

1 ORTIZ, BENJAMIN
2 VAANDERING, B.
3 VERWEY, STEVE
4 WASS, EDWARD
5 WILLIAMS, T.
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

3625 Boulder Hwy., #3041, LV, NV
LVMPD P# 13575
Unknown Address
133 Voltaire Ave., Henderson, NV
LVMPD P# 3811

DA#13F20476X/erg
LVMPD EV#1312220648
(TK12)

3

W:\2013F20476\13F20476-INFM-PIMENTEL_LUIS-001.DOCX


CLERK OF THE COURT

MOT
PHILIP J. KOHN, PUBLIC DEFENDER
NEVADA BAR NO. 0556
NANCY L. LEMCKE
Deputy Public Defender
Nevada Bar No. 5416
CONOR M. SLIFE
Deputy Public Defender
Nevada Bar No. 11277
309 South Third Street, Suite #226
Las Vegas, Nevada 89155
(702) 455-4685
Attorneys for Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

v.

LUIS PIMENTEL,

Defendant.

CASE NO. C-14-296234-1

DEPT. NO. V

DATE: July 21, 2014
TIME: 9:00 a.m.

MOTION TO WITHDRAW AS ATTORNEY OF RECORD

COMES NOW, the Defendant, LUIS PIMENTEL, by and through NANCY L. LEMCKE and CONOR M. SLIFE, Deputy Public Defenders, and moves this Honorable Court to allow the Clark County Public Defender's Office to withdraw as attorney of record in the instant matter due to a conflict of interest. This Motion is based upon all the papers and pleadings on file herein, Memorandum of Points and Authorities in support hereof, and any oral argument at the time set for hearing this Motion.

DATED this 21st of July, 2014.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By: 
NANCY L. LEMCKE, #5416
Deputy Public Defender

By: 
CONOR M. SLIFE, #11277
Deputy Public Defender

POINTS AND AUTHORITIES

A. Facts.

In the early morning hours of December 2013, an argument ensued between Robert "Bobby" Holland, III, and his girlfriend, Amanda Lowe, at Arizona Charlies. After Bobby became physical with Amanda, hotel security escorted him from the property. PHT p. 75; 97. Instead of leaving, Bobby, having ingested lethal quantities of methamphetamine, paced back and forth in the parking lot, waiting for Amanda to leave the hotel. PHT p. 44-47; 65; 97.

While Bobby was pacing in the parking lot, his friend Timothy Hildebrand pulled up with Timothy's fiancée, Shannon Salazar. Since all were friends, Bobby asked Timothy and Shannon to find Amanda inside the casino and ask her to come out and speak with him. PHT p. 97; 64. Timothy and Shannon found Amanda playing keno the instant defendant, Luis "Lorenzo" Pimental. PHT 64-65; 97. Timothy explained to Amanda that Bobby was outside wanting to speak with her. PHT p. 65. Amanda eventually agreed to go outside and speak with Bobby. PHT p. 65; 100. While she was doing this, Timothy and Lorenzo went to Lorenzo's hotel room to gather his belongings. PHT p. 65-66. About the time the two men were ready to leave the room, Amanda showed up. PHT p. 103. They exited the hotel room to find Bobby outside being removed from the property by hotel security. PHT p. 103. At that point, Bobby and Lorenzo began "arguing back and forth about kicking each other's ass." PHT p. 103. According to Timothy, Lorenzo appeared as though he wanted to fight, and told Bobby "kind of meet me at my house." PHT p. 74. Timothy then went to get his car while Lorenzo checked out of the room, and the two men then left with Amanda and Shannon to leave. PHT p. 66-67. All four individuals drove to Lorenzo's apartment at a nearby Siegel Suites. PHT p. 67.

Amanda and Shannon dropped Lorenzo and Timothy off at Lorenzo's apartment. PHT p. 68-70. After the girls drove off to a nearby bar, Lorenzo and Timothy noticed Bobby standing atop the stairs outside of Lorenzo's third floor apartment. PHT p. 68-71. Apparently, Bobby called his father, Robert Holland, III, and requested a ride from Arizona Charlie's to Lorenzo's apartment in order to find Amanda. PHT p. 129; 145. Bobby came down the stairs and approached Lorenzo. PHT p. 107. The two men started arguing. PHT p. 107. At some point during the verbal exchange,

1 Bobby told Lorenzo he did not want to fight; then he drew back and punched Lorenzo in the face.
2 PHT p. 77; 107; 110. Lorenzo staggered back and, according to Timothy, pulled a gun from his
3 waist. PHT p. 77-78. Lorenzo pulled the trigger but the gun misfired. PHT p. 78. Bobby
4 responded by threatening: "What are you gonna do, shoot me dude?" PHT p. 79. Lorenzo then
5 shot Bobby in the stomach area. PHT p. 79. Bobby fell to the ground. PHT p. 79. According to
6 Timothy, Lorenzo then approached Bobby and fired a second shot into his backside. PHT p. 86.
7 Bobby died as a result of his wounds. Based on the foregoing, prosecutors charged Luis Pimentel
8 with Murder With Use of a Deadly Weapon.

9 Mr. Pimentel retained attorney John Momot, Esq. to represent him through the preliminary
10 hearing of this matter. Thereafter, Mr. Momot withdrew as counsel of record and the Court
11 appointed the Clark County Public Defender's Office to represent Mr. Pimentel. In preparing the
12 matter for trial, defense counsel learned that the CCPD's office has represented the decedent in the
13 instant matter as well as several of the percipient witnesses. That representation is summarized as
14 follows:

- 15 - Robert "Bobby" Holland, III in 2012 (Possession of a Controlled Substance charge
16 ultimately resolved to a misdemeanor Possession of Dangerous Drugs Not to be Introduced
17 into Interstate Commerce);
- 18 - Timothy Hilderbrand in 2005 (Possession of a Controlled Substance, negotiated to
19 Possession of Dangerous Drugs Not to be Introduced into Interstate Commerce, a
20 misdemeanor) and 2010 (same);
- 21 - Robert Holland, II in 2002 (Forgery/Theft, negotiated to Attempt Forgery, a gross
22 misdemeanor) and 2007 (Possession of a Controlled Substance, negotiated to Possession of
23 Dangerous Drugs Not to be Introduced into Interstate Commerce, a misdemeanor);
- 24 - Amanda Lowe in 2010 (Possession of a Controlled Substance, negotiated to Possession of
25 Dangerous Drugs Not to be Introduced into Interstate Commerce, a misdemeanor) and 2011
26 (Possession of Stolen Vehicle, negotiated to Unlawful Taking of Vehicle, a gross
27 misdemeanor).

28 Upon learning the above, defense counsel notified the prosecutor that the instant Motion to
Withdraw would be forthcoming. The trial of this matter is still over two months away, and defense
counsel wanted to place the instant Motion on calendar as soon as practicable in order to allow this
Honorable Court to adjudicate any potential conflict posed by the CCPD's representation of

1 individuals mentioned above. Defense counsel has taken numerous steps to prepare the instant
2 matter for trial, including preparing relevant pre-trial motions. Accordingly, any delay, if any,
3 occasioned by aforementioned conflict(s) should be minimal. Notably, the currently-scheduled
4 September trial of this matter represents the first trial setting.

5 B. Law.

6 A criminal defendant is entitled to effective assistance of counsel. Strickland v. Washington,
7 466 U.S. 668 (1984). This includes a duty of loyalty, and a "duty to avoid conflicts of interest." Id.
8 at 688 (emphasis added). Accordingly, counsel is presumed to be ineffective when burdened by an
9 actual conflict of interest. Id. at 692 (citing Cuyler v. Sullivan, 446 U.S. 335, 345-350 (1980)).

10 Rule 1.7(a) of the Nevada Rules of Professional Conduct ("NRCP") states that "a lawyer
11 shall not represent a client if the representation involves a concurrent conflict of interest." A
12 concurrent conflict of interest exists if "[t]here is a significant risk that the representation of one or
13 more clients will be materially limited by the lawyer's responsibilities to another client, a former
14 client or a third person..." Rule 1.7(a)(2). A concurrent conflict of interest may be waived if the
15 lawyer reasonably believes that the lawyer will be able to provide competent and diligent
16 representation to each affected client and each affected client gives informed consent, confirmed in
17 writing. Rule 1.7(b)(1) and (b)(4). Additionally, lawyers shall not represent a person whose
18 interests are materially adverse to a former client and about whom the lawyer had acquired
19 confidential information protected by Rules 1.6 and 1.9(e).

20 Based upon the information known to defense counsel as of this writing, counsel may be
21 forced to adopt positions antagonistic to one or more of the above-named CCPD clients, including
22 the instant decedent. This may give rise to one or more conflicts of interest, as set forth in the NRPC
23 rules outlined above. Should the Court determine that resolution of the instant matter requires
24 disclosure of additional, otherwise privileged information about Mr. Pimentel's defense, defense
25 counsel would request leave to provide that information via sealed affidavit.

26 ///

27 ///

28 ///

CONCLUSION

For the reasons set forth above, the Clark County Public Defender's Office respectfully requests that this Honorable Court review the instant matter to determine if any conflict of interest exists sufficient to warrant removal of the CCPD's Office as attorney of record.

DATED this 9th of July, 2014.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By: 
NANCY L. LEMCKE, #5416
Deputy Public Defender

By: 
CONORM M. SLIFE, #11277
Deputy Public Defender


1 **NOTICE OF MOTION**

2 TO: CLARK COUNTY DISTRICT ATTORNEY, Attorney for Plaintiff:

3 YOU WILL PLEASE TAKE NOTICE that the foregoing MOTION TO
4 WITHDRAW AS ATTORNEY OF RECORD will be heard on 2nd/9th day of July, 2014, at 9:00 a.m.
5 in Department No. V of the District Court.

6 DATED this 9th day of July, 2014.

7 PHILIP J. KOHN
8 CLARK COUNTY PUBLIC DEFENDER

9
10 By: 
11 NANCY L. LEMCKE / #5416
12 Deputy Public Defender

13 **CERTIFICATE OF ELECTRONIC SERVICE**

14 I hereby certify that service of MOTION TO WITHDRAW AS ATTORNEY OF
15 RECORD, was made this 15th day of July, 2014, by Electronic Filing to:

16
17 CLARK COUNTY DISTRICT ATTORNEY'S OFFICE
18 Motions@clarkcounttyda.com

19 SAMUEL BATEMAN, Deputy District Attorney
20 E-Mail: samuel.bateman@clarkcounttyda.com

21 By: 
22 Sara Ruano
23 Secretary for the Public Defender's Office
24
25
26
27
28

OST

PHILIP J. KOHN, PUBLIC DEFENDER
NEVADA BAR #0556
309 S. Third Street
Las Vegas, Nevada 89155
(702)455-4685
Attorney for Defendant


CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

LUIS PIMENTEL,

Defendant.

CASE NO. C-14-296234-1

DEPT: V

ORDER SHORTENING TIME

GOOD CAUSE APPEARING THEREFOR, it is hereby ordered that the time for hearing on Defendant's Motion to Withdraw As Attorney of Record in the instant case be, and the same is hereby shortened to July 21, 2014, at 9:00 a.m.

DATED this 14th day of July, 2014.


DISTRICT JUDGE 

SUBMITTED BY:

CLARK COUNTY PUBLIC DEFENDER

BY


NANCY L. LEMCKE, #5416
DEPUTY PUBLIC DEFENDER

CERTIFICATE OF ELECTRONIC SERVICE

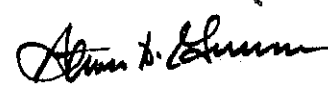
I hereby certify that service of ORDER SHORTENING TIME, was made this

15th day of July, 2014, by Electronic Filing to:

CLARK COUNTY DISTRICT ATTORNEY'S OFFICE
Motions@clarkcountydade.com

By: Sara Ruano
Sara Ruano
Secretary for the Public Defender's Office

1 ORDER
2 PHILIP J. KOHN, PUBLIC DEFENDER
3 NEVADA BAR NO. 0556
4 309 South Third Street, Suite #226
5 Las Vegas, Nevada 89155
6 (702) 455-4683
7 Attorney for Defendant


CLERK OF THE COURT

8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

10 THE STATE OF NEVADA,

11 Plaintiff,

12 v.

13 LUIS PIMENTEL,

14 Defendant.

CASE NO. C-14-296234-1

DEPT. NO. V

15 ORDER


16 The Petition of LUIS PIMENTEL submitted by NANCY L. LEMCKE, Deputy
17 Public Defender, as attorney for the above-captioned individual, having been filed in the above-
18 entitled matter,

19 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that you, STEVE
20 GRIERSON, Clerk of the Eighth Judicial District Court of the State of Nevada, in and for the
21 County of Clark, issue a Writ of Habeas Corpus.

22 DATED AND DONE at Las Vegas, Nevada, this 15 of July, 2014.

23 
DISTRICT COURT JUDGE

24 Submitted By:
25 PHILIP J. KOHN
26 CLARK COUNTY PUBLIC DEFENDER

27 By 
28 NANCY L. LEMCKE, #5416
Deputy Public Defender

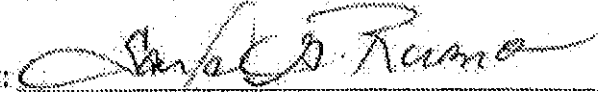
CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that service of ORDER, was made this 16TH day of July, 2014, by
Electronic Filing to:

CLARK COUNTY DISTRICT ATTORNEY'S OFFICE
Motions@clarkcountyda.com

SAMUEL BATEMAN, Deputy District Attorney
E-Mail: samuel.bateman@clarkcountyda.com

By:



Sara Ruano

Secretary for the Public Defender's Office


CLERK OF THE COURT

1. WRTH
2. PHILIP J. KOHN, PUBLIC DEFENDER
3. NEVADA BAR NO. 0556
4. 309 South Third Street, Suite #226
5. Las Vegas, Nevada 89155
6. (702) 455-4685
7. Attorney for Defendant

8. DISTRICT COURT
9. CLARK COUNTY, NEVADA

10. THE STATE OF NEVADA,

11. Plaintiff,

CASE NO. C-14-296234-1

DEPT. NO. V

12. LUIS PIMENTEL,

13. Defendant.

14. WRIT OF HABEAS CORPUS

15. To: Clark County Sheriff
16. Clark County, Nevada

17. GREETINGS:

18. We command that you have the body of the above-captioned person, by you
19. imprisoned and detained, as it is alleged, together with the time and cause of such imprisonment and
20. detention, by whatever name said above-captioned person shall be called or charged, before the
21. Honorable Carolyn Ellsworth, District Court Judge, at her chambers or her courtroom in the
22. Regional Justice Center in the City of Las Vegas, County of Clark, State of Nevada, on July 23,
23. 2014 at the hour of 9:00 a.m., to do and receive that which shall then and there be considered
24. concerning the said above-captioned person; and have you then and there this Writ.

25. DATED AND DONE this _____ of July, 2014.

26. STEVE GRIERSON, COUNTY CLERK

27. By:

DEPUTY

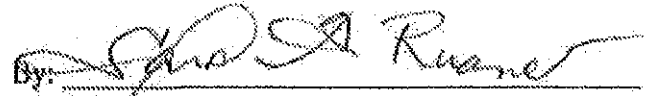
JUL 17 2014

JOSHUA RAAK

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that service of WRIT OF HABEAS CORPUS, was made this 18th
day of July, 2014, by Electronic Filing to:

CLARK COUNTY DISTRICT ATTORNEY'S OFFICE
Motions@clarkcountydade.com

By: 

S. Ruano
Secretary for the Public Defender's Office

CERTIFICATE OF FACSIMILE

A COPY of the above and foregoing Writ of Habeas Corpus was sent via facsimile to
the CLARK COUNTY DETENTION CENTER at (702) 671-3763 on this 18th day of July, 2014.

By: 

Sara Ruano
Secretary for the Clark County Public Defender's Office

Case Name: LUIS PIMENTEL

Case No.: C-14-296234-1

Dept. No. V


CLERK OF THE COURT

1 **RET**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 SAMUEL G. BATEMAN
6 Chief Deputy District Attorney
7 Nevada Bar #008764
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 State of Nevada

DISTRICT COURT
CLARK COUNTY, NEVADA

12 In the Matter of Application,

13 of

Case No. C296234

Dept No. V

14 LUIS PIMENTEL, aka,
15 Luis Godofredo Pimentel, III,
16 #1444838,

for a Writ of Habeas Corpus.

RETURN TO WRIT OF HABEAS CORPUS

DATE OF HEARING: 7/28/2014
TIME OF HEARING: 9:00 A.M.

20 COMES NOW, DOUG GILLESPIE, Sheriff of Clark County, Nevada, Respondent,
21 through his counsel, STEVEN B. WOLFSON, District Attorney, through SAMUEL G.
22 BATEMAN, Chief Deputy District Attorney, in obedience to a writ of habeas corpus issued
23 out of and under the seal of the above-entitled Court on the 18th day of July, 2014, and made
24 returnable on the 23rd of July, 2014, at the hour of 9:00 o'clock A.M., before the above-entitled
25 Court, and states as follows:

26 ///

27 ///

1. The allegation(s) in Paragraph 1 of said Petition for Writ of Habeas Corpus do not require admission or denial.

2. The Petitioner is in the actual or constructive custody of DOUG GILLESPIE, Clark County Sheriff, Respondent herein, pursuant to a Criminal Information, attached as an Exhibit to the Petition for Writ of Habeas Corpus.

3. Respondent denies the allegations of Paragraph 3 of said Petition for Writ of Habeas Corpus.

4. The allegations in Paragraphs 4, 5, and 6 of said Petition for Writ of Habeas Corpus do not require admission or denial.

Wherefore, Respondent prays that the Writ of Habeas Corpus be discharged and the Petition be dismissed.

DATED this 25th day of July, 2014.

Respectfully submitted,
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565

BY /s/ Samuel G. Bateman
 SAMUEL G. BATEMAN
 Chief Deputy District Attorney
 Nevada Bar #008764

POINTS AND AUTHORITIES

STATEMENT OF FACTS

Petitioner Luis Pimentel challenges the probable cause finding in this case as it relates to the theory of criminal liability that he engaged in a “challenge to fight” with the victim in this case, Robert “Bobby” Holland, and during this fight, became liable for First Degree Murder when he shot and killed Bobby. Consequently, the State will confine its recitation of the facts to those facts pertinent to one of the State’s theories that the killing took place as a result of Pimentel’s challenge to fight Bobby.

1 According to the eyewitness, Tim Hildebrand, Bobby was looking for Amanda at the
2 Arizona Charlies on December 22, 2013. (Grand Jury Transcript, 60, 73). When he
3 encountered both Pimental and Bobby, it appeared Pimental wanted to fight Bobby. (GJT,
4 73). Hildebrand developed this opinion throughout the evening based on the fact that Pimentel
5 "kept telling [Bobby] that [Pimentel] wanted to fight." (GJT, 74). Pimentel first told Bobby
6 that Pimentel wanted to fight that night at Arizona Charlies. (GJT, 74). Hildebrand testified
7 that Pimentel "kept telling [Bobby], kind of meet me at my house," which was at Siegel Suites.
8 (GJT, 74). Pimentel told Bobby that Pimentel wanted to fight Bobby "like ten" times. (GJT,
9 74). In response, Bobby said "yeah, yeah, I'll meet you there, I'll meet you there." (GJT, 74-
10 75).

11 Later that morning, at the Siegel Suites, Bobby confronted Pimentel. (GJT, 72).
12 Specifically, Bobby told Pimentel that Pimentel was not going to have sexual relations with
13 Bobby's girlfriend Amanda. (GJT, 72). Pimentel responded "the hell I'm not," and that
14 Pimental planned on showing Amanda "what a real man is." (GJT, 72-73). After Pimentel
15 told Bobby that Pimentel intended on having sex with Bobby's girlfriend and to show her
16 "what a real man is," Bobby punched Pimentel in the face. (GJT, 76). Pimentel stumbled
17 back and then lifted his shirt to pull out a firearm. (GJT, 77). Bobby stated "what are you
18 going to do, shoot me dude?" (GJT, 79). Pimentel pointed the firearm at Bobby and pulled
19 the trigger, but the gun misfired. (GJT, 77). Pimentel then shot Bobby. (GJT, 79).

20 DISCUSSION

21 **I. CHALLENGE TO FIGHT FIRST DEGREE MURDER IS** 22 **APPROPRIATELY PLED IN ONE COUNT OF OPEN MURDER**

23 At the close of evidence at the preliminary hearing, which occurred on February 25,
24 2014, the State moved to amend its complaint to include a first-degree murder theory of
25 "challenge to fight" pursuant to NRS 200.450. (GJT 147-48). The Justice of the Peace agreed
26 that "there was testimony by Mr. Hildebrand, both at Arizona Charlie's, that Mr. Pimentel, the
27 Petitioner was instigating or challenging Bobby to a fight ... that Lorenzo kept telling Bobby
28 he wanted to fight." (GJT, 154). Petitioner now challenges the Information charging

1 Petitioner with one Count of Open Murder on the grounds that 1) the Information is improperly
2 pled as it relates to one of the State's first-degree murder theories, specifically, "challenge to
3 fight;" and 2) that insufficient evidence was adduced at the preliminary hearing to support
4 either the theory or a separate charge of first-degree murder under NRS 200.450. The
5 challenge to fight theory is properly encompassed in an open murder charge under NRS
6 175.501, and attendant NRS Chapter 200 jurisprudence, however, and theories of liability are
7 not appropriately challenged by way of a pre-conviction petition for Writ of Habeas Corpus.

8 As noted, Petitioner is charged in Count 1 with one Count of Murder with Use of a
9 Deadly Weapon. The definition of Murder is identified in NRS 200.010, defining Murder as
10 the "unlawful killing of a human being ... with malice aforethought, either express or implied
11"¹ It further states that "the unlawful killing may be affected by any of the various means
12 by which death may be occasioned." NRS 200.010. Thus, a killing with malice is "murder"—
13 generally, considered Second Degree Murder—unless it was done in an enumerated manner
14 as shown by the particular facts of an individual case, at which time it would be deemed a First
15 Degree Murder as a matter of law.

16 The Nevada Supreme Court has long held that

17 'An information charging murder without specifying the degree is
18 sufficient to charge murder in the first degree. Statutes which
19 provide different punishments for first and second degree murder
20 do not create two separate and distinct crimes-murder in the first
21 degree and murder in the second degree-which must be pleaded
22 accordingly. It is permissible to simply charge murder and leave

22 ¹ Malice can be present in the absence of an express intent to kill and "as applied to murder
23 does not necessarily import ill will toward the victim, but signifies general malignant
24 recklessness of others' lives and safety or disregard of social duty." *Thedford v. Sheriff*, 86
25 Nev. 741, 744, 476 P.2d 25, 27 (1970). "[T]he presence of malice is a question of fact which
26 bears directly on the guilt or innocence of a petitioner and upon the degree of the crime
27 charged. It is not a question to be determined by the magistrate at a preliminary examination-
28 it is a question to be determined by the trier of fact at the trial of the case." *Thedford v. Sheriff*,
86 Nev. 741, 476 P.2d 25 (1970)(citing *State v. Acosta*, 49 Nev. 184, 242 P.2d 316 (1926));
"Neither a preliminary hearing, nor a hearing upon a petition for a writ of habeas corpus is
designed as a substitute for this function (a trial)." *Id* at 28 (quoting *State v. Fuchs*, 78 Nev.
63, 368 P.2d 869 (1962)).

1 the degree to be stated by the jury. . . . The words 'murder in the
2 first degree' are a legal conclusion. The facts alleged in the
indictment and proof of trial determine degree.'

3 Howard v. Sheriff, 83 Nev. 150, 425 P.2d 596 (1967). Put more succinctly, "[a]n open murder
4 complaint charges murder in the first degree and all necessarily included offenses." See Minor
5 v. Lamb, 86 Nev. 54, 464 P.2d 451 (1970). First degree murder and second degree murder (or
6 manslaughter) are not separate and distinct crimes which must be pleaded accordingly. See
7 Thedford v. Sheriff, 86 Nev. 741, 476 P.2d 25 (1970); Howard v. Sheriff, 83 Nev. 150, 425
8 P.2d 596 (1967). Thus, there need not be evidence of first degree murder to support an open
9 murder charge at the probable cause stage. See Wrenn v. Sheriff, 87 Nev. 85, 482 P.2d 289
10 (1971).

11 In Thedford, the Court upheld an Open Murder charge that included reference to NRS
12 200.010 and NRS 200.070, the "involuntary manslaughter" statute. Involuntary manslaughter
13 is a lesser-included of Murder. Thus, a charge of Open Murder includes first degree, second
14 degree murder and, if the evidence supports, voluntary manslaughter. Voluntary
15 Manslaughter is defined in NRS 200.060. See Williams v. State, 99 Nev. 530, 531, 665 P.2d
16 260, 261 (1983) (holding that voluntary manslaughter as defined in NRS 200.040, 050, and
17 060, is a lesser-included offense of murder). Nevada statute support this conclusions as well.
18 Specifically, NRS 175.501 states that a petitioner may be found guilty of an offense
19 necessarily included in the offense charged.

20 In this case, Petitioner is charged with Open Murder which can include Murders of the
21 First and Second Degree, and manslaughter. The Information identifies two theories in which,
22 if the facts support at the time of trial, a Jury could find Petitioner guilty of First Degree
23 Murder. First Degree Murder is defined in NRS 200.030. Two relevant definitions of First
24 Degree Murder are the following:

25 1. Murder of the first degree is murder which is:

26 (a) Perpetrated by means of poison, lying in wait or torture, or by
27 any other kind of willful, deliberate and premeditated killing;

28 (b) Committed in the perpetration or attempted perpetration of
sexual assault, kidnapping, arson, robbery, burglary, invasion of

1 the home, sexual abuse of a child, sexual molestation of a child
2 under the age of 14 years, child abuse or abuse of an older person
or vulnerable person pursuant to NRS 200.5099

3 In this case, the Information alerts Petitioner that one theory of First Degree Murder
4 that the State intends to pursue at trial is "willful, deliberate and premeditated" killing. NRS
5 200.030(1)(a). The State has also included another theory of why Petitioner's killing of Bobby
6 in this case constitutes First Degree Murder. Pursuant to NRS 200.450, "[i]f a person, upon
7 previous concert and agreement, fights with any other person or gives . . . a challenge verbally
8 or in writing to fight any other person," and death is occasioned or ensues, that person "is
9 guilty of murder in the first degree which is a category A felony and shall be punished as
10 provided in subsection 4 of NRS 200.030." Petitioner argues, however, that a violation of this
11 section that results in death constitutes a separate charge of First Degree Murder. Petitioner
12 is correct that, short of death occurring, the plain language of the statute creates a crime for
13 giving and/or accepting a challenge to fight where death is not occasioned. The plain language
14 of the statute, read in conjunction with NRS 200.030, which is referenced in NRS 200.450,
15 however, coupled with relevant case law in Nevada creates a theory of First Degree Murder
16 from NRS 200.450 that can be included in an Open Murder count.

17 As noted, NRS 200.450(3) plainly states that someone who occasions death by a
18 challenge to fight "is guilty of first degree murder." The only statutory provision defining
19 what is First Degree Murder is NRS 200.030(1). Thus, this Court must read NRS 200.030 and
20 NRS 200.450 together to determine whether First Degree Murder pursuant to NRS 200.450 is
21 a stand-alone charge or can be included as a theory of mens rea under NRS 200.030. See
22 Holmes v. State, 114 Nev. 1357, 1363-64, 972 P.2d 337, 341 (1998) (Commission of a felony
23 and premeditation are merely alternative means of establishing the single mens rea element of
24 first degree murder, rather than constituting independent elements of the crime). Indeed, it is
25 this Court's obligation to construe statutory provisions in harmony with each other when
26 possible. See Williams v. Clk. Co. Dist. Attorney, 118 Nev. 473, 485, 50 P.3d 536, 543 (2002).

27 So why should a challenge-to-fight killing be considered a theory of First Degree
28 Murder as opposed to a separate count? Consider the practical effect of what Petitioner is

1 arguing. The alternative is to have two separate counts of, functionally, First Degree Murder
2 in this case. Count one would be an Open Murder count in which the State will argue
3 premeditation, deliberation, and willfulness is present and that Petitioner should be convicted
4 of First Degree Murder. Count two would be a “Challenge to Fight – First Degree Murder”
5 wherein the State would argue the killing took place as a result of a challenge to fight and
6 subsequent fight itself. Potentially, Petitioner could be convicted of two separate counts of
7 First Degree Murder in this case. The Court and parties would then be in the position of having
8 to argue whether these counts are unconstitutionally duplicative and, if not, the statutory
9 scheme contemplates two punishments under NRS 200.030 and NRS 200.450. See Jackson
10 v. State, 291 P.3d 1274, 1277-78 (2012).

11 Given that NRS 200.030 defines First Degree Murder, the more appropriate course of
12 action for the Court is to harmonize the statutes to the extent they conflict and determine that
13 if a killing occurs in the course and scope of the conduct proscribed in NRS 200.450, that the
14 killing becomes not an independent element of the crime but a means of establishing the single
15 mens rea of First Degree Murder. See Holmes, supra. This would also allow implementation
16 of the Nevada Supreme Court’s long-standing jurisprudence that a jury need not be unanimous
17 on theories of liability, such as in the case where a First Degree Murder is pled alternatively
18 by enumerated means, premeditation and deliberation, or felony murder. See Crawford v.
19 State, 121 Nev. 744, 749-50, 121 P.3d 582, 586 (2005).

20 The most sounds way of viewing the “challenge to fight” theory within NRS 200.030,
21 is to deem it a functional equivalent to the felony murder rule in NRS 200.030(1)(b). Setting
22 aside premeditation and deliberation for the moment, the various means aggravating a murder
23 to First Degree include enumerated means in NRS 200.030(1)(a)—use of poison, lying in wait,
24 and torture, are different from the felony murder rule in subsection (b), in that they do not
25 denote actual crimes. See Collman v. State, 116 Nev. 687, 712-13, 7 P.3d 426, 442 (2000).
26 Thus, murder must be established with both a killing and malice, and then if the facts
27 demonstrate one of these enumerated means, the designation of the murder is First Degree by
28 law. Id. Felony murder on the other hand imparts malice from the commission or attempted

1 commission of the underlying dangerous felony. *Id.* Thus a killing, not necessarily even
2 intentional, occurring in the course of the commission of the dangerous felony is deemed First
3 Degree Murder. See *Sanchez-Dominguez v. State*, 130 Nev. Adv. Op 10, __ Nev. __, 318 P.3d
4 1068, 1075 (2014). The underlying felony need not even be pled as a charge to support a
5 conviction of First Degree Murder. See *Shaw v. State*, 104 Nev. 100, 102, 753 P.2d 88, 102
6 (1988), overruled on other grounds, *Alford v. State*, 111 Nev. 1409, 906 P.2d 714 (1995).

7 The challenge to fight statute operates in the same manner as the felony murder rule.
8 Because the challenge to fight statutes explicitly states that a challenge to fight murder is a
9 First Degree Murder and because First Degree Murder is defined in NRS 200.030, this Court
10 can simply treat challenges to fight that reach the level of a killing as a theory of the element
11 of mens rea for First Degree Murder under NRS 200.030, and include said theory along with
12 any other theories identified in the same statute in one count of Open Murder. This harmonizes
13 the statutes and negates the need for further discussion as to whether the State must charge
14 two separate counts of Murder, both potentially First Degree Murder, for the underlying acts
15 in the case when there exists only one murder-victim.

16 **II. SUFFICIENT EVIDENCE EXISTS TO SUPPORT THE THEORY OF**
17 **CHALLENGE TO FIGHT EVEN THOUGH THE STATE NEED NOT SUPPORT**
18 **THEORIES OF FIRST DEGREE MURDER AT A PROBABLE CAUSE HEARING**

19 The State need not prove probable cause of First Degree Murder; the State must only
20 prove probable cause exists for one count of Open Murder. See *Howard v. Sheriff*, 83 Nev.
21 150, 153, 425 P.2d 596, 597 (1967) (“Statutes which provide different punishments for first
22 and second degree murder do not create two separate and distinct crimes—murder in the first
23 degree and murder in the second degree—which must be pleaded accordingly.”). Simply put,
24 there need not be evidence of first degree murder to support an open murder charge. See
25 *Wrenn v. Sheriff*, 87 Nev. 85, 482 P.2d 289 (1971). Thus, Petitioner’s claim that insufficient
26 evidence exists to hold him to answer to this theory, assuming the Court agrees with the State’s
27 position that it should be a theory as opposed to a separate count, is legally meritless.

28 In any event, however, the State plainly admitted sufficient evidence to support the
theory and to provide Petitioner notice of the theory. According to the eyewitness, Tim

1 Hildebrand, Bobby was looking for Amanda at the Arizona Charlies on December 22, 2013.
2 (Grand Jury Transcript, 60, 73). When he encountered both Pimental and Bobby, it appeared
3 Pimental wanted to fight Bobby. (GJT, 73). Hildebrand developed this opinion throughout
4 the evening based on the fact that Pimentel "kept telling [Bobby] that [Pimentel] wanted to
5 fight." (GJT, 74). Pimentel first told Bobby that Pimentel wanted to fight that night at Arizona
6 Charlies. (GJT, 74). Hildebrand testified that Pimentel "kept telling [Bobby], kind of meet
7 me at my house," which was at Siegel Suites. (GJT, 74). Pimentel told Bobby that Pimentel
8 wanted to fight Bobby "like ten" times. (GJT, 74). In response, Bobby said "yeah, yeah, I'll
9 meet you there, I'll meet you there." (GJT, 74-75). Bobby proceeded to the Siegel Suites
10 where a fight ensued with Pimental and Bobby was shot and killed.

11 This testimony plainly demonstrates that Pimentel challenged Bobby orally to a fight,
12 Bobby accepted the challenge, a fight occurred and Bobby's death ensued. Pursuant to NRS
13 200.450, this course of conduct constitutes a challenge to fight and is illegal. The evidence at
14 the preliminary hearing is clear and unequivocal.

15 **III. THE STATE SEEKS LEAVE OF COURT TO AMEND THE INFORMATION**
16 **TO INCLUDE THE STATUTORY REFERENCE NRS 200.450; HOWEVER,**
17 **OTHERWISE THE INFORMATION PLAINLY NOTICES PETITIONER OF THE**
18 **STATE'S THEORIES OF FIRST DEGREE MURDER**

18 The State concedes that the present Information improperly fails to include reference
19 to NRS 200.450 in the Open Murder caption. This is both an oversight and in part a result of
20 compliance with the recently enacted "NOC code" procedures. Nonetheless, the State seeks
21 leaves of Court to amend the Information to properly reference the appropriate statute. This
22 Court "may permit an indictment or information to be amended at any time before verdict or
23 finding if no additional or different offense is charged and if substantial rights of the petitioner
24 are not prejudiced." NRS 173.095(1). The Nevada Supreme Court has held that adding an
25 alternative theory or principle of criminal liability does not amount to adding new charges or
26 changing existing charges and does not prejudice the substantial rights of the petitioner, so
27 long as the petitioner had adequate notice of the theory. See State v. Eighth Judicial District
28 Court, 116 Nev. 374, 377-79, 997 P.2d 126, 129-30 (Nev. 2000).

1 The Petitioner has ample notice of the theory as it was presented and argued at the
2 preliminary hearing. Petitioner obviously has notice based on the very filing of the pretrial
3 Petition. Simply adding reference to the appropriate statute does not change or alter
4 substantively the count of Open Murder and does not prejudice the Petitioner going forward.

5 The content of the Information, however, is sufficient to give Petitioner notice that the
6 State is proceeding on theories of premeditation and deliberation and a challenge to fight. In
7 Moore v. State, the Nevada Supreme Court upheld the following language as sufficiently
8 descriptive to give the petitioner notice of the State's first degree felony-murder theory:

9 COUNT I—MURDER WITH USE OF A DEADLY WEAPON
10 ... [O]n or about April 24, 1994, petitioner ... did then and there,
11 willfully, feloniously, without authority of law, with malice
12 aforethought and premeditation and/or during the course of
committing Robbery and/or Attempt Robbery, kill JIMMIE
EARL WYANT with a deadly weapon, to-wit: a firearm, during
the commission of said crime....

13 Moore v. State, 116 Nev. 302, 305, 997 P.2d 793, 795 (2000). As in Moore, the State identifies
14 the date, the victim, and the theories of liability. If the Court believes more specific allegations
15 should be made, the State is entitled to amend the Information to so allege.

16 CONCLUSION

17 Based on the foregoing, the State respectfully requests that the Writ of Habeas Corpus
18 be discharged and the Petition be dismissed.

19 DATED this 25th day of July, 2014.

20 Respectfully submitted,
21 STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565

22
23 BY /s/ Samuel G. Bateman
24 SAMUEL G. BATEMAN
25 Chief Deputy District Attorney
26 Nevada Bar #008764
27
28

CERTIFICATE OF FACSIMILE TRANSMISSION

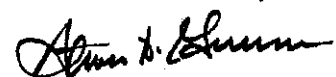
I hereby certify that service of Return to Writ of Habeas Corpus, was made this 25th day of July, 2014, by facsimile transmission to:

PUBLIC DEFENDER
Fax # 702-384-1969

BY: /s/ Stephanie Johnson

Stephanie Johnson
Secretary for the District Attorney's Office

13F20476X/SGB/saj/L-1


CLERK OF THE COURT

1 MDIS
2 PHILIP J. KOHN, PUBLIC DEFENDER
3 NEVADA BAR NO. 0556
4 NANCY M. LEMCKE
5 Deputy Public Defender
6 Nevada Bar No. 5416
7 CONOR M. SLIFE
8 Deputy Public Defender
9 Nevada Bar No. 11277
10 309 South Third Street, Suite 226
11 Las Vegas, Nevada 89155
12 (702) 455-4685
13 Attorneys for Defendant

8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

10 THE STATE OF NEVADA,
11 Plaintiff,
12 v.
13 LUIS PIMENTEL,
14 Defendant.

CASE NO. C-14-296234-1
DEPT. NO. V
DATE: August 11, 2014
TIME: 9:00 a.m.

16 MOTION TO COMPEL PRODUCTION OF DISCOVERY

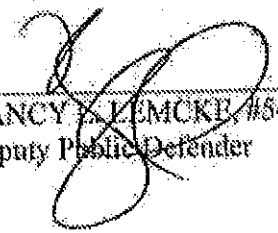
17 COMES NOW, the Defendant, CHARLES REDD, by and through NANCY M. LEMCKE
18 and CONOR M. SLIFE, Deputy Public Defenders, and hereby requests that this Honorable Court
19 compel production of discovery as outlined below.

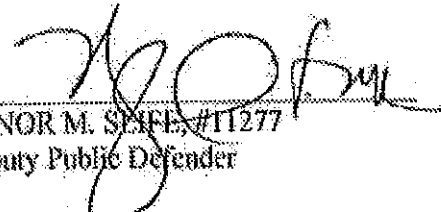
20 This Motion is made and based upon all the papers and pleadings on file herein and
21 oral argument at the time set for hearing this Motion.

22 DATED this 20th day of July 2014.

23 PHILIP J. KOHN
24 CLARK COUNTY PUBLIC DEFENDER

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

25
26 By: 
27 NANCY M. LEMCKE, #5416
28 Deputy Public Defender

By: 
CONOR M. SLIFE, #11277
Deputy Public Defender

I. STATEMENT OF FACTS

In the early morning hours of December 2013, an argument ensued between Robert "Bobby" Holland, III, and his girlfriend, Amanda Lowe, at Arizona Charlies. After Bobby became physical with Amanda, hotel security escorted him from the property. PHT p. 75; 97. Instead of leaving, Bobby, having ingested lethal quantities of methamphetamine, paced back and forth in the parking lot, waiting for Amanda to leave the hotel. PHT p. 44-47; 65; 97.

While Bobby was pacing in the parking lot, his friend Timothy Hildebrand pulled up with Timothy's fiancée, Shannon Salazar. Since all were friends, Bobby asked Timothy and Shannon to find Amanda inside the casino and ask her to come out and speak with him. PHT p. 97; 64. Timothy and Shannon found Amanda playing keno the instant defendant, Luis "Lorenzo" Pimental. PHT 64-65; 97. Timothy explained to Amanda that Bobby was outside wanting to speak with her. PHT p. 65. Amanda eventually agreed to go outside and speak with Bobby. PHT p. 65; 100. While she was doing this, Timothy and Lorenzo went to Lorenzo's hotel room to gather his belongings. PHT p. 65-66. About the time the two men were ready to leave the room, Amanda showed up. PHT p. 103. They exited the hotel room to find Bobby outside being removed from the property by hotel security. PHT p. 103. At that point, Bobby and Lorenzo began "arguing back and forth about kicking each other's ass." PHT p. 103. According to Timothy, Lorenzo appeared as though he wanted to fight, and told Bobby "kind of meet me at my house." PHT p. 74. Timothy then went to get his car while Lorenzo checked out of the room, and the two men then left with Amanda and Shannon to leave. PHT p. 66-67. All four individuals drove to Lorenzo's apartment at a nearby Siegel Suites. PHT p. 67.

Amanda and Shannon dropped Lorenzo and Timothy off at Lorenzo's apartment. PHT p. 68-70. After the girls drove off to a nearby bar, Lorenzo and Timothy noticed Bobby standing atop the stairs outside of Lorenzo's third floor apartment. PHT p. 68-71. Apparently, Bobby called his father, Robert Holland, III, and requested a ride from Arizona Charlie's to Lorenzo's apartment in order to find Amanda. PHT p. 129; 145. Bobby came down the stairs and approached Lorenzo. PHT p. 107. The two men started arguing. PHT p. 107. At some point during the verbal exchange, Bobby told Lorenzo he did not want to fight; then he drew back and punched Lorenzo in

1 the face. PHT p. 77; 107; 110. Lorenzo staggered back and, according to Timothy, pulled a gun
2 from his waist. PHT p. 77-78. Lorenzo pulled the trigger but the gun misfired. PHT p. 78.
3 Bobby responded by threatening: "What are you gonna do, shoot me dude?" PHT p. 79. Lorenzo
4 then shot Bobby in the stomach area. PHT p. 79. Bobby fell to the ground. PHT p. 79. According
5 to Timothy, Lorenzo then approached Bobby and fired a second shot into his backside. PHT p. 86.
6 Bobby died as a result of his wounds. Based on the foregoing, prosecutors charged Luis Pimentel
7 with Murder With Use of a Deadly Weapon.

8 II. POINTS AND AUTHORITIES

9 A. PROSECUTORS ARE REQUIRED TO DISCLOSE BOTH INCULPATORY AND 10 EXCULPATORY INFORMATION PRIOR TO TRIAL.

11 1. Prosecutors must disclose *inculpatory* evidence.

12 Nevada Revised Statute 174.235 requires disclosure of:

- 13
14 1. Written or recorded statements or confessions made by the defendant, or any
15 written or recorded statements made by a witness the prosecuting attorney
16 intends to call during the case in chief of the state, or copies thereof, within the
17 possession, custody or control of the state, the existence of which is known, or
18 by the exercise of due diligence by become known, the prosecuting attorney.
- 19 2. Results or reports of physical or mental examinations, scientific tests or
20 scientific experiments made in connection with the particular case, or copies
21 thereof, within the possession, custody or control of the state, the existence of
22 which is known, or by the exercise of due diligence may become known, to the
23 prosecuting attorney.
- 24 3. Books, papers, documents, tangible objects, or copies thereof, which the
25 prosecuting attorney intends to introduce during the case in chief of the state
26 and which are within the possession, custody or control of the state, the
27 existence of which is known, or by the exercise of due diligence may become
28 known, to the prosecuting attorney.

¹This includes medical data/imaging/films/reports and/or slides, histological, colposcopic, or otherwise. The Sixth Amendment's right to counsel guarantees obligate defense counsel to conduct "an adequate pre-trial investigation into [] medical evidence." *Gersten v. Senkowski*, 426 F.3d 588, 605 (2d Cir. 2005). This duty includes obtaining and reviewing pertinent medical imaging such as colposcopic slides, even when the State's medical expert has opined that the medical examination(s) reveal no significant findings or are otherwise "normal." *Id.* at 605, 607-10 ("If a medical examination of the alleged victim failed to reveal any evidence clinically indicative of sexual penetration, that failure would constitute strong affirmative evidence that forced sexual penetration did not occur."). Thus, the discovery obligation(s) set forth in NRS 174.235(2) require prosecutors to disclose otherwise invasive physical imaging and/or testing.

- 1 a. Prosecutors must disclose all inculpatory evidence, regardless of
2 whether the material is intended for use in the government's case in
3 chief.

4 Prosecutors may not lawfully withhold inculpatory material and information from the
5 defense simply because they do not intend to present the material or information during the
6 government's case in chief. State v. Harrington, 9 Nev. 91, 94 (1873); People v. Carter, 312 P.2d
7 665, 675 (Cal.1957); People v. Bunyard, 756 P.2d 795, 809 (Cal. 1988). Any holding to the
8 contrary would allow prosecutors to engage in unfair surprise by withholding inculpatory material
9 from the government's case in chief, only to surprise the defense by using it in rebuttal.

- 10 b. NRS 174.235 requires disclosure of all statements made by a
11 defendant, regardless of whether the statement(s) are reduced to
12 writing and/or recorded.

13 Notably, while NRS 174.235 obligates prosecutors to disclose a defendant's *written or*
14 *recorded* statements, fundamental fairness requires the statute extend to any unrecorded oral
15 statement(s) and/or any statement(s) for which a defendant can be held vicariously liable. Courts
16 have recognized the "fundamental fairness" involved in "granting the accused equal access to his
17 own words, no matter how the Government came by them." U.S. v. Caldwell, 543 F.2d 1333,
18 1353 (D.D.C. 1974). This fairness should extend not only to written or recorded statements, but
19 unrecorded oral statements as well as those for which a defendant can be held vicariously liable.
20 Under NRS 51.035(3)(a)-(e), a defendant can be held vicariously liable for a statement made by a
21 third party.² See also Fields v. State, 220 P.3d 709 (2009) (evidence of defendant's silence
22 following wife's complaint that she was in jail because of his conduct admissible as an adoptive
23 admission). Thus, NRS 174.235 should be construed to include within the definition of a
24 defendant's "statement" both unrecorded oral statements as well as those for which he/she can be
25 held vicariously liable.

- 26 c. NRS 174.235 requires disclosure of any/all rough notes prepared in
27 connection with the investigation of the instant matter.

28 ² NRS 51.033(3)(b), which excepts from the definition of hearsay a "statement offered against a party" that is "[a] statement of which [the party against whom it is offered] has manifested his adoption or believe in its truth."

1 Raw notes made by any law enforcement officer or other prosecution agent in connection
2 with the investigation of instant matter must be disclosed to the defense. Notably, this does not
3 include information amounting to work product. In Hickman v. Taylor, 329 U.S. 495, 508-11
4 (1947), the U.S. Supreme Court recognized the privileged nature of discussions relating to the
5 preparation of a case of trial.³ The 'work product doctrine' announced in Hickman shelters not
6 only material generated by an attorney in preparation for trial, but by his/her agent, as well:

7 At its core, the work product doctrine shelters the mental processes of the attorney,
8 providing a privileged area within which he can analyze and prepare his client's
9 case. But the doctrine is an intensely practical one, grounded in the realities of
10 litigation in our adversary system. One of those realities is that attorneys often
11 must rely on the assistance of investigators and other agents in preparation for trial.
12 It is therefore necessary that the doctrine protect material prepared by agents for the
attorney as well as those prepared by the attorney as well as those prepared by the
attorney himself. Moreover, the concerns reflected in the work-product doctrine do
not disappear once trial has begun...

13 U.S. v. Nobles, 422 U.S. 225, 238-39 (1975).

14 Codifying this, NRS 174.235(2) exempts from discovery by a criminal defendant:

- 15 (a) An internal report, document or memorandum that is prepared by or on
16 behalf of the prosecuting attorney in connection with the investigation or
17 prosecution of the case.
- 18 (b) A statement, report, book, paper, document, tangible object or any other
19 type of item or information that is privileged or protected from
disclosure or inspection pursuant to the constitution or laws of this state
or the Constitution of the United States.

20 Accordingly, only raw notes generated by, or on behalf of, the prosecutor are exempted from
21 disclosure. Any other raw note(s) compiled during the investigation of this matter must be turned
22

23 ³ "In performing his various duties, however, it is essential that a lawyer work with a certain degree of privacy, free
24 from unnecessary intrusion by opposing parties and their counsel... Proper preparation of a client's case demands that
25 he assemble information, sift what he considers to be the relevant from the irrelevant facts, prepare his legal theories
26 and plan his strategy without undue and needless interference... This work is reflected, of course, in interviews,
27 statements, memoranda, correspondence, briefs, mental impressions, personal beliefs, and countless other tangible and
28 intangible ways - aptly... termed... as the 'work product of the lawyer.' Were such materials open to opposing
counsel on mere demand, much of what is now put down in writing would remain unwritten. An attorney's thoughts,
heretofore inviolate, would not be his own. Inefficiency, unfairness and sharp practices would inevitably develop in
the giving of legal advice and in the preparation of cases for trial. The effect on the legal profession would be
demoralizing. And the interests of clients and the cause of justice would be poorly served." *Id.*

1 over pursuant to the disclosure obligation conferred by NRS 174.235 or, in the case of exculpatory
2 material, Brady v. Maryland, *infra*.

3 a. Prosecutors must disclose exculpatory evidence as required by the U.S. and
4 Nevada Constitutions.

5 The United States and Nevada Constitutions require disclosure of all exculpatory evidence
6 of which prosecutors are in actual or constructive possession prior to trial. U.S.C.A. V, VI, XIV;
7 Nev. Const. Art. 1, Sect. 8; Brady v. Maryland, 373 U.S. 83 (1963); Kyles v. Whitley, 514 U.S.
8 419, (1995); Jimenez v. State, 112 Nev. 610, 618 (1996) ("It is a violation of due process for the
9 prosecutor to withhold exculpatory evidence, and his motive for doing so is immaterial....The
10 prosecutor represents the state and has a duty to see that justice is done in criminal prosecution,").
11 This means prosecutors must turn over material evidence that is favorable to the defendant. U.S. v.
12 Bagley, 473 U.S. 667, 675 (1985). Material evidence is evidence that is logically connected with
13 the facts of consequences or the issues in the case. Wyman v. State, 217 P.3d 572, 583 (Nev.
14 2009). The rule applies regardless of how a prosecutorial agency structures its overall discovery
15 process. Strickler v. Greene, 527 U.S. 263, (1999).

16 1. 'Favorable evidence' includes impeachment information.

17 The Due Process Clause of the Fifth and Fourteenth Amendments require that the State
18 disclose "any information about its witnesses that could cast doubt on their credibility." U.S. v.
19 Jennings, 960 F.2d 1488, 1490 (9th Cir. 1992); see also U.S. v. Bagley, *supra*, 473 U.S. 667
20 (1985). Accordingly, 'favorable evidence' includes impeachment information pertaining to any/all
21 government witnesses. Giglio v. U.S., 405 U.S. 150, 154 (1972); Youngblood v. West Virginia,
22 547 U.S. 867 (U.S. 2006); U.S. v. Bagley, *supra*, 473 U.S. at 676 (requiring disclosure of all
23 impeachment evidence).

24 a. Cooperation agreements and benefits.

25 Impeachment evidence includes any/all cooperation agreement(s) between a government
26 witness and prosecutors. Giglio v. U.S., 405 U.S. 150, 154 (1972) (requiring disclosure of
27 cooperation agreement between government witness and prosecutors). It also includes benefits
28 provided to a state witness, regardless of whether an explicit deal is outlined. Browning v. State,

1 120 Nev. 347, 369 (2004). It is the witness' own anticipation of reward, not the intent of the
2 prosecutor, which gives rise to the required disclosure. Moore v. Kemp, 809 F.2d 702, 726, 729-30
3 (11th Cir. 1987), cert. denied, 481 U.S. 1054 (1987); Duggan v. State, 778 S.W.2d 465, 468 (Tex.
4 Crim. App. 1989) (Agreements need not be express or formal arrangements, and understanding
5 merely implied, suggested, insinuated, or inferred to be of possible benefit to witness constitutes
6 proper material for impeachment). And 'benefits' are not limited to agreement made in relation to
7 the specific case at issue. Jimenez v. State, 112 Nev. 610, 622-23 (1996). For example,
8 prosecutors must disclose evidence that a witness acted as a paid informant on one or more
9 occasions. State v. Bennett, 119 Nev. 589, 603 (2003).

10 Finally, 'benefits' can include, but are not necessarily limited to, travel and/or lodging
11 benefits, as well as counseling, treatment, or other assistance, including immigration assistance of
12 any kind, whether actual or anticipatory. This is relevant to issues regarding possible bias,
13 credibility, and motive to lie, all of which constitute impeachment evidence. See Davis v. Alaska,
14 415 U.S. 308 (1974). Check cites.

15 b. Criminal histories.

16 Impeachment material includes evidence relating to a witness' criminal history. Briggs v.
17 Raines, 652 F.2d 862, 865-66 (9th Cir. 1981) (under Brady, rap sheet useful to prove a witness'
18 history or propensity for a relevant character trait should be produced). This encompasses
19 information that is more than ten (10) years old. See Moore v. Kemp, 809 F.2d 702 (9th Cir.
20 1987) (entire criminal record should be disclosed). It further includes criminal history information
21 maintained by law enforcement agencies other than the Las Vegas Metropolitan Police
22 Department⁴, such as the federal government's National Crime Information Center ("NCIC")
23 database.⁵ See also FN 2, *supra*.

24 ⁴ See Odle v. U.S., 65 F. Supp. 2d 1065 (N.D. Cal. 1999), rev'd on other grounds by Odle v. Woodford, 238 F.3d 1084
25 (9th Cir. 2001), (holding that "...knowledge may be imputed to the prosecutor, or a duty to search may be imposed, in
26 cases where a search for readily available background information is routinely performed, such as routine criminal
27 background checks of witnesses." *Id.* at 1072 (citations omitted) (emphasis added); U.S. v. Perdomo, 929 F.2d 967
28 (3rd Cir. 1991) (adopting 5th Circuit's rationale in requiring government to obtain complete criminal history on
prosecution witness(es)); Martinez v. Wainwright, 621 F.2d 184, 187-89 (5th Cir. 1980) (defendant entitled to criminal
records of state-government witnesses, including data obtainable from the FBI; prosecutor's lack of awareness of
alleged victim's criminal history does not excuse duty to obtain and produce rap sheet); U.S. v. Thornton, 1 F.3d 149
(3rd Cir. 1993) (prosecutor charged with producing impeachment evidence actually or constructively in his possession
as "prosecutors have an obligation to make a thorough inquiry of all enforcement agencies that had a potential

c. Evidence contradicting statements of government witnesses.

Impeachment evidence encompasses prior statements and/or other evidence that contradicts government witnesses. Accordingly, prosecutors must disclose prior inconsistent statements by key government witnesses. Lay v. State, 116 Nev. 1185, 1199 (2000). Prosecutors must also disclose statements and/or evidence that contradict(s) the testimony of other government witness(es). Rudin v. State, 120 Nev. 121, 139 (2004).

d. Confidential records.

A witness can be attacked by "revealing possible biases, prejudices, or ulterior motives of the witnesses as they may relate directly to the issues or personalities on the case at hand. The partiality of a witness is... always relevant as discrediting the witness and affecting the weight of his testimony." Davis v. Alaska, supra, at 354; See also Lobato v. State, 120 Nev. 512 (2004) (discussing the "nine basic modes of impeachment.") Accordingly, impeachment evidence can derive from otherwise privileged and/or confidential material. When this occurs, the privileged and/or confidential nature of the material at issue must yield to a defendant's constitutionally secured right to confront and cross-examine those who testify against him. Davis v. Alaska, supra, at 356 (state's interest in maintaining confidentiality of juvenile records must yield to defendant's right to cross examine as to bias); see also U.S. v. Nixon, 418 U.S. 683, 713 (1974) (generalized assertion of privilege must yield to demonstrated, specific need for evidence in a pending criminal case). Thus, prosecutors must obtain and disclose privileged/confidential records pertaining to government witnesses when the records contain information bearing on witness credibility.⁶

connection with the witnesses..."). But cf. U.S. v. Blood, 435 F.3d 612, 627 (6th Cir. 2006) (no Brady violation where prosecutor did not produce to the defense the printout of the NCIC check but disclosed that the witness in question had no criminal history; "the Government is only required to disclose its informant's criminal history if he has one").

³ Federal law permits disclosure of NCIC information under circumstances such as that here. 28 C.F.R. Chapter 1 addresses the U.S. Dept. of Justice and Criminal Justice Information Systems. 28 C.F.R. Sec. 20.33 sets forth the instances in which NCIC information may be disclosed. It provides for NCIC disclosure "... (1) To criminal justice agencies for criminal justice purposes..." 28 C.F.R. Sec. 20.31(g) defines criminal justice agencies as "... (1) Courts; and [other entities set forth in that section]." Additionally, 28 C.F.R. Sec. 20.3 defines the "[a]dministration of criminal justice" to include the "performance of any of the following activities . . . adjudication . . ." Therefore, the C.F.R. authorizes prosecutors to access and disclose NCIC data pursuant to Court order as part of a criminal case adjudication.

⁶ At a minimum, otherwise confidential or privileged material must be submitted to the Court for an *in camera* review. Pennsylvania v. Ritchie, 480 U.S. 39, 60 (1987) (absent statute prohibiting disclosure of records to prosecution,

1 This includes mental health records. See U.S. v. Lindstrom, 698 F.2d 1154, 1166-67 (11th
2 Cir. 1983) (requiring disclosure of government witness' mental health records); U.S. v. Robinson,
3 583 F.3d 1265, 1271-74 (10th Cir. 2009) (requiring disclosure of material portions of confidential
4 informant's mental health records); Wyman v. State, 125 Nev. 592, 607-08 (2009) (trial court
5 abused discretion by denying defendant's request for certificate of materiality to obtain accuser's
6 out-of-state mental health records); Burns v. State, 968 A.2d 1012, 1024-25 (Del. 2009) (defendant
7 entitled to therapy records). It also includes Child Protective Services (or the functional
8 equivalent) and school records. See Pennsylvania v. Ritchie, 480 U.S. 39, 60 (1987) (defendant
9 entitled to *in camera* review of Child and Youth Services records⁷); and State v. Cardall, 982 P.3d
10 79, 86 (Ut. 1999) (defendant entitled to complainant's school psychological records indicating she
11 had propensity to lie and had fabricated prior rape allegations). It further includes
12 parole/probation records, as well as jail/prison records. See U.S. v. Striffler, 851 F.2d 1197, 1201
13 (9th Cir. 1988), *cert. denied*, 489 U.S. 1032 (1989); Carriger v. Stewart, 132 F.3d 463, 479-82 (9th
14 Cir. 1997) (requiring production of Department of Corrections file on principle government
15 witness). And it includes juvenile records. Davis v. Alaska, *supra*, at 356. See also State v.
16 Bennett, 119 Nev. 589, 603 (2003) (failure to disclose co-conspirator's juvenile records in penalty
17 hearing amounted to *Brady* violation). Thus, prosecutors cannot lawfully refuse disclosure of
18 impeachment information on the basis that the information is privileged and/or confidential.

19 e. Prior allegations of sexual misconduct and prior sexual
20 knowledge.

21 In cases involving allegations of sexual misconduct, impeachment evidence includes
22 evidence that a complaining witness made prior allegations of sexual misconduct. See Jackson v.
23 State, 688 F.3d 1091, 1096-1101 (9th Cir. 2012) (defendant entitled to present evidence that
24 complainant made prior contradicted and/or uncorroborated assault accusations against defendant
25 as "such [extrinsic evidence] was highly relevant... to... witness's credibility and motive to lie and

26 defendant entitled to have trial court review Child and Youth Services records to determine if records contain material
information.).

27 ⁷ The Ritchie Court held that the State cannot claim privilege to refuse disclosure of CPS records, unless there is a
28 statutory scheme that forbids any use, including disclosure to a prosecutor, of such records. Ritchie, *supra*, 480 U.S.
39, at 57-58 (1987). NRS 432B.290 allows for disclosure of such records to the prosecutor and to the court for *in camera* review.

1 bias, and its exclusion implicates a defendant's due process rights." (citing Crane v. Kentucky,
2 476 U.S. 683, 690 (1986)). Under Nevada law, prior false allegations of sexual misconduct
3 amount to an exception to rape shield laws. Miller v. State 105 Nev. 497 (1989), which allows for
4 such evidence as an exception to rape shield laws. NRS 432B.290 (3), states: "An agency which
5 provides child welfare services shall disclose the identity of a person who makes a report or
6 otherwise initiates an investigation pursuant to this chapter if a court, after reviewing the record in
7 camera and determining that there is reason to believe that the person knowingly made a false
8 report, orders the disclosure." See also Fowler v. Sacramento Co. Sheriff's Dept., 421 F.3d 1027,
9 1032-33; 1040 (9th Cir. 2005) (error to exclude evidence of prior false sexual assault allegations as
10 evidence "might reasonably have influenced the jury's assessment of [the complainant's]
11 reliability or credibility . . . [and] 'the jurors were entitled to have the benefit of the defense theory
12 before them so that they could make an informed judgment as to the weight to place on [the
13 complainant's] testimony.'" (quoting Davis v. Alaska, 415 U.S. 308, 317 (1974)).

14 Additionally, Nevada law authorizes the admission of prior sexual conduct to show sexual
15 knowledge. Summitt v. State, 101 Nev. 159 (1985); See also Holley v. Yarborough, 568 F.3d
16 1091, 1099-1100 (9th Cir. 2009) (error to exclude evidence that complainant made comments to
17 friends regarding a prior sexual encounter and claimed other boys expressed a desire to engage in
18 sexual acts with her, as this evidence revealed complainant's "active sexual imagination," and,
19 accordingly, may have altered jury's perception of the complainant's "credibility and reliability of
20 her claims.")

21 f. Law enforcement personnel files.

22 Under U.S. v. Henthorn, 931 F.2d 29, 31 (9th Cir. 1991), prosecutors must examine law
23 enforcement personnel files when a defendant makes such a request. See also U.S. v. Cadet, 727
24 F.2d 1453 (9th Cir. 1984). A defendant is not required to make an initial showing of materiality
25 before prosecutors must examine the files — the examination obligation arises solely from the
26 defendant's request. Henthorn, 931 F.2d at 31. "Absent such an examination, [the State] cannot
27 ordinarily determine whether it is obligated to turn over the files." Id. at 31. Once examined,
28 prosecutors must "disclose information favorable to the defense that meets the appropriate

1 standard of materiality... If the prosecution is uncertain about the materiality of the information
2 within its possession, it may submit the information to the trial court for an in camera inspection
3 and evaluation....” Henthorn, at 30-31 (quoting Cadet, 727 F.2d at 1467-68).

4 **2. Favorable evidence includes witnesses with exculpatory information.**

5
6 Prosecutors must disclose the identity of witnesses possessing exculpatory information, as
7 no legitimate interest is served by precluding the defense from calling such witnesses for trial.
8 U.S. v. Eley, 335 F.Supp. 353 (N.D. Ga. 1972); U.S. v. Houston, 339 F.Supp. 762 (N.D. GA
9 1972).

10 **3. Favorable evidence includes evidence of third-party guilt.**

11 The U.S. Constitution guarantees a criminal defendant the right to present evidence of
12 third-party guilt. See Holmes v. South Carolina, 547 U.S. 319 (2006) (holding that refusal to
13 allow defendant to present evidence of third party guilt deprives him of a meaningful right to
14 present a complete defense under the 14th and 6th Amendment of the US Constitution). Thus,
15 prosecutors must disclose any/all evidence that another perpetrator committed the charged
16 crime(s). Lay v. State, 116 Nev. 1185, 1195-96 (2000) (State’s failure to disclose evidence of
17 another perpetrator violated *Brady*). This includes evidence that another individual was arrested in
18 connection with the charged crime. Banks v. Reynolds, 54 F.3d 1508, 1518 n.21 (10th Cir. 1995).
19 It also includes evidence of investigative leads pointing to other suspects. Jimenez v. State, 112
20 Nev. 610, 622-23 (1996) (withholding evidence of investigative leads to other suspects, regardless
21 of admissibility, constitutes *Brady* violation). Finally, prosecutors must provide the actual
22 documents, evidence, and/or reports pertaining to evidence of third-party guilt; it is not enough for
23 prosecutors to provide the defense with a summary of the information relating to other suspects.
24 Mazzan v. Warden, 116 Nev. 48, 69 (2000) (summary of prosecutor’s perspective on written
25 reports relating to potential suspects were constitutionally inadequate and reports should have been
26 disclosed pursuant to *Brady*); Bloodworth v. State, 512 A.2d 1056, 1059-60 (1986).

1 4. Favorable evidence includes any/all evidence that may mitigate a
2 defendant's sentence.

3 Favorable evidence also includes evidence which could serve to mitigate a defendant's
4 sentence upon conviction. Jimenez v. State, 112 Nev. 610 (1996).

5 5. Any question as to what amounts to *Brady* material should be
6 resolved in favor of disclosure.

7 Ultimately, prosecutors are tasked with a "broad duty of disclosure." Strickler v. Greene,
8 527 U.S. 263, 281 (1999); cf. U.S. v. Agurs, 427 U.S. 97, 108 (1976) (finding that "the prudent
9 prosecutor will resolve doubtful questions in favor of disclosure"). As the Nevada Supreme Court
10 has explained:

11 Due process does not require simply the disclosure of "exculpatory" evidence.
12 Evidence also must be disclosed if it provides grounds for the defense to attack the
13 reliability, thoroughness, and good faith of the police investigation, to impeach the
14 credibility of the state's witnesses, or to bolster the defense case against prosecutorial
15 attacks. Furthermore, "discovery in a criminal case is not limited to investigative
16 leads or reports that are admissible in evidence." Evidence "need not have been
17 independently admissible to have been material."

18 Mazzan v. Warden, 116 Nev. 48, 67 (2000) (citations omitted). Significantly, the government's
19 disclosure obligation exists even "when the defendant does not make a *Brady* request."⁸ Bagley,
20 supra at 680-82. Accordingly, any question as to whether certain material, information, and/or
21 evidence falls within the purview of *Brady* should be resolved in favor of disclosure. U.S. v.
22 Agurs, 427 U.S. 97, 108 (1976) ("[T]he prudent prosecutor will resolve doubtful questions in favor
23 of disclosure."); See also Kyles v. Whitley, 514 U.S. 419, 439 (1995) ("[A] prosecutor anxious
24 about tacking too close to the wind will disclose a favorable piece of evidence.").

25 ///

26 ///

27 ///

28 ⁸ However, a specific *Brady* request will result in reversal "if there exists a reasonable possibility that the claimed
evidence would have affected the judgment of the trier of fact." Roberts v. State, 110 Nev. 1121 (1994); See also
Jimenez v. State, supra; State v. Bennett, 119 Nev. 389 (2003). Absent a specific request, reversal is warranted, "if
there exists a reasonable probability that, had the evidence been disclosed, the result of the proceeding would have
been different." U.S. v. Bagley, supra, 473 U.S. at 667, 682, 685 (1985); Pennsylvania v. Ritchie, 480 U.S. 39, 57
(1986). A "reasonable probability" is a probability sufficient to undermine confidence in the outcome. Bagley, 473
U.S. at 678, 685; Ritchie, 480 U.S. at 57; Roberts, supra, at 1129.

1 B.THE DISCLOSURE OBLIGATIONS SET FORTH ABOVE EXTEND TO ALL
2 MATERIAL OF WHICH PROSECUTORS ARE IN ACTUAL OR
3 CONSTRUCTIVE POSSESSION.

4 "It is a violation of due process for the prosecutor to withhold exculpatory evidence, and
5 his motive for doing so is immaterial." *Jimenez, supra* at 618. Accordingly, prosecutors are
6 responsible for disclosing evidence in their possession as well as evidence held/maintained by
7 other government agents. *Id.* at 620; See also *State v. Bennett*, 119 Nev. 589, 603 (2003) ("We
8 conclude that it is appropriate to charge the State with constructive knowledge of the evidence
9 because the Utah police assisted in the investigation of this crime..."). This constructive
10 possession rule applies to evidence that is *withheld* by other agencies: "Even if the detectives
11 withheld their reports without the prosecutor's knowledge, 'the state attorney is *charged with*
12 *constructive knowledge and possession of evidence withheld by other state agents*, such as law
13 enforcement officers.'" *Id.* (citation omitted) (emphasis added). "Exculpatory evidence cannot be
14 kept out of the hands of the defense just because the prosecutor does not have it, where an
15 investigative agency does." *U.S. v. Zamo-Arce*, 44 F.3d 1420, 1427 (9th Cir. 1995).

16 In fact, prosecutors have an *affirmative obligation* to obtain *Brady* material and provide it
17 to the defense, *even if the prosecutor is initially unaware of its existence*. "The prosecution's
18 affirmative duty to disclose evidence favorable to a defendant can trace its origins to early 20th
19 century strictures against misrepresentation and is of course most prominently associated with this
20 Court's decision in *Brady v. Maryland*..." *Kyles v. Whitley, supra*, 514 U.S. at 432. This
21 obligation exists even where the defense does not make a request for such evidence. *Id.* As the
22 U.S. Supreme Court explained:

23 This in turn means that the *individual prosecutor has a duty to learn of any favorable*
24 *evidence known to the others acting on the government's behalf in the case, including*
25 *the police*. But whether the prosecutor succeeds or fails in meeting this obligation
26 (whether, that is, a failure to disclose is in good faith or bad faith), the prosecution's
27 responsibility for failing to disclose known, favorable evidence rising to a material
28 level of importance is inescapable. Since then, the prosecutor has the means to
discharge the government's *Brady* responsibility if he will, any argument for
excusing a prosecutor from disclosing what he does not happen to know about boils
down to a plea to substitute the police for the prosecutor, and even for the courts
themselves, as the final arbiter's of the government's obligation to ensure fair trials.

1 Kyles, supra, 514 U.S. at 437-38 (emphasis added) (citations and footnotes omitted). See also
2 Carriger v. Stewart, 132 F.3d 463, 479-82 (9th Cir. 1997) (holding that "...the prosecution has a
3 duty to learn of any exculpatory evidence known to others acting on the government's behalf.
4 *Because the prosecution is in a unique position to obtain information known to other agents of the*
5 *government, it may not be excused from disclosing what it does not know but could have learned."*
6 (citations omitted) (emphasis added). Thus, the disclosure obligations outlined above extend not
7 only to material directly in the possession of prosecutors, but material of which prosecutors are in
8 constructive possession, as well.

9 **C. AN 'OPEN FILE' POLICY DOES NOT OBYIATE THE DISCLOSURE**
10 **OBLIGATIONS OUTLINED ABOVE.**

11 Historically, the Clark County District Attorney's Office has employed an 'open file'
12 policy in which prosecutors allow defense counsel to review the discovery contained in the
13 government's trial file. This does not vitiate above-referenced disclosure obligations. Strickler v.
14 Green, 527 U.S. 263, 283 (1999) (holding that a prosecutor's open file policy does not in any way
15 substitute for or diminish the State's obligation to turn over *Brady* material). "If a prosecutor
16 asserts that he complies with *Brady* through an open file policy, defense counsel may reasonably
17 rely on that file to contain all materials the State is constitutionally obligated to disclose under
18 *Brady*." Strickler, 527 U.S. at 283, n.23. See also Amando v. Gonzalez, No. 11-56420 at 27 (9th
19 Cir. 2013). McKee v. State, 112 Nev. 642, 644, 917 P.2d 940, 944 (1996) (reversing a judgment
20 of conviction based on prosecutorial misconduct where the prosecutor did not make available all
21 relevant inculpatory and exculpatory evidence consistent with the county district attorney's open
22 file policy); see also Furbay v. State, 116 Nev. 481, 998 P.2d 553 (2000) (discussing prosecution's
23 duty to provide all evidence in its possession where it has promised to do so). Accordingly, if the
24 defense relies on the government's assurance of an 'open file' policy, the defense is not required to
25 hunt down information otherwise obtained and maintained pursuant to that policy.

26 ///

27 ///

28 ///

III. DEFENDANT'S SPECIFIC DISCOVERY REQUESTS

Based upon the foregoing, the instant defendant requests that this Honorable Court enter an order directing prosecutors to disclose the following⁹:

General discovery

1. All statements, regardless of whether the statements were written or recorded, made by the defendant, including any comments made at the time of arrest or during transport to the detention center. This includes conversations, telephonic or otherwise, intercepted by any/all law enforcement agencies, including federal authorities. This further includes the substance of any statements made by the Defendant which the prosecution intends to use as evidence at trial, including but not limited to any conversations or correspondence overheard or intercepted by any jail personnel or other inmates which have not been recorded or memorialized.
2. Any and all statements of any/all potential witnesses in the case, including any audio and/or video recording of any form collected by investigating officers or any other law enforcement agent as part of the investigation of this matter, as well as any related matters. This includes any notes of interviews that were not later recorded, such as notes of patrol officers, or notes of phone calls made to potential witnesses, or attempts to contact such witnesses. This also includes any police reports, notes, or other documents that contain information pertaining to this case or any witnesses in this case, no matter what the form or title of the report, including "Case Monitoring Forms", 911 recordings, relevant dispatch log(s), and/or any report of information related to the case given by anyone to any police department or crime tip organization such as Crime Stoppers, and any reward or benefit received for such tip. The aforementioned request includes, but is not limited to, interviews of Amanda Lowe, Shannon Salazar, Robert Holland, II, Timothy Hilderbrand, Benjamin Ortiz, Dyanne Carr, Edward Weiss, Kyle Weiss, Gary Hagen, Grace Anderson, Jeff Firantello, John Gilber, Kris Momon, Rebecca Sepic, Sean Nelson, Tina Archangel, William Buchanan, James Tabele, Darlene Davis, Justin Osborne, Steven Verwey, Maria Aviles, Lynn Irwin, Gabrielle Manuel, Dagoberto Melara-Gomez, Lynn Wilding, and Alexandro Meza; and any other investigative official (including LVMPD Officers Pacifico #6511, Braun #12946, Miller #9142, Myrold #13064, Reed #7641, Morales #8788, Rotta #13422, Abdal-Karin #13724, Hibbetts #14320, McGuire #14067, Brambilla #13423, Cobb #14099, Oscar #14325, Kinman #14317, Eddington #14206, Brisendine #14003, Arciniega #14185, Moor #9003, Skimerton #8981, Maas #13015, Orizabal #8791, Jones #8876, Cruise #14299, Iacullio #7857, Eagan #7860, Pickerei #7940, Larsen #9630, Lynch #8284, Baker #6623, Spencer #4852, Kelly #3807, Flaherty, #4022, Duke #13934, Detectives Jensen #3662, Fabian #3705, Steiber #3542, Bunn #4407, Ivie #6405, Dosch #7907, and Williams #3811, as well as any/all responding officers not otherwise specified in the discovery provided to date) involved in the instant matter and any related matter.

⁹ Significantly, this request is not in any way intended to be a substitute for the generalized duties described above.

