

1 THE COURT: -- excused from your subpoena. At this
2 time, we're going to recess.

3 During this recess, you're admonished not to talk
4 or converse amongst yourselves or with anyone else on any
5 subject connected with this trial, or read, watch, or listen
6 to any report of or commentary on the trial, or any person
7 connected with this trial, by any medium of information,
8 including, without limitation, newspapers, television, the
9 internet, or radio, or form or express any opinion on any
10 subject connected with this trial until the case is finally
11 submitted to you.

12 We'll be in recess until 3:30. Thank you.

13 (Court recessed at 3:15 P.M. until 3:30 P.M.)

14 (Outside the presence of the jurors)

15 (Pause in the proceedings)

16 THE COURT: Can I see you guys for just a minute?

17 MR. SANFT: Oh, yes, ma'am.

18 (Pause in the proceedings)

19 MR. PARRIS: Your Honor, what time are we starting
20 on Monday, just out of curiosity?

21 THE COURT: 10:30.

22 MR. PARRIS: 10:30? Okay.

23 MS. KILLER: Oh, she might also be able to do it
24 before then. Who knows.

25 MR. PARRIS: Well, if she can get down --

1 hopefully, she can do it today.

2 THE COURT: The problem is it expires tomorrow.

3 MR. SANFT: Right, so she would not be able to ride
4 the bus.

5 THE COURT: The record will reflect the hearing is
6 taking place outside the presence of the jury panel. I've
7 shown both sides a note I received from Juror number 12
8 regarding her bus pass. It will be marked as Court's Exhibit
9 next in line, which is --

10 THE CLERK: That will be 7.

11 THE COURT: 7?

12 THE CLERK: No, 8. Excuse me.

13 THE COURT: 8? Officer Serrano, can you bring in
14 Juror number 12?

15 (Within the presence of Juror No. 12)

16 THE COURT: Okay. Ms. Robinson, do you mind just
17 coming up here to the podium? The record will reflect that
18 Ms. Robinson, Juror No. 12, is present in the courtroom with
19 us. Ms. Robinson, it's my understanding you have like a bus
20 pass issue?

21 JUROR NO. 12: Yes, ma'am.

22 THE COURT: If I let you go right now, do you think
23 you could go get it done?

24 JUROR NO. 12: No, ma'am, I'm sorry. They close at
25 around 3:00 or 4:00.

1 THE COURT: What?

2 JUROR NO. 12: They close at around 3:00 or 4:00,
3 3:00 or 4:00 o'clock, so that's why --

4 THE COURT: Well, why did you wait so long to tell
5 us?

6 JUROR NO. 12: Well, I actually told the officer
7 from yesterday, and he told me to bring you the phone number
8 and name of my worker today.

9 THE COURT: Yeah, but I didn't get it until just
10 right now.

11 JUROR NO. 12: Yeah, I'm sorry, I --

12 THE COURT: Okay. So, could you do it Monday
13 morning if we didn't start until 10:30? Could you get there
14 and -- are you saying that the office you have to go to is
15 closed already?

16 JUROR NO. 12: Yes, ma'am. Well, they're not
17 closed right now. They will be closed at 4:00.

18 THE COURT: They close at 4:00?

19 JUROR NO. 12: 30 minutes, yes.

20 THE COURT: Okay. What, you want me to call and
21 tell the case worker to stay?

22 MR. PESCI: Or at least see if she can come in on
23 Monday to get it done.

24 MR. PARRIS: I don't know what accommodations can
25 be made. I don't know if it's the child support unit, or

1 what --

2 THE COURT: No, it's bus pass.

3 MR. PARRIS: -- what entity. Oh, I understand, but
4 I don't know what entity --

5 THE COURT: Oh, yeah, what entity gives you the bus
6 pass? That's a good question, thank you.

7 JUROR NO. 12: It's my worker. It's from the
8 Welfare Division in the Social Services Department. It's on
9 Nellis and Bonanza, but they actually moved. The department
10 that I'm working with is for the employee -- well, the people
11 who are employed that help them with bus passes or, you know,
12 childcare assistance if needed, and that has --

13 THE COURT: Okay, where's the office at that you go
14 to?

15 JUROR NO. 12: The new office is now -- I think
16 it's at like -- I'm new to here, I'm not familiar --

17 THE COURT: That's okay.

18 JUROR NO. 12: -- with the streets. It's like --
19 it starts with a B.

20 THE COURT: Bonanza?

21 JUROR NO. 12: No, not Bonanza. They just recently
22 moved the office like in November; November 17th.

23 MS. KILLER: Do you know what like area of town?

24 THE COURT: Yeah, like we're downtown. Is it north
25 of us; is it east of us?

1 THE CLERK: South?

2 JUROR NO. 12: I'm so sorry, I don't really get
3 around much. I only go to work and home. Like I just know
4 that it's not -- they said it's not far from --

5 THE COURT: How far from downtown?

6 JUROR NO. 12: -- Nellis and Bonanza. Well, the
7 originally one is from Nellis and -- it's at Nellis and
8 Bonanza, so they said it's about 10 minutes or 15 minutes
9 away from Nellis and Bonanza, so --

10 THE COURT: Okay, in what direction?

11 JUROR NO. 12: I'm not sure, I have to MapQuest. I
12 don't even know how to get there -- I don't even know how to
13 get there. I have to get the address and MapQuest what bus
14 to take to get there.

15 THE COURT: So, you --

16 JUROR NO. 12: Then on Monday, you know, I have to,
17 you know, get -- try to get a bus pass for that day, because
18 it expires tomorrow.

19 THE CLERK: What's the name of the agency?

20 THE COURT: She hasn't told me the name of the
21 agency. Okay, why don't you --

22 MR. PARRIS: Perhaps, Your Honor, if we call the
23 number, they might --

24 THE COURT: I can call the number.

25 MR. PARRIS: -- it might be automated and they can

1 tell us who they are.

2 THE COURT: Is Ms. Quinley (phonetic) the person
3 you work with?

4 JUROR NO. 12: Yes.

5 THE COURT: Okay, just give me a moment.

6 JUROR NO. 12: They're going to take you through
7 prompts --

8 THE COURT: But your bus pass expires tomorrow?

9 JUROR NO. 12: Yes, ma'am.

10 THE COURT: So, Sunday, you won't be able to go
11 anywhere?

12 JUROR NO. 12: No, ma'am.

13 THE COURT: And you wouldn't be able to get here on
14 Monday? How much does a daily bus pas cost?

15 JUROR NO. 12: \$5 a day.

16 THE COURT: Okay. And this one that she provided
17 for you is for an entire month?

18 JUROR NO. 12: Yes. Well, this one in particular,
19 she gave me two 15 days because they ran out of the 30 days,
20 so this 15 day does end tomorrow. She -- the one that she
21 gave me before --

22 THE COURT: Are you sure? Did you look at it?

23 JUROR NO. 12: Oh, yeah, I have it right here in my
24 backpack if you would like to see it.

25 THE COURT: You're positive?

1 JUROR NO. 12: Yes, ma'am.

2 THE COURT: No, I believe you, I just want to make
3 sure you double-checked.

4 JUROR NO. 12: Yes, ma'am.

5 THE COURT: Okay, give me a minute.

6 (Off the record at 3:34 P.M. until 3:35 P.M.)

7 (Outside the presence of the jurors)

8 (Within the presence of Juror No. 12)

9 THE CLERK: This juror, is the agency -- is it
10 Nevada Division of Welfare Support Services?

11 JUROR NO. 12: Yes, ma'am, on Nellis and Bonanza.

12 THE CLERK: Yeah.

13 UNKNOWN SPEAKER: Yeah, they have three locations
14 that we have here.

15 MR. PARRIS: Who knows when that was last updated
16 though.

17 UNKNOWN SPEAKER: Google --

18 THE CLERK: This is Google, yeah. [Inaudible].

19 UNKNOWN SPEAKER: There's one on West Owens close -
20 - kind of close to here, and there's one on East Flamingo.

21

22 THE CLERK: Do you have to go to a specific one,
23 or?

24 JUROR NO. 12: Yes. They no longer have that
25 office. It's called the NEON -- the NEON office, or

1 actually, it's the whole department for the employed people
2 who need assistance with getting to work or who need
3 assistance with daycare.

4 THE CLERK: So, the one you go to is Nellis and
5 Bonanza?

6 JUROR NO. 12: Yeah, that's the one that I'm
7 familiar with, but the office for getting the bus passes has
8 been moved on -- I think it started November 17th.

9 THE CLERK: And so it's been moved?

10 JUROR NO. 12: Yes.

11 THE CLERK: Okay.

12 (Pause in the proceedings)

13 THE CLERK: Counsel, go out.

14 (Pause in the proceedings)

15 THE COURT: Ms. Robinson, you can go back and wait
16 outside.

17 JUROR NO. 12: Okay.

18 THE COURT: I'm trying to get this all resolved,
19 and I'll let you know.

20 JUROR NO. 12: Okay.

21 THE COURT: And the court marshal will give you
22 further directions.

23 JUROR NO. 12: Yes, ma'am.

24 THE COURT: Okay?

25 JUROR NO. 12: Yes.

1 Q And did you indicate that you drove to that
2 location?

3 A Yes.

4 Q You drove with the same two people?

5 A Yes.

6 Q Being Ralph Alexander and James Parker?

7 A Yes.

8 Q You drove in your Ford Taurus?

9 A Yes.

10 Q All right, and that you dropped them off?

11 A Yes.

12 Q And then they came back to your car after?

13 A Correct.

14 Q Okay. Did you see any money then?

15 A No.

16 Q Did you see any guns then?

17 A No.

18 Q Okay. Were you shown some surveillance by
19 Detective Miller of that particular incident, the one after
20 the nails and before the Family Dollar, the corner
21 convenience store that you spoke of?

22 A Yes.

23 Q Is this the one with the pumps?

24 A Yes.

25 Q The gas pumps?

1 A Yes.

2 Q Did you recognize the clothing of the individuals
3 in the still frame of that surveillance from that location?

4 A Yes.

5 Q And what did you recognize those to be?

6 A Black clothing.

7 Q Okay. Was that the clothing that you had seen on
8 or with Ralph Alexander and James Parker?

9 A Yes.

10 Q On multiple incidents of these robberies?

11 A Correct.

12 Q Did he then try to go back in time to the second of
13 the convenience store robberies and put it in time after the
14 Boulder Station and before the nails?

15 A Correct.

16 Q Okay. And did he talk about it being a convenience
17 store, and then you brought up the idea that it was at Lake
18 Mead and Sloan?

19 A Correct.

20 Q That was a memory that came back to you?

21 A Right.

22 Q Okay. Were -- did you tell the detective that,
23 again, you were told by Ralph Alexander, park here?

24 A Correct.

25 Q Okay, and that I'll be back?

1 A Correct.

2 Q Was he alone though?

3 A No.

4 Q Was James Parker with him?

5 A Yes.

6 Q So, Ralph Alexander and James Parker were both at
7 that location, that second incident, the one after the
8 Boulder Station, and they got there from your car?

9 A Correct.

10 Q And you waited for them in your car?

11 A Correct.

12 Q Okay. Do you -- was -- you were asking about it
13 being at nighttime, and you said you thought it was nighttime
14 or early morning?

15 A Correct.

16 Q Either way, it was dark outside?

17 A Correct.

18 Q And that there was again dark clothing that was
19 worn?

20 A Correct.

21 Q Now, this time though, you said that you actually
22 saw a backpack and some change?

23 A Correct.

24 Q Now, when you speak of change, what do you mean by
25 that?

1 A Coins.

2 Q Coins? All right. Now, when you met with him, him
3 being Detective Miller, we got the date of August the 12th of
4 2015, you gave this statement that we're holding -- or I'm
5 holding that you looked at earlier, which was 63 pages?

6 A Correct.

7 Q At that time when you met with him, had you
8 received a subpoena to come to the grand jury?

9 A Yes.

10 Q Okay.

11 A I believe so.

12 Q All right. Well, in this statement, did you talk
13 to Detective Miller about testifying?

14 A Yes.

15 Q Okay. And let me get to that specific part,
16 because you looked like you were a little bit inquisitive
17 about that question, so I wanted to go over that with you.
18 Did the detective talk to you about the fact that he also
19 received a subpoena?

20 A Correct.

21 Q Okay.

22 A Yes.

23 Q So, the two of you had subpoenas to come to the
24 grand jury?

25 A Correct.

1 Q All right. And then, when you were asking about
2 testifying, was it in the context of the grand jury?

3 A It was just in general.

4 Q Okay, but at that point, you hadn't been charged?

5 A No.

6 Q So, it couldn't have been for this court
7 appearance, because --

8 A Correct.

9 Q -- because you hadn't been charged yet; you hadn't
10 been arrested; you couldn't have made a deal?

11 A Correct.

12 Q And you definitely had a subpoena to come to court
13 that the State of Nevada had issued for you, and that's where
14 you were going to have to testify the first time?

15 A Yes, sir.

16 Q Okay. And in fact, you came to the grand jury?

17 A Yes.

18 Q You met with myself and Ms. Killer?

19 A Correct.

20 Q And also Detective Miller?

21 A Correct.

22 Q And at that point, you were told you did not have
23 to testify, but you were given what's referred to as a Marcum
24 Notice?

25 A Correct.

1 Q Which is to say, we're going to probably be seeking
2 charges against you?

3 A Correct.

4 Q All right, and you were sent home?

5 A Correct.

6 Q All right, but prior to that date was when you gave
7 the statement, and during the statement to Detective Miller,
8 you were asking him about testifying?

9 A Correct.

10 Q You had in your mind that you had to go to the
11 grand jury; you were also thinking about testifying in the
12 future potentially?

13 A Correct.

14 Q In fact, Detective Miller talked to you about that,
15 how the DA might make a deal to you?

16 A Correct.

17 Q And they might not?

18 A Correct.

19 Q Detective Miller was very up front with you about
20 the fact that he couldn't promise you anything?

21 A Absolutely, from day one.

22 Q And in fact, he told you that kind of towards the
23 end of the statement?

24 A Yes.

25 Q You started talking to him before the idea of the

1 deal even came up?

2 A Correct.

3 Q Before the concept of testifying was even
4 discussed?

5 A Correct.

6 Q So, you had given two statements at this point
7 prior to the State of Nevada ever charging you or ever even
8 having the opportunity to have met you?

9 A Correct.

10 Q So, when you spoke to the cops, you couldn't have
11 been doing something for me or Ms. Killer because we didn't
12 even know each other yet?

13 A I didn't even know who you were.

14 Q Okay. So, after you gave those statements, you
15 came down to the grand jury, you were given a Marcum Notice,
16 and you were told go head home?

17 A Correct.

18 Q After that, Detective Miller got back in touch with
19 you?

20 A Correct.

21 Q And in fact, Detective Miller said to you, the
22 State may pursue charges against you?

23 A Correct.

24 Q And that there might be a warrant issued for you?

25 A When we spoke on the telephone?

1 Q I'm not sure exactly when it was, but after you
2 came to the grand jury, you had -- did you have contact with
3 Detective Miller?

4 A Yes.

5 Q At some point in there, did he tell you, hey, look,
6 you might get charged?

7 A Yes.

8 Q If you do, I, Detective Miller, speaking to you,
9 will make arrangements with you?

10 A Yes.

11 Q That I'm not going to just show up at your house,
12 put you in cuffs, and take you away?

13 A Correct.

14 Q And did he in the conversation that he had with you
15 in the transcript from August the 12th tell you that he was
16 very concerned about taking you, a mother, away from the
17 kids?

18 A Correct.

19 Q All right, but when that conversation was discussed
20 and that concern was discussed, you still hadn't been charged
21 by the State of Nevada?

22 A Correct.

23 Q Detective Miller had that conversation with you
24 before we, being Ms. Killer and myself, ever get involved?

25 A Correct.

1 Q He on his own discusses with you how he's concerned
2 taking you away from your kids?

3 A Correct.

4 Q Okay. You hadn't made a deal, so you weren't doing
5 anything in those conversations for some deal that didn't
6 even exist yet?

7 A Correct.

8 Q When a warrant was issued, did Detective Miller
9 make arrangements for you?

10 A He did. He called me, and I made arrangements for
11 my babies, and I made arrangements for my job, and then I
12 turned myself in to him.

13 Q You came to him?

14 A Correct.

15 Q Knowing there was a warrant?

16 A Correct.

17 Q Okay. And then you got arrested?

18 A Correct.

19 Q After you were arrested, an attorney had to be
20 appointed for you?

21 A Correct.

22 Q Before an attorney could be appointed for you, I
23 couldn't talk to you, could I?

24 A Right.

25 Q In fact, you wanted to talk to me, but I, in this

1 courtroom in front of this Court, explained that I couldn't
2 talk to you?

3 A Correct.

4 Q Because you had to get an attorney first?

5 A Correct.

6 Q After you got an attorney, did you then meet and
7 speak with myself and Ms. Killer?

8 A Yes.

9 Q After you had been charged?

10 A Correct.

11 Q That's when a deal was struck?

12 A Correct.

13 Q In fact, I think the exact day -- was it November
14 the 20th?

15 MR. PESCI: I don't have the Guilty Plea in front
16 of me. Can I approach?

17 THE COURT: You may.

18 BY MR. PESCI:

19 Q November 23rd, does that look to be accurate?

20 A Correct.

21 Q That's stamped up here at the top?

22 A Yes.

23 Q And that's on State's 95?

24 A Correct.

25 Q Okay. So, you then made the deal, and as a part of

1 the deal, the State of Nevada had no objection to your own
2 recognizance release?

3 A Correct.

4 Q Now, when the State of Nevada agreed to that, you
5 had already met voluntarily with Detective Lorson?

6 A Correct.

7 Q You'd already met voluntarily with Detective
8 Miller?

9 A Correct.

10 Q You already knew that charges could be sought, and
11 you knew that because I personally told you that?

12 A Correct.

13 Q You already knew that a warrant could be issued,
14 and in fact, you were told a warrant was issued?

15 A Correct.

16 Q And you didn't run?

17 A No.

18 Q You in fact met with the detective to turn yourself
19 in?

20 A At his office, yes.

21 Q Okay. So, after you had done all that contact, the
22 State of Nevada agreed to release you on your own
23 recognizance?

24 A Correct.

25 Q That's how you come here today out of custody?

1 A Correct.

2 Q All right. And then you came to court today?

3 A Correct.

4 Q You have, as I understand, no desire to be here?

5 A None whatsoever.

6 Q Okay, but you're here?

7 A Yes.

8 Q You're responding to the subpoena?

9 A Correct.

10 Q And you're also performing pursuant to your
11 Agreement to Testify?

12 A Correct.

13 Q All right. Now, here's the question. Are you
14 testifying today because you're just trying to get out of all
15 of the other charges that were dismissed as a part of the
16 negotiation?

17 A No.

18 Q You are, however, looking for a good deal?

19 A Correct.

20 Q Any defendant that makes a negotiation is looking
21 for a better deal than what they were charged with?

22 A Correct.

23 MR. SANFT: Objection, she wouldn't know that.

24 THE COURT: Sustained. Foundation.

25 MR. PESCI: Okay.

1 BY MR. PESCI:

2 Q Ma'am, let's just talk about you personally. You
3 were originally charged with I think 22 counts --

4 A 23.

5 Q 23 counts? All right. Would you personally have
6 made a deal with the State to plead to 23 counts?

7 A No.

8 Q All right. As a part of the negotiation, each side
9 gives and takes, as far as you understand?

10 A Correct.

11 Q So, we give away some charges; you plead to a
12 charge?

13 A Correct.

14 Q It could have been seven, could have been two,
15 could have been who knows, but that's the negotiation
16 process?

17 A Correct.

18 Q Okay. So, you coming and testifying is in part to
19 try to benefit yourself?

20 A Correct.

21 Q It's in part to try to comply with the agreement
22 that you entered?

23 A Correct.

24 Q But what this jury needs to know is if it's also
25 because what you're telling them and what you're about to

1 tell them is the truth.

2 A Absolutely.

3 Q Okay. Is it true that you drove Ralph Alexander to
4 the Boulder Station on June the 15th?

5 A We drove together, yes.

6 Q Well, but you were the driver?

7 A Correct.

8 Q Okay. Is it true that after you were there and
9 you'd gone home, Ralph Alexander showed up with more money
10 than he had when he left?

11 A Correct.

12 Q Is it true that your rent got paid after that night
13 of June the 15th?

14 A Correct.

15 Q You hadn't gotten anymore hours from work?

16 A No.

17 Q And you didn't win any jackpots?

18 A Correct.

19 Q But your rent got paid because you didn't get
20 evicted?

21 A As far as I knew, yes.

22 Q All right. Is it true that after the Boulder
23 Station, there was this second convenience store, that was
24 the one where there were not gas pumps, and that you drove
25 your car to that location where Ralph Alexander and James

1 Parker were in the car?

2 A Correct.

3 Q You were told by Ralph Alexander, park here and
4 we'll be back?

5 A Correct.

6 Q They left and came back?

7 A Correct.

8 Q And on that one, you actually saw some change?

9 A Correct.

10 Q All right. And is it true that, going forward,
11 there was the nail salon where you dropped them off?

12 A Correct.

13 Q Again, you driving your car?

14 A Correct.

15 Q Both Ralph Alexander and James Parker present?

16 A Correct.

17 Q Dressed in some of the clothes that you described
18 earlier; dark clothing and masks?

19 A Correct.

20 Q That they -- you were instructed to wait there?

21 A Correct.

22 Q In fact, did you put your car in a specific spot
23 where you were supposed to wait?

24 A At the end of the sidewalk.

25 Q Did they come back to your car?

1 A Correct.

2 Q And did they then tell you to leave?

3 A To go home.

4 Q Okay. And then, after the nail salon, there was
5 another corner convenience store, this one with gas pumps?

6 A Correct.

7 Q You drove in your Ford car?

8 A Correct.

9 Q With these two defendants?

10 A Correct.

11 Q Where you were again told to wait?

12 A Correct.

13 Q And then they got back in and left?

14 A Correct.

15 Q And lastly, did you drive Ralph Alexander to the
16 Family Dollar just by himself and drop him off at the corner?

17 A At the corner, yes.

18 Q And then, pursuant to what you were told and the
19 conversations you had, you went and parked in the
20 neighborhood to the south?

21 A Correct.

22 Q Okay. Now, in anticipation of testifying, have you
23 met with myself?

24 A No.

25 Q Well, I didn't say it very well. Prior to

1 testifying, instead of in anticipation, I apologize, have you
2 met with us, the State, before you came and testified today?

3 A Yes.

4 Q All right. Did we give you copies of your
5 transcript statement so you could discuss them and you could
6 see what you said?

7 A Yes.

8 Q Did we also review some video surveillance?

9 A Yes.

10 Q Did we ask you if you could recognize anything in
11 the surveillance?

12 A Yes.

13 Q Okay. Now, were you able to recognize anything in
14 that surveillance?

15 A Yes.

16 Q All right.

17 MR. PESCI: If we could switch over, please.

18 BY MR. PESCI:

19 Q Ma'am, there are quite a few clips from the Boulder
20 Station; is that correct?

21 A Correct.

22 Q We're looking at one now. Is that timestamped June
23 the 15th of 2015?

24 A Correct.

25 Q At about 00:48 in the morning?

1 A Correct.

2 Q And is that you and Ralph Alexander walking from
3 the parking lot where -- is that your Ford Taurus?

4 A Yes.

5 Q Do you recognize that Ford Taurus?

6 A Yes.

7 Q The same one we saw that Detective Miller took
8 pictures of?

9 A Correct.

10 Q Do we see you from a different camera angle with
11 Ralph Alexander?

12 A Yes.

13 Q As he's walking in, does he have that coat on?

14 A Pardon?

15 Q Does he have the coat on as you walk in?

16 A No.

17 Q When you get inside -- or do you get inside, and do
18 we see that in the video? Do you get inside?

19 A Oh, yes. Sorry.

20 Q Do you see -- it's okay, it was a bad question. Do
21 you see that on the video?

22 A Correct.

23 Q All right. That's -- is that when you first got
24 there on June the 15th?

25 A Correct.

1 Q Okay. Now, do you recognize this portion of the
2 casino?

3 A Yes.

4 Q Do you recognize the individual walking as Ralph
5 Alexander?

6 A Yes.

7 Q Walking past a machine that has a red light
8 flashing?

9 A Yes.

10 Q Where there are some employees, and one seems to be
11 handing things over to a woman there?

12 A Correct.

13 Q Ralph Alexander walks past, comes back, and looks
14 over his shoulder at that location?

15 A Correct.

16 Q Were you in that immediate area when that
17 particular video occurred?

18 A No.

19 Q Were you in a different part of the casino?

20 A Yes.

21 Q Now, you testified earlier that you left the
22 casino; is that correct?

23 A Correct.

24 Q Looking at the same date, June the 15th at about
25 3:00 A.M., did you just approach Ralph Alexander, who's

1 behind the signs at those games?

2 A Yes.

3 Q Do you then leave the casino?

4 A Yes.

5 Q That was 3:07 and I think about 54 seconds. And
6 then you saw the timestamps on the bottom; is that correct?

7 A Correct.

8 Q All right. Did you then go outside to the car? Is
9 that depicted in this video at about 3:09?

10 A Yes.

11 Q And then, since the grand jury's seen this before,
12 and you have, too, do you get in the car and move the car?

13 A Yes.

14 Q All right. And you testified earlier that you
15 moved to get closer to the door?

16 A Correct.

17 Q All right, that was a long walk. Was -- I have a
18 little -- a pointer. Can you see it on the screen right now?

19 A Correct.

20 Q Where is it -- where it's circling, is that the
21 door you came from?

22 A Correct.

23 Q So, you were trying to move closer to that door?

24 A Correct.

25 Q Okay. Did Ralph come back out to the car?

1 A Yes.

2 Q At 3:14 in the morning, do we see Ralph coming back
3 to your car?

4 A Yes.

5 Q When he comes back, does he have the jacket on yet?

6 A No.

7 Q As he's gotten to your car at about 3:14 in the
8 morning on June the 15th, does he go to the trunk?

9 A Yes.

10 Q After he goes to the trunk, does he get back in
11 your car?

12 A Yes.

13 Q And do you end up moving the car just one spot
14 forward?

15 A Yes.

16 Q Why?

17 A Because I was leaving.

18 Q Okay, but before you actually completely left, was
19 Ralph still in the car with you? Is he getting in right now?

20 A Correct.

21 Q At 3:14:51?

22 A Correct.

23 Q When you move it forward, is -- was Ralph Alexander
24 still in the car with you?

25 A Yes.

1 Q Are we looking at that now at 3:17 and 24 seconds?

2 A Correct.

3 Q What's going on in the car right there?

4 A We were arguing about going home.

5 Q Okay. Was there anything about clothes that was
6 happening with Mr. Alexander?

7 A He had just put a jacket on.

8 Q Did you eventually leave?

9 A I did.

10 Q The video changes from this particular location to
11 a separate one; is that correct?

12 A Correct.

13 Q But is that the continuation of where you left?

14 A Correct.

15 Q Is that your car driving off now?

16 A Yes.

17 Q Was that Mr. Parker -- I'm sorry, was that Ralph
18 Alexander that we saw walking on the sidewalk?

19 A Yes.

20 Q Okay. Is that the coat that you were referring to?

21 A Yes.

22 Q All right. Now, you're in the car, so the time
23 after this, you weren't present for?

24 A No.

25 Q Okay. So, the video of the actual robbery

1 occurring, you weren't present?

2 A No.

3 Q All right. Now, going in time from the Boulder
4 Station to the Kwik-E-Mart, I want to ask you, as you look at
5 this video, whose car is that?

6 A Mine.

7 Q And is this located at the Kwik-E-Mart?

8 A Yes.

9 Q This is on June the 19th of this year at about 2:43
10 in the morning?

11 A Yes.

12 Q You testified before we starting playing the video
13 that you had both Ralph Alexander and James Parker in the car
14 with you?

15 A Correct.

16 Q What do they do after you stop?

17 A Get out of the car.

18 Q And you recognize that as being where you stopped
19 that morning?

20 A Yes.

21 Q And you recognize the people coming out of your car
22 and heading to the front door, including one with a white
23 mask on --

24 A Correct.

25 Q -- as being Ralph Alexander and James Parker, who

1 you had dropped off?

2 A Correct.

3 Q And after they went in with a bandana on one, and a
4 mask on the other, they got back in your car?

5 A Correct.

6 Q Okay. But what happened inside, you don't know,
7 because you weren't there?

8 A I have no idea.

9 Q All right, but you talked about the nails salon.
10 Do you remember that?

11 A Correct.

12 Q Let me just find that one really fast, sorry.
13 Looking at what's timestamped as -- well, actually, this
14 doesn't have a time. June 26th at 5:49 P.M., do you
15 recognize a car?

16 A Yes.

17 Q Is that your car? Are you --

18 A Yes.

19 Q Is that you driving away from the car?

20 A Yes.

21 Q And that's Ralph Alexander and James Parker getting
22 out of that car?

23 A Correct.

24 Q And that's the location that you described as the
25 nail salon or the hair salon?

1 A Correct.

2 Q Okay, and that's what you described to Detective
3 Lorson and to Detective Miller?

4 A Correct.

5 Q Before you were ever charged?

6 A Correct.

7 Q What happened after, you don't know because you
8 weren't there, as far as inside the store?

9 A Correct.

10 Q Or anybody running around there, because where did
11 you park?

12 A At the end of the sidewalk.

13 Q Now, the -- the Rainbow Market, does that name ring
14 a bell?

15 A That's with the gas pumps.

16 Q Okay. You've -- you haven't seen any video from
17 that, correct?

18 A No.

19 Q All right. And then, specifically, as far as the
20 Family Dollar, you haven't seen any video from that?

21 A Correct.

22 Q All right. But as you told Detective Lorson on
23 your first statement, you talked about the Family Dollar in
24 that one?

25 A Correct.

1 Q And you talked about it also to Detective Miller?

2 A Correct.

3 Q All right.

4 MR. PESCI: Court's indulgence. There's one I
5 forgot, I apologize.

6 BY MR. PESCI:

7 Q Back to the nail salon, ma'am, are you moving your
8 car in this video, June 26th, 2015, timestamped at about
9 17:50?

10 A Correct.

11 Q And then do some people run and get into your car?

12 A Correct.

13 Q Do you see some skateboarders in the video right
14 now?

15 A Yes.

16 Q And as they go by, do you see the individuals
17 getting in your car?

18 A Yes.

19 Q Who were the people that got in the car?

20 A The defendants.

21 Q Ralph Alexander and James Parker?

22 A Correct.

23 Q At the time this occurred, did you actually see the
24 skateboarders?

25 A No.

1 Q When you were talking to Detective Miller and he
2 was trying to piece together all of them, did he talk to you
3 about the skateboarders?

4 A Yes.

5 Q But you hadn't actually seen them?

6 A No.

7 Q All right, but that helped him try to tie into
8 which event he was speaking of?

9 A Correct.

10 Q And he talked about how there was some video
11 surveillance about that?

12 A Correct.

13 Q All right. And you recognized your car and the
14 defendants in the surveillance?

15 A Correct.

16 Q All right.

17 MR. PESCI: Court's indulgence.

18 BY MR. PESCI:

19 Q On the -- on the second incident, the Kwik-E
20 Market, you saw the video where you stopped, and the
21 individuals got off, and they approached the door. Did you
22 see a bandana on one?

23 A Yes.

24 Q And did you see a skull mask on the other?

25 A Yes.

1 Q Okay. Are you telling this jury these facts to
2 make something up so that you get a better deal?

3 A No.

4 Q Are you telling this jury much of what you already
5 told the detectives long before you were ever charged?

6 A Correct.

7 Q You will admit however though, in the first
8 statement, you didn't give everything up?

9 A Correct.

10 Q In the second statement, you gave up more, but the
11 detectives had to kind of pull some of it out of you?

12 A Correct.

13 Q When I say pull, they were asking you locations and
14 times to try to help you remember?

15 A Correct.

16 Q As you sit here today, this video evidence that you
17 just watched, is that consistent with what you told the
18 detectives?

19 A Correct.

20 Q Is it consistent with what you've told these
21 jurors?

22 A Correct.

23 MR. PESCI: We'll pass the witness, Your Honor.

24 THE COURT: Cross-examination, Mr. Sanft?

25 MR. PARRIS: Your Honor, at this point in time,

1 it's just before noon. I know we've been at it for three
2 hours. I don't know -- I think our cross-examination may be
3 rather lengthy for Ms. Martin. I don't know if the jury
4 wants to take a break now, or if you want to just simply go
5 through.

6 THE COURT: Well, I guess I don't -- you don't want
7 your cross-examination broken up, is what you're saying?

8 MR. PARRIS: That's correct, Your Honor.

9 THE COURT: Okay. All right, at this time, we're
10 going to recess for lunch.

11 During this recess, you're admonished not to talk
12 or converse amongst yourselves or with anyone else on any
13 subject connected with this trial, or read, watch, or listen
14 to any report of or commentary on the trial, or any person
15 connected with this trial, by any medium of information,
16 including, without limitation, newspapers, television, the
17 internet, or radio, or form or express any opinion on any
18 subject connected with this trial until the case is finally
19 submitted to you.

20 We'll start again at 1:30. Thank you very much.
21 You're excused. We need you back at 1:30 to continue with
22 your testimony, okay? You understand that, correct? Okay.

23 (Outside the presence of the jurors)

24 THE COURT: Okay, we'll see everybody at 1:30.

25 MR. PARRIS: Thank you, Your Honor.

1 MR. PESCI: Thank you.

2 MS. KILLER: Thank you.

3 (Court recessed at 11:56 A.M. until 1:38 P.M.)

4 (Outside the presence of the jurors)

5 THE MARSHAL: They're all accounted for, Your
6 Honor.

7 THE COURT: Is Mr. Sanft here? Mr. Parris, where's
8 Sanft?

9 MR. SANFT: He's speaking with them. I talked to
10 them a few minutes ago. He came in and they needed to speak
11 with -- Mr. Parker needed to speak with him.

12 THE COURT: Okay. Can we bring them in? We have a
13 full jury panel.

14 MR. PARRIS: Sure. Yeah, I'm -- I didn't think it
15 was going to take that long.

16 (Pause in the proceedings)

17 THE COURT: We can bring them in.

18 THE MARSHAL: Ready?

19 THE COURT: Uh-huh. And we can bring the witness
20 back in, too.

21 MR. SANFT: Are we on the record?

22 THE COURT: Do we need to go off? You're going to
23 go first, right?

24 MR. SANFT: Actually, I think Mr. Parris will go
25 first.

1 THE COURT: Okay, so you're going to go first?

2 Okay.

3 MR. PARRIS: Yes, Your Honor, if that's all right.

4 THE COURT: No problem.

5 (Pause in the proceedings)

6 THE MARSHAL: Jurors are present.

7 (Within the presence of the jurors)

8 THE COURT: Do I have a stipulation from the State
9 of Nevada as to the presence of the jury panel?

10 MR. PESCI: Yes, Your Honor.

11 THE COURT: From the -- Mr. Sanft?

12 MR. SANFT: Yes, Your Honor.

13 THE COURT: Mr. Parris?

14 MR. PARRIS: Yes, Your Honor.

15 THE COURT: Okay, we can bring Ms. Martin back in.
16 And Mr. Parris, you may begin your cross-examination when she
17 --

18 MR. PARRIS: Certainly.

19 THE COURT: -- returns to the stand. Okay, the
20 record will reflect that Ms. Martin is back. Ms. Martin, do
21 you understand you are still under oath with the same
22 obligations to tell the truth? You understand that?

23 THE WITNESS: Yes, ma'am.

24 THE COURT: Okay, you may proceed.

25 MR. PARRIS: Thank you, Your Honor.

1 CROSS-EXAMINATION

2 BY MR. PARRIS:

3 Q Ms. Martin, before we broke for lunch, you had
4 given more or less a summary of your various interviews with
5 Detectives Lorson and Detective Miller. I'm going to go over
6 a couple facts with you, if I may. One of the first
7 incidents -- excuse me. The first incident that you had
8 testified about was the Boulder Station incident; do you
9 recall that an hour or so ago?

10 A Correct.

11 Q Okay. And you had testified that after you and Mr.
12 Alexander had gone to Boulder Station and gambled for a
13 while, that you got into a fight in the casino about
14 finances; about money, correct?

15 A Correct.

16 Q And then you had stated that you then left and
17 moved the car as we saw in the video, correct?

18 A Correct.

19 Q Now, after you moved the car, you testified that
20 Mr. Alexander then joined you, got in the car, you two kept
21 fighting about money, or whatever you were fighting about,
22 but it was primarily money, right?

23 A Correct.

24 Q And then, that's when he -- you testified he put on
25 a jacket and then walked out of the car?

1 A Correct.

2 Q Okay. And we saw in one of the videos -- we
3 actually saw that your car then drove off out of the parking
4 lot, right?

5 A Correct.

6 Q And that's when Mr. Alexander was walking in with -
7 - wearing that jacket he had put on in your car, right?

8 A Correct.

9 Q And I think at that point in time, you had said you
10 were upset; you were crying, right?

11 A Correct.

12 Q Based upon the timestamps, I didn't calculate it
13 exactly, but you guys were fighting for a while; is that fair
14 to say?

15 A Correct.

16 Q And you stated that instead of driving home, you
17 actually pulled into a 7-Eleven in the vicinity of Boulder
18 Station, right?

19 A Correct.

20 Q And you were just -- you were crying in that
21 parking lot, right?

22 A Correct.

23 Q Because you didn't want to drive while you were
24 that upset?

25 A Correct.

1 Q Okay. Now, at some point in time shortly
2 thereafter, you had said that Mr. Alexander showed up in your
3 car, got into the car, and you guys drove off together,
4 presumably to your apartment, right?

5 A Correct.

6 Q And after that, I think you had also testified that
7 -- you claim that Mr. Alexander said that he got a couple
8 hundred bucks --

9 A Correct.

10 Q -- out of whatever it was?

11 A Correct.

12 Q And the financial problems you guys were having,
13 you had also stated that he was essentially the stay-at-home
14 dad for both your daughter, Destiny, and your son -- your
15 child together, Ronald, correct?

16 A Correct.

17 Q And your hours were cut or reduced at the Urgent
18 Care where you were working, right?

19 A Correct.

20 Q But after that incident, the rent got paid, the
21 bills continued to get paid, and you didn't ask -- I guess
22 it's your testimony you didn't ask a lot of questions; you
23 were just happy that you still had somewhere to stay, right?

24 A Correct.

25 Q Well, you and your children, yeah?

1 A Correct.

2 Q Okay. Now, you had also discussed the incident
3 that occurred at Lake Mead and Sloan where you had testified
4 that you dropped off the -- I believe you referred to them as
5 the defendants, Mr. Alexander and Mr. Parker, correct?

6 A Correct.

7 Q You just dropped them off, and then they came back
8 in, and you drove away, right?

9 A Correct.

10 Q Similarly, with the nail or hair salon, you had
11 testified that you dropped the defendants off and went and
12 pulled up by that corner area in the -- within the strip
13 mall, right?

14 A Correct.

15 Q And they ran back in and you drove off; that was
16 about four days later?

17 A Correct.

18 Q Now, after the Boulder incident, you -- you never
19 contacted the authorities about what you thought may have
20 happened, correct?

21 A Correct.

22 Q Then, after the incident on Lake Mead and Sloan,
23 you also didn't contact the authorities, right?

24 A Correct.

25 Q After the nail or hair salon incident, didn't

1 contact the cops, right?

2 A Correct.

3 Q Now, there was another market -- or another
4 incident a few days later where there were gas pumps. It was
5 another convenience store type place. Same thing. You said
6 you dropped them off, then they ran back in, right?

7 A Correct.

8 Q And by ran back in, I mean ran back into the car --

9 A Correct.

10 Q -- that you were driving? And after that incident,
11 no contact to the police, right?

12 A Correct.

13 Q Then the last incident, that was the incident at
14 Family Dollar. You had said that you dropped off only Mr.
15 Alexander, then pulled into a neighborhood kind of behind
16 where that store was, right?

17 A Correct.

18 Q And then, at some point in time, within a few
19 minutes or so, you said you saw two guys running toward you,
20 correct?

21 A Correct.

22 Q And you had testified that you heard some sirens,
23 presumably police sirens?

24 A Correct.

25 Q And when you heard those sirens, you just drove

1 off?

2 A Correct.

3 Q And is that -- and after that incident, again, you
4 didn't contact the authorities, right?

5 A Correct.

6 Q Okay. But about three weeks later, they contacted
7 you, correct?

8 A Yes.

9 Q That was Detective Lorson. Now, when you first met
10 with Detective Lorson, and I believe we had established that
11 was on July 27th, right?

12 A Correct.

13 Q And you had a chance to review your statement?

14 A Yes.

15 Q And you were somewhat candid with the district
16 attorney in his direct examination of you when you said that
17 you were lying at many points in time to Detective Lorson,
18 right?

19 MR. PESCI: Judge, objection, that mischaracterizes
20 my --

21 THE COURT: Sustained.

22 MR. PARRIS: Okay.

23 BY MR. PARRIS:

24 Q Your -- you would agree that you were inconsistent
25 with respect to what you testified here today and certain

1 facts that you said to Detective Lorson; is that an accurate
2 statement?

3 A Yes.

4 Q Okay. So, let's talk about some of those
5 inconsistencies. Do you recall when you were talking to
6 Detective Lorson about the Boulder Station incident, and that
7 was his main focus, right?

8 A Correct.

9 Q Do you recall telling him a similar beginning to
10 the story about how you and Mr. Alexander arrived at Boulder
11 Station and were gambling, right?

12 A Yes.

13 Q And that's the same as you did earlier today?

14 A Yes.

15 Q And then you said that, we, meaning you Mr.
16 Alexander, went out to the car, correct?

17 A Yes.

18 Q And then, while you were in the car, you got into a
19 fight?

20 A Yes.

21 Q And then he changed his clothes, walked back
22 inside, and you left, and you pulled off, I think is the term
23 that you had used. Do you remember saying that?

24 A Yes.

25 Q Okay. I'm going to stop you right there. You

1 agree that when you were testifying earlier today, and what
2 we saw in the video, that that's slightly different -- that's
3 inconsistent from what you told Detective Lorson?

4 A Correct.

5 Q Okay. Now, after Mr. Alexander went back in, you
6 had testified that you pulled off and you went to the
7 7-Eleven, right?

8 A Correct.

9 Q But you didn't tell that to Detective Lorson at
10 all, correct?

11 A No.

12 Q You omitted those facts?

13 A Correct.

14 Q I'm showing you what's previously been admitted as
15 State's Exhibit 3. Do you recognize this aerial overview?

16 A Yes.

17 Q Okay. I'm drawing your attention obviously to the
18 red dot here. That's Boulder Station, correct?

19 A Correct.

20 Q And looking at the parking lot, can you tell from
21 this overhead view where in this parking lot you were parked
22 immediately before you left Boulder Station that night?

23 A On the Lamb side.

24 Q On the Lamb side? So that would be the parking lot
25 --

1 A Right there.

2 Q -- here? Could you touch that on the map, if you
3 be so kind -- or excuse me, touch that on the screen?

4 A Right there.

5 Q Okay, kind of by the "O" in Boulder; is that fair
6 to say?

7 A Correct.

8 Q Now, at some point in time, you said you drove off
9 and you went to the 7-Eleven. Could you point out on the
10 screen where the 7-Eleven is? Make it a little bit bigger.
11 Thank you. So, it's really at the corner of what appears to
12 be the intersection of Lamb and Boulder, and Desert Inn
13 curves through as well?

14 A Correct.

15 Q Okay. And it's at that 7-Eleven that you say that
16 -- that's where Mr. Alexander jumped in your car?

17 A Correct.

18 Q Now, earlier today, you didn't testify to having
19 any contact with Mr. Alexander after he -- after you pulled
20 out of Boulder Station, right?

21 A No, I did not.

22 MR. PESCI: Objection, mischaracterizes the
23 testimony.

24 MR. PARRIS: Excuse me.

25 BY MR. PARRIS:

1 Q Between the time that Mr. Alexander jumped in your
2 car -- excuse me. Between the time Mr. Alexander got out of
3 your car wearing the jacket and then jumped in your car at
4 the 7-Eleven, you had no contact with him, right?

5 A Correct.

6 Q Do you have any idea how Mr. Alexander knew to go
7 to that 7-Eleven?

8 A No, I don't.

9 Q He just --

10 A Considering we don't even live in that direction.
11 I just went to that 7-Eleven, again, to clear my mind.

12 Q Okay.

13 A To stop crying; to focus on driving.

14 Q And a block-and-a-half or so away in the opposite
15 direction of where you live, Mr. Alexander just showed up?

16 A Yes.

17 Q Okay. Now, going back to your interview with
18 Detective Larsen -- excuse me, Lorson, after you guys talked
19 about the Boulder Station incident, he asked you if you knew
20 of any other robberies. Do you remember that question?

21 A Yes.

22 Q Okay. And you said -- at first, you said you
23 didn't know of any; is that fair?

24 A Yes.

25 Q Now, later on, you had said that you were told of

1 the Family Dollar incident, correct?

2 A Correct.

3 Q Okay. Now, regarding the Family Dollar, when you
4 were talking to Detective Lorson, you seemed to sound like --
5 and correct me if I'm wrong -- that you were, again, told
6 about it; you didn't see it or you didn't experience it,
7 right?

8 A Correct.

9 Q Okay. Ultimately, you did admit that you drove Mr.
10 Alexander to the Family Dollar, right?

11 A To the corner.

12 Q To the corner, excuse me. And by the corner, that
13 would be the intersection close to -- to the Family Dollar
14 Store, right?

15 A Correct.

16 Q But you omitted -- when you were talking with
17 Detective Lorson, you omitted anything about driving to the
18 neighborhood just to the south of it, correct?

19 A Correct.

20 Q And you also omitted telling Detective Lorson how
21 you waited in that neighborhood for a few minutes, correct?

22 A Correct.

23 Q And you also admitted -- omitted from telling
24 Detective Lorson that while you were waiting, you actually
25 saw the two men running towards you, correct?

1 A Correct.

2 Q And you also omitted from telling Detective Lorson
3 that when you saw the men running towards you, you started
4 waving their hands, trying to get their attention, right?

5 A No, I did not.

6 Q You didn't omit that, or you didn't wave your
7 hands?

8 A I did not wave my hands.

9 Q So, it's your testimony that while you were -- when
10 you saw the men running towards you after the Family Dollar
11 incident, as you were waiting in your car -- by the way, the
12 Ford Taurus, is that the same car that you are driving here
13 today?

14 A Correct.

15 Q Okay. So, as you were waiting in that Ford Taurus,
16 it's your testimony that you didn't wave your hands and try
17 and get the attention of somebody who was running towards
18 you?

19 A No, I did not.

20 Q Did you honk your horn?

21 A No, I did not.

22 Q None of it? You did nothing?

23 A No.

24 Q Okay.

25 A I heard the sirens and I left.

1 Q Okay. So, later on in your interview with
2 Detective Lorson, he had asked you how many other incidents
3 there might be, and you had discussed some incident at,
4 again, the nail or hair salon, right?

5 A Correct.

6 Q But you didn't know exactly when that happened,
7 right?

8 A Correct.

9 Q And other than that nail salon, when he had asked
10 you, you know, are there any others, you pretty much said,
11 that's all I can remember; that's it; that's all I got,
12 right?

13 A Correct.

14 Q Words to that effect?

15 A Correct.

16 Q Okay. Again, I wasn't quoting you, but that's the
17 gist of what you said, right?

18 A Correct.

19 Q Now, about two weeks later, almost exactly two
20 weeks later, you were contacted by Detective Miller; you
21 remember that?

22 A Um-hum. Correct.

23 Q Is that a yes?

24 A Correct.

25 Q Thank you. And you came down to a police station

1 and meet with Detective Miller?

2 A No, he came to my house.

3 Q Oh, excuse me. I'm sorry, that's right. He came
4 to your sister's house where you were staying at that time,
5 correct?

6 A Correct.

7 Q Thank you. You actually went to the police station
8 for Detective Lorson; not Detective Miller?

9 A Correct.

10 Q Thank you. And early on, do you recall -- you had
11 an opportunity to review your transcript of the recording --
12 excuse me, the transcript of the conversation you had with
13 Detective Miller, right?

14 A Correct.

15 Q And you had said you didn't know it was being
16 recorded?

17 A In the beginning, no. No, it wasn't until
18 afterwards that he told me it was recorded.

19 Q And by afterwards, do you mean after the recording
20 had stopped, or --

21 A After our conversation was finished, yes.

22 Q Okay. So, regarding that conversation, you would
23 agree the conversation with Detective Miller started out with
24 him saying that he knew that you had lied at times in your
25 conversation with Detective Lorson, correct?

1 A Correct.

2 Q Okay. And then, before Detective Miller started
3 asking you about what did or didn't happen, the two of you
4 started talking about your children, correct?

5 A Correct.

6 Q You were talking about how you had -- you had to
7 keep correcting him. You kept saying you have two children,
8 not just one, right?

9 A Right.

10 Q And you had learned that he actually has five
11 children?

12 A Who has five?

13 Q Detective Miller.

14 A Yes.

15 Q Yes? Okay. And it's at that point in time after
16 that discussion about your respective families and the
17 children's ages, that's when you said, even before you
18 started talking about, again, the facts of any robberies or
19 any incidents, that's when you first said the words, I don't
20 want to testify, right?

21 A Correct.

22 Q And earlier when Mr. Pesci had asked you, he was
23 asking you if it was just that you didn't want to testify
24 with respect to the grand jury proceeding, but you had
25 corrected him, right?

1 A Correct.

2 Q You had said, I just -- I don't want to do it at
3 all, right?

4 A Correct.

5 Q At that point in time when you went in -- when
6 Detective Miller came to you for that second interview, you
7 pretty much knew that something bad was on the horizon for
8 you; is that fair to say?

9 A Correct.

10 Q And you knew that since you volunteered this
11 testimonial -- this -- excuse me, you volunteered the
12 information about not wanting to testify, you knew that that
13 could be something in your near future; that you would have
14 to testify against someone if you felt it was in your best
15 interests, right?

16 A Correct.

17 Q Now, when you started talking about -- let's start
18 with the Family Dollar incident, because I believe that was
19 the first incident you and Detective Miller really got into
20 the meat and potatoes of, right?

21 A Correct.

22 Q You first told Detective Miller, and please correct
23 me if I'm wrong, that you dropped off Mr. Alexander, right?

24 A Yes.

25 Q And then, three hours later, he called me from the

1 jail?

2 A Correct.

3 Q He meaning Mr. Alexander, right?

4 A Correct.

5 Q And you tried to put that out there as if it was
6 true, correct?

7 A It was true.

8 Q Okay. And you also had testified that -- excuse
9 me, and I'm sorry, testified is the wrong word. You had also
10 indicated to Detective Miller that the other guy that you saw
11 running, that you had no idea who he was, right?

12 A Correct.

13 Q Okay, but that again was inconsistent with what you
14 had testified earlier today, right?

15 A Right.

16 Q Now, at some point in time, Mr. -- excuse me,
17 Detective Miller asked you about an incident on East Lake
18 Mead, correct?

19 A Yes.

20 Q Yes. And your response to that question was, "I'm
21 stumped." Was that your exact language?

22 A Yes.

23 Q Okay. And then, later on, you were able to
24 determine, oh, it was in reference to a convenience store,
25 right?

1 A Correct.

2 Q If you need some water, there's a jug right there,
3 if you need anything.

4 A Thank you.

5 Q Okay. Now, I'm going to stop right there with
6 respect to the actual questioning with Detective Miller. Do
7 you recall -- when you were kind of talking about this
8 convenience store on Lake Mead, do you recall that, at that
9 juncture, Destiny, your two-year-old, kind of came out and
10 interrupted things --

11 A Yes.

12 Q -- between you and Detective Miller?

13 A Yes.

14 Q Okay. And shortly around that time, your sister,
15 or Destiny and Ronald's aunt, came out and actually discussed
16 with you going to the grocery store, right?

17 A Correct.

18 Q And all of this was recorded, right?

19 A Right.

20 Q And when your sister left, at that point in time,
21 Ronald and/or Destiny were I guess in the front lawn area; is
22 that where you were talking with Detective Miller?

23 A Yes.

24 Q They were playing around you, correct?

25 A Yes.

1 Q And actually interacting with Detective Miller as
2 well, right?

3 A Yes.

4 Q In the yard area?

5 A Yes.

6 Q And throughout the remainder of the interview --
7 about how long did this interview last, out of curiosity?

8 A An hour or so.

9 Q An hour or so? Okay. And would it be fair to say
10 that your sister left about a half-hour or so into it, about
11 midway through?

12 A Yes.

13 Q Okay. So, for the second half-hour, your children
14 -- your two children were literally crawling on and around
15 you while you were telling Detective Miller what was going
16 on, right?

17 A My daughter was outside with me. My son was in the
18 house with my nephews.

19 Q Okay. So, it was just Destiny?

20 A Correct.

21 Q Okay, and Ronald was --

22 A In the house.

23 Q -- being watched by others? Okay. And throughout
24 that time when Destiny was playing, eating rocks I think at
25 one point in time, or putting dirt in her mouth --

1 A Rocks.

2 Q Kids. You and Detective Miller continued to
3 discuss the -- the difficulties that would be associated with
4 a parent being taken away from their children, right?

5 A Correct.

6 Q And it was your understanding that Detective Miller
7 had some reservations with taking a mother away from her
8 kids?

9 A Correct.

10 Q And he was -- he had actually referred to them as
11 literally crawling on his shoulder at one point in time,
12 right?

13 A Yes.

14 Q Now, earlier, we had heard Mr. Pesci talk about how
15 Detective Miller did not promise you anything?

16 A Correct.

17 Q But in fairness, he did promise you -- at that
18 interview, he did promise you that he was not going to arrest
19 you when you had that interview, correct?

20 A The same as Detective Lorson, yes.

21 Q Correct. And he, Detective Miller, just like
22 Detective Lorson, upheld that promise, right?

23 A Correct.

24 Q Now, Detective Miller also promised you that if
25 there came a time when you were going to be charged with

1 anything, that he would contact you ahead of time, right?

2 A Correct.

3 Q And that he would give you a heads-up so you could
4 make arrangements to make sure that things were taken care
5 of, right?

6 A Correct.

7 Q Make sure your children had someone to watch over
8 them, right?

9 A Correct.

10 Q And make sure that your job, as best as you could -
11 - I don't know if it would -- take time off, or just to give
12 them a heads-up that you're not just no-call, no-showing,
13 right?

14 A Right.

15 Q Okay. And he promised you he would do that, right?

16 A Correct.

17 Q And he did that, right?

18 A Correct.

19 Q And there were more discussions between you and him
20 about testifying or not testifying, right?

21 A Correct.

22 Q Because at that point in time, you knew that was --
23 you had a good reason to believe that was going to happen?

24 A Right.

25 Q And again, all of this, as Mr. Pesci pointed out,

1 was before you had ever met anyone from the DA's office about
2 this case, right?

3 A Correct.

4 Q And it was all of this -- everything we've
5 discussed up until now occurred prior to you even being
6 charged with the -- I believe Mr. Pesci said 22, but you
7 corrected him, 23 felonies, right?

8 A Correct.

9 Q So, you knew what was about to happen, right?

10 A Yes.

11 Q Okay. You're not pretending like you were
12 completely shocked when ultimately you got the phone call
13 that, hey, you're being charged with all this?

14 A No.

15 Q Nor were you completely shocked when you first
16 spoke with Mr. Pesci and/or Ms. Killer and you started having
17 discussions about what you were going to get in exchange for
18 your testimony, right?

19 A Correct.

20 Q But you were not willing to testify until you were
21 locked up, right?

22 A There was never a conversation of if I had to or
23 not. I had to. If it came down to it, I had to testify.

24 Q Okay. Well, you'd agree that you didn't have to
25 testify; you didn't have to take a deal? No one forced you

1 to take --

2 A No.

3 Q -- the Guilty Plea Agreement that Mr. Pesci showed
4 you earlier today, correct?

5 A Correct.

6 Q Okay. But you didn't decide, yes, I'm going to
7 testify until you were charged and ultimately locked up,
8 right?

9 A Correct.

10 Q Okay. So, while you were still in jail without
11 your two children, was your sister taking care of them, or
12 other --

13 A Yes.

14 Q -- family members? Okay. You decided at that
15 juncture that it would be best for you and your kids if you
16 were to testify in the --

17 THE COURT: Are you -- are you okay, sir?

18 JUROR NO. 2: Um-hum.

19 MR. PARRIS: Oh.

20 THE COURT: Do you need something?

21 JUROR NO. 2: No, just a question.

22 MR. PARRIS: Oh.

23 THE COURT: Oh, okay. It looked like you were
24 signaling me, but all right. Remember, questions are asked
25 when both sides are done questioning the witness, okay? So

1 if you still have the question and it doesn't get asked, I'll
2 make sure the court marshal collects it from you. I'm sorry,
3 Mr. Parris.

4 MR. PARRIS: No, no worries. I didn't see any
5 movement out of the corner of my eye unlike Your Honor.

6 BY MR. PARRIS:

7 Q So, when you were locked up away from your kids,
8 only then did you say, yeah, I will -- I will willingly do
9 this?

10 A Yes.

11 Q Okay. Now, when we talked about your testimony --
12 excuse me. When we talked about your guilty plea, I believe
13 Mr. Pesci had referenced that you pled to one count of
14 conspiracy to commit robbery, correct?

15 A Correct.

16 Q And that the State had the right to argue at the
17 time of your sentencing, correct?

18 A Correct.

19 Q Just as your attorney has the right to argue
20 regarding sentencing, correct?

21 A Correct.

22 Q And you're aware that this is a probationable
23 offense, right?

24 A Correct.

25 Q And what does probationable -- does probationable

1 mean to you? You might get probation; you might not?

2 A Correct.

3 Q Okay. There's nothing contained in the guilty
4 plea, but I'm assuming the district attorney didn't -- he
5 made no promises to you whether you would get probation,
6 correct?

7 A No.

8 Q That's left up to the Court, and it says that in
9 the guilty plea, right?

10 A Correct.

11 Q Okay. There was one thing that Mr. Pesci didn't
12 mention that was also contained in the guilty plea, and that
13 was that you would be released on your own recognizance?

14 THE COURT: Well --

15 MR. PESCI: Objection, misstates my questioning.

16 THE COURT: Sustained.

17 MR. PESCI: I did bring up the OR.

18 THE COURT: He did. He did mention it.

19 MR. PARRIS: You did bring up the OR, Mr. Pesci?

20 THE COURT: Yes, he did.

21 MR. PARRIS: I apologize.

22 BY MR. PARRIS:

23 Q So, in addition to receiving the benefits we
24 already discussed, you also got to go home to your children,
25 right?

1 A Correct.

2 Q Okay. And arguably the largest benefit, 22 of
3 those felonies -- excuse me, of those charges are now -- or
4 will be dismissed, correct?

5 A Correct.

6 Q Now, at this point in time -- at this point in
7 time, you're currently residing with your children, correct?

8 A Correct.

9 Q And you've stayed in good contact with the district
10 attorney's office, correct?

11 A Yes.

12 Q And your testifying today in order to fulfil your
13 obligations in that guilty plea, correct?

14 A Correct.

15 Q Because what you want more than anything else is
16 not to be taken away from your children again, right?

17 A Correct.

18 MR. PARRIS: Thank you. I have nothing further.

19 THE COURT: That's it?

20 MR. PARRIS: Yes.

21 THE COURT: You're done? Okay.

22 MR. PARRIS: Yes.

23 THE COURT: Mr. Sanft, any cross?

24 MR. SANFT: If I could just have a moment, Your
25 Honor.

1 (Pause in the proceedings)

2 CROSS-EXAMINATION

3 BY MR. SANFT:

4 Q Ms. Martin, where are you currently employed right
5 now?

6 A Urgent Care Extra.

7 Q Urgent Care Extra?

8 A Yes.

9 Q And your testimony earlier was that you are a
10 medical assistant?

11 A Correct.

12 Q What is -- what do you do as a medical assistant?

13 A Triage -- room and triage patients, any injections,
14 vitals, lab work.

15 Q All right. Do you have to go to school for that
16 kind of job?

17 A I did.

18 Q Do you have to have a certification?

19 A Not in the State of Nevada.

20 Q All right. With regards to your job, did you have
21 to fill out an application in order for you to get the job?

22 A Correct.

23 Q And that job is a job that you've had during the
24 time period of what we've been talking about, these four
25 instances; is that correct?

1 A Correct.

2 Q All right. Have you told your employer about the
3 fact that you pled guilty to a felony?

4 A Yes.

5 Q And your employer is still allowing you to be on
6 the job?

7 A There -- it's in conversation with human resources,
8 and I'm to be notified today of the decision.

9 Q Okay. And that's after your testimony here today,
10 you're going to find out whether or not you keep your job?

11 A I didn't know about the testimony until yesterday,
12 then my meeting with them was on Tuesday.

13 Q Okay.

14 A They were giving me until Friday. They'll give me
15 a call and let me know what's going on.

16 Q All right. Now, your testimony as well is that you
17 had been part of this whole thing, and I'm just a little bit
18 confused, because I want to make sure we're absolutely clear.
19 You knew every time that these two individuals got out of the
20 vehicle that they were going to rob someone, correct?

21 A Correct.

22 Q All right. And your testimony as well earlier was
23 that you never saw a firearm?

24 A No.

25 Q You never once saw a gun?

1 A No.

2 Q Now, would it be also fair to say, of course, that
3 this is the first time you and I have had any conversation;
4 is that correct?

5 A Correct.

6 Q Prior to this, you spoke with detectives?

7 A Correct.

8 Q How many times did you speak with detectives?

9 A Once with Detective Lorson; twice with Detective
10 Miller.

11 Q Okay, twice?

12 A Correct.

13 Q And with -- both of those times, were those times
14 both recorded?

15 A The first one, I believe so. And the second one, I
16 can't answer that because I don't know the answer to it. He
17 came to my job and asked me to do a photo lineup.

18 Q Okay. And after your meetings with those two
19 detectives, did you meet with anybody else that was in law
20 enforcement?

21 A No.

22 Q Did you ever meet with the district attorney's
23 office?

24 A No.

25 Q You've never met with either Mr. Pesci or Ms.

1 Killer?

2 A Recently, yes.

3 Q Okay, how many times?

4 A Twice. Once.

5 Q Twice? Once?

6 A Once or twice.

7 Q All right. You've talked a little bit about the
8 transcripts of the meetings that you had with these
9 detectives. When did you have an opportunity to review those
10 transcripts?

11 A I read them last night and this morning.

12 Q Okay. And who provided those transcripts to you?

13 A Mr. Pesci.

14 Q Mr. Pesci did? Okay. And that was to help you in
15 your preparation for your trial here today?

16 A Correct.

17 Q Your testimony here today?

18 A Correct.

19 Q Okay. Now, in addition to that, did you have an
20 opportunity to review the video?

21 A Not until last night.

22 Q Okay, but once again, you sat down with the State
23 and you had a meeting with them?

24 A Correct.

25 Q And in that meeting, you were shown video?

1 A Correct.

2 Q Okay. And that was, once again, in preparation for
3 your trial here today?

4 A Correct.

5 Q Now, once again -- and this is just for my
6 edification, as well I think as the jury's. The first time
7 that Mr. Alexander came back and he -- and there was some
8 testimony about him having some money in his pocket, \$200; is
9 that right?

10 A Correct.

11 Q You've told this jury that you didn't -- you didn't
12 get any of that \$200; is that right?

13 A No.

14 Q You never questioned him about it?

15 A No.

16 Q The State asked you on their examination of you
17 that the rent was paid?

18 A Correct.

19 Q Did you -- at any point in the other four instances
20 that occurred, did you ever receive any benefit for that?

21 A No.

22 Q Really? Was the rent paid during that time period?

23 A I was also still working. Yes, it was.

24 Q Okay, but your testimony here today is that you're
25 driving someone to rob someone, right?

1 A Correct.

2 Q They're going out into a convenience store or to a
3 nail salon, they're doing the robberies, and they're coming
4 out without a gun, as far as you can tell?

5 A Correct.

6 Q And you don't get any benefit at all out of it?

7 A No.

8 Q And then, finally, just to -- just to make sure
9 we're clear here, your testimony here today is that the
10 vehicle that you're driving, that's the getaway car that you
11 used in all four or five of these instances; is that correct?

12 A Correct.

13 MR. SANFT: No further questions.

14 THE COURT: Thank you. Any redirect?

15 MR. PESCI: Yes, thank you.

16 REDIRECT EXAMINATION

17 BY MR. PESCI:

18 Q Ma'am, the screen has a map that's still up there
19 that Mr. Parris asked you about, State's Exhibit 3. Do you
20 recognize it?

21 A Yes, sir.

22 MR. PESCI: And did you take away the dots?

23 MS. KILLER: Oh, I did. I'm sorry.

24 MR. PESCI: Sorry.

25 BY MR. PESCI:

1 Q Could you show us again on State's 3 where the
2 7-Eleven is? All right. Now, Mr. Parris asked you on
3 cross-examination about your interview with Detective Lorson,
4 and he said that you omitted to Detective Lorson about going
5 to the 7-Eleven; is that correct?

6 A Correct.

7 Q That that's what -- that's what Mr. Parris asked
8 you?

9 A Correct.

10 Q Is it accurate to say that you didn't say the word
11 7-Eleven, but you actually did talk to the detective about
12 how you met up with Ralph Alexander on a side street off of
13 Lamb?

14 A Correct.

15 Q Would you look at page 8, please? Take a second
16 and see if, in the process of your back and forth with
17 Detective Lorson, if you were explaining the location where
18 it was that Ralph Alexander got back into the car?

19 A Yes.

20 Q Just read it to yourself, please.

21 A Yes.

22 Q And when you're done, let me know.

23 A Yes.

24 Q Okay. So, did you explain to Detective Lorson that
25 it was in fact in the area that we're looking at on the map

1 right now?

2 A Correct.

3 Q And you were talking about a side street off of --
4 did you say Lamb?

5 A Correct.

6 Q Was there then back and forth as to whether it was
7 on the Boulder Highway side or the Lamb side?

8 A Correct.

9 Q So, you did in fact talk to Detective Lorson about
10 Ralph Alexander getting into the car in the area. You didn't
11 say 7-Eleven, but you talked about an area out of the actual
12 Boulder Station parking lot?

13 A Correct.

14 Q Okay. And then you -- let me jump to something
15 that Mr. Sanft said, then we'll end with Mr. Parris's
16 questioning. Mr. Sanft asked about your job; asked about the
17 current status of your job?

18 A Correct.

19 Q You said that you're going to find out -- did you
20 say today or tomorrow?

21 A Today.

22 Q All right. Is that somehow connected to your
23 testimony today?

24 A No.

25 Q All right. The fact that it happens to fall on the

1 day you're testifying --

2 A Yes, just --

3 Q -- that's got --

4 A I met with them on Tuesday, and the new owner told
5 me he had to contact HR and he would get back to me by
6 Friday.

7 Q The State of Nevada has done nothing for you for
8 your job?

9 A No.

10 Q We haven't talked to your employers or done
11 anything for you?

12 A No.

13 Q I just didn't want it to be intimidated, or
14 understood, or misunderstood that somehow the connection of
15 these two days was tied to us doing anything for you.

16 A Absolutely not.

17 Q Okay. And then, the exact wording that I heard
18 from Mr. Parris was, you didn't agree to testify until you
19 were locked up. Do you remember that?

20 A Yes.

21 Q That's what Mr. Parris just asked you?

22 A Correct.

23 Q And then he followed up and said, when you were
24 locked up, that was only when you were willing to testify?

25 A Correct.

1 Q Okay, but that's not accurate, is it, ma'am?

2 A No.

3 Q You responded to a subpoena from the State of
4 Nevada to go to the grand jury and testify?

5 A That is true.

6 Q When you got to the grand jury, it was the State of
7 Nevada who told you, go home, you're not testifying?

8 A That is true.

9 Q You were handed a Marcum Notice and told, we're
10 coming for you, leave.

11 A Correct.

12 Q But you had come there anticipating to testify?

13 A I -- yes, sir.

14 MR. PESCI: Thank you.

15 THE COURT: Mr. Parris, any recross?

16 MR. PARRIS: Very briefly, Your Honor.

17 RECROSS-EXAMINATION

18 BY MR. PARRIS:

19 Q And you showed up at that grand jury the day after
20 you met with Detective Miller at your sister's home, correct?

21 A I don't recall the date.

22 Q Okay. It was shortly after --

23 A Yes.

24 Q -- that, correct?

25 A Yes.

1 Q Okay. In fact, you and Detective Miller discussed
2 how both of you were subpoenaed to testify?

3 A Correct.

4 Q And there was discussion between you and Detective
5 Miller about how he would need to contact the State and talk
6 to them about whatever he had just learned from you, correct?

7 A Correct.

8 Q Okay. And again, just to make sure we're all on
9 the same page, you were staying at your sister's home where
10 that interview with Detective Miller occurred, correct?

11 A Correct.

12 Q So, you knew that he knew that you were -- excuse
13 me. You knew that he knew where you lived, right?

14 A Correct.

15 MR. PESCI: I'm going to object to what --

16 THE WITNESS: I gave him the address.

17 MR. PESCI: -- she knew that Detective Miller knew,
18 because that calls for speculation.

19 MR. PARRIS: Not if she knows it.

20 MR. PESCI: Well, how could she know what Detective
21 Miller knew?

22 THE COURT: Right. You can probably ask it a
23 different way.

24 MR. PARRIS: Okay.

25 BY MR. PARRIS:

1 Q Detective Miller was at your sister's house, right?

2 A I gave him the address, yes.

3 Q Okay, good enough. Now, we had talked your job
4 status and how -- questioning both by Mr. Sanft and Mr. Pesci
5 regarding HR looking into how this particular situation, this
6 what will soon be a felony conviction --

7 A Correct.

8 Q -- when you're sentenced, may affect your job?

9 A Correct.

10 Q Is HR aware -- or have you made HR aware of your
11 previous conviction for petty larceny in 2013?

12 A They did a background check before I was hired.

13 Q Okay. So, you believe -- again, I can't ask you if
14 they know because you wouldn't know that, but you believe
15 that they were made aware of that conviction, correct?

16 A It's not a felony. It's a gross misdemeanor.

17 Q Okay, but they know about that conviction?

18 A I would assume so. They did a background check,
19 yes.

20 Q Okay. Now, the last thing we were talking about --
21 excuse me. One of the last things I'll talk about is the
22 benefits, and Mr. Pesci and Mr. Sanft had talked about what
23 benefits -- primarily Mr. Sanft had talked about what
24 benefits you may receive from your participation in these
25 incidents, and there was discussion about how, despite your

1 reduced hours, the rent got paid, correct?

2 A Correct.

3 Q And there was discussion about other bills got
4 satisfied, or other expenses were taken care of, correct?

5 A Correct.

6 Q Okay. Now, when we talk about expenses, we talk
7 about things like the power, the water, the gas, utilities,
8 stuff like that, right?

9 A Correct.

10 Q Food for you, food for the kids, clothing,
11 entertainment, things like that?

12 A Correct.

13 Q Okay. One other thing that was satisfied -- and
14 this is referenced one of your discussions with -- in your
15 discussion with Detective Lorson regarding the incident at
16 Lamb and Charleston. The question was posed to you if at the
17 time that that incident occurred, you were high or under the
18 influence, correct?

19 A Correct.

20 Q And your response was that possibly you were?

21 A Correct.

22 MR. PARRIS: I have nothing further.

23 THE COURT: Okay. I know we have a question. Do
24 you still have your question, sir?

25 MR. PARRIS: Oh, Your Honor, I don't know if Mr.

1 Sanft has any --

2 THE COURT: Oh, I'm sorry.

3 MR. SANFT: No, it's all right, Your Honor.

4 THE COURT: I apologize.

5 MR. PARRIS: We switched the order on you.

6 THE COURT: I know, I got -- you switched me up.

7 Sorry. Mr. Sanft?

8 MR. PARRIS: We want to keep you on your toes.

9 MR. SANFT: I apologize, Your Honor. No, I'm fine.

10 We'll just get the question.

11 THE COURT: Okay, so no further questioning?

12 MR. SANFT: Yes.

13 THE COURT: Thank you.

14 (Bench conference)

15 THE COURT: What are we up to? Is this going to be
16 number 6? It will be Court's Exhibit 6?

17 THE CLERK: This will be 7. This will be 7.

18 THE COURT: 7?

19 THE CLERK: Yes.

20 THE COURT: Okay. This is Court's Exhibit 7.

21 MR. PARRIS: Gees, it's a novella.

22 MS. KILLER: Wow, that's long.

23 THE COURT: He had pretty good questions. Okay,
24 the last one is clearly -- you guys can look at it. The last
25 one is a statement. He's paying attention.

1 MR. PARRIS: Good. First one's fair. Second one -
2 -

3 MR. PESCI: No one said they found Tonya Martin's
4 prints on the Taurus.

5 THE COURT: Pardon?

6 MR. SANFT: I guess we can ask -- I don't think
7 this one she can even answer.

8 MR. PARRIS: Well, it's not a question.

9 MR. PESCI: Right. I mean --

10 THE COURT: It doesn't matter. It's not a
11 question.

12 MR. PESCI: Right.

13 THE COURT: It's a statement. I can't --

14 MR. PARRIS: Yeah.

15 MR. PESCI: Plus, it's factually inaccurate.

16 MR. PARRIS: Well, irrespective, I mean, questions
17 can't be factually inaccurate.

18 THE COURT: Also, her petty larceny's not a cross.

19 MR. PARRIS: I'm aware of that fact, and I
20 didn't --

21 MR. PESCI: And I'm not going to follow up --

22 THE COURT: Okay.

23 MR. PESCI: -- either, because --

24 MR. SANFT: Doesn't really matter.

25 MR. PESCI: -- that's to their benefit to leave it

1 as a gross hanging out there.

2 THE COURT: Okay.

3 MR. PESCI: Had she been in the nail salon; how did
4 they know --

5 MR. PARRIS: That's a fair question.

6 MR. PESCI: -- where the cash --

7 THE COURT: What is?

8 MR. PARRIS: Has she been to the nail salon.

9 MR. PESCI: She can't answer the second one, how
10 did they know --

11 MR. PARRIS: No.

12 MR. PESCI: -- where the cash register was. The
13 employees weren't wearing uniforms --

14 THE COURT: Yeah, that's speculation.

15 MR. PESCI: -- so how did they know --

16 MR. PARRIS: She -- yeah. Well, if the answer to
17 this nail salon question is no, then she could not have known
18 the third question -- the answer to the third question.

19 MR. PESCI: Right.

20 MR. PARRIS: Had she been there. But if the
21 answer's yes, then she potentially could.

22 MR. PESCI: Right.

23 MR. PARRIS: So, I think it's contingent.

24 THE COURT: Okay.

25 MS. KILLER: I don't -- I don't know that she can -

1 - THE COURT: So, I can ask the first one.

2 MS. KILLER: -- know 2 or 3 without going in with

3 them though.

4 MR. PARRIS: No, 2 she cannot know.

5 MR. SANFT: Cannot ask the second one.

6 THE COURT: I can't ask the second one --

7 MR. PARRIS: Correct.

8 THE COURT: -- because she doesn't know.

9 MR. SANFT: If the answer's yes for the first one,

10 then you can ask the third --

11 THE COURT: And then she can't answer this one.

12 MR. PARRIS: Well, no, she could answer --

13 THE COURT: I mean, this is a statement.

14 MR. PARRIS: Potentially, she could answer the --

15 MR. SANFT: Third one.

16 MR. PARRIS: This is John Parris. Potentially, she

17 could answer the third question if the answer to the first

18 question is yes.

19 MR. SANFT: Is yes.

20 MS. KILLER: But isn't the third question how did

21 they know who the employees were?

22 MR. PESCI: Right, she can't say how they would

23 know.

24 MS. KILLER: She can't know how they'd know.

25 MR. PARRIS: I thought it was --

1 THE COURT: How would she know how they knew --

2 MR. PESCI: Even if she's inside, she can't know
3 what they knew.

4 THE COURT: Yeah.

5 MR. SANFT: So, that's fine.

6 MR. PARRIS: Oh, "they." I didn't see the "they."

7 MS. KILLER: Yeah.

8 MR. PARRIS: Okay, I'm sorry.

9 THE COURT: Yeah, "they."

10 MR. PARRIS: Yes.

11 THE COURT: She's -- so I'll ask this one --

12 MR. SANFT: Okay.

13 THE COURT: -- had she been to the nail salon, but
14 I'm not going to ask any of the other questions.

15 MR. SANFT: That's fine.

16 MR. PESCI: No objection from the State.

17 THE COURT: Thank you.

18 MR. SANFT: Nor the defense, Your Honor.

19 THE COURT: Thank you.

20 (End of bench conference)

21 THE COURT: Okay. At this time, sir, I'm going to
22 ask the one -- I'm going to ask one of your questions.

23 Ma'am, had you been to the nail salon?

24 THE WITNESS: No, ma'am.

25 THE COURT: Okay. This will be marked as Court's

1 Exhibit number 7. 7, right?

2 THE CLERK: Yes.

3 THE COURT: Okay. Does the State have any follow
4 up?

5 MR. PESCI: Not on that question, no.

6 THE COURT: Mr. Parris?

7 MR. PARRIS: No, Your Honor.

8 THE COURT: Mr. Sanft?

9 MR. SANFT: No, Your Honor.

10 THE COURT: Okay. Thank you very much for your
11 testimony here today. You may step down. You're excused
12 from your subpoena.

13 THE WITNESS: Thank you.

14 THE COURT: You may call your next witness.

15 MS. KILLER: State calls Detective Miller.

16 THE CLERK: Raise your right hand.

17 DAVID MILLER, STATE'S WITNESS, SWORN

18 THE CLERK: Thank you. Please be seated. State
19 and spell your name for the record.

20 THE WITNESS: My name is David Miller. D-a-v-i-d,
21 M-i-l-l-e-r.

22 MS. KILLER: Sorry, Detective Miller, just a
23 moment.

24 DIRECT EXAMINATION

25 BY MS. KILLER:

1 Q How long have you been -- sorry, are you employed
2 with the Las Vegas Metropolitan Police Department currently?

3 A I am.

4 Q How long have you been employed there?

5 A For 15 years.

6 Q And what is your position with Metro?

7 A I'm currently a detective in the robbery section
8 with Metro.

9 Q How long have you been a detective?

10 A For ten years.

11 Q Robbery the whole time, or various things?

12 A Robbery the whole time.

13 Q On July 9th of 2015, were you working as a robbery
14 detective?

15 A I was, yes.

16 Q And did you respond to a call under event number
17 150709-1037?

18 A That sounds right.

19 Q And was that at the Family Dollar Store at 4365
20 East Lake Mead?

21 A Yes, ma'am.

22 Q Or in that area?

23 A Yes, ma'am.

24 Q The call was regarding that store, correct?

25 A Correct.

1 Q And that's here in Las Vegas, Clark County, Nevada?

2 A Yes, ma'am.

3 Q When you responded, were there already officers on
4 scene?

5 A Yes.

6 Q And did you receive a briefing from the other
7 officers that were on scene as to what they had found and
8 what had occurred so far?

9 A Yes.

10 Q At that point, was your first step to -- I guess,
11 did you take a statement from Defendant Ralph Alexander?

12 A I did.

13 Q Had you done anything as part of the investigation
14 before that, or was that your first stop?

15 A That was my first stop, correct.

16 Q When you spoke with him, I would like to kind of go
17 over what he told you. Mr. Alexander admitted to pointing
18 the gun at the cashier, correct?

19 A Correct.

20 Q He admitted to making demands such as, open the
21 register, correct?

22 A That is correct.

23 Q He admitted to wearing a blue baseball cap?

24 A He did.

25 Q He admitted to wearing a white -- I believe you

1 described it as a flannel shirt?

2 A I believe it was plaid, like a checker plaid shirt.
3 Yeah.

4 Q So, like white with multiple --

5 A Yeah.

6 Q -- directional stripes on it?

7 A Um-hum, yes.

8 Q He admitted to wearing a blue or dark handkerchief
9 or bandana over his face?

10 A Yes.

11 Q He admitted that during the robbery, he saw someone
12 outside, and he thought that person might be a police officer
13 because of the radio?

14 A Using the radio, yes.

15 Q And I'm sorry, I got ahead of myself. Before you
16 asked him any of these questions, did you read him his
17 Miranda rights?

18 A I did.

19 Q Okay. And did he indicate that he understood
20 those?

21 A He did.

22 Q And did he speak to you after indicating he
23 understood those?

24 A Yes.

25 Q Okay, I'm sorry. Well, let's get back to what I

1 was asking you. So, he admitted that at some point during
2 the robbery, he noticed an individual outside who he seemed
3 to indicate he thought was a police officer, given the radio
4 he had?

5 A Yes.

6 Q Okay. And he admitted that after he saw this
7 individual, he ran out the back of the Family Dollar -- out
8 of the back of the Family Dollar Store?

9 A That's correct.

10 Q He told you he kept running until he was caught,
11 right?

12 A Yes.

13 Q But he admitted to you that while he was running,
14 he threw the gun, the hat, the shirt, and the handkerchief or
15 bandana down while he was running from that officer?

16 A Correct.

17 Q He also said some other stuff to you, correct?

18 A Yeah.

19 Q He claimed he was homeless and out of work?

20 A He did.

21 Q Okay. He claimed he might have some mental health
22 problems?

23 A He did.

24 Q But he admitted to you that he entered the store
25 that day in order to steal money?

1 A He did.

2 Q But he claimed he did it alone?

3 A He did.

4 Q And he told you he wasn't intending to hurt anyone
5 when he went in to get that money?

6 A Correct.

7 Q At one point, he kind of said that the gun might be
8 fake?

9 A Right. He -- at one point, he said fake, then he
10 said he didn't know, and then he said it was possibly fake.

11 Q But he admitted to you that despite going in to get
12 the money, he didn't actually leave with any from the cash
13 register?

14 A Correct.

15 Q And he also claimed that he didn't point the gun at
16 the officer who was chasing you?

17 A He -- that's what he said, correct.

18 Q You are what we call the case agent or the
19 investigating detective for the case, correct?

20 A Yes, ma'am.

21 Q As part of your investigation, did you learn that
22 some of those items he described for you were recovered by
23 the other officers working the scene?

24 A I did.

25 Q Showing you State's 75, is that the blue hat Mr.

1 Alexander described throwing down while he was running away?

2 A Yes.

3 Q And is this the shirt we're talking about, the
4 plaid or the flannel shirt?

5 A Correct.

6 Q Same one he described throwing down while he was
7 running away to you?

8 A Correct.

9 THE COURT: For the record, will you just state --

10 MS. KILLER: Oh, yes.

11 THE COURT: -- what exhibit that is?

12 MS. KILLER: It is 80. My apologies, Your Honor.

13 THE COURT: Thank you.

14 BY MS. KILLER:

15 Q 81, same shirt?

16 A Correct.

17 Q Now, officers looked for the gun, but they were
18 unable to track that down, correct?

19 A That is correct.

20 Q But Mr. Alexander himself told you he did in fact
21 use one during the robbery?

22 A Yes.

23 Q Detective Embry was the one that actually took
24 those photographs we just looked at, correct?

25 A Yes.

1 Q Okay. And was that because there weren't CSAs
2 available to respond when this incident occurred?

3 A That's correct.

4 Q And it was Detective Hubbard who you assigned to go
5 impound those?

6 A It is correct, yes.

7 Q Are you -- I assume you either recovered, or became
8 aware that some video was recovered from the store?

9 A Yes.

10 Q Okay. And as part of your investigation, did you
11 review that video?

12 A Yes.

13 Q Okay. And did you find what was depicted in that
14 video to be consistent with what you learned through your
15 investigation?

16 A I did, yes.

17 Q Okay, but did you find the video to contradict some
18 of Mr. Alexander's statements?

19 A Oh, yes. Yeah.

20 Q Would you recognize that video if we showed it to
21 you?

22 A Yes.

23 MS. KILLER: Kris, can we switch over?

24 BY MS. KILLER:

25 Q Detective Miller, does this video look familiar?

1 A Yes.

2 Q And you went inside the Family Dollar that day,
3 correct?

4 A I didn't.

5 Q Oh, okay. Is this the same video that was
6 recovered from that store though?

7 A Yes.

8 Q Okay. And if you could just kind of walk us
9 through, were you able to determine from your investigation
10 which defendant you believe has which mask on?

11 A Yes.

12 Q Okay. Can you just walk us through what we see
13 occurring on the video here?

14 A Yes. The -- over on the right side, kind of where
15 you can't see, is where the main confrontation takes place
16 over at the cash register. But this is James Parker with the
17 Punisher mask on, and I don't see Ralph Alexander pictured
18 here yet.

19 Q Okay. We'll hit play on it.

20 A So, that's Ralph Alexander taking her with the gun
21 behind the counter, and followed by James Parker there with
22 the backpack, and they're heading over to the register where
23 he tries to get her to open the -- Keshawn to open the
24 register.

25 Q And that hat we see Mr. Alexander wearing, is that

1 the same hat he described to you, and the same hat that was
2 recovered by detectives in the area?

3 A Yes. I think the only difference is he said it was
4 not a Detroit hat. He described it as a blue hat, but you
5 can clearly see that the hat we recovered is a Detroit hat,
6 and there are certain angles of this video where you can
7 clearly see it says "Detroit." It's the Detroit hat, yes.

8 Q Okay. It's I believe a Lions hat, right?

9 A Yes.

10 Q Okay. And then, that shirt that we see in the
11 video, is that the same shirt -- as far as you can tell, is
12 that the same shirt --

13 A Yeah, looks exactly --

14 Q -- that was recovered?

15 A -- like the shirt we found. Yeah.

16 Q Okay. And I think we have another angle.

17 A Now you're looking at the actual register where it
18 takes place where you just saw them walking towards. This is
19 going to be the female victim that gets her purse stolen here
20 in just a moment.

21 Q And that was Mr. Parker we saw jump over the --

22 A Yeah, Parker jumped over, and Ralph Alexander is
23 the one here with the gun, trying to get her to open the
24 register. And this is James Parker stealing -- I think her
25 name is Elana, her purse.

1 Q And to your knowledge, was that purse and backpack
2 recovered as well?

3 A It was.

4 Q Detective Miller, I'm going to have you look at a
5 map now.

6 MS. KILLER: If we can switch back. Thanks, Kris.

7 BY MS. KILLER:

8 Q State's Exhibit 43. Is this the area of the Family
9 Dollar Store?

10 A It is.

11 Q Okay. And that orange or red dot, is that where
12 the Family Dollar Store is located?

13 A It is, right there at Lake Mead and Lamb.

14 Q When you arrived in the area, had the other
15 officers already taken the two suspects -- the defendants
16 into custody?

17 A Yes.

18 Q Okay. And do you know where each of them were
19 taken into custody?

20 A Yes.

21 Q Can you mark that on the map for us?

22 A Just touch it?

23 Q Yes, it will appear on the screen.

24 A Right there in that corner is where Ralph Alexander
25 was taken into custody. That's where I was primarily the

1 whole time, sitting right there at that corner. That's where
2 I did my interview with Ralph Alexander. Just across the
3 street, some -- right in that area, I know it looks like
4 Tonopah goes through there, but I guess, technically, it
5 turns into Kell. Right there is where -- just across the
6 street was where James Parker was in custody.

7 Q So, Parker was taken into custody east of Lamb, and
8 Alexander was taken into custody west of Lamb?

9 A West, yes.

10 Q Okay. And you had an opportunity to personally see
11 both the defendants that evening?

12 A Yes.

13 Q And did you have a good enough opportunity that you
14 could identify them if they were in court?

15 A Yes.

16 Q Okay.

17 A Yeah.

18 Q If you see them, can you point to them and identify
19 an article of clothing they're wearing?

20 A They look at little bit different than last time,
21 but James Parker is the one in the blue shirt with the
22 checkered tie, and Ralph Alexander has the striped tie and
23 the white button-up shirt.

24 Q Okay. Let's do it by maybe number of position.

25 A Oh, I'm sorry.

1 Q So --

2 A To my right -- to my right is Ralph Alexander. To
3 my -- dead in front of me to the left is James Parker.

4 Q Okay. So, if --

5 THE COURT: I'm satisfied he's identified --

6 MS. KILLER: Okay.

7 THE COURT: -- Mr. Parker and Mr. Alexander.

8 MS. KILLER: We just had a bit of disagreement if
9 that's a blue or gray shirt, so I wanted to make a clean
10 record. Your Honor, can the record reflect that the
11 detective identified the second individual at the table as
12 Mr. Parker, and the fourth individual as Mr. Alexander?

13 THE COURT: Yes, so reflected.

14 MS. KILLER: Thank you. Thank you.

15 BY MS. KILLER:

16 Q Detective Miller, you initially were assigned just
17 to investigate the Family Dollar robbery, correct?

18 A That is correct.

19 Q And as a part of that, did you learn that a witness
20 had seen a gold Ford Taurus driving in the area that the
21 suspects led you?

22 A Correct.

23 Q Driving, parked. I don't know the exact
24 information, but a gold Ford Taurus was seen in that area?

25 A A gold Ford Taurus specifically with Nevada plate

1 005LNU.

2 Q Okay. And as a result of learning that
3 information, did you look into who the registered owner of
4 that vehicle was?

5 A I did.

6 Q And who was that?

7 A Tonya Martin.

8 Q Was the description given -- you eventually met Ms.
9 Martin in person?

10 A I did.

11 Q And was she the individual that just left the
12 courtroom before you?

13 A She is.

14 Q And was the description given by that witness
15 consistent with her general appearance?

16 A Yes, ma'am.

17 MS. KILLER: Court's indulgence.

18 BY MS. KILLER:

19 Q At that time when you first learned this
20 information, did you know that the car was connected to any
21 other robberies?

22 A Not at that moment.

23 Q Later, did you learn some information that led you
24 to begin investigating additional robberies?

25 A Yes.

1 Q And did that come from other officers; other
2 detectives?

3 A Yes. The officers that work in that same northeast
4 part of the Valley that were familiar with the events going
5 on around that time period are the ones that gave me the
6 information.

7 Q Okay. And they and you have noticed some
8 similarities between the robberies that had occurred --

9 A Correct.

10 Q -- in a short time span?

11 A Correct.

12 Q We're talking about June 15th to July 9th?

13 A June 19th to July 9th.

14 Q Okay.

15 A Yes.

16 Q Oh, yes, I'm sorry. I guess the first one was
17 already assigned to Detective Lorson?

18 A I think -- and I'm sorry. Yeah, the June 15th one,
19 I wasn't even familiar with it until a later time.

20 Q Okay.

21 A But the ones I'm specifically referring to, June
22 19th through July 9th.

23 Q Let me just ask you about those real quick so we
24 can make this easier for the jury to follow.

25 A Sure.

1 Q The June 19th incident is Kwik-E Market?

2 A Correct.

3 Q Okay. The June 26th is LV Nail Spa?

4 A Correct.

5 Q And the June 30th is Rainbow Market?

6 A That's correct.

7 Q Okay. When you started investigating those, did
8 you obtain surveillance from those incidents as well?

9 A I did, all except for -- well, I received
10 surveillance from every single robbery, but there was only
11 surveillance on the outside on one of those, at the LV Nail
12 Spa.

13 Q Okay. I'm going to cue up the video from the
14 Kwik-E-Mart, which was previously admitted as State's Exhibit
15 4. Detective Miller, is this the --

16 MS. KILLER: Oh, can we switch over?

17 BY MS. KILLER:

18 Q Is this the surveillance view that was provided
19 from Kwik-E Market in regards to the robbery that occurred
20 there on June 19th?

21 A Correct.

22 Q And we see a car driving here. Were you able to
23 connect that car to the Family Dollar robbery?

24 A Yes, I was.

25 Q And whose car is that?

1 A That's Tonya Martin's gold 2002 Ford Taurus.

2 Q Okay. Just bear with us while we figure out
3 technology. Now, this video appears to be a little quicker
4 than normal speed, but this was video obtained from the
5 businesses near the LV Nail Spa?

6 A This is the nail spa incident, yes.

7 Q Okay. And this incident occurred on June 26th?

8 A Correct.

9 Q And the car we see there, is that likewise Ms.
10 Martin's car?

11 A That was Tonya Martin's car as well, the one the
12 suspect just ran and got into, and the car took off.

13 Q And then, on the Rainbow Market incident, I don't
14 believe there was outside surveillance, correct?

15 A Correct.

16 Q There was just inside?

17 A Correct.

18 Q The jury's had the opportunity to review the inside
19 surveillance numerous times, so in the interest of being
20 efficient, we're going to skip over that, but --

21 A No problem.

22 Q -- let me generally ask you, the inside
23 surveillance that you viewed from all these incidents, were
24 the mask or face coverings worn and the clothes work
25 consistent with what was used in the Family Dollar robbery as

1 well?

2 A The -- yes, the Punisher mask, and the other
3 suspect, Ralph Alexander, with the bandana handkerchief.

4 Q Showing you State's Exhibit 84, when you say
5 Punisher mask, is this what we're talking about?

6 A Yes, ma'am. That's the mask we recovered right
7 after the robbery at the Family Dollar Store on July 9th.

8 Q And is that the same mask you saw in the
9 surveillance video from the Kwik-E Market and Rainbow Market
10 incidents?

11 A It appears to be the same.

12 Q Okay. And consistent with the descriptions given
13 to you from the LV Nail Spa incident?

14 A Correct.

15 Q Okay. Kind of a white skull shape on --

16 A Correct.

17 Q -- the front of a black, stretchy, or something --

18 A Yeah, I believe they actually said the word "skull"
19 in the LV Nail Spa.

20 Q As you're investigating these, in addition to Ms.
21 Martin's car and the bandana and skull being used, did you
22 find other similarities between all the incidents?

23 A Well, the incidents in general were very similar.
24 They were the only incidents of that like that occurred in
25 that time period or since where two suspects were entering

1 businesses in the northeast, and not only targeting the -- in
2 three of these four incidents, not only were they targeting
3 the actual business money, but they were actually targeting
4 victims in the store, which is relatively unique in my line
5 of work. And you know, that specifically the suspect always
6 had the Punisher mask, one had the bandana, and those
7 robberies came to a stop after they were arrested.

8 Q So, you had no further incidents with these
9 characteristics after the July 9th date?

10 A No, ma'am.

11 Q Obviously, you weren't there, but you reviewed the
12 video surveillance of all of this. Were the general builds
13 and sizes of the suspects in each of these robberies
14 consistent --

15 A They appeared to be --

16 Q -- throughout the series?

17 A -- the same, yes.

18 Q Sorry, we just can't talk at the same time.

19 A Sorry.

20 Q Go ahead.

21 A They appeared to be the same, yes.

22 Q And to your knowledge and from your review of the
23 surveillance, weapons were used in all the robberies,
24 correct?

25 A Correct.

1 Q Or the -- at least the ones you investigated;
2 Kwik-E Market, LV Nail Spa, Rainbow Market, and Family
3 Dollar?

4 A The four, yes.

5 Q As a result of these similarities and the
6 connection with the cars, did you interview Tonya Martin?

7 A I did.

8 Q At that time, had she previously been interviewed
9 by Detective Lorson in regards to a June 15th event at
10 Boulder Station?

11 A Correct.

12 Q Did you go find her, and arrest her right away, and
13 talk to her, or did you give her a call?

14 A I gave her a call and arranged to come and speak
15 with her.

16 Q And did she come -- or, I'm sorry. Did you meet up
17 with her to speak with her?

18 A I did.

19 Q In doing so, did you inform her that she would not
20 be arrested that day?

21 A That day, correct.

22 Q And at least from your interactions with her, she
23 appeared to voluntarily meet with you?

24 A Correct.

25 Q She was not in custody during this interview?

1 A No.

2 Q And I assume you informed her of the same?

3 A I did, yes.

4 Q The interview actually occurred on August 12th of
5 2015, correct?

6 A That is right.

7 Q Even though she wasn't in custody and you had told
8 her you weren't going to arrest her, did you read her her
9 Miranda rights?

10 A I did.

11 Q Okay, and did she acknowledge that she understood
12 those?

13 A She did.

14 Q Okay. And did she speak with you after that?

15 A She did, yes.

16 Q Without telling us exactly what she said, did she
17 confirm the connections between the robberies?

18 A She did, yes.

19 Q And did she confirm that the same two people you've
20 identified here today as the defendants were the ones
21 committing these?

22 A She did, although at that -- on August 12th, she
23 didn't know James Parker's full name; she only knew him as
24 Jay.

25 Q That's right. Did you also learn that she shared a

1 child with Ralph Alexander?

2 A Yes.

3 Q He was the father of one of her kids?

4 A One of her children, yes.

5 Q At that time, after your interview, did you take
6 some photographs of Ms. Martin's car?

7 A Yes.

8 Q And did you do that with her permission?

9 A Yes.

10 MS. KILLER: Your Honor, if I may approach the
11 witness?

12 THE COURT: You may.

13 BY MS. KILLER:

14 Q Just going to have you look at these real quick to
15 yourself and confirm they're the right ones.

16 A Yes.

17 Q Do you recognize those photographs that I've just
18 shown you, for the record, State's 88 to 92?

19 A I do. I recognize those --

20 Q And --

21 A That's -- I took those.

22 Q I was going to say, how do you recognize them?
23 Because you took them?

24 A Yes.

25 Q Okay. And what are they of?

1 A Those are pictures of Tonya Martin's 2002 gold Ford
2 Taurus.

3 MS. KILLER: Your Honor, the State moves to admit
4 State's -- 88's already admitted. 89 to 92.

5 MR. SANFT: No objection, Your Honor.

6 MR. PARRIS: No objection.

7 THE COURT: Okay, they're admitted.

8 THE CLERK: They were admitted.

9 THE COURT: I thought so, too. They were already
10 all admitted.

11 MS. KILLER: Oh, okay.

12 THE COURT: But thank you.

13 MS. KILLER: We must have forgot to hand them back
14 for a sticker.

15 BY MS. KILLER:

16 Q Detective, showing you State's 88, back view of Ms.
17 Martin's car?

18 A I'm so sorry, what?

19 Q Is this the rear view of Tonya Martin's car?

20 A Yes, ma'am.

21 Q 89, side view?

22 A Yes.

23 Q 90, same --

24 A Correct.

25 Q -- but different side?

1 A Yes.

2 Q 91 is her tire, I assume?

3 A Yes.

4 Q And 92 would be the front of the car?

5 A Yes.

6 Q And when you saw the car in person, and observed it
7 and took these photographs, were you able to determine if it
8 was consistent with the car seen in all of the surveillance
9 video?

10 A Correct, it was.

11 Q You had mentioned that Tonya Martin only knew James
12 Parker as Jay when you interviewed her on August 12th?

13 A That's right, yes.

14 Q Afterwards, on August 28th of 2015, did you conduct
15 a photo lineup with her?

16 A Yes, I ultimately did a photo lineup.

17 MS. KILLER: Your Honor, may I approach the
18 witness?

19 THE COURT: You may.

20 MS. KILLER: Madam Clerk, is 93 admitted?

21 THE CLERK: Yes.

22 THE COURT: Yes.

23 BY MS. KILLER:

24 Q Do you recognize that?

25 A I do. I do.

1 MS. KILLER: Permission to publish then?

2 THE COURT: You may.

3 BY MS. KILLER:

4 Q Detective, is this the first page of the photo
5 lineup you completed with Tonya?

6 A Correct.

7 Q And the instructions we're seeing here, are they
8 given before you show someone a photo lineup?

9 A Right. The first thing I did was I read these to
10 her to make sure she understood.

11 MS. KILLER: And they're fairly long, so I'll just
12 inform the ladies and gentlemen of the jury that as an
13 admitted exhibit, you'll have this back with you and you'll
14 be able to look at it during your deliberation.

15 BY MS. KILLER:

16 Q On the second page of the photo lineup, it depicts
17 what's known as a six-pack, correct?

18 A Yes.

19 Q Or what some of us call it?

20 A Yes.

21 Q And that's a set of six photographs of similar
22 looking individuals which are shown to someone to see if they
23 can possibly identify someone?

24 A Correct.

25 Q Okay. When you showed Tonya Martin this lineup,

1 who did she identify?

2 A She identified number 2 and circled it, and that is
3 in fact James Parker.

4 Q That was going to be my next question. Thank you.
5 And is that the same individual you identified earlier as the
6 second person from this -- from the left of defense table as
7 you're viewing it?

8 A Correct, yes.

9 Q On August 12th when you met with Tonya, did she
10 mention that she had a subpoena for grand jury?

11 A Yes.

12 Q Okay. And did that grand jury occur -- I believe
13 it was August 13th?

14 A The grand jury occurred the 14th, I believe.

15 Q It was a day or two later?

16 A Yes.

17 Q It was close in time?

18 A Yes.

19 Q And when you came to grand jury, was Tonya Martin
20 there?

21 THE COURT: I'm very sorry. I don't know how that
22 happened. Sorry.

23 MS. KILLER: Let me ask it again. When Tonya
24 Martin came to grand jury --

25 THE COURT: That's not good when I cause the

1 disruption. I apologize to everyone.

2 MS. KILLER: And I apologize, Kris, because I just
3 said that question wrong. I'm going to have to start over.

4 BY MS. KILLER:

5 Q When you came to grand jury, was Tonya Martin
6 sitting there?

7 A She was.

8 Q Okay. And she was sitting with the other
9 witnesses, waiting to testify?

10 A Yes.

11 Q Okay. And at that time, did you observe Mr. Pesci
12 here next to me hand her a Marcum Notice?

13 A I did.

14 Q And are you aware from your training and experience
15 that that indicates that the State is seeking charges against
16 someone?

17 A Correct.

18 Q Okay. And at that time, did the State actually
19 tell her she would not be testifying that day?

20 A Did we tell her that she would not be testifying?

21 Q Did Mr. Pesci or I tell her, we're not calling you,
22 you can leave?

23 A Oh, to testify that day?

24 Q Yes.

25 A Yeah, I don't think she testified that day. Right.

1 Q Not at the grand jury?

2 A No.

3 Q After the photo lineup -- after the photo lineup --
4 that occurred after the grand jury, correct?

5 A Yes.

6 Q In time?

7 A August 25th I think was the photo lineup.

8 Q Later in -- around October 9th, there was an
9 Indictment -- a Superceding Indictment and an Indictment
10 Warrant issued for Tonya Martin, correct?

11 A That sounds right.

12 Q Okay. And you had previously spoken to her. She
13 was aware that at some point, she would likely be charged and
14 arrested?

15 A Correct.

16 Q Okay. Did the State provide you a copy of that
17 Indictment Warrant in order to take her into custody?

18 A Yes.

19 Q And did you contact Ms. Martin regarding it?

20 A Yes.

21 Q Did she voluntarily turn herself in?

22 A Yes.

23 Q And at that time, she would have been arrested and
24 booked into jail on these charges?

25 A I did, yes. I booked her, yeah.

1 Q After that date is when she appeared in court and
2 was [inaudible], correct?

3 A Correct.

4 MS. KILLER: Court's indulgence. I just need to
5 grab a couple photographs, if I can approach.

6 BY MS. KILLER:

7 Q Detective Miller, as -- after Tonya was arrested,
8 or during the course of your further investigation while the
9 case was pending, did you request that fingerprints be
10 compared on the events where the CSAs had recovered
11 fingerprints?

12 A Yes.

13 Q Okay. And if I -- if I'm correct -- correct me if
14 I'm wrong; that was LV Nail Spa and Rainbow Market?

15 A Rainbow Market sounds familiar. I don't know about
16 the LV Nail Spa off the top of my head. I think it was the
17 Rainbow Market.

18 Q It's okay. How about we do it this way. You
19 requested fingerprints on any of the events you were
20 investigating where CSAs had recovered them?

21 A I did.

22 Q Okay. And then -- but you had not been the
23 detective assigned to those cases when they initially
24 occurred, correct?

25 A No.

1 Q So you didn't respond personally to Kwik-E Market,
2 LV Nail Spa, or Rainbow Market?

3 A I did not.

4 Q So, you were not able to direct what prints were
5 taken; what evidence was impounded?

6 A Correct.

7 Q Okay. You just had -- whatever had been done was
8 what you had to work with?

9 A That's true, yes.

10 Q Okay. And to your knowledge, there was -- Family
11 Dollar was the only incident where there was physical
12 evidence impounded, correct?

13 A Correct.

14 Q Okay. Regarding the Family Dollar event, did you
15 order DNA analysis on one of the items recovered?

16 A Yes.

17 Q Okay, and that was the skull mask?

18 A The Punisher mask, yes.

19 Q Okay, I'm sorry. I did it, too. The Punisher
20 mask. There were some other items recovered, correct?

21 A Yes.

22 Q So, State's 71, that backpack, were you able to see
23 that backpack in the video?

24 A Yes.

25 Q Okay. And were you able to determine that it was

1 opened and worn by the suspect wearing the Punisher mask?

2 A Yes, and that was the backpack where the purse was
3 actually recovered.

4 Q Recovered from? And that was the customer's purse?
5 We saw her on the outside edge of the counter?

6 A Yes.

7 Q Okay, but you were able to make the determination
8 that the suspect wearing the Punisher mask was the one with
9 the backpack?

10 A Yes.

11 Q And I believe there was also -- showing you State's
12 77 and 79, if I can fit them both on here, there was a black
13 beanie without anything printed on it and some gloves
14 recovered either on or near Ralph Alexander --

15 A That's correct.

16 Q -- when he was arrested, correct?

17 A Yes.

18 Q Okay. And then you were able to see in the video
19 and Mr. Alexander himself told you that he was wearing,
20 State's 75, the blue cap, and the -- State's 80, the plaid or
21 flannel shirt?

22 A Yes.

23 Q White with blue stripes?

24 A Yes.

25 Q State's 84. Mr. Alexander, however, did not tell

1 you that he was wearing the Punisher mask, correct?

2 A He did not, no.

3 Q Okay. And that was not on either Mr. Parker or Mr.
4 Alexander at the time that they were finally apprehended
5 after the chase?

6 A That's correct.

7 Q Okay. So, that item you did order DNA on, correct?

8 A I did order DNA on that.

9 Q And did you do so in order to determine who the
10 person was that was wearing that mask during the robbery?

11 A Well, I knew James Parker was wearing it during the
12 robbery based on the video, but I had other robberies that
13 that same mask was used in, and so, for that purpose, I went
14 ahead and tested it for DNA.

15 Q Okay. Did you have -- the bandana wasn't
16 recovered, right?

17 A It was not.

18 Q So, we could not have tested that for DNA?

19 A No, ma'am.

20 Q Even though it was in the other robberies, too?

21 A Correct.

22 Q Okay. And did you receive results on that DNA
23 testing confirming that James Parker's DNA was on that mask?

24 A I did.

25 MS. KILLER: Court's indulgence. No further

1 questions, Your Honor.

2 THE COURT: Cross-examination, Mr. Sanft?

3 MR. SANFT: Thank you.

4 CROSS-EXAMINATION

5 BY MR. SANFT:

6 Q Detective Miller, the Punisher mask.

7 A Yes, sir.

8 Q Just one quick question. You said that you had
9 gotten this mask tested for DNA, but with regards to the last
10 robbery, you knew that Mr. Parker had worn it?

11 A The Family Dollar.

12 Q Yeah, based upon your review of the video?

13 A Yes.

14 Q Okay. So, what would have been the purpose then to
15 test DNA for the other robberies if you knew that he had worn
16 the mask on that particular day, as you said, according to
17 the video?

18 A I don't know that it was necessary, to be honest
19 with you, but trying to be thorough. You know, it was the
20 only piece of evidence we recovered that day that was
21 directly linked to all these other robberies. I went ahead
22 and compared his DNA and Ralph Alexander's DNA to that mask,
23 and James Parker was the only one matched.

24 Q Okay. Of course, you being thorough in this case,
25 you do understand that there were other potential DNA

1 profiles found on that mask as well, correct?

2 A I do. Unknown, correct.

3 Q Okay, but because you had a person of interest,
4 which would have been Mr. Parker, that was the one person you
5 focused on; you didn't focus on the potential of other people
6 that had worn that mask before?

7 A Focused on the only people that I knew of.

8 MR. SANFT: All right, no further questions.

9 THE COURT: Mr. Parris?

10 MR. PARRIS: Yes, Your Honor.

11 CROSS-EXAMINATION

12 BY MR. PARRIS:

13 Q Detective Miller, you had referenced early on in
14 your direct examination about a conversation you had with Mr.
15 Alexander about the Family Dollar incident; do you recall
16 that?

17 A Yes, sir.

18 Q You had no similar conversations with Mr. Alexander
19 regarding any incidents that occurred in Boulder Station on
20 or about June 15th, correct?

21 A I don't know that I talked to Ralph Alexander about
22 the Boulder Station.

23 Q Okay. You didn't have any conversations about the
24 Kwik-E-Mart a few days after that?

25 A No. I asked him only about the nail spa, I

1 believe.

2 Q Okay, and nothing about the Rainbow Market?

3 A No, I didn't even know about those at the time.

4 Q Okay.

5 A Yeah.

6 Q Now, you indicated earlier that you've been a
7 detective on the robbery unit for ten years; is that
8 accurate?

9 A Yes, sir.

10 Q In those ten years, how many discrete cases have
11 you investigated or been assigned? I think that's a better
12 way to put it.

13 A Did you say discrete?

14 Q Yeah, how many cases? And by discrete, I mean like
15 a four co-defendant case would not count as four cases,
16 obviously; just one event. How many events have you
17 investigated?

18 A Hundreds. Hundreds. I don't know.

19 Q Okay. How many times have you testified due to
20 your occupation as a robbery detective?

21 A Quite a bit. I'd say less than a hundred. I don't
22 know for sure, but not hundreds, but probably less than a
23 hundred.

24 Q Well, regarding those hundreds of cases, do you do
25 a report -- excuse me. Do you generate a report for each and

1 every one of those cases?

2 A Well, the officers in the field generate a report
3 for each one of those cases. I don't necessarily generate a
4 report for every case, no.

5 Q Okay. Out of those however many hundred cases, how
6 many reports have you -- reports have you generated?

7 A I'm sure I've generated hundreds of reports.

8 Q Okay. Now, in this particular case, you did
9 generate a similar 25-page report; do you recall that?

10 A I'm sure I did.

11 Q Approximately? Now, in that report, you outline
12 your investigation of the various incidents, correct?

13 A That sounds right, yeah.

14 Q Okay. And toward the end of it, you outline your
15 interactions with Ms. Martin, correct?

16 A Yes.

17 Q And this is all in a summary form; this is not
18 verbatim, correct?

19 A Correct.

20 Q Okay. And then, is it actually at the very end
21 that you talk about your interactions with Tonya regarding
22 her statements to you at her sister's home, correct?

23 A That sounds right.

24 Q And then, about two weeks later, you did the lineup
25 where she made the identification, correct?

1 A Correct.

2 Q Then after that, in your report, you put your
3 conclusions regarding what you think should or shouldn't
4 happen regarding criminal charges against the people you
5 investigated, correct?

6 A Yes. What charges I think apply; is that what you
7 mean?

8 Q Yes, yes.

9 A Yes.

10 Q And in your conclusion, generally speaking, you
11 indicated that the co-conspirators in this case should all be
12 charged with the following crimes, and you broke it down by
13 incident. You referenced how many charges for the Kwik-E-
14 Mart and then the nail spa -- or nail salon, the Rainbow
15 Market, and then Family Dollar --

16 A Yes, sir.

17 Q -- is that fair to say?

18 A Yes.

19 Q And you said that you felt that all the
20 co-conspirators should be charged with all of these
21 different crimes, correct?

22 A Correct.

23 Q And those crimes totaled -- oh, gees, I got to do
24 math. 24 different charges; does that sound about right?

25 A Sounds about right, yeah.

1 Q Okay. And for the co-conspirators, you actually
2 enumerated them as Ralph Alexander, correct --

3 A Correct.

4 Q -- was one of them? And one of the co-conspirators
5 who should be charged on all those was Mr. Parker, correct?

6 A Yes.

7 Q And the third person who should be charged in all
8 of those based upon your investigation was Tonya Martin,
9 correct?

10 A Yes.

11 Q And ultimately, numerous charges were filed against
12 all these individuals, right?

13 A Yes.

14 Q Now, we had heard testimony that Ms. Martin
15 obviously was not placed into custody after your interview
16 with her, correct?

17 A Correct.

18 Q And later on, ultimately, she was placed in
19 custody, right?

20 A Yes, sir.

21 Q And you -- when you placed her in custody, you gave
22 her advanced notice of when you would be -- when you wanted
23 her to come down, correct?

24 A Yes.

25 Q To allow her an opportunity to make arrangements

1 for her children, correct?

2 A Yes, her job and children.

3 Q Okay. Now, how many cases have you investigated
4 where you've recommended individuals -- an individual or
5 multiple individuals being charged with upwards of 15
6 different crimes? How many cases have you investigated where
7 that happens?

8 A Many, many, many.

9 Q Okay. And in all those many, many, many cases --
10 probably comfortable triple digits?

11 A Yeah -- no, triple digits, I don't know about that,
12 but --

13 Q Okay.

14 A -- like I said, I mean, I've -- I don't know, I
15 don't know.

16 Q Okay.

17 A But a lot.

18 Q A lot?

19 A Yeah.

20 Q And regarding those, I'm guessing that there
21 weren't too many where you went to the same lengths you went
22 to for Tonya Martin in calling her ahead of time and saying,
23 hey, you're going to be charged, please surrender on this
24 date?

25 A There's been a few. I'd probably say less than 15.

1 Q Okay, less than 15?

2 A Yeah.

3 Q And regarding those -- so it is rather rare though
4 in your practice, correct?

5 A Yeah.

6 Q Usually when someone in your line of work -- to
7 your knowledge, when someone in your line of work has an
8 individual or multiple individuals who have 15 or 20
9 felonies, you just either -- you just go arrest them? You
10 don't give them that privilege of calling them and having
11 them come in, correct?

12 A That's true, yes.

13 Q Of those 15 or so where you did extend that
14 courtesy, how many of those, if you recall, involved
15 individuals who were not testifying against their
16 co-conspirators?

17 THE COURT: Did you say were not?

18 MR. PARRIS: Were not testifying against their
19 co-conspirators.

20 THE WITNESS: I don't even know. I don't know, not
21 that many.

22 BY MR. PARRIS:

23 Q Okay, so it's rather rare, correct?

24 A Rather rare that people testify against their
25 co-defendants?

1 Q No, rather rare that you extend this courtesy to
2 people who aren't testifying against their co-conspirators?

3 A Oh, no. The extending, that has nothing to do with
4 that at all. I didn't extend that to her because she had
5 agreed to testify. That wasn't it at all. In fact, at that
6 time, I didn't even know if she would testify. I didn't find
7 that out until maybe a couple weeks ago.

8 Q Well, you had discussed with her potentially
9 testifying, correct?

10 A I even told her it was a possibility, but she
11 indicated quite astutely that she did not want to, and --

12 Q Sure.

13 A -- so I didn't know whether she would testify or
14 not. So, my point being is, in answer to your question, is
15 no, my extending that courtesy to her had absolutely nothing
16 -- nothing to do with her testifying, because I didn't even
17 know if she would.

18 Q Okay, so it was just a courtesy you extended to an
19 individual who had two children -- who was the mother of two
20 children, who was looking at 20-some-odd felonies?

21 A Yeah.

22 MR. PARRIS: Nothing further.

23 THE COURT: Any redirect?

24 MS. KILLER: Just briefly, Your Honor. Detective -
25 - let me do this first. Just if I may approach?

1 THE COURT: Sure, you may.

2 MS. KILLER: Counsel, if -- without showing the
3 jury, if you can see this.

4 MR. PARRIS: Yes.

5 MS. KILLER: I'm just doing State's 66, 85. 86 and
6 87 appear to be already admitted.

7 THE COURT: Okay.

8 MS. KILLER: So, we'll start with these two.

9 REDIRECT EXAMINATION

10 BY MS. KILLER:

11 Q Showing you State's Proposed Exhibit 66, do you
12 recognize the individual depicted there?

13 A That's James Parker.

14 Q Okay. And you recognize him from having personally
15 seen him and investigated this case?

16 A Correct.

17 Q Okay.

18 MS. KILLER: State moves to admit State's Proposed
19 66.

20 MR. SANFT: No objection.

21 MR. PARRIS: No objection.

22 THE COURT: It's admitted.

23 (State's Exhibit 66 is admitted)

24 BY MS. KILLER:

25 Q Showing you State's Proposed 85, is that -- do you

1 recognize that?

2 A That's James Parker.

3 MS. KILLER: State moves to admit State's Proposed
4 85. He's identified it as a photograph of James Parker as
5 well.

6 THE COURT: Any objection?

7 MR. SANFT: No objection.

8 MR. PARRIS: No objection.

9 THE COURT: It's admitted.

10 (State's Exhibit 85 is admitted)

11 BY MS. KILLER:

12 Q State's 87, who is that a photograph of?

13 A That's Tonya Martin.

14 Q And State's 86?

15 A That's Ralph Alexander.

16 MS. KILLER: Just briefly for the ladies and
17 gentlemen of the jury, permission to publish?

18 THE COURT: You may.

19 BY MS. KILLER:

20 Q Showing you State's 86, is this photograph
21 consistent with how Ralph Alexander appeared at the time he
22 was taken into custody at Family Dollar?

23 A It is.

24 Q And showing you State's 85, is this photograph
25 consistent with how James Parker appeared at the time he was

1 taken into custody at Family Dollar?

2 A It is.

3 MS. KILLER: Madam Clerk, this exhibit and this
4 exhibit are the newly admitted.

5 THE CLERK: Okay, great. Thank you.

6 MS. KILLER: Forgive me, gentlemen.

7 BY MS. KILLER:

8 Q One of the defense attorneys asked you about your
9 interview with Ralph Alexander, and he asked if you
10 questioned him regarding the Kwik-E Market, LV Nail Spa, or
11 Rainbow Market incidents?

12 A He did.

13 Q That interview actually occurred on July 9th on
14 scene or in the area of the Family Dollar Store, correct?

15 A Correct, right after the Family Dollar Store.

16 Q And at that point, you were not investigating those
17 other three incidents yet, correct?

18 A No, there had been -- before that interview, there
19 had been -- one officer I think had mentioned the LV Nail
20 Spa, which is the only reason that was the only one I think I
21 even touched on vaguely because I didn't have a lot of
22 information.

23 Q But you hadn't yet done your further investigation
24 and made the connections?

25 A Right.

1 Q Okay. You submit charges on individuals, but it's
2 our office that decides what charges actually get filed,
3 correct?

4 A That's correct.

5 MS. KILLER: No further questions.

6 THE COURT: Any recross, Mr. Sanft?

7 CROSS-EXAMINATION

8 BY MR. SANFT:

9 Q Detective Miller, just based upon this last
10 question by the State, even though the State is the ones that
11 determine ultimately who they're going to charge, you may
12 have a difference of opinion; would that be fair to say?

13 A I sometimes do have a difference of an opinion,
14 yeah.

15 Q Okay, but once again, even though you may think
16 that someone should be appropriately charged, it's still up
17 to the State of Nevada to choose who they're going to charge
18 and what they're going to charge them with; is that right?

19 A Yes, it's up to them.

20 MR. SANFT: No further questions.

21 THE COURT: Mr. Parris?

22 MR. PARRIS: Nothing, Your Honor.

23 THE COURT: Thank you very much for your testimony
24 here today, Detective. You may step down, and you're --

25 THE WITNESS: Thank you.

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES PARKER)

Appellant,)

vs.)

THE STATE OF NEVADA)

Respondent,)
)
_____)

Electronically Filed
Dec 09 2016 03:26 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

CASE NO.: 70139

APPELLANT'S APPENDIX (VOLUME 4 OF 5)

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Description	Vol	Pages	Date
Indictment	1	A0001-A0006	8/14/15
Amended Indictment	1	A0007-A0020	10/9/15
Trial Transcripts- Day 1	1	A0021-A0217	12/1/15
Trial Transcripts- Day 2	1	A0218-A0245	12/2/15
Trial Transcripts- Day 2 (Continued)	2	A0246-A0487	12/2/15
Trial Transcripts- Day 3	2	A0488-A0490	12/3/15
Trial Transcripts- Day 3 (Continued)	3	A0491-A0735	12/3/15
Trial Transcripts- Day 3 (Continued)	4	A0736-A0740	12/3/15
Trial Transcripts- Day 4	4	A0741-A0980	12/4/15
Trial Transcripts- Day 4 (Continued)	5	A0981-A0988	12/4/15
Trial Transcripts- Day 5	5	A0989-A1095	12/7/15
Jury Verdict	5	A1096-A1100	12/7/15
Judgment of Conviction	5	A1101-A1105	3/25/16
Notice of Appeal	5	A1106	4/8/16

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that the above and foregoing
APPELLANT'S APPENDIX was electronically served on December 5th, 2016,
addressed to:

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/s/ Travis Akin

Travis Akin, Esq.

1 start at 9:00.

2 THE COURT: Okay.

3 MR. PESCI: We'll figure something out.

4 THE COURT: So, we can start at 9:00? Okay.

5 MR. SANFT: Thank you.

6 MR. PESCI: Sorry, that was long-winded.

7 THE COURT: That's okay. Thank you.

8 MR. PARRIS: The answer's 9:00.

9 (End of bench conference)

10 THE COURT: Okay. At this time, ladies and
11 gentlemen, I just wanted to get a start time. We're going to
12 start tomorrow morning at 9:00 o'clock.

13 During this recess, you're admonished not to talk
14 or converse amongst yourselves or with anyone else on any
15 subject connected with this trial, or read, watch, or listen
16 to any report of or commentary on the trial, or any person
17 connected with this trial, by any medium of information,
18 including, without limitation, newspapers, television, the
19 internet, or radio, or form or express any opinion on any
20 subject connected with this trial until the case is finally
21 submitted to you.

22 You're excused. We'll see you tomorrow morning at
23 9:00 o'clock. Have a good night.

24 THE MARSHAL: Thank you. All rise for the exiting
25 jury, please. Jurors.

1 (Outside the presence of the jurors)

2 (Pause in the proceedings)

3 MR. PESCI: Judge, if we could, before you leave --

4 THE COURT: Oh, do we need -- sure.

5 MR. PESCI: Your J --

6 THE COURT: One of your -- are you okay?

7 MR. PESCI: It's about instructions. I don't think
8 it's --

9 MR. PARRIS: It's about jury instructions.

10 THE COURT: Oh, okay.

11 MR. PESCI: I'll waive my client's presence.

12 THE COURT: Okay, okay.

13 MR. PARRIS: I'll inform him later.

14 MR. PESCI: Your JEA asked for our instructions
15 yesterday during trial. Last night, I sent them to her and
16 to defense counsel. They are proposed. I don't -- we, the
17 State, have not received anything from the defense.

18 MR. SANFT: Yet.

19 MR. PARRIS: To Mr. --

20 MR. PESCI: I would ask, if there's anything, to
21 give that to us. I know they need to review ours.

22 MR. PARRIS: Yeah. To Mr. Pesci's credit, he sent
23 those instructions at -- I believe it was 12:37 A.M.

24 THE COURT: Just to be a show off?

25 MR. SANFT: No.

1 MR. PESCI: My youngest was sick. I was up and at
2 'em.

3 THE COURT: Oh, darn it.

4 MR. PARRIS: Yes, just to be a show off.

5 THE COURT: And then I get that response.

6 MR. PARRIS: Yeah.

7 THE COURT: Mr. Pesci just got me.

8 MR. PARRIS: That having been said, neither Mr.
9 Sanft or I have had an opportunity to review since we've been
10 in trial for most of the day, and we did have court
11 appearances this morning. We will certainly do so tonight
12 and supplement them as needed.

13 THE COURT: Okay.

14 MR. PARRIS: Probably -- I would assume we would
15 have everything submitted to Your Honor by lunch, but again,
16 I don't know if how the witnesses testify in the afternoon
17 might change things.

18 THE COURT: Sounds like we have a full day from the
19 State. I don't -- I don't think we'll be done with the State
20 tomorrow.

21 MR. PESCI: So, let's ask you that. We're --

22 THE COURT: Oh, we might be done with the State.

23 MR. PESCI: But we're asking, do we need to be
24 ready to close tomorrow?

25 MR. PARRIS: I don't think we're going to get

1 there, Your Honor.

2 THE COURT: I think it would be really -- I don't -

3 - MR. PESCI: But if we tell you we're not ready
4 tomorrow, you're not going to be mad?

5 THE COURT: Of course not, of course not.

6 MR. PARRIS: Thank you, Your Honor.

7 MS. KILLER: Thank you.

8 (Pause in the proceedings)

9 (Court recessed at 5:28 p.m., until Friday,
10 December 4, 2015, at 9:16 a.m.)
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ACKNOWLEDGMENT

ATTEST: Pursuant to Rule 3C(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.

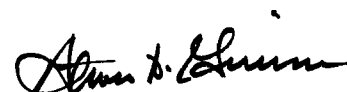
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JULIE LORD TRANSCRIBER

ROUGH DRAFT TRANSCRIPT

A0740



CLERK OF THE COURT

TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

* * * * *

THE STATE OF NEVADA,	.	CASE NO. C-308719-1
	.	CASE NO. C-308719-2
Plaintiff,	.	
	.	DEPT. NO. XII
vs.	.	
	.	TRANSCRIPT OF
RALPH ALEXANDER, a/k/a	.	PROCEEDINGS
RALPH LEONE ALEXANDER,	.	
and JAMES EARL PARKER,	.	
	.	
Defendants.	.	
.	

BEFORE THE HONORABLE MICHELLE LEAVITT, DISTRICT COURT JUDGE

**ROUGH DRAFT TRANSCRIPT OF
JURY TRIAL - DAY 4**

FRIDAY, DECEMBER 4, 2015

FOR THE STATE:	GIANCARLO PESCI, ESQ.
	SARAH J. KILLER, ESQ.
	<i>Deputy District Attorneys</i>

FOR DEFENDANT ALEXANDER:	JOHN P. PARRIS, ESQ.
--------------------------	----------------------

FOR DEFENDANT PARKER:	MICHAEL W. SANFT, ESQ.
-----------------------	------------------------

ALSO PRESENT:

Jimmy Tong Nguyen
Vietnamese Interpreter

COURT RECORDER:

KRISTINE CORNELIUS
District Court

TRANSCRIPTION BY:

VERBATIM DIGITAL REPORTING, LLC
Englewood, CO 80110
(303) 798-0890

Proceedings recorded by audio-visual recording, transcript
produced by transcription service.

INDEXWITNESSES

<u>NAME</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
<u>STATE'S WITNESSES:</u>				
Rafael Ramirez	6	11/19	23	
Michael Brinkley	26			
Cang Tran*	35	37/--		
Blaine Martell	39	--/--		
Tonya Martin	78	144/170	175/179	
David Miller	188	220/221	229	232/---

****Testimony with Vietnamese interpreter***EXHIBITS

<u>DESCRIPTION</u>	<u>ADMITTED</u>
<u>STATE'S EXHIBITS:</u>	
Exhibit 20.	74
Exhibit 22.	73
Exhibit 66.	229
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Exhibit 94.	73
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ROUGH DRAFT TRANSCRIPT

A0742

1 LAS VEGAS, NEVADA, FRIDAY, DECEMBER 4, 2015, 9:16 A.M.

2 (Outside the presence of the jury)

3 MR. PESCI: Counsel, for the record, I have
4 provided to the Court what I've provided to you, which is
5 Tonya Martin's criminal history.

6 MR. PARRIS: Thank you.

7 MR. PESCI: I told her while you were in there for
8 scheduling purposes that we wanted to address Tonya's issues
9 before she testifies, and get these other witnesses on.

10 MR. PARRIS: Okay, certainly. Your Honor, thank
11 you for the extra time in speaking with our clients this
12 morning. We had to update them on some of the issues that
13 Mr. Pesci had just brought to light.

14 THE COURT: Okay, so we're going to put Rafael
15 Ramirez up first?

16 MR. PESCI: And Judge, Rafael indicated that he
17 knows Mr. Sanft.

18 THE COURT: No, he did not.

19 MS. KILLER: He's the --

20 MR. PESCI: He does.

21 THE COURT: Are you messing with me?

22 MS. KILLER: He's the --

23 MR. PESCI: I'm not.

24 MS. KILLER: -- general manager for La Comida, the
25 Mexican restaurant over near Fremont Street, so he recognized

1 him from --

2 THE COURT: Okay.

3 MS. KILLER: -- eating there frequently, is what I
4 was told.

5 MR. SANFT: Not an -- not an --

6 THE COURT: Okay.

7 MR. SANFT: -- inappropriate place. It actually
8 has good food.

9 THE COURT: It's a restaurant? We're all good.
10 Okay.

11 MR. SANFT: Thank you.

12 MR. PARRIS: The [inaudible] is fantastic, for the
13 record.

14 THE COURT: Bring them in.

15 MR. PESCI: Just wanted to make a record of it.

16 THE COURT: I thought you were -- I thought you
17 were teasing me.

18 MR. PARRIS: Unfortunately, no, Your Honor. We're
19 serious.

20 (Pause in the proceedings)

21 THE MARSHAL: Jurors are present.

22 (Within the presence of the jurors)

23 THE COURT: Do I have a stipulation from the State
24 of Nevada as to the presence of the jury panel?

25 MR. PESCI: Yes, Your Honor.

ROUGH DRAFT TRANSCRIPT

A0744

1 THE COURT: Mr. Sanft?

2 MR. SANFT: Yes, Your Honor.

3 THE COURT: Mr. Parris?

4 MR. PARRIS: Yes, Your Honor.

5 THE COURT: State may call their next witness.

6 Good morning, ladies and gentlemen. You know, just quick
7 things I can tell the jury, Officer Serrano (phonetic) is
8 going to be helping me out today. I know you've met him
9 already. He's worked in this department before, and he'll be
10 with us all day today. Thank you, Officer Serrano. You can
11 call your next witness.

12 MR. PESCI: State calls Rafael Ramirez.

13 (Pause in the proceedings)

14 THE CLERK: Raise your right hand.

15 RAFAEL RAMIREZ, STATE'S WITNESS, SWORN

16 THE CLERK: Thank you. Please be seated. State
17 and spell your name for the record.

18 THE COURT: Kris, are you good?

19 THE COURT RECORDER: Yes, Your Honor.

20 THE COURT: Okay.

21 THE COURT RECORDER: Thank you.

22 THE WITNESS: My name's Rafael Ramirez.

23 R-a-f-a-e-l, R-a-m-i-r-e-z.

24 THE COURT: You may proceed.

25 MR. PESCI: Thank you, Your Honor.

ROUGH DRAFT TRANSCRIPT

A0745

1 DIRECT EXAMINATION

2 BY MR. PESCI:

3 Q Sir, I want to direct your attention to July the
4 9th of this year. At that time, were you at or near the area
5 of the Family Dollar located on Lake Mead?

6 A I live behind the store.

7 Q And when you say behind, would that be to the south
8 of the store?

9 A Yes.

10 Q Okay. And when you were in that area that morning,
11 around 8:30 in the morning, did something grab your
12 attention?

13 A Yeah, I was getting out of my house. I live like
14 kind of around the corner, so I turned, you know, very slowly
15 in my car, and I see somebody running this way, so I stopped.
16 It's like two blocks before I exit the -- it's an HOA, so I
17 live in that HOA. So, I stop, and I see people running
18 towards me, so I stop because I don't know what's going on.

19 Q And when you saw -- you said people running to you?

20 A Towards me, yes.

21 Q How many people?

22 A There was one gentleman, and then some other people
23 behind him.

24 Q Okay. The first individual that you saw, could you
25 describe that person?

ROUGH DRAFT TRANSCRIPT

A0746

1 A It's a black male, tall, skinny. That's all I
2 remember.

3 Q Okay. Did you see what that male was doing?

4 A Just running like kind of towards me. There's --
5 on the entrance of the HOA, there's a park right in front of
6 it.

7 THE COURT: Okay, when you say HOA, are you talking
8 about entrance into the development?

9 THE WITNESS: Yes.

10 THE COURT: Okay.

11 THE WITNESS: Yes.

12 MR. PESCI: Thank you, Judge.

13 THE COURT: Um-hum.

14 THE WITNESS: I stopped before that, and there's a
15 little park right in front of the entrance. So, the
16 gentleman's running towards me; I stop right there. Does
17 that answer your question?

18 MR. PESCI: Yeah.

19 THE WITNESS: Okay.

20 BY MR. PESCI:

21 Q Did you see anybody else running in the area?

22 A Running?

23 Q Yes.

24 A People behind him.

25 Q Okay. Describe that, please.

ROUGH DRAFT TRANSCRIPT

A0747

1 A A heavyset gentleman, I believe -- I don't know if
2 he was a police officer or security, and then behind him
3 there was somebody else, too.

4 Q The first person that you saw, did you see that
5 person taking any clothes off?

6 A A dark sweatshirt.

7 Q What did you see happen with that sweatshirt?

8 A He took it off, and he continued running towards
9 the -- the little park.

10 Q That's in a -- in --

11 A Yeah, uh-huh.

12 Q -- in the housing area?

13 A And he -- yeah, he just throw it -- throw it away.

14 Q Did any cars in the area grab your attention?

15 A Yeah. Parked -- there's a car that -- I didn't see
16 it when it came in, but there was a lady, she parked right
17 next to me and she was waving.

18 Q Can you describe that woman?

19 A Kind of heavyset white lady.

20 Q Do you remember anything about the car?

21 A It was like a brownish-gold like Ford Taurus.

22 Q Okay. Anything in the car that stood out to you?

23 A Car seat in the back. Yeah, baby car seat.

24 Q And then did you take note of the actual license
25 plate of that car?

ROUGH DRAFT TRANSCRIPT

A0748

1 A Yes, I did.

2 Q Why did you take note of that?

3 A Well, I saw a lady, she was waving at the gentleman
4 running, honked the horn a little bit. Gentleman started,
5 you know, run this way, and then run -- just ran away. You
6 know, he didn't stop or anything.

7 Q So, the man did not run to the car?

8 A Went that way -- no. He went that way, and then
9 yes, he came -- I'm sorry, I'm a little nervous.

10 Q It's okay, you're doing great.

11 A He came in and was running towards the car, and
12 then the gentleman turned to the park.

13 Q Okay.

14 A The lady was waving, kind of looked at her, but he
15 didn't pay, you know, not much attention.

16 Q What did the car do?

17 A At that time exactly, police came in, and she just
18 left.

19 Q Okay, so that gold car left?

20 A Yes.

21 Q Showing you what's been marked as State's Proposed
22 Exhibit 88, I'm going to ask you if you recognize what's
23 depicted in State's 88.

24 A The same car.

25 Q Okay.

ROUGH DRAFT TRANSCRIPT

A0749

1 A Well, or -- yeah, the same car.

2 Q Same car, not parked in that exact position, but is
3 that --

4 A No.

5 Q -- the car that you saw parked in your housing
6 development?

7 A Yeah, just right beside me.

8 Q All right. And the license plate, you said that
9 you gave the license plate -- or did you give the license
10 plate to the police?

11 A Yes, I did.

12 Q Okay.

13 MR. PESCI: Your Honor --

14 BY MR. PESCI:

15 Q Is this a fair and accurate picture of the car that
16 you saw?

17 A Yes.

18 Q Okay.

19 MR. PESCI: Move for the admission of State's 88,
20 Your Honor.

21 MR. SANFT: No objection, Your Honor.

22 MR. PARRIS: No objection.

23 THE COURT: It's admitted.

24 (State's Exhibit 88 is admitted)

25 BY MR. PESCI:

1 Q And sir, do you remember the license plate number?

2 A No, I don't.

3 Q Okay. Would looking at this reflect your --
4 refresh your memory?

5 A No. I'm not going to lie, no.

6 Q Oh, okay. Did you give the license plate number to
7 the police though?

8 A Yes, I did.

9 Q Okay. Do you remember at that time enough to be
10 able to give it to the police when they spoke to you that
11 day?

12 A I wrote it down. Yes, sir.

13 Q Okay. Showing you State's Exhibit 88, is that what
14 you just looked at on the witness stand, and is that the car
15 that you saw in your neighborhood where the man was running
16 by?

17 A Yes, it looks exactly like that. Yes.

18 Q And that's the car that left when the police
19 arrived?

20 A Yes.

21 Q Okay.

22 MR. PESCI: Court's indulgence. Pass the witness.

23 THE COURT: Any cross-examination, Mr. Sanft?

24 CROSS-EXAMINATION

25 BY MR. SANFT:

ROUGH DRAFT TRANSCRIPT

A0751

1 Q Mr. Ramirez, your testimony was that you lived in
2 that complex that's behind the Dollar Store?

3 A Yes, sir.

4 Q I'm going to show you what's been marked and
5 admitted as State's Exhibit number 43. Are you familiar with
6 the neighborhood in which you live?

7 A Yes.

8 Q Do you recognize this particular map of your
9 neighborhood?

10 A Yes.

11 Q And just for our edification, can you point to
12 where the Dollar Store is on this -- on this map?

13 A Where the red dot is at.

14 Q And just for everyone's edification, if you -- you
15 can actually touch the screen and it will leave a mark.
16 Right.

17 A There you go.

18 Q And then, in terms of where you live, where do you
19 live in the complex?

20 A Right there.

21 Q All right. And just for the court record, it looks
22 like you made a mark that was closer to the Kell Lane area,
23 and looks like it's the first house -- or second house --

24 A The third house. Yes, sir.

25 Q Okay, and so your backyard is actually where the

ROUGH DRAFT TRANSCRIPT

A0752

1 Kell Lane is?

2 A Yes, that is correct.

3 Q Okay. I'm assuming that there's a wall there -- a
4 retainer wall of some sort?

5 A Yes, sir.

6 Q All right. Now, your testimony was that you were
7 leaving, or going home?

8 A I was leaving the house.

9 Q All right.

10 A Uh-huh.

11 Q And can you just point -- or just let the jury know
12 in which direction you were traveling --

13 A Sure.

14 Q -- as you were leaving?

15 A This way.

16 Q Okay. And as you were leaving in that direction,
17 what kind of vehicle were you driving?

18 A A Toyota Tacoma.

19 Q All right. And your testimony was, at some point,
20 you saw individuals running towards you?

21 A Yes.

22 Q Can you point to where on the map you saw those
23 individuals?

24 A Like around -- while I was going that way, like
25 around here.

ROUGH DRAFT TRANSCRIPT

A0753

1 Q All right.

2 A Right there.

3 Q And by that point, where were you in relation to
4 that?

5 A I was right -- going almost right here.

6 Q Okay. And then, at some point, your testimony was
7 that you saw one person running towards you; is that right?
8 Or two people?

9 A One. Well, one, yes. It was more than one. It
10 was the gentleman and whoever was following --

11 Q Okay.

12 A -- him.

13 Q All right. And then, when that happened, you said
14 at some point, you stopped; is that right?

15 A Yes.

16 Q Where did you stop?

17 A Right there.

18 Q Okay. And as you stopped, what did you observe
19 next? These individuals ran past you, or did they --

20 A No. He took his shirt off right here.

21 Q Okay.

22 A Ran this way.

23 Q All right. And when he ran in that direction,
24 that's the park that you were talking about; is that correct?

25 A Yes, that is correct.

ROUGH DRAFT TRANSCRIPT

A0754

1 Q And I'm pointing my pen looks like in the middle of
2 your complex area?

3 A Yes.

4 Q And opposite of this, it looks like this would be
5 the main exit and ingress --

6 A That -- yes, sir.

7 Q -- into -- okay. Now, when that happened, your
8 testimony was that you observed someone else in a vehicle; is
9 that right?

10 A Yes, sir.

11 Q And we've talked a little bit about this Ford
12 Taurus, and that vehicle was parked where exactly?

13 A Right beside me.

14 Q Right beside you?

15 A Yeah. I stopped against -- almost against -- on
16 the sidewalk, and I guess this lady, you know, came in, which
17 I didn't see exactly when she came in, because I didn't pay
18 attention until after I saw everything, and she stopped right
19 almost in front of me, like almost parallel to me.

20 Q Okay. Now, when that happened, did you -- you
21 testified about being able to see a car seat -- a child car
22 seat --

23 A Yes.

24 Q -- in the back seat of the vehicle?

25 A Yes, sir.

ROUGH DRAFT TRANSCRIPT

A0755

1 Q How were you able to do that?

2 A She's parked right beside me.

3 Q Okay. And I'm going to show you State's Exhibit
4 number -- looks like this is 88 again. And would you agree
5 with me, sir, of course, that the -- that this particular
6 vehicle has tinted windows of some sort?

7 A Yes, sir.

8 MR. PESCI: I would object -- well, objection,
9 calls for speculation.

10 THE COURT: Sustained.

11 MR. PESCI: Move to strike.

12 THE COURT: Granted.

13 MR. SANFT: Well, let me put it this way then.

14 BY MR. SANFT:

15 Q Did you observe tinted windows on the vehicle that
16 you saw beside you?

17 A Yes, sir.

18 Q Okay. And just to be fair, how were you able to
19 see the child seat inside the vehicle?

20 A Early in the morning, sun goes in. You can see.
21 There were like -- the side windows, they were like -- they
22 weren't really, really dark.

23 Q Okay, that's fair. And with regards to you're able
24 to see into the vehicle, you said you observed a woman
25 driving the vehicle; is that correct?

ROUGH DRAFT TRANSCRIPT

A0756

1 A That is correct.

2 Q Did that woman get out at any point?

3 A No.

4 Q She remained in the vehicle?

5 A Yes.

6 Q And the vehicle windows were up still?

7 A The side window from my side, the front, it was
8 down.

9 Q Okay. So, her driver side --

10 A Yes.

11 Q -- window was down?

12 A Yes.

13 Q And so, would it be fair to say you had a very
14 clear view of her face?

15 A No.

16 Q Why not?

17 A Because she was parallel to me in front -- a little
18 bit in front of me.

19 Q Okay. Were you able to see whether or not she was
20 on a cell phone?

21 A No, she wasn't.

22 Q All right. And then, your testimony was that she
23 at some point was trying to get the attention of the person
24 that was running towards her?

25 A Yes, sir.

ROUGH DRAFT TRANSCRIPT

A0757

1 Q All right. Obviously, they knew each other?

2 MR. PESCI: Objection, calls for speculation.

3 THE COURT: Sustained.

4 MR. SANFT: All right.

5 BY MR. SANFT:

6 Q Well, let me ask you this. When you said that she
7 was trying to get his attention, how was she doing that?

8 A Waving.

9 Q Waving at him?

10 A Uh-huh, one honk.

11 Q Okay. Did it look at any -- like at any given
12 point up until that point that she did not want to be there,
13 according to what you observed?

14 A When the police -- one of the police cars arrived.

15 Q Okay, so --

16 A And the gentleman, you know, obviously ran away.

17 Q All right. So, up until that point, when police
18 officers arrived on the scene, she was trying to get the
19 attention of the person running towards her?

20 A Yeah, a little bit -- seconds before that, yes.

21 Q Okay. And just to be fair, of course, you don't
22 know --

23 A Yes.

24 Q -- what the reason was for that, right?

25 A No, sir, not at all.

ROUGH DRAFT TRANSCRIPT

A0758

1 MR. SANFT: All right. No further questions, Your
2 Honor.

3 THE COURT: Mr. Parris?

4 CROSS-EXAMINATION

5 BY MR. PARRIS:

6 Q Mr. Ramirez, on the morning in question, do you
7 recall writing out a one-paragraph or one-page statement for
8 the authorities?

9 A Yes. Yes, sir.

10 Q Okay. And you wrote that within an hour or two
11 hours of this incident occurring; is that fair to say?

12 A 20 minutes. Half-an-hour tops.

13 Q Okay. So, everything was still fresh in your mind;
14 is that --

15 A Yes, sir.

16 Q -- a fair assessment? Now, do you recall in your
17 voluntary statement -- well, did you have an opportunity to
18 review that statement before testifying today?

19 A No, sir.

20 Q Okay. Have you actually seen that statement since
21 you wrote it out for the police a half-hour or so after this
22 incident?

23 A No, sir.

24 Q Okay. Excuse me. And other than that statement --
25 excuse me. And that is the only statement that you ever

ROUGH DRAFT TRANSCRIPT

A0759

1 wrote out regarding this, correct?

2 A Yes, sir.

3 Q Okay. Now, regarding that statement, do you recall
4 detailing what the female or the lady -- how far she had to
5 drive in order to get to where she was in your HOA or in your
6 complex? Do you recall what you wrote about that?

7 A Yes. She goes in. I did see when -- right behind
8 me, there's a little street. Oh, it's not there anymore.

9 Q And I'm sorry, I will be happy to move Exhibit 88
10 off the screen.

11 A Sure.

12 Q For the record, this is Exhibit 43.

13 A Uh-huh.

14 Q I'm sorry, sir, you were saying?

15 A Okay. So, I did not see her when she came in. I
16 did not pay attention to the vehicle. She did turn right
17 behind me, let me see, on the first street right here, pulled
18 back, and parked right beside me.

19 Q Okay. Now, where you've drawn on the map, it looks
20 like the street directly to the top -- directly above that
21 mark, is that where the main --

22 A Oh, I'm sorry, it's right here. I'm talking --
23 that's Lamb. It's right here. Sorry.

24 MS. KILLER: Do you guys want me to clear it?

25 MR. PARRIS: Yes, if you could clear that. Thank

ROUGH DRAFT TRANSCRIPT

A0760

1 you, Sarah.

2 THE WITNESS: Okay.

3 BY MR. PARRIS:

4 Q So, I'm sorry, sir. Please remark it.

5 A Yes. Right here.

6 Q Okay. So, in the street directly above -- well,
7 one street to the top on this picture, that's the park that
8 you are referencing?

9 A That is correct.

10 Q Okay. And directly across from the park to the
11 lefthand side, that's the entrance gate, correct?

12 A Yes, sir.

13 Q So, you did not see this car drive in through the
14 entrance gate then, correct?

15 A I did not pay attention to it. Yes.

16 Q Now, did that car then -- when it came in, did it
17 turn left and went towards the bottom of the page on
18 Attleboro?

19 A It turned -- well, from the entrance, turned right.

20 Q Right, sorry.

21 A And then it turned left right behind me.

22 Q Okay. Now, after that person -- that lady had
23 honked the horn -- was it just one honk?

24 A Just one. Little honk, yeah.

25 Q Beep?

ROUGH DRAFT TRANSCRIPT

A0761

1 A Yeah.

2 Q Okay. She honked the horn, she was -- you said she
3 was waving --

4 A Yeah.

5 Q -- her arms, but she was still in the car, correct?

6 A Yes.

7 Q And at that point in time, you said you had heard
8 sirens; is that -- is that correct? Or saw police?

9 A I saw -- after she parked, waved, then a police car
10 came in, yes.

11 Q Okay. And is it at that point in time that she --
12 that you saw that car drive off?

13 A Left. Yes, sir.

14 Q Okay. And to the best of your knowledge, is she
15 basically -- she didn't drive more further into the complex?
16 She didn't drive further down towards the bottom of the page,
17 correct?

18 A No. Yeah.

19 Q She went straight -- effectively, went straight
20 back out the same entrance?

21 A Yes, sir.

22 Q Is that the only car entrance to your --

23 A Yes, sir.

24 Q -- development here? So, as soon as you saw the
25 police -- was it an actual black and white police car?

ROUGH DRAFT TRANSCRIPT

A0762

1 A Yes, sir.

2 Q So, when you saw the police car, it was almost
3 immediately thereafter that this woman drove back out?

4 A Yes, yes.

5 MR. PARRIS: Thank you.

6 THE WITNESS: Okay.

7 MR. PARRIS: I have nothing further. Do you want
8 this?

9 MR. PESCI: No.

10 THE COURT: Any redirect?

11 MR. PESCI: Yes, please. Can I approach the
12 witness?

13 THE COURT: You may.

14 MR. PESCI: I've just shown to defense counsel a
15 copy of the voluntary statement, and I have it in my
16 computer, so we're going to show it to him, Your Honor.

17 THE COURT: That's fine.

18 MR. PESCI: Okay.

19 REDIRECT EXAMINATION

20 BY MR. PESCI:

21 Q Sir, defense counsel just asked you about your
22 voluntary statement. You said a moment ago that you were not
23 able to review that before you came to court; is that
24 correct?

25 A Yes. No, I haven't.

ROUGH DRAFT TRANSCRIPT

A0763

1 Q Have you actually been out of town?

2 A Yes.

3 Q And you just got back in?

4 A Yes, sir.

5 Q And so we didn't get to meet beforehand?

6 A No, sir.

7 Q All right. We've been contacting each other via
8 email?

9 A Email, yes.

10 Q All right. Now, take a second, if you would,
11 please. You mentioned earlier when I was asking you
12 questions that you didn't remember the exact license number.
13 Do you recall saying that?

14 A Yeah, I don't -- I still don't remember. Yeah.

15 Q All right. Would reviewing your statement refresh
16 your memory as to what you gave to the police in your
17 statement as to that license plate number?

18 A That's it.

19 Q All right.

20 A I wrote them down, yes.

21 Q Does reviewing that refresh your memory?

22 A A little bit. You know, I'm not -- I'm not going
23 to remember 100 percent the license plate.

24 Q Sure, and that's okay.

25 A Yeah.

ROUGH DRAFT TRANSCRIPT

A0764

1 Q I guess what I'm saying is, you wrote down a number
2 there, correct?

3 A Yes.

4 Q Do you have any reason to think that you wrote down
5 the wrong number?

6 A No. I wrote -- I wrote it down on a piece of
7 paper. I always carry a pen and paper in my car.

8 Q All right. And what was the number that you gave
9 in your statement?

10 A 005LNV.

11 Q Is it LNV?

12 A Or LNU. I'm sorry.

13 Q That's all right. Let's make this bigger so you
14 can see it.

15 A LNU.

16 Q Okay, thank you very much.

17 A Yeah.

18 MR. PESCI: Pass the witness.

19 THE COURT: Any recross?

20 MR. SANFT: No, Your Honor.

21 THE COURT: Mr. Parris?

22 MR. PARRIS: No, Your Honor, thank you.

23 THE COURT: Mr. Ramirez, thank you very much for
24 your testimony here today. You may step down. You're
25 excused from your subpoena.

ROUGH DRAFT TRANSCRIPT

A0765

1 THE WITNESS: Thank you.

2 THE COURT: Thank you for being here.

3 THE WITNESS: Thank you.

4 THE COURT: You can call your next witness.

5 MS. KILLER: The State calls Officer Brinkley.

6 THE COURT: Sorry about that.

7 MICHAEL BRINKLEY, STATE'S WITNESS, SWORN

8 THE CLERK: Thank you. Please be seated. State
9 and spell your name for the record.

10 THE WITNESS: My name is Officer Michael Brinkley.
11 M-i-c-h-a-e-l, B-r-i-n-k-l-e-y.

12 THE COURT: You may proceed.

13 MS. KILLER: Thank you.

14 DIRECT EXAMINATION

15 BY MS. KILLER:

16 Q Good morning, Officer Brinkley. How are you
17 currently employed?

18 A Been on Las Vegas Metropolitan Police Department
19 for eight -- about -- around eight years.

20 Q And are you a patrol officer or similar?

21 A I currently -- I am like a patrol officer. I
22 currently work in Community Oriented Policing.

23 Q On July 9th of 2015, did you respond to an incident
24 in the area of the Family Dollar at Lake Mead and Lamb?

25 A Yes, ma'am.

ROUGH DRAFT TRANSCRIPT

A0766

1 Q I think it's 4365 East Lake Mead?

2 A Around that area. Yes, ma'am.

3 Q And is that here in Las Vegas, Clark County,
4 Nevada?

5 A Yes, ma'am.

6 Q When you responded, were you in plain clothes or in
7 uniform?

8 A I was in tan BDU pants with a polo shirt that had a
9 Metro logo on it.

10 Q And were you in a marked or unmarked --

11 A I was --

12 Q -- patrol vehicle?

13 A -- in an unmarked blue minivan.

14 Q Sorry, we just can't --

15 A Oh, yes, ma'am.

16 Q -- talk at the same time. You said an unmarked
17 blue minivan?

18 A Yes, ma'am.

19 Q Okay. And were you responding to a call put out by
20 dispatch or other officers?

21 A I was responding to a call that was put out by
22 another officer.

23 Q Okay. And did it involve a robbery incident that
24 had happened at that Family Dollar?

25 A Yes, ma'am.

ROUGH DRAFT TRANSCRIPT

A0767

1 Q When you arrived, was the incident still ongoing at
2 the Family Dollar, or were other officers in pursuit of the
3 suspects?

4 A There was other officers in the area. When we
5 arrived, we were coming -- we were on Lamb, coming through
6 Lake Mead, and Officer Martell that's in my section, he was
7 pointing down the road. There was a gentleman running across
8 the road, and he was pointing towards him, so we went to try
9 to take him into custody.

10 MS. KILLER: Your Honor, if I may approach the
11 clerk?

12 THE COURT: You may.

13 (Pause in the proceedings)

14 MS. KILLER: We're going to use this one. I can't
15 find the one we just had up there.

16 BY MS. KILLER:

17 Q Showing you State's Exhibit 44 -- let's see if I
18 can zoom-out a little. There we go. Is this the Family
19 Dollar up here?

20 A Yes, ma'am.

21 Q Then that --

22 A Yeah, that's Lake Mead.

23 Q The road across the top is Lake Mead?

24 A Yes, ma'am.

25 Q Southbound is Lamb?

ROUGH DRAFT TRANSCRIPT

A0768

1 A Yes, ma'am.

2 Q Okay. With that orientation for the jury, can you
3 kind of show us what you were talking about? If you touch
4 the screen, it will make a mark.

5 A If I touch the screen?

6 Q Yeah.

7 A We were coming down Lamb going southbound, coming
8 across Lake Mead. My partner was about right here. There
9 was a gentleman running across the road, a black male, about
10 right here that he was pointing at, so we continued on to try
11 to stop him.

12 As we pulled up, the gentleman had already got on
13 the sidewalk. He was still running southbound on Lamb. My
14 partner, Officer Joe Easterling, had rolled down the window,
15 and we were yelling for him, Metro Police, stop. He kept
16 running. At this point in time, he started reaching in his
17 pocket, so my partner had actually -- we kind of backed off,
18 slowed down just a little bit.

19 My partner had opened the door because he was going
20 to continue to foot chase, but as he was reaching in his
21 pocket, he turned westbound on Tonopah. And at that point in
22 time when we turned, he had threw -- he threw something on
23 the ground, and he gave up right there, where we took him
24 into custody.

25 Q Okay, let me switch -- oh, this is State's 43. We

1 found it. Does that show you a little better? Tonopah is
2 the street --

3 A Yes, yes, ma'am.

4 Q -- crossing east-west on Lamb on the south edge of
5 the map, correct?

6 A Yes, ma'am.

7 Q Okay. So, you said that individual that -- gave up
8 once he turned onto Tonopah?

9 A Yes. As soon as he turned onto Tonopah, he
10 probably ran about 15, 20 yards, and then he went to the
11 ground.

12 Q You had mentioned that you had slowed down because
13 he was reaching in his pocket. Was that a safety concern?

14 A Yes, ma'am, because there was reports that there
15 was a gun during the robbery.

16 Q Did you get a good enough look at that individual
17 to identify him if you saw him in the courtroom?

18 A Yes, ma'am.

19 Q Okay. Do you see that individual in the courtroom?

20 A Yes, ma'am.

21 Q Can you point to him and describe what color shirt
22 he has on?

23 A He's wearing a gray shirt, ma'am.

24 MS. KILLER: Court's indulgence.

25 MR. SANFT: Your Honor --

ROUGH DRAFT TRANSCRIPT

A0770

1 MR. PARRIS: I believe the record will reflect --

2 MS. KILLER: Yeah.

3 MR. PARRIS: -- he identified Mr. Parker.

4 THE COURT: Okay. Well, he -- did you -- which one
5 did you identify?

6 THE WITNESS: The gentleman --

7 THE COURT: I must be color blind. Okay. All
8 right, so the record will reflect he --

9 MR. PARRIS: He identified Mr. Parker, Your Honor.

10 BY MS. KILLER:

11 Q The second person to my left?

12 A Huh?

13 Q Were you pointing at the second person to my left?

14 A Yes.

15 Q Okay.

16 THE COURT: Okay, the record will reflect he has --

17 MS. KILLER: That would be accurate.

18 THE COURT: -- identified Mr. Parker.

19 BY MS. KILLER:

20 Q And you -- you mentioned he threw something on the
21 ground. Did you get a look at what that was?

22 A It was a black object that he threw on the ground.

23 Q Was he taken into custody at that point?

24 A Yes, ma'am.

25 Q Okay. And when he was taken into custody, did

ROUGH DRAFT TRANSCRIPT

A0771

1 anything fall out of his pocket?

2 A Well, when we were bringing him to the car, a black
3 glove had fell on the ground, and there was a black glove
4 hanging out of his pocket. By the beanie -- it ended up
5 being a black beanie that was in the rocks along the side
6 wall right there, and there was some type of dollar bill or
7 some money laying on the ground, a --

8 Q Some money, you're just not --

9 A A single bill, yeah.

10 Q So a single, I guess, piece of money?

11 A Yes, ma'am.

12 Q But you're not sure of the amount?

13 A Yeah, I'm not sure of the amount.

14 Q And to your knowledge, did other officers recover
15 the beanie and the gloves?

16 A Yes, ma'am.

17 MS. KILLER: Court's indulgence. Nothing further.

18 THE COURT: Mr. Sanft?

19 MR. SANFT: No cross, Your Honor.

20 THE COURT: Mr. Parris?

21 MR. PARRIS: No questions, Your Honor. Thank you.

22 THE COURT: Thank you very much --

23 THE WITNESS: Yes, ma'am.

24 THE COURT: -- for your testimony here today. You
25 may step down. You are excused from your subpoena.

ROUGH DRAFT TRANSCRIPT

A0772

1 THE WITNESS: Yes, ma'am. Thank you.

2 THE COURT: You may call your next witness.

3 MR. PESCI: State calls Cang Tran, and we will need
4 the assistance of an interpreter, who's here.

5 THE COURT: Okay, perfect. Is the interpreter out
6 in the hall with the witness?

7 MR. PESCI: He was, yes.

8 THE COURT: Okay.

9 THE INTERPRETER: Good morning.

10 THE COURT: Good morning, sir. Will the
11 interpreter --

12 THE CLERK: Mr. Interpreter?

13 THE INTERPRETER: Yes.

14 THE CLERK: Raise your hand first. You do solemnly
15 swear that the testimony you're about to give in this action
16 shall be the truth, the whole truth, and nothing but the
17 truth, so help you God?

18 THE INTERPRETER: I do.

19 THE CLERK: Thank you. Please state and spell --

20 THE COURT: Okay, just a minute.

21 THE CLERK: -- your name for the record.

22 THE COURT: Okay, just -- that was the wrong oath.
23 The interpreter needs to be -- that he'll interpret from
24 Vietnamese to English, and English to Vietnamese to the best
25 of his knowledge, so help you God. It's okay.

ROUGH DRAFT TRANSCRIPT

A0773

1 THE CLERK: I'm sorry.

2 THE COURT: Okay, we're going to give you another
3 oath.

4 THE INTERPRETER: I understand, Your Honor.

5 THE COURT: If you'll raise your right hand.

6 INTERPRETER SWORN

7 THE CLERK: Thank you.

8 THE COURT: Okay, and will the interpreter please
9 state his name before we swear in the witness?

10 THE WITNESS: My name is Jimmy Tong Nguyen, last
11 name spelling N-g-u-y-e-n for the record.

12 THE COURT: Okay. You can raise your right hand,
13 sir.

14 CANG TRAN, STATE'S WITNESS, SWORN

15 THE CLERK: State and spell your name for the
16 record.

17 THE WITNESS: My name is Cang Tran. Spelling for
18 the record, C-a-n-g, first name, and last name spelling
19 N-g-u-y-e-n. I'm sorry, T-r-a-n.

20 THE COURT: I was going to say, you spelled your
21 name.

22 THE INTERPRETER: Sorry. Too early in the morning
23 for me, Your Honor.

24 THE COURT: I caught it.

25 MR. PESCI: May I proceed, Your Honor?

ROUGH DRAFT TRANSCRIPT

A0774

1 THE COURT: You can proceed.

2 MR. PESCI: Thank you.

3 THE COURT: Thank you though. Thank you for being
4 here.

5 DIRECT EXAMINATION

6 BY MR. PESCI:

7 Q Sir, I want to direct your attention to June 26th
8 of this year.

9 A Yes.

10 Q Were you working at the LV Nail Spa located at 4430
11 East Charleston?

12 A Yes.

13 Q Is that here in Las Vegas?

14 A Yes.

15 Q In the evening hours, did something happen that
16 brings you here to court?

17 A At that time, there was two male individuals
18 entered the store.

19 Q What did they do when they entered the store?

20 A One individual carry a handgun, and the other --
21 because I was sitting in the back of the store, I don't
22 recall exactly. I think he also had a weapon, but not
23 holding in his hand.

24 Q What did those two men do?

25 A The first one entered -- upon entering the nail

ROUGH DRAFT TRANSCRIPT

A0775

1 salon, instruct all of us to providing -- giving him money,
2 purse, wallet, laptop, cell phones.

3 Q After they demanded these things, was anything
4 taken from people and customers in the store?

5 A Almost everything.

6 Q Was anything taken from you?

7 A Approached me, and I told him that I have nothing.

8 Q So did you not give him anything?

9 A I just told that person that I just am an employee;
10 I have nothing to give.

11 Q Was there anything taken from the store?

12 A Took the money from the owner.

13 Q How did that happen?

14 A Point the weapon at the owner and demand the owner
15 to give money.

16 Q Did the owner give the money?

17 A Yes, but I don't know how much.

18 Q Okay. Do you recall how these two people were
19 dressed?

20 A It was terrifying. I don't recall exactly.

21 Q That's okay, it doesn't have to be exact. Was
22 there anything that you recall?

23 A I remember one of them with a mask. I remember
24 vividly the first one coming with the handgun wearing a mask.
25 The second one collecting the money, I assume he also wearing

ROUGH DRAFT TRANSCRIPT

A0776

1 a mask. I don't recall exactly about the second one.

2 Q Okay. So, you're sure about the first one with the
3 mask, but not as sure with the second one?

4 A Yes, because the second one, at that time, located
5 at the front of the store, and I was at the end of the store.

6 Q So, which one of them demanded your money?

7 A The first one with the handgun pointing at
8 everybody else.

9 Q After they got the money and property from
10 everyone, did they leave?

11 A After collecting laptop, cell phones, money from
12 the customer and everybody else, they hurry, exited the
13 store.

14 MR. PESCI: Thank you very much. Pass the witness.

15 THE WITNESS: Thank you.

16 THE COURT: Mr. Sanft?

17 MR. SANFT: No cross, Your Honor.

18 THE COURT: Mr. Parris?

19 CROSS-EXAMINATION

20 BY MR. PARRIS:

21 Q Mr. Tran, you had indicated that one of the men had
22 a mask on, correct?

23 A Yes.

24 Q And by mask, do you mean a Halloween mask, or was
25 it covering his whole face? Could you describe it for us?

1 A Just like a Halloween type of mask with the teeth
2 painting in the front.

3 Q Did the mask cover his whole face?

4 A I recall about below the eyes level.

5 MR. PARRIS: And for the record, the witness is
6 running his two index fingers from the bridge of his nose
7 toward the outside of his face, and then down his cheeks
8 along his jaw line.

9 THE WITNESS: Correct, counsel.

10 BY MR. PARRIS:

11 Q So, the area above the area of his eyes was
12 exposed; is that correct?

13 A Correct.

14 MR. PARRIS: Thank you. I have nothing further.

15 THE COURT: Any redirect?

16 MR. PESCI: No, thank you.

17 THE COURT: Thank you very much for your testimony
18 here today, sir. You may step down. You are excused from
19 your subpoena. Thank you for being here.

20 THE WITNESS: Thank you.

21 THE COURT: Thank you, sir. Thank you, sir. You
22 may call your next witness. Thank you.

23 MS. KILLER: The State calls Officer Blaine
24 Martell. Your Honor, if I may approach?

25 THE COURT: You may.

ROUGH DRAFT TRANSCRIPT

A0778

1 THE CLERK: Raise your right hand.

2 BLAINE MARTELL, STATE'S WITNESS, SWORN

3 THE CLERK: Thank you. Please be seated. State
4 and spell your name for the record.

5 THE WITNESS: My name is Officer Blaine Martell.
6 B-l-a-i-n-e. Martell, M-a-r-t-e-l-l.

7 DIRECT EXAMINATION

8 BY MS. KILLER:

9 Q How are you, Officer Martell?

10 A Good.

11 Q How are you currently employed?

12 A I'm a police officer with the Las Vegas
13 Metropolitan Police Department.

14 Q And how long have you been working with Metro?

15 A Approximately ten years.

16 Q And were you employed with them on July 9th of
17 2015?

18 A Yes, I was.

19 Q Around 8:30 that morning, were you in the area of
20 the Family Dollar Store at 4365 East Lake Mead, Las Vegas,
21 Clark County, Nevada?

22 A Yes, I was.

23 Q And did you -- let me ask this. Were you with a
24 partner?

25 A Yes, I was.

ROUGH DRAFT TRANSCRIPT

A0779

1 Q And who was that?

2 A Damien Walburn.

3 Q And were you in uniform and in a marked patrol car,
4 or otherwise?

5 A I was in plain clothes like I'm wearing today, and
6 in a Chevy Silverado truck, not -- no markings on it.

7 Q And were you driving or the passenger?

8 A I was the driver.

9 Q And did you observe something that drew your
10 attention in the area of the Family Dollar Store?

11 A Yes, I did.

12 Q Can you describe that for the ladies and gentlemen
13 of the jury?

14 A You bet. I observed two older black males coming
15 out of the neighborhood that's just adjacent to the backside
16 of the Family Dollar, walking towards the Family Dollar. And
17 I observed one of them that had a dark black long cloth
18 coming out of one of his pockets. They were walking almost
19 in tandem towards the front of the store. This is as we were
20 driving by and observing this. And as we kind of are passing
21 them, I'm still watching them, and I see them come to the
22 front of the store, still in tandem, maybe have a brief
23 conversation about something, look around, and then go into
24 the Family Dollar.

25 Q Let me pause you there.

ROUGH DRAFT TRANSCRIPT

A0780

1 MS. KILLER: And do we have the video, John?

2 BY MS. KILLER:

3 Q While I'm asking for technology help, let me show
4 you State's 43. Does that map show the area you were in?

5 A That's correct.

6 Q Okay. And where were you driving when you first
7 observed them? If you touch the screen, it will make a mark.

8 A We were kind of in this area right here, in the
9 intersection area, and I could see them coming from this
10 direction and walking towards the Family Dollar.

11 Q Okay. Hold on just a minute.

12 MS. KILLER: Ready?

13 MR. PESCI: Yeah.

14 MS. KILLER: You can switch it. Thank you.

15 Playing what's marked and admitted as State's 42.

16 BY MS. KILLER:

17 Q Does that video fairly and accurately depict what
18 you have just described for us?

19 THE COURT RECORDER: Sorry, Your Honor.

20 THE COURT: It's okay.

21 BY MS. KILLER:

22 Q Does that video fairly and accurately depict what
23 you just described for us; watching the two individuals speak
24 briefly to each other, and then go in the store?

25 A Yes, it does.

ROUGH DRAFT TRANSCRIPT

A0781

1 Q Showing you State's Exhibit -- you know what, let
2 me start with 49.

3 MS. KILLER: If we can switch back. Sorry.

4 BY MS. KILLER:

5 Q Is this the Family Dollar Store we've been talking
6 about?

7 A That's correct.

8 Q Okay. And are those the doors you saw them enter?

9 A Yes, it is.

10 Q In the middle of the photograph, for the record.
11 So, when you were driving by, it sounded like you just turned
12 onto Lake Mead from Lamb, would it be?

13 A I don't remember exactly if we turned on Lake Mead
14 off of Lamb, or if we were traveling down Lake Mead on Lamb,
15 but I do know we were traveling eastbound on Lake Mead.

16 Q On Lake Mead, you see them. Do you turn
17 immediately in the parking lot, or did you have to turn
18 around?

19 A No, we passed the Family Dollar and made a u-turn
20 probably within a block to come back to the Family Dollar.

21 Q Okay. And did you come back and park at the Family
22 Dollar?

23 A That's correct.

24 Q Okay. Do you remember where you parked, if I put
25 the photo back up?

ROUGH DRAFT TRANSCRIPT

A0782

1 A Yeah, if we go back to that picture that you just
2 showed, we parked right here in that parking spot to the
3 right of the little island thing, and we backed our truck in
4 facing the front door of the Family Dollar.

5 Q Showing you State's 50, just a closer shot up, are
6 -- were you able to see through what we see, the glass
7 windows and doors, to see what was occurring in the store?

8 A That's correct.

9 Q Okay. And once you'd -- did you see them enter the
10 store before you made the u-turn?

11 A When we came back, you're talking about?

12 Q I guess I'm just asking when you saw them enter
13 versus when you parked.

14 A I was driving. I looked back over my shoulder, I
15 saw them have the brief conversation, and started to walk
16 towards the -- towards the door area, and then I proceeded to
17 focus, and go a little way and make a u-turn back.

18 Q Okay. Once you got back and parked, could you see
19 the same individuals you'd saw that drew your attention
20 initially --

21 A No.

22 Q -- inside the store?

23 A No.

24 Q Okay.

25 A I could not.

ROUGH DRAFT TRANSCRIPT

A0783

1 Q At some point, did they become visible again?

2 A Yes.

3 Q What did you observe when they became visible
4 again?

5 A I observed commotion in this area. The clerk kind
6 of making some type of commotion, and someone was there with
7 her. As I was watching the store, I knew something was going
8 on. And then I saw someone with a mask right through this
9 door right here, and the person with the mask ran over this
10 direction towards this machine here. I don't know if there
11 was someone over there, but he stopped there, and then came
12 back towards the -- towards the front of the door. And
13 during this time, that's when we're calling out the radio
14 that a robbery's in progress, and at this point, my partner
15 and I are getting out of the vehicle.

16 Q Could you personally see if any weapons were used?

17 A I could not.

18 Q And I assume, at this point, it's just the two of
19 you. You didn't go enter the store?

20 A We did not.

21 Q Okay. You observed -- you called it out on the
22 radio?

23 A Correct.

24 Q At some point, did -- and the two individuals
25 you're seeing commit this robbery, they're the same two

ROUGH DRAFT TRANSCRIPT

A0784

1 people you saw walking across?

2 A That I don't know.

3 Q Okay.

4 A That I don't know.

5 Q You just saw two people go in, then saw this occur?

6 A Correct.

7 Q Okay. And then, at some point, does the robbery
8 stop or end?

9 A We observed both males -- I don't know males; two
10 individuals look out this door right here and out the -- you
11 could kind of see through here -- out at us, and I saw
12 everybody disappear from the front of the store. And over
13 the radio, I actually said that we might have a hostage
14 situation, so.

15 Q At that point, what action did you or your partner
16 take?

17 A My partner was going to the back of the store. I
18 was going to take the front of the store, and I was outside
19 of my vehicle.

20 MS. KILLER: Switching back to State's 43, can we
21 go to that? You know what, let me grab -- I think there's
22 something that's a little closer in for us.

23 BY MS. KILLER:

24 Q Showing you State's 45, a little bit more zoomed-in
25 of a view. So, it sounds like you're saying you remained in

1 the front of the store in that front parking lot we see just
2 north of the store building?

3 A Correct.

4 Q Okay. And then your partner proceeded around the
5 back to pursue the suspects?

6 A That's correct.

7 Q Okay. I assume at that point you lost sight of
8 your partner and the two suspects?

9 A That's correct.

10 Q Okay. Did you have a chance to see what they were
11 wearing?

12 A Exact clothing, I don't remember who was in the
13 store. Like I said, I -- mostly what drew my attention to
14 the front of the store was the mask running across, you know,
15 the front of the store and back.

16 Q Okay. If you recall, or if you got a good enough
17 look, whatever you remember about the mask, can you describe
18 it for us?

19 A I just know it was a black mask with a white face
20 on it.

21 Q And then, did you stay at the front of the store
22 for the rest of the incident, or did you move from there at
23 all?

24 A No. I was listening to the radio as my partner was
25 calling it out, and I was going to take the front if they

ROUGH DRAFT TRANSCRIPT

A0786

1 came out. At one point, he said they went running out the
2 back, so I locked up my vehicle where I was parked and I ran
3 this direction towards where my partner said they were coming
4 out the back. And he proceeded to say that they were running
5 towards Lamb, so I ran all the way to the desert, to Lamb,
6 and stopped right about here.

7 Q Okay. And then let me switch you back to the more
8 zoomed-out map, State's 43.

9 MS. KILLER: If we can clear. Thanks.

10 BY MS. KILLER:

11 Q So, if you could just remark where you ran, just
12 the point where you got to Lamb is fine. From there, did you
13 observe anything further?

14 A My -- when I got to where these houses -- there's a
15 little break in the fence right here. My partner said -- I
16 lost him right about where that red mark is, so I stopped
17 right there and watched down Lamb. And maybe about this
18 direction, I saw a male jump out of the housing development
19 and start running towards Lamb, and we had other units
20 coming, and I directed them to the male that was running out
21 of the housing into the street.

22 Q After that, did you have any further involvement in
23 the event?

24 A No.

25 MS. KILLER: Court's indulgence. No further

1 questions. And I'll return -- counsel, do you want the maps
2 left up here?

3 MR. SANFT: Actually, on behalf of Mr. Parker, I
4 have no cross, Your Honor.

5 THE COURT: Mr. Parris?

6 MR. PARRIS: I have no questions either, Your
7 Honor. Thank you. Thank you, Ms. Killer.

8 MS. KILLER: Returning these to the clerk then.

9 THE COURT: Thank you. Thank you very much for
10 your testimony here today. You may step down. You are
11 excused.

12 THE WITNESS: Thank you.

13 THE COURT: Thank you for being here. You may call
14 your next witness.

15 MR. PESCI: Judge, may we approach?

16 THE COURT: Okay.

17 (Bench conference)

18 THE COURT: Is this where we need to break?

19 MR. PESCI: Yes.

20 THE COURT: Okay. Is Tonya Martin next?

21 MR. PESCI: Yes.

22 THE COURT: Oh, okay.

23 MR. SANFT: So exciting.

24 THE COURT: This will be exciting.

25 MR. PARRIS: Which witness is this?

ROUGH DRAFT TRANSCRIPT

A0788

1 MR. SANFT: Tonya Martin.

2 MR. PARRIS: She's --

3 MR. PESCI: [Inaudible] --

4 THE COURT: Apparently, you guys want to argue --

5 MR. PARRIS: Okay.

6 THE COURT: -- something before she takes the
7 stand.

8 MS. KILLER: I'm just going to wing it.

9 MR. PARRIS: [Inaudible].

10 THE COURT: Is she here?

11 MR. PESCI: Yeah.

12 THE COURT: Have you checked the hallway?

13 MR. PESCI: Yeah. She was a moment --

14 THE COURT: Do you have her on lockdown?

15 MR. PESCI: No, she's good.

16 THE COURT: Okay.

17 MR. PARRIS: They trust their snitches.

18 THE COURT: Okay. All right, we'll take a recess.

19 (End of bench conference)

20 THE COURT: Okay. At this time, ladies and
21 gentlemen, we're going to take a recess.

22 During this recess, you're admonished not to talk
23 or converse amongst yourselves or with anyone else on any
24 subject connected with this trial, or read, watch, or listen
25 to any report of or commentary on the trial, or any person

ROUGH DRAFT TRANSCRIPT

A0789

1 connected with this trial, by any medium of information,
2 including, without limitation, newspapers, television, the
3 internet, or radio, or form or express any opinion on any
4 subject connected with this trial until the case is finally
5 submitted to you.

6 We're in recess, and Officer Serrano will let you
7 know when we're ready to resume.

8 (Outside the presence of the jurors)

9 THE COURT: Okay. The record will reflect that
10 this hearing is taking place outside the presence of the jury
11 panel. It's my understanding Ms. Martin is set next to
12 testify, and that the defense apparently wants to ask about
13 her criminal history and you want to know how far you can go;
14 is that fair?

15 MR. SANFT: That is correct, Your Honor.

16 THE COURT: What do you want to ask her?

17 MR. SANFT: Well, I think she does have one
18 conviction for a petty larceny, but --

19 THE COURT: Does she have any felonies?

20 MR. PESCI: No.

21 MS. KILLER: No.

22 THE COURT: Okay, because through this, it didn't
23 appear to me as though she had any felonies.

24 MR. SANFT: That is correct.

25 THE COURT: But she has a misdemeanor petty larceny

1 you want to ask her about?

2 MR. SANFT: Petty larceny. And so the issue is
3 whether or not that's a crime of moral turpitude. We believe
4 it is, and therefore, we should be able to at least ask her
5 about that.

6 MR. PESCI: Judge, I don't think there's a case on
7 point in the State of Nevada that declares a petty larceny as
8 a crime of moral turpitude. So, I think they need to be able
9 to show to you that it is a crime of moral turpitude. I
10 don't think that it is. Now, she was charged --

11 THE COURT: Stealing is not a crime of moral
12 turpitude?

13 MR. PESCI: Well, I can't find a case that says it
14 is.

15 THE COURT: I mean, my moral turpitude, I guess.

16 MR. PESCI: And that's the --

17 THE COURT: Maybe it doesn't matter what mine is.

18 MR. PESCI: If that's the Court's ruling, that's
19 fine. The fallback position of the State is, if they're
20 allowed to ask that, they are not allowed to ask about the
21 surrounding facts and circumstances of that particular crime.
22 And --

23 THE COURT: Okay, which one did she enter a plea to
24 the petty larceny on?

25 MR. PESCI: The last one in your hand, Your Honor.

1 THE COURT: Okay.

2 MR. PESCI: And for the record, defense counsel has
3 been provided a copy of the criminal history -- or portions
4 of the criminal history of this particular defendant by the
5 State of Nevada. The last incident comes from case number
6 13F12035C*.

7 In that particular packet, we have provided to
8 defense counsel our internal office's means of tracking the
9 case as far as charged with this, pled to that. We've also
10 attached, which is not to be construed as an admission that
11 this is admissible, the Declaration of Warrant from that
12 arrest so that they could see the surrounding facts and
13 circumstances.

14 Additionally, we also attached the charging
15 document so they would know what the case started out as,
16 which it was a conspiracy to commit forgery and establishing
17 or possessing a financial forgery laboratory. And lastly, we
18 got off the justice court minutes the disposition of that
19 case, which was she pled to a petty larceny. So, if the --
20 if Your Honor finds that this is a case of moral turpitude,
21 we completely can understand that.

22 We would also direct the Court's attention to
23 Schultz v. State (phonetic), which we've provided to defense
24 counsel. And under Headnote 4, our position is that the
25 defendants through their attorneys would not be able to ask

1 specific questions surrounding that. They could ask, were
2 you convicted of petty larceny and what the year was.

3 Looking at Headnote 4, Your Honor, it reads at the
4 bottom of that paragraph, the first paragraph, "It is for
5 this reason that we have held that although a witness" -- it
6 says witness, so it doesn't just apply to a defendant -- "a
7 witness may be impeached with evidence of prior convictions,
8 the details and circumstances of the prior crimes are of
9 course not appropriate subjects of inquiry," citing to
10 Plunkett v. State. "In most instances, this rule should be
11 applied to character evidence."

12 So, we don't think it's appropriate for them to be
13 asking, well, didn't this start out as this and you pled to
14 that, but if Your Honor says that they can ask about a petty
15 larceny, so be it.

16 THE COURT: I think they can ask about a petty
17 larceny, and that's it. I don't think you -- I think the
18 same rule applies. You can't go into any of the facts and
19 circumstances surrounding it. You can ask them what she pled
20 to, when was it; however, you can't go into the
21 circumstances. And it looks like this was back in 2013?

22 MR. PARRIS: Yes, Your Honor.

23 THE COURT: So, it would not have been -- it would
24 have nothing to do with the specific robberies that we're
25 here today for?

1 MR. SANFT: That is correct, Your Honor.

2 THE COURT: Okay, so there's no argument that the
3 State gave her a petty larceny when they started out as
4 felonies in order for her to testify?

5 MR. SANFT: We wouldn't be able to argue that
6 position. That's correct.

7 THE COURT: Okay. So, the only thing you can ask
8 her on cross is, have you been -- have you been convicted of
9 a petty larceny.

10 MR. SANFT: Right.

11 THE COURT: Okay, but you can't go into the facts
12 and circumstances.

13 MR. SANFT: Yes, ma'am.

14 MR. PARRIS: Assuming she does not open the door in
15 some way, shape, or form in her testimony.

16 MR. PESCI: Well --

17 MR. PARRIS: I mean, obviously, if she --

18 THE COURT: Well, if she says, I've never done
19 counterfeit money. I can't imagine she's going to say that.

20 MR. PESCI: Well, if I can follow up on that. With
21 the Court's ruling, I'm going to talk to her before she
22 testifies --

23 THE COURT: Okay.

24 MR. PESCI: -- and say, you're allowed to be asked
25 -- because we talked to her last night and said, there are

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1 things you can say, and there are things that you can't say;
2 we have to find out from the Court.

3 THE COURT: Okay.

4 MR. PESCI: So, I'm going to go out and say they
5 can ask you, you pled guilty to a petty larceny in 2013. The
6 subsequent thing that I wanted to bring up is in her
7 statements, she indicates from her opinion that Defendant
8 Ralph Alexander might have been high while these crimes
9 occurred. We have instructed her, in our case in chief, in
10 our questioning, in no way, shape, or form is she to
11 interpret our questioning to open that door.

12 THE COURT: Okay.

13 MR. PESCI: But if defense counsel goes into it,
14 then that would become an issue that we'll have to cross that
15 bridge. I told her, don't answer until we come up to the
16 Court, ask the Court, and the Court tells us what can and
17 can't be done.

18 THE COURT: Okay. I'm assuming you don't -- either
19 side doesn't intend to ask her about that?

20 MR. PARRIS: Well, there are -- I don't plan on
21 asking her -- since Mr. Alexander was the one referenced in
22 her previous statements, I don't intend to ask her anything
23 along the lines of, so, you know, what was Ralph doing, or
24 was Ralph high? I'm not going to do anything like that.

25 THE COURT: Okay.

1 MR. PARRIS: However, in her -- in one of her
2 statements, at least, she does make reference that at one or
3 potentially more of the incidents, she herself was under the
4 -- may have been under the influence; she wasn't sure. Now,
5 that's functionally different --

6 THE COURT: What?

7 MR. PARRIS: She says -- she says she might have
8 been high, and I can actually tell you the quote if you would
9 like.

10 THE COURT: She doesn't know for sure?

11 MR. PESCI: It's in the first statement. Well --

12 MR. PARRIS: Yeah.

13 MR. PESCI: -- we asked about it -- and I'm sorry,
14 John, I'm not trying to interrupt you. But what she told us
15 in the pretrial is that she had gotten high or had ingested
16 methamphetamine on June the 14th, the early morning hours.

17 THE COURT: Okay.

18 MR. PESCI: This occurs June the 15th, the early
19 morning hours. And so the question was really, was she
20 still, in her opinion, under the influence at that time, some
21 -- almost maybe 24 hours later. So, if the question's asked,
22 I suspect, based on our pretrial, that that's what she'll
23 say.

24 THE COURT: Okay.

25 MR. PESCI: But she also could say, if it's not

1 artfully questioned, and he got high with me.

2 MR. PARRIS: Well, and --

3 THE COURT: Okay, so if you're going to ask that
4 question, I'd just ask you to lead her down the path. Don't
5 ask an open-ended question. I think you're entitled to ask
6 her. I think you're entitled to ask her because it goes to
7 her ability to recall, perceive, all of those issues that go
8 to credibility, so I think you're permitted to ask her that.

9 MR. PARRIS: Correct. I will -- and any questions
10 that may be asked I'm sure by the defense are going to be
11 about her specific drug usage, and her ability to recall, and
12 what effects she was feeling. That certainly would not open
13 the door for her to say, and he was high, too.

14 THE COURT: Well, I agree, I just don't want her to
15 say that.

16 MR. PARRIS: Exactly, and I'm hoping that she will
17 be admonished. I've dealt many cases with Mr. Pesci. I know
18 he's very good at telling his witnesses -- admonishing his
19 witnesses what they cannot get into in situations such as
20 this.

21 I'm sure he's going to do so, but I would just ask
22 that he -- because the last thing we need is some sort of a
23 prior bad act just coming out, I don't want to say sua
24 sponte, but in a response that it should not have been made
25 to a question that didn't deal with it. But once it is made,

1 we cannot unring the bell, and we will be picking a new jury
2 sometime in the near future.

3 MR. PESCI: In that regard, we told her --

4 THE COURT: You'd be picking a jury this afternoon.
5 You'd get a mistrial, so that ought to stop it.

6 MR. PESCI: In that regard, we told her, even if
7 you think the defense has asked, don't answer until we
8 approach, because we said we would approach and then get
9 clarification from the Court.

10 THE COURT: Okay.

11 MR. PESCI: But I will definitely re-remind her.
12 If you want, you can bring her in now and tell her what she
13 can and can't say.

14 THE COURT: I trust you, Mr. Pesci.

15 MR. PESCI: But -- well, yeah, but still. I can
16 tell a witness something, it doesn't mean they always do what
17 we tell them.

18 THE COURT: Well, you know what, this is my
19 experience. I bring a witness in and tell them what they
20 can't say; the first thing they do is --

21 MR. PESCI: Okay.

22 THE COURT: -- get up on the stand and say it.

23 MR. PESCI: Okay.

24 THE COURT: So, I don't like to do it --

25 MR. PESCI: All right.

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1 THE COURT: -- in all fairness.

2 MR. PESCI: All right.

3 THE COURT: Because for some reason --

4 MR. PESCI: Sometimes they get nervous.

5 THE COURT: -- when I tell them not to say it,
6 cops, everyone, first thing they say is the thing I told them
7 not to say.

8 MR. PESCI: I will do it, and hopefully --

9 THE COURT: So, that repetitive thing, it doesn't
10 work.

11 MR. PESCI: Hopefully my effect won't be the same
12 as the Court's effect.

13 THE COURT: I hope. I don't know, maybe they get
14 nervous because I said it, and I don't know, so I try to stay
15 away from that.

16 MR. PESCI: But I will tell her again to not go
17 into that, and that it is open game for them to ask about
18 her.

19 THE COURT: Okay.

20 MR. PARRIS: And please -- Mr. Pesci, please tell
21 her --

22 MR. PESCI: You can come with me. We'll go
23 together.

24 MR. PARRIS: Well, I was going to say, I don't want
25 to -- I don't want to intrude on your --

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1 MR. PESCI: No, no, no, we'll go together.

2 MR. PARRIS: -- discussion with your witness, but
3 just please tell her we're only going to be asking about her
4 and her alone. If you think maybe it's about somebody else,
5 it's not. It's only about you, Ms. Martin.

6 MR. PESCI: And Judge, we're inviting defense
7 counsel to come with us to have this conversation. I have no
8 problem with that at all.

9 THE COURT: You're allowed to talk to her.

10 MR. PARRIS: I know. I'm aware.

11 THE COURT: Okay.

12 MR. PESCI: If I could also, Judge, what I'd ask is
13 that what we provided to you as her criminal history be
14 marked as Court's Exhibits -- you don't necessarily have to
15 give the case. I gave you the case, but the remainder, so
16 that way, there's a record of what defense counsel was
17 provided. I'd ask them to acknowledge that they have been
18 provided that.

19 MR. PARRIS: We have. We were provided with it --

20 THE COURT: Okay.

21 MR. PARRIS: -- this morning, Your Honor. I had an
22 opportunity to review it, and we went over it with Mr. Pesci.

23 MR. SANFT: That is correct, Your Honor.

24 THE COURT: Okay, and it will be marked as Court's
25 Exhibit next in line, which is --

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A0800

1 THE CLERK: Yes, Your Honor.

2 THE COURT: -- 5?

3 THE CLERK: That will be --

4 THE COURT: I think we're up to about 5.

5 THE CLERK: It's 5.

6 THE COURT: 5.

7 MR. PESCI: In addition, what I would ask is that
8 the number 6 Court Exhibit would be her Guilty Plea
9 Agreement, and the attached Agreement to Testify in its
10 unredacted state.

11 THE COURT: Okay. That will be 6.

12 MR. PESCI: As a court exhibit, so that on appeal,
13 the Supreme Court would know what it was in its unredacted
14 version.

15 THE COURT: If there was ever a need for appeal.

16 MR. PESCI: Thank you. What we have here, which
17 would be an actual State's proposed exhibit, would be the
18 redacted version of the Guilty Plea Agreement and its
19 accompanying Agreement to Testify. I'd like to show it to
20 Your Honor.

21 THE COURT: Okay.

22 MR. PESCI: Defense counsel has already been shown
23 that. Now, pursuant to the statute and the case law,
24 specifically NRS 175.282, the jury -- it says that the Court
25 shall permit the jury to inspect the agreement. That's why

1 we're marking it.

2 However, case law -- wonderful case law, Sessions
3 v. State, 111 Nev. 328, indicates that we, the State of
4 Nevada, have to, I would say water down the agreement and
5 take out the truthfulness portion. Specifically, the Court
6 said, "In either case, inferences of vouching, daring to
7 speak aught but the truth, and a prosecutorial monitor to
8 disabuse the jury of any false testimony may be drawn by the
9 jury to be prejudicial to the defendant." Because of that,
10 the section in the court exhibit has been taken out in the
11 jury's exhibit.

12 Now, I don't know that anybody when they make these
13 rulings thinks about how the rubber meets the road and how
14 you can effectively and efficiently excise these things, but
15 I'd like to make that record, just for kicks and giggles. We
16 have in fact taken that portion out, but it's a big blank
17 spot in the middle of the agreement. Because it's a file-
18 stamped document with signatures and file stamps, we can't
19 just doctor it, so there is an empty spot.

20 Now, we've done our best to try to not focus on
21 that. The next page starts up, but in the process of
22 converting this into a Word document to be able to try to
23 take things out, we lose things. Nothing substantive. We
24 lose like the borders on the lefthand side, and we don't have
25 the ability to push the document up so it would look like

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A0802

1 there's no void.

2 I've pointed that out to defense counsel. They've
3 seen it. I don't know if they're going to take a position
4 whether or not they don't like the way it's been doctored up,
5 but this is the only way I can comply with the law as I see
6 it.

7 MR. SANFT: And quite honestly, I've spoken to Mr.
8 Pesci about this issue. I've looked at that document. I
9 don't believe it's going to be an issue if no one --

10 THE COURT: Okay.

11 MR. SANFT: -- brings it up. I mean, it just looks
12 like --

13 THE COURT: Okay.

14 MR. SANFT: -- someone screwed up and missed the
15 page, and therefore started on a new page. That's what it
16 looks like to me. It's not like it's cut off in the middle
17 of a sentence, and then, therefore, you know, the next -- the
18 next word on the next page is a different sentence. It's not
19 like that. It is a blank spot in the middle of the document.
20 Based upon that, we don't have any objection to the State's
21 redaction of the Guilty Plea Agreement on behalf of Mr.
22 Parker.

23 MR. PARRIS: Your Honor, I did have an opportunity
24 to review that same modified or redacted Agreement to Testify
25 this morning. I went over it with Mr. Pesci, and I would

1 concur with Mr. Sanft.

2 Quite honestly, I don't think there's any real way
3 -- from a pragmatic perspective, there's no real way around
4 it, other than what Mr. Pesci was able to do through his
5 computer manipulations. But every reference to an obligation
6 to be truthful or anything that could be construed as
7 vouching for the veracity of her statements has been removed
8 from that document, and I appreciate the State doing that.

9 I would simply ask that -- and this probably --
10 this very well may have happened already. I would simply ask
11 that Mr. Pesci in his preparation or conversations with Ms.
12 Martin inform her that, yes, we know it is not the exact
13 document, but go with it.

14 MR. PESCI: Okay.

15 MR. PARRIS: I mean, I don't want her to volunteer,
16 well, there's this portion that says I'm supposed to be
17 truthful, but, you know, all the sudden, I get my deal, and
18 I'm not --

19 THE COURT: And if this judge thinks I'm not
20 truthful, she's going to get me.

21 MR. PESCI: Now, that's a danger --

22 THE COURT: Yeah.

23 MR. PESCI: -- Judge, because she understands
24 that's a part of this deal. And I was just going to get into
25 the fact if defense counsel in their cross-examination

1 attacks her truthfulness, case law actually says that we can
2 get the unredacted version in, because if you're challenging
3 her truthfulness, then it is relevant. They make it
4 relevant; not the State on direct.

5 MR. SANFT: So --

6 THE COURT: Okay.

7 MR. SANFT: So, the idea would be is that we don't
8 open the door to the issue of the truthfulness of that
9 particular document; not necessarily about her statements to
10 police, which would be a little bit different, correct?

11 MR. PESCI: I'm just saying, if they start asking
12 her about truthful, she's probably going to say, I -- I --

13 THE COURT: I have to be truth --

14 MR. PESCI: She's going to look at you and she's
15 going to say if --

16 THE COURT: She's going to look at me.

17 MR. PESCI: -- I'm not truthful, she's going to --

18 THE COURT: Yeah, because if I'm not truthful, this
19 judge is going to --

20 MR. SANFT: But is she being truthful because of
21 the oath that she took as she got on the witness stand, or is
22 she being truthful as a result of the Guilty Plea Agreement
23 that she signed, or the agreement that she signed with the
24 State?

25 THE COURT: There's only one truth, Mr. Sanft.

1 MR. SANFT: Absolutely, there is.

2 MR. PARRIS: But there are different --

3 THE COURT: There's only one truth, right?

4 MR. PARRIS: -- reasons to be truthful, Your Honor.

5 MR. SANFT: But that's what we're saying is that,
6 you know, when she's sitting with the detective and the
7 detective says, are you telling me the truth, and she says
8 yes, that's a different type of truth. We would -- we were
9 going to argue, compared to what -- was it written in the
10 document compared to what she's going to say in terms of her
11 oath in front of the Court.

12 MR. PESCI: I think they're allowed to ask her
13 about being truthful. The State's position is if they do,
14 the State's intent is to try to follow up with what has been
15 excised from that to say, you're being truthful in part
16 because you need to for your deal. Now, they can use that to
17 their advantage, quite frankly. They could say that you're
18 doing whatever you have to do to keep the Judge happy and the
19 State happy.

20 THE COURT: You know, actually, that's true. I've
21 had attorneys do that very successfully before.

22 MR. PESCI: So, I'm just saying that we will likely
23 try to go through that open door.

24 THE COURT: Okay. So, it looks like this will be
25 marked as State's Exhibit next in line. And I'm assuming

1 there's no objection to it being admitted?

2 MR. SANFT: No, Your Honor, not on behalf of Mr.
3 Parker.

4 THE COURT: Okay, so --

5 MR. PARRIS: No, Your Honor, not the redacted
6 version.

7 THE COURT: It's State's next.

8 THE CLERK: It's 95.

9 THE COURT: So, it will be number 95.

10 MR. PESCI: Please.

11 THE COURT: And it's admitted by stipulation.

12 (State's Exhibit 95 is admitted)

13 MR. PESCI: One last thing if I could, Your Honor.

14 THE COURT: Oh, you know what, can I just ask you
15 one thing?

16 MR. PESCI: Yeah.

17 THE COURT: Did Mr. Frizzell waive his right to be
18 here today?

19 MR. PESCI: Yes. He's previously told us that we
20 could talk to her and that he didn't need to be there. We
21 saw him this morning, we told --

22 THE COURT: Okay.

23 MR. PESCI: -- him what time she was coming --

24 THE COURT: Perfect.

25 MR. PESCI: -- and he's --

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1 THE COURT: And he's good?

2 MS. KILLER: And it's my recollection that we made
3 that record during the plea as well.

4 MR. PESCI: Yes.

5 THE COURT: Right, it is in here, but I -- but it
6 says that he has the right to be notified.

7 MR. PESCI: Right, and we notified him. And if
8 you'll remember, he actually caught where it said "him"
9 instead of "her." We made the correction, and then he said
10 that the State can talk to her. We saw him this morning
11 literally as we came in. We told, she's coming in. He spoke
12 to her last night and he knows all about it.

13 THE COURT: Okay, perfect. So, 95 is admitted by
14 stipulation.

15 MR. PESCI: Last thing, Judge. Pursuant to 50.115,
16 it's the State's intent in calling this witness to lead her
17 on my direct examination, because the statute provides --

18 THE COURT: She's hostile?

19 MR. PESCI: -- that there's the opportunity, and it
20 talks about adverse technically in the statute, but that's
21 what we all think of --

22 THE COURT: We all think of hostile, but it's
23 really adverse, somebody --

24 MR. PESCI: Correct.

25 THE COURT: -- aligned with the other side.

1 MR. PESCI: It says specifically in Subsection 4,
2 "Except that the prosecutor may not call the accused in a
3 criminal case, a party is entitled to call an adverse party
4 or a witness identified with an adverse party, and
5 interrogate by leading questions."

6 Now, the State's calling her. She's the State's
7 witness, but I think she's clearly identified as an adverse
8 party, because in the charging document, she's been charged
9 by us, the State of Nevada.

10 THE COURT: That's true. Any objection to that?

11 MR. SANFT: Well, I don't know if we can call her
12 adverse because she has cooperated fully with the State. I
13 mean, it would be one thing if she was charged --

14 THE COURT: She's a co-defendant.

15 MR. SANFT: She --

16 MR. PARRIS: She's also a snitch, and there's a
17 substantive difference between a co-defendant and a snitch.

18 MR. SANFT: And what the State would like us to do,
19 I guess, is if we're going to be the ones -- if we're going
20 to be the ones that are -- if they're going to be the ones
21 subjecting her to cross-examination, then I think just by
22 that fact, we would have to give open-ended questions, right?

23 MR. PESCI: That's what the statute --

24 MR. PARRIS: I think the --

25 MR. PESCI: That's what the statute says. It's --

1 MR. SANFT: So, we're flipping the ability for us
2 to control this particular witness, even though she's the one
3 that's testifying against our clients.

4 THE COURT: Yeah.

5 MR. SANFT: I'm not quite --

6 THE COURT: I think they have the right to call her
7 as an adverse witness. I mean, she's a co-defendant, they
8 prosecuted her, she's entered in -- she's certainly not
9 aligned with them.

10 MR. PARRIS: She's certainly not aligned with --

11 THE COURT: And you call her a snitch all you want,
12 but she's not aligned with the State of Nevada.

13 MR. PARRIS: But she's clearly not aligned with
14 either of her two alleged co-conspirators either.

15 THE COURT: Yes, she is, she just --

16 MR. PARRIS: We can agree to that.

17 THE COURT: She just told on them. She just agreed
18 to testify against them.

19 MR. PARRIS: So she's -- yeah, exactly, testify
20 against them. Clearly, she's not on our side. I think it's
21 an awkward situation when we have a witness being called by -
22 - a witness being called by anybody who is ostensibly adverse
23 to everyone involved.

24 And that's the situation that we're kind of
25 creating here. Well, supposedly, she's adverse to the State

1 because, well, they made a lovely agreement with her, and
2 they're onboard with her, and they're going to protect her,
3 and they're giving her benefits for her, in return for her
4 helping -- excuse me, in return for her helping the State,
5 the State is giving her benefits, yet they're adverse to one
6 another. Those benefits, however, directly result in bad
7 things happening to either Mr. Parker or Mr. Alexander, but
8 somehow, she's -- ostensibly, she is not adverse to us?

9 MR. PESCI: I don't -- I think that a strict
10 reading of the statute would preclude the party not calling
11 the adverse individual to have to take them on direct. I
12 think it can be read that way. I have no --

13 THE COURT: It is -- it's -- I think -- I've always
14 interpreted it that way.

15 MR. PESCI: Right. I have no objection, however,
16 to the defense being able to lead her, and quite frankly, to
17 some degree, I would like it, because I think that they're
18 going to ask questions that could open the door to things
19 that could cause a mistrial motion. So, the State's position
20 is you want -- you want to do leading, go right ahead, but
21 we're definitely leading on direct --

22 MR. SANFT: Well --

23 MR. PESCI: -- and the statute lets us.

24 MR. SANFT: And that's fine.

25 THE COURT: I think they can take her, but here's

1 what I'll do. They can -- they can call her as an adverse
2 witness, but I won't limit you to direct examination when
3 it's your turn to question her.

4 MR. SANFT: Thank you, Your Honor.

5 THE COURT: You can lead her through -- you can do
6 normal cross-examination, and the State has no objection to
7 that. I think with this witness, it's probably better --

8 MR. SANFT: To control her that way anyhow.

9 THE COURT: -- to control her so that she doesn't
10 say -- because there's all these things that we don't want
11 her to say.

12 MR. SANFT: Potentially, yes, Your Honor.

13 THE COURT: So, I think it's better to have her
14 controlled.

15 MR. PESCI: And I'm asking this in advance because
16 I'm not going to ask in front of the jury, are you adverse,
17 and to go through all that. We're going to roll --

18 THE COURT: Oh, no, no, no, no.

19 MR. PESCI: I'm just going to start off that way.

20 THE COURT: I agree.

21 MR. PARRIS: Your Honor, I think we have two more
22 very minor issues.

23 MS. KILLER: We do.

24 THE COURT: Okay.

25 MR. PARRIS: There was a stipulation regarding a

1 DMV related document which establishes that Ms. Martin was
2 the registered owner of the Ford Taurus --

3 THE COURT: That Ford Taurus?

4 MR. PARRIS: -- 005LNU. We have been shown a copy
5 of that document. We do stipulate to its admission.

6 THE COURT: What's the number?

7 MS. KILLER: That is State's Proposed Exhibit 94.

8 THE COURT: Okay, 94 is admitted by stipulation.

9 (State's Exhibit 94 is admitted)

10 MR. PARRIS: Plus --

11 MR. SANFT: Yes, Your Honor.

12 THE COURT: Okay.

13 MR. PARRIS: I believe State's Exhibit -- Proposed
14 Exhibit 22, which is a picture of LV Nails, was not admitted.
15 We do stipulate to its admission as well.

16 MS. KILLER: We think --

17 THE COURT: What number is it?

18 MS. KILLER: -- it came in yesterday, but maybe one
19 of us didn't say the number on the record so it didn't get
20 marked.

21 MR. SANFT: 22, Your Honor.

22 MS. KILLER: 22.

23 THE COURT: Okay, 22 is admitted.

24 (State's Exhibit 22 is admitted)

25 MS. KILLER: And then we have one video

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1 surveillance left. It's going to be through the detective,
2 but if we just want to do it now, it's State's 20, and it's
3 just more of the videos we had stipulated to.

4 THE COURT: Any objection?

5 MR. PARRIS: No objection, Your Honor.

6 MR. SANFT: No objection, Your Honor.

7 THE COURT: Okay, so 20 is admitted.

8 (State's Exhibit 20 is admitted)

9 MS. KILLER: And I'll hand these to the clerk so
10 they can get marked as admitted.

11 THE COURT: So, I'll give everyone about five
12 minutes, and then we'll start again.

13 MR. SANFT: Thank you, Your Honor.

14 MR. PESCI: Thank you, Judge.

15 MR. PARRIS: Thank you, Your Honor.

16 (Court recessed at 10:30 A.M. until 10:57 A.M.)

17 (Outside the presence of the jurors)

18 THE COURT: Is she back?

19 MR. SANFT: She's back, Your Honor.

20 MR. PESCI: Yes.

21 THE COURT: She's ready to go? Okay, we can bring
22 in the jury.

23 MR. PESCI: And Judge, if we can do a quick record
24 before she comes in?

25 THE COURT: Of course. Are we on?

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1 THE COURT RECORDER: Not yet, Your Honor. One --
2 okay, now we are.

3 THE COURT: The hearing is taking place outside the
4 presence of the jury panel.

5 MR. PESCI: After your rulings, Your Honor, I
6 stepped outside. Mr. Sanft joined me. Mr. Parris was able
7 to, but he didn't join us. We spoke to her in the vestibule.
8 We explained the instructions that you gave about not saying
9 anything about the defendant's drug use, and also about
10 acknowledging the doctored agreement as being the agreement.

11 THE COURT: Okay.

12 MR. PESCI: Mr. Sanft, is that accurate? I'm
13 sorry.

14 MR. SANFT: That's correct, Your Honor.

15 THE COURT: Okay.

16 MR. PESCI: Mr. Parris, is that accurate?

17 MR. PARRIS: Yes, I --

18 MR. PESCI: That you were given the opportunity?

19 MR. PARRIS: Yes. No, I had an opportunity. Mr. -
20 - Mike went out there with Giancarlo, but there was no need
21 for all of us to crowd the witness.

22 MR. SANFT: That is right, Your Honor.

23 THE COURT: Okay.

24 MR. PESCI: Thank you, Judge.

25 THE COURT: We're ready. Thank you.

1 MR. PESCI: Thank you.

2 THE COURT: How much money did she put in the
3 meter? I hope she's not going to ask us every 15 minutes.

4 MR. PESCI: I don't know, but Judge, I couldn't
5 help her. And then Mr. Sanft, being a nice guy, was going
6 to, and I'm like, you can't either; we can't have that record
7 as far as filling the meter.

8 THE COURT: Oh. Did she have the money to fill it?

9 MR. PESCI: I don't know. I didn't give her any
10 money. Nobody gave her any money.

11 MS. KILLER: No one.

12 MR. PESCI: Everybody's instinct was to, but we
13 didn't.

14 THE COURT: Of course, because we're normal.

15 MR. PESCI: Right.

16 (Pause in the proceedings)

17 THE MARSHAL: Your Honor, apparently we had two
18 that took off and went to use the restroom, so give it
19 another two minutes.

20 THE COURT: Okay.

21 MR. PESCI: Sorry, Judge.

22 THE COURT: It's okay. It happens.

23 (Off the record at 11:00 A.M. until 11:00 A.M.)

24 (Outside the presence of the jurors)

25 THE COURT: Okay, here comes the jury panel.

ROUGH DRAFT TRANSCRIPT

A0816

1 THE MARSHAL: Jurors are present.

2 (Within the presence of the jurors)

3 THE MARSHAL: They're all accounted for, Your
4 Honor.

5 THE COURT: Thank you. Do I have a stipulation
6 from the State of Nevada as to the presence of the jury
7 panel?

8 MR. PESCI: Yes, Your Honor.

9 THE COURT: Mr. Sanft?

10 MR. SANFT: Yes, Your Honor.

11 THE COURT: Mr. Parris?

12 MR. PARRIS: Yes, Your Honor.

13 THE COURT: Okay. The State may call their next
14 witness.

15 MR. PESCI: State calls Tonya Martin.

16

17 THE MARSHAL: Step up here, face the clerk, and
18 raise your right hand.

19 THE CLERK: Raise your right hand.

20 TONYA MARTIN, STATE'S WITNESS, SWORN

21 THE CLERK: Please be seated. State and spell your
22 name for the record.

23 THE WITNESS: Tonya Martin. T-o-n-y-a, M-a-r-t-i-
24 n.

25 THE COURT: Thank you. You may proceed.

ROUGH DRAFT TRANSCRIPT

A0817

1 MR. PESCI: Thank you.

2 DIRECT EXAMINATION

3 BY MR. PESCI:

4 Q Ma'am, I want to ask you a couple of questions. I
5 want to start off first though with showing you a document.

6 MR. PESCI: May I approach, Your Honor?

7 THE COURT: You may.

8 BY MR. PESCI:

9 Q Showing you what's been previously admitted as
10 State's Exhibit 95, do you recognize what that is?

11 A Yes, sir.

12 Q And what is that?

13 A My Plea Agreement.

14 Q You said your Plea Agreement?

15 A Yes, sir.

16 Q Now, ma'am, you are somewhat soft-spoken. Can you
17 move forward just a little bit? Get in close. This woman is
18 listening to everything. If she can't hear you, then we got
19 to say things over again --

20 A Okay.

21 Q -- so that it's all taken down. Is that okay?

22 A Yes, sir.

23 Q All right. Now, you said 95 is your Plea
24 Agreement?

25 A Yes.

ROUGH DRAFT TRANSCRIPT

A0818

1 Q Did you get charged by the State of Nevada, and in
2 particular, by me, with the events associated with these five
3 robberies?

4 A Yes, sir.

5 Q And then, after you were charged, after you had an
6 attorney appointed to you, did you then enter into an
7 agreement with myself, the State of Nevada, and this is the
8 representation of that agreement?

9 A Yes, sir.

10 Q And is that a fair and an accurate depiction of
11 that agreement?

12 A Yes, sir.

13 Q Okay. As a part of that agreement, did you agree -
14 - or did you in front of this Court prior to trial enter a
15 plea to a count of a conspiracy to commit robbery?

16 A Yes, sir.

17 Q Is that a felony?

18 A Yes, sir.

19 Q The count of the conspiracy to commit robbery, do
20 you understand that it actually applied to all of the
21 incidents that are before this Court?

22 A Yes, sir.

23 Q Even though it was one count, were you asked --
24 during what we often talk about as a canvass by Her Honor,
25 she specifically asked you, even though it's one count, this

1 applies to all of the counts?

2 A Correct.

3 Q Is that your understanding?

4 A Yes.

5 Q Okay. And that as a part of this agreement, the
6 State, meaning me and Ms. Killer, retains the right to argue
7 at your sentencing?

8 A Yes.

9 Q Now, you're not going to be sentenced until after
10 you come and testify?

11 A Correct.

12 Q And as a part of this particular agreement, you
13 agreed to testify in this case?

14 A Correct.

15 Q And the Agreement to Testify is actually attached.
16 After your Guilty Plea Agreement, after a copy of the
17 Superceding Indictment, which has all the charges which your
18 one conspiracy applies to, there is also the Agreement to
19 Testify?

20 A Correct.

21 Q And that you agreed to testify in this case as a
22 witness called by the State of Nevada?

23 A Correct.

24 Q Okay. But you are a charged defendant by the State
25 of Nevada?

ROUGH DRAFT TRANSCRIPT

A0820

1 A Correct.

2 Q All right. Now, ma'am, I'm going to ask you

3 questions about the events from about June 15th of this year,

4 going forward to even past July 9th, but before we do that, I

5 want to just go over some simple things with you, okay? Do

6 you own a car?

7 A Yes, sir.

8 Q Did you just have to move it?

9 A I had to pay parking, yes.

10 Q Okay. Had the meter run out?

11 A Yes.

12 Q All right, so let's talk about that car for a

13 second. Showing you what's been marked and admitted as

14 State's 94, do you recognize what that is?

15 A Yes.

16 Q Is that the registration for your vehicle?

17 A Yes, sir.

18 Q What kind of a vehicle do you have?

19 A 2002 Ford Taurus.

20 Q What color is it?

21 A Gold.

22 Q What license plate do you have?

23 A 005LNU.

24 Q LNU?

25 A Lincoln, Nancy, Unicorn.

ROUGH DRAFT TRANSCRIPT

A0821

1 Q Unicorn? Okay. So, looking at State's 89 through
2 93, take a look at those and let me know after you've looked
3 at them if you recognize that. Not the last one, I -- let me
4 see that one again. We'll set that one aside. The pictures
5 or the photographs of the vehicle, do you recognize that?

6 A Yes, sir.

7 Q Are they fair and accurate depictions of your car?

8 A Yes, sir.

9 Q In fact, these pictures were taken when Detective
10 David Miller from the Metropolitan Police Department met with
11 you and took a statement from you?

12 A Correct.

13 Q You said he could go out and take your -- pictures
14 of your car?

15 A Correct.

16 Q And they're fair and accurate depictions?

17 A Yes, sir.

18 MR. PESCI: I'd move for the admission of State's
19 89 through 92.

20 THE COURT: Any objection?

21 MR. SANFT: No objection, Your Honor.

22 MR. PARRIS: No objection, Your Honor.

23 THE COURT: 89 through 92 are admitted.

24 (State's Exhibits 89 through 92 are admitted)

25 MR. PESCI: May I publish?

1 THE COURT: You may.

2 MR. PESCI: Thank you.

3 BY MR. PESCI:

4 Q Ma'am, looking at 89, is that your vehicle?

5 A Yes, sir.

6 Q And does it show your license plate of 005LNU?

7 A Yes, sir.

8 Q Looking at State's 90, is that kind of a side
9 profile of your vehicle?

10 A Yes, sir.

11 Q Okay. Now, focusing on this vehicle and why you're
12 here, was your vehicle involved, and you, for that matter, in
13 these incidents that we're here in court for?

14 A Yes, sir.

15 Q Okay. I want to do a time frame for you, starting
16 with June the 15th of this year, 2015. Did you go to the
17 Boulder Station here in Las Vegas, Nevada?

18 A Yes, sir.

19 Q Who did you go there with?

20 A Ralph Alexander.

21 Q And how did you get there?

22 A My car.

23 Q All right, that's the car we just talked about?

24 A Correct.

25 Q Okay. You just said Ralph Alexander. Who is Ralph

1 Alexander to you?

2 A My son's father.

3 Q And how -- when did you meet Ralph Alexander?

4 A October 2013.

5 Q And in June, and specifically June the 15th of
6 2015, was there a relationship between you and Ralph
7 Alexander beyond him being the father of your child?

8 A We were boyfriend and girlfriend.

9 Q You might need to move forward just a little bit.

10 THE COURT: You're going to have to speak up, Ms.
11 Martin.

12 THE WITNESS: We were dating.

13 MR. PESCI: Okay.

14 BY MR. PESCI:

15 Q On June the 15th of that -- of this year when you
16 went to the Boulder Station, you told us a moment ago you
17 drove your car there?

18 A Correct.

19 Q And it was just you and Ralph Alexander?

20 A Correct.

21 Q You went inside to the casino?

22 A Correct.

23 Q And when you went into the casino, what did you do?

24 A We were gambling.

25 Q What kind of gambling were you doing?

ROUGH DRAFT TRANSCRIPT

A0824

1 A Slot machines.

2 Q Slot machines? Was there a difference between what
3 you played and what Ralph Alexander played?

4 A Not really.

5 Q Okay. Did you stay there for some time?

6 A We were there for a few hours.

7 Q And then, at some point, did you ever go out to the
8 car?

9 A I did.

10 Q Tell us about that. What happened?

11 A We had got in an argument, and I went out to the
12 car.

13 Q When you say we got in an argument, why were you
14 arguing?

15 A Finances.

16 Q And what was the financial arrangement between you
17 and Ralph Alexander as of June of 2015 in this sense? Who
18 was working?

19 A I worked. He --

20 Q And then, who watched the kids?

21 A Ralph.

22 Q I said kids plural. You have one child together
23 with Ralph?

24 A Correct.

25 Q Do you have another child?

ROUGH DRAFT TRANSCRIPT

A0825

1 A I do.

2 Q From somebody else?

3 A Correct.

4 Q All right. Would Ralph watch both of them?

5 A Correct.

6 Q And so he was at home with the kids while you went
7 to work?

8 A Correct.

9 Q As far as your actual finances, which you said was
10 the basis of your argument, did you have an arrangement such
11 that Ralph would pay the bills and utilize your -- was it a
12 debit card?

13 A Yes.

14 Q And so would Ralph hold that card while you went
15 off to work?

16 A Correct.

17 Q Meaning if there were charges to be done during the
18 day while he was with the kids, he'd have the card?

19 A Absolutely.

20 Q Okay. But that night on June 15th when you were at
21 the casino, there was an argument between the two of you.
22 Why was there an argument? Had something happened to your
23 hours?

24 A My hours were cut at work.

25 Q Okay, where were you working at the time?

ROUGH DRAFT TRANSCRIPT

A0826

1 A Urgent Care Extra.

2 Q What was your job?

3 A Medical assistant.

4 Q Because of your hours being cut, was money tight?

5 A Correct.

6 Q Was that the portion of the argument -- because

7 I'll get in an argument with my wife. I might not think it's

8 an argument; she does. The conversation about the finances,

9 what was the conversation?

10 A We were short on money.

11 Q Were you saying that to him? Was he saying that to

12 you? I mean, I'm trying to --

13 A I was upset because we were low on money and we

14 needed to go home.

15 Q Okay. Were you concerned with gambling away money

16 when money was short?

17 A Correct.

18 Q All right. So, money was a concern?

19 A Correct.

20 Q You left?

21 A Correct.

22 Q And you went outside, got in the car?

23 A Yes.

24 Q Did you move the car?

25 A I did move the car because I didn't feel like

ROUGH DRAFT TRANSCRIPT

A0827

1 walking back to the door.

2 Q Okay.

3 A So I parked closer to the door.

4 Q Is there somewhat of a good-sized parking lot --

5 A Yes.

6 Q All right, ma'am, you're doing great, but that
7 woman can't record both of us at the same time, so we can't
8 talk at the same time, okay? Is there somewhat of a big
9 parking lot outside the Boulder Station?

10 A Correct.

11 Q Did you move closer to the door where you had
12 entered?

13 A Correct.

14 Q Or one of the other doors? I'm not sure it was the
15 entrance door, but a door closer to where you had come from?

16 A Correct.

17 Q Eventually, at some point, did Mr. Alexander get
18 back into the car?

19 A Yes.

20 Q When he was in the car, what happened?

21 A We were still arguing over money.

22 Q Okay. Did the argument end?

23 A Yes, when he got out of the car.

24 Q Okay. When he got out of the car, was he wearing
25 anything differently from when he had entered the car?

ROUGH DRAFT TRANSCRIPT

A0828

1 A A jacket.

2 Q Do you remember what the jacket looked like?

3 A It was black.

4 Q Okay. But when you first went into the casino,
5 Ralph Alexander did not have that jacket on?

6 A No.

7 Q After he came out and you had the argument in the
8 car -- the continuation of the argument, when Ralph Alexander
9 left, he had a jacket on?

10 A Correct.

11 Q And then, after he left with the jacket on, you
12 left?

13 A Correct.

14 Q When you left, where did you go?

15 A To the 7-Eleven.

16 Q Now, is the 7-Eleven technically outside of the
17 Boulder Station parking lot?

18 A Yes.

19 Q Slow down just a little bit. Is it near the
20 Boulder Station?

21 A Yes.

22 Q Okay. Why did you go there instead of just going
23 home?

24 A Because I was crying and I needed to collect my
25 thoughts before I drove home.

ROUGH DRAFT TRANSCRIPT

A0829

1 Q Okay. Who -- since the two of you are both there,
2 who's watching the kids?

3 A His cousin.

4 Q Him being Ralph Alexander?

5 A Correct.

6 Q Okay. While you were there collecting your
7 thoughts and getting yourself together, what happened?

8 A He ran and jumped in the car, and told me to go
9 home.

10 Q Okay. Was he by himself?

11 A Yes.

12 Q Was he dressed the same way as when he left, that
13 being with that coat?

14 A Correct.

15 Q Did he have anything else on him?

16 A No.

17 Q Sorry?

18 A No.

19 Q You didn't see anything on his person?

20 A No.

21 Q Carrying anything?

22 A No.

23 Q Okay. Did you then leave and go to the house?

24 A Yes.

25 Q And when I say that, I should say -- I'm sorry.

ROUGH DRAFT TRANSCRIPT

A0830

1 Was it an apartment?

2 A Yes.

3 Q Okay. When you got to the apartment, what
4 happened?

5 A He told me he got a couple hundred dollars.

6 Q He got a couple hundred dollars?

7 A Yes.

8 Q Did you ask how?

9 A No.

10 Q Okay. What did you -- did you see the couple
11 hundred dollars?

12 A No.

13 Q Did he do anything with the couple hundred dollars?

14 A No, not that I know of.

15 Q Okay. Well, was rent due at the time you were
16 there on June the 15th?

17 A Yes.

18 Q Was it overdue?

19 A It was past due.

20 Q Okay. To your knowledge, was the rent paid after
21 that evening?

22 A As far as I know, yes.

23 Q Putting it this way, did you get evicted in the
24 month of June?

25 A No.

ROUGH DRAFT TRANSCRIPT

A0831

1 Q All right, so the rent had to have been paid?

2 A Correct.

3 Q As I understand your financial relationship, Ralph
4 would pay the bills?

5 A Correct.

6 Q So, you wouldn't know if it was paid by you paying
7 it because you didn't pay the bills?

8 A Correct.

9 Q Okay. Now, going back in time, when you're back in
10 the casino, were you there for some time?

11 A Yes.

12 Q Did the two of you spend most of the time together?

13 A A fair amount of time, yes.

14 Q Sometimes you were away from him, and sometimes --

15 A Yes.

16 Q -- you were together? Did you take note of anybody
17 winning anything around you while you were playing?

18 A No.

19 Q All right. Did you see anything that kind of
20 grabbed your attention at all during the night?

21 A No.

22 Q Really, the night ended for you because of the
23 argument about finances?

24 A Correct.

25 Q Okay. After that night on June the 15th, was there

ROUGH DRAFT TRANSCRIPT

A0832

1 a time where you came into contact with police?

2 A I'm sorry?

3 Q Was there a time when you came into contact with
4 police?

5 A After when?

6 Q After June the 15th, the --

7 A No, sir.

8 Q All right, let me put it to you this way. You go
9 to Boulder Station, there's an argument, Ralph Alexander gets
10 back in the car, you go back to your apartment, correct?

11 A Correct.

12 Q After that day -- I don't mean immediately after,
13 but after that day, at some point, do you come into contact
14 with a police officer?

15 A A detective?

16 Q Yes.

17 A Yes.

18 Q All right. I apologize, I said police officer. A
19 detective with specificity. So, a detective met with you; is
20 that correct?

21 A Correct.

22 Q Did a detective in fact call you?

23 A Yes.

24 Q Did he ask to meet with you?

25 A Yes.

ROUGH DRAFT TRANSCRIPT

A0833

1 Q And specifically, was that Detective Lorson?

2 A Yes.

3 Q And did he make an appointment to meet with you on
4 July the 27th of 2015?

5 A I don't recall the date, but yes.

6 Q Does that sound about right?

7 A Yes.

8 Q If you saw -- well, let me say this. When you met
9 with him, did you give him a statement?

10 A Yes.

11 Q Was there a recording device capturing your
12 conversation with him?

13 A Yes.

14 Q And was a transcript created from that
15 conversation?

16 A Yes.

17 Q Have you reviewed the transcript for that
18 conversation?

19 A Yes.

20 Q Would reviewing that transcript refresh your memory
21 as to the date?

22 A Yes.

23 MR. PESCI: May I approach, Your Honor?

24 THE COURT: You may.

25 BY MR. PESCI:

ROUGH DRAFT TRANSCRIPT

A0834

1 Q Showing you what's not been marked, but what
2 defense counsel has been given, a copy of the statement. Do
3 you recognize that?

4 A Yes.

5 Q And on the last page, do you see if there's a
6 date/time in bold at the bottom?

7 A 7/27/15.

8 Q Okay. So, on July the 27th of 2015, Detective
9 Lorson met with you and asked you some questions?

10 A Correct.

11 Q Now, when he met with you, he didn't show up at
12 your house, right?

13 A No, I came to his -- the command station that he
14 gave me the address to.

15 Q To his office, in essence?

16 A Correct.

17 Q After he had called you and asked if you'd come and
18 see him?

19 A Correct.

20 Q And you agreed to go see him?

21 A Correct.

22 Q All right. And that you gave a statement; that's
23 what I just showed you, correct?

24 A Correct.

25 Q And I should have while I was up there, I

1 apologize. