

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

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**No. 69139**

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Tracie K. Lindeman  
Clerk of Supreme Court

**GENARO PERRY**  
Appellant,

vs.

**STATE OF NEVADA**  
Respondent.

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Appeal from a Judgment of Conviction

Eight Judicial District Court, Clark County

The Honorable Elissa F. Cadish, District Court

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**AMENDED APPENDIX  
VOLUME II**

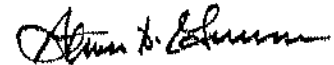
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TRAVIS E. SHETLER, ESQ.  
Travis E. Shelter, P.C.  
Nevada Bar No. 004747  
844 E. Sahara Avenue,  
Las Vegas, Nevada 89104  
Telephone: (702) 866-0091  
Fax: (702) 866-0093  
Counsel for Appellant  
GENARO PERRY

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CLERK OF THE COURT

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5 DISTRICT COURT  
6 CLARK COUNTY, NEVADA  
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9 THE STATE OF NEVADA,

10 Plaintiff,

11 vs.

12 GENARO PERRY,

13 Defendant.

CASE#: C298879

DEPT. VI

14 BEFORE THE HONORABLE ELISSA CADISH, DISTRICT COURT JUDGE  
15 TUESDAY, SEPTEMBER 29, 2015

16 **RECORDER'S ROUGH DRAFT TRANSCRIPT OF PROCEEDINGS**  
17 **BENCH TRIAL - DAY 1**

18 APPEARANCES:

19 For the State:

ROBERT BRAD TURNER, ESQ.  
Chief Deputy District Attorney  
MICHELLE SUDANO, ESQ.  
Deputy District Attorney

22 For the Defendant:

TRAVIS E. SHETLER, ESQ.

24  
25 RECORDED BY: JESSICA KIRKPATRICK, COURT RECORDER

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[None presented.]

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DEFENSE EXHIBITS

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[None presented.]

1 TUESDAY, SEPTEMBER 29, 2015 1:35 P.M.

2  
3 THE MARSHAL: All rise. District Court, Department 6 is now in session. The  
4 Honorable Judge Cadish presiding.

5 Please be seated. Come to order.

6 THE COURT: All right, folks, go ahead and state your appearances for the  
7 record.

8 MS. SUDANO: Good afternoon, Your Honor. Michelle Sudano and Brad  
9 Turner on behalf of the State.

10 THE COURT: Okay.

11 MR. SHETLER: Good afternoon, Your Honor. Travis Shetler on behalf of Mr.  
12 Perry, who's present at the counsel table in custody.

13 THE COURT: Okay. So let me just confirm on the record. It's my  
14 understanding that both parties have agreed for this to be a bench trial, with me at  
15 the trier of fact rather than a jury.

16 The State agree?

17 MS. SUDANO: That's correct, Your Honor.

18 THE COURT: Defendants?

19 MR. SHETLER: That is correct, Your Honor.

20 THE COURT: Okay. And I guess part -- because it's a bench trial, rather  
21 than a jury, Mr. Perry was not dressed out --

22 MR. SHETLER: Right.

23 THE COURT: -- today. I've seen him in the jail uniform before, so we know  
24 he's in custody, and I'll still rule based on the facts and the law.

25 MR. SHETLER: Right. Thank you, Your Honor. Noted.

1 THE COURT: Okay. No objection to --

2 MR. SHETLER: On objection.

3 THE COURT: Okay. Thank you.

4 And although -- so we put this over till today from yesterday because  
5 there were some issues about the doctor availability. And now it's my  
6 understanding that he is available.

7 MS. SUDANO: That is --

8 THE COURT: Somehow he made himself available.

9 MS. SUDANO: That is correct, Your Honor. I apologize for all the confusion  
10 and I do want to thank Your Honor and the department for being accommodating  
11 and pushing this back for us for a day in order to attempt to get the doctor here.

12 THE COURT: Okay. Trying to think if -- I did get instructions on the law from  
13 the State. And I -- even though it's a bench trial I think it's useful to have  
14 instructions even, you know, for my own use and to make sure that we're on the  
15 same page about the law that applies as we go through the trial and ultimately when  
16 you argue at the end.

17 I expect that when we end it and I'm -- I'll sort of take some time with  
18 the evidence in chambers and then call you back when I've got a decision. I don't  
19 expect it to be a particularly -- I mean, lengthy time, but however much time it takes  
20 for me to review it and feel comfortable. But there will sort of be a deliberation  
21 among me, myself and I, I guess.

22 MR. SHETLER: Good. That's all we could ask for, Judge.

23 THE COURT: Okay. So with that, is there anything else we need to discuss  
24 before we just do like an opening statement?

25 MR. SHETLER: No, Your Honor. We do think that we can probably wrap up

1 things, if not today, certainly tomorrow.

2 THE COURT: Okay.

3 MR. SHETLER: And Ms. Sudano and I had spoken about what the Court  
4 wanted as far as an opening statement or not. I know her doctor is supposedly  
5 ready to go at 1:30.

6 THE COURT: Okay.

7 MS. SUDANO: I just checked out there. He had not arrived --

8 THE COURT: Okay.

9 MS. SUDANO: -- a few moments ago. He may be there now and I have  
10 confirmed that he's on his way here.

11 THE COURT: Okay.

12 THE MARSHAL: What's his name?

13 MS. SUDANO: Dr. Leivowitz.

14 MR. SHETLER: But we're certainly happy to accommodate the doctor's  
15 schedule if you want to start --

16 THE COURT: Right.

17 MR. SHETLER: However the Court prefers.

18 THE COURT: Sure. So first, before I forget, I think we should schedule to  
19 start I think 10:30 tomorrow. Does that work for you? Is that --

20 MR. SHETLER: I think I have three in the morning. I have a sentencing;  
21 another calendar call, and that's in a court that sometimes take a little bit of time,  
22 Your Honor. I'll try and get it pulled, but that might be a little bit tight to make it by  
23 10:30.

24 THE COURT: Okay.

25 MS. SUDANO: That works for the State, Your Honor. I don't know why --



1 THE COURT: I mean, I'm hoping --

2 MS. SUDANO: -- I was thinking you had --

3 THE COURT: -- I'll be done --

4 MS. SUDANO: Okay.

5 THE COURT: -- with my regular morning calendar by then. The calendar's a  
6 little shorter than some of what we've had lately. That doesn't necessarily mean it's  
7 short, but -- I mean, we could call at, you know, 11 --

8 MR. SHETLER: I'm pretty sure by -- I would know what's going on. If there's  
9 a problem I could give the Court a heads up much before then.

10 THE COURT: Right. I mean --

11 MR. SHETLER: Yeah.

12 THE COURT: We don't have -- I don't have a jury to stress over, so if we run  
13 a few minutes behind 10:30 that's okay. I may be a little behind; you may be a little  
14 behind, but --

15 MR. SHETLER: Thank you, Judge.

16 THE COURT: -- if we can get started then that would be good because --  
17 because of a personal appointment I have, I'd like to be out of here by 3:30  
18 tomorrow. Maybe we'll be done by then, but if we're not I'm going to want to finish,  
19 so we'll see how it goes.

20 MR. SHETLER: That sounds fine, Your Honor.

21 MS. SUDANO: Absolutely, Your Honor.

22 MR. SHETLER: Easily doable. Thank you, Judge.

23 THE COURT: Ten-thirty tomorrow.

24 And then -- so a lot of times when I have -- so usually when I have  
25 bench trials it's in civil cases not criminal cases. It's the second time I've had one in

1 a criminal cases. So -- but usually in a civil case, when I have a bench trial, I read  
2 their pretrial briefs and I don't necessarily ask for an opening. I guess it's up to you  
3 -- I mean, if -- I've seen the instructions and gone through it, but -- and I know we've  
4 had some motion practice, but if you want to quickly outline what you expect to  
5 present it might be helpful just -- especially if we have a minute before the doctor  
6 starts.

7 MS. SUDANO: Absolutely, Your Honor.

8 So in this case the State intends to prove that on the evening of April  
9 30<sup>th</sup> of 2014 the Defendant in this case, Genaro Perry, arrived at his ex-girlfriend's  
10 house, that being Corla Carpenter. They had just broken up after about six months  
11 of dating shortly prior to that. Once Mr. Perry arrived, Ms. Carpenter agreed to let  
12 him stay in the house for the evening and then he was going to take his belongings  
13 and leave the following morning.

14 Early on the morning of May 1<sup>st</sup>, 2014, Mr. Perry woke up and was in an  
15 agitated state. He began making threats and statements to Ms. Carpenter that were  
16 very concerning to her. She attempted to call 9-1-1 while she was still in her bed.  
17 Once she attempted to call 9-1-1 the Defendant took her phone and threw it against  
18 a wall. She tried to get out of the bedroom and into a bathroom to get away from  
19 him. Once that happened, he began punching and kicking her; knocked her to the  
20 ground inside the bathroom. Once she was on the ground in the bathroom the  
21 struggle continued. She was able to pick up -- or pick herself up. She bit the  
22 Defendant to get downstairs.

23 Once she was about halfway downstairs he caught up with her; kicked  
24 her down the remaining stairs and into a landing inside her kitchen. Once she was  
25 in the kitchen, she was still on the ground, he continued to beat and kick her while

1 she was on the ground in the fetal position in the kitchen. He then located kitchen  
2 knife that was on a counter just to her side. He picked up the kitchen knife, began  
3 swinging it at her; forced her to go inside the living room at knife point. While she  
4 was in the living room he continued making threats against her and her family.  
5 Made several statements to her about how he was going to kill her that evening.

6 While she was still in the kitchen he locate -- or he still had that knife,  
7 he located her keys; picked up the keys to her 1999 Mercedes Benz and told her  
8 that he was going to take the car. He then forced her back upstairs at knife point  
9 and put her back into a back bathroom in the house and told her that she was not to  
10 leave until she heard the garage door close. He again threatened to kill her and her  
11 family or cause them great harm if she attempted to leave or call the police. He then  
12 left he bedroom, went and got her cell phone that he had prior -- previously thrown  
13 against a wall, came back into the bathroom and threw the cell phone in the toilet  
14 and again told her not to call the police. She then heard the car leaving and was  
15 able to go downstairs; attempted to leave the house to find a neighbor; was unable  
16 to do so and then used her phone that was still wet to call the police.

17 You're going to also hear from the first responding police officer, Officer  
18 Almedia Bragg, who responded to the scene and was able to observe the injuries to  
19 Ms. Carpenter.

20 You're also going to hear from the crime scene analyst, Danielle Keller,  
21 who was there to document the scene; the blood and the items found at the house,  
22 as well as the kitchen knife with apparent blood on it that was located in the garage.

23 And finally you're going to hear from Officer Justin Terry of the Las  
24 Vegas Police Department; will tell you that the following day, so May 2<sup>nd</sup> of 2014, he  
25 located the victim's car approximately two to three miles away from where she lived

1 and where it had been taken the day prior.

2 And at the end of the evidence the State's going to ask that you, Your  
3 Honor, acting as our trier of fact today, find the Defendant, Genaro Perry, guilty of all  
4 of the counts as charged.

5 THE COURT: Thank you.

6 Mr. Shetler?

7 MR. SHETLER: Your Honor, the crux of our case, there are some of the facts  
8 that are going to be in dispute and some we may be in agreement upon.

9 THE COURT: Mm-hmm.

10 MR. SHETLER: Mr. Perry's position is this stemmed from a dispute regarding  
11 money that was loaned for drug purposes. That he went to get his -- there was a  
12 fallout between the two of them a few days before the alleged date of the incident.  
13 That he went to get his stuff from her house; tried to make arrangements to do that.  
14 There was some discussion about what took place when he got there. What he was  
15 worried about is that she was the aggressor. He knew of her previous incident  
16 where she had used a knife on somebody. Any actions he did take were taken at  
17 self-defense. And that we have -- there's no evidence that's going to tie him to the  
18 Mercedes. But all his actions were taken in self-defense and any injuries that she  
19 sustained as a result of that. There's also a question to the extent of her injuries in  
20 light of the bodily harm charge. We'll get into that with the examination of the  
21 doctor, but the x-rays do show at the emergency room that there was a fracture of  
22 the orbit, so that's challenging.

23 THE COURT: Mm-hmm. Okay, you done?

24 MR. SHETLER: Yes, ma'am.

25 THE COURT: Sorry. Okay.

1 MR. SHETLER: Yes, Your Honor. I apologize.

2 THE COURT: It's all right.

3 Okay. So is the doctor here?

4 THE MARSHAL: I keep checking. I didn't see him. I'll check one more time.

5 THE COURT: Okay.

6 I see that the clerk has been given evidence that he's working on  
7 marking exhibits. Are there any stipulations as to the evidence?

8 MR. SHETLER: Your Honor, last time we were able to stipulate to those. I  
9 don't think we'll have any issue. We'll just go through them one more time. Ms.  
10 Sudano's told me they're same as last time, but I haven't gone through with my  
11 client this time yet. So maybe we could take, once they're done -- marked we'll do  
12 that.

13 THE COURT: Why don't we go off the record while we're waiting for the  
14 doctor and you can do that.

15 MR. SHETLER: Thank you, Your Honor.

16 MS. SUDANO: And, Your Honor --

17 THE COURT: Oh, stay on.

18 MS. SUDANO: -- the named victim is present. I can call her so we don't keep  
19 the Court waiting. If Mr. Shetler wants to look through the exhibits first, and then if  
20 the doctor's still not here we'll call Ms. Carpenter.

21 THE COURT: Okay.

22 MR. SHETLER: That's great. Thanks.

23 THE COURT: All right. Let's go off.

24 [Off the record at 1:46 p.m.]

25 [Proceedings resumed at 1:50 p.m.]

1 THE COURT: So my understanding is defense will stipulate to Exhibits 1  
2 through 37?

3 MR. SHETLER: That's correct, Your Honor.

4 THE COURT: Okay. So they'll be admitted by stipulation then.

5 And my understanding is the doctor's here, so we can get started.

6 MS. SUDANO: That is --

7 THE COURT: Let's go.

8 MS. SUDANO: -- correct, Your Honor. And --

9 THE COURT: Is anybody invoking the exclusionary rule?

10 MS. SUDANO: I was just going to say, yes, the State does, Your Honor.

11 THE COURT: Okay. So we'll make sure that we don't have witnesses in the  
12 courtroom before they testify. Let's go.

13 THE MARSHAL: If you could make your way up into the box and remain  
14 standing. Raise your right hand and face that gentleman right there.

15 **STEVEN LIEVOWITZ**

16 [having been called as a witness and being first duly sworn, testified as follows:]

17 THE COURT CLERK: Thank you. Please be seated.

18 Please state your complete name, spelling both your first and last name  
19 for the record, please.

20 THE WITNESS: Steven with a V -- S-T-E-V-E-N, LEIBOWITZ,  
21 L-E-I-B-O-W-I-T-Z.

22 THE COURT: Go ahead.

23 MS. SUDANO: Thank you, Your Honor.

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1 Q Now I want to draw your attention to May 27<sup>th</sup> of 2014. On that day did  
2 you have occasion to consult with a patient named Coral Carpenter?

3 A I have the chart here. If it's okay I'll refer to that.

4 Q Would that refresh your recollection as to the date?

5 A Yeah. I certainly wouldn't know the date without looking at that.

6 THE COURT: Okay, go ahead.

7 THE WITNESS: It was on --

8 THE COURT: So what are you looking at?

9 THE WITNESS: I'm sorry?

10 THE COURT: What are you looking at?

11 THE WITNESS: My note from May 27<sup>th</sup>, 2014 --

12 THE COURT: Okay.

13 THE WITNESS: -- which is the first time I saw the patient.

14 BY MS. SUDANO:

15 Q And that patient was Coral Carpenter?

16 A Correct.

17 Q What was the nature of your consult with her that day?

18 A Well, it was referred by Dr. Voo. She was referred by Dr. Voo, who's  
19 the retinal surgeon, so I assumed that she saw Dr. Voo for a retinal consultation. I  
20 don't really handle inside the eye itself. So I do -- I do -- I'm an oculoplastics and  
21 orbit surgeon, so I was sent because they believed that she had an orbital fracture,  
22 so that's why they sent her to me because we're very sub-specialized in  
23 ophthalmology.

24 Q Now were you able to confirm that she had an orbital fracture?

25 A Well, I was very suspicious of it by the examination, but I also had the



1 CT scan available at the time, which I actually still have in my chart. So when I  
2 looked at the CT scan I could confirm it.

3 Q Which eye fracture --

4 THE COURT: You confirmed that --

5 THE WITNESS: She had a orbital fracture.

6 THE COURT: Okay.

7 BY MS. SUDANO:

8 Q And which eye was that orbital fracture in?

9 A It was the right eye.

10 Q Were you able to determine any other fractures based on the CT scan?

11 A Well, the CT report, if I could read you that, it's fair -- you know, fairly  
12 specific. There it is. The impressions -- you know, they have a whole -- long report,  
13 but this is the impressions.

14 Q Now, doctor, I'm going to interrupt you there; I apologize. Would you be  
15 able to remember all of this information without looking back at your chart?

16 A I can only remember what -- the part that I do, which is that she had a  
17 right orbital fracture. You asked me about other fractures that don't really pertain to  
18 my work; that's why I wanted to review the -- from the chart. But from my -- my  
19 recollection she had a typical blow -- what we call blowout fracture, which is an  
20 orbital fracture of the orbital floor, as well as a fracture of the medial orbital wall,  
21 which is called the lamina papyracea.

22 Q Now when we're talking about the right orbital, where is that on the  
23 face?

24 A The orbit are bones around the eye. Like the socket is -- it would be a  
25 -- you know, layman's way of talking about it. There's four sets of walls around the

1 eye that house it. And when there's a -- what they call a blowout fracture, there's  
2 really two different theories as to how they happen. Both of them are very  
3 interesting in that -- usually happens like from a punch or something like that where  
4 a blunt trauma, where the eye itself compresses almost to -- they've shown this with  
5 fast action photography, compresses to the size of a -- you know, of a pancake, but  
6 doesn't -- the eyeball is more like a rubber ball and doesn't lacerate unless it's a  
7 sharp object.

8           And the two theories as to what causes the blowout fracture are that  
9 when the -- one is that the eyeball, when it expands, the force of it blows out the  
10 walls at the weakest portions, which are the inferior wall, down below eye, or the  
11 medial wall on the side of the eye. And when I said lamina papyracea for the side of  
12 the eye that's -- means paper plate, so you can it's paper thin. And those both  
13 connect with sinuses. Those walls connect with the two sinuses. The inferior wall  
14 connects with the maxillary sinus and the medial wall connects with the ethmoid  
15 sinus.

16           Q     Now you said that there were two theories for how --

17           A     A second theory is that the actual trauma itself turns the bone itself and  
18 the torque of it blows out the orbits.

19           Q     Now through your training and experience, doctor, are blowout fractures  
20 generally associated with some sort of trauma?

21           A     It's almost always blunt trauma because as you can see if it were -- let's  
22 say with a stick or something or whatever -- the actual orbital rim, which is the bone  
23 you feel right here, doesn't fracture. It's underneath the eye or on the side of the  
24 eye at the weakest points. So it's really a -- an injury that happens from the blunt  
25 trauma, but it's not where directly the trauma hits.

1 Q So if a client were -- or a patient were to have some sort of other  
2 ongoing medical history -- history of say lupus or something along those lines, would  
3 that be consistent with an orbital fracture?

4 A I don't understand the question.

5 Q So if an individual had a pre-existing medical condition, such as lupus,  
6 is that something on its own that could cause an orbital fracture?

7 A No -- no way.

8 Q Okay. Now you indicated that you were able to observe the orbital  
9 fracture on Ms. Carpenter. Were you able to make any other diagnoses on May 27<sup>th</sup>  
10 of 2014?

11 A Well -- I mean, do you want to know what the problems were; why I  
12 thought there was a blowout fracture or what are you asking?

13 Q We'll start there and then we'll go onto the other diagnoses as well.

14 A Okay. So the things that -- the symptoms that people have when they  
15 have a blowout fracture is -- one is the diplopia, in other words, double vision. And  
16 the reason for that is because there are six muscles that move the eye like pulleys.  
17 And the inferior rectus muscle is on directly right below your pupil at the bottom, and  
18 you can see it's right where the orbital rim is. So when there's a fracture, that  
19 muscle becomes somewhat entrapped in the fracture site itself, so people can't  
20 move their eye up and down real well and that's why they have diplopia. So that's  
21 one of the main things you have. In her particular case, she also had numbness of  
22 the cheek, upper lip and teeth area, which indicates a more posterior fracture; in  
23 other words, a bigger fracture going further back.

24 Q Now did she also report any additional issues, or were you able to  
25 observe any issues perhaps with where the eye was located?

1 A Well, she had enophthalmos, I'm sure.

2 THE COURT: She had what?

3 THE WITNESS: Enophthalmos, E-N ophthalmos. And -- E-N-O-P-H-T-H-

4 THE COURT: Thank you.

5 THE WITNESS: -- A-L-M-O-S.

6 THE COURT: Thank you.

7 THE WITNESS: Enophthalmos --

8 THE COURT: Uh-huh.

9 THE WITNESS: -- which means the eyeball is sunk in.

10 THE COURT: Okay.

11 THE WITNESS: And the reason for the eyeball being sunk in is pretty  
12 obvious and it's a volume question. So the eye is in its normal position, but if there's  
13 more volume; in other words, the bone is all of a sudden down, the eyeball sinks in  
14 because there's -- it's -- there's -- it's taking up more of the volume of the orbit. It  
15 would be like where the attorney is standing --

16 THE COURT: Mm-hmm.

17 THE WITNESS: -- if all of a sudden was a hole in the floor there, she would  
18 be halfway into the 14<sup>th</sup> floor.

19 THE COURT: Right.

20 THE WITNESS: Okay. And she would be sink back -- you would only see  
21 half of her. That's why you would see -- that's why there's enophthalmos and that's  
22 what basically happens when there's a orbital floor fracture. If you could picture  
23 where her feet are, are where the inferior rectus muscle is. You can see why it  
24 would get entrapped into the fracture cite itself because right now the floor is solid  
25 there.

1 THE COURT: Right. We hope so.

2 THE WITNESS: Yeah.

3 MS. SUDANO: I didn't eat lunch, so just everybody's clear.

4 BY MS. SUDANO:

5 Q Now, doctor, so those two additional diagnoses, the enophthalmos and  
6 then the diplopia --

7 A I would call that traumatic enophthalmos, which is the code for it.

8 Q Now -- and is that just related to a trauma?

9 A Correct.

10 Q So those are not two separate diagnoses. Those are more consistent  
11 with just the diagnosis overall of an orbital fracture?

12 A Well, for insurance to approve repair of an orbital fracture -- not every  
13 fracture has to be repaired, okay, because God heals them on their own. They just  
14 -- we want to treat orbital fractures that need to be treated. The ones that need to  
15 be treated are ones that are symptomatic with diplopia, that's one criteria;  
16 enophthalmos is the other criteria. If they just had a fracture that wouldn't be  
17 enough to -- for insurance to approve that.

18 Q Now was the fracture in this case one that did need to be repaired?

19 A Yes.

20 Q Were you actually the surgeon that completed that repair?

21 A I was the surgeon.

22 Q When did that occur?

23 A I'm going to have to ask -- look at the date here of my op report  
24 because --

25 THE COURT: You --

1 BY MS. SUDANO:

2 Q And would that refresh your recollection, doctor?

3 A I hope so. It would have the date on it, so it should -- oh, here it is. And  
4 it was --

5 THE COURT: Okay.

6 BY MS. SUDANO:

7 Q And you're looking at -- you said your op report, doctor?

8 A Well, I didn't even make it there yet, but I'm looking at the face sheet,  
9 which was on 6-14-14. And then the next page is the op report.

10 THE COURT: Okay.

11 BY MS. SUDANO:

12 Q Can you just walk us through, very generally, the surgery that you  
13 performed on --

14 A Okay. We'll get back to the hole in the floor analogy where you're  
15 standing. If you -- if there was a hole in the floor and you were halfway on the 14<sup>th</sup>  
16 floor what would we do? We'd lift you up with a hoist, although you don't seem that  
17 heavy we could just pick you up, and we would put a piece of plywood down  
18 underneath your feet. And the construction people would come and fix the floor and  
19 then everybody would be okay.

20 Same kind of thing in the orbit. We don't usually repair the medial  
21 fracture, the lamina papyracea, even though that does still cause traumatic  
22 enophthalmos -- you know, can cause enophthalmos. We want to fix mostly the  
23 inferior wall problem because the eyeball and the muscle are sinking down into the  
24 sinus; that's not good. So what we do is we -- I go in by a cosmetic approach,  
25 where I go in from the inside of the eyelid called the conjunctiva, so there's no scar

1 on the outside, and I go right down to the orbital bone, the orbital rim right here; you  
2 can feel it. I make an incision in the lining of that bone called the periosteum, and I  
3 lift up the periosteum and try to get everything that was formally in the orbit back in  
4 the orbit. So you want to -- the stuff that's in the sinus, by hand-over-hand  
5 maneuvering you lift it up to -- with both a elevator and a retractor to try to get the  
6 stuff back in the orbit.

7 Q Now when you say the stuff, are you referring to pieces of bone, or  
8 you're referring to the eye matter; what are you referring to?

9 A No, it's the orbital contents. You want to get whatever was in the orbit  
10 before, the periosteum, the muscle, the fat, everything that's now in the sinus that  
11 doesn't belong there back to where it belongs. So then -- I told you we'd put a piece  
12 of plywood underneath your feet, we put an orbital implant there that's to -- to make  
13 the new floor. In her case I used a titan orbital implant, I believe, which is --

14 Q Are you referring back to your op report again, doctor?

15 A Yes, I am. Yeah, titan implant. And that's the state-of-the-art implant in  
16 that it's -- about ten years ago we used just titanium mesh, okay, but a lot of the --  
17 which you use -- like titanium is used in your golf clubs and stuff. But what we found  
18 is that a lot of the orbital contents stuck to the mesh itself. So there's a material  
19 called porex [phonetic], which is devised by the Porex Company, that's -- allows  
20 vascularization to grow into it. So they have the new -- when I put this in, this was a  
21 fairly new implant. Now it's the number one used implant in the country. And it  
22 allows the vascularization to grow into the porex and shields it away from the  
23 titanium.

24 Now you say why would you even do that? The reason I put that  
25 implant in as opposed to just a piece of silastic plastic is that a lot of the floor was

1 missing so you needed more support. So you need a heavier duty implant than -- if  
2 it was just a tiny microfracture that I lifted the stuff up, I would just put a piece of  
3 absorbable implant material and it would've been dissolved in six months. But this  
4 needed some heavy duty support there.

5 Q Now is that because it was a more serious fracture, I believe is how you  
6 characterized it earlier?

7 A Yes.

8 Q Now did you perform any additional operations or functions while you  
9 were operating on Ms. Carpenter?

10 A I don't believe so.

11 Q Okay. Now did you have occasion to see Ms. Carpenter again after  
12 June 14<sup>th</sup> of 2014?

13 A Right. I saw -- I see everyone in post-op always. So I saw her on  
14 6-23-14.

15 Q What was the purpose of that visit?

16 A It's a post-op visit. I check everyone that I operate on post-operatively  
17 to make sure everything's okay.

18 Q Were there any ongoing issues with Ms. Carpenter that concerned you  
19 on that June 23<sup>rd</sup> visit?

20 A It said that she had some slight intermittent diplopia still; in other words,  
21 some intermittent double vision. It was much better, but she still had some  
22 intermittent double vision.

23 Q And so that would've been a week and a half after your surgery --

24 A Right.

25 Q -- she was still suffering from the double vision?



1 A Yeah.

2 Q Okay.

3 A And she also had a -- I wrote a subconj hemorrhage. That was still from  
4 the original trauma; in other words, the weight of eye is covered with -- it kinda looks  
5 like has blood in it, which it does.

6 Q Was that -- and I'm sorry, you said that that was from the original  
7 trauma?

8 A Most likely from the original trauma. It could have been from the  
9 surgery, but usually not.

10 Q Did you observe any of that, or note any of that prior to the surgery; do  
11 you recall?

12 A I don't recall, but I'll look in my note here. And I don't have it down  
13 there, so it could have been from the surgery. I don't know though.

14 Q Now -- I believe you already testified that the injuries in this case could  
15 be -- or generally are consistent with trauma; is that fair?

16 A Correct.

17 Q Could that be consistent with being kicked in the face in addition to  
18 being punched in the face?

19 A Kicked or punched; blunt trauma.

20 Q So could -- would that also be consistent with maybe having your head  
21 struck against the floor or an object?

22 A Not usually --

23 Q Okay.

24 A -- because it -- it really is -- has something like -- has to go in to  
25 compress the eyeball, like the fist or a boot or something, you know. It's not -- It just

1 doesn't happen from, you know, just hitting your head on the floor. When you hit  
2 your head on the floor you just get like a black and blue mark all over your face, but  
3 not an orbital fracture.

4 Q Now can you make any conclusions I suppose about whether the  
5 trauma was from a single blow or from multiple blows?

6 A No.

7 MS. SUDANO: Okay.

8 Court's indulgence.

9 THE COURT: Uh-huh.

10 MS. SUDANO: I apologize, doctor.

11 BY MS. SUDANO:

12 Q Can you make any conclusions or opinions about the amount of force  
13 that would be required to sustain this level of trauma?

14 A Not really. I mean, it's -- you know, it's basically being punched out. I  
15 mean, that's really how I would describe it. I mean, I unfortunately see quite a bit of  
16 this. And lots of times -- you know, as from a -- it's a reportable event. We're  
17 supposed to report abuse of some kind or another. And -- so the first question I ask  
18 is how did this happen. And -- you know, or is -- you know, if the -- if the patient is --  
19 you know, says that oh, the guy's already in jail or something I leave it at that, but  
20 otherwise -- you know, lots of times they try to shield the person who did this, you  
21 know, I try to have more intense questioning about it because it's obvious that this  
22 was, you know, an abuse situation from the clinical pattern.

23 Q Now when you spoke with Ms. Carpenter about this case, did you have  
24 that conversation with her about what happened that caused this trauma?

25 A Absolutely.

1 Q Okay. What did she tell you?

2 A She said she was assaulted and the -- the guy's in jail. And then we  
3 had her sign up for the Victims of Crime.

4 MS. SUDANO: No further questions, Your Honor.

5 THE COURT: Cross.

6 MR. SHETLER: Thank you, Your Honor.

7 Dr. Leibowitz, my name is Travis Shetler and I appreciate you being  
8 here today. Thank you for rearranging your schedule and making yourself available.

9 **CROSS-EXAMINATION**

10 BY MR. SHETLER:

11 Q I want to ask you a couple of questions. The -- you just stated to Ms.  
12 Sudano's last question that it was obvious that this was an abuse situation. Is that  
13 based on what you observed independently of what Ms. Carpenter related to you, or  
14 is that based on what she told you?

15 A It's based on the clinical observation of what I see; that she was  
16 punched out. I assume it was abuse. I mean, it could've been any other kind of  
17 fight, but it looked as though she was punched out. That's --

18 Q And that's -- and that's of course the crux of my concern, you used the  
19 term abuse. It could've been mutual combat; correct?

20 A Well -- I mean, I think when someone gets punched by their significant  
21 other that's abuse. I'm not a lawyer, but that's what it seems like to me.

22 Q Right, but you're not -- you're here to talk about her eye. You're not  
23 here to talk about whether she was a victim of abuse; right?

24 A Well, I'm also -- the reason I came is because I don't think this stuff  
25 should happen. You know, I -- I see -- I have, you know, a sister and daughter and I

1 wouldn't want them punched out and that's how I look at it.

2 Q And I appreciate that. And I could assure you I don't believe there's  
3 anybody in this courtroom, and I could certainly speak for myself, that wants this to  
4 happen to anybody, male or female. It's -- but my concern, because we are in the  
5 courtroom, is your use of the term abuse. Did -- it's entirely possible, based on your  
6 training and expertise, that an injury like this could happen from you and I in a fight;  
7 correct?

8 A Anyone could have punched this person.

9 Q And so when you use the word abuse that brings in some -- an extra  
10 truckload of baggage with it to this courtroom proceeding. Well, you're here --

11 A Well --

12 Q -- to talk about just the mechanism of injury; is that correct?

13 A Well, I'm supposed to as a physician evaluate that also and try to -- as I  
14 said, it's a report -- my understanding is that it's a reportable event for me, so I have  
15 to determine that -- what happened.

16 Q Right. Are --

17 A And that's why I assumed -- I concluded that it was abuse because I'm  
18 charged with that as the treating physician.

19 Q Would the -- once you -- is it your --

20 A I'm not just a guy who fixes the stuff. I'm supposed to -- you know, if I --  
21 if I thought that someone was punched out by someone, and it was an abuse  
22 situation, I'm supposed to report it.

23 Q Right. Then you said you would then have some additional follow-up  
24 questions; right? You would have a -- I think -- I don't want to misquote you, but I  
25 believe you said once you thought that there might be some sort of abuse you would

1 then have other questions you would follow up on; is that correct?

2 A Right. I would ask if they've reported it to the police, which is the first  
3 step. And if they haven't reported it, I'm supposed to report it. And if not -- and in  
4 this case, we sent her to Victims of Crime.

5 Q Right. Right. If I came in and -- and I had the same injuries as Ms.  
6 Carpenter, what you observe there, and you asked me what happened and I said I  
7 was in a fight, would that be a reportable event?

8 A Well, possibly. I mean, if it was an assault situation; yes.

9 Q You said earlier that you assumed it was abuse or you then concluded  
10 it was abuse. You said both; correct?

11 A Well, I asked her questions and I asked her what happened and she -- I  
12 asked her who did this. It wasn't like there were two girls, you know, doing this in  
13 the middle of the night at a bar or something or she punched herself out. I mean,  
14 that's -- you know, to me when someone -- some other person, especially a  
15 significant other -- a man punches you that's abuse. I mean, that's how I think about  
16 it.

17 Q But abuse can occur between two women as well; correct?

18 A There can be assault between two women, but I consider this abuse.

19 Q Well, that's not my question. Abuse -- abuse is not gender specific; is  
20 that correct?

21 A Once again, this is not my area. I would -- but if another woman had  
22 punched her I would report that also.

23 Q Right. That's exactly where -- have you ever seen an injury such as  
24 what you've observed in Ms. Carpenter that was not the source of abuse -- or result  
25 of abuse? Excuse me for misspeaking.

1           A     Well, once again, I -- I have -- theoretically you could have -- and I have  
2 seen construction injuries and so on cause a blowout fracture, but 99 percent of the  
3 time it's because they're punched out.

4           Q     Dr. Leibowitz, you stated that the symptomology -- not -- let me keep it  
5 simple. I don't want to get mixed up on the words. You stated that not every orbital  
6 fracture needs to be repair; is that correct?

7           A     Yes.

8           Q     And you specifically stated in this case that you believed it needed to be  
9 repaired because the double vision and the displacement of the eye; is that correct?

10          A     The enophthalmos of the eye.

11          Q     Right, which is the displacement?

12          A     It's -- the eye really -- she did have displacement, or called globe ptosis,  
13 which is the eye sinking down, but that's not what I was meaning. The  
14 enophthalmos, the eyeball sinking back, is the reason for the trauma enophthalmos.  
15 Those are the two criteria that insurance company -- that's not my criteria, but they -  
16 - she fit both of them. You need only one of them to have the operation --

17          Q     Do --

18          A     -- to be approved.

19          Q     Do -- at any point, in your opinion, was Ms. Carpenter at risk of losing  
20 her eyesight in that eye as a result of this injury?

21          A     It's not an eyesight issue; okay. It's not a -- the trauma to the eye that I  
22 do is not an eyesight issue. You could lose obviously vision in your eye from trauma  
23 for lots of reasons. One is that the vessels to the eyes the vasculature gets  
24 compromised by the trauma; that did happen in this case, or two is that, you know,  
25 have trauma to the lens or the retina or so on. Now she was sent to me by the

1 retina person, so I assumed that her retina was cleared. I'm down the line as far as  
2 fixing the eye. All this intraocular stuff has to be done before it gets to me.

3 Q Were you of whether or not Ms. Coleman [sic] had a history of -- and I  
4 don't want -- I'm going to be very general, any type of eye condition -- pre-existing  
5 eye condition, or symptomology, or problems?

6 A If you'll let me look at my chart there I'll tell you what I --

7 Q Would by --

8 A -- what she told me.

9 Q Before you do that, doctor, by looking at your chart would that refresh  
10 your recollection --

11 A Yes.

12 Q -- as to your question, please?

13 MR. SHETLER: Court's permission.

14 THE COURT: Go ahead.

15 THE WITNESS: She claimed no prior eye problems because I always ask,  
16 you know, really four sets of questions besides the why you're there now.

17 MR. SHETLER: Uh-huh.

18 THE WITNESS: I always ask past ocular history, past medical history, what  
19 medications they're on, and what allergies they have; every single time, every  
20 patient. And under POH, that's past ocular history, I have a negative sign, so --

21 BY MR. SHETLER:

22 Q Were you aware of any sort of a history -- and, of course, you're relying  
23 on the patient to be honest and frank with you in the history; correct?

24 A That's my only way.

25 Q And do you find that patients are always honest and frank in their

1 history?

2 A Not really.

3 Q Did you find any evidence in there -- or do you note any evidence in  
4 your chart of problems with conjunctivitis?

5 A No, but conjunctivitis wouldn't -- a lot -- people wouldn't even tell me  
6 about that because that really isn't a -- what I'm looking for. When I ask them have  
7 they had anymore eye problems in the past -- I mean, conjunctivitis is a minor thing  
8 that half the population has had at one point, including myself. I mean, I wouldn't  
9 give that in my history if I had a blowout fracture. I mean, I'm asking -- I ask them if  
10 they've had any history of glaucoma, retinal detachment, cataracts.

11 Q Right.

12 A Those are the three things I usually ask them. That's what I consider  
13 more significant ocular history.

14 Q And are those matters that you have to rely on the patient reporting to  
15 you, or are those matters that you can observe independently based on your training  
16 and education?

17 A Well both. I mean, the part I'm saying now is what I ask them, but then  
18 when I do the physical examination and look with the slit lamp, you know, I can see  
19 if they've had cataract surgery. I mean -- you know, I -- you know, they'll be an  
20 implant there rather than a lens. I mean -- and this happens all the time. I say, you  
21 ever had any eye problems; no, no, nuh-uh, nuh-uh. And then I look with a slit lamp  
22 and there's two implants in there and I go, well, you had cataract surgery; oh, yeah,  
23 yeah, I had cataract surgery. I mean, that's pretty standard stuff. It's not, you  
24 know --

25 Q Ms. Sudano asked you if a prior -- if a history of lupus would've had any



1 impact on your observations or treatment. I would ask you the same question  
2 regarding any sickle cell anemia.

3 A No, sir. I mean, these are medical issues that we have to deal with  
4 [indiscernible] and they have to be cleared for surgery --

5 Q Right.

6 A -- but not the actual causation of the problem.

7 Q What was your prognosis after you conducted your affairs to Ms.  
8 Carpenter's --

9 A Well --

10 Q -- eye orbit, I guess?

11 A I always tell people it's never gonna be perfect. You know, it's just not.  
12 You're dealing -- now in her case -- let me just get the timeline again. The -- I saw --  
13 the assault was supposedly on 5-1-14. And I operated on her on -- what date did I  
14 give you there?

15 THE COURT: 6-14 maybe?

16 THE WITNESS: Yeah, so that's, you know, a month and a half later. That's  
17 not good. The optimal time to operate is ten days to two weeks by our academy. All  
18 literature tells you that because after that, I always tell the patient God's been  
19 healing it. And if there's material that's in the orbit that's into the sinus now, there's  
20 already scar tissue around that and everything else, so it's not -- the prognosis is not  
21 nearly as good. If it's a fresh fracture, ten days to two weeks -- and it's the same if  
22 you fractured your arm. You wanna -- they want to set it right away before it starts  
23 to heal itself, so that's one thing that I always tell the patient about.

24 The other issue is that, you know, the numbness of the cheek, upper lip  
25 and teeth area could be permanent in nature. And I actually can make it worse by

1 fooling around with it during the operation because the nerve that cause -- it's call in  
2 the infraciliary nerve, and that goes right through the bone that's been fractured. So  
3 when we're leaving the fracture we're traumatizing that nerve some more. We tell  
4 patients that if it comes back it takes a full six months to come back, and then it may  
5 not come back at all. It feels like you've been to the dentist on one side. People  
6 can't see it. You know, they don't -- they don't -- they can't -- it's not a motor  
7 problem. They can't see like one side of your face being numb --

8 MR. SHETLER: Right.

9 THE WITNESS: -- but, you know, you feel it. And people have trouble  
10 chewing; they bite their tongue. It's an annoying thing.

11 BY MR. SHETLER:

12 Q Is that factor -- is the timeframe that took place here -- and let me lay a  
13 little foundation. I'm sorry. If there was no -- if she sustained this injury -- Ms.  
14 Carpenter sustained this injury and there was no -- if I use the words displacement  
15 of any of the eye orbit is that --

16 A Enophthalmos.

17 Q I can't say that word. I can't do it. I'm sorry. The -- if there was no --  
18 you said there are times you don't repair this injury; is that right?

19 A Correct.

20 Q One of those times --

21 A This wasn't one of those.

22 Q -- would be -- right.

23 A This wasn't one of those.

24 Q Is that factor -- you said there were two factors. A double -- or at  
25 least --

1 A Right.

2 Q -- two factors you mentioned. I don't mean two factors exclusively, the  
3 double vision or the displacement --

4 A Right, enophthalmos.

5 Q -- enophthalmos. Would the timeframe, the six weeks that had  
6 transpired, would that also be a factor in making that decision?

7 A No, it wouldn't be a factor in the decision making process. A decision in  
8 the prognosis -- it's a factor in the prognosis, that's the problem.

9 Q Can you elaborate a little bit on that?

10 A Well, it's like I said, the optimal time to operate is ten days to two  
11 weeks. When I go in there -- and I told you I lift up the stuff, you know, and try to put  
12 it back where it belongs and then put the implant in -- slide the implant in. It's a lot  
13 easier when the stuff hasn't stuck down and made a scar. It's -- you know, it --  
14 when it's made a -- it's already -- when it's six weeks already it's tough because it --  
15 it's made a scar with the sinus tissue; now it's merged with that. Any -- anything  
16 heals, you know, so it makes into a scar and it's tougher to separate the stuff that  
17 should be in the orbit from the stuff that's in the sinus.

18 And I tell all the patients that, you know. It's -- you know -- you know, I  
19 had a kid last week that, you know, was hit by a soccer ball and had a fracture  
20 around the eye and I told him I was going to -- I operated this past weekend and I  
21 told him I'd fit him in and they were busy. They had stuff to do, so I said, well, that's  
22 not real smart, but that's what they chose to do. So in this case, I didn't have a  
23 choice because she came to me, which is very common by the way. By the time  
24 they get to me I'm a tertiary guy; it's already past ten days to two weeks. They don't  
25 send them right away.

1 Q Is that -- when you talk about the difference in the diagnosis or the  
2 prognosis is that also a factor in whether or not it's going to be covered by insurance  
3 or not covered by insurance. That timeframe --

4 A No.

5 Q -- not an issue at all?

6 A No, insurance covers it if they have the two criteria is what I -- that's not  
7 a criteria whether they're going to cover it or whether I'm going to do it. I've done  
8 fractures six months later, you know, but I tell them that, you know, the prognosis is  
9 worse; that's all. It's not a Fixodent.

10 Q Is it possible that another doctor with your training would have looked at  
11 Ms. Carpenter's injury and said it did not need to be repaired surgically?

12 A Well, anything's possible. I don't think it would be good medicine, but  
13 anything's possible.

14 Q Do you believe there's any part of your treatment of Ms. Carpenter that  
15 wasn't necessary? And I mean that with all due respect, doctor.

16 A Oh, absolutely not. I would tell you if I did.

17 Q Do you have --

18 A Absolutely not.

19 Q -- do you have, as you sit here today -- did you have any opportunity to  
20 visit with Ms. Carpenter after your follow-up visit?

21 A No. And, you know, that's unusual in itself because what my usual  
22 pattern is, is I see people like a week or, you know, eight days or ten days  
23 depending on when we do the surgery. If I did it on a Saturday I'll see them like a  
24 week from Monday or Tuesday for their first post-op visit and then I see them three  
25 months later. And apparently she didn't come for the three month later appointment,

1 but, you know, that's when I usually see them because then I see if, you know, A  
2 they're -- you know, what -- if something else has to be done or not. Insurance  
3 doesn't usually approve a second surgery until three months anyway, so that's why I  
4 have them come back three months later to see if they need any more surgery. But,  
5 you know, no news is good news too. A lot of people don't come back when they're  
6 doing better.

7 Q So if she -- if Ms. Carpenter had report to other individuals three months  
8 later that she was worried about losing her vision, would you have expected her to  
9 show up for your appointment?

10 A Once again, the vision part is not mine.

11 Q Nothing to do with this injury?

12 A I wouldn't be dealing with this surgery. You know, they would go to her  
13 -- I think she went to Dr. Yee and Dr. Voo. Dr. Yee is a general ophthalmologist  
14 corneal specialist and Dr. Voo is a retinal specialist, so they would be more handling  
15 the actual vision part of it.

16 Q If she had complaints like that to a third party and didn't follow up with  
17 any of those doctors would you be surprised?

18 A Nothing really surprises me. I mean -- you know, I have -- honestly,  
19 nothing really surprises me. I have patients that lost -- I had one patient this year  
20 that I -- I treat a lot of thyroid disease around the eye. That's the orbital problem,  
21 you know, because the eyeballs stick out, the opposite problem to this, and I've had  
22 two patients in the 20 years of practice I've been here in Las Vegas who went blind  
23 in the eye from -- that they didn't have surgery and that their optic nerve was  
24 compressed. The first one, you know, normally called me that minute and, you  
25 know, we worked on it and that's a normal response. The second one came a

1 month later to my office, which I just can't understand. I mean, people would call me  
2 if they have a contact lens flipped inside out --

3 Q Right.

4 A -- you know, and someone goes blind in the eye --

5 Q Right.

6 A -- and doesn't call you for a month. So people have denial and nothing  
7 surprises me is what I'm saying.

8 Q Doctor, when you used the recent example of the child who was injured  
9 by the soccer ball, that was a different type of injury; is that correct?

10 A No, actually a soccer ball can cause a blowout fracture if the ball is --  
11 you know, goes right in -- oh, actually -- I'm sorry. It wasn't the soccer ball, it was  
12 the knee in the that did it.

13 Q Uh.

14 A Okay, while they were playing soccer.

15 Q It doesn't seem ideal, no.

16 A You know --

17 Q And that was not a reportable event because there was a logical history  
18 of how that came about --

19 A Right, and --

20 Q -- that you were comfortable with?

21 A -- you know, the coach was there too. I mean, everybody was there.

22 Q Right.

23 A It wasn't a -- besides the mom -- and the -- but the injuries can be just  
24 as bad. I'm actually -- you know, I have dealt with this more than regular orbit  
25 surgeons because UCLA in the infinite wisdom sent me to Martin Luther King

1 Hospital for 13 years in my -- when I first started in practice, so I'm a trauma  
2 specialist. There's no designation for that, but I'm the one who's taking care of lots  
3 and lots of trauma.

4 MR. SHETLER: We're all glad you're out there doing that. Thank you,  
5 doctor.

6 If I could have the Court's indulgence for just one moment?

7 THE COURT: Yep.

8 MR. SHETLER: Doctor, Your Honor, thank you. We don't have any further  
9 questions at this time.

10 THE COURT: Okay. Any redirect?

11 MS. SUDANO: No, Your --

12 THE COURT: Hold on. Sorry.

13 MS. SUDANO: No, Your Honor.

14 **QUESTIONS BY THE COURT**

15 THE COURT: Okay. Just a quick question. I just -- because probably  
16 everybody understands this but me. Where did you see Ms. Carpenter?

17 THE WITNESS: In my office.

18 THE COURT: Which is --

19 THE WITNESS: In Summerlin.

20 THE COURT: -- in California?

21 THE WITNESS: No, in Summerlin.

22 THE COURT: In Summerlin.

23 THE WITNESS: I'm a Nevada resident. I live here. I just have maintained  
24 my UCLA professorship --

25 THE COURT: Uh --

1 THE WITNESS: -- and I go there once a week. And I'm actually -- I'm  
2 missing my flight right now --

3 THE COURT: Sorry.

4 THE WITNESS: -- to testify here.

5 THE COURT: I apologize for inconvenience, but I do appreciate it.

6 So you -- where was the surgery done?

7 THE WITNESS: At Sunrise.

8 THE COURT: At Sunrise; okay.

9 Anything else?

10 MR. SHETLER: No, Your Honor.

11 MS. SUDANO: No, Your Honor.

12 THE COURT: Okay. Thank you, doctor, I do appreciate --

13 THE WITNESS: Thank you.

14 THE COURT: -- you making your way here.

15 Okay. Next witness.

16 MS. SUDANO: State calls Corla Carpenter.

17 THE MARSHAL: If you could step up in the box and remain standing. Raise  
18 your right hand and face that gentleman right there.

19 **CORLA CARPENTER**

20 [having been called as a witness and being first duly sworn, testified as follows:]

21 THE COURT CLERK: Thank you. You may be seated.

22 Please state your complete name, spelling both your first and last name  
23 for the record.

24 THE WITNESS: Corla Carpenter, C-O-R-L-A C-A-R-P-E-N-T-E-R.

25 THE COURT CLERK: Thank you.



1 **DIRECT EXAMINATION**

2 BY MS. SUDANO:

3 Q Good afternoon, Ms. Carpenter.

4 A Good afternoon.

5 Q Do you know Genaro Perry?

6 A Yes, I do.

7 Q Do you see him here in the courtroom today?

8 A Yes, I do.

9 Q Would you please point to him and identify an article of clothing he's  
10 wearing today?

11 MR. SHETLER: Your Honor, we'll stipulate to [indiscernible] Perry.

12 THE COURT: Okay, so stipulated.

13 BY MS. SUDANO:

14 Q Now, Ms. Carpenter, how did you first meet the Defendant in this case?

15 A I first met Mr. Perry when I was taking some boxes or some -- moving  
16 some things from my car to my condo and he was walking down the street going to  
17 visit a neighbor in the same condo complex and he offered to carry one of the  
18 articles for me.

19 Q Do you recall approximately when that was?

20 A Maybe September -- August -- sometime in the summer part of 2012, I  
21 believe. Maybe --

22 Q Now, did you have --

23 A 2013; I'm sorry.

24 Q So summer of 2013?

25 A Yes.

1 Q Did you have occasion to meet him -- or see him again after that first  
2 time in the summer of 2013?

3 A I believe it was a couple months later he was back visiting the same  
4 neighbor. And she had told him what I was doing and --

5 Q What were you doing?

6 A I owned my own independent paralegal service. I was working with a  
7 team of attorneys throughout the State.

8 Q Now did the Defendant have a legal matter that he asked you to help  
9 him with?

10 A Yes, at that time he was being evicted from an apartment and he asked  
11 if he could -- if I could help him in some way, so I had him make an appointment with  
12 me.

13 Q At some point did your roman -- or your relationship become romantic?

14 A It did.

15 Q When was that?

16 A Towards fall.

17 Q Later on in that same fall?

18 A Right, that same year towards the fall.

19 Q So 2013?

20 A Yes.

21 Q Now how long did you date?

22 A The complete relationship from start to finish?

23 Q Yes.

24 A My best guess would be six to eight months, somewhere in there.

25 Q So it started fall of 2013, when did you break up?

1 A The end of April 2014.

2 Q Now was your relationship physical during that period, fall of 2013 to  
3 spring of 2000 -- or -- sorry -- fall of 2013 to 2014 in the spring?

4 A When you say physical what do you mean?

5 Q Was it sexual in nature?

6 A It got sexual at some point.

7 Q About when did it get sexual?

8 A Towards the winter of 2013.

9 Q Did it continue on that course? Was it still sexual up until the end of  
10 April 2014?

11 A It was off and on.

12 Q Now I want to draw your attention to the end of April 2014. Were the  
13 two -- you said the two of you broke up?

14 A Yes, I broke up with him. I ended the relationship.

15 Q Do you recall when that was?

16 A Yes, it was mid to the end of April 2013.

17 Q 2013?

18 A 2014; I'm sorry.

19 Q Now I want to fast forward a little bit to April 30<sup>th</sup> of 2014. Were you and  
20 the Defendant dating on April 30<sup>th</sup> of 2014?

21 A No, we were not.

22 Q Had you seen the Defendant since you broke up a couple weeks prior?

23 A No, I had not.

24 Q Had you been in communication with him at all?

25 A Yes.

1 Q How was that?

2 A Via text message.

3 Q Now did there come a time on April 30<sup>th</sup> of 2014 that he came to your  
4 house?

5 A I'm sorry, repeat that.

6 Q Did there come a time on April 30<sup>th</sup> of 2014 where the Defendant came  
7 to your house?

8 A Yes.

9 Q How did that come about?

10 A What I recall happening is he showed up to my home and he asked to  
11 be let in. And I told him I didn't want him at my house without a police escort and he  
12 showed up anyway.

13 Q So just to be clear, had you invited him over to your house on April 30<sup>th</sup>  
14 of 2014?

15 A No.

16 Q And approximately what time did he arrive on April 30<sup>th</sup> of 2014?

17 A It was later in the evening, so -- and when I say evening, late evening,  
18 so 10 p.m. or on --

19 Q Okay.

20 A -- being I was already in bed.

21 Q Now where were you living on April 30<sup>th</sup> of 2014?

22 A In my attorney's condo at 2461 Old Forge Lane, Apartment 106 --

23 Q Okay.

24 A -- or condo 106; sorry.

25 Q Is that here in Clark County, Nevada?

1 A Yes.

2 Q Now when the Defendant showed up at your house on April 30<sup>th</sup> of  
3 2014 did you let him in?

4 A Eventually, yes.

5 Q How did that come about?

6 A He had told me he had been in a fight that night and he needed his  
7 blood pressure medication.

8 Q Was the blood pressure medication at your house?

9 A Yes, it was.

10 Q Was that just something that had been left there when you were dating?

11 A Yes.

12 Q So is that why you agreed to let him come into the house?

13 A Yes.

14 Q Were there any additional conversations that took place that night  
15 between you and the Defendant?

16 A Once I let him in I told him he had to leave in the morning. I also was  
17 very dry. I didn't have too much conversation. I made it known there would be no  
18 physical interaction with us and I soon went back to sleep.

19 Q Now you say back to sleep. Were you asleep before he came to your  
20 house on the 30<sup>th</sup>?

21 A I believe so. I was already in bed. It was pretty late.

22 Q Now did the Defendant spend the night over at your house that night?

23 A Yes, he did.

24 Q Where did he sleep?

25 A He slept in my bed.

1 Q Now where were you sleeping?

2 A I slept in my bed.

3 Q So I want to fast forward then to the following morning on May 1<sup>st</sup> of  
4 2014. Was the Defendant still in your bed when you woke up?

5 A I think he had gotten up before me and had went to use the restroom.

6 Q Do you know approximately what time you woke up?

7 A It was seven in the hour -- seven o'clock hour.

8 Q In the morning?

9 A Yes.

10 Q Now -- so you said the Defendant had gotten up and gone to the  
11 bathroom?

12 A Yes.

13 Q Was he still in the bedroom when you woke up?

14 A Yes.

15 Q Was he clothed?

16 A Yes.

17 Q What about shoes; was he wearing shoes?

18 A Yes.

19 Q How about you; were you clothed?

20 A I was clothed. I normally don't wear clothes when I sleep, but I did have  
21 on a -- like a sports bra, but from the waist down I was not clothed. That's how --  
22 more comfortable sleeping.

23 Q So that's just your normal practice, I guess?

24 A Normal pattern; yes.

25 Q Okay. Now did you ever have a conversation with the Defendant on the

1 morning of May 1<sup>st</sup> of 2014?

2 A When I got up that morning, I believe I asked him -- I didn't wake up  
3 talking to him as if it was normal, but I did say, okay, you know, you spent the night.  
4 You had a chance to take your blood pressure medication, I want you to leave.

5 Q How did the Defendant respond to that?

6 A He started using profanity. He started making remarks about my  
7 mother that were unkind. And at that point I kinda knew I was in trouble because he  
8 still appeared agitated.

9 Q When you say he still appeared agitated, when was he agitated  
10 previously?

11 A I noticed he was agitated that evening, but I just dismissed it as he had  
12 just been in a fight, 'cause that's what he told me, so he was still worked up. I was  
13 not alarmed at that point, but in the morning he was aggressive and he was moving  
14 kinda fast paced in my room. He was cursing. He was making up -- you know, just  
15 using obscene language about my mother. And that really upset me and I realized,  
16 oh, God, I should've followed my gut; I'm in trouble now, so I went to grab my  
17 phone.

18 Q Now where were you when you went to grab for your phone?

19 A In my bed.

20 Q Were you lying down or sitting up?

21 A I sat up at that point.

22 Q Where was your phone?

23 A In close proximity to me.

24 Q Was it on the bed or --

25 A It was on the bed.

1 Q Now where was the Defendant when he started to get agitated and you  
2 were reaching for the phone?

3 A He was standing in front of my bathroom door.

4 Q Is that still in the bedroom?

5 A Yes.

6 Q Okay. So master bedroom --

7 A With an attached bathroom.

8 Q Now what, if anything, happened when you went to reach for your  
9 phone?

10 A He charged towards me; took my phone and threw it up against the  
11 wall.

12 Q What did you do after he took the phone?

13 A I think I ran -- or walked -- ran or walked, but in a hurriedly fashion, to  
14 my bathroom so that I could kinda close myself in there till he calmed down. I don't  
15 know why I was going to the bathroom, but I knew I was trying to get away from him.

16 Q Did the Defendant say anything to you when he took your phone or  
17 when you were going to the bathroom?

18 A He said -- he used some more obscene language. I don't recall the  
19 exact pattern of obscene language, but he told me I was not going to call the police  
20 on him.

21 Q Was that when he took your phone?

22 A That was when he saw me reaching for my phone.

23 Q All right. So prior to taking the phone he said you're not calling the  
24 police?

25 A Yes.



1 Q Okay. Now was he making any additional statements as you were  
2 going into the bathroom?

3 A I don't recall.

4 Q What happened -- well, did you make it to the bathroom?

5 A Not quite.

6 Q What happened before you got to the bathroom?

7 A He punched me in my face.

8 Q And when we say he you're talking about the Defendant; correct?

9 A Yes.

10 Q Now, just to be clear, were you -- were you dressed at this point?

11 A No.

12 Q So same top, no bottom situation as before?

13 A Correct.

14 Q Had you taken a swing at the Defendant at this point?

15 A No.

16 Q Did you have any weapons or anything in your bedroom?

17 A No.

18 Q Now what happened after he took a swing at you?

19 A I fell backwards into the restroom; I hit my head on the toilet and -- the  
20 toilet and the tub are in close proximity, so I kinda tumbled over and landed on my  
21 back.

22 Q Now what happened after you tumbled over and landed on your back in  
23 the bathroom?

24 A He started punching me in my face. I started screwing. He told me to  
25 shut the fuck up. He started punching me some more, so a struggle did ensue. At

1 that point, I was in defense mode and so I bit his -- bit his hand and that allowed the  
2 grasp of him and his -- his punches making contact to my face to stop. And I got up.  
3 I was able to get -- get to the point where I got up and I took off down my stairs.

4 Q Now approximately how many times did the Defendant punch you while  
5 you were in the bathroom?

6 A I think five or less.

7 Q Is it more than one?

8 A More than one.

9 Q Now, just to be clear, did you ever punch the Defendant or hit him other  
10 than the biting?

11 A No.

12 Q Okay. Now was the biting enough for you to get out of the bedroom at  
13 that point?

14 A Yes.

15 MS. SUDANO: Your Honor, may I publish Exhibit 13?

16 THE COURT: Go ahead.

17 MS. SUDANO: And permission to publish all the exhibits.

18 THE COURT: Yeah, they're all admitted; go ahead.

19 MS. SUDANO: Thank you.

20 BY MS. SUDANO:

21 Q Ms. Carpenter, I'm showing you State's Exhibit 13; do you recognize  
22 what's depicted in that photo there?

23 A Yes.

24 Q What is that?

25 A That's my bedroom.

1 Q And that's how it looked on May 1<sup>st</sup> of 2014?

2 A Yes.

3 Q Now what part of the bedroom specifically are we looking at in this  
4 photo?

5 A There's a -- the shoe closet, a fan, an end table and a bed -- or excuse  
6 me, two mattresses.

7 Q Now -- so off to the left is that shoe closet and then your bed is in the  
8 bottom right of this photo; is that fair?

9 A No, off to the right of the room -- oh, you mean on this picture?

10 Q Yeah.

11 A Yes, off to the left.

12 Q Okay. Now showing you also Exhibit 14; what's depicted in Exhibit 14?

13 A That is the restroom and the proximity to the door to exit out of my  
14 master bedroom.

15 Q Now, Ms. Carpenter, if you actually touch that screen you can indicate  
16 on there what you're talking about. So where's the bathroom door depicted?

17 A This is the bathroom room.

18 Q So that's the door to the left in this photo?

19 A Yes, and this is the door exit to get out of the master bedroom.

20 Q And that's the door to the right?

21 A Correct.

22 Q So when -- can you also see the corner, I guess, of the mattress or the  
23 bed in this photo?

24 A Yes, I do.

25 Q And is that in the bottom right?

1 A Yes.

2 Q Okay. So just using this photo can you walk us kinda through where  
3 the altercation with the Defendant started and where it ended up in the bedroom?

4 A Sure. So when I knew I was in trouble and he came and snatched my  
5 phone and threw it up against a wall that's not in this photo --

6 Q Okay.

7 A -- I walked this way to kinda get to my -- my bathroom. And right  
8 around here is where I was punched and then fell into the restroom. And actually  
9 my feet were kinda hanging out of the door here and I was on my back into the  
10 restroom.

11 Q Now -- so you were indicating that you walked from the bottom right of  
12 this photo up to the left towards the bathroom, and you were punched right around  
13 the doorway to your bathroom?

14 A Yes.

15 Q Okay. And then after you left the bathroom you walked towards the  
16 door to exit your bedroom, which is the door on the right?

17 A I didn't walk; I ran. I scurried out of there as fast as I could.

18 Q And then you indicated that you started to go down your stairs; is that  
19 fair?

20 A I was running down the stairs.

21 Q Were you able to make it all the way down the stairs?

22 A No.

23 Q What happened?

24 A So on the staircase it is a set of stairs, a landing, and then a set of  
25 stairs that takes you downstairs. When I got to about the landing I was kicked in the

1 back and I tumbled down the rest of the stairs into the kitchen.

2 Q Now who kicked you?

3 A Genaro Perry.

4 Q So you said you kinda tumbled down the stairs into the kitchen?

5 A Yes.

6 Q Where did you land in the kitchen?

7 A I landed on my stomach in front of the stove.

8 MS. SUDANO: And if you tap -- will you tap either the bottom left or the  
9 bottom right of that screen it will clear out those marks for me. Perfect. Thank you.

10 BY MS. SUDANO:

11 Q Now I'm showing you State's Exhibit 6; do you recognize what's  
12 depicted there?

13 A Yes, I do.

14 Q What's that?

15 A That is the bottom -- towards the left side of the screen that's the  
16 bottom part of the stairs. And then that's the kitchen -- leading into the kitchen. And  
17 there's also a little half bath, and the garage, so --

18 Q Now I know this isn't the best picture to do this, but can you kind of  
19 indicate on State's Exhibit 6 how you ended up in the kitchen?

20 A Sure. So I was tumbling down these stairs from him kicking me and I  
21 slid right here and here's the stove. There's some clutter on the counter, but the  
22 stove sits in the middle here, but I landed here on the floor on my stomach kinda in a  
23 fetal position.

24 Q What happened while you were in the fetal position in the kitchen?

25 A Genaro Perry continued to punch me in my face, and kick me with

1 boots on in my head, and punch me in the eye, and kick me on my right side  
2 because I was laying in a fetal position on my left side, so I took several blows to my  
3 face via his foot and his fist.

4 Q Now when you say several blows, do you recall approximately how  
5 many times he struck you?

6 A I don't. I wasn't counting, but I remember pleading for him to stop.

7 Q Now I'm going to show you --

8 MS. SUDANO: Can you clear that out for me, Ms. Carpenter?

9 THE WITNESS: Sure.

10 BY MS. SUDANO:

11 Q I'm showing you State's Exhibit 7; now is that a different angle of that  
12 kitchen?

13 A Yes, it is.

14 Q And can you see better where you were located at that point?

15 A Yes.

16 Q Now -- go ahead; I'm sorry.

17 A No, I was just gonna say right around where this blue towel is is kinda  
18 where I landed.

19 Q And so that's right in front of -- or the middle of the picture to the left of  
20 the stove?

21 A Yes.

22 Q Now you said that you were begging for the Defendant to stop hitting  
23 you?

24 A Yes.

25 Q At some point did he stop hitting you?

1           A     Yes.

2           Q     What happened when the Defendant stopped hitting you?

3           A     What do you mean what happened? I don't understand.

4           Q     Well, so let's back up. Prior to him, I guess, stopping hitting and kicking  
5 you, was there ever a point where anything else happened in the kitchen?

6           A     Yes.

7           Q     What happened in the kitchen?

8           A     So obviously I'm not the best housekeeper; I own that. So there was --  
9 actually I had had a steak dinner the night before. There was actually a knife that I  
10 had left on the stove. I think it was like one of the only knives I owned. He picked it  
11 up and he started to attack me with the knife. So after that -- after -- I started to  
12 blackout briefly. And I was pleading and begging for him to stop and -- you know,  
13 not to hurt me, don't kill me, I was screaming. And I sat up and he took that knife;  
14 he began to swing it at me, and then he drug me up and then walked me into the  
15 living room with the knife at my back.

16          Q     Now when he was swinging that knife at you did he ever strike you with  
17 the knife?

18          A     He did.

19          Q     Where did he strike you?

20          A     My hands.

21          Q     Now you said that he picked you up and dragged you into the living  
22 room at knife point?

23          A     No, I sat up and he kinda drag -- when I say dragged, he was gripping  
24 me. I don't recall where, but he had a really strong hold onto the shirt that I was  
25 wearing and then he had the knife to my person and walked me into the living room.

1 Q What happened when you got to the living room?  
2 A He told me to sit on the loveseat that I had in the living room at the time.  
3 Q Did you sit on that living -- or that loveseat in the living room?  
4 A Yes.  
5 Q Now did you want to sit on the loveseat in the living room?  
6 A No, I didn't want to sit there.  
7 Q Why did you sit there?  
8 A Because he had a knife on me.  
9 Q What --  
10 A He -- when -- he had the knife still in his possession and he did not  
11 allow me to go anywhere else.  
12 Q Now showing you State's Exhibit 21.  
13 MS. SUDANO: If you could clear that out for me one more time.  
14 THE COURT: What exhibit?  
15 MS. SUDANO: Twenty-one, Your Honor.  
16 THE COURT: Thank you.  
17 BY MS. SUDANO:  
18 Q Now what's depicted her in Exhibit 21?  
19 A That is the loveseat that I had to sit on at his demand.  
20 Q And that's to the right of this photo?  
21 A Yes.  
22 Q Now what happened while you were sitting on the loveseat?  
23 A He paced in front of me and I sat there holding a Bible and bleeding.  
24 He's pacing and acting very erratic. He then threatened me several more times. He  
25 also made a statement, look at your eye; look at what you made me do. He made



1 the statement, because he knew from a previous marriage I was married to a Muslim  
2 man, and he said you're going to go see Allah tonight. And I sat there -- I don't  
3 know if you could see it, but there's -- for whatever reason a Bible on that couch. I  
4 don't read the Bible daily, so I'm not sure how it even got there. I just sat there,  
5 kinda gripped the Bible like, oh, my God, this is how I'm gonna die.

6 Q Now how long were you on the couch?

7 A About 50 minutes.

8 Q Fifty, 5-0?

9 A Fifty, 5-0.

10 Q Now the entire time you were on the couch where was the Defendant?

11 A He was standing in front of me pacing back and forth. I don't know if  
12 you have slides to show it, but there's a fireplace. He was walking back and forth in  
13 front of the fireplace with a knife in his hand making more plans to kill me.

14 Q When you say that was he making additional statements?

15 A He was.

16 Q Do you recall any of those statements?

17 A Yes. He said, I'm going to kill you. I'm gonna -- he said, I'm going to  
18 kill. He said, I'm going to leave you here until this evening and you're gonna die.  
19 He was cursing and saying things about my family, my children, my ex-husband; he  
20 was a very jealous person. And I think -- what -- what really stood out was you're  
21 gonna go see Allah tonight. And I just -- I just thought, oh, my God, this is how I'm  
22 going to die. And my sister and everybody else told me so; I should've let this man  
23 alone.

24 THE COURT: Okay. What --

25 MR. SHETLER: Objection, Your Honor. This is beyond the scope. There's

1 no relevance; there's no foundation for what's going on here.

2 THE COURT: Sustained, so I'll strike the last part of that answer. Go ahead.

3 MS. SUDANO: And, Ms. Carpenter, I just want to focus on what you did. I  
4 don't want to focus on what anybody else told you; okay.

5 BY MS. SUDANO:

6 Q Now at some point do you get up off the couch?

7 A I do.

8 Q Where'd you go?

9 A I exited to the half bath downstairs.

10 Q Where was the Defendant when you went to the half bathroom?

11 A Behind me with the knife in my back.

12 Q Was he making you go to the half bathroom?

13 A No, he wasn't making me go to the half bath, but at that point --

14 instinctually, by being a paralegal, I was like well, if I'm gonna die I'm gonna leave  
15 some evidence to show that there was a struggle, I was bleeding, something  
16 happened. So I went to wipe blood on the wall and spit in the sink because I was  
17 bleeding so heavily. And because he had made the statement previously, look at  
18 your eye, I wanted to see my eye. I hadn't seen it before then, but I know I was  
19 bleeding profusely as I sat on the couch.

20 Q Now I'm showing you Exhibit 10; what's depicted in Exhibit 10?

21 A That's the half bathroom that I exit -- that I went into from the living  
22 room and I wiped my hand on the wall as I went in.

23 Q Let me zoom in on that a little bit. Can you mark on this photo where  
24 you wiped your hand?

25 A Sure.

1 Q And so that should be your blood, I guess, on that doorway in the  
2 middle of the photo?

3 A Yes, it is.

4 MS. SUDANO: Okay. If you'd clear that for me, please, Ms. Carpenter.  
5 Thank you.

6 BY MS. SUDANO:

7 Q I'm showing you now Exhibit 12; what's depicted in Exhibit 12?

8 A More blood.

9 Q And is this also in your half bathroom?

10 A It is.

11 Q Now you'd indicated something about the sink?

12 A Yes.

13 Q Can you sort of see the sink in that photo?

14 A It's a pedal stool sink off to the right.

15 Q Now what was it specifically that you were doing with regards to the  
16 sink?

17 A So I walked up to the sink to look at my eye because there's also a  
18 mirror above the sink. I again wiped my hand down the side of the wall to leave  
19 more blood evidence, and then I spit and I looked at myself in the mirror.

20 Q Was that the first time that you were able to see your injuries?

21 A Yes.

22 Q Now what, if anything, happened after you looked in the mirror?

23 A I was numb. I just looked -- Genaro Perry was still behind me with the  
24 knife and I just tried to act as normal as possible like I was just going to spit -- I was  
25 just gonna spit; kind of damp the blood off.

1 Q Now where did you go after you left the bathroom?

2 A He escorted me back to the couch.

3 Q You sit back down on the couch?

4 A Yes.

5 Q What, if anything, happened this time while you were sitting on the  
6 couch?

7 A I'm looking for ways to escape. I'm looking towards the door to see it's  
8 locked. To see do I have enough time to unlock the door and run. Do I have  
9 enough time to grab something to get him to -- to be able to fight him back and win.  
10 I'm terrified at this point, but I sit there. And then I say to him -- so I realized I don't  
11 have time to do that. He's gonna catch me; he's gonna kill me. So I say to him, it's  
12 going to be okay. I start telling him things to kinda get him to calm down; it's going  
13 to be okay. My eye will heal. We'll be fine.

14 Q Now did he say anything back to you at that point?

15 A I don't recall.

16 Q At some point does the Defendant obtain some of your property?

17 A Yes. So we sat there for a little bit longer and he observed the keys on  
18 a coffee table that I had downstairs and he --

19 Q Specifically what keys?

20 A The keys to my Mercedes Benz.

21 Q What kind of Mercedes do you have?

22 A I have a CLK430.

23 Q What year is that?

24 A A '99, I think. It's a '99.

25 Q Now do you recall the license plate number to that car?

1 A No. I can give you a partial, I believe, because I just wrote it down for  
2 something, but I don't recall the entire --

3 Q What's the partial that you remember?

4 A I believe LTU.

5 Q Now I'm going to come back to the car in a little bit, but what happened  
6 when the Defendant found your car keys?

7 A He stated, I spoke up for you on this car and I'm going to take it.

8 Q Did you understand what he mean when -- or what he meant when he  
9 said I spoke up for you on the car?

10 A Yes.

11 Q What did that mean to you?

12 A He was there when I was purchasing the car.

13 Q When did you buy it?

14 A March that same year.

15 Q So March of 2014?

16 A Yes.

17 Q How much did you pay for the car in March of 2014?

18 A Nearly \$5,000.

19 Q Now --

20 A It was marked at \$4,200, but when they added taxes and things, doc  
21 fees, it was about \$5,000.

22 Q So it was \$4,200 plus tax?

23 A Yes.

24 Q Did you ever have occasion to go onto a website and obtain the value  
25 of that car?

1 A Yes.

2 Q When did you do that?

3 A After Mr. Perry was arrested and one of the prior DAs that was handling  
4 this case asked me to get the value.

5 Q What was the value of that car when you looked it up?

6 A Five thousand, one hundred and some odd dollars.

7 Q Now -- so I want to go back to -- the Defendant said, you know, I spoke  
8 up for you when you got this car. What did he do at that point?

9 A He took the keys and then he marched me upstairs.

10 Q Did he still have the knife on his person -- or on him when he was  
11 taking the keys?

12 A Yes.

13 Q Did he do anything with that knife while he was making the statements  
14 about I spoke up for you?

15 A No, not while he said that. He still had it in his hand, but not to me.

16 Q Now at some point you said he marched you upstairs?

17 A Yes.

18 Q Can you explain that a little bit?

19 A He told me to get up. He took the knife and put it to my back. He  
20 marched me up the stairs, me being in front of him, he was in the back of me with  
21 the knife in my back. He told me that he was going to leave in the car and that if I --  
22 if I left out of the bathroom, because he marched me up to a secondary bathroom.  
23 Not the one that you showed as an exhibit earlier, but there's another bathroom  
24 attached to another bedroom upstairs, and he stated to me that if I left and tried to  
25 come after him before he left in the car -- excuse me. If I left out of that bathroom

1 before he left my home in my car before the garage shut he would kill me.

2 Q Now you brought up a good point. You said you went to a different  
3 bathroom. I guess, how many bedrooms are in your condo?

4 A Two.

5 Q How many bathrooms?

6 A Three total.

7 Q So is it the one downstairs that we're looking at in this photo here --

8 A Yes, that's a half bath --

9 Q -- Exhibit 12?

10 A -- downstairs and one in each of the bedrooms upstairs.

11 Q Okay. And so this was the bedroom not in -- or excuse me -- the  
12 bathroom not in your bedroom?

13 A Yes.

14 Q Now did the Defendant say anything else to you while you were going  
15 up to that bathroom?

16 A I don't recall, but I -- I do recall him going back into the bedroom that he  
17 attacked me in and grabbing my only form of communication that I owned in the  
18 home.

19 Q What was that form of communication?

20 A It was a Samsung Galaxy cell phone.

21 Q Was that the same cell phone that he thrown against the wall earlier?

22 A Yes.

23 Q Now what, if anything, did he do with that phone the second time?

24 A So once he had barricaded me in the restroom and told me not to leave  
25 or he would kill me, he took that phone and threw it in the toilet.

