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Respondent.

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Mar 28 2016 09:46 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

Counsel for Respondent

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LUIS PIMENTEL
Case No. 68710

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1 trial by any person connected to the trial or by any medium of
2 information including without limitation newspaper, television,
3 radio or Internet, and you are not to form or express an
4 opinion on any subject connected with this case until it's
5 finally submitted to you.

6 We'll be in recess until 10 after 3.

7 (Jury recessed 2:52 p.m.)

8 THE COURT: All right. The record will reflect that
9 the jury has departed the courtroom.

10 Are we okay to take our recess now? Was there
11 anything that we need to put on the record? Nothing?

12 MS. DIGIACOMO: Nothing.

13 MS. LEMCKE: Nothing.

14 THE COURT: Okay. Thank you.

15 (Proceedings recessed 2:53 p.m. to 3:27 p.m.)

16 (In the presence of the jury.)

17 THE COURT: Thank you. Please be seated.

18 And the record will reflect that we're back within
19 the presence of all 12 members of the jury, as well as the
20 three alternates. Defendant is present with his counsel. The
21 deputies district attorney prosecuting the case are present, as
22 are all officers of the court.

23 Will counsel so stipulate?

24 MR. BATEMAN: Yes, Your Honor.

25 MS. LEMCKE: Yes, Your Honor.

1 THE COURT: And you may proceed, Ms. Lemcke.

2 MS. LEMCKE: Thank you, Your Honor.

3 Defense will call Amanda Lowe.

4 (Defense witness Amanda Lowe sworn.)

5 THE CLERK: Please be seated. Please state and spell
6 your first and last name for the record, please.

7 THE WITNESS: Amanda, A-m-a-n-d-a. Lowe, L-o-w-e.

8 THE COURT: All right. Scoot your chair up. You'll
9 need to speak so that -- into the microphone so that we can
10 hear you.

11 You may proceed.

12 MS. LEMCKE: Thank you, Your Honor.

13 DIRECT EXAMINATION

14 BY MS. LEMCKE:

15 Q Ms. Lowe, where do you currently reside?

16 A In Utah.

17 Q Was there a time when you lived in Las Vegas?

18 A Yes.

19 Q Did you know an individual by the name of Bobby
20 Holland?

21 A Yes.

22 Q And how did you know Bobby?

23 A We were good friends.

24 Q Okay. Would you speak up just a little bit more to
25 make sure the recorder picks you up on the microphone. Thank

1 you, my dear. When you say you guys were good friends, tell me
2 when did you guys all meet?
3 A About my 18th birthday.
4 Q And how was it that you met?
5 A He -- I had called somebody to come bring me a sack,
6 and he ended up --
7 Q Okay. Let me stop you for a second. What's a sack?
8 A A sack of methamphetamines.
9 Q Okay. Have you used methamphetamine in the past?
10 A Have I?
11 Q Yes.
12 A Yes.
13 Q Okay. So you were saying that you called someone to
14 get you a sack, and then what happened?
15 A He was supposed to bring it, but instead they sent
16 Bobby.
17 Q Okay. So Bobby brought you a sack of
18 methamphetamine?
19 A (Unintelligible.)
20 Q Is that a yes?
21 A Yes.
22 Q Sorry. We just have to say yes or no for the court
23 reporter to get it down. And so was that your first meeting
24 with Bobby?
25 A Yes.

1 Q Did you understand him to do deliveries where sacks
2 of methamphetamine was concerned?
3 A Yes.
4 Q Did he do that?
5 A Yes.
6 Q Did you guys -- do you remember about what year this
7 was that you met?
8 A 28 -- I'm 25. So it was six years ago.
9 Q And did you guys kind of strike up a friendship at
10 that point?
11 A Yes.
12 Q And did you get to be very good friends?
13 A Yes.
14 Q Were you -- did you get to be very close friends over
15 the course of the several years that you guys knew each other?
16 A Yes.
17 Q Like, how close were you? Like, would you guys stay
18 at each other's houses? Would you hang out a lot? Explain to
19 the jury kind of how you guys spent your time.
20 A If we weren't asleep, we were pretty much probably
21 hanging out together.
22 Q Okay. So you spent a lot of your free time together?
23 A Yes.
24 Q Is that yes?
25 A Yes. Sorry.

1 Q Did there -- did you stay over at Bobby's house a lot
2 over the course of this five years that you guys were close
3 friends?
4 A Yes.
5 Q Did you -- and when I say house, I mean his house
6 here in Las Vegas?
7 A Yes.
8 Q And was that where he lived with his mom?
9 A Yes.
10 Q And in that house that he lived with his mom, did he
11 live in the garage area?
12 A Yes.
13 Q He had converted that kind of to, like, a bedroom?
14 A Yes.
15 Q And that was his own personal space?
16 A Yes.
17 Q Okay. Were there times when you would be with him
18 over the course of your friendship where you guys would hang
19 out alone in his bedroom?
20 A Yes.
21 Q Okay. And then of course sometimes you would spend
22 time in the common areas of the house with his family?
23 A Yes.
24 Q Okay. During the five years that you were friends
25 did you know Bobby to use methamphetamine?

1 A Yes.

2 Q When Bobby would use methamphetamine -- we had some
3 testimony from his mom that it would sometimes make him happy.
4 Would that be a fair characterization?

5 A Yes.

6 Q Were there times when it would affect him in
7 different ways?

8 A Yes.

9 Q And how is that?

10 MS. DIGIACOMO: Objection. Relevance as to the time
11 period and foundation.

12 THE COURT: Sustained. Let's get a time frame here.

13 BY MS. LEMCKE:

14 Q Okay. Let's go from -- from the time that you met
15 him, which was -- which would it be fair to say that that would
16 be, like, in about 2007; is that right?

17 A I want to say 2008. That's when I turned 18.

18 Q 2008, okay. Did you know him to around 2008 when you
19 met to regularly use methamphetamine?

20 A Yes.

21 Q And were you around when you would see him both
22 before and after he did the methamphetamine?

23 A Yes.

24 Q So you knew what he would look like when he was not
25 under the influence of the narcotic as well as when he was

1 under the influence?

2 A Yes.

3 Q And did you notice some changes in his behavior when
4 he would be under the influence?

5 MS. DIGIACOMO: And again, Your Honor, I'm going to
6 object to the relevance of what happened in 2008 when our crime
7 was in 2013.

8 MS. LEMCKE: All right. Well, I can skip -- I was
9 going to take it all the way through just to establish the
10 foundation since they objected foundation, but I can take it --
11 I can go right to 2013. That's fine.

12 THE COURT: All right. Let's go to '13.

13 BY MS. LEMCKE:

14 Q Let's go to -- all right. So again, if I understand
15 you correctly, over the entire time that you knew him, you
16 observed him, you knew him to use meth?

17 A Yes.

18 Q Okay. So let's go to late 2013. You were still
19 friends with him then?

20 A Yes.

21 Q And did you know him to use methamphetamine at that
22 time in his life?

23 A Yes.

24 Q And were you aware -- going into late 2013, would you
25 again have times when you would see him both under the

1 influence of meth and not under the influence of meth?
2 A Yes.
3 Q And did you notice changes in his personality?
4 A Yes.
5 Q Was one of those changes -- well, you described
6 sometimes it was -- it would kind of make him happy and get him
7 up; is that fair?
8 A Yes.
9 Q And then sometimes would it make him agitated?
10 MS. DIGIACOMO: Objection, Your Honor. Leading.
11 BY MS. LEMCKE:
12 Q Okay. All right. Then you tell me.
13 THE COURT: Sustained.
14 BY MS. LEMCKE:
15 Q How else would it sometimes affect him?
16 A Depending on the mood he was in -- I'm sorry for
17 smacking the chair. Depending on the mood he was in, it
18 sometimes made him happy, and other times it made him really
19 mad. Sometimes he was mellow.
20 Q So it could affect his mood in different ways?
21 A Yes.
22 Q And a lot of the effect that the methamphetamine use
23 had on him kind of depended on his mood; is that what I
24 understand you to say?
25 A Yes.

1 Q Okay. Now, during the time that you knew Bobby, you
2 indicated that you guys were very good friends?
3 A Yes.
4 Q Did there come a point where there was something more
5 than friends going on?
6 A Yes.
7 Q And when was that?
8 A In -- I believe he got out in August of 2014. August
9 of the year before it happened.
10 Q So that would be, like, maybe August of 2012?
11 A Yeah.
12 Q Okay. And what happened that you guys kind of
13 decided to become more than friends?
14 A I promised Bobby and his mom that I would help keep
15 Bobby out of trouble, and Bobby was, per se, usually always
16 happy if I was around, and if I was in a good mood, Bobby was
17 in a good mood.
18 Q Did Bobby like having you around?
19 A Yes.
20 Q Did he like you romantically more than you liked him?
21 A Yes.
22 MS. DIGIACOMO: Objection. Leading.
23 MS. LEMCKE: I said, Did he.
24 THE COURT: All right. Still sustained. You are
25 leading her.

1 MS. LEMCKE: Okay.
2 BY MS. LEMCKE:
3 Q Well, how would you characterize if -- your
4 respective feelings for one another?
5 MS. DIGIACOMO: I'm going to object as to speculation
6 regarding Bobby, how he felt. She can answer how she felt.
7 THE COURT: All right. Sustained as to calls for
8 speculation as to him unless you can, you know, ask it in
9 another way.
10 MS. LEMCKE: Well, we heard testimony earlier that,
11 you know, Bobby was in love with Amanda, that there was some
12 feelings and that they were boyfriend, girlfriend, and I'd like
13 to explore with her the accuracy of that information.
14 THE COURT: All right. Well, ask a question, and
15 we'll take it one --
16 MS. LEMCKE: Okay.
17 BY MS. LEMCKE:
18 Q Okay. So, you know, how did Bobby -- how did Bobby
19 feel about you?
20 MS. DIGIACOMO: Objection, Your Honor.
21 BY MS. LEMCKE:
22 Q Okay. Let me ask you this. How did you feel about
23 Bobby?
24 A Bobby was my best friend.
25 Q Did you like him? Did you have romantic feelings for

1 him?

2 A I loved him, but I didn't love him in the way that --
3 relationship love him. I loved him as a best friend, like --

4 Q Did you make --

5 A -- like a brother.

6 Q Okay. Did you make that clear to him?

7 A Yes.

8 Q Did you make it clear to him that you -- that you had
9 feelings for him as a friend but not romantically?

10 A Yes.

11 Q Okay. Did he have feelings for you that were more
12 romantic in nature?

13 A Yes.

14 Q Okay. He wanted to have a relationship with you?

15 MS. DIGIACOMO: Objection. Leading.

16 THE COURT: Sustained.

17 BY MS. LEMCKE:

18 Q Did he make it known to you how he felt about you
19 where a relationship was concerned?

20 A Yes.

21 Q Okay. And what was that?

22 A Bobby -- if Bobby couldn't have me, he didn't want
23 nobody else to have me.

24 MS. DIGIACOMO: Objection, Your Honor. That's
25 nonresponsive to the question, and it also calls for hearsay

1 I'm assuming, and I object as to foundation.

2 THE COURT: All right. She already answered. Do you
3 have a motion?

4 MS. DIGIACOMO: Yes, Your Honor. If you were going
5 to sustain it, I was going to move to strike.

6 THE COURT: I'll sustain it. It was nonresponsive
7 and grant the motion to strike.

8 The jury will disregard that answer.

9 BY MS. LEMCKE:

10 Q Did Bobby indicate to you that he had feelings for
11 you beyond just being friends?

12 A Yes.

13 Q Okay. Were those romantic feelings?

14 A Yes.

15 Q Did you reciprocate --

16 THE COURT: I need you to keep your voice up because
17 we can barely hear you.

18 THE WITNESS: I'm sorry.

19 BY MS. LEMCKE:

20 Q Did you reciprocate that? That is, did you feel the
21 same way in return?

22 A No.

23 Q Was this an ongoing kind of issue for the two of you?

24 A I don't understand the question.

25 Q Well, did it -- was there always -- well, okay. Did

1 Bobby -- were there times when -- well, let me ask you this.
2 You indicated that there was a point in time when the
3 relationship kind of changed and became a little bit more
4 romantic?

5 A Yes.

6 Q And that was I believe you said in, like, August
7 of 2012?

8 A Yes.

9 Q And did you and Bobby actually -- without telling me
10 the substance of the discussions, were there discussions about
11 the idea that, All right, maybe we can be more than friends?

12 A Yes.

13 Q And was there kind of an agreement between you in
14 that regard?

15 A Yes.

16 Q And then right around that time did you move out of
17 town?

18 A Yes.

19 Q And where did you move?

20 A Utah.

21 Q And then what happened to the kind of romantic
22 relationship, if you will, between you and Bobby after you
23 moved?

24 A Bobby came out there, and he visited with me, and
25 then when Bobby left, I sat down and told him that I didn't

1 want a long-distance relationship. I didn't know if I was
2 ready for this, and when Bobby left, he -- we were on mutual
3 agreements that we weren't a couple anymore.

4 Q Okay. So you would agree between the two of you
5 after you moved to Utah it just -- the long-distance thing
6 wasn't working, and you just weren't going to be romantically
7 involved?

8 A Yes.

9 Q And did he seem okay with that at that time?

10 MS. DIGIACOMO: Objection, Your Honor. Calls for
11 speculation, how he seemed.

12 THE COURT: Overruled.

13 BY MS. LEMCKE:

14 Q Did he appear to be okay with that at that time?

15 A Yes.

16 Q Okay. And so you were living in Utah, and then Bobby
17 was living in Las Vegas?

18 A Yes.

19 Q Now, after that would you come to Las Vegas to visit
20 people?

21 A Yes.

22 Q Would you visit, you know, friends and family, that
23 type of thing?

24 A Yes.

25 Q How often would you do that? Because now we're going

1 back to August of 2012. How often would you say you would come
2 to Las Vegas and visit?

3 A Maybe once a month, maybe once every other month.

4 Q And would you -- how long would you stay usually when
5 you would visit?

6 A A few days.

7 Q Okay.

8 MS. DIGIACOMO: I'm sorry. I didn't hear that
9 answer.

10 THE COURT: I didn't either.

11 THE WITNESS: A few days.

12 THE COURT: A few days, okay. Thank you.

13 BY MS. LEMCKE:

14 Q Okay. So you would come, like, maybe once or twice a
15 month from Utah to Vegas and stay for a few days?

16 A Yes.

17 Q Okay. And when you would come to visit, would you
18 sometimes come, and would you see -- would Bobby one of the
19 people that you would see?

20 A Yes.

21 Q When -- would you sometimes stay with him?

22 A Yes.

23 Q Now, I want to backtrack just a minute. When you --
24 before you moved to Utah and you were living in Las Vegas, did
25 you have a place of your own to live?

1 A Not the whole time, but sometimes. There's parts
2 where I didn't, and there's parts where I did.
3 Q Okay. The parts where you did, would you live with
4 your mom?
5 A I was living with my mom, and then I had my own
6 place.
7 Q Okay. And then are there times when you would stay
8 with Bobby?
9 A Yes.
10 Q Would you stay with -- were you, like, living with
11 Bobby at any -- on a continuous basis at any time?
12 A I was over there constantly. I'm not sure I
13 understand your question exactly.
14 Q Okay. When I say living, I mean, you know, staying,
15 like actually living in his house for long periods of time, or
16 did you maintain your own place, and you would just hang out at
17 his place a lot?
18 A I didn't live there for a long period of time.
19 Q Okay. You would just stay periodically with him?
20 A Right.
21 Q Is that a yes?
22 A Yes.
23 Q Like. Now, was there -- now, you indicated that --
24 well, I asked you a little bit about the methamphetamine use.
25 Did Bobby ever become aggressive with you?

1 A Yes.
2 Q What would he do?
3 MS. DIGIACOMO: Objection, Your Honor. Foundation.
4 It's vague as to the time.
5 THE COURT: Yes. Let's narrow it down to times.
6 MS. LEMCKE: All right.
7 BY MS. LEMCKE:
8 Q Now, was there a time when Bobby hit you?
9 A Yes.
10 Q When was that?
11 MS. DIGIACOMO: I'm sorry. What was the question?
12 THE COURT: Was there a time when Bobby hit you?
13 MS. DIGIACOMO: Okay. And I'm going to object as to
14 vague as well if it's more than once. You know, are we talking
15 about the Arizona Charlie's, or is she bringing up other stuff?
16 THE COURT: Overruled.
17 You can go ahead and answer.
18 THE WITNESS: What was the question?
19 BY MS. LEMCKE:
20 Q Was there a time when Bobby hit you during the course
21 of your friendship?
22 A Yes.
23 Q When was that?
24 A He's smacked me twice.
25 MS. DIGIACOMO: And, Your Honor, I'm going to object

1 as to relevance. It's -- any other time period regarding --
2 well, can we approach?

3 (Conference at the bench not recorded.)

4 THE COURT: Objection as to relevance sustained.

5 You need to lay a better foundation as to timing that
6 would be relevant.

7 And is there a motion?

8 MS. DIGIACOMO: Yes, Your Honor, I would move to
9 strike this witness's last answer.

10 THE COURT: All right. So the jury will disregard
11 the last answer.

12 You may ask your next question.

13 MS. LEMCKE: Okay. And just for the record, it was
14 our position that that is relevant and should come in, just so
15 the record is clear on that.

16 THE COURT: Correct. And you can make a further
17 record later.

18 MS. LEMCKE: Okay.

19 BY MS. LEMCKE:

20 Q Now, I want to take your attention now to the -- hang
21 on. I've got to figure out where I was.

22 So as of -- as of -- when did you -- take me -- tell
23 me again, when did you guys say that you kind of had initiated
24 kind of a romantic relationship?

25 MS. DIGIACOMO: Objection. Asked and answered.

1 MS. LEMCKE: I need to establish a time frame to go
2 back. Because I'm going to -- I'm going to go segue into a
3 different area.

4 THE COURT: All right. I'll allow it.

5 Say it again. When was your romantic relationship?

6 THE WITNESS: I want to say in 2012.

7 BY MS. LEMCKE:

8 Q Okay. And -- and then it was after you moved that
9 then you decided no more long distance. You couldn't make it
10 work?

11 A Yes.

12 Q But you remained friends?

13 A Yes.

14 Q Okay. And again Bobby was one of the people that you
15 would visit with when you would come back to Las Vegas?

16 MS. DIGIACOMO: Objection. Asked and answered.

17 MS. LEMCKE: Okay. I'm just moving on to get -- so
18 that it flows a little bit for the jury timewise.

19 THE COURT: Sustained. She's testified about that.

20 BY MS. LEMCKE:

21 Q In the summer of -- well, let me ask you this. Did
22 you ever see Bobby with a gun?

23 A Yes.

24 Q And when was that?

25 MS. DIGIACOMO: Is this ever?

1 THE WITNESS: Before --
2 MS. LEMCKE: I tried to do it timewise, and I
3 couldn't. I was --
4 MS. DIGIACOMO: No, I was just -- I was just asking
5 because I couldn't hear, and I can't hear what she was saying.
6 That's all.
7 THE COURT: I think the question was, Did you ever
8 see Bobby with a gun?
9 MS. DIGIACOMO: Objection. Relevance.
10 THE COURT: Overruled.
11 BY MS. LEMCKE:
12 Q Did you ever see Bobby with a gun?
13 A Yes.
14 Q And when was that?
15 A Before he went to jail.
16 MS. DIGIACOMO: Objection, Your Honor.
17 THE COURT: All right. What year are we talking
18 about?
19 THE WITNESS: 2012.
20 THE COURT: 2012, okay. What month?
21 THE WITNESS: I want to say before August.
22 THE COURT: Before August.
23 THE WITNESS: I can't -- a specific month -- but I
24 just know it was before it was August.
25 THE COURT: Of 2012?

1 THE WITNESS: Yes.

2 THE COURT: Okay. Next question.

3 BY MS. LEMCKE:

4 Q Okay. What was the circumstances where you had
5 occasion to see this gun?

6 A Bobby picked me up, and when we got to his house he
7 pulled it out of his car.

8 Q Where was it in his car?

9 A Underneath the seat.

10 Q Was it wrapped in anything?

11 A Yes.

12 Q And what was it wrapped in?

13 A A blue bandanna.

14 Q And when he pulled it out, did he intend to show you
15 the gun, or did the bandanna kind of come off of it?

16 MS. DIGIACOMO: Objection. Speculation.

17 THE COURT: Sustained.

18 BY MS. LEMCKE:

19 Q What happened when you saw it?

20 A The bandanna came undone.

21 Q Okay. And then you saw that it was a gun?

22 A Yes.

23 Q Was it -- are you familiar with guns at all?

24 A A little.

25 Q Did it have, like, a revolver thingy in it?

1 A (Unintelligible.)
2 Q Is that a no?
3 A Yes.
4 Q Did it appear to be, like, a semiautomatic weapon?
5 A Yes.
6 Q I'm going to show you what's been marked and admitted
7 as State's Exhibit No. 28.
8 MS. DIGIACOMO: And I'm going to object as to
9 leading. She hasn't even asked her to describe the gun, laid a
10 foundation before she shows a picture of the murder weapon.
11 THE COURT: Sustained.
12 BY MS. LEMCKE:
13 Q Do you remember anything about the color of the
14 weapon?
15 A I believe it was black.
16 Q Okay. Could it have had some silver on it?
17 MS. DIGIACOMO: Objection. Leading.
18 THE COURT: Sustained.
19 THE WITNESS: I don't recall.
20 THE COURT: Ms. Lemcke, this is your witness. Don't
21 lead. I think I've sustained this objection many times. So
22 please don't lead her.
23 BY MS. LEMCKE:
24 Q Okay. Other than remembering that it had some -- all
25 right. Let me ask you this. You said it was a semiautomatic;

1 is that right?
2 A Yes.
3 Q And you remembered it being black?
4 A Yes.
5 Q Okay. At this point I'd like to show you what's been
6 admitted as State's Exhibit 28, and I would --
7 MS. LEMCKE: Oh, can I get --
8 MS. DIGIACOMO: Objection, Your Honor. Again
9 leading.
10 MS. LEMCKE: Well, how can I --
11 THE COURT: Sustained.
12 MS. LEMCKE: I have to show her.
13 THE COURT: What did the gun -- how big was it?
14 THE WITNESS: It -- the gun was only about, like,
15 this big. Is sat in a little blue bandanna maybe that big.
16 THE COURT: Okay. Counsel, she's showing -- could
17 you agree on what she's --
18 MS. DIGIACOMO: It looked about 5 inches across and
19 about 3 -- if -- she did it at 3 to 4 inches tall.
20 THE WITNESS: Like that maybe.
21 MS. DIGIACOMO: Oh, I'm sorry.
22 THE WITNESS: Like that wrapped up inside of a blue
23 bandanna.
24 MS. DIGIACOMO: That looks about 4 inches wide.
25 THE COURT: About 4 inches?

1 MS. DIGIACOMO: So 4 inches in length.

2 THE COURT: Okay. Anything else that you can
3 describe about the gun for us?

4 THE WITNESS: Not that I can recall.

5 THE COURT: That's all. It was just -- and how --
6 how much time did you have to observe it?

7 THE WITNESS: He pulled it out, and then it slipped
8 out, and he covered it back up, and then he put in his pocket.
9 So it was just a quick glance.

10 THE COURT: Okay.

11 MS. LEMCKE: And I would ask to be able to show her
12 what's been admitted as the gun that was recovered in this case
13 and see if she recognizes it.

14 MS. DIGIACOMO: And, Your Honor, she just described a
15 gun that's much smaller than the gun at issue in this case, and
16 she also said it was black. This one's not just black.

17 THE COURT: All right. I'm going to allow it. Go
18 ahead.

19 MS. LEMCKE: Is this on?

20 BY MS. LEMCKE:

21 Q Will you take a look at that photo and tell me can
22 you tell whether or not that gun is the gun that Bobby had?

23 A No, I cannot.

24 Q Okay. Is it possible that it was?

25 MS. DIGIACOMO: Objection, Your Honor. Asked and

1 answered. She doesn't know.

2 THE COURT: Well, it calls for speculation. Anything
3 is possible. So that's sustained.

4 BY MS. LEMCKE:

5 Q You can't say one way or the other whether or not it
6 was the gun you saw that day?

7 MS. DIGIACOMO: Objection. Asked and answered and
8 speculation.

9 THE COURT: Sustained.

10 BY MS. LEMCKE:

11 Q Okay. So then just to clarify, you're not sure one
12 way or the other whether or not that's the gun?

13 A Correct.

14 Q Did you ever see that -- that gun again?

15 A Yes.

16 Q And where was that?

17 A In Bobby's room.

18 MS. DIGIACOMO: Objection, Your Honor. What gun? Is
19 she referring to the exhibit or the gun that she saw in the
20 bandanna. So vague.

21 MS. LEMCKE: Well, I'm going to object to that
22 characterization. There's been no unequivocal testimony that
23 they're two separate guns, number one.

24 MS. DIGIACOMO: No, but --

25 MS. LEMCKE: And number two is that she's going to

1 get to the description of what she saw if we can --

2 MS. DIGIACOMO: No, my objection was to her question,
3 That gun. I don't know what she's referring to.

4 MS. LEMCKE: The gun that she saw.

5 THE COURT: Sustained. I assume you're saying vague.
6 So I'll sustain it.

7 And do you know what gun we're talking about, the
8 blue bandanna gun?

9 THE WITNESS: Yes.

10 THE COURT: Okay.

11 BY MS. LEMCKE:

12 Q All right. So that we're clear, the gun that was in
13 the bandanna that you saw that day in the car that you said he
14 put in his pocket, that gun, did you ever see that gun again?

15 A Yes.

16 Q And where was that?

17 A In Bobby's room.

18 Q Okay. About when was that relative to the time that
19 you -- that you had first seen it?

20 A A few weeks or -- it wasn't too long. I can't be
21 exactly honest. I'm not positive, but I know I seen it again
22 afterwards, and it wasn't shortly after.

23 Q Okay. And do you recall where in his room that you
24 saw that?

25 A The closet.

1 Q Okay. And I'm sorry. His closet?
2 A Yeah.
3 Q Okay. Now, I want to take you to around December
4 of 2013, okay. Was there a time later that month that you came
5 down to visit Las Vegas?
6 A Yes.
7 Q Do you remember about when it was that you got here?
8 A The 18th.
9 Q All right. So that would be the 18th of December?
10 A Yes.
11 Q And did you -- did you let Bobby know that you were
12 in town?
13 A Yes.
14 Q Did you see him?
15 A Yes.
16 Q And did you hang out with him?
17 A Yes.
18 Q All right. Do you remember -- I want to take you to
19 December 20th. Had you seen Bobby around that time?
20 A Yes.
21 Q Now, was he to your knowledge around that time using
22 methamphetamine?
23 MS. DIGIACOMO: Objection. Relevance as to the 20th.
24 THE COURT: Overruled.
25 / / /

1 BY MS. LEMCKE:

2 Q Was he around that time using methamphetamine?

3 A Yes.

4 Q Okay. And explain to the jury, like, what was
5 your -- starting with that -- that on the 20th, like, what was
6 your interaction with him?

7 A My --

8 Q Well, did you -- were you visiting him at his house,
9 or were you guys hanging out someplace?

10 A We met up at Boulder Station.

11 Q Okay. Now I want to take you to a couple days before
12 that. Do you --

13 THE COURT: A couple days before --

14 MS. LEMCKE: Yeah, I -- the 20th.

15 THE COURT: Okay.

16 BY MS. LEMCKE:

17 Q Okay. Because you said you had gone down here on the
18 18th; is that right?

19 A Yes.

20 Q And did you have occasion to have contact with an
21 individual by the name of Lorenzo or Luis Pimentel?

22 A Yes.

23 Q And how did that come about?

24 A I got his number out of Bobby's phone, and I called
25 him.

1 Q And what did you call him for?
2 A A sack.
3 Q A sack of methamphetamine?
4 A Yes.
5 Q And did you then meet up with him after that for the
6 sack of methamphetamine?
7 A Yes.
8 Q And when you guys met up, was there some discussion
9 about the two of you hanging out?
10 A Yes.
11 Q Did you in fact hang out after that?
12 A Yes.
13 Q When -- now, moving forward a couple days, kind of
14 going back to the 20th, were you aware of -- well, all right.
15 You said that you were hanging out with Bobby at Boulder
16 Station at some point at the 20th. About what time of day was
17 this?
18 A At night.
19 Q Okay. And was there some discussion between you and
20 Bobby about Luis or Lorenzo?
21 MS. DIGIACOMO: Objection, Your Honor. I don't know
22 if this is going to be based on hearsay. So I'd object to
23 foundation because she -- and it's also leading as well.
24 THE COURT: All right. What was the -- the question
25 was, Did she have a discussion?

