLIFE: No objection, Your Honor.

3 THE COURT: Received.

4 (State's Exhibit 35 admitted.)

5 MR. ZADROWSKI: All right. Now, Your Honor, may I
6 publish four of these to the -- actually --

7 THE COURT: Yeah. Actually, if you don't want to do
8 them all. Ladies and gentlemen, the exhibits that are being
9 admitted into evidence will be available to you when you
10 retire to consider your verdict. You're going to have all
11 these. Now, you can see -- they may show them to you during
12 the trial. But they don't, you're going to have them all
13 anyway.

14 MR. ZADROWSKI: Your Honor, I just want to show
15 her -- you -- if I may publish --

16 THE COURT: That's fine.

17 MR. ZADROWSKI: -- the jury on that -- on thing
18 right there. Thank you.

19 THE COURT: What do they call that?

20 MR. ZADROWSKI: Making-the-picture-bigger thingy.
21 That's what I call it.

22 THE COURT: All right. Palal knows how to do it. I
23 saw him do it last week.

24 BY MR. ZADROWSKI:

25 Q Okay. And this is -- we talked about it earlier.

1 This is State's 3.

2 MR. ZADROWSKI: Now, can I make that bigger?

3 (Pause in proceedings.)

4 BY MR. ZADROWSKI:

5 Q So a moment ago you mentioned that -- you can see
6 that up there, correct?

7 A Correct.

8 Q Okay. And you've got good eyes? You don't have --
9 you don't wear glasses, do you?

10 A No. I do not.

11 Q And you can see it right up there, correct?

12 A Yes.

13 Q Okay. They're seeing the same thing, right?

14 A Yes.

15 Q Okay. Now, in that picture, tell -- show the jury
16 where your -- where your room was. And by the way, you can --
17 I think you can touch that --

18 THE COURT: You can mark on the screen by touching
19 it. Just kind of, like -- I don't know if you know John
20 Madden. John Madden learned to do this years ago. Some of us
21 will remember that. Touch on the screen in circles and things
22 like that. You can do that on the screen.

23 THE WITNESS: Okay.

24 THE COURT: Okay? So you touch it, and it will make
25 a mark.

1 THE WITNESS: Okay.

2 THE COURT: You can make an X or a circle.

3 THE WITNESS: My bedroom is right here.

4 MR. ZADROWSKI: Thank you, Your Honor. Show the
5 jury here the layout of the house. Let's start over on the
6 far left. Let's start with your bedroom.

7 Where -- where are we seeing your bedroom here?

8 A Where the white square is.

9 Q You just applied a white square?

10 A Yes.

11 Q Okay. And that's your -- that's the entrance to
12 your bedroom?

13 A Yes.

14 Q Okay. And so we're clear, show us where Mike
15 Jeffries' bedroom was in relation to that.

16 A His bedroom is right here.

17 Q I saw a flash there. Did you just touch that?

18 A Yeah.

19 Q Okay. That's right over here where that little
20 white square is, correct?

21 A Correct.

22 Q And show us where the pool table was. And that area
23 that's marked by the number 1 -- do you see that there?

24 A Yes.

25 Q What is that?

1 A That is the bar. My room.

2 Q And that's the pool table we were just looking at in
3 one of those other -- in one of those other pictures, correct?
4 All right. And show us in this picture where the laundry room
5 is.

6 A The laundry room is right here.

7 Q All right. Now, I'm going to ask you -- because
8 something you do -- you answered that you do remember -- where
9 were you when you saw Mike Jeffries punch Eric Gore five or
10 six times and knock him to the ground? I believe you said
11 into the wall and then onto the ground.

12 Where did that happen?

13 A I can't remember, specifically.

14 Q You can't remember where you were?

15 A Correct.

16 Q Do you remember where that -- where that happened?
17 Where was Mike Jeffries and Eric Gore in the house when that
18 happened?

19 A I remember they started out here, right into the
20 kitchen. And I...

21 Q On which side of that -- of the kitchen sink? In
22 the kitchen area, or over by the pool --

23 A In --

24 Q -- by the pool table? I'm sorry.

25 A In the kitchen area.

1 Q Okay. And is that what you were -- you testified
2 that they were drinking shots of Jägermeister?

3 A Correct.

4 Q Okay. And they were still friendly at that time,
5 correct?

6 A Correct.

7 Q All right. But I'm specifically talking about where
8 they were when Mike Jeffries punched Eric, knocking him to the
9 ground.

10 A I don't remember.

11 Q You don't remember. Okay. When you saw the
12 spark -- your testimony earlier today about seeing the
13 spark -- where did you -- where was that in the house?

14 A The spark?

15 Q Yes.

16 A Where was I?

17 Q Huh?

18 A Where was I?

19 Q No. Where was the spark when you saw it?

20 A Right across the way, approximately here.

21 Q Put a big X where you see that.

22 A I (inaudible).

23 Q Okay. So you saw that spark happen right there
24 where that X is --

25 A Yes.

1 Q -- correct?

2 A Yes.

3 Q So does that jar your memory about where you were
4 standing when you saw it?

5 A I was standing in the doorway of my bedroom, where
6 that square is.

7 Q All right. And do you remember now where Eric was
8 when you saw that spark?

9 A No.

10 Q You still -- you don't remember?

11 A Correct.

12 Q Okay. All right. I think we went over this. This
13 is a picture of Eric Gore that night?

14 A Yes.

15 Q Okay. In front of -- what was it?

16 A A projector screen.

17 Q Projector screen? Okay. Mike Jeffries and Eric
18 Gore that night --

19 A Yes.

20 Q -- correct? State's 6. The front of your -- of
21 your -- of Mike Jeffries' house where your mom lived?

22 A Correct.

23 Q Okay. State's 7. Closer view of the house on Don
24 Horton, correct?

25 A Yes.

1 Q Okay. Okay. State's 9. You testified about this
2 one a moment ago.

3 This is -- what is this? A view of what?

4 A The entryway of the house. You have your -- I'm
5 going to refer to it as a loft. The loft. And then straight
6 ahead is the living room. And off to the side, you can see
7 the doorway to Mike's bedroom.

8 Q So we're looking straight back. And you can see a
9 pool table in the middle of the room, correct?

10 A Yes.

11 Q Okay. That's a -- that's a -- that's the -- what
12 would that be on the left -- like, a formal living room?

13 A Yeah. A loft. We call --

14 Q Oh. That's what you call the loft.

15 A Yes.

16 Q Okay. State's 10. That's the pool table in the
17 living room, correct?

18 A Yes.

19 Q You didn't see any part of what's going on down
20 there in the lower left-hand of that exhibit, did you?

21 A No.

22 Q State's 12. What's that?

23 A The living room.

24 Q Okay. You can see the pool table off to the left
25 there?

1 A Yes.

2 Q And which way is this looking?

3 A If you were to stand next to the back door, you
4 would be looking into the house from the back door.

5 Q So where is the front door from this picture?

6 A Off to your left.

7 Q Okay. That's you ages and ages and ages ago,
8 correct?

9 A Correct.

10 Q Okay. Now, what are we looking at here?

11 A Mike Jeffries' bedroom.

12 Q I want to ask you a question about this one. You
13 said earlier that you knew where Mike Jeffries kept one of his
14 guns --

15 A Correct.

16 Q -- correct? And that part you remember.

17 A Yes.

18 Q Where can -- can you show the jury -- you can mark
19 on it there if you need to -- where it was that he kept the
20 gun. Up in that area of the mattress where you just put the
21 little white spot?

22 A Yes.

23 Q And could you actually see it, or was it hidden?

24 A It was -- that night, I would not know where it was.
25 But previously, when I had, like, been in his bedroom, I did

1 see it sticking out once.

2 Q One time?

3 A Yeah.

4 Q Okay. Do you know if he always kept it there? Do
5 you know?

6 A I don't know.

7 Q Okay. State's 13. Now, this is a view from -- from
8 where in the house?

9 A Same back door area, just more to the left.

10 Q More to the left. And where would your bedroom have
11 been from this?

12 A Off into the far left area.

13 Q Far left? So you can see the kitchen counter over
14 on the left-hand side of the picture, correct?

15 A Yes.

16 Q Your room would have been a little further to the
17 left?

18 A Yes.

19 Q And over there on the upper right-hand side,
20 what's -- what's over there on that side?

21 A The upper right?

22 Q Yeah. Where those speakers appear to be.

23 A That would be the entrance to Mike Jeffries'
24 bedroom.

25 Q Okay. And so there's a wall there. Correct me if

1 I'm wrong. Let's look at this diagram. Okay. So show me
2 again where Mike Jeffries' bedroom was.

3 A In here.

4 Q Okay. So from where you were when you saw the
5 muzzle flash, can you see into Mike Jeffries' room?

6 A From where I was standing?

7 Q Yes.

8 A No.

9 Q Okay. All right. So you saw the muzzle flash. It
10 was outside of the bedroom, correct?

11 A Yes.

12 Q All right. And point to us -- I want to -- point to
13 that picture there again, where that would have been.

14 A Where they were standing, or where I was?

15 Q Where you saw the muzzle flash, and where you were.

16 A Approximately right here.

17 Q Right there? Okay. Now, back to this. There's a
18 wall that sort of shields the entrance to -- on the right
19 there where those speakers are -- to Mike Jeffries' room,
20 correct?

21 A Yes.

22 Q So the muzzle flash didn't happen anywhere to the
23 right of those speakers behind that wall.

24 It happened out front where you could plainly see
25 the muzzle flash, correct?

1 A Correct.

2 Q Okay.

3 MR. ZADROWSKI: Court's indulgence. Your Honor, at
4 this point, I'm going to move for the admission of the
5 preliminary hearing transcript.

6 MR. SLIFE: And I'll object, Your Honor. It's not
7 substantive evidence, itself. If she was allowed to be
8 cross-examined, it's the same as she made. And she was.
9 There was a lot of other evidence, argument, and testimony at
10 the preliminary hearing. It shouldn't come before —

11 THE COURT: Does this conclude your direct
12 examination?

13 MR. ZADROWSKI: It does, Your Honor.

14 THE COURT: Okay. We're going to let the other
15 attorneys make -- ask you some questions, too. But before
16 they do, we're going to take a recess, give you an opportunity
17 to relax, okay? All right.

18 Ladies and gentlemen, during the recess, it's again
19 your duty not to converse among yourselves or with anyone else
20 on any subject connected with this trial, or to read, watch,
21 or listen to any report of or commentary on the trial from any
22 medium of information, including newspaper, television, and
23 radio.

24 And you may not form or express an opinion on any
25 subject connected with this case until it is finally submitted

1 to you. We'll be in recess for about fifteen minutes.

2 Everybody, you can leave at this time.

3 (Outside the presence of the jury.)

4 THE COURT: You can't talk to other jurors.

5 THE WITNESS: Okay.

6 THE COURT: The record will reflect the absence of
7 the ladies and gentlemen of the jury. Mr. Kane, the witness
8 testified that she remembered very little of what she
9 testified to at the preliminary hearing. I anticipated that
10 this might be coming up, so I went to look.

11 There's a case called Crowley v. State 2004. And
12 this is just from the digest that I've got here. But the
13 Supreme Court held that the District Court properly admitted
14 the investigator's testimony.

15 Because when a trial witness fails, for whatever
16 reason, to remember a previous statement made by himself, the
17 failure of recollection constitutes a denial of the prior
18 statement, making it admissible in trial, both substantively
19 and for impeachment, as non-hearsay.

20 MR. KANE: And that's fine if what he's asking to
21 admit are the specific things that he asked her about. If
22 these answers --

23 THE COURT: Right.

24 MR. KANE: -- at the preliminary hearing. Yeah. I
25 think he's allowed, in digest form, to present it as evidence.

1 I understood he was offering the entire preliminary hearing --

2 MR. ZADROWSKI: Oh, no. No, no, no. I apologize.
3 Just her statement -- Ms. Ames' statement at the preliminary
4 hearing.

5 MR. KANE: Or even her entire statement. He's only
6 allowed the specific questions and answers that she now
7 denies --

8 THE COURT: That's true. The question is how are we
9 going to get that in a frame that we can admit it?

10 MR. KANE: Prepare a digest and say, These are
11 the --

12 THE COURT: Okay.

13 MR. KANE: -- questions and answers --

14 THE COURT: And I would admit it. Under the -- at
15 least the authority of what I read just here, I think it's
16 admissible. So you take the questions that you asked her,
17 that she said she couldn't remember the answers, and put that
18 in some sort of a form that we can admit it, and I will admit
19 it.

20 MR. ZADROWSKI: All right. My request then would be
21 to redact -- since I've got it in the preliminary hearing
22 transcript.

23 THE COURT: Well, you can do it by redacting the
24 other portions. But that's a lot of crossing out.

25 MR. KANE: It wasn't that long. I mean, it seems to

1 me it would be a lot quicker just to do a digest --

2 THE COURT: Yeah. I don't know if you've got that
3 in electronic form. I think it's in electronic form.

4 MR. ZADROWSKI: It is. I pulled this off of the
5 District Court Clerk's.

6 THE COURT: Isn't that in electronic form some way?

7 MR. ZADROWSKI: It is.

8 MR. KANE: Yeah. But I don't think it's editable.

9 MR. PALAL: Yeah. You can't -- you can't edit it.
10 I mean, you have to --

11 MR. KANE: In other words, it pops up as an image.

12 THE COURT: I thought you guys could do anything.

13 MR. PALAL: Okay. You can edit it, but it's just a
14 lot --

15 MR. KANE: I can't even get a preliminary hearing
16 transcript that has one page per page. I can only get the
17 four pages per page.

18 MR. ZADROWSKI: So, Your Honor, my request would
19 be -- and I know Your Honor thinks --

20 THE COURT: You figure out how to get it. And maybe
21 tonight, over the night, you could have -- somebody could just
22 type it -- retype it.

23 MR. ZADROWSKI: Okay. I still think going through
24 with a black marker would be --

25 THE COURT: You could do that, too.

1 MR. ZADROWSKI: -- redacting those portions --

2 THE COURT: Whatever you want to do.

3 MR. ZADROWSKI: Yeah.

4 THE COURT: You can block out that, and then offer
5 it and I'll admit it. The point is that, of the questions you
6 asked her that she couldn't recall the answers -- the answers
7 that she gave at the preliminary hearing are admissible as
8 non-hearsay. That's what the Supreme Court said.

9 Do you agree with that Mr. Kane? You may not agree
10 with it, but --

11 MR. KANE: Yeah. I mean, I may object to it or file
12 something later. But --

13 THE COURT: You can object to it. I think it's
14 non-hearsay. That's what they said, and I -- I tend to think
15 that that's a good reasoning. I kind of like it.

16 MR. SLIFE: I understand your rule.

17 THE COURT: Okay. Anything else before we take a
18 brief recess?

19 MR. ZADROWSKI: Not from the State, Your Honor.

20 THE COURT: Are you going to have cross?

21 MR. KANE: Very brief. A lot briefer than the
22 State's.

23 THE COURT: I hope. She needed a recess anyway. Is
24 this your only witness today or have you got more?

25 MR. ZADROWSKI: I actually -- you know, Your Honor,

1 we can probably get her mother and her father --

2 THE COURT: Okay.

3 MR. ZADROWSKI: -- before today is over.

4 THE COURT: If they're brief.

5 MR. ZADROWSKI: They are brief.

6 THE COURT: Good. We'll take a recess for another
7 ten.

8 (Court recess from 3:27 p.m. until 3:34 p.m.)

9 THE COURT: We're back on the record. Have you got
10 something else for us?

11 MR. KANE: Yeah. I was informed by the State,
12 Judge, that they were going to offer this last witness as two
13 prior recorded statements. Since she --

14 UNIDENTIFIED SPEAKER: Hang on, Judge. It's not
15 recording.

16 THE COURT: You're recording.

17 UNIDENTIFIED SPEAKER: It's yellow. It's okay now.

18 THE COURT: It says -- it's red over here. When
19 it's red over here, it's recording. It says recording.

20 UNIDENTIFIED SPEAKER: Hers went blank.

21 THE COURT: That's okay. We don't care about her.

22 MR. KANE: That's right. I know exactly how to
23 (inaudible). The State has indicated that they're -- they
24 intend to offer, under the court's previous ruling, her two
25 recorded statements to the police.

1 If the court is going to admit those in the same
2 rationale -- and I understand the rationale -- it would
3 substantially shorten my cross examination, because I really
4 have very little to ask her. We can compare those, side by
5 side, once they're in evidence.

6 MR. ZADROWSKI: Here's what I'm concerned about,
7 though, Judge. You may recall, I asked her specifically with
8 regard to the interview that was conducted with Detective
9 O'Kelley on October 27th -- if she remembers anything from
10 that interview. She said, No. Very clearly, she doesn't
11 remember. I asked her a few --

12 THE COURT: Well, he can --

13 MR. ZADROWSKI: -- questions --

14 THE COURT: -- come in and testify to what she told
15 him.

16 MR. ZADROWSKI: He can. We can also play the
17 audiotaped interview. Because it is still a prior
18 inconsistent statement. Her -- as Your Honor just indicated
19 before, this is a --

20 THE COURT: Well, if she identifies it as her
21 statement and lays a foundation for it. You've got to lay a
22 foundation for it.

23 MR. ZADROWSKI: And that's my point. I want to be
24 able to play the entire statement, not as we talked about with
25 the preliminary hearing transcript. Because that we did parse

1 questions. I get that. But I asked her specifically about
2 the two interviews that she gave.

3 THE COURT: It's true, she said she didn't remember
4 them.

5 MR. KANE: Yeah. And I have no problem. I just
6 want to make sure that that's the ruling. And then I won't
7 bother asking her about it when she's on the stand.

8 THE COURT: That's fine. I'll let him do it. So
9 long as there's no argument about the foundation for the
10 statement. I mean, it's her statement.

11 MR. ZADROWSKI: Well --

12 THE COURT: If you're not --

13 MR. ZADROWSKI: -- the issue --

14 THE COURT: -- going to argue --

15 MR. ZADROWSKI: -- will come in --

16 THE COURT: -- about foundation --

17 MR. ZADROWSKI: -- through each of the detectives.

18 THE COURT: So long as you're not arguing about
19 foundation. Okay. How are you going to play these
20 statements?

21 MR. ZADROWSKI: We have it on CD right here on
22 Mr. Palal's computer, I'm sure.

23 MR. PALAL: We can play it on the computer, Your
24 Honor. I think we anticipated the witness --

25 THE COURT: There's a way to hook the computer onto

1 the sound system.

2 MR. PALAL: Yes. But I think -- I think, Your
3 Honor, what we anticipated is waiting for the detectives to
4 testify so as to lay the foundation --

5 THE COURT: That's fine.

6 MR. PALAL: -- for the statements. We just wanted
7 to --

8 THE COURT: Oh, I see. Okay. I'll tell you who
9 knows how to do that is DiGiacomo. Because he had -- he tried
10 that murder case in here.

11 MR. PALAL: DiGiacomo is in the hospital right now,
12 Your Honor, recovering from surgery.

13 THE COURT: What?

14 MR. ZADROWSKI: Marc? Anything serious?

15 MR. PALAL: No. He had some planned neck surgery.
16 He had some issue.

17 THE COURT: Well, somebody up in your office will
18 know how to do that. I -- do you know how to do that?

19 UNIDENTIFIED SPEAKER: Yes, I do.

20 MR. PALAL: Last week -- last week we -- I think
21 we -- it was a nice dress rehearsal for this week. So we --
22 I'm sure we got all the kinks worked out.

23 THE COURT: Okay. All right. Anybody need a
24 recess, or can we go with the jury?

25 MR. PALAL: I think we can go to the jury, Your

1 Honor.

2 MR. ZADROWSKI: Well, before we do that, I just want
3 to be sure. Because as -- I don't know if Mr. Kane heard. We
4 don't plan on playing these recorded interviews until we have
5 Detective Raetz and --

6 THE COURT: And that's fine.

7 MR. ZADROWSKI: -- Detective O'Kelley.

8 MR. KANE: And that's fine.

9 THE COURT: That's fine.

10 MR. ZADROWSKI: Okay.

11 MR. KANE: I think you need them.

12 THE COURT: I think it's a good idea to have them --
13 just the foundation for them.

14 MR. ZADROWSKI: Yes.

15 THE COURT: Okay. Now, are we -- anybody need a
16 recess, or can we bring in the jury?

17 MR. ZADROWSKI: We're good.

18 THE COURT: Bring in the jury.

19 (Pause in proceedings.)

20 (In the presence of the jury.)

21 THE COURT: State vs. Jeffries. The record will
22 reflect the presence of the defendant, his counsel, the deputy
23 district attorneys, and all members of the jury. Ladies and
24 gentlemen, I have concluded that the statements of the
25 witness, that she made at the preliminary hearing that she

1 could not recall, are going to be admissible.

2 They're going to extract them from the transcript,
3 put them in a form you can read them, and they'll be available
4 to you at a later time. They don't have that done yet, but
5 that will be done later.

6 MR. KANE: And the other statements, Your Honor?

7 THE COURT: And the other statements? Yeah. There
8 are — apparently she did not recall the statements that she
9 made to the officers. I guess there were two different
10 statements.

11 MR. ZADROWSKI: Correct.

12 THE COURT: And those recorded statements will be
13 played for you when the officers come in. And they're — they
14 lay a foundation. And you'll be able to hear those at a later
15 time. All right. Cross-examination, Mr. Kane.

16 CROSS-EXAMINATION

17 BY MR. KANE:

18 Q Very briefly. Brittany, my name is Ed Kane. I'm
19 Mike's lawyer.

20 Have you ever met me before today?

21 A I don't believe so.

22 Q Okay. So we can add me to the list of people who
23 have not suggested to you how you should testify today? Your
24 mother has not, correct?

25 A Yeah. Correct.

1 Q Mr. Jeffries has not, correct?

2 A Correct.

3 Q And I have not, correct?

4 A Correct.

5 Q Now, although you don't recall the contents of
6 statements, you did give two recorded statements to the police
7 officers, right?

8 A Correct.

9 Q One the night this happened, and one four days later
10 with your dad; is that correct?

11 A Correct.

12 Q And you know that those were recorded and are going
13 to be played for the jury?

14 A Correct.

15 Q Your testimony, though, is you don't remember the
16 contents of them as you sit here today.

17 A Correct.

18 Q Nothing further, Your Honor.

19 THE COURT: Redirect?

20 REDIRECT EXAMINATION

21 BY MR. ZADROWSKI:

22 Q Just so we're absolutely clear, when you -- you and
23 I have met before --

24 A Yes.

25 Q -- obviously. And we've met privately in my office,

1 correct?

2 A Correct.

3 Q And do you recall me telling you how to testify?
4 Let me rephrase that.

5 Do you recall me telling you what to say?

6 A No.

7 Q Do you recall me telling -- telling you we just want
8 the truth?

9 A Yes.

10 MR. ZADROWSKI: Nothing else.

11 THE COURT: Thank You, Miss, for being a witness.
12 That will conclude your testimony. Can she be permanently
13 excused, or are we going to bring -- are we going to need her?

14 MR. ZADROWSKI: I don't anticipate calling her
15 again.

16 THE COURT: You're excused. Call your next witness.

17 MR. ZADROWSKI: Your Honor, the State calls Mandy
18 Ames. To make it quicker, I can call Richard Ames at this
19 point, if she's --

20 THE COURT: If he's available.

21 MR. ZADROWSKI: He is.

22 THE COURT: While we're waiting, before I forget it,
23 we're going to resume tomorrow at ten o'clock, ladies and
24 gentlemen. I have a criminal motion calendar tomorrow
25 morning, and I'm sure I'll be -- I say I'm sure I'll be

1 through by ten. If I'm not, it's some other lawyers. Don't
2 blame these lawyers. But we're going to come back at ten
3 o'clock in the morning, okay? Speak up.

4 UNIDENTIFIED JUROR: Can I ask you a question?

5 THE COURT: You sure can.

6 UNIDENTIFIED JUROR: Can you hear me?

7 THE COURT: I can hear you, kind of.

8 UNIDENTIFIED JUROR: Do you usually -- do we usually
9 cut off around four or five or...

10 THE COURT: Whenever we get through with witnesses.

11 UNIDENTIFIED JUROR: Okay. I was just was asking.

12 THE COURT: You've got to be flexible in this world.

13 UNIDENTIFIED JUROR: I'm pretty flexible, but I just
14 was asking.

15 THE COURT: Okay.

16 UNIDENTIFIED JUROR: Thank you.

17 UNIDENTIFIED JUROR: Do we come straight here
18 tomorrow?

19 THE COURT: Yeah. The marshal will tell you to form
20 up out there someplace, and he'll -- he'll tell you when we're
21 ready. He's kind of in charge of it.

22 RICHARD AMES, STATE'S WITNESS, SWORN

23 THE CLERK: Please state your name, and spell your
24 first and last name for the record.

25 THE WITNESS: Richard Ames, R-I-C-H-A-R-D A-M-E-S.

1 MR. PALAL: May I proceed, Your Honor?

2 THE COURT: Yes.

3 DIRECT EXAMINATION

4 BY MR. PALAL:

5 Q Mr. Ames, do you have a daughter named Brittany
6 Ames?

7 A I do.

8 Q Who did you have the daughter with?

9 A Mandy Ames.

10 Q Mandy Ames is her mother?

11 A Yes.

12 Q At some point were you married to Mandy Ames?

13 A Yes.

14 Q All right. At some point were you -- did you stop
15 being married to Mandy?

16 A Yes.

17 Q When did you get separated from Mandy Ames?

18 A In 2010.

19 Q 2010. And at -- did you stop living with Ms. Ames?

20 A Yes.

21 Q Where was she -- where was Ms. Ames living when you
22 guys separated?

23 A She continued staying at the apartment until --
24 well, I came back from training, and then she moved in with
25 her boyfriend.

1 Q And do you know who her boyfriend was at the time?
2 A Yes.
3 Q Who was he?
4 A The defendant.
5 Q And do you know his name?
6 A Yes.
7 Q What is it?
8 A Mike Jeffries.
9 Q And can you please point him out if you see him in
10 the courtroom today?
11 A He's seated there.
12 MR. PALAL: May the record --
13 MR. KANE: (Inaudible.)
14 MR. PALAL: Okay.
15 THE COURT: The record will so reflect.
16 MR. PALAL: Thanks, judge.
17 BY MR. PALAL:
18 Q All right. What was the -- in October of 2011, what
19 was the custody arrangement for Brittany Ames?
20 A We have joint custody.
21 Q Okay. And did you guys have a pattern as to when
22 Brittany would stay with who? When Brittany would stay with
23 you versus when Brittany would stay with Mandy and
24 Mr. Jeffries in 2011?
25 A For the most part, she stayed with me. But she

1 also -- she spent weekends with her mom and sometimes during
2 the week as well.