1 Q Did he make any additional statements when he threw the phone in the  
2 toilet?

3 A He said something about you won't be able to call the police.

4 Q Now what happened -- well, did the Defendant still have the knife when  
5 he came back into the bedroom that second -- or the bathroom that second time?

6 A Yes, he did.

7 Q What happened after he threw the phone in the toilet and told you that  
8 you couldn't call the police?

9 A I sat there.

10 Q Did the Defendant stay in the bathroom?

11 A No, he left.

12 Q When you say he left, did he leave the room or did he leave the house?

13 A He left the bathroom. He exited because I heard the garage door open  
14 and I heard my car start. And I assumed when I heard the motor to my car start he  
15 left in my car, so I ran out of the bathroom at that point.

16 Q Now -- so your car was obviously parked in a garage?

17 A Yes.

18 Q When you ran out of the bathroom did you go downstairs to the  
19 garage?

20 A Yes.

21 Q Was your car still there?

22 A I didn't go immediately. I actually ran out to -- outside to a neighbor's  
23 home.

24 Q What was the purpose of running to the neighbor's home?

25 A I was bleeding half to death; I needed help. I wanted to -- I wanted him



1 to be apprehended shortly after he left my home so, you know, he could be  
2 prosecuted for what he had done.

3 Q Now when you left your house were you able to find a neighbor or  
4 anybody outside?

5 A No.

6 Q What did you do at that point?

7 A I ran back upstairs praying like please let this phone work; please let  
8 this phone work and I got it out of the toilet.

9 Q Now once you got your phone out of the toilet what did you do?

10 A I started banging the water out of it, trying to get the power on, and I  
11 called 9-1-1.

12 Q So the phone worked enough for you to call 9-1-1?

13 A Yes.

14 Q Did the police respond?

15 A Yes, they did.

16 Q Now are you still at the house when the police show up?

17 A Yes, I am.

18 Q Did the police show you anything or ask you about anything that was  
19 located in your garage?

20 A Yes, they asked me how did the knife -- a bloody knife get in my  
21 garage.

22 Q Now I'm showing you here Exhibit 26; do you recognize what's depicted  
23 in the exhibit?

24 A Yes.

25 Q What is that?

1 A That is the steak knife I had on my stove that he attacked me with.

2 Q Now around this steak knife -- and I've got a better picture for you in a  
3 minute. What's around the steak knife in that photo?

4 A A lamp he had given me, a bottle of water, a lighter. And I'm not sure  
5 what this is. This was there when I moved in. I think it was some construction  
6 materials left over from before I moved there.

7 Q I'm going to show you Exhibit 25. Is that just kind of a zoomed out  
8 picture of that same area?

9 A Yes, it is.

10 Q So where is this area?

11 A So on the -- the other side of this wall is the half bath. You walk outside  
12 and this is the garage and sort of a landing here. And then in this area is where my  
13 car was parked.

14 Q And so obviously there's no car there, right, at the point this picture's  
15 taken?

16 A Yes.

17 MS. SUDANO: Now if you clear the screen for me.

18 BY MS. SUDANO:

19 Q Zooming back in, this item here in Exhibit 26, that's the knife you were  
20 talking about?

21 A Yes.

22 Q And not your normal practice to leave the knife in the garage?

23 A No.

24 Q Okay. Now at some point after the police arrive do you leave the  
25 house?

1 A Yes, I do.

2 Q Where'd you go?

3 A To my sister's. Well, my sister picked me up and she took me to my

4 mother's house.

5 Q Why did your sister take you to your mother's house?

6 A Because he had the keys to my house and she did not -- and she was

7 in fear of my safety and she didn't want me there alone, because I lived alone,

8 knowing that at any moment he could come back and finish me off, so she made me

9 leave.

10 Q Now when we're saying he there you're talking about the Defendant?

11 A Yes.

12 Q And she is your sister?

13 A Yes.

14 Q Why did the Defendant have your keys?

15 A Because they were attached to my car keys.

16 Q So they were on some sort of key ring?

17 A Yeah.

18 Q Prior to this day had the Defendant had a key to your house?

19 A No.

20 Q Had he had a key to your car?

21 A No.

22 Q Now at some point do you also go to the hospital?

23 A Yes.

24 Q When did you go to the hospital?

25 A Later that evening.

1 Q When you went to the hospital were you able to talk to some doctors?

2 A Yes.

3 Q Now I want to talk a little bit about your injuries now. So we heard  
4 about your eye. What was -- specifically what happened with your eye?

5 A I had a right orbital blowout and it was fractured, it was swollen, I had a  
6 black -- two black eyes at this point.

7 Q Did you have any additional fractures to your face?

8 A I did. I had a broken nose.

9 Q Now did you have to undergo any sort of treatment for the injuries to  
10 your eye?

11 A Yes.

12 Q Specifically what treatment?

13 A Initially I had to see a specialist that had to determine what damages  
14 were done to my eye. And then I had to -- I had started seeing what's called flashes  
15 and floaters, so I had to see a retina specialist to make sure that I didn't have a  
16 detached retina. And then I had to -- they diagnosed me with an onset of glaucoma  
17 due to trauma, so I had to go see another doctor -- another specialist that treated  
18 that particular injury. And then I started seeing -- well, I didn't start seeing -- I had  
19 been seeing a pain management doctor, but I had -- the hospital had notified my  
20 pain management doctor that I had -- had some pretty serious injuries and was it  
21 okay for them to -- because I had signed a narcotic agreement, if it was okay, and  
22 the doctor said give her anything she needs. He was --

23 Q Now -- so prior to this day -- prior to May 1<sup>st</sup> of 2014, you said that you  
24 were already seeing a doctor for pain management?

25 A Yes.

1 Q Why is that?

2 A I have been diagnosed with lupus -- systemic lupus.

3 Q And that was obviously prior to May 1<sup>st</sup> of 2014?

4 A Yes.

5 Q Now -- so you said that you got some pain medication and then you had

6 some other things going on; you received additional diagnoses. Did you ever have

7 to have any surgery after this incident?

8 A Well, I didn't actually get -- I got pain medication in the hospital. I opted

9 not to take any away from there because I normally got that from my pain

10 management doctor. But I -- was the question did I have any more treatment?

11 Q Yes.

12 A Yes, I did. I started seeing -- I had surgery on my eye where they

13 placed an implant in my face to build the orbital wall that was damaged so that my

14 eye could sit back in its proper place. I started going to physical therapy. And I

15 started seeing a retina consultant and a -- his name is Doctor Singh, and it leaves

16 me what practice he works for right now, but I started seeing him for the glaucoma --

17 the induced glaucoma due to trauma.

18 Q Now --

19 A And I also started seeing a psychiatrist.

20 Q So you said you were going to physical therapy?

21 A Yes.

22 Q Why were you going to physical therapy?

23 A Because as I laid in a fetal position in my kitchen and he stomped me,

24 and kicked and punched me, he did some damage to the right side of my hip area.

25 And I gotten to the point where I just wasn't walking well and it's something my pain

1 management had asked me to follow up with. He wrote a prescription for I think  
2 eight -- eight weeks of physical therapy.

3 Q Did you go to all eight weeks of that physical therapy?

4 A We -- I went to four; they extended it. I went to four more and then after  
5 that I would go sporadically.

6 Q Now prior to May 1<sup>st</sup> of 2014 were you going to physical therapy for any  
7 hip issues?

8 A No.

9 Q Now did you have any additional physical injuries after May 1<sup>st</sup> of 2014?

10 A I was pretty battered and bruised, but you know I had two black eyes, a  
11 fractured nose -- a broken -- fractured nose. I had bones sticking out of my face  
12 where it was a concern with my eye. I was really sore. I was seeing physical --  
13 physical therapy and then -- I had sore ribs all from laying in that fetal position and  
14 getting beat -- beaten.

15 Q Now are you still undergoing treatment for your glaucoma?

16 A Yes.

17 Q Prior to May 1<sup>st</sup> of 2014 had you been diagnosed with glaucoma?

18 A No.

19 Q What treatment are you undergoing for that glaucoma?

20 A At this point, they were -- I became a glaucoma suspect due to trauma.  
21 And what they had me on was a steroid called prednisolone [sic] -- prednisolone [sic]  
22 eye drops, artificial tears, and there's another one that I use as needed that I don't  
23 recall the name of.

24 Q And are you still on the prednisone and that other eye drop?

25 A Yes.

1 Q Now additionally you had an eye surgery to replace your -- or to repair  
2 your eye socket; is that correct?

3 A Yes.

4 Q Are you still following up with any issues with regards to your eye  
5 socket?

6 A I still follow up with the retina consultant because of the flashing and  
7 floating and I have one more surgery scheduled. They're try -- my face from the  
8 right over is numb because of the nerve damage that Mr. Perry caused when he  
9 was beating me. So I'm numb and so the doctor is trying to help stimulate those  
10 nerves so I can get the feeling back in my face.

11 Q Now prior to May 1<sup>st</sup> of 2014 had you had any nerve damage or nerve  
12 issues with the right side of your face?

13 A No.

14 Q Now you said you had one more surgery.

15 A Yes.

16 Q Have you previously had some surgeries with regard to that nerve  
17 damage?

18 A Yes, I had two -- in addition to Dr. Leibowitz, I've had two additional  
19 surgeries to try to rejuvenate the nerves to get them -- get the numbness out.

20 Q Now -- and you said you have a third surgery scheduled?

21 A Yes.

22 Q In addition to the numbness, are you having any additional issues with  
23 the right side of your face?

24 A Yes, when I -- when I eat hot or cold foods -- mainly hot foods, like a  
25 slice of pizza, sometimes if I forget that I can't eat like I used to be able to, I'll bite

1 into the pizza and it burns so bad the right side of my face because that's all  
2 damaged. And I don't know exactly how it works, but I feel the heat from the top of  
3 my lip all the way to the upper part of my eye and near this part of my cheek.

4 Q And you're indicating kind of just to the right part of your cheek where  
5 your molars are?

6 A Right.

7 Q Is that an issue that you had prior to May 1<sup>st</sup> of 2014?

8 A No. And I forgot to say this. I also lost teeth and so those -- I'm seeing  
9 a dentist for the repair of the teeth he kicked out as well.

10 Q How many teeth did you lose?

11 A Two.

12 Q And you lost those May 1<sup>st</sup> of 2014?

13 A It wasn't that day. They fell out shortly after that. I don't recall the day  
14 that I actually noticed I had loose teeth and had to go see a dentist for that, so I  
15 don't -- I don't recall.

16 Q Now did you say that those teeth have been replaced now?

17 A No. I'm actually in the process of getting my whole mouth  
18 reconstructed, so -- that was the recommendation from the dentist because of -- I  
19 guess he wasn't able to just go in and fix what was damaged. He had to kinda  
20 repair teeth next to it as well.

21 Q And so is that treatment ongoing today?

22 A Yes.

23 Q At some point are you going to have to have dental surgery?

24 A Yes.

25 Q Do you know how many teeth are going to have to be replaced or what



1 area of your mouth they're in?

2 A On the right side of my face they're -- I'm gonna have an implant put in  
3 as soon as they're done moving the teeth back into a normal space and that is  
4 gonna occur next year.

5 Q Prior to May 1<sup>st</sup> of 2014 did you have any dental issues that would  
6 require surgery and reconstruction?

7 A No, it would've been cosmetic things that I would've just liked to have,  
8 but they weren't considered necessary.

9 Q So maybe you were going to get adult braces or something along those  
10 lines?

11 A Possibly, but it wasn't in the works.

12 Q Now are you still in any sort of pain from the incident on May 1<sup>st</sup>, 2014?

13 A Yes.

14 Q Can you describe that?

15 A Sure. So there are times in -- where I'm -- if I'm eating something hot  
16 that my face burns. That's painful. There are times where I'm in hip pain. That --  
17 that can be very painful. And I have this throbbing issue in my eye that's ongoing  
18 and I think that -- that is about it.

19 Q Okay. And prior to May 1<sup>st</sup> of 2014 did you have any issues with the  
20 throbbing pain in your eye?

21 A No.

22 Q I think I already asked you about the other two. Now I want to follow up  
23 with you a little bit more about your glaucoma. I believe you already said that you  
24 had not been diagnosed with glaucoma prior to May 1<sup>st</sup> of 2014.

25 A Correct.

1 Q Now I think you also testified that you have glaucoma suspect?

2 A That's what Dr. Singh indicated that I was a glaucoma suspect due to  
3 trauma.

4 Q Now is it possible that you're going to lose your eyesight in your right  
5 eye?

6 A I have not gotten a definitive yes or a definitive no from any of my  
7 doctors 'cause that was a concern. I had asked some very specific questions  
8 regarding, you know, the implant in my eye; how it's gonna affect me long term and  
9 the nerve damage in my face because of, you know, the implant and the kicking.  
10 And the answers that I get is that there's no guarantee that that feeling will ever  
11 come back.

12 Q Okay. And there's also no guarantee about what could potentially  
13 happen with your eyesight?

14 A Correct.

15 Q Okay. Now -- so we talked about your medical treatment and that all  
16 started the evening of May 1<sup>st</sup>, 2014; right?

17 A Yes.

18 Q Now I want to fast forward to the next day, May 2<sup>nd</sup> of 2014. Did you  
19 have occasion to go back to your house on May 2<sup>nd</sup>, 2014?

20 A Yes.

21 Q Why did you go back?

22 A I went back -- I don't know. That was my home. I wanted to go back,  
23 grab some things. I just went back.

24 Q Did you take any precautions on May 2<sup>nd</sup> when you went back to the  
25 house?

1           A     I did.

2           Q     What did you do?

3           A     Well, first of all, I didn't go alone. And I also called for police suspect --  
4 a police escort because my keys were still missing -- they weren't missing. Mr.  
5 Perry had left with them, so I didn't know if he was hiding in the house waiting to  
6 finish me off, and I had taken a girlfriend.

7           Q     Now when you got back on May 2<sup>nd</sup>, 2014 did you take any additional  
8 steps; you do anything else at the house?

9           A     I did. I had bought a lock to rekey my home. And the metropolitan  
10 SWAT had come with one of the K9s and sniffed the house out to make sure that  
11 there was no one hiding in there.

12          Q     Okay. Now were you able to change the locks on your front door?

13          A     I wasn't, but the police assisted me in doing so.

14          Q     Okay. Now while the police were there helping you change your locks  
15 did anything else happen regarding this case?

16          A     Yes. I figured I better try to find my car, so I called my finance company  
17 and said, hey, I know this thing has GPS on it, do you think you can help me locate  
18 it, and they said -- I kinda explained to them what had happened and they said sure,  
19 right away. So they did do a search and they located the car.

20          Q     Now do you recall where your car was located?

21          A     Not the specific address, but I know the vicinity in which it was found.

22          Q     And what was that vicinity?

23          A     It was off of Karen Avenue and just before you hit Paradise in some  
24 rundown type of apartments.

25          Q     Now had you ever been to that apartment complex before?

1 A No.

2 Q To your knowledge, did the Defendant have any connections to that  
3 apartment complex?

4 A Yes.

5 Q Okay. Now about how far away from your condo was that apartment  
6 complex?

7 A One mile.

8 Q And were you able to recover your vehicle that day?

9 A Not that day I don't think. It was parked in such a way that the tow truck  
10 wasn't able to get to it so -- I don't know if they got to it later that evening, but they  
11 eventually got it.

12 Q Okay.

13 A I'm not sure if it was that day or the next day.

14 Q But at some point the vehicle's returned to you?

15 A Yes.

16 Q Is there any reason you couldn't just drive it home?

17 A I didn't have the keys.

18 Q Is there only one set of keys?

19 A Yes.

20 Q And that was the set that the Defendant took?

21 A Yes.

22 Q Okay. Now I want to talk to you, Ms. Carpenter, about an incident that  
23 happened in 2012. Did you have occasion to go to a T.J. Maxx on July 2<sup>nd</sup> of 2012?

24 A Yes.

25 Q Now can you give us a little bit of the backstory about why you went to

1 that T.J. Maxx?

2 A Sure. I had a girlfriend that owed me some money. The money was  
3 allocated already to purchase my severely disabled daughter's summer school  
4 clothes because he had attended what's called ESY, extended school year, and she  
5 had asked me to meet her there.

6 Q Now did you go to that T.J. Maxx?

7 A Yes, I did.

8 Q Were you able to meet this woman there?

9 A Yes, I did.

10 Q Did something else happen while you were in the store?

11 A Yes, it did.

12 Q Tell me about what happened.

13 A Sure. So I got there -- but prior to me arriving there she had kinda led  
14 me on a goose chase. I had just gotten out of the hospital from having like a spinal  
15 tap surgery, so we had been to a Walgreens; we had been to a bank, and this was  
16 finally what I considered shenanigans. And so when we finally got to T.J. Maxx I  
17 was really irritated.

18 Q So you meet her at the T.J. Maxx; right?

19 A Yes.

20 Q What happened inside the T.J. Maxx?

21 A I chased her. We had a brief argument and I chased her through the  
22 store. I think I had a weapon. It was a crowbar and I chased her. What happened  
23 was when we had the altercation she did not have the amount of money that she  
24 had said she would have. And at that point I was furious. All I could think about is I  
25 am so sick, and here it is my daughter has to return to school, and she's led me on a

1 goose chase and I lost my temper. And I went to threaten her. I didn't go to hurt  
2 her; I went to threaten her. And when she started running I started chasing her.

3 Q Now, Ms. Carpenter, do you take responsibility for that action?

4 A Absolutely.

5 Q Did you plead guilty to a misdemeanor assault and a misdemeanor  
6 carrying concealed weapons?

7 A Yes.

8 Q Now did you complete the requirements that were outstanding in that  
9 case?

10 A Yes, I did.

11 Q Now I want to direct your attention now back to that day on May 1<sup>st</sup>,  
12 2014. Did one of the police officers take your photo?

13 A A detective took -- a crime scene detective took photos of me; yes.

14 Q Now I'm going to show you State's Exhibit 29 here; do you recognize  
15 that photo?

16 A Yes.

17 Q What's depicted there?

18 A That's me.

19 Q Is that how you looked on May 1<sup>st</sup> of 2014?

20 A Yes.

21 Q Can you show -- or tell the Judge some of the things that we can see in  
22 that photo?

23 A So my right eye at that point is swollen shut. And actually my left eye  
24 was closed because it was painful to keep it open, but they had asked me to open it  
25 so that they could get pictures. At that point, I was laying down on a mattress that I

1 had put downstairs for my daughter because she is legally blind and it's hard to  
2 maneuver her up and down the stairs, so I was laying on that mattress that I had  
3 took downstairs. And then I have on a -- the bloody sports bra that I had slept in,  
4 but when I slept in it it wasn't bloody. That blood came from me bleeding from the  
5 injuries that I had from a broken nose, a busted lip and a fractured eye.

6 Q Okay. Now so this sports bra, is that what you were wearing when you  
7 went to sleep on the -- or the night of April 30<sup>th</sup> of 2014?

8 A Yes.

9 Q Okay. Now I'm going to zoom in a little bit with this. This is Exhibit 30.  
10 Is that just a closer-up photo of you?

11 A Yes.

12 Q And can you see kinda the blood a little bit better on your face there?

13 A Yes.

14 Q Okay. What I want to show you next is State's Exhibit 35; do you  
15 recognize that photo?

16 A Yes.

17 Q When was that photo taken?

18 A I think that may have been a photo I took of myself.

19 Q Okay. Was that that same day, May 1<sup>st</sup> of 2014?

20 A I don't believe so. I think that was a couple of days later.

21 Q So this would've been a couple days after May 1<sup>st</sup> of 2014?

22 A Yes.

23 Q Now what can we see in this photo from a couple days after May 1<sup>st</sup> of  
24 2014?

25 A Well, you can start to see that the swelling has taken place, so you can

1 see busted lips; you can see my nose is quite larger than what it normally is, and  
2 you can see a black -- a black eye on the left side, but on the right side you can see  
3 kind of a bone sticking out in the lower part of my eye and it was pretty much closed  
4 shut.

5 Q I also want to show you Exhibit 36. Let me reposition that. So is that  
6 another photo that you took a couple days later?

7 A Yes.

8 Q Now this is the top photo on Exhibit 36. Can you see some of those  
9 other injuries that you were talking about; for instance, the black eyes?

10 A Yes.

11 Q And can you also see the bone sticking out or kind of the deformity on  
12 the right side of your face?

13 A Yes.

14 Q And can you see the swelling to your nose? Is that a yes?

15 A Yes.

16 Q Okay. Now is the swelling worse in these photos than the photos that  
17 were taken by the detectives and the crime scene folks?

18 A Yes.

19 Q Okay. And is that just because it was later on?

20 A Yes.

21 Q Now I'm going to show you kind of this other one. This is the bottom  
22 photo on State's Exhibit 36; what's depicted there?

23 A My left eye was blackened and I had some swelling to my lips from him  
24 punching me and -- as if -- I had blood clots in my nose because I wasn't able to  
25 blow it -- get that -- that sort of dried out blood from out of there.



1 Q Now next I want to show you Exhibit 37. Let me zoom out there.

2 What's depicted in Exhibit 37 here?

3 A Cuts to my hands.

4 Q Now when was this photo taken?

5 A I don't recall.

6 Q Was it the same time that you took the pictures of your face?

7 A Yes, I believe so.

8 Q So a couple days after May 1<sup>st</sup> of 2014?

9 A Yes.

10 Q Now are these the cuts that we had talked about previously?

11 A These were defensive wounds from what happened in the kitchen of  
12 me trying -- to kinda get him off of me and plead for my life; yes.

13 Q Now specifically you say defensive wounds. What were you defending  
14 against?

15 A Him slicing at me with that knife that he found in the kitchen.

16 MS. SUDANO: Court's indulgence, Your Honor.

17 Your Honor, no further questions.

18 THE COURT: Okay. Why don't we take a short break; okay.

19 MR. SHETLER: Your Honor, if it would be okay to take slightly longer than  
20 short, just a few moment to go over a few things with my client and then make a  
21 phone call?

22 THE COURT: Okay.

23 THE MARSHAL: All rise. Court's now in recess.

24 [Recess taken at 3:34 p.m.]

25 [Proceedings resumed at 3:51 p.m.]

1 THE MARSHAL: Please rise. District Court Department 6 is back in session.

2 Please be seated.

3 MR. SHETLER: Thank you, Your Honor.

4 THE COURT: Sure. Okay, cross.

5 MR. SHETLER: Yes.

6 Ms. Coleman [sic], my name is Travis Shetler and I represent Mr. Perry.

7 I'm going to ask you some questions. If you need to take a break, if you need some  
8 water -- I just need to get some information out; okay?

9 THE WITNESS: Okay, but my name isn't Miss Coleman. It's Ms. Carpenter.

10 MR. SHETLER: Thank you, Ms. Carpenter; I apologize.

11 THE WITNESS: No problem.

12 MR. SHETLER: Jury or no jury you still get a little nervous, you know.

13 **CROSS-EXAMINATION**

14 BY MR. SHETLER:

15 Q Ms. Carpenter, I want to go back briefly to the T.J. Maxx incident before  
16 we go over to the condo. Do you remember what weapon you told the Court you  
17 had with you that day?

18 A I do. I think I said a crowbar.

19 Q Was there another weapon also?

20 A There was a knife; yes.

21 Q And you told the Court -- Mr. Perry knew about that incident; is that  
22 correct?

23 A He did.

24 Q Did you -- you told the Court that you took responsibility for that  
25 incident; correct?

1           A     Yes, I did.

2           Q     You said you pled to a misdemeanor case?

3           A     Yes.

4           Q     Was that how it was charged originally?

5           A     It was not charged as a misdemeanor originally.

6           Q     What was the original charge?

7           A     I believe there were two charges. There was a charge of an assault

8 with a deadly weapon and I don't know the other charge.

9           Q     You had mentioned that you'd recently undergone -- I believe you said

10 a spinal tap --

11          A     Yes.

12          Q     -- shortly before that? And I don't want to take a lot of your time on that

13 and I don't want to pry, but what type of symptomology were you having that

14 required the spinal tap?

15          THE WITNESS: I don't know. Am -- do I answer that?

16          THE COURT: Yes.

17          THE WITNESS: Okay. I don't recall exactly. I just know that when I got to

18 the hospital -- it was during that time I had a lot of complications, but when I got to

19 the hospital that's the procedure that the ER recommended.

20 BY MR. SHETLER:

21          Q     Do you remember how long before the T.J. Maxx incident that was?

22          A     Two to three days, I believe.

23          Q     And were those -- the complications that you talked about having, were

24 those stemming from an accident of some type?

25          A     No.

1 Q Did any of those complications you were having cause you to have any  
2 problems with your vision?

3 A No.

4 Q Any problems with your teeth?

5 A No.

6 Q Any problems with insomnia?

7 A No.

8 Q Any problems with an inability to control your anger?

9 A I'm sorry, I don't understand where -- what you mean. Are you --

10 MR. SHETLER: I'll reask it. And, please, if I do ask a question sometimes I  
11 get so excited about my own words just please ask me to repeat it; okay?

12 BY MR. SHETLER:

13 Q The -- you said, I believe -- I'm paraphrasing, bear with me. You said --  
14 talking about the T.J. Maxx incident and the victim in that -- what was the victim's  
15 name in that case?

16 A I don't recall her entire name at this point.

17 Q She led you on a goose chase all over town?

18 A Yes.

19 Q And I don't remember if you said you'd snapped or you just lost it. Do  
20 you remember the words you used?

21 A I think I said I lost it.

22 Q That's what I'm talking about. Did the -- did the complication you were  
23 having that led up to whatever other procedures were performed, including the  
24 spinal tap, were those complication -- would they cause you to lose it or to not be  
25 able to control your anger?

1 A No, it had nothing to do with the spinal tap. I was agitated at her.

2 Q Have you had any other incident where you lost control of yourself in  
3 public like that?

4 A No.

5 MS. SUDANO: And, Your Honor, I'm going to -- I withdraw that  
6 [Indiscernible].

7 THE COURT: Okay.

8 BY MR. SHETLER:

9 Q How did Mr. Perry know about that incident?

10 A We shared several things in confidence with each other that we had  
11 done in our past.

12 Q In the course of sharing the facts relating to the T.J. Maxx incident, did  
13 you ever brag to him about the outcome of that incident?

14 A No, I did not.

15 Q Did you ever get the rest of your money?

16 A No, I did not.

17 Q On the incident that took place at the condo, did that incident stem from  
18 a dispute about money or drugs?

19 A No, it did not.

20 Q Did you know Mr. Perry to be involved at all with drugs?

21 THE WITNESS: I'm sorry, Judge, can I speak to a counselor about that?

22 THE COURT: You need to answer the question.

23 MR. SHETLER: [Indiscernible] pending.

24 THE WITNESS: Okay, just answer that. I did.

25 ///

1 BY MR. SHETLER:

2 Q How was that?

3 A What do you mean, how did I know to -- know of it?

4 Q Yeah.

5 A He frequently had it on his person.

6 Q Did he have the drugs on his person to use, did he have it on his  
7 person to see, or do you know?

8 A I'm not -- what drugs are you referring to because I know of a couple of  
9 different types?

10 Q I'm just talking about drugs in general. Did Mr. Perry -- you said Mr.  
11 Perry frequently had drugs on his person; correct?

12 A Yes.

13 Q Did -- do you have an opinion or do you know if he had those on his  
14 person for his personal use, if he had those on his person to sell, or do you not  
15 know?

16 A If we're referring to marijuana, he had that normally to use. I don't  
17 really recall if he sold that or not. And he told me that he had crack. I had never  
18 seen crack cocaine prior to meeting Mr. Perry, so there were times that he showed  
19 me, but I never witnessed him using it; I never witnessed him selling it.

20 Q Now when you say using it or selling it are you talking specifically about  
21 just crack cocaine or any other drugs besides marijuana?

22 A Just crack cocaine.

23 Q Did he -- did you ever have occasion to -- well, let me strike that. I  
24 apologize. Did you ever help him sell drugs?

25 MS. SUDANO: I'm going to object as to the relevance of that, Your Honor.

1 THE COURT: Relevance?

2 MR. SHETLER: Your Honor, our position is that there was a dispute that  
3 night that took place related to drug money, drug loans. And there are -- is evidence  
4 in text messages that the victim was aware that Mr. Perry was involved in drug  
5 usage, drug sales. And I'd like a little bit -- well [indiscernible] the answer. Anyhow,  
6 I believe it's relevant because I believe that's what the source of the dispute possibly  
7 could have been that night and a dispute over money that the victim believed she  
8 was owed by the Defendant, which is referenced in text message.

9 THE COURT: Ms. Sudano?

10 MS. SUDANO: Your Honor, in going through the text messages there's  
11 reference to money, but I don't believe that that's what the money is for. There's no  
12 relevance or foundation for that question or that line of inquiry, frankly, in this case.

13 THE COURT: So your theory is that it's a dispute about drug money that  
14 gave rise to this dispute.

15 MR. SHETLER: Specifically that the victim was expecting money from my  
16 client that she wanted some of the money that evening. And --

17 THE COURT: And there's going to be some evidence relating to that in this  
18 trial?

19 MR. SHETLER: The -- they're in the text messages, yes. I don't think it  
20 would take special lawyering to get there, Judge.

21 THE COURT: All right, I'll give you some leeway. Go ahead. Overruled.

22 BY MR. SHETLER:

23 Q You were aware that -- you communicated by text message with Mr.  
24 Perry frequently; is that right?

25 A Yes.

1 Q And do you remember sending him text messages in the vein of being a  
2 drug dealer?

3 A Possibly.

4 Q Do you believe he was a drug dealer?

5 A Yes.

6 Q Do you know how much money he made as a drug dealer?

7 MS. SUDANO: Your Honor, I'm going to object. I don't think that we really  
8 have the proper foundation for this laid at this point. I don't know what text message  
9 we're talking about here or when.

10 THE COURT: Okay.

11 MR. SHETLER: I don't want to go -- I'll, of course, do whatever the Court  
12 would like. I don't -- I don't think we need to spend a lot of time in the heart of those  
13 messages, but I'm happy to do that, Judge.

14 THE COURT: So the question is what?

15 MR. SHETLER: Do you have any idea how much money he made as a drug  
16 dealer?

17 THE WITNESS: He asked me did I help him sell drugs.

18 THE COURT: You can ask about the money. Go ahead.

19 BY MR. SHETLER:

20 Q Do you have any idea how much money Mr. Perry made over the time  
21 that you knew him from selling drugs?

22 A No, I -- I have no idea.

23 Q Did you ever make any money from his sale of drugs?

24 A No, I did not.

25 Q Did you ever assist him in his travels to sell drugs?



1           A     I several times gave Mr. Perry rides. I don't -- I didn't know what he  
2 was doing. I didn't -- I gave him a ride; I sat in my car. I didn't witness him doing  
3 anything other than getting out of the car and going into the places he needed to go  
4 into.

5           Q     Did Mr. Perry -- do you believe Mr. Perry owed you money that night  
6 before he came over to the condo?

7           A     Yes.

8           Q     Do you know why he owed you money?

9           A     Because he signed a promissory note stating that he owed me money  
10 for \$1,250.

11          Q     What was the reason for that note?

12          A     'Cause he borrowed the money from me and I wanted some sort of  
13 paper trail on getting it back.

14          Q     And that was the amount you loaned him was \$1,250?

15          A     Yes.

16          Q     You weren't going to make any interest on the deal?

17          A     There was a clause in there regarding interest.

18          Q     Do you know what he used that money for?

19          A     Not specifically. I know what he told me he was gonna use it for.

20          Q     What was that?

21          A     He wanted to invest in a travel company and purchase a car.

22          Q     Did you ever see Mr. Perry with trying to generate revenue from  
23 prescription drugs?

24          A     Did I ever see it; no.

25          Q     Do you -- well, strike that.

1                   On the -- do you remember texting with Mr. Perry the night before he  
2                   came over to the condo?

3           A     Yes.

4           Q     Do you remember telling him that you needed money the following day  
5           for a doctor?

6           A     That what?

7           Q     That you needed money the following day for a doctor or doctor's  
8           appointments?

9           A     Possibly.

10          Q     Do you remember him stating that he needed to get his medications  
11          and identification from you?

12          A     Yes.

13          Q     Do you remember what you told him?

14          A     I don't.

15          Q     Before Mr. Perry came to your condominium that night was he -- were  
16          you scared of him?

17          A     I was leery, I wasn't scared, no.

18          Q     And when you say leery can you elaborate a little, please?

19          A     He tended to have erratic behaviors.

20          Q     In public department stores; where?

21          A     I wouldn't have any idea other than when he was with me the behaviors  
22          he exhibited so. He tended to have erratic behavior when he was with me.

23          Q     Can you give us an example, please?

24          A     He would get upset when I was handling business with people from out  
25          of town that needed -- two gentlemen that was coming from out of town to transact

1 business with me that I needed to pick up from the airport. He would get upset at  
2 comedy clubs when the comedians on stage, whom I was friends with, would heckle  
3 me and make jokes. He would get upset about that.

4 Q Jealousy stuff you're talking about?

5 A Yes.

6 Q Did he ever raise a hand to you?

7 A When? I don't understand.

8 Q Any time before the events we're talking about that night in the  
9 condominium. Did he ever raise a hand to you?

10 THE WITNESS: Can I talk to counsel about that because she told me not to  
11 bring up incidents.

12 THE COURT: Right, but defense counsel is inquiring so I guess defense  
13 counsel is knowingly getting into this issue, correct?

14 THE WITNESS: Yes he did.

15 MR. SHETLER: Yes, Your Honor.

16 THE COURT: Okay. All right.

17 MR. SHETLER: Thank you.

18 THE COURT: Go ahead.

19 MR. SHETLER:

20 Q And did he use a weapon against you previously?

21 A No.

22 Q Did you ever have to seek medical treatment previously?

23 A Yes.

24 Q Can you tell the Court what kind of treatment that was?

25 A Well, I was pretty embarrassed that I was doing what someone -- that I

1 was taught to be unequally yoked with me. So when we had --

2 Q I'm really stuffed up myself. Can you repeat that? I don't -- I didn't hear  
3 it properly.

4 A Sure. I was pretty embarrassed regarding the first time he put his  
5 hands on me.

6 Q You used a phrase though.

7 A Unequally yoked.

8 Q Yoked. Thank you.

9 A So, what I did was I informed two of my closest friends and my doctor  
10 that I had been strangled by the Defendant and I did not report it to police.

11 Q And how did he -- what did he use to strangle you with? Did he use his  
12 hands or did he use an object or an item?

13 A I don't recall.

14 Q Do you remember how long prior to this incident that was?

15 A I believe it was in November 2013.

16 Q And do you remember how long it was you maintained a relationship  
17 with Mr. Perry after that?

18 A It was off and on until April 2014.

19 Q Do you remember texting Mr. Perry the night before the incident that  
20 we're talking about in this case at the condo; do you remember texting him about  
21 sending his stuff to the police station to pick it up?

22 A Yes.

23 Q Do you remember texting him about putting his stuff out on the front  
24 steps to pick it up?

25 A No.

1 Q Did he tell you how much money -- did he ever tell you he was going to  
2 bring you any money that night?

3 A No.

4 Q Did you think he was going to bring you money that night?

5 A No.

6 Q Do you remember what time it was when he arrived at your condo?

7 A Not specifically, I know it was late in the evening.

8 Q Still dark outside?

9 A Yes.

10 Q If I said that you were still texting between, say, midnight and one a.m.  
11 would that sound about right to you?

12 A Possibly.

13 Q And you think he arrived sometime between one a.m. and before the  
14 sun came up; is that fair?

15 A Yes.

16 Q And can you tell me how you knew he was at your condo?

17 A I think he rang the doorbell.

18 Q Did you know it was him when he rang?

19 A Not when he rang, when I went to the door and asked him who -- you  
20 know, who's there I knew it was him.

21 Q Did he ask for his items at that time?

22 A No.

23 Q What happened?

24 A He -- I opened the door and he explained to me that he had been in an  
25 altercation and that he wanted to just come in and I think he said he wanted to

1 spend the night.

2 Q You didn't tell him no?

3 A No. He mentioned he needed his blood pressure medication so, that  
4 was the basis of me not turning him away

5 Q Do you remember in the course of the texting conversations back and  
6 forth telling him that if anybody showed up other than Metro you were going to call  
7 the police?

8 A Possibly.

9 Q But you didn't do that?

10 A I did not.

11 Q You said after he arrived, shortly after he arrived, you went back to  
12 sleep.

13 A Yes.

14 Q And, do you have any trouble with sleeplessness or insomnia?

15 A I have had trouble in the past, yes.

16 Q Were you experiencing any problems with that at that point in time?

17 A I don't recall.

18 Q Is it a big deal for you to be woken up in the middle of the night? Do  
19 you go back to sleep easily or is it something that creates problems for you?

20 A Normally if I'm woken up it's difficult for me to go back to sleep.

21 Q In this case you were able to go back to sleep easily?

22 A I don't recall if it was easy or not but I went back to sleep.

23 Q Fair enough. Thank you for clearing that up.

24 Was there any place else Mr. Perry could have stayed that night other  
25 than in your bed?

1 A I'm sorry, inside my apartment?

2 Q No, inside your bed with you. Is there some place else he could have  
3 slept in the condo?

4 A Possibly, yes.

5 Q Did you suggest that he sleep somewhere else?

6 A No.

7 Q Did he tell you where he was going to sleep?

8 A No.

9 Q How did the decision come to be made that he was going to sleep in  
10 your bed?

11 A He just got in the bed.

12 Q Were you comfortable with that?

13 A I didn't care.

14 Q Do you remember what it was that woke up, either you or him, in the  
15 morning?

16 A I believe he woke me up.

17 Q Do you remember how?

18 A No.

19 Q Were you alarmed when he woke you up?

20 A No.

21 Q Do you remembered what happened after he woke you up when you  
22 first felt threatened or scared or worried?

23 A Yes.

24 Q What was that?

25 A He started pacing the floor, cursing about my mother and other things

1 that he was unhappy with.