- 1 3. Request, results and/or reports of any and all crime scene analysis, evidence collection
2 and/or forensic testing performed in this case, including, but not limited to, any and all
3 photographs, the results of any fingerprint collection and comparison, AFIS
4 (Automated Fingerprint Identification System) searches and/or results, DNA testing,
5 CODIS (Combined DNA Index System) searches and/or results, toxicological analyses,
6 footwear impressions, trace evidence analyses, any forensic analysis of cellular
7 telephones, any requests for forensic analysis regardless of the outcome of such request.
8 Neuropathological, toxicological, or other medical evaluations of the deceased,
9 performed through this investigation. This includes the complete case file for any
10 testing done, including, but is not limited to: raw data, photographs, rough notes, draft
11 reports, recorded or otherwise memorialized notes relied upon by experts in rendering
12 an opinion in this case. This request encompasses, but it not limited to, any work done
13 by: CSA Smink, Vaandering, Charlton, Tucker, Szukiewicz, and Petersen, and any
14 other individual, including those associated with the Clark County Medical Examiner's
15 Office, tasked with investigating the instant matter.
- 16 4. Access to and preservation of any and all material collected in the investigation of this
17 case to include but not limited to forensic material, raw data, video surveillance,
18 photographic negatives, digital negatives, biological samples and toxicological
19 samples.
- 20 5. Any and all intercepted electronic and/or oral communications and/or any and all
21 communications sent to and from handset and/or telephone and/or computers pursuant
22 to the investigation in this case, including but not limited to: Audio, Push to Talk, Data,
23 Packet Data, electronic messaging encompassing Global System for Mobile
24 Communications (GSM), Short Message Service (SMS), Multimedia Messaging
25 Service (MMS), and Internet Relay Chat, File Transfer Protocol (FTP), Internet
26 Protocol (IP), Voice Over Internet Protocol (VOIP), Transmission Control Protocol
27 (TCP) and electronic mail or other internet based communications, obtained by the any
28 law enforcement agency, including federal authorities, via subpoena, interception or
other means, pertaining to the instant matter, or any related matter.
6. Any and all data, recordings, reports and documentation of voice monitoring devices
and/or geographic tracking devices and/or pen register and/or trap and trace device
installed pursuant to interception, warrant or other means, as obtained by any law
enforcement agency, including federal authorities, pertaining to the instant matter or
any related matter.
7. Any and all 911 and 311 recordings to include, but not limited to, car-to-car audio
communications, car-to-dispatch radio communications, and the Unit Log incident print
out related to the event.
8. Any and all information which shows that the defendant did not commit the crime(s)
alleged (including evidence showing/tending to show that the defendant acted in self-
defense or that the killing was the result of an accident and/or mistake) or which shows
the possibility of another perpetrator, co-conspirator, aider and abettor, or accessory
after the fact, including the name(s) of those individual(s). This includes, but is not

limited to, any information concerning an arrest of any other individual for the charged crime and any information suggesting a possible perpetrator other than the defendant.

9. All statements of identification, or witness interviewed who did not identify the Defendant as the perpetrator of the alleged crime to include: (1) any statements identifying another person as the perpetrator of this offense; (2) any prior statement by eyewitnesses who now identify my client as involved in this offense that they previously could not identify anyone; (3) a copy of all photographic lineups shown to any witnesses for the purposes of identifying suspects in this case, including lineups created without the Defendant in them; (4) other identification procedures, if any, used to identify suspects in this case. This request includes, but is not limited to, any showups, lineups, photographic lineups, single photo showups, photo compilations and composite drawings made or shown. This request further includes (1) the identify of each witness who was shown an identification procedure; (2) the date such procedure occurred; (3) the time such a procedure occurred; (4) the names of all persons who were present when the procedure took place; (5) instructions given to the witness prior to the procedure being conducted; (6) the results of the procedure, including as exact a rendition as possible of what the witness said, how long the witness took to make the identification if it was made, and any hesitancy or uncertainty of the witness in making the identification; and (7) whether or not the witness before or after the procedure was informed that they had picked the suspect officers believed committed the crime.
10. All relevant reports of chain of custody, including reports of any destruction of any evidence in the case.¹⁰
11. Any documents used to prepare State's witnesses for preliminary hearing or trial, including any and all notes and reports of any expert in the case, to include mental health workers. This includes any preliminary reports or notes, not included in a final report.
12. All updated witness contact information, to include last known address and phone number. This includes the names/contact information for witnesses who may have information tending to exculpate the instant defendant.
13. Any and all records of the Las Vegas Metropolitan Police Department and any other law enforcement agency(ies) involved in the investigation of this or any related matter, including photocopies or other reproduction(s) of any and all handwritten or other notes. This includes, but is not limited to, any notes documenting alternate circumstances surrounding the alleged crime as well as alternate suspects, investigative leads that were not followed up on, or any other matter bearing on the credibility of any State witness.
14. Any and all information obtained by the use of confidential informants for any aspect of the investigation of this case. This includes, but is not limited to, informants who purportedly obtained information about this case while incarcerated, whether the

¹⁰ Destruction of evidence can result in dismissal of the case or a jury instruction stating such evidence is presumed favorable to the accused. *Crockett v. State*, 95 Nev. 859, 865 (1979); *Sparks v. State*, 104 Nev. 316, 319 (1988); *Sanborn v. State*, 107 Nev. 399, 409 (1991).

1 information came from the Defendant or another source, regardless of whether
2 prosecutors intend to use the informant-related information at the upcoming trial of this
3 matter.

4 *General impeachment*

5 15. Disclosure of any and all compensation, express or implied, promises of favorable
6 treatment or leniency, or any other benefit that any of the State's witnesses may of have
7 received in exchange for their cooperation with this or any related prosecution. This
8 includes but is not limited to: (1) any and all records and notes from the victim witness
9 office of the District Attorney, including any/all records of any expectation of any
10 benefit or assistance to be received, or already received by any witness in this case; (2)
11 any monetary benefits received as well as any express or implied promises made to any
12 witness to provide counseling and/or treatment and/or provide immigration assistance
13 (including, but not limited to, U-Visa documentation) as a result of the witness'
14 participation in this case; (3) the names of any and all agencies and workers or other
15 referrals that were given to any witness and/or his/her family member, relative or
16 guardian in connection with this case or any related matter; (4) an estimate of future
17 benefits to be received by any witness during or after the trial, including travel
18 expenses.

19 16. Disclosure of any and all statements, tangible or intangible, recorded or unrecorded,
20 made by any witness that are in any manner consistent or inconsistent with the written
21 and/or recorded statements previously provided to the defense. This includes, but is not
22 limited to, any oral statements made to any employee or representative of the District
23 Attorney's office or any other government employee, local or federal, during pre-trial
24 conferences or other investigative meetings.

25 17. Any and all impeachment information located in the personnel files of any police
26 witness called to testify at trial or any pretrial hearing in this matter, including, but not
27 limited to, any Statement of Complaint regarding the witness or this investigation, any
28 Employee Notice of Internal Investigation, any Internal Affairs Investigative Report of
Complaint, any witness statement, any Bureau Investigation Supervisory Intervention,
and any other document maintained or generated by the Office of Internal Affairs,
Critical Incident Review Panel, or other investigative agency.

18 18. Criminal history information on any witness, actual or potential, relating to specific
19 instances of misconduct or from untruthfulness may be inferred and/or which could
20 lead to admissible evidence, impeachment or otherwise. This includes, but is not
21 limited to, NCIC data, juvenile records, misdemeanors, out-of-state arrests and
22 convictions, outstanding arrest warrants or bench warrants, and cases which were
23 dismissed or not pursued by the prosecuting agency, and any other information that
24 would go to the issue(s) of credibility and/or bias, or lead to the discovery of
25 information bearing on credibility/bias, whether or the information is directly
26 admissible by the rules of evidence.¹¹ In addition those witnesses, actual or potential,
27

28 ¹¹ The State usually is under the mistaken impression that they only must disclose felony convictions from the last 10
years that can be used as impeachment under NRS 50.095. However, in *Davis v. Alaska, supra*, the US Supreme Court
found that a witness can be attacked by "revealing possible biases, prejudices, or ulterior motives of the witnesses as

known to the State or any law enforcement agency involved in the investigation of this or any related matter, the defense requests the above-referenced criminal history/impeachment information on the following individuals: Defendant, Amanda Lowe, Shannon Salazar, Robert Holland, II, Timothy Hilderbrand, Benjamin Ortiz, Dyanne Carr, Edward Weiss, Kyle Weiss, Gary Hagen, Grace Anderson, Jeff Firrantello, John Gilber, Kris Momon, Rebecca Sepic, Sean Nelson, Tina Archangel, William Buchanan, James Tabele, Darlene Davis, Justin Osborne, Steven Vervey, Maria Aviles, Lynn Irwin, Gabrielle Manuel, Dagoberto Melara-Gomez, Lynn Wilding, and Alexandro Meza. In addition to any other requirements imposed by *Brady*, the defense requests that the District Attorney be required to run the aforementioned witnesses, in addition to any other lay witnesses prosecutors intend to call or upon whose testimony or statements the State will rely during either the guilt or penalty phases of trial, through an NCIC check and allow defense counsel to review the NCIC reports on those witnesses. The defense requests that the NCIC information be provided to defense counsel as soon as possible. If there is no NCIC record for a particular witness, the State can make that representation. While the defense is not insisting that prosecutors run NCICs expert or law enforcement witnesses, the defense requests that the State be ordered to comply with any *Brady* obligations with respect to these witnesses.

U-Visa and related information (if applicable)

19. Whether the any family member of the alleged victim, or any other qualifying person¹² has consulted with a representative or victim advocate, or any other person acting in a representative capacity, regarding obtaining a U Visa as a result of this case.¹³
20. Whether any such person, or any other qualifying person, has applied for a U Visa as a result of this case.¹⁴
21. All USCIS Form(s) I-918, Petition for U Nonimmigrant Status completed as a result of this case, including any supporting documentation filed with Form I-918.¹⁵

they may relate directly to the issues or personalities on the case at hand. The partiality of a witness is always relevant as discrediting the witness and affecting the weight of his testimony." *Id.* at 354. The court found that the State's policy interest in protecting the confidentiality of a juvenile offender's record must yield to the defendant's right to cross-examine as to bias. *Id.* at 356. See also *Lobato v. State*, 120 Nev. 512 (2004), discussing the "nine basic modes of impeachment." Therefore, juvenile records, misdemeanors and older criminal records may yield information relevant to many forms of impeachment other than that outlined in NR3 50.095.

¹²The U visa is available to an alleged victim; her unmarried children under the age of twenty-one (21); her spouse; her parents, if she is under twenty-one (21); and unmarried siblings under eighteen (18) years old if the alleged victim is under age twenty-one (21). U Visa Law Enforcement Certification Resource Guide for Federal, State, Local, Tribal and Territorial Law Enforcement, Department of Homeland Security, http://www.dhs.gov/xlibrary/assets/dhs_u_visa_certification_guide.pdf at 5. Furthermore, when the principal alleged victim is under twenty-one (21) years old, her noncitizen parent can apply for a U visa as an "indirect victim" regardless of whether the principal alleged victim is a U.S. citizen or noncitizen. *Id.* at 13.

¹³"Given the complexity of U visa petitions, petitioners often work with a legal representative or victim advocate," and, in fact, "is usually done with the assistance of an advocate." *Id.* at 2, 5.

¹⁴"The U Visa is an immigration benefit that can be sought by victims of certain crimes who are currently assisting or have previously assisted law enforcement in the investigation or prosecution of a crime, or who are likely to be helpful in the investigation or prosecution of criminal activity. . . . The U visa provides eligible victims with nonimmigrant status in order to temporarily remain in the United States (U.S.) while assisting law enforcement. If certain conditions are met, an individual with U nonimmigrant status may adjust to lawful permanent resident status." *Id.* at 1.

- 1 22. All USCIS Form(s) I-918, Supplement B (Form I-918B) completed by a law
2 enforcement agency, the prosecuting attorney or representative, any judge, child and
3 adult protective services, any other authority that has the responsibility for the
4 investigation or prosecution of a qualifying crime or criminal activity, or any other
5 certifying agency as a result of this case,¹⁶ including any additional documents,
6 attachments, or addenda submitted with Form I-918B.¹⁷
- 7 23. The law enforcement agency's and the prosecutor's office's policies and procedures
8 has established regarding U visa certification.¹⁸
- 9 24. Whether an individual has requested a certifying agency fill out Form I-918B, even if
10 the certifying agency declined to fill out Form I-918B.¹⁹
- 11 25. Whether a certifying agency has refused to sign or complete Form I-918B, and any
12 information regarding that certifying agency's refusal to sign or fill out Form I-918B.
- 13 26. Any evidence submitted to the U.S. Citizenship and Immigration Services (USCIS) as
14 part of a U visa application by a certifying agency or the individual applying for the U
15 visa. This evidence includes, but is not limited to, fingerprint check, the individual's
16 criminal history, immigration records, security concerns, and other background
17 information.²⁰

18 ¹⁵This is the U visa form that must be completed by the individual seeking the U visa. *Id.* at 2.

19 ¹⁶Form I-918B is the certification document that a law enforcement or other certifying agency completes for the
20 individual seeking a U visa. Without the certification, "the victim will not be eligible for a U visa." "In order to be
21 eligible for a U visa, the victim must submit a law enforcement certification completed by a certifying agency.
22 Certifying agencies include all authorities responsible for the investigation, prosecution, conviction or sentencing of
23 the qualifying criminal activity, including but not limited to" law enforcement agencies, prosecutors' offices, judges,
24 family protective services, Equal Employment Opportunity Commission, Federal and State Departments of Labor and
25 "other investigative agencies." *Id.* at 2-3 (emphasis added), 9. After signing Form I-918B, the certification must be
26 returned to the alleged victim or her representative. *Id.* at 6.

27 ¹⁷A certifying agency may submit additional documentation, and if so, it must state "see attachment" or "see
28 addendum" on Form I-918B. *Id.* at 6.

¹⁸"Whether a certifying agency signs a certification . . . [depends on the] policies and procedures it has established
regarding U visa certification." *Id.* at 3; see also *id.* at 8 (discussing the best practices in U visa certifications and
department policies); *id.* at 9 ("DHS encourages all jurisdictions to implement U visa certification practices and
policies.").

¹⁹"There is no statute of limitations on signing the law enforcement certification, and a law enforcement certification
"can even be submitted for a victim in a closed case." *Id.* at 4, 10. An alleged victim "may be eligible for a U visa
based on having been helpful in the past to investigate or prosecute a crime." *Id.* at 10. Therefore, a certifying agency
could wait until after the close of the case to fill out Form I-918B and then argue that there is no discoverable
immigration information or immigration benefit received as part of this case. However, if an individual has requested
a certifying agency fill out Form I-918B, that individual is therefore attempting to gain an immigration benefit as part
of this case, which would be discoverable regardless of whether the certifying agency has or has not completed the
certification.

²⁰The USCIS conducts a background check for all U visa petitioners. This includes a fingerprint check and name
check. This also includes "[a]ny evidence that law enforcement and immigration authorities possess . . . [which]
includes, but is not limited to, the person's criminal history, immigration records, and other background information."
Id. at 5. "If law enforcement believes USCIS should know something particular about a victim's criminal history, that
information can be cited on the certification or with an attached report or statement detailing the victim's criminal
history with that law enforcement agency or his or her involvement with the crime." *Id.* at 14.

- 1 27. Whether the USCIS has contacted the certifying agency regarding issues or questions
2 based on the information provided in the certification, and what issues or questions the
3 USCIS had for the certifying agency.²¹
4
5 28. Whether the USCIS has found the alleged victim or other qualifying person
6 inadmissible and any information regarding the reason for the inadmissibility
7 determination.²²
8
9 29. Whether the certifying agency contacted the USCIS regarding any later discovered
10 information regarding the victim, crime, or certification that the agency believes the
11 USCIS should be aware of or whether the agency contacted the USCIS to withdraw or
12 disavow the certification, including withdrawal or disavowal based upon the alleged
13 victim's failure to cooperate.²³ If the agency has notified the USCIS in writing
14 regarding the withdrawal or disavowal, a copy of the writing is requested.²⁴
15
16 30. Whether the certifying agency has notified the USCIS that the alleged victim has
17 unreasonably refused to cooperate in the investigation or prosecution of the crime.²⁵
18
19 31. Whether the USCIS has requested further evidence from the petitioner and/or certifying
20 agency as part of the U visa process. Any and all information from the certifying
21 agency that the USCIS suspects fraud in the U visa application.²⁶
22
23 32. Whether an alleged victim has self-petitioned for Violence Against Women Act
24 (VAWA) relief as a part of this case, and if so, a copy of the completed Form I-360 and
25 corroborating evidence.²⁷
26
27 33. Whether any witness in the case has been granted Significant Public Benefit Parole
28 (SPBP) in connection with this case.²⁸
34. Finally, the Defendant respectfully requests that this Court order the State to contact
any agencies or agents acting on behalf of or working with the prosecution, or in any
other way a part of the prosecution team, and to ascertain whether any of those agencies

²¹"USCIS may contact the certifying law enforcement agency if there are any issues or questions arise during the adjudication based on information provided in the law enforcement certification." *Id.* at 5, 9.

²²The USCIS may find the alleged victim or other qualifying person inadmissible when there are security related concerns, multiple or violent criminal arrests, multiple immigration violations, or complicity or culpability in the criminal activity in which she claims the victimization occurred. *Id.* at 8, 14.

²³*Id.* at 10.

²⁴If the alleged victim stops cooperating, the certifying agency can withdraw or disavow Form I-918B, but must notify the USCIS Vermont Service Center in writing. *Id.* at 12.

²⁵*Id.* at 12.

²⁶"If USCIS suspects fraud in a U visa petition, USCIS may request further evidence from the petitioner and may also reach out to the law enforcement agency for further information." *Id.* at 15. The USCIS has a dedicated fraud detection unit called the Fraud Detection and National Security unit. *Id.*

²⁷The VAWA visa allows an alleged victim to self-petition for relief without a law enforcement certification. This relief applies equally to men and women and is available to the abused spouse or former spouse of a U.S. citizen or Lawful Permanent Resident, the abused child of a U.S. citizen or Lawful Permanent Resident, or the abused parent of a U.S. citizen.

²⁸SPBP allows a witness, defendant, cooperating source, and immediate family members into the United States for up to one year. *Id.* at 16.

1 or agents possess or know of any material information that would tend to exculpate the
2 Defendant, impeach a prosecution witness, or mitigate the Defendant's possible
3 punishment.

4 IV. CONCLUSION

5 Based on the foregoing, the defendant, LUIS PIMENTEL, respectfully requests that this
6 Honorable Court grant the instant motion, and order the timely disclosure of the material sought
7 herein, NRS 174.235; Brady v. Maryland, 373 U.S. 83 (1963); U.S.C.A. V, VI, XIV; and Nev.
8 Const. Art. 1 § 8. Further, Mr. Pimentel requests that this Court preclude prosecutors from
9 admitting at trial any discovery/evidence not timely produced. See NRS 174.295 ("If at any time
10 during the course of the proceedings it is brought to the attention of the court that a party has failed
11 to comply with the provisions of NRS 174.235 to 174.295, inclusive, the court may order the party
12 to permit the discovery or inspection of materials not previously disclosed, grant a continuance, or
13 *prohibit the party from introducing in evidence the material not disclosed*, or it may enter such
14 other order as it deems just under the circumstances.") (emphasis added).

15 DATED this 29th day of July 2014.

16 PHILIP J. KOHN
17 CLARK COUNTY PUBLIC DEFENDER

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

18
19 By:

20 NANCY L. LEMCKE, #5416
21 Deputy Public Defender

By:

22 CONOR M. SLIPS, #41277
23 Deputy Public Defender
24
25
26
27
28

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

NOTICE OF MOTION

TO: CLARK COUNTY DISTRICT ATTORNEY, Attorney for Plaintiff:

YOU WILL PLEASE TAKE NOTICE that the Public Defender's Office will bring the above and foregoing Motion To Compel Production of Discovery on for hearing before the Court on the 11th day of August, 2014, at 9:00 a.m., in District Court Department V.

DATED this 29th day of July 29, 2014.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By: 
NANCY M. LEMCKE, #5416
Deputy Public Defender

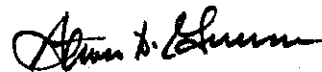
CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that service of MOTION TO COMPEL PRODUCTION OF DISCOVERY, was made this 30TH day of July, 2014, by Electronic Filing to:

CLARK COUNTY DISTRICT ATTORNEY'S OFFICE
Motions@clarkcountydak.com

SAMUEL BATEMAN, Deputy District Attorney
E-Mail: samuel.bateman@clarkcountydak.com

By: 
Sara Ruano
Secretary for the Public Defender's Office


CLERK OF THE COURT

1 RPLY
2 PHILIP J. KOHN, PUBLIC DEFENDER
3 NEVADA BAR NO. 0556
4 NANCY L. LEMCKE
5 Deputy Public Defender
6 Nevada Bar No. 5416
7 CONOR M. SLIFE
8 Deputy Public Defender
9 Nevada Bar No. 11277
10 309 South Third Street, Suite #226
11 Las Vegas, Nevada 89155
12 (702) 455-4685
13 Attorneys for Defendant

8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

10 In the Matter of the Application of,

11
12 Luis Pimentel,
13 for a Writ of Habeas Corpus.

CASE NO. C-14-296234-1

DEPT. NO. V

DATE: August 11, 2014
TIME: 9:00 a.m.

14
15 REPLY IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS

16 COMES NOW Petitioner, Luis Pimentel, by and through Nancy M. Lemcke, and Conor
17 Slife, Deputy Clark County Public Defenders, and hereby submits the instant Reply in Support of
18 Petition for Writ of Habeas Corpus. This Reply is based upon the points and authorities set forth
19 herein as well as the original Petition, and any oral argument at the hearing of this matter.

20 DATED this 5th day of August, 2014.

21
22 PHILIP J. KOHN
23 CLARK COUNTY PUBLIC DEFENDER

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

24
25 By: 
26 NANCY L. LEMCKE, #5416
27 Deputy Public Defender

By: 
CONOR M. SLIFE, #11277
Deputy Public Defender

ARGUMENT

The prosecutor urges this Court to conflate NRS 200.030 and NRS 200.450, two entirely separate crimes. Indeed, the prosecutor asks this Court to do what the legislature specifically declined to do – adopt ‘challenge to fight’ as one of the enumerated means of establishing First Degree Murder. If the legislature intended that ‘challenge to fight’ amount to a First Degree Murder liability theory, the legislature would have incorporated that language into NRS 200.030. The conspicuous absence of any ‘challenge to fight’ language in NRS 200.030 belies the prosecution’s contention that the two statutes should be “harmonized” in such a way as to make ‘challenge to fight’ the one-and-only *un-enumerated* means of establishing First Degree Murder under NRS 200.030.

As it currently exists, ‘challenge to fight’ is a separate criminal offense with separate elements. The only mention of NRS 200.030 within the Challenge to Fight statute is where punishment is concerned – the punishment for a violation of NRS 200.450, Challenge to Fight, depends upon whether death results. Otherwise, NRS 200.450 bears no relation to, nor is any mention made of, NRS 200.030.

So NRS 200.450 has elements entirely separate and distinct from NRS 200.030. Amongst other things, NRS 200.450 requires a “previous concert and agreement to fight.” But plead as a ‘challenge to fight’ liability theory, the Information omits these material elements. Thus, alleging ‘challenge to fight’ as a liability theory rather than a separate crime allows prosecutors to avoid proving beyond a reasonable doubt all of the elements of NRS 200.450.

The prosecution suggests that charging Challenge to Fight as a separate crime is impractical and may amount to duplicitous charging. Like it or not, the only way to present a ‘challenge to fight’ allegation is to charge it as the separate crime that the legislature intended it to be. And there is no doubt that such a charge, i.e., Challenge to Fight Resulting in Death, if charged with a count of First Degree Murder based upon the same conduct, would amount to duplicitous charging warranting dismissal of one of the counts. Since the proscribed punishment for each is the same, it is highly unlikely that any prosecutor would object to the eventual dismissal of one of two charges. Accordingly, the prosecution’s impractical/duplicative charging argument amounts to little more

1 than an attempt to obscure the mechanics and implication(s) of charging Challenge to Fight as a
2 separate crime.¹

3 Finally, the Information, incorporating only *part* of the language of NRS 200.450, fails to set
4 forth a factual predicate for liability. As this Court is aware, a charging document must "... be
5 definite enough to prevent the prosecutor from changing the theory of the case." Husney v.
6 O'Donnell, 95 Nev. 467, 469 (1979). The mere 'challenge to fight' allegation, in the absence of
7 supporting facts, provides the prosecutor enough leeway to change theories in the middle of trial
8 based on the evidence and, as a result, does not provide Petitioner with sufficient notice to properly
9 defend against the charged crime. The key factor in determining whether Petitioner is liable under a
10 'challenge to fight' theory is whether there was a "previous concert and agreement" between
11 Petitioner and the alleged victim to enter into mutual combat. NRS 200.450. By failing to identify
12 the factual predicate for the "previous concert an agreement" element, the prosecution is free to
13 change theories during trial as to when, where, and under what conditions the parties arrived at a
14 "previous concert and agreement" to fight. Accordingly, the 'challenge to fight' allegation currently
15 charged in the Information cannot stand.

16 CONCLUSION

17 For the reasons set forth above and in Petitioner's moving papers, Petitioner LUIS
18 PIMENTEL respectfully requests that the instant Writ issue, and that he be discharged from the
19 Information as currently constituted.

20 DATED this 5th day of August, 2014.

21
22 PHILIP J. KOHN
23 CLARK COUNTY PUBLIC DEFENDER

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

24
25 By: 
26 NANCY L. LEMCKE #5416
Deputy Public Defender

By: 
CONOR M. SMIFE, #14277
Deputy Public Defender

27
28 ¹ While Petitioner maintains that Challenge to Fight amounts to a separate crime warranting a separate charge, Petitioner
does not concede that the prosecution can amend the instant Information to include such a count at this point in the
proceedings.

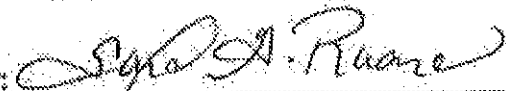
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

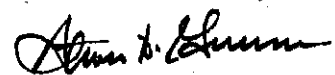
CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that service of REPLY IN SUPPORT OF PETITION FOR WRIT OF
HABEAS CORPUS, was made this 10th day of August, 2014, by Electronic Filing to:

CLARK COUNTY DISTRICT ATTORNEY'S OFFICE
Motions@clarkcountyda.com

SAMUEL BATEMAN, Deputy District Attorney
E-Mail: samuel.bateman@clarkcountyda.com

By: 
Sara Runia
Secretary for the Public Defender's Office



CLERK OF THE COURT

1 REQT
2 PHILIP J. KOHN, PUBLIC DEFENDER
3 NEVADA BAR NO. 0556
4 309 South Third Street, Suite #226
5 Las Vegas, Nevada 89155
6 (702) 455-4685
7 Attorney for Defendant

8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

10 THE STATE OF NEVADA,

11 Plaintiff,

CASE NO. C-14-296234-1

DEPT. NO. V

12 LUIS PIMENTEL,

13 Defendant.

14 REQUEST TO FILE AFFIDAVIT UNDER SEAL

15 Upon the request of the above-named Defendant, LUIS PIMENTEL, by and through
16 NANCY L. LEMCKE, Clark County Deputy Public Defender, and good cause appearing therefore,

17 IT IS HEREBY ORDERED that upon request of this Court, that NANCY L. LEMCKE,
18 Deputy Public Defender, may file an Affidavit under seal.

19 DATED 6th day of August, 2014.

20 
21 DISTRICT COURT JUDGE

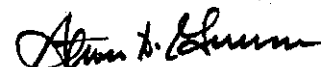
22 Submitted by:

23 PHILIP J. KOHN
24 CLARK COUNTY PUBLIC DEFENDER

25 
26 By
27 NANCY L. LEMCKE #5416
28 Deputy Public Defender

1 RSPN
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 SAMUEL G. BATEMAN
6 Chief Deputy District Attorney
7 Nevada Bar #008764
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

Electronically Filed
08/07/2014 12:39:14 PM



CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

CASE NO: C-14-296234-1

DEPT NO: V

LUIS PIMENTEL, aka,
Luis Godofredo Pimentel, III,
#1444838

Defendant.

STATE'S RESPONSE TO DEFENDANT'S MOTION TO
COMPEL PRODUCTION OF DISCOVERY

DATE OF HEARING: August, 11, 2014

TIME OF HEARING: 9:00 AM

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through SAMUEL G. BATEMAN, Chief Deputy District Attorney, and hereby submits the attached Points and Authorities in Response to Defendant's Motion to Compel Production of Discovery.

This Response is made and based upon all the papers and pleadings on file herein, the attached Points and Authorities in support hereof, and oral argument at the time of hearing, if deemed necessary by this Honorable Court.

POINTS AND AUTHORITIES

I.

**THE STATE IS AWARE OF ITS STATUTORY AND
CONSTITUTIONAL DISCOVERY OBLIGATIONS**

Defendant has made a number of general and specific discovery requests which are purportedly based upon case law within and without the State of Nevada. The State intends to comply with all the requests that are within the ambit of either the discovery statutes of Nevada and/or the constitutional requirements imposed by Brady and its progeny. The State does not intend to comply; and, furthermore, the State objects to all requests that fall outside of those legal requirements.

A.

DISCOVERY REQUIRED BY STATUTE

The State has no objection to a strict compliance with the provisions and requirements outlined in the criminal discovery statutes. See, NRS 174.233, et seq.

B.

DISCLOSURE REQUIRED BY BRADY V. MARYLAND

The State recognizes, and readily accepts, its continuing disclosure obligations as defined in Brady v. Maryland, 83 S. Ct. 1194 (1963), and its interpretive progeny. Pursuant to Brady, the State is required to disclose evidence that is favorable to the defense if it is material either to guilt or punishment. Lay v. State, 116 Nev. 1185, 1194, 14 P.3d 1256, 1262 (2000). The State's failure to do so violates the Defendant's due process rights, regardless of the State's motive. Id. Following a specific discovery request, evidence is deemed material if there is a reasonable possibility that the evidence would have affected the outcome, i.e. it undermines the confidence of the outcome in the proceeding. Id.

///

///

///

1 “The character of a piece of evidence as favorable will often turn on the context of the
2 existing or potential evidentiary record.” Id. Furthermore, it is the prosecutor’s responsibility
3 to determine whether evidence is material and should be disclosed. Id. (citing Kyles v.
4 Whitley, 514 U.S. 419, 439-440, 115 S.Ct. 1555 (1995)). As such, a prosecutor who is
5 “anxious about tacking too close to the wind will disclose a favorable piece of evidence.” Id.
6 And, this is as it should be because such disclosure serves to justify trust in the prosecutor as
7 “the representative of a sovereignty...whose interest...in a criminal prosecution is not that it
8 shall win a case, but that justice shall be done.” Id. However, Brady does not impose upon
9 the State an obligation “to disclose evidence which is available to the Defendant from other
10 sources, including diligent investigation by the defense.” Steece v. State, 114 Nev. 479, 495,
11 960 P.2d 321, 331 (1998).

12 In addition, the State acknowledges that its Brady obligations not only apply to
13 materials in its possession, but also extends to materials in the hands of its agents.
14 Nevertheless, the State maintains that rather than being accountable for all evidence in the
15 hands of all State agencies, it is only accountable for that evidence in the hands of State
16 agencies who are actually acting on its behalf in the investigation and prosecution of the case.
17 See, Kyles v. Whitley, 514 U.S. 419, 437, 115 S.Ct. 1555, 1567 (1995)(“This in turn means
18 that the individual prosecutor has a duty to learn of any favorable evidence known to the others
19 *acting on the government’s behalf in the case, including the police.*”); Carriger v. Stewart, 132
20 F.3d 463, 479 (9th Cir. 1997)(“[T]he prosecution has a duty to learn of any exculpatory
21 evidence known to others *acting on the government’s behalf.*”). Moreover, “[w]hile the
22 prosecution must disclose any information within the possession or control of law enforcement
23 personnel,...it has no duty to volunteer information that it does not possess or of which it is
24 unaware.” United State v. Hsieh Hui Mei Chen, 754 F.2d 817, 824 (9th Cir. 1985).
25 Additionally, the State has no “duty to compile information or pursue an investigative lead
26 simply because it could conceivably develop evidence helpful to the defense...” Evans v.
27 State, 117 Nev. 609, 627, 28 P.3d 498, 511 (2001).

1 Furthermore, while the State acknowledges its discovery obligations under Brady and
2 the applicable rules of discovery, the State submits that its obligations under Brady and the
3 rules of discovery are not without limitation. See, e.g., Weatherford v. Bursey, 429 U.S., 545,
4 559, 97 S.Ct. 837, at 845-846 (1977)(There is no general constitutional right to discovery in a
5 criminal case and Brady did not create one;...‘the Due Process Clause has little to say
6 regarding the amount of discovery which the parties must be afforded...’). In addition, Courts
7 are limited in their authority to order the disclosure of evidence beyond what is statutorily
8 mandated. See, Franklin v. District Court, 85 Nev. 401, 402-403, 455 P.2d 919, 920-
9 921(1969)(“The new criminal code [deals] with criminal discovery...and those provisions
10 represent the legislative intent with respect to the scope of allowable pre-trial discovery and
11 are not lightly to be disregarded.”).

12 More specifically, in the case of Riddle v. State, 96 Nev. 589, 613 P.2d 1031 (Nev.
13 1980) the Nevada Supreme Court reaffirmed the strictures of the provisions of our discovery
14 statutes by making the following statement:

15 The trial Court is vested with the authority to order the discovery and inspection
16 of materials in the possession of the State. The exercise of the Court's discretion
17 however is **predicated on a showing that the evidence sought is material to
the presentation of the defense and the existence of the evidence is known
or, by the exercise of due diligence may become known to the District
Attorney.**

18
19 Id. at 390 (emphasis added).

20 In Mazzan v. Warden, 116 Nev. 48, 993 P.2d 25 (2000), the Nevada Supreme Court
21 stated:

22 Brady and its progeny require a prosecutor to disclose evidence favorable to the
23 defense when that evidence is **material** either to guilt or to punishment. See
Jimenez v. State, 112 Nev. 610, 618-19, 918 P.2d 687, 692 (1996).
24 In other words, evidence is material if there is a reasonable probability that the
result would have been different if the evidence had been disclosed. Id.

25 Id. at 66, 36 (emphasis added).

26 In determining its materiality, the undisclosed evidence must be considered
27 collectively, not item by item. Kyles v. Whitley, 514 U.S. at 436, 115 S.Ct. 1555.
28 “[T]he character of a piece of evidence as favorable will often turn on the context
of the existing or potential evidentiary record.” Id. at 439, 1555.

1 Id. at 66-67, 36.

2 In sum, there are three components to a Brady violation: the evidence at issue is
3 favorable to the accused; the evidence was withheld by the state, either
4 intentionally or inadvertently; and prejudice ensued; i.e., the evidence was
material. Strickler v. Greene, 527 U.S. 263, 119 S.Ct. 1936, 1948, (1999).

5 Id. at 67, 37 (emphasis added).

6 Based upon the foregoing, this Court is respectfully requested to continue to adhere to
7 the clear legislative scheme regarding criminal discovery embodied in Nevada's statutes, the
8 interpretation thereof by the Supreme Court of this State, and the opinions of the United States
9 Supreme Court in this area.

10 II.

11 RESPONSES TO THE DEFENDANT'S REQUESTS

12 Defendant's present Motion from pages 3-14 appears to set forth legal precedents.
13 Pages 15-22 appears to include more specific requests. From a starting point, the State objects
14 to these types of motions wherein the Defense asks for a Court order requiring the State to
15 generally comply with NRS 174.235 and other discovery-related legal authority, under which
16 the State has existing legal obligations. In other words, the State objects to the Court ordering
17 the State to comply with the law; the State already has to comply with the law.

18 With regard to Defendant's reference to the disclosure of Inculpatory Evidence, the
19 State will comply with NRS 174.235. It is the State's position that the Court need not issue a
20 formal "order" requiring the State to comply with a statute that the State clearly must comply
21 with. Such an "order" would be redundant and unnecessary.

22 The State objects to the request for a Court order to compel the State to disclose all
23 potential evidence in the case regardless of whether it is solely inculpatory, whether it is even
24 in the State's possession and, whether the State intends to use it or not. It is usually a defense
25 tactic to obtain such an overbroad order and then complain later that they did not receive
26 something that the State had not legal duty by statute or case law to disclose. Obtaining
27 discovery from any and all locations where discovery may or may not exist is not a perfunctory
28

1 act on the part of the State. It is time intensive and not easily done with the limited resources
2 that exist in the District Attorney's office. Deputies do their best to obtain discovery from the
3 law enforcement agency directly and any other location that naturally arises from a review of
4 said discovery. The State cannot be held accountable for obtaining and divulging any and all
5 discovery that is both inculpatory and not likely to be utilized at trial. It is not reasonable or
6 necessary to issue such an order.

7 REQUESTS:

8 1) Statements of Defendant: NRS 174.235 requires the State to disclose upon request
9 "written or recorded" statements. The State is clear on its face. Defendant's request is not
10 grounded in law and, as such, the State objects to an order requiring the State to do something
11 more than the Statute requires.

12 2) Statements of Witnesses: NRS 174.235 requires the State to disclose upon request
13 "written or recorded" statements. The State is clear on its face. Defendant's request is not
14 grounded in law and, as such, the State objects to an order requiring the State to do something
15 more than the Statute requires.

16 3) Crime Scene Analysis: The State will comply with what is required in NRS 174.235.
17 The entirety of Defendant's request as stated is overly-burdensome and not explicitly
18 authorized in NRS 174.235. If Defendant has more specific requests, such as raw-data
19 associated with testing, the Defendant should address the specific request at the time with the
20 Court, assuming the State is not willing to divulge the information.

21 4) Access to/Preservation of Evidence: Again, this is broad and non-specific.
22 Defendant should be required to identify with specificity what evidence it wants access to,
23 whether he has been denied access, and what evidence he wants preserved that is in danger of
24 spoliation.

25 5) Intercepted telecommunications: There is no authority associated with this request.
26 It is overly broad and non-specific. It should be denied until such time as a specific issue
27 arises that cannot be resolved between the parties.

6) Voice Monitoring Devices: There is no authority associated with this request. It is overly broad and non-specific. It should be denied until such time as a specific issue arises that cannot be resolved between the parties.

7) 911 Calls: While this may or may not be required under NRS 174.235 to be preserved and disclosed to the Defendant, the State will provide to the Defense any 911/311 calls associated with the subject event number. There is no need for a Court Order.

8) Exculpatory Information: The Defense is asking for a Court Order ordering the State to comply with existing obligations under *Brady*. It is unclear what case imparts legal authority on the District Court to issue orders in blanket fashion compelling the State to divulge unknown exculpatory evidence based on legal authority that creates a post-trial, post-conviction remedy. See *Brady v. Maryland*, 373 U.S. 83 (1963). The State objects unless there is a specific discovery dispute regarding known exculpatory evidence that the State has decided to refuse to disclose.

9) Identification Witnesses: Unless the Defendant suggests otherwise, this is not an identification case. The State will comply with NRS 174.235. There is no need for a Court order.

10) Chain of Custody Reports: The State is unclear as to what would be included in this request. Certainly the State will comply with NRS 174.235 and *Brady* if the evidence is deemed by the State to be "material."

11) Documents used to prepare witnesses for trial: There is no authority for this request and notes are not included in NRS 174.235. The State asserts work-product/deliberative process privileges as well. This request should be denied unless an actual and specific discovery dispute arises.

12) Witness Contact Information: The State will comply with notice statutes. There is no need for a Court order.

13) LVMPD Reports: The State will comply with NRS 174.235.

///

1 14) Confidential Informants: The State will comply with NRS 174.235. The State is
2 unaware of confidential informants in this case and objects to the breadth of the request.

3 15) Statutorily Authorized Victim Compensation: Defense asks the State to prove
4 comprehensive information regarding witness fees, travel expenses, and the like for all
5 witnesses. The State assumes this information is being sought as "impeachment" evidence. It
6 is the State's position that such evidence is not "material" and will not be provided. The
7 defense is free to inquire on cross-examination subject to the Court's allowance about any
8 compensation provided to the witness.

9 16) Inconsistent Statements: The State will provide written or recorded statements
10 under NRS 174.235, and will comply with its *Brady* obligations. There is no need for an order
11 requiring the State to do what it is obligated to do.

12 17) Impeachment Information from LVMPD Personnel Files: The State will determine
13 materiality of any information in personnel files and comply with *Brady* obligations. There is
14 no need for a Court order.

15 18) The State denies a duty to provide such an overbroad request nor will it provide
16 NCICs. Under NRS 50.095, evidence that a witness has been convicted of a crime (if it is
17 punishable by more than one year) is admissible to impeach the credibility of that witness.
18 Evidence of the conviction is admissible if a period of ten years has not passed from the date
19 of release of the witness from confinement or the expiration of the period of his parole,
20 probation or sentence, whichever is the later date. See NRS 50.095(1)(2). This statute makes
21 it clear that if a witness has been convicted of a felony within the past ten years such conviction
22 is admissible because it may affect their credibility as a witness. The statute does not make
23 admissible a witness' prior arrests that did not result in a conviction or an arrest and conviction
24 of a crime that is merely a misdemeanor. Nevada case law has also allowed questioning of a
25 witness in relation to convictions for crimes not amounting to felonies which bear on the moral
26 turpitude of a witness. However, no statute or case law in the jurisdiction permits unlimited
27 questioning of a witness in regard to his/her criminal background. The State will provide
28

1 relevant information which it is legally required to disclose pertaining to the State's witnesses
2 in this case. Also, pursuant to 28 C.F.R. §20.33(b) as codified under 28 U.S.C.A. § 534 (2002),
3 criminal history information contained within an NCIC, may only be disseminated to law
4 enforcement agencies, those hired by law enforcement agencies and to those who have entered
5 into signed agreements for the specific and authorized use of criminal background information.
6 Pursuant to 28 C.F.R. §20.25,

7 Any agency or individual violating subpart B of these regulations
8 shall be subject to a civil penalty not to exceed \$10,000 for a
9 violation occurring before September 29, 1999, and not to exceed
\$11,000 for a violation occurring on after September 29, 1999.

10 In addition, pursuant to 28 C.F.R. §20.38,

11 Access to systems managed or maintained by the FBI is subject to
12 cancellation in regard to any agency or entity that fails to comply
with the provisions of subpart C of this part.

13 If the State is forced to disseminate such information to the defense in this matter, the
14 State and/or the individual who actually provides the NCIC information runs the risk of civil
15 penalties and loss of future access to the NCIC system.

16 As a user of the National Crime Information Center (NCIC) database, the State is
17 prohibited from disseminating criminal history information to non-criminal justice agencies
18 as defined by Title 28 Code of Federal Regulations (CFR)§ 20.3, which describes a criminal
19 justice agency as: (1) Courts; and (2) a government agency or any subunit thereof which
20 performs the administration of criminal justice pursuant to a statute or executive order, and
21 which allocates a substantial part of its annual budget to the administration of criminal justice.
22 Unless specifically authorized by federal law, access to the NCIC/III for non-criminal justice
23 purposes is prohibited.

24 A 1989 United States Supreme Court case looked at this issue from the standpoint of
25 an invasion of privacy and ruled accordingly:

26 ///

27 ///

1 Accordingly, we hold as a categorical matter that a third party's
2 request for law enforcement records or information about a private
3 citizen can reasonably be expected to invade that citizen's privacy,
4 and that when the request seeks no "official information" about a
5 Government agency, but merely records that the Government
6 happens to be storing, the invasion of privacy is "unwarranted."

7 United States Department of Justice v. the Reporters Committee for Freedom of the
8 Press, 109 S.Ct. 1468, 1485 (1989).

9 Criminal defense attorneys, public or private, are not within the definition of "criminal
10 justice agency," nor is the criminal defense function considered a "criminal justice purpose."
11 If the District Attorney has not run an NCIC report already, it is a violation of FBI regulations
12 to run it on request of defense counsel, or Court order.

13 In short, if the State already has it, the State then decides, pursuant to its obligations
14 under Brady and Giglio v. United States, 405 U.S. 150, 92 S.Ct. 763, 31 L.Ed. 2d 104 (1972),
15 whether or not to divulge any information contained in the NCIC report. If the State does not
16 have the NCIC report in its file, the defense has to follow FBI-outlined procedures to obtain
17 the report. Basically, the defense must obtain an order from the Judge directed to the FBI
18 describing specifically what they need. The FBI then reviews the Judge's order and if they
19 agree to release the NCIC report, the FBI sends the NCIC report to the Judge, not to defense
20 counsel. It is the obligation of the Judge to then review the information and to decide on its
21 admissibility before turning anything over to the defense.

22 Thus, the State opposes the Defendant's request as to the complete criminal history of
23 all State witnesses as he has failed to provide that the requested information is material or that
24 its dissemination is reasonable. As such, this request should be denied.

25 19-34) U-Visa/Immigration-related information: The State wholly unaware of any
26 immigration issues with its witnesses in this case and objects to any orders in this regard. The
27 State will comply with its obligations to provide material, impeaching information to the
28 Defense of witnesses the State intends to call at trial.

///

**PURSUANT TO NRS 174.245, THE STATE REQUESTS THAT DEFENSE
PROVIDE THE FOLLOWING TO THE STATE PRIOR TO TRIAL:**

(a) Written or recorded statements made by a witness the Defendant intends to call during the case in chief of the Defendant, or copies thereof, within the possession, custody or control of the Defendant, the existence of which is known, or by the exercise of due diligence may become known, to the Defendant;

(b) Results or reports of physical or mental examinations, scientific tests or scientific experiments that the Defendant intends to introduce in evidence during the case in chief of the Defendant, or copies thereof, within the possession, custody or control of the Defendant, the existence of which is known, or by the exercise of due diligence may become known, to the Defendant; and

///

///

///

///

///

///

///

///

///

///

///

///

///

///

///

///

///

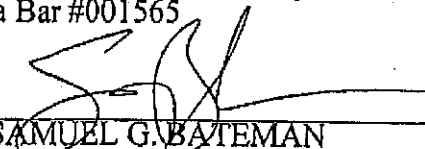
1 (c) Books, papers, documents or tangible objects that the Defendant intends to introduce
2 in evidence during the case in chief of the Defendant, or copies thereof, within the possession,
3 custody or control of the Defendant, the existence of which is known, or by the exercise of
4 due diligence may become known, to the Defendant.

5 DATED this 7th day of August, 2014.

6 Respectfully submitted,

7 STEVEN B. WOLFSON
8 Clark County District Attorney
9 Nevada Bar #001565

10 BY


11 SAMUEL G. BATEMAN
12 Chief Deputy District Attorney
13 Nevada Bar #008764

14 **CERTIFICATE OF FACSIMILE TRANSMISSION**

15 I hereby certify that service of the above and foregoing was made this 7th day of August,
16 2014 by facsimile transmission to:

17 CONOR M SLIFE,
18 DEPUTY PUBLIC DEFENDER
19 (702) 366-9370

20 NANCY M. LEMCKE,
21 DEPUTY PUBLIC DEFENDER
22 (702) 383-6602

23 BY /s/ E. Goddard

24 E. Goddard
25 Secretary for the District Attorney's Office
26

27 13F20476X/erg/L-1
28

Sent Successfully

To: CONOR M. SLIFE, DPD at 702-366-9370

08/07/2014 11:18AM

* Pg 1/1

User ID: GODDARE

=====

TO: Name: CONOR M. SLIFE, DPD

Company:

Fax Phone Number: 702-366-9370

Contact Phone Number:

Info Code 1: C296234

Info Code 2: LUIS PIMENTEL

Sent to remote ID:+

Sent at:Thu Aug 07 11:18:54 2014

Sent on channel 7

Elapsed Time: 6 minutes, 33 seconds

Transmission Status (0/339;0/0): Successful Send

Page Record: 1 - 12.

Sent Successfully To: NANCY M. LEMCKE, DPD at 702-383-6602
User ID: GODDARE

08/07/2014 11:19AM * Pg 1/1

=====

TO: Name: NANCY M. LEMCKE, DPD

Company:

Fax Phone Number: 702-383-6602

Contact Phone Number:

Info Code 1: C296234

Info Code 2: LUIS PIMENTEL

Sent to remote ID:702 383 6602

Sent at:Thu Aug 07 11:19:22 2014

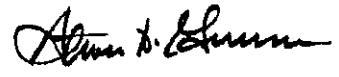
Sent on channel 3

Elapsed Time: 6 minutes, 6 seconds

Transmission Status (0/339;0/0): Successful Send

Page Record: 1 - 12.

=====


CLERK OF THE COURT

1 REQT
2 PHILIP J. KOHN, PUBLIC DEFENDER
3 NEVADA BAR NO. 0556
4 309 South Third Street, Suite #226
5 Las Vegas, Nevada 89155
6 (702) 455-4685
7 Attorney for Defendant

8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

10 THE STATE OF NEVADA,

11 Plaintiff,

CASE NO. C-14-296234-1

DEPT. NO. V

12 LUIS PIMENTEL,

13 Defendant.

14 REQUEST TO FILE ORDER FOR TRANSPORT UNDER SEAL

15 Upon the request of the above-named Defendant, LUIS PIMENTEL, by and through
16 NANCY L. LEMCKE, Clark County Deputy Public Defender, and good cause appearing therefore,

17 IT IS HEREBY ORDERED that upon request of this Court, that NANCY L. LEMCKE,
18 Deputy Public Defender, may file an Order for Transport under seal.

19 DATED 8th day of August, 2014.

20 
21 DISTRICT COURT JUDGE

22 Submitted by:

23 PHILIP J. KOHN
24 CLARK COUNTY PUBLIC DEFENDER

25 
26 By
27 NANCY L. LEMCKE, #5416
28 Deputy Public Defender

ORIGINAL

FILED

AUG 11 9 20 AM '14

Alvin L. Schuman
CLERK OF THE COURT

1 EXPR
2 PHILIP J. KOHN, PUBLIC DEFENDER
3 NEVADA BAR NO. 0556
4 309 South Third Street, Suite 226
5 Las Vegas, Nevada 89155
6 (702) 455-4685
7 Attorney for Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

7 THE STATE OF NEVADA,
8
9 Plaintiff,

CASE NO. C-14-296234-1

DEPT. NO. V

10 LUIS PIMENTEL,
11
12 Defendant.

C-14-296234-1
EXPR
Ex Parte Order
4117447



EX PARTE ORDER FOR TRANSPORT

13
14 Upon the ex parte application of the above-named Defendant, by and through
15 NANCY L. LEMCKE, Clark County Public Defender, and good cause appearing therefor,

16 IT IS HEREBY ORDERED that the Clark County Detention Center transport the
17 Defendant, LUIS PIMENTEL, I.D. No. 1444838, to the Clark County Public Defender's Office,
18 309 S. Third St. 2nd Floor, Las Vegas, NV 89155 on Wednesday, August 13, 2014 from 10:00 am
19 to 5:00 pm for the purpose of a psychological evaluation with Expert Witness. That the Public
20 Defender's Office has already arranged the date and time with the Clark County Detention Center
21 and it does not present an undue burden to them. That the Order be sealed, and shall not be opened
22 to inspections except by their attorney, or when required as evidence in another action.

23 IT IS FURTHER ORDERED that all of the Detention Center rules, regulations and
24 protocol will be followed in regards to the number of transport officers and the presence of the
officers directly outside the secured room used for the evaluation. The secured room will be
inspected and approved by corrections officers. The officers shall approve and follow their
protocol of securing the inmate at all times both during transportation and during the evaluations
itself to ensure the safety of civilians present at the office during the time of the appointment, this

CLERK OF THE COURT

AUG 11 2014

RECEIVED

28

1 will include random physical/visual checks by the officers which may involve opening the door of
2 the examination room if said room does not have a window in the door.

3 DATED this 8th day of August, 2014.

4 
5 DISTRICT COURT JUDGE

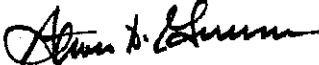
6 Submitted by:

7 PHILIP J. KOHN
8 CLARK COUNTY PUBLIC DEFENDER

9 By

10 
11 NANCY L. LEMCKE, #5416
12 Deputy Public Defender
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 EXPR
2 PHILIP J. KOHN, PUBLIC DEFENDER
3 NEVADA BAR NO. 0556
4 309 South Third Street, Suite 226
5 Las Vegas, Nevada 89155
6 (702) 455-4685
7 Attorney for Defendant


CLERK OF THE COURT

8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

10 THE STATE OF NEVADA,

11 Plaintiff,

CASE NO. C-14-296234-1

DEPT. NO. V

12 LUIS PIMENTEL,

13 Defendant.

14 EX PARTE ORDER FOR TRANSCRIPT

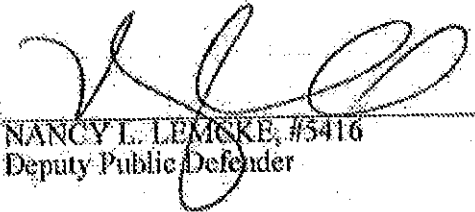
15 Upon the ex parte application of the above-named Defendant, LUIS PIMENTEL,
16 by and through, NANCY L. LEMCKE, Deputy Public Defender, and good cause appearing
17 therefor,

18 IT IS HEREBY ORDERED that the certified Court Recorder LARA CORCORAN,
19 prepare at State expense, a transcript of the proceedings for case C-14-296234-1 heard on August
20 11, 2014 in District Court Department 5.

21 DATED this 18th day of August, 2014.

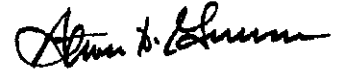
22 
23 DISTRICT COURT JUDGE

24 Submitted by:
25 PHILIP J. KOHN
26 CLARK COUNTY PUBLIC DEFENDER

27 By 
28 NANCY L. LEMCKE, #5416
Deputy Public Defender

1 NWEW
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 SAMUEL G. BATEMAN
6 Chief Deputy District Attorney
7 Nevada Bar #008764
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

Electronically Filed
08/20/2014 11:46:57 AM



CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,

11 -vs-

CASE NO: C-14-296234-1

12 LUIS PIMENTEL, aka,
13 Luis Godofredo Pimentel, III,
14 #1444838

DEPT NO: V

Defendant.

NOTICE OF EXPERT WITNESSES
[NRS 174.234(2)]

17 TO: LUIS PIMENTEL, aka, Luis Godofredo Pimentel, III, Defendant;
18 and

19 TO: NANCY L. LEMCKE, DEPUTY PUBLIC DEFENDER, Counsel of
20 Record:

21 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF
22 NEVADA intends to call the following expert witnesses in its case in chief:

23 **FRIED, JONATHAN, LVMPD #8174**, is a Forensic Scientist II or Designee, with the
24 Las Vegas Metropolitan Police Department. He is an expert in the area of firearm/toolmark
25 analysis, Gun ID, ballistics, burn stippling and muzzle flash and will give opinions related
26 thereto. He is expected to testify regarding evidence collected from the crime scene.

27 **MACEO, ALICE V., LVMPD #7828**, is a Forensic Laboratory Manager or Designee,
28 with the Las Vegas Metropolitan Police Department. She will testify as an expert as to the

1 procedures, techniques and science employed in fingerprint analysis, all procedures employed
2 in this case and reports provided.

3 **RETAMOZO, CAROL, LVMPD #14280**, is a Forensic Laboratory Scientist II or
4 Designee, with the Las Vegas Metropolitan Police Department. She will testify as an expert
5 as to the procedures, techniques and science employed in DNA analysis, all procedures
6 employed in this case and reports provided and reports provided.

7 These witnesses are in addition to those witnesses endorsed on the Information or
8 Indictment and any other witnesses for which a separate Notice of Witnesses and/or Expert
9 Witnesses has been filed

10 The substance of each expert witness' testimony and a copy of all reports made by or
11 at the direction of the expert witness has been provided in discovery.

12 A copy of each expert witness' curriculum vitae, if available, is attached hereto.

13 STEVEN B. WOLFSON
14 Clark County District Attorney
15 Nevada Bar #001565

16 BY 

17 SAMUEL G. BATEMAN
18 Chief Deputy District Attorney
19 Nevada Bar #008764

20 **CERTIFICATE OF E-MAIL TRANSMISSION**

21 I hereby certify that service of Notice of Witnesses was made this 20th day
22 of August, 2014, by e-mail communication to:

23 Nancy L. Lemcke, Deputy Public Defender
24 lemckenl@ClarkCountyNV.gov

25 BY /S/Stephanie Johnson
26 Employee of the District Attorney's Office

27
28 13F20476X/saj/L-1

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT
FORENSIC LABORATORY
STATEMENT OF QUALIFICATIONS**

Date: 02-22-11

Name: Jonathan A. Fried

P#: 8174

Classification: Forensic Scientist Trainee

Current Discipline of Assignment: Firearms/Toolmarks

| EXPERIENCE IN THE FOLLOWING DISCIPLINE(S) | | | |
|---|--|--------------------------------------|---|
| Controlled Substances | | Blood Alcohol | |
| Toolmarks | | Breath Alcohol | |
| Trace Evidence | | Arson Analysis | |
| Toxicology | | Firearms | |
| Latent Prints | | Crime Scene Investigations | X |
| Serology | | Clandestine Laboratory Response Team | |
| Document Examination | | DNA Analysis | |
| Quality Assurance | | Technical Support / | |

| EDUCATION | | | |
|-------------------------|----------------|--|------------------|
| Institution | Dates Attended | Major | Degree Completed |
| University of New Haven | 1999 – 2001 | Forensic Science --Advanced Investigations | M.S. |
| Sacred Heart University | 1994 – 1998 | Computer Science – Information Systems | B.S. |

| ADDITIONAL TRAINING / SEMINARS | | |
|--|-----------------|-------------------|
| Course / Seminar | Location | Dates |
| Basic Shooting Reconstruction Course | Las Vegas, NV | 01/24/11-01/28/11 |
| ATF Serial Number Restoration Course | Las Vegas, NV | 9/27-9/29/2010 |
| Colt .45/Model "O" 1911 Armorer's School | Las Vegas, NV | 8/5-6/2010 |
| Colt M16/AR-15 Rifle Armorer's School | Las Vegas, NV | 8/2-4/2010 |
| LAR Manufacturing Factory Tour | West Jordan, UT | 7/14/2010 |
| North American Arms Factory Tour | Provo, UT | 7/13/2010 |
| Barnes Bullets Ammunition Factory Tour | Mona, UT | 7/13/2010 |
| Sig Sauer Classic Pistols Armorer's School | Las Vegas, NV | 7/7-8/2010 |

| ADDITIONAL TRAINING / SEMINARS | | |
|---|---|--------------|
| Course / Seminar | Location | Dates |
| Sturm Ruger Firearms Factory Tour | Prescott, AZ | 6/19/2010 |
| Dillon Precision Reloading Factory Tour | Scottsdale, AZ | 6/18/2010 |
| Schneider Rifle Barrels Factory Tour | Payson, AZ | 6/18/2010 |
| NIBIN Entry | LVMPD-Criminalistics | 6/24/2010 |
| Benelli M1, M2, M4 Armorer's School | Las Vegas, NV | 6/16-17/2010 |
| Beretta 90 Series and Px4 Armorer's School | Las Vegas, NV | 6/14-15/2010 |
| AFTE Annual Training Seminar | Henderson, NV | 5/2-7/2010 |
| Innov-x XRF Safety and Operator Training | LVMPD-Criminalistics | 4/8/2010 |
| ATF IBIS Data Acquisition Training | Largo, FL (FTI) | 6/24-29/2010 |
| Glock Armorer's School | Las Vegas, NV | 1/20/2010 |
| 2009 Clan Lab Recert | LVMPD-Criminalistics | 5/27/2009 |
| Detecting Staged Crime Scenes | LVMPD-ISD | 5/5/2009 |
| Basic Instructor Development | LVMPD-Advanced Training | 4/2009 |
| Integrated Ballistic Identification System | West Virginia University Extended Learning | 4/17/2009 |
| Introduction to Firearms and Toolmarks | West Virginia University Extended Learning | 4/17/2009 |
| Hexagon-OBTI Blood Test | Las Vegas, NV | 3/11/2009 |
| Crime Scene and DNA Basics for Forensic Analysts | Las Vegas, NV | 3/4/2009 |
| What Every Law Enforcement Officer Should Know About DNA Evidence: Investigators and Evidence Techs | Las Vegas, NV | 3/4/2009 |
| Communication Skills, Report Writing, and Courtroom Testimony for Forensic Analysts | Las Vegas, NV | 3/4/2009 |
| Collecting DNA Evidence at Property Crime Scenes | Las Vegas, NV | 2/28/2009 |
| EEOC Basics Class | Las Vegas, NV | 2/25/2009 |
| NCIC Recertification | Las Vegas, NV | 1/29/2009 |
| Nevada Workplace Safety Rights and Responsibilities | Las Vegas, NV | 1/20/2009 |
| Advanced Forensic Investigations for Hazardous Environments Performance Level | Las Vegas, NV | 10/3/2008 |
| IS-00200 ICS for Single Resources and Initial Action Incidents | Las Vegas, NV | 7/30/2008 |

| ADDITIONAL TRAINING / SEMINARS | | |
|--|---------------|---------------|
| Course / Seminar | Location | Dates |
| IS-00700 National Incident Management System | Las Vegas, NV | 7/30/2008 |
| Introduction of the Incident Command System 1-100 for Law Enforcement | Las Vegas, NV | 7/30/2008 |
| Major Case Prints | Las Vegas, NV | 5/14/2008 |
| Forensic Entomology Evidence Recovery Techniques | Las Vegas, NV | 3/3-4/2008 |
| Ground Penetrating Radar | Las Vegas, NV | 1/23-24/2008 |
| Use of Force (Civilians) | Las Vegas, NV | 1/2/2008 |
| Finding Latent Evidence with Chemistry & Light | Henderson, NV | 12/11-14/2007 |
| Bomb Investigations | Las Vegas, NV | 12/5-7/2007 |
| Clandestine Laboratory Safety Re-Certification | Las Vegas, NV | 10/24/2007 |
| Forensic Entomology Evidence Collection Protocol | Las Vegas, NV | 8/2007 |
| (RT02) NCIC Recertification Phase II | Las Vegas, NV | 5/23/2007 |
| ROFIN Polilight PL500 (Instructor: Sheree Norman) | Las Vegas, NV | 5/2/2007 |
| Bloodstain Pattern Analysis (10-hour refresher course) | Las Vegas, NV | 2/20/2007 |
| Death in Infancy & Childhood - Investigation & Pathology Seminar (Instructor: Dr. Tracy Corey, Chief Medical Examiner for the State of Kentucky) | Las Vegas, NV | 11/16-17/2006 |
| Diversity Training | Las Vegas, NV | 11/1/2006 |
| Forensic Medical Investigation | Las Vegas, NV | 8/16-18/2006 |
| How to be the Best Expert Witness You Can be | Las Vegas, NV | 8/9/2006 |
| Presumptive Standards (Instructor: Shannon Merges) | Las Vegas, NV | 7/19/2006 |
| Bloodstain Pattern Recognition and Examination of Bloodstained Clothing Workshop | Las Vegas, NV | 5/11/2006 |
| Shooting Incident Reconstruction (Basic) | Las Vegas, NV | 4/5-7/2006 |
| Bloodstain Pattern Recognition - Instructor: Craig C. Moore, Niagara Regional Police Service (Canada) | Las Vegas, NV | 1/120/2006 |
| Basic Bloodstain Pattern Recognition | Las Vegas, NV | 1/16-20/2006 |
| Terrorism and Travel Documents | Las Vegas, NV | 12/13/2005 |
| Merging Digital Photography/Crime Scene Investigations | Las Vegas, NV | 12/7/2005 |
| Completion of Proficiency Exercise - "Recording Major Case Prints" | Las Vegas, NV | 11/16/2005 |

| ADDITIONAL TRAINING / SEMINARS | | |
|---|---------------------|-----------------|
| Course / Seminar | Location | Dates |
| FATS Training | Las Vegas, NV | 10/5/2005 |
| National Incident Management System (NIMS) -IS-00700 | Las Vegas, NV | 9/6/2005 |
| Digital Workstation Training | Las Vegas, NV | 7/5/2005 |
| Homicide Issues: A Prosecutor's Perspective on Presenting Cases to a Jury | Las Vegas, NV | 3/23/2005 |
| Nighttime Photography Techniques | Las Vegas, NV | 3/23/2005 |
| Excited Delirium and Restraint Deaths | Las Vegas, NV | 3/23/2005 |
| Crime Scene Technology 2: A Crime Scene Practicum | North Las Vegas, NV | 3/14-18/2005 |
| Practical Homicide Investigation | Las Vegas, NV | 3/7-9/2005 |
| Clandestine Laboratory Safety Certification | Las Vegas, NV | 2/23-25/2005 |
| Forensic Science Program 101 - Certified | Las Vegas, NV | 10/6/2004 |
| Brooke Lee West Case - "Coffin Flies" | Las Vegas, NV | 4/7/2004 |
| Bite Marks | Las Vegas, NV | 4/7/2004 |
| Nighttime Photographic Techniques | Las Vegas, NV | 4/7/2004 |
| Criminalistics Bureau - Field Training | Las Vegas, NV | 3/31/2004 |
| Civilian Use of Force & Firearm Training | Las Vegas, NV | 2/3-5/2004 |
| Defensive Tactics - CSA's | Las Vegas, NV | 2/2/2004 |
| Orientation for Civilian Employees - Advanced Training | Las Vegas, NV | 1/22-30/2004 |
| Crime Scene Analyst Academy | Las Vegas, NV | 1/15/2004 |
| Testifying in Court | Las Vegas, NV | 12/11/2003 |
| WordPerfect 8 - Basic | Las Vegas, NV | 12/9/2003 |
| Understanding Death & Grief Issues | Las Vegas, NV | 12/8/2003 |
| L.E. Response to Alzheimer Victims, Abuse/Neglect | Las Vegas, NV | 12/4/2003 |
| Driver Training | Las Vegas, NV | 12/1/2003 |
| | | |
| | | |
| COURTROOM EXPERIENCE | | |
| Court | Discipline | Number of Times |

| COURTROOM EXPERIENCE | | |
|---|-------------------------------------|-------------------|
| Court | Discipline | Number of Times |
| District Court, Justice Court, Grand Jury | Crime Scene Investigations | 12-15 |
| Federal Court | Crime Scene Investigations | 1 |
| EMPLOYMENT HISTORY | | |
| Employer | Job Title | Date |
| Las Vegas Metropolitan Police Department | Forensic Scientist Trainee | 10/2009-Present |
| Las Vegas Metropolitan Police Department | Crime Scene Analyst (I, II, Senior) | 11/2003 - 10/2009 |
| Stratford Police Department | Police Officer | 1/2002 - 11/2003 |
| PROFESSIONAL AFFILIATIONS | | |
| Organization | Date(s) | |
| Member of International Association for Identification | Current | |
| | | |
| | | |
| PUBLICATIONS / PRESENTATIONS: | | |
| Poster Presentations: "Evaluation of the Forensics Source Short Length Ballistic Fiber Filled Bullet Catcher," "Remington HD Ultimate Home Defense 12 Gauge Shot Shell Ammunition," "Sub-Caliber Shenanigans," and "Proof of Concept (Preliminary) Results on a Method to Cross Check Chronograph Velocities Using Hi-Speed Video Camera," Association of Firearm and Tool Mark Examiners Annual Training Seminar, May 2010, Henderson, NV | | |
| | | |
| | | |
| | | |

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT
FORENSIC LABORATORY
STATEMENT OF QUALIFICATIONS**

Date: 06/24/10

Name: Alice V. Maceo P#: 7828 Classification: Forensic Lab Manager

Current Discipline of Assignment: Management of the Latent Print Detail

| EXPERIENCE IN THE FOLLOWING DISCIPLINE(S) | | | |
|---|----------------------------------|--------------------------------------|------------------|
| Controlled Substances | | Blood Alcohol | |
| Toolmarks | | Breath Alcohol | |
| Trace Evidence | | Arson Analysis | |
| Toxicology | | Firearms | |
| Latent Prints | X | Crime Scene Investigations | X |
| Serology | | Clandestine Laboratory Response Team | |
| Document Examination | | DNA Analysis | |
| Quality Assurance | | Technical Support / | |
| EDUCATION | | | |
| Institution | Dates Attended | Major | Degree Completed |
| University of Alaska, Anchorage | 1/92 - 8/94 | Biology | BS |
| St. Mary's College of Maryland | 9/90 - 12/91 | Biology | |
| | | | |
| ADDITIONAL TRAINING / SEMINARS | | | |
| Course / Seminar | Location | Dates | |
| Leadership Development | Las Vegas, NV | 1/5 - 1/6/10 | |
| Diversity | Las Vegas, NV | 12/16/09 | |
| ASCLD/LAB-International Preparation Course | Henderson, NV | 12/1 - 12/3/09 | |
| Leadership Development | Las Vegas, NV | 11/17 - 11/18/09 | |
| Introduction to Mathematical Statistics | California State University - LB | 8/3 - 9/9/09 | |
| IAI 94 th Educational Conference | Tampa, FL | 8/17 - 8/21/09 | |

| ADDITIONAL TRAINING / SEMINARS | | |
|---|--|------------------|
| <i>Course / Seminar</i> | <i>Location</i> | <i>Dates</i> |
| Fingerprints and Probability | Nokesville, VA | 7/13 - 07/17/09 |
| Introduction to Statistics | UNLV, Las Vegas, NV | 6/1 - 7/2/09 |
| HFACS/HFIX Super-user Training | Las Vegas, NV | 6/12/09 |
| HFACS/HFIX Two-day Basic Training | Las Vegas, NV | 6/10 - 6/11/09 |
| Forensic Science for the 21 st Century, ASU | Tempe, AZ | 4/3/09 - 4/4/09 |
| IAI 93 rd Educational Conference | Louisville, KY | 8/18 - 8/22/08 |
| Application of Statistics to Ridgeology And ACE-V Methodology | Las Vegas, NV | 03/31 - 04/04/08 |
| Forensic Imaging Techniques | Las Vegas, NV | 01/08 |
| The Management Conference | Las Vegas, NV | 12/13/07 |
| The Women's Conference | Las Vegas, NV | 10/22/07 |
| Interpersonal Communication Skills for Business Professionals | Las Vegas, NV | 10/9 - 10/10/07 |
| The Biometric Consortium Conference | Baltimore, MD | 9/11 - 9/13/07 |
| Managing Emotions Under Pressure | Las Vegas, NV | 9/10/07 |
| IAI 92 nd Educational Conference | San Diego, CA | 7/23 - 7/27/07 |
| Indiana University Expert Cognitive Psychology Study | Bloomington, Indiana | 5/17 - 5/20/07 |
| The Paradigm Shift in Forensic Sciences | Las Vegas, NV | 11/9 - 11/10/06 |
| ASCLD Meeting | San Francisco, CA | 10/2 - 10/5/06 |
| Management Problems of the Technical Person in a Leadership Role | Las Vegas, NV | 9/11/06 |
| Forensic Digital Imaging | Thornton, CO | 7/24 - 7/26/06 |
| IAI 91 st Educational Conference | Boston, MA | 7/3 - 7/7/06 |
| International Symposium on Fingerprints | Interpol Headquarters, Lyon, France | 5/17 - 5/18/06 |
| Indiana University Latent Print Research Consulting Meeting | Bloomington, Indiana | 5/15 - 5/16/06 |

| ADDITIONAL TRAINING / SEMINARS | | |
|--|---|-------------------|
| Course / Seminar | Location | Dates |
| NIST Latent Testing Workshop | Gaithersburg, MD | 4/5 - 4/6/06 |
| Workshop on Ethical and Social Implications of Biometric Identification Technology: Towards and International Approach | European Commission on Science and Society, Brussels, Belgium | 12/15 - 12/16/05 |
| New England Division IAI Educational Conference | Burlington, VT | 11/2/05 - 11/4/05 |
| ANSI/NIST Fingerprint Standard Update | Gaithersburg, MD | 4/26 - 4/28/05 |
| Fingerprint Society Lectures 30 th Annual Conference | Brighton, England | 3/18 - 3/20/05 |
| Daubert and The Comparative Sciences | Las Vegas, NV | 10/29 - 10/30/04 |
| Team Building is for Everyone | Las Vegas, NV | 9/28/04 |
| IAI 89 th Educational Conference | St. Louis, MO | 8/23 - 8/27/04 |
| Problem Solving, Independent Decision Making Alt | Las Vegas, NV | 8/12/04 |
| Indiana University Expert Cognitive Psychology Study | Bloomington, Indiana | 12/15/03 |
| Indiana Division IAI Training Conference | Indianapolis, Indiana | 10/21 - 10/23/03 |
| IAI 88 th Educational Conference | Ottawa, Ontario Canada | 7/7 - 7/11/03 |
| Driver's Training | Las Vegas, NV | 4/17/03 |
| 28 th Annual Educational Conference of Fingerprint Society | Oxford, England | 3/7 - 3/9/03 |
| FW21 and LEXS Upgrade User Methods and Operations | NEC, Las Vegas, NV | 2/5/03 |
| Southern California Association of Fingerprint Officers (SCAFO) Meeting | West Covina, CA | 10/11 - 10/12/02 |
| IAI 87 th Educational Conference | Las Vegas, NV | 8/4 - 8/10/02 |
| "The Daubert World: Past, Present, and Future" | Las Vegas, NV | 6/21 - 6/23/02 |
| Physical Fracture Match Workshop | Arlington, TX | 12/01 |

| ADDITIONAL TRAINING / SEMINARS | | |
|---|-----------------------|------------------|
| Course / Seminar | Location | Dates |
| The Fingerprint Society Centennial Conference on Identification | London, England | 6/25 - 6/29/01 |
| Crime Scene Reconstruction | Miami, FL | 9/00 |
| IAI 85 th Educational Conference | Charleston, WV | 7/23 - 7/29/00 |
| Latent Print Searches in AFIS 21 | Anchorage, AK | 6/21 - 6/22/00 |
| Combined Advanced Ridgeology, Demystifying Palm Prints and Comparison Techniques: Research and Graduate Assistant | Salem, Oregon | 10/18 - 10/29/99 |
| IAI 84 th Educational Conference | Milwaukee, WI | 7/11 - 7/17/99 |
| Investigative Photography - Intermediate Level | Anchorage, AK | 4/99 |
| Administrative Advanced Latent Fingerprint School | Quantico, VA | 3/8 - 3/26/99 |
| Bloodstain Pattern Analysis | Miami, FL | 12/98 |
| Combined Advanced Ridgeology, Demystifying Palm Prints and Comparison Techniques | Meridian, Mississippi | 10/26 - 11/6/98 |
| Crime Scene Investigation II | Miami, FL | 8/98 |
| Advanced Ridgeology Comparison Techniques | Mesa, AZ | 5/4 - 5/8/98 |
| Mastering Expert Testimony | Mesa, AZ | 4/27 - 5/1/98 |
| Crime Scene Investigation | Miami, FL | 2/98 |
| Methods of Instruction | Anchorage, AK | 1/12 - 1/16/98 |
| Photography | Anchorage, AK | 11/13/97 |
| Latent Fingerprint Development | Anchorage, AK | 6/3 - 6/5/97 |
| Uniform Investigator Training | Anchorage, AK | 5/19 - 5/22/97 |

| COURTROOM EXPERIENCE | | |
|---|---------------------------|------------------------|
| <i>Court</i> | <i>Discipline</i> | <i>Number of Times</i> |
| District Court of Clark County | Latent Print Examination | 24 |
| Nevada Grand Jury | Latent Print Examination | 12 |
| Nevada Justice Court | Latent Print Examination | 11 |
| Nevada Federal Court | Latent Print Examination | 8 |
| Alaska Superior Court | Latent Print Examination | 5 |
| Alaska Grand Jury | Latent Print Examination | 2 |
| EMPLOYMENT HISTORY | | |
| <i>Employer</i> | <i>Job Title</i> | <i>Date</i> |
| Self-employed | Forensic Instructor | 12/06 - present |
| LVMPD Forensic Laboratory | Forensic Lab Manager | 7/06 - present |
| LVMPD Forensic Laboratory | Latent Print Examiner II | 9/02 - 6/06 |
| Henderson Police Department | Crime Scene Analyst II | 8/01 - 7/02 |
| Henderson Police Department | Forensic Consultant | 5/01 - 8/01 |
| State of Alaska Crime Laboratory | Latent Print Examiner III | 4/97 - 4/01 |
| PROFESSIONAL AFFILIATIONS | | |
| <i>Organization</i> | <i>Date(s)</i> | |
| Expert Working Group on Human Factors in Latent Print Analysis | 2008 - present | |
| Journal of Forensic Identification Editorial Review Board | 2007 - present | |
| General Forensics Technology Working Group | 2007 - 2009 | |
| The Fingerprint Society, Fellow | 2002 - 2007 | |
| Scientific Working Group on Friction Ridge Analysis, Study and Technology (SWGFAST) | 2001 - present | |
| International Association for Identification (IAI), Distinguished Member 2004 | 1997 - present | |

| PUBLICATIONS / PRESENTATIONS: | |
|---|--|
| Publications: | |
| Maceo, Alice. "Qualitative Assessment of Skin Deformation: A Pilot Study", <i>Journal of Forensic Identification</i> , 59(4): 390-440. | |
| Maceo, Alice. "Friction Ridge Skin - Morphogenesis and Overview" <i>Criminalistics Section of the Wiley Encyclopedia of Forensic Science</i> , John Wiley & Sons, Ltd. Editors-in-Chief Allan Jamieson and Andre Moenssens; Volume 3:1322-1331. | |
| Maceo, Alice. "Documentation of Friction Ridge Impressions: From the Scene to the Conclusion" Chapter 11 of the Friction Ridge Source Book, <i>West Virginia University</i> , In press 2010. | |
| Maceo, Alice. "Anatomy and Physiology of Adult Friction Ridge Skin" Chapter 2 of the Friction Ridge Source Book, <i>West Virginia University</i> , In press 2010. | |
| Maceo, Alice. "Scars in Friction Ridge Skin", <i>Evidence Technology Magazine</i> , July 2005, p.26-28. | |
| Maceo, Alice. "The Basis for The Uniqueness and Persistence of Scars in the Friction Ridge Skin", <i>Fingerprint Whorld</i> , 2005, 31(121):147-161. | |
| Maceo, Alice. "The Biology of Skin", <i>Journal of Forensic Identification</i> 2003, 53(5):585-595. | |
| Wertheim, Kasey and Maceo, Alice. "The Critical Stage of Friction Ridge and Pattern Formation", <i>Journal of Forensic Identification</i> , 2002, 52(1):23-73. | |
| Maceo, Alice and Wertheim, Kasey. "Use of Ninhydrin in the Recovery of Latent Prints on Adhesive Surfaces Attached to Porous Surfaces", <i>Journal of Forensic Identification</i> , 2000, 50(6):581-594. | |
| Presentations and Courses: | |
| 5/13 – 5/14/10 "Analysis of Distortion in Latent Prints", Michigan State Police, Detroit, MI | |
| 4/15 – 4/16/10 "Analysis of Distortion in Latent Prints", California Criminalistics Institute, Sacramento, CA | |
| 3/25/10 "Careers and Internships in Forensic Science" UNLV College of Sciences, Las Vegas, NV | |
| 3/23/10 "Admissibility of Latent Print Evidence", UNLV Law School, Las Vegas, NV | |
| 3/5 – 3/6/10 "Analysis of Distortion in Latent Prints", Colorado Bureau of Investigation, Denver, CO | |
| 12/10 – 12/11/09 "Analysis of Distortion in Latent Prints", Northern Colorado Regional Crime Laboratory, Ft. Collins, CO | |
| 10/15 – 10/16/09 "Analysis of Distortion in Latent Prints", Indiana IAI, Greenwood, IN | |
| 8/21/09 "Analysis of Distortion in Latent Prints", 94 th IAI Educational Conference, Tampa, FL | |

| PUBLICATIONS / PRESENTATIONS: | |
|-------------------------------|---|
| 8/19/09 | Panel Discussion: Potential Effects of Bias in Latent Print Examination |
| 8/19/09 | "Analysis of Distortion in Latent Prints", 94 th IAI Educational Conference, Tampa, FL |
| 8/18/09 | "Analysis of Distortion in Latent Prints", 94 th IAI Educational Conference, Tampa, FL |
| 4/15 – 4/17/09 | "Analysis of Distortion in Latent Prints" Los Angeles County Sheriff's Department, Los Angeles, CA |
| 3/19 - 3/20/09 | "Analysis of Distortion in Latent Prints" San Bernardino County Sheriff's Office, San Bernardino, CA |
| 2/19 - 2/20/09 | "Analysis of Distortion in Latent Prints" Oregon State Police, Clackamas, OR |
| 2/9 – 2/10/09 | "Analysis of Distortion in Latent Prints" LVMPD, Las Vegas, NV |
| 1/22 – 1/23/09 | "Analysis of Distortion in Latent Prints" California Criminalistics Institute, Sacramento, CA |
| 8/22/08 | "Analysis of Distortion in Latent Prints", 93 rd IAI Educational Conference, Louisville, KY |
| 8/21/08 | "Analysis of Distortion in Latent Prints", 93 rd IAI Educational Conference, Louisville, KY |
| 8/19/08 | "Analysis of Distortion in Latent Prints", 93 rd IAI Educational Conference, Louisville, KY |
| 6/26 – 6/27/08 | "Analysis of Distortion in Latent Prints" Minnesota BCA, St. Paul, MN |
| 6/13/08 | "Introduction to Forensic Lab Services" Nevada DPS, Las Vegas, NV |
| 5/29 – 5/30/08 | "Analysis of Distortion in Latent Prints" FBI Laboratory, Quantico, VA |
| 2/22/08 | "Daubert and Pattern Evidence" - Panel Discussion, American Academy of Forensic Sciences, Washington DC |
| 1/24 - 1/25/08 | "Analysis of Distortion in Latent Prints" Ohio Bureau of Criminal Identification, London, OH |
| 1/16/08 | "Introduction to Latent Print Collection", LVMPD Laughlin Substation, NV |
| 11/8/07 | "Analysis of Distortion in Latent Prints", NEDIAI, Newport, RI |
| 9/13/07 | "Analysis of Distortion in Latent Prints", Maryland State Police, Pikesville, MD |
| 8/9 - 8/10/07 | "Analysis of Distortion in Latent Prints", Los Angeles County Sheriff's Department, San Dimas, CA |
| 7/27/07 | "Analysis of Distortion in Latent Prints", 92 nd IAI Educational Conference, San Diego, CA |
| 7/25/07 | "Analysis of Distortion in Latent Prints", 92 nd IAI Educational Conference, San Diego, CA |
| 7/24/07 | "Analysis of Distortion in Latent Prints", 92 nd IAI Educational Conference, San Diego, CA |

| PUBLICATIONS / PRESENTATIONS: | |
|---|--|
| 7/23/07 "Moving Forward with Objectivity" - Panel Discussion, 92 nd IAI Educational Conference, San Diego, CA | |
| 6/18/07 "Latent Print Evidence", LVMPD CSA Academy, Las Vegas, NV | |
| 6/6/07 "Introduction to Forensic Science: Latent Prints", Clark County District Attorney's Office, Las Vegas, NV | |
| 5/31 - 6/1/07 "Analysis of Distortion in Latent Prints", Contra Costa County Sheriff's Office, Martinez, CA | |
| 5/23/07 "Introduction to Latent Print Collection", LVMPD Laughlin Substation, NV | |
| 5/14 - 5/15/07 "Analysis of Distortion in Latent Prints", LVMPD, Las Vegas, NV | |
| 5/3 - 5/4/07 "Analysis of Distortion in Latent Prints", New York Department of Criminal Justice, Albany, NY | |
| 3/19 - 3/20/07 "Analysis of Distortion in Latent Prints", Arizona Identification Council, Mesa, AZ | |
| 12/18 - 12/19/06 "Analysis of Distortion in Latent Prints", Dutch National Police, Zoetermeer, Netherlands | |
| 12/15/06 "Forensic Science Series: Latent Prints", Clark County District Attorney's Office, Las Vegas, NV | |
| 11/10/06 "Error Rates in Non-Forensic Disciplines", ABFDE Daubert Symposium, Las Vegas, NV | |
| 10/9/06 "Error Rates: Method, Theory, and Practice", Indiana IAI Division 13 th Annual Educational Conference of Forensic Investigation, Examination and Identification, Indianapolis, IN | |
| 10/9/06 "Aging and Wound Healing of the Friction Ridge Skin", Indiana IAI Division 13 th Annual Educational Conference of Forensic Investigation, Examination and Identification, Indianapolis, IN | |
| 9/29/06 "Persistence of Scars in Friction Skin", SCAFO 15 th Annual Forensic Training Seminar, Diamond Bar, CA | |
| 9/29/06 "Friction Ridge Skin Distortion", SCAFO 15 th Annual Forensic Training Seminar, Diamond Bar, CA | |
| 8/24/06 "Biology of Friction Ridge Skin", NSDIAI Tri-State Educational Conference, Las Vegas, NV | |
| 7/7/06 "Analysis of Distortion in Latent Prints", IAI 91 st Educational Conference, Boston, MA | |
| 7/5/06 "Error Rates: Method, Theory, and Practice", IAI 91 st Educational Conference, Boston, MA | |
| 7/4/06 "Analysis of Distortion in Latent Prints", IAI 91 st Educational Conference, Boston, MA | |
| 7/4/06 "Aging and Wound Healing in the Friction Ridge Skin", IAI 91 st Educational Conference, Boston, MA | |

| PUBLICATIONS / PRESENTATIONS: | |
|-------------------------------|--|
| 7/3/06 | "Analysis of Distortion in Latent Prints", IAI 91 st Educational Conference, Boston, MA |
| 5/17/06 | "Analysis of Distortion in Fingerprints", International Symposium on Fingerprints, Interpol Headquarters, Lyon, France |
| 12/16/05 | "Biometrics: Gold Mine or Land Mine For Law Enforcement", Workshop on Ethical and Social Implications of Biometric Identification Technology: Towards an International Approach organized by the European Commission on Science and Society, Brussels, Belgium |
| 10/21/05 | "Biological Basis of Uniqueness and Persistence of the Friction Ridge Skin", Arizona Identification Council Conference, Maricopa, Arizona |
| 10/5/05 | "Analysis of Distortion in Latent Prints", Midwestern Association of Forensic Scientists, St. Louis, Missouri. |
| 3/31/05 | "Biological Basis of the Uniqueness, Persistence and Pattern Formation", Wisconsin IAI Educational Conference, Madison, WI |
| 3/21/05 | "Biological Basis of the Uniqueness, Persistence and Pattern Formation", Dutch National Police, Ridgeology Workshop, Zoetermeer, Netherlands |
| 3/20/05 | "Aging and Wound Healing of the Friction Ridge Skin", Fingerprint Society Lectures, Brighton, England |
| 2/22/05 | "Biological Basis of the Uniqueness, Persistence and Pattern Formation", Toronto Police Identification Conference, Toronto, Canada |
| 1/13/05 | "Introduction to Physical Evidence", Nevada Department of Wildlife, Las Vegas, Nevada |
| 12/15/04 | "A Friction Ridge Story", Phoenix Police Department, Phoenix, AZ |
| 11/18/04 | "The Impact of Check 21 on Latent Print Examinations", International Association of Financial Crimes Investigators, Las Vegas, NV |
| 10/30/04 | "A Friction Ridge Story", Daubert and the Comparative Sciences, Las Vegas, NV |
| 9/21/04 | "Crime Scene Chemicals", American Bio-Recovery Association, Las Vegas, NV |
| 8/25/04 | "A Friction Ridge Story", IAI 89 th Educational Conference, St. Louis, Missouri |
| 5/12/04 | "A Friction Ridge Story", California State Division IAI Conference, Sacramento, California |
| 4/8/04 | "A Friction Ridge Story", Nevada State Division IAI Conference, Las Vegas, Nevada |
| 3/9/04 | "CSI: The 9 Part Series - Session 3: Latent Print Examinations", Clark County Bar Association, Las Vegas, Nevada |
| 10/23/03 | "Scientific Working Groups Update", Indiana Division IAI Training Conference |

PUBLICATIONS / PRESENTATIONS:

10/21/03, "Pattern Formations in Nature and Fetal Ridge Formation", Indiana Division IAI Training Conference

7/8/03, "Patterns in Nature: Natural Selection vs. Physics", IAI 88th Educational Conference, Ottawa, Canada

3/9/03 "Biology of Friction Ridge Skin", 28th Annual Educational Conference of Fingerprint Society, Oxford, England

10/11/02 "Biology of Friction Ridge Skin", Southern California Association of Fingerprint Officers (SCAFO) Meeting, West Covina, CA

6/29/01 "Friction Ridge Skin and Pattern Formation During the Critical Stage: Fact and Theory", Centennial Conference on Identification - London, England

7/25/00 "Friction Ridge Skin and Pattern Formation During the Critical Stage: Fact and Theory", IAI 85th Educational Conference - Charleston, West Virginia

7/14/99 "Use of Ninhydrin in the Recovery of Latent Prints on Adhesive Surfaces Attached to Porous Surfaces", IAI 84th Educational Conference, Milwaukee, Wisconsin

OTHER QUALIFICATIONS:

Certified Latent Print Examiner by the International Association for Identification (IAI) 2001 to present

Certified Crime Scene Analyst by the International Association for Identification (IAI) 2000 - 2003

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT
FORENSIC LABORATORY
STATEMENT OF QUALIFICATIONS**

Date: 06/25/10Name: Carol J. Retamozo P#: 14280 Classification: Forensic Scientist ICurrent Discipline of Assignment: Biology/DNA

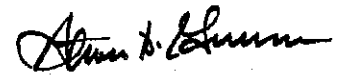
| EXPERIENCE IN THE FOLLOWING DISCIPLINE(S) | | | |
|--|----------------|---|------------------|
| Controlled Substances | | Blood Alcohol | |
| Toolmarks | | Breath Alcohol | |
| Trace Evidence | | Arson Analysis | |
| Toxicology | | Firearms | |
| Latent Prints | | Crime Scene Investigations | |
| Serology | X | Clandestine Laboratory Response Team | |
| Document Examination | | DNA Analysis | X |
| Footwear Impressions | | Technical Support / | |
| Quality Assurance | | | |
| EDUCATION | | | |
| Institution | Dates Attended | Major | Degree Completed |
| University of Central Florida | 01/08 – 08/08 | Forensic Science <i>Minor: Chemistry</i> | BS |
| University of Central Florida | 05/01 – 12/03 | Molecular Biology and Microbiology | BS |
| ADDITIONAL TRAINING / SEMINARS | | | |
| Course / Seminar | Location | Dates | |
| FDLE Crime Laboratory Analyst Training Program | Orlando, FL | Dec. 2008 to Feb. 2010 | |
| Applied Biosystems HID University <i>Future Trends in Forensic DNA Technology Seminar Series</i> | Orlando, FL | Oct. 2009 | |
| Advanced DNA Training | Huntington, WV | Dec. 2009 | |

| ADDITIONAL TRAINING / SEMINARS | | |
|---|----------------|------------------------|
| Course / Seminar | Location | Dates |
| FDLE Biology/DNA Section Discipline Meeting | Largo, FL | May 2008 |
| Beckman Coulter Basic Biomek 3000 Customer Training | Orlando, FL | Jun. 2008 |
| Hair Examination for the DNA Analyst | Morgantown, WV | Aug. 2007 |
| Applied Biosystems 7500 Real Time PCR System: Quantifiler Kits and Standard Operator Training | Orlando, FL | Oct. 2006 |
| FDLE Screening Forensic Technologist Training Program | Orlando, FL | Oct. 2006 to Nov. 2006 |
| National Forensic Science Technology Center Pre-Screening Workshop | Largo, FL | May 2006 |
| FDLE Forensic Technologist Training Program | Orlando, FL | Dec. 2005 to Jun. 2006 |
| American Academy of Forensic Sciences Annual Meeting | Atlanta, GA | Feb. 2002 |

| COURTROOM EXPERIENCE | | |
|--|------------|-----------------|
| Court | Discipline | Number of Times |
| Florida Circuit Courts: 5 th Circuit, 7 th Circuit, 9 th Circuit (2), 18 th Circuit and 19 th Circuit | Serology | 6 |

| EMPLOYMENT HISTORY | | |
|--|---|---------------------|
| Employer | Job Title | Date |
| Las Vegas Metropolitan Police Department | Forensic Scientist I | 06/21/10 to Present |
| Florida Department of Law Enforcement | Crime Laboratory Analyst – Biology/DNA Section | 12/2008 to 05/2010 |
| Florida Department of Law Enforcement | Screening Forensic Technologist – Biology/DNA Section | 11/2006 to 12/2008 |
| Florida Department of Law Enforcement | Forensic Technologist – Biology, DNA Section | 12/2005 to 11/2006 |

| EMPLOYMENT HISTORY | | |
|---|-----------------------------|--------------------|
| <i>Employer</i> | <i>Job Title</i> | <i>Date</i> |
| Florida Department of Law Enforcement | Intern – Toxicology Section | 07/2004 to 12/2004 |
| PROFESSIONAL AFFILIATIONS | | |
| <i>Organization</i> | <i>Date(s)</i> | |
| American Academy of Forensic Sciences, Associate Member, Criminalistics Section | 2002 to Present | |
| PUBLICATIONS / PRESENTATIONS: | | |
| University of Central Florida, Introduction to Forensics Class, "Forensic Biology" (Serology), Orlando, FL March 2010 | | |
| Florida Department of Law Enforcement, Stetson University Forensics Class, "Forensic Biology," Orlando, FL April 2009 | | |
| OTHER QUALIFICATIONS: | | |
| | | |
| | | |
| | | |


CLERK OF THE COURT

NWEW
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
SAMUEL G. BATEMAN
Chief Deputy District Attorney
Nevada Bar #008764
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

LUIS PIMENTEL, aka,
Luis Godofredo Pimentel, III,
#1444838

Defendant.

CASE NO: C-14-296234-1

DEPT NO: V

SUPPLEMENTAL NOTICE OF EXPERT WITNESSES
[NRS 174.234(2)]

TO: LUIS PIMENTEL, aka, Luis Godofredo Pimentel, III, Defendant;

and

TO: NANCY L. LEMCKE, DEPUTY PUBLIC DEFENDER, Counsel of

Record:

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF
NEVADA intends to call the following expert witnesses in its case in chief:

*Indicates additional Expert Witness

FRIED, JONATHAN, LVMPD #8174, is a Forensic Scientist II or Designee, with the
Las Vegas Metropolitan Police Department. He is an expert in the area of firearm/toolmark
analysis, Gun ID, ballistics, burn stippling and muzzle flash and will give opinions related
thereto. He is expected to testify regarding evidence collected from the crime scene.

///

1 ***DR L. GAVIN, CCME #0086** – is a medical examiner with the Clark County
2 Coroner's Office and will testify regarding the mechanics and effects of strangulation and
3 other related matters.

4 **MACEO, ALICE V., LVMPD #7828**, is a Forensic Laboratory Manager or Designee,
5 with the Las Vegas Metropolitan Police Department. She will testify as an expert as to the
6 procedures, techniques and science employed in fingerprint analysis, all procedures employed
7 in this case and reports provided.

8 **RETAMOZO, CAROL, LVMPD #14280**, is a Forensic Laboratory Scientist II or
9 Designee, with the Las Vegas Metropolitan Police Department. She will testify as an expert
10 as to the procedures, techniques and science employed in DNA analysis, all procedures
11 employed in this case and reports provided and reports provided.

12 These witnesses are in addition to those witnesses endorsed on the Information or
13 Indictment and any other witnesses for which a separate Notice of Witnesses and/or Expert
14 Witnesses has been filed

15 The substance of each expert witness' testimony and a copy of all reports made by or
16 at the direction of the expert witness has been provided in discovery.

17 A copy of each expert witness' curriculum vitae, if available, is attached hereto.

18 STEVEN B. WOLFSON
19 Clark County District Attorney
20 Nevada Bar #001565

21 BY /s/ Samuel G. Bateman
22 SAMUEL G. BATEMAN
23 Chief Deputy District Attorney
24 Nevada Bar #008764

25 ///

26 ///

27 ///

28 ///

 ///

1
2 **CERTIFICATE OF E-MAIL TRANSMISSION**

3 I hereby certify that service of the Supplemental Notice of Witnesses was made this
4 22nd day of August, 2014, by e-mail communication to:

5 Nancy L. Lemcke, Deputy Public Defender
6 lemckenl@ClarkCountyNV.gov

7 BY /S/Stephanie Johnson
8 Employee of the District Attorney's Office
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

28 13F20476X/saj/L-1

Lisa Gavin, M.D., M.P.H.

1704 Pinto Lane, Las Vegas, NV 89106 ♦ 702.455.3210 ♦ LGavin@ClarkCountyNV.gov

Current Position Medical Examiner, 2009 to present
Office of the Coroner/Medical Examiner, Clark County, Las Vegas, Nevada

Training & Education

Forensic Pathology Fellowship, 2008 to 2009
Office of the Chief Medical Investigator, Albuquerque, New Mexico

Surgical Pathology Fellowship, 2007-2008
Hartford Hospital, Hartford, Connecticut

Anatomic & Clinical Pathology Residency, 2002 – 2007
Hartford Hospital, Hartford, Connecticut

Post-Sophomore Fellowship in Pathology, 2001 – 2002
University of Connecticut Health Center, Farmington, Connecticut

Medical Degree, 2001
University of Connecticut School of Medicine, Farmington, Connecticut

Master Degree of Public Health, 1994
Columbia University School of Public Health, New York, New York

Bachelor of Arts, 1991
Mount Holyoke College, South Hadley, Massachusetts

Current & Previous Work Experience

Adjunct Professor, 2011 – present
Touro University School of Medicine, Henderson Nevada

Teacher of “Correlated Medical Problem Solving” Course, 2001 – 2002
University of Connecticut School of Medicine, Farmington Connecticut

Manager of South Marshal Street Pediatric Clinic, 1995 – 1997
Salvation Army, South Marshall Street, Hartford Connecticut

Administrative Assistant to the Director of Admissions & Career Development and to the Director of Academic & Student Affairs, 1992 – 1994
Columbia University School of Public Health, New York, New York

Tutor and Evaluator of children with learning disabilities, 1988 – 1994 & 1996 – 1997
Milford, Connecticut & Farmington, Connecticut

Coordinator of Infant Registration Project, 1991 – 1992
New York City Department of Health: Office of Child Health Planning, New York, New York

Memberships

American Academy of Forensic Sciences, 2009 – present

American Society of Clinical Pathology, 2003 – 2008, 2010 – present

National Association of Medical Examiners, 2010 – present

International Association of Coroners & Medical Examiners, 2010 – present

Medical License

State of Nevada, 2009 – present

State of New Mexico, 2008 – 2010

Next Page > > >

Lisa Gavin, M.D., M.P.H.

1704 Pinto Lane, Las Vegas, NV 89106 ♦ 702.455.3210 ♦ LGavin@ClarkCountyNV.gov

Service Work

- Annual presenter for Bring Your Child to Work day at Clark County Coroners/Medical Examiners Office.
- Annual Host for summer high-school student tours of Hartford Hospital Department of Pathology
- Education of Medical Students & Residents on rotation in Hartford Hospital Department of Pathology
- Guest speaker for Public Relations Department at Hartford Hospital for local middle-school children
- Guidance to Medical Technician Students interested in future careers in Medicine
- Editor of personal statements and resumes

Resident & Fellow Topics

Two Unusual Neuropathology Cases, January 2008
Testicular Germ Cell Tumors, October 2007
Waldenstroms Macroglobulinemia, October 2005
Minimal Change Disease & Focal Segmental Glomerular Sclerosis, October 2004
Crescentic Glomerulonephritis or Rapidly Progressive Glomerulonephritis, January 2004
Mitral Valve Prolapse and Sudden Death, July 2003

Research Experience

Polyoma Virus Hemorrhagic Cystitis in an Otherwise Normal Child, 2008
Hartford Hospital Department of Pathology & Department of Pediatric Infectious Disease
Metastatic Testicular Choriocarcinoma in a Young Male with Abdominal Pain, 2007
Hartford Hospital Department of Pathology & University of Connecticut Department of Internal Medicine
Inter-observer Variability in Diagnosing Colon Biopsies as Indefinite for Dysplasia, 2006
Hartford Hospital Department of Pathology
Susceptibility of Streptococcus Pneumoniae to Moxifloxacin and Other Antimicrobial Agents, 2004
Hartford Hospital Department of Pathology & Laboratory Medicine

Awards & Scholarship

Dr. Beckett Book Award, 2007
Martin Berman Immunopathology Award, 2007
Bloomberg Award for Psychiatry, 2001

Certification

Eligible For Anatomic Pathology,
Clinical Pathology and Forensic Pathology Boards


CLERK OF THE COURT

1 NWEW
STEVEN B. WOLFSON
2 Clark County District Attorney
Nevada Bar #001565
3 SAMUEL G. BATEMAN
Chief Deputy District Attorney
4 Nevada Bar #008764
200 Lewis Avenue
5 Las Vegas, Nevada 89155-2212
(702) 671-2500
6 Attorney for Plaintiff

7 DISTRICT COURT
8 CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,

11 -vs-

CASE NO: C-14-296234-1
DEPT NO: V

12 LUIS PIMENTEL, aka,
Luis Godofredo Pimentel, III,
13 #1444838

14 Defendant.

15 NOTICE OF WITNESSES
16 [NRS 174.234(1)(a)]

17 TO: LUIS PIMENTEL, aka, Luis Godofredo Pimentel, III, Defendant; and

18 TO: NANCY L. LEMCKE, DEPUTY PUBLIC DEFENDER, Counsel of Record:

19 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF
20 NEVADA intends to call the following witnesses in its case in chief:

| 21 <u>NAME</u> | <u>ADDRESS</u> |
|-------------------------------------|--|
| 22 ABDAL-KARM, S. | LVMPD # 13724 |
| 23 ANDERSON, GRACE | 3625 Boulder Hwy. #B2038, Las Vegas, NV |
| 24 ARCHANGEL, TINA 25 Bus Driver | Regional Transportation Commission (RTC) Keolis Transit America |
| 26 ARCINIEGA, D. | LVMPD # 14185 |
| 27 AVILES, MARIA | 3625 Boulder Hwy. #3028, Las Vegas, NV |
| 28 BAKER, SGT. T. | LVMPD # 6623 |

| | | |
|----|-------------------------------------|--|
| 1 | BARLEY | CCFD, ENG. 27 |
| 2 | BATTELINI, DEBBIE | 3822 Don Carlos Dr., LV, NV |
| 3 | BRAMBILLA, J. | LVMPD # 13423 |
| 4 | BRAUN, L. | LVMPD # 12946 |
| 5 | BRISENDINE, D. | LVMPD # 14003 |
| 6 | BUCHANAN, WILLIAM | 3625 Boulder Hwy. #3026, Las Vegas, NV |
| 7 | BUNN, C. | LVMPD # 4407 |
| 8 | CARR, DYANNE | 3625 Boulder Hwy. #1049, Las Vegas, NV |
| 9 | CHARLTON, N. | LVMPD # 13572 |
| 10 | CHAVEZ, P. | CLARK COUNTY CORONER'S OFFICE |
| 11 | COBB, B. | LVMPD # 14099 |
| 12 | CRUSE, C. | LVMPD # 14299 |
| 13 | CUSTODIAN OF RECORDS OR DESIGNEE | Clark County Detention Center, 330 S. Casino Center Blvd., Las Vegas, NV |
| 14 | | |
| 15 | CUSTODIAN OF RECORDS OR DESIGNEE | Clark County Detention Center, Communications 330 S. Casino Center Blvd., Las Vegas, NV |
| 16 | | |
| 17 | CUSTODIAN OF RECORDS OR DESIGNEE | LVMPD Communications, 400 E. Stewart Las Vegas, NV |
| 18 | | |
| 19 | CUSTODIAN OF RECORDS OR DESIGNEE | LVMPD Records, 400 E. Stewart Las Vegas, NV |
| 20 | | |
| 21 | DOSCH, M. | LVMPD # 7907 |
| 22 | DOUGHERTY, Ed | INVESTIGATOR |
| 23 | OR DESIGNEE | C.C. DISTRICT ATTORNEY |
| 24 | DUKE, J. | LVMPD # 13934 |
| 25 | EAGAN, L. | LVMPD # 7860 |
| 26 | EDDINGTON, M. | LVMPD # 14206 |
| 27 | FABIAN, SGT. P. | LVMPD # 3705 |
| 28 | FIRRANTELO, JEFFERY | 3625 Boulder Hwy. #3038, Las Vegas, NV |

| | | |
|----|---|---|
| 1 | FRANKLIN | CCFD, RESCUE 227 |
| 2 | GAVIN, LISA DR. | CLARK COUNTY CORONER'S OFFICE |
| 3 | GILBERT, JOHN | 3625 Boulder Hwy. #B2034, Las Vegas, NV |
| 4 | HAGEN, GARY ALLEN | 3625 Boulder Hwy. #B2038, Las Vegas, NV |
| 5 | HENDERSON | CCFD, ENG. 27 |
| 6 | HIBBETTS, K. | LVMPD # 14320 |
| 7 | HIGGS | CCFD, ENG. 27 |
| 8 | HILDEBRAND, TIM | 5600 Boulder Hwy. #1575, Las Vegas, NV |
| 9 | HOLLAND, ROBERT II | C/O DISTRICT ATTORNEY'S OFFICE |
| 10 | IACULLIO, M. | LVMPD # 7857 |
| 11 | IRWIN, LYNN RTC Security Officer | Allied Barton Security Services |
| 12 | | |
| 13 | IVIE, T. | LVMPD # 6405 |
| 14 | JENSEN, B. | LVMPD # 3662 |
| 15 | JONES, R. | LVMPD # 8876 |
| 16 | KELLY, CPT. T. | LVMPD # 3807 |
| 17 | KINMAN, C. | LVMPD # 14317 |
| 18 | LARSEN, SGT. A. | LVMPD # 9630 |
| 19 | LOWE, Amanda | 1302 Hopewell Ave, Henderson, NV |
| 20 | LYNCH, SGT. M. | LVMPD # 8284 |
| 21 | MAAS, S. | LVMPD # 13015 |
| 22 | MANUEL, GABRIELLE | 3625 Boulder Hwy. #3026, Las Vegas, NV |
| 23 | MCGUIRE, J. | LVMPD # 14067 |
| 24 | MELARA-GOMEZ, DAGOBERTO Safety Surveillance Supervisor | Keolis Transit America |
| 25 | | |
| 26 | MEZA, ALEXANDRO | 2098 Winterwood Blvd., Las Vegas, NV |
| 27 | MILLER, S. | LVMPD # 9142 |
| 28 | MOMON, KRIS | 8600 Crest Hill Ave., Las Vegas, NV |

| | | |
|----|-------------------|---|
| 1 | MOORE, W. | LVMPD # 9003 |
| 2 | MORALES, C. | LVMPD # 8788 |
| 3 | MYROLD, E. | LVMPD # 13064 |
| 4 | NELSON, SEAN | 3625 Boulder Hwy. #B1024, Las Vegas, NV |
| 5 | ORIZABAL, S. | LVMPD # 8791 |
| 6 | ORTIZ, BENJAMIN | 3625 Boulder Hwy., #3041, LV, NV |
| 7 | OSCAR, S. | LVMPD # 14325 |
| 8 | PACIFICO, V. | LVMPD # 6511 |
| 9 | PATTERSON | MEDIC WEST AMBULANCE, UNIT # 657 |
| 10 | PETERSEN, A. | LVMPD # 13579 |
| 11 | PICKEREL, SGT. D. | LVMPD # 7940 |
| 12 | REED, R. | LVMPD # 7641 |
| 13 | REYEDES, CPT. | CCFD, ENG. 27 |
| 14 | ROTTA, R. | LVMPD # 13422 |
| 15 | SALAZAR, SHANNON | 5600 Boulder Hwy. #1575, Las Vegas, NV |
| 16 | SEPIC, REBECCA | 3625 Boulder Hwy. #B2036, Las Vegas, NV |
| 17 | SIMMONS | MEDIC WEST AMBULANCE, UNIT # 657 |
| 18 | SKIMERTON, S. | LVMPD # 8981 |
| 19 | SMINK, J. | LVMPD # 6556 |
| 20 | SPENCER, LT. P. | LVMPD # 4852 |
| 21 | STEIBER, LT. R. | LVMPD # 3542 |
| 22 | TABELE, JAMES | 3625 Boulder Hwy. #1040, Las Vegas, NV |
| 23 | TUCKER, K. | LVMPD # 14402 |
| 24 | VAANDERING, B. | LVMPD # 13575 |
| 25 | VERWEY, STEVEN | 3625 Boulder Hwy. #2049, Las Vegas, NV |
| 26 | WEISS, EDWARD J. | 133 Voltaire Ave., Henderson, NV |
| 27 | WEISS, KYLE R. | Address unknown |
| 28 | WILDING, LYNN | 3625 Boulder Hwy. # 3032, Las Vegas, NV |

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

WILLIAMS, T.
WYATT

LVMPD # 3811
CCFD, RESCUE 227

These witnesses are in addition to those witnesses endorsed on the Information or Indictment and any other witness for which a separate Notice of Witnesses and/or Expert Witnesses has been filed.

STEVEN B. WOLFSON
DISTRICT ATTORNEY
Nevada Bar #001565

BY /s/ Samuel G. Bateman
SAMUEL G. BATEMAN
Chief Deputy District Attorney
Nevada Bar #008764

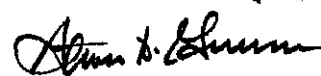
CERTIFICATE OF E-MAIL TRANSMISSION

I hereby certify that service of the Notice of Witnesses was made this 25th day of August, 2014, by e-mail communication to:

Nancy L. Lemcke, Deputy Public Defender
lemckenl@ClarkCountyNV.gov

BY /S/Stephanie Johnson
Employee of the District Attorney's Office

13F20476X/saj/L-1



CLERK OF THE COURT

1 NWEW
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 SAMUEL G. BATEMAN
6 Chief Deputy District Attorney
7 Nevada Bar #008764
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

7 DISTRICT COURT
8 CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

11 -vs-

CASE NO: C-14-296234-1

12 LUIS PIMENTEL, aka,
13 Luis Godofredo Pimentel, III,
14 #1444838

DEPT NO: V

14 Defendant.

15 SECOND SUPPLEMENTAL NOTICE OF EXPERT WITNESSES
16 [NRS 174.234(2)]

17 TO: LUIS PIMENTEL, aka, Luis Godofredo Pimentel, III, Defendant;

18 and

19 TO: NANCY L. LEMCKE, DEPUTY PUBLIC DEFENDER, Counsel of

20 Record:

21 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF
22 NEVADA intends to call the following expert witnesses in its case in chief:

23 *Indicates additional Expert Witness

24 **FRIED, JONATHAN, LVMPD #8174**, is a Forensic Scientist II or Designee, with the
25 Las Vegas Metropolitan Police Department. He is an expert in the area of firearm/toolmark
26 analysis, Gun ID, ballistics, burn stippling and muzzle flash and will give opinions related
27 thereto. He is expected to testify regarding evidence collected from the crime scene.

28 ///

DR L. GAVIN, CCME #0086 -- is a medical examiner with the Clark County Coroner's Office and will testify regarding the mechanics and effects of strangulation and other related matters.

***GOULDTHORPE, DAVID P#13317**, Forensic Scientist II or Designee - Las Vegas Metropolitan Police Department; expert in the field of chemical analysis of controlled substances; will testify to the science, techniques and procedures employed in chemical analysis of controlled substances, techniques employed in this case, results of those tests and any reports therefrom, including the weight of the questioned substances.

MACEO, ALICE V., LVMPD #7828, is a Forensic Laboratory Manager or Designee, with the Las Vegas Metropolitan Police Department. She will testify as an expert as to the procedures, techniques and science employed in fingerprint analysis, all procedures employed in this case and reports provided.

RETAMOZO, CAROL, LVMPD #14280, is a Forensic Laboratory Scientist II or Designee, with the Las Vegas Metropolitan Police Department. She will testify as an expert as to the procedures, techniques and science employed in DNA analysis, all procedures employed in this case and reports provided and reports provided.

These witnesses are in addition to those witnesses endorsed on the Information or Indictment and any other witnesses for which a separate Notice of Witnesses and/or Expert Witnesses has been filed

The substance of each expert witness' testimony and a copy of all reports made by or at the direction of the expert witness has been provided in discovery.

A copy of each expert witness' curriculum vitae, if available, is attached hereto.

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565

BY /s/ Samuel G. Bateman
SAMUEL G. BATEMAN
 Chief Deputy District Attorney
 Nevada Bar #008764

CERTIFICATE OF E-MAIL TRANSMISSION

I hereby certify that service of the Second Supplemental Notice of Witnesses was made
this 25th day of August, 2014, by e-mail communication to:

Nancy L. Lemcke, Deputy Public Defender
lemckenl@ClarkCountyNV.gov

BY /S/Stephanie Johnson
Employee of the District Attorney's Office

13F20476X/saj/L-1

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT
FORENSIC LABORATORY
STATEMENT OF QUALIFICATIONS**

Date: 01/31/11

Name: DAVID K. GOULDTHORPE P#: 13317 Classification: FORENSIC SCIENTIST II

Current Discipline of Assignment: CONTROLLED SUBSTANCES/CLANDESTINE LABS

| EXPERIENCE IN THE FOLLOWING DISCIPLINE(S) | | | |
|--|----------------|--------------------------------------|------------------|
| Controlled Substances | X | Blood Alcohol | |
| Toolmarks | | Breath Alcohol | |
| Trace Evidence | | Arson Analysis | |
| Toxicology | | Firearms | |
| Latent Prints | X | Crime Scene Investigations | X |
| Serology | | Clandestine Laboratory Response Team | X |
| Document Examination | | DNA Analysis | |
| Quality Assurance | | Technical Support | |
| EDUCATION | | | |
| Institution | Dates Attended | Major | Degree Completed |
| Arizona State University | 1993-1998 | Biochemistry | BS |
| Rio Salado Community College | 1996-2002 | Water/Wastewater Technology | AAS |
| Chandler-Gilbert Community College | 2002-2003 | Crime and Intelligence Analysis | Certificate |
| ADDITIONAL TRAINING / SEMINARS | | | |
| Course / Seminar | Location | Dates | |
| Hazard Communications | Las Vegas, NV | 10/21/10 | |
| First Aid Training | Las Vegas, NV | 10/20/10 | |
| Southwestern Association of Forensic Scientists (SWAFS) | Grapevine, TX | 09/20/10-09/24/10 | |
| Hazardous Waste Operator and Emergency Response (HAZWOPER) | Las Vegas, NV | 07/19/10-07/20/10; 7/22/10 | |
| Portable Gas & Vapor Identifier | Las Vegas, NV | 06/30/10 | |

| ADDITIONAL TRAINING / SEMINARS | | |
|---|-------------------------------|-------------------|
| Course / Seminar | Location | Dates |
| X-Ray Fluorescence | Las Vegas, NV | 04/08/10 |
| HAPSITE-Portable Gas Chromatography/Mass Spectrometer | Las Vegas, NV | 03/11/10 |
| Radical Islam and Improvised Explosive Devices | Las Vegas, NV | 02/22/2010 |
| Diversity Training | Las Vegas, NV | 12/16/09 |
| ASCLD-LAB 17025 Prep Course | Henderson, NV | 12/01/09-12/03/09 |
| HIDTA Southwest Meth & Pharmaceutical Initiative | Las Vegas, NV | 11/05/09 |
| Clandestine Laboratory Recertification | Las Vegas, NV | 09/2009 |
| Forensic Mass Spectroscopy | Las Vegas, NV | 06/15/09-06/16/09 |
| The Rules & regulations of Workplace Safety and OSHA Compliance | Las Vegas, NV | 03/04/09 |
| Hazardous Waste Management and Mitigation | Las Vegas, NV | 02/24/09 |
| First On Scene Meth Awareness | Las Vegas, NV (online course) | 10/22/08 |
| Officer Safety Training for Methamphetamine Labs | Las Vegas, NV (online course) | 10/23/08 |
| What Every Law Enforcement Officer Should Know About DNA Evidence: First Responding Officers | Las Vegas, NV (online course) | 10/03/08 |
| Heavy Equipment theft and Investigation | Las Vegas, NV | 09/15/08 |
| Explosives, Components and Improvised Explosive Device Recognition Module II | Las Vegas, NV | 09/09/08 |
| Graffiti Investigations | Las Vegas, NV | 08/27/08 |
| Gang Crimes | Las Vegas, NV | 08/19/08 |
| Innov-X Systems Level 1 Training | Las Vegas, NV | 08/11/08 |
| Controlled Substance Analysis | Las Vegas, NV | 07/01/08 |
| Biological Terrorism | Las Vegas, NV | 07/25/08 |
| Chemistry of Energetic Materials Emergency Response to Improvised Explosives And Clandestine Explosives Manufacturing | Glendale, AZ | 07/22/0807/24/08 |

| ADDITIONAL TRAINING / SEMINARS | | |
|---|--|----------|
| Course / Seminar | Location | Dates |
| GHB and Club Drugs | Las Vegas, NV Nevada Narcotic Officers' Association (NNOA) | 05/21/08 |
| Clandestine Drug Lab Safety Certification | Las Vegas, NV LVMPD | 05/16/08 |
| Public Safety WMD Response-Sampling Techniques and Guidelines Performance Level | Tucson, AZ (National Center for Biomedical Research and Training) | 04/03/08 |
| Tactical Communications | Gilbert, AZ (Gilbert Fire Dept) | 01/30/08 |
| National Disaster Medical System (NDMS) Federal Coordinating Center Operations IS-1900 | Federal Emergency Management Agency | 01/07/08 |
| Continuity of Operations (COOP) IS-546 | Federal Emergency Management Agency | 12/21/07 |
| Introduction to Continuity of Operations (COOP) IS-547 | Federal Emergency Management Agency | 12/17/07 |
| WMD Radiological/Nuclear Awareness | New Mexico Institute of Mining and Technology | 12/10/07 |
| WMD Radiological/Nuclear Awareness On-Line Course | Homeland Security | 12/10/07 |
| Understanding & Planning for School Bomb Incidents | New Mexico Institute of Mining and Technology | 12/04/07 |
| Advanced ICS Command and General Staff-Complex Incidents, ICS-400 | Federal Emergency Management Agency | 11/29/07 |
| Intermediate ICS for Expanding Incidents ICS-300 | Federal Emergency Management Agency | 11/27/07 |
| Anticipating Hazardous Weather and Community Risk, IS-271 | Federal Emergency Management Agency | 11/26/07 |
| National Infrastructure Protection Plan (NIPP), IS-860 | Federal Emergency Management Agency | 11/06/07 |
| Orientation to Community Disaster Exercises, IS-120 | Federal Emergency Management Agency | 11/01/07 |
| Household Hazardous Materials, IS-055 | Federal Emergency Management Agency | 10/29/07 |
| Leadership and Influence, IS-240 | Federal Emergency Management Agency | 10/26/07 |

| ADDITIONAL TRAINING / SEMINARS | | |
|--|---|----------|
| Course / Seminar | Location | Dates |
| Decision Making and Problem Solving, IS-241 | Federal Emergency Management Agency | 10/22/07 |
| Developing and Managing Volunteers, IS-244 | Federal Emergency Management Agency | 10/11/07 |
| Clandestine Laboratory Investigating Chemists Association Technical Training Seminar | Las Vegas, NV | 09/2007 |
| Introduction to Hazard Mitigation, IS-393.A | Federal Emergency Management Agency | 08/28/07 |
| Property and Evidence Inventory/Audit Training | AZ DPS | 08/09/07 |
| Arizona Narcotic Officers Association | Laughlin, NV | 07/2007 |
| Multi-Hazard Emergency Planning for Schools IS-362 | Federal Emergency Management Agency | 06/21/07 |
| Post Blast Crime Scene Investigation | Phoenix Police Dept. (ATF/Phoenix PD) | 06/2007 |
| Advanced Drug Analysis of Fentanyl | Vista, CA (DEA) | 05/30/07 |
| GC/MS Training Seminar | AZ DPS (Restek) | 05/10/07 |
| Effective Communication, IS-242 | Federal Emergency Management Agency | 04/03/07 |
| Community Emergency Response Team (CERT), IS-317 | Homeland Security | 02/22/07 |
| Guide to Citizen Preparedness, IS-022 | Federal Emergency Management Agency | 01/18/07 |
| NIMS Multi-Agency Coordination System IS-701 | Federal Emergency Management Agency | 12/13/06 |
| Special Events Contingency Planning for Public Safety Agencies, IS-015.A | Federal Emergency Management Agency | 12/05/06 |
| Emergency Response to Terrorism | Federal Emergency Management Agency | 09/29/06 |
| Van Dynamics | AZ DPS | 08/14/06 |
| Defensive Driving | AZ DPS | 08/14/06 |
| Forensic Ridgeology | Mesa Police Dept (Ron Smith and Associates, Inc.) | 06/2006 |

| ADDITIONAL TRAINING / SEMINARS | | |
|---|---|----------|
| Course / Seminar | Location | Dates |
| Forensic Vehicle Lamp Examination | AZ DPS (Southwest Forensic Services) | 05/2006 |
| NIMS Resource Management, IS-703 | Federal Emergency Management Agency | 05/22/06 |
| Advanced Drug Analysis of Plant Material | Vista, CA (DEA) | 05/04/06 |
| AZ Division of Emergency Management (ADEM) Instructor Authorization Workshop | AZ National Guard (ADEM) | 04/27/06 |
| Emergency Radiological Response Transportation Training, IS-302 | Federal Emergency Management Agency | 04/25/06 |
| Fingerprint Classification | Peoria, AZ (Peoria Police Dept) | 03/2006 |
| Hazardous Materials Prevention, IS-340 | Federal Emergency Management Agency | 03/14/06 |
| Introduction to Hazardous Materials, IS-005.A | Federal Emergency Management Agency | 02/16/06 |
| National Response Plan (NRP) IS-800 | Federal Emergency Management Agency | 02/07/06 |
| Radiological Emergency Response, IS-301 | Federal Emergency Management Agency | 02/07/06 |
| Basic Incident Command Systems, ICS-200 | Federal Emergency Management Agency | 02/02/06 |
| Introduction to the Incident Command System, ICS-100 | Federal Emergency Management Agency | 01/31/06 |
| Responder Assessment and Validation of User Equipment. (RAVUE) | Anniston, AL (Homeland Security) | 01/12/06 |
| WMD Hazmat Technician Course (COBRA), Live Nerve Agent Training | Anniston, AL (Homeland Security) | 01/2006 |
| National WMD Standardized Awareness Program Train-the- Trainer (AWR-160) | AZ POST (Homeland Security) | 12/07/05 |
| National WMD Standardized Awareness Program (AWR-160) | AZ POST (Homeland Security) | 12/07/05 |
| Post Blast Investigator School | Tucson, AZ (FBI) | 11/18/05 |
| General Instructor Program | AZ DPS | 09/30/05 |

| | | |
|--|--|-------------------|
| National Incident Management System (NIMS), IS-700 | Federal Emergency Management Agency | 09/15/05 |
| Advanced Palm Print Comparison Techniques | AZ DPS (Ron Smith and Associates, Inc.) | 07/2005 |
| Incident Response to Terrorist Bombings | Socorro, NM (New Mexico Institute of Mining and Technology) | 06/2005 |
| Latent Print Processing Competency | AZ DPS | 06/08/05 |
| WMD Radiological/Nuclear Course for Hazmat Technicians | Nevada Test Site (Homeland Security) | 03/2005 |
| Forensic Epidemiology | Mesa Police Academy (AZ Dept of Health Services) | 02/03/05 |
| Emergency Response to Hazardous Material Incidents | Tempe Fire Dept (US EPA) | 01/2005 |
| A Friction Ridge Story | Phoenix, AZ (Alice Maceo from LVMPD) | 12/15/04 |
| Promotion to Criminalist I | AZ DPS | 11/27/04 |
| Depressant and Steroid Identification Competency | AZ DPS | 10/22/04 |
| Advanced Chemical/Biological Integrated Response Course | Dugway Proving Ground, Utah (Homeland Security) | 10/2004 |
| Computer-Aided Management of Emergency Operations (CAMEO) in WMD | Tempe Fire Dept (National Center for Biomedical Research and Training) | 09/22/04 |
| Clandestine Lab Competency Refresher | AZ DPS | 09/17/04 |
| Opiate and Hallucinogen Identification Competency | AZ DPS | 08/06/04 |
| Bombs And Guns: ATF Overview | Tempe, AZ Arizona Peace Officer Standards and Training Board | 07/28/04 |
| Physical And Electronic Surveillance | Tempe, AZ Arizona Peace Officer Standards and Training Board | 07/28/04 |
| Drug Identification | Tempe, AZ Arizona Peace Officer Standards and Training Board | 07/27/04 |
| Conspiracy Investigations | Tempe, AZ Arizona Peace Officer Standards and Training Board | 07/26/04-07/29/04 |

| | | |
|---|---|----------|
| Arizona Narcotic Officers Association | Tempe, AZ | 07/2004 |
| Public Safety Response-Sampling Techniques Technician Level | AZ National Guard Armory (National Center for Biomedical Research and Training) | 07/22/04 |
| WMD Hazmat Evidence Collection | AZ National Guard Armory (Homeland Security) | 07/2004 |
| WMD Crime Scene Management | AZ National Guard Armory (Homeland Security) | 07/14/04 |
| Site Safety Officer | Maricopa Co. Sheriff's Office (Network Environmental Sys) | 04/30/04 |
| Basic Clandestine Laboratory Safety | Maricopa Co. Sheriff's Office (Network Environmental Sys) | 04/2004 |
| Courtroom Skills Workshop | AZ DPS (Quantum Communications) | 03/2004 |
| Stimulant Identification Competency | AZ DPS | 03/10/04 |
| FTIR Spectrometer Operation and Spectral Interpretation | AZ DPS | 03/2004 |
| Controlled Substance Field Testing | AZ DPS | 01/14/04 |
| Marijuana Identification Competency | AZ DPS | 12/19/03 |

COURTROOM EXPERIENCE

| <i>Court</i> | <i>Discipline</i> | <i>Number of Times</i> |
|------------------------------------|---|------------------------|
| Gila County Superior Court | Controlled Substances | 3 |
| Maricopa County Superior Court | Clandestine Laboratory Scene Evaluation | 2 |
| | Clandestine Laboratory Analysis | 2 |
| | Latent Fingerprint Processing | 1 |
| | Controlled Substances | 5 |
| Pinal County Superior Court | Controlled Substances | 1 |
| Apache Junction Municipal Court | Controlled Substances | 1 |
| District Court of Clark County, NV | Controlled Substances | 6 |

EMPLOYMENT HISTORY

| <i>Employer</i> | <i>Job Title</i> | <i>Date</i> |
|--|-----------------------|------------------|
| Las Vegas Metropolitan Police Department | Forensic Scientist II | 05/05/08-Present |
| Arizona Department of Public Safety | Criminalist II | 11/07-05/08 |

| EMPLOYMENT HISTORY | | |
|-------------------------------------|-----------------------|-------------|
| Employer | Job Title | Date |
| Arizona Department of Public Safety | Criminalist I | 11/04-11/07 |
| Arizona Department of Public Safety | Associate Criminalist | 11/03-11/04 |

| PROFESSIONAL AFFILIATIONS | |
|---|------------|
| Organization | Date(s) |
| Southwestern Association Forensic Scientists (SWAFS) | 2009-2010 |
| Clandestine Laboratory Investigators Association (CLIA) | 2009-2010 |
| Nevada Narcotic Officer's Association (NNOA) | 2008 |
| Clandestine Laboratory Investigating Chemists (CLIC) | 2005-2010 |
| Arizona Narcotic Officers Association (ANOA) | 2004, 2007 |
| Arizona Identification Council (AIC) | 2006 |

| PUBLICATIONS / PRESENTATIONS: | |
|---|---------------------------|
| Synthetic Cannabinoids to NV Board of Pharmacy | 10/14/2010 |
| Crime Lab Overview | 12/2009; 03/2010; 10/2010 |
| Safety Overview/Chemical Hygiene | 07/28/2010 |
| Chemical Hygiene for DNA | 12/08/2009 |
| Toxicology and Chemical Hazards Associated With Clandestine Drug Labs | 11/09/2009 |
| WMD Hazmat Public Safety Sampling | 01/2008 |
| Marijuana Field Test Training | 2007-2008 |
| Powder Field Test Training | 2007-2008 |
| Methamphetamine Lab Awareness Training | 07/2007 |
| Physical Evidence Collection and Processing | 2006 |
| Hazmat Chemistry for Hazmat Technician Course | 01/2006, 10/2007 |
| N,N-Dimethylamphetamine | 05/2006 |
| Ephedrine Reduction—Iodine and water | 02/2005 |
| Phenylephrine Reduction—Red Phosphorus and Iodine | 11/2004 |
| Fifteen Minute Methamphetamine Cook Results | 11/2004 |

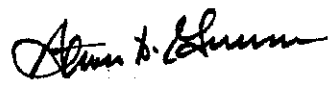
| OTHER QUALIFICATIONS: |
|-----------------------|
|-----------------------|

Adjunct Instructor for Phoenix College

Adjunct Instructor for Arizona Division of Emergency Management (ADEM)

Arizona POST Certified General Instructor

Hazardous Waste Operator and Emergency Response Certified (HAZWOPER)


CLERK OF THE COURT

1 NOTC
2 PHILIP J. KOHN, PUBLIC DEFENDER
3 NEVADA BAR NO. 0556
4 NANCY M. LEMCKE
5 Deputy Public Defender
6 Nevada Bar No. 5416
7 CONOR M. SLIFE
8 Deputy Public Defender
9 Nevada Bar No. 11277
10 309 South Third Street, Suite #226
11 Las Vegas, Nevada 89155
12 (702) 455-4685
13 Attorneys for Defendant

8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

10 THE STATE OF NEVADA,

11 Plaintiff,

12 v.

13 LUIS PIMENTEL,

14 Defendant.

CASE NO. C-14-296234-1

DEPT. NO. V

15
16 DEFENDANT'S NOTICE OF EXPERT WITNESSES, PURSUANT TO NRS 174.234(2)
17 TO: CLARK COUNTY DISTRICT ATTORNEY:

18 You, and each of you, will please take notice that the Defendant, LUIS PIMENTEL, intends
19 to call the following expert witness in his case in chief:

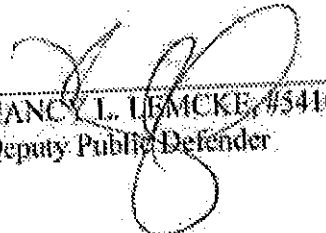
20 Briana Lynne Boyd, Ph.D. is an expert in the area of post-traumatic stress disorder, and will
21 give opinions pertaining thereto as it relates to the instant matter.

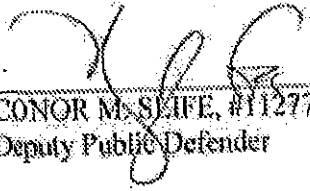
22 A Curriculum Vitae is attached hereto

23 DATED this 20th of August, 2014.

24 PHILIP J. KOHN
25 CLARK COUNTY PUBLIC DEFENDER

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

26
27 By: 
28 NANCY M. LEMCKE, #5416
Deputy Public Defender

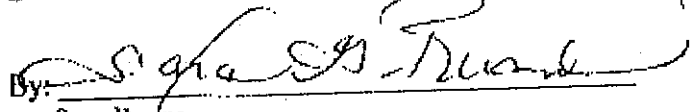
By: 
CONOR M. SLIFE, #11277
Deputy Public Defender

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that service of DEFENDANT'S NOTICE OF EXPERT WITNESS,
was made this 25th day of August, 2014, by Electronic Filing to:

CLARK COUNTY DISTRICT ATTORNEY'S OFFICE
Motions@clarkcountydade.com

SAMULE BATEMAN, Deputy District Attorney
E-Mail: samuel.bateman@clarkcountydade.com

By: 
Sara Ruano
Secretary for the Public Defender's Office

**Black Student Union Recognition Ceremony
Outstanding Staff of the Year Award**

9/2007-8/2008

**Harvard Medical School, Department of Psychiatry
Clinical Fellowship**

9/2007-8/2008

**Boston University School of Medicine, Department of
Psychiatry
Teaching Fellowship**

5/2005-8/2005

**Howard University Department of Psychology
Graduate International Assistantship**

8/2004-5/2007

**Howard University Department of Psychology
Teaching Assistantship**

Clinical Experience

10/11/12-Present

Private Practice-Hillcrest, CA

Responsibilities: Provide individual and couples therapy for patients with complex trauma histories on an ongoing basis utilizing a variety of treatment interventions including psychodynamic, cognitive behavioral, cognitive processing, and interpersonal therapy approaches

2/14/12-Present

**Veterans Medical Research Foundation, Department of
Psychiatry-La Jolla, CA**

SMART-CPT Clinical Research Study

Position: Clinical Research Psychologist

Responsibilities: Developed new clinical treatment intervention (SMART-CPT) for Veterans returning from Iraq and Afghanistan with comorbid Posttraumatic Stress Disorder (PTSD) and Traumatic Brain Injury (TBI) by merging two pre-existing, empirically supported treatment intervention into one treatment manual. The study utilizes Cognitive Processing Therapy (CPT), a cognitive restructuring intervention for PTSD and CogSmart, a cognitive rehabilitation treatment designed to improve the symptoms of Traumatic Brain Injury. Currently provide psychotherapy to all Veteran research participants in the study utilizing the experimental (SMART-CPT) and control (CPT only) treatment interventions

8/2009-2/1/12

**University of California, San Diego UCSD- La Jolla, CA
Counseling and Psychological Services (CAPS)**

Position: Senior Staff Psychologist (CPII)

Briana Lynne Boyd, Ph.D.
CA License # PSY24373

1807 University Avenue, San Diego, CA 92103
Office: (858)-552-8585 x2488; Cell (202)-413-5574
Briana.boyd@va.gov; cbrigo@gmail.com

Education

| | | |
|----------------|--|-----------------|
| 1/2006-12/2008 | Howard University GPA: 3.94 Doctor of Philosophy - Clinical Psychology Date of Dissertation Defense: 08/29/08 Graduation Date: 12/2008 | Washington, DC |
| 8/2003-12/2005 | Howard University GPA: 3.92 Master of Science Degree - Clinical Psychology Date of Masters Thesis Defense: 12/2005 | Washington, DC |
| 9/1998-12/2002 | Humboldt State University GPA: 3.7 overall; 3.98 major Bachelor of Arts Degree - Psychology Honors: Dean's List January 2002 - December 2002, Departmental Honors in Psychology, Psi Chi: Psychology National Honor Society | Arcata, CA |
| 8/2000-5/2001 | California State University Study Center GPA: 3.5 Minor of Arts - Art History; Italian Language | Florence, Italy |

Honors, Awards, & Appointments

| | |
|------------------|--|
| 7/22/2010-2/1/12 | University of California, San Diego-Council on Climate, Equity, and Inclusion Appointed to the council created after "Compton Cookout" to advise the Chancellor on diversity, equity, and inclusion policies and programs across UCSD campus in an effort to improve campus climate for underrepresented students |
| 6/2011 | University of California, San Diego UCSD-Annual Black Student Union Recognition Ceremony Outstanding Staff of the Year Award |
| 6/2010 | University of California, San Diego UCSD-Annual |

Responsibilities: Provide clinical, consultative, and outreach services to a diverse college population, with an emphasis on training, outreach, assessment, and treatment of African American and multi-racial, multi-ethnic students. Psycho-diagnostic evaluations, testing, conflict resolution, and campus-wide diversity training and education as needed. Comprehensive treatment planning and interventions including referrals off-campus, or other dispositions as indicated. Individual, couple, family, and group psychotherapy as well as crisis intervention and management. Supervision and training of psychology interns and post-doctoral fellows. Psychological consultation services to faculty, administration, and staff. Diversity and Social Justice expert consultant for CAPS, and UCSD faculty, administration, and staff

9/2008-8/2009

Institute of Living/Hartford Hospital- Hartford, CT
APA Accredited Post-Doctoral Fellowship

Position: Assessment Fellow

Responsibilities: Conduct inpatient psycho-diagnostic assessments and generate diagnostic reports and treatment plans (WISC-IV, WAIS-III, BDI-II, BAI, MCMI-III, MACI, MMPI-2, MMPI-A, PAI, Shipley Institute of Living Scale, Hare PCL-R, Rorschach Inkblot Test, Thematic Apperception Test, Human Figure Projective Drawings). Individual cognitive-behavioral outpatient psychotherapy at the Anxiety Disorders Center (ADC) treating Panic Disorder, Generalized Anxiety Disorder, Depression, and Obsessive-Compulsive Disorder. Long Term psychodynamic outpatient psychotherapy with individuals diagnosed with character pathology. Interdisciplinary treatment collaboration and consultation. Attended weekly seminars in cognitive behavioral therapy, object relations/psychodynamic theory, assessment, complex case conceptualization, professional development, human sexuality, and grand rounds, which introduced cutting-edge research and psychotherapeutic techniques

9/2007-8/2008

VA Boston Consortium-Boston, Massachusetts
APA Accredited Pre-doctoral Internship

Position: Psychology Intern

Responsibilities: Individual, group, and couple psychotherapy. Psycho-diagnostic assessment (WAIS-III, BDI-II, BAI, MMPI-2, SCID-I, Shipley Institute of Living Scale, Hare PCL-R, Rorschach Inkblot Test, Thematic Apperception Test) and structured intakes. Interdisciplinary

treatment collaboration and consultation. Educational seminars for family members of recent spinal cord injury patients. Weekly didactic trainings on the topics of assessment, psychotherapy, research, neuropsychology, and professional development.

Setting Description: Settings included inpatient psychiatric unit, outpatient treatment in medical facility, domiciliary residential substance abuse program, and spinal cord injury rehabilitation unit

9/2006-5/2007

Howard University Counseling Service-Washington, D.C.

Clinical Externship Placement

Individual and group psychotherapy with multi-racial and multi-ethnic students; weekly intakes; weekly didactic seminars including case conference, psychoanalytic seminar, and group seminar (including weekly group observations)

5/1/2006-7/1/2006

DC Superior Court, Child Guidance Clinic-Washington, D.C.

Forensic Assessment Practicum Placement

Psychological assessment and diagnosis of African-American adolescent males in the juvenile justice system
WISC-IV, WAIS-III, WI-III, WJ-III Test of Achievement, BDI-II, CDI-2, BAI, MCMI-III, MACI, MMPI-2, Hare PCL-R, Vineland, Rorschach Inkblot Test, Thematic Apperception Test, RATC)

9/2005-6/2006

Holy Cross Health Center- Bethesda, MD

Clinical Practicum Placement

Individual psychotherapy and health psychology with adult outpatients in a medical setting; Behavioral health interventions with patients who were diagnosed with obesity, diabetes, hypertension, chronic pain, and substance abuse; Interdisciplinary collaboration with physicians, nurses, and medical technicians to provide comprehensive patient care

5/21/2005-7/31/2005

Costa Rica Professional Preparation Program- San Jose, Costa Rica

Clinical Practicum Placement

A ten-week training program consisting of 128 hours of Spanish language training and 128 hours of supervised individual and group psychotherapy with Costa Rican

children from severely impoverished backgrounds; didactic seminars and Costa Rican Culture

11/2004-5/2005

Sunrise Academy School for Boys- Washington, D.C.
Clinical Practicum Placement

Cognitive and psycho-diagnostic assessments; individual and group psychotherapy with African-American adolescent males diagnosed with learning disabilities, pervasive developmental disorders, severe mental illness, behavioral difficulties, and complex trauma histories

8/3/2004-8/12/2004

Coore Foundation-Trinidad and Tobago

Position: Guest Speaker

HIV/AIDS peer educator for local youth at significant risk for contracting HIV

4/1/2004-5/27/2004

Curseon Morris Post Office, Employee Assistant Program (EAP)- Washington, D.C.

Position: Psychological Consultant

Interdisciplinary treatment collaboration and consultation offering psychological services and referrals for postal employees during the re-opening of the postal branch following the bioterrorist anthrax attack

1/16/2004-5/27/2004

Tree of Life DC Public Charter School- Washington, D.C.

Assessment Practicum Placement

Cognitive assessment of multi-racial students in grades K through three (WISC-IV, MACI, CDI-2, BASC-2, Vineland, Rorschach Inkblot Test, Thematic Apperception Test, RATC, House-Tree-Person)

1/16/2004-5/27/2004

Howard University- Washington, D.C.

Assessment Practicum Placement

Cognitive and psycho-diagnostic assessment of Howard University undergraduate students (WAIS-III, MMPI-2, Rorschach Inkblot Test, Thematic Apperception Test)

Teaching Experience

1/3/2011-3/15/2011

University of California, San Diego- La Jolla, CA

Biological Sciences BILD 95, Intergroup Dialogue

Intergroup dialogue course focusing on communication across groups about race, gender, sexuality, ability, power, privilege, and oppression. This course was intentionally

brought to the department of biological sciences to increase diversity education across campus and graduate students with a complex understanding of intersections between identity, power, privilege, and oppression

8/24/2004-5/27/2007

Howard University, Washington, D.C.

Department of Psychology

Teaching Assistantship

Psychology of Women: Spring 2007

Psychology of Gender: Fall 2006, Fall 2005, Fall 2004

Psychology of Family: Spring 2005

Psychology of Media: Fall 2004

Introduction to Psychology: Fall 2004

Prepare and deliver lectures/classroom instruction to undergraduate psychology classes at a major research university; Develop, administer, and grade homework assignments to promote effective subject matter retention. Evaluate students' classroom performance and assist course professor in assigning grades; Communicate effectively and timely with students about queries regarding coursework/subject matter.

Publications

Kleespies, P.M., AhnAllen, C., Knight, J., Presskreischer, B., Barrs, K., Boyd, B., & Dennis, J. P. (in press). The VA Boston Study of Self-Injurious and Suicidal Behavior.

Burns, S.M., Hough, S., & Boyd, B. L. (2010). Men's Adherence to Masculine Norms for Sexual Prowess as a Moderator of the Relationship between Sexual Desire and Depression Following Spinal Cord Injury. *Sex Roles*, 61, 120-129.

Burns, S. M., & Hough, S., Boyd, B. L., & Hill, J. (2010). Men's adjustment to spinal cord injury: The unique contributions of conformity to masculine gender norms. *American Journal of Men's Health*, 4(2), 157-166.

Boyd, Briana L. (2009). [Review of the article *The impact of gender roles on health: analysis of sex and gender differences*]. *Sex Roles: A Journal of Research*.

Boyd, B. L., Sloan, L. R., & Burns, S. M. (in preparation). Predictors of sexual practices in African-American Women.

Presentations

Boyd, B. (February, 2011). Psychoanalytic Diagnosis Lecture Series. Presentation for the CAPS internship training program at The University of California. Three part training series.

focusing on psychoanalytic diagnosis, levels of character organization, and brief psychodynamic psychotherapy. San Diego, CA.

Boyd, B. & Juarez, R. (February 2011, January 2011, November 2010, October 2010, September 2010, June 2010). UC San Diego: Creating a Welcoming and Safe Campus Community for All. Invited presentation across various departments on The University of California, San Diego campus regarding the psychological impact of the "Compton Cookout" and racial microaggressions and how best to respond, La Jolla, CA.

Boyd, B. (January 22, 2011). Promoting Self-Care and Balance in the Activist Community: Understanding How Cognition Impacts Mood and Mental Health. Invited presentation for The Kiamsha Conference 2011, Cross-Cultural Center, University of California, San Diego.

Boyd, B. (January 27, 2011). Teaching Diversity through Metaphor. Invited presentation for the Teaching Diversity Conference 2011, University of California, San Diego.

Boyd, B. & Travers, T. (January 11, 2011). UC San Diego: Campus Climate All-Staff Update. Presentation to update The University of California, San Diego staff about the developments with regards to diversity and campus climate one year after the "Compton Cookout." Presented to UC Regents as one of the largest diversity efforts on campus. La Jolla, CA.

Boyd, B. (September 2010). Assisting Customers in Crisis. Invited presentation for JusticeCorps Orientation/training, Superior Court of San Diego, San Diego, CA.

Boyd, B. (Feb 2010). Understanding the Impact of Racial Climate on Underrepresented Students in Higher Education. Invited presentation during racial tension at UCSD following the "Compton Cookout." University of California, San Diego. La Jolla, California.

Boyd, B. (June, 2009). Stress Management. Outreach presentation delivered to undergraduates at The University of California, San Diego.

Boyd, B. (March, 2009). Interpretation and Content Analysis of Raw Projective Test Data (Rorschach and TAT). Invited presentation for the Hartford Hospital/Institute of Living Psychiatry Resident Training Series, Hartford, CT.

Boyd, B. (October 14, 2008). Cultural Sensitivity Awareness Training. Presentation delivered to all staff and trainees in the department of Psychology at Hartford Hospital/Institute of Living, Hartford, CT.

Boyd, B. (March 10, 2008). Implementation of Mindfulness Based Interventions in Psychotherapy. Invited presentation for Harvard South Shore Psychiatric Residency Program, Boston MA.

Boyd, B. (April 2006). Predictors of Sexual Practices in African-American Women. Leslie Hicks Graduate Research Symposium (first place winner at research symposium), Howard University, Washington, DC.

Boyd, B. (August, 2004). Understanding Prevalence, Transmission, and Risk of Sexually Transmitted Infection in Trinidad and Tobago. Guest Speaker, Coore Foundation, Trinidad and Tobago.

Boyd, B. (April 2004). Exploring Sexual Risk Assessment and Condom Use Self-Efficacy in the African-American College Population. Leslie Hicks Graduate Research Symposium, Howard University, Washington, DC.

Research Experience

- | | |
|-----------------|--|
| 2/14/12-Present | Veteran's Medical Research Foundation-La Jolla, CA SMART-CPT clinical research study for Veterans with comorbid PTSD and TBI (please see above) |
| 9/2008-12/2010 | Harvard Medical School/Boston VA Healthcare System- Boston, MA Exploration of the relationship between psychological resilience and adherence to masculine gender roles in male veterans living with spinal cord injury. |
| 9/2007-8/2008 | Harvard Medical School/ Boston VA Healthcare System- Boston, MA Exploring self-injurious behaviors among male and female veterans who have been psychiatrically hospitalized following self-inflicted injury |
| 9/2006-8/2008 | Doctoral Dissertation, Howard University-Washington, D.C. Attitudes, subjective norms, and perceived behavioral control as predictors of sexual practices in African American Women. Defended August 29, 2008 |
| 9/2003-12/2005 | Master's Thesis, Howard University-Washington, D.C. Sexual risk assessment and condom use self-efficacy as predictors of condom use among African American college students. Defended December 2005 |
| 6/2004-3/2005 | Howard University Hospital, Cancer Center Washington, D.C. <u>Position: Research Assistant</u> Responsibilities: Scheduling research participants, conducting clinical interviews, grant-writing assistance, and interdisciplinary collaboration. |
| 6/2004-8/2004 | National Education Association, Health Information Network, NEA HIN-Washington, D.C. <u>Position: Research Assistant</u> |

Responsibilities: Collecting data and information about health behaviors to support NEA HIN campaign to improve the health of students across the United States. Educate staff about health psychology and behavioral interventions used to cultivate healthy lifestyle.

Advanced Trainings

10/1/12-10/2/12

Cognitive Processing Therapy (CPT)-VA San Diego Health Care System, Balboa Naval Base, CA
Cognitive Processing Therapy training for Posttraumatic Stress Disorder

6/14/2011-6/15/2011

Behavioral Threat Assessment with J. Reid Malloy
UCSD, La Jolla, CA
Two day comprehensive school and workplace behavioral threat assessment training

6/23/10-6/27/12

UCLA Higher Education Research Institute (HERI)-Diversity Research Institute, Los Angeles, CA
Two day hands-on training program, led by HERI director, Sylvia Hurtado, Ph.D., that included new strategies to support and enhance diversity and civic engagement initiatives on campus, as well as state-of-the-art research and practice frameworks to assess campus diversity and its impact on student outcomes.

11/2009

Cognitive Processing Therapy (CPT)-VA San Diego Health Care System, La Jolla, CA
Cognitive Processing Therapy training for Posttraumatic Stress Disorder

11/2007

Cognitive Processing Therapy (CPT) with Developer Patty Resick-VA Boston Health Care System, Boston MA
Cognitive Processing Therapy training for Posttraumatic Stress Disorder with treatment developer, Patricia Resick

5/18/2007-5/20/2007

Diversity, Authority, and Leadership in Organizational Life: The Politics of Power, Tavistock Conference

6/2004

Reducing Your Risk of Ethics & Professional Liability Complaints, Presented by Gerald Koocher, Ph.D., ABPP-Continuing Education Activity co-sponsored by Maryland Psychological Association (MPA)

Community Services & Committee Memberships

- 2/14/12-Present University of California, San Diego- Counseling and Psychological Services (CAPS)
Provide ongoing consultation regarding social justice and diversity enhancement on a volunteer basis at UCSD CAPS
- 2/14/11-Present University of California, San Diego- Black Love, Campus Black Forum
Developed Black Love for Campus Black Forum. Black Love is an annual program developed in the context of Campus Black Forum held every Valentine 's Day. The program was established to highlight positive aspects of Black identity and celebrate all forms of love and sexuality in the African-American community
- 2/2011-2/1/12 University of California, San Diego- Campus Black Forum, Counseling and Psychological Services (CAPS)
Facilitated Campus Black Forum, a monthly CAPS sponsored event at UCSD. Campus Black Forum exists to provide a safe and welcoming space for African-American students and community allies to engage in critical discourse about the issues of race, gender, sex, sexuality, class, oppression and liberation for African-American students at UCSD
- 10/2009-2/1/12 University of California, San Diego- Social Justice and Diversity Committee
Counseling and Psychological Services (CAPS) committee dedicated to training and consultation of CAPS staff psychologists about how to work effectively with students of various backgrounds
- 3/7/2011 Clinton Global Initiative University (CGIU)-University of California, San Diego
Invited to volunteer in CGIU, President Bill Clinton's campaign to challenge university students of various disciplines to create and innovate various solutions to global challenges
- 9/2007-8/2008 Boston VA Health Care System, Diversity Committee-
Volunteer committee dedicated to raising awareness about diversity, equity, yield, and retention of diverse faculty members at Harvard Medical School and the Boston VA Healthcare System

11/ 2003-7/2007

Guest Lecturer

Guest Lecturer locally and abroad concerning HIV/AIDS and STD incidence, transmission, and prevention among diasporic Africans in the Caribbean and the United States

8/2002

Los Angeles County Department of Mental Health- Los Angeles, CA

Participant in production of training film intended to edify law enforcement and correctional officers to recognize the signs of suicidality among inmates in the Los Angeles Department of Corrections

References

References available upon request.

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

No. 68710

vi.

Respondent.

10

STEVE WOLFSON
Clark County District Attorney
200 Lewis Avenue, 3rd Floor
Las Vegas, Nevada 89155

ADAM LAXALT
Attorney General
100 North Carson Street
Carson City, Nevada 89701-4717
(702) 687-3538

16

17

18

21

22

24
25
26
27

Employee, Clark County Public Defender's Office

Employee, Clark County Public Defender's Office

1 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2
3 LUIS PIMENTEL,

4 Appellant,

5 v.

6
7 THE STATE OF NEVADA,

8 Respondent.

) No. 68710

)
) Electronically Filed
) Mar 28 2016 09:43 a.m.
) Tracie K. Lindeman
) Clerk of Supreme Court
)

9
10 **APPELLANT'S APPENDIX VOLUME II PAGES 251-500**

11 PHILIP J. KOHN
12 Clark County Public Defender
13 309 South Third Street
14 Las Vegas, Nevada 89155-2610

15 Attorney for Appellant

11 STEVE WOLFSON
12 Clark County District Attorney
13 200 Lewis Avenue, 3rd Floor
14 Las Vegas, Nevada 89155

15 ADAM LAXALT
16 Attorney General
17 100 North Carson Street
18 Carson City, Nevada 89701-4717
19 (702) 687-3538

20 Counsel for Respondent
21
22
23
24
25
26
27
28

INDEX
LUIS PIMENTEL
Case No. 68710

PAGE NO.

| | | |
|----|--|---------|
| 1 | | |
| 2 | | |
| 3 | Amended Information filed 05/04/2015 | 783-784 |
| 4 | Amended Motion to Suppress Defendant's Statement filed 09/12/2014 | 649-685 |
| 5 | Amended Third Supplemental Notice of Expert Witnesses filed 10/02/2014 | 726-728 |
| 6 | Criminal Complaint filed 12/24/2013..... | 001 |
| 7 | Defendant's Amended Notice of Expert Witnesses, Pursuant to NRS 174.234(2) filed 10/01/2014..... | 723-725 |
| 8 | Defendant's Notice of Expert Witnesses, Pursuant to NRS 174.234(2) filed 08/25/2014..... | |
| 9 | | 488-500 |
| 10 | Defendant's Notice of Witnesses, Pursuant to NRS 174.234 filed 05/01/2014..... | 774-775 |
| 11 | Defendant's Opposition to Amend Information filed 10/15/2014 | 737-742 |
| 12 | Defendant's Opposition to Motion to Compel Psychiatric Evaluation and Motion in Limine filed 09/18/2014..... | 716-722 |
| 13 | Defendant's Proposed Jury Instructions Not Used at Trial filed 05/27/2015..... | 792-800 |
| 14 | Defendant's Supplemental Notice of Witnesses, Pursuant to NRS 174.234 filed 05/04/2015 | |
| 15 | | 776-777 |
| 16 | District Court Minutes from 03/06/2014 through 07/17/2015 | 846-892 |
| 17 | Ex Parte Order for Expedited Transcript filed 05/12/2015 | 787 |
| 18 | Ex Parte Order for Transcript filed 08/19/2014..... | 444 |
| 19 | Ex Parte Order for Transport filed 08/11/2014 | 442-443 |
| 20 | Information filed 02/28/2014..... | 184-186 |
| 21 | Instructions to the Jury filed 05/27/2015..... | 801-837 |
| 22 | Judgment of Conviction filed 08/07/2015..... | 840-841 |
| 23 | Justice Court Minutes from 12/26/2013 through 02/26/2014 | 002-009 |
| 24 | Motion in Limine to Exclude Evidence of Illegal Narcotics and Stolen Firearm filed 08/26/2014 | 506-511 |
| 25 | Motion in Limine to Prohibit Reference(s) to the Decedent as a 'Victim' filed 08/26/2014..... | |
| 26 | | 512-517 |
| 27 | Motion in Limine to Prohibit Reference(s) to the Trial Phase of the Upcoming Proceedings as the 'Guilt Phase' filed 08/26/2014..... | 501-505 |
| 28 | /// | |

| | | |
|----|--|---------|
| 1 | Motion to Compel Production of Discovery filed 07/30/2014..... | 399-421 |
| 2 | Motion to Exclude Jail Calls filed 08/28/2014..... | 521-604 |
| 3 | Motion to Suppress Defendant's Statement filed 09/08/2014..... | 625-639 |
| 4 | Motion to Withdraw as Attorney of Record filed 07/15/2014 | 376-381 |
| 5 | Notice of Appeal filed 08/25/2015 | 842-845 |
| 6 | Notice of Expert Witnesses filed 08/20/2014..... | 445-465 |
| 7 | Notice of Motion and Motion for Psychological Evaluation and Motion in Limine filed 09/10/2014..... | 640-648 |
| 8 | | |
| 9 | Notice of Motion and Motion to Amend Information filed 10/04/2014 | 729-736 |
| 10 | Notice of Witnesses filed 08/25/2014 | 471-475 |
| 11 | Order filed 07/16/2014 | 384-385 |
| 12 | Order filed 04/28/2015 | 747-749 |
| 13 | Order Denying Defendant's Petition for Writ of Habeas Corpus filed 08/27/2014..... | 518-520 |
| 14 | Order Granting the State's Motion to Amend Information; Granting the State's Motion to Compel Psychological Evaluation; and Denying the State's Motion in Limine Without Prejudice filed 05/07/2015..... | 785-786 |
| 15 | Order Shortening Time filed 07/15/2014 | 382-383 |
| 16 | Petition for Writ of Habeas Corpus filed 07/09/2014..... | 187-375 |
| 17 | Plaintiff's Proposed Jury Instructions Not Used at Trial filed 05/27/2015 | 790-791 |
| 18 | Reply in Support of Petition of Writ of Habeas Corpus filed 08/06/2014 | 422-425 |
| 19 | Reporter's Transcript of Preliminary Hearing heard 02/26/2014..... | 012-183 |
| 20 | Request to File Affidavit Under Seal filed 08/07/2014..... | 426 |
| 21 | Request to File Order for Transport Under Seal filed 08/08/2014 | 441 |
| 22 | Return to Writ of Habeas Corpus filed 07/25/2014..... | 388-398 |
| 23 | Second Supplemental Notice of Expert Witnesses filed 08/25/2014..... | 476-487 |
| 24 | Second Supplemental Notice of Witnesses filed 05/04/2015..... | 778-782 |
| 25 | State's Opposition to Defendant's Motion in Limine to Exclude Evidence of Illegal Narcotics and Stolen Firearm filed 09/04/2014 | 615-619 |
| 26 | | |
| 27 | State's Opposition to Defendant's Motion in Limine to Preclude Use of the Term "Victim" for the Decedent filed 09/04/2014..... | 610-614 |
| 28 | /// | |

| | | |
|----|---|---------|
| 1 | State's Opposition to Defendant's Motion in Limine to Prohibit Reference to the Trial Phase as the Guilt Phase filed 09/04/2014 | 620-624 |
| 2 | State's Opposition to Defendant's Motion to Exclude Jail Calls filed 09/04/2014..... | 605-609 |
| 3 | State's Opposition to Defendant's Motion to Suppress His Statement filed 09/18/2014 | 702-715 |
| 4 | | |
| 5 | State's Reply to Defendant's Opposition to State's Motion to Amend Information filed 10/17/2014 | 743-746 |
| 6 | State's Reponse to Defendant's Motion to Compel Production of Discovery filed 08/07/2014 ... | 427-440 |
| 7 | | |
| 8 | Stipulation and Order Waiving Separate Penalty Hearing filed 05/27/2015..... | 788-789 |
| 9 | Substitution of Attorneys filed 12/27/2014 | 010-011 |
| 10 | Supplemental Notice of Expert Witnesses filed 08/22/2014..... | 466-470 |
| 11 | Supplemental Notice of Expert Witnesses filed 04/30/2015 | 750-773 |
| 12 | Supplemental Notice of Witnesses filed 09/17/2014 | 686-690 |
| 13 | Third Supplemental Notice of Expert Witnesses filed 09/17/2014..... | 691-701 |
| 14 | Verdict filed 05/27/2015..... | 838-839 |
| 15 | Writ of Habeas Corpus filed 07/18/2014..... | 386-387 |

TRANSCRIPTS

| | | |
|----|------------------------------|-----------|
| 18 | Recorder's Transcript | |
| 19 | Jury Trial—Day One | |
| 20 | Date of Hrg: 05/11/2015..... | 1079-1204 |
| 21 | Recorder's Transcript | |
| 22 | Jury Trial—Day Two | |
| 23 | Date of Hrg: 05/12/2015..... | 1205-1544 |
| 24 | Recorder's Transcript | |
| 25 | Jury Trial—Day Three | |
| 26 | Date of Hrg: 05/13/2015..... | 1545-1689 |
| 27 | Recorder's Transcript | |
| 28 | Jury Trial—Day Four | |
| | Date of Hrg: 05/14/2015..... | 1670-1944 |
| | Recorder's Transcript | |
| | Jury Trial—Day Five | |
| | Date of Hrg: 05/15/2015..... | 1945-2174 |
| | /// | |

| | | |
|----|---|-----------|
| 1 | Recorder's Transcript Jury Trial—Day Six | |
| 2 | Date of Hrg: 05/18/2015..... | 2175-2338 |
| 3 | Recorder's Transcript Jury Trial—Day Seven | |
| 4 | Date of Hrg: 05/19/2015..... | 2339-2596 |
| 5 | Recorder's Transcript Jury Trial—Day Eight | |
| 6 | Date of Hrg: 05/20/2015..... | 2597-2795 |
| 7 | Recorder's Transcript Jury Trial—Day Nine | |
| 8 | Date of Hrg: 05/21/2015..... | 2796-3012 |
| 9 | Recorder's Transcript Jury Trial—Day Ten | |
| 10 | Date of Hrg: 05/22/2015..... | 3013-3037 |
| 11 | Recorder's Transcript Jury Trial—Day Eleven | |
| 12 | Date of Hrg: 05/26/2015..... | 3038-3139 |
| 13 | Recorder's Transcript Jury Trial—Day Twelve | |
| 14 | Date of Hrg: 05/27/2015..... | 3140-3156 |
| 15 | Recorder's Rough Draft Transcript, Calendar Call/ All Pending Motions | |
| 16 | Date of Hrg: 09/08/2014..... | 944-950 |
| 17 | Recorder's Rough Draft Transcript, Calendar Call/ All Pending Motions | |
| 18 | Date of Hrg: 09/22/2014..... | 951-955 |
| 19 | Recorder's Rough Draft Transcript, Calendar Call/ All Pending Motions | |
| 20 | Date of Hrg: 09/24/2014..... | 956-964 |
| 21 | Recorder's Rough Draft Transcript, Defendant's Motion for Petition of Habeas Corpus; Defendant's Motion to Withdraw as | |
| 22 | Attorney of Record | |
| 23 | Date of Hrg: 07/28/2014..... | 912-914 |
| 24 | Recorder's Rough Draft Transcript, Defendant's Motion to Withdraw at Attorney of Record | |
| 25 | Date of Hrg: 07/21/2014..... | 909-911 |
| 26 | Recorder's Rough Draft Transcript, Status Check: Trial Setting | |
| 27 | Date of Hrg: 05/07/2014..... | 906-908 |
| 28 | /// | |

| | | |
|----|---|-----------|
| 1 | Recorder's Rough Draft Transcript of Proceedings, Jackson v. Denno Hearing; Status Check: Expert Notices; Reset Motion & Reset Trial | |
| 2 | Date of Hrg: 10/07/2014..... | 965-1055 |
| 3 | Recorder's Transcript, Calendar Call | |
| 4 | Date of Hrg: 05/04/2015..... | 1070-1078 |
| 5 | Recorder's Transcript, Sentencing: Count 1...Not Guilty Count 2 | |
| 6 | Date of Hrg: 07/17/2015..... | 3157-3167 |
| 7 | Recorder's Transcript, Status Check: Reset Trial; Plaintiff's Motion to Amend Information; State's Motion for | |
| 8 | Psychological Evaluation and Motion in Limine | |
| 9 | Date of Hrg: 10/22/2014..... | 1056-1069 |
| 10 | Recorder's Transcript of Hearing, Arraignment Continued | |
| 11 | Date of Hrg: 04/10/2014..... | 897-899 |
| 12 | Recorder's Transcript of Hearing, Arraignment Continued | |
| 13 | Date of Hrg: 04/24/2014..... | 900-902 |
| 14 | Recorder's Transcript of Hearing, Arraignment Continued | |
| 15 | Date of Hrg: 05/01/2014..... | 903-905 |
| 16 | Recorder's Transcript of Hearing, Initial Arraignment | |
| 17 | Date of Hrg: 03/27/2014..... | 893-896 |
| 18 | Recorder's Transcript of Proceedings, Defendant's Motion to Withdraw as Counsel; Defendant's Motion to Compel Production of | |
| 19 | Discovery; Status Check; Reset Writ | |
| 20 | Date of Hrg: 08/11/2014..... | 915-943 |
| 21 | | |
| 22 | | |
| 23 | | |
| 24 | | |
| 25 | | |
| 26 | | |
| 27 | | |
| 28 | | |

1 THEY'RE ON THE OTHER SIDE OF THE HAND, CORRECT?
2 A CORRECT.
3 Q AND IF ONE GETS SHOT AND FALLS DOWN, ONE USUALLY
4 REACHES OUT WITH THEIR HANDS, CORRECT?
5 A I DON'T KNOW, I HAVE NEVER BEEN SHOT.
6 Q WELL, IF YOU'RE GOING TO FALL DOWN, ONE NORMALLY
7 REACHES OUT WITH THEIR HANDS TO BRACE THE FALL, CORRECT?
8 A HE WAS SHOT THROUGH THE HEART, THE BIG VESSEL, SO
9 IT'S POSSIBLE THAT HE WOULDN'T HAVE BEEN ABLE TO DO THAT.
10 Q IT'S POSSIBLE THAT HE COULD HAVE, CORRECT?
11 A IT'S POSSIBLE HE COULD HAVE.
12 Q ALL RIGHT. AND THESE ABRASIONS ARE ON THE TOP
13 SURFACE OF THE HANDS, CORRECT?
14 A THAT'S CORRECT.
15 Q AND IT'S MORE CONSISTENT WITH A FISTICUFF THAN IT IS
16 WITH FALLING; ISN'T THAT TRUE?
17 A UM -- THESE INJURIES, AS I HAVE SAID BEFORE, I HAVE
18 SEEN MORE COMMONLY IN FISTICUFFS -- UM -- BUT I HAVE SEEN THEM
19 IN TERMS OF -- UM -- PEOPLE SCRAPING THEIR HANDS ON SOMETHING
20 ELSE, OF WHICH I DON'T KNOW, AND WE DISCUSSED THAT EARLIER IN
21 TERMS OF WHETHER THEY HIT SOMETHING OR SOMETHING HIT THEM.
22 Q HOW WOULD YOU DESCRIBE THESE KNUCKLE INJURIES ON
23 THE -- ON THE FINGERS? NOT ON THE KNUCKLE THAT'S ATTACHED TO
24 THE HAND ITSELF, BUT AS TO THE KNUCKLES?
25 A ABRASIONS.

1 Q THOSE ABRASIONS?
2 A YES.
3 Q AND WOULD THAT BE MORE CONSISTENT WITH THE FIST?
4 A UM -- IT MAY OR MAY NOT BE, I DON'T KNOW WHETHER OR
5 NOT HE SCRAPED AGAINST SOMETHING AND GOT THEM IN THAT AREA.
6 Q OKAY. ALL RIGHT.
7 NOW, IF WE GO ONE STEP FURTHER, TO PUT IN DIFFERENT
8 FACTORS INTO YOUR OPINIONS TO CONSIDER, WOULD THE
9 METHAMPHETAMINE AND THE AMPHETAMINE, THE LEVELS THAT WERE IN
10 HIS SYSTEM, THE TOXIC LETHAL LEVELS WOULD BE -- UM -- WOULD
11 RESULT IN VIOLENT AGGRESSIVE BEHAVIOR OF AN INDIVIDUAL,
12 CORRECT?
13 A IT'S POSSIBLE THAT THEY WOULD EFFECT THIS INDIVIDUAL
14 IN THAT WAY. AGAIN, I DON'T KNOW HOW OFTEN HE TAKES IT, AND
15 WHAT -- WHAT -- WHAT HAPPENS WITH HIM, I DON'T KNOW.
16 Q WITH THIS PARTICULAR PERSON.
17 A RIGHT.
18 Q AND WE'RE TALKING ABOUT --
19 MR. BATEMAN: I'M GOING TO OBJECT, JUST TO --
20 THE COURT: HOLD ON.
21 MR. BATEMAN: -- I THINK WE'RE, AT THIS POINT, ASKING HER
22 TO SPECULATE.
23 MR. MOMOT: NO I'M NOT.
24 MR. BATEMAN: SO MY OBJECTION WOULD BE SPECULATION.
25 MR. MOMOT: I'M ASKING PER THE REPORT, YOUR HONOR.

1 THE COURT: UH -- I'LL OVERRULE, BUT -- FOR THE MOMENT,
2 BUT IF YOU'RE SPECULATING YOU NEED TO LET US KNOW.

3 THE WITNESS: OKAY.

4 THE COURT: OTHER THAN GIVING US YOUR EXPERIENCED AND
5 EXPERT OPINION.

6 THE WITNESS: OKAY.

7 BY MR. MOMOT:

8 Q THE REPORT FROM MN -- NMS INDICATES THAT THE LEVELS
9 IN THE INDIVIDUAL'S BODY WOULD RESULT IN -- UH -- AGGRESSIVE,
10 VIOLENT BEHAVIOR, CORRECT?

11 MR. BATEMAN: I THINK WE'VE -- I DON'T MEAN ANY
12 DISRESPECT. I THINK WE'VE KIND OF COVERED IT INITIALLY. I
13 THINK IT'S BEEN ASKED AND ANSWERED.

14 UH -- SHE ALSO TESTIFIED THAT THAT REPORT THAT MR. MOMOT
15 IS REFERRING TO IS NOT HER WRITING. I THINK SHE'S TESTIFIED
16 THAT, YES, THAT WOULD BE ACCURATE, BUT I THINK WE'VE KIND OF
17 COVERED ALL THIS AS WELL.

18 THE COURT: MR. MOMOT, I THINK WE'VE COVERED IT, TOO. IS
19 THERE ANY NEW TERRITORY OR TERRITORY THAT HE COVERED ON
20 REDIRECT THAT YOU'RE ATTEMPTING TO BRING OUT --

21 MR. MOMOT: WELL --

22 THE COURT: -- BECAUSE THAT WAS COVERED ON YOUR CROSS.

23 MR. MOMOT: ALL RIGHT. NOW ABOUT THIS QUESTION, IF I MAY
24 YOUR HONOR?

25 Q ON PARAGRAPH 2 ON THE METHAMPHETAMINE, HIGH DOSES OF

1 METHAMPHETAMINE. HIGH DOSES. SO I'M SAYING 6400 NANOGRAMS
2 PER MILLILITER IS A HIGH DOSE, WOULD YOU AGREE WITH THAT?
3 A THAT'S A LEVEL VERSUS A DOSE. THAT'S THE LEVEL.
4 THAT'S MEASURED.
5 Q OKAY, THE LEVEL. IS THAT A HIGH LEVEL?
6 A THE LEVEL THAT WE REPORTED IN HIS BLOOD IS HIGH.
7 Q OKAY. SO HIGH DOSES OF METHAMPHETAMINE,
8 METHAMPHETAMINE CAN ALSO ELICIT RESTLESSNESS, CONFUSION,
9 HALLUCINATIONS, CIRCULATORY COLLAPSE AND CONVULSIONS.
10 DO YOU HAVE ANY REASON TO DISAGREE WITH THAT
11 CONCLUSION?
12 A NO.
13 Q AND -- AND THIS -- JUST ONE OTHER QUESTION HERE.
14 BLOOD LEVELS OF 200 TO 600 NANOGRAM PER MILLILITER
15 HAVE BEEN REPORTED IN METHAMPHETAMINE ABUSERS WHO EXHIBITED
16 VIOLENT AND IRRATIONAL BEHAVIOR.
17 DO YOU HAVE ANY REASON TO DISAGREE WITH THAT?
18 A NO.
19 MR. MOMOT: NO FURTHER QUESTIONS.
20 MR. BATEMAN: NOTHING ELSE, YOUR HONOR.
21 THE COURT: THANK YOU VERY MUCH, DOCTOR, APPRECIATE YOUR
22 TIME TODAY.
23 THE WITNESS: THANK YOU FOR CALLING ME DOCTOR.
24 THE COURT: WE'RE GOING TO TAKE JUST A FIVE MINUTE
25 RECESS.

1 MR. BATEMAN: THANK YOU.

2 THE COURT: OKAY.

3 THE MARSHAL: ALL RISE. COURT'S IN RECESS.

4 (WHEREUPON A RECESS WAS TAKEN.)

5 THE COURT: OKAY. MR. BATEMAN, YOU CAN CALL YOUR NEXT
6 WITNESS.

7 MR. BATEMAN: THANK YOU. STATE CALLS TIM HILDEBRAND.

8 THE COURT: SO YOU'VE MADE SURE THAT YOUR -- ANY FURTHER
9 WITNESSES ARE EXCLUDED, BECAUSE I DON'T KNOW WHO YOU'VE
10 SUBPOENAED AND WHO YOU HAVEN'T.

11 MR. BATEMAN: YES.

12 THE COURT: I KNOW WE DO HAVE MORE PEOPLE IN THE
13 COURTROOM, I UNDERSTAND THERE MIGHT BE SOME FAMILY MEMBERS, SO
14 I'M GOING TO LEAVE IT TO YOU GUYS TO KNOW WHO YOU'VE
15 SUBPOENAED AND WHO YOU'VE NOT, BECAUSE EVEN MY MARSHAL I DON'T
16 THINK KNOWS.

17 MR. BATEMAN: RIGHT. THE ONLY REMAINING WITNESS IS OUT
18 IN THE HALLWAY, I THINK, YOUR HONOR.

19 THE COURT: OKAY. ALL RIGHT. THANK YOU.

20 GO AHEAD AND RAISE YOUR RIGHT HAND, THANKS.

21

22 TIMOTHY HILDEBRAND.

23 CALLED AS A WITNESS BY THE STATE, AND HAVING BEEN FIRST DULY
24 SWORN TO TESTIFY TO THE TRUTH, THE WHOLE TRUTH, AND NOTHING
25 BUT THE TRUTH, TESTIFIED AS FOLLOWS:

1 THE WITNESS: YES.

2 THE CLERK: THANK YOU, SIR, GO AHEAD AND HAVE A SEAT.

3 I DO NEED YOU -- THERE'S A MICROPHONE RIGHT THERE. STATE
4 YOUR FIRST AND YOUR LAST NAME, AND SPELL BOTH FOR THE RECORD.

5 THE WITNESS: TIMOTHY HILDEBRAND, T-I-M-O-T-H-Y,
6 H-I-L-D-E-B-R-A-N-D.

7 THE COURT: THANK YOU. YOU CAN PROCEED.

8

9 DIRECT EXAMINATION

10 BY MR. BATEMAN:

11 Q SIR, DO YOU KNOW SOMEONE BY THE NAME OF LUIS OR
12 LORENZO PIMENTEL?

13 A YES.

14 Q AND DO YOU SEE THAT PERSON IN THE COURTROOM TODAY?

15 A YES, I DO.

16 Q WOULD YOU PLEASE POINT TO HIM AND DESCRIBE WHAT HE'S
17 WEARING?

18 A RIGHT THERE, BLUE.

19 Q THANK YOU.

20 A HE'S IN BLUE.

21 MR. BATEMAN: MAY THE RECORD REFLECT THE IDENTIFICATION
22 OF THE DEFENDANT, YOUR HONOR?

23 THE COURT: YES.

24 BY MR. BATEMAN:

25 Q SIR, I'M GOING TO DIRECT YOUR ATTENTION TO THE --

1 WELL, THE EARLY MORNING HOURS OF DECEMBER 22ND, I BELIEVE IT
2 WAS A SUNDAY -- UM -- DID YOU HAVE OCCASION TO COME INTO
3 CONTACT WITH THE DEFENDANT?
4 A YES.
5 Q ALL RIGHT. WHERE DID YOU FIRST, ON THAT MORNING,
6 COME INTO CONTACT WITH THE DEFENDANT?
7 A ARIZONA CHARLIE'S.
8 Q WHERE WAS THAT ARIZONA CHARLIE'S LOCATED?
9 A BOULDER HIGHWAY.
10 Q ALL RIGHT. WERE YOU WITH ANYBODY AT THAT TIME?
11 A YES, MY FIANCE.
12 Q ALL RIGHT. AND WHERE AT ARIZONA CHARLIE'S DID YOU
13 COME INTO CONTACT WITH THE DEFENDANT?
14 A IN THE CASINO.
15 Q WHY DID YOU GO INTO THE DEFENDANT -- WHY -- WHY DID
16 YOU GO INTO THE CASINO TO HAVE CONTACT WITH THE DEFENDANT?
17 A UM -- MY FRIEND BOBBY ASKED ME TO GO IN AND GET HIS
18 GIRLFRIEND, HAVE HER COME OUT AND TALK HIM.
19 Q WHEN YOU SAY BOBBY, IS HIS NAME ROBERT HOLLAND?
20 A YES.
21 Q HOW LONG HAVE YOU KNOWN ROBERT HOLLAND?
22 A RIGHT ABOUT FOUR YEARS.
23 Q OKAY. HAS HE BEEN -- FRIENDS WITH HIM FOR ABOUT
24 FOUR YEARS?
25 A YES.

1 Q I'M JUST HAVING A LITTLE HARD TIME HEARING YOU.
2 THERE'S A MICROPHONE RIGHT IN FRONT OF YOU --
3 A YES.
4 Q -- AND SHE'S GOING TO TAKE EVERYTHING DOWN YOU SAY,
5 OKAY?
6 A YES.
7 Q THANK YOU.
8 WHEN YOU GOT TO ARIZONA CHARLIE'S, WERE YOU DRIVING
9 IN A VEHICLE?
10 A YES.
11 Q AND YOU SAY YOU WERE WITH YOUR FIANCE?
12 A YES, MY FIANCE.
13 Q WHAT WAS HER NAME?
14 A SHANNON SALAZAR (PHONETIC).
15 Q AND WHERE IS IT THAT YOU FIRST SAW BOBBY?
16 A IN THE PARKING LOT.
17 MR. BATEMAN: ALL RIGHT.
18 MAY I APPROACH THE WITNESS REAL QUICK, YOUR HONOR?
19 THE COURT: YES.
20 BY MR. BATEMAN:
21 Q SHOWING YOU WHAT'S BEEN MARKED AS STATE'S PROPOSED
22 EXHIBIT NO. 3, IT APPEARS TO BE A NEVADA DRIVER'S LICENSE, DO
23 YOU RECOGNIZE THE PERSON ON THAT DRIVER'S LICENSE?
24 A YES.
25 Q WHO IS THAT?

1 A ROBERT.

2 MR. BATEMAN: OKAY. MOVE ADMISSION OF STATE'S 3?

3 THE COURT: ANY OBJECTION?

4 MR. MOMOT: NO, YOUR HONOR.

5 THE COURT: THREE WILL BE ADMITTED.

6 (WHEREUPON STATE'S EXHIBIT NO. 3 WAS ADMITTED INTO
7 EVIDENCE.)

8 BY MR. BATEMAN:

9 Q YOU SAW BOBBY IN THE PARKING LOT?

10 A YES.

11 Q DO YOU KNOW -- OR AT THAT TIME DID YOU HAVE ANY IDEA

12 HOW IT IS HE GOT TO THE PARKING LOT?

13 A NO.

14 Q ALL RIGHT. DID YOU SEE HIM IN A VEHICLE?

15 A NO.

16 Q YOU SAID YOU TALKED TO BOBBY; IS THAT RIGHT?

17 A YEAH.

18 Q AND WAS THERE A -- DID BOBBY HAVE, WHAT YOU THOUGHT

19 TO BE AT THE TIME, A GIRLFRIEND?

20 A YES.

21 Q WHO WAS THAT?

22 A AMANDA.

23 Q DO YOU KNOW HER LAST NAME?

24 A NO, I DON'T.

25 Q UM -- DID YOU SEE HER THERE?

1 A SHE WAS IN THE CASINO ---
2 MR. MOMOT: I'M GOING TO OBJECT AS TO FOUNDATION AS TO
3 THE GIRLFRIEND ASPECT OF AMANDA.
4 THE COURT: OKAY.
5 MR. BATEMAN: I CAN FOLLOW UP.
6 THE COURT: LAY A FOUNDATION.
7 MR. BATEMAN: CORRECT.
8 Q HAD YOU EVER -- YOU KNEW SOMEONE BY THE NAME OF
9 AMANDA; IS THAT RIGHT?
10 A YES.
11 Q HAD YOU EVER -- UM -- SEEN OR SEEN IN -- IN THE
12 PRESENCE OF BOBBY AND AMANDA WHEN THEY WERE TOGETHER?
13 A ONCE.
14 Q OKAY. DID YOU KNOW, AS A RESULT OF THAT ONE TIME
15 CONTACT, THESE INDIVIDUALS TO KNOW EACH OTHER?
16 A BOBBY AND AMANDA?
17 Q YES.
18 A YES.
19 Q OKAY. WAS THAT, IN PART, BASED UPON YOUR
20 COMMUNICATION WITH BOBBY?
21 A YES.
22 Q ALL RIGHT. DID YOU HAVE SEPARATE COMMUNICATIONS --
23 AND DON'T TELL ME WHAT WAS SAID, BUT HAD YOU HAD AROUND THIS
24 PERIOD OF TIME SEPARATE COMMUNICATIONS WITH AMANDA? DID YOU
25 EVER TALK TO HER OR SEE HER ALONE?

1 A YES.

2 Q OKAY. SO WHEN YOU COME INTO CONTACT WITH BOBBY IN
3 THE PARKING LOT, DID YOU HAVE A -- WITHOUT TELLING ME WHAT HE
4 SAID, DID YOU HAVE A DISCUSSION WITH BOBBY?

5 A YES.

6 Q AND AS A RESULT OF THAT DISCUSSION DID YOU THEN GO
7 INTO ARIZONA CHARLIE'S?

8 A YES.

9 Q AND WHEN YOU WENT INTO ARIZONA CHARLIE'S, IS THAT
10 WHEN YOU FIRST CAME INTO CONTACT WITH THE DEFENDANT, WHO YOU
11 IDENTIFIED HERE IN COURT?

12 A YES, SIR.

13 Q WAS THERE ANYBODY WITH THE DEFENDANT AT THAT TIME?

14 A YES.

15 Q WHO WAS THAT?

16 A AMANDA.

17 Q AND WHERE IN ARIZONA CHARLIE'S WAS THIS?

18 A THEY WERE SITTING AT A MACHINE?

19 Q ALL RIGHT.

20 A PLAYING KENO.

21 Q AT SOME POINT -- WELL, DID YOU HAVE SOME SORT OF
22 COMMUNICATION WITH -- UM -- THE DEFENDANT AND/OR AMANDA AT
23 THIS TIME?

24 A YES.

25 Q OKAY. AND WAS IT AS A RESULT OF A CONVERSATION THAT

1 YOU HAD HAD IN THE PARKING LOT WITH BOBBY?
2 A YES.
3 Q DID YOU STAY LONG IN THAT PARTICULAR AREA OF THE
4 CASINO?
5 A A COUPLE MINUTES.
6 Q AND DID YOU ULTIMATELY LEAVE?
7 A YES.
8 Q AND WHERE IS IT YOU WERE GOING?
9 A I WAS GOING BACK TO -- UH -- WELL, SHE -- SHE WAS
10 GOING OUT TO TALK TO BOBBY AND I WAS WALKING OVER TO THE ROOM
11 WITH LORENZO.
12 Q OKAY. LET ME BREAK THAT DOWN.
13 AFTER YOU HAD THE CONVERSATION WITH AMANDA AND
14 LORENZO IN ARIZONA CHARLIE'S, DID YOU EXIT ARIZONA CHARLIE'S.
15 A YES.
16 Q AND DID YOU SEE AMANDA EXIT ARIZONA CHARLIE'S?
17 A YES.
18 Q AND WAS IT YOUR UNDERSTANDING SHE WAS GOING TO TALK
19 TO BOBBY?
20 A YES.
21 Q AND DID YOU THEN GO WITH THE DEFENDANT TO A ROOM AT
22 ARIZONA CHARLIE'S?
23 A YES.
24 Q OKAY. UH -- DID YOU EVER COME BACK INTO CONTACT
25 WITH BOBBY AT THE ARIZONA CHARLIE'S THAT NIGHT?

1 A NO.
2 Q ALL RIGHT. UM -- DID YOU, AT THAT TIME -- WELL, DID
3 YOU GO TO THE DEFENDANT'S ROOM?
4 A YES.
5 Q ALL RIGHT. HOW LONG WERE YOU IN THE DEFENDANT'S
6 ROOM?
7 A ABOUT FIVE, TEN MINUTES.
8 Q ALL RIGHT. HOW LONG HAD YOU KNOWN THE DEFENDANT AT
9 THIS TIME?
10 A NOT LONG.
11 Q OKAY. YOU'VE KNOWN BOBBY LONGER?
12 A YES.
13 Q AFTER YOU LEFT THE DEFENDANT'S ROOM, WHERE DID YOU
14 GO?
15 A I WENT UP TO VALET, I WAS GIVING LORENZO A RIDE
16 HOME.
17 Q OKAY. SO WAS YOUR CAR IN VALET?
18 A NO, IT WAS A FRIEND OF MINE'S CAR.
19 Q YOU HAD GOTTEN THERE IN A FRIEND'S CAR?
20 A YEAH.
21 Q WERE YOU DRIVING THAT VEHICLE?
22 A YES.
23 Q SO YOU WENT TO VALET TO GO GET A VEHICLE?
24 A NO, I WENT TO VALET DOWN -- PARKED UP THERE BECAUSE
25 HE WAS CHECKING OUT.

1 Q OKAY.

2 A HE WAS GOING TO CHECK OUT OF HIS ROOM, SO I JUST

3 PULLED UP THERE SO HE COULD JUST COME OUT THE FRONT DOOR.

4 Q AND DID YOU EX -- END UP LEAVING ARIZONA CHARLIE'S

5 IN THAT VEHICLE?

6 A YES.

7 Q WHO WAS IN YOUR VEHICLE WITH YOU?

8 A ME -- UH -- THE DEFENDANT, AMANDA AND SHANNON.

9 Q OKAY. AND BEFORE YOU HAD LEFT, DID YOU HAVE ANY

10 FURTHER COMMUNICATION WITH BOBBY?

11 A NO.

12 Q ALL RIGHT. SO YOU DON'T KNOW AT THAT TIME WHAT HAD

13 HAPPENED WITH BOBBY AND AMANDA?

14 A BOBBY AND -- NO, I DON'T KNOW WHAT HAPPENED WITH

15 THEM. I KNOW THEY WERE OUTSIDE TALKING.

16 Q OKAY. UH -- DID YOU KNOW AT THAT TIME -- WELL, LET

17 ME ASK YOU THIS. WHERE IS IT THAT YOU THEN TOOK -- YOU SAID

18 YOU WERE TAKING THE DEFENDANT HOME, WHERE WAS THAT?

19 A UH -- SIEGEL SUITES ON THE BOULDER HIGHWAY.

20 Q DO YOU KNOW THE APPROXIMATE ADDRESS, OR IS IT JUST,

21 YOU KNOW, IT'S ON --

22 A I THINK IT'S 3625 OR SOMETHING LIKE THAT.

23 Q ALL RIGHT. IS THAT HERE IN CLARK COUNTY?

24 A YES.

25 Q IS IT QUITE A WAYS AWAY FROM ARIZONA CHARLIE'S OR

1 JUST A FEW BLOCKS?
2 A NOT REALLY. A COUPLE MILES.
3 Q OKAY. WHEN YOU GOT TO SIEGEL SUITES, DID YOU COME
4 IN -- WHERE DID YOU GO?
5 A I PULLED UP IN FRONT OF HIS APARTMENT.
6 Q HAD YOU BEEN TO THAT APARTMENT WITH THE DEFENDANT
7 BEFORE?
8 A YES.
9 Q WHAT CAR -- KIND OF CAR WERE YOU DRIVING?
10 A IT WAS A HYUNDAI ELANTRA.
11 Q ALL RIGHT. WHO GOT -- DID YOU -- DID YOU PARK THE
12 CAR AT THAT TIME?
13 A YES.
14 Q AND DID YOU EXIT THE VEHICLE?
15 A YES.
16 Q WHO -- WHO WAS -- AGAIN, WHO WAS IN THE CAR WITH YOU
17 AT THIS TIME? IT WAS --
18 A ME, LORENZO, AMANDA AND SHANNON.
19 Q OKAY. DID ALL FOUR OCCUPANTS EXIT THE VEHICLE?
20 A NO.
21 Q WHO STAYED IN THE VEHICLE?
22 A AMANDA AND SHANNON.
23 Q AND DID YOU AT THAT TIME SEE BOBBY SOMEWHERE IN THAT
24 AREA?
25 A YES.

1 Q OKAY. DID YOU -- LET ME BACK UP.
2 DURING THE COURSE OF LEAVING ARIZONA CHARLIE'S AND
3 GOING TO SIEGEL SUITES, DID YOU, IN THE CAR, HAVE ANY SORT OF
4 COMMUNICATION WITH AMANDA?
5 A NO.
6 Q ALL RIGHT. DID YOU KNOW THERE TO BE ANY SORT OF
7 ISSUES AT THAT TIME BETWEEN AMANDA AND BOBBY?
8 A NO.
9 Q OKAY. DID YOU KNOW PRIOR TO THE ARIZONA
10 CHARLIE'S -- UM -- OR GOING TO ARIZONA CHARLIE'S, THAT THERE
11 WAS SOME ISSUES GOING ON BETWEEN AMANDA --
12 A I DIDN'T KNOW.
13 Q -- AND BOBBY?
14 OKAY. YOU SAID YOU SAW BOBBY AT THE ARI -- AT
15 SIEGEL SUITES; IS THAT RIGHT?
16 A UM-HUM.
17 Q IS THAT A YES?
18 A YES. YES.
19 Q OKAY. AND YOU AND THE DEFENDANT GOT OUT OF THE
20 VEHICLE; IS THAT RIGHT?
21 A YES.
22 Q OKAY. WHAT HAPPENED WITH THE TWO GIRLS IN THE
23 VEHICLE THAT YOU CAME WITH?
24 A THEY STAYED IN THE CAR.
25 Q OKAY. DID THE VEHICLE LEAVE THE AREA?

1 A YES.
2 MR. BATEMAN: OKAY. MAY I APPROACH THE WITNESS, YOUR
3 HONOR?
4 THE COURT: YES.
5 MR. BATEMAN: SHOWING COUNSEL WHAT'S BEEN MARKED AS
6 STATE'S PROPOSED EXHIBITS NO. 1 AND NO. 2.
7 Q I WANT YOU TO TAKE A LOOK AT THESE TWO PHOTOS. DO
8 YOU RECOGNIZE THIS AREA?
9 A YES.
10 Q IS THAT THE AREA WHERE YOU GOT OUT AT THE SIEGEL
11 SUITES TO GO TO THE DEFENDANT'S SIEGEL SUITE ROOM?
12 A YES.
13 Q IS THAT A FAIR AND ACCURATE DEPICTION OF HOW IT
14 LOOKED THAT NIGHT?
15 A YES.
16 MR. BATEMAN: MOVE ADMISSION OF ONE AND TWO.
17 THE COURT: ANY OBJECTION?
18 MR. MOMOT: NO, YOUR HONOR.
19 THE COURT: ONE AND TWO WILL BE ADMITTED. THANK YOU.
20 (WHEREUPON STATE'S EXHIBIT NO. 1 AND 2 WERE ADMITTED INTO
21 EVIDENCE.)
22 BY MR. BATEMAN:
23 Q OKAY. DID YOU -- SO I'M GOING TO SHOW YOU NO. 2.
24 JUDGE, I'M GOING TO TRY TO HOLD IT UP FOR YOU. UM -- DID THE
25 CAR THAT YOU CAME IN, DID IT LEAVE THIS AREA?

1 A YES.

2 Q AND DID IT GO SOMEPLACE WHERE THE OCCUPANTS WOULDN'T

3 HAVE SEEN WHAT TRANSPIRED IN THIS AREA?

4 A YES.

5 Q OKAY. SO WHERE WAS THAT?

6 A I THINK THEY WENT AROUND THE OTHER SIDE OF THE

7 BUILDING.

8 Q IS THERE MULTIPLE BUILDINGS IN THIS AREA?

9 A WELL, IT'S ONE THAT GOES THIS WAY, AND THEN THE BACK

10 BUILDING GOES THIS WAY, AND THE OTHER ONE GOES THE SAME AS THE

11 ONE THAT HE LIVED IN BEHIND IT.

12 Q OKAY. WHEN YOU SAY THIS WAY AND THAT WAY, YOU'RE

13 KIND OF MAKING --

14 A ONE GOES NORTH AND SOUTH, ONE -- THE OTHER ONE GOES

15 EAST AND WEST.

16 Q YOU DIDN'T SEE THE VEHICLE OR THE GIRLS AGAIN DURING

17 THIS TIME PERIOD?

18 A NO.

19 Q ALL RIGHT. WHERE IS IT THAT YOU SAW BOBBY FIRST?

20 A FIRST? HE WAS UP ON THE STAIRS.

21 Q OKAY. AND IS THAT WHERE -- UM -- THE DEFENDANT'S

22 ROOM WAS?

23 A YEAH, HIS ROOM WAS ON THE THIRD FLOOR.

24 Q OKAY. AND THEN DID BOBBY -- DID YOU SEE BOBBY COME

25 DOWN THE STAIRS?

1 A YEAH, HE STARTED COMING DOWN THE STAIRS, THEY
2 STARTED ARGUING.
3 Q WHO STARTED ARGUING?
4 A LORENZO AND BOBBY.
5 Q OKAY. AND SO YOU COULD HEAR THIS ARGUMENT?
6 A YES.
7 Q AND WHAT WAS THE NATURE OF THE ARGUMENT ABOUT?
8 A AMANDA.
9 Q WHAT, IF ANYTHING, DID YOU HEAR THE DEFENDANT SAY
10 DURING THE COURSE OF THIS ARGUMENT?
11 A UM -- WELL, BOBBY TOLD HIM HE WASN'T GONNA', YOU
12 KNOW, DO HER OR WHATEVER.
13 Q HE WASN'T GONNA' WHAT?
14 A YOU KNOW, HAVE SEX WITH HER.
15 Q OKAY.
16 A AND HE TOLD HIM, WELL, YES, I AM, I'M GONNA' SHOW
17 HER WHAT A REAL MAN IS.
18 THE COURT: OKAY. WHEN -- SORRY. WHEN YOU SAY HE, HE
19 DON'T KNOW WHO --
20 THE WITNESS: LORENZO.
21 THE COURT: OKAY.
22 THE WITNESS: LORENZO.
23 THE COURT: SO CAN YOU START OVER --
24 THE WITNESS: OKAY.
25 THE COURT: -- USING NAMES?

1 THE WITNESS: BOBBY SAID --- BOBBY TOLD LORENZO THAT HE
2 WASN'T GONNA', YOU KNOW, SLEEP WITH HER, AND HE SAID, YOU
3 KNOW --- LORENZO, YEAH THE HELL I'M NOT, I'M GONNA' --- I'M
4 GONNA' SHOW HER WHAT A REAL MAN IS.
5 MR. BATEMAN: OKAY.
6 Q AND YOU OVERHEARD THIS CONVERSATION?
7 A YES.
8 Q WHERE WAS THIS CONVERSATION TAKING PLACE?
9 A ON THE STAIRS. LORENZO WAS AT THE BOTTOM AND BOBBY
10 WAS COMING DOWN THE STAIRS.
11 Q OKAY. AND THEN DID THE CONVERSATION CONTINUE?
12 A YES.
13 Q AND WAS IT JUST A -- KIND OF AN ARGUMENT ALONG THOSE
14 LINES, BACK AND FORTH?
15 A OH-HUH.
16 Q IS THAT YES OR NO?
17 A YES.
18 Q DID IT APPEAR THAT --- TO YOU THAT BOBBY WAS LOOKING
19 FOR THE DEFENDANT OR THAT HE WAS LOOKING FOR AMANDA?
20 A HE WAS BASICALLY LOOKING FOR AMANDA.
21 Q OKAY. AND WAS THAT BASED UPON THE CONVERSATION THAT
22 YOU WERE HEARING BETWEEN THE TWO INDIVIDUALS?
23 A BETWEEN THE TWO --- BETWEEN LORENZO AND BOBBY?
24 Q CORRECT.
25 A WELL, I THINK LORENZO WANTED TO FIGHT.

1 Q OKAY. WELL, TELL ME WHY YOU THOUGHT LORENZO WANTED
2 TO FIGHT?
3 A BECAUSE HE KEPT TELLING HIM HE WANTED TO FIGHT.
4 Q OKAY. WHEN -- WHEN DID THE DEFENDANT FIRST TELL
5 BOBBY THAT LORENZO WANTED TO FIGHT?
6 A ARIZONA CHARLIE'S.
7 Q OKAY. SO LET'S -- SORRY TO GO BACK THERE, BUT LET'S
8 GO BACK.
9 A AT ARIZONA CHARLIE'S THEY GOT IN AN ARGUMENT.
10 Q OKAY. WHERE WAS THAT ARGUMENT?
11 A SECURITY WAS THERE LIKE TEN -- LIKE SEVEN OR EIGHT
12 SECURITY GUARDS, AND THAT WAS IN -- RIGHT IN FRONT OF
13 LORENZO'S -- UH -- ROOM.
14 Q AND, AGAIN, WAS THIS ARGUMENT THE SAME ISSUE,
15 AMANDA?
16 A AMANDA.
17 Q OKAY. AND WHAT IS IT THAT -- SO LORENZO SAID THAT
18 HE WANTED TO FIGHT TO BOBBY; IS THAT RIGHT?
19 A YEAH, HE KEPT TELLING HIM, KIND OF MEET ME AT MY
20 HOUSE.
21 Q OKAY. NOW MANY TIMES DO YOU THINK HE TOLD THAT TO
22 BOBBY?
23 A LIKE TEN.
24 Q WHAT WAS BOBBY SAYING IN RETURN?
25 A YEAH, YEAH, I'LL MEET YOU THERE, I'LL MEET YOU

1 THERE.

2 Q OKAY. DID IT APPEAR TO YOU THAT BOBBY WAS ASKING
3 WHERE AMANDA WAS?

4 A YEAH, HE WAS LOOKING FOR -- HE KNEW WHERE SHE WAS.
5 SHE WOULDN'T -- SHE WOULDN'T COME OUT AND TALK TO HIM, AND I
6 THINK SECURITY ASKED HIM TO LEAVE, BECAUSE THEY GOT IN AN
7 ARGUMENT --

8 MR. MOMOT: I'M GOING TO OBJECT --

9 THE WITNESS: I'M NOT SURE --

10 MR. MOMOT: -- WHAT SECURITY SAID --

11 THE WITNESS: -- BECAUSE I WASN'T THERE.

12 THE COURT: OKAY, HOLD ON.

13 MR. MOMOT: IT'S HEARSAY. WE KNOW -- GOT TO GET TO THESE
14 OTHER STATEMENTS FOR -- TO GET THE TOTALITY OF THE
15 CONVERSATION, BUT WHAT SECURITY HAS TO SAY, I THINK, IS
16 HEARSAY.

17 THE COURT: WELL -- AND HE ALSO HAD JUST SAID, I'M NOT
18 SURE, SO I DON'T KNOW HOW MUCH OF THAT HE HAS PERSONAL
19 KNOWLEDGE OF --

20 MR. BATEMAN: OKAY.

21 THE COURT: -- SO IT'S STRICKEN. YOU CAN ASK HIM A
22 DIFFERENT QUESTION.

23 BY MR. BATEMAN:

24 Q DID YOU HAVE ANY CONTACT WITH BOBBY BEFORE HE --
25 AFTER THIS ARGUMENT -- UM -- BEFORE HE LEFT ARIZONA CHARLIE'S?

1 A NO.
2 Q OKAY. SO YOU DON'T KNOW HOW HE LEFT ARIZONA
3 CHARLIE'S?
4 A NO, I DON'T.
5 Q WHAT WAS YOUR INTENT, WAS IT TO --- TO ---
6 A I THOUGHT HE WAS WALKING.
7 Q OKAY. WHAT WERE YOU TRYING TO DO? WERE YOU TRYING
8 TO LEAVE ARIZONA CHARLIE'S?
9 A YEAH, I WAS TRYING TO GET LORENZO OUT OF THERE.
10 Q OKAY. YOU WANTED TO DEFUSE THE SITUATION?
11 A YES.
12 Q SO THIS CONVERSATION, WE'RE BACK AT THE SIEGEL
13 SUITES, WAS THERE ANY OTHER CONVERSATION OR ANYTHING ELSE THAT
14 THE DEFENDANT SAID THAT MADE YOU THINK HE WANTED TO FIGHT AT
15 THAT TIME?
16 A YEAH. JUST WHEN HE TOLD HIM THAT --- UM --- HE SAID
17 HE WASN'T GOING TO SLEEP WITH HER, AND HE SAID, THE HELL I'M
18 NOT, I'M GONNA' SHOW HER WHAT A REAL MAN IS.
19 Q OKAY. AND WHAT HAPPENED AT THAT POINT?
20 A THEN --- UM --- BOBBY CAME DOWN TO THE BOTTOM, THEY
21 STARTED ARGUING BACK AND FORTH, AND WHEN HE SAID, YOU KNOW,
22 I'M GONNA' SHOW HER WHAT A REAL MAN IS, BOBBY, YOU KNOW, HIT
23 HIM, LUNGED AT HIM AND HIT HIM.
24 Q AND WHEN YOU SAY BOBBY HIT HIM, DO YOU KNOW WHAT
25 HAND HE USED?

1 A I THINK HIS RIGHT.
2 Q DO YOU KNOW WHETHER BOBBY WAS RIGHT OR LEFT HANDED?
3 A NO. I THINK HE WAS RIGHT-HANDED.
4 Q OKAY. WHERE DID BOBBY HIT THE DEFENDANT?
5 A IN THE EYE.
6 Q UM --
7 A SIDE OF THE FACE.
8 Q OKAY.
9 A WHICH WOULD HAVE BEEN --
10 Q DO YOU REMEMBER WHICH EYE OR DO YOU NOT REMEMBER?
11 A IT WOULD HAVE BEEN THIS ONE.
12 Q AND YOU'RE POINTING TO YOUR LEFT EYE?
13 A YEAH.
14 Q ALL RIGHT. WHAT OCCURRED AFTER -- WAS IT ONE PUNCH?
15 A YEAH.
16 Q IS THAT YES?
17 A YES.
18 Q OKAY. AND THEN WHAT HAPPENED AT THAT POINT?
19 A THAT'S WHEN LORENZO STAGGERED BACK AND LIFTED UP HIS
20 SHIRT AND PULLED OUT THE GUN --
21 Q OKAY.
22 A -- AND AIMED IT AT HIM AND MISFIRED -- IT MISFIRED
23 THE FIRST TIME.
24 Q I WANT TO FOLLOW UP ON THAT MORE SPECIFICALLY. YOU
25 SAID BOBBY PUNCHES THE DEFENDANT, RIGHT --

1 A YES.
2 Q -- IN THE LEFT EYE, AND THEN THE DEFENDANT STAGGERS
3 BACKWARDS?
4 A YEAH.
5 Q AND THEN YOU SAID HE -- AND DID A MOTION, HE PULLED
6 UP HIS --
7 A PULLED UP HIS SHIRT.
8 Q DEFENDANT PULL UP HIS SHIRT?
9 A PULLED THE GUN OUT, WAS AIMING AT HIM, AND IT
10 MISFIRED.
11 Q SO PRIOR TO HIM PULLING UP HIS SHIRT, COULD THE
12 FIREARM BE SEEN?
13 A NO.
14 Q AND YOU PUT YOUR HAND OUT; IS THAT RIGHT?
15 A YEAH.
16 Q AND WAS IT -- UM -- WAS IT UP -- THE GUN UP AND DOWN
17 OR WAS IT SIDEWAYS?
18 A I THINK HE HAD IT KIND OF TO THE SIDE.
19 Q OKAY. AND HOW -- YOU SAID HE PULLED THE TRIGGER?
20 A YES.
21 Q YOU HEARD IT?
22 A YES, AND IT MISFIRED.
23 Q HOW FAR AWAY WAS THE DEFENDANT FROM BOBBY WHEN HE
24 HELD UP THE GUN AND HE PULLED THE TRIGGER?
25 A PROBABLY ABOUT EIGHT FEET THE FIRST -- THE FIRST

1 TIME.

2 Q OKAY. WHAT OCCURRED AT THAT POINT?

3 A BOBBY STARTED GOING BACKWARDS, LIKE TRYING -- HE

4 SAID, "WHAT ARE YOU GONNA DO, SHOOT ME, DUDE?"

5 Q OKAY. SO BOBBY SAID, WHAT ARE YOU GOING TO DO,

6 SHOOT ME?

7 A YEAH.

8 Q AND WAS BOBBY CONTINUING TO GO FORWARD?

9 A NO, HE WAS -- HE WAS GOING BACKWARDS.

10 Q ALL RIGHT. DID HE DO ANYTHING --

11 A TRYING TO GET AWAY FROM --- HE WAS TRYING TO GET AWAY

12 FROM HIM.

13 Q OKAY. SO -- AND DID YOU CONTINUE TO WATCH?

14 A YES.

15 Q ALL RIGHT. AND WHAT HAPPENED AT THAT POINT BETWEEN

16 BOBBY AND THE DEFENDANT?

17 A THAT'S WHEN HE PULLED THE TRIGGER THE SECOND TIME,

18 AND HE HIT BOBBY. TOOK THE GUN AND WENT, CHU-CHU, YOU KNOW

19 COCKED IT BACK, AND THEN YOU KNOW STOCK -- AIMED IT AT HIM

20 AGAIN AND SHOT HIM, AND BOBBY GRABBED HIS STOMACH AND

21 STAGGERED BACK AND FELL.

22 Q DID I LEAVE THE EXHIBITS UP THERE?

23 A NO.

24 MR. BATEMAN: OH, SORRY.

25 COULD I APPROACH THE WITNESS AGAIN?

1 THE COURT: YES.
2 BY MR. BATEMAN:
3 Q I'M GOING TO SHOW YOU WHAT'S BEEN MARK AS EXHIBIT
4 NO. 2, IS THIS A VIEW OF THE SIEGEL SUITES WHERE THE
5 DEFENDANT'S ROOM IS ON LIKE THE SECOND FLOOR?
6 A IT'S ON THE THIRD FLOOR.
7 Q OH, THIRD FLOOR?
8 A UH-HUH.
9 Q IS THAT RIGHT?
10 A YES.
11 Q OKAY. IS THIS WHERE --- THE AREA WHERE THE ARGUMENT
12 STARTED?
13 A YES, AT THE BOTTOM OF THE STAIRS.
14 Q OKAY. AND WAS IT AT THE BOTTOM OF THE STAIRS WHEN
15 THE DEFENDANT INITIALLY FIRED THE GUN AND IT MISFIRED?
16 A UM -- WELL, AFTER BOBBY HIT HIM, HE WENT BACK AND HE
17 CAME -- LIKE WENT THIS WAY.
18 Q OKAY. TO -- TO THE LEFT?
19 A LIKE THAT WAY TO THE LEFT.
20 Q THE DEFENDANT WENT TO THE LEFT?
21 A AND BOBBY WAS STANDING THERE, AND THEN WHEN HE
22 MIS -- WHEN HE SHOT AT HIM AND IT MISFIRED, BOBBY WENT
23 BACKWARDS AND WENT AROUND THE CARS, TRY TO GET AWAY FROM HIM,
24 AND HE WENT AFTER HIM.
25 Q OKAY. SO I JUST WANT TO CLARIFY FOR THE RECORD.

1 MR. MOMOT: COULD I SEE ---
2 MR. BATEMAN: DO YOU WANT TO COME UP AND ---
3 THE COURT: YES. YES.
4 MR. BATEMAN: COME ON UP.
5 MR. MOMOT: I'M LISTENING.
6 MR. BATEMAN: YEAH.
7 THE COURT: SO -- UM -- SIR, WHAT YOU HAVE TO UNDERSTAND
8 IS WE'RE TAKING DOWN A RECORD, AND MISS KIT ONLY TAKES DOWN
9 WORDS, SO WHEN YOU'RE POINTING AND SAYING OVER HERE, IT'S
10 REALLY HARD FOR THE RECORD -- I KNOW IT'S NORMAL --
11 THE WITNESS: SORRY.
12 THE COURT: -- BUT IF YOU CAN JUST TRY TO DESCRIBE USING
13 YOUR WORDS AS MUCH AS YOU'RE SHOWING WITH YOUR -- UM --
14 THE WITNESS: ALL RIGHT.
15 THE COURT: -- WITH YOUR HANDS AND YOUR GESTURES, OKAY?
16 THE WITNESS: YES, MA'AM.
17 MR. BATEMAN: AND I'LL TRY TO HELP.
18 THE WITNESS: OKAY.
19 BY MR. BATEMAN:
20 Q YOU SAID THAT BOB -- INITIALLY WHEN THE SHOT
21 OCCURRED, BOBBY WAS HEADING TO THE LEFT ON THIS PHOTOGRAPH; IS
22 THAT RIGHT?
23 A YES.
24 Q AND THE DEFENDANT WAS OVER TO THE RIGHT; IS THAT
25 RIGHT?

1 A YES.
2 Q AND THEN -- UM -- OR IS THAT WRONG?
3 A NO.
4 Q ACTUALLY YOU TELL ME --
5 A YEAH --
6 Q -- I COULD BE WRONG.
7 A RIGHT -- WHEN LOREZ -- WHEN BOBBY HIT HIM LORENZO
8 WENT TO THE LEFT.
9 Q OKAY, THE DEFENDANT WENT TO THE LEFT?
10 A BOBBY -- BOBBY WAS STANDING ABOUT HERE, AND THEN HE
11 WENT IN -- WHEN HE --
12 Q WHEN YOU SAY HERE --
13 A -- WENT IN BETWEEN --
14 Q -- UM -- IS THAT BY --
15 THE REPORTER: OKAY.
16 THE COURT: YOU GUYS ARE TALKING OVER EACH OTHER.
17 THE WITNESS: IN BETWEEN THE TWO --
18 THE COURT: OKAY, HOLD ON. SIR? SIR? YOU CAN'T TALK
19 OVER MR. BATEMAN EITHER. SO HE'S TRYING TO CLARIFY THE
20 RECORD, SO JUST LET HIM SPEAK, AND YOU RESPOND, OKAY?
21 THE WITNESS: YES, MA'AM.
22 THE COURT: TRY NOT TO TALK OVER HIM. OKAY.
23 BY MR. BATEMAN:
24 Q AND YOU WERE SAYING -- UM -- BOBBY WAS HERE, ARE YOU
25 REFERRING TO SOMEWHERE NEAR THIS CHEVROLET TRUCK?

1 A NO.
2 Q OKAY.
3 A YES, YES, YES, YES.
4 Q ALL RIGHT.
5 A THAT'S WHEN LORENZO PUT THE GUN -- PULLED THE GUN
6 OUT AND, YOU KNOW, IT MISFIRED.
7 Q OKAY.
8 A AND BOBBY WENT BACKWARDS AND AROUND THE VEHICLES.
9 Q OKAY. SO --
10 A TO THE RIGHT. HE WENT DOWN ARO -- DOWN AROUND TO
11 THE RIGHT, AND LORENZO WENT AFTER HIM.
12 Q OKAY. SO I'M GOING TO FOLLOW UP, BASED UPON THIS
13 EXHIBIT NO. 2: YOU SAID INITIALLY BOBBY WAS BY THIS CHEVROLET
14 TRUCK WHEN THE MISFIRE OCCURRED, RIGHT?
15 A YES.
16 Q AND THEN YOU SAID BOBBY WENT AROUND THE VEHICLES?
17 A YES.
18 Q ARE YOU REFERRING TO THESE VEHICLES THAT ARE NEXT TO
19 THE CHEVROLET TRUCK --
20 A YES.
21 Q -- ON EXHIBIT NO. 2?
22 A YES.
23 Q AND WHAT -- WHICH DIRECTION DID THE DEFENDANT GO
24 WHEN BOBBY WAS GOING AROUND THESE VEHICLES?
25 A WELL, WHEN BOBBY WENT AROUND THE VEHICLES, HE WAS

1 GOING AFTER BOBBY.

2 Q THE DEFENDANT WAS GOING AFTER BOBBY?

3 A YES.

4 Q WHICH DIRECTION DID THE DEFENDANT GO?

5 A THE SAME WAY BOBBY DID.

6 Q OKAY.

7 A BOBBY WENT -- WHEN BOBBY WENT -- UM -- WHICH WOULD

8 HAVE BEEN THE RIGHT, WHEN BOBBY WENT TO THE RIGHT HE WAS

9 COMING STRAIGHT AT HIM, AND THEN BOBBY WENT TO THE RIGHT

10 AROUND THE VEHICLES, AND THEN HE WENT TO THE RIGHT.

11 Q OKAY. DID BOBBY EVER END UP COMING BACK TO THE

12 LEFT?

13 A YES.

14 Q OKAY. AND WAS THE DEFENDANT COMING BACK TO THE

15 LEFT?

16 A YES.

17 Q AND YOU SAID THAT THERE WAS SOME ADDITIONAL

18 GUNSHOTS; IS THAT RIGHT?

19 A YES. THAT'S WHEN HE SHOT THE SECOND TIME, AND I

20 THINK HE SHOT HIM IN THE STOMACH, AND BOBBY GRABBED HIMSELF

21 AND SAID, OOH --

22 Q OKAY.

23 A -- AND WENT DOWN AND FELL ON HIS FACE.

24 Q SO THE DEFENDANT THEN SHOT -- UM -- BOBBY, YOU SAID

25 SOMEWHERE IN THE STOMACH AREA?

1 A YES. THAT'S WHAT I THOUGHT, ANYWAY.
2 Q DO YOU KNOW APPROXIMATELY, ON THIS EXHIBIT NO. 2,
3 WHERE BOBBY WAS?
4 A YES, HE WAS LAYING ON -- ON THE SIDEWALK IN FRONT OF
5 THE TRUCK.
6 Q IN FRONT OF THIS CHEVROLET TRUCK?
7 A YES.
8 Q DO YOU KNOW APPROXIMATELY WHERE THE DEFENDANT WAS
9 WHEN HE SHOT HIM THE FIRST TIME, AND YOU SAID IN THE STOMACH?
10 A FIRST TIME? WHAT, LIKE HOW FAR AWAY?
11 Q YES.
12 A PROBABLY ABOUT TEN FEET, TWELVE FEET.
13 Q OKAY. WAS THE DEFENDANT SAYING ANYTHING WHEN THIS
14 WAS OCCURRING?
15 A NO.
16 Q ALL RIGHT. UM -- DID BOBBY, AFTER THAT FIRST SHOT,
17 DID HE STAY STANDING OR DID HE FALL DOWN?
18 A NO, HE FELL ON HIS FACE.
19 Q FELL FORWARD?
20 A FORWARD.
21 Q WAS HE STILL --
22 A ON -- GO AHEAD.
23 Q WAS HE STILL ON THE SIDEWALK?
24 A YES.
25 Q WHAT, IF ANYTHING, DID THE DEFENDANT DO AT THAT

1 TIME?
2 A WENT UP TO HIM AND SHOT HIM IN THE -- THE SECOND
3 TIME IN THE BACK, STOOD OVER THE TOP OF HIM.
4 Q DID HE SAY ANYTHING AT THAT TIME, THE DEFENDANT?
5 A YEAH, HE JUST -- WHEN -- WHEN -- AFTER HE SHOT HIM
6 THE SECOND TIME HE SAID, "I'M OUT OF HERE NIGGER", AND THREW
7 HIS ARMS UP.
8 Q THREW HIS ARMS UP TO THE SIDE?
9 A YEAH.
10 Q OKAY. AND WHERE, IF ANYWHERE, DID THE DEFENDANT GO?
11 DID YOU WATCH HIM GO ANYWHERE?
12 A HE WENT -- HE STARTED GOING UP THE PARKING LOT.
13 Q OKAY. WHEN YOU SAY --
14 A TOWARDS BOULDER HIGHWAY.
15 Q AND ON THIS EXHIBIT NO. 2, IS BOULDER HIGHWAY --
16 WOULD THAT BE TO THE RIGHT?
17 A THAT WOULD BE TO THE RIGHT.
18 Q OKAY. WHAT, IF ANYTHING, DID YOU DO AT THAT TIME?
19 A I MEAN I WAS FREAKING.
20 Q OKAY.
21 A UM -- THEN HIS DAD CAME UP. I DIDN'T KNOW IT WAS
22 HIS DAD AT FIRST.
23 THE COURT: WHO'S DAD?
24 THE WITNESS: BOBBY'S DAD. AND WE TRIED TO ROLL HIM
25 OVER, AND THEN THE BLOOD CAME OUT AND IT GOT ALL OVER MY HAND,

1 AND I JUST -- I FREAKED OUT.

2 BY MR. BATEMAN:

3 Q DID YOU LEAVE THE AREA?

4 A YES.

5 Q WHERE DID YOU GO?

6 A I WENT AND GOT THE CAR. THE GIRLS WENT TO THE BAR.

7 Q WHICH --

8 A WENT ACROSS THE STREET TO THE BAR, THE FOUR MILE
9 BAR, THEY WERE IN THE PARKING LOT. I WENT OVER AND GOT THE
10 CAR AND WENT HOME.

11 Q ALL RIGHT.

12 WHEN YOU WERE OUT AT THIS LOCATION, WHEN THIS
13 CONFRONTATION WAS OCCURRING -- UM -- DID THE DEFENDANT EVER
14 SAY ANYTHING TO YOU?

15 A NO.

16 Q OKAY. DID HE EVER DIRECT HIS ATTENTION TO YOU AT
17 THIS TIME?

18 A I DON'T REALLY KNOW. I DON'T REMEMBER ANYTHING TOO
19 MUCH AFTER THAT.

20 Q THE DEFENDANT DIDN'T END UP AT THE FOUR MILE BAR OR
21 ANYTHING LIKE THAT?

22 A NO.

23 Q AND YOU SAID YOU DIDN'T KNOW WHERE BOBBY'S DAD CAME
24 FROM, YOU DIDN'T KNOW HE WAS THERE?

25 A NO.

1 Q DURING THIS CONFRONTATION -- UM -- OR EVEN BACK AT
2 THE ARIZONA CHARLIE'S, DID YOU EVER SEE BOBBY HAVE A FIREARM
3 WITH HIM?

4 A NO.

5 Q OKAY. DID -- DURING THIS CONFRONTATION DID BOBBY
6 EVER PULL OUT A GUN?

7 A NO.

8 Q DO YOU KNOW WHAT, IF ANYTHING, THE DEFENDANT DID
9 WITH THE GUN THAT HE USED?

10 A NO, I DON'T.

11 MR. BATEMAN: OKAY. I'LL PASS THE WITNESS, JUDGE.

12 THE COURT: CROSS-EXAMINATION.

13 MR. MOMOT: THANK YOU, YOUR HONOR. JUST ONE SECOND,
14 PLEASE, YOUR HONOR.

15 THE COURT: SURE.

16 (DISCUSSION BETWEEN MR. MOMOT AND THE DEFENDANT.)

17

18 CROSS-EXAMINATION

19 BY MR. MOMOT:

20 Q SIR, THAT NIGHT, DECEMBER -- THE NIGHT OF DECEMBER
21 22ND, I GUESS THE MORNING OF DECEMBER 23RD IS WHEN THIS
22 INCIDENT OCCURRED, CORRECT?

23 A I THINK SO.

24 Q OKAY. AND DID YOU MAKE A HANDWRITTEN STATEMENT?

25 A UM -- A COUPLE OF WEEKS LATER, LIKE A WEEK LATER.

1 Q A HANDWRITTEN STATEMENT?
2 A NO. NO, JUST -- UM -- TWO DETECTIVES CAME AND
3 TALKED TO ME.
4 Q OKAY. SO THEN YOU JUST MADE AN ORAL STATEMENT TO
5 THE DETECTIVES, CORRECT?
6 A YES.
7 Q AND THEY TAPED YOUR STATEMENT, CORRECT?
8 A YES, SIR.
9 Q ALL RIGHT. AND THEY, AS A MATTER OF FACT, DID THIS
10 ON JANUARY 2ND, 2014 -- UM -- ABOUT 4 O'CLOCK IN THE
11 AFTERNOON, CORRECT?
12 A YES, SIR.
13 Q AND WHERE WAS IT THAT THEY TOOK YOUR STATEMENT?
14 A WAL-MART PARKING LOT.
15 Q IS THAT NEARBY THIS ADDRESS?
16 A IT'S ON BOULDER HIGHWAY AND NELLIS.
17 Q WAS THAT AN ARRANGED MEETING PLACE THAT YOU WERE
18 GOING TO MEET THE COPS?
19 A YES.
20 Q OKAY. AND DID YOU STICK AROUND AFTER THIS INCIDENT
21 WHERE THE SHOOTING OCCURRED?
22 A NO. I WAS --
23 Q YOU TOOK --
24 A -- DISTRAUGHT.
25 Q YOU TOOK OFF?

1 A YEAH. I DIDN'T TAKE OFF, I JUST, YOU KNOW, I -- I--
2 Q YOU LEFT?
3 A YEAH.
4 Q WHERE DID YOU GO, TO A BAR?
5 A NO. I WENT TO THE BAR TO GET THE CAR, AND THEN I
6 WENT HOME.
7 Q ALL RIGHT. SO YOU WENT TO THE BAR -- YOU WENT TO
8 THE BAR, WHICH BAR DID YOU GO TO?
9 A FOUR MILE. I DIDN'T GO TO --
10 Q THE FOUR MILE BAR ON BOULDER HIGHWAY?
11 THE COURT: HOLD ON. HOLD ON. JUST ANSWER HIS
12 QUESTIONS. OKAY.
13 BY MR. MOMOT:
14 Q THE FOUR MILE BAR ON BOULDER HIGHWAY?
15 A YES, SIR.
16 Q AND HOW FAR AWAY IS THAT FROM THIS SCENE?
17 A UM -- A COUPLE HUNDRED YARDS.
18 Q A COUPLE HUNDRED YARDS?
19 A IT'S ACROSS THE STREET.
20 Q HUH?
21 A IT'S RIGHT ACROSS THE STREET FROM WHERE IT HAPPENED.
22 Q RIGHT ACROSS THE STREET? OKAY.
23 AND YOU WALKED OVER THERE?
24 A YES.
25 Q OF COURSE BECAUSE THE -- WHERE WAS YOUR VEHICLE?

1 A ACROSS THE STREET AT THE BAR. THE GIRLS TOOK IT TO
2 THE BAR.
3 Q ACROSS THE STREET AT THE BAR?
4 A YES.
5 Q OKAY. AND YOU DIDN'T STICK AROUND -- YOU DIDN'T
6 WAIT AROUND AFTER THE SHOOTING WITH -- UM -- BOBBY OR HIS DAD,
7 DID YOU?
8 A I WAS THERE WITH BOBBY'S DAD. WE TRIED TO ROLL BOBBY
9 OVER.
10 Q AND THEN -- AND THEN DID YOU WAIT THERE UNTIL THE
11 AMBULANCE --
12 A WHEN THE BLOOD --
13 Q -- TO ARRIVE?
14 A -- GOT ALL OVER MY HAND I FREASED OUT.
15 Q OKAY. BUT --
16 A WHAT DO YOU WANT ME TO SAY?
17 Q DID YOU WAIT THERE UNTIL THE AMBULANCE ARRIVED?
18 A NO, I DIDN'T.
19 Q DID YOU WAIT THERE UNTIL THE POLICE ARRIVED?
20 A NO. THERE WAS A LOT OF POLICE THERE.
21 Q SIR, DID YOU WAIT UNTIL THE POLICE ARRIVED?
22 A NO.
23 Q OKAY. DID YOU CALL 9-1-1?
24 A I DIDN'T HAVE A PHONE.
25 Q QUESTION, DID YOU CALL 9-1-1?

1 A I DIDN'T HAVE A PHONE.
2 THE COURT: JUST ANSWER THE QUESTION?
3 THE WITNESS: I DIDN'T HAVE A PHONE.
4 THE COURT: SO IS THAT A NO OR A YES?
5 THE WITNESS: NO.
6 MR. MOMOT: THANKS.
7 Q OKAY. NOW, DID BOBBY HAVE A PHONE?
8 A I DON'T KNOW. I DON'T THINK SO.
9 Q DID YOU SEE BOBBY'S FATHER CALL 9-1-1?
10 A UM -- I'M NOT SURE. I THINK HE DID.
11 Q HUR?
12 A I THINK HE DID, I'M NOT SURE.
13 Q OKAY. NOW -- SO BETWEEN DECEMBER 22ND AND -- AND
14 JANUARY 2ND, DID YOU HAVE OCCASION TO TALK TO BOBBY'S FATHER?
15 A UM -- NO.
16 Q DID YOU TALK TO ANYBODY ABOUT THIS?
17 A NO, NOT REALLY, JUST ME AND MY FIANCE TALKED.
18 Q AND THAT IS WHO?
19 A SHANNON.
20 Q SHANNON. AND THAT'S THE GIRL THAT WAS AT THE BAR
21 WITH AMANDA?
22 A YES.
23 Q OKAY. AND -- UM -- ALL RIGHT.
24 PRIOR TO MAKING THIS -- THIS STATEMENT, THIS AUDIO
25 STATEMENT, YOU TALKED TO THE POLICE OFFICERS IN GENERAL ABOUT

1 WHAT YOU OBSERVED?

2 A THEY CALLED AND LEFT A MESSAGE, AND THEN WE SET UP A
3 MEETING, AND THEN I MET THEM AT WAL-MART. THAT'S THE ONLY
4 TIME I TALKED TO THEM.

5 Q OKAY. BUT WHEN YOU MET THEM AT WAL-MART, DID YOU
6 TALK TO -- UH -- DETECTIVE WILLIAMS, YOU KNOW, IN
7 GENERALIZATION, PRIOR TO MAKING THE STATEMENT?

8 A WHEN I MADE THE STATEMENT WAS THE ONLY TIME I TALKED
9 TO THEM, THE TWO DETECTIVES.

10 Q OKAY. SO THIS IS --

11 A THAT WAS THE ONLY TIME.

12 Q YOU DIDN'T HAVE A CONVERSATION BEFORE MAKING THIS
13 STATEMENT?

14 A NO. JUST WHERE WE -- WHERE WE WERE GOING TO MEET.
15 HE SAID HE NEEDED TO TALK TO ME ABOUT WHAT HAPPENED THAT
16 NIGHT, AND WE MET AT WAL-MART.

17 Q OKAY.

18 SIR, DO YOU HAVE A FELONY CONVICTION?

19 A YES, I DO.

20 Q ONE OR MORE?

21 A ONE.

22 Q HOW OLD?

23 A UH -- PROBABLY ABOUT FIVE YEARS. FOUR YEARS, FIVE
24 YEARS.

25 Q OKAY. NOW -- BUT YOU'RE NOT ON ANY KIND OF

1 PROBATION, PAROLE OR ANYTHING RIGHT NOW?

2 A NO, SIR. NO.

3 Q OKAY. AND YOU DON'T OWN ANY FIREARMS, DO YOU?

4 A NO.

5 Q AND YOU SAID YOU KNOW -- UH -- THE DECEDENT MR.

6 HOLLAND FOR APPROXIMATELY ABOUT FOUR YEARS?

7 A FOUR YEARS. ABOUT THREE, FOUR YEARS.

8 Q DID YOU WORK TOGETHER?

9 A NO.

10 Q DO YOU LIVE IN THE SAME COMPLEX AS MR. HOLLAND?

11 A NO.

12 Q DOES HE LIVE AT THIS COMPLEX WHERE --

13 A NO.

14 Q -- THIS INCIDENT OCCURRED?

15 A NO.

16 Q WHERE -- WHERE DID HE LIVE AT THIS TIME?

17 A HE LIVED, I THINK, OFF OF VIKING/FLAMINGO.

18 Q VIKING AND FLAMINGO?

19 A AND FLAMINGO.

20 Q HOW FAR AWAY IS THAT, SIR?

21 A UH -- TEN MILES, NINE MILES, EIGHT MILES, SOMETHING

22 LIKE THAT.

23 Q OKAY. NOW, WHEN YOU -- YOU WERE AT ARIZONA

24 CHARLIE'S WITH BOBBY EARLIER THAT EVENING, RIGHT?

25 A NO.

1 Q WELL, DID YOU SEE BOBBY EARLIER THAT EVENING?
2 A NO. THAT WAS THE FIRST TIME I SEEN HIM WAS THAT
3 NIGHT HE ASKED ME TO GO IN AND GET AMANDA TO COME OUT AND TALK
4 TO HIM.
5 Q THAT WAS AT ARIZONA CHARLIE'S, WASN'T IT?
6 A YES, SIR.
7 Q THAT'S WHAT I'M SAYING, EARLIER THAT EVENING, PRIOR
8 TO THIS INCIDENT --
9 THE COURT: HE -- I THINK HE THOUGHT YOU MEANT EARLIER
10 THAN ARIZONA CHARLIE'S.
11 MR. MOMOT: OH, I'M SORRY. I'M SORRY IF I CONFUSED YOU.
12 THE COURT: IS THAT --
13 THE WITNESS: YEAH.
14 BY MR. MOMOT:
15 Q LET'S -- LET'S TALK ABOUT ARIZONA CHARLIE'S. YOU --
16 YOU -- YOU MET BOBBY THERE?
17 A YEAH, I RUN INTO HIM. HE WAS IN THE PARKING LOT.
18 Q DID YOU -- HOW DID -- WHEN YOU GOT THERE DID YOU
19 JUST GO THERE WITH SHANNON?
20 A YES.
21 Q YOU WERE ALONE?
22 A ME AND SHANNON.
23 Q RIGHT.
24 A YEAH.
25 Q AND WHAT WAS THE PURPOSE? WHO WERE YOU INTENDING TO

1 MEET THERE AT ARIZONA CHARLIE'S?
2 A NO ONE. I WAS GOING TO GAMBLE.
3 Q YOU WERE JUST GOING TO GO THERE YOURSELVES?
4 A YES.
5 Q AT WHAT TIME DID YOU ARRIVE THERE?
6 A I DON'T EVEN KNOW, LIKE 2 O'CLOCK, SOMETHING LIKE
7 THAT.
8 Q TWO IN THE AFTERNOON?
9 A NO, EVENING --- OR MOR --- MORNING.
10 Q TWO IN THE MORNING?
11 A (NO AUDIBLE RESPONSE.)
12 Q OKAY. NOW, WHO IS THE FIRST PERSON THAT YOU SEE OUT
13 OF THIS GROUP, BOBBY OR THE DEFENDANT?
14 A BOBBY.
15 Q BOBBY. WHERE DID YOU FIRST SEE HIM?
16 A IN THE PARKING LOT.
17 Q WHAT TIME?
18 A I DON'T REALLY KNOW. I WASN'T LOOKING AT THE TIME.
19 Q ESTIMATE, FOUR, FIVE IN THE MORNING?
20 A I DON'T KNOW. IT WAS TWO.
21 Q TWO IN THE MORNING?
22 A ONE, TWO, THREE, I DON'T -- I REALLY DON'T KNOW.
23 Q WELL, YOU SAY YOU ARRIVED THERE AT TWO IN THE
24 MORNING. HOW SOON, THEREAFTER, DID YOU SEE BOBBY?
25 A AS SOON AS I PULLED IN THE PARKING LOT.

1 Q OH, OKAY. AND WHAT WAS HE DOING?
2 A STANDING THERE. WALKING --- YOU KNOW, GOING BACK AND
3 FORTH, PACING, YOU KNOW.
4 Q AND --- OKAY.
5 A I GUESS THEY THREW HIM OUT OF THE CASINO, SO ---
6 AND HE WANTED TO TALK TO AMANDA.
7 Q SO --- ALL RIGHT. SO THAT'S WHAT HE TELLS YOU THAT
8 HE WANTS TO TALK TO AMANDA, AND AMANDA'S IN THE CASINO WITH
9 LORENZO?
10 A YES.
11 Q AND LORENZO IS THE DEFENDANT?
12 A YES.
13 Q OKAY. NOW -- AND WAS IT JUST LORENZO AND AMANDA IN
14 THE CASINO, OR WAS THERE SOMEBODY ELSE WITH LORENZO AND AMANDA
15 IN THE CASINO?
16 A LORENZO AND AMANDA WERE SITTING DOWN AT THE
17 MACHINES, AND THERE WAS SOMEONE STANDING ALONG SIDE OF IT, I
18 DON'T KNOW WHO IT WAS, THOUGH.
19 Q WAS IT THAT ---
20 A I DON'T KNOW IF HE WAS WITH THEM --
21 Q DO YOU KNOW WHETHER ---
22 A --- OR JUST TALKING.
23 Q --- OR NOT THAT INDIVIDUAL WAS WITH LORENZO OR
24 AMANDA, YOU KNOW, BY -- BY THE WAY THEY MAY OR MAY NOT HAVE
25 BEEN TALKING OR ASSOCIATING?

1 A NO, I DON'T KNOW IF HE WAS OR NOT, BUT HE NEVER
2 GOT -- LEFT THE CASINO WITH THEM, SO ...
3 Q HE NEVER DID?
4 A NO.
5 Q WAS IT YOUR UNDERSTANDING THAT LORENZO HAD A ROOM UP
6 IN THE CASINO?
7 A YES.
8 Q AND YOU WENT UP TO THAT ROOM?
9 A YES.
10 Q AND WHAT WAS THE PURPOSE OF YOU GOING UP TO THAT
11 ROOM?
12 A I WAS GOING TO GIVE HIM A RIDE HOME.
13 Q YOU WERE GOING TO GIVE LORENZO A RIDE?
14 A YES.
15 Q AND WHERE WERE YOU GOING TO GO?
16 A I WAS GOING TO TAKE HIM HOME TO THE SIEGEL SUITES.
17 Q CORRECT.
18 BUT WAS YOU -- WHAT WAS YOUR UNDERSTANDING OF WHEN
19 LORENZO GOT THAT -- THAT SUITE AT ARIZONA CHARLIE'S?
20 A I DIDN'T KNOW HE HAD ONE TILL I GOT THERE.
21 Q AND THAT -- DID YOU ASK HIM WHEN DID YOU GET THIS
22 ROOM, LORENZO?
23 A NO.
24 Q DID YOU ASK HIM ANYTHING ABOUT THE ROOM?
25 A NO.

1 Q WAS HIS CLOTHES IN THE ROOM?
2 A YEAH, HIS BAG WAS.
3 Q HE HAD A BAG IN THE ROOM?
4 A YEAH.
5 Q OKAY. WAS ANYTHING ELSE IN THE ROOM?
6 A NOT THAT I KNOW OF.
7 Q OKAY. ANYBODY ELSE IN THE ROOM?
8 A UH -- AMANDA -- UH -- TWO OTHER --
9 Q SHE --
10 A -- TWO OTHER FRIENDS.
11 Q SHE WALKED UP FROM THE CASINO WITH LORENZO --
12 A SHE --
13 Q -- AND YOU, CORRECT?
14 A ME, HER AND LORENZO, YES.
15 Q SHE -- SHE WASN'T STAYING IN THE ROOM WAS SHE?
16 A I DON'T KNOW.
17 Q YOU DON'T KNOW THAT?
18 A NO.
19 Q YOU DIDN'T HEAR ANY DISCUSSION ABOUT THAT, DID YOU?
20 A NO.
21 Q ALL RIGHT.
22 SO NOW -- SO AS I UNDERSTAND IT, YOU'RE IN THE
23 CASINO WITH AMANDA AND LORENZO, YOU GO UP TO THE ROOM, AND YOU
24 LEAVE BOBBY OUT IN THE PARKING LOT AND HE'S PACING BACK AND
25 FORTH BECAUSE HE WANTS HIS AMANDA TO COME OUT OF ARIZONA.

1 CHARLIE'S, CORRECT?

2 A WHEN WE CAME OUT OF ARIZONA CHARLIE'S WE WENT BACK
3 TO LORENZO'S ROOM, AMANDA STAYED OUTSIDE AND TALKED TO BOBBY
4 ON THE SIDE OF THE BUILDING.

5 Q SO AMANDA STAYED OUTSIDE WITH LORENZO --

6 A NO, WITH BOBBY.

7 Q -- WHILE YOU WENT UP TO THE ROOM WITH LORENZO?

8 A THAT -- YES. SHE STAYED OUTSIDE OF THE ROOM WITH
9 BOBBY, TALKING TO BOBBY, WHEN ME AND LORENZO WENT TO THE ROOM.

10 Q OKAY. NOW, WHEN YOU SAY OUTSIDE, THAT'S OUTSIDE THE
11 BUILDING?

12 A YES.

13 Q OKAY. NOW, NATURALLY YOU DON'T KNOW WHAT THAT
14 CONVERSATION IS?

15 A NO.

16 Q NOW, THEY WEREN'T MARRIED, WERE THEY?

17 A NO.

18 Q AND THEY -- TO YOUR KNOWLEDGE OR INFORMATION AND
19 BELIEF, AMANDA WAS NOT LIVING WITH BOBBY, RIGHT?

20 A NO.

21 Q AND DO YOU KNOW WHERE AMANDA WAS LIVING?

22 A NO, I DON'T.

23 Q OKAY. BUT SHE WASN'T LIVING WITH BOBBY?

24 A NO.

25 Q AND SHE WASN'T LIVING WITH THE DEFENDANT?

1 A NO.
2 Q AND SHE HAS A CHILD, CORRECT?
3 A YES.
4 Q ALL RIGHT. DO YOU KNOW HOW OLD THAT CHILD IS?
5 A NO, I DON'T.
6 Q AND SHANNON AND AMANDA ARE FRIENDS?
7 A NO.
8 Q THEY JUST KNEW EACH OTHER ---
9 A AMANDA JUST ---
10 Q --- FROM THAT EVENING?
11 A NO, SHANNON JUST MET HER, TOO.
12 Q THAT EVENING?
13 A YES.
14 Q OKAY. NOW, THIS CONVERSATION THAT YOU HAD WITH THE
15 DEFENDANT AT ARIZONA CHARLIE'S REGARDING HIS RELATIONSHIP WITH
16 AMANDA, CORRECT?
17 A EXCUSE ME? SAY THAT AGAIN?
18 Q THERE WAS A CONVERSATION THAT YOU HAD WITH THE
19 DEFENDANT AT ARIZONA CHARLIE'S REGARDING THE DEFENDANT'S
20 RELATIONSHIP WITH AMANDA, RIGHT?
21 A WELL, I ASKED HIM WHAT HE WAS DOING.
22 Q AND IT CAME DOWN TO LORENZO TELLING YOU THAT HE WAS
23 NOT HAVING SEX WITH AMANDA, CORRECT?
24 A WELL THAT'S WHAT HE SAYS. THAT'S WHAT HE SAID
25 ANYWAY.

1 Q THAT'S WHAT HE SAID, RIGHT?
2 A YES.
3 Q OKAY. DID YOU EVER TELL THAT TO BOBBY?
4 A I DIDN'T SEE BOBBY. I DIDN'T TALK TO BOBBY. ME AND
5 LORENZO WENT IN THE ROOM, AND THEN SECURITY MADE BOBBY LEAVE.
6 Q DID YOU EVER HAVE AN OPPORTUNITY TO TELL THAT TO
7 BOBBY?
8 A NO, I DIDN'T.
9 Q OKAY. SO NOW YOU WALK UP TO THE ROOM WITH LORENZO,
10 AND THEN LORENZO IS GOING TO MEET YOU, WHAT, AT VALET TO GET
11 INTO YOUR VEHICLE?
12 A YES.
13 Q AND DOES THERE COME A TIME -- WHEN YOU LEFT LORENZO,
14 DID YOU SEE BOBBY AT ALL?
15 A THE SECURITY WAS ESCORTING HIM OFF THE PROPERTY,
16 THEY WERE ARGUING BACK AND FORTH, LORENZO AND BOBBY.
17 Q WELL NOW WAIT A MINUTE, YOU JUMPED AHEAD OF ME A
18 LITTLE BIT HERE.
19 I GOT LORENZO UP IN A ROOM GETTING HIS STUFF. HE'S
20 GONNA MEET YOU IN VALET TO LEAVE, CORRECT?
21 A YES.
22 Q BOBBY'S OUTSIDE WITH AMANDA?
23 A YES.
24 Q OKAY. YOU LEAVE AND YOU GO TO VALET?
25 A I DIDN'T LEAVE -- I DIDN'T LEAVE UNTIL AFTER -- I

1 DIDN'T LEAVE TO GO TO VALET UNTIL AFTER AMANDA CAME BACK.
2 SECURITY WAS TELLING BOBBY HE HAD TO LEAVE. LORENZO CAME OUT
3 THE DOOR OF THE ROOM AND THEY STARTED ARGUING BACK AND FORTH
4 ABOUT KICKING EACH OTHER'S ASS.
5 Q THAT'S LORENZO AND BOBBY?
6 A YES.
7 Q AND --- OKAY. DID YOU HAPPEN TO HAVE ANY
8 CONVERSATION WITH BOBBY AT THAT TIME?
9 A NO, I DIDN'T, SECURITY WAS ESCORTING HIM OFF.
10 Q OKAY. WAS LORENZO DRINKING?
11 A NOT THAT I KNOW OF.
12 Q OKAY. HOW DID BOBBY LOOK?
13 A HE --- HE DIDN'T LOOK LIKE HE WAS DRINKING NEITHER.
14 Q OH WAS HE --- DID HE LOOK LIKE HE WAS OKAY?
15 A YEAH.
16 Q HE DIDN'T LOOK LIKE HE WAS UNDER THE INFLUENCE OF
17 ANYTHING?
18 A NO.
19 Q HE WAS STRAIGHT?
20 A YES. HE LOOKED STRAIGHT TO ME.
21 Q OKAY. ALL RIGHT.
22 NOW, WHEN THEY GO TO VALET YOU'RE DRIVING THE
23 VEHICLE?
24 A YES.
25 Q AND THAT'S NOT YOUR VEHICLE?

1 A NO.
2 Q IT'S A VEHICLE THAT YOU BORROWED?
3 A YES, IT'S A FRIEND OF MINE'S.
4 Q FROM A FRIEND.
5 SO THEN -- UM -- SHANNON GETS INTO THAT VEHICLE,
6 AMANDA GETS INTO THAT VEHICLE, AND SO DOES LORENZO, CORRECT?
7 A YES.
8 Q AND WHAT -- AND AT THAT TIME YOU DECIDE TO TAKE
9 LORENZO BACK TO HIS APARTMENT?
10 A YES, HE WANTED TO GO HOME.
11 Q BUT YOU HEARD THE ARGUMENT PREVIOUSLY BETWEEN BOBBY
12 AND LORENZO THAT THEY WERE GOING TO MEET OVER AT LORENZO'S
13 PLACE, CORRECT?
14 A YES, LORENZO TOLD HIM, I'LL BE HOME IN 30 MINUTES.
15 Q DID HE -- HE'LL BE THERE IN 30 MINUTES?
16 A YES.
17 Q OKAY. SO YOU DROVE LORENZO TO THAT PLACE, CORRECT?
18 A YES.
19 Q ALL RIGHT. AND DID YOU GO DIRECTLY FROM VALET TO
20 LORENZO'S --
21 A YES.
22 Q -- PLACE?
23 A YES.
24 Q AND HOW FAR DISTANCE IS THAT?
25 A A COUPLE MILES.

1 Q ABOUT TWO OR THREE MILES?
2 A YEAH, SOMETHING LIKE THAT.
3 Q SO IT TAKES, WHAT, 10 OR 15 MINUTES?
4 A ABOUT FIVE MINUTES.
5 Q FIVE MINUTES?
6 A FIVE TO TEN MINUTES.
7 Q OKAY, FIVE MINUTES.
8 DID YOU SEE, AT ANY TIME, BOBBY'S FATHER?
9 A NO.
10 Q DO YOU KNOW WHETHER OR NOT BOBBY DROVE TO ARIZONA
11 CHARLIE'S?
12 A NO.
13 Q DO YOU KNOW HOW HE GOT THERE?
14 A NO, I DON'T.
15 Q DO YOU KNOW HOW HE LEFT?
16 A NO, I DON'T.
17 Q OKAY. SO THE NEXT THING YOU DO IS YOU JUST GO OVER
18 TO LORENZO'S PLACE, AND THEN THE TWO GIRLS LEAVE TO GO OVER TO
19 THE FOUR MILE BAR?
20 A YES.
21 Q WHO DID YOU GIVE THE KEYS TO?
22 A AMANDA.
23 Q AMANDA TO DRIVE YOUR FRIEND'S VEHICLE?
24 A YES. YEAH, I THOUGHT THEY WERE GONNA' FIGHT AND,
25 YOU KNOW, THEY DIDN'T NEED TO SEE IT.

1 Q OKAY. YOU DIDN'T GIVE THE KEYS TO SHANNON?
2 A NO.
3 Q WHY?
4 A SHE CAN'T DRIVE.
5 Q WHY?
6 A SHE DOESN'T KNOW HOW.
7 Q ALL RIGHT. OKAY. SO YOU GAVE IT TO AMANDA, AND THE
8 TWO GIRLS LEAVE IN THE CAR, RIGHT?
9 A YES.
10 Q AND THEN YOU STAY THERE?
11 A YEAH.
12 Q NOW, WHEN -- WHEN YOU GET THERE WITH AMANDA AND
13 SHANNON AND LORENZO, LORENZO STARTS TO GO TO HIS APARTMENT,
14 CORRECT?
15 A YEAH, HE GETS OUT OF THE CAR AND LOOKED UP AND SEEN
16 BOBBY ON THE STAIRS.
17 Q NOW, WHAT'S -- WHAT LEVEL OF APARTMENT DOES LORENZO
18 LIVE AT, DO YOU KNOW?
19 A THIRD FLOOR.
20 Q THIRD FLOOR?
21 A YES.
22 Q AND IT'S A WALK UP --
23 A YES.
24 Q -- CORRECT?
25 A IT'S THREE FLIGHTS OF STAIRS.

1 Q THREE FLIGHTS OF STAIRS. AND ON THE THIRD FLIGHT OR
2 ON THE THIRD FLOOR, IS THAT WHERE YOU SEE BOBBY?
3 A YES.
4 Q AND IS BOBBY ALONE?
5 A YES.
6 Q DO YOU SEE HIS FATHER ANYPLACE?
7 A NO.
8 Q AND YOU SEE BOBBY COMING DOWN THE STAIRS?
9 A YES.
10 Q AND IS THERE CONVERSATION BETWEEN THE BOTH OF THEM?
11 A YEAH, THEY WERE --
12 Q OR WERE ---
13 A THEY WERE HAVING WORDS BACK AND FORTH.
14 Q THERE WERE WORDS BACK AND FORTH, OKAY.
15 SO THERE COMES A TIME THAT BOBBY COMES DOWN TO THE
16 GROUND FLOOR, RIGHT?
17 A YES.
18 Q AND THEN HE MEETS LORENZO?
19 A YES.
20 Q AND A FIGHT ENSUES?
21 A NOT -- NOT RIGHT AWAY, THEY WERE ARGUING.
22 Q THEY WERE ARGUING, AND THEN -- AND THEN BOBBY THROWS
23 THE PUNCH AND HITS LORENZO?
24 A YES.
25 Q DO YOU -- DO YOU SEE BOBBY'S FATHER AT ANY TIME?

1 A NO.
2 Q WHEN IS THE FIRST TIME YOU SEE BOBBY'S FATHER?
3 A WHEN WE -- WHEN BOBBY WAS LAYING ON THE GROUND.
4 Q DID YOU SEE HIM DRIVE UP?
5 A NO.
6 Q DO YOU KNOW WHAT KIND OF CAR BOBBY'S FATHER HAS?
7 A I THINK HE'S GOT A RED TRUCK.
8 (DISCUSSION BETWEEN MR. MOMOT AND MR. BATEMAN.)
9 MR. MOMOT: CAN I MARK THIS ONE? CAN I MARK THIS
10 EXHIBIT, YOUR HONOR?
11 THE COURT: YES. SO THIS IS GOING TO BE B?
12 MR. MOMOT: B.
13 THE COURT: OKAY.
14 MR. MOMOT: IS THERE ANY OBJECTION TO IT'S ADMISSIBILITY?
15 MR. BATEMAN: NOPE.
16 THE COURT: AND THERE'S NO OBJECTION TO THE ADMISSIBILITY
17 OF EXHIBIT B, B WILL BE ADMITTED.
18 (WHEREUPON DEFENSE'S EXHIBIT B WAS MARKED FOR
19 IDENTIFICATION AND ADMITTED INTO EVIDENCE.)
20 BY MR. MOMOT:
21 Q SIR, I'M SHOWING YOU WHAT'S MARKED AS DEFENSE
22 EXHIBIT B. YOU SEE A RED TRUCK?
23 A YES.
24 Q AND WHERE IS THAT?
25 A TO THE RIGHT.

1 Q RIGHT SIDE OF THE ---
2 A BEHIND ---
3 Q -- PHOTO?
4 A YES. IT'S RIGHT ---
5 Q IS THAT BOBBY ---
6 THE REPORTER: I'M SORRY, I CAN'T -- I'M SORRY, WAIT. I
7 DIDN'T HEAR THAT LAST PART, YOU SAID YES?
8 THE WITNESS: YES, IT'S TO THE RIGHT.
9 BY MR. MOMOT:
10 Q IS THAT BOBBY'S FATHER'S TRUCK?
11 A LOOKS LIKE IT.
12 Q OKAY. AND I SEE THESE OTHER VEHICLES WITH ALL THESE
13 YELLOW TAPES AROUND MARKING OFF THE --- THE AREA. I SEE A
14 SIDEWALK WITH SOME DEBRIS ON IT. IS THAT WHERE THE SHOOTING
15 OCCURRED?
16 A YES. THAT'S WHERE BOBBY WAS LAYING.
17 Q OKAY. SO THESE OTHER VEHICLES THAT WE SEE IN THE
18 PHOTO ARE FACED OPPOSITE THE RED TRUCK --
19 A YES.
20 Q -- CORRECT?
21 ALL RIGHT. YOU DIDN'T SEE -- DID YOU SEE AT ANY
22 TIME WHEN THAT RED TRUCK ARRIVED?
23 A NO.
24 THE COURT: I'LL TAKE THAT. THANK YOU, MR. MOMOT.
25 OKAY. I'M SORRY, HOLD ON, BECAUSE I WASN'T PAYING.

1 ATTENTION. WHICH RED TRUCK ARE YOU TALKING ABOUT YOU BELIEVE
2 IS BOBBY'S FATHER'S?

3 THE WITNESS: IT'S THE ONE TO THE RIGHT?

4 THE COURT: OKAY.

5 THE WITNESS: IT'S BEHIND THE ---

6 MR. BATEMAN: SO LIKE THAT S.O.V.?

7 THE WITNESS: YES.

8 THE COURT: OKAY.

9 BY MR. MOMOT:

10 Q THE FIGHT BETWEEN BOBBY AND -- OH -- LORENZO IS
11 ABOUT HAVING SEX WITH AMANDA, CORRECT?

12 A YES.

13 Q OKAY. AND -- AND THEN BOBBY SAYS TO LORENZO -- AND
14 THIS IS DURING THE COURSE, THEY'RE ARGUING OVER WHO'S GOING TO
15 HAVE SEX WITH HER, BOBBY SAYS, LOOK, MAN, I DON'T WANT TO
16 FIGHT YA?

17 A YES.

18 Q AND THAT'S JUST BEFORE HE PUNCHES LORENZO, CORRECT?

19 A YEAH. LORENZO'S TELLING ME, HE SAYS --

20 Q AND -- AND -- NO, PLEASE.

21 HE SAYS, LOOK MAN, I DON'T WANT TO FIGHT YA, AND

22 THEN SHORTLY THEREAFTER HE HITS LORENZO IN THE FACE, CORRECT?

23 A YEAH. BUT, YOU KNOW, WHAT --

24 Q OKAY. THAT'S ALL I ASKED, YES.

25 BUT AS A MATTER OF FACT HE SAYS, LOOK, MAN, I DON'T

1 WANT TO FIGHT YA, BUT YOU AIN'T FUCKING HER.

2 A YEAH. HE SAID -- HE SAID, YOU'RE NOT GOING TO F
3 HER, AND HE GOES, TO HELL I'M NOT, I'M GOING TO SHOW HER WHAT
4 A REAL MAN IS, AND THEN BOBBY --

5 Q OKAY. BUT I DIDN'T ASK -- I KNOW ABOUT THE REST OF
6 IT, I'M JUST ASKING AT THIS POINT IN TIME.

7 AND -- AND YOUR STATEMENT ON PAGE 7 TO THE POLICE,
8 YOU SAY, LOOK, MAN, I DON'T WANT TO FIGHT YA, AND HE SAID, BUT
9 YOU AIN'T FUCKING HER, RIGHT?

10 A YEAH. WOULD -- WOULD YOU -- WHAT -- WHAT LED UP TO
11 THAT, THOUGH? YOU SEE HER LEAVING THAT -- YOU'RE LEAVING
12 SOMETHING OUT THERE.

13 Q I'M NOT LEAVING --

14 A THAT'S THE ONLY REASON WHY I SAID THAT, IS WHY HE
15 SAID THAT.

16 Q WELL, THEY'RE GOING BACK AND FORTH OVER AN ARGUMENT,
17 CORRECT, LORENZO AND BOBBY?

18 A YEAH.

19 Q THEY'RE ARGUING, RIGHT?

20 A OKAY, YEAH.

21 Q AND IT'S ALL -- IT'S OVER A WOMAN, CORRECT?

22 A IT'S OVER A -- YEAH, IT'S OVER A --

23 Q IT'S OVER AMANDA, CORRECT?

24 A YEAH.

25 Q AND THAT'S WHAT -- AND THAT'S -- BUT BOBBY SAYS, I

1 DON'T WANT TO FIGHT YA, BUT YOU'RE NOT GONNA' -- BUT YOU'RE

2 NOT GONNA' F HER, RIGHT?

3 A YEAH.

4 Q AND -- BUT THEN RIGHT AFTER THAT HE PUNCHES LORENZO,

5 CORRECT?

6 A NO, NOT UNTIL AFTER LORENZO -- LORENZO SAID WHAT HE

7 SAID.

8 Q IS IT -- BUT HE'S GOT -- HE'S STILL GOING TO HAVE

9 SEX WITH HER?

10 A HE SAID, THE HELL I'M NOT, NIGGER, I'M GONNA' SHOW

11 HER WHAT A REAL MAN IS, AND THAT'S WHEN BOBBY HIT HIM.

12 Q OKAY. AND HE PUNCHED HIM RIGHT IN THE SIDE OF THE

13 FACE, CORRECT?

14 A YES.

15 Q ALL RIGHT. AND THAT'S WHEN LORENZO SPUN AROUND, AND

16 HE WAS STAGGERING, CORRECT?

17 A YEAH.

18 Q AND THEN HE LIFTED UP HIS SHIRT, ACCORDING TO YOU,

19 AND PULLED A GUN, RIGHT?

20 A YES.

21 Q AND THEN IT WENT CLICK, RIGHT?

22 A YES.

23 Q AND THAT'S ALL WITHIN A COUPLE OF SECONDS, RIGHT?

24 A YES.

25 Q AND THAT WAS THE MISFIRE, RIGHT?

1 A YES.

2 Q OKAY. THIS WHOLE THING ONLY TOOK A COUPLE OF
3 SECONDS, CORRECT?

4 A PRETTY MUCH.

5 Q THE ARGUING, THE HIT IN THE FACE, THE REACHING FOR
6 THE GUN AND -- AND THE SHOOTING TOOK ABOUT A COUPLE OF
7 SECONDS, RIGHT?

8 A COUPLE OF MINUTES.

9 Q MINUTES?

10 A YEAH. THEY ARGUED FOR A COUPLE OF MINUTES, OR ABOUT
11 A MINUTE OR TWO.

12 Q THEY WERE ARGUING FOR A COUPLE MINUTES? HOW -- HOW
13 MUCH TIME BETWEEN THE HIT IN THE FACE TO THE TIME OF THE
14 SHOOTING? A COUPLE OF SECONDS?

15 A YEAH, A COUPLE OF SECONDS.

16 Q SECONDS.

17 THEN AFTERWARDS YOU SAID, I THINK HE STUCK IT BACK
18 IN HIS WAIST, MEANING THE GUN?

19 A YEAH, I THOUGHT HE DID.

20 Q YOU THOUGHT HE DID. BUT IN REALITY THAT'S NOT THE
21 CASE, IS IT?

22 A I DON'T THINK SO.

23 MR. MOMOT: OKAY. BEGGING THE COURT'S INDULGENCE?

24 THE COURT: UM-HUM.

25 (DISCUSSION BETWEEN MR. MOMOT AND THE DEFENDANT.)

1 MR. MOMOT: MAY I APPROACH THE WITNESS, YOUR HONOR?
2 THE COURT: YES.
3 BY MR. MOMOT:
4 Q SHOWING YOU WHAT'S BEEN MARKED AS STATE'S EXHIBIT 2,
5 OKAY? AND THIS IS THE ONE THAT YOU REFERRED TO ON DIRECT
6 EXAMINATION WITH THE PROSECUTOR, RIGHT?
7 A YES, SIR.
8 Q OKAY. NOW, THIS SHOWS THE -- THE PARKING LOT
9 CORRECT?
10 A YES, SIR.
11 Q AND --
12 MR. BATEMAN: MAY I APPROACH, JUDGE?
13 THE COURT: YES.
14 BY MR. MOMOT:
15 Q THIS SHOWS THE THREE LEVELS OF THE APARTMENT COMPLEX
16 WITH THE STAIRCASES?
17 A YES.
18 Q AND WHEN YOU FIRST CAME THERE YOU SAW BOBBY UP ON
19 THE THIRD FLOOR?
20 A YEAH, LORENZO SEEN HIM ON THE THIRD FLOOR WHEN HE
21 GOT OUT OF THE CAR.
22 THE COURT: YOU HAVE TO SPEAK UP.
23 MR. MOMOT: YOU CAN'T SAY WHAT LORENZO SAW.
24 Q WHAT -- WHAT DID YOU SEE?
25 A I --

1 Q WHAT DID YOU SEE?
2 A I SEEN HIM ON THE STAIRS.
3 Q YOU SEEN HIM ON THE STAIRS. WHICH STAIRS, SIR?
4 A I THINK IT'S THE THIRD FLOOR, TOP.
5 Q TOP OF THE THIRD FLOOR STAIRS?
6 A YEAH.
7 Q OKAY. SO THEN HE STARTED TO COME DOWN?
8 A UM-HUH. YES.
9 Q OKAY. SO HE STARTS COMING DOWN, AND THEN -- UM --
10 TRY TO TAKE ME, AS BEST YOU CAN -- THE TWO GIRLS -- WHERE --
11 WHERE'S YOUR CAR?
12 A TO THE LEFT.
13 Q TO THE LEFT OF THIS PARKED CAR?
14 A YES.
15 Q SO THERE'S THE LEFT SIDE OF THIS PHOTOGRAPH, AND THE
16 EXTREME PARKING SLOT, CORRECT?
17 A YES.
18 Q SO THAT THE CAR IS -- YOUR CAR IS THERE, THE GIRLS
19 LEAVE.
20 A YES.
21 Q YOU GOT OUT OF THE CAR, AND WHERE WERE YOU STANDING
22 WHEN YOU SEE BOBBY AT THE TOP OF THE STAIRS?
23 A I'M ABOUT -- WHEN BOBBY IS AT THE TOP OF THE STAIRS
24 I WAS OVER HERE.
25 Q BY THE --

1 A WHEN HE WAS COMING DOWN ---
2 Q --- LEFT REAR OF THIS SILVER CAR?
3 A YES.
4 Q AND THE LEFT REAR OF THE SILVER CAR IS TO THE
5 EXTREME LEFT OF THE CARS PARKED ---
6 A YES.
7 Q -- IN THIS PHOTOGRAPH, CORRECT?
8 A YES.
9 Q OKAY. AND WHERE IS LORENZO AT THIS TIME?
10 A I WAS -- I WAS HERE TO THE LEFT, HE WAS HERE TO THE
11 RIGHT, BECAUSE HE STARTED WALKING TO GO UPSTAIRS, TO GO UP TO
12 HIS APARTMENT.
13 Q HE'S GOT TO GO TO HIS APARTMENT?
14 A YES.
15 Q OKAY. AND THEN -- UH -- DO YOU REMAIN IN THIS AREA?
16 A NO. I WAS WALKING ---
17 Q WHERE WERE YOU?
18 A I WAS WALKING BEHIND LORENZO.
19 Q YOU'RE WALKING BEHIND LORENZO IN THE PARKING LOT,
20 CORRECT?
21 A NO, I WAS ON THE SIDEWALK.
22 Q YOU WERE ON THE SIDEWALK, TOO?
23 A YES.
24 Q OKAY. SO THEN BOBBY COMES DOWN TO THE BOTTOM OF THE
25 STAIRS, THE ARGUING, AND BOBBY HITS LORENZO. ARE YOU STILL

1 BEHIND LORENZO AT THAT TIME?

2 A YEAH, I WAS STANDING NEAR THE TREE TO THE LEFT OF
3 THE STAIRS.

4 Q YOU'RE STANDING NEAR THE TREE?

5 A YEAH.

6 Q IS THAT BEHIND LORENZO?

7 A WELL, TO THE SIDE OF HIM.

8 Q WHICH SIDE?

9 A I WAS TO THE LEFT OF HIM. HE WAS TO THE RIGHT AT
10 THE BOTTOM OF THE STAIRS WHERE YOU COME DOWN, IT COMES OUT TO
11 THE SIDEWALK.

12 Q OKAY.

13 A AND THEY'RE ARGUING BACK AND FORTH, I WAS JUST
14 STANDING THERE.

15 Q OKAY. AND THEN BOBBY HITS LORENZO. DOES LORENZO
16 GO BACK A COUPLE FEET, OR WHERE DOES HE --

17 A HE KIND OF SPUN, STAGGERED A LITTLE BIT, AND THEN --

18 Q IN FRONT OF THIS TRUCK?

19 A YEAH.

20 Q STILL IN FRONT OF THE TRUCK?

21 A YES. WELL, TO -- ABOUT TO THE RIGHT OF THE TRUCK,
22 BECAUSE --

23 Q TO THE RIGHT OF THE TRUCK?

24 HOW MANY FEET AWAY ARE YOU FROM LORENZO AT THAT
25 TIME?

1 A TEN FEET.
2 Q TEN FEET. AND THAT'S WHEN HE PULLS THE GUN?
3 A YEAH.
4 Q OKAY.
5 A AFTER BOBBY HIT HIM, YEAH.
6 Q AFTER BOBBY HITS HIM?
7 A YES,
8 Q YOU'RE TEN FEET AWAY FROM HIM?
9 A YEAH, ABOUT TEN -- YEAH, TEN FEET. TEN, TWELVE
10 FEET.
11 Q AND YOU'RE -- YOU'RE STILL BY THAT TREE?
12 A YEAH.
13 Q AND THAT'S TO THE LEFT FRONT --
14 A LEFT.
15 Q -- OF THE TRUCK?
16 A YES, SIR.
17 MR. MOMOT: OKAY. NOTHING FURTHER, YOUR HONOR.
18 THE COURT: REDIRECT?
19 MR. BATEMAN: JUST -- JUST BRIEFLY.
20
21 REDIRECT EXAMINATION
22 BY MR. BATEMAN:
23 Q MR. MOMOT ASKED YOU ABOUT THE SHOOTING THAT TOOK
24 PLACE, BETWEEN THE TIME OF THE ACTUAL PUNCH AND THE SHOOTING,
25 AND HE -- UM -- ASKED YOU THAT WAS A COUP -- A FEW SECONDS, DO

1 YOU REMEMBER THAT LINE OF QUESTIONING?
2 A YES.
3 Q OKAY. HOW MANY SECONDS PAST, BETWEEN THE TIME BOBBY
4 PUNCHED LORENZO AND LORENZO HAD THE MISFIRE? I WANT TO BE
5 MORE SPECIFIC.
6 A PROBABLY ABOUT FIVE, SIX SECONDS.
7 Q OKAY. AND YOU TESTIFIED THAT THERE WERE ACTUALLY
8 TWO MORE SHOTS --
9 A YES.
10 Q -- AFTER THAT?
11 I THINK YOU ALSO TESTIFIED THAT LORENZO ESSENTIALLY
12 CHASED BOBBY AROUND THOSE CARS; IS THAT RIGHT?
13 A YES.
14 Q SO AFTER THE MISFIRE, WHERE THE CHASING TOOK PLACE,
15 HOW MANY SECONDS PASSED BETWEEN THE MISFIRE AND THE FIRST SHOT
16 THAT HIT BOBBY IN THE CHEST?
17 A PROBABLY ABOUT 15, 20 SECONDS.
18 Q AND WAS THAT BECAUSE OF THE CHASING?
19 A YEAH, IT WAS -- BECAUSE BOBBY WENT AROUND VEHICLES.
20 Q OKAY. AND THEN AFTER THE FIRST SHOT THAT HIT BOBBY
21 IN THE CHEST -- WELL, THE SHOT THAT HIT BOBBY IN THE CHEST,
22 HOW MANY SECONDS PASSED BETWEEN THAT TIME AND THE TIME WHEN
23 THE DEFENDANT THEN WALKED OVER THE TOP OF BOBBY'S BODY AND
24 SHOT HIM IN THE BUTT?
25 A ABOUT 10 SECONDS.

1 MR. BATEMAN: OKAY. I DON'T HAVE ANY ADDITIONAL
2 QUESTIONS.

3 THE COURT: ANY RECROSS?

4 MR. MOMOT: I DO. I DO. I DO.

5

6

RECROSS-EXAMINATION

7 BY MR. MOMOT:

8 Q I'M LOOKING AT STATE'S EXHIBIT 2.

9 SIR, IF BOBBY'S COMING DOWN THE STAIRCASE, AND

10 YOU'RE OVER HERE BY THIS TREE, RIGHT?

11 A YEAH.

12 Q AND THAT'S IN FRONT OF THE PICKUP TRUCK, RIGHT?

13 A YES.

14 Q AND LORENZO IS TO THE RIGHT OF YOU, RIGHT?

15 A YES.

16 Q AND HERE'S THE FIRST ARGUMENT, RIGHT?

17 A YES. WELL THIS -- THE FIRST ONE WAS AT --

18 Q WELL, I'M SORRY -- I'M SORRY, I SHOULDN'T SAY FIRST

19 ARGUMENT. THEY'RE -- THEY'RE ARGUING.

20 A YEAH.

21 Q BOBBY HITS LORENZO IN THE FACE, RIGHT?

22 A YEAH.

23 Q YOU SAID LORENZO STAGGERED OVER HERE TO THE RIGHT OF

24 THE TRUCK --

25 A UM-HUM.

1 Q -- AND PULLED HIS GUN, OKAY?
2 A YEAH.
3 Q AND THEN THERE WAS?
4 A HE STA -- YEAH, HE STAGGERED BACK HERE TO THE LEFT.
5 Q LORENZO DID?
6 A YES.
7 Q THAT'S AFTER HE GETS SHOT?
8 A UM-HUM.
9 Q BUT IT'S ALL HAPPENING IN FRONT OF THIS TRUCK,
10 RIGHT?
11 A WELL, TO THE RIGHT OF THE TRUCK WHERE THE SIDEWALK
12 COMES OUT.
13 Q YEAH. IT'S ALL ON THE SIDEWALK IN FRONT OF THIS
14 TRUCK, RIGHT?
15 A YES.
16 Q NOBODY IS RUNNING AROUND IN THE BACK OF THIS TRUCK?
17 A IN FRONT OF THE TRUCK AND THE CAR.
18 NO, I DIDN'T SAY HE WENT AROUND THE TRUCK. HE WENT
19 AROUND THESE CARS, HE CHASED HIM AROUND THEM CARS, AND WHEN HE
20 GOT ABOUT HERE IS WHEN HE SHOT HIM THE FIRST TIME. HE
21 STAGGERED BACK ABOUT SIX -- FOUR OR FIVE STEPS, AND FELL ON
22 HIS FACE. SPUN AROUND --
23 Q HE FELL --
24 A -- AND FELL ON HIS FACE.
25 Q -- IN FRONT OF THE TRUCK?

1 A RIGHT NEXT TO THE LEFT OF THE TRUCK, WHERE HIS
2 CLOTHES ARE.
3 Q WHERE THE CLOTHES ARE DEPICTED IN THIS PHOTO?
4 A YEAH.
5 Q IT'S ON THE SIDEWALK?
6 A YES.
7 Q BY THE TREE?
8 A YES.
9 Q SO ARE YOU TESTIFYING THAT THE DEFENDANT CAME OUT
10 AND WAS RUNNING AROUND THESE CARS OUT IN THE PARKING LOT?
11 A WHEN HE -- AFTER BOBBY HITS HIM, HE WENT BACK THIS
12 WAY AND TOWARDS ME.
13 Q YOU SAY HE --
14 A TOWARDS ME --
15 Q -- BOBBY?
16 A LORENZO. LORENZO. AND THEN BOBBY WENT IN BETWEEN
17 THE CARS WHEN HE PULLED THE GUN, AND THEN WENT AROUND THEM,
18 AND THEN HE WENT AFTER HIM. LORENZO WENT AFTER HIM, AND THEN
19 HE CAME AROUND, HE WAS COMING DOWN THE SIDEWALK, HE SAID,
20 "WHAT ARE YOU GONNA' DO, SHOOT ME, DUDE?" AND THAT'S WHEN HE
21 SHOT HIM IN THE CHEST, AND HE STAGGERED BACK A -- A COUPLE
22 STEPS, SPUN AROUND AND FELL ON HIS FACE.
23 Q SO YOU'RE SAYING THAT -- NOW, LORENZO WAS BY THE
24 TREE WITH YOU?
25 A NO. LORENZO WAS CHASING HIM. LORENZO'S OVER HERE

1 BY THAT TIME, BECAUSE HE SHOT HIM, AND BOBBY FELL THERE. HE
2 STAGGERED BACK A COUPLE STEPS AND TURNED AROUND AND FELL ON
3 HIS FACE.

4 Q SO ALL OF THEIR POSITIONS ARE JUXTAPOSED OR CHANGED,
5 THEN, IS WHAT YOU'RE SAYING?

6 A THIS IS WHERE THE THING COMING OUT, THAT'S WHERE HE
7 HIT HIM. LORENZO STAGGERS BACK --

8 Q LOREN -- WHEN YOU SAY --

9 A -- THIS WAY, AND BOBBY WENT IN BETWEEN THE CARS WHEN
10 HE PULLED THE GUN.

11 Q ALL RIGHT, WAIT A MINUTE. WAIT A MINUTE, YOU WENT
12 EAST HERE.

13 THIS IS AT THE EDGE OF THE BUILDING, CORRECT?

14 A YES. YEAH, THIS IS -- THIS IS WHERE THE STAIRS COME
15 DOWN, IT'S THE LITTLE THING THAT GOES UP TO HOLD THE STAIR AT
16 THE BOTTOM OF THE STAIRS. THE STAIRS COME OUT RIGHT HERE AND
17 THEN IT'S A SIDEWALK --

18 Q OH.

19 A -- THAT COMES IN --

20 Q OH. OH.

21 A -- TO THE MAIN SIDEWALK.

22 Q ALL RIGHT. SO WHAT YOU'RE SAYING HERE IS, THAT THE
23 BOT -- THE STAIRCASE EMPTIES OUT BY THE RIGHT FRONT OF THE
24 TRUCK?

25 A YES.

1 Q OKAY. NOT THE LEFT FRONT?
2 A NO. THE RIGHT.
3 Q THE RIGHT FRONT OF THE TRUCK, AND THAT'S WHERE ALL
4 THIS ACTIVITY IS TAKING PLACE ---
5 A YES.
6 Q --- IS BETWEEN THE TRUCK ---
7 A THE TRUCK.
8 Q --- AND THIS ---
9 A SILVER CAR.
10 Q --- SILVER CAR TO THE RIGHT OF THE TRUCK?
11 A YES.
12 Q ALL RIGHT. AND --- AND THAT'S WHERE BOBBY PUNCHES
13 LORENZO?
14 A YES.
15 Q IT'S IN BETWEEN --- IT'S ON THE SIDEWALK, BUT IN
16 BETWEEN THESE TWO VEHICLES?
17 A YES. IF THE VEHICLES WERE ON THE SIDEWALK IT WOULD
18 BE ---
19 Q IT --- RIGHT IN BETWEEN ---
20 A --- WOULD BE DIRECTLY IN BETWEEN THEM.
21 Q RIGHT. BUT THEY'RE NOT, SO ---
22 A YEAH.
23 Q --- IT'S STILL --- BUT AREA WISE IT'S BETWEEN THE
24 VEHICLES?
25 A YES.

1 Q OKAY. THEN BOBBY BACKS UP BECAUSE LORENZO PULLS THE
2 GUN, AND THEN YOU HEAR THE CLICK AND THEN THE SHO ---
3 A YEAR.
4 Q --- THEN THE SHOT?
5 A YES.
6 Q THEN BOBBY BACKS UP ---
7 A AFTER THE CLICK BOBBY WENT IN BETWEEN THE CARS AND
8 STARTED TO GO THIS WAY TO THE RIGHT, AND HE --- LORENZO WENT
9 AFTER HIM, AND THEN HE WENT AROUND THE CARS AND HE SAID, WHAT
10 ARE YOU GONNA' DO --- GOT BACK ON THE SIDEWALK, HE SAID, "WHAT
11 ARE YOU GONNA' DO, SHOOT ME, DUDE", AND THAT'S WHEN HE SHOT
12 HIM THE FIRST TIME, AND HE STAGGERED BACK AND FELL THERE TO
13 THE LEFT OF THE FRONT OF THE TRUCK.
14 MR. MOMOT: OKAY. NO FURTHER QUESTIONS.
15 MR. BATEMAN: NOTHING ELSE.
16 THE COURT: THANK YOU VERY MUCH, APPRECIATE YOUR TIME,
17 MR. HILDEBRAND.
18 MR. BATEMAN: CAN WE APPROACH BRIEFLY?
19 THE COURT: SURE.
20 MR. BATEMAN: WAIT OUTSIDE.
21 (WHEREUPON COUNSEL APPROACHED THE BENCH.)
22 THE COURT: UM --- OKAY. GO AHEAD.
23 MR. BATEMAN: STATE CALLS ROBERT HOLLAND.
24 THE MARSHAL: ROBERT?
25 MR. BATEMAN: HOLLAND.

1 THE MARSHAL: SIR, COME ON UP HERE. PLEASE STEP UP TO
2 THE WITNESS STAND, SIR. FACE THE CLERK.

3 THE CLERK: PLEASE RAISE YOUR RIGHT HAND.
4

5 ROBERT HOLLAND, II

6 CALLED AS A WITNESS BY THE STATE, AND HAVING BEEN FIRST DULY
7 SWORN TO TESTIFY TO THE TRUTH, THE WHOLE TRUTH, AND NOTHING
8 BUT THE TRUTH, TESTIFIED AS FOLLOWS:
9

10 THE WITNESS: YES.

11 THE CLERK: I'M SORRY?

12 THE WITNESS: YES.

13 THE CLERK: THANK YOU. GO AHEAD AND HAVE A SEAT.

14 COULD YOU PLEASE STATE YOUR FIRST AND YOUR LAST NAME, AND
15 SPELL BOTH FOR THE RECORD?

16 THE WITNESS: FIRST NAME IS ROBERT, LAST NAME IS HOLLAND.
17 THAT'S H-O-L-L-A-N-D.

18 THE COURT: THANK YOU. YOU CAN PROCEED.

19 MR. BATEMAN: THANK YOU.
20

21 DIRECT EXAMINATION

22 BY MR. BATEMAN:

23 Q SIR, I'M GOING TO DIRECT YOUR ATTENTION TO THE EARLY
24 MORNING HOURS OF DECEMBER 22ND OF LAST YEAR, DO YOU REMEMBER
25 THAT TIME PERIOD?

1 A YES.
2 Q AND WERE YOU WITH YOUR SON?
3 A YES.
4 Q WHAT'S HIS NAME.
5 A ROBERT HOLLAND.
6 Q SAME AS YOURS?
7 A YES.
8 Q ARE YOU THE SECOND, AND HE'S THE THIRD?
9 A THAT'S CORRECT.
10 Q ALL RIGHT. WERE YOU WITH HIM AT ARIZONA CHARLIE'S
11 THAT NIGHT?
12 A I WASN'T WITH HIM, I PICKED HIM UP THERE.
13 Q OKAY. YOU DROVE THERE AND PICKED HIM UP?
14 A YES.
15 Q OKAY. AND WHERE DID YOU TAKE HIM?
16 A TO -- UM -- THE SUITES -- UM -- DOWN -- FURTHER DOWN
17 ON BOULDER HIGHWAY BY 95.
18 Q UNDERSTAND. HOW DID YOU KNOW TO GET TO ARIZONA
19 CHARLIE'S TO PICK HIM UP?
20 A HE HAD CALLED.
21 Q OKAY. DID HE HAVE A CELL PHONE AT THAT TIME?
22 A YES.
23 Q ALL RIGHT. AND HE CALLED YOU?
24 A YES.
25 Q WHAT CAR WERE YOU DRIVING?

1 A UM -- IT WAS MY MOM'S CAR.
2 Q WHAT KIND OF CAR?
3 A IT WAS A DODGE -- UM -- I CAN'T REMEMBER. A
4 DODGE -- UM --
5 Q IS IT A DURANGO?
6 A YES.
7 Q OKAY. IS IT RED?
8 A YES.
9 Q S.U.V.?
10 A YES.
11 Q SO YOU WENT AND PICKED HIM UP THAT EVENING; IS THAT
12 RIGHT, OR THE MORNING HOURS?
13 A YES, IT WAS AFTER TWELVE.
14 Q WAS HE WITH ANYBODY WHEN YOU PICKED HIM UP AT
15 ARIZONA CHARLIE'S?
16 A NO.
17 Q WHERE DID YOU PICK HIM UP AT ARIZONA CHARLIE'S?
18 A OUT IN THE PARKING LOT.
19 Q RIGHT. AND DID HE ASK YOU TO TAKE HIM SOME PLACE?
20 A YES.
21 Q AND WAS THAT THE SIEGEL SUITES?
22 A THE SIEGEL SUITES, YES.
23 Q OKAY. DID YOU KNOW AT THAT TIME WHETHER -- UM --
24 DID HE GO BY BOBBY?
25 A YES.

1 Q DID HE HAVE A GIRLFRIEND?
2 A YES.
3 Q WHAT WAS HER NAME?
4 A HER NAME WAS AMANDA.
5 Q OKAY. HAD YOU SEEN BOBBY AND AMANDA TOGETHER MORE
6 THAN ONCE?
7 A SEVERAL TIMES.
8 Q OKAY. THEY HELD THEMSELVES OUT TO YOU TO BE IN SOME
9 SORT OF RELATIONSHIP?
10 A YEAH. SHE CALLED ME POPS.
11 Q SHE HAD A CHILD?
12 A UH -- SHE HAD ONE, BUT I'VE NEVER MET HIM.
13 Q OKAY. UH -- YOU TOOK -- DID YOU GO DIRECTLY TO THE
14 SIEGEL SUITES FROM THE PARKING LOT OF ARIZONA CHARLIE'S?
15 A AFTER I PICKED UP BOBBY, YES.
16 Q CORRECT. AND THEN DID YOU PARK IN THE PARKING LOT?
17 A YES.
18 MR. BATEMAN: MAY I APPROACH, JUDGE?
19 THE COURT: YES.
20 BY MR. BATEMAN:
21 Q SHOWING YOU WHAT'S BEEN MARKED AND ADMITTED AS
22 STATE'S EXHIBIT 1, IS THIS A PICTURE OF THAT DODGE DURANGO?
23 A YES.
24 Q OKAY. SO WHEN YOU PARKED IN THE PARKING LOT --
25 UH -- WAS YOUR -- THE BACK WINDOW OF THE DODGE DURANGO FACING

1 THE BUILDING?

2 A THAT'S CORRECT.

3 Q DID YOU STAY IN YOUR DODGE DURANGO?

4 A YES.

5 Q WHAT DID BOBBY DO?

6 A HE -- UH -- TOLD ME TO WAIT THERE, AND THAT HE WENT
7 UP TO THE APARTMENTS.

8 Q OKAY. TO YOUR -- OKAY.

9 DID YOU OBSERVE WHAT, IF ANYTHING, WAS GOING ON, AND
10 IF SO, HOW DID YOU OBSERVE IT?

11 A UM -- THEY CAME AFTER BOBBY. WE WERE THERE BEFORE
12 THEY WERE, WHICH I DIDN'T KNOW AT THE TIME, BUT THEY PULLED UP
13 ACROSS FROM ME -- OR BEHIND ME AND PULLED IN AND GOT OUT. AND
14 THEN AMANDA AND SOMEONE ELSE, WHO I DON'T KNOW WHO IT WAS, GOT
15 BACK IN THE CAR AND LEFT, AND THE DEFENDANT HAD STAYED BEHIND
16 BY HIMSELF.

17 Q OKAY.

18 A AND THEN AT THIS TIME BOBBY WAS STILL UP -- UH --
19 NOT ON THE GROUND FLOOR, BECAUSE I COULDN'T SEE HIGHER THAN
20 THE FIRST FLOOR.

21 Q LET ME ASK YOU THIS. THE PEOPLE THAT SHOWED UP --
22 SO YOU GET THERE AND SOME -- DID YOU KNOW THAT BOBBY HAD SOME
23 SORT OF CONTACT -- CONTACT WITH SOME PEOPLE THAT THEN CAME
24 LATER; IS THAT WHAT HAPPENED?

25 A WELL, WHAT HAPPENED WAS THAT HE WENT UP TO THE

1 APARTMENT --

2 Q OKAY.

3 A -- WHICH I COULDN'T SEE.

4 Q HOW WERE YOU WATCHING? HOW WERE YOU WATCHING?

5 A MY REARVIEW MIRROR.

6 Q OKAY.

7 A I COULD JUST SEE THE STEPS ON THE FIRST FLOOR, AND

8 HE WENT UP TO THE STEPS AND WENT UPSTAIRS, AND THEN -- UM -- I

9 WOULD SAY ABOUT FIVE MINUTES LATER THEY PULLED UP.

10 Q THESE PEOPLE?

11 A YES.

12 Q DID YOU RECOGNIZE ALL -- ALL THE PEOPLE?

13 A I RECOGNIZED TWO OF THE THREE.

14 Q WHO DID YOU RECOGNIZE?

15 A THE DEFENDANT. I RECOGNIZED AMANDA -- AMANDA, AND A

16 THIRD-PARTY OF WHICH I DIDN'T KNOW WHO HE WAS.

17 Q OKAY. SO YOU SAID THE DEFENDANT. WAS THAT -- DO

18 YOU KNOW THAT PERSON'S NAME?

19 A I KNOW BY HIM -- I KNOW HIM BY LORENZO.

20 Q ALL RIGHT. AND -- UM -- HAD YOU MET THIS PERSON

21 BEFORE?

22 A YES.

23 Q AND WHERE HAD YOU MET HIM?

24 A AT BOBBY'S HOUSE.

25 Q OKAY. SO YOU SAW THAT PERSON, AND YOU RECOGNIZED

1 AMANDA, WERE THERE TWO OTHER INDIVIDUALS?
2 A JUST ONE. I ONLY SEEN ONE OTHER INDIVIDUAL.
3 Q AND THEN YOU SAW TWO OF THE INDIVIDUALS GET IN THE
4 VEHICLE AND DRIVE AWAY?
5 A AMANDA AND THE ONE I DIDN'T NOT KNOW, AND THE
6 VEHICLE THEN LEFT, AND LORENZO -- LORENZO WAS STILL THERE
7 BEFORE BOBBY EVEN CAME DOWN THE STAIRS.
8 Q OKAY. AND WERE YOU WATCHING WHAT WAS GOING ON THE
9 WHOLE TIME, OR WERE YOU KIND OF GLANCING BACK AND FORTH?
10 A I WAS NOT FULLY WATCHING, BUT BASICALLY -- UM --
11 MOST OF THE TIME I WAS WATCHING.
12 Q OKAY. AND WHAT, IF ANYTHING, DID YOU SEE WHILE YOU
13 WERE WATCHING?
14 A UM -- WHEN BOBBY FINALLY CAME DOWN THE STAIRS,
15 LORENZO'S BACK WAS TOWARDS ME, AND BOBBY WAS FACING ME, BUT
16 LORENZO WAS LIKE IN THE PARKING LOT, WHERE BOBBY WAS ON THE
17 SIDEWALK.
18 MR. BATEMAN: OKAY. I'M GOING TO SHOW YOU -- MAY I
19 APPROACH JUDGE?
20 THE COURT: UM-HUM.
21 BY MR. BATEMAN:
22 Q SHOW YOU EXHIBIT NO. 2. DOES THIS LOOK LIKE THE
23 VIEW YOU -- OR APPROXIMATELY THE VIEW YOU HAD FROM THE BACK OF
24 YOUR VEHICLE?
25 A CORRECT.

1 Q OKAY. AND THEN WHAT HAPPENED AT THAT POINT WHEN YOU
2 SAW BOBBY FACING YOU AND LORENZO WITH HIS BACK TOWARDS YOU?
3 A UH -- THEY WERE THERE JUST -- THEY WERE TALKING THE
4 WHOLE TIME FOR QUITE AWHILE, I'D SAY LIKE FOUR TO FIVE
5 MINUTES.
6 Q OKAY. FOUR TO FIVE?
7 A YEAH.
8 Q DID IT APPEAR TO BE SOME SORT OF AN ARGUMENT?
9 A UH -- NOT AN AGGRESSIVE ARGUMENT, BUT LIKE THEY WERE
10 DISCUSSING SOMETHING.
11 Q OKAY. AND WHAT -- DID YOU THEN WATCH WHAT HAPPENED
12 NEXT?
13 A THEN ALL OF A SUDDEN I SAW BOBBY PUNCH LORENZO IN
14 THE HEAD AREA, BECAUSE I COULDN'T REALLY SEE WHERE IT LANDED.
15 AND THEN I WENT TO GO GET OUT TO SEE WHAT WAS GOING ON.
16 WELL, FIRST OF ALL, THEY BACKED UP BEHIND THE TRUCK,
17 AND I DIDN'T KNOW WHY, BUT BOBBY BACKED UP AND THEN HE WENT
18 AF -- FOLLOWED HIM.
19 MR. BATEMAN: OKAY. CAN I APPROACH AGAIN, YOUR HONOR?
20 THE COURT: YES.
21 MR. BATEMAN: JUST FOR CLARIFICATION.
22 Q SO YOU'RE SITTING IN YOUR CAR. IS YOUR VEHICLE
23 STILL RUNNING?
24 A NO, IT WAS NOT RUNNING.
25 Q OKAY. COME ON UP. I'LL WAIT FOR MR. MONOT.

1 OKAY. SO -- UM -- YOU SAW THEM -- INITIALLY WHERE
2 DID YOU SEE THEM?
3 A BOBBY WAS ON THE SIDEWALK RIGHT HERE.
4 Q OKAY. RIGHT HERE BY THAT TREE?
5 A WELL NO, BY THE FRONT OF THIS TRUCK.
6 Q OH, OKAY.
7 A AND LORENZO WAS RIGHT NEXT TO THE TRUCK ON THE
8 PAVEMENT. I THINK MY CAR WAS MORE THIS WAY.
9 Q OKAY.
10 A AND THEN BOBBY --
11 Q MORE TO THE RIGHT?
12 A RIGHT. BECAUSE I COULD SEE THE BACK OF THE TRUCK.
13 Q ALL RIGHT.
14 A AND ANYWAYS, THEN AFTER BOBBY HIT HIM, BOBBY BACKED
15 UP BEHIND THE TRUCK, AND THEN LORENZO FOLLOWED HIM.
16 Q OKAY. SO AT THAT POINT WERE YOU ABLE TO SEE WHAT
17 OCCURRED?
18 A NO. THEN I COULD NOT SEE EITHER ONE OF THEM.
19 Q OKAY. NOW, WERE YOU RUSHING TO GET OUT OF YOUR
20 VEHICLE AT THAT POINT?
21 A NO, I WAS JUST GOING TO SEE WHAT WAS GOING ON,
22 BECAUSE I COULDN'T -- I LOST SIGHT OF THEM.
23 Q ALL RIGHT.
24 A AND AS I WAS DOING THAT I HEARD SHOTS.
25 Q ALL RIGHT. UM -- YOU DIDN'T SEE THE SHOOTING?

1 A NO, I DID NOT.
2 Q OKAY. UM -- AND WHAT'S THE NEXT THING YOU SAW?
3 A THEN I SAW LORENZO COMING FROM THE OTHER SIDE OF THE
4 VEHICLE.
5 Q WHEN YOU SAY THE OTHER SIDE, WHICH SIDE?
6 A YEAH, THIS SIDE.
7 Q THE RIGHT SIDE?
8 A YES.
9 Q OKAY. AND WHEN YOU SAY COMING, IS HE MOVING --
10 A HE WAS WALKING -- UM -- I WOULD SAY WEST.
11 Q OKAY. WAS HE GOING -- WAS THIS BEFORE OR AFTER THE
12 SHOTS THAT YOU SAW THIS WALKING?
13 A AFTER THE SHOTS.
14 Q OKAY. AND TO THE RIGHT ON THIS PHOTOGRAPH, IS THAT
15 TO THE WEST OR TO BOULDER HIGHWAY?
16 A YEAH, TOWARDS BOULDER HIGHWAY.
17 Q ALL RIGHT.
18 A I SAW HIM WALKING TOWARDS BOULDER HIGHWAY, AND THEN
19 HOLDING A GUN AND FIRING TWICE AT SOMEONE RUNNING WEST OR
20 SOUTHWEST INTO THE APARTMENT COMPLEX.
21 Q OKAY. WAS THAT MORE SHOTS THAN THE FIRST ONES YOU
22 HEARD?
23 A RIGHT, TWO MORE SHOTS.
24 Q OKAY. BUT LET'S TALK ABOUT THE FIRST TWO SHOTS.
25 YOU SAW THERE -- I THINK IF I -- TELL ME IF I'M RIGHT, YOU SAW

1 BOBBY GOING WEST AND -- AND THEN LORENZO FOLLOWING HIM WEST
2 BEHIND THIS CHEVROLET TRUCK?
3 A THAT'S CORRECT.
4 Q AND THAT'S WHEN YOU LOST SIGHT OF WHATEVER WAS GOING
5 ON BETWEEN BOBBY AND LORENZO?
6 A THAT'S CORRECT.
7 Q AND THEN YOU STARTED GETTING OUT OF YOUR VEHICLE?
8 A THAT'S CORRECT.
9 Q SO WHEN YOU START GETTING OUT OF YOUR VEHICLE, I
10 ASSUME THAT YOU WEREN'T WATCHING WHAT WAS GOING ON BECAUSE YOU
11 WERE PREVIOUSLY WATCHING IT FROM YOUR REARVIEW MIRROR?
12 A CORRECT.
13 Q AND THEN SOME PERIOD OF TIME LATER YOU HEARD TWO
14 SHOTS; IS THAT RIGHT?
15 A THAT'S CORRECT.
16 Q YOU DIDN'T SEE THOSE TWO SHOTS OR WHAT OCCURRED?
17 A THAT'S CORRECT.
18 Q AND THEN YOU SAW THE DEFENDANT LORENZO GOING TOWARDS
19 THE WEST TOWARDS BOULDER HIGHWAY?
20 A THAT'S CORRECT.
21 Q AND YOU SAID YOU SAW HIM SHOOT TWICE MORE?
22 A THAT'S CORRECT.
23 Q OKAY. WHAT DID YOU DO AT THAT POINT?
24 A I HAD JUST STARTED WATCHING HIM IN MY SIDE REARVIEW
25 MIRROR.

1 Q OKAY. WATCHING WHO?
2 A LORENZO.
3 Q IS THAT HOW YOU SAW HIM DO THE SHOOTING TO THE WEST?
4 A RIGHT. BECAUSE I SEEN SOMEBODY THAT -- RUNNING INTO
5 THE BUILDING, WHICH I, AT THAT TIME, I THOUGHT WAS BOBBY.
6 Q OKAY.
7 A SO I WAS JUST KEEPING AN EYE ON HIM. AND THEN HE --
8 UH -- AFTER HE FIRED THE TWO SHOTS HE TURNED AROUND AND THEN
9 SHOT TOWARDS THE GROUND, AND THEN HE WALKED TOWARDS ME IN
10 BETWEEN THE TRUCK.
11 Q WHO DID?
12 A LORENZO.
13 Q OKAY.
14 A AND THE CAR, AND THREW THE GUN UNDERNEATH THE CAR.
15 Q ALL RIGHT.
16 A AND HE WALKED TOWARDS LIKE THE CENTER OF THE PARKING
17 LOT, AND WALKED TOWARDS BOULDER HIGHWAY.
18 Q SO ARE YOU TELLING ME YOU -- AS YOU SIT HERE TODAY,
19 YOU RECALL FOUR SHOTS OR TWO SHOTS TOTAL?
20 A TOTAL FIVE SHOTS.
21 Q OH, OKAY. BUT YOU'RE ALSO SAYING YOU SAW THE
22 DEFENDANT SHOOTING IN THE DIRECTION OF WHAT YOU THOUGHT TO BE
23 BOBBY?
24 A THAT'S CORRECT.
25 Q OKAY. WHERE DID BOBBY END UP IN THIS PARTICULAR

1 PHOTOGRAPH?

2 A BEHIND THE TRUCK ON THE SIDEWALK.

3 Q OKAY. AND YOU SAW THE DEFENDANT THEN, AT SOME POINT

4 AFTER THE SHOOTING, HEAD TOWARDS BOULDER HIGHWAY?

5 A THAT'S CORRECT.

6 Q AND THAT'S AFTER THE DEFENDANT THREW HIS GUN DOWN?

7 A HE THREW IT UNDERNEATH A CAR.

8 Q WHICH CAR, DO YOU REMEMBER?

9 A UM -- I BELIEVE IT WAS THIS CAR HERE.

10 Q OKAY. THE ONE NEXT TO THE CHEVROLET TRUCK TO THE --

11 A YES.

12 Q -- WEST?

13 A IT WAS EITHER THAT ONE OR THE ONE NEXT TO IT.

14 Q IT'S IN THIS AREA?

15 A RIGHT.

16 Q UM -- AND THEN WHAT DID YOU DO?

17 A I GOT OUT OF THE CAR AND WALKED -- STARTED WALKING

18 TOWARDS THE AREA WHERE I SAW THE PERSON RUNNING THAT HE WAS

19 SHOOTING AT.

20 Q OKAY.

21 A AND I GOT HALF WAY TO THE SIDEWALK, AND ON THE OTHER

22 SIDE OF THE BUILDING I SEE SOMEONE COME FROM THERE AND WALK ON

23 THE SIDEWALK AND CALL BOBBY'S NAME, WAS SAYING, "BOBBY, YOU

24 OKAY?" AND I SAW HIM LOOKING DOWN ON THE SIDEWALK. SO AT

25 THAT TIME I WALKED AROUND THE TRUCK AND SEEN BOBBY LAYING ON

1 THE SIDEWALK.

2 Q WAS THAT PERSON, HAVE YOU SINCE LEARNED, TIM?

3 A THAT'S CORRECT.

4 Q AND YOU SAW HIM HERE TODAY?

5 A THAT'S CORRECT.

6 Q OKAY. AND THEN DID YOU GIVE AID TO BOBBY?

7 A YEAH. I CALLED 9-1-1 -- WELL, OF COURSE I CHECKED
8 HIS PULSE, AND THEN I CALLED 9-1-1, AND THEY TOLD ME TO START
9 CPR.

10 Q AND EVENTUALLY DID THE POLICE COME?

11 A YEAH. I HAD -- WAS GIVING HIM CPR AND THE POLICE
12 SHOWED UP, AND THEN THE AMBULANCE SHOWED UP.

13 Q DO YOU SEE LORENZO IN THE COURTROOM TODAY?

14 A YES, I DO.

15 Q CAN YOU POINT TO HIM AND DESCRIBE WHAT HE'S WEARING?

16 A HE'S THE PERSON WITH THE BLUE -- UM --

17 MR. BATEMAN: MAY THE RECORD --

18 THE WITNESS: -- JUMPSUIT, WHATEVER.

19 MR. BATEMAN: OKAY. MAY THE RECORD REFLECT

20 IDENTIFICATION OF THE DEFENDANT, YOUR HONOR?

21 AND I'LL PASS THE WITNESS.

22 THE COURT: YES.

23 CROSS-EXAMINATION?

24 ///

25 ///

CROSS-EXAMINATION

1
2 BY MR. MOMOT:

3 Q SIR -- UH -- SHOWING YOU AGAIN STATE'S EXHIBIT NO.
4 2. YOU'RE IN A VEHICLE THAT'S PARKED OVER ON THIS SIDE OF THE
5 PARKING LOT?

6 A RIGHT.

7 Q OKAY. THE BACK OF IT IS TO THE REAR OF THE --

8 A BACK FACING THE APARTMENT COMPLEX.

9 Q APARTMENT COMPLEX. OKAY.

10 NOW, WHEN BOBBY COMES DOWN THE STAIRS, YOU SEE HIM
11 IN FRONT OF THIS CHEVROLET TRUCK, CORRECT?

12 A UH -- TO THE SIDE AND THE FRONT.

13 Q WHICH SIDE?

14 A THIS SIDE. RIGHT HERE.

15 Q BY THE -- BETWEEN THE CHEVROLET TRUCK AND THE TREE?

16 A WELL, IN FRONT OF THE TREE ON THE SIDEWALK. THERE'S
17 A SIDEWALK THAT RUNS RIGHT IN FRONT OF THIS --

18 Q ALL RIGHT. OKAY.

19 A -- ON THE SIDEWALK, IN THE FRONT SIDE OF THE TRUCK.

20 Q DO YOU EVER SEE BOBBY OUT IN THIS PARKING LOT AREA?

21 A NO.

22 Q YOU NEVER SEE BOBBY RUNNING AROUND THESE CARS?

23 A NO.

24 Q DO YOU SEE THE DEFENDANT RUNNING AROUND THESE CARS
25 IN THE BACK OF THE PARKING LOT?

1 A AFTER THE SHOOTING.
2 Q AFTER THE SHOOTING OCCURRED WHEN HE LEFT TO GO ---
3 A THAT'S CORRECT.
4 Q --- GO WEST TO BOULDER HIGHWAY, YOU SEEN HIM IN THE
5 PARK --- THIS PARKING LOT?
6 A THAT'S CORRECT.
7 Q BUT BEFORE THAT YOU DIDN'T SEE HIM ON THIS SIDE OF
8 THE CHEVROLET TRUCK OR THAT --- THIS SIDE OF THE CAR?
9 A THAT'S CORRECT. THAT'S CORRECT.
10 Q YOU NEVER SEEN HIM OUT HERE IN THE PARKING LOT?
11 A THAT'S CORRECT.
12 Q OKAY. YOU NEVER SEEN --- YOU NEVER SEEN THE
13 DEFENDANT CHASING BOBBY, YOU JUST HEARD THE SHOTS?
14 A NO, I SEEN -- UM -- AFTER BOBBY HAD PUNCHED HIM,
15 BOBBY HAD BACKED UP, AND I SEEN HIM FOLLOW BOBBY BEHIND THE
16 TRUCK, THAT'S ALL I SEEN.
17 Q BEHIND -- RIGHT. THAT'S THE FRONT OF THE TRUCK?
18 A THAT'S CORRECT.
19 Q OKAY. NOW, YOU -- YOU WAITED THERE FOR THE POLICE
20 TO COME, RIGHT?
21 A YES, I WAS GIVING CPR UNTIL THE POLICE CAME.
22 Q AND THIS OTHER GUY THAT YOU JUST SAW TESTIFY HERE
23 TODAY, HE LEFT IMMEDIATELY AFTER THE SHOOTING, CORRECT?
24 A HE CAME BACK AFTER THE SHOOTING, BECAUSE THAT --
25 HE'S THE ONE THAT I HEARD CALL BOBBY TO SEE IF HE WAS OKAY.

1 Q RIGHT. BUT IMMEDIATELY AFTER THE SHOOTING, BUT THEN
2 HE LEAVES, CORRECT?
3 A I -- I LOST TRACK OF HIM AFTER THAT.
4 Q ALL RIGHT.
5 NOW, WHEN THE POLICE COME THEY ASK YOU TO MAKE OUT A
6 STATEMENT, RIGHT?
7 A THAT'S CORRECT.
8 Q AND THERE'S ONE THAT YOU DID IN A HANDWRITTEN
9 STATEMENT, CORRECT?
10 A YEAH. BRIEFLY, YEAH.
11 Q AND THEN YOU ALSO -- OH -- TALKED TO THE POLICE,
12 CORRECT?
13 A THAT'S CORRECT.
14 Q NOW, WHEN YOU TALKED TO THE DETECTIVES -- WHEN YOU
15 TALKED TO THE DETECTIVES, YOU TOLD THE DETECTIVES THAT YOU HAD
16 PICKED UP YOUR SON AND DROVE HIM OVER TO THIS LOCATION,
17 CORRECT?
18 A THAT'S CORRECT.
19 Q AND YOU PICKED UP YOUR SON UP AT ARIZONA CHARLIE'S
20 AND DROVE HIM OVER THERE, CORRECT?
21 A THAT'S CORRECT.
22 Q AND WHEN YOU GOT THERE YOUR SON GOT OUT OF YOUR
23 VEHICLE AND WENT UP THOSE STAIRS, CORRECT?
24 A THAT'S CORRECT.
25 Q THEN THIS OTHER VEHICLE ARRIVES?

1 A THAT'S CORRECT.
2 Q DO YOU SEE WHERE THAT VEHICLE WAS PARKED?
3 A YES, IT WAS -- IT PULLED UP NEXT TO THE TRUCK.
4 Q SHOWING YOU STATE'S EXHIBIT 2, WHERE DID THAT OTHER
5 VEHICLE --
6 A IT PULLED UP IN --
7 Q -- PULL INTO?
8 A -- BETWEEN THIS TRUCK AND THE CAR, IN THE SPOT RIGHT
9 HERE.
10 Q IN BETWEEN THE TRUCK AND THE CAR IS AN EMPTY SPOT.
11 A THAT'S CORRECT.
12 Q IT DID NOT PULL -- PULL INTO THE LEFT OF THIS CAR AT
13 THE END OF THE PARKING LOT?
14 A THAT'S CORRECT.
15 Q SO IT'S IN BETWEEN THE TRUCK AND THE CAR BY THE
16 STAIR -- BELOW THE STAIRCASE, RIGHT?
17 A THAT'S CORRECT.
18 Q NOW -- ALL RIGHT. THEN PEOPLE GOT OUT OF THAT
19 VEHICLE, CORRECT?
20 A YES.
21 Q ALL RIGHT. AND YOU KNOW WHO AMANDA IS, RIGHT?
22 A YES.
23 Q AND THE POLICE ASKED YOU ABOUT THIS, CORRECT?
24 A YES.
25 Q AND YOU'RE HOWARD HOLLAND -- MR. HOLLAND, THE 2ND,

1 CORRECT?

2 A THAT'S CORRECT.

3 Q AND YOUR SON IS MR. HOLLAND THE 3RD, RIGHT?

4 A THAT'S CORRECT.

5 Q AND THE PURPOSE OF MR. HOLLAND, YOUR SON, WAS TO
6 REQUEST YOU TO DRIVE HIM TO MR. PIMENTEL'S APARTMENT SO HE
7 COULD TALK TO AMANDA LOWE, CORRECT?

8 A THAT'S CORRECT.

9 Q AND THAT'S WHAT YOU TOLD THE POLICE, RIGHT?

10 A THAT'S CORRECT.

11 Q AND YOU DROVE TO 3625 SOUTH BOULDER HIGHWAY AND
12 PARKED ON THE NORTH SIDE OF BUILDING B, CORRECT?

13 A THAT'S CORRECT.

14 Q AND THEN YOU SAW YOUR SON GO UP THE STAIRS OF
15 BUILDING B, AND THEN -- UH -- YOU SAW -- YOU SAW AMANDA LOWE,
16 PIMENTEL AND THE OTHER MAN ARRIVE IN A CAR AND PARK NEAR HIM
17 ON THE NORTH SIDE OF BUILDING B? THAT'S WHAT YOU SAID TO THE
18 POLICE, CORRECT?

19 A THAT PARKED -- I DIDN'T HEAR THE LAST PART.

20 Q MR. HOLLAND, THE 2ND, THEN SAW LOWE, PIMENTEL AND
21 THE OTHER MAN ARRIVE IN A CAR; IS THAT CORRECT?

22 A THAT'S CORRECT, YES.

23 Q AND PARK NEAR HIM?

24 A NEAR WEG?

25 Q I DON'T KNOW -- AND NEAR HIM ON THE NORTH SIDE OF

1 BUILDING B. OKAY. SO HIS SON CAME BACK DOWN THE STAIRS AND
2 BEGAN SPEAKING WITH LOWE, RIMENTEL AND THE OTHER MAN, IS THAT
3 WHAT YOU TOLD THE POLICE?

4 A NO.

5 Q WHAT DID YOU -- YOU DIDN'T TELL THEM THAT?

6 A NO. AMANDA AND THE OTHER PERSON HAD LEFT, GOT BACK
7 IN THE CAR AND LEFT BEFORE HE CAME DOWN STAIRS.

8 Q ALL RIGHT. WELL WAIT A MINUTE.

9 OKAY. YOUR SON CAME BACK DOWN THE STAIRS AND BEGAN
10 SPEAKING WITH LOWE, RIMENTEL AND THE OTHER MAN. AT SOME POINT
11 LOWE AND THE OTHER MAN LEFT IN THE SAME CAR THAT THEY HAD
12 ARRIVED IN.

13 A YES. BEFORE BOBBY CAME DOWN THE STAIRS.

14 Q SO BEFORE BOBBY COMES DOWN THE STAIRS -- OH -- YOUR
15 SON IS THERE. BOBBY'S COMING DOWN THE STAIRS, THE DEFENDANT
16 IS THERE AND AMANDA AND THIS OTHER MAN GOT BACK IN THE CAR AND
17 LEFT, CORRECT?

18 A BOBBY'S STILL UPSTAIRS. THESE TWO GOT IN THE CAR
19 AND LEFT, AND LORENZO WAS JUST STANDING THERE BY HIMSELF --

20 Q RIGHT.

21 A -- WHEN BOBBY CAME DOWNSTAIRS, YES.

22 Q NOW WHAT I'M GETTING AT IS, WHAT YOU SAID TO THE
23 COPS, IS THAT AMANDA AND THIS OTHER MAN GOT BACK IN THE CAR
24 AND LEFT, CORRECT?

25 A THAT'S CORRECT.

1 MR. MOMOT: NO FURTHER QUESTIONS.
2 THE COURT: REDIRECT?
3 MR. BATEMAN: NOPE.
4 THE COURT: THANK YOU VERY MUCH, MR. HOLLAND, APPRECIATE
5 YOUR TIME TODAY.
6 ANY FURTHER WITNESSES OR EVIDENCE FROM THE STATE?
7 MR. BATEMAN: NO.
8 THE COURT: OKAY. SO TO RECAP BEFORE YOU REST, WE HAVE
9 EXHIBITS 4 THROUGH 11 AND -- FOR THE STATE, CORRECT?
10 THE CLERK: WE HAVE --
11 MR. MOMOT: I JUST HAVE ---
12 THE CLERK: -- ONE THROUGH ELEVEN.
13 THE COURT: OH, 1 THROUGH 11, EXCUSE ME.
14 AND THEN WE NEED EXHIBIT A FROM YOU.
15 MR. MOMOT: YES, MA'AM.
16 THE COURT: AND WE HAVE EXHIBIT B. OKAY.
17 THE CLERK: JUST TO CLARIFY, HE SAID IT WOULD BE A1, 2 ---
18 A1, A2 --
19 THE COURT: I THINK --- IS IT JUST GOING TO BE EXHIBIT A
20 MR. MOMOT? ARE YOU ONLY GIVING HER ONE PAGE WHEN WE MAKE A
21 COPY OF IT?
22 MR. MOMOT: WELL, THERE'S A FRONT AND A BACK TO IT, SO --
23 OH ---
24 THE COURT: AND YOU QUESTIONED ABOUT BOTH?
25 MR. MOMOT: ABOUT THE FRONT AND THE BACK, YES.

1 THE COURT: OKAY. THEN WE NEED TO MAKE THIS A1 AND A2.
2 MR. BATEMAN: THAT'S FINE. AND WE'LL MAKE A COPY AFTER.
3 THE COURT: OKAY.
4 MR. MOMOT: WAIT, WHAT?
5 MR. BATEMAN: WE'LL MAKE A COPY AS SOON AS WE'RE DONE.
6 I'LL GO BACK AND I'LL MAKE A COPY.
7 MR. MOMOT: OKAY.
8 THE COURT: YES.
9 ALL RIGHT. DOES THE STATE REST?
10 MR. BATEMAN: IT DOES. WELL, WITH A COUPLE OF
11 AMENDMENTS, JUDGE.
12 THE COURT: OKAY. WELL, I NEED TO KNOW WHAT THE
13 AMENDMENTS ARE, YES.
14 MR. BATEMAN: I WAS GOING TO ADD A COUNT OF CARRYING
15 CONCEALED WEAPON, CATEGORY C FELONY, FOR THE TESTIMONY THAT
16 THE DEFENDANT WITHDREW A FIREARM FROM UNDER HIS SHIRT.
17 TESTIMONY WAS THAT HE COULDN'T SEE IT AHEAD OF TIME SO IT
18 WOULD BE CONCEALED.
19 I WAS ALSO GOING TO ADD ON LINE 14 CURRENTLY --- UM --- IT
20 SAYS AND -- WELL, 13 SAYS, FELONIOUSLY WITHOUT AUTHORITY OF
21 LAW AND WITH PREMEDITATION AND DELIBERATION AND WITH MALICE
22 AFORETHOUGHT. I WANT TO ADD AFTER MALICE AFORETHOUGHT, AND/OR
23 AFTER CHALLENGING ROBERT HOLLAND TO A FIGHT, COMMA, AND THEN
24 KILL ROBERT HOLLAND, SO THE REST OF IT WOULD BE THE SAME.
25 I THINK I'M ENTITLED, BASED UPON THE TESTIMONY FROM

1 TIMOTHY, THAT THE DEFENDANT CHALLENGED ROBERT HOLLAND TO A
2 FIGHT AT THE ARIZONA CHARLIE'S, AND I THINK I'M ENTITLED TO
3 THAT AS A THEORY OF MY CASE -- UM -- FOR THE JURY TO DECIDE.
4 BUT I WOULD INCLUDE THAT IN WHERE -- WHERE I STATED, AFTER
5 MALICE AFORETHOUGHT.

6 AT THAT POINT, YOUR HONOR, I'D REST.

7 THE COURT: AND WITH THOSE PROPOSED AMENDMENTS.

8 MR. MOMOT: I'M GOING TO OBJECT TO THAT LAST AMENDMENT.

9 THE COURT: OKAY, I'M GOING TO -- I'LL LET -- LET -- I
10 JUST MAKE HIM MAKE HIS PROPOSED AMENDMENTS BEFORE HE RESTS.
11 THEN I'LL ALLOW YOU TO ARGUE YOUR OPPOSITION TO THE AMENDMENTS
12 IN CLOSING.

13 MR. MOMOT: OKAY.

14 THE COURT: SO I HAVEN'T ALLOWED IT, IN OTHER WORDS. I
15 JUST MAKE HIM STATE HIS PROPOSED AMENDMENT BEFORE HE RESTS.

16 MR. MOMOT: OKAY. OKAY. OKAY.

17 THE COURT: OKAY. SO HE RESTS.

18 ANY WITNESSES OR EVIDENCE FROM THE DEFENSE?

19 MR. MOMOT: NO, YOUR HONOR.

20 THE COURT: HAVE YOU ADVISED YOUR CLIENT OF HIS RIGHT TO
21 TESTIFY?

22 MR. MOMOT: YES, YOUR HONOR. HE'S NOT GOING TO.

23 THE COURT: OKAY. AND YOU REST?

24 MR. MOMOT: WELL, AFTER I GET THAT ADMITTED, MY EXHIBIT,
25 INTO EVIDENCE --

1 THE COURT: YES.
2 MR. MOMOT: -- THEN I REST.
3 THE COURT: IT WILL BE ADMITTED, THANK YOU.
4 (WHEREUPON DEFENSE'S EXHIBIT A WAS ADMITTED INTO
5 EVIDENCE.)
6 THE COURT: ARGUMENT BY THE STATE?
7 MR. BATEMAN: I'LL WAIVE AND RESERVE.
8 THE COURT: OKAY. ARGUMENT BY THE DEFENSE AS TO THE
9 CHARGE, AND IF YOU WANT TO OPPOSE ANY -- EITHER OF THE TWO
10 PROPOSED AMENDMENTS.
11 MR. MOMOT: THE CARRYING CONCEALED WEAPON I'M NOT GOING
12 TO ARGUE THAT. I'LL SUBMIT THAT, YOUR HONOR.
13 THE COURT: OKAY.
14 MR. MOMOT: AS FAR AS THIS AMENDMENT ABOUT A CHALLENGE TO
15 FIGHT, IT'S -- THE DECEDENT GETS HIS FATHER TO DRIVE OVER
16 THERE SO FAST THAT HE BEATS EVERYBODY ELSE TO MR. PIMENTEL'S
17 APARTMENT, WHICH IS ONLY TWO TO THREE MILES AWAY FROM ARIZONA
18 CHARLIE'S. WHEN THEY ALL LEFT IMMEDIATELY FROM VALET AND GO
19 DIRECTLY TO THAT APARTMENT. SO TO SAY THAT HE'S CHALLENGING
20 TO FIGHT, IT WOULD APPEAR JUST THE OPPOSITE, THAT THE DECEDENT
21 IS THE AGGRESSOR LOOKING FOR MR. PIMENTEL, AND, IN FACT, FINDS
22 HIM UP OUTSIDE MR. PIMENTEL'S APARTMENT ON THE THIRD FLOOR
23 WHEN EVERYBODY ELSE ARRIVES.
24 THE COURT: YOU CAN CONTINUE, UNLESS YOU'RE DONE.
25 MR. MOMOT: WELL, I'M DONE. I MEAN, IT'S JUST -- IT'S

1 INCONSISTENT TO PUT THAT THEORY INTO THE PLEADING AT THIS
2 STAGE, IT'S GOING TO CAUSE CONFUSION.

3 THE COURT: OKAY.

4 MR. MOMOT: AND I DON'T THINK IT'S PROPERLY SUPPORTED BY
5 THE TESTIMONY.

6 THE COURT: ALL RIGHT. MR. BATEMAN?

7 MR. BATEMAN: I DON'T KNOW IF MR. MOMOT HAD WANTED TO
8 DISCUSS BINDOVER ON THE ACTUAL UNDERLYING CHARGE OR IF HE'S
9 SUBMITTING IT.

10 THE COURT: PARDON ME?

11 MR. BATEMAN: I DIDN'T KNOW IF MR. MOMOT IS SUBMITTING
12 IT, OTHERWISE, ON THE UNDERLYING CHARGE.

13 THE COURT: ARE YOU SUBMITTING ON THE UNDERLYING CHARGE?
14 I TAKE IT HE IS, HE SAT DOWN.

15 MR. MOMOT: I'LL -- I'LL -- I'M GOING TO SUBMIT IT ON
16 THAT, ON THE CHARGE, YOUR HONOR.

17 MR. BATEMAN: THE TESTIMONY WHERE THE CHALLENGE --

18 THE COURT: THERE WAS SOME TESTIMONY FROM TIMOTHY. SO
19 LET ME ASK YOU THIS. ARE YOU TALKING ABOUT THE CHALLENGE, SO
20 TO SPEAK, AT ARIZONA CHARLIE'S?

21 MR. BATEMAN: ABSOLUTELY.

22 THE COURT: OKAY. SO WHERE -- I HAVE TO FIND THAT,
23 BECAUSE I DO REMEMBER SOME TESTIMONY, SO ...

24 MR. BATEMAN: WOULD YOU LIKE ME TO GO ON OR DO YOU WANT
25 TO READ YOUR --

1 THE COURT: NO, HOLD ON, LET ME FIND IT.

2 OKAY. RECITE WHAT YOUR UNDERSTANDING OF THE TESTIMONY IS
3 TO THAT CHALLENGE THAT HAPPENED AT ARIZONA CHARLIE'S.

4 MR. BATEMAN: THE CHALLENGE TO FIGHT ACCORDING TO ---

5 UM -- TIM WAS THAT -- I DON'T REMEMBER VERBATIM, MAYBE WE HAVE
6 TO PULL THE TRANSCRIPT, IS THAT THE DEFEN -- HE SAID THE
7 DEFENDANT WAS TELLING, LOOKING TO FIGHT AND WAS TELLING BOBBY
8 THAT HE WANTED TO FIGHT, AND THAT THE COMMUNICATION CONTINUED,
9 WE'LL HAVE THE FIGHT BACK AT -- UM -- SIEGEL SUITES.

10 BUT WHAT TIM TESTIFIED TO IS THAT LORENZO WAS THE ONE --
11 THE DEFENDANT WAS THE ONE WHO CHALLENGED INITIALLY BOBBY TO
12 THE FIGHT. THE FACT THAT THE FIGHT OCCURS FIVE MINUTES, TEN
13 MINUTES, 30 MINUTES DOWN THE ROAD, DOESN'T NEGATE THE FACT
14 THAT THIS CONFRONTATION OCCURRED INITIALLY, AT LEAST FACTUALLY
15 CAN BE ARGUED, BASED UPON THE DEFENDANT'S INITIAL CHALLENGE TO
16 FIGHT.

17 SO IT'S A THEORY OF THE PROSECUTION. THE STATE'S
18 ENTITLED TO IT BASED UPON THE EVIDENCE IN THIS PARTICULAR
19 CASE, THE FACTUAL ALLEGATIONS THAT WERE -- UM -- STATED BY THE
20 DEFENSE ARE FACTS THAT CAN BE ARGUED IN FRONT OF A JURY, BUT
21 THAT'S WHAT THE TESTIMONY WAS, IF MY RECOLLECTION IS CORRECT
22 AS TOO THAT THEORY.

23 IT'S SIMILAR, QUITE FRANKLY, TO THE PREMEDITATION AND
24 DELIBERATION, AND I'M ENTITLED, I THINK, TO MY -- MY THEORIES
25 OF THE CASE GOING FORWARD, AS LONG AS THE COURT'S GOING TO --

1 UM -- FIND PROBABLE CAUSE THAT THE KILLING OCCURRED, I CAN
2 NOTICE THAT THEORY, AND IT WILL BE THE SUBJECT OF TESTIMONY AT
3 THE TRIAL AND ARGUMENT OF COUNSEL.

4 MR. MOMOT: CAN I -- CAN I -- CAN I RESPOND TO THIS IN MY
5 ARGUMENT?

6 THE COURT: I USUALLY DON'T, BUT I'LL LET YOU RESPOND.

7 MR. MOMOT: YOUR HONOR, I -- YOUR HONOR, I GO THROUGH
8 THIS ALL THE TIME ON THESE TYPE OF CASES WITH THIS OPEN MURDER
9 CHARGE. THERE'S NO PREMEDITATION OR DELIBERATION ON THIS
10 CASE, WHATSOEVER.

11 WHAT HAPPENS HERE UNDER THIS PARTICULAR FACTUAL PATTERN,
12 IS THAT THERE'S AN ARGUMENT BETWEEN THESE TWO GUYS AT ARIZONA
13 CHARLIE'S OVER A WOMAN. SOBETT, THAT'S GOING TO NEVER STOP
14 TODAY, TOMORROW OR ANYTIME SOON, BUT THAT'S WHAT HAPPENED.
15 AND THESE FELLAS, THE -- IT'S OBVIOUS, UNFORTUNATELY FOR
16 MR. HOLLAND, THE 3RD, HE GOT A RIDE FROM HIS DAD TO GET OVER
17 TO MR. PIMENTEL'S APARTMENT, BEAT THEM IN ARRIVAL OVER TO THAT
18 APARTMENT.

19 NOW, YOU HAVE THE OTHER FOLKS THAT CAME FROM ARIZONA
20 CHARLIE'S, THEY ARRIVE. MY CLIENT GETS OUT OF THE CAR, AND
21 THERE ARE WORDS BETWEEN THESE TWO. MEANWHILE, THE -- THE --
22 THE DECEDENT, HE'S THE ONE THAT'S UP ON THE THIRD FLOOR AT
23 PIMENTEL'S APARTMENT. HE'S COMING DOWN THE STAIRS. SO HE'S
24 LOOKING FOR MY GUY. HE'S THE AGGRESSOR.

25 THEN THE ARGUMENT ENSUES, AND FURTHER THEN PUNCHES MY GUY

1 IN THE MOUTH.

2 NOW, ACCORDING TO THIS TESTIMONY, WHICH I'M NOT AGREEING
3 TO, MY CLIENT IS -- SUPPOSABLY TAKES OUT A GUN AND SHOOTS THE
4 DECEDENT AT THAT TIME. NOW, WE'RE SUPPOSE TO INFER FROM THAT
5 CONDUCT, THAT IMMEDIATE CONDUCT, AFTER BEING PUNCHED IN THE
6 HEAD BY A SIX-FOOT-TWO, 290 POUND MAN, THAT HE -- HE -- HE --
7 HE TAKES OUT THIS GUN, AND THIS IS SUPPOSE TO BE PREMEDITATION
8 AND DELIBERATION IN THE CONDUCT HEREIN. WE SHOULD HAVE THIS
9 GOING UP ON A CHARGE OF A DEATH ON LESSER CHARGES THAN MURDER
10 ONE OR MURDER TWO.

11 THAT'S -- THAT'S WHAT MY ARGUMENT IS TO THIS COURT,
12 BECAUSE THERE IS NO PREMEDITATION OR DELIBERATION IT HAPPENED
13 SO QUICKLY.

14 THE COURT: ALL RIGHT.

15 MR. MOMOT: AND ALL THE FACTS JUST LEAD TO AN OPPOSITE
16 CONCLUSION BY THE -- YOU HAVE THE TESTIMONY OF THE SHOOTING,
17 THAT'S CORRECT. BUT THERE IS NO TIME FOR THE PREMEDITATION
18 AND DELIBERATION TO EXIST, BECAUSE HE'S GOING -- MY CLIENT'S
19 GOING BACK TO HIS HOME, HIS RESIDENCE, AND IS CONFRONTED BY
20 THE DECEDENT AT THAT TIME, WHO AMAZINGLY BEAT HIM THERE AFTER
21 GETTING PICKED UP BY HIS FATHER.

22 THE COURT: ARE YOU FINISHED?

23 MR. MOMOT: YES, MA'AM.

24 THE COURT: OKAY. SO, AS TO THE PROPOSED AMENDMENT OF
25 ADDING OF CARRYING CONCEALED WEAPON -- UM -- MR. MOMOT HAS

1 SUBMITTED ON THAT, AND I BELIEVE THERE IS FACTS OR TESTIMONY
2 TO SUPPORT THAT IT WAS FULLY CONCEALED UNTIL HE PULLED IT OUT,
3 I'M GOING TO ALLOW THAT AMENDED CHARGE.

4 AS TO THE AMENDED FACTS ABOUT CHALLENGING HIM TO THE
5 FIGHT, THERE WAS TESTIMONY BY MR. HILDEBRAND, BOTH AT ARIZONA
6 CHARLIE'S, THAT MR. PIMENTEL, THE DEFENDANT, WAS -- UM --
7 INSTIGATING OR CHALLENGING BOBBY TO A FIGHT, AND NOT THAT IT
8 WASN'T RECIPROCAL, BUT THAT THERE WAS SOME CHALLENGE TO A
9 FIGHT WITH BOBBY AT THAT TIME, AND THERE WAS ALSO TESTIMONY
10 THAT AT THE LOCATION OF THE SHOOTING THAT LORENZO KEPT TELLING
11 BOBBY HE WANTED TO FIGHT. SO I BELIEVE THAT THE TESTIMONY OF
12 MR. HILDEBRAND SUPPORTS -- UM -- THAT PROPOSED AMENDMENT OF
13 THE THEORY. SO I'M ALLOWING THAT AMENDMENT.

14 AS TO MR. MOMOT'S ARGUMENTS OF PREMEDITATION, I BELIEVE
15 ALL OF THOSE ARE MEANT FOR THE JURY, THEY GO TO PREMEDITATION,
16 THEY GO TO SELF-DEFENSE: THERE WAS TESTIMONY THAT AFTER THE
17 GUN MISFIRED THAT BOBBY STARTED TO BASICALLY RETREAT, AND THAT
18 MR. PIMENTEL FOLLOWED IN SUIT, AND THEN FIRED THE FATAL SHOT,
19 SO I THINK ALL OF MR. MOMOT'S ARGUMENTS ARE LEFT FOR A JURY.

20 BUT THERE IS SLIGHT OR MARGINAL EVIDENCE TO BELIEVE THAT
21 MURDER WITH USE OF A DEADLY WEAPON AND CARRYING CONCEALED
22 WEAPON HAVE BOTH BE COMMITTED, AND THAT THE NAMED DEFENDANT
23 HEREIN, LUIS PIMENTEL, COMMITTED SAID CRIMES. I HEREBY ORDER
24 MR. PIMENTEL TO ANSWER TO THESE CHARGES IN THE EIGHTH JUDICIAL
25 DISTRICT COURT ON THE DAY MY CLERK GIVES YOU.

1 THE CLERK: MARCH 6TH, 9:30, LOWER LEVEL ARRAIGNMENT A.
2 AND, STATE, I NEED THE NOC CODE FOR THAT.
3 MR. BATEMAN: I WILL GET IT.
4 THE CLERK: I HAVE A COUPLE, IF YOU WANT TO LOOK THROUGH
5 IT WITH ME.
6 MR. BATEMAN: IS THERE JUST A NOC CODE FOR OPEN MURDER?
7 THE CLERK: NO. NO, NOT FOR THE OPEN MURDER, THE
8 CARRYING CONCEALED WEAPON.
9 MR. BATEMAN: OH, I'M SORRY. I WILL -- I WILL COME OVER
10 THERE AND LOOK.
11 THE CLERK: I THINK I HAVE IT, BUT I WANT TO MAKE SURE.
12 AND I'LL MAKE A COPY OF THIS.
13 MR. BATEMAN: CAN I GET A COP -- CAN I GET THAT SO I CAN
14 HAVE MISS STEPGANIE MAKE A COPY FOR US.
15 THE COURT: OKAY. THANK YOU.
16 MR. BATEMAN: THANK YOU.
17 THE MARSHAL: COURT'S IN RECESS.
18

19 (AT 1:33 P.M. THE PROCEEDINGS WERE RECESSED.)

20 * * * *

21 ATTEST: FULL, TRUE AND CERTIFIED TRANSCRIPT.

22 /S/KIT MACDONALD
23 KIT MACDONALD, C.S.R.
24 COURT REPORTER
25 C.S.R. 65

| | | |
|---|--|---|
| 1 | 7 | ADMISSION [3] 10/1 62/2 70/6 |
| 80/1 [1] 155/22 | 70 [2] 2/21 2/22 | ADMITTED [14] 2/20 3/3 10/5 10/8 62/5 |
| 1 | 74 [2] 49/10 49/16 | 62/6 70/19 70/20 108/17 108/19 129/21 |
| 10 [4] 2/24 16/20 47/11 105/3 119/25 | 8 | 148/24 149/3 149/4 |
| 100 [3] 38/21 38/22 | 88 [1] 2/11 | ADVISED [2] 5/7 148/20 |
| 108 [2] 3/5 3/5 | 9 | AF [1] 133/18 |
| 108/39 [2] 1/17 4/3 | 9000 [1] 47/8 | AFORETHOUGHT [3] 147/22 147/22 |
| 11 [6] 2/24 9/13 10/2 10/7 146/9 146/13 | 9-1-1 [5] 91/23 91/25 92/9 139/7 139/8 | 148/5 |
| 118 [1] 2/12 | 95 [1] 127/17 | AFTER [55] 5/2 17/13 65/13 66/13 75/25 |
| 11851 [1] 30/16 | 950 [1] 155/1 | 77/14 80/16 80/24 83/1 84/1 84/2 85/16 |
| 120 [1] 2/13 | A | 86/5 87/19 89/20 91/6 102/25 103/1 112/4 |
| 126 [1] 2/15 | A PARTICULAR [1] 20/2 | 112/6 118/5 118/6 119/10 119/14 119/20 |
| 13 [1] 147/20 | A.M. [2] 1/17 4/3 | 121/7 122/11 122/18 122/18 125/7 125/9 |
| 13-11851 [1] 8/16 | A1 [3] 146/17 146/18 147/1 | 128/13 129/15 130/11 134/14 135/11 135/13 |
| 13F20476 [1] 4/8 | A2 [3] 146/18 147/1 | 137/8 138/4 138/6 141/1 141/2 141/4 |
| 13F20476X [1] 1/7 | ABDOMEN [3] 17/16 17/18 18/6 | 141/23 141/24 142/1 142/3 147/2 147/22 |
| 14 [1] 147/19 | ABDOMINAL [1] 17/17 | 147/23 148/4 148/24 153/5 153/20 154/16 |
| 140 [1] 2/16 | ABILITY [2] 32/18 51/16 | AFTERNOON [2] 89/11 96/8 |
| 149 [1] 3/4 | ABLE [7] 13/4 25/15 42/16 52/25 53/2 54/9 | AFTERWARDS [1] 113/17 |
| 15 [2] 105/3 119/17 | 134/16 | AGAIN [20] 19/5 26/3 26/4 28/10 28/14 |
| 150 [1] 15/15 | ABOUT [74] 5/1 9/8 10/11 10/23 12/3 12/21 | 37/22 38/3 38/16 40/12 46/24 52/12 55/14 |
| 16 [3] 13/19 14/19 38/12 | 13/14 15/15 15/15 16/11 28/12 30/1 31/23 | 68/16 71/16 74/14 79/20 79/25 101/17 |
| 18 [1] 2/6 | 32/22 36/24 40/17 42/21 44/4 49/1 49/10 | 138/19 140/3 |
| 183 [1] 155/19 | 49/12 50/14 51/12 51/16 52/9 52/19 52/19 | AGAINST [1] 55/5 |
| 2 | 52/20 52/20 52/21 55/18 56/23 60/23 60/23 | AGE [3] 19/10 19/22 23/25 |
| 2000 [3] 47/3 | 66/7 72/7 78/25 82/10 85/12 89/10 92/16 | AGGRESSIVE [4] 46/16 55/1 56/9 133/9 |
| 20 [1] 149/17 | 92/25 93/15 93/23 94/6 94/7 95/15 98/24 | AGGRIEVED [2] 149/21 152/24 |
| 200 [7] 38/21 38/22 40/17 40/20 44/14 46/1 | 99/19 103/4 105/1 105/4 110/1 110/11 111/8 | AGREE [2] 46/4 57/2 |
| 87/14 | 113/6 113/10 113/23 117/21 118/9 118/23 | AGREEING [1] 153/2 |
| 2013 [1] 7/14 | 119/6 119/17 119/25 121/20 121/21 131/9 | AGHEAD [1] 5/22 29/6 44/11 45/12 58/20 |
| 2014 [3] 1/16 4/1 89/10 | 135/24 143/23 146/24 146/25 149/14 150/19 | 59/2 85/22 102/17 125/23 126/13 147/17 |
| 2280 [4] 60/1 88/21 92/13 126/24 | 154/4 | AID [2] 43/16 139/6 |
| 23RD [2] 7/14 88/21 | ABOVE [5] 11/5 19/5 17/1 33/22 37/3 | AIMED [3] 77/22 79/19 |
| 26 [2] 1/16 4/1 | ABRASION [13] 10/9 12/1 16/15 17/11 | AIMING [1] 78/9 |
| 290 [2] 51/3 153/6 | 20/22 20/25 28/13 25/15 26/7 26/10 27/16 | AIN'T [2] 11/1 11/19 |
| 292 [1] 49/12 | 27/20 51/12 | AIR [1] 13/5 |
| 2ND [14] 89/10 92/14 142/25 144/20 | ABRASIONS [25] 13/7 24/15 25/5 25/6 | AL [2] 8/11 35/19 |
| 3 | 25/15 25/21 26/3 26/4 26/12 26/14 26/15 | ALCOHOL [1] 49/1 |
| 3,000 [1] 47/4 | 26/20 26/22 26/23 27/9 28/11 30/8 30/12 | ALL [113] 6/11 7/9 7/13 9/4 9/12 9/22 10/1 |
| 30 [2] 104/14 104/15 151/13 | 31/18 46/12 51/8 53/24 54/12 54/25 55/4 | 10/17 12/2 12/10 12/16 16/4 17/6 17/16 |
| 300 [1] 38/21 | ABSENCE [3] 14/22 14/22 16/15 | 18/14 21/12 22/4 31/6 32/20 34/7 34/21 |
| 3625 [2] 67/22 144/11 | ABSENT [1] 35/14 | 35/17 36/13 38/18 41/21 42/15 42/18 44/10 |
| 3RD [2] 144/3 152/16 | ABSOLUTELY [1] 150/21 | 45/10 51/6 52/2 52/6 53/20 54/12 55/6 56/17 |
| 4 | ABUSER [2] 40/21 44/16 | 56/23 58/3 58/19 60/5 60/10 60/12 61/17 |
| 40 [1] 47/13 | ABUSERS [2] 40/18 57/15 | 62/14 63/22 64/19 66/2 66/5 66/8 67/12 |
| 400 [1] 46/1 | ABUSIVE [1] 46/2 | 67/23 68/11 68/19 69/6 71/19 77/14 79/10 |
| 41,000 [1] 47/8 | ACCIDENT [4] 45/5 45/6 52/20 53/6 | 79/15 81/14 83/4 85/16 86/25 87/11 89/9 |
| 410 [5] 36/12 37/22 39/2 47/17 48/10 | ACCORDING [3] 112/18 151/4 153/2 | 90/7 91/14 92/23 97/7 99/21 101/4 102/14 |
| 5 | ACCORDINGLY [4] 5/7 21/16 32/14 29/16 | 103/24 104/19 106/7 109/12 109/21 110/24 |
| 50 [1] 2/7 | ACCURATE [6] 9/23 23/21 56/16 70/13 | 111/21 112/15 112/23 121/9 121/13 123/4 |
| 500 [1] 47/7 | ACKNOWLEDGE [1] 34/2 | 123/11 123/22 124/3 124/12 127/10 127/23 |
| 53 [1] 2/8 | ACROSS [7] 87/3 90/19 90/21 90/22 91/1 | 131/12 131/12 131/20 133/13 133/16 134/13 |
| 59 [1] 2/10 | 91/3 130/13 | 134/23 134/25 135/17 137/15 140/18 141/16 |
| 6 | ACTIVITY [1] 124/4 | 142/4 143/18 143/21 145/8 147/9 149/18 |
| 6,400 [6] 36/11 36/14 36/14 46/6 47/25 48/5 | ACTUAL [2] 118/24 150/8 | 150/8 152/8 153/14 153/15 154/15 154/19 |
| 500 [5] 40/17 40/20 44/14 46/2 57/14 | ACTUALLY [4] 13/6 15/3 82/4 119/7 | ALLEGATIONS [1] 151/19 |
| 62 [1] 2/23 | ADD [4] 41/12 147/14 147/19 147/22 | ALLOW [2] 148/11 154/3 |
| 6400 [1] 57/1 | ADDED [1] 148/2 | ALLOWED [2] 43/25 149/14 |
| 65 [2] 1/24 155/23 | ADDICT [1] 47/4 | ALLOWING [2] 5/1 154/13 |
| 6TH [1] 155/1 | ADDING [1] 153/25 | ALONE [4] 18/3 63/25 95/21 107/4 |
| | ADDITION [2] 14/23 164/6 | ALONG [3] 13/25 73/13 97/17 |
| | ADDITIONAL [4] 41/5 52/2 84/17 120/1 | ALREADY [1] 39/3 |
| | ADDRESS [2] 67/20 89/15 | ALSO [23] 6/18 8/8 8/11 10/22 13/8 17/12 |
| | ADMISSIBILITY [2] 108/14 108/16 | 16/3 24/18 26/23 27/16 27/20 28/3 31/25 |
| | | 40/22 42/16 56/14 57/8 75/17 119/11 137/21 |
| | | 142/13 147/19 154/9 |
| | | ALTER [2] 35/17 38/21 |
| | | ALTERNATIVE [1] 29/19 |

| | | |
|--|--|--|
| <p>A</p> <p>ALTHOUGH [1] 28/15</p> <p>ALWAYS [3] 146 147/1 28/23 33/23</p> <p>AM [2] 48/4 72/6</p> <p>AMANDA [63] 62/23 63/3 63/9 63/12 63/16 63/24 64/16 64/22 65/13 65/16 67/8 67/13 68/18 69/21 69/4 69/7 69/11 72/8 73/19 73/20 74/15 74/16 75/3 92/11 95/3 97/8 97/8 97/13 97/14 97/16 97/24 99/8 99/23 99/25 100/3 100/5 100/19 100/21 101/6 101/9 101/16 101/20 101/23 102/23 103/1 104/6 105/23 105/23 106/7 106/12 110/11 111/23 129/4 129/5 130/14 131/15 131/15 132/1 132/5 143/21 144/7 144/13 145/6 148/16 145/23</p> <p>AMANDA'S [1] 97/8</p> <p>AMAZINGLY [1] 153/20</p> <p>AMBULANCE [3] 91/11 91/17 139/12</p> <p>AMENDED [2] 154/3 154/4</p> <p>AMENDMENT [6] 148/8 148/15 149/14 153/24 154/12 154/13</p> <p>AMENDMENTS [6] 147/11 147/13 148/7 148/10 148/11 149/10</p> <p>AMOUNT [3] 30/20 37/20 46/6</p> <p>AMPHETAMINE [24] 36/4 36/11 37/14 37/15 38/5 38/7 38/21 39/3 39/11 39/13 39/15 39/20 39/23 39/25 46/22 47/6 47/8 47/11 47/12 48/3 48/12 49/4 49/5 55/9</p> <p>AND/OR [2] 64/22 147/22</p> <p>ANOTHER [3] 20/24 20/25 27/20</p> <p>ANSWER [4] 39/4 90/11 92/2 154/24</p> <p>ANSWERED [14] 86/13</p> <p>ANTICIPATE [1] 8/10</p> <p>ANY [60] 5/3 8/15 8/24 9/1 10/3 12/16 14/13 14/25 20/16 21/7 22/4 28/16 29/17 29/18 29/19 30/13 30/15 31/19 32/8 32/8 33/9 33/21 35/4 35/6 35/9 35/14 43/16 43/8 43/19 48/21 50/2 50/13 51/2 53/9 56/11 56/19 57/10 57/17 58/8 62/3 62/11 67/9 69/3 69/6 70/17 75/24 76/13 93/25 94/3 99/19 103/7 105/8 107/25 108/14 109/21 120/1 120/3 146/6 148/18 149/9</p> <p>ANYBODY [5] 60/10 64/13 92/16 99/7 128/14</p> <p>ANYPLACE [1] 107/6</p> <p>ANYTHING [20] 21/19 31/14 31/14 72/9 76/13 79/10 85/13 85/25 86/4 86/18 87/14 87/18 87/21 88/8 94/1 98/24 99/5 103/17 130/9 132/12</p> <p>ANYTIME [1] 152/14</p> <p>ANYWAY [2] 85/1 101/25</p> <p>ANYWAYS [1] 134/14</p> <p>ANYWHERE [2] 86/10 86/11</p> <p>AOIRTA [3] 15/11 15/21 15/24</p> <p>APARTMENT [19] 68/5 68/6 104/9 106/13 106/17 114/15 116/12 116/13 131/1 135/20 140/8 140/9 144/6 149/17 149/19 149/22 152/17 152/18 152/23</p> <p>APARTMENTS [1] 130/7</p> <p>APPEAR [4] 73/18 75/2 133/8 149/20</p> <p>APPEARS [3] 25/13 26/1 61/22</p> <p>APPRECATE [4] 22/12 57/21 125/16 146/4</p> <p>APPROACH [11] 9/4 21/14 61/18 70/1 79/25 114/1 114/12 125/18 129/18 132/19 133/19</p> <p>APPROACHED [1] 125/21</p> | <p>APPROACHING [1] 21/24</p> <p>APPROXIMATE [1] 67/20</p> <p>APPROXIMATELY [7] 7/6 15/14 47/5 88/2 88/8 94/6 132/23</p> <p>ARE [68] 4/23 6/6 9/19 9/20 9/20 12/16 12/14 23/11 24/25 25/3 25/20 26/3 26/14 26/15 26/20 26/23 27/2 27/9 27/24 30/8 30/13 33/12 33/13 34/12 38/20 42/14 43/13 45/13 45/16 46/14 47/2 47/7 47/12 52/12 52/12 52/21 53/24 54/12 58/9 79/4 79/8 82/16 82/23 83/18 83/18 101/6 109/18 110/9 116/25 117/24 122/2 122/3 122/9 122/20 123/4 125/10 125/11 127/8 137/18 146/20 147/13 150/13 150/19 151/20 152/21 153/22 154/15 154/19</p> <p>ARE THE [1] 52/12</p> <p>AREA [21] 20/22 32/13 35/5 65/3 68/24 69/25 70/8 70/10 70/25 71/3 71/8 80/11 84/25 87/3 109/13 116/15 124/23 133/14 138/14 138/18 140/20</p> <p>AREAS [2] 18/25 20/16</p> <p>AREN'T [1] 4/24</p> <p>ARGUE [3] 46/16 148/11 149/12</p> <p>ARGUED [1] 113/10 151/15 151/20</p> <p>ARGUING [14] 72/2 72/3 76/21 102/16 103/3 107/21 107/22 110/14 111/19 113/5 113/12 116/25 117/13 120/19</p> <p>ARGUMENT [24] 41/15 72/5 72/7 72/10 73/13 74/9 74/10 74/14 75/7 75/25 80/11 104/11 111/16 130/16 130/19 133/8 133/9 149/6 149/8 152/3 152/5 152/12 152/25 153/11</p> <p>ARGUMENTS [2] 154/14 154/19</p> <p>ARI [1] 69/14</p> <p>ARIZONA [42] 60/7 60/8 60/12 61/8 64/7 64/9 64/17 65/14 65/14 65/16 65/22 65/25 67/4 67/25 69/2 69/9 69/10 74/6 74/9 78/25 76/2 76/8 88/2 94/23 95/5 95/10 95/15 96/1 98/19 99/25 100/2 101/15 101/19 105/10 127/10 127/18 128/15 128/17 129/14 142/19 148/2 149/17 150/20 151/3 152/12 152/19 154/5</p> <p>ARMS [2] 86/7 86/8</p> <p>ARO [1] 83/10</p> <p>AROUND [36] 10/19 12/22 16/15 19/14 37/5 63/23 71/6 80/23 83/8 83/10 83/16 83/24 83/25 84/10 89/20 91/8 91/8 109/13 112/15 119/12 119/19 121/16 121/18 121/19 121/19 121/22 122/10 122/17 122/19 122/22 123/2 125/9 137/8 138/25 140/22 140/24</p> <p>ARRAIGNMENT [1] 155/1</p> <p>ARRANGED [1] 89/17</p> <p>ARRIVAL [1] 152/17</p> <p>ARRIVE [5] 91/13 96/5 144/16 144/21 152/20</p> <p>ARRIVED [6] 91/17 91/19 91/21 96/23 109/22 145/12</p> <p>ARCHIVES [3] 8/4 142/25 149/23</p> <p>AS [140] 5/4 5/17 5/19 6/14 6/25 8/7 8/7 8/12 8/21 9/2 9/13 10/3 10/13 10/15 12/10 13/1 13/3 14/13 15/3 15/5 15/7 15/25 15/25 16/11 16/16 16/17 17/23 17/24 18/4 18/4 18/8 18/10 20/6 21/11 21/11 22/14 23/20 24/7 25/7 25/16 25/16 25/23 25/23 28/1 28/1 28/2 28/5 28/20 28/20 30/11 31/22 33/13 34/12 34/15 35/10 36/23 36/23 37/16 38/6 38/17 39/11 39/11 39/15 39/25 39/25 40/4 40/25 41/18 41/18 43/2 43/2 43/5 43/16</p> | <p>43/16 43/20 44/7 44/13 44/13 44/20 44/31 44/23 44/25 45/2 46/12 46/14 46/21 46/23 47/24 48/6 50/11 51/1 51/4 51/24 52/11 53/21 53/21 54/17 54/24 56/17 58/23 59/25 61/21 63/2 63/2 63/14 64/6 64/25 70/5 71/10 80/3 81/13 81/13 89/9 94/10 96/25 96/25 99/22 108/21 110/25 114/4 115/10 126/6 126/8 127/6 129/21 134/24 137/18 147/5 147/5 148/3 149/8 149/14 149/14 151/22 151/25 151/25 153/24 154/4 154/14</p> <p>ASK [17] 12/3 35/4 35/5 44/5 50/11 51/17 51/23 52/2 67/17 75/21 98/21 98/24 111/5 128/19 130/21 142/5 150/19</p> <p>ASKED [12] 51/16 52/8 52/9 56/13 60/17 75/6 95/3 101/21 110/24 118/23 118/25 143/23</p> <p>ASKING [4] 58/21 58/25 75/2 111/6</p> <p>ASPECT [1] 63/3</p> <p>ASS [1] 103/4</p> <p>ASSIGN [1] 31/1</p> <p>ASSOCIATED [1] 11/10</p> <p>ASSOCIATING [1] 97/25</p> <p>ASSUME [3] 15/8 35/3 136/10</p> <p>ASSUMING [2] 13/23 51/12</p> <p>ASSUMPTION [1] 35/1</p> <p>ATTACHED [3] 41/24 43/5 54/23</p> <p>ATTEMPTING [1] 56/20</p> <p>ATTENTION [10] 7/13 49/24 35/20 37/17 39/22 40/2 59/25 87/16 110/1 126/23</p> <p>ATTEST [1] 155/21</p> <p>ATTORNEY [1] 1/19</p> <p>ATYPICAL [1] 17/10</p> <p>AUDIBLE [3] 21/17 49/18 96/11</p> <p>AUDIO [1] 92/24</p> <p>AUTHENTIC [1] 43/11</p> <p>AUTHORITY [1] 147/20</p> <p>AUTOPSIES [1] 71/7 77/20 52/14</p> <p>AUTOPSY [15] 71/5 71/8 8/8 8/8 8/16 8/20 9/21 9/24 23/23 33/9 33/25 41/22 43/6 44/7 44/22</p> <p>AWARE [3] 29/20 30/3 39/21</p> <p>AWAY [21] 13/1 13/9 13/10 13/13 13/16 14/15 14/20 35/13 67/25 78/23 79/11 79/11 80/23 85/10 90/16 94/20 107/21 117/24 118/8 122/4 149/17</p> <p>AWHILE [1] 133/4</p> |
| | | <p>B</p> <p>BACK [71] 11/22 12/15 15/13 15/13 17/22 24/16 24/16 24/19 28/5 30/8 32/2 65/9 65/24 69/1 71/9 73/14 74/7 74/8 76/12 76/21 77/19 79/19 79/21 80/16 84/1 84/14 86/3 88/1 97/2 99/24 100/2 102/16 103/1 103/3 104/9 107/13 107/14 113/16 113/17 117/13 117/16 121/4 121/16 121/21 122/11 122/21 123/2 123/7 125/10 125/12 129/25 130/15 132/9 132/15 132/23 133/2 134/13 140/7 140/8 140/25 141/24 145/1 145/6 145/9 145/16 145/23 146/22 146/25 147/6 151/9 153/19</p> <p>BACKED [4] 133/16 133/17 134/14 141/15</p> <p>BACKS [2] 125/1 125/6</p> <p>BACKWARDS [6] 47/24 78/3 79/3 79/9 80/23 83/8</p> <p>BAG [5] 7/24 7/24 8/1 99/2 99/3</p> <p>BAR [16] 87/6 87/8 87/9 87/20 90/4 90/5 90/7 90/8 90/8 90/10 90/11 91/1 91/2 91/3 92/10 105/19</p> <p>BASE [1] 23/12</p> |

| | | |
|---|---|--|
| <p>B</p> <p>BASED [10] 12/5 14/12 15/24 45/2 63/19 73/21 83/12 147/25 151/18 151/18</p> <p>BASICALLY [8] 1303 73/20 132/10 154/17</p> <p>BATSMAN [11] 1/19 2/5 2/7 2/10 3/12 2/15 5/7 58/3 82/19 108/8 150/6</p> <p>BE [1] 101 4/24 4/28 5/4 5/10 6/15 9/22 10/5 13/7 13/18 14/4 15/17 19/23 21/7 21/12 21/18 22/24 23/2 23/17 23/19 25/13 25/18 26/8 26/10 29/11 30/2 30/9 31/4 32/16 34/23 35/1 35/3 38/4 35/6 37/1 37/3 37/15 37/16 38/3 38/3 38/10 38/12 38/13 38/22 39/24 39/24 40/21 40/24 42/16 42/17 44/6 44/17 44/20 45/7 45/17 45/22 46/2 46/9 46/11 48/1 48/1 50/19 51/3 51/7 51/10 51/13 51/22 52/3 52/13 53/2 53/4 53/15 53/16 53/18 53/19 53/20 53/3 55/4 55/10 55/24 56/16 58/13 61/22 62/5 62/19 69/6 70/19 78/12 82/6 86/16 86/17 104/14 104/15 108/11 108/17 119/4 124/18 124/20 129/8 133/8 137/22 140/17 146/19 147/18 147/24 149/3 151/15 151/20 152/2 153/7 184/22</p> <p>BEAT [2] 152/17 153/20</p> <p>BEATS [11] 149/16</p> <p>BECAUSE [39] 13/14 14/12 15/20 17/10 17/11 17/12 17/16 32/24 39/13 39/19 41/3 41/24 52/3 56/22 58/9 58/15 66/24 74/3 75/6 75/11 90/25 99/25 109/25 116/11 117/22 119/18 119/19 123/1 125/1 130/19 133/14 134/12 134/22 136/10 137/4 141/24 150/23 153/12 153/18</p> <p>BEEN [35] 5/17 6/9 6/11 7/22 9/12 14/15 17/20 18/3 18/4 28/22 28/23 28/24 29/13 30/8 40/18 47/4 51/2 54/5 54/9 56/13 57/15 58/23 60/23 61/21 63/11 68/6 70/5 77/9 77/11 80/3 84/8 97/25 11/4 126/6 129/21</p> <p>BEFORE [23] 17/4 12/2 13/5 15/25 45/14 54/17 67/9 68/7 75/24 75/25 93/12 110/8 130/11 131/21 132/7 135/11 141/7 145/7 145/13 145/14 146/8 148/10 148/15</p> <p>BEGAN [2] 145/2 145/9</p> <p>BEGGING [1] 113/23</p> <p>BEGIN [1] 7/18</p> <p>BEHAVIOR [11] 40/19 40/22 41/5 44/17 46/3 46/9 46/11 46/17 55/11 56/10 57/16 BEHIND [15] 7/11 10/22 11/05 116/18 116/19 117/1 117/6 130/13 130/15 133/16 134/15 136/2 136/2 141/15 145/17</p> <p>BEING [5] 14/3 14/4 41/13 50/15 153/5</p> <p>BELEEF [1] 100/19</p> <p>BELEVE [12] 4/22 5/3 21/6 34/10 50/35 51/10 60/1 110/1 138/9 154/1 154/11 154/14 154/20</p> <p>BELEY [1] 16/25</p> <p>BELOW [2] 16/25 143/16</p> <p>BENCH [1] 125/21</p> <p>BESIDES [2] 52/14 53/4</p> <p>BEST [1] 115/10</p> <p>BETWEEN [47] 8/2 10/12 13/20 14/12 21/21 26/6 27/5 27/19 40/17 49/24 69/7 69/11 73/22 73/23 73/25 79/15 82/13 82/17 82/16 92/13 104/11 107/10 108/8 110/10 119/13 119/25 118/24 119/3 119/15 119/22 122/16 123/9 124/6 124/15 124/16 124/19 124/20 124/23 125/7 136/5 137/10 140/15 143/8 143/10 143/15 152/12 152/21</p> <p>BIG [1] 54/8</p> | <p>BINDOVER [1] 150/8</p> <p>BIT [3] 46/21 102/18 117/17</p> <p>BLACKS [1] 68/1</p> <p>BLOOD [19] 15/14 15/20 16/3 26/25 28/15 31/15 32/12 36/5 36/8 36/21 37/21 38/8 40/17 47/3 47/12 57/6 57/14 86/25 91/12</p> <p>BLUE [4] 19/24 59/18 59/20 139/16</p> <p>BLUNT [1] 9/2</p> <p>BOB [1] 81/20</p> <p>BOBBY [192]</p> <p>BOBBY'S [18] 86/24 87/23 91/8 92/9 93/14 102/22 105/8 107/25 108/2 108/6 109/10 110/2 119/23 120/9 131/24 138/23 145/15 145/18</p> <p>BODY [25] 72/1 72/4 72/4 84 82/1 82/2 82/3 82/5 9/1 10/14 13/3 13/5 13/6 13/6 13/10 17/5 17/6 17/12 17/18 18/23 30/16 32/16 44/15 56/9 119/23</p> <p>BORROWED [1] 104/2</p> <p>BOT [1] 123/23</p> <p>BOTH [10] 4/19 5/23 39/20 39/24 59/4 107/10 126/15 146/24 154/5 154/22</p> <p>BOTTOM [8] 24/10 73/9 76/20 80/13 80/14 116/24 117/10 123/16</p> <p>BOILER [16] 60/9 67/19 86/14 86/15 89/16 90/10 90/14 127/17 135/15 135/16 135/18 136/19 137/17 138/4 141/4 144/11</p> <p>BOWEL [1] 17/15</p> <p>BRACE [1] 54/7</p> <p>BREAK [3] 8/3 8/3 65/12</p> <p>BRIEFLY [7] 7/17 10/10 18/2 50/7 118/19 125/18 142/10</p> <p>BRING [3] 7/25 21/3 56/20</p> <p>BROKEN [1] 10/13</p> <p>BROUGHT [2] 7/22 40/2</p> <p>BROWN [1] 19/25</p> <p>BRUISE [5] 10/23 19/8 19/10 19/10 19/22 26/8</p> <p>BRUISES [3] 25/1 25/1 46/12</p> <p>BUILDING [12] 71/7 71/10 100/4 100/11 123/13 130/1 137/5 138/22 144/12 144/15 144/17 145/1</p> <p>BUILDINGS [1] 71/8</p> <p>BULLET [2] 13/3 17/4</p> <p>BURN [3] 13/4 13/6 14/9</p> <p>BURNS [1] 13/7</p> <p>BUT [1] 119/24</p> <p>BUTTOCKS [6] 16/8 16/9 16/18 16/19 17/14 17/25</p> <p>BUTTON [1] 16/25</p> | <p>6/18 9/13 10/22 11/1 12/8 12/23 13/4 13/10 13/13 13/17 14/5 19/9 19/10 19/13 21/10 22/20 23/17 31/25 32/2 32/16 32/17 33/16 33/17 33/17 34/15 37/13 37/16 40/9 41/18 41/19 44/5 44/24 47/8 47/16 47/24 47/24 52/14 52/23 57/8 58/5 59/7 63/5 72/23 75/21 81/12 108/9 108/9 115/10 125/18 126/18 133/19 139/15 149/24 151/15 151/20 152/1 152/4 152/4 152/4 155/13 155/13 155/13 CAN'T [7] 47/19 52/22 52/18 106/4 109/6 114/23 128/3</p> <p>CAR [52] 66/17 66/18 66/19 68/9 68/9 68/12 68/16 69/3 69/24 70/25 87/6 87/10 90/5 106/8 106/15 108/6 114/21 115/11 115/13 115/18 115/18 115/21 116/2 116/4 121/17 124/9 124/10 127/25 128/1 128/2 130/15 133/22 134/8 137/14 137/14 138/7 138/8 138/9 138/17 141/8 143/8 143/10 143/12 143/15 144/16 144/21 145/7 145/11 145/16 145/18 145/23 152/20</p> <p>CARRYING [5] 147/14 149/11 153/25 154/21 155/8</p> <p>CARS [12] 80/23 116/5 119/12 124/19 121/19 122/10 123/17 123/9 125/7 125/9 140/22 140/24</p> <p>CASE [43] 3/1 1/7 4/24 7/22 8/5 8/14 8/16 8/20 9/1 9/10 10/28 10/20 14/13 14/16 14/23 17/1 18/9 20/1 20/1 30/16 32/20 33/21 34/6 34/10 34/11 35/24 37/18 45/17 45/18 45/22 46/5 50/15 51/25 52/5 53/3 53/7 53/16 53/18 113/21 148/3 151/19 151/25 152/10</p> <p>CASES [2] 33/24 152/8</p> <p>CASINO [12] 60/14 60/16 63/1 65/4 97/5 97/8 97/14 97/15 98/2 98/6 99/11 99/23</p> <p>CATEGORY [2] 52/22 147/15</p> <p>CAUSE [12] 7/4 8/12 19/10 44/23 50/15 50/20 51/24 52/4 52/6 52/11 150/2 152/1</p> <p>CAGES [2] 45/3 53/6</p> <p>CAVITY [2] 15/15 15/16</p> <p>CELL [1] 127/21</p> <p>CENTER [1] 137/16</p> <p>CERTAINLY [1] 15/21</p> <p>CERTAINTY [1] 18/10</p> <p>CERTIFICATE [1] 1/24</p> <p>CERTIFIED [1] 155/21</p> <p>CHALLENGE [7] 149/14 150/17 150/19 151/8 151/4 151/15 154/8</p> <p>CHALLENGED [2] 148/1 151/11</p> <p>CHALLENGING [5] 19/12 147/23 149/19 154/4 154/7</p> <p>CHANGED [1] 123/4</p> <p>CHARGE [8] 149/9 150/8 150/12 150/13 150/16 152/9 153/9 154/3</p> <p>CHARGES [2] 153/9 154/24</p> <p>CHARLIE'S [47] 60/7 60/8 60/12 61/8 64/7 64/9 64/17 65/14 65/14 65/16 65/22 65/25 67/4 67/25 69/2 69/10 69/10 74/6 74/9 75/25 76/3 76/8 88/2 94/24 95/5 95/10 95/15 95/1 98/9 100/1 100/2 101/15 101/19 105/11 127/10 127/19 128/15 128/17 129/14 142/19 148/2 149/18 150/20 151/3 152/13 152/20 154/6</p> <p>CHASED [2] 119/12 121/19</p> <p>CHASING [14] 119/14 119/18 122/25 141/13</p> <p>CHAVEZ [1] 34/10</p> <p>CHECK [1] 67/3</p> <p>CHECKED [1] 139/7</p> <p>CHECKING [1] 65/25</p> |
|---|---|--|

| | | |
|--|---|---|
| <p>C</p> <p>CHIEF [19] 11/4 11/23 14/13 15/4 15/8 15/14 15/16 16/3 16/11 30/19 119/16 119/21 119/21 122/1</p> <p>CHEVROLET [9] 82/25 83/13 83/19 85/6 136/2 138/18 140/11 140/15 141/8</p> <p>CHILD [3] 101/2 101/4 129/11</p> <p>CHOOSE [1] 38/22</p> <p>CHU [2] 79/18 79/18</p> <p>CHU-CHU [1] 79/18</p> <p>CIRCULATORY [1] 57/9</p> <p>CIRCUMFERENTIAL [1] 11/9</p> <p>CIRCUMSTANCES [1] 13/25</p> <p>CLARIFICATION [1] 133/21</p> <p>CLARIFY [4] 17/19 30/25 82/19 136/17</p> <p>CLARK [9] 1/4 4/1 6/7 6/25 34/9 34/20 42/21 45/17 67/23</p> <p>CLEAN [1] 82/3</p> <p>CLEANED [1] 14/11</p> <p>CLEAR [1] 31/22</p> <p>CLERK [3] 4/15 12/61 154/25</p> <p>CLICK [3] 112/21 125/3 125/7</p> <p>CLIENT [3] 148/20 152/20 153/3</p> <p>CLIENT'S [1] 153/18</p> <p>CLIENTS [1] 45/17</p> <p>CLIPPED [1] 28/24</p> <p>CLIPPINGS [1] 31/19</p> <p>CLOSE [18] 12/24 13/6 13/24 14/1 16/12 16/14 25/13 30/12</p> <p>CLOSE-UP [4] 16/42 16/4 25/13 30/12</p> <p>CLOSENESS [1] 12/17</p> <p>CLOSER [3] 17/7 17/9 20/7</p> <p>CLOSING [1] 148/12</p> <p>CLOTHES [4] 34/3 99/1 122/2 122/3</p> <p>CLOTHING [17] 13/18 13/22 14/3 14/9 32/5 32/6 32/7 32/11 32/11 32/13 32/15 32/23 33/2 34/14 34/25 35/10 35/15</p> <p>COCKED [1] 79/19</p> <p>CODE [3] 32/6 155/2 155/6</p> <p>COLLAPSE [1] 57/9</p> <p>COLON [1] 17/15</p> <p>COLOR [2] 19/19 20/2</p> <p>COLORS [1] 19/21</p> <p>COMB [30] 5/2 28/21 41/6 60/2 60/6 60/13 60/18 64/2 65/24 67/3 68/3 71/24 75/5 81/2 81/4 85/3 99/25 103/13 115/7 117/10 123/14 123/16 125/1 133/25 138/22 139/10 141/20 141/21 142/5 155/9</p> <p>COMES [11] 8/21 15/12 41/1 107/15 107/18 116/24 117/10 121/12 123/19 140/10 143/14</p> <p>COMFORTABLE [2] 23/10 39/1</p> <p>COMING [17] 39/31 41/3 72/1 73/10 84/9 84/11 84/14 107/8 115/9 116/1 120/9 122/19 123/6 125/3 135/9 145/13 152/23</p> <p>CONJURE [1] 147/23</p> <p>COMMENTS [1] 46/22</p> <p>COMMITTED [2] 154/22 154/23</p> <p>COMMON [1] 27/24</p> <p>COMMONLY [1] 54/18</p> <p>COMMUNICATION [5] 63/20 64/22 67/10 69/4 151/8</p> <p>COMMUNICATIONS [2] 63/22 63/24</p> <p>COMPLETE [1] 29/11</p> <p>COMPLEX [6] 94/10 94/12 114/15 135/20 140/8 140/9</p> <p>CON [1] 26/1</p> <p>CONCEALED [17] 147/15 147/18 149/11</p> | <p>153/25 154/2 154/21 155/8</p> <p>CONCENTRATION [1] 47/13</p> <p>CONCERNED [2] 36/24 39/11</p> <p>CONCLUSION [3] 44/23 57/11 153/16</p> <p>CONCLUSIONS [1] 42/20</p> <p>CONDUCT [6] 7/14 8/7 45/2 153/5 153/5 153/8</p> <p>CONDUCTED [1] 7/1</p> <p>CONDUCTING [1] 8/8</p> <p>CONFRONTATION [4] 87/13 88/1 88/5 151/14</p> <p>CONFRONTED [1] 153/19</p> <p>CONFUSED [1] 92/11</p> <p>CONFESSION [2] 57/8 150/2</p> <p>CONNECTICUT [3] 61/7 61/8 62/0</p> <p>CONSIDER [1] 55/8</p> <p>CONSIDERED [4] 37/3 38/3 38/13 45/14</p> <p>CONSISTENT [13] 32/13 40/24 44/17 46/2 46/9 46/13 46/14 50/12 51/2 51/7 51/13 54/15 55/3</p> <p>CONSUMED [1] 47/4</p> <p>CONTACT [13] 12/21 12/24 60/3 60/6 60/13 60/16 63/15 64/2 64/10 65/24 75/34 130/23 130/23</p> <p>CONTAIN [2] 8/11 31/18</p> <p>CONTENTS [4] 17/17 18/3 18/6 43/9</p> <p>CONTINUE [3] 73/11 79/13 149/24</p> <p>CONTINUED [1] 151/8</p> <p>CONTINUING [1] 79/8</p> <p>CONTRARY [1] 35/15</p> <p>CONTRIBUTORY [2] 45/24 45/25</p> <p>CONTRUSION [6] 10/23 20/8 20/24 26/6 26/8 51/9</p> <p>CONTRUSIONS [1] 26/1</p> <p>CONVERSATION [15] 64/25 65/13 73/6 73/8 73/11 73/21 75/15 76/12 76/13 93/12 100/14 101/14 101/18 103/8 107/10</p> <p>CONVICTION [1] 93/18</p> <p>CONVULSIONS [1] 57/9</p> <p>COP [1] 155/53</p> <p>COPS [2] 89/18 145/23</p> <p>COPY [7] 22/8 146/21 147/2 147/5 147/6 155/12 155/14</p> <p>CORONER'S [2] 6/7 6/25</p> <p>CORRECT [199]</p> <p>COULD [42] 13/20 14/1 18/6 19/21 20/9 20/14 20/15 21/10 22/13 22/16 23/17 24/6 25/14 25/17 25/18 27/5 29/21 32/24 32/25 35/4 35/5 35/6 35/17 39/24 39/24 49/21 53/18 53/19 53/20 54/10 54/11 67/3 72/5 78/11 79/25 81/1 82/6 126/14 131/7 134/12 134/18 144/7</p> <p>COLLISION [15] 130/19 131/3 133/14 134/22 147/17</p> <p>COUNSEL [3] 9/7 22/12 70/5 126/21 152/3</p> <p>COUNT [1] 147/14</p> <p>COUNTY [19] 1/4 4/1 6/7 6/25 34/9 34/20 42/21 45/17 67/23</p> <p>COUP [1] 118/25</p> <p>COUPLE [20] 31/18 65/5 68/2 88/25 90/17 96/18 103/25 112/23 113/7 113/6 113/8 113/10 113/12 113/14 113/15 117/16 122/21 123/2 147/10 155/4</p> <p>COURSE [17] 9/23 19/2 69/2 72/10 90/25 110/14 139/7</p> <p>COURT [7] 1/3 7/10 7/10 64/11 153/11 154/25 155/23</p> <p>COURT'S [5] 49/21 58/3 113/23 151/25</p> | <p>155/17</p> <p>COURTROOM [4] 43/20 58/13 59/14 139/13</p> <p>COVERED [8] 56/12 56/17 56/18 56/19 56/22</p> <p>CPR [3] 139/9 139/11 141/21</p> <p>CREATE [1] 8/8</p> <p>CRIME [1] 33/16</p> <p>CRIMES [1] 154/23</p> <p>CROSS [9] 2/6 2/16 18/17 18/20 56/22 88/12 88/18 139/23 140/1</p> <p>CROSS-EXAMINATION [8] 2/6 2/16 18/17 18/20 88/12 88/18 139/23 140/1</p> <p>CSA [2] 28/19 33/25</p> <p>CSI [2] 28/19 33/25</p> <p>CURRENTLY [1] 147/19</p> <p>CUT [14] 19/7 20/6 20/13 38/22</p> <p>CUTS [2] 35/1 46/12</p> <p>D</p> <p>DAD [8] 86/21 86/22 86/23 86/24 87/23 91/6 91/8 152/16</p> <p>DAMAGE [3] 18/21 13/24 16/1</p> <p>DARK [1] 32/11</p> <p>DASH [1] 22/14</p> <p>DATE [2] 4/7 30/19</p> <p>DAY [3] 7/19 47/5 154/25</p> <p>DEADLY [1] 154/21</p> <p>DEALING [1] 39/18</p> <p>DEATH [15] 7/5 8/12 15/25 18/7 18/10 18/14 19/15 45/24 46/1 46/19 50/15 51/24 52/14 52/21 153/9</p> <p>DEATHS [1] 7/5</p> <p>DEBRIS [1] 109/14</p> <p>DECEDENT [17] 7/22 13/18 13/22 14/20 18/23 23/2 24/4 31/1 33/14 36/1 41/25 94/8 149/13 149/20 152/22 153/4 153/20</p> <p>DECEDENT'S [3] 16/24 23/22 36/8</p> <p>DECEMBER [7] 7/14 60/1 88/20 88/20 88/21 92/13 126/24</p> <p>DECIDE [2] 104/8 148/3</p> <p>DECISION [1] 45/8</p> <p>DEDUCE [1] 27/23</p> <p>DEFECT [2] 32/12 32/13</p> <p>DEFEEN [1] 151/6</p> <p>DEFENDANT [74] 1/10 1/21 59/21/21 49/24 50/3 59/22 60/3 60/5 60/13 60/15 60/16 64/30 64/33 64/22 65/21 66/8 67/8 67/18 68/6 69/19 73/9 73/19 74/4 76/14 77/4 77/25 78/2 78/8 78/23 79/16 80/15 80/20 81/24 82/9 83/23 84/2 84/4 84/14 84/23 85/8 85/13 85/25 86/4 86/10 87/13 87/20 88/8 88/16 96/13 97/11 100/25 101/15 101/19 113/25 119/23 122/9 130/15 131/15 131/17 136/18 137/22 138/3 138/6 139/20 140/24 141/13 145/15 147/16 148/1 151/7 151/11 151/6 154/22</p> <p>DEFENDANT'S [8] 66/3 66/5 66/13 70/11 71/21 80/5 101/19 151/15</p> <p>DEFENSE [11] 4/11 23/11 23/18 21/19 21/22 21/24 108/21 148/18 149/8 153/20 154/16</p> <p>DEFENSE'S [3] 3/3 108/18 149/4</p> <p>DEFICIT [2] 37/17 39/23</p> <p>DEFUSE [1] 76/10</p> <p>DEGREE [1] 18/9</p> <p>DELIBERATION [6] 147/21 151/24 152/9 153/8 153/12 153/18</p> |
|--|---|---|

| | | |
|--|--|---|
| D | 22/13 22/16 22/20 23/19 28/4 28/16 28/18 28/23 29/3 29/5 29/15 29/16 30/24 30/25 33/3 33/4 33/5 33/21 35/2 38/8 43/19 43/21 46/4 47/1 48/15 51/19 53/10 54/9 57/10 57/17 58/12 59/3 59/11 59/14 59/15 61/22 62/11 62/23 67/20 70/7 72/12 74/21 76/7 76/24 77/2 77/10 77/10 79/4 79/5 79/10 81/2 85/2 85/8 85/25 86/18 88/8 91/16 93/18 93/19 94/3 94/10 97/21 100/21 101/4 108/10 105/13 105/15 105/17 106/18 107/6 107/8 107/25 108/6 116/15 118/25 120/4 120/4 130/4 132/20 135/10 135/11 136/24 130/8 134/17 136/23 137/3 138/8 138/16 139/13 139/14 140/10 140/24 143/2 150/23 150/24 | DEMONSTRATES [1] 16/14 DEPARTMENT [1] 51/19 DEPENDS [1] 13/11 DEPENDS [1] 38/16 DEPICT [3] 24/14 25/12 30/6 DEPICTED [3] 11/7 11/18 12/23 DEPICTION [1] 70/13 DEPICTIONS [1] 9/23 DEPICTS [1] 24/3 DEPUTY [1] 1/19 DESCRIBE [15] 7/18 8/18 11/2 12/8 12/20 19/21 20/21 24/6 25/1 27/5 27/17 54/32 59/16 81/12 139/15 DESCRIBED [2] 18/5 26/17 DESIGNATED [1] 31/9 DETECTED [2] 49/5 49/6 DETECTIVE [2] 34/24 93/6 DETECTIVES [8] 33/17 51/18 89/2 89/5 93/9 142/14 142/15 142/15 DETERMINATION [9] 13/17 17/23 19/22 23/17 25/17 33/2 51/24 52/4 52/11 DETERMINATIONS [1] 14/13 DETERMINE [6] 12/4 14/18 14/21 16/10 19/10 19/12 DETERMINING [1] 53/4 DEVELOP [1] 19/15 DIANA [1] 71/4 DICTATES [1] 40/13 DID [188] DIDN'T [51] 17/5 17/5 17/6 17/11 20/7 30/23 33/4 33/5 33/2 69/12 71/16 86/21 87/20 87/23 87/24 90/1 90/9 91/5 91/5 91/18 91/24 92/1 92/3 93/12 98/20 99/19 102/4 102/4 102/8 102/25 102/25 103/1 103/9 103/18 103/16 105/25 106/1 109/7 109/21 111/5 121/18 130/12 134/16 132/5 133/17 134/25 136/16 141/7 144/19 145/3 150/11 DIFFERENCE [1] 26/6 DIFFERENT [4] 41/6 41/6 55/7 75/22 DIFFERENTIAL [2] 33/25 47/20 DIFFICULT [1] 15/23 DIGIT [4] 37/6 38/8 38/12 38/12 DIGITS [2] 37/6 38/15 DIRECT [13] 2/8 2/10 2/15 6/4 7/13 19/2 34/13 59/9 59/25 57/16 114/5 126/21 126/23 DIRECTION [3] 83/23 84/4 137/22 DIRECTLY [6] 23/13 23/14 104/19 124/20 129/13 149/19 DIRECTS [1] 35/2 DISAGREE [2] 57/10 57/17 DISBELIEVE [1] 43/9 DISCOLORATION [1] 17/12 DISCOVERY [2] 21/6 41/21 DISCUSS [1] 150/8 DISCUSSED [4] 28/10 30/7 51/8 54/20 DISCUSSING [1] 133/10 DISCUSSION [8] 21/21 49/24 64/4 64/6 88/16 99/19 108/8 113/25 DISORDER [2] 37/17 39/23 DISRESPECT [1] 56/12 DISTANCE [1] 104/24 DISTRIBUTE [1] 89/24 DISTRICT [3] 1/19 7/10 154/25 DO [117] 5/9 5/14 5/21 5/23 6/19 7/4 7/7 7/20 8/8 8/14 9/17 9/18 11/6 11/6 11/17 12/19 15/24 16/5 16/7 16/20 17/2 19/18 |
| 22/13 22/16 22/20 23/19 28/4 28/16 28/18 28/23 29/3 29/5 29/15 29/16 30/24 30/25 33/3 33/4 33/5 33/21 35/2 38/8 43/19 43/21 46/4 47/1 48/15 51/19 53/10 54/9 57/10 57/17 58/12 59/3 59/11 59/14 59/15 61/22 62/11 62/23 67/20 70/7 72/12 74/21 76/7 76/24 77/2 77/10 77/10 79/4 79/5 79/10 81/2 85/2 85/8 85/25 86/18 88/8 91/16 93/18 93/19 94/3 94/10 97/21 100/21 101/4 108/10 105/13 105/15 105/17 106/18 107/6 107/8 107/25 108/6 116/15 118/25 120/4 120/4 130/4 132/20 135/10 135/11 136/24 130/8 134/17 136/23 137/3 138/8 138/16 139/13 139/14 140/10 140/24 143/2 150/23 150/24 | DOES [22] 8/11 17/10 24/14 25/13 28/21 30/6 30/18 30/21 31/12 35/17 41/4 41/12 44/8 94/12 102/13 104/6 105/17 117/15 117/16 132/22 147/9 147/10 DOESN'T [2] 106/6 181/13 DOING [4] 35/13 97/1 101/21 134/24 DON'T [82] 5/3 5/9 13/14 13/15 14/6 21/5 22/3 22/5 22/7 23/13 28/18 29/3 30/22 30/25 32/10 33/4 33/6 34/2 35/9 37/2 38/23 39/10 40/25 43/8 44/3 44/3 45/1 45/23 45/25 47/20 48/14 48/19 54/5 54/20 55/4 55/14 55/15 56/11 58/9 58/15 62/24 63/23 67/12 67/13 72/19 75/18 76/2 76/4 87/18 87/18 89/10 92/8 92/8 94/3 96/6 96/18 96/20 96/22 96/23 97/18 97/20 98/1 99/16 99/17 100/13 100/22 101/5 105/14 105/16 110/15 110/21 110/25 111/8 112/1 113/22 120/1 130/14 144/25 150/4 150/7 151/5 152/6 DON'T KNOW [1] 44/3 DONE [17] 7/7 7/8 9/15 28/18 28/19 28/22 28/23 30/4 33/1 33/7 34/17 35/4 35/24 36/1 147/5 149/24 149/25 DOOR [1] 13/20 13/20 67/3 103/3 DORSAL [1] 24/15 DOSAGE [1] 44/15 DOSE [3] 47/11 57/2 57/3 DOSES [3] 56/25 57/1 57/7 DOUBLE [2] 37/6 38/12 DOWN [51] 8/23 26/25 39/11 39/21 50/23 51/4 51/13 54/3 54/6 61/4 65/12 66/24 71/25 72/1 73/10 76/20 78/16 81/8 81/8 83/10 83/10 84/23 85/17 97/16 101/22 107/8 107/15 115/7 115/9 116/1 116/24 117/10 120/9 122/19 123/13 127/16 127/16 132/7 132/14 138/6 138/24 140/10 145/1 145/7 145/9 145/13 145/14 145/15 150/14 151/13 152/23 DOWNARD [1] 83/10 DOWNSTAIRS [1] 145/21 DOWNWARD [1] 12/15 DR [2] 57/2 5/25 DRAW [1] 42/20 DRINKING [2] 103/10 103/13 DRIVE [6] 105/23 106/4 108/4 132/4 144/6 149/15 DRIVER'S [2] 61/22 61/23 DRIVING [5] 61/8 66/21 68/9 103/22 127/25 DROVE [6] 104/17 108/10 127/13 142/16 142/20 144/11 | |
| DRUG [6] 36/19 36/20 37/16 39/20 39/21 39/25 DRUGS [1] 42/16 DUDE [3] 79/4 122/20 125/11 DULY [3] 5/17 58/23 126/6 DURLANGO [1] 128/5 129/22 129/25 130/3 DURING [13] 6/24 7/6 8/20 9/23 19/2 28/18 28/21 69/2 71/16 72/10 88/1 88/5 110/14 DUTY [1] 7/3 | E EACH [4] 63/15 82/16 101/8 103/4 EARLIER [6] 30/8 54/20 94/24 95/1 95/7 95/9 EARLY [2] 60/1 126/23 EASIER [1] 34/12 EAST [1] 71/15 EDGE [1] 123/13 EFFECT [3] 39/18 52/4 55/13 EFFECTED [2] 52/6 52/7 EIGHT [6] 16/7 16/8 24/10 74/11 78/25 94/21 EIGHTH [3] 7/9 15/15 154/24 EITHER [12] 5/10 6/24 7/9 13/4 33/25 41/11 44/21 51/17 52/19 134/18 138/13 149/9 ELANTRA [1] 68/10 ELECTROLYTE [1] 42/17 ELEVEN [3] 10/5 17/7 146/12 ELICIT [1] 57/8 ELSE [11] 45/4 54/20 57/20 76/13 97/14 99/5 99/7 125/15 130/14 149/16 149/23 ELUCIDATE [1] 25/19 EMPLOYED [2] 6/6 6/9 EMPTIES [1] 123/23 EMPTY [2] 15/2 143/10 EMPTYING [1] 18/5 END [10] 13/14 13/15 17/10 21/9 22/30 67/4 84/14 87/20 137/25 143/13 ENDS [1] 14/4 ENFORCEMENT [4] 23/11 23/19 33/23 34/17 ENOUGH [3] 13/6 13/16 33/1 ENSURES [1] 107/20 152/25 ENTERING [1] 17/13 ENTIRE [2] 18/23 21/11 ENTITLED [4] 147/25 148/2 151/18 151/24 ENTRANCE [8] 11/3 11/7 11/11 14/25 16/9 16/10 16/19 32/23 ENTRY [1] 12/5 ESCORTING [2] 102/15 103/9 ESQ [1] 1/21 ESSENTIALLY [4] 7/25 41/9 52/13 119/11 ESTIMATE [1] 96/19 EVALUATING [2] 45/18 45/21 EVEN [6] 15/22 44/3 58/15 88/1 96/6 132/7 EVENING [7] 94/24 95/1 95/7 96/9 101/10 101/12 128/11 EVENTUALLY [3] 8/23 19/24 139/10 EVER [13] 13/12 63/8 63/11 63/25 65/24 84/11 87/13 87/16 88/2 88/6 102/3 102/6 140/20 EVERYBODY [2] 149/16 149/23 EVERYTHING [2] 53/7 61/4 EVIDENCE [10] 10/8 62/7 70/21 108/19 146/6 148/18 148/25 149/5 151/18 154/20 EVIDENCED [1] 46/12 EX [1] 67/4 EXACT [1] 36/9 | |

| | | |
|---|--|--|
| E | | |
| EXACTLY [2] 44/9 44/9 | FATAL [3] 15/17 18/3 154/18 | FOLLOWED [3] 133/18 134/15 154/18 |
| EXAMINATION [27] 2/5 2/6 2/7 2/8 2/10 2/11 2/12 2/13 2/15 2/16 6/4 18/17 18/20 19/2 26/23 26/10 50/5 53/12 59/9 88/12 88/18 114/6 118/21 120/6 126/21 139/23 140/1 | FATHER [9] 92/9 92/14 105/8 107/6 107/25 108/2 108/6 149/18 153/21 | FOLLOWING [2] 47/11 136/1 |
| EXAMINE [3] 18/23 23/6 32/6 | FATHERS [2] 109/10 110/2 | FOLLOWS [3] 51/9 58/25 126/8 |
| EXAMINED [2] 39/17 34/15 | FEBRUARY [2] 9/16 4/1 | FOOT [2] 51/3 153/6 |
| EXAMINER [12] 4/25 5/2 5/11 6/6 6/12 6/15 6/25 33/12 34/13 41/2 43/10 44/22 | FEE [10] 78/25 85/12 85/12 117/16 117/24 118/1 118/2 118/8 118/9 118/10 | FORCE [1] 9/2 |
| EXAMINER'S [1] 42/22 | FELL [13] 50/23 51/14 79/21 84/23 85/18 85/19 121/21 121/23 121/24 122/22 123/1 123/2 125/12 | FOREHEAD [1] 19/3 |
| EXAMPLE [3] 13/19 13/21 37/17 | FELLAS [1] 152/15 | FOREIGN [1] 25/29 |
| EXCLUDED [1] 58/9 | FELLOWSHIP [2] 6/19 6/21 | FORENSIC [3] 6/20 12/17 28/20 42/23 |
| EXCLUSIONARY [1] 4/20 | FELONIOUSLY [1] 147/20 | FORM [1] 18/9 |
| EXCISE [3] 36/20 101/17 146/13 | FELONY [2] 93/18 147/15 | FORMULATE [2] 33/18 33/19 |
| EXHIBIT [49] 2/21 2/22 2/23 2/24 3/4 3/5 10/7 10/10 10/17 11/1 11/3 11/13 11/17 15/2 16/5 16/13 16/20 21/11 21/11 21/18 21/22 21/24 22/9 22/14 40/19 44/16 61/22 62/6 70/20 80/3 83/13 83/21 85/2 86/15 108/10 108/17 108/18 108/22 114/4 120/8 129/22 132/22 140/3 143/4 146/14 146/16 146/19 148/24 149/4 | FEW [2] 68/1 118/25 | FORMULATING [3] 33/13 43/24 43/25 |
| EXHIBITED [2] 40/22 57/15 | FIANCE [1] 60/11 61/11 61/12 93/17 | FORTH [1] 73/14 75/21 97/3 99/25 102/16 103/3 107/13 107/14 111/16 117/13 132/9 |
| EXHIBITION [1] 96/2 | FIELD [1] 43/3 | FORWARD [5] 31/14 79/8 85/19 85/20 151/25 |
| EXHIBITS [9] 2/20 3/3 4/15 4/16 9/5 9/13 70/6 79/22 146/9 | FIGHT [30] 77/23 72/25 74/2 74/3 74/5 74/18 76/14 105/24 107/20 110/10 110/16 110/21 111/1 111/8 112/1 147/23 148/2 149/15 149/20 151/4 151/7 151/8 151/9 151/12 151/12 151/16 154/5 154/7 154/9 154/11 | FOUND [3] 36/8 42/6 42/9 |
| EXIST [1] 153/18 | FIGURE [2] 47/24 48/10 | FOUNDATION [6] 41/15 41/18 41/19 43/23 63/2 63/6 |
| EXIT [15] 11/21 11/24 12/6 16/11 17/1 17/2 17/5 17/6 17/8 17/9 32/23 65/14 68/16 68/14 68/19 | FINALLY [2] 24/9 132/14 | FOUNDATIONAL [3] 41/10 41/11 41/13 |
| EXITED [2] 17/15 17/16 | FIND [3] 150/22 151/1 152/1 | FOUR [32] 6/10 10/5 24/9 37/6 37/7 37/22 37/23 51/1 51/2 52/12 52/13 52/21 52/25 53/5 60/22 60/24 68/19 87/8 87/20 90/9 90/10 90/14 93/23 94/6 94/7 94/7 96/19 105/19 121/21 133/4 133/6 137/19 |
| EXPERIENCED [1] 56/4 | FINDING [2] 135/5 157 | FRAGMENTS [1] 145 |
| EXPERT [1] 86/5 | FINDINGS [5] 8/9 8/19 12/17 18/8 36/3 | FRANKLY [1] 151/23 |
| EXTERNAL [1] 8/19 | FINDS [1] 149/21 | FREAKED [2] 87/1 91/4 |
| EXTRAPOLATE [1] 47/23 | FINE [4] 32/1 23/17 45/1 147/1 | FREAKING [1] 86/19 |
| EXTREME [2] 115/16 116/5 | FINGER [8] 27/3 27/3 27/15 27/19 27/19 27/21 30/9 30/10 | FRESH [4] 25/1 25/3 25/4 25/6 |
| EXTREMES [3] 20/20 26/23 51/1 | FINGERAIL [3] 28/16 31/19 34/13 | FRIEND [4] 60/17 66/18 104/3 104/4 |
| EYE [8] 102/4 51/9 51/9 77/5 77/10 77/12 78/2 137/7 | FINGERAILS [2] 29/32 34/25 | FRIENDS [2] 66/19 105/23 |
| EYE-H [12] 10/6 80/25 | FINGERS [10] 24/15 24/17 24/18 26/24 27/4 27/14 28/24 30/7 31/17 54/23 | FRIENDS [3] 60/23 99/10 101/6 |
| | FINGERHIPS [1] 27/6 | FRONT [31] 12/13 17/22 28/4 61/2 67/3 68/5 74/12 85/4 85/6 117/18 117/20 118/13 120/12 121/9 121/13 121/17 121/25 123/23 124/1 134/3 125/13 134/5 140/11 140/12 140/16 140/17 140/19 141/17 146/22 146/25 151/20 |
| | FINISH [1] 80/1 | FUCKING [2] 11/11 111/9 |
| | FINISHED [3] 9/16 34/3 153/22 | FULL [1] 155/21 |
| | FIRE [2] 35/21 52/7 | FULLY [3] 17/11 132/10 154/1 |
| | FIREARM [3] 78/12 88/2 147/16 | FURTHER [24] 13/1 13/13 31/10 32/22 34/3 39/25 39/13 41/18 43/22 46/21 50/5 51/17 51/23 53/8 55/7 57/19 58/8 67/10 118/17 125/14 127/16 146/1 146/6 152/25 |
| | FIREARMS [1] 94/3 | FUTURE [1] 5/4 |
| | FIRE [3] 80/15 137/8 154/18 | |
| | FIRING [1] 135/19 | G |
| | FIRST [45] 4/18 4/25 5/17 10/22 19/23 27/19 41/21 46/22 80/19 52/19 58/23 59/4 60/5 61/15 64/10 71/19 71/20 74/4 77/23 78/25 78/25 85/9 85/10 85/16 86/22 95/2 96/12 96/15 108/2 114/18 119/15 119/20 120/16 120/17 120/18 121/20 125/12 126/6 126/14 126/16 130/28 131/7 133/16 135/21 135/24 | G-A-Y-L-N [1] 52/5 |
| | FIST [1] 55/3 | GAMBLE [1] 96/2 |
| | FISTICUFF [1] 54/15 | GAVE [1] 186/7 |
| | FISTICUFFS [3] 27/25 46/15 46/16 54/18 | GAVIN [4] 2/4 5/12 5/16 52/5 |
| | FIT [1] 52/22 | GENERAL [1] 92/25 |
| | FIVE [18] 24/9 52/16 57/24 66/7 93/23 93/23 96/19 105/4 105/5 105/6 105/7 119/6 121/21 131/9 133/4 133/6 137/20 151/12 | GENERALIZATION [1] 93/7 |
| | FLAMINGO [3] 94/17 94/18 94/19 | GENERALLY [1] 28/19 |
| | FLIGHT [1] 107/1 | GENERATE [1] 42/19 |
| | FLIGHTS [2] 106/25 107/1 | GESTURES [1] 81/15 |
| | FLIP [2] 9/14 31/7 | GET [35] 4/13 5/13 8/23 12/2 13/13 14/5 14/6 17/6 17/11 38/14 49/21 52/25 60/17 66/23 75/13 75/14 76/9 79/11 79/11 80/23 90/5 95/3 98/21 102/10 106/12 127/18 130/22 132/3 133/15 134/19 148/24 152/16 155/3 155/13 155/13 |
| | FLOOR [17] 71/23 80/5 80/6 80/7 106/19 106/20 107/2 107/16 114/19 114/20 115/4 115/5 138/19 130/20 131/7 149/22 152/22 | GETS [8] 10/13 54/3 104/5 104/6 106/15 121/7 149/15 152/20 |
| | FOLKS [3] 41/7 152/19 | GIPPING [6] 38/21 102/19 136/7 136/9 145/22 153/21 |
| | FOLLOW [4] 63/5 77/24 83/12 141/13 | GIRL [1] 92/20 |
| | | |
| F | | |
| FABRIC [1] 14/5 | | |
| FACE [15] 10/19 10/20 77/7 84/23 85/18 110/12 112/13 113/5 113/13 120/21 121/22 121/24 122/21 123/3 126/2 | | |
| FACED [1] 109/18 | | |
| FACING [4] 129/25 132/15 133/2 140/8 | | |
| FACT [6] 12/5 89/9 110/25 149/21 151/12 151/13 | | |
| FACTORS [1] 58/8 | | |
| FACTS [5] 50/12 151/20 153/15 154/1 154/4 | | |
| FACTUAL [2] 45/19 152/11 | | |
| FACTUALLY [1] 151/14 | | |
| FAIR [2] 52/24 70/13 | | |
| FAIR [4] 50/20 54/6 54/7 85/17 | | |
| FALLING [8] 51/3 51/7 51/13 53/21 54/16 | | |
| FALLS [1] 54/3 | | |
| FAMILIAR [1] 12/16 | | |
| FAMILY [2] 4/22 56/13 | | |
| FAR [16] 12/16 14/14 25/16 25/23 28/1 36/23 39/11 41/18 44/13 53/21 78/23 85/10 90/16 94/20 104/24 149/14 | | |
| FASHION [1] 22/4 | | |
| EAST [2] 123/12 149/16 | | |

| | | |
|---|---|---|
| <p>G</p> <p>GIRLFRIEND [4] 60/18 62/19 63/3 139/1 GIRLS [18] 69/22 71/16 87/6 91/4 105/18 106/8 115/10 115/18 GIVE [7] 50/58/11 98/12 98/13 105/21 106/1 139/6 GIVERS [1] 154/28 GIVING [5] 56/4 66/15 139/11 141/21 146/30 GLANCING [1] 135/9 GO [74] 5/13 5/22 7/22 17/6 23/12 23/6 34/1 39/13 39/15 41/18 44/6 44/11 45/12 46/21 48/11 48/12 55/7 58/20 59/2 60/15 60/16 60/17 64/6 65/21 66/3 66/14 66/23 68/4 70/11 71/2 74/7 74/8 79/8 83/23 84/4 85/23 86/10 86/11 87/5 90/4 90/8 90/9 93/3 95/19 96/3 98/15 99/23 102/24 103/1 103/12 104/10 104/19 105/17 105/18 106/13 116/11 116/11 116/13 117/16 125/8 125/22 126/13 128/24 129/13 133/15 141/2 141/4 144/14 147/6 149/18 150/24 152/7 154/15 154/16 GOES [12] 7/21 13/1 77/21 42/5 47/5 71/9 71/10 71/10 71/14 71/14 111/3 123/15 GOING [100] 4/24 7/13 9/12 11/12 12/14 14/4 14/5 14/6 14/11 15/2 16/4 24/7 25/11 28/23 32/23 33/9 39/10 39/13 40/25 43/22 44/6 47/23 48/1 48/11 48/12 50/11 54/6 55/19 57/24 58/14 59/25 61/4 63/2 65/8 65/9 65/10 65/18 67/3 69/3 69/10 69/11 70/23 70/24 75/8 76/17 79/3 79/5 79/9 89/3 83/12 83/24 84/1 84/2 86/12 89/18 93/14 96/2 96/3 97/2 98/10 98/12 98/13 98/15 98/16 102/10 104/12 108/11 110/14 111/2 111/3 111/16 112/8 126/23 130/9 132/8 132/18 133/15 134/21 134/21 135/11 136/1 136/4 136/10 136/18 146/19 147/14 147/19 148/8 148/9 148/22 149/11 150/2 150/15 151/25 151/25 152/13 153/9 153/18 153/19 154/3 GONNA [18] 4/13 72/11 72/13 72/16 73/2 79/3 73/4 76/18 76/22 79/4 102/20 105/24 112/1 112/2 112/10 122/20 125/18 125/11 GOOD [1] 6/8 GOT [43] 38/19 39/17 48/1 48/8 55/5 61/8 62/12 68/3 68/11 69/19 70/10 74/9 75/6 75/13 86/23 87/6 87/9 93/14 95/18 98/2 98/19 98/20 102/19 105/13 108/7 112/8 114/21 115/21 116/13 121/20 125/10 130/13 130/14 135/17 138/21 142/22 142/22 143/18 145/6 145/16 145/18 145/23 152/16 COTTEN [1] 66/19 GRABBED [2] 79/20 84/20 GREATER [1] 14/19 GREEN [1] 17/13 GROIN [1] 17/14 GROSSLY [1] 32/11 GROUND [4] 107/16 108/3 130/19 137/9 GROUP [1] 96/13 GUARDS [1] 74/12 GUESS [5] 45/6 51/22 62/13 88/21 97/3 GUN [31] 13/1 13/3 13/4 13/11 14/15 30/2 32/9 77/20 78/9 78/16 78/24 79/18 88/15 83/5 83/5 88/6 88/9 112/19 113/6 113/18 118/2 121/1 122/17 123/10 125/2 135/19 137/14 138/6 153/3 153/7 154/17 GUNPOWDER [2] 13/4 13/12 GUNSHOT [28] 9/2 10/25 11/3 11/4 13/11 11/21 12/2 12/4 12/5 12/18 12/21 12/24 15/9</p> | <p>16/9 16/19 17/25 18/13 32/14 32/17 35/3 50/14 50/20 51/4 53/7 GUNSHOTS [1] 84/18 GUY [4] 141/22 152/24 152/25 GUYS [3] 58/14 82/16 152/12</p> <p>H</p> <p>HELL-D-E-B-R-A-N-D [1] 59/6 H-E-L-L-A-N-D [1] 126/17 HEAD [44] 5/7 7/22 18/22 28/11 28/23 29/12 63/8 63/11 63/23 63/23 65/1 65/1 65/13 66/8 66/19 67/9 67/12 68/6 72/17 78/18 98/5 98/20 99/3 104/4 101/18 103/2 119/4 127/20 129/5 129/11 129/12 130/15 130/22 134/20 131/23 132/23 136/24 139/11 141/14 141/15 142/15 145/6 145/11 150/7 HALF [1] 138/21 HALLUCINATIONS [1] 57/9 HALLWAY [1] 58/18 HAND [37] 23/25 23/2 23/22 24/4 24/16 24/19 25/7 25/9 25/16 25/24 26/2 26/16 26/18 26/20 26/24 27/2 27/6 27/20 27/21 28/4 30/9 30/10 30/13 31/13 31/17 32/3 36/14 37/24 37/25 34/1 54/24 58/20 76/23 78/4 86/23 91/14 126/3 HANDS [3] 77/2 77/3 HANDS [11] 21/1 27/23 29/17 31/10 46/13 51/8 54/4 54/7 54/13 54/19 81/15 HANDWRITTEN [3] 88/24 89/1 142/8 HAPPEN [1] 103/7 HAPPENED [18] 20/14 20/15 31/4 67/13 67/14 69/22 76/19 77/18 79/18 90/21 93/15 130/24 130/25 133/1 133/11 151/3 152/14 153/12 HAPPENING [1] 121/9 HAPPENS [2] 55/15 152/11 HARD [1] 61/1 81/10 HARTFORD [2] 61/8 61/9 HAS [16] 4/15 10/12 10/15 17/12 21/18 24/15 32/11 47/4 47/25 48/8 60/23 75/15 75/18 108/2 108/6 153/25 HAVE [123] 53 59 53/2 69 61/1 62/2 71 78 79 71/2 71/4 9/8 12/25 13/16 14/10 14/15 15/24 16/12 17/20 18/3 18/4 20/14 20/15 21/1 21/5 22/7 22/10 26/1 27/4 27/9 27/16 28/24 29/2 29/3 29/21 30/24 32/4 32/4 32/10 35/9 35/23 36/9 38/7 38/23 38/25 39/2 39/13 40/18 40/22 42/8 46/5 46/23 48/5 48/20 51/2 52/6 52/7 53/8 54/5 54/9 54/10 54/11 54/17 54/17 54/18 57/10 57/15 57/17 58/12 59/2 60/2 60/15 60/18 60/21 62/11 62/18 63/22 64/3 64/4 64/21 67/9 69/3 71/3 72/14 75/24 77/9 77/11 81/7 84/8 88/2 91/24 92/1 92/3 92/7 93/14 93/12 93/18 97/24 102/6 103/7 110/15 112/8 114/22 120/1 126/13 127/21 129/1 130/2 136/8 146/10 146/11 146/16 148/20 150/22 151/5 151/9 152/19 153/8 153/16 154/22 155/4 155/11 155/14 HAVEN'T [2] 59/10 148/14 HAVING [8] 5/17 17/10 58/23 61/1 101/23 107/13 130/11 126/6 HE [246] HE [1] 104/15 HE'S [24] 21/24 35/1 49/10 59/16 59/20 82/19 99/24 102/19 108/7 112/8 112/8 116/13 127/8 139/15 139/16 141/25 148/22 149/19 150/8 152/22 152/23 152/23 152/24</p> | <p>153/18 HEAD [3] 132/14 138/4 153/6 HEADING [1] 81/21 HEALING [1] 19/15 HEAR [6] 72/5 72/9 99/19 109/7 125/2 144/19 HEARD [8] 45/1 78/21 104/11 134/24 135/22 136/13 141/13 141/25 HEARING [6] 1/12 4/8 21/9 22/20 61/1 73/22 HEARSAY [1] 41/14 75/13 75/16 HEART [2] 15/12 54/8 HECK [1] 37/8 HEIGHT [2] 49/9 49/15 HELD [2] 78/24 129/8 HELL [4] 23/3 76/17 111/3 112/10 HELP [3] 29/6 33/18 81/17 HER [36] 44/5 44/7 44/7 44/21 44/21 44/22 55/21 56/15 60/18 61/13 62/23 62/25 63/25 63/25 72/12 72/14 72/17 73/2 73/4 76/17 76/18 76/22 99/14 101/11 110/15 111/1 111/3 111/3 111/9 111/11 112/2 112/9 112/11 129/3 129/4 136/20 HERE [47] 5/4 5/9 6/22 6/23 10/12 12/10 16/16 34/18 38/19 40/14 40/4 43/20 44/6 44/21 45/23 47/7 57/13 64/11 67/23 81/9 82/10 82/12 82/24 86/6 102/18 115/24 116/10 116/10 120/10 120/23 121/4 121/20 122/25 123/12 123/16 123/22 126/1 134/3 134/4 137/18 138/9 139/4 140/14 141/10 141/22 143/9 152/11 HER [1] 120/16 HERBY [1] 154/23 HEREIN [2] 153/8 154/23 HIGH [7] 38/11 56/25 57/1 57/2 57/3 57/6 57/7 HIGHER [4] 39/13 39/14 39/15 130/19 HIGHWAY [16] 60/9 57/19 86/14 86/15 89/16 90/10 90/14 127/17 135/15 135/16 135/18 136/19 137/17 138/4 141/4 144/11 HILDEBRAND [7] 2/9 58/7 58/22 59/5 125/17 154/5 154/12 HIM [125] 22/10 35/3 51/7 55/15 59/16 60/18 60/25 62/14 72/11 72/16 74/3 74/19 75/5 75/6 75/21 76/16 76/23 76/23 76/23 76/24 77/22 78/9 78/11 79/12 79/19 79/20 80/16 80/22 80/23 80/24 82/7 82/20 82/22 83/11 84/9 84/20 85/9 86/2 86/2 86/3 86/3 86/11 86/24 88/3 95/2 96/4 95/17 96/15 97/5 98/12 98/16 98/21 98/24 101/21 102/15 103/9 104/14 108/4 112/11 112/12 114/20 115/2 115/3 117/7 117/9 118/5 118/6 118/8 119/24 121/19 121/20 122/11 122/18 122/18 122/21 122/25 123/1 123/7 125/9 125/12 127/10 127/12 127/12 127/13 127/15 127/19 128/11 128/14 128/17 128/19 129/12 131/19 131/19 131/23 133/18 134/14 134/15 135/18 136/1 136/31 136/24 137/3 137/7 138/24 139/4 139/11 139/15 140/10 141/4 141/7 141/10 141/14 141/15 142/3 142/16 142/20 144/6 144/16 144/23 144/25 148/10 148/15 149/22 150/20 154/4 HIMSELF [3] 84/20 130/16 145/19 HIS [70] 9/23 15/14 15/16 16/3 24/15 24/16 24/16 24/19 27/21 36/5 37/16 45/2 45/24 46/1 47/25 55/10 57/6 60/17 60/19 61/2 68/5 71/23 77/1 77/19 78/6 78/7 78/8 78/11 79/20 84/23 85/18 86/7 86/8 86/21 86/22 87/16</p> |
|---|---|---|

| | | |
|--|--|--|
| <p>H</p> <p>HHS... [3-4] 90/11 91/6 99/1 99/2 99/25 101/15 102/19 104/9 106/13 107/6 112/18 113/18 116/12 116/13 121/1 121/22 121/24 122/1 122/23 123/3 127/4 133/2 138/6 139/8 145/1 147/16 148/10 148/15 148/20 149/15 152/16 153/19 153/19 153/21 HIT [21] 15/11 23/15 25/16 54/21 54/21 76/21 76/23 76/24 77/4 79/18 80/16 82/7 112/11 113/5 113/13 118/5 119/16 119/30 119/21 123/7 134/14 HITS [18] 13/5 107/23 110/22 116/25 117/15 118/6 120/21 122/11 HOLD [9] 55/20 78/24 75/12 82/18 90/13 90/11 109/25 123/15 151/1 HOLDING [1] 135/19 HOLLAND [22] 2/14 7/15 9/23 60/19 60/21 94/6 94/10 125/23 125/25 126/5 126/16 127/5 143/25 143/25 144/3 144/5 144/20 146/4 147/23 147/24 148/1 152/16 HOME [9] 66/16 67/18 87/10 90/6 98/12 98/16 104/10 104/14 153/19 HOMICIDE [5] 18/15 34/14 45/3 52/21 53/6 HONOR [35] 4/10 4/12 5/10 9/5 18/4 18/18 21/10 22/5 22/31 42/23 49/22 53/10 55/25 56/24 57/20 58/18 59/22 61/18 63/4 70/3 70/18 88/13 88/14 108/10 114/1 118/17 133/19 139/20 148/6 148/19 148/22 149/12 158/16 152/7 152/7 HONORABLE [1] 1/14 HONORS [1] 5/14 HOOK [1] 8/1 HOSPITAL [6] 6/18 6/19 7/23 30/17 30/20 30/23 HOSPITALS [1] 30/25 HOURS [11] 18/7 24/1 39/8 39/8 47/14 48/16 48/18 48/20 60/1 126/24 128/12 HOUSE [2] 74/20 131/24 HOW [65] 6/9 6/11 7/6 7/7 7/18 7/18 11/6 11/6 13/11 14/14 14/21 15/25 17/20 18/2 19/16 24/17 25/1 30/22 31/23 36/8 37/21 38/8 39/6 41/5 44/6 45/7 49/1 51/12 53/3 54/22 55/14 56/23 60/21 62/12 66/5 66/8 70/13 74/21 75/18 76/2 78/19 78/23 85/10 90/16 93/22 94/20 95/18 96/24 101/9 103/12 104/24 105/13 105/15 106/6 113/12 113/12 113/24 119/3 119/15 119/22 127/18 130/10 131/4 131/4 137/3 HOWARD [1] 143/25 HOWEVER [2] 4/22 45/23 HUB [4] 73/15 80/8 90/20 92/11 HUM [16] 69/16 113/24 115/8 120/25 121/8 132/20 HUNDRED [4] 37/7 37/23 90/17 90/18 HYPOTHETICAL [3] 13/24 50/11 50/13 HYUNDAI [1] 68/10</p> | <p>34/21 38/25 40/25 41/2 48/4 50/11 55/19 55/23 55/25 57/1 58/14 59/25 61/1 63/2 70/23 70/24 72/16 73/3 73/3 73/3 75/8 75/9 75/17 76/17 76/18 76/22 80/3 81/5 83/13 86/6 92/10 92/12 95/7 95/11 95/11 108/21 109/6 109/6 109/25 111/3 111/3 111/6 111/13 112/10 112/10 115/23 120/8 120/8 120/18 126/11 126/23 132/18 135/25 135/22 147/25 148/2 148/8 148/9 149/11 149/25 150/15 151/24 153/2 154/3 154/13 155/9 EYE [7] 46/5 9/7 27/24 34/6 45/1 46/15 139/12 IDEA [1] 62/11 IDENTIFICATION [5] 10/18 30/17 50/31 108/19 139/20 IDENTIFIED [3] 32/14 53/5 64/11 IDENTITIES [1] 10/14 IDENTITY [1] 44/24 I [2] 2/14 126/5 IMBALANCES [1] 42/18 IMMEDIATE [2] 18/4 153/5 IMMEDIATELY [3] 141/23 142/1 149/18 IMPORTANT [1] 52/16 IMPOSSIBLE [1] 15/23 INCHES [5] 13/10 14/20 35/12 49/10 49/16 INCIDENT [4] 89/22 89/20 94/14 95/8 INCLUDE [1] 138/9 INCONSISTENT [3] 50/13 51/3 150/1 INCORRECT [1] 5/5 INDETERMINATE [3] 13/14 14/19 53/5 INDEX [1] 27/19 INDICATED [1] 53/14 INDICATES [1] 56/8 INDICATION [1] 33/10 INDIVIDUAL [17] 19/16 19/16 19/17 30/22 40/6 42/6 45/22 46/19 49/3 49/9 49/11 49/13 53/21 55/11 55/13 97/23 132/2 INDIVIDUALS [6] 37/21 46/13 47/17 48/2 48/22 56/9 INDIVIDUALS [4] 63/15 73/22 132/1 132/3 INDULGENCE [2] 49/21 113/23 INFER [1] 152/4 INFLUENCE [1] 103/16 INFORMATION [14] 10/15 30/20 30/20 34/25 35/9 35/14 35/18 41/1 41/5 41/14 44/25 45/21 53/1 108/18 INITIAL [2] 39/9 151/15 INITIALLY [7] 56/12 80/15 81/26 83/13 134/1 151/11 151/14 INJURIES [15] 8/24 9/1 9/9 17/24 27/24 32/2 44/22 46/14 46/18 50/13 50/23 51/1 51/2 54/17 54/22 INJURY [6] 9/3 28/8 28/15 31/25 50/25 53/14 INQUIRY [1] 21/16 INSIDE [2] 17/17 17/18 INSTANCE [2] 13/23 31/5 INSTIGATING [1] 154/7 INTENDING [1] 95/25 INTENT [1] 76/5 INTERACTED [1] 34/2 INTERESTED [1] 4/23 INTERFERE [1] 13/17 INTERMEDIARY [2] 13/19 14/20 INTERNAL [3] 15/4 15/7 17/24 INTERNALLY [1] 16/1 INTERPRETS [1] 42/9 INTERUPTED [1] 34/22</p> | <p>INTERVENTION [1] 30/16 INTESTINAL [1] 18/6 INVESTIGATION [7] 34/5 34/13 34/17 35/2 51/17 51/23 52/3 INVESTIGATIONS [1] 7/4 INVESTIGATOR [4] 62/1 72/1 34/9 34/10 INVESTIGATORS [1] 34/6 INVESTIGATORS [1] 51/18 INVOKE [1] 42/0 INVOLVED [1] 53/15 IRRATIONAL [5] 40/19 40/22 40/17 46/3 37/16 IS [257] ISNT [3] 37/12 45/7 50/16 ISSUE [2] 40/1 74/14 ISSUES [2] 69/7 69/11 IT [239] ITS [109] 11/6 11/10 13/11 14/1 14/5 14/11 15/23 16/8 17/9 17/10 19/12 19/14 19/15 20/11 20/13 22/3 22/10 25/13 26/25 28/10 28/23 30/7 30/12 34/9 34/10 34/16 34/16 34/18 36/7 36/15 37/16 37/18 38/6 39/3 39/8 39/10 39/24 40/12 41/1 41/9 41/9 41/11 41/13 41/13 43/3 43/11 45/25 48/1 48/16 48/16 48/19 48/19 50/12 52/24 52/24 53/17 53/22 53/23 53/9 54/10 54/11 54/15 55/13 56/13 67/21 67/22 71/9 75/13 75/21 80/6 81/9 81/10 89/16 90/19 90/21 104/2 104/3 106/22 106/25 108/14 109/4 109/8 110/3 110/5 111/21 111/21 111/22 111/22 111/23 115/4 121/9 121/13 122/5 123/15 123/17 124/15 124/15 124/23 124/23 138/14 143/15 149/15 149/25 149/25 150/2 150/4 151/17 151/23 152/15 ITEMS [1] 34/14 ITSELF [5] 12/22 13/12 15/22 39/25 54/24</p> <p>J</p> <p>JACKET [1] 32/16 JANUARY [2] 89/10 92/14 JOHN [1] 1/21 JOHN [1] 27/6 JOHN [2] 27/20 27/21 JOINT [1] 27/19 JOSE [2] 30/19 30/21 JR [1] 1/21 JUDGE [9] 8/18 18/16 40/23 70/24 88/11 114/12 129/18 132/19 147/11 JUDICIAL [2] 7/18 134/24 JUMPED [1] 102/17 JUMPSUIT [1] 139/18 JURY [4] 148/3 151/20 154/15 154/19 JUST [80] 4/19 7/17 7/17 8/21 9/14 10/10 11/4 11/5 17/19 18/2 18/5 21/10 22/8 22/13 23/16 29/11 33/13 35/6 39/20 40/9 41/13 44/20 50/7 52/25 55/19 57/13 57/24 61/1 67/2 67/3 67/20 68/1 73/13 75/17 76/16 80/25 81/12 82/20 86/5 87/1 88/13 89/2 89/4 90/1 90/11 92/2 92/17 93/14 95/19 96/3 97/13 97/22 101/8 101/9 101/11 105/17 110/18 111/6 117/13 118/19 118/19 131/7 132/2 133/3 133/21 134/21 136/24 137/7 141/13 141/22 145/19 146/11 146/17 146/19 148/10 148/15 149/20 149/25 153/15 155/6 JUSTICE [3] 1/3 1/14 7/10 JUXTAPosed [1] 123/4</p> |
|--|--|--|

| | | |
|--|--|--|
| K KEEPING [1] 1377 KENO [1] 6430 KEPT [3] 743 74/9 154/10 KEYS [2] 105/21 106/4 KICKING [1] 103/4 KILL [1] 147/24 KILLING [1] 152/1 KIND [14] 16/1 41/14 56/12 56/16 68/9 71/13 73/13 74/19 78/18 93/25 108/6 117/17 128/2 132/9 KIT [4] 1/24 81/8 155/22 155/22 KNEE [4] 20/25 51/12 53/14 53/20 KNEW [3] 638 75/4 101/8 KNOW [123] 7/7 9/15 11/6 22/3 23/13 29/15 30/22 30/25 30/25 33/3 33/4 33/6 36/9 37/2 39/10 40/25 41/12 43/8 43/11 43/19 44/3 45/1 47/20 47/23 48/14 48/15 48/19 52/19 54/5 54/20 55/4 55/14 55/15 56/2 58/9 58/12 58/14 59/11 62/11 62/23 63/14 63/15 67/12 67/14 67/18 67/16 67/20 67/21 69/6 69/9 69/12 72/12 72/14 72/19 73/2 73/3 75/13 75/18 76/2 76/21 76/22 76/24 77/2 79/18 79/19 81/10 83/6 85/2 85/8 86/21 87/18 87/23 87/24 88/8 90/1 92/8 93/6 94/5 96/6 96/18 96/30 96/22 97/2 97/3 97/18 97/20 97/21 97/24 98/1 98/20 99/6 99/16 99/17 100/13 100/21 101/4 103/11 105/10 105/13 105/15 105/25 106/6 106/18 108/6 110/23 111/5 127/18 128/23 130/12 130/14 130/22 131/16 131/18 131/19 131/19 132/5 133/17 143/21 144/25 147/12 150/7 150/11 KNOWLEDGE [6] 28/21 33/1 33/3 43/8 75/19 100/18 KNOWN [3] 60/21 66/8 66/11 KNOWS [1] 58/16 KNUCKLE [8] 27/4 27/5 27/17 27/18 27/21 31/25 54/22 54/23 KNUCKLES [14] 20/22 20/23 24/19 24/22 26/15 26/23 27/1 27/7 28/12 30/13 54/24 | 111/13 LED [1] 111/10 LEFT [78] 10/21 11/22 12/14 15/12 15/13 15/13 15/16 16/18 16/19 17/21 19/6 20/23 20/24 24/8 24/9 24/13 25/24 25/24 26/2 26/16 26/20 27/2 30/9 30/10 30/13 31/9 31/12 51/8 51/9 51/10 66/13 67/9 75/25 76/2 77/2 77/12 78/2 80/18 80/19 80/20 81/21 82/8 82/9 84/12 84/15 90/2 93/2 98/2 108/13 105/15 115/12 115/13 115/15 116/2 116/4 116/5 116/10 117/2 117/9 118/13 118/14 123/4 122/1 124/1 125/13 130/15 132/6 141/2 141/23 143/12 145/6 145/7 145/11 145/17 145/19 145/24 149/18 154/19 LENGTH [1] 16/1 LESSER [1] 153/9 LET [13] 9/18 15/3 56/2 65/12 67/16 69/1 82/20 130/21 148/9 148/9 150/19 151/1 152/6 LET'S [7] 24/14 46/21 74/7 74/7 95/15 95/15 135/24 LETHAL [6] 37/12 38/4 38/16 38/21 49/7 55/10 LETHALITY [1] 38/15 LEVEL [16] 8/23 36/12 37/1 37/2 38/1 38/16 39/13 44/15 47/3 57/3 57/3 57/5 57/5 57/6 106/17 155/1 LEVELS [7] 40/17 45/21 55/9 55/10 56/8 57/14 114/10 LICENSE [3] 5/23 61/22 61/23 LIFTED [2] 77/19 112/18 LIKE [43] 4/14 4/15 13/20 13/20 19/14 22/13 23/3 23/6 26/8 26/10 29/5 30/17 30/18 38/19 40/10 41/2 46/18 67/22 74/11 74/11 74/23 79/2 80/5 80/17 80/19 85/10 87/21 88/25 94/22 96/6 96/6 103/13 103/14 103/16 105/2 109/11 110/6 132/16 132/22 133/4 133/9 137/16 150/24 LINE [2] 119/1 147/19 LINES [2] 13/25 73/14 LISA [3] 2/4 8/16 5/25 LIST [1] 21/5 LISTED [1] 47/7 LISTENING [1] 81/5 LITER [1] 15/16 LITERALLY [1] 83 LITERS [1] 15/14 LITTLE [9] 6/10 8/1 17/10 46/21 51/10 60/1 102/18 117/17 123/15 LIVE [4] 94/10 94/12 94/16 106/18 LIVED [2] 71/11 94/17 LIVING [3] 100/19 100/21 100/23 100/25 LOCATED [3] 7/21 184 60/8 LOCATION [4] 41/6 87/12 142/16 154/10 LONG [11] 6/9 6/11 15/25 19/16 39/6 60/21 65/3 66/5 66/8 66/10 151/25 LONGER [1] 66/11 LOOK [30] 14/24 19/9 19/18 19/18 23/16 24/13 29/2 29/3 32/7 32/15 33/16 33/17 38/25 40/10 45/20 46/18 48/20 50/2 70/7 103/12 103/13 103/14 103/16 110/15 110/1 110/25 111/8 132/22 155/4 155/10 LOOKED [8] 18/25 20/16 25/14 34/5 34/8 70/14 103/20 106/15 LOOKING [21] 19/22 24/3 24/7 28/10 31/8 32/22 33/14 34/3 39/1 40/5 43/17 73/18 73/19 73/20 75/4 96/18 120/8 138/24 149/21 151/7 152/24 | LOOKING AT [1] 24/7 LOOKS [6] 4/14 19/14 23/3 30/16 41/1 109/11 LOOSE [1] 17/17 LOREN [1] 123/8 LORENZO [111] 59/12 65/11 65/14 66/15 68/18 72/4 72/20 72/22 73/1 73/3 73/9 73/13 73/25 74/1 74/5 74/17 76/9 77/19 82/7 83/5 83/11 92/9 97/11 97/13 97/14 97/16 97/23 98/5 98/13 98/19 99/22 99/11 99/14 99/23 100/5 100/7 100/9 101/23 102/5 102/9 102/10 102/13 102/16 102/19 103/2 103/5 103/10 104/6 104/9 104/12 104/14 104/17 106/13 106/13 106/17 107/18 107/23 110/10 110/13 110/18 110/32 111/17 112/4 112/6 112/6 112/15 114/20 114/23 116/9 116/18 116/19 116/25 117/1 117/6 117/15 117/15 117/24 119/4 119/4 119/11 120/14 120/21 120/23 121/5 122/16 122/16 122/18 122/23 122/25 123/7 124/13 125/1 125/8 131/19 132/6 132/6 132/16 133/2 133/13 134/7 134/15 135/3 136/1 136/5 136/18 137/2 137/12 139/13 145/19 151/10 154/10 LORENZO [18] 74/13 100/3 104/12 104/20 105/18 110/19 122/25 132/15 LOREZ [1] 82/7 LOSS [1] 15/20 LOST [3] 134/22 136/4 142/3 LOT [29] 37/8 61/16 62/9 62/12 64/3 65/1 86/12 87/9 87/14 91/20 95/17 96/16 96/25 99/24 114/8 116/19 122/10 128/18 129/14 129/16 129/24 132/16 137/17 140/5 140/20 140/25 141/5 141/10 143/13 LOW [3] 37/5 LOWE [6] 144/7 144/15 144/20 145/2 145/10 145/11 LOWER [2] 26/23 155/1 LUES [4] 19 48 59/11 154/23 LUNG [2] 15/11 15/12 LUNGED [1] 76/23 |
| L L-E-S-A [1] 5/25 LABORATORY [2] 42/14 45/16 LABS [1] 42/13 LACERATE [1] 17/11 LACERATION [4] 11/10 11/25 16/16 17/3 LACK [1] 41/15 LANDED [1] 133/14 LARGE [1] 49/13 LAS [5] 1/3 4/1 6/22 7/10 51/18 LAST [8] 59/4 62/23 109/7 126/14 128/16 126/24 144/19 148/8 LATER [13] 8/8 18/7 21/25 22/1 22/3 22/7 24/1 35/18 58/25 58/25 130/24 131/9 136/13 LAW [5] 23/11 23/19 33/23 34/17 147/21 LAY [2] 41/19 63/6 LAYING [4] 85/4 108/3 109/16 138/25 LEAD [1] 153/15 LEARNED [1] 139/2 LEAST [2] 30/19 151/14 LEAVE [19] 58/14 68/6 69/25 70/25 75/6 76/8 79/22 87/3 99/24 102/5 102/20 102/24 102/25 102/25 103/1 103/2 105/18 106/4 115/19 LEAVES [1] 142/2 LEAVING [5] 67/4 69/2 110/11 111/11 | 111/13 LED [1] 111/10 LEFT [78] 10/21 11/22 12/14 15/12 15/13 15/13 15/16 16/18 16/19 17/21 19/6 20/23 20/24 24/8 24/9 24/13 25/24 25/24 26/2 26/16 26/20 27/2 30/9 30/10 30/13 31/9 31/12 51/8 51/9 51/10 66/13 67/9 75/25 76/2 77/2 77/12 78/2 80/18 80/19 80/20 81/21 82/8 82/9 84/12 84/15 90/2 93/2 98/2 108/13 105/15 115/12 115/13 115/15 116/2 116/4 116/5 116/10 117/2 117/9 118/13 118/14 123/4 122/1 124/1 125/13 130/15 132/6 141/2 141/23 143/12 145/6 145/7 145/11 145/17 145/19 145/24 149/18 154/19 LENGTH [1] 16/1 LESSER [1] 153/9 LET [13] 9/18 15/3 56/2 65/12 67/16 69/1 82/20 130/21 148/9 148/9 150/19 151/1 152/6 LET'S [7] 24/14 46/21 74/7 74/7 95/15 95/15 135/24 LETHAL [6] 37/12 38/4 38/16 38/21 49/7 55/10 LETHALITY [1] 38/15 LEVEL [16] 8/23 36/12 37/1 37/2 38/1 38/16 39/13 44/15 47/3 57/3 57/3 57/5 57/5 57/6 106/17 155/1 LEVELS [7] 40/17 45/21 55/9 55/10 56/8 57/14 114/10 LICENSE [3] 5/23 61/22 61/23 LIFTED [2] 77/19 112/18 LIKE [43] 4/14 4/15 13/20 13/20 19/14 22/13 23/3 23/6 26/8 26/10 29/5 30/17 30/18 38/19 40/10 41/2 46/18 67/22 74/11 74/11 74/23 79/2 80/5 80/17 80/19 85/10 87/21 88/25 94/22 96/6 96/6 103/13 103/14 103/16 105/2 109/11 110/6 132/16 132/22 133/4 133/9 137/16 150/24 LINE [2] 119/1 147/19 LINES [2] 13/25 73/14 LISA [3] 2/4 8/16 5/25 LIST [1] 21/5 LISTED [1] 47/7 LISTENING [1] 81/5 LITER [1] 15/16 LITERALLY [1] 83 LITERS [1] 15/14 LITTLE [9] 6/10 8/1 17/10 46/21 51/10 60/1 102/18 117/17 123/15 LIVE [4] 94/10 94/12 94/16 106/18 LIVED [2] 71/11 94/17 LIVING [3] 100/19 100/21 100/23 100/25 LOCATED [3] 7/21 184 60/8 LOCATION [4] 41/6 87/12 142/16 154/10 LONG [11] 6/9 6/11 15/25 19/16 39/6 60/21 65/3 66/5 66/8 66/10 151/25 LONGER [1] 66/11 LOOK [30] 14/24 19/9 19/18 19/18 23/16 24/13 29/2 29/3 32/7 32/15 33/16 33/17 38/25 40/10 45/20 46/18 48/20 50/2 70/7 103/12 103/13 103/14 103/16 110/15 110/1 110/25 111/8 132/22 155/4 155/10 LOOKED [8] 18/25 20/16 25/14 34/5 34/8 70/14 103/20 106/15 LOOKING [21] 19/22 24/3 24/7 28/10 31/8 32/22 33/14 34/3 39/1 40/5 43/17 73/18 73/19 73/20 75/4 96/18 120/8 138/24 149/21 151/7 152/24 | LOOKING AT [1] 24/7 LOOKS [6] 4/14 19/14 23/3 30/16 41/1 109/11 LOOSE [1] 17/17 LOREN [1] 123/8 LORENZO [111] 59/12 65/11 65/14 66/15 68/18 72/4 72/20 72/22 73/1 73/3 73/9 73/13 73/25 74/1 74/5 74/17 76/9 77/19 82/7 83/5 83/11 92/9 97/11 97/13 97/14 97/16 97/23 98/5 98/13 98/19 99/22 99/11 99/14 99/23 100/5 100/7 100/9 101/23 102/5 102/9 102/10 102/13 102/16 102/19 103/2 103/5 103/10 104/6 104/9 104/12 104/14 104/17 106/13 106/13 106/17 107/18 107/23 110/10 110/13 110/18 110/32 111/17 112/4 112/6 112/6 112/15 114/20 114/23 116/9 116/18 116/19 116/25 117/1 117/6 117/15 117/15 117/24 119/4 119/4 119/11 120/14 120/21 120/23 121/5 122/16 122/16 122/18 122/23 122/25 123/7 124/13 125/1 125/8 131/19 132/6 132/6 132/16 133/2 133/13 134/7 134/15 135/3 136/1 136/5 136/18 137/2 137/12 139/13 145/19 151/10 154/10 LORENZO [18] 74/13 100/3 104/12 104/20 105/18 110/19 122/25 132/15 LOREZ [1] 82/7 LOSS [1] 15/20 LOST [3] 134/22 136/4 142/3 LOT [29] 37/8 61/16 62/9 62/12 64/3 65/1 86/12 87/9 87/14 91/20 95/17 96/16 96/25 99/24 114/8 116/19 122/10 128/18 129/14 129/16 129/24 132/16 137/17 140/5 140/20 140/25 141/5 141/10 143/13 LOW [3] 37/5 LOWE [6] 144/7 144/15 144/20 145/2 145/10 145/11 LOWER [2] 26/23 155/1 LUES [4] 19 48 59/11 154/23 LUNG [2] 15/11 15/12 LUNGED [1] 76/23 |
| M M-A-M-I [1] 5/25 LABORATORY [2] 42/14 45/16 LABS [1] 42/13 LACERATE [1] 17/11 LACERATION [4] 11/10 11/25 16/16 17/3 LACK [1] 41/15 LANDED [1] 133/14 LARGE [1] 49/13 LAS [5] 1/3 4/1 6/22 7/10 51/18 LAST [8] 59/4 62/23 109/7 126/14 128/16 126/24 144/19 148/8 LATER [13] 8/8 18/7 21/25 22/1 22/3 22/7 24/1 35/18 58/25 58/25 130/24 131/9 136/13 LAW [5] 23/11 23/19 33/23 34/17 147/21 LAY [2] 41/19 63/6 LAYING [4] 85/4 108/3 109/16 138/25 LEAD [1] 153/15 LEARNED [1] 139/2 LEAST [2] 30/19 151/14 LEAVE [19] 58/14 68/6 69/25 70/25 75/6 76/8 79/22 87/3 99/24 102/5 102/20 102/24 102/25 102/25 103/1 103/2 105/18 106/4 115/19 LEAVES [1] 142/2 LEAVING [5] 67/4 69/2 110/11 111/11 | 111/13 LED [1] 111/10 LEFT [78] 10/21 11/22 12/14 15/12 15/13 15/13 15/16 16/18 16/19 17/21 19/6 20/23 20/24 24/8 24/9 24/13 25/24 25/24 26/2 26/16 26/20 27/2 30/9 30/10 30/13 31/9 31/12 51/8 51/9 51/10 66/13 67/9 75/25 76/2 77/2 77/12 78/2 80/18 80/19 80/20 81/21 82/8 82/9 84/12 84/15 90/2 93/2 98/2 108/13 105/15 115/12 115/13 115/15 116/2 116/4 116/5 116/10 117/2 117/9 118/13 118/14 123/4 122/1 124/1 125/13 130/15 132/6 141/2 141/23 143/12 145/6 145/7 145/11 145/17 145/19 145/24 149/18 154/19 LENGTH [1] 16/1 LESSER [1] 153/9 LET [13] 9/18 15/3 56/2 65/12 67/16 69/1 82/20 130/21 148/9 148/9 150/19 151/1 152/6 LET'S [7] 24/14 46/21 74/7 74/7 95/15 95/15 135/24 LETHAL [6] 37/12 38/4 38/16 38/21 49/7 55/10 LETHALITY [1] 38/15 LEVEL [16] 8/23 36/12 37/1 37/2 38/1 38/16 39/13 44/15 47/3 57/3 57/3 57/5 57/5 57/6 106/17 155/1 LEVELS [7] 40/17 45/21 55/9 55/10 56/8 57/14 114/10 LICENSE [3] 5/23 61/22 61/23 LIFTED [2] 77/19 112/18 LIKE [43] 4/14 4/15 13/20 13/20 19/14 22/13 23/3 23/6 26/8 26/10 29/5 30/17 30/18 38/19 40/10 41/2 46/18 67/22 74/11 74/11 74/23 79/2 80/5 80/17 80/19 85/10 87/21 88/25 94/22 96/6 96/6 103/13 103/14 103/16 105/2 109/11 110/6 132/16 132/22 133/4 133/9 137/16 150/24 LINE [2] 119/1 147/19 LINES [2] 13/25 73/14 LISA [3] 2/4 8/16 5/25 LIST [1] 21/5 LISTED [1] 47/7 LISTENING [1] 81/5 LITER [1] 15/16 LITERALLY [1] 83 LITERS [1] 15/14 LITTLE [9] 6/10 8/1 17/10 46/21 51/10 60/1 102/18 117/17 123/15 LIVE [4] 94/10 94/12 94/16 106/18 LIVED [2] 71/11 94/17 LIVING [3] 100/19 100/21 100/23 100/25 LOCATED [3] 7/21 184 60/8 LOCATION [4] 41/6 87/12 142/16 154/10 LONG [11] 6/9 6/11 15/25 19/16 39/6 60/21 65/3 66/5 66/8 66/10 151/25 LONGER [1] 66/11 LOOK [30] 14/24 19/9 19/18 19/18 23/16 24/13 29/2 29/3 32/7 32/15 33/16 33/17 38/25 40/10 45/20 46/18 48/20 50/2 70/7 103/12 103/13 103/14 103/16 110/15 110/1 110/25 111/8 132/22 155/4 155/10 LOOKED [8] 18/25 20/16 25/14 34/5 34/8 70/14 103/20 106/15 LOOKING [21] 19/22 24/3 24/7 28/10 31/8 32/22 33/14 34/3 39/1 40/5 43/17 73/18 73/19 73/20 75/4 96/18 120/8 138/24 149/21 151/7 152/24 | LOOKING AT [1] 24/7 LOOKS [6] 4/14 19/14 23/3 30/16 41/1 109/11 LOOSE [1] 17/17 LOREN [1] 123/8 LORENZO [111] 59/12 65/11 65/14 66/15 68/18 72/4 72/20 72/22 73/1 73/3 73/9 73/13 73/25 74/1 74/5 74/17 76/9 77/19 82/7 83/5 83/11 92/9 97/11 97/13 97/14 97/16 97/23 98/5 98/13 98/19 99/22 99/11 99/14 99/23 100/5 100/7 100/9 101/23 102/5 102/9 102/10 102/13 102/16 102/19 103/2 103/5 103/10 104/6 104/9 104/12 104/14 104/17 106/13 106/13 106/17 107/18 107/23 110/10 110/13 110/18 110/32 111/17 112/4 112/6 112/6 112/15 114/20 114/23 116/9 116/18 116/19 116/25 117/1 117/6 117/15 117/15 117/24 119/4 119/4 119/11 120/14 120/21 120/23 121/5 122/16 122/16 122/18 122/23 122/25 123/7 124/13 125/1 125/8 131/19 132/6 132/6 132/16 133/2 133/13 134/7 134/15 135/3 136/1 136/5 136/18 137/2 137/12 139/13 145/19 151/10 154/10 LORENZO [18] 74/13 100/3 104/12 104/20 105/18 110/19 122/25 132/15 LOREZ [1] 82/7 LOSS [1] 15/20 LOST [3] 134/22 136/4 142/3 LOT [29] 37/8 61/16 62/9 62/12 64/3 65/1 86/12 87/9 87/14 91/20 95/17 96/16 96/25 99/24 114/8 116/19 122/10 128/18 129/14 129/16 129/24 132/16 137/17 140/5 140/20 140/25 141/5 141/10 143/13 LOW [3] 37/5 LOWE [6] 144/7 144/15 144/20 145/2 145/10 145/11 LOWER [2] 26/23 155/1 LUES [4] 19 48 59/11 154/23 LUNG [2] 15/11 15/12 LUNGED [1] 76/23 |
| M M-A-M-I [1] 5/25 LABORATORY [2] 42/14 45/16 LABS [1] 42/13 LACERATE [1] 17/11 LACERATION [4] 11/10 11/25 16/16 17/3 LACK [1] 41/15 LANDED [1] 133/14 LARGE [1] 49/13 LAS [5] 1/3 4/1 6/22 7/10 51 | | |

| | | |
|---|---|---|
| <p>N</p> <p>NMS [2] 42/13 56/8</p> <p>NO [192]</p> <p>NOMODY [2] 40/2 124/16</p> <p>NOC [2] 155/2 155/6</p> <p>NON [1] 4/23</p> <p>NON-WITNESSES [1] 4/23</p> <p>NOPE [3] 21/8 108/15 146/3</p> <p>NORMAL [2] 38/8 81/10</p> <p>NORMALLY [1] 54/6</p> <p>NORTH [4] 71/14 144/12 144/17 144/25</p> <p>NOS [1] 10/7</p> <p>NOT [92] 13/18 13/19 14/9 14/11 14/25 15/23 19/12 19/23 20/9 20/13 21/5 21/20 23/7 28/23 29/16 29/20 29/23 30/3 30/4 31/22 33/3 33/6 33/9 33/13 34/1 35/6 39/18 40/11 43/19 43/21 44/4 45/13 45/21 48/4 50/2 52/4 52/6 53/1 53/18 53/25 54/23 55/4 55/5 55/23 56/15 56/15 66/10 68/2 73/3 75/9 75/17 76/18 77/10 82/22 92/10 92/12 92/17 93/25 97/23 97/24 98/1 99/6 100/19 101/23 103/11 103/25 105/10 107/21 107/21 111/2 111/3 111/13 112/1 112/2 112/6 112/10 113/20 124/1 124/21 130/19 132/5 132/10 133/9 133/24 134/18 135/1 143/12 148/22 149/11 153/2 154/7 155/7</p> <p>NOTE [3] 25/15 31/20 32/8</p> <p>NOTED [6] 19/3 25/21 26/11 31/21 37/20 50/14</p> <p>NOTEWORTHY [2] 28/7 39/14</p> <p>NOTHING [9] 5/18 28/6 28/6 50/5 57/20 58/24 118/17 125/15 126/7</p> <p>NOTICE [5] 28/24 29/1 32/10 32/12 152/2</p> <p>NOW [61] 13/15 16/4 20/16 21/1 21/25 22/24 24/3 24/25 26/22 28/1 30/6 31/7 32/4 33/12 33/21 34/12 35/9 35/17 35/23 37/14 38/1 38/19 42/2 42/13 43/22 44/13 46/9 46/21 47/10 47/16 48/21 55/7 92/7 92/13 93/25 94/1 94/23 96/12 97/13 99/22 100/10 100/13 100/16 101/14 102/9 102/17 103/23 106/12 106/17 114/8 122/23 134/19 140/10 141/19 142/5 142/14 143/18 145/22 152/19 153/2 153/4</p> <p>NUMBER [6] 10/20 10/20 11/15 16/25 28/9 28/13</p> <p>NUMBERS [4] 38/20 38/23 38/25 39/1</p> | <p>OCCURS [1] 150/12</p> <p>OFF [9] 13/5 15/12 38/22 89/25 90/1 94/17 102/15 103/9 109/13</p> <p>OFFICE [8] 6/7 6/21 6/25 8/4 23/14 42/15 42/22 42/23</p> <p>OFFICERS [1] 92/25</p> <p>OFFER [2] 12/25 55/14</p> <p>OH [14] 36/15 41/16 79/24 80/7 85/11 97/1 103/14 123/18 123/20 123/20 134/6 137/21 146/13 155/9</p> <p>OIL [3] 29/19 30/1 30/2</p> <p>OKAY [342]</p> <p>OLD [3] 24/25 93/22 101/4</p> <p>ONCE [6] 8/21 13/13 14/10 19/15 63/13 129/6</p> <p>ONE [72] 11/10 11/21 11/23 12/1 15/11 15/15 17/21 20/3 20/7 20/7 22/8 24/8 27/1 27/18 28/11 28/12 31/9 32/22 35/2 35/4 35/6 35/7 39/20 39/21 45/7 51/8 51/9 52/25 53/2 53/4 54/3 54/3 54/6 55/7 57/13 63/14 70/16 70/19 71/9 71/10 71/11 71/14 71/14 71/14 77/11 77/13 88/13 93/20 93/21 96/2 96/22 98/20 108/9 110/3 114/5 120/17 129/12 132/2 132/2 132/8 134/18 138/10 138/13 138/13 141/25 142/8 146/12 146/20 151/10 151/11 152/22 153/10</p> <p>ONE-EIGHT [1] 15/15</p> <p>ONES [3] 51/7 135/21</p> <p>ONLY [13] 8/2 48/15 51/23 58/17 81/8 93/3 93/8 93/11 111/14 113/2 132/2 146/20 149/17</p> <p>OOH [1] 84/21</p> <p>OPEN [3] 152/8 155/6 155/7</p> <p>OPENED [1] 17/17</p> <p>OPERATING [1] 15/23</p> <p>OPINE [5] 38/24 39/12 47/16 47/19 52/14</p> <p>OPINION [18] 8/12 15/17 15/25 18/9 33/13 33/19 35/18 37/18 38/24 39/21 43/15 43/16 43/25 44/1 44/4 44/7 44/25 56/5</p> <p>OPINIONS [1] 55/8</p> <p>OPPORTUNITY [2] 18/22 102/6</p> <p>OPPOSE [1] 149/9</p> <p>OPPOSITE [3] 109/18 149/20 153/15</p> <p>OPPOSITION [1] 148/11</p> <p>ORAL [12] 47/11 89/4</p> <p>ORDER [1] 150/23</p> <p>ORGANIZATION [1] 42/19</p> <p>ORIGINAL [1] 44/4</p> <p>OTHER [46] 4/23 18/4 20/16 25/20 28/6 29/17 30/19 32/17 41/2 42/8 44/24 46/15 48/21 54/1 56/4 57/13 63/15 71/6 71/10 71/14 75/14 76/13 82/16 99/8 99/10 101/8 109/12 109/17 132/1 132/2 135/3 135/5 138/21 141/22 142/25 143/4 144/16 144/21 145/2 145/6 145/10 145/11 145/16 145/23 148/14 152/19</p> <p>OTHERS [1] 103/4</p> <p>OTHERWISE [2] 41/13 150/12</p> <p>OUR [9] 8/4 10/18 10/20 23/14 23/20 28/4 28/20 34/5 42/14</p> <p>OUT [67] 7/21 15/13 16/3 17/6 17/11 17/15 17/16 22/13 33/18 54/4 54/7 56/20 58/17 60/18 65/10 66/25 67/2 67/3 69/19 70/10 75/5 76/9 77/20 78/9 78/14 83/6 86/6 86/25 87/1 87/12 88/6 91/14 95/3 96/12 97/5 98/21 99/25 100/2 103/2 106/15 111/12 114/21 115/21 117/10 121/12 122/9 122/10 123/6 123/16 123/23 128/18 129/8 130/13 133/15</p> | <p>[34/19 136/7 136/9 138/17 140/20 141/10 142/5 142/22 143/18 152/20 153/3 153/7 154/2</p> <p>OUTSIDE [9] 67/15 100/3 100/5 100/8 100/10 100/10 102/22 125/20 149/22</p> <p>OVER [39] 6/10 7/8 38/14 65/10 72/23 81/9 81/24 82/16 82/19 82/22 86/3 86/25 86/25 87/9 90/23 91/9 91/14 104/12 105/17 105/18 110/14 111/16 111/21 111/22 111/22 111/23 115/24 119/23 120/10 120/23 122/25 148/4 142/16 142/20 149/15 152/13 152/16 152/17 155/9</p> <p>OVERDOSE [1] 47/6</p> <p>OVERHEARD [1] 73/6</p> <p>OVERRIDE [2] 53/7 56/1</p> <p>OVERRULED [1] 43/10</p> <p>OWN [4] 37/16 37/16 38/6 94/3</p> |
| <p>O</p> <p>O'CLOCK [4] 1/17 4/3 89/10 90/6</p> <p>OBES [1] 49/14</p> <p>OBJECT [6] 13/19 40/25 55/19 63/2 75/8 148/8</p> <p>DIRECTION [13] 10/3 21/7 41/10 41/17 44/20 45/7 45/10 55/24 62/3 70/17 108/14 108/16</p> <p>OBSERVE [3] 50/2 130/9 130/10</p> <p>OBSERVED [2] 50/15 93/1</p> <p>OBTAIN [1] 42/15</p> <p>OBTAINED [2] 42/1 45/19</p> <p>OBVIOUS [1] 152/15</p> <p>OCCASION [3] 7/14 60/2 92/14</p> <p>OCCUPANTS [2] 68/19 71/2</p> <p>OCCUR [2] 150/25 20/11</p> <p>OCCURRED [17] 8/5 8/19 19/13 20/10 77/14 79/2 81/21 83/14 88/22 89/21 94/14 109/15 134/17 136/16 141/2 151/14 152/1</p> <p>OCCURRING [2] 85/14 87/13</p> | <p>OTHER [46] 4/23 18/4 20/16 25/20 28/6 29/17 30/19 32/17 41/2 42/8 44/24 46/15 48/21 54/1 56/4 57/13 63/15 71/6 71/10 71/14 75/14 76/13 82/16 99/8 99/10 101/8 109/12 109/17 132/1 132/2 135/3 135/5 138/21 141/22 142/25 143/4 144/16 144/21 145/2 145/6 145/10 145/11 145/16 145/23 148/14 152/19</p> <p>OTHERS [1] 103/4</p> <p>OTHERWISE [2] 41/13 150/12</p> <p>OUR [9] 8/4 10/18 10/20 23/14 23/20 28/4 28/20 34/5 42/14</p> <p>OUT [67] 7/21 15/13 16/3 17/6 17/11 17/15 17/16 22/13 33/18 54/4 54/7 56/20 58/17 60/18 65/10 66/25 67/2 67/3 69/19 70/10 75/5 76/9 77/20 78/9 78/14 83/6 86/6 86/25 87/1 87/12 88/6 91/14 95/3 96/12 97/5 98/21 99/25 100/2 103/2 106/15 111/12 114/21 115/21 117/10 121/12 122/9 122/10 123/6 123/16 123/23 128/18 129/8 130/13 133/15</p> | <p>P</p> <p>PAGE [1] 135/19</p> <p>PACING [2] 97/3 99/24</p> <p>PACKAGE [2] 21/11 23/6</p> <p>PACKET [1] 22/10</p> <p>PAGE [10] 2/3 22/8 22/14 22/25 24/10 31/7 48/13 42/3 111/7 146/20</p> <p>PAGES [2] 22/3 42/5</p> <p>PALM [3] 28/14 31/13 53/25</p> <p>PARAGRAPH [3] 40/16 47/10 56/25</p> <p>PARDON [1] 150/10</p> <p>PARK [5] 68/11 129/16 141/5 144/16 144/23</p> <p>PARKED [8] 66/24 115/13 116/5 129/24 140/4 143/2 144/12 144/19</p> <p>PARKING [28] 61/16 62/9 62/12 64/3 65/1 86/12 87/9 89/14 95/17 96/16 96/25 99/24 114/8 115/16 116/19 122/10 128/18 129/14 129/16 129/24 132/16 137/16 140/5 140/20 140/25 141/5 141/10 143/13</p> <p>PAROLE [1] 94/1</p> <p>PART [5] 8/7 8/7 63/19 109/7 144/19</p> <p>PARTICULAR [36] 7/19 7/22 8/14 9/1 9/9 10/22 12/1 14/15 14/23 14/25 17/13 18/8 20/1 20/2 20/17 22/14 33/21 33/24 34/6 34/11 34/14 39/23 42/6 42/23 45/18 45/22 45/22 46/5 48/14 53/2 53/16 55/16 65/3 137/25 151/18 152/11</p> <p>PARTICULARLY [2] 14/8 32/11</p> <p>PARTIES [1] 42/0</p> <p>PARTY [1] 131/16</p> <p>PASS [3] 18/16 88/11 139/21</p> <p>PASSED [2] 119/15 119/22</p> <p>PAST [1] 110/3</p> <p>PATH [1] 112/2</p> <p>PATHOLOGIST [1] 42/24</p> <p>PATHOLOGY [4] 61/8 61/9 62/0 12/17</p> <p>PATHWAY [1] 17/13</p> <p>PATTERN [4] 149 19/15 25/18 152/11</p> <p>PATTERNS [1] 19/18</p> <p>PAVEMENT [1] 134/8</p> <p>PAYING [1] 109/25</p> <p>PEACE [1] 1/14</p> <p>PEAK [1] 47/12</p> <p>PEAKING [1] 47/17</p> <p>PEOPLE [18] 37/17 54/19 58/12 130/21 130/23 131/10 131/12 143/18</p> <p>PEOPLE'S [1] 41/5</p> <p>PER [19] 36/15 36/17 36/23 37/7 37/23 39/12 40/17 40/20 44/14 46/6 47/5 47/13 47/17 47/25 48/5 48/10 55/25 57/2 57/14</p> |

| | | | |
|----------|---|---|---|
| P | PERFORATED [1] 15/9 PERFORMING [1] 23/23 PERHAPS [2] 44/5 51/18 PERIOD [10] 6/13 7/6 19/13 39/4 39/6 40/6 63/24 71/17 126/25 136/13 PERSON [16] 35/7 44/14 47/24 49/13 50/20 50/23 55/16 59/14 61/23 96/13 131/20 131/25 138/18 139/2 139/16 145/6 PERSON'S [1] 131/18 PERSONAL [1] 75/18 PERSONALLY [1] 28/18 PERSISTENT [2] 28/3 28/14 PHONE [5] 91/24 92/1 92/3 92/7 127/21 PHONETIC [1] 61/14 PHOTO [22] 24/13 25/11 25/12 25/23 26/11 26/20 28/1 28/2 30/6 30/11 30/12 30/14 31/12 31/16 31/22 31/23 31/24 32/1 32/3 109/3 109/18 122/3 PHOTOGRAPH [9] 11/2 11/8 11/18 16/24 81/21 115/13 116/7 135/18 138/1 PHOTOGRAPHS [18] 7/23 8/22 8/24 9/8 9/9 9/17 9/20 21/1 21/5 23/4 23/22 28/4 31/8 32/5 32/5 33/16 34/7 50/3 PHOTOS [6] 9/14 23/11 23/20 24/8 26/17 70/7 PHRASE [1] 38/9 PICK [2] 127/19 128/17 PICKED [8] 127/12 127/13 128/11 138/14 129/15 142/16 142/19 153/21 PICKUP [1] 130/12 PICTURE [7] 10/19 16/8 24/7 24/18 30/15 31/24 129/22 PICTURES [2] 12/25 23/13 PIECES [1] 48/24 PIMENTEL [12] 12/ 4/8 59/12 144/16 144/20 148/2 145/10 149/21 154/6 154/18 154/23 154/24 PIMENTEL'S [5] 144/6 149/16 149/22 152/17 152/23 PLACE [11] 10/19 23/8 89/17 104/13 104/17 104/22 105/18 118/24 119/14 124/4 128/19 PLACED [1] 7/24 PLAINIFF [2] 1/7 1/19 PLASTIC [3] 8/1 8/4 10/12 PLAYING [1] 64/20 PLEADING [1] 150/1 PLEASE [17] 5/14 8/18 9/14 11/2 11/13 19/21 20/21 24/6 24/17 36/10 46/25 59/16 88/14 110/28 126/1 126/23 126/14 POINT [17] 8/25 85/21 59/16 64/21 76/19 77/18 79/2 70/15 111/6 133/1 134/16 134/20 136/23 138/3 139/15 145/10 148/6 POINTING [2] 77/12 81/9 POLICE [17] 33/17 51/19 91/19 91/20 91/21 92/25 111/7 139/10 139/11 141/19 141/21 142/5 142/11 143/23 144/9 144/18 145/3 POPS [1] 129/10 POSITION [1] 34/12 POSITIONS [1] 123/4 POSITIVE [1] 45/22 POSSIBILITY [1] 20/13 POSSIBLES [8] 20/11 53/17 53/23 53/23 54/9 54/10 54/11 55/13 POSSIBLY [1] 21/9 POTENTIAL [1] 48/2 POUND [2] 51/3 153/6 | POUNDS [1] 49/12 POWDER [1] 13/4 PRACTICE [1] 6/23 PRELIMINARY [2] 1/12 4/8 PREMEDITATION [8] 147/21 151/23 152/9 153/7 153/12 153/17 154/14 154/15 PRESENCE [2] 33/23 63/12 PRESSENT [35] 9/2 10/12 10/23 10/23 11/4 11/10 11/22 11/23 11/25 12/22 12/23 13/4 14/3 14/10 15/1 15/14 15/16 16/15 16/16 20/23 24/15 27/1 27/2 27/18 28/11 28/15 28/20 30/8 30/13 30/36 31/15 31/21 36/4 37/16 45/13 PRETTY [2] 48/16 113/4 PREVIOUS [1] 26/17 PREVIOUSLY [2] 104/11 136/11 PRIMARY [1] 7/3 PRIOR [8] 7/11 20/14 20/15 69/9 78/11 92/24 93/7 98/7 PROBABLE [1] 152/1 PROBABLY [10] 34/1 39/8 39/15 52/25 53/1 78/25 85/12 93/23 119/6 119/17 PROBATION [1] 94/1 PROBLEM [2] 58 22/7 PROCEED [3] 49/4/11 6/1 59/7 126/18 PROCEEDINGS [1] 155/19 PROCESSING [3] 28/19 29/13 29/15 PRODUCE [2] 13/7 47/6 PROPELLED [1] 13/3 PROPERLY [1] 150/4 PROPERTY [1] 102/15 PROPOSED [9] 9/13 61/21 70/6 148/7 148/10 148/15 149/10 153/24 154/12 PROSECUTION [1] 151/17 PROSECUTOR [1] 114/6 PROVIDED [2] 21/6 41/21 PULX [6] 78/6 88/6 143/7 143/12 143/12 151/6 PULLED [22] 13/9 67/3 68/5 77/20 78/5 78/7 78/9 78/19 78/24 79/17 83/5 96/25 112/19 121/1 122/17 123/10 130/12 138/13 131/9 143/3 143/6 154/2 PULING [1] 78/11 PULLS [2] 118/2 125/1 PULSE [1] 139/8 PUNCH [4] 77/14 107/23 118/24 122/13 PUNCHED [4] 112/12 119/4 141/14 153/5 PUNCHES [5] 77/25 110/18 112/4 124/12 152/25 PURPLE [2] 19/24 20/3 PURPORTS [1] 22/24 PURPOSE [3] 95/25 98/10 144/5 PURSU [1] 30/10 PUT [8] 3/1 30/23 43/13 53/2 55/7 78/14 83/5 150/1 | R RAISE [2] 58/20 126/3 RANGE [2] 13/14 13/24 14/1 14/19 35/21 37/2 37/3 37/6 37/12 38/1 38/4 38/13 38/15 38/22 46/1 46/23 47/7 48/17 49/7 52/7 52/10 RANGES [3] 40/10 43/13 47/2 RATE [2] 48/13 48/14 REACHED [1] 47/13 REACHES [2] 54/4 54/7 REACHING [1] 113/5 READ [1] 150/25 READING [1] 41/2 READY [2] 49/4/11 REAL [9] 9/14 45/7 61/18 72/17 73/4 76/18 76/22 111/4 112/13 REALITY [1] 113/20 REALLY [7] 68/2 81/10 87/18 92/17 96/18 96/22 133/14 REAR [3] 116/2 116/4 140/7 REARVIEW [3] 131/5 136/11 136/24 REASON [7] 5/3 43/8 43/19 52/22 57/10 57/17 113/14 REASONABLE [3] 189 43/14 47/24 REASONABLY [1] 27/22 RECALL [2] 29/2 137/19 RECAP [1] 146/8 RECENT [3] 20/4 20/5 25/1 RECESS [4] 57/25 58/3 58/4 155/17 RECESSED [1] 155/19 RECIPROCAL [1] 154/8 RECITE [1] 151/2 RECOGNIZE [9] 9/17 9/22 11/17 16/3 16/21 61/23 70/8 131/12 131/14 RECOGNIZED [3] 131/13 131/15 131/25 RECOLLECT [1] 12/10 RECOLLECTION [2] 29/7 151/21 RECORD [13] 4/19 52/4 22/9 36/18 59/4 59/21 80/25 81/5 81/10 82/20 126/15 139/17 139/19 RECOVERED [1] 17/4 RECROSS [6] 28 2/13 53/9 53/12 120/3 120/6 RECROSS-EXAMINATION [4] 28 2/13 53/12 120/6 RED [6] 108/7 108/23 109/18 109/22 110/1 128/7 REDIRECT [8] 2/7 2/12 50/6 50/9 56/20 118/18 118/21 146/2 REFER [2] 36/9 50/38 REFERENCE [1] 46/22 REFERRED [2] 11/1 114/8 REFERRING [6] 30/1 37/22 46/24 56/18 82/25 83/18 REFLECT [4] 32/24 47/3 59/21 139/19 REFRESH [1] 29/6 REGARDING [7] 35/10 35/15 37/4 46/13 52/7 101/15 101/19 REGION [1] 17/14 RELATE [1] 12/17 RELATED [4] 39/24 40/1 53/18 53/21 RELATES [7] 14/14 15/5 15/8 41/5 44/25 45/2 52/11 RELATIONSHIP [3] 101/15 101/20 129/9 RELATIVE [2] 36/19 36/20 RELATIVES [1] 5/9 RELEVANCE [3] 44/21 44/24 45/1 RELEVANT [4] 44/7 45/8 46/2 53/4 |
| Q | QUALITIES [2] 11/11 11/24 QUESTION [8] 39/1 44/4 51/22 56/23 57/13 75/22 91/25 92/2 QUESTIONED [1] 146/24 QUESTIONING [1] 119/1 QUESTIONS [12] 12/3 41/13 51/16 51/20 52/8 52/9 53/8 57/19 90/13 120/2 125/14 146/1 QUICK [2] 9/14 61/18 QUICKLY [2] 39/7 139/13 QUITE [4] 20/11 67/25 133/4 151/23 | | |

| R | RUSHING [1] 134/19 | S |
|--|---|---|
| RELIABLE [1] 41/9 | SALV [2] 130/6 128/9 | 115/22 130/19 131/3 131/7 132/12 133/14 |
| RELX [15] 42/11 42/19 42/23 43/19 43/25 | SAID [60] 16/18 18/22 29/12 45/20 45/23 | 133/15 134/2 134/12 134/16 134/18 134/21 |
| REMAIN [1] 116/15 | 46/14 54/17 62/16 63/23 64/4 67/17 69/14 | 134/25 136/16 138/22 139/13 140/10 140/20 |
| REMAINING [2] 5/2 58/17 | 73/1 73/2 74/17 75/10 75/17 76/14 76/16 | 140/23 140/24 141/7 141/25 143/2 147/17 |
| REMEMBER [11] 44/3 51/19 77/10 77/10 | 76/17 76/21 77/25 78/5 78/19 79/4 79/5 | SEEING [2] 13/15 13/15 |
| 87/18 119/1 126/24 128/3 138/8 150/23 | 81/20 83/13 83/16 84/17 84/21 84/24 85/9 | SEEMS [1] 23/18 |
| 151/5 | 86/5 87/23 93/13 94/5 101/24 102/1 109/7 | SEEN [23] 27/24 46/15 54/18 54/18 63/11 |
| REMOTE [1] 53/16 | 111/2 111/2 111/8 111/14 111/15 112/6 | 71/3 78/12 95/2 106/15 114/20 115/2 115/3 |
| REMOVE [1] 8/3 | 112/7 112/10 113/17 120/23 122/19 125/9 | 129/5 132/2 137/4 138/25 141/4 141/10 |
| REPAIR [1] 15/23 | 125/10 131/17 136/21 134/17 145/22 146/17 | 141/12 141/12 141/14 141/15 141/16 |
| REPEAT [1] 29/21 | 151/6 154/23 | SELF [1] 154/16 |
| REPORT [34] 8/9 8/11 8/16 12/8 12/20 | SAKE [1] 13/23 | SELF-DEFENSE [1] 154/16 |
| 28/25 29/3 29/22 33/9 34/6 34/8 35/23 36/9 | SALAZAR [1] 61/14 | SEND [2] 42/14 42/18 |
| 37/22 40/12 41/3 41/23 41/22 41/24 41/25 | SAME [10] 16/10 17/8 30/13 71/10 74/14 | SENSE [1] 44/8 |
| 42/3 42/8 42/11 43/6 43/9 43/13 44/7 44/14 | 84/5 94/10 127/6 145/11 147/24 | SEPARATE [2] 63/22 63/24 |
| 46/24 50/14 54/24 55/25 56/8 56/14 | SAMUEL [1] 14/9 | SET [4] 47 24/8 50/12 93/2 |
| REPORTED [10] 1/24 17/20 36/15 40/17 | SAT [1] 150/14 | SEVEN [3] 153 249/74/1 |
| 40/18 47/4 47/12 50/24 57/6 57/15 | SAW [32] 9/2 20/17 61/15 62/9 68/14 71/19 | SEVERAL [3] 42/5 129/7 |
| REPORTER [1] 155/23 | 114/18 114/23 131/25 132/3 132/2 132/13 | SEX [5] 72/14 101/23 110/11 110/13 112/9 |
| REPORTER'S [1] 1/12 | 134/1 138/2 135/3 135/12 135/18 135/28 | SHANNON [1] 61/13 67/8 68/18 68/22 |
| REPORTS [2] 33/17 42/20 | 135/25 136/18 136/21 137/3 137/21 138/9 | 92/19 92/20 95/19 95/22 101/6 101/11 104/5 |
| REPRESENTED [1] 12/25 | 138/18 138/24 139/4 141/22 144/14 144/15 | 106/1 106/13 |
| REPRESENTS [1] 10/11 | 144/15 144/20 | SHC [25] 5/13 44/24 56/14 63/1 65/9 65/9 |
| REQUEST [1] 144/6 | SAY [49] 14/1 17/2 19/14 27/12 30/18 34/14 | 65/18 75/4 75/5 75/5 79/9 99/11 99/12 99/15 |
| RESERVE [1] 149/7 | 34/15 34/24 35/1 35/12 36/13 38/8 38/19 | 99/15 99/15 100/8 100/23 100/25 101/2 |
| RESIDENCE [1] 153/19 | 42/21 44/14 45/25 46/1 47/6 47/10 49/15 | 106/4 106/6 129/10 129/11 129/12 |
| RESIDENCY [1] 6/17 | 52/24 60/19 61/4 61/11 71/12 72/9 72/18 | SHIE'S [4] 43/24 43/25 56/15 61/4 |
| RESIDUAL [1] 30/2 | 75/15 76/24 82/12 86/4 86/13 87/14 91/16 | SHIRT [7] 32/16 77/20 78/7 78/8 78/11 |
| RESIDUE [1] 32/9 | 96/23 100/10 101/17 111/8 114/23 120/18 | 112/18 147/16 |
| RESPECT [1] 40/9 | 121/18 122/13 123/8 131/9 133/4 135/5 | SIO [1] 123/2 |
| RESPOND [3] 82/20 152/4 152/6 | 135/9 138/10 149/19 | SHOOT [5] 79/4 79/6 122/20 125/11 136/21 |
| RESPONSE [3] 21/17 49/18 96/11 | SAYING [14] 22/12 37/10 48/3 57/1 74/24 | SHOOTING [23] 30/10 20/12 20/14 20/15 |
| REST [7] 11/15 146/8 147/9 147/24 148/6 | 81/9 82/24 85/13 95/7 122/23 123/5 123/22 | 39/21 91/6 109/14 113/6 113/14 118/23 |
| 148/23 149/2 | 137/21 138/23 | 118/24 134/25 137/3 137/22 138/4 138/19 |
| RESTLESSNESS [1] 57/8 | SAYS [9] 103/24 130/13 130/15 130/19 | 141/1 141/2 141/23 141/24 142/1 153/16 |
| RESTRICTED [2] 33/13 35/7 | 110/21 110/25 113/25 147/20 147/20 | 154/10 |
| RESULTS [3] 148/10 149/15 149/17 | SCENE [3] 7/21 33/16 90/16 | SHOOTS [1] 153/3 |
| RESULT [11] 15/25 17/25 18/6 18/8 43/5 | SCHOOL [2] 6/16 6/17 | SHORT [4] 19/13 48/16 48/17 48/19 |
| 51/4 55/11 56/9 63/14 64/6 64/25 | SCIENTIFIC [2] 43/2 43/20 | SHORTLY [1] 110/22 |
| RESULTS [5] 14/11 29/15 40/5 48/18 48/24 | SCRAPE [1] 26/10 | SHOT [32] 10/18 10/22 14/2 15/18 18/3 18/4 |
| RETREAT [1] 154/17 | SCRAPED [1] 55/5 | 50/19 54/3 54/5 54/8 79/20 80/22 81/20 |
| RETURN [1] 74/24 | SCRAPES [1] 20/23 | 84/19 84/20 84/24 85/9 85/16 86/2 86/5 |
| REVIEWED [1] 34/7 | SCRAPING [1] 54/19 | 119/15 119/20 119/21 119/24 121/7 121/20 |
| REVOLVER [1] 30/2 | SCRAPINGS [2] 28/17 34/15 | 122/21 123/1 125/4 125/11 137/9 154/18 |
| RIDE [4] 66/15 98/12 98/13 152/16 | SCREEN [1] 132/0 | SHOTS [14] 119/8 134/24 135/12 135/13 |
| RIGHT [226] | SEAL [4] 7/25 8/4 10/11 10/12 | 135/21 136/23 138/24 136/14 136/16 137/8 |
| RIGHT-HANDED [1] 77/3 | SEALED [1] 7/25 | 137/19 137/19 137/20 141/13 |
| RING [3] 27/3 27/15 30/10 | SEAT [3] 522 59/2 136/13 | SHOULD [3] 54 43/19 153/8 |
| RISE [1] 50/3 | SECOND [12] 24/8 27/1 31/16 40/16 47/10 | SHOULDER [1] 120/18 |
| ROAD [1] 151/13 | 79/17 80/5 84/19 86/2 86/6 88/13 127/8 | SHOW [15] 9/12 11/1 11/12 16/4 31/12 |
| ROBERT [13] 2/14 7/15 60/19 60/21 62/1 | SECONDS [14] 16/2 112/23 118/3 113/7 | 70/23 72/16 73/4 76/18 76/22 80/4 111/3 |
| 125/23 125/24 126/3 126/16 127/5 147/23 | 113/14 113/15 113/16 118/25 119/3 119/8 | 112/10 132/18 132/22 |
| 147/24 148/1 | 119/15 119/17 119/22 119/25 | SHOWED [4] 11/23 130/21 139/12 139/12 |
| ROLL [2] 86/24 91/8 | SECTION [3] 42/8 44/13 46/23 | SHOWING [13] 11/17 16/15 16/20 17/7 |
| ROOM [31] 15/23 85/10 65/21 66/3 66/6 | SECTIONS [1] 42/3 | 22/24 61/21 70/5 81/13 108/21 134/4 129/21 |
| 66/13 67/2 70/11 71/23 71/23 74/13 80/5 | SECURITY [9] 74/11 74/12 75/6 75/10 | 140/3 143/4 |
| 98/5 98/8 98/11 98/22 98/24 99/1 99/3 99/5 | 75/15 102/5 102/15 103/2 103/9 | SHOWS [3] 31/17 148/8 114/15 |
| 99/7 99/15 99/23 100/3 100/7 100/8 100/9 | SEE [78] 9/1 10/23 12/22 13/2 13/10 13/15 | SIDE [33] 23/12 23/12 28/5 31/7 54/1 71/6 |
| 102/5 102/9 102/19 103/3 | 14/9 14/9 14/11 14/25 16/7 20/7 20/21 24/6 | 77/7 78/18 86/8 97/17 100/4 109/1 112/12 |
| ROSS [1] 2/11 | 27/11 31/8 31/25 32/2 32/16 50/12 59/14 | 115/15 117/7 117/8 135/3 135/5 135/5 135/6 |
| ROSS-EXAMINATION [1] 2/11 | 62/14 62/25 63/25 65/16 68/23 71/16 71/24 | 135/7 136/24 138/22 140/4 140/12 140/13 |
| RULE [1] 4/20 | 81/1 88/2 92/9 95/1 96/12 96/15 96/24 102/4 | 140/14 140/19 141/7 141/8 144/12 144/17 |
| RUN [1] 95/17 | 102/14 105/8 105/25 107/2 107/6 107/8 | 144/25 |
| RUNNING [9] 121/16 122/10 133/23 133/24 | 107/25 108/2 108/4 108/22 109/12 109/13 | SIDEWALK [25] 85/4 85/23 109/14 116/21 |
| 135/19 137/4 138/18 140/22 140/24 | 109/17 109/21 109/21 111/11 114/24 113/1 | 116/22 117/11 121/11 121/13 122/5 122/19 |
| RUNS [1] 150/17 | | 123/17 123/21 124/15 124/17 125/10 132/17 |

| | | |
|---|--|--|
| S | | |
| SIDEWALK [3] 140/16 140/17 140/19 | SPEAKING [2] 145/2 145/10 | STOOD [1] 86/3 |
| SIDEWAYS [1] 78/17 | SPECIFIC [2] 52/7 119/5 | STOP [1] 152/13 |
| SIEGEL [13] 67/19 68/3 69/3 69/15 70/10 | SPECIFICALLY [2] 48/15 77/24 | STRAIGHT [3] 84/9 103/19 103/26 |
| 70/11 70/12 80/4 98/16 128/21 128/22 | SPECIMENS [4] 142/4 42/1 42/14 42/15 | STREET [6] 87/8 90/19 90/21 90/22 91/1 |
| 129/14 151/9 | SPECULATE [2] 29/12 55/22 | 91/3 |
| SIGHT [2] 130/22 136/4 | SPECULATING [1] 50/2 | STRICKEN [1] 75/21 |
| SIGNIFICANCE [2] 28/2 30/14 | SPECULATION [1] 55/24 | STRICTLY [1] 49/3 |
| SIGNIFICANT [2] 89/8/19 | SPELL [3] 52/3 59/4 126/15 | STRUCK [4] 35/7 25/9 25/19 25/19 |
| SILVER [4] 116/2 116/4 124/9 124/10 | SPOKE [2] 10/11 33/24 | STUCK [2] 79/19 113/17 |
| SIMILAR [1] 151/23 | SPOKEN [1] 5/1 | STUFF [1] 102/19 |
| SINCE [3] 22/3 38/8 139/2 | SPOT [2] 143/8 143/10 | SUBCUTANEOUS [2] 150/10 17/4 |
| SINGLE [3] 38/8 38/12 47/11 | SPON [4] 112/15 117/17 121/21 122/22 | SUBJECT [1] 152/2 |
| SIR [27] 11/15 59/3 59/11 59/25 64/12 81/7 | STA [1] 121/4 | SUBMIT [4] 21/10 21/10 149/12 150/15 |
| 82/18 82/18 88/20 89/8 89/12 90/15 91/21 | STACK [1] 32/5 | SUBMITTED [1] 154/1 |
| 93/18 94/2 94/20 95/6 108/21 114/7 114/10 | STAGE [1] 150/2 | SUBMITTING [3] 150/9 150/11 150/13 |
| 115/3 118/16 120/9 126/1 136/2 126/23 | STAGGERED [9] 77/19 79/21 117/17 | SUBORNED [2] 58/10 58/15 |
| 140/3 | 120/23 121/4 121/21 122/21 123/2 123/11 | SUBSECTION [1] 50/24 |
| SISTER [1] 5/2 | STAGGERING [1] 112/16 | SUBSTANCES [2] 29/18 29/18 |
| ST [3] 54 12/10 137/18 | STAGGERS [2] 78/2 123/7 | SUCH [2] 35/2 37/4 |
| SETTING [4] 48/4 63/18 97/16 133/22 | STAIR [2] 123/15 143/16 | SUDDEN [2] 7/5 133/13 |
| SITUATION [1] 76/10 | STAIRCASE [3] 120/9 123/23 143/16 | SUFFICIENT [1] 43/23 |
| SIX [10] 153 24/1 24/9 49/17 49/19 39/20 | STAIRCASES [1] 114/16 | SUICIDE [3] 45/3 52/30 52/5 |
| 51/3 159/6 121/21 153/6 | STAIRS [35] 71/20 71/25 72/1 73/9 73/10 | SUIT [1] 154/18 |
| SIX FOOT TWO [2] 51/3 153/6 | 80/13 80/14 106/16 106/25 107/1 107/8 | SUITE [2] 70/11 98/19 |
| SIXTY [1] 37/7 | 115/2 115/3 115/3 115/3 115/32 115/23 | SUTES [13] 67/19 68/3 69/3 69/15 70/11 |
| SKIN [4] 14/10 14/12 14/24 15/9 | 116/25 117/3 117/10 123/14 123/16 123/16 | 76/13 80/4 98/16 127/16 128/21 128/22 |
| SLEEP [2] 73/2 76/17 | 132/7 132/14 140/10 142/23 144/14 145/1 | 129/14 131/9 |
| SLIGHT [1] 154/26 | 145/7 145/9 145/13 145/14 145/15 152/23 | SULFATE [1] 47/12 |
| SLOT [1] 115/16 | STAND [1] 126/3 | SULLIVAN [2] 1/14 8/18 |
| SMALL [2] 13/7 17/15 | STANDING [12] 18/2 50/18 80/21 82/10 | SUNDAY [1] 60/2 |
| SMEAR [2] 28/15 31/15 | 85/17 97/2 97/17 118/21 117/2 117/4 117/14 | SUPPORT [1] 154/2 |
| SNAP [1] 8/2 | 145/19 | SUPPORTED [1] 150/4 |
| SO [159] | START [3] 31/1 72/23 136/9 139/8 | SUPPORTS [1] 154/12 |
| SOBET [1] 152/13 | STARTED [25] 72/1 72/2 72/3 76/21 79/3 | SUPPOSABLE [1] 153/3 |
| SOME [41] 4/13 4/15 4/15 4/22 5/9 5/13 9/2 | 80/12 86/12 103/3 115/7 136/11 135/8 136/7 | SUPPOSE [2] 153/4 153/7 |
| 9/5 12/3 13/15 14/9 23/11 24/15 28/15 31/15 | 136/24 138/17 154/17 | SURE [17] 20/13 21/13 22/19 22/22 29/5 |
| 32/2 38/1 40/1 40/1 41/17 51/7 51/16 52/22 | STARTS [3] 19/15 106/13 115/9 | 28/9 34/1 40/11 48/4 58/8 75/9 75/18 88/15 |
| 58/13 64/21 64/21 69/11 84/17 109/14 | STATE [21] 1/4 1/6 2/3 4/9 5/12 5/17 5/13 | 92/10 92/12 125/19 155/11 |
| 128/19 129/8 130/22 130/22 130/23 130/8 | 62/3 47/3 58/7 58/23 59/3 125/23 126/6 | SURFACE [2] 17/3 54/13 |
| 136/13 138/3 143/10 150/18 150/23 154/8 | 126/14 146/6 146/9 147/9 148/15 149/6 | SURFACES [1] 24/16 |
| SOMEbody [3] 41/4 97/14 137/4 | 155/2 | SURGICAL [1] 6/19 |
| SOMEONE [7] 50/18 59/11 63/8 97/17 | STATE'S [18] 22/20 9/13 10/2 10/7 10/17 | SWORN [3] 5/18 58/24 126/7 |
| 130/14 135/19 138/22 | 152 163 61/21 62/2 62/6 70/6 70/20 114/4 | SYMPTOMS [1] 47/7 |
| SOMEPLACE [1] 71/3 | 120/8 129/22 148/3 143/4 151/17 | SYNERGISTIC [1] 39/18 |
| SOMETHING [21] 13/2 13/20 13/25 14/12 | STATED [2] 148/4 151/19 | SYSTEM [10] 39/4 46/7 47/17 48/1 48/3 |
| 24/1 25/7 25/9 34/3 39/22 40/9 52/22 54/19 | STATEMENT [14] 35/14 68/23 89/1 89/1 | 38/6 48/8 48/9 48/22 55/10 |
| 55/21 54/21 55/5 67/12 94/21 96/6 108/2 | 89/7 89/13 92/24 92/25 93/7 93/8 93/13 | |
| 111/12 133/10 | 111/7 142/6 142/9 | T |
| SOMETIMES [4] 12/22 13/10 13/5 30/25 | STATEMENTS [1] 75/14 | T-J-M-O-T-H-Y [1] 59/5 |
| SOMEWAY [1] 28/24 | STAY [5] 153 65/3 85/17 106/10 130/3 | TAG [2] 10/13 30/17 |
| SOMEWHAT [1] 19/10 | STAYED [6] 68/21 69/24 100/3 100/5 100/8 | TAKE [24] 72/3 8/22 8/24 10/19 16/3 22/13 |
| SOMEWHERE [3] 68/23 82/25 84/25 | 130/15 | 23/12 23/16 28/3 28/4 30/15 37/17 43/2 |
| SON [10] 127/2 142/16 142/19 142/22 144/3 | STAYING [1] 99/15 | 57/24 61/4 70/7 90/1 98/16 104/8 109/24 |
| 144/5 144/14 145/1 145/9 145/15 | STEADY [1] 47/3 | 115/10 127/15 128/19 150/14 |
| SOON [3] 96/24 96/25 147/5 152/14 | STEP [3] 32/22 55/7 126/1 | TAKEN [7] 9/9 92/0 23/11 23/19 24/1 32/9 |
| SOOT [13] 12/22 12/23 13/15 14/1 14/4 14/6 | STEPHANIE [1] 155/14 | 58/4 |
| 14/22 15/1 16/16 32/8 32/24 35/10 35/15 | STEPS [5] 121/21 122/22 123/2 131/7 131/8 | TAKES [7] 19/16 48/15 55/14 61/8 105/3 |
| SORRY [17] 11/14 20/21 34/21 34/21 72/18 | STICK [2] 88/20 91/8 | 153/3 153/7 |
| 74/7 79/24 81/11 95/11 95/11 109/6 109/6 | STIEL [19] 13/24 32/2 39/13 85/21 85/23 | TAKING [7] 22/8 39/22 40/6 67/18 73/8 |
| 109/25 120/18 120/18 126/11 155/9 | 112/8 116/25 117/20 118/11 124/23 130/18 | 81/8 124/4 |
| SORT [6] 64/21 69/3 69/6 129/9 130/23 | 132/6 133/23 145/18 | TALK [25] 10/25 13/14 33/17 52/19 52/20 |
| 133/8 | STIM [1] 23/12 | 52/20 52/21 60/18 63/25 63/10 65/18 75/5 |
| SOUNDS [1] 4/14 | STIMULANT [2] 36/7 38/17 | 82/18 82/23 92/14 92/16 93/6 93/15 95/3 |
| SOUTH [2] 71/14 144/11 | STIPPLING [12] 13/2 13/8 13/10 13/15 14/1 | 95/15 97/6 97/8 102/4 135/24 144/7 |
| SOUTHWEST [1] 135/20 | 1408 142/23 15/17 32/8 32/24 35/19 35/15 | TALKED [13] 9/8 16/11 50/14 62/16 89/3 |
| SPEAK [3] 82/20 114/22 150/20 | STIPULATE [2] 23/8 23/8 | 92/17 92/25 93/4 93/8 100/3 142/11 142/14 |
| | STOMACH [6] 16/24 18/5 79/20 84/20 | 142/15 |
| | 84/25 85/9 | TALKING [13] 12/21 28/12 30/1 42/21 |

| | | |
|---|--|--|
| T | | |
| TALKING... [1] 55/18 67/15 82/16 97/22 97/25 100/9 110/1 133/3 150/19 | 134/2 134/18 134/22 145/5 152/17 THEMSELVES [1] 139/8 | 89/7 89/9 89/13 93/2 97/5 97/24 100/16 100/16 100/18 101/8 102/16 103/3 103/22 104/12 105/24 105/25 107/11 107/13 107/21 107/22 113/10 113/12 113/18 130/11 130/12 130/12 131/9 133/3 133/3 133/9 133/16 138/8 142/5 145/11 149/18 152/20 154/15 154/16 |
| TALKS [1] 40/16 | THEM [142] 6/20 6/22 7/24 8/22 9/14 10/19 15/10 15/11 15/12 15/13 16/20 17/1 17/15 17/19 19/24 20/24 24/9 24/18 24/25 24/25 27/1 27/16 28/4 28/5 29/21 30/19 30/23 40/16 42/3 42/8 43/25 44/15 46/17 47/5 53/24 64/6 65/21 67/17 71/9 71/24 73/11 76/20 77/18 78/2 78/5 79/19 80/21 82/2 82/10 83/16 84/9 84/10 84/24 86/21 86/25 89/4 90/5 91/10 91/10 93/2 93/3 102/5 102/10 104/5 105/18 106/10 107/18 107/22 107/22 110/13 110/22 111/4 112/4 112/18 112/21 113/17 115/7 115/9 116/15 116/24 117/15 117/17 119/20 119/23 121/3 122/16 123/17 123/18 123/18 123/15 123/17 125/1 125/2 125/2 125/4 125/6 125/9 129/16 130/14 130/18 130/23 131/10 132/3 132/6 133/1 133/11 133/13 133/13 133/17 134/10 134/14 134/15 134/18 135/3 135/18 136/1 136/7 136/13 136/18 137/7 137/8 137/9 138/3 138/16 139/6 139/8 139/12 142/1 143/11 142/25 143/18 143/14 144/15 144/20 146/14 147/1 147/23 148/11 149/2 152/25 152/25 154/18 | |
| TALKS [1] 89/7 | THEORIES [1] 151/24 | THOROUGH [1] 41/25 |
| TAPE [1] 100/13 | THEORY [6] 148/3 150/1 151/17 151/23 152/2 154/13 | THOSE [20] 9/14 9/12 12/24 13/7 14/11 42/18 45/16 45/20 46/15 46/18 51/2 51/19 52/21 55/1 55/13 119/12 136/16 142/23 148/7 154/15 |
| TEAR [1] 13/15 | THESE [35] 4/12 10/23 11/9 11/10 11/25 13/1 13/3 13/19 16/16 23/4 23/25 25/18 27/1 27/18 28/6 28/15 30/15 30/19 31/10 31/15 32/12 32/23 33/19 40/16 41/15 53/1 59/3 61/2 108/16 118/15 140/16 142/8 146/22 152/9 152/12 | THOUGH [14] 34/16 38/17 97/18 111/11 THOUGHT [11] 40/9 63/18 74/1 76/6 85/1 95/9 105/24 113/19 113/20 137/5 137/22 THOUSAND [2] 78 47/5 |
| TECHNICALLY [1] 4/24 | THESE [35] 4/12 10/23 11/9 11/10 11/25 13/1 13/3 13/19 16/16 23/4 23/25 25/18 27/1 27/18 28/6 28/15 30/15 30/19 31/10 31/15 32/12 32/23 33/19 40/16 41/15 53/1 59/3 61/2 108/16 118/15 140/16 142/8 146/22 152/9 152/12 | THREE [17] 24/8 27/4 27/9 31/9 40/13 48/7 48/19 52/1 62/5 94/7 96/22 105/1 106/25 107/1 114/15 131/23 149/17 |
| TECHNICIAN [1] 28/20 | THESE [35] 4/12 10/23 11/9 11/10 11/25 13/1 13/3 13/19 16/16 23/4 23/25 25/18 27/1 27/18 28/6 28/15 30/15 30/19 31/10 31/15 32/12 32/23 33/19 40/16 41/15 53/1 59/3 61/2 108/16 118/15 140/16 142/8 146/22 152/9 152/12 | THREW [5] 86/6 86/8 137/14 138/6 138/7 THROUGH [16] 3/24 9/13 9/14 10/2 10/3 10/7 15/9 15/10 17/14 17/15 54/8 146/9 146/12 146/13 152/7 153/4 |
| TELL [11] 19/9 20/9 20/23 63/23 74/1 74/4 82/4 102/3 102/6 135/25 145/5 | THESE [35] 4/12 10/23 11/9 11/10 11/25 13/1 13/3 13/19 16/16 23/4 23/25 25/18 27/1 27/18 28/6 28/15 30/15 30/19 31/10 31/15 32/12 32/23 33/19 40/16 41/15 53/1 59/3 61/2 108/16 118/15 140/16 142/8 146/22 152/9 152/12 | THROWED [1] 97/5 |
| TELLING [11] 33/18 64/3 74/3 74/19 101/22 103/2 110/19 137/18 151/7 151/7 154/10 | THESE [35] 4/12 10/23 11/9 11/10 11/25 13/1 13/3 13/19 16/16 23/4 23/25 25/18 27/1 27/18 28/6 28/15 30/15 30/19 31/10 31/15 32/12 32/23 33/19 40/16 41/15 53/1 59/3 61/2 108/16 118/15 140/16 142/8 146/22 152/9 152/12 | THROWS [1] 107/22 |
| TELLS [2] 118 97/7 | THESE [35] 4/12 10/23 11/9 11/10 11/25 13/1 13/3 13/19 16/16 23/4 23/25 25/18 27/1 27/18 28/6 28/15 30/15 30/19 31/10 31/15 32/12 32/23 33/19 40/16 41/15 53/1 59/3 61/2 108/16 118/15 140/16 142/8 146/22 152/9 152/12 | THUMB [1] 31/24 |
| TEN [14] 37/23 66/7 74/11 74/23 85/12 94/21 105/6 118/1 118/2 118/8 118/9 118/9 118/9 151/12 | THESE [35] 4/12 10/23 11/9 11/10 11/25 13/1 13/3 13/19 16/16 23/4 23/25 25/18 27/1 27/18 28/6 28/15 30/15 30/19 31/10 31/15 32/12 32/23 33/19 40/16 41/15 53/1 59/3 61/2 108/16 118/15 140/16 142/8 146/22 152/9 152/12 | TILL [1] 98/20 |
| TERMS [3] 34/5 54/19 54/21 | THESE [35] 4/12 10/23 11/9 11/10 11/25 13/1 13/3 13/19 16/16 23/4 23/25 25/18 27/1 27/18 28/6 28/15 30/15 30/19 31/10 31/15 32/12 32/23 33/19 40/16 41/15 53/1 59/3 61/2 108/16 118/15 140/16 142/8 146/22 152/9 152/12 | TIN [14] 58/7 139/2 131/5 151/10 |
| TERRITORY [2] 56/19 56/19 | THESE [35] 4/12 10/23 11/9 11/10 11/25 13/1 13/3 13/19 16/16 23/4 23/25 25/18 27/1 27/18 28/6 28/15 30/15 30/19 31/10 31/15 32/12 32/23 33/19 40/16 41/15 53/1 59/3 61/2 108/16 118/15 140/16 142/8 146/22 152/9 152/12 | TIME [104] 4/7 6/13 6/24 7/6 7/24 8/25 9/28 16/2 19/13 19/14 20/10 20/11 22/7 23/22 23/23 23/25 28/22 33/25 34/16 35/13 39/4 39/6 46/19 47/16 47/20 57/22 60/10 61/1 62/13 62/19 63/14 63/24 64/13 64/23 66/2 66/9 67/12 67/16 68/12 68/17 68/23 69/7 71/17 76/15 77/23 79/1 79/17 84/19 85/9 85/10 86/1 86/3 86/4 86/6 86/18 87/17 93/4 93/8 93/11 94/16 95/2 96/5 96/17 96/18 102/13 103/8 104/8 105/8 107/15 107/25 108/2 109/22 111/6 113/13 113/13 116/9 117/1 117/25 118/24 119/3 119/22 119/22 121/20 123/1 125/12 125/16 126/25 127/21 128/23 130/13 130/18 132/9 132/13 133/4 136/13 137/5 138/25 140/5 147/17 152/8 153/4 153/17 153/20 154/9 |
| TEST [5] 28/23 33/1 40/5 42/16 42/16 | THESE [35] 4/12 10/23 11/9 11/10 11/25 13/1 13/3 13/19 16/16 23/4 23/25 25/18 27/1 27/18 28/6 28/15 30/15 30/19 31/10 31/15 32/12 32/23 33/19 40/16 41/15 53/1 59/3 61/2 108/16 118/15 140/16 142/8 146/22 152/9 152/12 | TIMES [2] 74/21 129/7 |
| TESTED [11] 50/9 79/17 79/24 46/13 56/14 56/15 58/25 119/7 119/11 126/8 151/10 | THESE [35] 4/12 10/23 11/9 11/10 11/25 13/1 13/3 13/19 16/16 23/4 23/25 25/18 27/1 27/18 28/6 28/15 30/15 30/19 31/10 31/15 32/12 32/23 33/19 40/16 41/15 53/1 59/3 61/2 108/16 118/15 140/16 142/8 146/22 152/9 152/12 | TIMOTHY [5] 2/9 58/23 59/5 148/1 150/18 |
| TESTIFY [6] 51/18 61/4 58/24 126/7 141/22 148/21 | THESE [35] 4/12 10/23 11/9 11/10 11/25 13/1 13/3 13/19 16/16 23/4 23/25 25/18 27/1 27/18 28/6 28/15 30/15 30/19 31/10 31/15 32/12 32/23 33/19 40/16 41/15 53/1 59/3 61/2 108/16 118/15 140/16 142/8 146/22 152/9 152/12 | TIPS [1] 26/25 |
| TESTIFYING [2] 40/4 122/9 | THESE [35] 4/12 10/23 11/9 11/10 11/25 13/1 13/3 13/19 16/16 23/4 23/25 25/18 27/1 27/18 28/6 28/15 30/15 30/19 31/10 31/15 32/12 32/23 33/19 40/16 41/15 53/1 59/3 61/2 108/16 118/15 140/16 142/8 146/22 152/9 152/12 | TISSUE [2] 15/10 17/4 |
| TESTIMONY [30] 44/21 44/31 45/8 147/15 147/17 147/25 150/5 150/17 150/18 150/23 151/2 151/21 152/2 153/2 153/16 154/1 154/5 154/9 154/11 154/16 | THESE [35] 4/12 10/23 11/9 11/10 11/25 13/1 13/3 13/19 16/16 23/4 23/25 25/18 27/1 27/18 28/6 28/15 30/15 30/19 31/10 31/15 32/12 32/23 33/19 40/16 41/15 53/1 59/3 61/2 108/16 118/15 140/16 142/8 146/22 152/9 152/12 | TISSUES [1] 12/23 |
| TESTING [3] 30/3 42/19 51/17 | THESE [35] 4/12 10/23 11/9 11/10 11/25 13/1 13/3 13/19 16/16 23/4 23/25 25/18 27/1 27/18 28/6 28/15 30/15 30/19 31/10 31/15 32/12 32/23 33/19 40/16 41/15 53/1 59/3 61/2 108/16 118/15 140/16 142/8 146/22 152/9 152/12 | |
| TESTS [1] 48/21 | THESE [35] 4/12 10/23 11/9 11/10 11/25 13/1 13/3 13/19 16/16 23/4 23/25 25/18 27/1 27/18 28/6 28/15 30/15 30/19 31/10 31/15 32/12 32/23 33/19 40/16 41/15 53/1 59/3 61/2 108/16 118/15 140/16 142/8 146/22 152/9 152/12 | |
| THAN [10] 14/19 25/6 34/2 54/15 56/4 95/10 119/6 130/19 135/21 153/9 | THESE [35] 4/12 10/23 11/9 11/10 11/25 13/1 13/3 13/19 16/16 23/4 23/25 25/18 27/1 27/18 28/6 28/15 30/15 30/19 31/10 31/15 32/12 32/23 33/19 40/16 41/15 53/1 59/3 61/2 108/16 118/15 140/16 142/8 146/22 152/9 152/12 | |
| THANK [13] 51/2 52/2 61/1 62/1 10/5 23/9 24/23 29/10 34/23 59/18 59/10 57/21 57/23 58/1 58/7 58/19 59/2 59/7 59/19 61/7 70/19 88/13 109/24 125/16 126/13 126/18 126/19 146/4 149/3 155/15 155/16 | THESE [35] 4/12 10/23 11/9 11/10 11/25 13/1 13/3 13/19 16/16 23/4 23/25 25/18 27/1 27/18 28/6 28/15 30/15 30/19 31/10 31/15 32/12 32/23 33/19 40/16 41/15 53/1 59/3 61/2 108/16 118/15 140/16 142/8 146/22 152/9 152/12 | |
| THANKS [3] 49/20 58/20 92/6 | THESE [35] 4/12 10/23 11/9 11/10 11/25 13/1 13/3 13/19 16/16 23/4 23/25 25/18 27/1 27/18 28/6 28/15 30/15 30/19 31/10 31/15 32/12 32/23 33/19 40/16 41/15 53/1 59/3 61/2 108/16 118/15 140/16 142/8 146/22 152/9 152/12 | |
| THAT [587] | THESE [35] 4/12 10/23 11/9 11/10 11/25 13/1 13/3 13/19 16/16 23/4 23/25 25/18 27/1 27/18 28/6 28/15 30/15 30/19 31/10 31/15 32/12 32/23 33/19 40/16 41/15 53/1 59/3 61/2 108/16 118/15 140/16 142/8 146/22 152/9 152/12 | |
| THAT'S [126] 8/5 10/12 10/12 10/20 10/21 11/9 11/11 11/25 13/4 13/9 14/4 16/15 16/18 20/5 27/18 28/19 28/19 32/10 32/25 34/17 34/18 35/11 35/16 37/10 37/13 41/22 43/5 43/22 44/9 44/9 44/25 46/20 46/22 48/1 49/17 51/9 54/14 54/23 57/3 57/3 57/4 77/19 79/17 83/5 84/19 85/1 92/20 93/3 95/7 97/7 100/10 101/24 101/24 102/1 103/5 103/25 109/16 110/18 110/24 111/14 111/25 111/25 112/11 112/15 112/23 113/20 118/2 118/13 120/11 121/7 122/20 123/6 124/3 124/12 125/11 126/17 127/9 130/2 136/3 136/4 136/6 136/8 136/15 136/17 136/20 136/22 137/24 138/5 138/6 139/3 139/5 140/4 141/3 141/6 141/9 141/9 141/11 141/16 141/17 141/18 142/7 142/13 142/18 142/21 142/24 143/4 143/11 143/14 143/17 144/2 144/4 144/8 144/9 144/10 144/13 144/17 144/22 145/25 147/2 151/21 152/13 152/14 152/22 153/11 153/11 153/17 | THESE [35] 4/12 10/23 11/9 11/10 11/25 13/1 13/3 13/19 16/16 23/4 23/25 25/18 27/1 27/18 28/6 28/15 30/15 30/19 31/10 31/15 32/12 32/23 33/19 40/16 41/15 53/1 59/3 61/2 108/16 118/15 140/16 142/8 146/22 152/9 152/12 | |
| THE [12] 30/22 34/17 42/10 43/13 45/17 54/4 54/7 54/19 123/4 | THESE [35] 4/12 10/23 11/9 11/10 11/25 13/1 13/3 13/19 16/16 23/4 23/25 25/18 27/1 27/18 28/6 28/15 30/15 30/19 31/10 31/15 32/12 32/23 33/19 40/16 41/15 53/1 59/3 61/2 108/16 118/15 140/16 142/8 146/22 152/9 152/12 | |
| THESE [33] 5/10 8/2 13/20 14/24 23/15 25/2 27/9 28/18 30/8 31/1 31/2 35/2 51/6 54/18 54/21 55/5 67/15 93/3 93/4 93/5 93/9 97/20 98/2 107/10 121/19 122/17 124/20 134/1 | THESE [35] 4/12 10/23 11/9 11/10 11/25 13/1 13/3 13/19 16/16 23/4 23/25 25/18 27/1 27/18 28/6 28/15 30/15 30/19 31/10 31/15 32/12 32/23 33/19 40/16 41/15 53/1 59/3 61/2 108/16 118/15 140/16 142/8 146/22 152/9 152/12 | |
| | THESE [35] 4/12 10/23 11/9 11/10 11/25 13/1 13/3 13/19 16/16 23/4 23/25 25/18 27/1 27/18 28/6 28/15 30/15 30/19 31/10 31/15 32/12 32/23 33/19 40/16 41/15 53/1 59/3 61/2 108/16 118/15 140/16 142/8 146/22 152/9 152/12 | |
| | THESE [35] 4/12 10/23 11/9 11/10 11/25 13/1 13/3 13/19 16/16 23/4 23/25 25/18 27/1 27/18 28/6 28/15 30/15 30/19 31/10 31/15 32/12 32/23 33/19 40/16 41/15 53/1 59/3 61/2 108/16 118/15 140/16 142/8 146/22 152/9 152/12 | |
| | THESE [35] 4/12 10/23 11/9 11/10 11/25 13/1 13/3 13/19 16/16 23/4 23/25 25/18 27/1 27/18 28/6 28/15 30/15 30/19 31/10 31/15 32/12 32/23 33/19 40/16 41/15 53/1 59/3 61/2 108/16 118/15 140/16 142/8 146/22 152/9 152/12 | |
| | THESE [35] 4/12 10/23 11/9 11/10 11/25 13/1 13/3 13/19 16/16 23/4 23/25 25/18 27/1 27/18 28/6 28/15 30/15 30/19 31/10 31/15 32/12 32/23 33/19 40/16 41/15 53/1 59/3 61/2 108/16 118/15 140/16 142/8 146/22 152/9 152/12 | |
| | THESE [35] 4/12 10/23 11/9 11/10 11/25 13/1 13/3 13/19 16/16 23/4 23/25 25/18 27/1 27/18 28/6 28/15 30/15 30/19 31/10 31/15 32/12 32/23 33/19 40/16 41/15 53/1 59/3 61/2 108/16 118/15 140/16 142/8 146/22 152/9 152/12 | |
| | THESE [35] 4/12 10/23 11/9 11/10 11/25 13/1 13/3 13/19 16/16 23/4 23/25 25/18 27/1 27/18 28/6 28/15 30/15 30/19 31/10 31/15 32/12 32/23 33/19 40/16 41/15 53/1 59/3 61/2 108/16 118/15 140/16 142/8 146/22 152/9 152/12 | |
| | THESE [35] 4/12 10/23 11/9 11/10 11/25 13/1 13/3 13/19 16/16 23/4 23/25 25/18 27/1 27/18 28/6 28/15 30/15 30/19 31/10 31/15 32/12 32/23 33/19 40/16 41/15 53/1 59/3 61/2 108/16 118/15 140/16 142/8 146/22 152/9 152/12 | |
| | THESE [35] 4/12 10/23 11/9 11/10 11/25 13/1 13/3 13/19 16/16 23/4 23/25 25/18 27/1 27/18 28/6 28/15 30/15 30/19 31/10 31/15 32/12 32/23 33/19 40/16 41/15 53/1 59/3 61/2 108/16 118/15 140/16 142/8 146/22 152/9 152/12 | |
| | THESE [35] 4/12 10/23 11/9 11/10 11/25 13/1 13/3 13/19 16/16 23/4 23/25 25/18 27/1 27/18 28/6 28/15 30/15 30/19 31/10 31/15 32/12 32/23 33/19 40/16 41/15 53/1 59/3 61/2 108/16 118/15 140/16 142/8 146/22 152/9 152/12 | |
| | THESE [35] 4/12 10/23 11/9 11/10 1 | |

| | | |
|--|--|---|
| <p>T</p> <p>THIRTEEN [1] 34/1</p> <p>TODAY [16] 40/53/54/7/11 12/11 21/3 40/53 43/20 57/22 59/14 137/18 139/4 139/13 141/23 146/5 152/14</p> <p>TOE [1] 10/13</p> <p>TOGETHER [5] 8/1 8/2 63/12 94/8 129/8</p> <p>TOLD [1] 72/11 72/16 73/1 74/21 76/16 104/14 130/6 139/8 142/15 144/9 145/3</p> <p>TOLERANCE [1] 38/7</p> <p>TOMORROW [1] 152/14</p> <p>TOO [5] 56/18 87/18 101/11 116/22 151/22</p> <p>TOOK [13] 14/23 17/13 67/17 79/18 89/13 89/23 89/25 91/1 119/2 113/6 118/23 119/14 129/13</p> <p>TOP [14] 24/13 27/5 31/9 31/12 54/12 86/3 115/4 115/5 115/23 115/23 119/23</p> <p>TORSO [1] 18/13</p> <p>TOTAL [2] 137/19 137/20</p> <p>TOTALTY [1] 75/14</p> <p>TOWARD [1] 45/25</p> <p>TOWARDS [16] 26/25 86/14 122/12 122/14 132/15 133/2 135/16 135/18 136/18 136/19 137/9 137/9 137/16 137/17 138/4 138/18</p> <p>TOWELS [1] 19/19</p> <p>TOWNSHIP [2] 1/3 7/11</p> <p>TOX [1] 41/3</p> <p>TOXIC [1] 41/4</p> <p>TOXIC [9] 36/22 37/1 37/2 38/1 38/4 38/16 38/21 49/7 55/10</p> <p>TOXICOLOGY [7] 25/23 35/23 48/12 41/4 41/25 52/16 53/3</p> <p>TOYO [1] 41/4</p> <p>TRACK [1] 14/23</p> <p>TRAFFIC [1] 34/13</p> <p>TRAINING [2] 6/13 6/24</p> <p>TRAJECTORY [5] 12/4 12/11 12/14 17/19 17/21</p> <p>TRANSCRIPT [3] 1/12 151/6 155/21</p> <p>TRANSPARED [1] 71/3</p> <p>TRAUMA [5] 18/25 19/3 20/17 30/19 30/21</p> <p>TREATMENT [1] 40/1</p> <p>TREE [9] 11/72 11/74 118/11 120/10 122/7 122/24 134/4 140/15 140/16</p> <p>TRIAL [1] 152/3</p> <p>TRIED [2] 86/24 91/8</p> <p>TRIGGER [3] 78/19 78/24 79/17</p> <p>TRIPLE [1] 38/14</p> <p>TRUCK [52] 82/25 83/14 83/19 85/5 85/6 108/7 108/22 109/10 109/18 109/22 110/1 117/18 117/20 117/21 117/23 118/15 120/12 120/24 121/9 121/11 121/14 121/16 121/17 121/18 121/25 122/1 123/24 124/3 124/6 124/7 124/10 125/13 133/16 134/5 134/7 134/12 134/15 136/2 137/10 138/2 138/10 138/25 140/11 140/15 140/19 141/8 141/16 141/17 143/3 143/8 143/10 143/15</p> <p>TRUE [6] 9/32 23/21 34/16 35/8 54/16 155/21</p> <p>TRUTH [19] 5/18 5/18 5/19 58/24 58/24 58/25 126/7 126/7 126/8</p> <p>TRY [16] 70/24 80/23 81/12 81/17 82/22 115/10</p> <p>TRYING [7] 76/7 76/7 76/9 79/3 79/11 79/11 82/19</p> <p>TURN [2] 49/25 31/7</p> <p>TURNED [2] 123/2 137/8</p> | <p>TURN [1] 19/24</p> <p>TWELVE [3] 85/12 118/9 128/13</p> <p>TWICE [2] 135/19 136/21</p> <p>TWO [60] 7/25 8/2 9/3 10/13 10/25 14/12 15/14 14/8 24/18 26/17 27/11 27/12 31/9 47/14 48/17 48/19 49/17 49/19 49/20 51/0 69/22 70/7 70/16 70/19 73/23 73/23 82/17 89/2 93/9 96/8 96/10 96/20 96/21 96/22 96/23 99/8 99/10 105/1 105/18 106/8 113/11 115/10 119/8 124/16 131/13 132/1 132/3 135/23 135/24 136/13 136/16 137/8 137/19 145/18 149/9 149/17 152/12 152/21 153/6 153/10</p> <p>TYPE [2] 50/10 152/8</p> <p>U</p> <p>U [1] 88/1 7/20 7/23 7/25 9/15 10/11 10/23 12/24 13/3 14/3 14/14 14/24 15/21 15/22 17/11 17/14 17/16 17/21 19/9 23/12 24/7 25/16 25/18 25/24 26/8 26/23 27/2 27/5 27/16 27/22 28/10 28/21 29/12 31/8 31/24 32/3 32/4 32/23 36/22 37/18 37/20 39/2 40/5 41/24 42/2 42/6 42/15 44/15 44/16 45/10 46/5 47/19 50/25 52/20 53/25 55/10 56/1 56/9 56/14 58/9 67/8 67/19 73/15 74/13 80/8 85/25 89/10 92/10 92/15 93/6 94/5 99/8 104/5 110/10 116/15 129/12 130/6 130/18 132/10 133/3 133/9 137/8 140/3 140/12 142/11 144/15 145/14 146/23 151/9</p> <p>U [1] 110/12 [2] 73/15 80/8</p> <p>ULTIMATELY [2] 52/14 65/6</p> <p>UM [1] 138/1 5/3 6/14 7/5 7/17 8/7 8/19 8/22 10/18 11/9 12/3 12/16 12/16 13/2 13/11 13/13 14/8 14/20 15/3 15/4 15/13 16/8 16/10 16/25 17/8 18/2 19/13 20/9 20/22 21/6 25/23 27/1 28/14 31/4 31/21 31/22 33/24 33/25 34/5 34/10 34/20 37/2 37/3 38/7 38/25 39/7 39/8 39/12 40/8 40/12 40/12 41/6 42/16 48/3 45/23 50/14 50/23 50/25 51/2 51/10 52/13 53/1 54/17 54/18 54/19 55/4 60/2 60/17 62/25 63/11 64/22 65/29 66/2 67/16 69/19 69/16 70/24 71/21 72/11 75/25 76/16 76/20 77/6 78/16 80/18 81/7 81/13 82/2 82/14 82/24 84/7 84/24 85/16 86/21 87/13 88/1 89/2 90/17 91/6 92/23 93/23 94/21 99/8 113/24 115/8 115/9 118/25 120/25 131/8 125/22 127/16 127/16 128/1 128/3 128/4 128/23 129/13 129/25 130/11 131/9 131/30 132/14 132/20 134/1 134/25 135/2 135/10 138/9 138/16 139/16 141/14 142/19 148/3 151/5 151/19 152/1 153/25 154/6 154/12</p> <p>UM-HUM [16] 69/16 113/24 115/8 120/25 121/8 132/20</p> <p>UNDER [6] 13/25 14/24 50/24 103/15 147/16 152/11</p> <p>UNDERLYING [3] 150/8 150/12 150/13</p> <p>UNDERNEATH [1] 12/23 40/16 137/14 138/7</p> <p>UNDERSTAND [5] 48/4 58/13 81/7 99/22 137/18</p> <p>UNDERSTANDING [4] 65/18 96/5 98/18 151/2</p> <p>UNDETERMINED [4] 45/6 52/15 52/23 52/24</p> <p>UNEXPECTED [1] 7/5</p> <p>UNFORTUNATELY [1] 152/15</p> <p>UNIVERSITY [1] 6/16</p> <p>UNLESS [1] 149/24</p> | <p>UNTIL [9] 91/10 91/17 91/19 91/21 102/25 103/1 112/6 141/21 154/2</p> <p>UNUSUAL [1] 51/11</p> <p>UP [109] 6/20 13/10 13/14 13/15 14/4 16/12 16/14 17/7 17/9 17/10 17/17 22/18 25/13 30/7 30/12 32/18 37/6 38/14 38/14 38/21 39/19 48/11 48/12 48/28 50/18 63/5 66/15 66/24 67/3 67/4 68/5 69/1 70/24 71/20 77/19 77/24 78/6 78/7 78/8 78/11 78/16 78/16 78/24 79/22 81/2 81/4 83/12 84/11 86/2 86/7 86/8 86/12 86/21 87/20 93/2 98/5 98/8 98/10 99/11 99/23 100/7 102/9 102/19 106/15 106/22 108/4 111/10 112/18 114/18 114/22 116/11 123/15 125/1 125/6 126/1 126/1 127/12 127/13 127/19 128/11 128/14 128/17 129/13 130/7 130/12 130/18 130/21 130/25 131/8 131/9 133/16 133/17 133/25 134/15 137/25 139/12 139/12 141/15 142/16 142/19 142/19 142/23 143/3 143/6 148/14 149/22 152/22 153/9 153/21</p> <p>UPON [9] 12/5 15/24 45/2 63/19 73/21 83/12 147/25 151/15 151/18</p> <p>UPPER [1] 19/6</p> <p>UPSCALE [1] 48/2</p> <p>UPSTAIRS [3] 116/11 131/8 145/18</p> <p>UPWARD [2] 17/22 48/1</p> <p>US [5] 42/19 52/16 56/2 56/4 155/19</p> <p>USE [13] 10/21 52/23 154/21</p> <p>USED [12] 76/25 88/9</p> <p>USING [2] 73/25 81/12</p> <p>USUALLY [8] 72/9 14/3 19/14 30/15 36/13 37/5 44/3 152/6</p> <p>UTILIZING [1] 21/7</p> <p>V</p> <p>VALETT [1] 66/15 66/17 66/23 66/24 102/10 102/20 102/34 103/1 103/22 104/19 149/18</p> <p>VARIABLES [2] 19/16 19/23</p> <p>VARIETY [1] 47/6</p> <p>VARIOUS [3] 18/25 26/1 32/4</p> <p>VEGAS [5] 13/4 16/22 71/0 51/18</p> <p>VEHICLE [35] 61/9 62/14 66/21 66/23 67/5 67/7 68/14 68/19 68/21 69/20 69/23 69/25 71/16 90/25 102/11 103/23 103/25 104/2 104/5 104/6 105/23 132/4 132/6 132/24 133/22 134/20 135/4 136/7 136/9 140/4 142/23 142/25 143/2 143/5 143/19</p> <p>VEHICLES [12] 83/8 83/16 83/18 83/24 83/25 84/10 109/12 109/17 119/19 124/16 124/17 124/23</p> <p>VERACITY [1] 41/1</p> <p>VERBATIM [1] 151/5</p> <p>VERSUS [1] 57/3</p> <p>VERY [6] 13/24 39/7 52/16 57/21 125/16 146/4</p> <p>VESSEL [1] 54/8</p> <p>VESSELS [1] 15/11</p> <p>VICTIMS [2] 5/1 45/2</p> <p>VIEW [5] 825 80/4 132/23 132/23</p> <p>VIKING [2] 94/17 94/18</p> <p>VIKING/FLAMINGO [1] 94/17</p> <p>VIOLENCE [1] 46/3</p> <p>VIOLENT [9] 48/19 40/22 44/17 46/9 46/11 46/16 55/11 56/10 57/16</p> <p>VITREOUS [1] 42/17</p> <p>VOLUME [2] 36/19 36/20</p> <p>VOLUME OF [1] 36/19</p> |
|--|--|---|

| | | |
|---|---|---|
| W | | |
| WAIST [1] 113/18 | 147/12 147/20 148/24 149/25 | 108/18 125/21 149/4 |
| WAIT [14] 91/6 91/10 91/17 91/19 91/21 | WENT [23] 5/13 6/16 6/18 6/20 15/10 15/12 | WHETHER [16] 9/15 13/18 13/19 19/12 |
| 102/17 109/6 123/11 123/11 125/20 130/6 | 15/13 17/14 64/9 66/15 66/23 66/24 71/6 | 19/23 20/9 32/15 33/6 34/25 45/3 54/21 55/4 |
| 133/25 145/8 147/4 | 79/18 80/16 80/17 80/20 80/22 80/23 80/24 | 77/2 97/21 105/18 128/23 |
| WAITED [1] 141/19 | 82/8 82/9 82/11 82/13 83/8 83/10 83/11 | WHICH [129] 13/23 15/11 32/14 34/1 42/17 |
| WAIVE [1] 149/7 | 83/16 83/25 84/7 84/7 84/8 84/9 84/10 84/23 | 45/6 45/17 45/23 50/24 54/20 77/9 77/10 |
| WAL [4] 89/14 93/3 93/5 93/16 | 86/2 86/12 87/6 87/6 87/8 87/9 87/10 90/5 | 83/23 84/4 84/7 87/7 90/8 110/1 115/3 117/8 |
| WAL-MART [4] 89/14 93/3 93/5 93/16 | 90/6 90/7 90/7 90/8 100/2 100/7 100/9 102/8 | 130/12 131/3 131/16 135/5 137/5 138/8 |
| WALK [3] 102/9 106/22 138/22 | 112/21 119/19 121/18 121/18 123/11 123/16 | 140/13 149/17 153/2 |
| WALKED [18] 90/23 99/11 119/23 137/9 | 123/17 123/18 123/18 123/9 123/11 125/7 | WHILE [2] 100/7 132/12 |
| 137/16 137/17 138/17 138/25 | 125/8 125/9 128/11 130/6 130/25 131/8 | WHO [35] 30/25 40/18 47/4 57/15 58/9 |
| WALKING [11] 65/10 76/6 97/2 116/11 | 131/8 133/15 133/17 142/23 | 58/10 58/14 58/15 61/25 62/21 64/10 64/15 |
| 116/16 116/18 116/19 135/10 135/12 135/18 | WERE [85] 9/9 10/7 12/4 17/17 21/6 25/15 | 67/7 68/11 68/15 68/16 68/16 69/21 72/3 |
| 138/17 | 26/12 26/22 27/23 28/12 29/17 31/19 31/31 | 72/19 92/18 95/25 96/13 97/18 105/21 |
| WALL [1] 25/16 | 33/24 36/3 46/18 48/21 50/18 50/24 51/16 | 130/14 130/14 131/14 131/16 137/1 137/11 |
| WANT [12] 10/25 12/3 22/10 31/7 34/15 | 52/8 52/9 55/9 60/10 61/8 61/11 63/12 64/18 | 143/21 144/24 151/11 153/20 |
| 70/7 77/24 80/25 81/2 94/16 110/15 110/21 | 65/8 66/5 66/21 67/15 67/18 68/9 70/20 | WHO'S [3] 34/8 46/23 110/14 |
| 11/11 111/8 112/1 119/4 147/22 149/9 | 73/22 76/7 76/7 82/24 87/9 87/12 89/17 | WHOLE [7] 5/18 21/10 58/24 113/2 126/7 |
| 150/24 155/4 155/11 | 93/14 94/23 95/21 95/25 96/3 97/16 98/13 | 132/9 133/4 |
| WANTED [13] 34/24 73/25 74/1 74/3 74/5 | 98/15 100/16 102/16 104/12 105/24 107/21 | WHY [14] 40/11 43/5 43/19 51/22 52/3 |
| 74/18 76/10 76/14 97/6 104/10 150/7 151/8 | 107/12 107/13 107/14 107/21 107/23 113/12 | 60/15 60/15 60/15 74/1 106/23 106/5 111/14 |
| 154/11 | 115/21 116/17 116/22 119/7 124/17 127/2 | 111/14 133/17 |
| WANTS [5] 22/9 22/11 41/12 97/8 99/25 | 127/10 127/25 130/11 130/12 131/4 131/4 | WILL [17] 4/15 10/5 13/6 19/25 21/18 23/7 |
| WAS [314] | 132/1 132/8 132/9 132/13 133/3 133/3 133/9 | 28/24 45/20 48/9 62/5 70/19 108/17 149/3 |
| WASN'T [13] 72/11 72/13 73/2 75/11 76/17 | 134/16 134/19 136/11 151/19 155/19 | 152/2 155/3 155/9 155/9 |
| 95/5 96/18 98/15 100/23 100/25 109/25 | WEREN'T [3] 52/25 100/16 136/10 | WILLIAMS [1] 93/6 |
| 127/12 154/8 | WEST [10] 71/15 135/10 135/15 135/19 | WINDOW [1] 129/25 |
| WATCH [3] 79/13 86/11 133/11 | 136/1 136/1 136/19 137/3 138/12 141/4 | WISE [1] 124/23 |
| WATCHING [10] 131/4 131/4 132/8 132/10 | WHEAT [185] | WIT [1] 29/18 |
| 132/11 132/13 136/10 136/11 136/24 137/1 | WHEAT'S [17] 9/12 11/2 11/7 11/17 26/6 | WITHDREW [1] 147/16 |
| WATER [2] 4/13 5/14 | 28/1 32/12 44/7 61/21 70/8 80/3 106/17 | WITHIN [9] 11/21 12/23 15/1 19/13 36/5 |
| WAY [20] 8/2 16/10 17/6 22/13 28/16 34/18 | 108/21 114/4 127/4 129/21 135/2 | 30/8 45/14 48/17 112/23 |
| 55/14 71/9 71/10 71/12 71/12 86/17 80/19 | WHATEVER [5] 22/11 32/16 72/12 136/4 | WITHOUT [2] 64/3 147/20 |
| 60/5 97/24 122/13 123/9 125/8 134/8 138/21 | 139/18 | WITNESS [18] 4/18 4/25 50/7 9/4 18/16 |
| WAYS [1] 67/25 | WHATSOEVER [1] 152/10 | 21/14 41/12 58/6 58/17 58/23 61/18 70/2 |
| WE [68] 7/4 7/20 8/3 8/22 8/22 8/23 10/18 | WHEN [112] 7/20 7/25 8/4 9/15 17/2 19/9 | 79/25 88/11 114/1 120/2 126/6 139/21 |
| 10/19 10/21 16/7 16/11 16/12 22/13 22/20 | 23/12 25/14 26/3 32/13 33/12 35/12 38/7 | WITNESSES [9] 2/3 4/23 4/24 5/5 5/4 5/10 |
| 23/12 27/4 28/3 28/4 28/11 30/23 33/24 34/2 | 38/14 42/21 47/16 50/18 60/19 61/8 63/12 | 58/9 146/6 148/18 |
| 39/13 40/9 42/14 42/15 42/16 42/18 42/19 | 64/2 64/9 64/10 68/3 71/12 72/18 72/18 74/4 | WOMAN [2] 11/21 152/13 |
| 42/21 46/5 46/15 47/20 47/23 51/8 52/19 | 74/4 76/16 76/21 76/24 77/19 78/23 79/17 | WOOD [1] 35/17 |
| 52/19 52/19 53/20 53/10 53/22 53/22 54/20 | 80/14 80/21 80/23 81/9 81/20 82/7 82/7 | WORDS [8] 32/17 45/13 81/9 81/13 107/13 |
| 55/7 57/6 58/12 72/18 75/13 86/24 91/8 93/2 | 82/11 82/12 83/5 83/14 83/24 83/25 84/7 | 107/14 148/14 152/21 |
| 93/14 93/14 93/16 100/2 100/2 108/3 109/17 | 84/8 84/19 85/9 85/13 86/5 86/5 86/13 87/12 | WORK [2] 60/2 94/8 |
| 125/18 130/11 136/8 146/10 146/14 146/16 | 87/12 88/21 91/12 93/5 93/8 94/23 95/18 | WORKED [1] 34/18 |
| 146/20 147/1 151/5 153/8 | 98/18 98/21 100/2 100/9 100/10 103/13 | WORKING [1] 31/1 |
| WE [15] 28/25 28/4 147/2 147/5 151/9 | 103/22 106/12 106/12 108/2 108/3 108/3 | WORTHY [1] 43/2 |
| WE'RE [10] 34/7 39/18 42/21 55/18 55/21 | 109/22 112/11 112/15 114/18 114/20 118/22 | WOULD [100] 13/7 13/24 14/15 15/17 15/22 |
| 57/24 76/12 81/8 147/5 153/4 | 115/23 116/1 118/2 119/22 121/19 121/20 | 15/25 16/2 17/20 18/2 19/23 20/4 21/7 21/11 |
| WE'VE [9] 4/14 4/15 18/5 28/10 30/7 50/11 | 122/11 122/17 123/20 123/8 123/9 125/11 | 23/2 23/17 25/1 26/6 26/10 27/17 27/22 29/3 |
| 56/12 56/16 56/18 | 128/14 129/24 132/14 133/1 135/5 135/9 | 29/6 29/21 29/23 30/2 30/9 34/24 35/1 35/3 |
| WEAPON [7] 35/12 147/15 149/11 153/25 | 136/4 136/9 140/10 141/2 142/5 142/14 | 35/19 35/21 37/1 37/3 38/3 38/10 38/12 |
| 154/21 154/22 155/8 | 142/14 142/22 145/21 146/20 149/18 149/23 | 38/13 38/22 38/24 39/12 39/15 40/21 40/21 |
| WEARING [4] 13/18 13/22 59/17 139/15 | WHERE [89] 7/21 8/23 12/5 12/6 14/4 19/5 | 40/23 40/24 41/6 42/17 44/6 44/16 44/17 |
| WEDNESDAY [2] 116 4/1 | 20/19 26/14 27/6 27/17 27/19 27/20 32/17 | 44/20 45/7 45/17 36/9 46/11 50/19 50/20 |
| WEEK [1] 58/25 | 38/22 41/1 60/5 60/8 60/12 61/15 61/17 63/8 | 51/1 51/2 51/7 51/10 51/13 51/22 51/22 |
| WEEKS [1] 89/25 | 66/13 67/17 67/18 68/4 70/10 71/2 71/5 | 51/23 52/3 52/3 52/4 52/6 52/7 52/13 52/3 |
| WEIGHT [1] 49/11 | 71/19 71/21 73/8 74/10 75/3 75/4 77/4 80/4 | 54/22 55/3 55/8 55/10 55/10 55/13 55/24 |
| WELL [66] 3/2 10/13 10/15 13/11 15/3 15/5 | 80/11 80/11 85/3 85/8 86/10 87/5 87/23 | 56/9 56/16 57/2 59/16 77/9 77/11 84/7 86/16 |
| 16/17 17/24 18/2 20/6 24/20 28/3 28/5 28/20 | 89/13 89/21 90/4 90/21 90/25 93/14 93/14 | 86/17 111/10 111/10 124/17 124/20 131/9 |
| 28/21 30/21 34/15 38/17 39/25 40/11 41/21 | 94/12 94/16 94/16 96/15 98/15 100/21 107/2 | 136/10 146/17 147/18 147/24 148/4 149/20 |
| 45/9 46/23 48/5 51/1 53/15 54/6 56/17 56/21 | 108/24 109/14 109/16 115/10 115/21 116/9 | 150/24 |
| 60/1 64/21 65/9 66/2 67/16 71/9 72/11 72/16 | 116/17 117/10 117/16 119/14 121/11 122/1 | WOULDN'T [6] 18/4 22/10 54/9 71/2 75/3 |
| 73/25 74/1 75/17 80/18 83/25 95/1 96/23 | 122/3 123/6 123/6 123/13 124/3 124/12 | 75/5 |
| 101/21 101/24 102/17 111/16 117/7 117/21 | 127/15 128/17 131/23 132/16 133/14 134/1 | WOUND [38] 11/3 11/4 11/7 11/11 11/11 |
| 119/21 120/17 120/18 121/13 130/25 133/16 | 137/25 138/18 143/2 143/4 148/4 148/4 | 11/21 11/24 12/3 12/4 12/5 12/18 12/21 |
| 134/5 139/7 140/16 145/8 146/22 147/10 | 150/17 150/22 | 12/22 12/23 14/6 14/7 14/14 14/15 14/25 |
| | WHERE'S [1] 115/11 | 15/1 15/4 15/5 15/8 15/9 16/9 16/14 16/19 |
| | WHEREUPON [7] 10/7 58/4 62/6 70/20 | 17/1 17/2 17/8 17/9 17/25 32/14 32/17 32/23 |

| W | Z |
|--|------------------------------|
| <p>WOUND... [3] 50/19 50/20 51/4 WOUNDS [8] 9/2 10/25 12/24 16/1 10/11 18/13 50/15 53/7 WRITE [1] 45/13 WRITING [1] 56/15 WRITTEN [1] 45/16 WRONG [1] 82/1 82/6</p> | <p>ZIPPERS [2] 8/1 10/13</p> |
| Y | |
| <p>YAC [5] 110/16 110/21 111/1 111/8 112/1 YARDS [2] 90/17 90/18 YEAH [78] 5/13 43/24 53/22 62/17 66/20 71/23 72/1 73/3 74/19 74/25 74/25 75/4 76/9 76/16 77/13 77/15 78/4 78/15 79/7 81/6 82/5 86/5 86/9 90/1 90/3 95/13 95/17 95/24 99/2 99/3 103/15 105/2 105/24 106/11 106/15 107/11 110/19 110/23 111/2 111/10 111/38 111/20 111/23 111/24 112/3 112/17 113/10 113/15 113/19 114/20 115/6 117/2 117/8 117/19 118/3 118/5 118/9 118/9 118/13 119/19 120/11 120/20 120/22 121/2 121/4 121/13 122/4 123/14 124/22 125/3 129/10 133/7 135/6 135/16 139/7 139/11 142/10 142/10 YEAR [1] 126/24 YEARS [8] 6/10 60/22 60/24 93/23 93/23 93/24 94/6 94/7 94/7 YELLOW [2] 19/25 100/13 YES [385] YET [2] 21/20 46/1 YOU [738] YOU'D [2] 23/6 40/10 YOU'EL [1] 10/22 YOU'RE [34] 9/15 12/21 14/11 19/21 20/13 23/23 35/13 35/14 37/10 38/15 40/4 40/20 40/20 41/24 47/23 48/4 54/6 56/2 56/20 71/12 77/12 81/9 83/13 93/25 99/23 103/22 111/2 115/11 112/1 112/1 116/19 117/4 118/8 118/11 118/11 120/10 122/23 123/6 123/22 133/22 137/21 140/4 143/23 140/24 YOU'VE [8] 3/7 11/1 14/12 58/8 58/9 58/14 58/15 60/11 YOUR [144] 4/10 4/12 4/18 5/10 5/23 6/14 6/24 7/3 7/13 7/18 8/7 8/8 8/9 8/12 8/16 8/20 9/5 10/4 12/8 13/17 17/20 18/6 18/18 19/2 21/9 22/5 22/21 28/21 28/22 29/3 29/6 29/22 29/24 33/1 33/9 33/13 33/18 33/19 35/17 35/20 38/24 40/2 41/8 41/12 42/3 42/8 43/6 43/8 43/16 43/23 49/21 50/14 50/24 51/16 52/4 52/11 53/10 55/9 55/25 56/4 56/22 56/24 57/20 57/21 58/5 58/8 58/18 58/20 59/4 59/4 59/22 59/25 61/11 64/18 62/4 63/19 65/18 66/17 67/7 70/2 70/18 76/5 77/12 78/14 81/13 81/13 81/15 81/15 88/13 88/14 89/7 89/13 90/28 98/5 98/18 100/18 102/11 103/25 105/23 108/10 111/7 114/1 115/11 115/18 118/17 125/16 126/3 126/14 126/14 126/23 127/2 129/25 130/3 130/8 132/24 133/19 133/22 133/22 134/19 136/7 136/9 136/13 139/20 143/16 142/19 142/22 142/22 144/3 144/5 144/14 145/9 145/14 146/5 146/6 148/11 148/19 148/20 148/22 149/12 150/16 150/25 151/2 152/7 152/7 YOURS [1] 127/6 YOURSELF [1] 32/6 YOURSELVES [1] 96/3</p> | |

EXHIBIT "B"


CLERK OF THE COURT

1 INFM
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 SAMUEL G. BATEMAN
6 Chief Deputy District Attorney
7 Nevada Bar #008764
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

7 I.A. 3/6/14
8 9:30 A.M.
9 J. MOMOT, ESQ.

9 THE STATE OF NEVADA,
10 Plaintiff,
11 -VS-

CASE NO: C-14-296234-1

DEPT NO: V

11 LUIS PIMENTEL, aka,
12 Luis Godofredo Pimentel, III,
13 #1444838

Defendant.

INFORMATION

15 STATE OF NEVADA }
16 COUNTY OF CLARK } ss.

17 STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State
18 of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

19 That LUIS PIMENTEL, aka, Luis Godofredo Pimentel, III, the Defendant(s) above
20 named, having committed the crime of MURDER WITH USE OF A DEADLY WEAPON
21 (Category A Felony - NRS 200.010, 200.030.1, 193.165 - 50006) and CARRYING
22 CONCEALED FIREARM OR OTHER DEADLY WEAPON (Category C Felony - NRS
23 202.350 (1)(d)(3) - 51459), on or about the 22nd day of December, 2013, within the County
24 of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made
25 and provided, and against the peace and dignity of the State of Nevada,

26 ///

27 ///

28 ///

W:\2013\04\07\613F20476-INFM-PIMENTEL_LUIS-001.DOCX

COUNT 1 - MURDER WITH USE OF A DEADLY WEAPON


did then and there wilfully, unlawfully, feloniously, with premeditation and deliberation, and with malice aforethought, and/or after challenging ROBERT HOLLAND to a fight, kill the said ROBERT HOLLAND, a human being, by shooting at and/or into the body of ROBERT HOLLAND, with a deadly weapon, to-wit: a firearm.

COUNT 2 - CARRYING CONCEALED FIREARM OR OTHER DEADLY WEAPON

did then and there wilfully, intentionally, unlawfully and feloniously carry concealed upon his person, a firearm or other deadly weapon, to-wit: a firearm.

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565

BY


SAMUEL G. BATEMAN
Chief Deputy District Attorney
Nevada Bar #008764

Names of witnesses known to the District Attorney's Office at the time of filing this

Information are as follows:

| <u>NAME</u> | <u>ADDRESS</u> |
|----------------------------|-----------------------------|
| ARCHANGEL, TINA | Bus Driver, LV, NV |
| BATTELINI, DEBBIE | 3822 Don Carlos Dr., LV, NV |
| CUSTODIAN OF RECORDS | CCDC |
| CUSTODIAN OF RECORDS | LVMPD COMMUNICATIONS |
| CUSTODIAN OF RECORDS | LVMPD RECORDS |
| DOUGHERTY, ED, or Designee | C/O CCDA'S OFFICE |
| GAVIN, LISA DR. | CORONER'S OFFICE, LV, NV |
| HILDEBRAND, TIM | Unknown Address |
| HOLLAND, ROBERT II | C/O CCDA'S OFFICE |
| JENSEN, B. | LVMPD P# 3662 |
| MOMON, KRIS | Unknown Address |