1 MS. LEMCKE: Yes.
2 MS. DIGIACOMO: With Bobby about Lorenzo.
3 THE COURT: Okay. So that's a yes or a no answer.
4 THE WITNESS: Yes.
5 BY MS. LEMCKE:
6 Q Okay. And was this discussion about you and Lorenzo
7 hanging out?
8 MS. DIGIACOMO: Objection, Your Honor
9 THE WITNESS: Yes.
10 MS. DIGIACOMO: Again, foundation. She can say what
11 she said, but I don't know if this is based on hearsay from
12 Bobby or what this -- you know, she's -- and also leading.
13 She's feeding her what this conversation was.
14 MS. LEMCKE: I'll let her testify to the contents.
15 THE COURT: All right. So leading sustained.
16 Go ahead.
17 BY MS. LEMCKE:
18 Q Was there -- was there a point in time around the
19 20th where you were hanging out with Lorenzo or Luis at Arizona
20 Charlie's?
21 A Yes.
22 Q And did Bobby become aware of this?
23 MS. DIGIACOMO: Objection. Leading.
24 THE COURT: Overruled.
25 / / /

1 BY MS. LEMCKE:
2 Q Did he -- did -- did Bobby come and talk to you about
3 it?
4 A Yes.
5 Q And did you guys have discussions about it?
6 A Yes.
7 Q And what did you explain to him?
8 A That I wasn't his girlfriend and that I'm allowed to
9 be around -- I can have friends. I'm not his girlfriend. I
10 can do whatever I want.
11 Q And then did Bobby seem to be okay with that?
12 A Yes.
13 Q And then when you were hanging out at Boulder Station
14 with Bobby, was that -- well, let me ask you this. The Arizona
15 Charlie's time when you had these discussions with Bobby,
16 Lorenzo wasn't there for those discussions?
17 A No.
18 Q You were -- these interactions you had with Bobby, it
19 was just you and Bobby?
20 A Yes.
21 Q And then the following -- a little bit later, you
22 were at Boulder Station?
23 MS. DIGIACOMO: Objection. Leading.
24 BY MS. LEMCKE:
25 Q Okay. When was it then --

1 THE COURT: Sustained.
2 BY MS. LEMCKE:
3 Q -- that you were at Boulder Station?
4 A I'm not understanding the question.
5 Q Relative to the time that you were at Arizona
6 Charlie's and there was some discussion between you and Bobby
7 about you hanging out with Lorenzo, then did you -- were you at
8 Boulder Station after that?
9 A Yes.
10 Q And did you -- was there some further conversation
11 between you and Bobby about Bobby hanging out with you?
12 MS. DIGIACOMO: Again leading, Your Honor.
13 Objection.
14 BY MS. LEMCKE:
15 Q Okay. Well, let me -- you were at Boulder Station
16 afterwards, right?
17 A Right.
18 Q Did Bobby want to hang out with you?
19 MS. DIGIACOMO: Objection. Speculation.
20 THE WITNESS: Yes.
21 BY MS. LEMCKE:
22 Q Well, did he contact you?
23 THE COURT: Sustained. All right.
24 MS. LEMCKE: All right.
25 / / /

1 BY MS. LEMCKE:

2 Q Did you hang out with Bobby ultimately at Boulder
3 Station?

4 A Yes.

5 Q And did you give kind of a condition for him to be
6 able to come? Did you say, All right, you can come, but if
7 this --

8 MS. DIGIACOMO: Objection. Leading.

9 THE COURT: Sustained.

10 BY MS. LEMCKE:

11 Q Did you have any discussions with him about what
12 needed to happen in order for him to come hang out with you at
13 Boulder Station?

14 A Yes.

15 Q And what was that?

16 A I told him he needed to calm down and maintain his
17 attitude.

18 Q And was he okay with doing that?

19 A Yes.

20 Q And did he then come and hang out with you?

21 A Yes.

22 Q And was he fine when he hung out with you?

23 A Yes.

24 Q All right. Now, going into the next day --

25 THE COURT: And what date would this be now?

1 BY MS. LEMCKE:
2 Q Going into December 21st -- the night of the 20th and
3 going into the morning of the 21st, where did you stay?
4 A Where did I what?
5 Q Where did you sleep?
6 A At Luis's apartment.
7 Q Okay.
8 MS. DIGIACOMO: I'm sorry. I couldn't hear.
9 THE WITNESS: At Luis's apartment.
10 BY MS. LEMCKE:
11 Q Was his apartment at Siegel Suites?
12 A Yes.
13 Q And did you -- well, all right. When you woke up
14 that next day -- now, we're on the 21st. About what time do
15 you remember getting up and leaving Luis's apartment?
16 A I got up sometime around midafternoon. I left when
17 it was nightfall.
18 Q Okay. And when you left, where did you go?
19 A I went to Boulder Station.
20 Q Okay. And then from Boulder Station, what did you
21 do?
22 A I met with Bobby, and we gambled for a little bit. I
23 know we went to Bobby's house.
24 Q And how was your interactions with Bobby at that
25 time?

1 A Fine.

2 Q Okay. Was there any discussion between the two of

3 you about relationship issues?

4 A No.

5 Q Everything was fine between the two of you?

6 A Yes.

7 Q And when you were with Bobby then at Boulder Station,

8 did there come a time when you left?

9 A Yes.

10 Q And you went to his house?

11 A Yes.

12 Q All right. How did you get to his house?

13 A His mom.

14 Q Did she come and pick you up?

15 A Yes.

16 Q And then when you went to his house, what did you

17 guys do?

18 A We sat in his room. We chilled for about an our or

19 so, and we smoked, and then I left.

20 Q What time was this?

21 A Midnight or lish

22 Q When you say you smoked, what did you smoke?

23 A Speed.

24 Q Otherwise known as methamphetamine?

25 A Yes.

1 Q Did you smoke it?
2 A Yes.
3 Q Did he smoke it?
4 A Yes.
5 Q About -- after you guys hung out for a while, was
6 there a time at which you were going to leave?
7 A Yes.
8 Q At about when was that?
9 A Before 2 a.m.
10 Q And what was -- what were you going to do?
11 A To go see a client.
12 Q Now, forgive me to get a little bit private, but
13 we've heard some testimony about what you were doing. When you
14 say a client, was this a client that you would have relations
15 with -- with for money?
16 A Yes.
17 Q Did Bobby understand that that's what you were doing?
18 A Yes.
19 Q When the time came for you to leave, did you leave
20 him with any methamphetamine, or had you guys used it all?
21 A No, I left some with him.
22 Q And what did he do it that?
23 MS. DIGIACOMO: Objection, Your Honor. Speculation.
24 She said she left it with him. She wouldn't know what he did
25 with it.

1 MS. LEMCKE: Before she left. Let me clarify.
2 BY MS. LEMCKE:
3 Q Before you left, did you see Bobby do anything with
4 the leftover meth?
5 A Yes.
6 Q What did he do with it?
7 A He was putting it in a syringe.
8 Q Okay. Did he sometimes inject methamphetamine?
9 A Yes.
10 Q Do you know whether or not he injected that syringe
11 that he was preparing that night?
12 A No, I don't.
13 Q Then I believe you said -- well, let me ask you this.
14 So when it came time for you to leave, who took you where?
15 A Bobby and his mom dropped me off at the gas station.
16 Q Did Bobby ask his mom to take you?
17 A No, he asked his mom for the car, and his mom told
18 him, No, it was too late.
19 Q And so that's why she said, I'll just drive?
20 A Yes.
21 Q And did the three of you go to the Sinclair together?
22 A Yes.
23 Q And when you went to the Sinclair together, you know,
24 was -- everything was okay between you and Bobby?
25 A Everything was fine.

1 Q Now, were you guys boyfriend, girlfriend again at
2 this time?
3 A No.
4 Q You were friends?
5 A Yes.
6 Q And it was understood that you guys were friends?
7 A Yes.
8 Q And when you got out of the car, did you give Bobby a
9 hug goodbye?
10 A Yes, I did.
11 Q Now, after you -- did you -- after you got out of the
12 car, then did you end up meeting up with your client?
13 A Yes.
14 Q And where did you go to meet with your client?
15 A He picked me up from the gas station.
16 Q Okay. And then did you guys go someplace away from
17 the gas station?
18 MS. DIGIACOMO: Objection. Leading.
19 BY MS. LEMCKE:
20 Q Okay. What happened next? Where did you go?
21 A To my client's house.
22 Q Okay. And then after that, where did you go?
23 A I had my client drop me back off at Arizona
24 Charlie's.
25 Q And why did you go to Arizona Charlie's?

1 A Because it was a close walk from Bobby's house.
2 Q Were you planning on meeting anybody at Arizona
3 Charlie's?
4 A Yes.
5 Q Who was that?
6 A Luis.
7 Q Okay. Did you meet up with Luis at the Arizona
8 Charlie's?
9 A Yes.
10 Q All right. What did you and Luis do when you got to
11 the Arizona Charlie's?
12 A Gambled.
13 Q Were you at -- where did you guys gamble in the
14 casino?
15 A On the first floor.
16 Q And were you at -- were you at gaming tables, or were
17 you at machines?
18 A Machines.
19 Q And were you at machines right next to one another,
20 or --
21 A No.
22 Q -- apart? Did there come a point at which Bobby
23 showed up?
24 A Yes.
25 Q And what happened when Bobby came?

1 A He came in, and he made a scene. He started getting
2 loud.

3 Q What do you mean by he made a scene? Or I'm sorry.
4 Just the getting loud?

5 A He started getting loud. He was yelling, saying
6 curse words, and security came over.

7 Q Okay. Who was he yelling at?

8 A Me.

9 Q What was he yelling at you about?

10 MS. DIGIACOMO: Objection, Your Honor. Hearsay.

11 MS. LEMCKE: It's not offered for the truth. It just
12 goes to show his state of mind and what he was doing.

13 THE COURT: Overruled.

14 Go ahead.

15 THE WITNESS: He was yelling at me that it's my fault
16 because I don't ever do what I say I'm going to do or because I
17 don't ever want to spend time with him. So he was mad.

18 BY MS. LEMCKE:

19 Q Did that surprise you?

20 A No.

21 Q Why not?

22 A Because it's how Bobby always is.

23 Q When you say it's how Bobby always is, what do you
24 mean?

25 A If Bobby wanted me to come over, and I didn't want to

1 come over, I was a piece of shit for it.
2 Q Okay. He wanted you to do what he wanted you to do?
3 A Right.
4 Q And if you didn't do what he wanted to do, would he
5 be upset?
6 A Yes.
7 Q And on this particular night, did he express to you
8 that he wanted you to hang out with him?
9 A Yes.
10 Q And did you want to do that?
11 A No.
12 Q And did you tell him that you didn't want to do that?
13 A Yes.
14 Q How many times did you tell him?
15 A Several.
16 Q Now, is this -- what we're talking about, is this at
17 the -- at the gaming table -- or at the --
18 A The machines.
19 Q The machines?
20 A Yes.
21 Q Okay. And I'm going to have you watch some video in
22 a minute, but I want you to kind of walk through it first, what
23 happened, with the jury. So at this point when Bobby was
24 there, was Luis nearby at one of the machines?
25 A Yes.

1 Q And was there any interaction between Bobby and Luis?
2 A I don't recall.
3 Q Okay. I'll just -- in fact, you know let's just do
4 that. I'm going to show you.
5 THE COURT: And for the record, is this an exhibit --
6 MS. LEMCKE: It is. It State's Exhibit -- I think
7 16.
8 THE COURT RECORDER: Just let me know when you're
9 ready.
10 MS. LEMCKE: All right. I'm ready.
11 BY MS. LEMCKE:
12 Q Okay. Do you recognize this?
13 A Yes.
14 Q And what is this?
15 A This is the casino floor where we were playing at.
16 THE COURT: I can't hear you.
17 THE WITNESS: This is the casino floor where we were
18 playing at.
19 THE COURT: Okay.
20 BY MS. LEMCKE:
21 Q I'm going to go to about 55 seconds in, and I want
22 you to watch that and tell me if you recognize anybody on the
23 screen there.
24 A Yes.
25 Q Who is that?

1 A That's me and Luis.
2 Q Is that when you guys met up at the Arizona
3 Charlie's?
4 A Yes.
5 Q Is this that time when you guys were talking about
6 that you mentioned that you guys were both sitting at different
7 gaming machines?
8 A Yes.
9 Q Do you remember what you were playing?
10 A I think I was playing Buffalo.
11 Q All right. And what about Luis?
12 A He was playing Keno.
13 Q Now, moving on to about 13 minutes in. Did there
14 come a point at some point that evening when security
15 approached you about the hood that you had on?
16 A Yes.
17 Q What did they say?
18 A They asked me if I would take it off.
19 Q Okay. And did you?
20 A Yes.
21 Q Do you have any idea what that was about?
22 A No.
23 Q All right. Then at some point after that you
24 indicated that Bobby came in?
25 A Yes.

1 Q I'm going to show you -- I'm going to move it to
2 about 18 minutes in. Now, is this -- this is Luis getting up
3 here?
4 A Yes.
5 Q Okay. Who is that that's just come into the picture?
6 A Bobby.
7 Q Is this the time that you're talking about where
8 Bobby came in and was getting loud?
9 A Yes.
10 Q All right. When he approached you then, what did he
11 initially say to you?
12 MS. DIGIACOMO: Objection. Hearsay.
13 MS. LEMCKE: It goes to his state of mind, Your
14 Honor.
15 THE COURT: Well, I don't know what the statement is.
16 So I don't know if it's hearsay or not. So --
17 BY MS. LEMCKE:
18 Q Was he -- was he agitated when he first approached
19 you?
20 A Yes.
21 Q He was mad because you wouldn't hang out with him?
22 MS. DIGIACOMO: Objection. Leading.
23 MS. LEMCKE: Well, she just testified to this.
24 BY MS. LEMCKE:
25 Q Is this the time when he -- when he was upset --

1 THE COURT: Sustained for leading.

2 Go ahead, next question.

3 BY MS. LEMCKE:

4 Q Is this the time that you were talking about a couple
5 minutes ago when he was angry?

6 A Yes.

7 Q All right. And what were you saying in response to
8 him?

9 A I was trying to tell Bobby just to calm down and
10 leave me alone.

11 Q What was his response?

12 A He wasn't having no part of what I was saying.

13 Q Did you ask -- did you want him to stay?

14 A No.

15 Q Did you ask him to leave?

16 A Yes.

17 Q How many times?

18 A Over and over.

19 Q Did he do that?

20 A No.

21 Q What was his response?

22 A F, me. He can do what he wants to do.

23 Q Did his voice kind of escalate as you refused to go
24 with him?

25 A Yes.

1 Q Did it eventually draw the attention of security
2 guards?
3 MS. DIGIACOMO: Objection, Your Honor. Leading and
4 speculation.
5 THE COURT: Sustained as to speculation, and it's
6 leading, too.
7 BY MS. LEMCKE:
8 Q Well, was there a time that security eventually
9 approached you both?
10 A Yes.
11 BY MS. LEMCKE:
12 Q I'm going to take you -- let's go to -- okay. Now,
13 at some point we just saw that Luis had gotten up and left his
14 machine. Do you know where he went?
15 A I'm almost positive he went to the room.
16 MS. DIGIACOMO: Objection. Speculation.
17 BY MS. LEMCKE:
18 Q Was he seated --
19 THE COURT: Sustained.
20 BY MS. LEMCKE:
21 Q He wasn't seated in the casino with you anymore at
22 that point?
23 MS. DIGIACOMO: Your Honor --
24 THE WITNESS: No.
25 / / /

1 BY MS. LEMCKE:

2 Q Okay. And then --

3 THE COURT: Okay. Wait.

4 What --

5 MS. DIGIACOMO: I was just -- is she just conceding
6 my objection, or, I mean --

7 THE COURT: Well, I had sustained it.

8 MS. DIGIACOMO: Oh, I'm sorry I didn't hear. Sorry.

9 MS. LEMCKE: Yes, so I just went on. I just asked
10 another question.

11 MS. DIGIACOMO: Okay. I apologize.

12 BY MS. LEMCKE:

13 Q So he -- when he got up, as we saw him do, you don't
14 know where he went?

15 A No.

16 Q But he was -- was he in the casino anymore that you
17 could see at least?

18 A No.

19 Q Okay. And then at some point he comes back. I'm
20 going to show you -- now let me back this up for a second. Do
21 you remember when Luis came back to that area where you were
22 standing there talking to Bobby?

23 A Yes.

24 Q And again, at that time was Bobby -- was he still
25 loud, or had he lowered his voice?

1 A He lowered slightly, not much.
2 Q Okay. When he was gesturing with his arms there, do
3 you have any idea what it was that he was saying?
4 A I don't recall that.
5 Q Was most of the conversation just about you and
6 wanting you to go with him?
7 A Yes.
8 Q Was he hostile the entire time, or were there times
9 when he was more gentle?
10 A No, he was hostile the entire time.
11 Q Now, when you see -- do you see Luis coming back
12 there? Yes?
13 A Yes.
14 Q Okay. And there's some conversation that occurs
15 between it looks like -- or there's some conversation between
16 Luis and maybe Bobby and you. Do you remember what was said
17 there?
18 A No, I do not.
19 Q Okay. Did Luis say anything to you about where he
20 was going?
21 MS. DIGIACOMO: Objection. Hearsay.
22 THE COURT: Sustained.
23 MS. LEMCKE: Well, it's not offered for the truth.
24 It's just offered to show what his state of mind was and what
25 he was going to do.

1 THE COURT: Well, it's still sustained.

2 BY MS. LEMCKE:

3 Q Was there -- did Luis get into it with Bobby at that
4 point?

5 A No.

6 Q There was no argument on Luis's part with Bobby?

7 A No. No.

8 Q When Bobby said something -- I'm sorry. When Luis
9 said something right there where Bobby kind of turned around
10 and glared at him, do you remember what Luis said?

11 MS. DIGIACOMO: Objection, Your Honor --

12 THE WITNESS: No, I don't.

13 MS. DIGIACOMO: -- as to her testifying.

14 THE COURT: All right. Sustained. You know, you're
15 leading again, and you are testifying at this point. The video
16 speaks for itself, is the best evidence of what happened, and
17 you can ask her if she remembers what was said, but please
18 don't testify.

19 MS. LEMCKE: I think I did ask her exactly what -- if
20 there was -- if she remembers what was being said at that
21 point.

22 THE COURT: And --

23 BY MS. LEMCKE:

24 Q Do you remember what was being said at that point?

25 A No, I don't.

1 Q You don't remember the dialogue at all between --
2 between Luis and Bobby?
3 A No.
4 Q As you sit here today though, you don't remember Luis
5 making any kind of threats to Bobby?
6 A No.
7 MS. DIGIACOMO: Objection. Leading and asked and
8 answered. She didn't remember.
9 THE COURT: Sustained.
10 MS. DIGIACOMO: And move to strike her answer.
11 THE COURT: Well, it was, No, again.
12 BY MS. LEMCKE:
13 Q At that point, when Luis walked off, did you have any
14 idea where he was going?
15 A Yes.
16 Q And what was your understanding of where he was
17 going?
18 A The room.
19 Q Okay. So he was -- so you were staying there, but he
20 was leaving?
21 A Yes.
22 Q Did Bobby continue to hover around you at that point?
23 A Yes.
24 Q And what was he saying -- what was the conversation
25 like between the two of you at this time?

1 A About why I didn't want to hang out with him and why
2 I always want to go hang out with somebody else when we're
3 supposed to be best friends.

4 Q Okay. And was he happy about that, or --

5 A No.

6 Q Was he upset?

7 A He was upset.

8 Q Angry?

9 A Yes.

10 Q Were you at this point still asking him to leave?

11 A Yes.

12 Q Were you doing that saying it once, or was it this --
13 repeated?

14 A I repeated it over and over, Bobby, just leave me
15 alone.

16 Q And what was his response?

17 A He just ignored me.

18 MS. DIGIACOMO: I'm sorry. I can't hear.

19 THE WITNESS: He ignored me.

20 BY MS. LEMCKE:

21 Q Now moving ahead to 24 minutes in. Now do you see on
22 the video a security officer there kind of hanging around? Do
23 you recall that?

24 A Yes.

25 Q And then pretty soon you see another security officer

1 come into the picture?

2 A Yes.

3 Q Do you recall at this point had Bobby had his voice
4 raised?

5 A Yes.

6 Q Did the security officers express to you any concern
7 about how loud it was getting?

8 MS. DIGIACOMO: Objection. Leading.

9 THE COURT: Sustained.

10 Okay. Approach.

11 (Conference at the bench not recorded.)

12 BY MS. LEMCKE:

13 Q All right. What's happening here?

14 A Security is coming over to make sure there's not too
15 much of a problem.

16 Q Okay. And after security comes over, do you -- what
17 do you guys do?

18 A I get up, cash in my voucher, and I walk outside with
19 Bobby.

20 Q Okay. Okay. I'm going to show -- before we move to
21 that, what happens outside, I'm going to show you another clip,
22 the second one on State's 16. Is this -- is this that same
23 conversation that we just watched from the other angle?

24 A Yes.

25 Q And this is the conversation between you and Bobby?

1 A Yes.

2 Q Okay. This isn't anything different. Just so that
3 the jury understands, this is what we just watched on the prior
4 clip; is that fair?

5 A Yes.

6 Q Okay. Now, you said that at some point after
7 security came over you and Bobby left the casino?

8 A Yes.

9 Q And you indicated that you went and cashed a ticket?

10 A Yes.

11 Q What was that?

12 A A voucher.

13 Q What kind of voucher was that?

14 A It's what I won from the machine.

15 Q Do you see you in the video there?

16 A Yes.

17 Q Is that what you are doing there, was cashing that
18 voucher?

19 A Yes.

20 Q What did you do after you cashed that voucher?

21 A Walked towards the front of the door to where Bobby
22 was.

23 Q And then where did you go?

24 A Me and Bobby went outside.

25 Q Okay. Is that -- do you see you now in that video

1 there now?

2 A Yes.

3 Q And you're with Bobby?

4 A I'm walking away from Bobby.

5 Q This is after you cashed your voucher?

6 A Yes.

7 Q And where did you go?

8 A I walk towards where I believe the room was at.

9 Q And when you say room, what do you mean?

10 A Luis's room.

11 Q Did you want Bobby to be with you at this point?

12 A No.

13 Q When you say you walked toward the room, do you see

14 yourself now on this overhead clip?

15 A Yes.

16 Q Where are you?

17 A I'm right here in the corner.

18 Q Okay. If you -- are you then -- can you push the --

19 if you touch that, you should be able to make a little --

20 THE COURT: Circle where you are on the screen.

21 BY MS. LEMCKE:

22 Q On the screen --

23 MS. LEMCKE: Will it not do it with the video?

24 THE COURT: It will. Don't you see it?

25 MS. LEMCKE: Oh, I see. Yes, I didn't see it on

1 my -- all right.

2 BY MS. LEMCKE:

3 Q That light there, what is that?

4 A That's my cell phone.

5 Q And so that's you walking to what you thought was
6 Luis's hotel room?

7 A Yes.

8 Q Now, explain to the jury why you -- there was some
9 confusion with you regarding where his hotel room was.

10 A Because the night before, the room was in a different
11 spot, and he changed it.

12 Q Okay. Had you been there -- we talked a little bit
13 about that Arizona Charlie's, when you were there the day
14 before. Did he have a hotel room that day?

15 A Yes.

16 Q And did you stay in that -- did you know where the
17 hotel room was?

18 A Yes.

19 Q When you are back on this date, did you think that
20 his hotel room was in the same place?

21 A Yes.

22 Q So when you walked off that way, is that where you
23 were headed?

24 A Yes.

25 Q All right. Now, what happens at this point once

1 you're walking back toward what you thought was the correct
2 location of the hotel room?

3 A I went into what -- in the Arizona Charlie's parking
4 lot of where their rooms are, and Bobby showed up behind me,
5 and he started yelling at me, and I turned around, and Bobby
6 looked at me, and he smacked me, and his words were, Why do you
7 make me do this?

8 Q Why do you make me do this, is what he said to you?

9 A Yes.

10 Q Referring to hitting you?

11 A Referring to him hitting me, yes.

12 Q Okay. And was he -- what was his demeanor like at
13 that point?

14 A What does demeanor mean?

15 Q Was he angry?

16 A Yes.

17 Q Okay. Did he raise his voice to you, or was he
18 talking softly?

19 A He wasn't talking softly.

20 Q All right. How was he speaking to you?

21 A He was yelling.

22 Q And what was he saying?

23 MS. DIGIACOMO: Objection. Hearsay.

24 MS. LEMCKE: It goes to show his state of mind, Your
25 Honor. It's not offered for the truth.

1 THE COURT: Overruled.

2 Go ahead.

3 THE WITNESS: He was swearing at me up and down, left
4 and right because, again, I make him do this.

5 BY MS. LEMCKE:

6 Q So and -- what -- what was your response after he hit
7 you?

8 A I told him that, Now I'm really pissed, You just need
9 to go away.

10 Q And did you tell him at that point leave?

11 A Yes.

12 Q Did he do that?

13 A No.

14 Q What did he do?

15 A He -- I'm sorry -- yeah, at that point security had
16 came up on us, and that's when Bobby walked away.

17 Q Okay. What happened -- did you cry -- or what was
18 your reaction, like, emotionally after he hit you?

19 A I was crying.

20 MS. DIGIACOMO: I'm sorry. I cannot hear her.

21 THE COURT: She said she was crying.

22 MS. DIGIACOMO: Oh, thank you.

23 BY MS. LEMCKE:

24 Q And did you say anything to Bobby in response?

25 MS. DIGIACOMO: Objection. Asked and answered. She

1 already said what she said.

2 BY MS. LEMCKE:

3 Q All right. Did you --

4 THE COURT: In response to what I guess?

5 MS. LEMCKE: After he hit her.

6 MS. DIGIACOMO: And she already testified what she
7 said.

8 THE COURT: All right. That's sustained.

9 BY MS. LEMCKE:

10 Q Okay. Then after that did you approach security?

11 A Security approached me.

12 Q Oh, they actually came to you?

13 A Yes.

14 Q And what happened when security came to you?

15 A Security came up to me. The one that was on the bike
16 asked me if everything was okay.

17 Q Now, let me ask you, the one that was on the bike,
18 can you describe him. Do you know what his -- you don't know
19 what his name is, do you?

20 A No, I don't.

21 Q What did he look like?

22 A All I know, he's black. He was bald, and he had a
23 black jacket on.

24 Q Okay.

25 A And he was riding on the bike.

1 Q Okay. All right. So he was a bike patrol officer?
2 A Yes.
3 Q And what did he say to you when he saw you?
4 A He asked me if everything was okay, and then I turned
5 my head, and he asked me if Bobby hit me.
6 Q And what was your response?
7 A I said, yes.
8 Q And then what did he do?
9 A He took the bike towards where Bobby was as the other
10 security guard was taking me back towards the casino.
11 Q And then what happened?
12 A The security guard that took me to the casino asked
13 me for Bobby's information. I gave it to them, and then I
14 walked away to go play at a machine.
15 Q All right. And did you go back and play machines?
16 A Yes.
17 Q Did you see Luis at this point?
18 A Yes.
19 Q And what -- what transpired between the two of you
20 there?
21 A What do you mean?
22 Q Well, did he -- did you -- did Luis notice that you
23 were crying?
24 MS. DIGIACOMO: Objection. Speculation.
25 THE COURT: Sustained.

1 BY MS. LEMCKE:
2 Q Was there any conversation between you and Luis about
3 what had happened outside?
4 A Yes.
5 Q And what was that?
6 A I asked Luis if my face was red.
7 Q And what did he say?
8 A No.
9 Q And what -- did he ask you anything in response?
10 A He asked me --
11 MS. DIGIACOMO: Objection. Hearsay.
12 MS. LEMCKE: It's not offered for the truth.
13 THE COURT: Overruled --
14 MS. LEMCKE: It's a question.
15 THE COURT: -- it's a question.
16 Go ahead.
17 THE WITNESS: He asked me if Bobby hit me.
18 BY MS. LEMCKE:
19 Q And what was your response?
20 A Yes, but don't worry about it. It's okay.
21 Q And what was Luis's response to that?
22 A It's not right for a man to hit a woman.
23 Q Did he say, I'm going to go kick this guy's butt?
24 MS. DIGIACOMO: Objection.
25 THE WITNESS: No.

1 BY MS. LEMCKE:

2 Q Did he make any threat --

3 MS. DIGIACOMO: It's --

4 THE COURT: Wait. Wait.

5 MS. DIGIACOMO: Objection. It's leading, and it's
6 also hearsay.

7 THE COURT: Right. So sustained as to leading, and
8 she didn't answer. So.

9 BY MS. LEMCKE:

10 Q So he said that it wasn't right for a guy to hit a
11 woman. Did he say anything else?

12 A No.

13 Q Did he seem agitated at that point?

14 A No.

15 Q What was his demeanor then?

16 A He was just like he was when we were hanging out
17 earlier. He was fine.

18 Q Then after -- how long do you think you guys hung out
19 then in the casino at that point?

20 A Maybe -- at max maybe an our or so.

21 Q And there -- then after that, did you -- well, let me
22 ask you this. When you were in the casino then, did somebody
23 come up to you and talk to you about Bobby?

24 A Yes.

25 Q Who was that?

1 A There was two people.
2 Q All right. Tell me about the first one.
3 A The first one was Tim.
4 Q And how do you know Tim?
5 A Because he was the one that gave us a ride from
6 Arizona Charlie's to Siegel Suites.
7 Q Had you met him before that night?
8 A No.
9 Q Can you describe Tim?
10 A He's average height, kind of chubby, bald, white.
11 Q And that's how he looked at night?
12 A Yes.
13 Q When Tim came up to you, what did he say?
14 A He said Bobby wants to talk to you. You need to go
15 outside and talk to him.
16 Q And what was your response?
17 A Bobby just hit me. I'm not talking to him anymore
18 right now.
19 Q Did you want to go out and talk to Bobby?
20 A No.
21 Q Did you make that clear to Tim?
22 A Yes.
23 Q And what was Tim's response?
24 A I don't think he said anything.
25 Q Did he stay and try to press the issue, or did he

1 leave?