3 Q And do you recall the -- October of -- October 23rd
4 of 2011?

5 A Yes.

6 Q And did anything unusual happen -- well, where was
7 your daughter that night?

8 A She was with her mom.

9 Q And that was at Mr. Jeffries' home?

10 A Yes.

11 Q Did -- did anything unusual happen in the early
12 morning hours of October 23, 2011? Did you get a phone
13 call --

14 A Yes.

15 Q -- from your daughter? Okay. Was it unusual to get
16 a phone call from your daughter at -- after midnight when she
17 was at your -- at your ex-wife's house?

18 A Yes.

19 Q Okay. Do you -- do you recall what Brittany's
20 emotional state was? How -- how did she sound when you heard
21 her on the phone?

22 A She was distraught, crying, bordering on hysterics.

23 Q Do you recall what she told you when she was on the
24 phone?

25 A It's been quite some time. But for the most part,

1 yes.

2 Q And what did she say when she was on the phone?

3 A That something horrible had just happened, and that
4 Mike had just shot someone. And then I just started talking
5 to her from there.

6 Q All right. And -- and you said she was hysterical
7 when she said this?

8 A She was crying.

9 Q And you could tell that over the phone?

10 A Right.

11 Q All right. And she said -- so Mike had shot
12 someone.

13 Do you recall her saying who he had shot?

14 A I don't remember for -- for sure if she said his
15 name or not.

16 Q Okay. Did she give you any details about the actual
17 incident -- what she actually saw?

18 A Just that she saw the fire.

19 Q She saw the fire from the gun?

20 A Yes.

21 Q Okay. Did -- did she tell you anything about the
22 expression on Mike's face?

23 A Not that I recall. No.

24 Q Okay. Now, do you recall going with your daughter,
25 sometime later, to be interviewed with a detective in this

1 case?

2 A Yes.

3 Q And is it fair to say that it was maybe three or
4 four days after the incident?

5 A That's about the right time frame. Yes.

6 Q Okay. And you accompanied your daughter to the
7 interview?

8 A Yes.

9 Q And do you recall the officer -- a detective in that
10 instance, actually asking you some questions as well?

11 A Yes.

12 Q Would it refresh your recollection if I showed you a
13 transcript of that interview? So, what your answers were.

14 A Yeah. It would probably help. It's been awhile.

15 MR. PALAL: Your Honor, may I approach the witness?

16 THE COURT: Certainly.

17 MR. PALAL: And I'm showing him page 15.

18 BY MR. PALAL:

19 Q I'm going to direct your attention to page 15 of the
20 voluntary statements. The first page I'm actually handing
21 you. If you don't mind reading the page -- the whole page in
22 full. Then look up to me after you're done reading.

23 THE COURT: Read it to yourself.

24 THE WITNESS: Yeah. Sorry. Okay.

25 BY MR. PALAL:

1 Q Sir --

2 MR. PALAL: May I approach, Your Honor?

3 THE COURT: Yes.

4 BY MR. PALAL:

5 Q And, sir, does that -- does reading a transcript of
6 the statements you gave on October 27, 2011 -- does that
7 actually refresh your recollection about the events that
8 occurred --

9 A Some.

10 Q -- on that day?

11 A Some. Yes.

12 Q All right. Now, do you recall your daughter telling
13 you that Mike --

14 MR. KANE: Objection. May I interject at this
15 point? If I can ask the witness a question or two in voir
16 dire. I think we might be getting into inadmissible hearsay.
17 I think I can prevent that if I can ask a question or two.

18 THE COURT: If he -- okay.

19 MR. KANE: The statements that you made to the
20 police about what your daughter told you during this
21 interview --

22 THE WITNESS: Yes.

23 MR. KANE: -- were you talking about what she told
24 you on the phone, or what she told you between that night and
25 the time of the interview?

1 THE WITNESS: It would have been on the phone.
2 Because her and I didn't talk about it after that.

3 MR. KANE: Okay. So everything that you told them
4 were things that she had told you on the phone?

5 THE WITNESS: Yes.

6 MR. PALAL: May I proceed?

7 THE COURT: You may proceed.

8 BY MR. PALAL:

9 Q All right. Now, the -- so I guess, just to be
10 specific, talking about -- do you recall -- do you now recall
11 your daughter telling you on the phone that the defendant Mike
12 looked really, really mad?

13 A I don't remember her saying that on the phone. I
14 think that was only in the interview.

15 Q So you remember her saying that in the interview,
16 but you don't remember -- you don't have an independent
17 recollection of her saying that to you on the phone.

18 A She said that in the interview when the -- when
19 the -- when the investigating officer asked her.

20 Q Okay. All right. And did she tell you that she --
21 do you remember her saying Mike was beating on him?

22 A I remember her saying that they were in a fight.

23 Q And do you remember her telling you on the phone,
24 Mike saying, I'm going to get my gun?

25 A Yes.

1 Q And that he came back out?

2 A Yes.

3 Q And that she had actually saw a flash.

4 A Yes.

5 Q And then Miss -- your daughter ran back into her

6 room.

7 A Yes.

8 Q All right. Now, at some point did your telephone

9 conversation with Brittany end?

10 A Yes.

11 Q And how -- how did it come about ending?

12 A A police officer took the phone from her and talked

13 to me.

14 Q And what did the police officer say?

15 MR. PALAL: No. Strike that, Your Honor.

16 BY MR. PALAL:

17 Q As a -- as a result of talking to the police

18 officer, what did you do?

19 A I was already on my way to where Brittany was at.

20 Q Okay. And why were you on your way?

21 A To go take care of my daughter.

22 Q And did you actually -- did you ultimately get to

23 Mr. Jeffries' home?

24 A Yes.

25 Q Clark County, Nevada?

1 A Yes.

2 Q What did you do when you arrived at the scene?

3 A I was held at the perimeter until they finally let
4 me through to Brittany.

5 Q Did you actually take Brittany that night?

6 A Yes.

7 Q And where did you take her?

8 A To my home.

9 MR. PALAL: Court's indulgence. The State will pass
10 the witness.

11 CROSS-EXAMINATION

12 BY MR. KANE:

13 Q A couple of questions. Mr. Ames, the vast majority
14 of the interview, where you were present with Brittany, was
15 the police asking and Brittany answers questions, right?

16 A Yes.

17 Q So at least some of what you were incorporating into
18 your answers were things that were asked and answered during
19 that interview, as well as things that were said on the phone,
20 correct?

21 A Well, only the part that was specific about what the
22 officer asked during the interview.

23 Q Okay. So you know that Brittany just finished
24 testifying.

25 A Yes.

1 Q And if she testified that when she called you on the
2 phone she was so upset that basically she just whimpered for
3 five or ten minutes, that -- that doesn't match up with your
4 recollection of that phone call?

5 A I don't know what Brittany said during her
6 interview.

7 Q But she didn't just whimper for five minutes or so,
8 and not give you any details?

9 A She cried a lot. She told me that she saw the fire.

10 Q And what else?

11 A That Mike had been in a fight, and that he shot
12 someone.

13 Q Did she go into details with you, during that phone
14 call while she was hysterical, about the firing stance that
15 Mike was in when he fired the shot?

16 A No.

17 Q Nothing further, Your Honor.

18 MR. PALAL: Nothing, Your Honor.

19 THE COURT: All right. Thank you. You will be
20 excused.

21 MR. ZADROWSKI: The State calls Mandy Ames.

22 MANDY AMES, STATE'S WITNESS, SWORN

23 THE CLERK: Please be seated. Please state your
24 name, and spell your first and last name for the record.

25 THE WITNESS: Mandy Ames, M-A-N-D-Y A-M-E-S.

1 THE COURT: Yes.

2 MR. ZADROWSKI: Thank you, Your Honor.

3 DIRECT EXAMINATION

4 BY MR. ZADROWSKI:

5 Q Ms. Ames, I want to direct your attention to October
6 22, 2011.

7 Were you living at 8745 Don Horton, here in Clark
8 County, Nevada on that day?

9 A Yes.

10 Q Who were you living with?

11 A Michael Jeffries.

12 Q Anybody else?

13 A No. My daughter on the weekends, my son on the
14 weekends.

15 Q And I'm made to understand -- your daughter
16 testified earlier that she lives with you now; is that
17 correct?

18 A Yes.

19 Q You recognize Michael Jeffries in court today,
20 correct?

21 A Yes.

22 Q You're engaged to be married to him; is that
23 correct?

24 A Correct.

25 Q Let's talk about what happened on October 22nd.

1 Where were you on that day?

2 A At home with him.

3 Q How did your day start out?

4 A Like a normal day, I guess. I woke up.

5 THE COURT: Can I get you to speak up a little bit?

6 You have a very soft voice.

7 THE WITNESS: Yes.

8 THE COURT: Thank you.

9 THE WITNESS: It was a normal day. I just got up.

10 I don't -- what do you mean by --

11 BY MR. ZADROWSKI:

12 Q Do you remember where you went?

13 A To the park later in the evening?

14 Q Well, you're asking -- you're answering the question
15 with an up inflection as if you're looking for an answer from
16 me. I'm asking you the questions.

17 Can you tell me where you were earlier that day?

18 A Home cleaning, doing dishes.

19 Q Okay. And who was with you at that time?

20 A My daughter, Mike.

21 Q Okay. There came a point in time where you went to
22 the park.

23 A Yes.

24 Q Who did you go with?

25 A Mike and my daughter, my niece.

12

1 A. Yes.
 2 Q. How about Michael Jeffries, was he drinking?
 3 A. Yes.
 4 Q. All right. And you were playing pool you said?
 5 A. Yes.
 6 Q. Did something significant happen late in the
 7 evening, if anything?
 8 A. What do you mean?
 9 Q. Did -- was there an argument that ensued late
 10 that evening between Michael and Eric?
 11 A. Not till everyone left.
 12 Q. All right. Why did -- you said everyone
 13 left. What about time did everyone leave?
 14 A. About eleven.
 15 Q. And who is everyone when you say everyone left?
 16 A. Um --
 17 Q. Who left?
 18 A. Everyone except Eric was still there, Mike
 19 was still there, I was still there, my mom was still
 20 there, and so was the baby, but she was sleeping
 21 already.
 22 Q. All right. And when everybody left did
 23 something significant happen?
 24 A. Yes. Eric was very angry because one of the
 25 girls -- he got into, like, an argument with one of

13

1 the girls, but it was just a yelling thing. They were
 2 calling each other rude names back and forth.
 3 It was just a yelling thing, but I
 4 wasn't sure how that started. It just did.
 5 So Eric was very angry and, like, just
 6 kept on yelling, and Mike didn't like that. So Mike
 7 told him if he doesn't stop he's going to have to
 8 leave, or he's going to -- like, he just wanted him to
 9 calm down or he had to leave.
 10 So Eric got kind of angry about that.
 11 He was like, You're going to kick me out of your
 12 house? And they got into this whole thing, they were
 13 like, well, you're being disrespectful, and they were
 14 just going back and forth with that.
 15 Q. And was this argument between Eric Gore and --
 16 A. Mike Jeffries.
 17 Q. -- people who had left earlier, did you
 18 witness that?
 19 A. No, I didn't. I just heard them yelling at
 20 each -- Eric yelling at the female.
 21 Q. Did you see Eric yelling at the female?
 22 A. I saw, like, a little bit of it. He was
 23 just, like, pointing at her, like, calling her the
 24 B-word and all these other words.
 25 And then I left the house and went

14

1 outside in the back.
 2 Q. Was your mother present during this argument
 3 that Eric had with the other female?
 4 A. No. Me, Mike, and my mom were all in the
 5 back while he was yelling at the girl.
 6 Q. So Mike wasn't in the room during this
 7 argument?
 8 A. No. Only for the beginning, and then he went
 9 in the back and left.
 10 Q. All right. And then let's go back to the
 11 point where those folks left the house. And did
 12 something happen then between Mike and Eric?
 13 A. Not other than that the argument they had and
 14 then that got physical.
 15 Q. And that got what?
 16 A. That got physical.
 17 Q. Got physical.
 18 What were -- do you know what they
 19 were arguing about at that time?
 20 A. No. Just that Mike was getting angry at Eric
 21 for not calming down. Because Eric was very loud and
 22 wanting to -- he was just very loud and being, like,
 23 rude. And Mike didn't like that because I was in
 24 front of him and so was the baby.
 25 Q. Do you know how long that argument went on?

15

1 A. It went on for a while, at least like 10,
 2 15 minutes.
 3 Q. Tell me what Eric was doing at this time.
 4 A. Eric was drinking. He was, like, taking
 5 shots of Jager as they were fighting pretty much as
 6 they were yelling at each other.
 7 Q. And what was Mike doing at this time?
 8 A. He was doing it too.
 9 Q. Doing it meaning drinking?
 10 A. Yes.
 11 Q. And arguing?
 12 A. Yes.
 13 Q. Did there come a point in time when the
 14 argument became physical?
 15 A. Yes.
 16 Q. Tell us what happened then.
 17 A. Mike punched Eric in the jaw area, in the
 18 facial area. And Eric ended up tumbling to the floor
 19 and fell against the wall.
 20 And then Mike came over again and
 21 punched him a couple times and then -- like five or
 22 six times, and then got up and went to his room and
 23 grabbed his gun.
 24 Q. Okay. Slow down for a minute before we get
 25 there. Docket 68338 Document 2016-04483

16

- 1 A. Okay.
- 2 Q. You said he went over and punched him five or
- 3 six times?
- 4 A. Yes.
- 5 Q. Where was Eric when this happened?
- 6 A. Eric was on the floor.
- 7 Q. He was down?
- 8 A. Yes.
- 9 Q. You saw this?
- 10 A. Yes.
- 11 Q. He was on his back?
- 12 A. Yes.
- 13 Q. And how was Mike over him?
- 14 A. Mike was, like, hovering over him, not
- 15 completely on the floor but just hovering over him
- 16 enough to reach his body.
- 17 Q. And he was punching him?
- 18 A. Yes.
- 19 Q. All right. And let's pick it up from there.
- 20 Then what happened?
- 21 A. Then Mike got up and went to his room and
- 22 grabbed his gun. And my mom yelled at me and told me
- 23 to go to my room.
- 24 So I walked -- I started walking to my
- 25 room, I was in that big of a rush. And then I, like,

17

- 1 turned around to -- because I heard -- because, like,
- 2 I heard my mom scream at me one more time, she's like:
- 3 Brittany, go to your room now.
- 4 And I turned around to look at her,
- 5 and then I saw Mike holding the gun at Eric, and it
- 6 shot. And that's the last thing I saw, and I ran to
- 7 my room.
- 8 Q. All right. You said you saw him holding the
- 9 gun at Eric. Can you please describe for the Court
- 10 the gun?
- 11 A. What?
- 12 Q. The gun, can you describe for the Court how
- 13 the gun looked?
- 14 A. The gun was a solid black handgun like a gun
- 15 that a police officer would carry on him.
- 16 Q. Do you know the difference between a revolver
- 17 and a semiautomatic?
- 18 A. Yes.
- 19 Q. And was this a revolver or a semiautomatic?
- 20 A. A semiautomatic.
- 21 Q. All right. And how was Mike holding it? You
- 22 can describe for the Court with an action if you want.
- 23 A. It was a pretty lazy hold. It was one-handed
- 24 (indicating) and it was just a lazy junk hold. He
- 25 wasn't that stable at the point.

18

- 1 So it was kind of lazy.
- 2 Q. How far was Eric from him when he was
- 3 pointing the gun at him?
- 4 A. Like two to three feet.
- 5 Q. How far were you from Mike and Eric when this
- 6 happened?
- 7 A. Pretty far. I was down the hallway, so
- 8 like --
- 9 Q. About -- let me ask you this: From where I'm
- 10 sitting to you, was it about that far, closer or
- 11 further?
- 12 A. At least to the second seat (indicating) in
- 13 the stand.
- 14 Q. To the second seat behind me?
- 15 A. Yes.
- 16 Q. You're talking about right about here where
- 17 I'm standing, and let the record reflect that I'm
- 18 standing at the bar?
- 19 A. Yes.
- 20 Q. Right about there?
- 21 A. Yes.
- 22 Q. And did you have a clear line of sight to see
- 23 Michael holding the gun at that point?
- 24 A. Yes.
- 25 Q. And you could see Eric's reaction?

19

- 1 A. Kind of. He was kind of like backing up like
- 2 he was scared. And he said, like, he was like: Stop,
- 3 whoa. He was scared.
- 4 Q. And he said: Stop, whoa?
- 5 A. He was, like, whoa, like he was backing up
- 6 saying whoa.
- 7 Q. He was backing up. Okay.
- 8 And then what happened after he said
- 9 whoa?
- 10 A. I saw the gunfire and I ran to my room.
- 11 Q. Did you see where your -- where you mother
- 12 was at that point?
- 13 A. No.
- 14 Q. Did you hear anything else after -- at that
- 15 point or thereafter?
- 16 A. Once I got to my room, I heard light
- 17 pounding, like it sounds like someone was, like,
- 18 hitting something, but I wasn't sure what it was.
- 19 But I wouldn't move, I didn't want to
- 20 get up and go see.
- 21 Q. And who was in that room with you at that
- 22 point?
- 23 A. It was just me and the baby.
- 24 Q. What did you do when you got into the room?
- 25 A. I went to the corner of the room, locked the

AA076

20

1 door, and called my dad.

2 Q. Did you get ahold of him?

3 A. Yes.

4 Q. Called him from the home phone or a cell
5 phone?

6 A. My cell phone.

7 Q. All right. Did you hear anything going on in
8 the room where Eric Gore was shot?

9 A. No, other than the few pounding noises.

10 Q. How long did you remain in the room at that
11 point?

12 A. At least five minutes. It seemed like a
13 while but I wasn't sure.

14 Q. Five minutes; is that correct?

15 A. Mm-hmm.

16 THE COURT: Is that yes?

17 THE WITNESS: Yes.

18 THE COURT: Thank you.

19 MR. ZADROWSKI: Your Honor, permission to
20 approach the witness?

21 THE COURT: May I see what you have first.

22 MR. KELLY: I didn't see. Okay.

23 THE COURT: Is there any way you can stipulate?

24 MR. KELLY: Stipulated.

25 MR. ZADROWSKI: Thank you, Your Honor.

21

1 THE COURT: What number is that?

2 MR. ZADROWSKI: This is State's 1.

3 By stipulation, this is identification
4 of the victim, Eric Gore.

5 THE COURT: Stipulate to the admission for
6 prelim purposes?

7 MR. KELLY: Yes, ma'am.

8 THE COURT: It is admitted.

9
10 (State's Exhibit 1
11 was admitted into evidence)

12
13 BY MR. ZADROWSKI:

14 Q. After you went in your room and you said -- I
15 think you said it seemed like a long time, did anybody
16 then come and get you out of the room?

17 A. Yes. Two police officers came to my door,
18 and I opened it for them, and they came into my room.
19 And they told me to grab a blanket for the baby.

20 And then they took my phone and
21 started talking to my father.

22 Q. They took the phone?

23 A. Yes, they took my cell phone.

24 Q. All right. And did you ever during that
25 evening or shortly after this incident exit your room?

22

1 A. Yes.

2 Q. When did you leave your room?

3 A. Two minutes -- like at least two minutes
4 after the police officers came in there, after I got
5 the baby wrapped up.

6 Q. Did you ever see anybody from the ambulance
7 or anybody else come?

8 A. No. I only saw the two police officers that
9 escorted me out. And then once I got outside, I saw
10 my mother on the trailer, and I saw the police cars.

11 Q. Did you see Eric Gore when you left?

12 A. No.

13 Q. I want to back up just real quick about one
14 thing. I believe you testified that Eric and Mike
15 were friends, correct?

16 A. Yes. Close friends.

17 Q. How do you know that?

18 A. Because I always hear them talking about
19 their childhood memories from, like, junior high and
20 how long they've known each other.

21 Q. You saw Eric a lot?

22 A. No.

23 Q. You just heard him on the phone?

24 A. Yes.

25 Q. You saw Michael and Eric together previous to

23

1 this incident?

2 A. Yes. Two times before this incident.

3 Q. And you said they were good friend?

4 A. Yeah.

5 Q. Had you ever seen the two of them argue before?

6 A. Not really.

7 Q. And this all happened in Clark County, right?

8 A. Yes.

9 MR. ZADROWSKI: I'll pass the witness,
10 Your Honor.

11 THE COURT: Mr. Kelly.

12 MR. KELLY: Thank you.

13

14 CROSS-EXAMINATION

15

16 BY MR. KELLY:

17 Q. Brittany, my name is Charles Kelly. We
18 haven't met before, right?

19 A. No.

20 Q. We haven't talked before?

21 A. No.

22 Q. You -- I think you met with Mr. Zadrowski
23 before today, correct?

24 A. Yes.

25 Q. To talk about your testimony, get you

AA077

24

1 prepared, right?

2 A. Yes.

3 Q. Okay. But we haven't talked before. So let
4 me get a little background, if I can.

5 These events happened in, as you say,
6 October -- October 23, 2011, right?

7 A. Yes.

8 Q. And it happened around midnight that evening,
9 correct?

10 A. Yes.

11 Q. And then you immediately, as you say, went
12 into your room and called your dad?

13 A. Yes.

14 Q. Did you talk to your dad about what you had
15 just seen?

16 A. Yes.

17 Q. Okay. And then the police came to the house,
18 and they ultimately talked to you that evening, didn't
19 they?

20 A. What does ultimately mean?

21 Q. They talked to you that night about what you
22 had seen?

23 A. Yes.

24 Q. Okay. So that would have been on or about
25 the 23rd or 24th, correct?

25

1 A. Yes.

2 Q. Okay. And you told him everything you knew
3 about what you had seen that night, right?

4 A. Yes.

5 Q. And then you had no reason to lie, right?

6 A. Yes.

7 Q. And the events were fresh in your memory
8 because they had just occurred right in front of you,
9 correct? Right?

10 A. Yes.

11 Q. Okay. So then, again, you talked to the
12 police, I think it was on the 27th, which would have
13 been the Thursday after the event, four or five days
14 later, you talked to them again, right?

15 A. I believe so.

16 Q. And you went with your father to the police
17 department and met with someone there, right?

18 A. Yes.

19 Q. And you, again, had talked to them about what
20 you recall?

21 A. Yes.

22 Q. Okay. And then after you met with the police,
23 you met with the private investigator and, again,
24 recited what you recall about the events, right?

25 A. Yes.

26

1 Q. And then most recently, a day or two ago, you
2 met with the DA's Office, Mr. Zadrowski, and you went
3 through everything that you recall pertaining to these
4 events, right?

5 A. Yes.

6 Q. And have you talked to anybody else about
7 what you recall, some of your friends or anybody else?

8 A. Just family.

9 Q. Just family.

10 That would be your father, right?

11 A. Yes.

12 Q. And your mother?

13 A. Yes.

14 Q. Okay. Now, you said that you only met Eric a
15 couple times; is that right?

16 A. Yes. Only twice before this happened.

17 Q. Okay. Now, earlier in the day, on the 23rd,
18 your family had gone to a Wal-Mart to go shopping; is
19 that right?

20 A. Yes.

21 Q. And you had -- your mother and Mike, they
22 purchased some things for you and things -- you had
23 gotten some things at Wal-Mart?

24 A. Yes.

25 Q. Especially for you, right?

27

1 A. Yes.

2 Q. And then when you got home there were some
3 chores to be done and things like that, right?

4 A. Yes, we picked up the house.

5 Q. Yeah. And Mike talked to you about doing the
6 chores that afternoon, right?

7 A. I believe so.

8 Q. Okay. The first place you ever met Eric was
9 that -- was at Mike's house?

10 A. I believe so.

11 Q. Okay. And that evening when you were talking
12 to Eric, Eric had talked to you about taking you to
13 school on Monday, or something to that effect, right?

14 A. Oh, yeah, he -- because we were talking
15 about, like, people at school. And he was, like, I'll
16 take you to school and I'll show them not to mess with
17 you.

18 Q. Okay. What time -- if you can, to your best
19 recollection, what time was it that your family went
20 to the park, you and Mike and your mom?

21 A. Around seven or eight.

22 Q. About seven o'clock at night?

23 A. Yes.

24 Q. And you stayed there until when?

25 A. Only for a short period of time, for at least

AA078

28

- 1 40 or 30 minutes.
- 2 Q. Okay. And that was because Mike had gotten a
- 3 call, you say?
- 4 A. Yes.
- 5 Q. And that friends were going to come over to
- 6 the house?
- 7 A. Yes.
- 8 Q. Biate and some other people?
- 9 A. Yes.
- 10 Q. And so the friends, Biate and her friends,
- 11 totalling about, you said, five or six people, I
- 12 think; is that right?
- 13 A. Yes.
- 14 Q. They all arrived and Eric arrived after them,
- 15 right?
- 16 A. Yes.
- 17 Q. And did Eric arrive alone?
- 18 A. Yes.
- 19 Q. How did he get to the house, if you know?
- 20 Did he drive, drive he walk, or do you know?
- 21 A. I don't know.
- 22 Q. Okay. When he got there, did you notice
- 23 whether or not he had already started drinking?
- 24 A. He seemed like it.
- 25 Q. In other words, he seemed drunk when he

29

- 1 arrived?
- 2 A. Yeah.
- 3 Q. Okay. Now, around eleven o'clock, you said
- 4 Biate and her friends, the women, I guess -- primarily
- 5 they were women, correct?
- 6 A. Yes.
- 7 Q. Were they all women that were with Biate?
- 8 A. There was one male there also.
- 9 Q. Around eleven they left the house, right?
- 10 A. Yes.
- 11 Q. And they left because Eric had gotten into an
- 12 argument with one of the girls, correct?
- 13 A. Yes.
- 14 Q. And had became very angry with her?
- 15 A. Yes.
- 16 Q. Threatened her?
- 17 A. Yes.
- 18 Q. Okay. And they felt like they needed to
- 19 leave the house?
- 20 A. Yes.
- 21 Q. Did any of them say anything to you about
- 22 they felt they needed to leave because they were
- 23 scared of Eric?
- 24 A. No. They just left.
- 25 Q. Were you afraid of Eric when he was ranting?