2 Q And was he dressed at that point in time?

3 A Yes.

4 Q Had on, what kind of shoes did he have on?

5 A I don't recall what kind of shoes. I know they were some sort of high-  
6 top tennis shoes.

7 Q Did he have them on at that time as far as you could tell or you  
8 remember?

9 A Yes.

10 Q At some point in time did he later put on some boots?

11 A No.

12 Q Do you remember testifying earlier that he was kicking you with a  
13 booted foot?

14 A Yes.

15 Q Are you talking about a different shoe or are you referring to the high-  
16 top or?

17 A I was referring to the high-top sneakers.

18 Q So he's up pacing or moving in some sort of agitated manner and you  
19 become concerned?

20 A Yes.

21 Q What do you do next?

22 A I reach for my phone.

23 Q What happens?

24 A He charges towards me and grabs the phone away from me and threw  
25 it.



1 Q Where'd he throw it?  
2 A He threw it against the southwest window in my room.  
3 Q Did it break the window?  
4 A No.  
5 Q Did it hit the glass or some other part of the window?  
6 A It didn't hit any part of the window he just threw it on that wall that the  
7 window set on.  
8 Q In that direction?  
9 A Yes.  
10 Q What happened next?  
11 A So I was concerned at the level of irritability so I went to the bathroom  
12 that was in my bedroom and I was -- my plan was to lock myself in there, I guess,  
13 but I did quite make it in.  
14 Q And that's when you told the Court that he hit you the first time in the  
15 face?  
16 A Yes.  
17 Q I used a fist, I'm sorry; what did he hit you with?  
18 A He hit me with his fist.  
19 Q Do you know if it was his right or left fist?  
20 A I don't recall.  
21 Q And as you sit here today or even at that time, that morning, do you  
22 have any idea what caused him to go from pacing to striking you?  
23 A I have no idea.  
24 Q At some point you were able to get up and try to leave the bedroom; is  
25 that right?

1 A Yes.

2 Q And you made it to the stairs; right?

3 A Yes.

4 Q And of the stairs, you talked about stairs and a landing and stairs; are  
5 they straight down stairs or do they make a turn at the landing?

6 A Um, I can go from my bedroom down about five steps, then there's a  
7 landing, and then I go about another five steps.

8 Q Are you still going to the same direction though when you hit that  
9 landing and keep walking or do you have to turn left or right from the landing to get  
10 down?

11 A I go down the stairs I make a left, and then I go down the stairs and  
12 make a right, a left to get off of them again, so two lefts.

13 Q They're not a straight staircase?

14 A No.

15 Q All right. And you testified that as you were going down the steps that  
16 Mr. Perry kicked you and you fell -- tumbled down the rest of the steps; is that  
17 accurate?

18 A Yes.

19 Q And you landed in the middle of your kitchen?

20 A Yes.

21 Q And you said you landed on your stomach originally; is that right?

22 A Yes.

23 Q And then you stated that you were in a fetal position?

24 A Yes.

25 Q And, was your face facing the -- so were on your side at that point

1 then?

2 A I was.

3 Q And were you facing the stove, were you facing away from the stove?

4 A I was facing the stove.

5 Q And what happened next?

6 A I kind of curled up in a fetal position and he continued to kick me in my  
7 head and punch me.

8 Q So you were laying on right side or left side?

9 A My left side.

10 Q And he's kicking and punching you; where is he striking your body?

11 A My face, my right side. He's kicking and punching my right side  
12 because I'm laying on my left side --

13 Q Right.

14 A -- kind of balled up trying to protect myself.

15 Q And you're facing the stove; right?

16 A Yes.

17 Q Is he between you and the stove?

18 A I don't know where he was.

19 Q You're positive he kicked you in the face?

20 A I'm positive.

21 Q You said you were blacking out a little bit?

22 A Somewhat.

23 Q Can you elaborate on that a little for us?

24 A I did not lose consciousness. I just remember my eye being swollen  
25 shut and he was punching me so hard that I was kind of losing clarity, mental clarity,

1 kind of in and out.

2 Q Little bit surreal?

3 A I don't know if it was surreal, I just kind was in shock.

4 Q I don't take you through this for any other reason that I need to do this, I  
5 apologize.

6 Is it possible he was standing between you and the stove?

7 A I don't know.

8 Q If he wasn't standing between you and the stove do you know how he  
9 could have kicked your face?

10 A I don't know. I -- honestly I don't know. I just know that I was balled up  
11 in a fetal position trying to keep from getting beat any further in my face and kicked.

12 Q I think you testified that you were having some pain problems in your  
13 hip after this; is that accurate?

14 A Yes.

15 Q And those you believe were related to the incidents that you say that  
16 Mr. Perry performed upon you?

17 A Yes.

18 Q Not related to any diagnosis or symptomology you had prior to this?

19 A I don't believe that the particular injuries I sustained after May 1, 2014  
20 were lupus related.

21 Q Thank you, you knew where I was going. Did any doctor ever tell you  
22 they were not related?

23 A What they did tell me is I didn't have a history and this was most likely  
24 caused by the blows taken from Mr. Perry.

25 Q Let me take you out of that scene for just a second. You mentioned

1 that you had a pain management doctor; do you remember that?

2 A Yes.

3 Q Why did you have a pain management doctor?

4 A Because I've been diagnosed with sickle cell and lupus.

5 Q And what type of symptomology were you getting that caused you to  
6 seek a pain management doctor?

7 A Joint pain mostly. Joint pain, I'm trying to think of what all I was treated  
8 for, but it was mostly joint pain and joint swelling.

9 Q Was any of that related to the complications you were having prior to  
10 the T.J. Maxx incident; do you believe any of those issues were related to your  
11 diagnosis?

12 A No.

13 Q That was completely separate?

14 A It was a separate issue.

15 Q When you would have joint pain related to the -- before this incident  
16 allegedly occurred, would it be random throughout your body, were there specific  
17 areas that would suffer more than other areas?

18 A It was pretty random but normally my joint pain and swelling occurred in  
19 places that bend such as my elbows, such my wrists, such my knees, anything that  
20 bends or that I do repetitiously is normally where -- when I got the most pain.

21 Q Would it be fair to say that elbows and knees would be more of an issue  
22 than say shoulders and hips; is that what you're trying --

23 A Yes.

24 Q Thank you. You mentioned to Ms. Sudano that you had -- you didn't  
25 seek any other pain medication treatment when you went to get treated for the

1 injuries you allege were inflicted by Mr. Perry because you had your pain  
2 management doctor; correct?

3 A Correct.

4 Q And you also mentioned specifically a narcotics authorization, I believe?

5 A Correct. I was under a pain management contract where I was not to  
6 take any controlled substance from any other doctors besides my pain management  
7 doctor, so when I was treated in the ER they gave me intravenous --

8 Q Right.

9 A -- medication.

10 Q They just called to clear that you gave -- you advised them of that and  
11 they called to let the doctor.

12 A Yes.

13 Q Thank you. Did you ever obtain any prescription medications from Mr.  
14 Perry?

15 A No.

16 Q Did you ever give him any prescription medications to try and sell?

17 A Not that I can recall.

18 Q Is it possible?

19 A Is it possible? I -- I don't recall. I'm jogging my memory regarding our  
20 interaction. Mr. Perry knew that I received narcotic medication from my pain  
21 management doctor.

22 Q A little or a lot?

23 A Did he know a little or are you asking about the quantity?

24 Q Did you receive a little or a lot?

25 A I received a therapeutic dose for what I was diagnosed with.

1 Q Were you under -- back at the T.J. Maxx incident, you did not have a  
2 pain specialist at that point; is that correct?

3 A That's correct.

4 Q Did you have prescription medications on you that day?

5 MS. SUDANO: I'm going to object to the relevance of this, Your Honor.

6 THE COURT: Counsel?

7 MR. SHETLER: I'd be happy to lay some foundation, Your Honor.

8 THE COURT: Go ahead.

9 MR. SHETLER: I believe that it's possible that there was joint engagement in  
10 the sale of prescription drugs. I believe that it's possible that the, I don't want to go  
11 too far without a foundation, there are a number --

12 MS. SUDANO: And, Your Honor -- I apologize.

13 MR. SHETLER: That's okay.

14 MS. SUDANO: Continue. I'm sorry I didn't mean to interrupt you.

15 MR. SHETLER: There are a number of pills that were in her bag that day that  
16 are not identified.

17 THE COURT: Okay.

18 MR. SHETLER: And, where I'm going is to try and determine if there was an  
19 issue there that was existent and during the relationship with Mr. Perry, and that  
20 could have influenced the incident that evening or morning is a better or accurate  
21 statement.

22 THE COURT: Wait, there were pills in her bag the day of T.J. Maxx --

23 MR. SHETLER: Correct.

24 THE COURT: -- or the day of the incident with your client?

25 MR. SHETLER: T.J. Maxx.

1 MS. SUDANO: I think one, that assumes facts not in evidence; two, I don't  
2 understand the relevance of something that happened a year and a half before this  
3 incident before she even knew the Defendant.

4 THE COURT: Right. So, I'm sorry --

5 MR. SHETLER: Overrule?

6 THE COURT: I'm having trouble also, so.

7 MR. SHETLER: Okay. I'll withdraw the question, Your Honor. Thank you.

8 THE COURT: Okay. Sustained.

9 MR. SHETLER:

10 Q Can you tell me at some point in time he stops allegedly kicking and  
11 hitting you in the kitchen floor; is that accurate?

12 A Yes.

13 Q What happens next?

14 A We kind of -- I sit up. I beg him and plead with him to quit hitting me  
15 and I stand up. He kind of drags me up and marches me up into the living room.

16 Q And you talked about that earlier, kind of drag but you don't recall if it  
17 was by an arm, by your hair, by your shoulders, or --

18 A No, when I say dragged I mean he more so dragged the article of  
19 clothing that I had on.

20 Q Thank you. I'm sorry. Go ahead; he took you to the living room?

21 A He took me into my living room.

22 Q And what happened at that point?

23 A I sat down on the couch where he told me to sit and he began pacing in  
24 front of me and threatening me, discussing things that had agitated him throughout  
25 the time of our relationship so he talked about my ex-husband, my children, killing



1 me at seven p.m. that evening.

2 Q Why 7 p.m.?

3 A I don't know.

4 Q What caused him to go from pacing -- it was just trying to use your cell  
5 phone that caused him to go from pacing to first reaching out and doing anything?

6 A I'm not following.

7 Q You wake up and at some point in time between waking up and all this  
8 starting he's pacing and in an agitated manner. You feel the need to call for help;  
9 right?

10 A Yes.

11 Q But you don't call for help because he takes your phone away; right?

12 A Correct.

13 Q And there was no incident that you're aware of that went from sleeping  
14 to pacing to taking away your phone?

15 A I believe what happened was that he was still agitated by the fight that  
16 he had told me he had the night before. I also had not -- I had not been in an  
17 environment of drug users, what that behavior looked like. So when he woke up the  
18 next morning and he was erratic, pacing, and cursing and talking about my mother I  
19 didn't know whether he had been involved in some sort of illicit drugs or if he was  
20 still hyped up about the fight he had gotten into the night before. All I know is that I  
21 had asked him to leave the next morning, I had given him the privilege of staying the  
22 night and taking his blood pressure medicine, I was ready for him to go ahead,  
23 made that clear, and I went to grab my phone when I saw him acting erratic because  
24 I knew at that point it was not gonna -- I was in some sort of danger. It wasn't gonna  
25 lead to anything that I wanted it to lead to.

1 Q Why didn't he -- strike that.  
2 After you go to the living room does he do anything to you, physically?  
3 A Aside from holding me there against my will?  
4 Q Right.  
5 A He does not punch me or slice at me anymore. No.  
6 Q And it was in the course of this slicing at you that your hands got cut?  
7 A Yes.  
8 Q Do you know why that's not in the police report?  
9 A Because I was pretty dazed. I did make mention of quite a few things in  
10 that particular time frame that I had to write the police report.  
11 Q At any time during this night, morning in the condominium did you ever  
12 initiate any aggression towards him?  
13 A No.  
14 Q Did you ever verbally harass, abuse, excite him?  
15 A No.  
16 Q This man who you told if he came to your house you're going to call the  
17 police you decided, out of the kindness of your heart, to let him crash there; correct?  
18 A I don't know that it was out of the kindness of my heart. Being  
19 someone that needs medication I know what that's like to be in a position to be  
20 without it, so it was empathy.  
21 Q Empathy, that's a better description, thank you.  
22 Do you remember the photograph Ms. Sudano showed you of the door  
23 to the half bath that had the blood smear on the hinge?  
24 A Yes.  
25 Q Do you know what that blood was from?

1           A     The blood was from my body. I don't know if it can from my nose, eyes,  
2 lips but it was from my body.

3           Q     Right. Was your hand bleeding?

4           A     I don't recall what part of my body was bleeding at that point I was in  
5 survival mode where I was just trying to leave some sort of evidence that a struggle  
6 had occurred.

7           Q     You used the word survival mode, previously, as well. Do you believe  
8 at any point during your interaction with Mr. Perry that he was in survival mode?

9           A     No.

10          Q     Do you believe at any point during your interactions that he was scared  
11 of you?

12          A     No.

13          Q     Have you ever given him reason, during the course of your relationship,  
14 to be scared of you physically?

15          A     No.

16          Q     Have you ever threatened him verbally?

17          A     When you say threatened, can you kind of be more specific?  
18 Threatened bodily harm or threatened to leave him or, I don't understand.

19          Q     Bodily harm.

20          A     No.

21          Q     When you gave him rides where he may or may not have been selling  
22 drugs was that up and down Boulder Highway?

23          A     Sometimes.

24          Q     Do you remember when it was in your relationship that you were first  
25 aware of drug activity?

1 A I don't.

2 Q Was it before this incident at the condo?

3 A Yes, it was.

4 Q You think it was before Christmas?

5 A I don't recall a specific time frame.

6 Q Was there anybody else in your condo during this time?

7 A No.

8 Q When you ran out to get help can you tell the Court what you did to try  
9 and secure help?

10 A I ran across the way meaning adjacent to my apartment well, kind of  
11 parallel actually, and I banged on a neighbors door. I heard someone home but  
12 they didn't open the door.

13 Q Like heard voices inside?

14 A Yes. And at that point I just thought well I don't know if I would open my  
15 door for a bleeding woman that looks like this either so I kind of ran back into my  
16 home and ran upstairs to grab the phone to see if I could use the one form of  
17 communication that I had in my home.

18 Q But it had been laying in the toilet for some time at least?

19 A Correct.

20 Q When the police showed up they took some photographs.  
21 If I may approach?

22 THE COURT: Yes.

23 MR. SHETLER:

24 Q Correct?

25 A Yes, they did.

1 Q And then you took some photographs yourself a couple days later you  
2 said; is that right?

3 A Yes.

4 Q You don't remember how many days later?

5 A It had to be maybe a couple because I had decided I was going to chart  
6 the progress of my healing.

7 Q How long were you at the hospital before they released you to go to  
8 your sister's home -- you went home but you went to your sister's house; right? Do  
9 you remember how long?

10 A I didn't go to my sister's house I went -- she transported me to my  
11 mother's home and I was treated and released from the hospital, I believe, the same  
12 day.

13 Q I'm going to, with the Court's permission, put Exhibit 28 on the  
14 overhead.

15 THE COURT: Go ahead.

16 MR. SHETLER:

17 Q And that's a picture that the police took; is that correct?

18 A Yes.

19 Q And I think it was 30 -- Exhibit 35, 36 and 37. I'm going to start with  
20 Exhibit 35; and that you believe is a picture that you took of yourself?

21 A Yes.

22 Q And the same with 36?

23 A Yes.

24 Q And the same with 37, this is a picture of your hands; correct?

25 A Yes.

1 Q And it looks, on the bottom of the picture of 37, do you see the spot on  
2 your knuckle there; there's a dark spot and then there's a not as dark spot, for a lack  
3 of an artful term?

4 A Yes.

5 Q Do you know what that medium colored spot is?

6 A The little black dot or the --

7 Q No, the one next to the black dot. I don't have a good --

8 THE COURT: Why don't you put your finger on it.

9 MR. SHETLER: No pun intended.

10 THE COURT: Yes.

11 MR. SHETER:

12 A I believe that to be blood.

13 Q Blood, a couple days later?

14 And in the picture 36, the top picture, it looks like you're showing -- you  
15 got your hair pulled back to get a good clear shot of your face; is that an accurate  
16 statement?

17 A Yes.

18 Q And there's still quite a bit of blood still located around your mouth and  
19 your nose; is that accurate?

20 A Correct.

21 Q And then do you see what top you're wearing in that picture?

22 A Yes.

23 Q Do you know what top that is?

24 A Looks like the same top that I had when the police showed up to my  
25 home.

1 Q That's the top here in picture 28?

2 A Yes.

3 Q Exhibit 28, excuse me. You don't remember changing out of that top at  
4 any time?

5 A No. This picture could have possibly been taken that same day.

6 Q And the same thing in 35; that looks like the same top?

7 A Yes.

8 Q And do you know what -- did you -- were those pictures taken with a cell  
9 phone or with a camera or do you know?

10 A A camera.

11 Q Who's camera was that?

12 A My camera, I believe.

13 Q Did someone help you take those pictures?

14 A No, I don't recall, I don't think so.

15 Q Were they selfies?

16 A Yes. I do believe they were selfies.

17 Q But you didn't use the phone that was in the toilet?

18 A I don't know what phone I used. I had a couple of different cell phones  
19 that I hadn't used in a couple of years since -- I had a nephew pass away and I had  
20 kind of stored that phone without battery or SIM card so I may have pulled that one  
21 out and begin to use that one to take selfies since the other one was damaged, but I  
22 don't quite recall.

23 Q Did you have an opportunity -- did you ever try to get the phone from  
24 the toilet, did it ever work later or did it just work for that 9-1-1 call, or do you know?

25 A I think, um, it eventually worked, sort of, like there was still some

1 features that did not work correctly.

2 Q I'm all too familiar with that, unfortunately.

3 Why do you think Mr. Perry took your car? Why do you believe --

4 MS. SUDANO: I'm going to object as to speculation, Your Honor.

5 MR. SHETLER:

6 Q Why did you tell the Court that Mr. Perry took your vehicle? You  
7 testified that Mr. Perry took your car; correct?

8 A Yes, I did.

9 Q Why did you -- why do you believe that? Why do you believe it was  
10 him; that's where I was trying to get. I apologize, Your Honor.

11 THE COURT: Okay.

12 MR. SHETLER:

13 Q Why do you believe it was Mr. Perry that took your car? I apologize to  
14 the State as well.

15 A He took my keys in front of me when he was holding me hostage on the  
16 couch in the living room. He marched me up my stairs at knifepoint and took me  
17 into a bathroom where he asked me to stay until he left in my car and not to leave  
18 the restroom until I heard the garage door up and there was no one else in the  
19 home.

20 Q But you don't know if he drove your car away?

21 A I did not see him drive my car away.

22 Q Or if somebody else drove your car away?

23 A There was no one else in my home.

24 Q Once the garage -- the car was parked in the garage?

25 A Yes, it was parked in my garage.



1 Q And you heard the garage door open after Mr. Perry allegedly left you  
2 upstairs in the bathroom; correct?

3 A Yes.

4 Q But somebody else could have taken the car?

5 A No.

6 Q It's not possible at all; 100 percent?

7 A I don't believe it to be possible.

8 Q That's fair enough.

9 What was the next time you saw Mr. Perry after this alleged incident?

10 A Two weeks later on Boulder Highway.

11 Q Can you explain how that came about?

12 A Sure. I was pretty determined that he would not go without -- he was  
13 not gonna victimize me and think he was gonna walk the streets. So, I started  
14 because I know that, you know, Metro doesn't have the manpower to go after one  
15 criminal. They run into them and find out that they have an arrest, they arrest them.  
16 But they -- he hadn't been charged for the crime that he had committed on me so I  
17 figured I would assist and be proactive and helping locate Mr. Perry. So, I went in a  
18 rental car that I had that my insurance had given me because my car had been  
19 stolen by Mr. Perry and I went to places that I knew he would frequent hoping to  
20 bump into him, and that day that I did bump into him. I called the police and said I  
21 see him and he has a warrant. It was not at that time for me but I knew that he had  
22 a warrant and I asked them to apprehend him and explained to him that I had been  
23 attacked by the same person two weeks prior.

24 Q You believe that he had that warrant when he showed up at your condo  
25 that night?

1 A Yes.

2 Q Is that one of the reasons you did not call the police?

3 A Yes.

4 Q Did you make any contact with Mr. Perry when you saw him on Boulder  
5 Highway in the rental car?

6 A No.

7 Q Do you know how long it was before you got your car back?

8 A About a month and a half later. Well, they found it right away --

9 Q Right.

10 A -- but it had some damages to it so it went into a body shop and they  
11 took a little longer to have it fixed.

12 Q Did you ever have an opportunity to say anything to Mr. Perry that -- the  
13 police showed up after you called them.

14 A The police showed up and asked me not to say anything or approach  
15 him.

16 Q Did you watch them take him into custody?

17 A Yes.

18 Q But you didn't say anything?

19 A No.

20 Q Do you know if he saw you?

21 A I don't.

22 Q How'd you feel when he got taken into custody?

23 A I don't know how I felt. I was upset, um, but I was happy to see that my  
24 prayers had worked and that he was off the street.

25 Q Have you had any communication with Mr. Perry since that time?

1           A     No. I was granted a TPO and an extension on a TPO. I've asked to  
2 not never communicate with him.

3           Q     And you haven't communicated -- you haven't reached out to him?

4           A     No.

5           Q     At any time during this altercation did you have the knife in your hand?

6           A     No.

7           MR. SHETLER: May I have the Court's indulgence, please?

8           THE COURT: Mm-hmm.

9           MR. SHETLER:

10          Q     After you received medical treatment you had several different  
11 providers regarding your injuries; is that right?

12          A     Yes.

13          Q     And do you remember Dr. Leibowitz?

14          A     Yes.

15          Q     And Dr. Leibowitz did the reconstructive surgery; is that right?

16          A     Yes.

17          Q     And I want to -- you mentioned several times that there was a bone  
18 protruding. You're not telling the Court the bone was through the skin are you?

19          A     No.

20          Q     Just that it was misshapen underneath; right?

21          A     I read it in the medical report from Sunrise Hospital and Dr. Leibowitz.

22          Q     All right. You said on being questioned on direct from Ms. Sudano that  
23 you -- nobody could give you a good idea what was going to happen with your  
24 vision?

25          A     Correct.

1 Q And as you sit here today you still don't know that?  
2 A I don't know that for sure.  
3 Q You believe you may lose your vision in that eye?  
4 A I don't know.  
5 Q Did you do everything you could medically to try and insure that doesn't  
6 happen?  
7 A Yes, I have.  
8 Q Do you remember having a post-op visit with Dr. Leibowitz?  
9 A Yes.  
10 Q And do you remember him telling you that he wanted you to come back  
11 three months later?  
12 A No.  
13 Q If there was another appointment that Mr. Leibowitz -- Dr. Leibowitz  
14 wanted you to go to would you have gone to that appointment?  
15 A Yes.  
16 Q And if he testified that you didn't would you have any explanation for  
17 that?  
18 A I would not?  
19 MR. SHETLER: Thank you very much.  
20 THE WITNESS: Thank you.  
21 THE COURT: Redirect?  
22 MS. SUDANO: Briefly, Your honor.  
23 **REDIRECT EXAMINATION**  
24 BY MS. SUDANO:  
25 Q Now, Ms. Carpenter, you were asked whether you saw the Defendant

1 drive away in your car.

2 A Yes, I was.

3 Q And you didn't actually see him drive away?

4 A No, I did not.

5 Q Can you give us a time frame, how long before the Defendant left the  
6 bathroom that you were in did you hear the car leave the house?

7 A Approximately 30 seconds.

8 Q Now, there was some communication or some questions about whether  
9 or not you believed that the Defendant owed you money April 30<sup>th</sup> and into May 1<sup>st</sup>  
10 of 2014.

11 A Yes.

12 Q And you testified that he did owe you some money.

13 A Yes.

14 Q Now, is one of the reasons that he owed you money also because you  
15 were renting rooms for him?

16 A No, that's not one of the reasons although, I did rent rooms he paid for  
17 them on his own.

18 Q So it was just the promissory note?

19 A The promissory note that he signed.

20 Q Now, there were also some questions about a prior incident with the  
21 Defendant in this case and you said that, I believe, he choked you?

22 A He did, he choked me and banged my head up against my -- up against  
23 the floor.

24 Q When was that?

25 A Sometime -- I don't recall but it was obviously prior to this incident. It

1 was sometime in the fall, the fall of 2013.

2 Q Now, you indicated also that you didn't report that first incident; is that  
3 correct?

4 A I did not report it to the authorities.

5 Q But you told your doctor?

6 A I told my doctor and two of my closest friends, one of them is in the  
7 courtroom today.

8 Q Now, why is it that you didn't tell the police about that?

9 A I was so embarrassed, I was completely embarrassed.

10 Q Why were you embarrassed?

11 A Because my mother had not raised me to deal with thugs and at this  
12 point I had considered him kind of thuggish but yet we had a chemistry in common.  
13 I also again was working with a team of attorneys and I thought that I would be  
14 judged like -- it was just crazy. It was -- I was just embarrassed.

15 Q Now, did that changed the nature of your relationship at all after that  
16 first incident?

17 A Somewhat and temporarily.

18 Q So what happened after that first incident where he choked you?

19 A So we didn't see each other for -- I don't know for what period of time, it  
20 was off and on. We didn't see each other but he was very charming; so he would  
21 still come to my office and bring coffee or ask if i needed anything. I was still  
22 apprehensive of him because my circle of friends, family, coworkers and loved ones  
23 unanimously hated him. They thought that he was kind of out of my character.

24 MR. SHETLER: Your Honor, I'm going to object. I believe this is beyond the  
25 scope of my cross.

1 THE COURT: I'll sustain it that it was also non-responsive so, go on.

2 MR. SHETLER: Thank you, Your Honor.

3 MR. SUDANO:

4 Q So now, I believe you testified that you were kind of on and off after this  
5 incident where he choked you?

6 A Yes.

7 Q Eventually did you get back together?

8 A We did.

9 Q Now, why did you take him back after he choked you?

10 A I was just the girl trying to be in love, trying to give him a chance. He  
11 told me he wanted to be a pastor. He told me that -- he used to call me his first lady,  
12 that I was his queen. He was very charming and I thought with a little bit of  
13 grooming and counseling we could make it work somehow.

14 Q Now, you'd broken up again prior to April 30<sup>th</sup> of 2014; correct?

15 A Yes.

16 Q Now, when he came over to your house on April 30<sup>th</sup> of 2014 did you  
17 give him any indication that you wanted to reconcile?

18 A No.

19 Q Had he made any statements to you about wanting to reconcile?

20 A No.

21 Q Okay. Now, you were also asked about the time period where you  
22 were sitting on the couch where he was kind of in front of you with a knife; do you  
23 recall that?

24 A Right.

25 Q Now, did there come a point where he asked you about or he made a

1 statement to you about your eye?

2 A Yes.

3 Q What did he say specifically?

4 A He said look at what you made me do, look at your eye.

5 MR. SHETLER: Objection again, Your Honor. Believe this is still passed the  
6 scope of my cross.

7 THE COURT: Overrule.

8 MS. SUDANO: Your Honor, I have no further questions with that.

9 THE COURT: Okay. Any recross?

10 MR. SHETLER: Briefly, Your Honor.

11 **RECROSS EXAMINATION**

12 BY MR. SHETLER:

13 Q By the time these incidents allegedly went down at the condo you  
14 believed he was, at that time, a thug?

15 A Are you talking about my first condo because I moved in between that  
16 time --

17 Q The reason we're here today.

18 A I believed he was a thug, somewhat.

19 Q But you let him sleep in your bed.

20 A Yes.

21 Q Do you have any idea what kind of message that would give to  
22 somebody who might consider themselves to be a thug?

23 MS. SUDANO: I'm going to object as to speculation on that one.

24 MR. SHETLER: I'll withdraw the question

25 THE COURT: Sustained.



1 BY MR. SHETLER:

2 Q Do you believe that that may have given him a message that the  
3 relationship was not over

4 MS. SUDANO: I'm going to object as to speculation again.

5 THE COURT: Sustained.

6 BY MR. SHETLER:

7 Q When you were renting the room for him you would do the paperwork in  
8 his name, correct?

9 A Yes.

10 Q And he would pay you at that time or over time?

11 A No, he would pay at that time.

12 Q And do you know what the source was of those funds he was paying  
13 you with?

14 A Not -- I had speculation of where they were from but I didn't know for  
15 sure.

16 Q He helped you with money to get the car; correct?

17 A No.

18 MR. SHETLER: Court's indulgence, I'm trying to be very specific, Judge.

19 THE COURT: Uh-huh.

20 MR. SHETLER: Those are all the questions I can ask you. Thank you again.

21 THE COURT: Any further direct?

22 MS. SUDANO: No, Your Honor.

23 THE COURT: I just have a quick question, I think.

24 **QUESTIONS BY THE COURT**

25 THE COURT: You had a surgery by Dr. Leibowitz who was here.

1 THE WITNESS: Yes.

2 THE COURT: And I think you said you had two other surgeries since then?

3 THE WITNESS: Yes.

4 THE COURT: They were done by a different doctor?

5 THE WITNESS: Yes.

6 THE COURT: What doctor did those other surgeries?

7 THE WITNESS: They were done by Monos Health Institute and, specifically, I  
8 don't recall his name. I don't see them for pain management any more other than  
9 for my eye surgeries but the doctor at Monos Health Institute, the main doctor there  
10 performed the surgeries. It was stellate ganglion block was the nature of the  
11 surgery, for nerve damage.

12 THE COURT: Okay. And it was pain management practice?

13 THE WITNESS: Right. And it's attached to a day surgery facility.

14 THE COURT: Okay. It's here in town?

15 THE WITNESS: Yes.

16 THE COURT: And both of those surgeries are related to nerve damage in  
17 your face?

18 THE WITNESS: Yes. And I have one more scheduled.

19 THE COURT: When is that?

20 THE WITNESS: We're waiting for insurance authorization.

21 THE COURT: Okay. Any follow-up?

22 MS. SUDANO: Is it Dr. Lipshutz who was perform --

23 THE WITNESS: Yes, Dr. Lipshutz, sorry.

24 THE COURT: Okay. Any follow-up.

25 MR. SHETLER: No, thank you, Your Honor.

1 THE COURT: Okay. Thank you ma'am, I appreciate your time.

2 Okay. So for tomorrow, how many witnesses does State have?

3 MS. SUDANO: State has three witnesses tomorrow, Your Honor.

4 THE COURT: Okay. About how long do you think they'll take?

5 MS. SUDANO: They should all be fairly quick. It's the first responding officer,  
6 the crime scene analyst and then the officer who found the car.

7 THE COURT: Okay.

8 MS. SUDANO: I would anticipate two hours, maybe, for all three of them.

9 MR. SHETLER: That's sounds accurate.

10 THE COURT: Okay. And are you anticipating presenting any witnesses?

11 MR. SHETLER: Mr. Perry still has to make a decision about whether he's  
12 going to take the stand. I have one witness lined up, a second one possibly but we  
13 may not. They may be [indiscernible] we don't need to use the Court's time for and  
14 if I can avoid that I will.

15 THE COURT: Okay. Why don't you stand up for a minute, Mr. Perry.

16 THE DEFENDANT: Yes, Ma'am.

17 THE COURT: I'm going to take this opportunity to advice you of your rights  
18 during this trial.

19 THE WITNESS: Yes Ma'am.

20 THE COURT: Under the Constitution of the United States and under the  
21 constitution of the State of Nevada you cannot be compelled or forced to testify in  
22 this case. Do you understand that?

23 THE DEFENDANT: Yes, Ma'am.

24 THE COURT: You may, at your own request, give up this right and take the  
25 witness stand and testify and if you do you'll be subject to cross examination by the

1 State and anything you say whether on direct or cross would be the subject of fair  
2 comment by the State when they argue at the end of the case. Do you understand  
3 that?

4 THE DEFENDANT: Yes, Ma'am.

5 THE COURT: And, of course, if you choose not to testify because that is your  
6 right, I, as the trier of fact, am not permitted to take that into consideration or to draw  
7 any inference of guilt from the fact that you choose not to testify. Do you understand  
8 that?

9 THE DEFENDANT: Yes, ma'am.

10 THE COURT: If you have a felony conviction in the last ten years that could  
11 be raised if you testified. Do we have -- what do we got?

12 MS. SUDANO: There is one yes, Your Honor.

13 THE COURT: Okay. So what do we got?

14 MS. SUDANO: I have a certified Judgment of Conviction out of the state of  
15 Illinois from 2005 for unlawful delivery for a controlled substance.

16 THE COURT: Okay. Now, so that means if you, I mean, I'm the trier of facts  
17 so this is a little unusual situation, but if you take the witness stand and testify the  
18 State will be allowed to ask you whether you've been convicted of a felony, what the  
19 felony was, and when it happened but without going into the details regarding that  
20 offense; do you understand that?

21 THE DEFENDANT: Yes, Ma'am.

22 THE COURT: So that would be part of the evidence in the case. Now, the  
23 decision whether to testify is a decision that is left to you as the Defendant in this  
24 case; do you understand that?

25 THE DEFENDANT: Yes, Ma'am.

1 THE COURT: Now counsel, as your counsel, gets to make a lot of decisions  
2 about strategy and tactics and evidence and objections and things like that but the  
3 decision whether to testify is one that is clearly your decision to make; do you  
4 understand that?

5 THE DEFENDANT: Yes, Ma'am.

6 THE COURT: Now, of course, having said that, you should consult with your  
7 lawyer who has education, training and experience to assist you and advice you  
8 regarding that decision but ultimately the decision is yours to make. You understand  
9 that?

10 THE DEFENDANT: Yes, Ma'am.

11 THE COURT: So before you make the final decision after the -- at the time  
12 the State rests you should consult with him. I'm assuming you've already consulted  
13 but you should consult with him so that you're prepared to make that decision when  
14 the State does rest. Okay?

15 THE DEFENDANT: Yes, Ma'am.

16 THE COURT: Okay. So, we're scheduled for 10:30. I'll try to be done with  
17 my calendar, you try to be done with your other matters and we'll start as soon as  
18 we can at or close to 10:30, we hope.

19 MR. SHETLER: Thank you very much, Your Honor.

20 THE COURT: Okay.

21 MS. SUDANO: Thank you, Your Honor.

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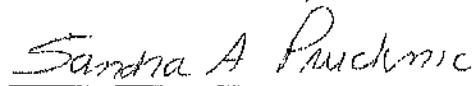
THE COURT: Have a good night.

MR. TURNER: Thank you, Your Honor.

[Bench Trial, Day 1, concluded at 5:02 p.m.]

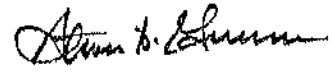
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ATTEST: Pursuant to Rule 3(c)(d) of the Nevada Rules of Appellate Procedure, I acknowledge that this is a rough draft transcript, expeditiously prepared, not proofread, corrected, or certified to be an accurate transcript.

  
SANDRA PRUCHNIC  
Court Transcriber

ATTEST: Pursuant to Rule 3(c)(d) of the Nevada Rules of Appellate Procedure, I acknowledge that this is a rough draft transcript, expeditiously prepared, not proofread, corrected, or certified to be an accurate transcript.

  
DALYNÉ EASLEY  
Court Transcriber

  
CLERK OF THE COURT

1 RTRAN  
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5 DISTRICT COURT  
6 CLARK COUNTY, NEVADA  
7

8  
9 THE STATE OF NEVADA,

10 Plaintiff,

11 vs.

12 GENARO PERRY,

13 Defendant.

CASE#: C298879

DEPT. VI

14 BEFORE THE HONORABLE ELISSA CADISH, DISTRICT COURT JUDGE  
15 WEDNESDAY, SEPTEMBER 30, 2015

16 **RECORDER'S ROUGH DRAFT TRANSCRIPT OF PROCEEDINGS**  
17 **BENCH TRIAL - DAY 2**

18 APPEARANCES:

19 For the State:

ROBERT BRAD TURNER, ESQ.  
Chief Deputy District Attorney  
MICHELLE SUDANO, ESQ.  
Deputy District Attorney

22 For the Defendant:

TRAVIS E. SHETLER, ESQ.

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24  
25 RECORDED BY: JESSICA KIRKPATRICK, COURT RECORDER

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[None presented.]



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[None presented.]

1 WEDNESDAY, SEPTEMBER 30, 2015 1:07 P.M.

2  
3 THE MARSHAL: Please rise. District Court Department Six is now in  
4 session. The Honorable Judge Elissa Cadish now presiding.

5 Please be seated. Come to order.

6 THE COURT: Good afternoon.

7 MS. SUDANO: Good afternoon.

8 MR. SHETLER: Good afternoon, Your Honor.

9 THE COURT: Unfortunately, my calendar, which page wise looked like it  
10 wasn't going to be that long, turned out to be really long. So, it's okay.

11 MR. SHETLER: Understood. And I was -- but I was stuck in 19, I think, so.

12 THE COURT: That's what I understand. Okay.

13 We can pick up now. I am -- thank you -- trying to reschedule the  
14 appointment -- what happened to my pen?

15 THE MARSHAL: You keep taking them, Judge.

16 THE COURT: Not me; got to talk to the new law clerk.

17 THE MARSHAL: All right. I'll yell at her then.

18 THE COURT: Okay. Thank you.

19 I'm trying to reschedule the appointment I had this afternoon that has  
20 me trying to leave at 3:30 because we're just starting and it's after one. So I'm  
21 trying to work that out.

22 MR. SHETLER: I'm not confident it's going to pose a huge problem, Your  
23 Honor.

24 THE COURT: Okay, well, we'll see. We can get going anyway.

25 MS. SUDANO: The State's case should be done --

1 THE COURT: Right.

2 MS. SUDANO: -- prior to that, so.

3 THE COURT: Okay.

4 MR. SHETLER: And I don't anticipate a great deal of cross. I need to make  
5 an offer on a witness that we have standing by but I'm not confident I'm going to be  
6 able to get the witness on the stand. So I think once we just make a record of that I  
7 think we'll probably be ready to wrap it up. Mr. Perry and I are still talking so that he  
8 may need some time tomorrow, but --

9 THE COURT: Yeah. And I don't have anything on calendar tomorrow.

10 MR. SHETLER: I do have my morning contract obligations and I will have  
11 some assistance. I have a double conflict at 8:30 but we'll do whatever we can to  
12 move along.

13 THE COURT: So, if we want at least to do a calendar page for tomorrow,  
14 what time could you be here to start?

15 MR. SHETLER: I'm confident I'll have somebody here by 10. I might have  
16 them by 9:30.

17 THE COURT: Just call it 10 tomorrow?

18 MR. SHETLER: Thank you, Your Honor, I appreciate it.

19 THE COURT: That's fine.

20 MS. SUDANO: Works for the State.

21 THE COURT: Okay. So, I mean, if we're not done today we'll plan to start at  
22 10 tomorrow. We'll put it on calendar for 10.

23 Okay. So whatever proofer you're talking about that after we're done  
24 with the State's case --

25 MR. SHETLER: Absolutely, Judge.

1 THE COURT: Okay. All right. Then, let's begin.

2 MS. SUDANO: State calls Justin Terry.

3 THE COURT: After the last few weeks I still keep wanting to say, you know,  
4 do you stipulate to the presence of the jury, or wanting to admonish them when we  
5 take a break, and like, oh yeah, they're not here.

6 MR. SHETLER: It does go a bit quicker, doesn't it?

7 THE COURT: Yeah.

8 THE MARSHAL: If you could step up in the box and remain standing.  
9 Raise your right hand and face that young lady right there.

10 **JUSTIN TERRY**

11 [having been called as a witness and being first duly sworn, testified as follows:]

12 THE COURT CLERK: Please be seated.

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

15 THE WITNESS: Name is Justin Terry, it's J-U-S-T-I-N, last name T-E-R-R-Y.

16 THE COURT CLERK: Thank you.

17 THE COURT: Go ahead.

18 MS. SUDANO: Thank you, Your Honor.

19 **DIRECT EXAMINATION OF JUSTIN TERRY**

20 BY MS. SUDANO:

21 Q Sir, how are you employed?

22 A Work for the Las Vegas Metropolitan Police Department.

23 Q In what capacity?

24 A Police officer.

25 Q How long have you been a police officer?

1 A Um, on November 5<sup>th</sup> of this year it'll be nine years.

2 Q Were you working on May 2<sup>nd</sup> of 2014?

3 A Yes.

4 Q Did you have occasion to respond to a call on Karen Court?

5 A I did.

6 Q What was the nature of that call?

7 A I believe the details of the call were that there were other officers

8 somewhere within Las Vegas area that were out with a victim who was stating that

9 her vehicle had been located by a GPS or some sort of electronic device, and that it

10 was somewhere in the vicinity of Karen Court.

11 Q Now, do you recall the specific location or the specific address where

12 you located the vehicle?

13 A Yeah, I located the vehicle at 2635 Karen Court.

14 Q Is that here in Clark County, Nevada?

15 A It is.

16 Q Do recall approximately what time you located the vehicle?

17 A Um, I'm not sure exactly what time it was when Eric located it.

18 Q What shift were you working on May 2<sup>nd</sup> of 2014?

19 A It was day shift.

20 Q Do you recall if it was -- so what time is day shift?

21 A Around 6:30 to 4:30 p.m.

22 Q 6:30 a.m. to 4:30 p.m.?

23 A Mm-hmm.

24 THE COURT: Was that a yes?

25 THE WITNESS: Yes.

1 THE COURT: Sorry, mm-hmm's don't transcribe very well.

2 THE WITNESS: Sorry.

3 MS. SUDANO:

4 Q Do you recall if it was towards the beginning or the end of your shift?

5 A Um, I believe it was near the end of my shift.

6 Q So would it be fair to say it was probably sometime in the afternoon?

7 A Yes.

8 Q Now, when you located the car was anybody in it?

9 A No.

10 Q Was it running?

11 A I don't think so, no.

12 Q Where's --

13 A I know it wasn't.

14 Q Specifically, where was it located within that 2635 Karen Court?

15 A It was parked on the north side. It would have been more towards the  
16 west corner of the building.

17 Q What is 2635 Karen Court?

18 A It's an apartment complex.

19 Q Now, what was the condition of the car when you located it?

20 A Um, I didn't -- like I said, I didn't know if it was drivable since I didn't see  
21 it driving but I really don't remember very -- what the condition -- I think it was keyed,  
22 I think it had been keyed. It had some minor -- it had some damage, I don't  
23 remember exactly what the damage was.

24 Q But it's your recollection that it would -- it had been keyed?

25 A I believe so.

1 Q Now, were you able to get inside the vehicle?

2 A No.

3 Q Why is that?

4 A The vehicle was locked.

5 Q Could you see the keys anywhere inside the vehicle?

6 A No.

7 Q While you were at that scene at 2635 Karen Court, did anybody else  
8 arrive?

9 A Um, I have a vague recollection but I'm not a 100 percent sure if -- you  
10 talking about other officers did arrive, yes.

11 Q Do you know if the registered owner arrived as well?

12 A I'm not real sure if I spoke to them but I think they did arrive while I was  
13 there.

14 Q Now, what happened to the car after you had recovered it?

15 A I don't know exactly. I know it was returned to the owner. Actually I'm  
16 pretty sure that the owner did return while I was still there and I think it returned to  
17 the owner but that the owner did not have the keys at the time, if I recollect right.

18 Q Okay. So, there were no keys in the vehicle?

19 A No.

20 Q And the owner, you said, didn't have the keys either?

21 A I don't think so, no.

22 Q Now, normally when you recover a vehicle is there any sort of recovery  
23 form or paperwork that you have to fill out?

24 A Yeah, there is. Yes, there is.

25 Q What is the purpose of that paperwork?

1           A     It's to document the transfer of the property to the individual.

2           Q     In addition to that is there any additional follow up or investigation that  
3 you need to do before you return a car to an owner?

4           A     Um, it all depends on the situation. Um, in some instances -- well, we --  
5 typically we'll contact the owner, obviously, and in this case the owner had been  
6 contacted. We possibly could process it with calling criminalistics and have them do  
7 their job on the vehicle to get evidence.

8           Q     Was that done in this particular case?

9           A     No.

10          Q     Why wasn't it not done in this case?

11          A     Um, it's not -- like I say, it's not always a necessary thing. In this case I  
12 would not have made that call as to whether or not it should be processed due to the  
13 fact that I had been called by another officer out to the scene I was at, so I most  
14 likely would have spoken to another officer and asked what they wanted me to do  
15 with the vehicle.

16          Q     So you weren't the one that was making the final decision --

17          A     No, no.

18          Q     -- on what needed to be done.

19          A     No. Just because I didn't have all the details with the other side of the  
20 incident.

21          Q     Now, did you have any information about the relationship of the parties  
22 involved in this case, as far as the registered owner and the individual who had  
23 taken the vehicle?

24          A     I don't remember for sure if I knew exactly what the relationship was. I  
25 think I understood they had a domestic relationship.



1 Q Anything about the fact that it was a domestic relationship that would  
2 have factored into the decision on whether or not to call ID out and have  
3 criminalistics done?

4 A Um, if the vehicle is used within the domestic violence incident and  
5 there was some type of evidence that the vehicle could provide, possibly.

6 Q Did you have any information that the vehicle was involved in the  
7 domestic situation in this case?

8 A Not that I knew other than, I mean, to what I understood is that it was a  
9 taking without owner's consent kind of situation, or that the vehicle possibly had  
10 been used by the suspect prior. But I didn't know all the details, so.

11 Q And when you say that the vehicle had possibly been used by the  
12 suspect prior, can you explain how that factored into your decision making process a  
13 little bit more?

14 MR. SHETLER: Your Honor --

15 A Usually in a --

16 THE COURT: Hold on.

17 MR. SHETLER: I'm going to object to relevance. He didn't make the decision  
18 whether criminalistics was going to be called. And now he said, several times, he  
19 was just responding on behalf of another officer.

20 MS. SUDANO: And I'm just asking for his training experience whether or not  
21 knowing if this was a domestic situation would have factored into the decision  
22 making process.

23 THE COURT: Okay. So he can talk about in general how that might factor in.  
24 Overrule.

25 MR. SHETLER: Thank you, Judge.

1 MS. SUDANO:

2 A So, what was the question?

3 Q So the question was, knowing that this was a domestic situation,  
4 knowing that the suspect may have used the car prior, would that factor into the  
5 decision of whether or not criminalistics was needed at this -- on this particular car?

6 MR. SHETLER: Your Honor, I'm sorry, I'm going to renew my objection --

7 THE COURT: Right.

8 MR. SHETLER: -- that she's referring to this situation. Not a generic, general  
9 situation.

10 MS. SUDANO: I can rephrase it.

11 MS. SUDANO:

12 Q Just in general, through your training and experience, Officer.

13 A The fact that it was a domestic relationship would definitely influence  
14 whether I called criminalistics because if the subject had been in the vehicle prior,  
15 any evidence that we obtained such as prints, DNA evidence would be difficult to  
16 determine whether it occurred prior to the incident.

17 Q So basically, there's not a lot of relevance necessarily to fingerprints or  
18 DNA if somebody's been in the car before?

19 A Not to my understanding, I mean, I'm not a criminalistics specialist but it  
20 only makes sense to me.

21 Q Just generally, through your training experience?

22 A Yeah.

23 Q Okay.

24 A Yes.

25 Q Now, did you inventory the car before it was returned to the registered

1 owner in this case?

2 A No, I did not.

3 Q Why is that?

4 A I -- there were no car keys to the vehicle and it was returning to the  
5 owner. I don't believe the owner had keys as well.

6 Q Now, normally would you inventory a car before returning it to a  
7 registered owner?

8 A Typically, yes, we would.

9 Q But again, in this case did you have any reason to believe that there  
10 was anything of evidentiary value inside the car?

11 A I didn't know of any, no, otherwise I would have probably objected it --  
12 to us -- probably would have tried to influence the officer that was requesting or at  
13 least talk to him about it and made sure that he understands that there's evidence in  
14 there. And I don't remember any evidence that was specific to the -- that was  
15 relevant that I understood.

16 Q Now, if you didn't have keys to a vehicle that you're trying to inventory  
17 and its locked what would you need to do in order to be able to inventory the  
18 vehicle?

19 A Um, we would -- if it didn't have keys? I can't think of a time I ever  
20 inventoried a vehicle if it didn't have keys. I mean, if it's a major case and I'd  
21 possibly would request a hold on the vehicle and seal the vehicle, that's the only  
22 other -- that's the only time I would do something like that if it was a serious enough  
23 case that we would actually keep the vehicle and have it sealed and have it  
24 impounded.

25 Q In this case, did you have any information that something like that was

1 required?

2 A I didn't. I had not been instructed that that was what we wanted -- what  
3 they wanted me to do so it's not what I did.

4 Q Okay. Now, I'm going to show you here, Officer, State's Exhibit 1. Do  
5 you recognize what's depicted there?

6 A I -- yeah, that's a -- that's the apartment complex that I located the  
7 vehicle at.

8 Q The 2635 Karen Court?

9 A Yeah.

10 Q Now, do you recall the registered owner's address in this particular  
11 case?

12 A I don't.

13 Q Would looking at your property return sheet refresh your recollection as  
14 to registered owner's address?

15 A I mean, I could -- I probably -- I mean, I could look at it but it's not  
16 gonna refresh my memory. I never was at the scene and I've never been to the  
17 registered owner's house. I mean, I can look at it if you want me to.

18 Q Did you -- would you have, while you were completing this property  
19 return form, would you have --

20 A I did write it down so, I mean, you want me to look at it?

21 Q Now, would it refresh your recollection -- I'm sorry -- do you recall the  
22 license plate number for the vehicle that you returned?

23 A No.

24 Q Would looking at your property return sheet refresh your recollection as  
25 to the license plate on the vehicle?

1 A Sure.

2 Q Did you write that one down?

3 A Yes, I did.

4 MS. SUDANO: Okay. May I approach, Your Honor?

5 THE COURT: Yes.

6 MS. SUDANO:

7 Q I'm showing you, for the record, the property return sheet for this  
8 particular case, Officer.

9 A Okay.

10 Q Does that refresh your recollection as to the license plate number?

11 A 6-1-7, Lincoln, Tom, Union, so. I mean, that's what I wrote down. It's  
12 not a number I would have just memorized though.

13 Q So at the time you wrote that down, how did you get it?

14 A I would have either looked on the vehicle plate or I would have looked  
15 on the details of the call. I'm not sure.

16 Q And you would have written it down as you were looking at one of those  
17 two things?

18 A Possibly, or else I possibly ran the plate and was looking off my  
19 computer and looking at the DMV return.

20 Q And would it have been close in time when you looked at that  
21 information to when you wrote it down on your property return sheet?

22 A Yeah.

23 MS. SUDANO: Your Honor, no further questions.

24 THE COURT: Cross?

25 MR. SHETLER: Briefly, Your Honor.

1 CROSS-EXAMINATION OF JUSTIN TERRY

2 BY MR. SHETLER:

3 Q Officer, my name is Travis Shetler and I represent the Defendant in this  
4 case. I want to thank you for your nine years of service.

5 You're just here today to tell us that there was a car on Karen Court,  
6 right?

7 A I'm here to answer whatever questions you have for me.

8 Q Well, but it wasn't your case, you were not the investigating officer, is  
9 that correct?

10 A Well, I was dispatched to the call but there was a prior incident --

11 Q Right.

12 A -- that occurred and I was -- as far as I remember, I was being  
13 requested to assist an officer who was on the scene at another call.

14 Q Right. Right. There wasn't -- you didn't generate all the other  
15 paperwork in this case, you just filled out the slip transferring ownership --

16 A That's --

17 Q -- or possession is a better word.

18 A That's basically -- yes, that's true.

19 Q I appreciate that.

20 You mentioned when you first started answering questions, Ms. Sudano  
21 asked you if there's anything you noticed about the vehicle; you said it was keyed?

22 A Yeah, that's true, I think it was keyed.

23 Q Was that -- do you have an independent recollection of that?

24 A Um, I'm pretty sure it was keyed. What do you mean?

25 Q Just that. I mean --

1 A I mean, this is quite a time ago but, yeah.  
2 Q Not a hugely significant event for you?  
3 A Not hugely significant, no.  
4 Q Is it possible to tell if a car's keyed -- is it possible to tell if it's keyed  
5 within the last day or the last month or the last year?  
6 A I mean there's probably a way to tell, I'm not like a specialist on it, but.  
7 Q Right. That's not any training that you have in particular?  
8 A No.  
9 Q Okay. So you're not -- when you tell the Court that the car was keyed  
10 you're not saying that the fact that it was keyed has anything to do with anything  
11 happening in this courtroom today?  
12 A I have no idea if it was related.  
13 Q I appreciate that.  
14 And you testified that criminalistics was not called but that was not your  
15 decision to make whether they were called or not, is that right?  
16 A They were not called and I was not instructed to do that, to call them,  
17 so.  
18 Q I appreciate that.  
19 Thank you very much, Officer. Be safe.  
20 THE COURT: Any redirect?  
21 MS. SUDANO: No, Your Honor.  
22 THE COURT: Okay. Thanks Officer, appreciate your time.  
23 Next witness?  
24 MS. SUDANO: Almedia Bragg, please.  
25 THE MARSHAL: Okay, make your way up into the box, remain standing.

1 Raise your right hand and face that young lady right there.

2 **ALMEDIA BRAGG**

3 [having been called as a witness and being first duly sworn, testified as follows:]

4 THE COURT CLERK: Please be seated.

5 Would you please state and spell your first and last name for the  
6 record.

7 THE WITNESS: Almedia Bragg, A-L-M-E-D-I-A B-R-A-G-G.

8 THE COURT CLERK: Thank you.

9 THE COURT: Go ahead.

10 MS. SUDANO: Thank you, Your Honor.

11 **DIRECT EXAMINATION OF ALMEDIA BRAGG**

12 BY MS. SUDANO:

13 Q Ma'am, how are you employed?

14 A I'm retired.

15 Q Where did you retire from?

16 A Las Vegas Metropolitan Police Department.

17 Q When did you retire?

18 A December 31, 2014.

19 Q How long were you with the Las Vegas Metropolitan Police  
20 Department?

21 A 23 years 10 months.

22 Q And what was your job title when you were with the Metropolitan Police  
23 Department?

24 A Patrol officer.

25 Q Were you working on May 1<sup>st</sup> of 2014 at approximately 9:30 a.m.?



1 A Yes.

2 Q Did you have occasion to be dispatched --

3 THE COURT: I apologize, I should have -- I'm sure I should know this by  
4 now. Give me the date and time again.

5 MS. SUDANO: May 1, 2014 at approximately 9:30 a.m.

6 THE COURT: Thank you. Go ahead.

7 MS. SUDANO:

8 Q Were you dispatched to 2461 Old Forge Court, apartment number 106?

9 A Yes.

10 Q Is that here in Clark County, Nevada?

11 A Yes.

12 Q What was the nature of the call when you were dispatched?

13 A Domestic violence.

14 Q Did you have any additional details about the call when you were in  
15 route?

16 A No. That the female had been beaten up by her boyfriend and he was  
17 gone. That was it.

18 Q Do you know -- did you have any information about how he had left the  
19 scene?

20 A He had stole her car.

21 Q And that came out in your initial call?

22 A Uh, I'm not sure. I believe so.

23 Q Would looking at the catalog for this event number refresh your  
24 recollection as to whether or not you were provided that detail while you were in  
25 route?

1 A Yes.

2 MS. SUDANO: Your Honor, may I approach the witness?

3 THE COURT: Yes.

4 MS. SUDANO:

5 Q Officer, I'm showing you a catalog for -- can you verify for us that it's the  
6 particular event number that we're talking about in this case?

7 A Yes, that's the victim, that's my P number. Yes.

8 Q Did that refresh your recollection as to whether or not you were  
9 informed by dispatch on your way to the call that the victim's car had been stolen by  
10 the suspect?

11 A Yes.

12 Q Okay. Now, were you the first responding officer or was anybody  
13 present at the scene before you arrived?

14 A I was the first responding and no one else was there besides the victim.

15 Q Now, typically when you respond to a scene, what are your duties as  
16 the first responding officer?

17 A First to make sure that the suspect doesn't come back, then to make  
18 contact with the victim; which I knocked on the door and she wouldn't open the door,  
19 she was afraid to open the door.

20 Q Now, what makes you say that she was afraid to open the door?

21 A I think she thought it was her ex-boyfriend coming back.

22 Q Okay. Did you know that somebody was inside the house?

23 A Yes.

24 Q What gave you that information?

25 A She had just called. It didn't take me that long to get there.

1 Q Now, does the victim eventually open the door for you?

2 A Yes.

3 Q You're able to make contact with the victim?

4 A Yes.

5 Q And is that Corla Carpenter?

6 A Yes.

7 Q What was her demeanor when you first made contact with her?

8 A She was crying, she was scared, her face was all bloody.

9 Q Now, when you say her face was all bloody --

10 A Her nose and her lips were bleeding and her hand was bleeding.

11 Q Where was her hand bleeding, if you recall?

12 A I think it was one of her fingers, I'm not sure.

13 Q Now, did you notice any other injuries to Ms. Carpenter when you

14 arrived at the scene?

15 A Her eyes were swollen.

16 Q After you made contact with Ms. Carpenter, what did you do next?

17 A I had called for another officer to take pictures cause it was -- I knew

18 right then there had been domestic violence. And then, uh, had her explain to me

19 what happened, I actually had dispatch send other units to ATL for the car which --

20 to look for the car. And then I started taking a report and then one of the other

21 officer came, we found a knife and the blood in the garage so we decided to call ID

22 cause it was gonna be a felony.

23 Q Okay. Now, when you arrive at the house you said it was just you and

24 Ms. Carpenter.

25 A Yes.

1 Q So nobody else was present, initially?

2 A I don't think so.

3 Q Do you recall the next person who showed up at the scene?

4 A I think it was one of her friends or else it was Officer -- a different

5 officer.

6 Q Who would that officer have been?

7 A Um, what's his name? I know his first name.

8 Q What is his first name?

9 A Frank.

10 Q What that be Frank Elam?

11 A Yes.

12 Q Now, who else -- did anyone else arrive at the scene?

13 A One of her friends did, the ID tech did, and then another officer, I think,

14 also came.

15 Q Now, at some point you said that you were going through the scene and

16 assessing what was going on at the house; is that correct?

17 A Yes.

18 Q Okay. So, I want to walk through that with you a little bit. I'm going to

19 show you here, State's Exhibit 2, initially. Do you recognize what's depicted in that

20 photo there?

21 A That's her apartment.

22 Q And that would be the 2461 Old Forge address?

23 A Yes.

24 Q All right. Now, do you recall how big the apartment was? Was it a one

25 bedroom apartment or were there more than one bedrooms?

1 A I'm not sure. I know it had a upstairs, there was a upstairs.

2 Q So it was a downstairs and an upstairs?

3 A Yes.

4 Q And do you recall if there was just one bathroom or multiple  
5 bathrooms?

6 A I know there was one downstairs cause that's where, I think, the cell  
7 phone was in the toilet.

8 Q Now, was there evidence or things that were significant to your  
9 investigation located throughout the apartment?

10 A It was in disarray. You could tell a fight had taken place, basically.

11 Q Now I'm going to show you here, State's Exhibit 7. Do you recognize  
12 what's depicted there in State's Exhibit 7?

13 A Yeah, there's blood on the floor.

14 Q Do -- is this from the victim's apartment?

15 A Yes.

16 Q What area of the apartment are we looking at here?

17 A That's the kitchen.

18 Q And you said that there was blood on the floor?

19 A I believe that's blood right there, or a footprint or something.

20 THE COURT: You can touch it if you want to.

21 MS. SUDANO:

22 Q And then if you'll hit either the bottom right or the bottom left of the  
23 screen for me it will clear it out. There you go. Perfect. Thank you, Officer.

24 And now, I'm showing here you Exhibit 8. What is depicted there in  
25 Exhibit 8?

1           A     Cups thrown over, looks like a towel maybe that he tried -- looks like it  
2 has blood on it a little bit.

3           Q     Now, is that just a closer image of what we were looking at before in  
4 State's Exhibit 7?

5           A     Yes.

6           Q     So can you see that same blood stain there in State's Exhibit 8?

7           A     Yes.

8           Q     As it's just sort of in the center of the picture?

9           A     Yes.

10          Q     Okay.

11          A     Looks like there's blood on the refrigerator also.

12          Q     And so that would be over on the left of the photo?

13          A     Yes.

14          Q     Now I'm going to show you next State's Exhibit 10. What's depicted  
15 there in State's Exhibit 10?

16          A     That's the exit door from the house to the garage.

17          Q     Is there anything else of significance located in this particular photo?

18          A     Blood on the door in the doorjamb.

19          Q     Now, I'm going to show you next State's Exhibit 11. Do you recognize  
20 what's depicted there?

21          A     Yes.

22          Q     Is that just a close up photo of that blood from State's Exhibit 10?

23          A     Yes.

24          Q     Okay, on that same doorjamb?

25          A     Yes.

1 Q Now, I'm going to show you next State's Exhibit 12. Do you recognize  
2 what's depicted there?

3 A Yes.

4 Q What is that?

5 A Blood on the walls in the restroom.

6 Q Now, you had said something else about something of potential  
7 evidentiary value located in that bathroom. Can you walk us through that a little bit?

8 A There was a cell phone, I believe, somewhere in the toilet. I don't see  
9 it, though.

10 Q Now, was the cell phone actually in the toilet when you saw it?

11 A You know, I don't remember but I know it was thrown against the wall, it  
12 was against the floor and it was cracked, the whole screen was cracked, so.

13 Q So you did -- you saw the cell phone at some point?

14 A Yes.

15 Q And you said that there was a crack on the screen?

16 A Yes.

17 Q Possible it was located in the toilet, possible you saw it afterwards?

18 A Yes.

19 Q Okay. Well, next I'm going to show you State's Exhibit 13. Do you  
20 recognize what's depicted there?

21 A I believe that's the living room.

22 Q Let me show you a different angle of that, Officer. I'm showing you now  
23 State's Exhibit 14. Do you recognize what's depicted there?

24 A That's the bedroom.

25 Q And so is that -- I'm going to direct your attention down here to the

1 bottom right of the photo and then I'm going to take away that photo and show you  
2 again State's Exhibit 13. So what -- I'm sorry, State's Exhibit 13 you testified was  
3 the living room?

4 A This right here?

5 Q Yes.

6 A I think that's the bedroom.

7 Q Okay. So, and that's, basically, you can see the same corner of the  
8 bed in State's 13 as in State's 14?

9 A Yes.

10 Q Okay. Was there anything of evidentiary value located in that  
11 bedroom?

12 A Um, not that I remember. I believe there was blood upstairs but I think  
13 it was on the walk when you go up the stairs. I know there was blood on the  
14 walkway when you go up the stairs. I didn't really see any blood in the bedroom, I  
15 didn't -- I came down and started really taking the report.

16 Q Okay. Now, I'm going to move on with you next to State's Exhibit 20.  
17 Do you recognize what's depicted in State's Exhibit 20?

18 A That's the living room.

19 Q Anything of evidentiary value located within that living room?

20 A I don't see anything.

21 Q Do you recall anything of evidentiary value within the living room?

22 A There was -- it was in disarray.

23 Q Okay. And so, you did know -- when you say disarray, what specifically  
24 do you mean by that?

25 A Stuff that's thrown over that normally wouldn't be thrown over in a



1 house like stuff on the floor, like if there was something on the table to be -- if the  
2 table was thrown over or something like that. It wasn't a normal household.

3 Q Now, through your training and experience, when you see that kind of  
4 disarray what, if anything, does that indicate about that living room area?

5 A A physical altercation took place.

6 Q Now, is that kind of consistent with what you learned from Ms.  
7 Carpenter?

8 A Yes.

9 Q Okay. Now, next photo I'm going to show you here is State's Exhibit  
10 24; and what are we looking at in 24?

11 A That's the garage.

12 Q Was there anything of evidentiary value located inside the garage?

13 A The knife was in there but I don't see it on here.

14 Q Okay. So you located a knife in the garage?

15 A Yes.

16 Q Do you recall what kind of knife it was?

17 A It was like a little steak knife.

18 Q Was there anything of significance about locating that knife in the  
19 garage?

20 A It had blood on it.

21 Q Now, I'm going to show you here, State's Exhibit 25. Is that just a  
22 closer up image of the corner of the garage?

23 A Okay. Yeah, there's the knife right there.

24 Q And can you mark on the screen for me, please? So, just kind of in the  
25 bottom center of that photo is the knife that you were talking about?

1 A Yes.

2 Q Now, I'm going to show you here Exhibit 27. Is that an actual close up  
3 shot of that knife?

4 A Yes.

5 Q And, you indicated that there was blood or apparent blood on that  
6 knife?

7 A Yes.

8 Q Where was the blood located?

9 A On the end. I believe it was on the end.

10 Q And when you say the end, do you mean --

11 A The jagged edge.

12 Q Okay. So the actual blade of the knife as opposed to the handle?

13 A Yes.

14 Q Okay. Now, was there anything else of significance about the garage in  
15 your investigation?

16 A The vehicle was gone.

17 Q Now, had Ms. Carpenter told you, given you information that the vehicle  
18 had previously been located in the garage?

19 A Yes.

20 Q And when you arrived, there's obviously no vehicle in the garage; is that  
21 fair?

22 A Yes.

23 Q What, if anything, did you do with the information that the vehicle was  
24 missing?

25 A Just put it on the radio to be on the look-out. She said he'd probably be

1 going down Boulder Highway so we had units checking Boulder Highway.

2 Q Now, was the vehicle ever formally reported stolen?

3 A Yes.

4 Q What's the process for reporting a vehicle stolen, just generally?

5 A You just take a report and then you call a WVS and they enter it into the

6 system. And when somebody runs a license plate it comes back as a stolen

7 vehicle.

8 Q Now, is that the process that you followed in this particular case?

9 A Yes.

10 Q Were you actually the officer that took the report for the vehicle?

11 A Yes.

12 Q And so it was listed as stolen on May 1<sup>st</sup> of 2014?

13 A Yes.

14 Q Now, do you know if the vehicle was ultimately recovered?

15 A Yes.

16 Q Do you know when it was recovered?

17 A It was like two or three days later. Maybe two days later.

18 Q Were you actually present when it was recovered?

19 A No.

20 Q Now, I'll walk you through some additional photos here. I'm going to

21 show you now State's Exhibit 28. Do you recognize what's depicted there?

22 A Yes.

23 Q What is that?

24 A That's the victim.

25 Q That's Ms. Carpenter?

1 A Yes.

2 Q Was that taken while you were at the house at 2461 Old Forge on May  
3 1<sup>st</sup> of 2014?

4 A It was taken at that time cause I was there but I didn't -- I wasn't there  
5 when she took the picture.

6 Q Okay. So you didn't actually take the photo?

7 A No.

8 Q But it was taken that day?

9 A Yes.

10 Q Now, is that a fair and accurate depiction of how Ms. Carpenter looked  
11 when you saw her on May 1<sup>st</sup>?

12 A Yes. I think she actually looked worse than that picture.

13 Q So you're saying the picture doesn't really do it --

14 A No, she --

15 Q -- justice?

16 A Her eyes looked like raccoons, like it was swollen and it was black  
17 [indecipherable] it looks horrid, she looked worse.

18 Q Now, I'm going to show you a closer up picture here. I'm showing you  
19 Exhibit 29.

20 A Yes. That's it right there.

21 Q So, can you walk us through some of the injuries that you had  
22 described previously that you saw in Ms. Carpenter?

23 A Her eyes were swollen, she had the black marks like a raccoon. Her  
24 nose was bleeding, her lips were bleeding, her hand was bleeding.

25 Q Can you see any sort of swelling or anything on her face?

1 A Yeah, it was -- her whole side of her face was swollen, one whole side.  
2 Q Do you recall which side that would have been?  
3 A I think it was her right side.  
4 Q And you said at least one of her eyes was swollen shut?  
5 A Oh yeah.  
6 Q Was that the same, that right eye?  
7 A Yes.  
8 Q Now, I'm showing you again here State's Exhibit 28. What is Ms.  
9 Carpenter doing in that particular photo?  
10 A Looks like she's just laying down.  
11 Q Is there anything significant to you about the fact that she was laying  
12 down?  
13 A Oh, she -- I think she said her back or her stomach hurt real bad. One  
14 -- something hurt really bad and she couldn't hardly move. I couldn't remember  
15 what it was cause like we couldn't mark it on the report because it was no marks but  
16 it hurt really bad and she could hardly move.  
17 Q Okay. And so that's why she was laying down when --  
18 A Yes.  
19 Q -- these photos were taken?  
20 A Yes.  
21 Q Now, I think we've kind of walked through this but I want to walk  
22 through it a little bit more. So, there was an upstairs and a downstairs to this  
23 apartment?  
24 A Yes.  
25 Q And we walked through -- there was -- can you walk me through where

1 there was blood located in the apartment?

2 A There was blood on the walkway, on the walls going up the stairs, in the  
3 kitchen, in the bathroom, in the garage. I think that's it. And the living room, I'm  
4 sorry, the living room.

5 Q Now, was there any blood in the bedroom upstairs?

6 A There was, I think there was but I didn't really pay attention to it  
7 because I was trying to get the report. It was one of those calls that would take all  
8 day so I was trying to get the report done and ID, I think, had come by then and was  
9 upstairs.

10 Q Okay. And so you kind of left the documenting the scene upstairs to  
11 ID?

12 A Yes.

13 Q Now, was there anything significant to you, through your training or  
14 experience, about the fact that there was blood located in multiple areas throughout  
15 the house?

16 A It seemed to me that like she was trying to get away from him.

17 Q So, did this seem like a short struggle through your training experience?

18 A No.

19 Q Okay. Seem like something that had gone on longer?

20 A Yes.

21 Q Now, was medical also called out to the scene?

22 A Yes.

23 Q Do you know if the -- if Ms. Carpenter was transported away from the  
24 scene?

25 A I don't think so.

1 Q So medical did not transport --

2 A I don't think so.

3 Q -- Ms. Carpenter? Okay.

4 Now, other than this day on May 1<sup>st</sup> of 2014, was there any additional  
5 follow-up that you or Officer Elam did with regards to this particular victim, Ms.  
6 Carpenter?

7 A Officer Elam changed her locks; so, the Defendant took her keys, so he  
8 couldn't get back in.

9 Q Now, do you know if that occurred that same day on May 1<sup>st</sup> of 2014 or  
10 if it occurred a different day?

11 A I'm not sure. It may have occurred the same day, I'm not sure. I know  
12 he changed her lock though because she was really scared.

13 Q And so the victim had indicated to you and Officer Elam that she was  
14 frightened?

15 A Yes.

16 Q And that was because the suspect had taken the keys to her house?

17 A Yes.

18 Q Now, Officer Bragg, you had testified that there were some cuts on Ms.  
19 Carpenter's hands?

20 A Mm-hmm, yes.

21 Q Through your training and experience was there anything significant  
22 about the cuts on her hands?

23 A They looked like defensive wounds.

24 MS. SUDANO: Your Honor, no further questions.

25 THE COURT: Okay. Cross.

1 MR. SHETLER: Thank you, Your Honor.

2 Court's indulgence.

3 THE COURT: Uh-huh.

4 **CROSS-EXAMINATION OF ALMEDIA BRAGG**

5 BY MR. SHETLER:

6 Q I know you're retired but I've got to -- if it's okay with you I'm going to  
7 refer to you as Officer Bragg.

8 A Sure.

9 Q Were you an -- what was your rank when you were an officer, 23 plus  
10 years -- 23 years 10 months --

11 A Yes.

12 Q -- approximately?

13 A Yes.

14 Q Thank you for your service.

15 A Thanks.

16 Q I've got a couple -- my name's Travis Shetler, I represent Mr. Perry.  
17 I've got a couple of questions. I don't think we're going to have to take a lot of your  
18 time. If I misstate or I speak too quickly or I get too excited about what a great  
19 question I'm asking or I get confusing, please just ask me to repeat it; okay?

20 A Yes, sir.

21 Q In 23 years -- were you in law enforcement before LVMPD?

22 A I was in Texas.

23 Q Same thing?

24 A Yes.

25 Q How many years down in Texas?



1 A Two.

2 Q And how about before that?

3 A No.

4 Q How many -- do you have an idea, I won't ask you for a number but  
5 what percentage of the calls you responded to were domestic violence calls?

6 A Seventy-five to eighty percent. It's a lot.

7 Q During the course of your over a quarter of a decade as a law  
8 enforcement officer, did you receive specialized training in domestic violence  
9 investigations?

10 A Yes.

11 Q Can you give us just a little bit of an idea what that would involve?

12 A We get trained on special classes; everybody has to take them,  
13 mandatory every year. We have to go and refresh the classes and then when  
14 something else, a new law, comes up every year the domestic violence unit comes  
15 in and gives a class for training. So we keep up on it every year, basically.

16 Q And was there anything in your career that resulted in you receiving  
17 specialized training above and beyond an average officer on domestic violence?  
18 Did you go away for any classes or any special seminars?

19 A I did go to a class, a domestic violence class that they have at the  
20 academy, yes.

21 Q What type of topics, if you -- can you recall what type of topics you  
22 covered in them?

23 A Just what to -- it actually covered sex trafficking and domestic violence  
24 cause they were both in the same. When a victim is scared to talk always separate  
25 them, you know? So, because a lot of times they're scared to talk and how they

1 appeared to be detached and you just have to read the signs because a lot of  
2 suspects they'll hit the victim where you can't see it, so.

3 Q And a lot of victims try and protect the possible defendant, right?

4 A Oh, yeah. I've been attacked from a victim trying to arrest a suspect.

5 Q Is it the number one source of officer injury or is that traffic stops?

6 A I think it's domestic, probably.

7 Q I believe you're --

8 A Yes.

9 Q Yeah, that's my understanding.

10 A Yes.

11 Q Have you -- you made a couple of comments about this crime scene  
12 about maybe blood on this wall going up the stairs.

13 A Yes.

14 Q And blood upstairs in the bedroom.

15 A Yes.

16 Q If there's no photographs of that would that rule that out or would the  
17 photographs have nothing to do where there was blood -- and that's a clumsy  
18 question, I apologize. If there was blood would you expect it to be in these  
19 photographs?

20 A Could be or it couldn't be, I didn't really take the pictures.

21 Q Not your job.

22 A Yes, so. I mean there was enough blood everywhere else that it was  
23 immaterial, I mean, you could just tell what happened.

24 Q Right. Officer Bragg, in the -- in your experience responding to a  
25 horrific percentage of your career to domestic violence calls, do you have any idea

1 what percentage of those involve male on female violence?

2 A Probably 75 percent of them.

3 Q Do you receive any training or did you ever have any experience during  
4 the course of your career where you responded to a domestic violence call and the  
5 facts turned out to be opposite than what the victim relayed them to you?

6 A Yes.

7 Q Can you put any number on that, a competent number?

8 A Not too many, probably around three or four.

9 Q Okay. Pretty tiny?

10 A Yes. Yes.

11 Q Would -- in the course of investigating a domestic violence incident, I'm  
12 sure any of -- let me just limit it to this, I apologize. In the course of investigating a  
13 domestic violence incident does the alleged perpetrator's criminal background  
14 history have any impact on your investigation? Does it have any significance to  
15 you?

16 A Very little. We try to just go by the evidence at the scene.

17 Q And what about the same question for a victim's criminal background?

18 A No. We just try to go by the evidence at the scene.

19 Q But you did say that it's not unusual for a victim to be reluctant to give  
20 up information?

21 A Yes.

22 Q And it does happen although, not in a ton of cases but there were cases  
23 where the victim would give up incorrect information?

24 A Yes. It's very seldom that the victim ever shows up to court. They  
25 hardly ever show up to court after it happens.

1 Q Unfortunately, I'm very familiar with that. I can't get over that number  
2 still.

3 I believe Ms. Sudano took you back to the issue; you mentioned the cell  
4 phone and the toilet downstairs?

5 A Yes.

6 Q You're not sure now if there was one in the toilet or not?

7 A No, I -- he had threw it in the toilet. He had threw it in the toilet.

8 Q You're not sure if it was there when you got there?

9 A No, I'm not sure.

10 Q You're not sure if it was downstairs or upstairs?

11 A I believe it was downstairs in the living room on the floor.

12 Q There was a photograph shown to you, this photograph number 28, and  
13 on the bed with her on the mattress, the upside down mattress, there's a cell phone  
14 there. Is that the same cell phone we're talking about?

15 A I don't believe so. The cell phone I seen had a cracked mirror.

16 Q Do you know if Ms. Carpenter had access to more than one cell phone  
17 that day?

18 A I don't know.

19 Q But at least in your testimony here in Court is there were at least two in  
20 that house within a short period of time?

21 A Yes.

22 Q I asked you the question about either the victim or the potential  
23 defendant or the perpetrators criminal background. Would that -- would your answer  
24 to those questions change, talking about their criminal history specifically, if there  
25 were a violent criminal history would that have any impact or would it still be the

1 same answers?

2 A It's evidence at the scene.

3 Q And Ms. Sudano asked you what happened when you arrived at the  
4 scene and you stated, please don't let me misquote this, you think she was afraid to  
5 open the door because you're worried about her ex-boyfriend coming back?

6 A Yes, she was.

7 Q She told you that?

8 A Yes.

9 Q Okay. You also said that it seemed that she was trying to get away  
10 from him; do you remember that?

11 A Yes.

12 Q And that's based on your observation of the house in disarray?

13 A Well, she also said she tried to call 9-1-1 and then he wouldn't let her  
14 call and that's when he took the phone and threw it and she tried to run and he  
15 wouldn't let her. He wouldn't let her get away.

16 Q I'd like to come back to this idea of disarray just a little bit. Ms.  
17 Carpenter testified yesterday that she was not, I'm going to paraphrase here slightly,  
18 but housekeeping was not number one on her list of stuff.

19 A Mm-hmm.

20 Q When you talk about disarray are you talking about a place with Top  
21 Ramen on the bed, are you talking about the cups that were in the floor on the  
22 kitchen, where do you draw -- I mean, my seven year old and my four year old make  
23 disarray every minute every day but.

24 A Yeah. Well, you can tell when somebody just keeps a nasty house.

25 Q Right.

1 A Or you can tell when there's a struggle.

2 Q Thank you, that's much cleaner.

3 A Yes.

4 Q Thank you. And you're talking about the later, a struggle?

5 A Yes.

6 Q And in this case there was evidence of both present, right?

7 A Well, it wasn't the cleanest house but you could tell there was a

8 struggle.

9 Q That was a nicer way to put it, thanks for helping me out.

10 The information that you testified to about the perpetrator taking her

11 car, stealing her car, that came from Ms. Carpenter; right?

12 A Yes.

13 Q You didn't conduct any other investigation into that or talk to any other

14 witnesses about that?

15 A What witnesses?

16 Q Any.

17 A She was the only witness.

18 Q She was the only source for that information?

19 A Yes.

20 Q Ms. Carpenter testified yesterday that she took some selfies of her

21 injuries. You're familiar with what a selfie is?

22 A Yes.

23 Q Have you had a chance to look at those photographs at all?

24 A No.

25 Q Can you tell me any additional information or any -- if there's any

1 information in your report that would help you with your statement to the Court that  
2 you believe she was bleeding on her hands? Is there any other basis for that than  
3 other what you recollect?

4 A He snatched her keys from her. That's how -- she said she think [sic]  
5 he snatched the keys from her cause she said she didn't -- she wasn't sure he cut  
6 her with the knife but when he snatched the keys she thinks that's how her hand got  
7 cut.

8 Q If she testified yesterday that he picked up the keys off some surface in  
9 the house would that have any impact on that?

10 A It could. She could've picked up the keys up, either way her hand was  
11 cut.

12 Q You saw that though?

13 A Yes.

14 Q You're here to tell us today that you saw that?

15 A Her hand was cut, yes. Maybe she tried to get the keys back from him  
16 and something like that but there was a struggle over the keys.

17 Q In your experience investigating domestic violence incidents where, let  
18 me keep it simple -- do you find that the victims try and get themselves -- clean up  
19 their injuries as much as possible?

20 A No.

21 Q Do you, same question, in your experience investigating these types of  
22 incidents -- strike that.

23 How do you, after 25 years as a police officer investigating all these  
24 types of crimes, what did you do to take care of yourself and just not --

25 A That's why I'm retired at a young age cause it's just a revolving door,

1 it's a revolving door. Like I said, she's one of the very few victims who's come into  
2 Court to testify. Most of them will not come in to testify and you'll just keep going to  
3 their house over and over again until one day you'll go and they're dead.

4 Q And that's a huge problem in Clark County.

5 A Yes. They just won't force them to testify and, I don't know. I just think  
6 they should do mandatory restraining orders like other states.

7 Q And they -- and it's a huge source of our homicides in Clark County.

8 A Yes. And I've been on several where I've been to the house several  
9 times and they wouldn't come to court and then one day I go and they're dead.

10 Q Do you know what type of injuries Ms. Carpenter was later diagnosed  
11 with?

12 A Later on I heard her eye socket was broken but at the time I didn't  
13 know.

14 Q The decision for her to get transported or not transported, was that your  
15 decision, her decision, a combination?

16 A No, she -- we were still at the scene. So I believe her friend, if I'm not  
17 mistaken, I believe her friend came and took her to the hospital.

18 Q That's right. Have you had any contact with Ms. Carpenter since you  
19 submitted your file on this case?

20 A No.

21 MR. SHETLER: Court's indulgence, please.

22 MR. SHETLER:

23 Q You did make a comment on direct, Ms. Sudano asked you about the  
24 garage if there was anything significant. There was a knife in the garage and you  
25 said the car wasn't parked in the garage. That was -- you believed the car was



1 parked there before?

2 A Yes, that's what she said.

3 Q And that was based on what Ms. Carpenter said?

4 A Yes.

5 MR. SHETLER: Your Honor, if I could just consult with my client for a second.

6 THE COURT: Sure.

7 MR. SHETLER: Officer Bragg, thank you and sincerely, thanks for your  
8 service.

9 THE COURT: Any redirect?

10 MS. SUDANO: Briefly, Your Honor.

11 **REDIRECT EXAMINATION OF ALMEDIA BRAGG**

12 BY MS. SUDANO:

13 Q Now, Officer Bragg, you testified that I believe it was three or four of  
14 your investigations over the course of 25 plus years investigating domestic violence  
15 cases where what actually happened was different than what you thought happened  
16 initially; is that correct?

17 A Yes.

18 Q And that was just based on what you were told by witnesses or --

19 A Or just going over the story or -- and noticing things when you first get  
20 there and then you go outside in the car and then there's something else there that  
21 wasn't there when you got there and you're like, hmmm, so.

22 Q So people kind of tampering with the scene --

23 A Yes.

24 Q -- after the fact maybe?

25 A Yes.

1 Q Now, was there anything about this particular scene that caused you  
2 concern with regard to diversion of events that you heard from Ms. Carpenter?

3 A No. This was -- this was one of the -- this was a pretty bad one and her  
4 eyes were like -- I've never seen eyes like that except once before and it was a girls'  
5 eyes were like that where he beat up so bad her eyes were like that.

6 Q Now, so was everything that you saw at the scene consistent with the  
7 version of events you heard from Ms. Carpenter?

8 A Yes.

9 MS. SUDANO: No further questions.

10 THE COURT: Any recross?

11 MR. SHETLER: Briefly, Your Honor, thank you.

12 **RECROSS EXAMINATION OF ALMEDIA BRAGG**

13 BY MR. SHETLER:

14 Q Officer Bragg, did you ever have a chance to inspect Mr. Perry after he  
15 was apprehended?

16 A No. That -- this is the first time I seen him beside his on wanted [sic]  
17 poster.

18 Q Did you ever hear any evidence during your investigation of mutual  
19 combat or self-defense on Mr. Perry's part?

20 A No. If it was self-defense he should've stayed there at the scene.

21 MR. SHETLER: Thank you very much officer.

22 THE COURT: Any further redirect?

23 MS. SUDANO: No, Your Honor.

24 THE COURT: Thank you. We appreciate your time.

25 Next witness.

1 MS. SUDANO: The State would call Danielle Keller, please.

2 THE MARSHAL: Okay, go ahead into the box, remain standing. Raise your  
3 right hand and face that young lady right there.

4 **DANIELLE KELLER**

5 [having been called as a witness and being first duly sworn, testified as follows:]

6 THE COURT CLERK: Please be seated.

7 Would you please state and spell your first and last name for the  
8 record.

9 THE WITNESS: Yes, it's Danielle Keller, D-A-N-I-E-L-L-E K-E-L-L-E-R.

10 THE COURT CLERK: Thank you.

11 THE COURT: Go ahead.

12 MS. SUDANO: Thank you, Your Honor.

13 **DIRECT EXAMINATION OF DANIELLE KELLER**

14 BY MS. SUDANO:

15 Q Ma'am, how are you employed?

16 A I'm a senior crime scene analyst at the Las Vegas Metropolitan Police  
17 Department.

18 Q Now, I want to talk you through a little bit. Do you have to have special  
19 training and education in order to be a crime scene analyst?

20 A Yes.

21 Q Walk us through a little bit of that, if you would.

22 A I have a bachelor's degree in criminal justice and then I completed the  
23 academy infill training program at Metro and subsequent training ever since I've  
24 been employed.

25 Q When you say subsequent training, what are some of the things you

1 have to do for that subsequent training?

2 A Various things such as: blood stain classes, shooting reconstruction,  
3 photography classes; all sorts of courses.

4 Q How often do you have to take those additional courses?

5 A We have quarterly training and then there's various classes offered  
6 throughout the year.

7 Q Now, you said that you are a senior crime scene analyst; is that  
8 correct?

9 A Yes.

10 Q How long have you been a crime scene analyst, total?

11 A Seven and a half years.

12 Q And how is it that you become a senior crime scene analyst as opposed  
13 to when you first start out?

14 A At around your fourth year you have to test which is a written, practical,  
15 and oral board exam to promote to senior.

16 Q And you were able to do that?

17 A Yes.

18 Q Now, I'm going to draw your attention to May 1<sup>st</sup> of 2014. Were you  
19 working that day?

20 A Yes.

21 Q Did you have occasion to be dispatched to a scene at 2461 Old Forge  
22 Lane?

23 A Yes.

24 Q Is that here in Clark County, Nevada?

25 A Yes.

1 Q What was the nature of -- well, first, let's back up. What's your typical  
2 process when you respond to a scene; just in general?

3 A Typically, I meet with the officers and the victim and they walk me  
4 through the scene. I then take photos and notes to document the scene and collect  
5 any evidence and recover latent prints.

6 Q Now, is it different when you respond to a scene where there are patrol  
7 officers as opposed to when you respond to a scene with detectives?

8 A Yes.

9 Q What are those differences?

10 A Usually the detectives take the lead role in a scene if they're there. If  
11 it's just the patrol officers, patrol and myself will take the lead role.

12 Q So you have a lot more involvement when you're with patrol officers; is  
13 that fair?

14 A Yeah.

15 Q And why is that; just generally?

16 A Um, I mean, just how it goes. The detectives get all the information and  
17 on bigger cases on different -- on cases that are not so involved they don't need to  
18 be dispatched.

19 Q So now, on this scene at 2461 Old Forge, was there a detective  
20 present?

21 A No.

22 Q So, were you just working with patrol officers?

23 A Yes.

24 Q Now, what was the first thing that you did when you responded to this  
25 particular scene on May 1<sup>st</sup> of 2014?

1           A     I met with officers who were at the scene already.

2           Q     Based on your meeting with those officers, what, if anything, did you do  
3 next?

4           A     Then I took notes documenting what I saw at the scene and  
5 photographed it as well.

6           Q     What's your process for taking the photos at a scene?

7           A     We try to do a chronological if we can tell or based on the information  
8 that's given to us we do overalls just to document the rooms, how the house is laid  
9 out. Then we'll show close ups and comparison and relationship photos of any  
10 evidence or anything that we're trying to point out in the scene.

11          Q     Now, in this particular case did also you meet with the victim and  
12 discuss the crime scene with the victim?

13          A     Yes.

14          Q     Okay. After you meet with all the parties do you always take photos of,  
15 I guess, every room in a house?

16          A     Not typically.

17          Q     Why wouldn't you take photos of every single room?

18          A     Usually we'll just focus on the rooms that have disturbance or that were  
19 -- there was information given to us that there was something relevant in that room.

20          Q     Now, I'll walk through with you if I can some of the photos of this scene  
21 that you took here. I apologize. These are in no particular order because I messed  
22 them up earlier. All right. So while I'm tracking down my photos here, oh, there we  
23 go.

24                   I'm going to start you here with State's Exhibit 4. What's depicted in  
25 State's Exhibit 4?

1 A That's the front door to the residence.

2 Q And then State's Exhibit 5, what's depicted in State's Exhibit 5?

3 A That's showing the condominium number.

4 Q And so, is there any reason that you would take Exhibit 4 and then also  
5 Exhibit 5; so the faraway shot of the door and then the close up shot?

6 A Just to show that's it's from the same door and that's the address that  
7 we're about to enter.

8 Q And so, that's just the first step you take when you're kind of  
9 documenting the scene?

10 A Yes.

11 Q Now, after you took the photos of the door and the residence where did  
12 you go next?

13 A I believe it was the living room, the downstairs portion of the residence.

14 Q See what I can find for the living room. Showing you State's Exhibit 20;  
15 is that the living room?

16 A Yes.

17 Q Now, is there anything of evidentiary value located in that living room?

18 A No.

19 Q Okay. And then same with Exhibit 21; is that a different angle of the  
20 living room?

21 A Yes.

22 Q Now, is there any reason why you would have multiple shots of the  
23 same living room area?

24 A It's just to show the general layout of the room.

25 Q And is that so later on when we come back for something like this you

1 can kind of remember and document the entire room?

2 A Yes.

3 Q Okay. So, after you were done in the living room, where did you go

4 next?

5 A There was -- it was kind of one big room but there was a kitchen in the

6 center and then a bathroom and then a door that led to the garage.

7 Q Okay. Now, is there anything of evidentiary value located in the

8 kitchen?

9 A There was some blood on the floor and a bloody tissue on the counter.

10 Q So, showing you State's Exhibit 7; is that the kitchen of the residence?

11 A Yes.

12 Q Now, if you mark on the screen --

13 A Okay.

14 Q -- up there we can see kind of where these items are. Can you see the

15 blood on the floor?

16 A Yeah, it's back -- oh, let me see. Oh, there -- I'm sorry, back in that

17 corner.

18 Q Okay.

19 A And then the tissue was up here.

20 Q And then if you'll hit either the bottom right or the bottom left to clear

21 that out. And now, State's Exhibit 8 is -- what is depicted there?

22 A That's a close up of the blood.

23 Q And now, State's Exhibit 9; what's depicted in State's Exhibit 9?

24 A And that's a close up of the tissue on the counter.

25 Q And a way back you testified that it was kind of one big area and there



1 was the garage and a bathroom; is that correct?

2 A Yes.

3 Q Now, showing you State's Exhibit 6. What's depicted there?

4 A So, there's the kitchen again here, and then this is the door to the

5 bathroom and this is the door leading to the garage.

6 Q Is there anything of evidentiary value located in the bathroom?

7 A Yes.

8 Q What was that?

9 A There was some blood on the doorway, right here. And then there was

10 also some in the bathroom, as well.

11 Q Showing you State's Exhibit 11; is that the blood on the doorway to the

12 bathroom?

13 A Yes.

14 Q And then State's Exhibit 12; is that inside the bathroom?

15 A Yes.

16 Q And can you indicate just where the blood is and --

17 A There some. It's right here.

18 Q And so on that bathroom wall downstairs?

19 A Yes.

20 Q Is there anything else of evidentiary value located in the bathroom?

21 A Not that I recall.

22 Q Now, I'm showing you State's Exhibit 10. What's depicted there?

23 A That is, again, the bathroom door here and then the door leading to the

24 garage.

25 Q Is there anything of evidentiary value found outside in the garage?

1 A In the garage, yes; there was.

2 Q What was located in the garage?

3 A There was a steak knife on the floor.

4 Q Let me show you this one. State's Exhibit 26; is that the steak knife you  
5 were talking about?

6 A Yes.

7 Q Now, was there anything additional of significance with that steak knife?

8 A There was some apparent blood on the steak knife.

9 Q Based on that apparent blood what, if anything, did you do with the  
10 steak knife?

11 A I recovered it and impounded it.

12 Q Now, after you were done documenting the garage where did you go  
13 after that?

14 A I believe upstairs to the master bedroom.

15 Q Now, was there anything of evidentiary value located inside the master  
16 bedroom?

17 A There was apparent blood on the bedding of the bed in the room.

18 Q Okay. Showing you State's Exhibit 13; is that a photo of the master  
19 bedroom with the bed in it?

20 A Yes.

21 Q Okay. Now, showing you State's Exhibit 19; is that a close up shot of  
22 that bedspread and bed?

23 A Yes.

24 Q Now, can you see any of the apparent blood you were talking about?

25 A Yes, there's some right here and then I think a little bit on the floor as

1 well.

2 Q So that's just kind of to the center bottom right of that photo?

3 A Yes.

4 Q I'm also going to show you State's Exhibit 16. What's depicted in  
5 State's Exhibit 16?

6 A That's more apparent blood on the bedding; down here and up here,  
7 kind of all over.

8 Q Is there anything else of evidentiary value located inside the master  
9 bedroom?

10 A No.

11 Q Okay. Now, after you went into the master bedroom did you go  
12 anywhere else in the house?

13 A I photographed the victim back in the living room.

14 Q Did you ever photograph any of the bathrooms upstairs?

15 A No.

16 Q Did you photograph -- was there another bedroom upstairs?

17 A I don't recall if there was.

18 Q Did you take any photos of any additional bedrooms upstairs?

19 A No.

20 Q Okay. So after you documented this master bedroom upstairs you just  
21 went back downstairs?

22 A Yes.

23 Q Now, was there anything else of evidentiary value located on the stairs  
24 or anywhere else?

25 A Not that I had -- was -- not that I saw or that I recall.

1 Q Now, you said that you documented the victim back downstairs. Where  
2 was the victim when you documented her injuries?

3 A She was lying on a mattress in the living room.

4 Q Now, is there any particular reason that she was lying on the mattress?

5 A She was not feeling well and seemed out of it, so I just let her stay on  
6 the mattress to take pictures of her.

7 Q Normally, would you document somebody lying down on a mattress?

8 A Not typically, no.

9 Q How would you normally document somebody?

10 A We usually do standups, what's what we call standups where we'll  
11 shoot vic pictures of all four sides and then a close up of their face.

12 Q Okay. Now, so I'm showing you Exhibit 28 there. Is that the victim  
13 lying on that mattress?

14 A Yes.

15 Q Okay. And again, there -- are there are any, I guess, angles of her  
16 back or anything?

17 A No.

18 Q And that was just due to her discomfort?

19 A Yes.

20 Q Okay. So I'm going to show you State's Exhibit 30. What's depicted in  
21 State's Exhibit 30?

22 A That's just a close up of her face.

23 Q Are there any injuries that you can see on her face?

24 A She had injuries to her eyes and to her mouth.

25 Q Now are those depicted in that photo?

1 A Yes, and there should be some close ups as well of those.

2 Q Let's start with Exhibit 31. Is that one of the close up photos you took?

3 A Yes.

4 Q And, specifically, what area are you focusing on in 31?

5 A It was her right eye.

6 Q And then how about State's Exhibit 32; what area are you focusing on

7 in 32?

8 A That's the same photo. I will take a picture both with a scale and

9 without just to show that there's nothing that was covered up by the scale.

10 Q So same area of that right eye area?

11 A Yes.

12 Q Was there anything significant as far as injuries on that right eye?

13 A It just looked swollen and maybe starting to bruise.

14 Q Now, showing you Exhibit 33. What's depicted in Exhibit 33?

15 A That's her left eye.

16 Q Is there anything significant as far injuries in Exhibit 33?

17 A Same thing, swollen and just getting discolored from bruising.

18 Q And now State's Exhibit 34. What's depicted there?

19 A Her mouth.

20 Q Anything significant about the victim's mouth?

21 A There was some apparent blood and then also swelling and discoloring.

22 Q Is there apparent blood anywhere other than her mouth in that photo?

23 A It looks like closer to her nose there.

24 Q Now, after you took your notes and documented the scene with photos

25 did you do anything else to process this particular scene?

1 A I recovered some blood samples from the scene.

2 Q Do you recall specifically where you took those blood samples from?

3 A From the master bedroom, the bedding in the bedroom as well as the  
4 doorway to that bathroom downstairs.

5 Q Now, when you recover potential blood from a scene do you do any  
6 testing at the scene or does that all just happen at the lab?

7 A We'll do some presumptive testing at the scene but as far as looking for  
8 DNA or anything like that, that's done at the lab.

9 Q So what kind of presumptive testing do you do?

10 A In this case I performed a test called phenolphthalein kit on the  
11 samples, well, on a sample from the same area that I recovered the samples.

12 Q And can you just walk through, very briefly, what the phenolphthalein  
13 sample is?

14 A You have two parts and you just apply a couple drops to the sample of  
15 each and if it's positive for blood it will turn pink.

16 Q And you said you did that presumptive test on the presumptive blood  
17 from the master bedroom?

18 A Yes.

19 Q Do you recall whether or not that was positive for presumptive blood?

20 A Yes, it was positive.

21 Q And you also tested for presumptive blood on the doorway of the  
22 bathroom?

23 A Yes.

24 Q Was that test positive?

25 A Yes.

1 Q Now, in addition to the presumptive blood testing did you do anything  
2 else at the scene?

3 A I recovered the knife.

4 Q What did you do with the knife when you recovered it?

5 A I put it in a package so that it could, if they wanted to later test it for  
6 DNA, fingerprints, whatever they wanted to.

7 Q And so you impounded it into evidence?

8 A Yes.

9 Q But then as far as any sort of testing that would later be done on that is  
10 that something you would do?

11 A Sometimes we will, but in this case I did not.

12 Q So you just booked it into evidence, essentially?

13 A Yes.

14 Q Did you have any additional involvement at the scene?

15 A No.

16 MS. SUDANO: Your Honor, I have no further questions.

17 THE COURT: Okay. Cross?

18 MR. SHETLER: Thank you, Your Honor.

19 **CROSS-EXAMINATION OF DANIELLE KELLER**

20 **BY MR. SHETLER:**

21 Q Ms. Keller, my name is Travis Shetler and I represent Mr. Perry.

22 A Okay.

23 Q I've got just a couple questions for you. Are you okay comfort-wise?

24 A Yes, I'm okay.

25 Q You, take a break?

1 A No, I'm okay, thank you.

2 Q It's a lot of stuff.

3 Ms. Sudano asked you if you recalled any blood going up the stairway.

4 A No, I don't.

5 Q If there was blood there would you have photographed it or

6 documented it?

7 A Yes.

8 Q If there was something there and you thought it was blood would you

9 have photographed it and documented it?

10 A Yes.

11 Q Right. You're not testing it at that point, you're just --

12 A No.

13 Q And when you took photographs of Ms. Carpenter's injuries you're

14 trying to document any injury that she has --

15 A Yes.

16 Q -- that you -- that would come out on a photo?

17 A Yes.

18 Q You didn't take any photographs of her hands, is that correct?

19 A No.

20 Q Did she tell you that she had cuts on her hands?

21 A No.

22 Q Do you rely on the victim to let you know what injuries there are or do

23 you make your own determination about that?

24 A Yeah, typically unless it's something really obvious we'll just ask them,

25 you know, where they're injured and try to look and see if there's anything visible to



1 document.

2 Q So if, and if I get this confused, please stop me. If there's no  
3 photographs that you took of cuts on her hands does that mean there were no cuts  
4 on her hands or does that mean you just didn't notice them, it didn't come up --

5 A I didn't notice them and wasn't told about them if there's no  
6 documentation of that.

7 Q Well, it may be significant or it may not be significant.

8 A Correct.

9 Q Did you ever have an opportunity to view some -- you know what a  
10 selfie is?

11 A A selfie?

12 Q Yes.

13 A Yes.

14 Q Have you ever had an opportunity to review any of Ms. Carpenter's  
15 selfies of her injuries?

16 A No.

17 Q She told the Court that she took some photographs some number of  
18 days later and then maybe the same day, it's not clear; so I'm going to show you a  
19 photograph she took. It's Exhibit 37. Can you see that okay?

20 A Yes.

21 Q She testified in the lower photograph there two marks on what I'm --  
22 would you agree that it seems possible to be her left pinkie?

23 A It could be, yes.

24 Q You see the two marks; there's a very dark small mark and then a  
25 slightly bigger, not as dark mark?

1 A Yes.

2 Q Did either of those marks look significant to you from your experience  
3 and training?

4 A If I had seen them at the time I probably would have photographed  
5 them but I don't recall seeing them or her telling me about them.

6 Q I'm going to show you photograph 36 or -- Exhibit 36, excuse me.  
7 Those are two photographs she took of her face.

8 A Uh-huh.

9 Q Again, she wasn't -- it was unclear when these were taken.

10 A Correct.

11 Q Those injuries seem consistent with what you saw?

12 A Yes, I mean, they appear darker but that can happen as time goes on.  
13 Bruises can darken.

14 Q Right. And as you look at these today its -- do you have any ability to  
15 tell how much later they were taken if it was --

16 A No.

17 Q -- the same day or different days?

18 A Everybody kind of goes differently as far as injuries.

19 Q Right. I mean, that would be as subjective as the quality of the camera  
20 or the phone that was used, everything.

21 A Correct.

22 Q Yeah. Once you, and Ms. Sudano may have asked you this and if she  
23 did, please excuse me; once you documented everything, recorded everything,  
24 bagged up everything, have you had a chance to revisit this file for any reason?

25 A No, just for Court purposes.

1 Q Right, right. Okay.  
2 Court's indulgence, please.  
3 THE COURT: Mm-hmm.  
4 MR. SHETLER: Officer Keller, thank you and I hope you get out of here  
5 quick.  
6 THE WITNESS: Thank you.  
7 THE COURT: Is there any redirect?  
8 MS. SUDANO: No, Your Honor.  
9 THE COURT: Thank you, ma'am.  
10 THE WITNESS: Thank you.  
11 THE COURT: Appreciate your time.  
12 Does State have any other witnesses?  
13 MS. SUDANO: The State does not have any additional witnesses and I  
14 believe all the Exhibits 1 through 37 have previously been admitted. So with that the  
15 State --  
16 THE COURT: Okay. Can the Court Clerk confirm that 1 through 37 is  
17 admitted?  
18 THE COURT CLERK: Yes, they are.  
19 THE COURT: Okay.  
20 MS. SUDANO: With that, the State would rest, Your Honor.  
21 THE COURT: Thank you.  
22 Defense?  
23 MR. SHETLER: Your Honor, I would like to consult with my client to make a  
24 final determination whether he will be testifying or not testifying.  
25 THE COURT: Okay.

1 MR. SHETLER: I do have -- again, I believe it's just going to be an offer of  
2 proof. I don't believe I have a good basis to have another witness in so we may just  
3 have Mr. Perry or nobody.

4 THE COURT: Okay. So, we'll take a short break and come back in and see  
5 what we're going to do.

6 MR. SHETLER: Thank you, Your Honor.

7 THE COURT: And, you know what; before we take a break let me just ask.  
8 Did you -- have you gone through the State's proposed Instructions?

9 MR. SHETLER: I have.

10 THE COURT: Okay. Are you -- are we going to need to talk about objections  
11 or additional proposed Instructions?

12 MR. SHETLER: There's one question, I will try and address that with Ms.  
13 Sudano and see if we can avoid wasting the Court's time. I don't think -- because  
14 we went through them last time, so.

15 THE COURT: Okay.

16 MR. SHETLER: Thank you, Your Honor.

17 THE COURT: Thank you.

18 [Recess taken at 2:27 p.m.]

19 [Proceedings resumed at 2:37 p.m.]

20 THE COURT: Okay. Mr. Shetler.

21 MR. SHETLER: Your Honor, I've spoken with my client, Mr. Perry does not  
22 care to testify.

23 THE COURT: Okay.

24 MR. SHETLER: We -- the only other witness that we intended to possibly call  
25 would have been the security guard. I can make an offer of proof. I think the Court

1 really, and I've spoken about this with Ms. Sudano, I think the Court's ruling on the  
2 previous motion regarding -- would be just through *Gideon* testimony about more of  
3 the details of what took place at T.J. Maxx --

4 THE COURT: So --

5 MR. SHETLER: -- and I don't --

6 THE COURT: Okay. The security guard --

7 MR. SHETLER: -- and I think based on the Court's ruling --

8 THE COURT: -- from T.J. Maxx.

9 MR. SHETLER: I'm sorry, Your Honor, I apologize.

10 THE COURT: Okay.

11 MR. SHETLER: I understand you may not be exactly where my little head's  
12 at. It would be brought in to color up and give some more details as to her activities  
13 that day.

14 THE COURT: Right.

15 MR. SHETLER: To try and establish a slightly more of what we would  
16 consider a fuller picture of Ms. Carpenter. I think the Court's previous ruling on the  
17 motion is sufficient for the record. I don't -- I'll do whatever the Court would like.  
18 We've talked about it and we think that your ruling on that motion, you made it clear  
19 in the evidence offer that would come if we would try to offer for that, but.

20 THE COURT: So, I was only allowing information about that incident to the  
21 extent that it affected your client's --

22 MR. SHETLER: Right.

23 THE COURT: -- state of mind --

24 MR. SHETLER: Right.

25 THE COURT: -- that day. So unless he talked to the security guard I don't

1 see how that would be pertinent to that issue.

2 MR. SHETLER: Right. And I did speak about this with Mr. Perry. He  
3 understands what's going on. I just wanted to make sure we talked about it.

4 THE COURT: Okay.

5 MR. SHETLER: The only other request we'd have at that time, and I'm  
6 slightly ahead of the scheduling here, is I would like the opportunity to speak with  
7 Mr. Perry and prepare for closing, if it would be possible to do our closings  
8 tomorrow. I don't know if the Court's amenable to that.

9 THE COURT: Okay.

10 MS. SUDANO: And, Your Honor, I'm not going to belabor the point with the  
11 security guard, I do think that Your Honor's prior ruling is sufficient there.

12 As far as Mr. Shetler's request on closings, I'm prepared to go forward  
13 today or we can do it tomorrow, whatever Your Honor's preference, and whatever's  
14 most convenient for Mr. Shetler, I'm fine with.

15 THE COURT: Right. I mean, I could, you know, we could do them now. I  
16 don't mind if you want to do them tomorrow, but are you prepared to talk about the  
17 Instructions?

18 MS. SUDANO: Oh, that's right.

19 MR. SHETLER: No. I spent my time back in the luxurious confines of the  
20 little room. Maybe if -- I don't think we're going to have an issue there. I just -- it  
21 would probably make sense to take a second and do that. In an hour we could put  
22 that on right before closing, whatever you're comfortable with, Your Honor.

23 I'm not. The short answer is no, I'm not.

24 THE COURT: Right. Okay. Well, on the good side we won't have to make  
25 14 copies of the Instructions, so. I guess we'll deal with that first when you come

1 back at 10 in the morning.

2 So, to be clear, Defense is resting then at this point, right?

3 MR. SHETLER: Yes. I didn't say that either. Yes, Your Honor.

4 THE COURT: Okay. I just wanted to be clear.

5 MR. SHETLER: And if I do come across something I will make sure that I do  
6 that before the afternoon is over and send an email to the Court and everybody on  
7 the issue.

8 THE COURT: Right. So, we can address the Instructions first and then I will  
9 read the Instructions to myself before we proceed. I don't need to read them out  
10 loud in Court and then have closings, I guess, tomorrow and then I'll probably just  
11 vacate for some time to contemplate, review the Exhibits and my notes and come  
12 back with a verdict.

13 Okay. So, with the evidence being complete, we'll come back at 10  
14 tomorrow. We'll first address Instructions and then do closings, okay?

15 MR. SHETLER: Thank you, Your Honor.

16 THE COURT: Great.

17 MS. SUDANO: Thank you, Your Honor.

18 THE COURT: Thank you.

19 [Bench Trial, Day 2, concluded at 2:41 p.m.]

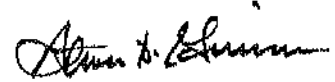
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21 \* \* \* \* \*

22 ATTEST: Pursuant to Rule 3(c)(d) of the Nevada Rules of Appellate Procedure, I  
23 acknowledge that this is a rough draft transcript, expeditiously prepared, not  
24 proofread, corrected, or certified to be an accurate transcript.

25

  
DALYNÉ EASLEY  
Court Transcriber



CLERK OF THE COURT

1 RTRAN

2  
3  
4  
5 DISTRICT COURT  
6 CLARK COUNTY, NEVADA  
7

8  
9 THE STATE OF NEVADA,

10 Plaintiff,

11 vs.

12 GENARO PERRY,

13 Defendant.

CASE#: C298879

DEPT. VI

14 BEFORE THE HONORABLE ELISSA CADISH, DISTRICT COURT JUDGE  
15 THURSDAY, OCTOBER 1, 2015

16 **RECORDER'S ROUGH DRAFT TRANSCRIPT OF PROCEEDINGS**  
17 **BENCH TRIAL - DAY 3**

18  
19 For the State:

ROBERT BRAD TURNER, ESQ.  
Chief Deputy District Attorney  
MICHELLE SUDANO, ESQ.  
Deputy District Attorney

20  
21  
22 For the Defendant:

TRAVIS S. SHETLER, ESQ.

23  
24  
25 RECORDED BY: JESSICA KIRKPATRICK, COURT RECORDER



1 THURSDAY, OCTOBER 1, 2015 AT 10:39 A.M.

2  
3 THE COURT: Good morning.

4 MS. SUDANA: Good morning, Your Honor.

5 THE COURT: And what have we here?

6 MS. SUDANO: Your Honor, I know that we put it on the record --

7 THE COURT: Go ahead and sit down.

8 MS. SUDANO: -- previously.

9 THE COURT: Hold on. Just, go ahead and have a seat.

10 THE DEFENDANT: Yes Ma'am.

11 MS. SUDANO: I know that we put it on the record previously that both sides  
12 were waiving the jury but we do just want to have it in writing.

13 THE COURT: Yes.

14 MS. SUDANO: And so if Your Honor would sign our stipulation and order  
15 after the Defendant has looked over it we would appreciate that.

16 THE COURT: Okay.

17 MS. SUDANO: May I approach to have that filed?

18 THE COURT: Yep.

19 MS. SUDANO: Thank you, Your Honor.

20 THE COURT: Do you need me to sign?

21 MS. SUDANO: Oh, yes, if you would, I apologize.

22 THE COURT: That's okay. So, it's just multiple copies of the stip and order?

23 MS. SUDANO: It is. I just wanted to have one original but I guess we have  
24 them all signed.

25 THE COURT: Okay. So the clerk will file those or file the stip and return the

1 copies, I guess.

2 MS. SUDANO: Thank you.

3 THE COURT: Okay. So we've got the instructions to discuss.

4 MR. SHETLER: Your Honor, we did phone chambers last night to let you  
5 know that we were in good shape on the Instructions themselves. Ms. Sudano  
6 wants to make a presentation regarding the self-defense Instructions.

7 MS. SUDANO: That's correct, Your Honor. I didn't hear any evidence  
8 throughout the case even in inference of slight -- or self-defense so even though  
9 those were initially included with the packet and they were presented to Your Honor,  
10 at this point I don't think that there's any evidence to support the giving or the  
11 including of the self-defense Instructions in this particular case. So that was  
12 Instructions on pages 35 through 40.

13 THE COURT: Okay. Mr. Shetler.

14 MR. SHETLER: Your Honor, the evidence itself to support those Instructions,  
15 it's a good argument that we didn't establish enough evidence to get to that point.  
16 Certainly the victim did not assist us in that endeavor and Officer Braggs [sic] did not  
17 -- Braggs right; did not say that she saw any evidence.

18 I will argue in closing that it's possible our officer was slightly biased,  
19 with all due respect for her service, and I'll make an argument about that. I -- I'm  
20 saying everything I think I can.

21 THE COURT: Right. I appreciate that. Right.

22 So, there is no evidence that Ms. Carpenter made any threat or  
23 threatened any kind of violence or held a weapon or said she was going to do  
24 anything to cause the Defendant harm. So, I think the State is correct that there is  
25 not evidence to support the giving of those Instructions in this case. I just -- there

1 just isn't evidence of self-defense.

2 So, that's 30 -- pages 35 to 40 would be pulled then?

3 MS. SUDANO: Correct, Your Honor.

4 THE COURT: Is there any objection -- so, the State is still proposing all the  
5 rest of what it had originally given though?

6 MS. SUDANO: Yes, Your Honor.

7 THE COURT: Are there any other objections by the Defense?

8 MR. SHETLER: No, Your Honor.

9 THE COURT: And have you reviewed the proposed verdict form as well?

10 MR. SHETLER: Not with my client but I have looked at that and I don't have  
11 any concerns about that, but I have not done that with Mr. Perry. I'm sorry, Judge.

12 THE COURT: Do you have a copy to take a quick look at the verdict form?

13 MR. SHETLER: I do not. Thank you.

14 [Colloquy between Court and court staff not transcribed.]

15 THE COURT: While you're looking at that, Tim is going to go make a final set  
16 of the Instructions and while I wait we can go off the record while they discuss the  
17 verdict form.

18 [A brief recess was taken at 10:46 a.m.]

19 [Proceedings resumed at 10:48 a.m.]

20 THE COURT: Okay. Have you had an opportunity to review the verdict  
21 form?

22 MR. SHETLER: I have, Your Honor and I've gone over those with my client  
23 and we do not have any objections.

24 THE COURT: Okay. So, what we're going to do then is finalize the verdict  
25 form and run a final set of the Instructions numbered as we would do for a jury. So

1 as I indicated, what I'd like to do is read them to myself. I don't think I need to read  
2 them out loud.

3 MR. SHETLER: Right.

4 THE COURT: So, I guess, I don't know how you feel about it. I -- if I like  
5 read them, the full set in chambers, and come in and say I've done that and sign it,  
6 is that sufficient for you or do you think I need to sit in front of you and read them? I  
7 don't want a problem later so, however you prefer.

8 MS. SUDANO: And, Your Honor, I would leave that to you. I'm certainly  
9 comfortable with you going back to chambers if that's where you're more  
10 comfortable to read them and then letting us know on the record that you have  
11 reviewed them all.

12 THE COURT: And then I would sign them and make them part of the record.

13 MR. SHETLER: Right. I've talked with Mr. Perry about that. We're both  
14 comfortable with that as well, Judge.

15 THE COURT: Okay. So I guess what I'm going to do then is take a few  
16 minutes to do that in chambers and then I'll come back in and we'll do closings;  
17 okay? All right. We'll take a few minutes here.

18 MR. SHETLER: Thank you

19 [A brief recess was taken at 10:49 a.m.]

20 [Proceedings resumed at 11:11 a.m.]

21 THE COURT: Okay. I think you were given the revised Instructions which  
22 are numbered now one through forty-one. I believe they are in accordance with our  
23 discussion a few minutes ago. Are there any concerns about that? Hearing none --

24 MS. SUDANO: No, Your Honor.

25 THE COURT: Okay. So I did, as we discussed, in chambers read to myself

1 Instructions 1 through 41. I'm going to now sign indicating that I have given myself  
2 those instructions. Today's October 1<sup>st</sup>, correct?

3 MR. SHETLER: Correct.

4 MS. SUDANO: Yes, Your Honor.

5 THE COURT: Okay. Okay, so I'm giving that to the clerk and the clerk has  
6 the verdict form ready to go. So with that, closing argument.

7 MS. SUDANO: Thank you, Your Honor.

8 **CLOSING ARGUMENT BY THE STATE**

9 BY MS. SUDANO:

10 Now, Your Honor, we're in a unique position here today. Obviously,  
11 you understand all of the instructions that were provided to you so I'm not going to  
12 go through those with you. The one thing that I do want to say first is that the  
13 insinuations that you may have heard through Mr. Shetler's questions are not  
14 evidence. So instead, what I'm going to do is walk through the scene that was in  
15 Ms. Carpenter's house April 30<sup>th</sup> of 2014 into the morning of May 1<sup>st</sup> of 2014.

16 So you heard testimony from Ms. Carpenter that on the evening of April  
17 30<sup>th</sup> of 2014 the Defendant, Genaro Perry, arrived at her house late in the evening in  
18 order to pick up some medication. Because it was late she agreed to let him spend  
19 the night in the house, they went to bed without much discussion. They woke up  
20 early that next morning on May 1<sup>st</sup> of 2014 and they were here in Exhibit 13, the  
21 master bedroom located upstairs in that residence.

22 Now, the Defendant woke up first and he still appeared to be agitated  
23 from the fight or whatever had happened the night previous. Ms. Carpenter  
24 originally didn't understand why he was agitated but he began threatening her  
25 family, began making statements that she began to be concerned about. Prior to

1 this she had not been concerned but once she became concerned while she was  
2 still sitting in that bed that's depicted there in Exhibit 13, she picked up her cell  
3 phone and she attempted to make the first call to 9-1-1 of that morning.

4 Now, upon seeing her pick up that phone the Defendant took the phone  
5 from her and he threw it against the wall. While he threw that phone against the wall  
6 he made some statement along the lines of you're not calling the police. Now that's  
7 part of the coercion charge here in this case was the taking of phone, throwing it so  
8 that she could not call 9-1-1 which she was perfectly, lawfully permitted to do. Now,  
9 as I've mentioned that is part of coercion count I believe here is charged as Count 5.

10 Now, after throwing the phone Ms. Carpenter got up and she tried to go  
11 into the bed -- or to the bathroom, you can see that depicted here in Exhibit 14. So  
12 she got up and she walked to the door to the left which was the bathroom. Before  
13 she made it into the bathroom the Defendant punched her, knocked her down into  
14 the ground in the bathroom. While she was down on the ground with her feet kind of  
15 hanging back into that bedroom he then struck her repeatedly while she was on the  
16 ground more than once she said, I believe, no more than five times. She began to  
17 struggle back and was able to bite him, get released get free from that situation.  
18 And then she took off through that second door, the door to the right there, out into  
19 the hallway to go downstairs. Now, the incidents that took place up in that bathroom  
20 in that bedroom is the first part of the battery count that Your Honor's heard about.

21 Now, when she got about halfway down the stairs the Defendant caught  
22 up with her and he kicked her, he knocked her down the rest of the stairs. You can  
23 see here to the left of State's Exhibit 6 that bathroom -- or that stairwell that she was  
24 kicked down. When she was kicked she slid out into the middle of the kitchen that  
25 you can see in Exhibit 6, and landed approximately where that blue towel was in

1 front of the stove in State's Exhibit 7. Now even though she was still on the ground  
2 the Defendant continued to punch and kick her while she was there in that kitchen.  
3 She had injuries consistent with being punched and kicked while she was on the  
4 ground. All of the injuries were to the right side of her face. She also had injuries to  
5 her hip, she had a bruised or sore rib all consisted with being kicked while she was  
6 already down on the ground. Now, at some point during this struggle she's begging  
7 for the Defendant to stop, she's begging that he stops beating her and he does but  
8 not for any good reason.

9           Now, she testified that on top of this stove that you can see here in  
10 Exhibit 9 was a steak knife. The Defendant picked that steak knife up and began  
11 threatening her with it; he began swinging it at her. So that right there is the assault  
12 with a deadly weapon. As used in this particular case, that knife constitutes a  
13 deadly weapon, Your Honor. And he was obviously intending to hit Ms. Carpenter  
14 to strike her with that knife because she did -- or because he did.

15           She testified that that's where the injuries to her hand came from. You  
16 can see here in State's Exhibit 37 the bottom photo there's something that looks like  
17 a cut mark there, and if you look at it it's actually consistent with being struck with a  
18 serrated knife. There are two separate parts to that cut or at least two separate  
19 parts to that cut that are consistent with being struck with a serrated knife.

20           Now, once the Defendant has that knife in his hand he does heed her  
21 prayers and her requests to stop beating on her in the kitchen but what he does  
22 instead is he drags her up, still holding the knife in her -- in his hand and puts her  
23 into the living room. Now when she ends up in the living room she's just sitting there  
24 on the couch in the living room. She's sitting there for approximately 50 minutes  
25 while he's pacing back in front of her with the knife. Now, the entire time that he's

1 pacing back in front of her with the knife she's not free to leave. She's not free to  
2 get up, go out of the house, go anywhere else in the house. So, that's our false  
3 imprisonment with a deadly weapon because he still had that knife for the entire  
4 time, Your Honor.

5 Now, as he's got her standing there he's making threats to her, to her  
6 family, to her children, to her husband, he's telling her that he's going to kill her. For  
7 some reason he picks seven p.m. that night as a time that he's going to kill her and  
8 he's telling her -- he's referencing her Muslim background history and telling her  
9 she's going to go see Allah tonight.

10 Now, at some point while she's up on that couch or she's sitting on the  
11 couch she gets up and she goes into the bathroom downstairs, you can see here  
12 the entrance to that bathroom in State's Exhibit 10. She's saying that the entire time  
13 she's sitting on that couch she's trying to plan her escape, to see if she can get far  
14 enough out. She doesn't think that she can so instead what she does is she tries to  
15 leave some evidence behind and you can see that, you can see the blood smear on  
16 the door in Exhibit 10 because she believes that the Defendant is going to kill her  
17 throughout this entire thing.

18 Now, once we get into Exhibit 12, which is actually the inside of the  
19 bathroom, you can still see again that blood that she was leaving intentionally  
20 hoping that if things went wrong there would be enough evidence to tie it back to her  
21 to what happened here. Now, once she is in that living -- or done with the bathroom  
22 she goes back and she sits back on that living room couch again. The Defendant  
23 still has the knife and he's still holding her there and still not letting her leave.

24 At some point though he finds the car keys; the car keys are sitting  
25 somewhere downstairs and the victim, Ms. Carpenter, actually sees the Defendant



1 grab those car keys and pick them up. And he says something along the lines of I'll  
2 take these and that's clearly done while he still has the knife and it's done in her  
3 presence. So that right there is our robbery with use of a deadly weapon, still  
4 holding onto that knife, threatening her with force if she tries to resist while he's  
5 taking those car keys.

6           You know, he also makes a statement while he's taking those keys,  
7 something along the lines of: I stood up for you when you got this car, implies that  
8 he's going to take that car from her because he believes that he's somehow entitled  
9 to it because he was there when she bought it and he helped her negotiate the  
10 price.

11           Now, after they're downstairs and he's got those keys in his hand  
12 already and he's still has the knife he takes her back upstairs, forces her back  
13 upstairs at knifepoint into the other bathroom. And once she's back in that other  
14 bathroom he goes and he gets that cell phone again, Your Honor, that same cell  
15 phone that he'd previously thrown against wall. He takes it and he brings it back to  
16 her in that bathroom where he's forced her up to at knifepoint, and he tells her again  
17 that she's not to call the police and she's not going to be able to call the police, and  
18 he takes the phone and he throws it into the toilet. Now that's the other part of the  
19 coercion in this case, he was again making sure that she couldn't call the police.

20           Now, when he had her in that bathroom he also made the statement  
21 that she was to stay in that bathroom until he left in the car, until she heard the car  
22 drive away. And that if she left the bathroom or tried to get help prior to hearing that  
23 he was going to kill her, her ex-husband, her family and things were just going to go  
24 very badly for her if she left. So, based on all of those threats she stayed in the  
25 bathroom while he left the house. Now, that right there is our dissuading a witness.

1 He actively told her that if she took steps to call the police or commence the  
2 prosecution in this case that he would kill her or her family.

3 Now, after he leaves the bathroom she hears him go downstairs, hears  
4 the garage door open, hears her car drive away and that's within about 30 seconds  
5 worth of time. Now, once he leaves she's finally able to get out of the bathroom,  
6 tries to go find a neighbor, she's unable to do so. She comes back in and,  
7 thankfully, she pulls her phone out of the toilet and it works well enough for her to  
8 make that 9-1-1 call.

9 Now, when the officers respond -- you heard from Officer Bragg that in  
10 25 years' worth of doing domestic violence work this is one of the more severe  
11 cases that she's ever seen. Now, Officer Bragg also corroborates all of the injuries  
12 that were present on Ms. Carpenter's face. She sees the raccoon eyes, she sees  
13 the cut on the hands, she sees the state that Ms. Carpenter's in. Initially she tells  
14 Ms. Carpenter -- or Ms. -- Officer Bragg that she's not going to open the door  
15 because she's terrified. She thinks initially that it's the Defendant who's coming  
16 back to her house.

17 Now after that, after they get the scene evaluated, Carpenter's still  
18 terrified. She still thinks that the Defendant is going to come back, and so she  
19 actually has to call officers back a second time and they help her change her locks  
20 because she's so scared that the Defendant has her keys in this case.

21 Now, what you also got from Officer Bragg and the crime scene analyst  
22 was that this crime scene that we've walked through here spreads all over the  
23 house. And Officer Bragg testified that from her training experience this wasn't just  
24 a short interaction between these two people this was something that took a lot of  
25 time. There was disarray and that was in addition to just the general clutter that was

1 in the house. There were signs of struggle there and that indicated to her again that  
2 this isn't just some short interaction, it's a long struggle. She also said that  
3 everything she saw at this crime scene was consistent with what Corla Carpenter  
4 told her had happened in this case.

5 Now, you also heard from Officer Terry that on May 2<sup>nd</sup> of 2014, so the  
6 day after all of this, he finds the car. And he finds the car here in States Exhibit 3  
7 over to the left here is that Karen Court address. Over to the right is Ms.  
8 Carpenter's apartment at 2461 Old Forge Lane. Now, the car is gone by the time  
9 that Officer Bragg and the crime scene analyst get there and it's not found until  
10 Corla remembers that she has this GPS tracking the following day in the car.

11 So, in order for there to be any inference that the Defendant isn't the  
12 one who took the car you would have to believe, Your Honor, that somehow Ms.  
13 Carpenter, in her state that morning, got the car over to this area on Karen Court  
14 where she said she's got no connections but she knows the Defendant has ties. So  
15 she drops it off there and then walks back to her apartment, which she testified was  
16 approximately a mile away, in the state that she was in that morning.

17 Now, I also want to talk a little bit about the crime scene itself. You  
18 heard from Ms. Carpenter that she was a paralegal and that she was thinking about  
19 maybe leaving some evidence and making sure that somebody would be able to  
20 see this. But do you really think that in her state, Your Honor, she would decide that  
21 she needed to leave that knife in the garage; that same knife that she said that the  
22 Defendant had, and in the garage right by where her car was? Do you think she  
23 was in a state of mind to really plan that all out and to think enough in order to leave  
24 this garage -- or that knife in the garage, that's depicted here in State's 25 and 27, to  
25 leave it right by that car, to leave it with apparent blood on it where the crime scene

1 analyst are going to find it; and where the reasonable inference would be, that the  
2 Defendant ran out into the garage, dropped the knife, got into the car and took off.  
3 Now, I don't think that she was in any state of mind and I don't think that the  
4 evidence has shown, Your Honor, that she was capable of thinking that far ahead to  
5 really do something like that.

6 Now, I want to talk a little bit about the car. You heard from her that she  
7 purchased it -- it was a Mercedes, a 1999 Mercedes that she purchased in March of  
8 2014 for \$4200.00 which is more than the 3500 required by statute. And then after  
9 this case started she went back and she looked on a Kelly Blue Book or a similar  
10 site and ascertained the value as about \$5100.00. So either of those values are  
11 above the \$3500.00 limit.

12 Now, as far as the grand larceny auto: You again heard the Defendant  
13 make that statement when he had the car keys that was something along the lines  
14 of I stood up for you when you got this car, which indicated that he thought he was  
15 somehow entitled to it, that he's intending to take it because he helps her get the  
16 deal, helps her get the car -- or the deal done or get the car. And so he's not  
17 borrowing it, he doesn't intend to return it; he says I stood up for you so I'm taking  
18 these, the keys meaning that he's also going to take the car. There's no indication  
19 that he ever intended to return it. All indications show that he meant to permanently  
20 deprive her of that automobile.

21 Now, the last thing that I want to talk about here are the injuries that Ms.  
22 Carpenter sustained this day on May 1<sup>st</sup> of 2014. You saw in State's Exhibit 28 and  
23 some of the additional exhibits her state and what she looked like, and you heard  
24 from Officer Bragg that that's pretty consistent. Either Officer Bragg or the crime  
25 scene analyst, one of them, said those pictures don't even really do justice to how

1 beat up she was, she actually, in person, looked even worse than that. Now, that's  
2 important for a couple of reasons. This isn't -- you don't have any evidence before  
3 you, Your Honor, that this was self-defense but even if there were some slight  
4 inference of self-defense at some point this stopped being self-defense. Even if  
5 there was some sort of altercation, which again you have no evidence of in front of  
6 you, Your Honor, but even if that were the case at some point the Defendant won  
7 the fight and he didn't need to continue beating her up this way. There's no  
8 indication that any of this was done in any sort of mutual combat.

9           She's lying down on the ground and she's got those injuries that are  
10 consistent with being kicked while she's on the ground; the injuries to the hips and  
11 the ribs. And you heard from Dr. Leibowitz that the blow out fracture she sustained  
12 to her right eye is always consistent with trauma, 100 percent of the time is from  
13 some sort of trauma. He said 99 percent of the time it's from somebody getting  
14 punched out. He also said it's possible that that comes from somebody being  
15 kicked. Both of those are consistent with what Corla Carpenter told you happened.  
16 She said that the Defendant punched her in the face multiple times and that while  
17 she was on the ground he was kicking her while he was wearing those Nike boots or  
18 his shoes.

19           Now, you also heard that that wasn't the extent of her injuries. She  
20 also, still to this day, has numbness and pain and nerve damage in the right side of  
21 her face. She's missing teeth, eventually she's going to have to get an implant to  
22 have that done. She had to go and get physical therapy in order to deal with the hip  
23 pain that she didn't have prior. She also is still undergoing surgery; she's had two  
24 and she's going to have a third for the nerve damage and the nerve blocking in her  
25 face. Now, she also has that diagnosis of potential glaucoma which is related back

1 to this trauma and what did she say about that; she said I haven't really gotten an  
2 answer but it's possible that I'm gonna lose my eyesight as a result of this trauma  
3 here.

4 Now, you also heard her say that while she was sitting on the living  
5 room couch the Defendant was in front of her yelling at her making all those  
6 statements and those threats to kill her. One of the things that he said was look at  
7 what you made me do, look at your eye. Now, Your Honor's seen enough of these  
8 cases to know that that's unfortunately not uncommon in this type of case but what  
9 Your Honor --

10 MR. SHETLER: Objection, Your Honor. I believe that calls for the trier of fact  
11 to make a decision beyond the evidence presented in the case.

12 THE COURT: Okay. Sustained. Let's talk about this case.

13 MS. SUDANO: Okay. Move on.

14 MS. SUDANO:

15 So, what Your Honor sees here and what Your Honor knows from that  
16 statement that look at what you made me do, look at my eye, is that the Defendant's  
17 action in this particular case and what he did, none of that was Corla Carpenter's  
18 fault. All of the evidence that you have before you, Your Honor, indicates that the  
19 Defendant was not only the initial aggressor but that he took all of these actions  
20 against Ms. Carpenter simply because he was upset and he was agitated, there  
21 wasn't really any good reason given to you.

22 And with that, Your Honor, when you go back to deliberate in this case  
23 the State's going to ask that you find the Defendant, Genaro Perry, guilty of all  
24 seven counts.

25 THE COURT: Thank you. Mr. Shetler.

1 MR. SHETLER: Thank you, Your Honor.

2 Court's indulgence one moment; let me make this a little quicker.

3 THE COURT: Uh-huh.

4 **CLOSING ARGUMENT BY THE DEFENSE**

5 MR. SHETLER:

6 Your Honor, I want to thank you for your time and the professional  
7 courtesy you have extended to myself and my client here in this trial. I'm  
8 cognizance of the fact that our victim is in the courtroom, and I mean no disrespect,  
9 but I'm doing my job that I have to do here. I say that to the Court and to her.

10 The concern in this case and what I would ask this Court to do is to hold  
11 the State to their burden. To prove my client guilty beyond a reasonable doubt of  
12 the elements required for each of the charges.

13 We have an officer, who I have a great deal of respect for, I believe  
14 some of her testimony indicates that she may have been slightly biased against  
15 people who are charged with domestic violence. I think that she, Ms. Sudano was  
16 clearly correct when she stated that she corroborated everything that Ms. Carpenter  
17 stated and in fact, I think she went a little further. I think that she tried to corroborate  
18 the hand injury that was documented at some point after this went down the same  
19 day, four days later, it's not clear. The evidence would suggest it was the same day  
20 because of the clothing.

21 The cell phone: She was adamant the cell phone was in the toilet and  
22 then the toilet downstairs. She stuck on that pretty hard. It's our position that  
23 perhaps the cell phone was in the toilet downstairs, or perhaps that was the story  
24 that was related to the police. The evidence introduced by the victim is that the cell  
25 phone was thrown into the toilet after the cell phone was already taken away from

1 her and that it remained in the toilet for some unknown period of time, but it's very  
2 difficult to get any reliable time estimates out of any of the testimony that came out  
3 of this trial. But after that period of time it was able somehow, to make that one  
4 phone call.

5 We have the photograph taken by CSA Keller that shows our victim on  
6 the bed on the mattress in the living room next to a cell phone. I'm not saying that's  
7 a cell phone. The evidence doesn't say that's a cell phone. The evidence also  
8 doesn't say that's not the cell phone.

9 We have the selfies. The victim wasn't able to tell us what phone those  
10 were taken with or what camera it was taken with. Both items were mentioned in  
11 cross-examination. I don't believe that the evidence can -- has established that the  
12 cell phone was ever in the toilet beyond the victim's testimony on the stand. I asked  
13 Officer Bragg several times and she was adamant that it was in the toilet and  
14 possibly in the toilet when she got there. Those are inconsistent statements.

15 The crime scene: And I'm sorry, I should have referenced those. The  
16 first exhibit talking about the cuts on the hand, it's Exhibit 37. The exhibit showing  
17 Ms. Carpenter on the bed is Exhibit 28. Utilizing Exhibit 7 which shows the kitchen  
18 area where Ms. Carpenter says she came to rest after she went down the stairs,  
19 was pushed, kicked down the stairs, forced down the stairs. I believe the evidence  
20 is clear that she testified she was somehow forced down the stairs quicker than  
21 walking, and ended up falling coming to a stop in front of the stove.

22 She was adamant that she was curled up in a fetal position facing the  
23 stove. That's not a wide kitchen. Mr. Perry, as everybody else in this courtroom, is  
24 considerably smaller than I am, but there's not a lot of room in this area between the  
25 refrigerator and the stove. I asked her several times how he was able -- she was



1 adamant that he was kicking her in the face. I asked her several times how that  
2 could be in there and she was looking at the stove; there was no answer.

3 And this is what it comes back to, you know, the horrific events of  
4 abuse that occur on a daily basis in our town. Nobody deserves to be injured. But  
5 our Constitution requires that the government establish beyond a reasonable doubt  
6 each element of the crime. Our Constitution requires that there is sufficient reliable  
7 evidence to get to this stage. Our Constitution requires and our rules of evidence  
8 require that the trier of fact make their decision just based on the evidence  
9 presented in the trial.

10 And a significant element and in fact, the only remaining element we  
11 have to work with on those jury instructions is the fact that if the trier of fact believes  
12 that a witness, out of respect, was inconsistent at some point in time that that could  
13 be taken into consideration. It doesn't mean the witness has to be completely  
14 dismissed, but it is a factor and it's a significant factor. And this Court -- that right to  
15 face our accused is one of the strongest rights in the Constitution. And nobody's  
16 comfortable in a courtroom setting. Nobody wants to be asked questions by a  
17 lawyer, but your story's got to make sense. It's got to be a linear story that explains  
18 some ideas.

19 The holes or the problems, the inconsistencies in Ms. Carpenter's  
20 story are not just: I can't be sure how much time it was, I can't be sure what  
21 happened. There are significant inconsistencies. She has been present many  
22 times in preparing for this case. There's no doubt that the story at T.J. Maxx was  
23 going to come up. It escaped her memory that she happened to have a knife in her  
24 purse until I asked her later. That's a significant factor that there's a kitchen knife in  
25 your purse at a department store; a significant factor, Your Honor. That's not I don't

1 remember if I had my car keys or my apartment keys.

2           The significance of the phone initially, for no -- which there's not a  
3 clear reason given. And perhaps my client was a drug-addled maniac, perhaps  
4 there was a dispute that was ongoing between of them, perhaps they were engaged  
5 in economic transactions to generate money and interest to support the promissory  
6 note --

7           MS. SUDANO: I'm going to object, Your Honor. That assumes a lot of facts  
8 not in evidence.

9           THE COURT: Right --

10          MR. SHETLER: She denied all those things.

11          THE COURT: -- so you've got to focus on what the evidence is.

12          MR. SHETLER:

13                She denied all those things. But the story of this man who hurt me  
14 previously, shows up at my door, I know he has a bench warrant and I know he  
15 needs his medication because that causes problems for people, sounds very  
16 humane and very compassionate. It also sounds somewhat inconsistent with a  
17 person who may have been scared of a person who act in that fashion, who shows  
18 up at her door in the middle of the night, and I mean this in absolutely no disrespect  
19 to Ms. Carpenter, everybody should be able to do what they want to do, but to greet  
20 a former lover at the door essentially disrobed, not direct him to the mattress in the  
21 living room downstairs but he comes upstairs, gets in bed with her and again, I don't  
22 need to say it again, it's -- those are not the actions of a woman, no matter how tired  
23 she is, who's worried about this person.

24                She told him earlier in the text messages that she would leave his stuff  
25 outside, that didn't happen. She told him earlier that she would send him to the

1 police station, that didn't happen. She knew he had a warrant. She knew the  
2 weeklies where he stayed, that didn't happen. That's unusual.

3           The morning after, he's agitated. He's walking around and for no  
4 reason he takes my cell phone and throws it. Okay. He says -- she said twice  
5 maybe three times that he said something about my mother, and I'm not minimizing  
6 it, but then he punches her in the face so hard that he fractures her eye socket,  
7 maybe. Maybe that happened downstairs when we're between her and the stove  
8 kicking her in the face, maybe. The doctor did say that he was pretty adamant that  
9 mostly these are as a result of abuse but he also said that a kid had just gotten a  
10 similar injury from a soccer ball.

11           We're going to convict a man of several felonies here and the standard  
12 needs to be observed.

13           The -- Ms. Carpenter knew that my client needed his medication. She  
14 didn't take any steps to do anything with it other than let him into her home.

15           She was a trained paralegal who knows what evidence is important.  
16 She knows it was important to leave this blood trail on the door jam. Perhaps,  
17 contrary to what Ms. Sudano says, perhaps, it's important that that knife get dropped  
18 in the garage before he gets in the car because it makes more sense.

19           There's not a clear explanation of what happens between this incident  
20 in the floor in the kitchen and this undetermined period of time where we're happy to  
21 leave a blood trail, and where at some point my client forces her back upstairs and  
22 sets her down and then throws this cell phone in the toilet and then leaves. There's  
23 not a clear timeline. There's not a reason, why does it stop. Ms. Sudano said at  
24 some point this fight was over. At some point it was no longer self-defense or there  
25 was no longer a mutual combat -- I'm going to be very careful -- excuse me, but

1 there's no explanation as to why it changed.

2 She said he cut her hands and Officer Bragg was confident that he cut  
3 her hands, and Ms. Sudano says that those injuries are in the bottom of Exhibit 37  
4 are consistent with a serrated knife. I think that's a bit of a stretch. We don't know  
5 when those were. We don't know when that occurred but we know the CSA did not  
6 document them. The CSA is a trained professional, this is her job.

7 We know that this woman was in so much pain that she couldn't get up  
8 and do standups for the CSA, which is how they do their business. And I'm sure  
9 they're accommodating at the scene but they want stuff done the way they want  
10 stuff done. The decision to take these photographs with her lying down, I'm sure,  
11 was not made lightly but that same woman doesn't allow an ambulance to transport  
12 her. She somehow gets up and walks up on this injured [sic] hip that she talked  
13 about to get in the car and go to the hospital and walk into the emergency room.  
14 That doesn't make sense.

15 The common sense Instruction is, of course, controlling here and it's  
16 frequently all the criminal Defendants have to work with. It's important. It's -- our  
17 position is it's not enough and it's not common sense enough to get to a conviction.

18 Ms. Carpenter's special training and knowledge of not only the legal  
19 system but of the activities of her partner that she talked about; she talked about  
20 driving him up and down Boulder Highway selling drugs. She knew where he lived  
21 on Boulder Highway. She talked about specifically going and staking him out on  
22 Boulder Highway weeks after this so the police could find him.

23 This just sounds like a case of overreaching. It sounds like a case  
24 where whether it's a fatal attraction, whether it's a mutual combat, whether it's an  
25 agreement that's gone wrong maybe a business agreement that's gone wrong.

1 There's no logical step from, I woke up to I have a fractured eye socket. And, no  
2 matter what my client is involved in or doing or the allegations are against my client,  
3 and his irregular activities or his irregular behavior, there's no step from I'm lying in  
4 bed and he says something about my mother and I have a fractured eye socket.  
5 That's not connected, Your Honor.

6 The car: Our position is that there is completely insufficient evidence to  
7 connect us to the car. Ms. Sudano's explanation or discussion of this occurring  
8 down the street or her getting up and doing it and then injuring herself, there's just  
9 nothing there. That's too far to reach.

10 Mr. Perry may not be a model citizen and he may be a convicted felon  
11 or at least prior convictions for these injuries, similar; but just as I objected to during  
12 Ms. Sudano's argument, this trier of fact needs to focus on the facts of this case and  
13 this trial. The State has to show these elements. The State has very skillfully  
14 presented this case. Both sides are working with the evidence that they have and  
15 there's insufficient evidence to convict this man of seven felonies. There's  
16 insufficient evidence and the trier of fact's not be allowed to fill in gaps that don't  
17 flow.

18 We're confident in this trier of facts to be able to analyze the case. And  
19 once again, I thank you for your time and I again, on behalf of the victim, I do this as  
20 my job and I feel for her being here.

21 Thank you.

22 THE COURT: Thank you. Final argument?

23 MS. SUDANO: Thank you, Your Honor.

24 May I have the Court's brief indulgence while I grab one more?

25 THE COURT: Sure.

1                                   **REBUTTAL ARGUMENT BY THE STATE**

2   BY MS. SUDANO:

3                   Your Honor, Mr. Shetler stood before you and said that there was no  
4 link between waking up in the morning and having a fractured eye socket. That it  
5 just doesn't all add up, that something's missing. I would submit, Your Honor, that  
6 you did hear some testimony and some evidence of this relationship, this domestic  
7 type relationship that was going on. They'd been together for approximately six  
8 months. They'd broken up, kind of on again off again relationship.

9                   Now, you heard from Ms. Carpenter that they'd broken up at some point  
10 before April 30<sup>th</sup> of 2014 but that prior to that, even though there was some history  
11 between the two of them, she wasn't afraid of the Defendant in this case. So when  
12 the Defendant wanted to come over and get his medicine she told him no but when  
13 he showed up she empathized. She said you know what you need your medicine  
14 that's fine. And then Mr. Shetler pointed out that she wasn't wearing a lot of clothing  
15 when he arrived. She wasn't wearing a lot of clothing when she went to bed. She  
16 let him sleep in the bed with her.

17                  Now, we've heard that that following morning the Defendant's just  
18 upset. He's just angry he's making statements about Ms. Carpenter and her family.  
19 I would submit to you, Your Honor, that is it possible that he wanted to reconcile and  
20 he was given some signals by this woman who's letting him sleep in her bed while  
21 she's not wearing a ton of clothing that maybe she wants to reconcile? But that she  
22 told you up on the stand she didn't want to reconcile. She didn't give him any  
23 additional indication of that other than that just letting his stay over for the night. But  
24 is it possible that that's what started this all was him wanting to reconcile and then  
25 finding out that morning that she wasn't interested in reconciling? That's for your

1 Honor to determine but you're free to use your common sense in evaluating that  
2 situation.

3 Now, you also heard Mr. Shetler's argument, Your Honor, that Officer  
4 Bragg, who sat up here and was very happily retired, had some bias because she'd  
5 worked so many domestic violence cases. But what did she tell you? She told you  
6 that three or four times she's been wrong. She admitted that there have been cases  
7 where she's been wrong. She also told you that she didn't believe that this was one  
8 of those cases where there was anything inconsistent. So she didn't seem like a  
9 witness who was biased and had to be right and had to have everything fit with her  
10 version of events. No. She told you that the way that she investigated this case  
11 everything seemed consistent, and this wasn't a case where she was concerned  
12 about anything.

13 Now, you also heard that there was some confusion about that phone  
14 being in the toilet. Now, Officer Bragg was adamant that at some point she's  
15 learned the phone was in the toilet but she couldn't remember if it was in the phone  
16 -- or in the toilet, excuse me, when she arrived. She was adamant that that phone  
17 that she saw had a cracked screen. So I would submit to Your Honor that that  
18 cracked screen is still evidence of that coercion and still corroborates the coercion  
19 because regardless of when and if the phone ends up in the toilet, throwing the  
20 phone against the wall, taking the phone away from the victim, throwing it against  
21 the wall when she's attempting to call 9-1-1 after the Defendant's getting agitated  
22 and making threats, that in-of-itself is sufficient for the coercion.

23 MR. SHETLER: Your Honor, I'm sorry, I have to object. The testimony was  
24 not that the phone was thrown against the wall the testimony was that the phone fell  
25 short of the wall.

1 THE COURT: That's not my recollection. So I'll rely on my recollection of the  
2 evidence. Go ahead.

3 MR. SHETLER: Thank you, Your Honor.

4 MS. SUDANO: Thank you, Your Honor.

5 MS. SUDANO:

6 Now, there was also testimony and argument here about what  
7 happened at the T.J. Maxx. And Mr. Shetler told you that it was inconsistent and it  
8 didn't make any sense the way that Ms. Carpenter relayed to you what happened at  
9 the T.J. Maxx. Two arguments that are important on that point, Your Honor, one:  
10 you heard evidence of what happened at that T.J. Maxx based on the belief that this  
11 was going to be a self-defense case and you were going to hear additional evidence  
12 that this was self-defense. You didn't hear any of that evidence, so what happened  
13 at that T.J. Maxx, respectfully, probably isn't even properly before Your Honor at this  
14 point.

15 Now in addition, what happened at that T.J. Maxx, none of those facts  
16 are material to what happened here, Your Honor. And the instruction on the  
17 creditability of witnesses tells you that if you believe a witness has lied or has been  
18 untruthful or inconsistent about a material fact you're free to disregard their  
19 testimony or limit the consideration you give to their testimony. Anything that  
20 happened at that T.J. Maxx is not a material fact regarding what happened here,  
21 what happened at Ms. Carpenter's house on May 1<sup>st</sup> of 2014.

22 Now, Mr. Shetler also argued that it was inconsistent. That based on  
23 the prior history of Ms. Carpenter and the Defendant that she wouldn't be afraid of  
24 him and she would just let him back in, but what did she say about that? She said  
25 that she'd let him back into her life previously, that she'd given him chances



1 because she was just a girl trying to be in love. And that was her phrase, Your  
2 Honor. That she was willing to give the Defendant chances, probably more than,  
3 looking back, she wishes she had but that was just because she this girl trying to be  
4 in love. And so as far as her story being inconsistent or not making sense because  
5 she wasn't always afraid of the Defendant no, she was overlooking a lot of things  
6 because she wanted to believe, and she wanted to believe that they could have a  
7 future and that she could be his queen like he promised.

8           So, none of that is inconsistent. It doesn't require Your Honor to make  
9 leaps that don't comport with your common sense. Now that's just her explanation  
10 of why she kept giving him chances.

11           Now, you also heard again that your common sense is going to guide  
12 and that there are too many holes for Your Honor to fill in. But I would submit that  
13 your common sense, Your Honor, would tell you that Ms. Carpenter did not do this  
14 to herself. That these injuries are not something that somebody's going to fabricate  
15 or go to all of these lengths, which seemed to be the insinuation by Mr. Shetler, that  
16 she's this paralegal and she's, for whatever reason, just particularly upset with the  
17 Defendant on this day.

18           Now, you also heard testimony that she was after the fact -- after this  
19 she was kind of looking around for the Defendant because she wanted to make sure  
20 that he was held accountable for what had happened to her. And Mr. Shetler tried  
21 to infer and argue to Your Honor that that was because of this vendetta that she  
22 has. I would submit, Your Honor, that that's just because she was finally done being  
23 embarrassed. She had said previously that she'd overlooked some things because  
24 she was embarrassed and she just wanted to let it all go but this was kind of the  
25 final straw for Corla Carpenter, Your Honor. And this, what you have before Your

1 Honor in Exhibit 30, was why she was willing to follow this man around and look for  
2 him for two weeks just to make sure that he didn't get away with what he did to her.

3 And with Your Honor -- with that, Your Honor, I would submit it to you  
4 for deliberation.

5 THE COURT: Thank you. Okay.

6 So, what I'm going to do is, I'll be going into chambers to deliberate. I'll  
7 get the exhibits and I have the verdict form and I guess we'll give you guys a call  
8 when I'm ready. I don't think it'll be too long but I will go through the evidence and  
9 my notes before rendering a verdict.

10 So I guess just make sure we have your cell numbers to reach you  
11 when that happens.

12 MR. SHETLER: I will, Your Honor. And I do -- just to inform, that there's a  
13 prelim downstairs that's waiting for me right now --

14 THE COURT: Okay.

15 MR. SHETLER: -- so I will be in Justice Court 10.

16 THE COURT: Okay.

17 MR. SHETLER: And see if we can get that wrapped up as quickly as  
18 possible, Your Honor.

19 THE COURT: Okay.

20 MR. SHETLER: Thank you, Your Honor.

21 THE COURT: Thank you.

22 MS. SUDANO: Thank you, Your Honor.

23 [The Court retired to deliberate at 11:58 a.m.]

24 [Proceedings resumed at 12:59 p.m.]

25 THE COURT: Okay, folks. Thanks for coming back.

1 I did review my notes and the exhibits and have reached a verdict, so  
2 I'm now handing the verdict to the Clerk.

3 Defendant and his counsel please stand and the Clerk will read the  
4 verdict out loud.

5 THE COURT CLERK: District Court, Clark County, Nevada, the State of  
6 Nevada, plaintiff, versus Genaro Richard Perry, Defendant, case number  
7 C14298879-1, Department Six, Verdict.

8 I, the finder of fact in the above entitled case find the Defendant,  
9 Genaro Richard Perry, as follows: Count 1, robbery with use of a deadly weapon,  
10 guilty of robbery with use of a deadly weapon. Count 2, false imprisonment with use  
11 of a deadly weapon, guilty of false imprisonment with use of a deadly weapon.  
12 Count 3, grand larceny auto, guilty of grand larceny auto value \$3,500.00 or more.  
13 Count 4, assault with a deadly weapon, guilty of assault with a deadly weapon.  
14 Count 5, coercion, guilty of coercion with force. Count 6, battery resulting in  
15 substantial bodily harm constituting domestic violence, guilty of battery resulting in  
16 substantial bodily harm constituting domestic violence. Count 7, preventing or  
17 dissuading witness or victim from reporting crime or commencing prosecution, guilty  
18 of preventing or dissuading witness -- excuse me -- witness or victim from reporting  
19 crime or commencing prosecution. Dated this 1<sup>st</sup> day of October, 2015, District  
20 Court Judge Cadish.

21 THE COURT: Thank you. You can go ahead and have a seat.

22 Defendant will be remanded into custody without bail pending  
23 sentencing. Let's go ahead and set a sentencing date.

24 THE COURT CLERK: That will be November 16<sup>th</sup>, 8:30.


25 THE COURT: Okay. Thanks for your professionalism and courtesy all week.

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MS. SUDANO: Thank you, Your Honor.

[Bench Trial, Day 3, concluded at 1:01 p.m.]

ATTEST: Pursuant to Rule 3(c)(d) of the Nevada Rules of Appellate Procedure, I acknowledge that this is a rough draft transcript, expeditiously prepared, not proofread, corrected, or certified to be an accurate transcript.

  
DALYNE EASLEY  
Court Transcriber

1 **SAO**  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 MICHELLE SUDANO  
6 Deputy District Attorney  
7 Nevada Bar #013260  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

**FILED IN OPEN COURT**  
**STEVEN D. GRIERSON**  
**CLERK OF THE COURT**

**OCT 01 2015**

BY, \_\_\_\_\_  
S. BOYLE, DEPUTY

DISTRICT COURT  
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,  
10 Plaintiff,

11 -vs-

12 GENARO RICHARD PERRY,  
13 #1456173

14 Defendant.

CASE NO: C-14-298879-1

DEPT NO: VI

15 STIPULATION AND ORDER

16 COMES NOW, the Defendant, GENARO RICHARD PERRY, by and through his  
17 counsel, TRAVIS SHETLER, and the State of Nevada, by and through MICHELLE  
18 SUDANO, Deputy District Attorney, and pursuant to NRS 175.011(1), hereby agree and  
19 stipulate to the following:

- 20 1. Defendant, GENARO RICHARD PERRY, consented to allow his  
21 attorney Travis Shetler to request a bench trial as opposed to a jury trial  
22 in case C-14-298879-1.  
23 2. Defendant, GENARO RICHARD PERRY, thoroughly discussed the  
24 differences between a bench trial and a jury trial with his attorney prior  
25 to requesting a bench trial. Defendant, GENARO RICHARD PERRY,  
26 understands that by requesting a bench trial, he gives up his right to have  
27 an impartial jury decide the case. Instead, the Judge will determine guilt  
28 or innocence.

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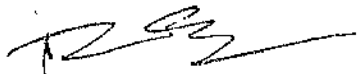
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DATED this 15<sup>th</sup> day of October 2015.

ATTORNEY FOR DEFENDANT

CLARK COUNTY DISTRICT  
ATTORNEY

BY:   
TRAVIS SHETLER  
Attorney for Defendant  
Nevada Bar #004747

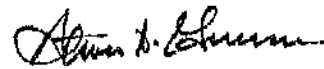
BY:   
MICHELLE SUDANO  
Deputy District Attorney  
Nevada Bar #013260

  
GENARO RICHARD PERRY

IT IS SO ORDERED.

  
DISTRICT JUDGE

a/L-3



CLERK OF THE COURT

JOC

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

GENARO RICHARD PERRY  
#1456173

Defendant.

CASE NO. C298879-1

DEPT. NO. VI

JUDGMENT OF CONVICTION  
(JURY TRIAL)

The Defendant previously entered a plea of not guilty to the crimes of  
COUNT 1 – ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony) in  
violation of NRS 200.380, 193.165; COUNT 2 – FALSE IMPRISONMENT WITH USE  
OF A DEADLY WEAPON (Category B Felony) in violation of NRS 200.460; COUNT 3 –  
GRAND LARCENY AUTO (Category B Felony) in violation of NRS 205.228.3; COUNT  
4 – ASSAULT WITH A DEADLY WEAPON (Category B Felony) in violation of NRS  
200.471; COUNT 5 – COERCION (Category B Felony) in violation of NRS 207.190;  
COUNT 6 – BATTERY RESULTING IN SUBSTANTIAL BODILY HARM  
CONSTITUTING DOMESTIC VIOLENCE (Category C Felony) in violation of NRS

//

1 200.481, 200.485, 33.018; COUNT 7 – PREVENTING OR DISSUADING WITNESS OR  
2 VICTIM FROM REPORTING CRIME OR COMMENCING PROSECUTION (Category D  
3 Felony) in violation of NRS 199.305; and the matter having been tried before a jury and  
4 the Defendant having been found guilty of said crimes; thereafter, on the 6<sup>th</sup> day of  
5 January, 2016, the Defendant was present in court for sentencing with his counsel,  
6 TRAVIS SHETLER, ESQ., and good cause appearing,  
7

8 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offense(s) and, in  
9 addition to the \$25.00 Administrative Assessment Fee, \$35.00 Domestic Violence Fee,  
10 \$250.00 Indigent Defense Civil Assessment Fee, Restitution in the amount of  
11 \$18,103.28, and a \$150.00 DNA Analysis Fee including testing to determine genetic  
12 markers, plus a \$3.00 DNA Collection Fee, the Defendant is SENTENCED to the  
13 Nevada Department of Corrections (NDC) as follows: AS TO **COUNT 1** - TO A  
14 MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM Parole  
15 Eligibility of THIRTY-SIX (36) MONTHS, plus a CONSECUTIVE term of ONE  
16 HUNDRED TWENTY (120) MONTHS MAXIMUM with a MINIMUM Parole Eligibility of  
17 THIRTY-SIX (36) MONTHS for use of a Deadly Weapon; AS TO **COUNT 2** - TO A  
18 MAXIMUM of SIXTY (60) MONTHS with a MINIMUM Parole Eligibility of EIGHTEEN  
19 (18) MONTHS, Count 2 to run CONCURRENT with Count 1; AS TO **COUNT 3** - TO A  
20 MAXIMUM of NINETY-SIX (96) MONTHS with a MINIMUM Parole Eligibility of  
21 TWENTY-FOUR (24) MONTHS, Count 3 to run CONSECUTIVE to Counts 1 & 2; AS  
22 TO **COUNT 4** – TO A MAXIMUM of SIXTY (60) MONTHS with a MINIMUM Parole  
23 Eligibility of EIGHTEEN (18) MONTHS, Count 4 to run CONCURRENT with Count 3;  
24 AS TO **COUNT 5** - TO A MAXIMUM of SIXTY (60) MONTHS with a MINIMUM Parole  
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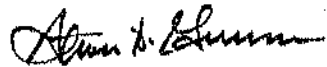


1 Eligibility of EIGHTEEN (18) MONTHS, Count 5 to run CONCURRENT with Count 4;  
2 AS TO **COUNT 6** - TO A MAXIMUM of FORTY-EIGHT (48) MONTHS with a MINIMUM  
3 Parole Eligibility of EIGHTEEN (18) MONTHS, Count 6 to run CONCURRENT with  
4 Count 5; and AS TO **COUNT 7** - TO A MAXIMUM of THIRTY-SIX (36) MONTHS with a  
5 MINIMUM Parole Eligibility of TWELVE (12) MONTHS, Count 7 to run CONCURRENT  
6 with Count 6; with FIVE HUNDRED NINETY-SEVEN (597) DAYS credit for time served.  
7 Defendant's AGGREGATE TOTAL SENTENCE is THREE HUNDRED THIRTY-SIX  
8 (336) MONTHS MAXIMUM with a MINIMUM of NINETY-SIX (96) MONTHS.  
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11  
12 DATED this 22 day of January, 2016.

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15 ELISSA F. CADISH  
16 DISTRICT COURT JUDGE  
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CLERK OF THE COURT

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2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5  
6 THE STATE OF NEVADA,

7 Plaintiff,

8 vs.

9 GENARO RICHARD PERRY,

10 Defendant.

CASE NO. C298879-1

DEPT. VI

ROUGH DRAFT

TRANSCRIPT OF PROCEEDINGS

11  
12  
13 BEFORE THE HONORABLE ELISSA F. CADISH, DISTRICT COURT JUDGE  
14 MONDAY, NOVEMBER 23, 2015

15 **SENTENCING**

16  
17  
18 **APPEARANCES:**

19 For the State:

MICHELLE L. SUDANO, ESQ.  
Deputy District Attorney

20  
21  
22 For the Defendant:

TRAVIS SHETLER, ESQ.

23 Victim Impact Speaker:

CORLA CARPENTER

24  
25 RECORDED BY: JESSICA KIRKPATRICK, COURT RECORDER

1 LAS VEGAS, NEVADA, MONDAY, NOVEMBER 23, 2015, at 10:01 A.M.

2  
3 THE MARSHAL: Top of page 16, State of Nevada v. Perry, Genaro Richard.

4 THE COURT: Good morning.

5 MR. SHETLER: Good morning, Your Honor, Travis Shetler on behalf of Mr.  
6 Perry who's present, in custody.

7 MS. SUDANO: Good morning, Michelle Sudano on behalf of the State.

8 MR. SHETLER: Your Honor, first let me apologize for not being here last  
9 week and being late this morning. I received the Presentence Investigation Report  
10 on November 12<sup>th</sup>. I hand carried it over to CCDC, gave it to CCDC, and it came  
11 back to me in the mail with insufficient postage on Monday following that, which I  
12 didn't have any postage, it's true, but I didn't think I needed it. We forwarded a  
13 second copy to Mr. Perry. He had that last Tuesday when I was not here and he  
14 was. There are -- the recommendations for a significant amount of time.

15 THE COURT: Yes.

16 MR. SHETLER: Mr. Perry would like to sit down with me face to face and go  
17 over this together so we can submit a proper sentencing memo, so I am going to  
18 ask for some time. I know the State's objecting and I know the victim's here for a  
19 second time and I apologize for that. If there's any way I can assist in that matter --  
20 but I do think in light of the time that's out there I need the time to meet with him face  
21 to face and prepare a memorandum to make sure I do my job, Your Honor.

22 MS. SUDANO: And, Your Honor, yes, for the record, the State is going to be  
23 objecting to that again just because we do have the victim present again for the  
24 second time with several members of her family. When we were here last week I  
25 understand Mr. Shetler was ill and there's not much we can do about that one --

1 THE COURT: Right.

2 MS. SUDANO: -- but they did specifically ask for just a week to get Mr.  
3 Shetler back up to health and up to speed.

4 THE COURT: So, they returned the PSI to you the first time and then it was  
5 given to him last week --

6 MR. SHETLER: Correct.

7 THE COURT: -- but you haven't been able to meet with him?

8 MR. SHETLER: I have not been able to. I haven't recovered one hundred  
9 percent. I have a strep throat and --

10 THE COURT: Okay.

11 MR. SHETLER: -- it was like revisiting elementary school at my own house  
12 again for a while, but it's completely on me. It's not the Court's problem or Mr.  
13 Perry's, and I again I apologize. It's just unfortunately the way it was, Your Honor. If  
14 there's a fee or something I'm happy to cover that on behalf of the victim. I just --

15 THE COURT: Okay.

16 MS. SUDANO: And I'm not sure if Your Honor would entertain potentially  
17 allowing -- or Mr. Shetler allowing the victim to speak today and then continuing the  
18 sentencing.

19 MR. SHETLER: I'm not horribly opposed to that. We do have some issues  
20 with some of that but it's not like we would have a chance to examine her on that  
21 matter, so it might facilitate for the victim --

22 THE COURT: I would be in kind to allow that rather than inconveniencing her  
23 again. I'd be happy to hear what she would like to add. Obviously I heard her  
24 testimony at trial.

25 MS. SUDANO: Correct, Your Honor. Give me one moment --

1 THE COURT: And so you're not objecting?

2 MR. SHETLER: No.

3 THE COURT: Okay.

4 Go ahead and talk with her. And so then I'd be continuing the  
5 sentencing other than hearing from her.

6 MR. SHETLER: Correct.

7 MS. SUDANO: And Ms. Carpenter does wish to address the Court today,  
8 Your Honor.

9 THE COURT: I understand that. Okay. So, let's get her up to the table and  
10 we'll swear her in.

11 MR. SHETLER: Your Honor, do you mind if I join Mr. Perry in the box?

12 THE COURT: You can go over there, yes.

13 **VICTIM IMPACT SPEAKER: CORLA CARPENTER**

14 [having been called as a witness and being first duly sworn, testified as follows:]

15 [Colloquy between Court and Witness]

16 THE COURT CLERK: Please state your first and last name and spell it for  
17 the record.

18 THE WITNESS: Corla Carpenter, C-O-R-L-A, C-A-R-P-E-N-T-E-R.

19 THE COURT: Okay, ma'am, go ahead.

20 THE COURT CLERK: Thank you.

21 THE WITNESS: So as I sit before the district court today I'd like to thank God  
22 for even being here and being alive, Honorable Judge, Elissa Cadish, and my legal  
23 team, my friends, family, and colleagues that have been so patient, and those in the  
24 courtroom and those that couldn't be here, and my doctors who have been  
25 instrumental in my healing and piecing me back together.

1           So, Judge, as you -- I guess I was prepared for a sentence to be set  
2           today.

3           THE COURT: Right, and I'm sorry that, for reasons beyond our control, that's  
4           not happening but I appreciate you speaking today.

5           THE WITNESS: What I'd like to say is on the morning of May 1<sup>st</sup>, 2014, the  
6           Defendant -- I just pray that he pays for his crimes against me and his past victims.  
7           And I have been instrumental in being here and being diligent and doing my part to  
8           make sure that this does not happen and that he thinks twice about harming anyone  
9           else. And it's just funny to me how he never seem to -- not that I want anyone hurt,  
10          but he never seemed to attack men, just women that he thinks he can overpower.

11          So, Judge, as you decide on a sentence that is appropriate, I want you  
12          to understand that he left me for dead and that --

13          THE COURT: Ms. Sudano, want to hand her the -- thanks.

14          THE WITNESS: Thank you.

15          I have a disabled child who's blind who does not talk. If he's able to  
16          make good on his threats to come back and kill my entire family she wouldn't be  
17          able to escape unassisted. He's threatened me numerous times. I currently have a  
18          temporary protection order. And I just need to say this. I've come to court with  
19          makeup, hair done, trying to be presentable but don't make any assumptions that  
20          this is how I am every day. Some days it is very hard. My right face is numb for the  
21          rest of my life and when my kids go to kiss me I don't feel it anymore. I don't get to  
22          feel their warmth. I have an implant in my eye.

23          THE COURT: Right.

24          THE WITNESS: The Defendant is a menace to this community. And I  
25          haven't been perfect but I am a 30 year resident of Nevada and I have done

1 community service. I have talked to women in abusive relationships. I've done  
2 several things with UNLV and disabled children. And during the time, the brief  
3 period of time, I was in a relationship with him I was just a girl in love, just a girl in  
4 love. I did not ask for any of this. I was very diligent in making sure he was caught.  
5 I know it doesn't work like it does on TV so I went to every place that I thought he  
6 might be until we found him and that was my responsibility to the community.

7 I have years of rehabilitation. My eyesight will never be the same. I  
8 actually rent -- one of the attorneys I work for I rent his house. My blood is stained  
9 throughout that house which will be addressed in a separate civil matter, but -- he's  
10 never paid for his crimes, not for me and not for people in the past and I just ask that  
11 as you make an appropriate sentence that it's a lengthy amount of time because I  
12 will never fully recover.

13 And I thank you for letting me address the Court. I do not want to ever  
14 come back here and be in his presence again. And I pray that he gets everything  
15 coming to him. Thank you.

16 THE COURT: Thank you very much. I appreciate your time today.

17 So now that we heard from the victim I will go ahead and continue the  
18 remainder of the sentencing hearing.

19 MR. SHETLER: Thank you, Your Honor.

20 THE COURT: I am out next week, and having tried the case I would like to  
21 impose the sentence.

22 MR. SHETLER: And, Your Honor, I have trial set for both of the following  
23 weeks of that -- after that. I've -- I could do it the week right before Christmas which  
24 would be super fun, or the week inbetween Christmas and New Year's which would  
25 be almost as much fun. I'll do whatever you tell me, Judge. I'm the slow poke here,

1 so.

2 THE COURT: I could do it -- I understand you just said you're in trial, I could  
3 do it on the 14<sup>th</sup> or the 16<sup>th</sup>, or I can do it in January.

4 MS. SUDANO: Whichever works for the State, Your Honor -- or for the Court,  
5 Your Honor. We can do it --

6 THE COURT: And he's remanded so --

7 MR. SHETLER: If January is possible then we -- I would appreciate that  
8 courtesy if it's possible, Judge.

9 THE COURT: So --

10 MR. SHETLER: There's crazy trials --

11 THE COURT: -- are you available the first week in January?

12 MR. SHETLER: No, the third week looks pretty good, but I will do what you  
13 tell me. I'll have plenty of time to get my stuff. I'll just have to get a judge that works  
14 with me as you did so I can do my county commitments. It's going to be a whirlwind  
15 couple of weeks. The 14<sup>th</sup> or 15<sup>th</sup> would not be ideal for me, but anything after that  
16 I'm going to take whatever you tell me, Judge.

17 THE COURT: After that?

18 MR. SHETLER: The 14<sup>th</sup> or 15<sup>th</sup> of December, those first two days.

19 THE COURT: Oh, but I'm -- so --

20 MR. SHETLER: Anything after that I'll work around.

21 THE COURT: So the beginning of January we could do it like --

22 MR. SHETLER: I'll make it work.

23 THE COURT: January 6?

24 MR. SHETLER: Yeah. Yes.

25 THE COURT: Okay, let's put it then.



1 THE COURT CLERK: January 6, 2016, 8:30, sentencing.

2 THE COURT: Okay.

3 MR. SHETLER: Thank you for all the courtesy, Judge. I appreciate it.

4 THE COURT: Thank you.

5 [Proceedings concluded at 10:11 a.m.]

6 \* \* \* \* \*

7 ATTEST: I do hereby certify that I have truly and correctly transcribed the  
8 audio/video recording in the above-entitled case to the best of my ability.

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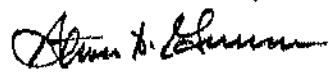
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*Cynthia Georgilas*

CYNTHIA GEORGILAS

Court Recorder/Transcriber

Eighth Judicial District Court Dept. XVIII

  
CLERK OF THE COURT

1 RTRAN

2  
3  
4 DISTRICT COURT  
5 CLARK COUNTY, NEVADA

6  
7 THE STATE OF NEVADA,

8 Plaintiff,

9 vs.

10 GENARO RICHARD PERRY,

11 Defendant.

CASE NO. C298879-1

DEPT. VI

ROUGH DRAFT

TRANSCRIPT OF PROCEEDINGS

12  
13  
14 BEFORE THE HONORABLE ELISSA F. CADISH, DISTRICT COURT JUDGE  
15 WEDNESDAY, JANUARY 6, 2016

16 **SENTENCING**

17  
18  
19 APPEARANCES:

20 For the State:

MICHELLE L. SUDANO, ESQ.  
Deputy District Attorney

21  
22 For the Defendant:

TRAVIS SHETLER, ESQ.

23  
24  
25 RECORDED BY: JESSICA KIRKPATRICK, COURT RECORDER

1 LAS VEGAS, NEVADA, WEDNESDAY, JANUARY 6, 2016, at 9:23 A.M.

2

3 THE MARSHAL: Bottom of page 6, State of Nevada v. Perry, Genaro  
4 Richard.

5 MR. SHETLER: Good morning, Your Honor, Travis Shetler on behalf of Mr.  
6 Perry who is present, in custody.

7 THE COURT: Good morning.

8 So of course I have the PSI which I had last time when we were here.

9 MR. SHETLER: Right.

10 THE COURT: I got a sentencing memorandum by facsimile from your office  
11 yesterday.

12 MR. SHETLER: Yes; thank you for the courtesy, Your Honor.

13 THE COURT: And the memorandum says that Mr. Perry -- wait, wait, hold  
14 on: "Mr. Perry has made several additional points in a letter attached herein." And I  
15 have not seen that letter and don't know what you're talking about.

16 MR. SHETLER: We did discuss attaching that letter and at the end of that  
17 decided not to do that and I apologize, I should have corrected that, Your Honor.

18 THE COURT: Okay, so -- because I -- that's all right, I read what you gave  
19 me.

20 MR. SHETLER: Right. And then I do have a number -- I have approximately  
21 18 Certificates of Completion I would like to include in the Court's file if I may?

22 THE COURT: Show that to the State. Have you shown them to the State?

23 MS. SUDANO: I have. He did.

24 THE COURT: Okay.

25 MR. SHETLER: Ms. Sudano didn't seem as impressed with those as I am so

1 she doesn't care if we're copied [indiscernible].

2 THE COURT: Understand. Let me take a quick look at these certificates.  
3 These are copies for me?

4 MR. SHETLER: Yes, Your Honor.

5 THE COURT: Okay.

6 MR. SHETLER: And does the Court object if I join Mr. Perry in the box?

7 THE COURT: I do not object.

8 THE RECORDER: Just stay close --

9 THE COURT: Just make sure you're --

10 THE REOCRDER: -- to [indiscernible] mic.

11 THE COURT: -- on a mic, yeah.

12 MR. SHETLER: Yes.

13 [Pause in proceedings]

14 THE COURT: Right, so I've reviewed the stack of Certificates of Completion  
15 which run from June of 2014 until July of 2015 it looks like.

16 MR. SHETLER: The last few may be out of order.

17 THE COURT: Oh no, there are some after that date.

18 MR. SHETLER: Right.

19 THE COURT: They're not necessarily in order but -- so spanning a period of  
20 time that he has been in custody at CDCR encompassing various anger  
21 management programs, marriage and family relationships, and maybe a couple of  
22 other programs that he has attended in custody.

23 With that, this is the time set for entry of judgment and imposition of  
24 sentence. Is there any legal cause or reason why judgment should not be entered  
25 at this time?

1 MR. SHETLER: No, Your Honor.

2 THE COURT: By virtue of the verdict rendered at trial in this case, I hereby  
3 adjudicate you guilty of Count 1, robbery with use of a deadly weapon, a B felony;  
4 Count 2, false imprisonment with use of a deadly weapon, a B felony; Count 3,  
5 grand larceny auto, value \$3,500.00 or more, a B felony; Count 4, assault with a  
6 deadly weapon, a B felony; Count 5, coercion with force, a B felony; Count 6, battery  
7 resulting in substantial bodily harm constituting domestic violence, a C felony; Count  
8 7, preventing or dissuading witness or victim from reporting crime or commencing  
9 prosecution, a D felony. Did I get all 7 counts?

10 THE COURT CLERK: Yes.

11 THE COURT: Okay, thank you.

12 Okay, so we are set to proceed with sentencing then today. I would  
13 note at the prior time scheduled for sentencing, although Mr. Shetler requested and  
14 was granted a continuance of the sentencing, we did have the victim speaker  
15 present at that time and the parties agreed and I agreed to allow her to speak at that  
16 time which she did so we heard from her at that time and of course heard her  
17 testimony at the time of trial as well.

18 With that being said, let me hear from the State about sentence.

19 MS. SUDANO: Thank you, Your Honor.

20 In this case and Mr. Shetler's sentencing memorandum he's asking for  
21 a 3 to 8 which is essentially the minimum that the Defendant can receive on this  
22 case because of the robbery with the deadly weapon conviction.

23 THE COURT: Right.

24 MS. SUDANO: This is absolutely not a case that deserves the minimum  
25 sentence. If you look at P&P's recommendation, they actually recommend that all 7

1 of these counts run consecutive. So their total sentence that they recommend on  
2 this Defendant is a 14 to 53 year sentence and I'm going to submit it to Your Honor  
3 on the recommendation of P&P as far as what's an appropriate sentence.

4 But the thing that I do want to reiterate is just absolutely this is not a  
5 minimum sentence type crime. This Defendant has one prior drug felony. He has  
6 two prior domestic violence convictions. Officer Bragg testified at the time of the trial  
7 that in her 20 years of experience in working a ton of DV cases this is one of the  
8 worst cases that she's ever seen. And we also heard from the doctor that this was a  
9 serious fracture that this Defendant inflicted on Corla Carpenter and she required an  
10 implant in her eye based on that. We also heard from the victim that in addition to  
11 that implant in her eye she's still suffering from numbness and pain. She lost a  
12 bunch of teeth. She may end up losing her eyesight as a result of this. She had back  
13 pain, ongoing things. Even now I think it's almost a year and a half afterwards those  
14 things were still going on. She said she's going to suffer those impacts and those  
15 effects for the rest of her life because of the Defendant.

16 The other thing that I think is particularly telling in this case and means  
17 that this is not a case that deserves the minimum sentence is what the victim said  
18 she did after the crimes. After the crimes she knew that the Defendant had another  
19 warrant out for a domestic violence on another woman and she wouldn't lay down  
20 and just accept the abuse and walk away from the case because she knew that he  
21 was going to do this to another woman. He's done it to multiple women in the past.  
22 He did it to her. She thought that she was going to be different, that they were in  
23 love. And when that proved false, she decided that she had to be the one to go  
24 forward with these cases so that he couldn't do this to anybody else. And so that's  
25 what brought us here, Your Honor. You know Corla thought she was going to be

1 lucky and she was going to be different and I don't think that anybody would say that  
2 she was lucky for what this Defendant did to her but certainly she may be luckier  
3 than the next woman when he gets out of prison.

4           And so with that, I would submit it to Your Honor. He has 597 days  
5 credit.

6           THE COURT: Five hundred and what?

7           MS. SUDANO: Ninety-seven, Your Honor.

8           THE COURT: Thank you. Okay.

9           Mr. Perry, is there anything you would like to tell me today before I  
10 impose sentence?

11          THE DEFENDANT: Yes, ma'am. First of all, I want to say Happy New Year  
12 to you. I want to say Happy New Year to the DA and Happy New Year to my lawyer  
13 Travis Shetler. I wish you all a prosperous and peaceful new year. I been quiet all  
14 through this trial. I feel like we family, Judge Cadish, 'cause I been with you for quite  
15 some time.

16          THE COURT: Yes.

17          THE DEFENDANT: But today I do have to fight in my defense. Since I been  
18 incarcerated, Judge Cadish, I -- noticed that is two type of people in the world.  
19 There's builders and destroyers. Obviously, you know, I have a weakness with  
20 women. Sometimes I always get with the women that destroy. I even [indiscernible]  
21 the Bible verse. In the Bible it say: The wise women be over her house but with her  
22 own hands the food is one that tears her down -- and obviously I got in the process  
23 of -- with a woman that tears hers down.

24                 With the victim statement that I have in my PSI I have my Brady  
25 material and documents that is inconsistent but I know we don't have time to go

1 through that.

2 THE COURT: You've been convicted so we're --

3 THE DEFENDANT: Right, also, --

4 THE COURT: -- not going back over that.

5 THE DEFENDANT: -- Judge Cadish, I want to just say if you will have mercy  
6 on me today for the sentences of my PSI that I read, the mandatory sentences, its  
7 24 to 60, 12 to 36, and the 18 to 48 in Count 2, 3, 4, 5, and 7 run concurrent with all  
8 of them, so I can go on with my life and build something new. And I just wish that  
9 you have mercy to me -- on me today, Judge Cadish.

10 THE COURT: Thank you.

11 Mr. Shetler?

12 MR. SHETLER: Thank you, Your Honor, and thank you for the courtesy of  
13 continuing this until this month.

14 Let me say very briefly, I disagree with Ms. Sudano that this is a case  
15 that merits more than the minimums, not surprisingly. But we do agree on one other  
16 fact and that is the conduct of Corla after this incident went down. He'd been  
17 convicted. I've had a long talk with my client about what that means and where --  
18 what flows from that. Our Courts, our laws in Nevada recognize that the danger an  
19 individual feels at any point in time is completely subjective. And I'm not going to  
20 minimize what she said she went through, but I do think it's very important this Court  
21 bear in mind two things: she went and hunted him down on Boulder Highway to find  
22 him. I think that cuts both ways. I also think that we have a woman who received in  
23 essence essentially \$18,000.00 in benefits from Victims of Crime. And this is the  
24 same woman who told this Court about her behavior in a department store where a  
25 dispute with somebody over \$450.00 bearing a kitchen knife, and the final result of



1 the security guard taking her down was her going through a plate glass window. I  
2 think those are important considerations that bear on her perception of things and  
3 what's appropriate and essentially reality, Your Honor.

4           The Parole & Probation and report contemplates a sentence of 15 to  
5 over 50 years on behalf of my client. Clearly, that's excessive. They even go so far  
6 as to require the installation of an interlock device in his vehicle. At the end of all  
7 that, which has absolutely no bearing whatsoever on anything in this case, I know  
8 that -- let me just stop at that. Fifteen to fifty years; there's absolutely no basis and  
9 no support for that. This Court -- I know my client feels comfortable with this. We're  
10 very comfortably in front of this judge on this matter for this sentencing. I'm happy to  
11 elaborate on any of these details or any questions that the Court has. I know that  
12 you read through the paperwork. Fifteen years on the bottom end is excessive for  
13 this man.

14           THE COURT: Okay. All right. So, obviously -- I mean I sat -- I didn't just sit  
15 through the trial, I tried it because you stipulated to a bench trial in this case so it's  
16 my verdict of guilty in this case, so obviously I was persuaded beyond a reasonable  
17 doubt that he is guilty of each of these charged crimes based on the evidence  
18 presented before me. And whether Ms. Carpenter was angry at Mr. Perry, whether  
19 she demanded money from him, which really no evidence of that ever came out at  
20 trial, but even assuming that something like that happened, in no way, shape, or  
21 form would that ever justify the events that followed that and the injuries that were  
22 inflicted on her which frankly she's lucky to be alive. So -- and you're lucky you're  
23 not facing a murder charge. So, I think it warrants a significant sentence. I'm not  
24 saying on the level of what P&P recommended, but it warrants a significant  
25 sentence.

1           So, I will impose administrative assessment fee of \$25.00; DNA  
2 analysis fee \$150.00 and require you to submit to testing for genetic markers; DNA  
3 collection fee \$3.00; domestic violence fee \$35.00; civil indigent defense  
4 assessment \$250.00. Those fees are a lien against you and collection can be  
5 pursued on them.

6           On Count 1, I'm sentencing you to 120 months in the Nevada  
7 Department of Corrections, minimum parole eligibility after 36 months, class A,  
8 consecutive term of 120 months with minimum parole eligibility after 36 months for  
9 use of a deadly weapon.

10           The restitution request is for \$18,103.28. I am awarding that amount of  
11 restitution as well. Do you need the number again?

12                           [Colloquy between Court and clerk]

13           THE COURT: On Count 2: 60 months with minimum parole eligibility after 18  
14 months, concurrent with Count 1.

15           Count 3: 96 months with minimum parole eligibility after 24 months,  
16 consecutive to Counts 1 and 2.

17           Count 4: 60 months with minimum parole eligibility after 18 months,  
18 concurrent with Count 3.

19           Count 5: 60 months, minimum parole eligibility after 18 months,  
20 concurrent with Count 4.

21           Count 6: 48 months with minimum parole eligibility after 18 months,  
22 concurrent with Count 5.

23           Count 7: 36 months with minimum parole eligibility after 12 months,  
24 concurrent with Count 6.

25           I believe that is an aggregate sentence of 336 months with minimum

1 parole eligibility after 96 months with 597 days credit for time served.

2 Good luck.

3 MR. SHETLER: Thank you, Your Honor.

4 THE COURT: Thank you.

5 [Proceedings concluded at 9:38 a.m.]

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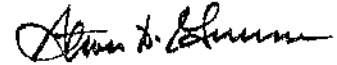
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7 ATTEST: I do hereby certify that I have truly and correctly transcribed the  
8 audio/video recording in the above-entitled case to the best of my ability.

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10 CYNTHIA GEORGILAS

11 Court Recorder/Transcriber

12 Eighth Judicial District Court Dept. XVIII



CLERK OF THE COURT

1 TRAVIS E. SHETLER, ESQ.  
Nevada Bar No. 004747  
2 TRAVIS SHETLER, P.C.  
844 East Sahara Avenue  
3 Las Vegas, NV 89104-3017  
Telephone: (702) 866-0091  
4 Facsimile: (702) 866-0093  
Attorney for Defendant  
5

6 DISTRICT COURT

7 CLARK COUNTY, NEVADA

8 STATE OF NEVADA ) CASE NO.: C-14-298879-1  
9 Plaintiff, ) Dept. No.: VI  
10 v. )  
11 GENARO RICHARD PERRY, ) NOTICE OF APPEAL  
#1456173 )  
12 Defendant. )  
13

14 Notice is hereby given that Petitioner GENARO RICHARD  
15 PERRY, Petitioner above named, hereby appeals to the Supreme  
16 Court of Nevada from the jury verdict in this action on the 1st  
17 day of October, 2015.

18  
19 Dated this 4<sup>th</sup> day of November, 2015  
20

21 LAW OFFICE OF TRAVIS SHETLER  
22

23  
24 By: 

25 TRAVIS E. SHETLER, ESQ.  
Nevada State Bar No. 4747  
26 844 East Sahara Avenue  
Las Vegas, NV 89101  
27 Attorney for Petitioner  
GENARO RICHARD PERRY  
28

1 TRAVIS E. SHETLER, ESQ.  
Nevada State Bar No. 4747  
2 LAW OFFICE OF TRAVIS E. SHETLER  
844 East Sahara Avenue  
3 Las Vegas, NV 89104  
Telephone: (702) 866-0091  
4 Facsimile: (702) 866-0093  
Counsel for Petitioner  
5 GENARO RICHARD PERRY

6  
7 DISTRICT COURT  
8 CLARK COUNTY NEVADA

9 STATE OF NEVADA )  
10 )  
Plaintiff, ) Case No. A-13-692122-C  
11 )  
v. )  
12 )  
GENARO RICHARD PERRY, )  
13 #1456173 ) CASE APPEAL STATEMENT  
14 Defendant. )  
15

16 CASE APPEAL STATEMENT

- 17 1. The name of appellant filing this case appeal  
18 statement is GENARO RICHARD PERRY.  
19 2. JUDGE ELLISA F. CADISH, was the Judge issuing the  
20 judgment appealed.  
21 3. THE STATE OF NEVADA and myself are the extent of the  
22 parties to the proceedings in the District Court.  
23 4. GENARO RICHARD PERRY is the only party involved in  
24 this appeal.  
25 5. TRAVIS E. SHETLER, ESQ., LAW OFFICE OF TRAVIS SHETLER,  
26 844 East Sahara Avenue, Las Vegas, Nevada, 89104,  
27 represented Petitioner GENARO RICHARD PERRY in  
28 District Court.

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6. Appellant had appointed counsel in the District Court
7. The Initial Arraignment was held on or about June 2,  
2014.

Dated this 4<sup>th</sup> day of November, 2015



TRAVIS E. SHETLER, ESQ.  
Nevada State Bar No. 4747  
LAW OFFICE OF TRAVIS E. SHETLER  
844 East Sahara Avenue  
Las Vegas, NV 89101  
Telephone: (702) 866-0091  
Facsimile: (702) 866-0093  
Attorney for Petitioner  
GENARO RICHARD PERRY

1 TRAVIS E. SHETLER, ESQ.  
Nevada Bar No. 004747  
2 TRAVIS SHETLER, P.C.  
844 East Sahara Avenue  
3 Las Vegas, NV 89104-3017  
Telephone: (702) 866-0091  
4 Facsimile: (702) 866-0093  
Attorney for Defendant  
5

6 DISTRICT COURT

7 CLARK COUNTY, NEVADA

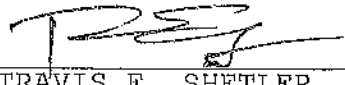
8 STATE OF NEVADA	)	CASE NO.: C-14-298879-1
	)	Dept. No.: VI
9 Plaintiff,	)	
	)	
10 v.	)	<u>NOTICE OF APPEAL</u>
	)	
11 GENARO RICHARD PERRY,	)	
#1456173	)	
	)	
12 Defendant.	)	
13	)	

14 Notice is hereby given that Petitioner GENARO RICHARD  
15 PERRY, Petitioner above named, hereby appeals to the Supreme  
16 Court of Nevada from the jury verdict in this action on the 1st  
17 day of October, 2015.

18  
19 Dated this 4<sup>th</sup> day of November, 2015  
20

21 LAW OFFICE OF TRAVIS SHETLER

22  
23  
24 By:

  
25 TRAVIS E. SHETLER, ESQ.  
Nevada State Bar No. 4747  
26 844 East Sahara Avenue  
Las Vegas, NV 89101  
27 Attorney for Petitioner  
GENARO RICHARD PERRY  
28

1 TRAVIS E. SHETLER, ESQ.  
Nevada State Bar No. 4747  
2 LAW OFFICE OF TRAVIS E. SHETLER  
844 East Sahara Avenue  
3 Las Vegas, NV 89104  
Telephone: (702) 866-0091  
4 Facsimile: (702) 866-0093  
Counsel for Petitioner  
5 GENARO RICHARD PERRY

6  
7 DISTRICT COURT  
8 CLARK COUNTY NEVADA

9 STATE OF NEVADA )  
10 )  
Plaintiff, ) Case No. A-13-692122-C  
11 )  
v. )  
12 )  
GENARO RICHARD PERRY, )  
13 #1456173 ) CASE APPEAL STATEMENT  
14 Defendant. )  
15 )

16 CASE APPEAL STATEMENT

- 17  
18 1. The name of appellant filing this case appeal  
19 statement is GENARO RICHARD PERRY.  
20  
21 2. JUDGE ELLISA F. CADISH, was the Judge issuing the  
22 judgment appealed.  
23  
24 3. THE STATE OF NEVADA and myself are the extent of the  
25 parties to the proceedings in the District Court.  
26  
27 4. GENARO RICHARD PERRY is the only party involved in  
28 this appeal.  
5. TRAVIS E. SHETLER, ESQ., LAW OFFICE OF TRAVIS SHETLER,  
844 East Sahara Avenue, Las Vegas, Nevada, 89104,  
represented Petitioner GENARO RICHARD PERRY in  
District Court.

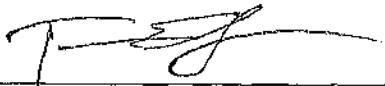


1 6. Appellant had appointed counsel in the District Court

2 7. The Initial Arraignment was held on or about June 2,

3 2014.

4 Dated this 4<sup>th</sup> day of November, 2015

5  
6   
7 TRAVIS E. SHETLER, ESQ.  
8 Nevada State Bar No. 4747  
9 LAW OFFICE OF TRAVIS E. SHETLER  
10 844 East Sahara Avenue  
11 Las Vegas, NV 89101  
12 Telephone: (702) 866-0091  
13 Facsimile: (702) 866-0093  
14 Attorney for Petitioner  
15 GENARO RICHARD PERRY  
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