2 A He left.

3 Q And then about the same time that Tim was there, did
4 another individual approach you?

5 A Yes.

6 Q And who was that?

7 A Bobby's father.

8 Q Do you know Bobby's father?

9 A Yes.

10 Q And how do you know him?

11 A From Bobby.

12 Q Okay. From having hung out with Bobby for a few
13 years?

14 A Yes.

15 Q And when Bobby's dad came up to you, what did he say?

16 A Bobby's dad tried to hand me his phone with Bobby on
17 the line and said, Here, just talk to him.

18 Q And did he indicate also that Bobby was wanting to
19 talk to you?

20 A Yes.

21 Q What was your response?

22 A I grabbed his phone. I slammed it shut, and I told
23 his dad Bobby just hit me, and I didn't want to talk to him
24 right now. He needed to let me calm down.

25 Q And what was -- did you say anything else besides

1 that?

2 A No.

3 Q What was Bobby's dad's response?

4 A He didn't really have one.

5 Q Did he stay and hang out, or did he leave?

6 A He left.

7 Q Did you have any contact with his dad after that at

8 that time?

9 A No.

10 Q No, okay. So then at some point then do you leave

11 the casino?

12 A Yes.

13 Q And did you leave alone or with Luis?

14 A With Luis.

15 Q All right. Where did you guys go?

16 A We started heading towards the room.

17 Q Okay. And when you say the room, you mean the hotel

18 room?

19 A Yes.

20 Q Were you able -- did you have to walk outside to go

21 to your hotel room?

22 A Yes.

23 Q What happened when you started -- when you went

24 outside?

25 A That's when we noticed Bobby was still lurking

1 around.

2 Q And --

3 MS. LEMCKE: Court's indulgence.

4 BY MS. LEMCKE:

5 Q Did you see Bobby when you -- when you walked outside
6 and headed toward the hotel room?

7 A Not right away.

8 Q When did you first notice him?

9 A When he got closer to us.

10 Q And who were you with at that point?

11 A Luis.

12 Q When you -- did you have any interaction with Bobby
13 at that point?

14 A Other than him yelling at me, until he ran on me, no.

15 Q Okay. When you say he was yelling at you, what was
16 he saying?

17 A I don't recall. It was a bunch of F-ens [phonetic]
18 and B's and --

19 Q Okay. Did Luis stay in the area at that point, or
20 did he leave?

21 A He was a little bit more ahead of me.

22 Q And did you stay and hang out and talk to Bobby or
23 no?

24 A We had a brief conversation of how again I told Bobby
25 he needed to calm down, and he needed to let me calm down.

1 Q And what was Bobby's response?
2 A Again he wasn't having it.
3 Q Was he -- what was his demeanor like? What was he
4 like?
5 A He was irritated. He was mad. He was angry.
6 Q What happened then?
7 A Then -- I believe this is when Luis is almost
8 entering the room, and I'm coming to the turn right here where
9 I believe --
10 Q Wait. Hang on a second. I don't want you to go to
11 the video yet. What happened after that?
12 A After what?
13 Q After you had some initial words with Bobby when you
14 walked outside with Luis, when you were leaving going back to
15 the hotel room?
16 A I'm not understanding what you're saying.
17 Q Okay. Well, all right. Let me see if I can go
18 through it with the video here. I'll go to this one first.
19 Okay. You walk out of it -- you walk out of the hotel with
20 Luis, and you see Bobby standing off in the distance. Was
21 there a point at which there was another girl that was with
22 you?
23 A Yes.
24 Q And when did that happen?
25 A She came up roughly before I got into the room.

1 Q Okay. And what happened with her? Did you have any
2 conversations with her about Bobby?
3 A Yeah, she came over to me and asked me what was wrong
4 with him, why he was so pissed.
5 Q And what did you say?
6 A I said, Because apparently I didn't want to -- I
7 didn't do what he wanted me to do.
8 Q Okay. And did she -- was she concerned about your
9 safety at that point?
10 MS. DIGIACOMO: Objection. Speculation.
11 THE COURT: Sustained.
12 BY MS. LEMCKE:
13 Q Did she -- do you know if she went up to a security
14 guard and asked him to stay close by?
15 MS. DIGIACOMO: Objection. Foundation and
16 speculation.
17 THE COURT: Did you see this woman have any
18 interaction with a security guard?
19 THE WITNESS: No, I didn't.
20 THE COURT: Okay.
21 BY MS. LEMCKE:
22 Q When -- at some point, did you notice that security
23 was kind of hanging by you and Bobby?
24 A Yes.
25 Q And did -- let me ask you this. Before security came

1 up, were you kind of hiding behind a pillar?

2 MS. DIGIACOMO: Objection. Leading.

3 THE COURT: Sustained.

4 BY MS. LEMCKE:

5 Q Okay. Did there come a point when you saw Bobby that
6 you were afraid?

7 MS. DIGIACOMO: Objection. Leading.

8 THE WITNESS: Yes.

9 THE COURT: Sustained.

10 BY MS. LEMCKE:

11 Q All right. When you were walking back to the room
12 initially with Luis, did you kind of part ways with him? He
13 headed toward the room, and you kind of come back?

14 A Yes.

15 Q And what happened at that point?

16 A That was when I found out the room had switched
17 because it wasn't on the inside as I thought it was. It was on
18 the outside.

19 Q Okay. So that's where I needed to clarify. So you
20 headed in the direction that the room had been at the night
21 before?

22 A Correct.

23 Q And then did he go off in the direction where the
24 room that night was?

25 A Yes.

1 Q So you guys were not together at that point?
2 A No.
3 Q So there was time then at that point where you had
4 interaction with Bobby that Luis wasn't there; is that right?
5 A Yes.
6 Q And is that where you ran into the girl?
7 A Yes.
8 Q And again what was Bobby doing and saying to you at
9 this point?
10 A He was lunging at me like he was going to hit me and
11 still yelling and screaming at me.
12 Q And what was your reaction then when you saw him do
13 that?
14 A That he was going to hit me again.
15 Q Okay. This area here that you're looking at, do you
16 recognize this?
17 A Yes.
18 Q And what is that?
19 A This is the front side of the rooms for Arizona
20 Charlie's.
21 Q Okay. Is this the room where you -- where Luis had a
22 room that night, that is the night of the 22nd?
23 A Yes.
24 Q Now, when you're looking at this, do you see Luis in
25 the video there?

1 A Yes.
2 Q Okay. And do you see yourself?
3 A No.
4 Q Is this where he had walked off in the other
5 direction?
6 A Yes.
7 Q Had Luis -- was he talking to some people that were
8 out, like, in the parking lot area?
9 MS. DIGIACOMO: Objection. Foundation. She wasn't
10 there --
11 BY MS. LEMCKE:
12 Q Well, before you walked off --
13 MS. DIGIACOMO: -- speculation.
14 BY MS. LEMCKE:
15 Q Before you guys separated?
16 A Yes.
17 Q Okay. And then you walked in the other direction
18 thinking that the room was in the other location?
19 A Yes.
20 Q All right.
21 MS. LEMCKE: Court's indulgence. I'm just trying to
22 operate the fast --
23 THE COURT: Are you trying to move it forward?
24 MS. LEMCKE: Yes, I am.
25 THE COURT: Okay. You've got to click and drag

1 there, on that blue dot there.

2 MS. LEMCKE: Well, when I --

3 BY MS. LEMCKE:

4 Q Now, do you see yourself at this point in the video?

5 A Yes.

6 Q And what happens there?

7 A Ashley came to show me where the room was. So we
8 started heading back towards the right room, and that was when
9 Bobby started rushing back towards me. So I ran the opposite
10 direction.

11 Q Okay. So when you turn around here in this clip, you
12 turned around because you saw Bobby, and he started rushing
13 toward you?

14 A Yes.

15 Q Were you afraid of him?

16 A Yes.

17 Q Now, back in the background here, is that one of the
18 bicycle patrol officers that was present?

19 A That's security, yeah.

20 Q Was Bobby saying anything to you at that point when
21 he was -- when he kind of rushed toward you?

22 A He was still yelling at me, but I wasn't -- I didn't
23 hear the words.

24 Q Okay. So you don't recall what he was saying?

25 THE COURT: Would you like some water?

1 THE WITNESS: Sorry.
2 BY MS. LEMCKE:
3 Q Was he yelling?
4 A Yes, he was.
5 Q Now, you see -- do you recognize yourself there in
6 that clip there?
7 A Yeah.
8 Q And what are you guys doing there?
9 A Walking towards where the right room was.
10 Q Okay. Now is that -- is that after security was kind
11 of in the area where the room was?
12 A Yes.
13 Q Did you go back at that -- well, why did you feel
14 okay to go back to the room at that point after you'd turned
15 and run away?
16 A Because there was several security guards there.
17 Q Okay. So you thought you might be able to get to the
18 room safely?
19 A Yes.
20 Q Were you able to get to the room safely?
21 A Yes.
22 Q What happened at this point? Let me -- let me back
23 up just a hair. When you're walking back with security there,
24 did something happen with Bobby there?
25 A When I'm walking back where?

1 Q When you were walking back -- hang on. I want to
2 show this again. So again, by the curbing there, do you see
3 the bike patrol officers?
4 A Yes, I do.
5 Q And now this is you and the girl that you are with
6 walking now toward the hotel room?
7 A Yes.
8 Q And what happens at that point?
9 A Bobby threw something at us.
10 Q Is that why -- now you see on the video that you guys
11 kind of jumped. Is that because he threw something at you?
12 A We ducked and, yes.
13 Q Do you remember what it was?
14 A I think it was a glass bottle.
15 Q Okay. Do you have a recollection of that
16 particularly as you sit here today? Is that a no?
17 A No. Sorry.
18 Q Did it scare you?
19 A Yes.
20 Q Did he throw it hard, like he was trying to hit you,
21 or was it --
22 A Yes.
23 Q Okay. And that's what made you guys react at that
24 point?
25 A Yes.

1 Q Then what happened after that?
2 A Bobby tried to rush me.
3 Q And what happened when he tried to rush you?
4 A Security pushed them back.
5 Q Okay. And was security able to push them back? In
6 other words, did he have contact with you when he rushed you?
7 A No.
8 Q Did it scare you?
9 A Yes.
10 Q Why?
11 A Because he had already hit me once before, and I was
12 afraid he was going to do it again.
13 Q What was your reaction then? What did you do after
14 that?
15 A I walked in the room, and I went to the bathroom.
16 Q Now, at some point you see here Luis comes out of the
17 room. Do you recall that?
18 A Yes.
19 Q And do you recall what he was saying at that time?
20 A Just calm down. Just chill out.
21 Q Did he say anything about --
22 A It's not right.
23 Q -- Bobby hitting you?
24 MS. DIGIACOMO: Objection. Leading.
25 THE COURT: Sustained.

1 BY MS. LEMCKE:

2 Q Did he make any comments about what had happened
3 between you and Bobby earlier?

4 MS. DIGIACOMO: Objection. Leading.

5 THE WITNESS: Yeah.

6 THE COURT: Sustained.

7 BY MS. LEMCKE:

8 Q What else did he say besides, Hey, you know, chill
9 out?

10 A It's not right for a man to hit a woman.

11 Q Was there anything else that you recall that he said?

12 MS. DIGIACOMO: Objection. Hearsay.

13 THE WITNESS: No, by then I was already in the
14 bathroom with the door closed.

15 BY MS. LEMCKE:

16 Q Okay. So did you hear what Bobby was saying in
17 response?

18 A No, I was in the bathroom.

19 Q Okay. Could you hear Bobby yelling?

20 A Yes.

21 Q Did you hear what he was yelling?

22 MS. DIGIACOMO: Objection. Leading and asked and
23 answered.

24 THE WITNESS: No.

25 THE COURT: All right. It was asked and answered.

1 So that's sustain.
2 BY MS. LEMCKE:
3 Q So when you got in the room, then you went back to
4 the bathroom?
5 A Yes.
6 Q So you heard the initial exchange between Bobby and
7 Luis, but not after that?
8 A Yes.
9 Q Could you hear Bobby's voice after that outside the
10 hotel room?
11 A Yes.
12 Q Could you hear what he was saying?
13 A No.
14 Q Was his voice -- was -- how was his voice? Was it
15 elevated? Was it soft? What was his tone of voice like?
16 A It was the way it had been all night.
17 Q Did he appear to be -- well, what did his demeanor
18 appear to be like at that point?
19 MS. DIGIACOMO: Objection, Your Honor. Foundation.
20 She wasn't even there.
21 MS. LEMCKE: Just at the time that she goes into the
22 room.
23 MS. DIGIACOMO: Wait.
24 BY MS. LEMCKE:
25 Q What did his demeanor at that point when you went

1 into the room appear to be?
2 THE COURT: When she --
3 THE WITNESS: He was mad.
4 THE COURT: Okay. When you could still see him?
5 THE WITNESS: He was mad. He was mad.
6 BY MS. LEMCKE:
7 Q Okay. Then when you were in the room, was there some
8 discussion then about leaving the hotel room?
9 A Yes.
10 Q And you guys decided just to go?
11 A Yes.
12 Q Did you see Luis put together his things to leave?
13 A Yes.
14 Q And at some point after that you guys leave?
15 A Yes.
16 Q When you walked out of the hotel room then, were the
17 bike patrol officers still there?
18 A Yes.
19 Q Was there any discussion between Luis and bike patrol
20 about whether or not you guys were going to stay?
21 A Not to my acknowledgment [phonetic].
22 Q Okay. You don't recall any conversation regarding
23 Luis indicating to the bike patrol, Hey, we'll just leave?
24 MS. DIGIACOMO: Objection. Leading. Asked and
25 answered.

1 MS. LEMCKE: I'm just asking if she remembers it.
2 THE COURT: Okay. Sustained.
3 BY MS. LEMCKE:
4 Q Do you remember any dialogue that occurred at all
5 between you guys and the security officers when you left the
6 room?
7 A No.
8 Q Then after you left, where did you guys go?
9 A Towards the front of the casino where the main
10 entrance is.
11 Q Okay. And when I say you guys, who are you with at
12 this point?
13 A Luis and --
14 Q And was there anyone else with you or just the two of
15 you?
16 A I think Ashley was either behind us or in front of
17 us.
18 Q Was Ashley the girl that we saw in the video with you
19 earlier?
20 A Yes.
21 Q Was there anybody else that you recall was with
22 Ashley?
23 A Her boyfriend.
24 Q Okay. And do you remember his name?
25 A I don't know him.

1 Q The entire time that you guys -- when you guys walked
2 out of the -- of the room that evening, as you walk to the
3 casino, did the bike patrol officers stay there when you guys
4 walked out of the hotel room?
5 A I don't recall.
6 Q Then when you guys left, did you and Luis go back to
7 the main part of the casino?
8 A When we left from where?
9 Q From the hotel room.
10 A Yes.
11 Q And where did you specifically go?
12 A To where the valet is.
13 Q Okay. And who did you -- did you meet up with
14 anybody at valet?
15 A Yes.
16 Q Who was that?
17 A Tim.
18 Q Is that Tim that had come up and talked to you
19 earlier, the bald white guy?
20 A Yes.
21 Q And did you guys -- did you guys leave with him at
22 that point?
23 A Yes.
24 Q Who was driving the car?
25 A Tim.

1 Q What kind of car was it, do you remember?
2 A A silver car.
3 Q Was there anyone in the car with him?
4 A Yes.
5 Q Who was that?
6 A His girlfriend.
7 Q And do you remember her name?
8 A Shannon.
9 Q Okay. And when you guys -- who got -- was Tim
10 driving?
11 A Yes.
12 Q Who was in the front seat?
13 A Shannon.
14 Q Who was in the backseat then?
15 A Me and Luis.
16 Q Okay. And was your understanding that Tim was going
17 to give you guys a ride to Luis's apartment?
18 A Yes.
19 Q Did he do that?
20 A Yes.
21 Q When you guys were on the drive from Arizona
22 Charlie's to Luis's apartment, is that the apartment at Siegel
23 Suites?
24 A Yes.
25 Q About how long was that car ride?

1 A A minute maybe or so.
2 Q And was there any conversation between you and Luis
3 about Bobby on that ride back?
4 A No.
5 Q Was Luis -- what was his demeanor like at that point?
6 A He was still being calm, just like he was earlier
7 that night.
8 Q Had you said anything to him about all the issues
9 with Bobby?
10 A Yes, I kept apologizing.
11 Q What would you say -- when you say you were
12 apologizing, what would you say?
13 MS. DIGIACOMO: Objection. Just as to foundation.
14 When is this in the night? It's vague.
15 MS. LEMCKE: Throughout the course of the night, when
16 Bobby was agitated and causing a scene.
17 BY MS. LEMCKE:
18 Q All right. Let me ask then -- let's just go to the
19 end of the night. You said that you were apologizing to Luis?
20 A Yes.
21 Q And what was that for?
22 A For the drama I bring around because when I come
23 around and Bobby didn't want me around he was going to be an
24 idiot.
25 Q Okay. And what was Luis's response?

1 MS. DIGIACOMO: Objection hearsay.

2 THE WITNESS: That it's fine.

3 MS. LEMCKE: Well, I'm just asking. It just goes to
4 the state of mind.

5 THE COURT: Overruled. And she answered. So.

6 BY MS. LEMCKE:

7 Q Did he seem agitated, Luis?

8 A No.

9 Q Did he seem angry?

10 A No.

11 Q Did he seem hostile?

12 A No.

13 Q Did he make any threats where Bobby was concerned?

14 A No.

15 THE COURT RECORDER: Ms. Lemcke --

16 MS. LEMCKE: Sure. I'm sorry.

17 BY MS. LEMCKE:

18 Q Did he make any threats where Bobby was concerned on
19 the ride home?

20 MS. DIGIACOMO: Objection.

21 THE WITNESS: No.

22 THE COURT: Overruled.

23 BY MS. LEMCKE:

24 Q Was there any conversation at all between you and
25 Luis when you were in the backseat of that car on the way home?

1 A No.

2 Q All right. When you got to the Siegel Suites, what
3 happened -- where -- well, do you remember where you guys
4 parked?

5 A Yes.

6 Q Where was that?

7 A Right in front of his building.

8 Q And what happened when you pulled up to the front of
9 the building?

10 A Bobby was upstairs on the third floor banging on his
11 door as me and him went to go get out of the car. We both got
12 out of the car, and he asked me to get back in the car.

13 Q Okay.

14 A So I got back in the car.

15 Q Okay. When you got to the Siegel Suites, then did
16 you notice Bobby anywhere?

17 A Yes.

18 Q How -- how did you first -- how did you first noticed
19 him?

20 A Because Bobby was banging on his door very loudly.

21 Q On whose door?

22 A Luis's.

23 Q And where was Luis's door at the Siegel Suites?

24 A On the third floor.

25 Q When you say Bobby was banging loudly, was he saying

1 anything?

2 A He was yelling and banging at the same time.

3 Q Could you hear it when you -- could you hear it from

4 inside the car, or did you hear it when you got out of the car?

5 A I heard it when I got out of the car.

6 Q Did it immediately draw your attention to him?

7 A Draw my attention to who?

8 Q Bobby.

9 A Yes.

10 Q Okay. Did Luis get out of the car, too, at that

11 time?

12 A Yes.

13 Q And what did Luis do?

14 A He got out of the car, and he walked slowly towards

15 the end of the stairs with his hands up trying to make a peace.

16 Q And when you say to the end of the stairs, is there,

17 like, a kind of a zigzag staircase that comes down from Luis's

18 place?

19 A Yes.

20 Q And when you say that he walked, and -- you say he

21 had his hands kind of up in the air; is that right?

22 A Yes.

23 Q And what was he saying at the time that he approached

24 the bottom of that stairwell, that is Luis?

25 A Just calm down. Chill out. It doesn't have to go

1 like this.

2 Q And what did Bobby do in response?

3 A He started running down the stairs faster.

4 Q How did he run down the stairs?

5 A Two at a time.

6 Q Was he -- was Bobby saying anything at this point?

7 A At this point, I was back in the car already.

8 Q Could you hear Bobby's voice at all?

9 A Yes.

10 Q Was he yelling, or was he just kind of talking in a

11 regular tone?

12 A He was yelling.

13 Q But at this point you went and got back in the car?

14 A Yes.

15 Q Could you hear what Bobby was saying?

16 A No.

17 Q When you got back in the car then, were you -- did

18 you get into the driver's side?

19 A No, I had first gone back to the passenger -- behind

20 the driver's side.

21 Q And where was -- oh, you got behind the driver's

22 side?

23 A Yes.

24 Q Was Shannon still in the passenger side of the

25 vehicle?

1 A Yes.

2 Q And then what happened at that point?

3 A At that point, Tim had came back up to the car and

4 asked me if I knew how to drive, and my response was, yes.

5 Then he asked me if I would get in the driver's seat and drive

6 around the corner.

7 Q Okay. And did you do that?

8 A Yes.

9 Q When you say you drove around the corner, which way

10 did you drive?

11 A Like, the parking was right here, and I backed up and

12 went this way.

13 MS. LEMCKE: May I approach the clerk, Your Honor?

14 THE COURT: Yes.

15 And could you -- I'll have you ask that last

16 question.

17 But could you just approach about scheduling.

18 MS. LEMCKE: Sure.

19 (Conference at the bench not recorded.)

20 THE COURT: Do you know what exhibit the overhead --

21 MS. DIGIACOMO: It's in the beginning.

22 MR. BATEMAN: What are we looking for?

23 THE COURT: The overhead aerial view of the Siegel

24 Suites.

25 MS. DIGIACOMO: 4.

1 MR. BATEMAN: It's early on.

2 MS. DIGIACOMO: It's, like, 4, 5, 6, somewhere around
3 there.

4 THE COURT: Are they in order?

5 MS. LEMCKE: Let me see if I can do it with a couple
6 of photos that I have.

7 BY MS. LEMCKE:

8 Q I'm going to show you what's been admitted as
9 Defendant's Exhibit B. Does that look familiar to you there?

10 A Yes.

11 Q And what is that?

12 A That's the building that Luis stayed at.

13 Q When you indicated that you pulled up and you park
14 there, where did you park? And you can go ahead and touch on
15 the touchscreen and indicate where you guys parked roughly.

16 Okay. And then so when you left, and you pulled out,
17 which direction did you go?

18 A Touch it on the screen?

19 Q Yes.

20 A I went around this way.

21 Q Okay. Would that be toward the back of the
22 buildings?

23 A Yes.

24 Q And so going the opposite direction would take you
25 out to Boulder Highway; is that right?

1 A Yes.

2 Q So when you went to the back of the building, did you
3 drive all the way around the building, or did you stop at the
4 back?

5 A I stopped at the back.

6 Q And so was this just you and Shannon at this point in
7 the car?

8 A Yes.

9 Q And what happened after you guys stopped?

10 A What?

11 Q What happened after you guys stopped?

12 A We were talking. She asked me what got Bobby so
13 irritated, and then it went quiet for a second, and then she
14 said, Did you hear that, and I said, Did I hear what, and then
15 she said, That gunshot, and then we both went quiet, and then
16 we heard it again.

17 Q Did you hear the -- so if I understand you correctly,
18 did you hear more than one shot or just one shot?

19 A I heard two. She heard three.

20 Q Okay. Did you -- was there any discussion between
21 the two of you afterwards about what you'd heard?

22 Oh, sorry.

23 A No.

24 Q Did you -- did you express -- well, what was your
25 reaction to hearing the shots?

1 A I was scared. I was nervous. I was scared. I
2 didn't know what was going on.
3 Q Okay, what about Shannon, what was her reaction?
4 A She just basically wanted to know -- she was more
5 making sure I heard it than having any real feelings, to me it
6 seemed like.
7 Q Okay. Did she appear to be scared, too?
8 A I don't -- I can't answer that.
9 Q Did you know her very well?
10 A No.
11 Q Was there some discussion between the two of you
12 about what you guys should do after you heard the shots?
13 A Yes.
14 Q What was that?
15 A She said that we should drive out of the parking lot.
16 Q Drive out of the parking lot?
17 A Out of the Siegel Suites parking lot.
18 Q And leave?
19 A Yes.
20 Q Okay. Did she want to go check to see what was going
21 on where the shots had been fired?
22 A No.
23 Q Did she say anything to you about wanting to check?
24 A No.
25 Q What did you guys do at that point?

1 A We drove out of that complex, and right across the
2 street from that is the Four Mile Bar. We drove into their
3 complex.

4 Q Okay. When you say right across the street is the
5 Four Mile Bar, what street are you talking about?

6 A Boulder Highway.

7 Q So you drove out of the complex across Boulder
8 Highway and went to the bar right across the -- right on the
9 other side of Boulder Highway?

10 A Yes.

11 Q And what happened then?

12 THE COURT: All right. I'm going to --

13 MS. LEMCKE: Okay. You want to stop?

14 THE COURT: Yes. I just wanted you to finish that --

15 MS. LEMCKE: Oh, sorry. I'm sorry.

16 THE COURT: With the photos.

17 All right. So, ladies and gentlemen, it's now five
18 after 5. So we're going to recess for the evening. I'm hoping
19 to be able to start at 1 tomorrow. I do have a criminal
20 calendar in the morning, but I want to try and stay on schedule
21 if we can, and so 1 o'clock tomorrow.

22 During this overnight recess it is your duty not to
23 converse among yourselves or with anyone else on any subject
24 connected with the trial, or to read, watch, or listen to any
25 report of or commentary on the trial by any person connected

1 with the trial or by any medium of information including
2 without limitation newspaper, television, radio or Internet,
3 and you are not to form or express an opinion on any subject
4 connected with this case until it's finally submitted to you.

5 When you return tomorrow, we'll resume the
6 examination of this witness.

7 Ma'am, you are instructed not to discuss your
8 testimony with anyone overnight, and we'll see you tomorrow at
9 1.

10 THE WITNESS: Okay.

11 THE COURT: Thank you.

12 (Jury recessed for the evening 5:07 p.m.)

13 THE WITNESS: Am I good to go now?

14 THE COURT: Just wait.

15 All right. And the record will reflect that the jury
16 has departed the courtroom.

17 And again you'll need to come back at 1 tomorrow.

18 And just -- do you have an escort for her at all, or
19 did she just come --

20 THE WITNESS: I had --

21 MS. LEMCKE: I can -- I'll walk her back. She has
22 her uncle with her.

23 THE COURT: Okay. Your uncle is waiting for you?

24 THE WITNESS: Yeah.

25 THE COURT: Okay. Great.

1 THE WITNESS: I'm good to go?
2 THE COURT: Yes.
3 THE WITNESS: Okay. Thank you.
4 THE COURT: All right. Are there any matters outside
5 the presence?
6 MR. BATEMAN: No, Your Honor.
7 THE COURT: All right.
8 MS. DIGIACOMO: Wasn't there something that happened
9 at the bench that we were going to make a record about, an
10 objection that wasn't sustained?
11 But you did make a record that you objected, and you
12 said why it was relevant on the record when we came back. So
13 we're good.
14 MS. LEMCKE: Yes, I think we did.
15 MR. SLIFE: I think it was with regard to the two --
16 two hits versus the one.
17 MS. LEMCKE: Right. That's right. And I think I
18 made it clear on the record. I think we're good.
19 THE COURT: Okay.
20 MS. DIGIACOMO: Right. But just for the record, the
21 State's position, it wasn't relevant what happened prior to
22 that night unless the defendant knew about it for their
23 self-defense theory.
24 THE COURT: Okay.
25 MS. LEMCKE: I don't think that got on the record.

1 THE COURT: Yes, it probably didn't get on the record
2 if you stand in the dead zone and talk softly.

3 MS. DIGIACOMO: Oh, did I stand in the --

4 MS. LEMCKE: Yes.

5 MS. DIGIACOMO: The State -- no. I'm sorry.

6 THE COURT: Go ahead and make your record.

7 MS. DIGIACOMO: I apologize for standing in the dead
8 zone.

9 No. The State's point was with regard to anything
10 that happened violent between the victim and Amanda it wasn't
11 relevant if the defendant didn't know about it for a
12 self-defense claim because specific acts of violence have to be
13 known by the defendant for it to be relevant to self-defense,
14 and there was testimony he knew about the one from Arizona
15 Charlie's but not anything prior. So.

16 THE COURT: All right. Thank you.

17 (Pause in the proceedings.)

18 (Outside the presence of the jury.)

19 THE COURT: All right. We're back on the record.
20 The defendant has left the courtroom.

21 Are you waiving his presence?

22 MS. LEMCKE: Yes.

23 THE COURT: Okay. Go ahead.

24 MS. LEMCKE: And it's a non-250 case. I believe I
25 can do that, Your Honor.

1 I just want to make a record that the State sought to
2 keep us from asking about Bobby's prior -- I think it's just
3 one incidence of violence with this particular witness. It was
4 our position that it was relevant to explain why she was so
5 fearful of him, and to the extent that -- well, it would show
6 why she was so afraid of him when -- and reacted the way that
7 she did when she encountered him at the scene, and so -- and
8 certainly if there were discussions, as she testified to, with
9 Mr. Pimentel about the fact that he hit her certainly on that
10 night, it all goes to show -- explain why she did what she did,
11 why she reacted the way she did so that the jury doesn't think
12 that she was just, you know, playing both ends of the spectrum
13 as the State has kind of suggested at this point. It shows
14 that she just genuinely didn't want to be around the decedent
15 and had legitimate reason for not wanting to be around him.

16 MS. DIGIACOMO: Well, and, Your Honor, then --

17 THE COURT: Microphone.

18 MS. DIGIACOMO: -- (Unintelligible.)

19 THE COURT: Microphone.

20 MS. DIGIACOMO: I understand that with regard to the
21 slap at Arizona Charlie's they have that argument, but she was
22 at the defendant's house, got a ride from his mom. So she's
23 clearly hanging out with him before this happened. So anything
24 that happened prior to that incident doesn't explain why she's
25 scared because she's hanging out with him and gives him a hug

1 when they leave.

2 MS. LEMCKE: I think that it explains how she knows
3 how he can flip around. You know, as she testified to, he
4 exhibits different behavior at different times when he's under
5 the influence of methamphetamine, and so it certainly explains
6 her understanding of what he's capable of when he gets worked
7 up.

8 MS. DIGIACOMO: And again she did the meth with him.
9 So she wasn't that scared.

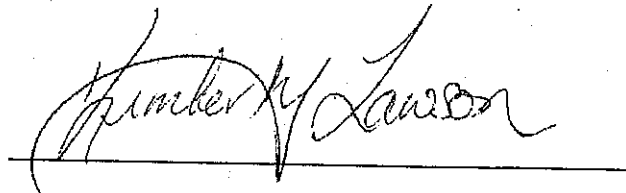
10 THE COURT: Okay. You've made your record. Thank
11 you.

12 All right. We're in recess.

13 (Proceedings recessed for the evening 5:13 p.m.)
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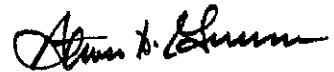
ACKNOWLEDGMENT:

Pursuant to Rule 3C(d) of Nevada Rules of Appellate Procedure, this is a rough draft transcript expeditiously prepared, not proofread, corrected or certified to be an accurate transcript.

A handwritten signature in cursive script, reading "Kimberly Lawson", is written over a horizontal line.

KIMBERLY LAWSON
TRANSCRIBER

UNCERTIFIED ROUGH DRAFT



CLERK OF THE COURT

TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

* * * * *

THE STATE OF NEVADA,)
)
Plaintiff,)
)
vs.)
)
LUIS PIMENTEL, AKA,)
LUIS GODOFREDO PIMENTEL, III)
)
Defendant.)

CASE NO. C296234-1
DEPT NO. V

**TRANSCRIPT OF
PROCEEDINGS**

BEFORE THE HONORABLE CAROLYN ELLSWORTH, DISTRICT COURT JUDGE

JURY TRIAL - DAY 8

WEDNESDAY, MAY 20, 2015

APPEARANCES:

For the State:

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SAMUEL G. BATEMAN, ESQ.
Chief Deputy District Attorneys

For the Defendant:

NANCY L. LEMCKE, ESQ.
CONOR M. SLIFE, ESQ.
Deputy Public Defenders

RECORDED BY LARA CORCORAN, COURT RECORDER
TRANSCRIBED BY: KARR Reporting, Inc.

UNCERTIFIED ROUGH DRAFT

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1 (Jury entering 1:03 p.m.)

2 THE COURT: All right. Thank you. Please be seated.
3 And the record will reflect we are back in the presence of the
4 jury in Case No. C296234, State of Nevada versus Luis Pimentel.
5 Mr. Pimentel is present with his counsel, the deputy assistant
6 district attorneys prosecuting the case are present as are all
7 officers of the court, all 12 members of the jury and the three
8 alternates.

9 Will counsel so stipulate?

10 MR. BATEMAN: Yes, Your Honor.

11 MS. LEMCKE: Yes, Your Honor.

12 THE COURT: Thank you. And do we have Ms. Lowe to
13 put back on the stand?

14 MS. LEMCKE: I believe so, Your Honor.

15 THE COURT: Amanda Lowe. Thank you.

16 Ms. Lowe, you're still under oath from yesterday.

17 THE WITNESS: Yes.

18 THE COURT: All right. You may proceed.

19 MS. LEMCKE: Thank you, Your Honor.

20 CONTINUED DIRECT EXAMINATION

21 BY MS. LEMCKE:

22 Q Okay. So, Amanda, just to go back, yesterday when we
23 left I think that you said that you had left the Siegel Suites
24 and gone to a bar that was right across Boulder Highway from
25 where the Siegel Suites is; is that right? Just to kind of

1 bring you back.

2 A Yeah.

3 Q And again just so the jury is clear, who was in the
4 car at that time?

5 A Me and Shannon.

6 Q Who was driving?

7 A Me.

8 Q Okay. What's the name of that bar?

9 A 4 Mile Bar..

10 Q And what happened after you and Shannon got to the 4
11 Mile Bar?

12 A We went out -- or we got out of the car. We both
13 went inside and then she got a call from him and told me to --

14 Q Let me stop you. Who's him?

15 A Tim.

16 MS. DI GIACOMO: Objection. Foundation.

17 THE COURT: All right. Well, I think we're trying to
18 lay some. So overruled for now. But don't tell us what
19 anybody is saying, okay.

20 MS. DI GIACOMO: I'm just asking her how she would
21 know who she got a call from.

22 THE COURT: So again, go ahead and take her through
23 it.

24 BY MS. LEMCKE:

25 Q So Shannon had a phone with her?

1 A Yes.

2 Q And at some point after you got to the 4 Mile Bar did
3 she receive a telephone call?

4 A Yes.

5 Q After that -- after she got that phone call, was
6 there any discussion between you and her as to who had called
7 her?

8 A Yeah.

9 Q Did she indicate who that was?

10 A Yes.

11 Q And who was that?

12 MS. DI GIACOMO: Objection. Hearsay.

13 THE COURT: Sustained.

14 BY MS. LEMCKE:

15 Q Okay. Without giving us the contents of that -- did
16 she say anything about -- without telling us what was said, did
17 she say anything about that phone call to you?

18 A No. She just told me who it was.

19 Q Okay. And so after that what happened after that
20 call came in?

21 A We -- she stayed in the bar. I went out to the car
22 and went back across the street to go -- was supposed to go
23 pick him up and ended up driving around and didn't see him. So
24 I went back to the bar.

25 Q Okay. When you say him, who are you talking about?

1 A Tim.

2 Q Okay. And if I understand you correctly, you were
3 going to drive around and pick him back up but then you didn't?

4 A I drove around and I didn't see him.

5 Q Okay. And so then what happened?

6 A I went back across the street.

7 Q To where?

8 A The 4 Mile Bar.

9 THE COURT: I think your bracelet is clicking against
10 the table.

11 MS. LEMCKE: They just need to be able to hear you in
12 the microphone.

13 BY MS. LEMCKE:

14 Q So you went back across the street to the 4 Mile Bar,
15 and who was with you at this point?

16 A Nobody.

17 Q Where was Shannon?

18 A She was supposed to be inside the bar.

19 Q Okay. So you had actually left her in the bar to go
20 try to find Tim?

21 A Yes.

22 Q Okay. And when you didn't find Tim, that's when you
23 went back to the 4 Mile Bar again?

24 A Yes.

25 Q And then what happened after you got back there? Did

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1 you see Shannon?

2 A No, I went inside and looked for her.

3 Q Was she there?

4 A No.

5 Q And then what happened?

6 A I went back to where I parked at, and then Tim came

7 running across the street.

8 Q Okay. Did you see Shannon at that point?

9 A No.

10 Q Did you guys go look for her?

11 A Yes.

12 Q And did you find her?

13 A Yes.

14 Q Where did you find her?

15 A In the trailer park.

16 Q Where is the trailer park?

17 A Next door.

18 Q Next door to the 4 Mile Bar?

19 A Yes.

20 Q Still on that same side of Boulder Highway?

21 A Yeah.

22 Q And then did the three of you -- what happened -- did

23 the three of you get back in the car then?

24 A Yes.

25 Q Was there any discussion -- did Tim say anything

1 about the shots that you guys had heard?

2 A He said Luis shot Bobby.

3 Q And what was your reaction upon hearing that?

4 A I don't know what I was feeling. I was mad. I was
5 upset. I was scared. I was a lot of different things at once.

6 Q Okay. Did you say anything to the effect of, Fuck
7 Bobby?

8 A No.

9 Q Was there any discussion between you and Tim and
10 Shannon about going to the police, or did you not have any
11 discussion?

12 A No.

13 Q What was Tim's reaction? What did he start saying to
14 you after he mentioned that there had been a shooting?

15 A That this is how all the brothers from the hood, he
16 put it, always end up dying because of a ho.

17 Q And he -- I'm sorry, because of a what?

18 A A ho.

19 Q And he was -- the ho that he was referring to and so
20 that you understand, the State elicited some testimony from him
21 to that effect when he testified.

22 MS. DI GIACOMO: Objection to testimony.

23 BY MS. LEMCKE:

24 Q Was he referring to you?

25 THE COURT: Okay. That sustained. Please don't talk

1. about other testimony with her.

2 BY MS. LEMCKE:

3 Q Was he referring to you when he said that?

4 A I felt that he was.

5 Q How did that make you feel?

6 A It really doesn't bother me when people talk about
7 me; it really doesn't because I know what I am.

8 Q Did you -- did you want to stay with -- with him and
9 Shannon at that point?

10 A No.

11 Q Did you ask them to do anything where you were
12 concerned?

13 A Yeah, I asked them to drop me off.

14 Q And where did you ask them to drop you off?

15 A Boulder Station.

16 Q Why Boulder Station?

17 A Because it was the first casino closest.

18 Q I'm sorry. Because it was the closest casino to
19 where you guys were at that point?

20 A Yes.

21 Q And did they do that?

22 A Yes.

23 Q Okay. Now, did there come a time -- well, let me ask
24 you this. Did you call police at that time?

25 A No.

UNCERTIFIED ROUGH DRAFT

1 Q Why not?

2 A I was scared.

3 Q Is that because --

4 MS. DI GIACOMO: Objection. Leading.

5 BY MS. LEMCKE:

6 Q Did there come a time thereafter -- or a few hours

7 later when the police contacted you?

8 A Yes.

9 Q How did they contact you?

10 A By phone.

11 Q Did you answer the call when they called?

12 A Yes.

13 Q Did you speak with them?

14 A For a brief second.

15 Q And what was your -- were you happy about them

16 calling?

17 A No.

18 Q Okay. Did you kind of make that clear to them?

19 A Yeah.

20 Q What did you do? What did you say? What did you do?

21 A I told them I couldn't talk to them right now and I

22 hung up the phone.

23 Q Okay. You hung up on them?

24 A Yeah.

25 Q Okay. Did you shortly after that have a change of

1 heart about speaking to them?

2 MS. DI GIACOMO: Objection. Leading.

3 BY MS. LEMCKE:

4 Q Okay. What happened after that --

5 THE COURT: Sustained.

6 BY MS. LEMCKE:

7 Q -- with respect to --

8 A Later on that day I put my battery back in my phone,
9 and I turned my phone back on and listened to the voice mails
10 and I called them.

11 Q And when you called them did you tell them that you
12 would speak with them?

13 A Yes.

14 Q Did they ask where you were?

15 A Yes.

16 Q And did you tell them?

17 A Yes.

18 Q And where were you at that time?

19 A I was at a friend's house in Henderson.

20 Q Okay. Did you make it clear to them that they could
21 come out and talk to you?

22 A Yes.

23 Q Did they do that?

24 A Yes.

25 Q About how long after that did they come and speak to

1 you?

2 A After I told them where I was?

3 Q Yes.

4 A Maybe like 20 minutes till they were there.

5 Q Okay. So they came right away?

6 A Yeah.

7 Q And did -- was there -- did they call you at all when

8 they were en route to your place?

9 A Called me and told me he was pulling up.

10 Q And where were you at this point?

11 A Getting ready to walk outside.

12 Q To meet them?

13 A Yes.

14 Q And did you do that?

15 A Yeah.

16 Q Did you then have a conversation with them?

17 A Yes.

18 Q Did you tell them what you knew about what had

19 happened leading up to the shooting?

20 A Yes.

21 Q Okay. Did they at any point ask you if they could

22 record your conversation?

23 A No.

24 Q After speaking with homicide detectives, did you have

25 any occasion to speak with law enforcement again about this

1 particular incident?

2 A Not until you called me.

3 Q Okay. Was my office the first office to contact you

4 about this?

5 A Other than the detective who called me that night.

6 Q Okay. So after the detectives called you, the next

7 time you talk to someone about this regarding this litigation

8 was when my office called you?

9 A Yes.

10 Q Do remember about when that was?

11 A No.

12 Q Was it last year sometime?

13 A Yeah.

14 Q Okay. And you haven't spoken to the prosecutors in

15 this case?

16 A No.

17 Q They haven't tried to contact you?

18 A Not to my knowledge.

19 Q Okay. I want to ask you -- I want to show you -- I

20 want to go back to -- now, the surveillance video that we've

21 looked at already, have you seen that before today?

22 A No.

23 Q I'm sorry. The surveillance video at the Arizona

24 Charlie's -- forgive me -- have you seen that before?

25 A In your office.

1 Q With me, right?

2 A Yeah.

3 Q And for the record assuming my computer works, which
4 is debatable.

5 MS. LEMCKE: Okay. Your Honor, can we approach?
6 Wait. Hang on. All right. Can we approach?

7 THE COURT: Yes.

8 (Off-record bench conference.)

9 THE COURT: Have you tried, like, rebooting the
10 computer?

11 MS. LEMCKE: I tried this right before I left my
12 office just to make sure this would not be an issue.

13 THE COURT: Well, see, that's when it always happens.

14 MS. LEMCKE: I know. I just feel bad.

15 THE COURT: What's happening now?

16 MS. LEMCKE: I rebooted. It just takes a minute to
17 shut down, and then I have to log back in.

18 THE COURT: It's not the one you want where you can
19 just fast-forward to where you want to be?

20 MS. LEMCKE: No. If -- because it won't pull up the
21 -- all three video clips. It only pulls up one, and I don't
22 know why but it won't -- it simply won't access. It will only
23 access the first clip, and I wanted her to do the third one.

24 THE COURT: Well, she has seen them so maybe she can
25 just --

1 MS. LEMCKE: Yeah, I just -- she could. I just
2 wanted her to narrate for the jury what was happening. Can we
3 approach?

4 THE COURT: Yes.

5 (Off-record bench conference.)

6 MS. DI GIACOMO: It's working on our computer, Your
7 Honor.

8 THE COURT: Okay. Let's pull it up on theirs.

9 BY MS. LEMCKE:

10 Q Okay. Can you see the video image on your computer
11 screen up there?

12 A Yes.

13 Q All right. And what is that?

14 A What?

15 Q What is that -- what are you seeing at this point?

16 A Tim pulling up to where the room is parked.

17 Q Okay. Does that look like the car that you were in
18 last night or not last night that night?

19 A Yes.

20 Q And then what do you see -- you see two people
21 walking there?

22 A Yeah.

23 Q Who is that?

24 A Me and Luis.

25 Q Is that at the end of the night when you left the

1 casino area?

2 A Yes.

3 Q Now, following as you walk, do you guys separate
4 here?

5 MS. DI GIACOMO: Objection. Leading.

6 BY MS. LEMCKE:

7 Q Okay. What are you doing there?

8 A I went into the room this way where it curves off
9 because that's where I thought the room was and went inside.

10 Q And then what is Luis doing at that point?

11 A Kept going straight.

12 Q So that was the point at which you walked off to
13 where you thought the old hotel room was?

14 A Yes.

15 Q And then -- then do you see somebody walking toward
16 the area where you turned off?

17 A Yes.

18 Q And who was that?

19 A Bobby.

20 Q And then was it after that that you had that
21 encounter and exchange with him that we watched yesterday --
22 yeah, yesterday by the hotel room?

23 A When he threw the glass ball at me?

24 Q Yes.

25 A No, that was before.

1 Q Okay. What happened after Bobby walked -- just so
2 the jury understands chronologically. What happened after
3 Bobby walked over to that area where you were? What happened?
4 A He started yelling at me again.
5 Q And then what happened?
6 A And trying to get me to talk to him or to leave with
7 him or something.
8 Q And what were you saying in response?
9 A I told him I did want to talk to him.
10 Q Okay. And what happened after that?
11 A That's when he kind of like made like he was going to
12 hit me. I backed up and then that's when Ashley walks up.
13 Q Okay. And then what happened after Ashley walked up?
14 A She started telling Bobby to calm down, and then she
15 started talking to me and then we -- she walked me back to
16 where the room.
17 Q Okay. And is that then the footage that we saw of
18 you and Ashley yesterday --
19 A Yes.
20 Q -- where you guys are walking toward the room?
21 A Yes.
22 Q Okay. Moving ahead just a little bit for the record
23 to 1424. Who is that the comes into the view now?
24 A The security guard.
25 Q Okay. Are those the security guards that you had

1 interaction with that night?

2 A One of them possibly could be, but the other one had
3 an all black jacket.

4 Q Okay. But one of them was one of the ones that you
5 talked to that night?

6 A Yes.

7 Q Okay. Now fast forwarding to 1740. Okay. What do
8 you see there?

9 A Bobby walking up towards where we were.

10 Q Okay. Now, is this the area that we -- he's heading
11 toward the area that we saw in the video yesterday that was
12 closer to the room?

13 A Yes.

14 Q Okay. And what does he do right here?

15 A He runs at me like he's going to tackle me.

16 Q Okay. Is that the point where he charged you that
17 was on the other video yesterday?

18 A Yes.

19 Q And then what's happening here?

20 A Security's telling him he has to leave the property.

21 Q Okay. Where are you at this point?

22 A In the room in the bathroom.

23 Q Okay. During this entire evening while -- yeah,
24 during the entire evening that night and into that morning that
25 you were with Luis, did you ever see him with a gun?

1 A No.

2 Q Did you ever -- when you were close to him, did you
3 feel anything that felt like a gun on him?

4 A No.

5 Q Okay. Did he ever say anything to you about having a
6 gun?

7 A No.

8 Q Did he -- when he got in the car that night to go
9 from Arizona Charlie's back to Siegel Suites, did he have to
10 maneuver himself when he sat down in a way that would
11 accommodate for a gun?

12 MS. DI GIACOMO: Objection. Leading.

13 THE COURT: Sustained.

14 BY MS. LEMCKE:

15 Q Did you observe anything when he sat down in the car
16 to leave that night that would indicate that he had something
17 in his waistband?

18 A No.

19 MS. LEMCKE: I have nothing further, Your Honor.

20 THE COURT: Cross.

21 MS. DI GIACOMO: Yes.

22 CROSS-EXAMINATION

23 BY MS. DI GIACOMO:

24 Q Now, throughout your testimony yesterday and today
25 you've referred to a person by the name of Luis?

1 A Yes.

2 Q Do you see Luis here in the courtroom here today?

3 A Yes.

4 Q Would you point to him and describe an article of
5 clothing he's wearing.

6 A A gray jacket.

7 Q Sitting in the which seat at that table?

8 A The middle.

9 MS. DI GIACOMO: Your Honor, would the record reflect
10 the identification of the Luis -- or excuse me, the defendant?

11 THE COURT: It will.

12 BY MS. DI GIACOMO:

13 Q Now, back in December of 2013, you didn't know the
14 defendant by the name Luis, did you?

15 A No.

16 Q Okay. What did you know him as?

17 A Lorenzo.

18 Q When did you learn his real name was Luis?

19 A When he went to jail.

20 Q Okay. So even though you referred to him throughout
21 your testimony as Luis you never knew by that name?

22 A No.

23 Q And in fact, when you even talked to the police the
24 date of this murder, you didn't even know his last name
25 correct?

1 A No. Right.

2 Q When did you meet Luis; what day?

3 A I don't know the exact day.

4 Q Well, in relation to Bobby's death when was it? The
5 day before? Two days before? A month before?

6 A I've known him for about six months before all this
7 happened.

8 Q You knew him for six months?

9 A About six months, yeah. Bobby introduced me to him a
10 while ago.

11 Q Okay. So Bobby introduced you to him about six
12 months before?

13 A Yes.

14 Q Okay. How many times would you say you had met the
15 defendant through Bobby or seen him in that six months?

16 A Bobby had seen him a lot more than I had. I sat in
17 the car most of the time.

18 Q Okay. But you at least met him one time?

19 A Yes.

20 Q And what other interactions did you have with him in
21 that six months?

22 A I called him to get some dope that night.

23 Q You said, "That night." You testified yesterday it
24 was two days before his death. Was it the night before Bobby
25 staff?

1 A No. It was two days before Bobby's death.
2 Q Okay. So you meet six months before, correct?
3 A Correct.
4 Q You have no interaction for that six months until you
5 call the Friday before Bobby's death and ask for some drugs,
6 correct?
7 A No. Bobby had gone over there, and I had been with
8 him. I had seen him. We didn't exchange words, but I'd seen
9 him.
10 Q All right. You'd seen him, but you hadn't had any --
11 you didn't speak to him?
12 A On occasion hi, bye.
13 Q Okay. That's it. So you did have some interaction
14 with him?
15 A Right.
16 Q But not a full conversation?
17 A No.
18 Q All right. So the Friday before you get Lorenzo's
19 number from Bobby's phone?
20 A Yeah.
21 Q So did you say, Hey, Bobby, can I call and get some
22 drugs?
23 A Bobby was asleep.
24 Q Okay. So how did you know where to get -- whose
25 number to look up?

1 A Because I knew who he went to go see.
2 Q You knew what?
3 A I knew who he would get his stuff from.
4 Q Okay. So Bobby would buy his drugs from the
5 defendant?
6 A Yes.
7 Q Okay. So Bobby's asleep, correct?
8 A Uh-huh.
9 Q Is that a yes for the record?
10 A Yes.
11 Q You go into his phone, look up Lorenzo's number and
12 call Lorenzo?
13 A Yes.
14 Q And you said what?
15 A I need to grab something. Can I meet with you
16 somewhere, or can I come see you.
17 Q A, right. How much drugs did to ask for?
18 A 40.
19 Q And what does that mean?
20 A \$40 worth of stuff.
21 Q Okay. So how much were you expecting to get for \$40?
22 A A half gram.
23 Q All right. Now, is that rock substance or a crystal
24 substance?
25 MS. LEMCKE: Well, Your Honor, I'd object at this

1 point to the relevance of in detail of what we're buying. I
2 brought that out on direct.

3 THE COURT: So what's the relevance?

4 MS. DI GIACOMO: I'm testing her memory first of all,
5 and it is relevant. They brought it out on direct, and so I'm
6 just trying to clarify exactly how much, and also she's now
7 brought up that Bobby didn't even know she did it. So -- and
8 I'm trying to establish how the relationship began with the
9 defendant.

10 THE COURT: I'll allow it.

11 MS. DI GIACOMO: Thank you.

12 BY MS. DI GIACOMO:

13 Q So was it rock form or crystal form?

14 A Crystal.

15 Q All right. So where did you meet up with Lorenzo?

16 A The Cannery.

17 Q I'm sorry?

18 A The Cannery.

19 Q The Cannery, the hotel?

20 A Yeah.

21 Q How did you get there?

22 A I got a ride from a friend.

23 Q All right. So you're at Bobby's house. He's asleep.
24 You use his phone --

25 A No, I didn't use his phone. I got the number out of

1 his phone and used my own phone.

2 Q Okay. So did you get the number on his phone and
3 then leave?

4 A Yes.

5 Q Okay. So you made the call after you left Bobby's
6 house?

7 A No.

8 Q I'm sorry. Tell me what happened then.

9 A I got the number out of Bobby's phone. I dialed it
10 on my phone. I called, I spoke with him. I called a friend to
11 get the ride, I left.

12 Q All right. So Bobby had no idea what you were doing?

13 A No.

14 Q And was there a reason why you didn't wake up Bobby
15 and say, hey, I'm going to do this?

16 A I didn't have to. I wasn't his girlfriend.

17 Q Okay. But you were his friend?

18 A Right.

19 Q So you didn't think he'd be concerned when he woke up
20 and you weren't there?

21 MS. LEMCKE: Well, I'd object to speculation.

22 MS. DI GIACOMO: Well, I'm asking her state of mind.

23 THE COURT: Overruled.

24 THE WITNESS: Do you want me to answer it?

25 THE COURT: Yes.

1 THE WITNESS: No, I really didn't.

2 BY MS. DI GIACOMO:

3 Q All right. So you get -- you then have to call
4 another friend to give you a ride?

5 A Yes.

6 Q To The Cannery. How far is that from Bobby's house?

7 A Maybe a mile, mile and half, if that.

8 Q All right. Does the friend go in with you or drop
9 you off?

10 A Drops me off.

11 Q Okay. So you know what Lorenzo looks like?

12 A Yes.

13 Q Had you ever been to his apartment before?

14 A No.

15 Q You never been to his --

16 A I sat down in the car while Bobby went up.

17 Q Okay. So you've been to the outside of his
18 apartment, correct, at Siegel Suites?

19 A Yes.

20 Q All right. And you knew that he lived on the third
21 floor.

22 A Yes.

23 Q Okay. But you'd never been up into that apartment?

24 A No.

25 Q Okay. So you meet Lorenzo at The Cannery. Where did

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1 you meet him?

2 A He came downstairs and met me by the elevators.

3 Q He came downstairs?

4 A (No audible response.)

5 Q Is that a yes?

6 A Yes.

7 Q Where was he upstairs? Do you mean like from the

8 rooms?

9 A In a room.

10 Q Okay. So he had a room at The Cannery?

11 A Yes.

12 Q He comes downstairs and meets you. What happens when

13 he meets you?

14 A I walk up there with him.

15 Q Go up to his room?

16 A Yes.

17 Q Is anyone else in the room?

18 A No.

19 Q And what happens when you get in the room?

20 A I give him the \$40. I take my package, and I asked

21 him what he was -- he asked me what I was doing that night, and

22 I said nothing, and then he asked me if I wanted to get

23 together for a drink or something.

24 Q Okay. So did you leave at that point, or did you

25 stay?

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1 A I left.
2 Q And where did you go?
3 A Back to Bobby's house.
4 Q So -- and this is what time on Friday?
5 A I don't know. It was before the sun went down I'm
6 sure.
7 Q So mid afternoon?
8 A About that.
9 Q All right. You go back to Bobby's house. What
10 happens then? Do you --
11 A Bobby was awake, and me and Bobby got high.
12 Q All right. You and Bobby at this point have been
13 friends for seven years?
14 A Yes.
15 Q And during that entire seven years you've always
16 gotten high with him?
17 A Yes.
18 MS. LEMCKE: Well, I'd object to always.
19 BY MS. DI GIACOMO:
20 Q Well, I should say during that seven year time period
21 you got high that entire time period at times with him?
22 A Yes.
23 Q And you knew how he was when he was on
24 methamphetamine, correct?
25 A Yes.

1 Q And you still continued to be friends with him,
2 correct?
3 A Yes.
4 Q And you still continued to get high with him?
5 A Yeah.
6 Q After you got high with Bobby, what did you do? Did
7 you end up meeting Lorenzo that night?
8 A Yes.
9 Q All right. Did you tell Bobby, hey, I'm going to
10 meet Lorenzo?
11 A No.
12 Q All right. So where did you meet Lorenzo?
13 A I went back to The Cannery.
14 Q At The Cannery?
15 A Yes.
16 Q Now what happened?
17 A We hung out for the night.
18 Q Okay. So where did you hang out?
19 A At The Cannery.
20 Q Were you in a bar? Were you --
21 A We were downstairs gambling. We were upstairs in the
22 room.
23 Q All right. And when you were hanging out with him,
24 did you get physical and all with him?
25 A Yes.

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1 Q All right. So what kind of physical interaction was
2 there between the two of you?
3 A We had sex.
4 Q So that's it? You didn't hold hands or anything just
5 went right for the sex?
6 A No. We held hands. We -- I had put my legs over
7 him. We kissed.
8 Q All right. See you were acting like a couple as well
9 as having sex?
10 A Yeah.
11 Q So did you like him immediately?
12 A I liked when I met him.
13 Q When you met him six months ago?
14 A Yes.
15 Q And so now that he's asked you out you were pretty
16 excited that you got to hang out with him?
17 A Yes.
18 Q And you liked being with him?
19 A Yes.
20 Q Did you want to see more of him?
21 A Yes.
22 Q In fact, you stayed the night with him?
23 A Yes.
24 Q And you said that the next morning you got up and
25 left in the afternoon?

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1 A Yes.

2 Q And you stayed at The Cannery?

3 A Yeah, we stayed the night at The Cannery, and then I
4 got up and left.

5 Q And you ended up going to Bobby's, right?

6 A Earlier that day.

7 Q Now, you and Bobby you were friends for seven years.
8 Is it fair to say that you trusted him?

9 A Yeah.

10 Q And in fact during that seven year period he had done
11 a lot to help you out; would you agree?

12 A Yeah.

13 Q In fact, helped you with your daughter?

14 A When did he help me with my daughter?

15 Q Well, I mean -- didn't your daughter go over and play
16 with his -- his niece?

17 A My daughter was over there three whole times.

18 Q So Bobby helped you out, but he never helped out your
19 daughter during your seven-year friendship; is that your
20 testimony?