30

- 1 A. No.
- 2 Q. And how about Mike, was Mike concerned about
- 3 Eric and his ranting, if you will?
- 4 A. Not really other than he didn't want him
- 5 doing it because he was in front of me and the kid.
- 6 Q. And he had expressed -- he had told Eric to
- 7 calm down, correct?
- 8 A. Yes.
- 9 Q. Those were his words?
- 10 A. Not exactly.
- 11 Q. What were his words as you recall?
- 12 A. I can't exactly recall what his words were.
- 13 Q. Your impression though was that Mike was
- 14 trying to get Eric to calm down?
- 15 A. Yes. He wanted him to calm down.
- 16 Q. Okay. Do you know what the altercation was
- 17 about, the argument that Eric was having with one girl
- 18 in particular?
- 19 A. I have no clue.
- 20 Q. Okay. You testified earlier that Eric was
- 21 yelling at one girl in particular, right?
- 22 A. Yes.
- 23 Q. Did you know her name?
- 24 A. No.
- 25 Q. Okay. And he was calling her the B-word you

31

- 1 said?
- 2 A. Yes.
- 3 Q. And pointing at her?
- 4 A. Yes.
- 5 Q. Loud?
- 6 A. Very loud.
- 7 Q. Okay. But, again, you weren't afraid of him?
- 8 A. No.
- 9 Q. Then ultimately you were in the backyard with
- 10 your mom and Brandy and Mike, correct?
- 11 A. What?
- 12 Q. Is that what I thought I heard you say?
- 13 A. No.
- 14 Q. You were in the backyard at one point in time
- 15 and somebody came out and said that Eric was out of
- 16 control, something like that?
- 17 A. Yeah.
- 18 Q. Okay. And who was the one that came out and
- 19 said that Eric was -- was scaring people?
- 20 A. I'm not sure. She was a short girl with
- 21 black short hair.
- 22 Q. She was a friend of Biate's?
- 23 A. Yes.
- 24 Q. And did she say something to the effect that
- 25 we gotta leave, this has gone too far, or anything

32

- 1 like that?
- 2 A. Yeah. She told Mike that they were leaving.
- 3 Q. And did she say why?
- 4 A. No.
- 5 Q. Okay. The argument that Eric was having with
- 6 this girl occurred in the living room area where the
- 7 pool table is, I'm asking?
- 8 A. Yes.
- 9 Q. Okay. And so as he was arguing with this
- 10 girl, that would have been in the presence of the
- 11 other guests in the house as well?
- 12 A. Yes.
- 13 Q. So everyone could see that?
- 14 A. Yes.
- 15 Q. And, again, you have no idea why he was
- 16 picking on this one girl?
- 17 A. No clue.
- 18 Q. Now, you -- in one of your statements you
- 19 said that Eric -- when you were asked about Eric's
- 20 demeanor, you said he was, quote, drunk off his butt.
- 21 Is that true?
- 22 A. Yes. He could barely stand.
- 23 Q. Okay. And you said he was disturbed and
- 24 really angry, right?
- 25 A. Yes.

33

- 1 Q. Is that true?
- 2 A. Yes.
- 3 Q. And that he was gesturing with his arm wildly
- 4 or something to that effect?
- 5 A. Yes. He was, like, throwing his body around.
- 6 Q. And he was threatening people, right?
- 7 A. Yes.
- 8 Q. And had you ever seen him like this before?
- 9 A. No.
- 10 Q. Okay. So in response to Eric being
- 11 relatively out of control, your testimony is that Mike
- 12 tried to calm him down, correct?
- 13 A. Yes.
- 14 Q. And at one point you testified that Mike even
- 15 said something, as I understand it, Mike said
- 16 something to the effect that, Eric, you need to calm
- 17 down, I've got Brittany here and, what, M.J. --
- 18 A. Yes.
- 19 Q. -- I mean Mary Jane?
- 20 A. Yes.
- 21 Q. And he was -- Mike was being protective of
- 22 you and Mary Jane, correct?
- 23 A. Yes.
- 24 Q. That is the way you interpreted it?
- 25 A. Yes.

34

- 1 Q. Okay. When Mike was trying to get Eric to
- 2 calm down, what was Eric saying?
- 3 A. Eric was just pretty much saying that he
- 4 wasn't being wild and that he wasn't being
- 5 disrespectful. He was -- he was going against Mike,
- 6 he didn't think he was.
- 7 Q. Was he raising his voice?
- 8 A. Yes.
- 9 Q. Okay. And in other words, my question would
- 10 be then, did Eric calm down as a direct result of Mike
- 11 trying to get him to calm down?
- 12 A. Not really.
- 13 Q. Okay. So ultimately though the people leave
- 14 around eleven o'clock, right?
- 15 A. Yes.
- 16 Q. Mike continues to try to get Eric to calm
- 17 down, correct?
- 18 A. Yes.
- 19 Q. Mike sort of talks Eric into walking outside
- 20 of the house.
- 21 A. Yes.
- 22 Q. Something to that effect to try to get him
- 23 to --
- 24 A. To breathe and calm down.
- 25 Q. Okay. And they went outside of the house by

35

- 1 themselves, correct?
- 2 A. Yes.
- 3 Q. You didn't go out there, did you?
- 4 A. No.
- 5 Q. You stayed -- when they were out in front of
- 6 the house, you don't know what was said by either of
- 7 them, correct?
- 8 A. No.
- 9 Q. Did Mike come back into the house by himself?
- 10 A. No. Eric and Mike both walked in the house
- 11 together.
- 12 Q. And then what happened?
- 13 A. And then they went back to the kitchen and
- 14 they started doing shots again. And Eric was still
- 15 mad.
- 16 Q. And Eric -- Eric was -- he had another drink
- 17 in the kitchen or something; is that right?
- 18 A. Yes.
- 19 Q. And that didn't calm him down either?
- 20 A. No.
- 21 Q. Now, when they came back into the kitchen
- 22 area after going outside and coming back into the
- 23 house, where were you at that point in time?
- 24 A. Standing next to my mom behind the bar.
- 25 Q. Okay. Now, would that -- when you said

AA080

36

1 behind the bar, would that be on the side where the
2 pool table was located?

3 A. Yes.

4 Q. Okay. So then they were in the live -- they
5 were in the kitchen, the two of them, right?

6 A. (No response)

7 Q. And then what happened next you said?

8 A. They were just yelling. And then Mike got
9 angry and punched Eric in the face. So then Eric fell
10 down to the ground, and Mike came over to Eric and
11 started punching him five or six times, then got up.

12 My mom screamed at me to go to my
13 room. Mike went to go get his gun. And then my mom
14 told me one more time to go to my room.

15 Q. Okay.

16 A. So I looked back and I saw Mike fire the gun.

17 MR. KELLY: Let me use your diagram, Bernie.

18 Judge, can I approach the witness?

19 And have them mark this diagram.

20 THE COURT: Yes.

21 MR. KELLY: I'm going to subsequently mark
22 for identification purposes Defendant's Exhibit 1.

23 BY MR. KELLY:

24 Q. I've got a diagram here, maybe it can help
25 us.

37

1 It's a diagram of the floor plan of
2 the house. You want to take a second to look at it?

3 A. (Witness complies)

4 Q. Do you recognize it as being so?

5 A. Yes.

6 THE COURT: Are you going to have her write
7 on it, Mr. Kelly?

8 MR. KELLY: Yes, I am, Judge.

9 THE COURT: Here's a red pen for you if you'd
10 like that.

11 MR. KELLY: Thank you, Judge.

12 Do you have a copy of that?

13 MR. ZADROWSKI: Go ahead.

14 BY MR. KELLY:

15 Q. Okay. First of all, you want to put your
16 initials over here so we know it was yours. Okay?

17 Now, in the middle of the room there's
18 a square. And obviously, that's a pool table, right?

19 A. Yes.

20 Q. Okay. And the master bedroom is over here in
21 the corner, right?

22 A. Yes.

23 Q. Okay. All right. So the kitchen area, why
24 don't you put a Number 1 in the kitchen area where
25 they -- where Mike and Eric were standing.

38

1 A. Okay. Mike was right here (indicating) but
2 Eric was over here.

3 Q. So why don't you make a Number 2 where Eric
4 was as opposed to a Number 1, so we can follow along.

5 Okay. And you were standing -- you
6 being Number 3, where were you?

7 A. Right there (indicating)

8 Q. And Mandy was where?

9 A. Should I put a Number 4?

10 Q. Yes, please.

11 Okay. And your baby sister was in the
12 bedroom somewhere, right?

13 A. Sleeping, yes.

14 Q. Okay. And so Number 1, Number 2. So they
15 were arguing across the bar, there was a bar between
16 them, correct?

17 A. Yes.

18 Q. Right. And then you say that Mike punched
19 Eric?

20 A. Yes.

21 Q. Okay. So he -- when Eric went down and then
22 Mike got on top of Eric, as you say, where did that
23 occur at? Why don't you put a Number 5.

24 A. Right here.

25 Q. Okay. And it was at that time that you said

39

1 that your mother instructed you to go to your bedroom,
2 right?

3 A. Yes.

4 Q. And your bedroom is where?

5 A. Right here.

6 Q. Over here. So let's put a Letter A where your
7 bed -- just mark in the bedroom, put it right there.

8 That's your bedroom. Okay.

9 So you're standing at Number 3 and
10 you're to go to your bedroom over here, correct?

11 A. Yes.

12 Q. All right. So once they started a physical
13 confront -- issue, your mother instructed you to go to
14 the bedroom, right?

15 A. Yes.

16 Q. And she would have done that immediately, I
17 assume --

18 A. Yes.

19 Q. -- because she didn't want you to see that,
20 right? Your answer is yes?

21 A. Yes.

22 Q. So you're -- you're a good listener, and you
23 do what your mother says, you did what your mother
24 told you to do, correct?

25 A. Yes.

AA081

40

- 1 Q. Right away, right?
 2 A. Yes.
 3 Q. So you turned from Number 3 and went over
 4 Number A -- Letter A, correct?
 5 A. Yes.
 6 Q. And you did it right away?
 7 A. Yes.
 8 Q. Okay. So I mean a matter of two or three
 9 seconds passed from the point which your mother
 10 instructed you to go to your bedroom to as you got to
 11 the door of your bedroom, correct?
 12 A. Yes.
 13 Q. Okay. And your mother would have stayed in
 14 the same position where she was, Number 4, as you --
 15 she instructed you to go to A, the bedroom?
 16 A. I believe so.
 17 Q. Okay. So you got to the door of your
 18 bedroom. Door was open or closed?
 19 A. The door was closed.
 20 Q. Okay. So you open the door of the bedroom?
 21 A. Yes.
 22 Q. Because your mother told you to go into your
 23 bedroom, went into the bedroom, correct?
 24 A. I wasn't into the bedroom yet.
 25 Q. You were --

41

- 1 A. I was still right -- I was still about right
 2 here (indicating) when Mike got up and went to his
 3 bedroom to grab the gun.
 4 Q. Okay. So put a Number 6, which would be the
 5 next number, as to where you were as you say that Mike
 6 got up to start to go get his gun.
 7 A. Just about right here.
 8 Q. Okay. So Mike got up from Point 5, if you
 9 will, right?
 10 A. Yes.
 11 Q. Okay. To go to the master bedroom I assume?
 12 A. Yes.
 13 Q. All right. So he was going from 5 over here
 14 to B -- let's put a B for master bedroom, all right?
 15 A. Mm-hmm.
 16 Q. Okay. So you're at 6.
 17 Now, did Mike take what route to the
 18 master bedroom? Did he go through the kitchen? Did
 19 he go around the pool table to the right? Did he go
 20 around the pool table to the left? Did he go closer
 21 to the bar?
 22 Specifically, I want you to remember
 23 exactly how -- what route he took. Did he bump into
 24 Mandy on the way? Did he go through the kitchen
 25 alcove? What?

42

- 1 Or do you know?
 2 A. I know for sure that he went, like, by the
 3 pool table. I know he didn't go to -- through the
 4 kitchen at all.
 5 Q. So you know he didn't go through the kitchen,
 6 but your recollection is he went by the pool table?
 7 A. Yes.
 8 Q. You don't know whether he went to the right
 9 of the pool table or to the left of the pool table
 10 though, do you?
 11 A. No.
 12 Q. And as he went by the pool table, where was
 13 your mother?
 14 A. I can't recall.
 15 Q. When they were on the ground at Point 5, how
 16 long were they on the ground?
 17 A. It was very quick.
 18 Q. Approximately.
 19 A. Seemed like seconds.
 20 Q. Okay. Would you recall if you had to say
 21 about how much time, would it -- five or ten seconds?
 22 A. Like ten seconds.
 23 Q. Okay. So they were on the ground five or ten
 24 seconds. Mike gets up from Point 5 and proceeds past
 25 the pool table. You don't know which way he went, but

43

- 1 he went to B, correct?
 2 A. Correct.
 3 Q. And you don't know where 4, Mandy, is because
 4 you don't recall, right?
 5 A. Huh-uh.
 6 Q. Right?
 7 A. Right.
 8 Q. Okay. So Mike gets into his master bedroom,
 9 B, right?
 10 A. Yes.
 11 Q. Now, you're at -- you're still standing at 6?
 12 A. I was still walking.
 13 Q. Still walking. You were en route?
 14 A. Yes.
 15 Q. To go to A, the bedroom?
 16 A. Yes.
 17 Q. Okay. So how long did it take Mike to get
 18 from Point 5 to the bedroom?
 19 A. Three seconds.
 20 Q. Okay. So Mike got into the bedroom. And you
 21 were -- now where are you?
 22 A. I was still outside of my bedroom.
 23 Q. But you were told to go to your bedroom, and
 24 you said you did that, right?
 25 A. Yes. But I didn't go in yet.

AA082

44

1 Q. You didn't go in yet because not enough time
2 had expired for you to get in?
3 A. No. It happened so fast.
4 Q. Okay. All right. So then you said Mandy --
5 you said Mandy said something to you?
6 A. Yes. Once Mike got up to go grab the gun,
7 she yelled at me one more time to get into my room.
8 Q. Okay.
9 A. And then by the time I grabbed the door
10 handle, I, like, turned around, and I saw the pop and
11 the fire come out of the gun.
12 Q. Where was Mike standing -- and we'll put a
13 Number 7. Where was Mike standing when he -- when he
14 was holding the gun?
15 A. Right about here.
16 Q. And where was Eric, which will be Number 8?
17 A. Right there I believe.
18 Q. Okay. How far apart were they?
19 A. Two to three feet.
20 Q. Okay. And where was Mandy standing at the
21 time when you heard the pop, the gun go off?
22 A. I can't remember.
23 Q. You don't know?
24 A. No.
25 Q. Okay. Now, I think you said, and correct me

45

1 if I'm wrong, please, but from the point of Number 5,
2 Mike going to get the gun in B, I think you said,
3 what, three seconds?
4 A. Yes.
5 Q. Three? Okay.
6 And then that three seconds from going
7 from 5 to B, does that include -- the three seconds
8 would be the travel time for him to go into the room?
9 A. Yes.
10 Q. Now, how long was he in the room?
11 A. Only for a quick second.
12 Q. About how long?
13 A. I can't --
14 Q. I mean, but it was less than ten seconds?
15 A. Yes.
16 Q. Or more, whatever?
17 A. It was less.
18 Q. Okay. So he was in the room for less than
19 ten seconds.
20 A. Yes.
21 Q. And then he came out and he -- you said
22 holding with one hand, a lazy left hand, he shot at
23 Point 7, correct?
24 A. Yes.
25 Q. And Eric was at 8?

46

1 A. Yes.
2 Q. Okay. How did Eric get from 5 to 8?
3 A. He stumbled up and came towards this way.
4 Q. Okay.
5 A. Like, he was following after Mike kind of,
6 but I wasn't sure what he was trying to do.
7 Q. Okay. Did he go to the right of the pool
8 table, to the left of the pool table, through the
9 kitchen, or what?
10 A. It was somewhere near the pool table. I
11 can't remember if it was left or right of the pool
12 table though.
13 Q. Okay. And how long did it take from -- Eric
14 to go from Point 5 to 8?
15 A. The same as Mike, three, four seconds. Very
16 fast.
17 Q. So when Mike got up from Point 5 to go to B,
18 how long did Eric remain on the ground after Mike got
19 up?
20 A. Only two seconds. Once Mike got up, Eric got
21 up pretty much.
22 Q. He got up right away then?
23 A. He tried to. It was kind of -- it was a
24 stumble.
25 Q. Okay. Was he bleeding or anything? You said

47

1 that he had been punched five or six times in the
2 face, did you see him bleeding?
3 A. No.
4 Q. No?
5 A. I didn't see his face.
6 Q. And he got up right -- relatively right
7 after --
8 A. Mike got up.
9 Q. -- Mike got up, so --
10 A. Yes.
11 Q. All right. So when they were punching each
12 other at Point 5, you were standing at 6?
13 A. Yes.
14 Q. So that's approximately how many feet?
15 A. A couple feet, like four.
16 Q. And when they were at 5, where -- what
17 direction was Eric's head? Was he towards this -- was
18 he to the south, which would be the door to the patio?
19 Was his head towards the kitchen? Was the head
20 towards the wall?
21 A. His head was towards --
22 Q. Eric's.
23 A. It was towards that way (indicating)
24 Q. It was that way?
25 A. Yes.

AA083

48

1 Q. So that would be to the northwest, correct?

2 A. Yes.

3 Q. Right?

4 A. Yes.

5 Q. And, of course, Mike was on top of him, so
6 his would be the same, I'm asking?

7 A. Yes.

8 Q. Okay. And I think I already asked you how
9 long they were on the ground together, did I ask?

10 A. Yes.

11 MR. KELLY: Did I ask?

12 THE COURT: No.

13 BY MR. KELLY:

14 Q. How long were they on the ground together?

15 She's got the robe, we gotta --

16 she's -- the Judge says that I didn't ask. I'm not
17 trying to trick you, I just -- I'm sorry.

18 A. Like five or ten seconds.

19 Q. Five or ten seconds on the ground together?

20 Okay.

21 MR. KELLY: Court's indulgence, Judge.

22 Do you want to look at that since you
23 didn't see it?

24 THE COURT: Actually, what we can do is mark
25 it for you, Defense 1 -- or A, I believe. Defense A.

49

1 MR. KELLY: I was going to check my notes.

2 THE COURT: And then we'll copy it for both
3 of you.

4
5 (Defense Proposed Exhibit A
6 was marked for identification)

7
8 MR. ZADROWSKI: Thank you, Your Honor.
9 And, in fact, I'm fine with this. And
10 the State will -- the State has no problem with this
11 coming in as State's -- or Defense A.

12 We'll stipulate to its admittance.

13 THE COURT: Can you get that for me?
14 Admitted as to Defense A.

15
16 (Defense Exhibit A
17 was admitted into evidence)

18
19 MR. KELLY: Court's indulgence, please.

20 THE COURT: Take your time.

21 BY MR. KELLY:

22 Q. You -- Brittany, earlier you said that Mike
23 was sort of standing -- when Mike was talking to Eric
24 trying to get him to calm down, that -- you were
25 present, I guess your little sister was present or in

50

1 the house?

2 A. Yeah.

3 Q. Right?

4 A. She was my cousin.

5 Q. Yeah. And Mike was trying to get Eric to calm
6 down, he was saying something to the affect that --

7 MR. KELLY: Thank you.

8 BY MR. KELLY:

9 Q. -- he was saying something to the effect
10 that, you know, the kids are in the house, calm down;
11 is that right?

12 A. Yes.

13 Q. Did you feel like Mike was trying to be
14 protective at that time of you?

15 A. Very protective.

16 Q. Very protective.

17 You -- had you ever seen Eric this
18 angry or excited like that, or drunk for that matter,
19 before, any of those things?

20 A. I've seen him drunk before.

21 Q. Was he -- on the prior occasion, was he as
22 drunk as he was that night in question?

23 A. No.

24 Q. Okay. Do you recall an incident around the
25 4th of July when he came and he was talking to you

51

1 about something?

2 A. A bar fight?

3 Q. Yes, that he was involved in?

4 A. Yes.

5 Q. What did he tell you?

6 MR. ZADROWSKI: Objection. Relevance.

7 THE COURT: What is the relevance?

8 MR. KELLY: I'll withdraw the question.

9 THE COURT: Withdrawn.

10 MR. KELLY: No further questions.

11 And thank you very much, Brittany.

12 THE COURT: Mr. Zadrowski.

13 MR. ZADROWSKI: Very briefly, Your Honor.
14 Thank you.

15

16 REDIRECT EXAMINATION

17

18 BY MR. ZADROWSKI:

19 Q. Mr. Kelly asked you earlier if Eric seemed
20 drunk when he arrived. Do you remember him asking you
21 that?

22 A. Yes.

23 Q. Let's talk, was -- was Mike drunk when Eric
24 arrived?

25 A. Yes.

AA084

52

- 1 Q. And would you consider was tipsy or really
2 drunk, how would you characterize it?
3 A. It wasn't like -- it wasn't a hard drunk, it
4 was a drunk, it was like a light thing. It seemed
5 normal, like they seemed fine, they were stable at the
6 time.
7 Q. Slurring his speech?
8 A. No.
9 Q. Walking a little off kilter or anything like
10 that?
11 A. No.
12 Q. What makes you think he was drunk at the time?
13 A. Because of how loud and hyper they were.
14 They're normally not that hyper. And they were
15 drinking a lot, so you could tell that it wasn't a
16 normal attitude.
17 Q. And I may have asked you this before, can you
18 tell us what they were drinking?
19 A. Jager and --
20 Q. Jager?
21 A. Jager.
22 Q. Okay.
23 A. And Jack.
24 Q. Jack Daniels whiskey?
25 A. Yes.

53

- 1 Q. Okay. And beer?
2 A. Yes.
3 Q. Okay. Was Mike drunk the whole time or at
4 any point did he stop drinking during this evening?
5 A. He started drinking once we went to the park.
6 Q. And he continued drinking during the time
7 that the girls were there?
8 A. Yes.
9 Q. Continued drinking when they left?
10 A. Yes.
11 Q. Continued to drink while he was arguing with
12 Eric?
13 A. Yes.
14 Q. Okay. You said -- Mr. Kelly asked you about
15 the girls when they left. You said: They just left.
16 When they left were they arguing back
17 with Eric?
18 A. No.
19 Q. Were they saying anything back to Eric?
20 A. Not that I recall.
21 Q. Did they appear to be scared of Eric when
22 they left?
23 A. No.
24 Q. At the time did Eric have any weapons with
25 him when the girls left?

54

- 1 A. No.
2 Q. Did he have any weapons when he came back
3 into the house -- you described earlier how Mike and
4 Eric left and then came back, right?
5 A. (No response)
6 Q. Was that after the girls left?
7 A. Yes.
8 Q. Did Eric have any weapons with him at that
9 time?
10 A. No.
11 Q. When Mike punched him in the mouth, I think
12 you said, or in the face?
13 A. Yes.
14 Q. Well, first of all, how would you characterize
15 the punch, was it just easy or was it hard?
16 A. It was a hard punch.
17 Q. So hard to make Eric fall down, correct?
18 A. Yes.
19 Q. And at that point did Eric have any weapon on
20 him?
21 A. No.
22 Q. When Mike went around the bar and got on top
23 of Eric, did Eric have any weapons on him?
24 A. No.
25 Q. Did you see him pull anything out of his

55

- 1 pants?
2 A. No.
3 Q. No? Okay.
4 Mike is -- would you agree with me
5 that Mike's a big guy?
6 A. Yes.
7 Q. Eric's a tall guy, right?
8 A. Very.
9 Q. And would you call Eric lanky, thin? How
10 would you describe Eric, tall and what?
11 A. He's tall, skinny, but has a little bit of
12 muscle.
13 Q. At any point did Mike seem afraid of Eric?
14 A. No.
15 Q. Did Eric seem afraid of Mike?
16 A. No.
17 Q. That is before the gun came out when he said
18 whoa, correct?
19 A. Yes.
20 Q. Okay. At that point did he seem afraid?
21 A. Yes.
22 Q. At that point when Mike had the gun, did Eric
23 have any weapon on him?
24 A. No.
25 Q. Okay. Let's talk real quickly about, I want

AA085

56

1 to follow up on something with the gun. Had you seen
 2 Mike with that gun before?
 3 A. Yes.
 4 Q. And where did you see it?
 5 A. He would take us shooting.
 6 Q. With that gun?
 7 A. Yes.
 8 Q. And do you know where Mike kept it?
 9 A. Yes.
 10 Q. Where?
 11 A. Tucked underneath his mattress.
 12 Q. Had you seen it in that position before?
 13 A. Yes.
 14 Q. Were you in there when you weren't supposed
 15 to be, or how did you see it?
 16 A. When I'd go in there to go hang out with my
 17 mom or just, like, sit with her in her room, I would
 18 see it.
 19 Q. And it was sticking out?
 20 A. Yes.
 21 Q. Okay. Where was it specifically? Tell us
 22 about that.
 23 A. It's -- it's on the --
 24 Q. Let me do this. Was it in a box?
 25 A. No.

57

1 Q. Was it in a drawer?
 2 A. No.
 3 Q. Was it laying on the bed?
 4 A. No. It was underneath the top mattress.
 5 Q. Could you see it if you walked in the room
 6 sticking out?
 7 A. Yes. The handle sticks out.
 8 Q. So when Mike went in, I know you said less
 9 than ten seconds, was it close to ten seconds when he
 10 went in the room to grab the gun, or was it closer to
 11 like one second?
 12 A. It was closer to one.
 13 Q. Okay. He knew exactly where it was, right?
 14 A. Yes.
 15 Q. Okay. And did he ever announce before he
 16 went to get the gun that he was going to get the gun?
 17 A. He said something but I can't really recall
 18 what it was.
 19 Q. He said something?
 20 A. Yes.
 21 Q. Did he say something about the gun?
 22 A. Yes.
 23 Q. When did he say that?
 24 A. When he was halfway to his room.
 25 Q. You heard the word "gun"?

58

1 A. Yes.
 2 Q. You don't remember what context it was in?
 3 A. No.
 4 MR. KELLY: Asked and answered.
 5 MR. ZADROWSKI: Okay. Thank you.
 6 THE COURT: Sustained.
 7 MR. ZADROWSKI: I don't have anything else.
 8 Thank you, Your Honor.
 9 THE COURT: Mr. Kelly.

RECROSS-EXAMINATION

13 BY MR. KELLY:
 14 Q. Brittany, back around the 4th of July, Eric
 15 showed up at the house. Do you remember that?
 16 A. Yes.
 17 Q. And Mike was standing with you when Eric
 18 started to tell you guys a story about him having just
 19 come from being involved in a bar fight?
 20 A. Yes.
 21 MR. ZADROWSKI: I'll renew my objection,
 22 Your Honor.
 23 THE COURT: What is the relevance?
 24 MR. KELLY: Relevance is that Michael was aware
 25 of Eric's propensity for fighting. And it would have

59

1 put Michael in a position to be able to avail himself of
 2 his right of self-defense as a result of Eric being out
 3 of the control on the night in question.
 4 MR. ZADROWSKI: Your Honor --
 5 MR. KELLY: That's the relevance.
 6 MR. ZADROWSKI: Thank you.
 7 THE COURT: For purposes of preliminary
 8 hearing, however, I think the relevance is
 9 questionable. I think that in -- at the district
 10 court level, if it gets that far, that that argument
 11 may be made before the district court judge.
 12 Did you have another comment you
 13 wanted to make? I'm going to sustain the objection.
 14 MR. ZADROWSKI: No. Thank you.
 15 THE COURT: But you may proceed, Mr. Kelly,
 16 if you have any additional recross.
 17 MR. KELLY: I have nothing else, Judge.
 18 Thank you.
 19 THE COURT: May I excuse this young lady,
 20 gentlemen?
 21 MR. ZADROWSKI: Yes. Thank you, Your Honor.
 22 MR. KELLY: Move the admission of the exhibits.
 23 THE COURT: They're all in.
 24 MR. KELLY: Thank you.
 25 THE COURT: You can go with my marshal.

AA086


CLERK OF THE COURT

1 **INFM**
2 MARY-ANNE MILLER
3 Interim Clark County District Attorney
4 Nevada Bar #001419
5 NICKOLAS J. GRAHAM
6 Deputy District Attorney
7 Nevada Bar #10885
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

12 I.A. 02/16/12
13 9:00 AM
14 C. KELLY

DISTRICT COURT
CLARK COUNTY, NEVADA

15 THE STATE OF NEVADA,
16
17 Plaintiff,

Case No: C-12-279451-1
Dept No: XX

18 -vs-

19 MICHAEL JOSEPH JEFFRIES,
20 #1571474,
21 Defendant.

INFORMATION

22 STATE OF NEVADA }
23 COUNTY OF CLARK } ss.

24 MARY-ANNE MILLER, Interim District Attorney within and for the County of
25 Clark, State of Nevada, in the name and by the authority of the State of Nevada, informs the
26 Court:

27 That MICHAEL JOSEPH JEFFRIES, the Defendant(s) above named, having
28 committed the crime of **MURDER WITH USE OF A DEADLY WEAPON (OPEN
MURDER)** (Category A Felony - NRS 200.010, 200.030, 193.165), on or about the 23rd
day of October, 2011, within the County of Clark, State of Nevada, contrary to the form,
force and effect of statutes in such cases made and provided, and against the peace and
dignity of the State of Nevada, did then and there wilfully, feloniously, without authority of
law, and with premeditation and deliberation, and with malice aforethought, kill ERIC

///

1 ALLEN GORE, a human being, by shooting at and into the body of the said ERIC ALLEN
2 GORE, with a deadly weapon, to-wit: a firearm.

3
4 MARY-ANNE MILLER
Interim Clark County District Attorney
5 Nevada Bar #001419

6
7 BY /s/Nickolas J. Graham
8 NICKOLAS J. GRAHAM
Deputy District Attorney
9 Nevada Bar #10885

10 Names of witnesses known to the District Attorney's Office at the time of filing this
11 Information are as follows:

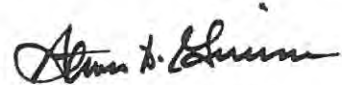
<u>NAME</u>	<u>ADDRESS</u>
12 AMES, BRITTINY	8401 W. Charleston Blvd, #1004, LVN 13 89117
14 AMES, MANDY LYNN	8401 W. Charleston Blvd, #1004, LVN 15 89117
16 AMES, RICHARD	8401 W. Charleston Blvd, #1004, LVN 17 89117
18 ARELLANO, JUAN	District Attorney Process Server
19 CUSTODIAN OF RECORDS	CCDC
20 CUSTODIAN OF RECORDS	CORONER
21 CUSTODIAN OF RECORDS	LVMPD DISPATCH
22 CUSTODIAN OF RECORDS	LVMPD COMMUNICATIONS
23 CUSTODIAN OF RECORDS	LVMPD RECORDS
24 GORE, ERIC ALLEN	Deceased
25 GORE, KIM	c/o District Attorney's Office
26 HOGANS, DWAYNE	District Attorney Process Server
27 MERRICK, FRED D	LVMPD #7549
28	

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OKELLEY, DEAN F
RAETZ, DEAN D
SHAMIRZA, ALFRED
SIMMS, DR LARY

LVMPD #4209
LVMPD #4234
District Attorney Investigator
CORONER'S OFFICE

DA#11F18708X/td
LVMPD EV#1110230180
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CLERK OF THE COURT

TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

THE STATE OF NEVADA,	)	
	)	
Plaintiff,	)	CASE NO. C279451-1
	)	DEPT NO. XX
vs.	)	
	)	
MICHAEL JEFFRIES,	)	TRANSCRIPT OF
	)	PROCEEDINGS
Defendant.	)	

BEFORE THE HONORABLE CHARLES THOMPSON SENIOR, DISTRICT JUDGE

PARTIAL JURY TRIAL - DAY 1

MONDAY, MARCH 23, 2015

APPEARANCES:

For the State:	BERNARD ZADROWSKI, ESQ. Chief Deputy District Attorney BINU G. PALAL, ESQ. Deputy District Attorney
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For the Defendant:	EDWARD RJ KANE, ESQ. Deputy Public Defender CONOR M. SLIFE, ESQ. Deputy Public Defender
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I N D E X

OPENING STATEMENTS:

By Mr. Palal	4
By Mr. Slife	9

WITNESSES FOR THE STATE:

BRITTANY AMES

Direct Examination By Mr. Zadrowski	22
Cross-Examination By Mr. Kane	107
Redirect Examination By Mr. Zadrowski	108

RICHARD AMES

Direct Examination By Mr. Palal	110
Cross-Examination By Mr. Kane	119

MANDY AMES

Direct Examination By Mr. Zadrowski	121
Cross-Examination By Mr. Kane	154
Redirect Examination By Mr. Zadrowski	155

E X H I B I T S

STATE'S EXHIBITS ADMITTED:	PAGE
3 Floor Plan of Defendant's House	77
4 Photograph - Eric Gore	78
5 Photograph - Eric Gore and Defendant	79
6 Photograph - Front of House, Parked Cars	80
7 Photograph - Front Entrance of Defendant's Home	80
8 Photograph - Defendant's Front Door	81
9 Photograph - Defendant's Entranceway	81
10 Photograph - Defendant's Living Room	82
11 Photograph - Pool Table	83
12 Photograph - Defendant's Living Room	83
13 Photograph - Living Room	84
14 Photograph - Loft Area	85
23 Photograph - Master Bedroom	85
35 Photograph - Brittany Ames and Mary Jane	86

1 LAS VEGAS, NEVADA, MONDAY, MARCH 23, 2015, 1:17 P.M.

2 * * * * *

3 (Prior proceedings not transcribed.)

4 MR. ZADROWSKI: Honor, at this time we would invoke
5 the rule.

6 THE COURT: The exclusionary rule will be in effect.
7 If any of you have any witnesses -- I notice that people are
8 in the audience. If any of them are witnesses, they have to
9 remain outside until they've been called.

10 PLAINTIFF'S OPENING STATEMENT

11 MR. PALAL: Ladies and gentlemen, on October 23,
12 2011 the defendant, Michael Jeffries, shot an unarmed Eric
13 Gore in the heart, killing him. As a matter of fact, there's
14 no dispute about this. I think you heard earlier from defense
15 counsel, they're not going to dispute the fact that
16 Mr. Jeffries shot an unarmed man, his friend.

17 What -- what we're going to talk about now is what
18 led up to that event. Well, on October 22, 2011, the
19 defendant is having a party. And there are a number of people
20 over there.

21 The party happens a little after seven o'clock, and
22 the people there include Michael Jeffries, the defendant; Eric
23 Gore, the victim; Mandy Ames, who is the then live-in
24 girlfriend of the defendant; Brittany Ames, who at that time
25 was 13 years old; a toddler, Mary Jane, who was 2 years old;

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1 and four other women; Lea Moore, Megan Moffit, Katie Simms,
2 and Beate Arrington.

3 All the adults are drinking. All the adults are
4 drinking. And the party goes on for hours. And this is a
5 photo of Mr. Jeffries. So the party goes on for hours. And
6 they're having a lot of fun. They're playing pool. They're
7 hanging out, smoking cigarettes, just -- and drinking and
8 drinking and drinking. The party goes on.

9 And at some time late that night, Eric Gore -- the
10 victim in this case -- gets into an argument with a woman
11 named Katie Simms, one of the other women who are there at the
12 party. And the argument occurs sometime after 11:00 p.m. So
13 we're about four hours, now, into this party.

14 Both Katie and Eric are extremely intoxicated, and
15 they're yelling. You'll hear that Eric goes outside in the
16 backyard, and the girls decide to leave. They decide they
17 don't want to be at this party anymore. They decide to -- to
18 move on -- to move on from this house.

19 After the girl leaves, Eric does get mad at the
20 defendant for, quote, unquote, not having his back during this
21 argument. And that, in turn, leads to another argument.
22 Eric, in fact, walks outside the house, and then the doors
23 aren't closed. He walks back in, and the defendant and
24 Mr. Gore keep on arguing.

25 But they continue to drink together, too. They're

1 arguing and drinking, arguing and drinking. At some point --
2 at some point the argument becomes more than verbal. It
3 becomes physical. And you'll hear that the defendant goes
4 into his bedroom and gets his gun. And you will hear the gun
5 will be a Glock 21.

6 And you will hear it's stored on the side of his --
7 of his bed. He put it between the mattress with the butt of
8 the gun sticking out. You will also hear that after the
9 defendant goes and gets his gun, he points it at Eric Gore and
10 shoots -- shoots Eric Gore and kills Eric Gore.

11 It happens right outside the master bedroom. The
12 gun is then placed -- the defendant then places the gun onto
13 the kitchen counter. The party -- what started as a party
14 becomes a tragic event. And the State will argue that the
15 evidence that you will hear, more than a tragic event, becomes
16 a crime.

17 So what led up to the shooting? What made this fun
18 get-together into something that became a horrible, horrible
19 tragedy? Well, four people -- four people were there. The
20 first person that was there at this time is Mandy Ames. The
21 other person that was there was the defendant, Michael
22 Jeffries.

23 Two other people were there; Brittany Ames, and Mary
24 Jane, the two-year-old. Now, Mary Jane was asleep in her
25 room. But you will hear that Brittany Ames was not. She was

1 in the main area, the main -- the great room where this
2 occurs. What does Mandy Ames have to say about what happened
3 that night?

4 Well, you will hear that she's the defendant's
5 girlfriend at the time, Brittany's mother. She's very
6 intoxicated that night. No question. As are most folks. She
7 was so intoxicated, however, you will hear that she's found
8 passed out on the kitchen floor. Right before the shooting
9 occurs, you will hear that she tells Brittany, Go to your
10 room.

11 After the shooting occurs, around 12:44 a.m., she
12 calls 911 and hands the phone to the defendant. What you will
13 hear is that she maintains she didn't see anything. There's
14 one other important fact to keep in mind that you will learn
15 about Mandy Ames. She's currently engaged. We also have the
16 defendant.

17 The defendant was also obviously in the room. And
18 he speaks to no one that night. And he repeatedly says --
19 states he shot his best -- shot his best friend. He shot his
20 best friend. And then you'll hear from Officer Brown, who
21 arrives at the scene of the house. He handcuffs the defendant
22 for officer's safety.

23 He's responding to a shooting. And he'll tell you
24 that the defendant is intoxicated, and he continues saying, I
25 shot my best friend. I shot my best friend. Officer

1 Cunningham you'll also hear from. He arrives shortly after
2 Officer Brown.

3 Officer Cunningham also notices that the defendant
4 is intoxicated, and he continues to repeat that he shot his
5 best friend. But you'll also hear from Officer Cunningham
6 that there was a physical altercation -- that the defendant
7 said there was some kind of physical altercation, although,
8 the defendant -- the defendant does not get into many details.

9 Later that night, Mr. Jeffries speaks to detectives.
10 And that conversation is on video. You'll also get to see
11 that. What's important about that conversation is what you
12 won't hear. You won't hear that Eric Gore, the victim, had
13 any weapon. You won't hear the defendant say that Eric ever
14 threatened to kill him.

15 So I'm going to ask you to listen in this case to
16 what you hear and what you don't hear. Brittany Ames.
17 Brittany Ames was another person in the room. She was 13 at
18 that time. She 16 now. I expect she's going to be the first
19 person you hear from when the opening statements are done.

20 And her mom is now currently engaged to the
21 defendant. She lives with her mom. And she's going to have
22 to come in here and tell you about what she witnessed that
23 night. And what you'll hear is that what she witnessed that
24 night, the night of the shooting, she was up hanging out with
25 the adults -- hanging out with all -- everybody who was

1 partying.

2 She -- what she says is that she saw the defendant
3 punch Eric Gore. She heard the defendant yell, I'm going to
4 get my gun. She saw the defendant point and shoot at Eric
5 Gore. And right before the defendant kills Eric Gore, she's
6 going to tell you that she hears -- sees and hears Eric back
7 up, look scared, and say, Stop. Whoa.

8 After that, she returns immediately into her room --
9 the same room as the two-year-old -- locks the door, and calls
10 her dad in an understandable panic. The person you will not
11 hear from, obviously, is Eric Gore. But the evidence will
12 show that he was, in fact, intoxicated and he was upset.

13 But he did not have a gun or any other weapon. He
14 did not attack the defendant. Evidence will show he did not
15 take anyone else that night. He did not -- the evidence will
16 show he did not threaten to kill anyone, and that Eric -- the
17 evidence will show that Eric was shot through the heart,
18 killing him.

19 Ladies and gentlemen, at the end of this case, the
20 State -- at the end of the case the State is going to ask you
21 to find the defendant guilty of murder because there is no
22 legal justifiable reason for what Michael Jeffries did on
23 October 23, 2011. Thank you.

24 THE COURT: Mr. Slife.

25 DEFENSE OPENING STATEMENT

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1 MR. SLIFE: Thank you, Your Honor. Good afternoon.
2 This is a homicide case. And a legal homicide is called
3 murder. But it is legal to commit homicide if you're acting
4 in self-defense. And you will see in this case that Mike
5 Jeffries -- because Mike Jeffries was acting in self-defense,
6 he's not guilty of murder.

7 So let's go back to that Saturday, October 22, 2011,
8 and talk about what happened. Let's talk about some of the --

9 UNKNOWN SPEAKER: I'm sorry to interrupt you. But
10 you're going to have to stay right by the microphone not down
11 walking.

12 MR. SLIFE: Is this not on right here?

13 UNKNOWN SPEAKER: It is. But when you get down to
14 the other end, there's no microphone.

15 MR. SLIFE: Okay. Stand in front of this. All
16 right. Thank you very much.

17 Let's go back to that Saturday and talk about some
18 of the facts that the State left out that you'll hear in this
19 case. On that Saturday, around that time, Mike is living at
20 his house with his girlfriend, Mandy -- who he's still with,
21 and he's engaged to. He does contract work for an auto body
22 shop.

23 You will hear that Mike was born in Las Vegas, has
24 lived here his entire life. His family lives in Las Vegas.
25 You'll hear that sometimes Mandy's 13-year-old daughter would

1 come stay. Sometimes she would babysit her two-year-old
2 niece. Both of them were there that Saturday.

3 And specifically that evening, you'll hear Mike and
4 Mandy decide to have some people over for drinks, to shoot
5 some pool, sort of an impromptu gathering. And a total of six
6 people come over, that were mentioned, and that includes Eric
7 Gore.

8 Eric and Mike met their senior year of high school
9 and had been friends ever since. But you will hear a
10 description of Eric Gore, and it's something like this. There
11 are some people in life that talk a lot, but you know that
12 they're harmless. They're harmless talkers.

13 And on the other end of the spectrum, there are
14 people that are just downright scary. You will hear that Eric
15 was somewhere in the middle. He wasn't -- he wasn't so scary
16 that Mike would not associate with him or hang out with him,
17 but he also wasn't a harmless talker.

18 You will hear that Mike had seen him start fights at
19 bars, had seen him lose his temper before, knew that he liked
20 to carry brass knuckles at times, knew that he liked to carry
21 knives at times, liked to brag about beating people with brass
22 knuckles, someone that liked to brag about beating in fights.

23 The bottom line is that Eric was not a harmless
24 talker. And so that evening, everyone comes over to Mike's
25 house around eight, nine -- somewhere around there. And

1 people are drinking. Some people are drinking beer. Some
2 people are doing shots of hard alcohol. And you'll hear that
3 Mike and Eric, in particular, are really drinking hard.

4 They both finish a bottle of Jägermeister together.
5 And you will hear that Eric's blood alcohol on that night was
6 .276, which is over close to three-and-a-half times the legal
7 limit to drive. You'll hear that he has traces of marijuana
8 in his system -- also has traces of Xanax in his system at the
9 time.

10 So everyone is drinking, generally having a good
11 time. And at some point, the good time ends because of Eric.
12 Because Eric starts to get mean. He starts to yell. He
13 starts to make threats at people. He starts to use a lot of
14 profanity. He starts saying he's going to kill someone.

15 And for some reason, he singles out a girl at the
16 party named Megan -- for an unknown reason. Eric doesn't
17 really know Megan that well. They've met a few times. But he
18 decides that he's angry at her, and he starts to use
19 profanity. And he threatens to, quote, beat the fuck out of
20 her -- "her" being Megan.

21 And then he says more. At one point you'll hear
22 that he points to a tattoo on his arm and says, quote, do you
23 know what the fuck this is? This is Hell's Angels. And at
24 one point Megan thinks maybe she had done something wrong,
25 even though she hadn't, and she tries to apologize and kind of

1 smooth things over.

2 But Eric responds by saying, quote, Get that bitch
3 out of here. And he starts to get hostile, and he starts to
4 say he's going to kill somebody. And based on Eric's
5 behavior, Mike is then called over to help calm him down. But
6 Eric doesn't calm down.

7 And based on Eric's behavior, everyone decides to
8 leave the house. And as they leave, Eric actually tries to
9 follow Megan out the door and shouts, quote, Fuck you, you
10 fucking fat bitch. You fucking cunt. Mike is able to stop
11 Eric from going outside and following the female, so they can
12 leave.

13 But Mandy is still around, and she hears -- she
14 hears Eric continuing to rant after everybody is gone and
15 saying things like, quote, he's going to fuck people up. And
16 then it's just Eric and Mike in the living room, and Mike is
17 hoping that Eric will calm down. So they go outside to talk
18 for a little bit, and it doesn't work.

19 At some point Eric starts getting loud again, and
20 Mike doesn't want to bother -- upset the neighbors, so they go
21 back in the house. He's trying to calm him down. They go to
22 the kitchen. They go to the bar. They're talking. And at
23 some point, Mike decides that it's time for Eric to leave.

24 It is late, almost after midnight. The party is
25 over. Everybody is gone. But Eric doesn't want to leave.

1 And at a certain point, Eric goes from being mean to some
2 females at the party and yelling inappropriate things -- he
3 goes from mean to scary. And he starts threatening Mike. He
4 starts being aggressive.

5 He starts getting out of control. He starts to
6 scream, Why didn't you have my back? And in the back of
7 Mike's mind, he knows it's not just him in that house. Mandy
8 is at home, not in the living room, but somewhere in the home.
9 The 13-year-old, Mandy's daughter Brittany, is at home.

10 And Mandy's two-year-old niece is sleeping in the
11 home. And so Mike needs to get Eric out of the house. He
12 needs to get Eric out of his house, but -- but Eric won't go.
13 And he starts to get more aggressive. And at one point, he
14 stands up and takes his T-shirt off and goes, Ugh -- and
15 starts to yell at him and get -- threaten him and get
16 aggressive with him.

17 And Mike thinks this isn't -- this isn't so -- some
18 nuisance anymore. This isn't just some drunk friend. This is
19 getting scary. And you will hear that Mike was scared of
20 Eric. Mike was not the tough guy in this friendship.

21 Eric is not someone that Mike can just physically
22 throw out of his house or go up to him and bop him in the head
23 and say, Sleep it off. I'll apologize in the morning. Mike
24 is scared of Eric. And at this point, Mike is not sure what
25 Eric was going to do anymore. He's not really dealing with

1 his friend of ten years anymore.

2 Instead, he's dealing with a 6 foot, 5 man over 200
3 pounds, who is intoxicated, who is angry, who's getting more
4 and more aggressive with him -- someone that he's seen being
5 violent with people before. And at that moment, Mike realizes
6 that Eric knows where his gun is. He's shown him his gun
7 before.

8 He has a gun in his bedroom, the Glock 21. And Eric
9 knows where it is. Okay? Mike doesn't want Eric to get this
10 gun. He doesn't know what he might do if he gets it. He
11 doesn't want him to start popping off shots with everybody in
12 the house. So he goes to the room to get this gun.

13 And you will find out that he always keeps a bullet
14 in the chamber. He has a CCW. He's a registered gun owner.
15 He's had training with guns. He was in the military for a
16 time. He was trained -- that's how he was trained as a
17 security guard. So he grabs his gun. And he's drunk, and
18 he's scared.

19 And even though he usually keeps a round in the
20 chamber, in his state he racks a round. And you will hear
21 that a live round actually goes off onto the carpet, when he
22 racks the round to make sure there's a round in there. And
23 then he starts to make his way out of the bedroom. And you
24 will see a picture of the layout of the house.

25 As he goes out of the bedroom, he's able to look

1 straight into where the living room is and the kitchen.
2 That's where they were hanging out. As you go off to the
3 right, that goes out to the front door. And as he comes out
4 of the bedroom with the gun in his hand, he doesn't see Eric.

5 And he thinks to himself, he's finally -- he's
6 finally gone. This is over. This is over. And as he gets to
7 the door of the bedroom, something happens that he never
8 planned to do, that he didn't want to do, that he never
9 imagined would have ever happened.

10 As he gets to the door, he turns right, and he sees
11 Eric running at him, coming out of nowhere, with a crazy look
12 in his eyes, coming to attack him. And he reacts in an
13 instant. He pulls the trigger one time. He doesn't have time
14 to aim. It's a split second. And the bullet goes right
15 through Eric's chest into the wall.

16 Mike is in shock. He's scared. He's still feeling
17 the effects of the alcohol. It's, like, this is unreal.
18 What's happening? And he says to himself, Why was he being so
19 aggressive? Why wouldn't he just leave? Why did he run at me
20 like that from out of nowhere?

21 He immediately puts the gun on the kitchen counter,
22 and he calls police immediately. Why? Because he wants
23 medical attention for Eric. You will hear in the 911 call he
24 says, I just shot my friend. Oh, my God. Oh, my God. Oh, my
25 God. Please help him. Please come and save him. Eric, come

1 on, brother. Come on, brother, live -- to the 911 operator.

2 He speaks to police a short time later, in person,
3 out in front of the house in a patrol car. He's still feeling
4 the effects of the alcohol. He's been up all night. He's
5 scared. He knows the injuries to Eric are serious, but he
6 doesn't know if he's alive or dead.

7 You will hear that he repeatedly asked the officers,
8 Is my friend okay? Is my friend okay? And you will hear that
9 when he talks to police, he never says, Hey, I was just
10 showing Eric how to clean it and the gun accidentally went off.
11 He doesn't try to make any lame excuses.

12 He says, from the beginning, what happened. He
13 doesn't try to minimize it. Homicide detectives are then
14 assigned to the case that night, and you'll find out that they
15 do a curious thing.

16 Rather than speak to the other five people that were
17 there that night -- that were around, that witnessed Eric's
18 behavior, that witnessed what led up to this -- the detectives
19 decide to speak to only two witnesses other than Mike,
20 Brittany and Mandy. And you'll hear from both.

21 And you'll see that Brittany is a little confused
22 about what happened. You'll be able to listen to her. But in
23 this very serious case, for some unknown reason -- a murder
24 case, the most serious cases there are -- the police decide
25 not to talk to the other five people that were there prior,

1 even though they know who the other five people were.

2 And after speaking with only those two witnesses,
3 rather than everybody at the party --

4 MR. ZADROWSKI: Your Honor, may we approach?

5 THE COURT: I hate to see you interrupt. Why don't
6 you let him finish.

7 MR. ZADROWSKI: Well, that's the issue, Your Honor.

8 THE COURT: I know. Let him finish.

9 MR. SLIFE: Thank you, Your Honor.

10 THE COURT: As long as he keeps to what to the -- he
11 thinks the evidence is going to show. That's the important
12 thing.

13 MR. ZADROWSKI: I agree, Your Honor. But we're well
14 far afield of that.

15 THE COURT: I'm not sure of that. He's going to --
16 his opening statement is for what the evidence is going to be.
17 Now, let's continue.

18 MR. SLIFE: Thank you, Your Honor. And so after
19 speaking with only these two witnesses, rather than everyone
20 at the party, Mike is charged with murder. And here we are.
21 Ultimately, ladies and gentlemen, you will see that this --
22 this is not a cold-blooded murder.

23 This is a self-defense case. Mike was acting in
24 self-defense. And because of that, at the close we will ask
25 you to find him not guilty of murder. I thank you very much.

1 THE COURT: All right. Do you still want to
2 approach the bench?

3 MR. ZADROWSKI: I do, Your Honor.

4 (Bench conference transcribed as follows.)

5 MR. ZADROWSKI: Judge we've got a little bit of a
6 problem. I've got 15 minutes before I told our first witness
7 to be here.

8 THE COURT: Okay.

9 MR. ZADROWSKI: She may be here right now. I don't
10 know. But if you don't mind, we could take a break for a few
11 minutes --

12 THE COURT: Okay.

13 MR. ZADROWSKI: -- to make sure we've got the ducks
14 in a row before we start.

15 THE COURT: We don't have to take a break.

16 MR. ZADROWSKI: Okay.

17 THE COURT: Just say you've got a witness in fifteen
18 minutes, and we'll start.

19 MR. ZADROWSKI: Well, it could be a fifteen-minute
20 break. So I just wanted to be sure.

21 THE COURT: That's okay.

22 MR. ZADROWSKI: Thank you, Your Honor.

23 (End of bench conference.)

24 THE COURT: All right. Ladies and gentlemen, we're
25 going to take -- we're going to take a recess. I understand

1 the first witness is available about two o'clock, which is
2 about 14, 15 minutes from now. So we'll -- before we take a
3 break, I have to read to you an admonition.

4 This is the same one that's read to every jury in
5 every case in the state of Nevada before every recess. And
6 you're going to hear it many times. It basically says to you
7 that you can't talk to anybody about the case, including your
8 fellow jurors.

9 We'll give you plenty of time to discuss it amongst
10 yourselves after the case is submitted to you. But until
11 then, you can't talk to anybody about the case. That's one of
12 the reasons you have your badge on, so that people who happen
13 to be around here aren't talking to you. Okay?

14 During the recess it's, again, your duty not to
15 converse among yourselves or with anyone else on any subject
16 connected with this trial, or to read, watch or listen to any
17 report of or commentary of the trial from any medium of
18 information, including newspapers, television, and radio.

19 You may not form or express an opinion on any
20 subject connected with this case until it is finally submitted
21 to you. We'll be in recess for about 15 minutes. The marshal
22 will tell you when we're ready.

23 (Out of the presence of the jury.)

24 THE COURT: All right. Let our record reflect that
25 the jury has exited the courtroom. Anything further on the

1 record before we take a break?

2 MR. ZADROWSKI: Not from the State, Your Honor.

3 THE COURT: See you in a few minutes.

4 (Court recessed from 1:45 p.m. until 1:57 p.m.)

5 (In the presence of the jury.)

6 THE COURT: All right. State versus Jeffries. The
7 record will reflect the presence of the defendant, his
8 attorneys, the district attorneys, and all members of the
9 jury. It's now the opportunity of the State to call their
10 witnesses first.

11 Mr. Zadrowski, the State can call your first
12 witness.

13 MR. ZADROWSKI: Thank you, Your Honor. Please the
14 Court, the State calls Miss Brittany Ames.

15 Your Honor, I'm just going to approach this
16 equipment here and see if I can move this down a little bit.

17 THE COURT: You know more than I do.

18 MR. ZADROWSKI: That's all I know.

19 THE COURT: Okay. That's fancy stuff. I don't know
20 where it comes from. Do you think your witness is here?

21 MR. ZADROWSKI: She's here. Did he --

22 THE COURT: I don't know where they went.

23 MR. ZADROWSKI: Okay if I stand out and get her?

24 THE COURT: Sure.

25 BRITTANY AMES, STATE'S WITNESS, SWORN

1 THE CLERK: Please be seated. Please state your
2 name, and spell your first and last name for the record.

3 THE WITNESS: Brittany Ames. B-R-I-T-T-A-N-Y, Ames,
4 A-M-E-S.

5 MR. ZADROWSKI: May I proceed, Your Honor?

6 THE COURT: Yes.

7 MR. ZADROWSKI: Thank you.

8 DIRECT EXAMINATION

9 BY MR. ZADROWSKI:

10 Q Ms. Ames, how are you today?

11 A Well. How are you?

12 Q Pretty good. Thank you. So I'm going to be
13 asking — I'm the prosecutor. We've met before. I'm going to
14 be asking you a few questions about an event that you're well
15 aware of. Okay? All right. First of all, Brittany, how old
16 are you right now?

17 A Sixteen.

18 Q And directing your attention back to October of
19 2011, how old were you then?

20 A Twelve, thirteen.

21 Q All right. And do you go to school?

22 A Yes.

23 Q Where do you go to school now?

24 A Durango High School.

25 Q Where?

1 A Durango High School.

2 Q What grade are you in?

3 A I'm a junior, so eleventh.

4 THE COURT: Would you do me a favor and move that
5 microphone stand a little bit closer to you there and kind of
6 speak into it there? Thank you. It will pick you up. You've
7 got a soft voice, and it takes a little bit to get that voice
8 out.

9 BY MR. ZADROWSKI:

10 Q We want to be able to make sure that the jury can
11 hear you, too, Brittany. So if you don't mind, just speak
12 into it. If you have to lean down --

13 THE COURT: Speak up.

14 THE WITNESS: Okay.

15 BY MR. ZADROWSKI:

16 Q All right. So you're a junior, did you say -- at
17 Durango High School, correct?

18 A Yes. Correct.

19 Q And what kind of activities do you participate in?

20 A I do a winter -- both winter programs at my high
21 school.

22 Q What is that? What's a winter program?

23 A We have Winter Drumline and Winter Guard. So I
24 dance and do things like that.

25 Q And do you do that -- does that take up a big part

1 of your -- or your day?

2 A Yes. I practice four days a week.

3 Q Four days a week. Do you have plans on going to

4 college?

5 A Yes, I do.

6 Q Do you know where you want to go yet?

7 A Yes.

8 Q Where do you want to go?

9 A Syracuse University, Seattle University, or I'm

10 looking at some colleges in California.

11 Q Fantastic. Do you get good grades?

12 A Yes.

13 Q All right. Anything else you participate in,

14 after-school activities?

15 A I'm a student leader. I am a captain of the team,

16 and I've been doing that for two years now.

17 Q Great. And what kind of grades do you get?

18 A I'm anywhere between a 3.4 average to a 4.0.

19 Q All right. So you may get some scholarship money.

20 A Yes.

21 Q Good luck to you there. All right. Now I want to

22 direct your attention, again now, back to 2011.

23 You said you were 13 years old, approximately --

24 A Yes.

25 Q -- correct? And back then, when you were 13, in

1 October of 2011 -- doing the math -- you were what? In
2 seventh or eighth grade?

3 A Eighth grade.

4 Q Eighth grade. All right. And in the eighth grade,
5 in 2011, who did you live with?

6 A My father.

7 Q And what's his name?

8 A Richard Ames.

9 Q And where was your mother at this time?

10 A My mother was living with Mike Jeffries.

11 Q With Mike Jeffries? Okay. And you were living with
12 your father at that time, in October of 2011?

13 A Yes.

14 Q How long, at that time, had you been living with
15 your father?

16 A After their separation?

17 Q Well, yeah. Tell me what -- what happened in your
18 life right around then? How did it come to be that you were
19 living with your father and not your mother?

20 A After my father returned from being -- as being Army
21 Reserved -- when he was stationed out in North Carolina -- he
22 came back. And after that, my mother moved in with Mike
23 Jeffries.

24 Q How long before -- well, let me talk about that for
25 a minute. Your -- your father was stationed in another part

1 of the country.

2 How long was he stationed?

3 A Approximately six months, I believe.

4 Q So do you know what he does? Is he a full-time Army
5 person? Or is he in the Reserve?

6 A He's Reserved.

7 Q Okay. And he was gone this time for six months.
8 And that was in 2011?

9 A Previous -- before they moved together.

10 Q Okay. So using October 22, 2011 as our starting
11 point, how long before that had you been living with your
12 father?

13 A I -- I would have only been without my mother only a
14 couple of months. Because she left only around summertime, I
15 believe.

16 Q She left what?

17 A Like, in the summer before -- so, like, June.

18 Q So just so I'm clear, in June you were living with
19 your father, Richard.

20 And what's your mother's name?

21 A Mandy.

22 Q Mandy? And in June, you -- at that point, your
23 father returned from being stationed somewhere else, came back
24 to Las Vegas. And at that point, your parents are separated,
25 and you lived with your father.

1 Does that --

2 A Yes.

3 Q -- sum it up?

4 A Yeah.

5 Q Okay. And prior to that, you lived with your mom

6 and your dad; is that correct?

7 A Before they divorced?

8 Q Yes.

9 A Correct.

10 Q Was it just the three of you? Do you have any other

11 siblings?

12 A I have an older sibling and a younger sibling.

13 Q So tell us about your older sibling. Who is it?

14 Where are they now?

15 A I have an older sister. She is turning 20 today.

16 She's currently at -- in college. She lives with her best

17 friend in an apartment. And she started her own life.

18 Q Where is that? Where does she live?

19 A In-state. In Las Vegas. Yes.

20 Q Las Vegas? Okay. That's an older sister, you said?

21 A Yes.

22 Q You have another sibling?

23 A Yes. I have a younger brother. He attends the same

24 school as I do, just younger. He's a freshman in high school.

25 Q A freshman in high school?

1 A Yes.

2 Q And he lives with you, also, currently?

3 A No. He lives with his father.

4 Q He lives with his father.

5 A Yes.

6 Q Okay. And is that it as far as brothers and

7 sisters?

8 A Yes.

9 Q Okay. All right. So back then, in 2011, your

10 father comes home from Army training and being stationed

11 somewhere else. Your parents become separated.

12 Did they actually get divorced? Do you know?

13 A Not until 2013 or '14. My freshman year of high

14 school they finalized it. But they were completely separated

15 by then.

16 Q All the paperwork got done in 2013 or '14?

17 A Yes.

18 Q They were apart during 2011?

19 A Mm-hmm. Correct.

20 Q And during that time, you indicated you were living

21 with your father, Richard.

22 A Correct.

23 Q Was that your choice?

24 A Halfway and halfway not.

25 Q What do you mean by that?

1 A To finish schooling, they wanted me to stay with my
2 father so that I didn't have to switch schools.

3 Q "They" meaning your mom and dad --

4 A Correct.

5 Q -- made that choice?

6 A Yes.

7 Q And you wanted -- and you wanted that as well?

8 A Yes. To finish school in the -- the right school --
9 the same school.

10 Q Okay. You said half and half. Was it half your
11 decision, half theirs? Or --

12 A Mm-hmm.

13 Q -- was there a problem with that?

14 A No. I'd just much rather be with my mother than my
15 father. And it just so happened that I still had to finish my
16 eighth grade year. So I stayed with my father during that
17 time.

18 Q All right. And so now you stayed with your father
19 through your eighth grade year.

20 And that ended when?

21 A As soon as ninth grade started, I moved in with my
22 mother.

23 Q And that was approximately when? Was that May or
24 June of the -- of 2012? Is that --

25 A It would have been August.

1 Q August of 2012.

2 A Yes.

3 Q Okay. And where did you live with your mom?

4 A In a house. I don't know how you --

5 Q Yeah. Where at?

6 A Las Vegas. Yeah.

7 Q Okay. And before, when you were living with your

8 father, do you remember where it was in town that you were

9 living?

10 A It was still in Las Vegas. It was on the opposite

11 side of town, but still in Vegas.

12 Q So more about, like, West Charleston, if I --

13 A Yes.

14 Q -- remember correctly, right?

15 A Yes.

16 Q Okay. All right. Now, I want to take you back to

17 that date that we've just been using, at October 22nd of 2011.

18 Does the address of 8745 Don Horton, here in Clark

19 County, Nevada ring a bell to you?

20 A You mean Mike's house?

21 Q Is that Mike's house? Do you remember the address?

22 A No. I don't remember the address.

23 Q It was on Don Horton?

24 A Okay.

25 Q Okay. Now, on that particular date, do you remember

1 that day?

2 A Vaguely.

3 Q Vaguely? What do you remember about that day?

4 A I remember it was the days I would stay with my mom.

5 Because there were certain days I would stay with my mother,

6 and go back with my father. So it was one of those days that

7 I was with her. It was an average day. We were hanging out.

8 How old can you -- can you --

9 Q Yeah. Let me -- let me ask you this. You said you
10 were hanging out.

11 Do you remember what you were doing earlier in that
12 day?

13 A Earlier on in the evening? No, not specifically.

14 Q Okay. You said, We were hanging out. Who were you
15 hanging out with?

16 A My mother, Mike, and I.

17 Q Your mother, Mike, and you.

18 A Yes. And myself.

19 Q You're referring to Mike Jeffries?

20 A Yes.

21 Q Do you see him in the courtroom today?

22 A Yes.

23 Q Would you point to him? That's the person to my
24 left?

25 A Yes.

1 MR. ZADROWSKI: May the record reflect
2 identification?

3 MR. SLIFE: Stipulated, Your Honor.

4 THE COURT: The record will so reflect.

5 BY MR. ZADROWSKI:

6 Q And so you and your mom and Mike Jeffries are
7 hanging out together.

8 Do you recall anything that you were doing on that
9 particular day?

10 A No, not specifically.

11 Q Now, I'm asking you to remember something four years
12 ago, in essence. Almost four years ago.

13 A Mm-hmm.

14 Q Would you agree with me that four years is a long
15 time to remember any day, let alone -- "yes"?

16 A Yes. I agree.

17 Q Okay. And so there's some things that you just
18 don't remember.

19 A Correct.

20 Q You don't remember everything that happened that
21 day, but you remember some things.

22 A Correct.

23 Q Okay. Good. Let me ask you this question: Would
24 you agree with me that your recollection of events on that day
25 were better back then than they are today?

1 A Yes. Correct.

2 Q So over time, things have gotten a little fuzzy in
3 your head --

4 A Correct.

5 Q -- about what happened on that day. But back on
6 that day or that next day or a couple of days after that, your
7 memory was much better as to what happened, correct?

8 A Correct.

9 Q All right. So let's talk about what happened on
10 October 22, 2011. You were hanging out with your mom and Mike
11 Jeffries.

12 A Yes.

13 Q What else can you tell the jury that you remember of
14 what happened that day?

15 A It was just an average day. We were all hanging
16 out. I do recall going to the park, vaguely. But I do
17 remember we did take -- I have a little cousin, Mary Jane. We
18 took her to the park to let her run around.

19 Q And that was in the evening or --

20 A That was later on in the night. Because from the
21 park we went back to the house, and that's when guests started
22 showing up -- like, people Mike knew.

23 Q Was it dark already when you were at the park?

24 A Yes.

25 Q Okay. So your -- we've established your little

1 cousin Mary Jane was with you.

2 Q Who went with you to the park? Do you remember?

3 A My mother and Mike Jeffries and Mary Jane.

4 Q And there was just those of you. Nobody else.

5 A Yes.

6 Q All right. And do you remember, was everybody happy
7 on that day? Do you have any recollection of happiness or
8 sadness or anything like that?

9 A No. Everyone was happy. We were all playing with
10 the little one in the park. Like, it was an average day with
11 the family.

12 Q All right. And then there came a point in time
13 where you went back to Mike Jeffries' house; is that correct?

14 A Yes.

15 Q And when you got back there, do you remember
16 anything that happened after that?

17 A I remember people started showing up. We were
18 playing music.

19 Q Do you remember what people started showing up?

20 A I don't know names, specifically, nor do I really
21 know faces.

22 Q You don't remember any names that were there?

23 A No. Other than Eric, Mike, mother, myself. Mary
24 Jane was sleeping by the time this was happening. I put her
25 down.

1 Q Okay. Eric. Who is Eric?

2 A Eric is the victim, if that's the correct term.

3 Q I can't hear you.

4 A He's the victim. The...

5 Q Okay. Eric Gore? Is that who we're talking about?

6 A Correct.

7 Q And on that day, do you remember -- did you know
8 Eric Gore when you saw him that day?

9 A I had met him previously, probably once or twice.
10 Just because of Mike and him being friends, he came over.

11 Q Do you remember how long before you had previously
12 met him?

13 A Maybe a month. Not that long of a time.

14 Q Were you able to know back then, or do you know now,
15 the relationship that Mike Jeffries had with Eric Gore?

16 A I know they were very close friends. They were high
17 school friends. And they did a lot of activities outside of
18 school together. Like, I remember Mike talking about riding
19 bikes. And they would call each other at least, like, once a
20 day to, like, talk on the phone and just be boys together and
21 be friends.

22 Q And you remember him telling you that -- Mike
23 Jeffries? Do you remember -- "yes"?

24 A He would go through his childhood and, like, tell me
25 about events and stuff.

1 Q Well, when you were there with your mom, did you
2 ever recall seeing Mike Jeffries talk to Eric Gore on the
3 phone?

4 A That day?

5 Q At any time.

6 A Like -- just, like, sitting around the house --

7 Q Yeah.

8 A -- and Mike calls -- yeah.

9 Q Okay. So you know they were good friends.

10 A Yes.

11 Q You didn't rely on Mike Jeffries telling you they
12 were good friends.

13 You knew that to be the case back then, correct?

14 A Yes.

15 Q All right. And you knew that -- other than talking
16 to him, did they hang out together?

17 A Yes.

18 Q And you witnessed this yourself?

19 A Yes.

20 Q All right. And how was your relationship -- how was
21 your mother's relationship with Eric Gore?

22 A I know she was, like, friendly with him. She was
23 never, like, rude or obnoxious towards him. They weren't,
24 like, the best of friends. But she was civil with him because
25 she was best friends with Mike.

1 Q Okay. And so let's talk real quick about your
2 relationship -- or I'm sorry, your mother's relationship with
3 Mike Jeffries.

4 They were dating at the time?

5 A Yes.

6 Q Were they living together?

7 A Yes.

8 Q Okay. So your mother was living at the Don Horton
9 address at this time, when you were living with your father
10 over on West Charleston, correct?

11 A Correct.

12 Q Okay. All right. Now, do you recall when Eric Gore
13 came over to the house that day?

14 A Later in the evening, like, once -- people had
15 already showed up before he had showed up.

16 Q So there were other people. Do you remember who the
17 other people were that showed up?

18 A Not specifically.

19 Q All right. And later on Eric Gore shows up. He
20 didn't show up with them.

21 A I don't believe so.

22 Q Was there anybody that you knew that was there?
23 Other than the people you've just said, was there anybody else
24 there that you remember?

25 A I think her name is Biatte or Beatrice. It's one or

1 the other I think it's Biatte. I'm pretty sure it's Biatte.
2 And I've only, like, heard of her from conversations of them,
3 like, hanging out. Like, my mother would tell me who she is.
4 And I, like, know her face, sort of.

5 So, like, I've seen her before, but I was never
6 close to her enough to, like, approach her and be, like, Hi.
7 How are you? We just --

8 Q But you remember her being in the house that night.

9 A Yes.

10 Q Okay. Anybody else?

11 A No.

12 Q Okay. And do you remember what Mike and Eric were
13 doing?

14 A Throughout the evening?

15 Q Yes.

16 A Socializing, like usual.

17 Q Okay. Was there any drinking going on?

18 A Yes.

19 Q Drinking of alcohol.

20 A Yes. Correct.

21 Q Who was drinking alcohol?

22 A Most likely all of them. I know my mother was. I
23 know Mike Jeffries was. I know Eric was.

24 Q And were they drinking heavily?

25 A My mother was not drinking heavily. Eric and

1 Mike -- I can't, like, exactly tell you if it was heavily.
2 But they were drinking, so they were intoxicated.

3 Q You recognized both Michael Jeffries and Eric Gore
4 to be intoxicated that night --

5 A Yes.

6 Q -- correct? Okay. So it wasn't just -- well, we'll
7 leave it at that.

8 And do you remember anything that happened --

9 A After that --

10 Q -- after that?

11 A -- it was -- we were just listening to music. I
12 remember -- we were just hanging out. And then they stepped
13 outside, and my mother came back in. And I remember watching
14 Mike talk to Eric, and then Eric walking out, and events like
15 that.

16 Q You remember them talking. Well, let's talk about
17 that.

18 Do you remember talking to Eric Gore, yourself,
19 specifically?

20 A I never talked to Eric Gore. Mike Jeffries talked
21 to Eric.

22 Q During the entire night, you never talked to Eric
23 Gore?

24 A Correct.

25 Q Do you know that to be the case for sure or -- do

1 you have a good recollection of that?

2 A I -- I could have small talked with him. I probably
3 have. But I can't recall, like, what we said to each other,
4 if it was an actual conversation. Does that make sense?

5 Q Okay. So you don't remember having a conversation
6 with Eric Gore.

7 A Correct. But I could have --

8 Q Okay.

9 A -- if that's the case.

10 Q All right. Do you recall -- so you don't remember
11 what the conversation was about because you don't even
12 remember the conversation, correct?

13 A Correct.

14 Q Okay. Do you remember Eric Gore having
15 conversations with other people?

16 A Yes.

17 Q What do you remember about that?

18 A I never heard the conversations. But I do know that
19 he got into an unfriendly conversation with a younger lady at
20 the party. And I --

21 Q You remember that specifically?

22 A Not -- not because I saw it happen or because I
23 heard it happen. It's --

24 Q Yeah. But I'm going to ask you -- I'm going to stop
25 you just for a minute.

1 A Okay.

2 Q Because I'm asking you what you heard or what you
3 saw, not what other people told you. We can't get into what
4 other people told you happened. We can only talk with you
5 about what you saw or what you heard.

6 A Okay.

7 Q Okay? So I'm going to -- let me rephrase my
8 question, okay? And I apologize for interrupting you. But --

9 A It's okay.

10 Q -- I have to do that every now and then. So did you
11 hear or see any conversation that Eric Gore was having with
12 other people?

13 A I did not.

14 Q You did not.

15 A I did not.

16 Q Did you see Eric Gore around other people?

17 A I can't be positive. I'm not sure.

18 Q You don't remember?

19 A Correct.

20 Q It's okay to say if you don't remember.

21 A Okay.

22 Q Do you remember?

23 A I don't remember.

24 Q Do you -- you indicated that there -- this person
25 named Biatte and some other people were there. You just

1 testified to that.

2 A Correct.

3 Q Do you remember how long they stayed?

4 A I couldn't give you exact times. I know they were
5 there for awhile -- like, later into the night. But after the
6 whole situation with Eric and that woman happened, they ended
7 up leaving with the woman.

8 Q Did you see or hear the situation with, quote, Eric
9 and that woman?

10 A No.

11 Q You didn't see it.

12 A No.

13 Q Where were you during this time that Eric was there
14 and that woman was there? Do you recall?

15 A No. I do not recall.

16 Q Do you remember if you were in the house during this
17 time?

18 A I don't remember.

19 Q Do you remember ever leaving the house?

20 A I remember stepping outside in the backyard for some
21 air at one moment. Because I got warm, so I stepped outside.

22 Q Do you remember when that was?

23 A No.

24 Q And you said you had a baby with you, correct?

25 A Yes.

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL JOSEPH JEFFRIES,
Appellant,

vs.

THE STATE OF NEVADA,
Respondent.

CASE NO. 668338

District Court Case No. C27443
Dept.: XX

Electronically Filed
Feb 11 2016 08:31 a.m.
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Clerk of Supreme Court

APPELLANT'S APPENDIX TO OPENING BRIEF

VOLUME 1

GENTILE CRISTALLI
MILLER ARMENI SAVARESE

VINCENT SAVARESE, III
Nevada Bar No. 2467
410 South Rampart Blvd., Suite 420
Las Vegas, Nevada 89145
(702) 880-000
Attorney for Appellant

APPELLANT'S APPENDIX

INDEX

<u>DOCUMENT</u>	DATE	VOL.	<u>PAGE NO.</u>
911 Call Log	10/23/2011	1	000001-000006
Information	2/14/2012	1	000087-000089
Judgment of Conviction	6/2/2015	3	000701-000702
Jury Instructions	3/26/2015	3	000640-000667
Jury Note Court Exhibit 3	3/26/2015	3	000668
Jury Note Court Exhibit 4	3/26/2015	3	000669
Jury Note Court Exhibit 5	3/26/2015	3	000670
Notice of Appeal	6/29/2015	3	000703-000705
Preliminary Hearing Testimony of Brittany Ames	2/7/2012	1	000071-000086
Transcript of Proceedings Jury Trial – Day 1	3/23/2015	1	000090-000245
Transcript of Proceedings Jury Trial – Day 2	3/24/2015	2	000246-000481

Transcript of Proceedings Jury Trial – Day 3	3/25/2015	3	000482-000639
Transcript of Proceedings Jury Trial – Day 4	3/26/2015	3	000672-000681
Transcript of Proceedings Motion for New Trial	4/14/2015	3	000682-000686
Transcript of Proceedings Sentencing	5/27/2015	3	000687-000700
Verdict	3/26/2015	3	000671
Voluntary Statement of Brittany Ames to LVMPD Detective Raetz	10/23/2011	1	000007-000015
Voluntary Statement of Brittany Ames to LVMPD Detectives O’Kelley and Merrick	10/27/2011	1	000054-000070
Voluntary Statement of Michael Jeffries to LVMPD Detectives O’Kelley and Merrick	10/23/2011	1	000016-000053

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
911 CALLS
PAGE 1

EVENT #: 111023-0180

Recording: October 23, 2011, 00 hours, 44 minutes, 22 seconds.

DISPATCH: 9-1-1 Emergency, Staley.

CALLER: 9-1-1, I just, I just killed, uh, friend and I need one a...I need something hospital.

DISPATCH: What's the address?

CALLER: It's, oh my god I can't even fucking think.

DISPATCH: The address _____.

CALLER: What's the address, Baby? It's, it's 8512 Don Horton. No, it's Don Horton.

DISPATCH: Okay, and is it a house or an apartment?

CALLER: It's a house.

DISPATCH: 85.

CALLER: Oh my god, oh my god, oh my god, oh my god...

DISPATCH: I need an address.

CALLER: ... I just shot my fucking.

DISPATCH: 8512, that's not verifying, sir please give me the address.

CALLER: It's 8745 Don Horton.

DISPATCH: Okay. And what happened?

CALLER: And I shot my friend. He came over here and he came to me

AA001

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
911 CALLS
PAGE 2

EVENT #: 111023-0180

aggressive and I shot him.

DISPATCH: Okay, one second. Okay, okay, sir where did you shoot him?

CALLER: I shot him in my house.

DISPATCH: Okay, where, where?

CALLER: In my house.

DISPATCH: Where's he shot?

CALLER: Please come down here and save this mother fucker.

DISPATCH: Where is _____.

CALLER: it's 8512... 8745 Don Horton.

DISPATCH: I need...listen, I need you to answer questions for me. I already have help on the way, okay?

CALLER: God, oh my god, oh my god, oh my god.

DISPATCH: What kind of a gun?

CALLER: A handgun.

DISPATCH: What kind?

CALLER: A fuckin' .45.

DISPATCH: Okay. And where is he shot?

CALLER: He's shot.

DISPATCH: Please tell me where he's shot.

CALLER: He's shot in his in his almost his heart. He's gonna die, come on

AA002

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
911 CALLS
PAGE 3

EVENT #: 111023-0180

please.

DISPATCH: You shot him in his heart?

CALLER: Yes. He came at me aggressive and I didn't know what to do.

DISPATCH: Where are you guys in the house?

CALLER: In the house, please.

DISPATCH: Where in the house?

CALLER: In the house 8745 Don Horton.

DISPATCH: Okay, where are you in the house?

CALLER: Were in the house.

DISPATCH: Are you with him right now?

CALLER: Yes.

DISPATCH: Okay, stay on the line.

RECORDING: October 23, 2011, 00 hours, 46 minutes, 26 seconds.

(CALLING MEDICAL)

CALLER: Please.

MEDICAL: Fire or medical?

DISPATCH: Okay, uh, this is Metro.

MEDICAL: Yes.

DISPATCH: 8745 Don Horton.

AA003

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
911 CALLS
PAGE 4

EVENT #: 111023-0180

MEDICAL: Right.

DISPATCH: I have him on the line. He shot...

MEDICAL: Okay, for a minute please listen to me. Sir, where's he shot at?

CALLER: He's shot left in his heart I think.

MEDICAL: Who did it?

CALLER: I did.

MEDICAL: Alright, get dry clean towels. Firm direct pressure. Was this accidental?

CALLER: It, no. He came aggressively we had a fight and fucking he's dead.

MEDICAL: Okay, they're on their way. Is he breathing?

CALLER: No, he's not. Please, Eric, fucking live. Come on, come on, brother, come on, dude.

MEDICAL: Who is this guy to you, is this your friend?

CALLER: This was my friend and he came aggressive then I didn't know what to do. Come on dude, live. Eric you gotta live.

MEDICAL: How old is he?

CALLER: I shot him in the tit. I don't know. He's 30 years old. You gotta get here now.

MEDICAL: They are, they're on their way.

CALLER: Oh my goodness, Oh my goodness, Oh my fucking goodness.

AA004

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
911 CALLS
PAGE 5

EVENT #: 111023-0180

MEDICAL: Is he breathing?

CALLER: No, he's not. Breath Eric, come on dude. Look at me, look at me. Oh my god, I just shot, oh my god _____.

MEDICAL: Listen to me. Um, I want you to give him, I want you to give him mouth to mouth. I want...is he flat on his back on the ground?

CALLER: Please, please, um, um, my friends on the ground, officer. I have no weapons.

MEDICAL: Is that Metro?

CALLER: He's on the fucking ground.

MEDICAL: Is that Metro?

CALLER: Yes. Oh my fucking god, oh my god, oh my god. Come on.

?: (unintelligible) oh my god, oh my god, oh my god.

DISPATCH: Sir, is Metro there, are the officers...did the officers arrive?

MEDICAL: He said they are.

DISPATCH: I'm sorry.

MEDICAL: He said that they're arriving.

DISPATCH: Okay.

(BACKGROUND NOISE / UNINTELLIGIBLE)

MEDICAL: Wow.

DISPATCH: Yeah.

AA005

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
911 CALLS
PAGE 6

EVENT #: 111023-0180

(OFFICER'S ARRIVED / UNINTELLIGIBLE)

MEDICAL: I'm gonna disconnect.
DISPATCH: Okay, I am too. Thanks.
MEDICAL: Thanks.

/ct

11M1052

AA006

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 1

EVENT #: 111023-0180

SPECIFIC CRIME: HOMICIDE

DATE OCCURRED: 10-23-11

TIME OCCURRED: 0044 HRS.

LOCATION OF OCCURRENCE: 8745 DON HORTON AVENUE

CITY OF LAS VEGAS

CLARK COUNTY

NAME OF PERSON GIVING STATEMENT: BRITTANY TAYLOR AMES

DOB: 09-21-98

SOCIAL SECURITY #:

RACE:

SEX:

HEIGHT:

WEIGHT:

HAIR:

EYES:

HOME ADDRESS: 8401 W. CHARLESTON, APT 1004
LAS VEGAS, NV 89117

PHONE 1: 325-0606

WORK ADDRESS:

PHONE 2: 467-7221

The following is the transcription of a tape-recorded interview conducted by DETECTIVE D. RAETZ, P#4234, LVMPD HOMICIDE Section, on 10-23-11 at 0324 hours.

Q: Operator, this is D. Raetz, P#4234, the spelling is R-A-E-T-Z. I'm taking a taped statement under Event#111023-0180. The date and time of this statement is going to be, um, October 23rd, 2011 at 0324 hours. Location of this statement is gonna be the 8700 block of Don Horton, H-O-R, actually that's gonna be D-O-N, separate word, H-O-R-T-O-N, Las Vegas, Nevada and, ah, will be in my unmarked LVMPD vehicle. The person giving a statement is going to be last name Ames, A-M-E-S, first name of Brittany, B-R-I-T-T-A-N-Y, middle name Taylor. She's 13 years old. Date of birth is September 21st, 1998. Brittany resides at 8401 West

AA007

VOLUNTARY STATEMENT

PAGE 2

EVENT #: 111023-0180

STATEMENT OF: BRITTANY TAYLOR AMES

Charleston Boulevard, Apartment 1004, that's 1-0-0-4, Las Vegas, Nevada 89117.

She lives there with her dad Richard Ames?

A: Yes.

Q: His, ah—the home phone number there is 702-325-0606 and Brittany has her own cell phone of 702-467-7221. Is all that, all that information correct?

A: Yes.

Q: Okay. Um, and you understand that this, ah, conversation is being recorded?

A: Yes.

Q: Okay, is that all right with you?

A: Yes.

Q: All right. Ah, Brittany what I wanted to talk to you about is what happened here at the house, um, here, um, at 8745 Don Horton, um, how do you happen to be at this house tonight?

A: Ah, I come here on weekends to visit my mom.

Q: Okay, so your mom lives here and your mom is, ah, Mandy, M-A-N-D-Y, Ames?

A: Yes.

Q: Okay. And, ah, who does she live with?

A: She lives with Mike.

Q: Do you know Mike's last name?

A: Jeffries.

Q: Okay. And how old is Mike?

VOLUNTARY STATEMENT

PAGE 3

EVENT #: 111023-0180

STATEMENT OF: BRITTANY TAYLOR AMES

A: Ah, 30.

Q: Okay. And so, um, what time, when did you get here this weekend?

A: I got here Friday night...

Q: Okay.

A: ...at about 7:00, 8:00.

Q: Okay, do you have your own room here when you come?

A: Yes.

Q: Okay. So you've been here over 24 hours.

A: Yes.

Q: And so what was going on at the house today?

A: Um, we came home from the park and Mike's friends were here and there was just a couple of them, there wasn't many, and they were drinking. And then Eric, just the victim that got shot, like he got into like this attitude with this younger woman and she left the house and so did the rest of the people. So it was just Mike, me, mom and Eric. And then Eric and Mike got in this whole thing 'cause Eric was very upset and he was drunk off his butt like no joke, and they both were and they got into this huge argument. And like they went into this whole disrespect thing in the house so Mike said he'll make him leave and Eric was pushing him going, "No you won't. You won't do that." And then Mike was like, "Watch me." And then Mike snapped and punched him in the face really hard and he fell to the floor and just started like punching him like crazy.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 4

EVENT #: 111023-0180
STATEMENT OF: BRITTANY TAYLOR AMES

Q: Who was punching who?

A: Mike was punching Eric...

Q: Okay.

A: ...crazy. And then, um, Eric was trying to fight back but really couldn't 'cause like he had no stay—stayability. So, um, Mike yelled he was gonna go get his gun out of his room so my mom yelled at me and told me to go get, go to my room. So I went to the room which Mary Jane was in. She was sleeping on my bed.

Q: And who's Mary Jane?

A: Mary Jane is the two-year-old toddler, my cousin.

Q: Okay.

A: My baby. Um, she--so I was sitting there in her, with her. And then when I was running to the room I looked back and I saw Mike shoot at Eric. I wasn't sure if he got hit or not.

Q: What did you see when you looked back?

A: I saw the gunfire and Mike pointing it at Eric and then I...

Q: What hand did he have it in?

A: I don't know. I'm guessing left 'cause he's left handed.

Q: What did the gun look like?

A: Um, it was a handgun. He keeps it underneath his mattress. I know that 'cause I see it sticking out.

Q: Mm-hmm.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 5

EVENT #: 111023-0180
STATEMENT OF: BRITTANY TAYLOR AMES

A: So it sticks under his hand and it's just like a normal handgun.

Q: What color?

A: It was black.

Q: Okay.

A: And I believe it was in a case.

Q: Okay.

A: Like in a side arm case and he pulled it out. And then when I looked back I saw the fire from the gun come out and then I ran to my room and locked the door and then I called my dad and I just sat there for I don't even know how long. I just sat there and cried to my dad. And then the police came and they asked me to pick up Mary Jane so I grabbed Mary Jane and that's pretty much all I know.

Q: Okay. What, um, did Eric have a weapon?

A: Mm-mm.

Q: Did he have a knife or anything in, in his pocket, or on his belt, or anything like that that you remember?

A: I don't believe so.

Q: No. Um, did he ever hit Mike?

A: No, not 'til Mike started hitting him. He was kinda defending himself. Like he put his arms up...

Q: Mm-hmm.

A: ...and then tried punching Mike...fit...make...Mike's face but Mike was on top of

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 6

EVENT #: 111023-0180
STATEMENT OF: BRITTANY TAYLOR AMES

him.

Q: Okay.

A: And they were cornered.

Q: So you're in the, um, in the hallway going towards your room?

A: Mm-hmm.

Q: And you look back and where are Mike and Eric when you looked back?

A: Right next to the pool table in front of the master bedroom.

Q: Okay.

A: Right in front of that door.

Q: Um, I haven't been in the house yet. I'm sure I'll, it'll, it'll all come clear to me when I go in. But, um, when, in relationship to the front door where, where is that?

A: Um, pretty much when you walk straight in there's a green pool table in the ____, it's not a loft it's the living room.

Q: Mm-hmm.

A: There's a green pool table right there edged up in a corner.

Q: Mm-hmm.

A: In, right behind the pool table, right in front, like exactly right in front of the master—master's bedroom.

Q: Okay.

A: Would you know which one it is 'cause it's this wide door.

Q: Mm-hmm.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 8

EVENT #: 111023-0180
STATEMENT OF: BRITTANY TAYLOR AMES

door.

Q: And where was your mom?

A: Ah, she was in the living room with the boys standing next to the bar.

Q: With the boys you're talking about Mike and Eric?

A: Mm-hmm.

Q: Um, was she saying anything?

A: Ah, no, she just, she, she just said to go to my room. That was the last thing I heard from her.

Q: Mm-hmm.

A: And then once I got into my room I heard banging and the little bit of screaming but you can't hear anything between the walls. Like I've never been able to. So what I heard is a few bangs and I could have sworn I heard the gun go again but I wasn't sure.

Q: Mm-hmm.

A: I was on the phone and I just, was just sitting there crying.

Q: Okay. Um, do you remember either Mike or Eric saying anything before the gun went off?

A: Mm-mm.

Q: Do you remember Eric—you, you, you said you didn't know if, ah, Eric was, ah, trying to go towards Mike to stop him or, or what was going on. Was he saying anything?

VOLUNTARY STATEMENT

PAGE 9

EVENT #: 111023-0180

STATEMENT OF: BRITTANY TAYLOR AMES

A: Mm-mm

Q: Was Mike saying anything?

A: Mm, no he just kept on repeating, "I'm gonna go get my gun. I'm gonna go get my gun." He just kept on repeating that.

Q: Okay, is there anything else that you remember?

A: No. The rest of the time I was in my room and then the police came to the door.

Q: Has Mike ever, um, threatened anybody with gun before? Has he ever, has he ever threatened that he was gonna go get it, ah, with anybody before that he's had issues with?

A: Um, there was this one night. It was Eric, Eric's girlfriend, my mom, me and Mike and we're standing out here in front of the, right in front of the house by the car and trailer and like some guy cruised up in this scary, creepy van and it was like 4:00 o'clock in the morning so Mike went to go grab his gun and hide it on his side.

Q: But he wasn't threatening anybody with it that day?

A: No, but he had it.

Q: Okay. Anything else?

A: No.

Q: Thank you for your time. Ah, this will be the end of the interview. Same two people present. The time is 0332 hours.

THIS VOLUNTARY STATEMENT WAS COMPLETED IN MY UNMARKED LVMPD VEHICLE AT THE 8700 BLOCK OF DON HORTON AVENUE ON THE 23RD DAY OF OCTOBER 2011 AT 0332 HOURS.

AA014

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

PAGE 10

EVENT #: 111023-0180

STATEMENT OF: BRITTANY TAYLOR AMES

DR:maf
11V1007

AA015

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT

Event 111023-0180

SPECIFIC CRIME: HOMICIDE

DATE OCCURRED: 10-23-11

TIME OCCURRED: 0044 HRS>

LOCATION OF OCCURRENCE: 8745 DON HORTON AVE.

CITY OF LAS VEGAS

CLARK COUNTY

NAME OF PERSON GIVING STATEMENT: MICHAEL JEFFRIES

DOB:

SOCIAL SECURITY #:

RACE:

SEX:

HEIGHT:

WEIGHT:

HAIR:

EYES:

HOME ADDRESS:

PHONE 1:

WORK ADDRESS:

PHONE 2:

The following is the transcription of a tape-recorded interview conducted by DETECTIVE D. O'KELLEY, P#4209, and DETECTIVE F. MERRICK, P#7549, LVMPD HOMICIDE, on 10-23-2011 at ____ hours.

(INTERVIEW BEGINS WITHOUT INTRODUCTION)

A: Man, I don't know what the hell happened. Um, all of a sudden, you know this is my friend, best friend for ten years.

Q: What's his name?

A: His name is Eric Gore.

Q: Where do you know Eric from?

A: Uh, we grew up in the same neighborhood together.

AA016

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 2

EVENT #: 111023-0180
STATEMENT OF: MICHAEL JEFFRIES

Q: Here in Las Vegas?

A: Yes. Known each other, been good ass friends, you know what I mean, through here and throughout, and God, I just hope that guy makes it.

Q: Okay. So then what, so you had him over. You're saying before we got started that you had invited him over and you were drinking?

A: I mean long story short we have a few people over.

Q: Who all was there, do you remember?

A: Kevin Errington, other fucking people I grew up with, you know from, you know for 20 years. This is all family. You know what I mean?

Q: Okay.

A: Uh, Kevin Errington, one of, you know, couple...well, uh, couple of their friends, which was named, uh, I know it's the guy I grew up with, Donnie, it's his ex-girlfriend. Uh, you know no contact for a few years. But they keep in contact with, uh, you know with their mother, 'cause she's cool and everything. Fuck, I couldn't even tell you the name right now.

Q: Okay

A: Just give me a second, you know what I mean?

Q: So was everything kinda go okay?

A: Everything was cool. We were shooting pool, drinking all fucking night, you know what I mean? Excuse my language. You know what I mean? Everything was fine.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 3

EVENT #: 111023-0180
STATEMENT OF: MICHAEL JEFFRIES

Q: Whose house is it?

A: It's my house.

Q: It's your house.

A: Yes.

Q: Okay.

A: Uh, everything was hunky-dory, you know what I mean? Just like a regular night, and we're all sitting there, we're all having fun. I got a pool table in the middle of the house so we're, you know, we're shooting pool, and you know everything's fine. I, I go out and smoke a cigarette in my backyard and I mean we're kinda hammered, you know what I mean? I got Yager and I know my friend Eric has been drinking all day. He went to a bar earlier and so, you know, coming over and we had Yager. So I was like yeah, come on over. He's my good fucking friend. Fuck, I don't think I _____ (unintelligible), man. I don't know.

Q: How much, how much Yager do you think Eric had?

A: I mean we killed a whole bottle, you know what I mean?

Q: Okay. Between the two of you, or everybody that was there?

A: Just pretty much between me and him, you know what I mean?

Q: How are you feeling right now? You feeling okay?

A: You know I'm fine.

Q: You seem okay.

A: Other than I fucking almost killed my best friend, or hopefully almost killed him. I

AA018

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 4

EVENT #: 111023-0180
STATEMENT OF: MICHAEL JEFFRIES

don't know if he's dead or not or what the fuck.

Q: So you and Eric are drinking in the backyard while you were grabbing a smoke?

A: Well no, we were drinking, you know the night's going on. All I know is I'm in my backyard. I'm having a cigarette with my friend's mom, Biatta (phonetic), everything, you know, seems to go hunky-dory, fucking, you know, everything.

Q: So Biatta's whose mom?

A: She's the mom. She's kinda like my step-mom, you know what I mean? I grew up with her. She watched me since I was a little kid.

Q: Not Eric's mom?

A: Not Eric's mom, no.

Q: Okay.

A: So everything, I thought we were fine and everybody's drinking, everybody. All of a sudden he comes out in the backyard saying oh I'm, you know, fuck this bitch on the couch and she's talking shit and all this fucking crap. And...

Q: This is Eric talking?

A: Yes.

Q: Okay.

A: And I'm like dude, calm the fuck down. What is it--where is it, dude, who gives a fuck what this girl's talking about. From what I can explain to you detectives is okay, I have a step-mom, or not--she's not blood related. She watched me as a little kid. We've known each other for years upon years. Well she brought two

VOLUNTARY STATEMENT

PAGE 5

EVENT #: 111023-0180

STATEMENT OF: MICHAEL JEFFRIES

people with her. Okay?

Q: This is Biatta?

A: Yes.

Q: Okay.

A: And she brought two people with her, which was the two girls. One of 'em, you know, dated her son like four years ago. But you know everything was, you know it's times passed on. She just liked the girl, you know what I'm saying?

Q: What are their names, the girls?

A: Oh, give me a second. Oh my goodness, what is their fucking, what are their names?

Q: Don't worry about it. Keep going.

A: Anyway, I don't know what the hell happened. They were--I don't--you know this girl's super quiet so I don't know what the fucking hell, you know what I mean? So _____ (unintelligible) back of my porch, you know what I mean, smoking a cigarette, and we're all, you know, about to call it a night. We drank plenty enough and everything else, you know, and all of a sudden he comes oh, fuck this girl, and this girl's talking shit. Her fucking boyfriend's a fucking punk and all this fucking crap. I'm like dude, you don't even know this girl. Who gives a fuck, you know? So it goes on and on and on and you know we've had a fucking...and he go...I'm like dude, stop, bro, like I don't give a shit, you know what I mean? You're fucking me up at my own house, dude. Like it's not a big deal, dude. This girl's nobody

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 6

EVENT #: 111023-0180
STATEMENT OF: MICHAEL JEFFRIES

so, you know, what's the big point, you know what I mean?

Q: Was Biatta still out there when that happened?

A: Yes.

Q: Okay.

A: And then all of a sudden everything's like oh, it goes from a good night, everybody having fun, drinking, calling it a night, and from oh this guy's pissed off and you know this is a good friend of mine, you know what I mean? So I'm not gonna fucking tell him like oh, get the fuck out of my house, you know. So I'm like dude, calm down, calm down, calm down. And this is going on and on and on and before you know it they finally fucking leave and they, even the girls tell him like dude, you're trippin' off no reason. You know you're just drunk, whatever. I don't know what the case is. I mean it's like calm down, calm. You know she's like--you know I'm like dude, calm down, bro, like who gives a fuck, you know what I mean, about these girls? Whatever. So it progresses and he doesn't wanna stop, dude, and I'm like dude, go home, bro. Like I don't care anymore, you know what I mean? Like you live up the street, okay, go home.

Q: What was he so upset about with the girl?

A: I don't--it's stupid shit. I don't know if he was hyped up on the Yager shots or what the fuck, you know what I mean? Like...

Q: Do you remember any of why he was mad? What he was saying about...

A: Dude, he was saying something about she talked about her boyfriend or whatever

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 7

EVENT #: 111023-0180
STATEMENT OF: MICHAEL JEFFRIES

the hell. I mean it's so stupid. Like her boyfriend was not even there. Okay? I don't know, you know, I don't--we've been fucking broke, you know, these days. Like I'm a, you know I work on paint and body, you know what I mean? It's hard and stuff out there for people. And so it's been hard on a lot of people, you know what I mean?

Q: Uh huh.

A: (Unintelligible).

Q: So you said that Biatta and the two girls left?

A: Yeah, they left.

Q: Okay. Now who's in the house left? And Eric's still pissed off? He's still upset?

A: It'd be Eric, Biatta, Kevin, which is her son and the two girls she came with.

Q: Okay, they were _____(both talking).

A: I don't know, I don't--I'm not reaching for nothing, you know, I don't know if my phone's in my pocket or what the hell. I'll give you the numbers, whatever, you know what I mean?

Q: So they were at the house _____(both talking).

A: Yeah, so fucking shit got haywire. So like oh fuck this, you know what I mean? We're leaving, you know what I mean? And I'm like they left, dude. Shut the fuck up, they left.

Q: Now Biatta, Kevin, the two girls are gone.

A: The two girls are gone.

AA022

VOLUNTARY STATEMENT

PAGE 8

EVENT #: 111023-0180

STATEMENT OF: MICHAEL JEFFRIES

Q: Okay. And Eric's still carrying on.

A: Eric is still carrying on. He's got a _____, like they actually like robbed him over fucking five thousand dollars or more, you know what I mean, or something stupid, dude, you know what I mean? Like I'm like let it go, dude, let it go.

Q: Okay.

A: He's going on, running around I'm gonna beat the fuck out of her and fuck her friend, and she was almost--he was almost ready to whip this girl's ass, you know what I mean? I'm like dude, you don't wanna fucking risk going to jail for this stupid shit, dude.

Q: Right.

A: Who gives a fuck what this girl thinks or says or talks about or whatever the hell. You ain't doing this shit in my fucking house, you know what I mean?

Q: Right. Now who's, who's, who's at the house right now when you're talking, when you're arguing with him? 'Cause the other _____(both talking).

A: Um, everybody I explained. My girlfriend and the kids were sleeping. I don't know if Brittany was--I couldn't even tell you if she was, 'cause I know the...

Q: Brittany's your girlfriend's daughter?

A: Yes.

Q: Okay.

A: The little girl that was there, and the kid that was there, the little two year old.

Q: Okay.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 9

EVENT #: 111023-0180
STATEMENT OF: MICHAEL JEFFRIES

A: I don't know if they were in the room. I know Mary Jane was sleeping at the time, you know what I mean, as all this was going on. I have no clue where Brittany was. I don't know if she was in the fucking bed with her or what, you know, going to sleep or whatever.

Q: Where was Mandy at?

A: In the middle of the living room, you know.

Q: Okay. So you and Eric are still--you're, you're trying to calm him down. Then what happened?

A: Oh, my God. I can't even believe I'm here right now. Like this is unreal, you know. I'm sorry, I'm gonna continue. So he's going on and fucking on about this girl and fuck his boyfriend and fuck her boyfriend, and she even came at him like dude, what are you tripping on, dude, like seriously. And I don't know if he was just fucked up off Yager or what the fuckin' happened. And so they even leave. And so I was like dude, they left, bro, like shut the fuck up, dude. I don't want cops at my house. I've never been handcuffed in my fucking life, you know what I mean? Excuse my language, dude.

Q: (Unintelligible)

A: And, and I'm like shut the fuck... Well he was like well, and then he started talking like oh, I'm gonna beat your ass then, you know what I mean, 'cause you didn't, you weren't on my back, you know what I mean?

Q: (Unintelligible)

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 10

EVENT #: 111023-0180
STATEMENT OF: MICHAEL JEFFRIES

A: Like you ain't got my back, oh fuck you, you know what I mean? You ain't, you know I'm, I'm Erick, dude, I'm your boy for ten fucking years and all this crap. Dude, I was like I understand that, like he's wanting to whoop my ass over the shit. And I even walked this person out the fucking door, dude, I mean officer. I'm just talking.

Q: (Unintelligible)

A: I even walked this guy out of the fucking door. Hey, let's take a walk, you know what I mean?

Q: Out the front door?

A: Out the front door.

Q: Okay.

A: Let's take a walk, go home. You live up the street, go the fuck home. I don't care. He goes on no, fuck that, dude, fuck this, and how you gonna disrespect me. You should have my fucking back and all this crap. And I mean I'm, I'm trying to tell you as, you know, as much as what I can remember happened, you know. I was drinking all night, you know what I mean?

Q: You're doing fine.

A: And this fuck, he came back. He wouldn't fucking leave. I was like dude, you live up the street. We're partners, dude. I--like you know don't fuck me up here, dude. I don't want cops at my house. You know what I'm saying?

Q: Right.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 11

EVENT #: 111023-0180
STATEMENT OF: MICHAEL JEFFRIES

A: I got a fucking little girl there, you know what I mean, and, and you know the littlest daughter, which is kinda my niece, you know what I mean? I was like dude, they don't need to see this crap, you know what I'm saying?

Q: Uh huh.

A: You know what I'm saying? Go the fuck home, dude. I walked him outside. He didn't wanna come inside so I left, you know the door was, I _____ (unintelligible). Well, he comes right back in following me. I'm like dude, what the fuck? Here, if it makes you happier, let's take another drink or something, you know what I mean?

Q: Uh huh.

A: And we took another drink. Like dude, shut up, I'm sick of hearing of this shit. He's going on like fuck that, fuck this, fuck that and fucking...God, I don't. And he's like threatening me over this shit, like you're gonna talk shit over me. Like is this what it's gonna come to, you know what I mean? Like you're fucking me? I'm telling you to go the fuck home, bro, 'cause I don't give a fuck.

Q: Uh huh

A: You know I'm, I'm telling you guys, I'm telling you go home. And he's ranting off. He's like fuck that, threatening me and fucking wanting to fight me, dude. I'm not getting in a fight with, you know I can't fucking run, you know. Which knowing, you know I wish I didn't have a gun because hey, I wouldn't be sitting here in handcuffs. Maybe you know we'd gotten in a tussle and my whole house would

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 12

EVENT #: 111023-0180
STATEMENT OF: MICHAEL JEFFRIES

have been fucked up, but you know at least I ain't gotta fight a fucking, I don't know what case it is now. And this is my best friend, dude, this is the guy I grew up with. So he's going on and on and on over this and I don't know, like the last second _____ (unintelligible) desperation, I don't even know, I have a gun. Okay? My .45 was in between the mattresses, way at the end of the wall.

Q: Okay.

A: Okay? All I know is like I was tired 'cause I knew he was about to swing on me, like this is how fucked up he was, and was like getting ready to swing on me and all this fucking crap. And this is in front of my lady and everybody else. And that's beside the point. I mean it's my friend, dude, I shoulda took, you know, we should of gone toe to toe maybe 'cause look where I'm at now. I don't know. All, all at the last second, the last second all I know is like hey, I ran and got my fucking gun, and I was hoping like dude, I was hoping before all this happened, before I ran in there, you know what I mean, you can't think about that all, you know what I mean? It doesn't...I didn't want, you know. So I was just like hey baby, like he gets, you know, maybe if I go in my room you know he knows I'm serious, dude, like get the fuck away. Dude, we'll talk about it in the morning.

Q: Right.

A: All I know is I grabbed for this fucking gun that's in between my middle of my fucking bed, at the end of the bed. All I know is as soon as I grabbed that mother-fucker he's running towards me. Boom.

AA027

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 13

EVENT #: 111023-0180
STATEMENT OF: MICHAEL JEFFRIES

Q: Just the one shot?

A: One shot.

Q: Okay.

A: I _____ (unintelligible). I'm freaking out. My girl's like having a heart attack on the fucking floor, as you guys well, you know when you guys came there. Like that. In a split second, dude. Everything was fine. I was like--he was fighting me and trying to fucking come up on, I'm like dude, just go home, dude. This is my friend here. And I pray to God, like I swear to God like I don't care if he talks--he won't talk to me ever, but I hope to God just survived. Okay? I don't know where I hit him. I don't know nothing. All I know is I grabbed that fucking gun and he was coming towards, you know, yelling, and boom.

Q: Were you in the bedroom? Was _____(both talking).

A: I was in the bedroom. He was right at the wall. He fell right on the ground into the fucking door.

Q: (Both talking)

A: Yes.

Q: The doorway. Okay.

A: I mean I don't even know what the hell I'm gonna...yeah, you gotta be respons--I have my fucking wife in there, you know what I mean? Like she's not my wife legally but, you know, we're girlfriend/boyfriend. And her kid, I have no clue where the kid was.

VOLUNTARY STATEMENT

PAGE 14

EVENT #: 111023-0180

STATEMENT OF: MICHAEL JEFFRIES

Q: This is Mandy? _____(both talking).

A: This is Mandy.

Q: Okay.

A: And, and her daughter Brittany.

Q: Uh huh. They were there?

A: Yes. Well I know Brit--I know Mary Jane was sleeping in the room, okay. She already...

Q: _____(both talking).

A: She's two and a half.

Q: Okay.

FM (FRED MERRICK): In, in your room?

A: No, not my room. A room across the way.

FM: Okay.

A: Oh, my fucking _____ (unintelligible).

Q: Where was Brittany, was she--did she see it happen?

A: I wanna say, detectives, I have no clue where she was.

Q: And Mandy, where was she?

A: As far as I know, she was in the kitchen, which the kitchen ____ (unintelligible) my master bedroom, and all I know is a shot rang out, he went down and I just saw my wife just, or girlfriend just boom, like is this real? You know what I mean? Like...

Q: Oh, you saw her go down to the ground?

VOLUNTARY STATEMENT

PAGE 15

EVENT #: 111023-0180

STATEMENT OF: MICHAEL JEFFRIES

A: Went down to the ground, you know what I'm saying? _____(mumbling).

I've never been in trouble, you know what I mean? I'm not the perfect kid, you know what I mean?

Q: You never been arrested before?

A: I never been arrested before.

Q: Did you...

A: And that's, that's beside the point in this whole story, you know what I mean? Like I'm trouble free, dude. I just, you know, try to make a living as best as I can, you know what I'm saying? I been try in Corrections the last two years and it's almost damn near impossible these days. I failed the one test, you know what I mean, for writing down, I mean I got the physical and everything but it's either I'm too fucking dumb or you know whatever the hell fucking happens, dude. Or it's not my time, you know what I mean?

Q: What kind of gun do you have?

A: I have a, it's a Glock 21.

Q: Okay

A: You know I'm, you know I'm pretty familiar. My dad's a cop so I been shooting my whole life. I been in the military, been in the Army.

Q: So you know the fundamentals...

A: Yes.

Q: ...of firearm safety and all that business, right?

AA030

VOLUNTARY STATEMENT

PAGE 16

EVENT #: 111023-0180

STATEMENT OF: MICHAEL JEFFRIES

A: Absolutely.

Q: Did you have it in a holster?

A: No, it was just...

Q: It was just between the mattress.

A: It was between the mattress.

Q: _____ (Unintelligible).

A: Yes.

Q: Okay.

A: I mean just like that. (Snaps fingers) Just like (snaps fingers).

Q: Which side of the bed?

A: Well, if you walk in it's left, you know what I mean?

Q: Okay.

A: And all I fucking know, dude, and it's like I don't know if it's natural reaction or whatever, you know what I mean? I been able to handle myself, dude. I been in the military. I been through all that crap, you know.

Q: So when you grabbed the gun and then you turned, he's coming towards you and you...

A: Yeah, he's like running, like all I see is him running towards, like yelling.

Q: Where did you point at him?

A: And I was just like boom, and that was it. Like within that, before I grabbed the gun and I shot him was in less than a second.

VOLUNTARY STATEMENT

PAGE 17

EVENT #: 111023-0180

STATEMENT OF: MICHAEL JEFFRIES

Q: Uh huh.

A: You know what I mean?

Q: Where did--where would you think that you were pointing at? On his, oh his body where do you think you were pointing?

A: I wasn't even pointing. I didn't even have time to go like this, is what I'm telling you.

Q: No, you're--yeah, you're doing like a two-handed aim.

A: I--no, not, one hand.

Q: No, you were explaining the two handed. So you pointed one hand?

A: Yes. Like not even aiming or nothing. Like boom. I mean, dude, I'm, I mean I'm pretty good shot, dude. I been doing this all my whole life, dude. I know what guns are. I'm, you know, a gunsmith kinda, you know what I mean? I know what the fuck's going on. You know if I really wanted to I can ___ (unintelligible) and just head shot, you know what I mean?

Q: So you're showing right-handed, so you picked the gun up right-handed?

A: No, I'm left-handed.

Q: Okay, well you...oh, excuse me, left-handed. Right?

A: This thing was under my--in between my mattress.

Q: Uh huh.

A: I picked that thing up, all I see is him coming, charging, and it's dark in my room. So I don't know what the fuck is going on.

AA032

VOLUNTARY STATEMENT

PAGE 18

EVENT #: 111023-0180

STATEMENT OF: MICHAEL JEFFRIES

Q: Uh huh.

A: So he comes charging in my room and he's in the hallway like rushing toward me.
Boom. Just like that. I mean just like that.

Q: Okay.

A: Okay? Just like that.

Q: But you only pulled the trigger one time?

A: One time. I set the gun on top. I set the gun on the fucking, uh, the kitchen top
right there.

Q: Counter?

A: I said oh my God, I just, I just shot my friend. Like before _____ (unintelligible)
we're all fucking kicking it one second, and the next thing. Now I'm probably
going fucking down for 25 to life because I shot my friend. This is like..

Q: Did you, did, did, ah, Eric carry a gun?

A: No.

Q: Okay. So you never known him to carry any gun?

A: I mean it was just like that, and I was like dude, stop, and stop, and stop, dude.
Please go home, please go home. He mighta carried a gun. I don't know.
But...

Q: Did you know him to carry a gun?

A: He's been know, yeah, I mean I don't know.

Q: Was he carrying a gun that night?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 19

EVENT #: 111023-0180
STATEMENT OF: MICHAEL JEFFRIES

A: I don't know.

Q: I mean tonight? You didn't see him with a gun?

A: No.

Q: Okay.

A: I didn't see him with a gun but I'm not gonna sit there and wait, you know. He might have had--carry a gun, I don't know. This is my best _____ (unintelligible).

Q: Right.

A: _____(mumbling). You know we grew up together. Same every, same everything.

Q: So you don't know where on the body you were pointing at, the gun?

A: The best to my knowledge, I seen him get hit like--I seen the hole like here.

Q: So you're _____(both talking).

A: Because I called 911 and said hey, I just shot my fucking friend, on my God. I couldn't even tell you what the address was. I had to go outside and say yeah, 8745, 8745, come now, come now.

Q: Right. Well what, what were you thinking when you, when you fired? When you, when you pulled the trigger what, what was going through your head?

A: I don't even know. It happened that quick. Like I don't know if he was coming toward to fucking kill me, you know what I mean? 'Cause it wasn't far from where I came to where he was at.

AA034

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 20

EVENT #: 111023-0180
STATEMENT OF: MICHAEL JEFFRIES

Q: How far, how far away from you do you think he was?

A: _____ (unintelligible), I don't even know.

Q: Were you still--you were still at the bed where you grabbed it, right?

A: I maybe walked like a step or two, and he was coming through the door.

Q: Okay.

A: So boom.

Q: How far away do you think? Like from here to the door?

A: I grabbed it right here and he's coming through, boom.

Q: Okay. What do you think distance wise you think he was away from you?

A: About that door, if not, you know, maybe a little bit further. But yeah, that's...

Q: Maybe seven feet? What do you think?

A: It happened so fast.

Q: Okay.

A: I don't...

Q: Well here, from here to the door is about ten feet. How far do you think? You said a little bit further maybe?

A: It's about there, yeah.

Q: Okay.

A: And then he, I mean he dropped right there and I'm like is this real? Is this fantasy land? Is this a video game, you know what I mean? I just shot my fucking friend.

Q: So he _____(both talking).

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 21

EVENT #: 111023-0180
STATEMENT OF: MICHAEL JEFFRIES

A: _____(both talking), you know and I'm seeing him bleed _____
(unintelligible) and I'm like fuck, dude, please stay alive, dude, please. I'm sorry.
I called 911 quick as hell. I couldn't even tell you my address. That's how
freaked out I was.

Q: Yeah.

A: You know? I said 8745, 8745 Don Horton, Don Horton. Please come now.
Please come now. And then they were there within, you know, a couple minutes.
And my girl just fell to the floor. She was like--I was almost doing the same, you
know what I mean? She's like is this real?

Q: Okay. So but you were, you were by the bed where the gun was, and he--and
when you shot him he dropped where you hit him, right? So where, where we
saw, where we--the medical people got to him, that's where he was.

A: Yeah.

Q: And then, um, you came out of your room and went into the kitchen and she fell, or
how, how did you see her go to the ground? Was it when you were on the phone?

A: He came out, he, he fell to the ground. I came out. I put my pistol right there. I
told the cops soon as they came in there my pistol's right there. You know it's a
Glock 21, Glock .45. I'm in shock, you know what I mean?

Q: And that's when she fell or before that?

A: Right when I placed it on the--she was like...

Q: Did she say anything to you?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 22

EVENT #: 111023-0180
STATEMENT OF: MICHAEL JEFFRIES

A: No. Fell to the ground like dead as a rock, you know what I mean? 'Cause she never fucking experienced shit like this, you know what I mean? I never have really, you know what I mean, really. I mean I know how to prepare for it 'cause I been through the military, but...

Q: And your military service is all here state side?

A: No. I was, uh...

Q: (Both talking)

A: ...Fort Irwin for two years.

Q: Okay. But you didn't...

A: I went to Fort Benning for basic training, even though I wasn't even infantry. I signed up right after 911, you know.

Q: Did you see any combat?

A: No. Not actual combat, but we trained all the soldiers to go to combat, 'cause I was at Fort Irwin, it's right near Barstow, 30 miles outside. So I know, you know, we trained everybody, every combat unit and National Guard that comes through, _____ (unintelligible) air base to go there, you know.

Q: But you didn't go yourself?

A: No.

Q: Okay.

A: I got out right when all that shit was... 'cause technically we're the non-deployable base at Fort Irwin. 'Cause it's all, it was a training center.

AA037

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 23

EVENT #: 111023-0180
STATEMENT OF: MICHAEL JEFFRIES

- Q: Uh huh.
- A: So they didn't deploy people. Well you know and this shit kicks off and right when I got out is when they, they deployed our unit for Fallujah to help the Marines out with fuel. That's when I fucking got out.
- Q: How long, how long had you owned that Glock?
- A: I think, I think I've owned it, I don't know, what, four years.
- Q: Have you fired it quite a few times? About how many rounds do you think you put through it?
- A: (No response)
- Q: How many boxes do you think you burned through the thing?
- A: Oh, I shot my share, you know, like a thousand rounds or whatever.
- Q: You think about a thousand rounds?
- A: I mean enough.
- Q: Right?
- A: You know even my dad, me and my dad were supposed to go shooting right now 'cause he's in the academy, so we're suppose to fucking train and go with him.
- Q: Okay. Did you have--do you have extra magazines for it?
- A: Um, yeah, there's like one or two on the ammo boxes that are in the closet. Yes.
- Q: How many round magazines does it have?
- A: Thirteen.
- Q: How do you carry--how do you carry it normally?

AA038

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 24

EVENT #: 111023-0180
STATEMENT OF: MICHAEL JEFFRIES

A: Um, that's my own gun. I have a little 9 that I keep for--I have a CCW, so I keep the 9 _____ (unintelligible) you know go out.

Q: But the Glock, how do you normally load it? Do you have the 13 rounds in the magazine, and one in the chamber?

A: I always put 13 and load one and that's it.

Q: You don't top the magazine back off?

A: No.

Q: All right. So when--the way you had it underneath the bed, there was already a round in the chamber.

A: Uh huh (yes).

Q: You didn't pull it out and chamber a round and then fire?

A: (No audible response)

Q: Okay. Detective Merrick?

FM (F. MERRICK): Um, you, you, your story _____ (unintelligible) when it happened, so tell me how you got from your bedroom to the kitchen, tell me that, that series of story.

A: As far as what?

FM: After you shot, okay.

A: Okay.

FM: Ah, then where'd you go?

A: I saw my homey drop to the ground.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 25

EVENT #: 111023-0180
STATEMENT OF: MICHAEL JEFFRIES

FM: Okay.

A: Okay. I placed my gun on top of the, you know, whatever, kitchen, you know, table, you know right there, because I knew cops were coming.

FM: Okay. Is it a counter or?

A: Counter.

FM: Okay.

A: As soon as I did that, soon as, boom, I mean it was just like (snaps fingers), you know what I mean?

FM: Okay. Um, so there's a hallway. I haven't been in your house, so I don't know what your house looks like. So there's a hallway from your bedroom to your kitchen?

A: Got my bedroom, you got a little simple hallway.

FM: Are you right-handed or left-handed?

A: Left.

FM: Left hand. Can you draw your house, inside your house and show me?

A: I'm not a good artist.

FM: That's all right.

A: Say this is my entry to my room.

FM: Okay.

A: Okay. Bed's right here.

FM: Okay.

AA040

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 26

EVENT #: 111023-0180
STATEMENT OF: MICHAEL JEFFRIES

A: Closet's right here.

FM: Okay.

A: Uh, I got a pool table right here, and it goes like this, and this is the kitchen.

FM: Okay.

A: Okay. There's like a, I don't know what you would call it, bar. I mean it's a high...

Q: Breakfast bar?

A: And you have, you know you have the sink right here, you know what I'm saying?

FM: Uh huh.

A: And your dishwasher's like here. Well this is a table, so it comes down, you know what I mean, like this. You got, uh, it's like a foot. Okay. Came here, bed was here, boom, placed it right here, girl fell down to the ground in shock. Don't know what the fuck's going on.

FM: Okay.

A: And I'm in handcuffs talking to you.

FM: Okay. Um, you said he was, uh, when you turned he was coming into your room, correct? Uh, and you said that the, uh, lights were off in your room.

A: Uh huh.

FM: Were the lights on out there by the pool table?

A: Yes.

FM: So was he silhouetted?

A: Somewhat, you know what I mean? You only had the kitchen lights on because I

AA041

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 27

EVENT #: 111023-0180
STATEMENT OF: MICHAEL JEFFRIES

have a projection TV, so not all my lights are on.

FM: Okay.

A: So it's just the simple kitchen lights that are way, right here.

FM: Okay. But could you see him coming through your door? Was he silhouetted?
You know what I mean by silhouetted?

A: Silhouetted. Man, it was dark, you know he came through, 'cause he actually came through where it was dark.

FM: Right. Right.

A: Man, this is all...

FM: Now you, you said...I know it, it, it, you've know this guy for ten years, but it's really important for you to tell us every little detail, okay?

A: I understand.

FM: Now, tell me, uh, you said he was yelling something, do you remember what he was yelling?

A: It was like fuck you, you ain't gonna stand up for me, and you know getting pissed off 'cause I didn't have his back, and I'm telling him to go the fuck home.

FM: Right.

A: So I think he really got pissed off, you know what I mean?

FM: Did he like this girl or why...

A: No, that never even, like stupid, completely fucking stupid.

FM: Okay.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 28

EVENT #: 111023-0180
STATEMENT OF: MICHAEL JEFFRIES

A: Didn't even know this girl. I didn't really, I mean I know the girl from, she lives, she was my roommate like four years ago, she, 'cause she ____ Biatta, the kids, you know, she was the girlfriend, the girlfriend of the boyfriend, you know what I mean? The guy I've known 20 years, you know what I mean? They don't give a shit. It's been years, ____ (unintelligible) years, you know what I mean? They split up a while ago but Biatta still likes hanging out with her, you know what I mean?

FM: Uh huh.

A: This is the first time I've seen this girl in four years, since she was in, you know, living at my house.

FM: Uh huh.

A: And I don't know what the fucking happened. I...

Q: What's her name, the girl that lived at your house? The one this whole thing's over.

A: Katie is her sister. I mean it'll come to me. I know Katie's the, the little sister. That was the one that was with, what is her name, what is her name? I can't even think of it.

Q: Okay. So when he fell in the doorway, to the, to the bedroom, and after you fired the shot, did you have to step over him to get out and then go _____ (both talking)?

A: Well _____ (unintelligible), my God, what did I fucking do, you know what I mean? 'Cause I didn't want this to happen. This was like this.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 29

EVENT #: 111023-0180
STATEMENT OF: MICHAEL JEFFRIES

FM: Sure.

A: And this is my friend here. This ain't some guy that came in trying to rob me or something, you know what I mean?

FM: All right.

Q: Right.

A: And fuck, I'm just like oh my God, oh my God, I shot this guy.

Q: So leaving the room did you have to step over him to go _____(both talking)?

A: Well he was kinda like, he was kinda laying on the side here. Like when he fell, he was on laying on his side, so yeah, I kinda--I put my--hurried up and put my gun on the fucking table. Or no, it's _____ (unintelligible).

Q: _____ (unintelligible), yeah.

A: So I hurried up, put my gun on this table, you know what I mean? And then I was tending to him, like oh my God, dude, wake up, wake up, dude. Fucking cops are on their way and that's when I called 911 and said please get here as soon as possible. And nobody's not telling me, is he, is he dead, or come on, dude.

FM: We don't know. We don't know.

A: You're homicide so obviously he's dead, right?

FM: We don't know.

A: I fucked up, man. _____(both talking).

FM: We didn't go to the hospital. He was transported to the hospital, correct?

A: Yes.

AA044

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 30

EVENT #: 111023-0180
STATEMENT OF: MICHAEL JEFFRIES

FM: Okay.

A: _____(mumbling), never have people over. Never. 'Cause you never know _____ (unintelligible). This is my best fucking friend for ten years. I can't even cry right, 'cause it's like so unreal. I don't--I'm, I'm in handcuffs, I'm here. Oh my God, what the fuck happened, man? But that's it, detective, you know.

FM: Okay. Thank you. You mentioned something, um, you thought you saw a--that he was shot and you're saying on this, this side right here, right? _____(both talking).

A: _____(both talking) I can, you know, when you're--when this all is just going off, dude, I have no clue. It could have been center mass in his heart. But I think I saw the hole like right here.

FM: Okay. And at what point did you see the hole, is what I'm trying to get at?

A: After I shot him.

FM: Okay.

A: 'Cause as soon as I shot, like what the fuck just happened.

FM: You go put your gun down, right?

A: Yeah.

FM: Okay, and then _____(both talking).

A: I go attend to him 'cause I just shot my friend.

FM: Okay, when you attend to him, tell--I need you to elaborate. What are you, what

AA045

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 31

EVENT #: 111023-0180
STATEMENT OF: MICHAEL JEFFRIES

do you do when you tend to him?

A: I'm, I'm putting him on his side. I'm like helping like he's breathing. I'm seeing, you know, a little bit of _____ (unintelligible). I'm like dude, are you breathing? Like fuck. And I'm just freakin' out.

FM: Was he breathing?

A: I have no idea. I don't even think so.

FM: Was he talking?

A: No.

FM: Okay.

A: I think he was like dead.

FM: Okay, was he unconscious?

A: He wasn't. Not saying nothing, not saying fuck you, you shot me, or nothing. Like as far as I know I'm like sitting here like...and this is all within two seconds, from me fighting with him, to me doing what I did, to now.

FM: Right.

A: It's a matter of two seconds. Nothing more.

FM: Right. Okay.

A: And I'm just like I hope I didn't hit his heart. I hope I didn't, you know, I hope he survives. He's gonna hate me for life, I understand, but dude, I don't wanna take my man's life, you know what I'm saying?

FM: Right. You turn him on his side?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

PAGE 32

EVENT #: 111023-0180

STATEMENT OF: MICHAEL JEFFRIES

A: No, I didn't touch him.

FM: You didn't touch him?

A: I, I...I mean this is all like, you know what I mean?

FM: I know it's hard. I know it's really hard but you gotta understand we...

A: He was, from what I guess, he was like this.

FM: Okay. And you're showing on your _____(both talking).

A: And I'm looking at him like I'm seeing him and the bullet hole is like--I see his shirt.

FM: Okay.

A: 'Cause he's like laying up against the side like this.

FM: What color shirt did he have on?

A: White.

FM: Okay.

A: So you saw.

FM: Right.

A: I mean you saw exactly where the bullet traveled, you know what I'm saying?

FM: Right.

A: I'm not a dumbass. I've been in, you know, _____ (unintelligible) my whole life and shit.

FM: Right.

A: Oh, man, I don't know what happened.

FM: That's all I got.

AA047

VOLUNTARY STATEMENT

PAGE 33

EVENT #: 111023-0180

STATEMENT OF: MICHAEL JEFFRIES

Q: Okay.

A: It's such a fucked up situation.

Q: Can you think of anything else that...

A: Oh man, I'm telling you everything I can remember right now. I'm being honest with you guys. I got nothing to hide or nothing, you know what I'm saying?

Q: And so far as you remember, the, the people that were in the house were your girlfriend Mandy.

A: Uh huh.

Q: Her daughter Brittany.

A: I don't know if she was in the room sleeping with Mary Jane or...

Q: In the house.

A: ...if she was in the living room. I have no clue.

Q: Okay. But just in the house, was there anybody else in the house other than Brittany, Mary Jane, and your...

A: No, 'cause they all left because this fucking, you know he was acting stupid so you know party's over. He's acting like an asshole, so everybody fucking left. And I'm just saying like dude, go the home--go home, dude, everybody left. Who cares? And he just kept fucking. Man. Kept on fucking going and wanting to fight me, and like fuck that dude, you ain't got my back and shit like that.

Q: Do you know Biatta's last name?

A: Uh, Arrington.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 34

EVENT #: 111023-0180
STATEMENT OF: MICHAEL JEFFRIES

Q: Arrington?

A: Yes.

Q: Do you know her phone number?

A: Phone in this pocket, I don't even know. _____ (unintelligible). Right there. Here's her text message, Biatta, so if you go in my contacts.

Q: You didn't call anybody else before 911?

A: No.

Q: Okay.

A: (Unintelligible)

FM: And Kevin, do you have Kevin Arrington's number in here?

A: Yeah, it should be in the contacts. It'll be under ____ (unintelligible).

FM: Under what?

A: Crevho.

FM: Crevho?

A: (Unintelligible)

FM: Contacts.

A: It's under K.

Q: You don't mind if we get it, right? Is that okay?

A: Yeah. My phone.

FM: Crevho 2 or 1?

A: One is I think his primary and then two is like I think his work phone. So I put two

VOLUNTARY STATEMENT

PAGE 35

EVENT #: 111023-0180

STATEMENT OF: MICHAEL JEFFRIES

on there. But take 'em both.

FM: Okay.

A: Or take the phone, call everybody.

FM: Okay. You need some more water? Are you good for now?

A: Is it, can I just go take a leak?

FM: Sure, you can take a leak. Let me get the, uh, officer in here and we'll take you over there, okay?

A: Thank you.

FM: Okay, we'll be right back.

FM: Operator, we're gonna pause the recording, time is 0431 hours.

(PAUSE)

(RESUME)

FM: Okay, operator, we're back on, time is 0434 hours.

Q: Mike, I think only--I just had couple other little questions, and you consider yourself a, a violent guy?

A: No, absolutely not.

Q: I see some scarring on your, on your knuckles.

A: That's from, you know I was raised to be ____ (unintelligible) my whole life ____ (unintelligible).

Q: Not from punching things?

A: That's from, you know this is from a dirt bike fucking going 40 miles an hour off a 15

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 36

EVENT #: 111023-0180
STATEMENT OF: MICHAEL JEFFRIES

foot double.

Q: I just noticed some scarring on your knuckles. That's not from...

A: Well that's...

Q: ...beating on things?

A: No, that's all from Rex and...

Q: Okay. And you said you never been arrested before?

A: Never been arrested before.

Q: Okay. I, um, got a text here, it was inquired as to the condition of the, uh, condition of your friend, and he has passed away. He died at the hospital. I think you probably expected that was the case.

A: I had no clue. I hope, I was hoping that from, I don't know, from what I saw at the _____ (unintelligible), dude, it didn't look like right at his heart, you know what I mean? So I was like please give me, you know.

Q: All right. We're gonna have, um, crime scene analysts are gonna be coming here, one, one crime scene analyst is gonna come here and then take pictures of you. Okay?

A: Okay.

Q: And then, uh, we're gonna get, um, or we need to get a, uh, just because we cover all bases, that's what we do in homicide, we need to get a DNA swab from you. Okay?

A: (Inaudible response)

VOLUNTARY STATEMENT

PAGE 37

EVENT #: 111023-0180

STATEMENT OF: MICHAEL JEFFRIES

Q: I mean we know what we're dealing with. It's not like that's not the situation.

A: I know you weren't in here for if it weren't a fucking homicide.

Q: But we gotta, we gotta cover all our little bases. Okay? So we're gonna get a...

A: This is not real. I gotta be dreaming. Please.

Q: It's real enough.

A: Yeah, _____ (unintelligible).

Q: So we're gonna get some standup photographs and you know photographs of you in the condition that you're in, and then, uh, we're gonna get DNA sample. Okay? And then we're, and then we're gonna be booking you for, for the murder of your friend. All right? And then just everything else, however it plays out. Okay? Are we sitting here thinking that you're a bad guy? No. Okay? Uh, that's not...

A: So I'm being booked on murder, huh?

Q: Uh huh. Well yeah, murder with use. All right? And then the rest of it gets worked out by, by attorneys and judges and all that business. All right? Our deal is to just gather the, the facts, and put 'em down on paper.

A: This is not real.

Q: Do you have any questions for us?

A: No.

Q: All right. Can I get you some more water?

A: Please.

Q: All right. I'm just gonna refill this bottle, okay? It's from a water system so it's

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

PAGE 38

EVENT #: 111023-0180

STATEMENT OF: MICHAEL JEFFRIES

clean.

FM: You haven't called ID yet?

Q: Um, well, uh, Jeff knows we need somebody down here, and then ____
(unintelligible).

FM: Okay. I'll call him and tell him.

Q: _____ (unintelligible). Yeah, just let 'em, let 'em know we're ready
for that.

FM: Okay.

**THIS VOLUNTARY STATEMENT WAS COMPLETED AT 400-A S. MLK ON THE 23rd
DAY OF OCTOBER 2011 AT ____ HOURS.**

DO:FM:sd
11V1006

AA053

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

PAGE 1

EVENT #: 111023-0180

SPECIFIC CRIME: MURDER WITH A DEADLY WEAPON

DATE OCCURRED: 10-23-2011

TIME OCCURRED: 0044 HOURS

LOCATION OF OCCURRENCE: 8745 DON HORTON AVE

CITY OF LAS VEGAS

CLARK COUNTY

NAME OF PERSON GIVING STATEMENT: BRITTANY AMES

DOB: 09-21-98

SOCIAL SECURITY #:

RACE:

SEX:

HEIGHT:

WEIGHT:

HAIR:

EYES:

HOME ADDRESS:

PHONE 1:

WORK ADDRESS:

PHONE 2:

The following is the transcription of a tape-recorded interview conducted by DETECTIVE D. O'KELLEY, P#4209, LVMPD HOMICIDE Section, on 10-27-11 at 0858 hours. Persons present during the interview are Detective D. O'Kelley, P#4209 and Detective J. McCarthy, P#4715 and Brittany Ames and Richard Ames.