21 A I don't understand my helping out my daughter. He
22 taught her how to ride a bike.

23 Q There you go, do things for -- he taught her how to
24 ride a bike?

25 A Yeah.

1 Q Would he take her places?
2 A No.
3 Q Would he buy her gifts?
4 A Yes.
5 Q Would he spend time with her?
6 A When he spent time with me.
7 Q All right. And what were some of the things he did
8 to help you out?
9 A He let me crash at his house when I needed to. He
10 helped me move into my places when I needed to. He helped me
11 move out of my placed when I needed to. If I needed a ride,
12 he'd help me.
13 Q Right. Because he had a car up until what a few
14 months before --
15 A He had his mom's car.
16 Q Okay. But didn't he have his own car as well until
17 that --
18 A No.
19 Q So he could always use his mom's car.
20 A Bobby always had his mom's car. He never had his
21 own.
22 Q Okay. And, in fact, didn't Bobby try to help you get
23 out of prostitution as well?
24 A There's nobody can try and help me get out of that,
25 and I'm not going to until I'm ready.

1 Q Okay. But didn't he try and encourage --
2 A He tried to influence me to get over it.
3 Q Okay. And during -- over the course of that
4 seven-year time period, did you and Bobby ever sleep together
5 or have sex?
6 A Yes.
7 Q And when did it happen the first time?
8 A Two years after we met.
9 Q All right. And did -- was that the only time it
10 happened or would it happen often on?
11 A It happened often on.
12 Q And in fact the last time you slept with him before
13 his death was a month or two before?
14 A Yes.
15 Q When was it exactly?
16 A When he was at my house in Utah.
17 Q So when was it that he came up to Utah; was it at the
18 end of November?
19 A I think it was the end of August beginning of
20 November.
21 Q I'm sorry. End of October beginning of November?
22 You said end of August.
23 A Whenever -- I don't know exactly what day Bobby got
24 out of jail, but when he got out of jail we went to my house
25 that day.

1 Q In Utah?

2 A Yes.

3 Q And had sex?

4 A Yes.

5 Q And it was about a month or two before he died?

6 A It was whenever he got out of jail.

7 Q Okay.

8 MS. DI GIACOMO: Your Honor, I'd ask her to stop
9 saying every time he got out of jail.

10 BY MS. DI GIACOMO:

11 Q I'm just asking you when was it, what month?

12 A I don't exactly recall that.

13 Q Okay. But it was around a month or so or two months
14 or so before he died?

15 A Yeah.

16 Q It wasn't the same week he died, was it?

17 A No.

18 Q How long have you been in prostitution?

19 A Three years.

20 Q So you didn't get into it until after you were
21 friends with Bobby?

22 A Right.

23 Q Now, you said that when Bobby smokes meth that he can
24 get real happy, real mad, real mellow; it kind of depends on
25 his mood at the time he gets high; is that fair to say?

1 A Yes.

2 Q All right. And when you saw him high is it fair to
3 say you are normally high as well?

4 A Yes.

5 Q All right. Now, you said that you and Bobby started
6 a more romantic relationship I think you said in August of
7 2012; is that correct?

8 A Yes.

9 Q And when did that end?

10 A Shortly, maybe a month, month and a half later. A
11 month, month and a half later.

12 Q And that's after you had already moved to Utah?

13 A Yes.

14 Q What changed about your relationship from, you know,
15 your friendship and sleeping together to you said a more
16 romantic relationship? Did you consider him your boyfriend at
17 the time?

18 A Yes.

19 Q And what else changed about your relationship?

20 A What do you mean?

21 Q Well, you're friends and sleeping together; now
22 you're -- you have him as your boyfriend; are you still
23 sleeping together?

24 A Yes.

25 Q What else was different about when you were boyfriend

1 and girlfriend versus when you were friends?

2 A Nothing.

3 Q Okay. Now, you said that the -- that Bobby was

4 always okay with you guys not having a boyfriend-girlfriend

5 relationship; do you remember that testimony from yesterday?

6 A Yes.

7 Q But it's fair to say though even though you were

8 friends even up until after you broke up this

9 boyfriend-girlfriend relationship you still continued to sleep

10 with him, correct?

11 A Yeah.

12 Q Still continued to stay at his house?

13 A Yeah.

14 Q Still continued to, like, kind of do everything

15 together with him?

16 A Yeah.

17 Q In fact, you said yesterday that if you guys weren't

18 sleeping you were pretty much always together?

19 A Yeah.

20 Q Okay. Now, you said after you moved to Utah you'd

21 come down to visit Vegas at least once a month or maybe when

22 time every other month. Was that to visit friends, or was that

23 because you had clients here?

24 A Both.

25 Q Did you -- did you only do prostitution in Las Vegas

1 or did you do it when you lived in Utah, too?

2 A Only down here.

3 Q Okay. And is it fair to say, too since you did spend

4 a lot of time at Bobby's house down here did you kind of keep

5 clothes or personal items there?

6 A Yes.

7 Q And that would've been in his room, the converted

8 garage?

9 A Yeah.

10 Q And when exactly was it you moved to Utah? Was it

11 the end of August in 2012?

12 A Mid-August.

13 Q Middle of August?

14 A Yeah.

15 Q And when did the relationship start with Bobby, right

16 before you left?

17 A Yes.

18 Q Why did you start a relationship, or a

19 boyfriend-girlfriend relationship with Bobby if you knew you

20 were leaving?

21 A Because I thought it would make Bobby happy.

22 Q So it's fair to say you wanted to make him happy

23 then?

24 A Yeah.

25 Q But it didn't make you happy?

1 A No.

2 Q Now, when you spoke to the police the day that Bobby
3 died, you never mentioned to them that Bobby had had a gun
4 about a year and a half before, did you?

5 A No.

6 Q All right. In fact at that point did you even know
7 that might be relevant?

8 A No.

9 Q All right. When did you learn it was relevant?

10 A When she asked me that.

11 MS. LEMCKE: I'm going to object to when -- well, No.
12 1, foundation and No. 2, hearsay.

13 THE COURT: Well, it doesn't call for hearsay, when
14 did you learn it was relevant. I'm going to allow it. She
15 seemed to understand the question.

16 BY MS. DI GIACOMO:

17 Q What was your response?

18 A When she asked me.

19 Q And you said she and you kind of pointed at someone;
20 are you referring to Ms. Lemcke?

21 A Yes.

22 Q Okay. And so when was it that you met with her and
23 learned about this? Do you remember when you first met with
24 her?

25 A I don't remember what day or month or --

1 Q Was it a couple months ago, a week ago, a year ago?
2 A It was a couple months ago.
3 Q Okay. So she's the one that brought it up?
4 A Yes.
5 Q How many times would you say you've met with
6 Ms. Lemcke or her investigators?
7 A This is my actual first time physically meeting with
8 her, but I spoke with her several times.
9 Q Over the phone?
10 A Yes.
11 Q So you've had long conversations over the phone?
12 A yes.
13 MS. LEMCKE: Well, I'd object, to long conversations.
14 THE COURT: Well, how would you characterize --
15 How much time did you spend on the phone?
16 THE WITNESS: Some of the phone calls were short,
17 some of the phone calls were long.
18 BY MS. DI GIACOMO:
19 Q All right. When you say a long phone call, about how
20 long would it be?
21 A 30 minutes.
22 Q How many phone calls did you have with her?
23 A I don't recall.
24 Q More than five?
25 A Probably.

1 Q Okay. Now, you never met with the prosecution,
2 correct?

3 A No.

4 Q All right. In fact didn't you state that you would
5 only meet with the prosecution if Ms. Lemcke could be present?

6 MS. LEMCKE: Well, I'm going to object to that.

7 THE COURT: On what grounds?

8 MS. LEMCKE: On the grounds that that is misleading
9 in terms of what actually happened.

10 THE COURT: All right. That's not a legal basis so
11 sit down.

12 Approach.

13 (Off-record bench conference.)

14 THE COURT: You may proceed.

15 MS. DI GIACOMO: Thank you.

16 BY MS. DI GIACOMO:

17 Q Do you recall what my question was?

18 A No.

19 Q Isn't it true you wouldn't speak with the prosecutors
20 unless Ms. Lemcke was present?

21 A No. I told her I would feel more comfortable if she
22 was present while I was speaking to you.

23 Q Okay. Thank you. All right. So you testified with
24 me that on December 20, which is the Friday before Bobby's
25 death, you were at The Cannery?

1 A Right.
2 Q With Lorenzo?
3 A Right.
4 Q Did you ever once you met him -- let me strike that.
5 You said you'd left, went to Bobby's and went back to
6 The Cannery and met Lorenzo?
7 A Yes.
8 Q All right. When was it that you went back? What
9 time?
10 A I want to say --
11 THE COURT: Back to The Cannery?
12 MS. DI GIACOMO: Yes. I'm sorry.
13 BY MS. DI GIACOMO:
14 Q When did you go back to The Cannery?
15 A I want to say it was around 11.
16 Q All right. And in the meantime what did you do with
17 Bobby?
18 A I wasn't at Bobby's house the whole time.
19 Q Where were you?
20 A I went with Bobby and then I went with somebody else.
21 Q Went where?
22 A I went to Bobby's house with him, and then I left
23 Bobby's house and went to go see another friend.
24 Q Where did you go see that other friend?
25 A At his house.

1 Q Okay. Was it a client or a friend?
2 A A friend.
3 Q Okay. And then where did you go?
4 A Then I went back to Bobby's house, and then I went
5 and picked up my bag from Bobby's house, and I left Bobby's,
6 and I went to The Cannery.
7 Q All right. So you testified yesterday that you met
8 up with Bobby on that Friday before at Boulder Station. When
9 was that?
10 A That night.
11 Q Okay. When was that? You just said you went to
12 Bobby's house, friend's house back to Bobby's house then The
13 Cannery. So when was the Boulder Station?
14 A I'm confused.
15 Q Okay. So yesterday you testified that on that
16 Friday, December 20, you saw Bobby. You used meth, and you
17 went to -- met up at the Boulder Station; when was that during
18 that day? That's all I'm asking.
19 A Okay. I came into town on the 18th, okay. I met
20 with Lorenzo on the 18th at The Cannery.
21 Q You met with Lorenzo on the 18th?
22 A Right. I was in town for four days.
23 Q Okay. So it wasn't the Friday before?
24 A I don't know what day it was; I just know it was the
25 18th.

1 Q Okay. So let's start over. The 18th you meet with
2 Lorenzo. That's when you got his number out of Bobby's phone?
3 A Bobby's phone.
4 Q Okay. You meet with Lorenzo on the 18th, spend the
5 night with him at The Cannery?
6 A Right.
7 Q Sleep with him?
8 A Yes.
9 Q You know, get snugly with him or whatever you were
10 saying, affectionate?
11 A Yes.
12 Q Okay. So on the 19th what happens?
13 A That morning I woke up; I left. I went to Bobby's
14 house. After I got done seeing Bobby, I went to my friend's
15 house as I was just saying.
16 Q Okay.
17 A Then I went back to Bobby's house.
18 Q Okay.
19 A And then I went and seen Lorenzo again.
20 Q Lorenzo on -- so on the night of the 19th you went
21 and saw Lorenzo?
22 A Yes.
23 Q Okay. Now, you didn't tell Bobby you went to see
24 Lorenzo on the 18th. You didn't tell Bobby you went to see
25 Lorenzo on the 19th either, correct?

1 A Right.

2 Q Okay. Where did you go see Lorenzo on the 19th?

3 A The Cannery.

4 Q So he still had his room -- the same room at The
5 Cannery?

6 A Yes.

7 Q Did you spend the night again with him again?

8 A No.

9 Q Okay. What happened?

10 A I went to where my grandpa was staying because that's
11 who brought me in town.

12 Q Okay. So how long did you hang out with Lorenzo at
13 The Cannery?

14 A A few hours.

15 Q All right. Did you -- would you affectionate with
16 him?

17 A Yes.

18 Q Did you sleep with him?

19 A No.

20 Q I'm sorry?

21 A No.

22 Q Okay. And then at about what time did you go to your
23 grandfather's house?

24 A It was about (unintelligible) or say around seven.

25 Q All right. And then what did you do the rest of the

1 night?

2 A I spent the night at my grandpa's house.

3 Q And never went anywhere else?

4 A No.

5 Q Okay. So now we're on the morning of the 20th. What
6 happened that morning?

7 A The 20th was the first time that he had got the room
8 at Arizona Charlie's.

9 Q Who is he?

10 A Lorenzo.

11 Q All right. So the defendant?

12 A Yes.

13 Q So he got -- he got a room the morning of the 20th?

14 A I don't know exactly when he got the room. I talked
15 to him on the 20th, and I knew he had a room at Arizona
16 Charlie's.

17 Q Okay. So you knew he had a room on the 20th?

18 A Yes.

19 Q All right. Now, if Bobby's death was on a Sunday
20 morning, that would make -- on the 22nd -- that would make the
21 20th the Friday, correct?

22 A Right.

23 Q Okay. So what happens -- you talk to Lorenzo on the
24 phone, find out he has a room at Arizona Charlie's that
25 morning, correct?

1 A Right.

2 Q What do you do the rest of the day? What happens
3 then?

4 A I think I seen Bobby that day, and I think I seen my
5 daughter's uncles, and I seen a few other people, and then I
6 seen Lorenzo again.

7 Q All right. And where did you see Lorenzo?

8 A Arizona Charlie's.

9 Q At his room?

10 A Yes.

11 Q Did you hang out with him in his room?

12 A For a while.

13 Q All right. And did you spend the night with him in
14 his room?

15 A That night I believe it was the night that we spent
16 the night at the Siegel.

17 Q At where?

18 A The Siegel.

19 Q The Siegel Suites?

20 A The Siegel Suites.

21 Q Okay. So he had a room at Arizona Charlie's, but
22 then you didn't stay the night there?

23 A Right.

24 Q So what time did you meet up with Lorenzo at Arizona
25 Charlie's on that Friday?

1 A It was nightttime.
2 Q All right. So dark?
3 A Yeah.
4 Q How long did you stay there?
5 A We were there for a few hours, and then we went to
6 the Siegel's.
7 Q Okay. Were you there a few hours in his room or in
8 the casino?
9 A Both.
10 Q Why didn't you just stay in the room? Why did you go
11 to the Siegel's?
12 A Because we didn't want to.
13 Q Why didn't you want to?
14 A He wanted to go back to his place so I went with him.
15 Q About what time is it when you go back to the Siegel
16 Suites?
17 A I don't know.
18 Q All right. So did you go up to his apartment?
19 A Did I go up to his apartment?
20 Q Yes.
21 A Yes.
22 Q All right. So did you stay the night in his
23 apartment?
24 A Yes.
25 Q Okay. So earlier when I was asking you if you'd ever

1 been up to his apartment, you stated you never had, but you did
2 that Friday night, correct?

3 A Yes.

4 Q Okay. So you'd never been to his apartment before;
5 is that what you meant?

6 A Yes.

7 Q So describe what his apartment looked like.

8 A They're furnished weekly; they all look the same.

9 Q Which is?

10 A A couch, a TV, a bedroom, a bathroom, a round kitchen
11 table.

12 Q Okay. And were you guys affectionate that night?

13 A Yes.

14 Q Were you affectionate when you are at the Arizona
15 Charlie's earlier?

16 A Yes.

17 Q Like you were talking about you put your legs on him?
18 Do you hold hands?

19 A Yes.

20 Q Kiss?

21 A Yes.

22 Q All right. And then did you have sex with him that
23 night?

24 A At his house?

25 Q Yes.

1 A No.

2 Q All right. Did you have sex earlier at the Arizona
3 Charlie's?

4 A No.

5 Q All right. So you didn't sleep with him at all that
6 Friday night?

7 A (No audible response.)

8 Q Is that a no?

9 A No.

10 Q Okay. So what happens the next morning?

11 A He got up and left, and he was -- he got up from the
12 Siegel Suites and he left. I stayed there to take a shower
13 (unintelligible) and that's when I left and walked to Boulder
14 Station, and I met -- I was playing at Boulder Station and
15 that's when me and Bobby met up. Then I went to Bobby's house
16 with him, and we got high, and his mom dropped me off.

17 Q Okay. So let's back up. Lorenzo leaves you in his
18 apartment that morning of the 21st?

19 A Yes.

20 Q How long do you stay in his apartment before you
21 leave?

22 A A couple hours.

23 Q I thought yesterday you stated that you slept in and
24 left in the late afternoon?

25 A Right.

1 Q Okay. So you stayed at Lorenzo's apartment all day
2 without him?

3 A We didn't get up until mid afternoon. We went to bed
4 late that night; we got up midafternoon.

5 Q Okay. So what time was it that you left from there
6 and went to your next location?

7 A The sun was just going down so about sixish.

8 Q All right. And where did you go?

9 A Boulder Station.

10 Q All right. And what was the purpose of going to
11 Boulder Station?

12 A To gamble.

13 Q With whom?

14 A I was there by myself.

15 Q Okay. So you went by yourself. Did you meet up with
16 anyone there?

17 A Yes.

18 Q Who?

19 A Bobby.

20 Q How did Bobby know you were there?

21 A He called me.

22 Q So you told him where you were?

23 A Yeah.

24 Q All right. So how long do you hang out at Boulder
25 Station?

1 A Maybe about an hour or so?

2 Q And then you leave and go back to Bobby's house?

3 A Yes.

4 Q All right. And you stayed there until you had to go

5 meet your client?

6 A Yes.

7 Q At 1:30ish in the morning; is that about right?

8 A Yes.

9 Q All right. Now, when you are with Bobby on the night

10 of the 21st you never told me with Lorenzo, correct?

11 A Right.

12 Q Okay. Did -- when you left the Arizona Charlie's on

13 that Friday night and went to the Siegel Suites to stay at

14 Luis's apartment -- excuse me, Lorenzo's apartment, did he

15 check out of the Arizona Charlie's?

16 A I think so.

17 Q Were you with him?

18 A Yeah. We walked up to the front.

19 Q And how did you get from Arizona Charlie's back to

20 his apartment?

21 A A cab.

22 Q And you said that everything was fine that night when

23 you left to go meet your client between you and Bobby, correct?

24 A Yes.

25 Q When you left to get dropped off, you told Bobby that

1 it would take about an hour and a half with your client?

2 A Yeah.

3 Q And then did he expect you to go back to his house
4 after?

5 A He expected me to get a hold of him when I was done.

6 Q Okay. Now, you said you met the client at the
7 Sinclair, and you went to the client's house; where was that?

8 A On Tropicana and Boulder Highway.

9 Q So not far from where the Sinclair is?

10 A Right.

11 Q All right. And how long were you at the client's
12 house?

13 A 30 minutes maybe.

14 Q Is it a regular client?

15 A Yes.

16 Q And how much did you get paid?

17 A I don't see how that's -- it's my personal business
18 honestly.

19 Q How much did you get paid from your client --

20 MS. LEMCKE: Your Honor, I'm going to object to
21 relevance of how much she's getting paid. I mean, I think
22 we're way far afield. I think I've kind of let this go on long
23 enough.

24 THE COURT: How is it relevant?

25 MS. DI GIACOMO: Well, Your Honor, I think it goes to

1 her credibility and her ability to remember that night. Plus
2 my follow-up question was if that was the money she was using
3 to gamble at Arizona Charlie's. I just wanted to know much
4 money she had when she went in there.

5 MS. LEMCKE: How is that relevant to anything?

6 THE COURT: Sustained.

7 MS. DI GIACOMO: Okay.

8 BY MS. DI GIACOMO:

9 Q All right. So what time was it when you got done
10 with your client?

11 A About a half hour after I got there.

12 Q So 2 o'clock-ish?

13 A About.

14 Q And then you said the client dropped you back off at
15 the Sinclair?

16 A Right.

17 Q You did get paid --

18 A No. No. I said the client dropped me off at Arizona
19 Charlie's.

20 Q Oh, the client dropped you off at Arizona Charlie's,
21 okay.

22 A Right.

23 Q Okay. Did you -- let me ask you this. When you were
24 done did you call Bobby and let him know where you were?

25 A No.

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1 Q Why did you get dropped off at the Arizona Charlie's?
2 A Because I wanted to gamble.
3 Q So you wanted to gamble?
4 A Yes.
5 Q Had no intention of meeting anyone there?
6 A I knew Luis was there if that's what you're asking.
7 Q You said Luis; was it Lorenzo?
8 A It's the same person.
9 Q Okay. But back then you didn't know him as Luis?
10 A Right.
11 Q So did you go to meet Luis or the person you knew as
12 Lorenzo?
13 MS. LEMCKE: Well, I'm going to object to this is
14 argumentative. She said it's the same person.
15 MS. DI GIACOMO: Well, she didn't know him by Luis
16 back then, but that's fine I'll move on.
17 BY MS. DI GIACOMO:
18 Q So you went to meet the defendant -- excuse me. You
19 didn't go to meet the defendant at Arizona Charlie's, correct?
20 A Correct.
21 Q You just went to gamble?
22 A Right.
23 Q When was the last time you had talked to the
24 defendant before you got to Arizona Charlie's?
25 A Probably maybe an hour or so, maybe two hours before

1 that.

2 Q Okay. So you knew where he was going to be, correct?

3 A Yeah.

4 Q You knew he had a room there, correct?

5 A Yeah.

6 Q But you didn't go to the Arizona Charlie's to meet

7 him?

8 A No.

9 Q When was it that you first saw him at the Arizona

10 Charlie's, the defendant?

11 A What?

12 Q When did you first see the defendant at Arizona

13 Charlie's? What were you doing?

14 A Gambling.

15 Q Where was he?

16 A I think he walked in, and I was in there gambling.

17 Q Okay. So when you got the Arizona Charlie's, did you

18 call the defendant and tell him you were there?

19 A I texted him and told him I was on the machines.

20 Q Okay. So he knew to come look for you, correct?

21 A He knew I was in the casino. If he wanted to come

22 see me that was up to him.

23 Q Okay. But you wanted him to come see you, correct?

24 A Yes.

25 Q So really you're there because you wanted to meet up

1 with him again, correct?

2 A If that's what you call it.

3 Q Well, you told us earlier that you really liked him,
4 correct?

5 A Right.

6 Q You wanted to spend more time with him, correct?

7 A Right.

8 Q So you went to the Arizona Charlie's hoping to see
9 him again, correct?

10 A Hoping to see him again.

11 Q And that's why you texted him when you got there,
12 correct?

13 A Right.

14 Q You didn't tell Bobby or text Bobby or call Bobby,
15 correct?

16 A Right.

17 Q And then when he -- how long was it after you texted
18 him that the defendant came and found you at the machine?

19 A I was gambling for at least a good 15, 20 minutes.

20 Q Okay. Were you affectionate in the casino?

21 A We hugged when he walked up to me.

22 Q All right. Any other affection shown what you are
23 gambling in the casino?

24 A Yeah.

25 Q What did you do?

1 A He kissed me. We held hands.
2 Q Did you also sit with your legs across him?
3 A Yes.
4 Q Now, you said that Bobby then shows up and he's mad
5 at you?
6 A Right.
7 Q Okay. And you said that he's mad because you don't
8 do what you say you're going to do, and you never want to hang
9 out with him, correct?
10 A Right.
11 Q So he's really upset at you 'cause you lied to him,
12 correct?
13 A Yeah.
14 MS. LEMCKE: Well, I'd object to speculation.
15 THE COURT: Sustained unless you can lay a better
16 foundation about how she would know.
17 BY MS. DI GIACOMO:
18 Q Well, you were supposed to call Bobby when you got
19 done with your client, correct?
20 A Correct.
21 Q And you didn't do that?
22 A No.
23 Q And now he finds you at the Arizona Charlie's
24 gambling when you were supposed to have already called him,
25 correct?

1 A Right.

2 Q All right. So he's mad at you for not doing what you
3 said you were going to do, correct?

4 A Right.

5 Q And -- well, let me ask you this. Did you have any
6 intention of calling Bobby when you got done with your trick?

7 A Yeah, I did.

8 Q Okay. But you just didn't -- you chose not to do it?

9 A I decided I was going to hang out with Lorenzo for a
10 little bit longer and then I was going to get Bobby a call.

11 Q All right. But now -- you told Bobby it would only
12 be about an hour and a half?

13 A Yes.

14 Q All right. In fact, when -- when his mom dropped you
15 off at the Sinclair station you gave Bobby a hug and kiss
16 goodbye, correct?

17 A I gave him a hug.

18 Q Not a kiss?

19 A No.

20 Q And you actually asked him to get out of the car and
21 give you a hug goodbye?

22 A Yeah.

23 Q So he shows up and he's upset with you because you're
24 doing something different than you told him you were going to
25 do?

1 MS. LEMCKE: Well, I'd object to speculation.
2 THE COURT: Well, do you know why he was upset with
3 you?
4 THE WITNESS: Yeah. Yes, I do.
5 THE COURT: Why was that?
6 THE WITNESS: What?
7 THE COURT: Why was he upset?
8 THE WITNESS: Because I told him I was going to call
9 him and I didn't.
10 THE COURT: Next question.
11 BY MS. DI GIACOMO:
12 Q All right. And he was upset too because you didn't
13 want to hang out with him?
14 A I felt he was upset because he knew I had a crush on
15 somebody that wasn't him.
16 Q Okay. But you said that when he got there he told
17 you he was upset because you don't do -- you don't follow
18 through with what you say you're going to do, correct?
19 A Right.
20 Q And you also said --
21 MS. LEMCKE: I just want to object to the extent that
22 yesterday I tried with great desperation to elicit information
23 regarding the nature of his anger, and I was repeatedly
24 objected to, and those objections were repeatedly sustained.
25 And now she's going to elicit that same information. I'd just

1 like the record to reflect that.

2 MS. DI GIACOMO: Actually --

3 THE COURT: Wait a minute. When you make an
4 objection, I'd like you to state a legal objection not that
5 you're upset with the Court's prior ruling..

6 So what's your objection today?

7 MS. LEMCKE: Objection, again speculation, and now
8 we're getting into, I guess, hearsay information that I wanted
9 to cover yesterday.

10 MS. DI GIACOMO: I am going through what she brought
11 out of this witness yesterday. I wrote down the quote from
12 what she said Bobby told her when he approached her, and it did
13 come in because it was for the state of mind of the listener.

14 THE COURT: Overruled.

15 MS. DI GIACOMO: Thank you.

16 BY MS. DI GIACOMO:

17 Q All right. So you said the other thing Bobby was
18 upset about was because he told you that you never want to hang
19 out with him?

20 A Correct.

21 Q All right. And you said now that he also was upset
22 because you were with Lorenzo?

23 A Yes.

24 Q All right. He had no idea you and Lorenzo were an
25 item until he got to --

1 A We weren't an item.

2 Q Well, let me rephrase. He had no idea there was any
3 sort of sexual relationship or romantic relationship going on
4 between you and Lorenzo until he got to the Arizona Charlie's,
5 correct?

6 MS. LEMCKE: Objection. Speculation.

7 THE COURT: Overruled. Go ahead. You can answer.

8 BY MS. DI GIACOMO:

9 Q Correct?

10 A Correct.

11 Q So that's part of the reason why he's upset?

12 A Right.

13 Q And isn't it fair to say as well that you were
14 getting kind of agitated or upset with Bobby because he
15 wouldn't leave you alone?

16 A Yes.

17 Q All right. So when security is there when Bobby's in
18 there, you said yelling, I think yesterday?

19 A Yes.

20 Q All right. Did security ask you guys to leave?

21 A No.

22 Q You just decided to take it outside?

23 A Yes.

24 Q And then you go outside and you talk to Bobby?

25 A Yes.

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1 Q All right. And you said that he yelled at you and he
2 slapped you, correct?

3 A Yes.

4 Q All right. Where did he slap you?

5 A On the face.

6 Q Where on the face?

7 A Right here.

8 Q With an open hand?

9 A Yes.

10 Q So he slapped you.

11 THE COURT: The record will reflect that she's just
12 indicated her right cheek.

13 MS. DI GIACOMO: Thank you. I was going to do that.

14 BY MS. DI GIACOMO:

15 Q And that you put your hand up with an open hand
16 against it?

17 A Yes.

18 Q And what -- did you say anything to him before he
19 slapped you, or did he just walk up and slap you?

20 A We were yelling and arguing with each other.

21 Q All right. So the two of you kind of in a heated
22 argument?

23 A Yeah.

24 Q Over the fact he wants to know why you don't want to
25 be with him and you just want him to leave you alone, correct?

1 A Correct.

2 Q All right. So at what point was it that he slapped

3 you? What was being said?

4 A I don't recall.

5 Q So he just slapped you?

6 A No. There was an argument and something was said and

7 he slapped me.

8 Q Did you say something to him and then he slapped you?

9 A Yeah, I think I did.

10 Q Do you recall what you said?

11 A Probably something about me and Lorenzo.

12 Q All right.

13 A I don't recall the exact words.

14 Q That's fine. But he slapped you the one time and

15 then that was it?

16 A No, he slapped me twice. He slapped me twice in the

17 whole time that we've known each other.

18 Q No, that's not what I'm asking you.

19 A That night once, yes.

20 MS. DI GIACOMO: Your Honor, I'd ask that that be

21 stricken. That's nonresponsive. I'm asking about the Arizona

22 Charlie's.

23 THE COURT: Just respond to the questions that you're

24 being asked.

25 BY MS. DI GIACOMO:

1 Q He slapped you the one time and stopped, correct?
2 A Yes.
3 Q Now, did you still yell at each other at this point
4 or did you walk away?
5 A Security came upon us and he started walking that
6 way --
7 Q So that's what broke it up --
8 A -- and I started walking to security.
9 Q I'm sorry.
10 A And I started walking toward security.
11 Q All right. And he started walking towards going off
12 property?
13 A Yes.
14 Q All right. You said yesterday that after he hit you
15 you said, Now, I'm really pissed. So after he hit you that
16 really pissed you off, correct?
17 A Yes.
18 Q So it made you more angry. You weren't scared,
19 correct?
20 A I was mad that he hit me.
21 Q All right. But you weren't like freaking out scared
22 at the time; you were more mad he hit you?
23 A Yes.
24 Q You said that whole night too that -- that after this
25 happened -- let me strike that. So after this happens when was

1 it that you next see Lorenzo after the slap?
2 A A couple minutes later inside the casino.
3 THE COURT: I'm sorry. I couldn't understand a word
4 of that. I'm sorry.
5 THE WITNESS: A few minutes later inside the casino.
6 THE COURT: Inside the casino, okay.
7 MS. DI GIACOMO: Inside the casino, all right.
8 BY MS. DI GIACOMO:
9 Q And you told him what happened?
10 A Yes.
11 Q All right. But he didn't seem upset; he was still
12 pretty calm?
13 A Yes.
14 Q All right. And then you said it was at this point
15 that Bobby's dad came up to you and Tim came up to you?
16 A Yes.
17 Q And you said that's the first time you ever met Tim
18 was that night?
19 A Yes.
20 Q You've never seen him before?
21 A No.
22 Q Didn't even know he was a friend of Bobby's?
23 A No.
24 Q So how -- when Tim was coming through the casino, was
25 he stopping everyone and asking them, Are you Amanda?

1 A No.

2 Q Okay. So did he walk straight up to you?

3 A Yeah.

4 Q So he knew you?

5 A Yes.

6 Q But you'd never seen him before?

7 A Not to my acknowledgment. I don't recall seeing him.

8 Q All right. At a time that Tim came up to you you are

9 sitting next to Lorenzo, correct?

10 A Yes.

11 Q And you had your legs across Lorenzo?

12 A Yes.

13 Q All right. And you were being affectionate with

14 Lorenzo, correct?

15 A Yes.

16 Q When you go back outside and Bobby is still there,

17 he's still upset?

18 A Yes.

19 Q And it's fair to say that his anger or hostility is

20 directed towards you?

21 A Yes.

22 Q It's not directed towards Lorenzo at all?

23 A Right.

24 Q When -- as we saw in the video yesterday of inside

25 before you left, you weren't sitting next to Lorenzo when Bobby

1 came up to you, correct?

2 A Right.

3 Q All right. And in fact, when Bobby walked up,
4 Lorenzo left, correct?

5 A Right.

6 Q When -- you end up going to the room and you said
7 Lorenzo was yelling at Bobby and Bobby was yelling at Lorenzo;
8 do you remember that part towards the end?

9 A Yes.

10 Q You didn't hear what was said between the two of them
11 because you were in the bathroom, correct?

12 A Right.

13 Q You said you could hear yelling. Did you hear both
14 men yelling or just Bobby or just Lorenzo?

15 A Both.

16 Q All right. Who set up the ride to get from Arizona
17 Charlie's back to Siegel Suites? Who arranged that?

18 A I believe it was Lorenzo.

19 Q Well, did you know Tim to go ask him for a ride?

20 A No.

21 Q So you were told by Lorenzo, Hey, we've got a ride;
22 Tim's taking us?

23 A Yes.

24 Q You said that there was no conversation at all in the
25 car ride?

1 A Right.

2 Q So you -- were you and Lorenzo whispering in the
3 backseat?

4 A Nobody whispered anything.

5 Q Okay. So you sat there the entire two-minute ride
6 not saying one word?

7 A I looked at him and I apologized once more, and he
8 said, Don't worry about it, and then we didn't say anything
9 else after that.

10 Q Now, was that in a whisper or was that loud?

11 A I said it just the normal way I said it to you.

12 Q All right. Now, that night when you were at Arizona
13 Charlie's, you said that you were affectionate with Lorenzo.
14 After he checks out of the room and you go to the car and you
15 get in, what were the two of you doing, holding hands?

16 A No -- yes. Yes. Sorry.

17 Q So you held hands. Anything else that you did from
18 the time he checked out the room until you got to the Siegel
19 Suites?

20 A He stand behind me and held me.

21 Q So he put -- like had his arm --

22 A Like hugged me from behind.

23 Q I'm sorry.

24 A Hugged me like this from behind.

25 Q Okay. And so for the record you took both of your

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1 hands out in front of you and crossed them in front of you as
2 if you were holding a person in front of you?

3 A Yes.

4 Q All right. Anything else?

5 A I don't believe so.

6 Q All right. So you held hands, and he put his arms
7 around you, correct?

8 A We kissed.

9 Q And kissed. No other affection, you're not having
10 sex or anything like that, or taking your clothes off?

11 A No.

12 Q That's all the -- excuse me. That's all you remember
13 for being affectionate and touching each other?

14 A Yes.

15 Q All right. So when you get to the Siegel Suites you
16 said you saw Bobby banging on Lorenzo's door, correct?

17 A Correct.

18 Q And you knew which door was Lorenzo's because you had
19 slept there the night -- or two nights before?

20 A Yes.

21 Q You got out of the car and you said that you heard
22 some yelling from Bobby. Did you hear Lorenzo yelling back?

23 A No.

24 Q Did you hear anything about Lorenzo saying -- or
25 Bobby saying, You're not going to fuck her?

1 A No. I didn't hear what anybody said after that.
2 Q All right. But while you're outside the car you
3 didn't hear what anyone said?
4 A No. Bobby just came down the stairs yelling and
5 screaming, and then I was asked to get back in the car.
6 Q All right. Was Bobby yelling and screaming at you?
7 A Probably. There's a good chance he was.
8 Q All right. Because his anger was directed at you
9 that night?
10 A Yes.
11 Q Okay. But then you said that Lorenzo was like, you
12 know, chill out; it doesn't have to be like this?
13 A Yes.
14 Q And that's when you get back in the car and you don't
15 hear anything else?
16 A Yes.
17 Q And you said Lorenzo is the one that told you to get
18 back in the car?
19 A Yes.
20 Q All right. So you go around the corner, correct?
21 A Yes.
22 Q How long after it is it that you go around the corner
23 and you hear a gunshot?
24 A I did hear the first one; Shannon did.
25 Q Okay. So the gunshot happens and she says to you,

1 Did you hear that, and you said what?

2 A Yeah, and then I heard the next one.

3 Q You heard the second one?

4 A Yes.

5 Q What were you doing at the time right before she

6 asked you did you hear that?

7 A Explaining to her why Bobby was -- explaining to her

8 why I made Bobby so mad.

9 Q So you're talking, and you miss it because you're

10 talking?

11 A Yes.

12 Q All right. You said after you heard the two gunshots

13 you were -- yesterday you said you were scared and nervous

14 because you didn't know what was going on, correct?

15 A Yes.

16 Q All right. So how do you act when you're scared and

17 nervous? How were you acting that night?

18 A Sketchy, I guess you could say.

19 Q Sketchy?

20 A I guess.

21 Q So how were you acting?

22 A I just wanted to be dropped off. I didn't want to be

23 around anybody. I didn't want to try and think about what

24 happened.

25 Q Okay. So when you're scared and nervous you just

1 want to be left alone?

2 A Yes.

3 Q And do you appear pretty calm from the outside? Or,

4 you know, are you visibly like, oh, my gosh?

5 A Pretty calm.

6 Q All right. After the shots did you drive back by

7 Lorenzo's apartment?

8 A Yes.

9 Q Now, yesterday you said you drove straight to the 4

10 Mile Bar which --

11 A Yes, I drove back around.

12 Q Okay. So you drove back around by the scene and then

13 went the 4 Mile Bar?

14 A Yes.

15 Q Did you stop?

16 A No.

17 Q Why not?

18 A Because I was scared.

19 Q Well, what did you see when you drove back by?

20 A Nothing.

21 Q You didn't see Bobby laying on the ground?

22 A No, I didn't.

23 Q All right. Do recall telling the police that you saw

24 Bobby lying on the ground but you didn't see Lorenzo?

25 A I might have told them. It's been a long time since

1 I talked to them. I don't even remember word for word what I
2 said.

3 Q Okay. But you admit you talked to them closer in
4 time to when this happened, correct?

5 A Yeah.

6 Q Talked to them the same day Bobby died?

7 A Yes.

8 Q All right. So hours after this if you told the
9 detectives you drove by and you saw Bobby lying on the ground,
10 is that more accurate what happened?

11 A Yes.

12 Q But you don't remember it as you sit here today?

13 A It's also been a year and a half later; I'm trying
14 not to remember this.

15 Q Okay. So as you sit here today you don't remember
16 seeing Bobby lying on the ground?

17 A Yes, I do.

18 Q You do remember seeing him lying on the ground?

19 A Yes.

20 Q And what was happening when he was lying on the
21 ground?

22 A I don't know.

23 Q Did you see anyone else around him?

24 A No.

25 Q You just saw him lying on the ground as you drove

1 through?

2 A Yes.

3 Q Why didn't you stop?

4 A Because I was mad at Bobby.

5 Q So you didn't care that he was hurt and --

6 A I cared.

7 Q But you didn't care enough to stop?

8 A No.

9 Q Because you were more mad at him, correct?

10 A Yes.

11 Q Now, after this happened what was Shannon's reaction?

12 What was her demeanor as you're in the car heading over to the

13 4 Mile Bar?

14 A She was kind of -- she wanted to know what happened.

15 Q In fact, when you heard the gunshots where you were

16 parked, didn't she say she was going to get out and go check?

17 A Not that I recall.

18 Q Okay. So you don't recall her getting out and

19 checking and coming back to the car?

20 A No.

21 Q Was she crying in the car as you drove over to the 4

22 Mile Bar?

23 A No.

24 Q She was just sitting there calm?

25 A Yes.

1 Q Wasn't upset at all about Bobby just getting shot?
2 A Not to my acknowledgment.
3 Q So after this happened you sent a text to Lorenzo
4 that you had his back, correct?
5 A Yes.
6 Q When was that?
7 A Right after it happened.
8 Q Was that before you got to the 4 Mile Bar or after
9 you got to the 4 Mile Bar? When is right after?
10 A It was -- he ran or I got told to drive out. I went
11 to the 4 Mile Bar the first time and then pulled back in to get
12 Tim, and I sat there, and as I was waiting for Tim I was
13 texting Lorenzo.
14 Q All right. So you texted him you had his back?
15 A Yes.
16 Q What did you mean by that?
17 A That I didn't want him to get in trouble.
18 Q So you're not -- you're not mad that he shot Bobby,
19 correct?
20 A Yes, I am mad.
21 Q But you have his back, correct?
22 A Yeah.
23 Q When Tim told you that Bobby got shot you said your
24 response was not, Fuck Bobby?
25 A That's not what I said.

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1 Q Did you say, I don't give a fuck about Bobby?
2 A I didn't say anything.
3 Q You didn't say one word?
4 A No.
5 Q So you don't recall telling Tim, I don't give a fuck
6 about Bobby, correct?
7 A No.
8 Q And you don't recall saying to Tim, I have to find my
9 baby.
10 A No.
11 Q All right. Did you call Lorenzo baby at that time?
12 A Yes.
13 Q All right. And in fact when they asked you who
14 Lorenzo was, didn't you say -- excuse me -- who baby was,
15 didn't you say Lorenzo?
16 A Who asked me?
17 Q Shannon or Tim?
18 A They never asked me.
19 Q Did you tell Shannon, If Lorenzo doesn't take care of
20 Bobby tonight, my uncle will take care of him tomorrow?
21 A No.
22 Q So at this point in time, the morning Bobby dies,
23 you're in love with Lorenzo, correct?
24 A No.
25 Q When did you fall in love with Lorenzo?

1 MS. LEMCKE: Well, objection. Foundation. She never
2 established that she was in love with Lorenzo.
3 THE COURT: All right. I guess that would be
4 assuming facts not in evidence. I'll sustain that.
5 BY MS. DI GIACOMO:
6 Q All right. Well, were you in love with Lorenzo after
7 Bobby was killed?
8 A No.
9 Q Never?
10 A I don't think I know what love is, to be in love with
11 somebody.
12 Q Did you ever say --
13 A Yes, I said it.
14 Q All right. Where did you say it?
15 A On Facebook.
16 Q All right. So you posted on Facebook, I love you
17 Lorenzo, correct?
18 A Yeah.
19 Q All right. When was it that you think you were in
20 love with Lorenzo? It wasn't the morning Bobby was killed,
21 correct?
22 A No.
23 Q When was it?
24 A Lorenzo was in jail.
25 Q Okay. So it was after Bobby was killed?

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1 A Yes.

2 Q And when did -- do you still love Lorenzo today?

3 A No.

4 Q You said you posted on Facebook that you loved him,
5 correct?

6 A Right.

7 Q Did you also post on Facebook other things about what
8 happened that morning?

9 A No.

10 Q Did you -- do you recall specifically posting a
11 response to Bobby's dad?

12 MS. LEMCKE: Well, Your Honor, I'm going to object.
13 Do you want me to approach?

14 THE COURT: If you want to.

15 (Off-record bench conference.)

16 BY MS. DI GIACOMO:

17 Q All right. Ms. Lowe, you post that you just stated
18 that you said, I love you, Lorenzo, on your Facebook account,
19 do you recall the date of that?

20 A No.

21 Q If I was to approach and show you would that refresh
22 your recollection as to the date?

23 A Yes.

24 MS. DI GIACOMO: May I approach, Your Honor?

25 THE COURT: Yes.

1 BY MS. DI GIACOMO:

2 Q All right. Ms. Lowe, do you recognize -- I think
3 it's a six-page document -- do you recognize what this is?

4 A My Facebook page.

5 Q All right. Is this like a screen shot or printout of
6 what was on your Facebook page?

7 A Yeah, that's what it looks like.

8 Q I'm directing you to this post right here and at the
9 end it has the, I love you, Lorenzo, on it, correct?

10 A Correct.

11 Q And what was the date of that post?

12 A January 13.

13 Q January 13, 2014?

14 A Yes.

15 Q Now, did you also put a comment on that same day
16 talking about or responding to one -- a post from Bobby's dad?

17 A I responded from a post from Bobby's dad; I don't
18 know what day it was.

19 Q Okay. Well, would it refresh your recollection if I
20 show it to you?

21 A Okay.

22 Q I'm going to show you again page 1 and 2 of this
23 six-page document. So if you can just read the bottom and into
24 the next page.

25 A Out loud?

1 Q No, read it to yourself. Thank you.

2 MS. LEMCKE: Your Honor, while she's reading can we
3 approach again?

4 THE COURT: Yes.

5 (Off record bench conference.)

6 BY MS. DI GIACOMO:

7 Q All right. Did you get a chance to read that post?

8 A Yes.

9 Q All right. The post that -- where you wrote the, I
10 love you, Lorenzo, that led to kind of all these other
11 comments, you were excited that day because a letter came from
12 Lorenzo to you that day, correct?

13 A Yes.

14 Q How did he get your address?

15 MS. LEMCKE: I'm going to object to speculation.

16 BY MS. DI GIACOMO:

17 Q Did you give him your address?

18 A No.

19 Q All right. So do you know -- but you did receive
20 mail from the defendant after the shooting occurred?

21 A Yes.

22 Q And it excited you?

23 A Yes.

24 Q Did he talk about what happened with Bobby in that
25 letter?

1 A Huh-uh.

2 THE COURT RECORDER: Could you speak up, please.

3 THE COURT: We need you to speak up.

4 THE WITNESS: Sorry.

5 BY MS. DI GIACOMO:

6 Q In that post that I showed you there's kind of some
7 information about what happened between Lorenzo and Bobby at
8 the time of the shooting, correct?

9 A Right.

10 Q Where did you learn that information?

11 A Where did I learn that information from?

12 Q Correct.

13 A It was said on somebody else's Facebook page.

14 Q So you were looking on Facebook?

15 A Yes.

16 Q Is it fair to say, though, after this happened you
17 were more concerned about Lorenzo then what happened to Bobby?

18 A Yes.

19 MS. DI GIACOMO: Court's indulgence.

20 BY MS. DI GIACOMO:

21 Q When did you communicate -- let me ask you this. Are
22 you still communicating with Lorenzo?

23 A Huh-uh.

24 Q No?

25 A No.

1 Q When did it stop?

2 A A couple months ago.

3 Q Because he stopped communicating with you?

4 A No.

5 Q You stopped communicating with him?

6 A He hung up on me and pissed me off so I didn't answer
7 the phone from him anymore.

8 Q Okay.

9 MS. DI GIACOMO: Pass the witness.

10 THE COURT: Redirect.

11 REDIRECT EXAMINATION

12 BY MS. LEMCKE:

13 Q The last time that we talked before court, did you
14 want to come down and testify?

15 A No.

16 Q Did you make it clear to me that you didn't want to
17 come?

18 A Yes.

19 Q At any point during the conversations we had did I
20 ever tell you what to say?

21 A No.

22 Q Did I ever suggest to you what to say?

23 A No.

24 Q When I asked you about a gun, did I provide you with
25 some photographs of the gun?

1 A Yes.

2 Q Or of a gun?

3 A Yes.

4 Q Was it the same photograph that I showed to the jury?

5 A Yes.

6 Q And when I asked you about whether or not you'd seen
7 that, was your response to me at that time --

8 MS. DI GIACOMO: Objection. Leading.

9 THE COURT: Sustained.

10 BY MS. LEMCKE:

11 Q What did you tell me when I provided you that picture
12 and asked you to look at that gun? Did you tell me -- what did
13 you tell me about whether or not that was the gun you'd seen
14 with Bobby?

15 A I told you I couldn't be positive, but there's a
16 chance it could be; there's a chance couldn't be.

17 Q But you didn't know?

18 A Right.

19 Q And is that the same thing that you told the jury
20 yesterday?

21 A Yes.

22 Q With respect to this idea that you would only talk to
23 the prosecutors with me there, did you -- were you willing to
24 talk to the prosecutors?

25 A Yes.

1 Q And in fact, did I encourage you to speak with them?

2 MS. DI GIACOMO: Objection. She's testifying and
3 it's leading.

4 THE COURT: Sustained. Leading. Don't testify just
5 ask a question.

6 BY MS. LEMCKE:

7 Q What was my position as I communicated to you about
8 you talking to the prosecutors?

9 MS. DI GIACOMO: Objection. Hearsay.

10 THE COURT: Sustained.

11 BY MS. LEMCKE:

12 Q Are you aware that I ultimately gave Mr. Bateman's
13 number at his request so that he could contact you directly
14 without me there?

15 A Yes.

16 MS. DI GIACOMO: Objection.

17 THE COURT: Sustained. You're not allowed to
18 testify.

19 BY MS. LEMCKE:

20 Q Are you aware that I gave Mr. Bateman your phone
21 number?

22 MS. DI GIACOMO: Objection, Your Honor. Again, it's
23 leading.

24 THE COURT: Same objection. Sustained.

25 BY MS. LEMCKE:

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1 Q Did I communicate to you that Mr. Bateman wanted your
2 phone number?

3 MS. DI GIACOMO: Objection, Your Honor. It's
4 leading, and she's testifying.

5 MS. LEMCKE: I'm asking her if she knows.

6 BY MS. LEMCKE:

7 Q Did I have to have a conversation with you to let you
8 know that I was going to give your phone number to Mr. Bateman?

9 A Yes.

10 Q Did Mr. Bateman call you after that?

11 A No.

12 Q Would you have spoken to him if he did?

13 A Yes.

14 Q Now, you were asked just a ton of questions about
15 your relationship with Bobby. Can you kind of -- over the
16 course of the five years that you were together, were there
17 times when you were sexually intimate?

18 A Yes.

19 Q On and off?

20 A Yes.

21 Q At the same time that you were having this sexual
22 intimacy, was there any understanding between you and Bobby as
23 to whether or not you were boyfriend, girlfriend?

24 A Yes.

25 Q And what was that?

1 A That we were not together.
2 Q Why were you having sex with him?
3 A Because I was a ho and Bobby paid me.
4 Q You were asked questions also about the gun, the
5 photo of the gun I showed you and whether or not you had ever
6 mentioned to police that Bobby had a gun. Did the police ever
7 ask you whether or not Bobby had a gun?
8 A No.
9 Q If they had asked you that, would you have told them
10 what you told these ladies and gentlemen?
11 A Yes.
12 Q Is that the truth?
13 A Yes.
14 Q Did you also tell police -- did you give them Tim and
15 Shannon's name?
16 A Yes.
17 Q Did you explain to them that you were with them also
18 that night?
19 MS. DI GIACOMO: Objection. Leading.
20 THE COURT: Sustained.
21 BY MS. LEMCKE:
22 Q What did you tell the police about Tim and Shannon?
23 A That they dropped me off at Boulder Station.
24 Q Okay. Did you tell them that they had been with you
25 earlier in the evening?

1 A What do you mean?

2 Q Well, I mean, did you tell them that they were around
3 at the time that the shooting happened?

4 A No. I told them who gave us a ride which was Tim and
5 Shannon.

6 Q Okay. Let me unpack this for just a second. So you
7 explained to them that you and Lorenzo had been at Arizona
8 Charlie's earlier, yes?

9 A I don't think we -- I don't think it went into
10 earlier.

11 Q Did you just talk to them about the time right before
12 the shooting?

13 A Right.

14 Q And then right after the shooting?

15 A Right.

16 Q And so did you tell them that Tim and Shannon were
17 with you in the time just before the shooting?

18 MS. DI GIACOMO: Objection. Leading.

19 THE COURT: Sustained. Think about it. Stop leading
20 her. If you'd just ask her what did you tell them I think she
21 can tell you.

22 MS. LEMCKE: Okay. And for the record my position is
23 that saying did you do some thing is not leading.

24 THE COURT: But I make the decision; I sustained it.
25 It's leading.

1 MS. LEMCKE: I understand.

2 BY MS. LEMCKE:

3 Q What did you tell them about when Tim and Shannon
4 were involved in this?

5 A That they gave us a ride.

6 Q And they gave you a ride when -- that they gave --
7 what did you tell them about the ride, I'm sorry, relative to
8 the time of the shooting?

9 A I don't understand the question.

10 Q Did you tell them that Tim and Shannon had given you
11 a ride just before the shooting occurred?

12 A Yes.

13 Q Okay. And did you call Tim -- did you tell the
14 officers -- did you give them the name Tim?

15 A Yes.

16 Q Did you know Tim's last name at that time?

17 A No.

18 Q Did you know Shannon's last name?

19 A No.

20 Q Okay. Now, you indicated that, you know, that you
21 loved Lorenzo?

22 A Yes.

23 Q And that you had strong feelings for him?

24 A Yes.

25 Q And just so that everybody is clear, the majority of

1 your contact, if I understand you correctly, was that in the,
2 like, four days or so preceding the shooting?

3 A Yes.

4 Q That would've been that time that you came down in
5 December?

6 A Yes.

7 Q And again before that four days, where had you been
8 living?

9 A Utah.

10 Q And you had just come down to visit?

11 A Yes.

12 Q And this was when you were having your, you know, in
13 the few months before the shooting where you were -- well, let
14 me go back. Again, when did you say that you had moved up to
15 Utah?

16 A August.

17 Q August before the shooting?

18 A Yes.

19 Q So that would've been 2013?

20 A Yes.

21 Q And so you were -- when you would come down to Vegas
22 from that time until December it was just on random visits?

23 A Yes.

24 MS. LEMCKE: Court's indulgence.

25 I have nothing further, Your Honor.

1 THE COURT: Any recross?

2 MS. DI GIACOMO: Yes.

3 RECROSS-EXAMINATION

4 BY MS. DI GIACOMO:

5 Q I'm sorry. I just need to clarify. You had
6 testified previously that it was August of 2012 when you and
7 Bobby had decided to have a relationship but then you moved to
8 Utah. But you just said now it was August of 2013 right before
9 the shooting; which was it?

10 A I moved out to Utah. I've been out there almost two
11 years I think. I just know it was in August. My uncle behind
12 you would be able to tell you the exact year. I'm not
13 positive.

14 Q Okay. So when was it that you had the relationship
15 with Bobby, before you moved to Utah when you were boyfriend
16 and girlfriend?

17 A Yes.

18 Q All right. So it's either August of 2012 or it's
19 August of 2013, correct?

20 A Right.

21 Q So do you recall, though, if you moved to Utah for a
22 year before the shooting or a few months before the shooting?

23 A I think I was there longer than a few months.

24 Q And then when you -- when you saw Bobby with the gun
25 it was the summer of 2012 that you saw him with it in the

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1 bandanna, correct?

2 A I don't know what year it was; I just know I seen him
3 with it.

4 Q Now defense counsel just said that you were together
5 with Bobby or friends for five years. Okay. You said that you
6 met him when you were 18?

7 A Right.

8 Q And you're how old now?

9 A 25.

10 Q Okay. So it's --

11 A So it's seven years.

12 Q It's seven years?

13 A Right.

14 Q Seven years since you met him?

15 A Right.

16 Q But it's been a year and a half; so it's five to six
17 years that you had a relationship with him -- or I mean
18 friendship, excuse me?

19 A Yes.

20 Q Now, you said that you had been a prostitute for
21 three years, correct?

22 A Right.

23 Q Was that three years up until Bobby died or three
24 years as you sit here today?

25 A That was three years that Bobby knew about.

1 Q Okay. But you said that -- so for the first couple
2 of years you weren't a prostitute but then you were for the
3 last --
4 A No, the first couple years I was but Bobby didn't
5 know.
6 Q Okay. So Bobby only knew the last three years?
7 A Right.
8 Q Okay. But you said that you slept with him within
9 the first year you met him, correct?
10 A Right.
11 Q Okay. So you were sleeping with him the entire five
12 years off and on?
13 A Yes.
14 Q But Bobby didn't know you were a prostitute until
15 years three through five, correct?
16 A Right.
17 Q Now, you said that the reason you slept with Bobby is
18 because you were a ho and he paid you for sex, correct?
19 A I didn't say the reason I first slept with Bobby was
20 because I was a ho.
21 Q Okay. So that's what -- that's my point I'm getting
22 at. For the first -- I mean, when was it that he actually paid
23 you for sex during the course of this five-year relationship?
24 A After he found out I was a ho.
25 Q So for the last three years he had to pay you to

1 sleep with you?

2 A Yes.

3 Q Even though you were such good friends?

4 A Yes.

5 Q How often did he pay you to sleep with you?

6 A Every few months.

7 Q Did he pay you with meth, or did he pay you with
8 money?

9 A Money.

10 MS. DI GIACOMO: Pass the witness.

11 THE COURT: Anything as a result?

12 MS. LEMCKE: No, I have nothing further.

13 THE COURT: All right. May this witness be excused?

14 MS. LEMCKE: Yes, Your Honor.

15 THE COURT: Okay. She's released from her subpoena?

16 MS. DI GIACOMO: Correct.

17 THE COURT: All right. Thank you very much for your
18 testimony. It looks like a time for our afternoon break.

19 Do you have a witness waiting or --

20 MS. LEMCKE: I should. Can I just check out in the
21 hallway?

22 THE COURT: Sure.

23 MS. LEMCKE: Yeah, Ruben Garcia.

24 THE COURT: Okay. So we'll take a 15 minute
25 afternoon break so everyone can use the restroom because it's

1 10 minutes to 3 -- 9 minutes to 3 here. So let's -- by the
2 time we get you out of here and I read you the admonition -- so
3 let's take it until 10 minutes after 3. So, ladies and
4 gentlemen, we're going to take a 15 minute recess.

5 During this recess it is your duty not to converse
6 among yourselves or with anyone else on any subject connected
7 with this trial or to read, watch or listen to any report of or
8 commentary on the trial by any person connected with the trial
9 or by any medium of information including without limitation
10 newspaper, television, radio or Internet, and you are not to
11 form or express an opinion on any subject connected with this
12 case until it is finally submitted to you.

13 We'll be in recess until 3:10 p.m.

14 (Jury recessed 2:55 p.m.)

15 THE COURT: All right. The jury has departed the
16 courtroom. We'll be in recess until 10 after 3. Thank you.

17 (Recess taken from 2:55 p.m. to 3:12 p.m.)

18 (Jury entering 3:12 p.m.)

19 THE COURT: Thank you. Please be seated. And the
20 record will reflect we are back in the presence of all 12
21 members of the jury as well as the three alternates. The
22 defendant is present with his counsel, the deputy district
23 attorneys prosecuting the case are present as are all officers
24 of the court.

25 And you may call your next witness.

1 MR. SLIFE: Thank you, Your Honor. Defense calls
2 Luis Pimentel.

3 THE COURT: Counsel approach.

4 (Off-record bench conference.)

5 THE COURT: So, ladies and gentlemen, I'm sorry, I'll
6 have to ask you to leave the courtroom for about five minutes.
7 Don't go far. Again don't talk to each other about the case;
8 it's a very short recess for you.

9 (Jury recessed 3:14 p.m.)

10 THE COURT: All right. So the jury has departed the
11 courtroom. So the reason obviously is I hadn't admonished him
12 about his rights yet, and so I need to do that.

13 So, Mr. Pimentel.

14 THE DEFENDANT: Yes, ma'am.

15 THE COURT: You can stay seated. That's fine. Under
16 the Constitution of the United States and under the
17 Constitution of the State of Nevada, you cannot be compelled to
18 testify in this case. Do you understand that?

19 THE DEFENDANT: Yes, ma'am.

20 THE COURT: Now, you may, of course, at your own
21 request, as it appears obvious that you want to testify, give
22 up this right and take the witness stand and testify. Now, if
23 you do, I need you to understand that you will be subject to
24 cross-examination by the district attorney and anything that
25 you may say either on direct examination or cross-examination

1 can be the subject of comment by the District Attorney in their
2 closing arguments to the jury. Do you understand that?

3 THE DEFENDANT: Yes, ma'am.

4 THE COURT: Now, if you choose not to testify, the
5 Court would not permit the district attorney to comment on that
6 fact because you chose not to and exercised your right. Do you
7 understand that as well?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: And if you chose not to testify, then the
10 Court would if you and your lawyer asked me to do so, I would
11 instruct the jury that in fact the law doesn't compel a
12 defendant to testify in a criminal case and take the stand and
13 that they could not draw any consumption or inference from that
14 fact by your failure to testify. So do you understand that?

15 THE DEFENDANT: Yes, ma'am.

16 THE COURT: And you've decided that you do want to
17 testify?

18 THE DEFENDANT: Yes, ma'am.

19 THE COURT: And is that after consultation with your
20 lawyer?

21 THE DEFENDANT: Yes, ma'am.

22 THE COURT: All right. Fine. Okay. Let's bring
23 them back in.

24 (Jury entering 3:17 p.m.)

25 THE COURT: All right. Thank you. And the jury and

1 everyone else may be seated.

2 Mr. Pimentel, you're going to be sworn.

3 (Defense witness, Luis Pimentel sworn.)

4 THE CLERK: Please be seated and please state and
5 spell your first and last name.

6 THE WITNESS: Luis, L-U-I-S, Pimentel,
7 P-I-M-E-N-T-E-L.

8 THE COURT: You may proceed.

9 MR. SLIFE: Thank you, Your Honor.

10 DIRECT EXAMINATION

11 BY MR. SLIFE:

12 Q Luis, just a few quick questions about your
13 background. Where are you from originally?

14 A I was born in Bronx, New York. I lived in Ohio
15 shortly. I moved there when I was 5, and then approximately
16 1990 I was about, 11, 12 moved to Las Vegas, lived here ever
17 since I -- until I joined the military.

18 Q Okay. And you've heard other people refer to you as
19 Lorenzo. Can you explain that?

20 A Yes. Back in the eighth grade -- that was my first
21 year out here -- I saw these low-rider cars on Lorenzo rims. I
22 was, like, man, I want those and the big friends, excuse me,
23 used to just say all right Renny, Lorenzo, and it stuck.

24 Q So it was a nickname from junior high?

25 A Yes.

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1 Q Is there any reason why your brother wouldn't have
2 ever called you Lorenzo?

3 A Yes. We had a strict household and anything and
4 everything that happened in the street stayed in the streets,
5 and at home it was pretty much studying and just chores.

6 Q Okay. Luis, where you currently live?

7 A CCDC, sir.

8 Q How long has it been since you had a haircut?

9 A About 7, 8 months.

10 Q Is that by choice?

11 A Unfortunately, no.

12 Q We've seen some pictures of you. You looked a little
13 more skinny. Have you gained some weight?

14 A Yes, sir.

15 Q Why is that?

16 A Well, there's nothing much to do here except sleep
17 and eat.

18 Q Okay. We also noticed that when you walked to the
19 stand you kind of walked with a little bit of the limp?

20 A Yes.

21 Q Could you explain why that is?

22 A Yes. I had an injury in Afghanistan to my back and
23 it --

24 Q When?

25 A This was 2008, July. I messed up my back, and my leg

1 feels like it's going to sleep, and usually on the outside, you
2 know, you have your physical therapy. I'd go to acupuncture as
3 well as going to the VA. You don't necessarily have those
4 things here unfortunately.

5 Q Are you able to treat your back problems in jail?

6 A Treat would be kind of nonexistent -- no.

7 Q Okay. Let's talk a little bit about your military
8 service.

9 A Yes sir.

10 Q When did you first join the military?

11 A I joined the military April 1, 2003.

12 Q Why did you join the military?

13 A We had just declared war on Iraq, and I just felt I
14 had to.

15 Q Okay. What unit did you serve in?

16 A I served in the second and five oh third and
17 (unintelligible) airborne, part of the 173rd brigade airborne
18 in Vincenza, Italy.

19 Q Were you ever deployed to combat?

20 A Yes, I was. I've done two combat deployments, sir.

21 Q Where was that?

22 A Both in Afghanistan.

23 Q Let's talk a little bit about the second deployment.
24 Was that 2007?

25 A Yes.

1 Q And let me ask you this. We heard some testimony
2 from Sergeant Ortiz. Could you -- could you -- could you
3 describe for the ladies and gentlemen of the jury was that a
4 bad deployment?

5 A They were both bad but this one sticks with you a
6 little more.

7 Q Why?

8 A The losses.

9 Q What losses?

10 A Soldiers. We had if I'm not mistaken, 22 KIA's in
11 our unit, quite a few purple hearts, multiple, multiple bad
12 days.

13 Q Did someone actually get the medal of honor?

14 A Yes. That would be two people actually, Sal Junta
15 (phonetic) most notably and recently about eight, nine months
16 ago Cal G. Thomas.

17 Q Did you know Mr. Junta personally?

18 A Yes, I did. I was the senior line medic to battle
19 company --

20 Q Are you aware what the last time somebody's been
21 awarded the medal of honor?

22 A Not since the Vietnam war.

23 Q Okay. These people that you lost, how would you
24 describe your relationship with them?

25 A With the majority of them you're familiar with who

1 they are because they're close-knit units. We are at airborne
2 pride in all things. It's a light-infantry unit so it's not
3 that sizable. You're pretty much familiar with everybody, and
4 two of my soldiers unfortunately direct under me as you've
5 heard Restreppo (phonetic) and Mendoza.

6 Q Let me ask you about Restreppo; is that private
7 Restreppo?

8 A PFC Restreppo at the time of death, sir.

9 Q What happened with PFC Restreppo for the ladies and
10 gentlemen of the jury?

11 A He was -- excuse me. Restreppo was on patrol with
12 his platoon and they took sniper fire, and Restreppo was shot
13 in the throat, the neck.

14 Q What was your role after that, after he was shot?

15 A Pretty much I was told about it at the Korangal
16 Outpost, our aid station, and I wanted them to bring him back
17 hell or high water. I mean, they've had combat -- we assigned
18 guys --

19 Q Let me ask you this. Did you have any personal
20 interaction with PFC Restreppo after he was brought back?

21 A Unfortunately, yes. Me and our PA were there --

22 Q What was that interaction?

23 A Just trying to limit the breathing, I mean, pretty
24 much when the casualty comes in you go through the ABCs,
25 airways, breathing, circulation, and at that point the big one

1 was the bleeding, and we could not --

2 Q What ultimately happened to private Restreppo?

3 A He passed away on July 22, 2007.

4 Q How does that make you feel?

5 A Ashamed. It's a hard --

6 Q Ashamed of what?

7 A He was my soldier. I trained him, and I couldn't
8 bring him home.

9 Q You didn't shoot him though, right?

10 A No, sir.

11 Q What are you ashamed about?

12 A Like I said, as a leader at that point you kind of --
13 you want to bring your man home. You want to be there with
14 them, and you want to say, all right, you have a great weekend.
15 Don't drink and drive, and I'll see you guys on Monday. There
16 was no Monday.

17 Q Could you describe the conditions at that outpost in
18 Afghanistan for the ladies and gentlemen of the jury?

19 A Yes. If you'll excuse me.

20 Q Take your time.

21 A So Korangal Outpost is set up on top of a hill, and
22 it's the -- excuse me -- the company OP tours we have our first
23 second and third platoons out at other places and we're kind
24 the main one as far as getting them supplies. So everything is
25 air dropped or very rarely convoyed into us.

1 Q Let me ask you this. Could you describe the level of
2 fire that you took on a daily basis?

3 A Some days it was just a pop shot just to let us know
4 they were there, and other days it was, quite frankly, the Wild
5 West.

6 Q Was there ever any warning a shot was going to come
7 in?

8 A No. No. I mean, sometimes especially with our
9 second platoon element it was pretty much if we were going out
10 and passed a grid line, a certain area, then it was guaranteed
11 pretty much. We -- as sick as it may sound -- used to make
12 jokes that you don't want to go past the 4-2 grid line.

13 Q Why?

14 A Because you're going to get shot.

15 Q Were there ever days when there wasn't any shooting?

16 A There was. There was.

17 Q What was that like?

18 A For me as a senior line medic it's a reset day, but
19 it's also a day where you're expecting it. You know it's
20 coming.

21 Q What is that like to expect something and not have it
22 come?

23 A Is a godsend for one and also it throws you off your
24 game. I said it's a blessing and curse because you know the
25 next time it's going to be worse.

1 Q Let me ask you a little bit about your training.
2 A Yes, sir.
3 Q Specifically training with firearms?
4 A Yes, sir.
5 Q What specific training were you given with firearms?
6 A We were given quite extensive training with the M4
7 rifle --
8 Q What was your primary weapon?
9 A Pretty much in infantry unit your primary weapon is
10 your M4. The .9mm is your sidearm, but you still have to be
11 proficient with it.
12 Q Were you proficient with your .9mm?
13 A Well, I qualified expert.
14 Q And as a medic were you just sitting in the back with
15 the gear or you were you up with everybody else? Could you
16 describe that to the ladies and gentlemen of the jury.
17 A Okay. Usually in theory with platoon medics they
18 will be somewhere in the middle so in case something happens.
19 This is a theoretical. It is mountaintops so being that some
20 things were happening in front a lot of our medics stood at the
21 front. Now, with me being a senior line medic, I was with the
22 HQ element which is way smaller. So you're in that first line.
23 Q Okay. When Restreppo passed away did that have an
24 effect on you?
25 A Yes, it did.

1 Q What was that it -- what did that do to you?

2 A It rattled me, and I know I shouldn't be rattled this

3 was my second deployment, but it stuck with me. I mean --

4 Q At some point did it affect your ability to do your

5 job?

6 A I didn't realize it but, yes, it did.

7 Q You didn't realize it at the time?

8 A No.

9 Q When you look back, how did it affect your ability to

10 do your job?

11 A Like reports to the aid station, they wanted them at

12 a certain time or status checks for the guys, instead of

13 relaying those messages I would actually be more apprehensive

14 and actually try to get out there with the guys more. So I

15 kind of overcompensated and wasn't there as much.

16 Q All right. Were you taken off the line at some

17 point?

18 A Yes, I was.

19 Q Did you want to be taken off the line?

20 A No, sir.

21 Q Why not?

22 A Because those are the guys you train with, you sweat

23 with, you cry with. I mean, those are your brothers. You've

24 been out there drinking with them. Back in Italy you've --

25 you've been there; they're your brothers.

1 Q So you didn't want to leave your brothers behind?

2 A Hell no.

3 Q All right. At some point were you shipped back to
4 Italy?

5 A Yes. After our deployment was over we headed back to
6 Italy; that was our duty station.

7 Q And when you got to Italy, did you have -- did you
8 have any problems?

9 A Yes.

10 Q What problems did you have?

11 A I didn't want to go out anymore, and anybody who
12 knows I was notorious for that. I didn't stay a weekend there.
13 We traveled to Germany. We'd go to Rome. We'd go to Florence,
14 I mean, we were in Italy.

15 Q Did you have any problems sleeping?

16 A Yes.

17 Q What specifically what problems did you have?

18 A I didn't want to have nightmares so I figured if I
19 didn't sleep those wouldn't happen.

20 Q What kind of nightmares would you have? Can you
21 described to the ladies and gentlemen of the jury what a
22 nightmare was like?

23 A It's replaying very, very, very vividly everything
24 that happened out there. It's your mind telling you you're not
25 going to forget this no matter how much you want to, and it's

1 scary. It's intense.

2 Q Did you want to go to sleep when you knew that was
3 going to meet you?

4 A After a certain point no.

5 Q What about -- you've heard the term flashbacks, did
6 you ever have anything --

7 A I was having those, yes.

8 Q Could you describe what that was like to the jury,
9 please?

10 A Pretty much when your senses just play a trick on
11 you. You can smell; you can see; you can hear exactly what it
12 was you were going through out there. Sometimes they're
13 provoked or sometimes you're just sitting there, and you're
14 just watching TV, and the next thing you know you're staring
15 off into space for 5, 10 minutes at a time.

16 Q Did you like having nightmares and flashbacks?

17 A Not the least, sir.

18 Q Did you ever do anything to try to make them stop?

19 A Yes.

20 Q What did you do?

21 A I tried to kill myself, sir.

22 Q Why?

23 A Because I was sick of the nightmares.

24 Q How did you try to kill yourself?

25 A I took all my sleeping medication and I swallowed

1 them.

2 Q Okay. Let me ask you a few questions about when you
3 got back to the States, okay?

4 A Yes, sir.

5 Q At some point you were shipped out from Italy to
6 where?

7 A I went to Walter Reed Medical Center, and that was at
8 the time in DC.

9 Q What were you doing at Walter Reed?

10 A Rehabilitating, trying to get back to Italy, trying
11 to get back into focus and --

12 Q So your plan was to try to go back?

13 A That was my plan, sir.

14 Q Did that ever happen?

15 A No.

16 Q Did you meet anybody while you were at Walter Reed?

17 A Yes.

18 Q Who was that?

19 A That is my wife Grace.

20 Q And she was in court yesterday.

21 A Yes, sir.

22 Q What happened with Grace? Did you guys get married?

23 A Yes, we did.

24 Q How long were you married in total?

25 A Well, technically we're still married, but I'd say we

1 were married from July 24, 2009, till about July of 2012 when I
2 made the move out here.

3 Q Did you and Grace have some difficulties in your
4 marriage?

5 A Yes.

6 Q Could you describe those?

7 A I don't know if you can sense from talking to her
8 yesterday, but she's a great woman. My problems were on her
9 very, very, visibly, and as I said she's a great woman she
10 didn't deserve that.

11 Q Let me ask you this, Luis. She had said something
12 about having rules for when she entered to not startle you; can
13 you describe that a little bit?

14 A Yes. I was very defensive and our place was -- our
15 apartment was rather huge in Virginia, and she's a fast walker
16 and would just come out of nowhere sometimes, and it would just
17 scare me, and I saw the look on her face. So to eliminate that
18 I would just ask her if she would announce herself.

19 Q Were you embarrassed that you had to do that?

20 A Yeah, what kind of husband has to ask his wife that?

21 Q Okay. She had made mention of some infidelity?

22 A Yes. Like I said, she's a devoted wife, and the only
23 way I was going to push her away in my eyes was if she hated
24 me.

25 Q Why did you want to push her away?

1 A Because she didn't deserve going through what she
2 went through with me. We couldn't go out anywhere. I saw the
3 look, and as I said, she's devoted, and she wasn't going to
4 stop being that. No, she deserves -- she deserves someone who
5 is not going to startle every time he hears pop. I mean, how
6 many times is she going to get woken up screaming before she
7 calls it quits. So I just didn't want to go through that. I
8 made it easy for her.

9 Q All right. At some point you guys separated?

10 A Yes, sir.

11 Q And where did you go then?

12 A I came back over here to Las Vegas.

13 Q Who did you live with in Las Vegas when you first got
14 here?

15 A I stayed a couple weeks with my mother, and after
16 that me and my brother we got our apartment, and, yeah, it was
17 our bachelor pad.

18 Q And why did you leave your brother's apartment?

19 A At the time, like I said, it -- the timing of it we
20 were late on some bills, and I didn't know he was engaged. It
21 seemed like he wanted to move on, and I just -- I felt shunned.

22 Q Did you like the fact that you had to move from your
23 brother?

24 A I don't like change so much so it kind of hurt, but
25 I'm a grown man so I -- yeah.

1 Q Were you comfortable living with your brother?

2 A Yes, very.

3 Q Did you ever confide in him though about, you know,
4 some of the problems that you had described with Grace?

5 A No.

6 Q Why not?

7 A Because I saw the toll it took on Grace; I didn't
8 want to do that to the rest of my family. I've yet to talk to
9 my family about anything.

10 Q Is it embarrassing?

11 A In a sense, yes, and also I just -- my mother's a
12 sensitive woman. I don't know how to explain to her half the
13 shit that happened -- excuse me. So sorry. And I said, my
14 brother he -- I just didn't want to deal with that after I was
15 going through what I went through with Grace.

16 Q Okay. Let's jump to December 21, December 22, 2013,
17 okay?

18 A Yes, sir.

19 Q And specifically in Arizona Charlie's?

20 A Yes.

21 Q Do you remember being at Arizona Charlie's the late
22 evening, early-morning of December 21st, 22nd?

23 A Yes, sir.

24 Q Okay. Do you remember being with Amanda?

25 A Yes, I do.

1 Q Let me ask you, Amanda, Bobby, Tim Hildebrand,
2 Bobby's father, what was the reason that you knew all these
3 people?

4 A Know, I was a meth dealer, and so those are small
5 circles, and it's not hard for somebody to get your number, but
6 did I hang out with these people? No, not in particularly, but
7 I knew of them, yes.

8 Q Are you proud of being a meth dealer?

9 A Absolutely not.

10 Q Did you have anything to do with meth before you went
11 to the military?

12 A No, sir.

13 Q Did you have anything to do with meth when you got
14 back and you lived with your brother for a year?

15 A No. I had experimented once when I was living with
16 my brother and -- well, I had experimented for a little bit
17 like --

18 Q What would your brother know if -- if you had
19 anything to do with drugs?

20 A Just like I said, we had a very strict household
21 coming up so.

22 Q What would he do though? I think he used the term
23 yesterday he'd put his foot up your ass?

24 A Yeah, he would.

25 Q Did you ever have any conversations with him about

1 any of that?

2 A No, I didn't.

3 Q Okay. Let's go back to that night. At some point do
4 you remember Bobby coming in the casino?

5 A Yes, sir.

6 Q Did you -- did you want any trouble with Bobby that
7 night?

8 A No, I didn't.

9 Q When Bobby came in and we've seen video where you're
10 sitting at the slot machine and we see Bobby walk up to Amanda;
11 do you remember that video?

12 A Yes, I do.

13 Q Do you remember that being the case?

14 A Yes. He was -- pretty much I had got up and I saw
15 him coming towards Amanda. I went to the restroom --

16 Q Let me ask you this. When he -- when he walked into
17 the picture what did you think?

18 A I didn't know what to think. It was one of those
19 oh-boy situations.

20 Q Oh, boy, why?

21 A Are we going to have some drama; is this just a
22 chance encounter.

23 Q Why did you think there may be drama?

24 A I had heard about Amanda and Bobby's past.

25 Q What did you -- what had you heard physically?

1 A That they might have been on and off again, that one
2 might have felt a certain way, I mean --

3 Q Had anything happened the prior night?

4 A Yes. Him and Amanda had a few words, and I wasn't
5 there. Like I said, it happened without me being there. So
6 that pretty much put a wrap on the night, and I just wanted to
7 get Amanda out of there. I could tell she was kind of
8 bothered.

9 Q When you saw Bobby, did you want to engage him in
10 trouble?

11 A No. No. No.

12 Q Okay. In fact, we saw in the video that there was a
13 point when you got up and left?

14 A Yes.

15 Q Where did you -- where did you go?

16 A The first time or after talking to Amanda and Bobby?

17 Q Yeah. The first time when Bobby walks up I think you
18 stand up and put on your jacket and you leave. Where did you
19 go at that point?

20 A I went to the restroom at that point.

21 Q And then I think there's a point when you come back
22 on and you have some words with -- who did you have words with?
23 What was that interaction if you can tell the jury?

24 A Yes. It was -- it was actually with the both of
25 them, and I pretty much just let it seem as like I didn't know

1 what's going on. I don't want to know what's going on, but if
2 this is going to be the tone, I mean, can we just did this some
3 other time, and then I told Amanda it was, like, look, if you
4 want to stay in deal with this that's on you. If you want to
5 join me I will be at the bar waiting on you. I pretty much
6 just put the ball in her court to sort of say.

7 Q If Amanda would have left with Bobby, how would that
8 have made you feel?

9 A On to the next one, sir.

10 Q Did you have -- did you threaten Bobby at that point?

11 A No, sir.

12 Q At some point did you see Amanda after that?

13 A Yes. Yes.

14 Q What did you learn from her that had happened?

15 A I learned that she was slapped.

16 Q What did you think about that?

17 A I thought that was kind of low.

18 Q Why?

19 A Because like I said, I was raised by a single mother.
20 I have three sisters, and you should not put your hands on a
21 woman; that's how I was raised.

22 Q Okay. And at some point this Tim Hildebrand person
23 comes into the picture. Did you -- did you speak with him?

24 A Yes.

25 Q What was that conversation about?

1 A He had came over talking to Amanda and once again
2 seeing the court -- the way the night was going I pretty much
3 just said, Look, Dude, I will give you whatever you want in gas
4 money; can you just give us a ride.

5 Q Why did you want a ride?

6 A I said -- I could tell with the escalation and now
7 today she's getting slapped that it would probably be best just
8 to get her away from that.

9 Q Did you have plans to confront Bobby?

10 A No.

11 Q What was your plan at that point when you spoke to
12 Tim?

13 A Just get Amanda away from there, try to be comforting
14 and go on with the rest of our night.

15 Q Okay. And then part of the video clip on the outside
16 when it first begins, we see you and Amanda walking down the
17 sidewalk; do you remember that?

18 A Yes.

19 Q And there's a part where she sort of goes to the left
20 and you go out to the parking lot; do remember that?

21 A Yes.

22 Q What was -- what was the conversation in the road
23 there?

24 A Really -- between me and Amanda or me selling someone
25 in the car?

1 Q No. This is -- this is Amanda walked towards the
2 rooms. You sort of walk out into the street and talk to
3 somebody and then go back to the room?

4 A Okay. Yeah. Really, me and Amanda weren't too much
5 conversating; I was just trying to comfort her. I actually
6 wanted her to go back to the casino because I thought I'd just
7 be five minutes to get my bags.

8 Q What was your conversation with the people in the
9 street though?

10 A It was, like, you can just meet us in front of valet.
11 I've just got to go get my bags real quick.

12 Q Okay. So this was to Tim?

13 A Yes.

14 Q And this was to tell him where to meet you?

15 A Yes, sir.

16 Q And you're going to get your bags?

17 A Yes, sir.

18 Q Okay. And then where did you go, to your room?

19 A Yes, I went to my room.

20 Q What's the next thing you remember about -- I mean,
21 you're in your room. Do you remember something happening while
22 you were in the room?

23 A Yes.

24 Q What happened?

25 A I heard the girl scream.

1 Q What did you do?

2 A I put my bag down and I went outside.

3 Q Did anyone tell you what had happened?

4 A Didn't need to. I had just assumed with that scream

5 that he had probably smacked Amanda and or attempted to again.

6 Q Okay. When you came out do you remember what you

7 said? And I think the video you were standing sort of next to

8 a pillar?

9 A Yes.

10 Q Do you remember what you were saying?

11 A Yes. I was like, All right, you know what, that's

12 enough, Dude. I mean, seriously, you want to hit Aman -- I

13 mean, you want to hit a woman why don't you just come and hit a

14 man then.

15 Q Who were you talking to?

16 A I was talking to Bobby.

17 Q And was anybody standing in front of him?

18 A Yes, security guards were there at the time.

19 Q Okay. Do you remember what Bobby told you when he

20 was in the parking lot?

21 A Yeah. Fuck you. Where's Amanda? Fuck you. Where's

22 Amanda?

23 Q Did you guys go back and forth a little bit?

24 A Yes, there was a little give and take. Like I said,

25 I was -- and then it was pretty much, all right. We'll see

1 what kind of dude you are, Dude. It is what it is.

2 Q Did he ever threaten you?

3 A Yes.

4 Q What did he say to you?

5 A You know what, fuck you, fuck her. I'll fucking kill

6 you if I see you.

7 Q How many times did he say something to that effect?

8 A About once or twice.

9 Q Okay. What is your response to that?

10 A I was like, All right. You want to kill me you know

11 where I be.

12 Q "You know where I be"?

13 A You know where I be.

14 Q What did you mean by that?

15 A I mean, we know a bunch of the same people. We even

16 like tonight wind up at some of the same spots. I'm not that

17 hard to find. You want to be a big killer, okay.

18 Q Was that an invitation to come back to your

19 apartment?

20 A No, sir.

21 Q Did it mean that you were challenging him to a fight

22 at your apartment?

23 A No, sir.

24 Q Did you ever specifically say, Meet me at my house in

25 30 minutes?

1 A No, sir.

2 Q Did you say that three times?

3 A No.

4 Q Did you say that 10 times?

5 A I didn't say it once.

6 Q All right. Let's talk a little about the ride over.

7 First before we do that let's talk a little bit about guns.

8 A Yes, sir.

9 Q Did you have a gun that night?

10 A No, I did not.

11 Q Since you've been out of the military have you ever

12 had a gun?

13 A No, I have not.

14 Q Why not?

15 A Well, sir, I tried to kill myself twice with pills, I

16 fret to happen if I had a gun around.

17 Q So you'd be -- you're afraid that if you had a gun it

18 might be too easy of a way to commit suicide.

19 A Yes.

20 Q Did you have a gun in your bag that night?

21 A No, I did not.

22 Q Did you put a gun in your waistband?

23 A No, sir.

24 Q Okay. During this ride over to your apartment, were

25 you angry?

1 A No.

2 Q Was there any mention of Bobby whatsoever?

3 A No. No.

4 Q Did you -- did you expect him to be at your
5 apartment?

6 A I was not.

7 Q What were your feelings with regard to Bobby when you
8 got that short ride from Tim to your apartment?

9 A I wasn't thinking about Bobby. I was just trying to
10 comfort Amanda, and like I said, make the best of the bad
11 situation.

12 Q What was your plan when you asked him for a ride and
13 got one? What was your plan for the rest of the night?

14 A Go home. Throw on the Netflix and maybe some
15 personal stuff.

16 Q Okay. When you got home and you got out the car what
17 happened?

18 A I saw Bobby standing in front of my door.

19 Q What was he doing?

20 A He was knocking aggressively and asking where Amanda
21 was.

22 Q What happened?

23 A I got out of the car and I was, like, once again
24 seriously, and I made my way to the front of the stairs to try
25 to calm it down.

1 Q What did he do?
2 A He came down the stairs asking where Amanda was,
3 asking to see Amanda, where's Amanda.
4 Q Let me ask you this. If you saw him, why didn't you
5 get back in the car and drive away?
6 A I thought it was my place why should I have to run.
7 Q What did you think was going to happen when you
8 approached Bobby?
9 A I thought maybe I could calm him down.
10 Q What was your plan as you walked up to the stairs?
11 A Calm this dude down.
12 Q Did you -- did you want to fight him at that point?
13 A No, never want a fight.
14 Q What did you want to do at that point?
15 A Continue with the rest of my night.
16 Q Okay. What happens when he comes down the stairs?
17 A He's yelling, Where's Amanda, and I am saying, Dude,
18 seriously just calm i, down a little bit. Just try and bring
19 the voice down. I mean, I told him the neighbors were
20 sleeping, and he was like fuck that; where's Amanda. Fuck you
21 and --
22 Q Did you ever raise your hands or anything?
23 A Once I was like, Dude, really, I mean, you may not
24 tell from now but I do talk with my hands.
25 Q Were you able to calm Bobby down?

1 A Unfortunately, no.
2 Q What do he do if anything?
3 A Kept on raising his voice, and this was just --
4 Q What did he do?
5 A He said, You know what, fuck this. Let's finish this
6 and punched me.
7 Q What did you do?
8 A I punched him back.
9 Q Then what happened?
10 A Then he pulls a gun out on me.
11 Q What did you do?
12 A I reacted. I took the gun from him.
13 Q Let me ask you this. When he pulls his gun, what are
14 you feeling?
15 A Holy shit. Also, this is a little too familiar. I'm
16 feeling a bunch of things that moment sir.
17 Q Were you scared?
18 A Yes.
19 Q What did you -- what did you do?
20 A I --
21 Q Let me ask you this. What did you think he was going
22 to do when he pulled a gun?
23 A I thought I was dead.
24 Q What did you do?
25 A I reacted. I slapped his hand in a downward motion

1 and punched it. We got into a grapple. I tried to remove the
2 gun from him.

3 Q Were you able to remove the gun?

4 A Yes.

5 Q What happened after that?

6 A He came towards me, and I don't know if it was to
7 punch me or to get the gun.

8 Q What happened?

9 A I fired a shot.

10 Q When he came towards you how did you feel?

11 A I felt like this isn't -- he's not going to stop, is
12 he.

13 Q What did you think he would do if he got that gun
14 back?

15 A I knew I was dead.

16 Q All right. Was there a second shot?

17 A Yes, there was.

18 Q Do you remember that shot?

19 A I remember coming to after that shot.

20 Q Do you know why that second shot went off?

21 A No, sir.

22 Q Did you fire that second shot in anger?

23 A No, sir.

24 Q Were you trying to kill Bobby with the second shot?

25 A No, I was not.

1 Q You're someone with a lot of experience in combat and
2 training with firearms; if you wanted to kill Bobby, what would
3 you have done? And I'm referring to the second shot.

4 A It's referred to as a double tap and that is when you
5 take a shot to the back of someone's head.

6 Q Okay. I'd like to have you demonstrate to the ladies
7 and gentlemen of the jury what it looked like when you took the
8 gun out of his hand.

9 MR. SLIFE: May I approach, Your Honor?

10 THE COURT: All right.

11 BY MR. SLIFE:

12 Q All right, Lou, don't stand up. For the record, I'm
13 pointing my right hand at you like I have a gun. What did you
14 do -- what did you do in full speed?

15 A Demonstrating.

16 Q All right. For the record, let's go through this
17 slowly.

18 MS. DI GIACOMO: Could you make a record about what
19 his client just did first?

20 MR. SLIFE: Well, for the record, Judge.

21 THE COURT: He just -- well, punched him --

22 MR. SLIFE: Very quickly, he slapped my right hand
23 with his left hand, and then he punched the top of my right
24 hand with the knuckles of his right hand.

25 BY MR. SLIFE:

1 Q Let's go through it real slow, Luis. And again, I'm
2 putting my right hand at you like I have a gun. Very slowly
3 what did you do?

4 A Demonstrating.

5 Q Slower. Slower. So now your left hand is on --
6 pause -- your left hand is on my right hand?

7 A Yes.

8 Q And then what did you do?

9 A Demonstrating.

10 Q Hold on. Go back. Pause. Do it again. All right.
11 Come down with your fist and pause. So for the record your
12 right hand is hitting the top of my right hand; is that right?

13 A Yes, sir?

14 Q And then what?

15 MR. BATEMAN: I can't hear him.

16 THE COURT: We can't hear.

17 MR. SLIFE: For the record he said he's going for a
18 grapple here.

19 BY MR. SLIFE:

20 Q Do it again.

21 A I'm trying to keep his hand down because if it comes
22 up the gun is pointed at me. I'm keeping his hand down, and
23 I'm just trying to get away from him. Trying to get it away
24 from him.

25 Q Do you know if at any time Bobby had his hand on a

1 car?

2 A I wasn't paying attention to his hand -- his other
3 hand.

4 Q Was this in between cars?

5 A Pretty much at the front. We're going back and forth
6 in between a car, yes.

7 Q Okay. What happened then?

8 A Well, like I said after the -- after the grapple?

9 Q Yes, sir.

10 A Oh, after the grapple, like I said, I removed the gun
11 and I had it, and that's when he just wouldn't quit going
12 towards me and I -- I shoot.

13 Q What happened after the shooting?

14 A I looked to my left and there's another gentleman
15 with what appeared to have a -- what appeared to be a gun and I
16 --

17 Q Did you know who that gentleman was at the time?

18 A At the time, no.

19 Q Did you know later who he was?

20 A Yes.

21 Q Who was that?

22 A His father.

23 Q What was going through your mind at that moment?

24 A I don't want any more violence so I lowered the gun.
25 I showed him, but he kept on coming so I had to get the hell

1 out of there.

2 Q Where did you go?

3 A I went towards the street, and to my left there was a
4 bus there and that was pretty much the only safe place.

5 Q Okay. How did you feel at that time?

6 A In shock. In denial.

7 Q Let me ask you this. We saw a video of you running
8 up to the bus?

9 A Yes.

10 Q Was your limp not affecting you at that time or how
11 does that work? Can you explain that to the ladies and
12 gentlemen of the jury?

13 A Yes. It's a neuropathy. My leg always feels like
14 it's going to sleep, and now that I haven't been doing physical
15 therapy or anything it's -- it's worse. I'm not in pain; it's
16 just my leg always feels like it's going to sleep. And at that
17 time I was actually going through the VA and getting the right
18 treatment.

19 Q Before you were in jail, though, I believe your wife
20 testified that you had had -- it would come and go, and
21 sometimes you could even stand up is that --

22 A Unfortunately, yes. I said it came and went, and as
23 I said, there would be days like I -- I had a job as a waiter
24 and you're on your feet, and some days I couldn't -- I couldn't
25 get out of the bed.

1 Q Okay. Let's go back to that bus.
2 A Yes, sir.
3 Q When you get on the bus what are you thinking?
4 A A million thoughts. I'm basically wondering if what
5 happened happened, if this is going to continue to happen, if
6 this was just -- there was a lot of thoughts going through my
7 head at that time, sir.
8 Q Let me ask you this. At some point we saw the video
9 the police get on the bus?
10 A Yes.
11 Q What was in your head at that point?
12 A Like I said, there was a shooting so.
13 Q Did you know why they were there?
14 A Yes, I pretty much figured out it was because of the
15 shooting.
16 Q You heard from the officer you didn't say anything to
17 them.
18 A No.
19 Q Why not?
20 A I knew why they were there; so I didn't want to come
21 off of hostile or uncooperative.
22 Q Okay. At some point were you handcuffed?
23 A Yes.
24 Q And what happened then? Where were you taken if you
25 know?

1 A Nowhere for a while. I stood there handcuffed, and
2 then I came -- went down to headquarters office. I didn't know
3 the place at the time.

4 Q How did you feel -- were you handcuffed when you were
5 in headquarters?

6 A Yes. At that time I --

7 Q How did you feel as you sat there?

8 A Nervous. Scared. Tired as hell.

9 Q Did a detective at some point come in?

10 A Yes, sir.

11 Q And we heard the recording; you would agree you
12 didn't tell the detective the whole story?

13 A No, sir, I didn't.

14 Q Why is that?

15 A Pretty much he came in there and just started off
16 evasive with me, and unfortunately I was stupid and was evasive
17 back with him.

18 Q At some point you asked for an attorney though?

19 A Yes.

20 Q Did you want somebody that was on your side?

21 A Yes.

22 MR. SLIFE: May I have Court's indulgence, Your
23 Honor?

24 THE COURT: Yes.

25 BY MR. SLIFE:

1 Q Luis, prior to this case have you ever been arrested.

2 A No, sir.

3 Q Have you ever been in trouble at all?

4 A No.

5 MR. BATEMAN: Objection. Relevance, Your Honor.

6 THE COURT: Overruled. He's already answered.

7 MR. SLIFE: Nothing further. Thank you, Your Honor.

8 THE COURT: Cross.

9 CROSS-EXAMINATION

10 BY MR. BATEMAN:

11 Q Sir, I think you said that you had -- your side arm
12 with a .9mm; is that correct?

13 A Yes, sir.

14 Q And you're aware that it was a .9mm used in this
15 case?

16 A At the time I wasn't too familiar what gun it was,
17 but now I find out.

18 Q It was an unfortunate coincidence?

19 MR. SLIFE: And, Judge, objection. Argumentative.

20 THE COURT: Well, it's not argumentative with the
21 witness. It's just an improper comment. So please don't do
22 that.

23 BY MR. BATEMAN:

24 Q You had a chance in this particular case prior to
25 your testimony today to talk to a number of people; is that

1 correct?

2 A Yes.

3 Q The day in question you had an opportunity to talk to
4 the detectives; is that right?

5 A Yes.

6 Q And we heard the video of you talking to Detective
7 Williams and Jensen; is that right?

8 A Yes, sir.

9 Q And on that particular -- you've also -- well, on
10 that particular day you admit that shortly after what you
11 testified to is having a gun pulled on you; you chose not to
12 tell the detectives what happened?

13 A Yes, sir.

14 Q And you specifically didn't just tell them not what
15 happened; you lied about where you were coming from; isn't that
16 true?

17 MR. SLIFE: And, Judge, I'm going to object to the
18 characterization as to whether he lied. The jury can have the
19 full recording to look at the context.

20 THE COURT: Overruled.

21 BY MR. BATEMAN:

22 Q You specifically -- they asked you where you got on
23 the bus; is that right?

24 A Yes.

25 Q You said that you got on the bus at Boulder Station;

1 is that right?

2 A Yes, I was evasive.

3 Q You would characterize that as evasive?

4 A Yes.

5 Q You wouldn't characterize that as a lie?

6 A Did they?

7 MR. BATEMAN: Your Honor, if I can have him answer
8 the question.

9 THE COURT: The way it works is he gets to ask the
10 questions. The lawyers get to ask you and you have to answer.

11 THE WITNESS: Yes.

12 BY MR. BATEMAN:

13 Q So that was a lie to the detectives about where you
14 were coming from?

15 A Yes, sir.

16 Q And you lied to the detectives about where it is you
17 were going on that bus; is that correct?

18 A Yes, sir.

19 Q You lied to the detectives about not being with
20 anybody earlier in the evening at Arizona Charlie's; is that
21 right?

22 A Yes, sir.

23 Q You had an opportunity to talk to your mother and to
24 Grace on a telephone that were recorded calls; is that correct?

25 A Yes, sir.

1 Q And you also had an opportunity to talk to a Dr.
2 Boyd; is that right?

3 A Boyd, I'm really bad with names can you --

4 Q He's someone that talked to you about your PTSD; is
5 that right?

6 A And when was this?

7 Q Your defense team hired an individual by the name of
8 Dr. Boyd --

9 A Okay. I was not familiar with the last name, sir.
10 Yes.

11 Q And you talked to her about the facts in this case;
12 is that right?

13 A Yes, sir.

14 Q And you also talked to an individual by the name of
15 Dr. Melissa Piasecki, someone that you were -- the Court
16 ordered you to talk to; is that correct?

17 A Yes, sir.

18 Q That -- when you talked to Melissa Piasecki, that was
19 in March of this year; is that right?

20 A That's about right, yes, sir.

21 Q And you gave a description of the events that
22 occurred to her; is that right?

23 A Yes, sir.

24 Q Would you say your testimony today is consistent with
25 -- in terms of the facts -- what it is you told Dr. Piasecki in

1 March?

2 A Not as in depth, but, yes.

3 MR. SLIFE: Objection, Judge. I mean that --
4 objection. I mean, we don't have anything. I mean,
5 specifically it's vague, consistent with what?

6 THE COURT: With what he told I think. I don't think
7 the question is vague.

8 Is your objection that it's vague?

9 MR. SLIFE: Correct, Your Honor.

10 THE COURT: Overruled.

11 MR. SLIFE: I mean -- well, my objection is what he
12 told the doctor about what specifically? Just in general, I
13 mean, everything they talked about? I'm guess I'm not sure.

14 THE COURT: All right. Well, it's overruled at this
15 point. Go ahead.

16 MR. BATEMAN: I don't know if he answered.

17 THE COURT: What was the question you stated?

18 BY MR. BATEMAN:

19 Q Was your version of the facts that you've given here
20 in court today consistent with the version of the facts that
21 you gave Dr. Piasecki just a few months ago?

22 A Not as in detail, but, yes.

23 MR. BATEMAN: And, Judge, again, I would just ask --
24 object to vague. What facts are we talking about?

25 THE COURT: Well, you can ask him if you'd like to on

1 redirect.

2 MR. SLIFE: Well, I don't know what to ask because
3 I'm not sure what facts we're referring to.

4 THE COURT: Okay. Counsel, that's not an objection,
5 okay. So it was overruled. It's still overruled.

6 MR. SLIFE: Thank you, Your Honor.

7 THE COURT: You're welcome.

8 BY MR. BATEMAN:

9 Q You talked a little bit about, and we'll talk about
10 the facts of this case, you talked that you had gained a little
11 bit of weight between now and back in December of 2013; is that
12 correct?

13 A Yes, sir.

14 Q And you also introduced a photo of how you looked at
15 what time previously?

16 A I believe that photo was 2011.

17 Q You'd agree with me that you are much, much thinner
18 in 2000 -- December of 2013 then in 2011 and then here today?

19 A Yes.

20 Q All right. And that's because you were not only
21 dealing in methamphetamine but you were using methamphetamine?

22 A At the time I was not using. It's not a good idea to
23 use what you're dealing with, sir, so no.

24 Q At the time you were not using methamphetamine?

25 A No. I had tried it but that was -- like I said, a

1 week stretch and I was done with it..

2 Q You also at the time -- for some period of time not
3 gone to the VA to get treatment; isn't that what you told
4 Dr. Piasecki?

5 A Yes, that was very true.

6 Q And how long had you not been getting treatment for
7 your issues that have been testified to in this case?

8 A Well, I have not gone to the VA for PTSD treatment in
9 a while. As far as my back goes, yes, I have gone.

10 Q Back in December of 2013 you had stopped going to the
11 VA for some period of time; is that correct, regarding your
12 PTSD?

13 A Regarding my PTSD, yes, sir.

14 Q And, in fact, you also had stated to Dr. Piasecki
15 that you stopped taking your medications for some time prior to
16 December of 2013; is that correct?

17 A Yes, my PTSD medications.

18 Q And what were they?

19 A Let's see. I was on Lexapro. I was on Klonopin for
20 anxiety, trazodone for sleep and antidepressant called Remeron.

21 Q And you had stopped taking all of those medications
22 for some months prior to December 2013?

23 A Yes, sir.

24 Q And those medications were there to control some of
25 your behavior; is that fair to say?

1 A Yes.

2 Q How is it that you decided and when did you decide to
3 become an methamphetamine dealer?

4 A Saw some of the friends, when? I can't really think
5 of the exact date but I said some friends were involved in it,
6 and like I said, I had tried it and it wasn't for me. But like
7 I said, I was dumb and saw an easy dollar.

8 Q And you started this when you are living with your
9 brother Ray?

10 A No, it was shortly after.

11 Q You moved out of Ray's house and into the Siegel
12 Suites?

13 A Yes, sir.

14 Q Was that approximately October of 2013?

15 A It's about that time yes, sir.

16 Q And it's about that time you started dealing the
17 methamphetamine?

18 A Yes, sir.

19 Q You made a comment that you didn't hang out with any
20 of the individuals that were related to this particular case.
21 Do you remember making that statement?

22 A Yes, I do.

23 Q How do you account for that considering that both --
24 it appears that Bobby Holland's parents both seem to know you?

25 A You mean the ones who couldn't describe the kind of

1 car I drove?

2 THE COURT: Sir.

3 THE WITNESS: I cannot account to what his parents
4 testified.

5 BY MR. BATEMAN:

6 Q How do you account for the fact that Bobby Holland
7 had your phone number in his phone?

8 A Like I said, I was a dealer and in certain circles
9 it's not that hard to get.

10 Q So your testimony here today is that you didn't have
11 any relationship at all with Bobby Holland? You weren't
12 friends?

13 A No.

14 Q So his parents are just mistaken about that?

15 MS. LEMCKE: I'd object to that, Your Honor. That's
16 improper.

17 MR. BATEMAN: Improper how?

18 MR. SLIFE: Judge, it's not a question. It's a
19 conclusion. Objection. It's not a proper question. It's
20 argumentative.

21 THE COURT: Overruled.

22 BY MR. BATEMAN:

23 Q They're just mistaken about knowing you?

24 A Yes.

25 Q You first met Amanda when?

1 A I had seen her about two, three months prior to. But
2 as far as meeting her that was a few nights before.

3 Q You heard Amanda testify that -- that she knew Bobby
4 had gone over to your house a number of times at Siegel Suites?

5 A Yes.

6 Q Is she incorrect about that?

7 A Actually, yes.

8 Q So Amanda is incorrect about Bobby going to your
9 house at the Siegel Suites?

10 A Yes.

11 Q And you decided to begin a relationship with Amanda
12 just a few days prior to December 22; is that correct?

13 A Not necessarily a relationship, but, yes.

14 Q She called you after she got the number from Bobby's
15 phone?

16 A Yes.

17 Q And what was the purpose of you meeting her?

18 A She had called me to pick up something and okay.

19 Q Picked up what?

20 A I don't remember the exact amount, but she picked up
21 a sack of speed.

22 Q And she -- but she picked up -- you heard her testify
23 that she was receiving methamphetamine from Bobby; is that
24 correct?

25 A Yes.

1 Q But she called you to pick up methamphetamine?
2 A Yes.
3 Q You wouldn't characterize Amanda as someone you were
4 dating; is that correct?
5 A At the time no.
6 Q Just seeing?
7 A We hung out that night. We had sex, and we hung out
8 a couple nights, no labels.
9 Q And I believe you said that if she didn't want to
10 stay with you you were on to the next one; is that correct?
11 A Yes.
12 Q You told -- with regard to Bobby Holland -- you told
13 Dr. Piasecki that you knew him to be her boyfriend and
14 ex-boyfriend; is that correct?
15 A That is what was told to me, yes.
16 Q Where did you get that information?
17 A From Amanda.
18 Q When did she provide you that information?
19 A When we were hanging out.
20 Q What did she say?
21 A She -- I had asked her about the guy she was with,
22 and that's when she mentioned it was her ex-boyfriend.
23 Q You asked her about the guy she was with; how did you
24 know she was with a guy if you didn't know Bobby?
25 A I didn't know him, but we had seen each other, sir.

1 Q Who had seen each other?

2 A Me and Bobby; we had seen each other. Like I said, I
3 didn't say I've never seen him; I wasn't familiar with him. I
4 did not hang out with him. That is my words.

5 Q Where had you seen him?

6 A I had seen him around one of my clients hanging
7 around. Other than that Boulder Highway is kind of a small
8 strip so in passing.

9 Q A small strip for people involved in methamphetamine?

10 A Unfortunately, yes.

11 Q So she tells you -- you also reported to your mother
12 that you knew Bobby to be her boyfriend or ex-boyfriend,
13 correct?

14 A That's, yes.

15 Q Did she give you any additional details about their
16 current situation?

17 A I didn't ask.

18 Q But you knew she had a boyfriend and/or ex-boyfriend?

19 A I knew she had an ex-boyfriend.

20 Q Based on what she told you?

21 A Yes.

22 Q Did you know -- you said you didn't know Bobby's dad;
23 is that correct?

24 A No, I did not.

25 Q So when Bobby's dad came up here and said that he had

1 met you he was mistaken, correct?

2 A Yes, sir.

3 Q But you said that night that the dad had come over to
4 the Arizona Charlie's; is that right?

5 A Yes, to talk to Amanda.

6 Q You told Dr. Piasecki that, in fact, his dad had came
7 over that night to the Arizona Charlie's; is that right?

8 A Yes.

9 Q So you knew it was his dad?

10 A I knew at the time that it was his dad. Did I know
11 -- I mean excuse me, and I told Ms. Piasecki that it was his
12 dad, did I know it was his dad when he came and talked to us,
13 no, I did not.

14 Q How did you know Tim and Shannon?

15 A Didn't really know them too well. Once again, same
16 small circles.

17 Q when you say you didn't know them too well, what do
18 you mean?

19 A I mean I didn't hang out with them.

20 Q Well, you saw the video in this particular case and
21 you saw Tim in your room for some period of time; is that
22 correct, the night at Arizona Charlie's?

23 A Yes.

24 Q You said you don't hang out with them or you do hang
25 out with them?

1 A I do not.

2 MR. SLIFE: Judge, I think this is asked and answered
3 at this point.

4 THE COURT: Overruled.

5 BY MR. BATEMAN:

6 Q You just hung out with them on that particular night?

7 A It wasn't necessarily hanging out. I had asked him
8 for a ride, and I asked him to wait. He came inside. What am
9 I going to do, say not come in to the guy who's giving me a
10 ride?

11 Q When you said that you asked him for a ride, do you
12 remember what you told Dr. Piasecki about how you ended up with
13 a ride with him?

14 A (No audible response.)

15 Q Isn't it true, sir, that you told Dr. Piasecki that
16 Amanda set up the ride with Tim?

17 A It's possible.

18 Q Well, is it? What happened?

19 A Yes, it's very -- I -- I could've swore I asked him,
20 but Amanda probably put the bug in his head.

21 Q You heard Amanda say she had never met Tim before?

22 A Yes.

23 Q So when you told Dr. Piasecki that it was Amanda who
24 set up the ride, that would be incorrect?

25 A Well, I thought that's who had brought him over here.

1 That is not incorrect.

2 Q And you actually -- so you that night you had Tim in
3 your room, and you got a ride with Tim; is that correct?

4 A That is correct.

5 Q You stated that you were at the Arizona Charlie's --
6 you told Dr. Piasecki -- let me ask you this. You were at the
7 Arizona Charlie's for one night or two nights?

8 A I was there for two nights.

9 Q Did you tell Dr. Piasecki that you were there for one
10 night or two nights?

11 A I don't remember.

12 Q If you told her you were at the Arizona Charlie's
13 because you wanted to get away from things; is that correct?

14 A That is true.

15 Q What were you getting away from?

16 A Just a staycation.

17 Q You were trying get away from your home?

18 A Yes. I wasn't really liking staying there; so, yes,
19 I got hotels to get away.

20 Q You didn't like staying at where?

21 A At the Siegel Suites.

22 Q Why didn't you like staying at the Siegel Suites?

23 A It just was not starting to be my vibe. I was pretty
24 much coming to my senses.

25 Q I don't know what that means, sir?

1 A That means realizing I should look for other places
2 to live, better communities.

3 Q So when we heard Amanda say the 18th and 19th you
4 were at The Cannery not at the Siegel Suites; was that accurate
5 or inaccurate?

6 A That is accurate.

7 Q Then you went back to the Siegel Suites; is that
8 right?

9 A Yes, after Arizona Charlie's.

10 Q And you had two days instead of one day like you told
11 Dr. Piasecki at the Arizona Charlie's; is that right?

12 A Yes. We had left the other day so I didn't count
13 that.

14 Q The first day you were at Arizona Charlie's, but you
15 also left and went back to the Siegel Suites with Amanda; is
16 that correct?

17 A Yes.

18 Q So when you say you were doing a staycation, you
19 weren't actually staying at the Arizona Charlie's overnight?

20 A Unfortunately, no.

21 Q And that was neither the night of the 21st or the
22 night of the 22nd?

23 A That's correct.

24 Q So it's not much of a staycation if you're not
25 staying overnight there, is it.

1 A Unfortunately things happened.

2 Q Well, what happened on the 21st that caused you to
3 leave Arizona Charlie's?

4 A Like I said, Amanda and Bobby had some words, and she
5 looked disturbed so I got her away from there.

6 Q I'm asking about the night before the incident?

7 A That was also the night before the incident, sir.

8 Q So wait a second. So you were at the Arizona
9 Charlie's for two nights?

10 A Yes.

11 Q The night of the 21st and -- well, the night of the
12 20th into the 21st, and the second night would be the 21st into
13 the 22nd, correct?

14 A I'm not remembering the dates but, yes, correct.

15 Q So you said you had an encounter with Amanda and
16 Bobby the day before?

17 A No. Amanda had an encounter with Bobby, and I wanted
18 to get her away from there.

19 Q Amanda had an encounter with Bobby at the Arizona
20 Charlie's?

21 A Yes.

22 Q And you wanted to get her away from there?

23 A Yes.

24 Q So you knew on the 21st that Amanda was having
25 encounters with Bobby; is that right? Or I'm sorry, the 20th

1 to the 21st, the night before?

2 MS. LEMCKE: Object to that characterization he
3 was -- she was having encounters.

4 MR. BATEMAN: He used the term encounter.

5 MR. SLIFE: Well, I think the testimony on direct,
6 Your Honor --

7 THE COURT: Wait. Wait. Wait. Okay. Here's how
8 it works, one lawyer gets to object.

9 MR. SLIFE: Understood.

10 THE COURT: You get to pick who it is. I don't care
11 who it is but just one.

12 MR. SLIFE: Thank you, Your Honor, we'll go with Ms.
13 Lemcke.

14 THE COURT: Okay. Ms. Lemcke, did you have an
15 objection and I didn't hear?

16 MS. LEMCKE: It just mischaracterizes what he said.
17 He pluralized encounters -- he testified to and encounter that
18 Amanda had had that she had mentioned the day before with
19 Bobby. And then when Mr. Bateman asked the question he said,
20 So you knew she was having encounters at Arizona Charlie's. So
21 I objected to the extent that that question mischaracterized
22 his testimony.

23 THE COURT: Well --

24 MR. BATEMAN: I can restate encounter.

25 THE COURT: You can restate it.

1 BY MR. BATEMAN:

2 Q So not the night of the 21st into the 22nd but the
3 night of the 20th into the 21st, you said you're at Arizona
4 Charlie's with Amanda where she has a negative encounter with
5 Bobby; is that right?

6 A Yes.

7 Q So you knew 24 hours that there was some sort of
8 issue between Amanda and Bobby; is that right?

9 A Yes, not the extent but, yes.

10 Q Now, we've heard some testimony you believe -- you
11 believe you have PTSD; is that correct?

12 A I believe I have unfortunately, yes.

13 Q And you said that you have symptoms as a result of --
14 you have symptoms as a result of your combat and what you
15 experienced; is that right?

16 A Yes.

17 Q You said you have nightmares; is that right?

18 A Yes.

19 Q And you also as a result of some of the symptoms, did
20 you not tell Dr. Piasecki that you often tried to avoid
21 problems?

22 A Yes.

23 Q And do you believe you avoided issues in this
24 particular case?

25 A I tried to.

1 Q Okay. So what does the term avoid or avoidance mean
2 to you?
3 MS. LEMCKE: Objection.
4 MR. SLIFE: And, Judge, I'm going to object -- well,
5 go ahead. Sorry, Your Honor.
6 MS. LEMCKE: Objection. That's a medical term that
7 relates to PTSD and to ask him what avoidance, which is a
8 medical term, means to him he's not a medical expert.
9 MR. BATEMAN: I'm just asking the term, the word.
10 THE COURT: That's not -- I don't think he's using in
11 the medical sense.
12 Are you meaning it in the medical sense, Counsel?
13 MR. BATEMAN: No, I'm not a doctor.
14 THE COURT: All right. So in the common sense the
15 word avoid.
16 BY MR. BATEMAN:
17 Q What does avoid mean?
18 A Getting her away from there, going home, a safe
19 place.
20 Q You said getting her away from there; what are you
21 referring to?
22 A Amanda.
23 Q The person you referred to on to the next one?
24 A Uh-huh.
25 THE COURT: Is that a yes?

1 THE WITNESS: Yes.

2 BY MR. BATEMAN:

3 Q So I'm going to ask you some questions about
4 avoiding. As a meth dealer do you find yourself involved in
5 situations with questionable people?

6 A Yes.

7 Q People with guns?

8 A I try to stay small so that's not a problem.

9 Q I'm sorry?

10 A I try to stay small so it doesn't get to that point.

11 Q What does that mean?

12 A That means kind of be familiar who you're dealing
13 with, don't take on people, or don't put yourself in those
14 situations. I mean, somebody wants what I have had enough all
15 right, fine.

16 Q You would agree with having PTSD you wouldn't want to
17 put yourself in situations that would cause the symptoms; is
18 that correct?

19 A Yes.

20 Q Violent encounters?

21 A There wasn't any at the time.

22 Q While I'm asking, you'd want to try to avoid violent
23 encounters, correct?

24 A Yes.

25 Q And as a meth dealer that's probably something that

1 comes with the territory, isn't it?

2 A It depends on who you're dealing with or how big you
3 get.

4 Q How about dating or hooking up with somebody's
5 ex-girlfriend who they are currently just a day before having
6 issues with; is that avoiding a situation that might cause you
7 problems?

8 A Where am I avoiding -- where am I not avoiding if I'm
9 trying to take her home run away from it?

10 Q You learned -- you had started dating Amanda, you
11 said, and I believe the testimony was just a few days prior to
12 the 21st and into the 22nd; is that right?

13 A Yes, sir.

14 Q And you had learned from her that she had an
15 ex-boyfriend?

16 A Yes.

17 Q And you talked about it?

18 A Yes.

19 Q You talked about the problems she claimed to have
20 been having with him; is that right?

21 A Yes.

22 Q She told you that he was possessive?

23 A Yes.

24 Q In fact, you told your mom on the very same day,
25 December 22, that he was, quote, Super fucking possessive; is

1 that right?

2 A Yes.

3 Q That's what you told your mom on the phone?

4 A Yes.

5 Q And you said that on the day of the -- the night of
6 the 22nd, the morning of, he was going off like a madman.

7 That's what you told Dr. Piasecki; is that right?

8 A Yes.

9 Q And you just testified that you knew that there was
10 an encounter between Amanda and Bobby the day before at the
11 Arizona Charlie's?

12 A Yes.

13 Q And so my question to you is, given all this and the
14 fact that you have the feeling about Amanda that you're fine
15 with being on to the next one and you have PTSD, wouldn't this
16 be exactly the type of situation that you would avoid?

17 A Well, if I wasn't a mama's boy and didn't care about
18 women probably, but excuse me, I kind of get Superman complex
19 and want to get somebody out of someplace.

20 Q So you learned before you ever got to the point where
21 -- well, let me ask you this. When did you -- where were you
22 when you find out about all these problems with Amanda and
23 Bobby?

24 A All the problems, I wouldn't say all the problems. I
25 know what she had told me, and we were, if I'm not mistaken, at

1 Arizona Charlie's. She might have told me at my place, but I'm
2 pretty sure it was Arizona Charlie's.

3 Q And Bobby wasn't there?

4 A No.

5 Q So you took it upon yourself going forward to save
6 her from Bobby; is that what you're saying with your Superman
7 complex?

8 A Well, she was bothered and we were in a casino.

9 Q You think that's consistent with someone who has
10 PTSD?

11 MR. SLIFE: Judge, objection. That's a conclusion
12 for an expert.

13 THE COURT: Okay. I know you're very excited, but
14 Ms. Lemcke I that we had decided is going to be able to make
15 the objections, but at this time all right. But I thought I
16 heard you.

17 Did I hear you making objection Ms. Lemcke?

18 MS. LEMCKE: Yeah, I did except now I just don't
19 remember what the question was.

20 MR. SLIFE: I'll bite my tongue, Your Honor. My
21 apologies.

22 MR. BATEMAN: All withdraw it, Judge.

23 THE COURT: I was going to sustain it so whatever
24 was. It was improper. I think it was argumentative. Is that
25 where you were going? He kind of overrode you?

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