Q: This is Detective D. O'Kelley, P#4209, dictating a witness Voluntary Statement under Event #111023-0180. Subject being interviewed is the last name of Ames, A-M-E-S, first name of Brittany, B-R-I-T-T-A-N-Y. She has a date of birth of 09-21 of '98. This interview is being conducted, um, as part of the investigation involving the crime of murder with a deadly weapon, which occurred on 10-23 of 2011, at approximately 0044 hours. Also present during the interview is Brittany's father, uh, Richard Ames and Detective J. McCarthy. This interview is being conducted in

AA054

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 2

EVENT #: 111023-0180
STATEMENT OF: BRITTANY AMES

the first floor interview room at 400 South Martin Luther King. The date is 10-27 of 2011. The time is 0858 hours. Brittany, do you understand this interview is being recorded?

A: Yeah.

Q: Is that okay with you?

A: Yeah.

Q: Alright, um, you were present and you already have a recorded statement from me, but you were present when, um, somebody was killed.

A: Yes.

Q: Can you just recap that for me what you remember from it?

A: Um, it was.

Q: What, what you were doing before and what you remember happening.

A: Um, we were just hanging out and Eric got crazy 'cause someone told him off earlier so he got really mad and they were both really drunk so they were yelling back and forth at each other having a disagreement. And Mike was like, do you need to leave? And he was like, you're seriously gonna walk me out? And he was like, if I have too, there's a two year old in the bedroom sleeping and a 13 year old in front of you. So they got into this huge thing and Mike was like, you're being disrespectful. And he's like, and Eric was like, I'm not being disrespectful and Mike got mad and punched him in the face, and Eric.

Q: Where, where were they when, um, he punched him?

VOLUNTARY STATEMENT

PAGE 3

EVENT #: 111023-0180

STATEMENT OF: BRITTANY AMES

A: We were in the kitchen in like, right there next to the bar in the kitchen.

Q: Okay.

A: And then, um, Mike punched him in the...Eric in the face so Eric fell against the wall, and then Mike punched him like five or six more times and then he got up and he started walking to his room.

Q: Okay, when you say he got up did...so did he knock him to ground?

A: Yeah, or Mike like got up, 'cause Mike was like on his knees hitting him, 'cause Eric was laying down on the floor.

Q: Alright, so then let's, let's walk through that just a little bit more. So you guys were standing by the kitchen by the breakfast bar...

A: Mm hmm.

Q: ...the counter and as they're continuing to argue, um, you...Mike hit Eric in the face?

A: Yes.

Q: And do you remember which hand he used to do that?

A: Left.

Q: So it was his left fist?

A: Mm hmm.

Q: Alright, and then when he, when he hit him the first time what happened after that...at right when he hit him the first time you said he went...backed into the wall?

A: Yeah, he fell completely to the wall, like his body collapsed into the wall and he just

AA056

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 4

EVENT #: 111023-0180
STATEMENT OF: BRITTANY AMES

kinda laid there.

Q: And then he fell to the ground?

A: Mm hmm, and he like...

Q: With the one punch?

A: ...yeah.

Q: Alright, did you see, did you see, um, Eric hitting...did Eric ever hit Mike?

A: No. Eric was trying to like defend his self, like he had his arms up and he tried like punching Mike's face but he couldn't because Mike was on top of him and Mike's much bigger than Eric so he couldn't do it. And then like after like five or six punches Mike got up off of Eric and walked to his room and screamed he's gonna go get his gun. So then my mom looked at me and she was like, you need to go to your room. So I started walking to my room and I turned around once, once I got to my door and then I saw the fire from the gun come out.

Q: Okay.

A: And then I ran into my room and locked the door and then I called my dad and told him what happened.

Q: Alright, so your mom was in the kitchen when this happened?

A: Mm hmm.

Q: And, um, so she, she was able to see and, and hear the...see the fight?

A: Yeah, but she was kinda ignoring it, like she ignored it at first and then once like Mike started punching him really hard she was like, Mike you need to stop, dah,

VOLUNTARY STATEMENT

PAGE 5

EVENT #: 111023-0180

STATEMENT OF: BRITTANY AMES

dah, dah, and she kept on yelling at him to stop but he wouldn't stop so.

Q: Did you ever see Eric with a weapon?

A: Mm mm.

Q: With a knife?

A: No.

Q: With a bottle?

A: No.

Q: With anything in his hands or any kind of threat? Did he ever make any threats against, um, Eric to like kill him or hurt him or...

A: No.

Q: ...stab him or shoot him or anything like that?

A: Earlier, like before they even started fighting he was like, do you wanna go, we can fight if you want to and he was like, no we don't have to fight, dah, dah, dah.

Q: Now who said who?

A: Mike said he was gonna...like Mike asked Eric if he wanted to fight this out and he was like, really you're fight your brother, 'cause there like brothers, they're really close.

Q: Mm hmm.

A: So he was like, if we have to we will so like Eric was like no we don't have to fight.

Q: So Eric never expressed any interest in fighting with, with Mike?

A: Not really.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 6

EVENT #: 111023-0180
STATEMENT OF: BRITTANY AMES

- Q: They never had a weapon?
- A: Mm mm.
- Q: Never actually hit Mike?
- A: Nope.
- Q: Alright, and so at some point you said he's, he's on the floor is that in the kitchen that he's hitting him or is it kinda outside the kitchen area where he's on the floor hitting him?
- A: It's like right next to the doorway, like right next to like the living room and the doorway. 'Cause they were standing in the kitchen next to the bar but like the doorway was right there, so Eric fell towards that way...
- Q: Alright, so then he, he hits him...
- A: ...into the living room.
- Q: ...and then all of a sudden he stands up and says he gonna go get his gun?
- A: Yeah.
- Q: Do you...can you, do you remember quote on quote what he said?
- A: Mm mm, I just know it's, it was something about his gun and he started walking to his room so I knew he was gonna go grab it.
- Q: You knew, you knew him to have a gun?
- A: Yeah, I know where he keeps all of his guns.
- Q: Where, where does he keep the gun?
- A: Um, there's a gun that he keeps tucked under his mattress and it sticks out a little

AA059

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 7

EVENT #: 111023-0180
STATEMENT OF: BRITTANY AMES

bit so you can see the handle and everything.

Q: And where so as, as you walk into the room, describe that for me, where's the bed in the room?

A: The bed's just like once you go to the door the door's kinda arched a little bit to the right so it's a little arch, and the bed's just straight in the middle, and it's on the left side of the bed...

Q: So it's across the room?

A: ...and then it sticks out. Mm hmm.

Q: And it's on the left side of the bed as you're facing it?

A: Yes.

Q: So I'm facing it and it'd be over here and it sticks out on the...is it towards the pillow?

A: It's towards the, it's on the mattress and the gun faces in towards the bed and it.

Q: So, so you can grab the handle?

A: Yeah.

Q: And is it towards where the pillows are?

A: Um, not really it's more like centered right in the middle of the bed.

Q: The middle, okay, okay. And so could you see it, could you see him go into the room?

A: Yeah, I saw him walk.

Q: Could you see him when he was in the room?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 8

EVENT #: 111023-0180
STATEMENT OF: BRITTANY AMES

- A: No.
- Q: Uh, from where you were standing you couldn't actually see into the room?
- A: No, because the door is arched so you can't see anything that I saw until you come out.
- Q: You mean angled like at a slant?
- A: Yeah.
- Q: Okay. So you couldn't see him actually retrieve the gun?
- A: No.
- Q: Did you hear in any...did you hear anything, um, do you know what the sound of a gun when it chambers around, do you know what that sound it?
- A: Yeah.
- Q: You know like chu-chu, you know when there's a sound of a gun being chambered, you ever heard of that?
- A: I didn't hear it.
- Q: Okay.
- A: Not from Mike's gun.
- Q: So you didn't hear it that night?
- A: Yeah, I didn't hear it that night.
- Q: Alright, so all you heard was him go into the room and then when he came did he...did you see him come out of the room?
- A: Yeah, I saw him come out of the room and Eric got up and started going towards

AA061

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 9

EVENT #: 111023-0180
STATEMENT OF: BRITTANY AMES

Mike and Eric was like, whoa and like kinda started backing up a little bit and then it was just really fast and it was just a pop and I ran to my room.

Q: Alright, so did you, you see...you saw, um, Mike point the gun at Eric...

A: Yes.

Q: ...or aim it at him..

A: Mm hmm.

Q: ...and then pull the trigger?

A: Yeah.

Q: Alright, so where was he, Mike, when he fired the, the gun, was he in his room or out of his room?

A: Out of his room right next to the doorway, like only like two feet away from the door.

Q: Alright, so how much of, how much of, um, Mike could you see when you saw the muzzle flash from the gun?

A: His whole body.

Q: Uh, his whole body, alright so from where you were, where you said you were by your room?

A: Yes.

Q: Where's your room in relation to, to, uh, Mike's bedroom?

A: It's right...you just go straight down.

Q: Down the hallway, little hallway thing?

A: Yeah, kinda, it's, it, it's, an entire like open house. There's not really like much

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 10

EVENT #: 111023-0180
STATEMENT OF: BRITTANY AMES

hidden rooms or anything.

Q: Okay.

A: So if you go to his room you just walk straight down and there's this huge open gap and everything so I could see everything from my bedroom door.

Q: Alright, from where your bedroom door is can you see into Mike's room where his bed is?

A: No.

Q: So it would, it would be impossible for you to see him if he was standing by the bed when he shot the...when he fired the shot?

A: Yeah.

Q: So you could see all of his body, which means he was out of the room?

A: Yes.

Q: Is that correct?

A: Yes.

Q: Did you hear him say anything after he said I'm going to get my gun?

A: No, I just saw him walking towards his room and then my mom yelled at me and told me to go to the room and then I turned around for I'd say seconds and I just saw him fire the gun and then that's all I can remember.

Q: He didn't say anything before he pulled the trigger?

A: No.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 11

EVENT #: 111023-0180
STATEMENT OF: BRITTANY AMES

- Q: Did you hear, did you hear Eric say anything before the, before he pulled the trigger?
- A: Not really I just heard like a whoa, like stop, and like that's all I heard.
- Q: Where's he's like whoa.
- A: Yeah....
- Q: Whoa, like when he saw him...
- A: ...he was freaked out.
- Q: ...pointing the gun at him?
- A: Mm hmm.
- Q: Did you see, um, did, did Eric have a gun or a knife or a bottle or anything in his hands at the time?
- A: No, Eric was completely hands free.
- Q: Was he threatening, was he, was he going after him?
- A: No, he was just kinda standing there like kinda freaked out, like he didn't know what to do.
- Q: Freaked out that he was having a gun pointing at him, was that...
- A: Yeah.
- Q: ...what you thought?
- A: That's what it looked like.
- Q: Alright, and then you heard the shot, or you saw the shot, you saw him actually fire it.

AA064

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 12

EVENT #: 111023-0180
STATEMENT OF: BRITTANY AMES

A: Yeah, I saw the fire come out of the gun and everything.

Q: Okay, and just the one shot?

A: Mm hmm.

Q: And then what happened?

A: Um, I can't really remember the rest 'cause I ran to my room and I locked the door and I sat there in the corner and I just called my dad and I started telling him what happened. And then I heard like, I heard some like weird noises like he was like punching a floor or something, it sounded like he was hitting walls, I don't know. And then like five minutes later the police showed up at my bedroom door and they asked me to grab the baby and then we left. And then we were walking out I looked to my left and I saw the blood all over the floor and I freaked out.

Q: Did you, um, did you see this whole argument between, um, Eric and this girl?

A: Yeah, um, kinda like I could hear them yelling 'cause I was outside on the back porch with my mom and I don't know the chick's name, Kat, I don't know her name. But like I could...like we're out there talking and I could hear Eric yelling at this chick she was...he was calling her like, like a bitch and all these things and he kept on going and he was like forget you, dah, dah, dah, dah.

Q: Do you know what it was all about, what was the argument, what?

A: No, I have no clue.

Q: Alright, but then they left?

A: Yeah, they left.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 13

EVENT #: 111023-0180
STATEMENT OF: BRITTANY AMES

Q: So at the time the shot was fired who all was in the house?

A: Um, it was just my mom, me, Eric, and Mike, and then the baby in my room sleeping.

Q: Okay, nobody else was in the house?

A: No.

Q: Nobody else saw it?

A: No.

Q: Okay. Um, and Richard you, you received the phone call from Brittany?

RA: Yes.

Q: And what's your date of birth?

RA: Uh, 03-16-1972.

Q: Okay, and your phone number?

RA: It's, uh, 702-325-0606.

Q: And what do you remember when Brittany called you and, uh, what do you remember saying?

RA: I had just gone to sleep 'cause I had drill in the morning, um.

Q: Drill, are you National Guard?

RA: Army reserve.

Q: Army reserve, okay.

RA: Um, she got on the phone and was crying and dad, dad, Mike just shot him. And I, what, what happened. And she's, uh, and she was kinda...I couldn't really tell

AA066

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 14

EVENT #: 111023-0180
STATEMENT OF: BRITTANY AMES

exactly what she was saying and, and I said, okay well calm down, calm down, tell me what happened. And then at that point somebody else got on the phone and said, is, is this her dad. And I said, yes this is her dad. And then he announced this is officer and I don't remember what his name was.

Q: Okay. So a police officer got on the phone.

RA: Yeah, and he said you need to come down and get your daughter...

Q: Alright.

RA: ...and I told him I'm already on my way out the door.

Q: Okay, and then you came down and you were able to...ultimately you were able to talk to Brittany and what, and what do you remember her telling you?

RA: That she, I didn't want her to tell me anything other than she was okay. I told her not, you know, talk about this later.

Q: Okay.

RA: Um, 'cause I was still trying to get...I had, they brought me Brittany after a couple hours but I still didn't have, uh, um, my ex-wife back yet, she was still and I wanted to make sure that she was okay before we left.

Q: That's Mandy?

RA: Yes.

Q: Alright, and, and what Brittany related to us just now is what she told you ultimately?

RA: For the most part that's it I mean, uh, that's more detail than I had before but.

AA067

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 15

EVENT #: 111023-0180
STATEMENT OF: BRITTANY AMES

- Q: But that's true to our questioning?
- RA: Yeah.
- Q: Okay.
- RA: But she told me that she saw the, the fire from the gun and that she, she saw Mike, and she told me a little bit about the or that Mike is and when she called me I remember her saying that Mike was beating on him and then he said, uh, uh, I'm gonna get my gun and then he came out and I saw the flash and I ran in my room and I locked the door.
- Q: Okay. Brittany did, did it appear to you as though it was an accident that he fired?
- A: No.
- Q: Did it look like he did this on, like he came out with the intent to shoot him?
- A: Yeah, he looked really mad, like really mad and Mike's never threatened anyone with a gun so it, it seemed pretty serious to me. And it, it was like a full on aim it wasn't like a, just like a pop like his arms were arched out and ready and up.
- Q: So his arms extended, did he have both hands or one?
- A: He had both hands and he had his left, yeah, 'cause he's left handed so I know like he stands and everything.
- Q: Have you ever seen him shot a gun before?
- A: Yes.
- Q: Alright, so you've gone shooting with him before? He's pretty familiar with firearms you'd say?

AA068

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 16

EVENT #: 111023-0180
STATEMENT OF: BRITTANY AMES

A: Yeah, he was in the military so.

Q: Alright. So he had a two handed stance when he fired the gun?

A: Yes.

Q: So both hands, one supporting the other and, and both arms extended forward?

A: Yeah.

Q: Alright. Detective McCarthy?

JM (Jason McCarthy): When you say he had both hands, hands or arms extended forward, where's the gun at, is it like, he, like I'm showing you right now and I'm aiming if I were to have a gun and I'm aiming, something like that. I mean it was nothing where his hands were all over the place?

A: No, it was just a straight aim towards Eric.

JM: Straight aim toward Eric both hands...we call that a weaver stand, just like I'm showing you now.

A: Like he was ready to take shot at something serious.

Q: Mm hmm.

JM: Okay. And do you remember him saying anything afterwards when you were running into your.... I know it was a lot of commotion and stuff going on I'm sure, but when you ran into your room after seeing him fire did you hear anything after that, anything at all? Maybe not so much something being said, but did you hear any noise...what did you hear as far as noise wise?

A: I heard like a little bit of like it sound like someone was hitting something like, like

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 17

EVENT #: 111023-0180
STATEMENT OF: BRITTANY AMES

trying to get their anger out and punching counters or something. So it sound like, it sound like they were like tossing things around trying to do something but I couldn't really tell like what they were doing.

JM: Okay. Did you hear anything that was, uh, unusual from that I mean, do you know what it sounds like to either, uh, when a guns chambered?

A: Yeah.

JM: Did you hear anything like that?

A: No. I only heard the one gun shot. That's all I could hear.

JM: Okay.

Q: Uh, do you have anything else to add to your statement that you think might be helpful in our investigation?

A: Not really.

Q: Okay. Do you have anything else to add?

JM: No. I just wanna make sure that she's okay and that ultimately that her mom is okay and.

Q: Okay. That's gonna be the end of the interview. The same persons are present. The time is now 0914 hours.

THIS VOLUNTARY STATEMENT WAS COMPLETED AT 400 SOUTH MARTIN LUTHER KING ON THE 27TH DAY OF OCTOBER, 2011 AT 0914 HOURS.

DO:JM:ct
11V1039

AA070

1 CASE NO. C279451
2 DEPARTMENT NO. 1

 ORIGINAL

FILED
MAR 23 2012

Shawna J. McIntosh
CLERK OF COURT

3
4 IN THE JUSTICE COURT OF LAS VEGAS TOWNSHIP
5 COUNTY OF CLARK, STATE OF NEVADA

6 * * * * *

C-12-279451-1
TRAN

Reporters Transcript
1805879



7 THE STATE OF NEVADA,)
8 Plaintiff,)
9 vs.)
10 MICHAEL JOSEPH JEFFRIES,)
11 Defendant.)
12

CASE NO. 11F18708X

13 REPORTER'S TRANSCRIPT
14 OF
15 PRELIMINARY HEARING
16 BEFORE THE HONORABLE DEBORAH LIPPIS
17 JUSTICE OF THE PEACE
18 TUESDAY, FEBRUARY 7, 2012
19 10:00 A.M.

20 APPEARANCES:
21 For the State: BERNIE ZADROWSKI, ESQ.
22 NICKOLAS GRAHAM, ESQ.
23 Deputies District Attorney
24 For the Defendant: CHARLES KELLY, ESQ.
25 Attorney at Law

Reported by: Shawna J. McIntosh, RPR, CCR No. 770

SHAWNA J. MCINTOSH, RPR, CCR NO. 770
(702) 671-3464

RECEIVED
MAR 23 2012
CLERK OF THE COURT

I N D E XWITNESSES FOR THE STATE:PAGEBRITTANY AMES

Direct Examination by Mr. Zadrowski	6
Cross-Examination by Mr. Kelly	23
Redirect Examination by Mr. Zadrowski	51
Recross-Examination by Mr. Kelly	58

LARY SIMMS

Direct Examination by Mr. Graham	61
Cross-Examination by Mr. Kelly	70
Redirect Examination by Mr. Graham	87

--o0o--

4

1 LAS VEGAS, NEVADA, FEBRUARY 7, 2012

2 * * * * *

3
4
5 (State's Proposed Exhibits 1, 2, and 3,
6 respectively, were marked for identification)

7
8 THE COURT: Mr. Kelly is present with his
9 client, Michael Jeffries.

10 Sir, you can come down and have a seat
11 next to your attorney.

12 Mr. Jeffries is present, in custody,
13 with Mr. Kelly.

14 MR. KELLY: Can we have one of his hands cut
15 loose, Judge?

16 THE COURT: Yes.

17 And the State is represented by
18 Mr. Graham and Mr. Zadrowski.

19 Gentlemen, Mr. Kelly and State, are we
20 ready?

21 MR. ZADROWSKI: We're ready, Judge.

22 MR. KELLY: We're ready, Judge.

23 THE COURT: All right. State, you may call
24 your first witness.

25 MR. ZADROWSKI: Thank you, Your Honor.

5

1 The State calls Miss Ames.

2 THE COURT: Miss Ames.

3 MR. ZADROWSKI: Brittany Ames.

4 THE COURT: Thank you.

5 MR. KELLY: We don't need to invoke the rule,
6 the State's only going to call two witnesses, correct?

7 MR. ZADROWSKI: That's correct.

8 And the second one is our --

9 THE COURT: And they're both outside?

10 MR. ZADROWSKI: No. They're -- Your Honor,
11 the medical examiner is being contacted right now.

12 THE COURT: Okay. Thank you.

13 Good morning, ma'am.

14 THE WITNESS: Good morning.

15 THE COURT: Right up at the witness chair, if
16 you will, please.

17 If you would remain standing, raise
18 your right hand and listen to what my clerk has to
19 say.

20 Whereupon,

21 BRITTANY AMES,

22 having been first duly sworn to testify to the truth,
23 the whole truth and nothing but the truth, was
24 examined and testified as follows:

6

1 THE CLERK: Please have a seat.

2 State your name for the record. Spell
3 your first and last name for the record, please.

4 THE WITNESS: Brittany Ames.

5 B-r-i-t-t-a-n-y, A-m-e-s.

6 THE COURT: Ma'am, it will help if you swing
7 around just a little bit, you're facing the wall.

8 And there's a microphone right in
9 front of you. You don't have to talk down into it,
10 just scoot up a little bit, if you will, please. Keep
11 your voice up.

12 State, you may proceed.

13 MR. ZADROWSKI: Thank you, Your Honor.

14 DIRECT EXAMINATION

15
16
17 BY MR. ZADROWSKI:

18 Q. Brittany, how old are you?

19 A. Thirteen.

20 Q. And do you go to school?

21 A. Yes.

22 Q. Where do you go to school?

23 A. Johnson Junior High Middle School.

24 Q. Okay. And where do you live?

25 A. I live with my father at 8401 West Charleston.

7

1 Q. Okay. I want to take you back to a date --
2 well, let's do this first. Your father, what's your
3 father's name?

4 A. Richard Ames.

5 Q. Okay. And at any point in the time period of
6 November of 2011, did you spend time with anybody else
7 or live anywhere else?

8 A. No.

9 Q. Did you ever spend time with your mother
10 during that time period?

11 A. She would come over to our house.

12 Q. Okay. Are you familiar with the address of
13 8745 Don Horton, here in Clark County, Nevada?

14 A. Yes.

15 Q. And what is that address to you?

16 A. That is my mom's boyfriend's house.

17 Q. Okay. And you say your mom's boyfriend. And
18 just as a preliminary matter here, does your mom live
19 with her boyfriend?

20 A. Not anymore.

21 Q. Back in November of 2011 did she?

22 A. No.

23 Q. Okay. Did you spend a lot of time over there
24 at 8745 Don Horton?

25 A. Yes.

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8

1 Q. Okay. And did you spend a lot of time with
2 your mother in general?
3 A. Yes.
4 Q. Did there come a point in time later on when
5 you stopped spending more time with Mom and started
6 spending more time with Dad?
7 A. Not really.
8 Q. It's always been kind of consistent?
9 A. Yes.
10 Q. Okay. Even up to today?
11 A. Yes.
12 Q. Okay. All right. Well, I want to take you
13 back to November 23rd of 2011, at about early evening
14 hours. On this particular day were you at the --
15 A. It was October.
16 Q. I'm sorry? October, yes.
17 A. It was October when this happened, not
18 November.
19 Q. Oh, I apologize, did I say November?
20 A. Yes.
21 MR. KELLY: Three times.
22 MR. ZADROWSKI: Thank you, Mr. Kelly.
23 BY MR. ZADROWSKI:
24 Q. On that -- in October of -- 23rd of 2011,
25 were you at that address at Don Horton?

9

1 A. Yes.
2 Q. Okay. And tell us what you were doing there
3 early afternoon.
4 A. I was spending the evening with my mom and
5 her boyfriend.
6 Q. And your mother's name is what?
7 A. Mandy Ames.
8 Q. All right. And her boyfriend's name is what?
9 A. Mike Jeffries.
10 Q. Do you see Mike Jeffries in court here today?
11 A. Yes.
12 Q. Would you please point to him and describe --
13 MR. KELLY: We'll stipulate to identity, Judge.
14 MR. ZADROWSKI: Okay.
15 THE COURT: The record will reflect the
16 identification of the defendant, Mr. Michael Joseph
17 Jeffries.
18 BY MR. ZADROWSKI:
19 Q. Okay. And back to that date, what were you
20 doing?
21 A. We were just hanging out and just having a
22 normal day. And then we ended up going to the park
23 later on that night.
24 Q. And tell us who is we?
25 A. Me; my mom; Mike; and my baby cousin,

10

1 Mary Jane.
2 Q. And how old is Mary Jane?
3 A. Two.
4 Q. All right. And you guys went to the park
5 that day?
6 A. Yes.
7 Q. A Sunday was it?
8 A. I think so.
9 Q. Okay. And what were you doing at the park?
10 A. We were just sliding, swinging, and playing.
11 Q. And then later on what did you do after the
12 park?
13 A. Mike got a call from one of his friends, and
14 they were saying they were coming over. So we ended
15 up leaving the park and went back home. And then his
16 friends came over.
17 Q. All right. And who were his friends that
18 came over?
19 A. Her name is Biate (phonetic) and then Biate's
20 friend came there, but I don't know any of their names.
21 Q. How many total people came over?
22 A. I believe five.
23 Q. And so these five people, one of them was a
24 person named Eric, correct?
25 A. Yes.

11

1 Q. Okay. And that's Eric Gore?
2 A. Yes.
3 Q. And when he came over about what time was that?
4 A. I can't remember but it was pretty late.
5 Q. How late?
6 A. Around nine, ten.
7 Q. All right. And what was going on at that time?
8 A. They were heavily drinking, and we had the
9 music blaring, it was very loud. And pretty much they
10 were just drinking and having fun and laughing and
11 talking and playing pool.
12 Q. Tell us what -- who was doing the drinking and
13 who was playing pool. Be very specific for us, okay?
14 A. Everyone there was drinking. Everyone was
15 doing shots and drinking beers. And everyone was
16 playing pool.
17 We did couples, like we had, like, my
18 mom and Mike go against another couple. That's what
19 they were doing.
20 Q. And you being 13 years old, you were not
21 drinking, correct?
22 A. Not at all.
23 Q. All right. Your mother, was she drinking?
24 A. Yes.
25 Q. And Eric -- Eric Gore, was he drinking?

AA074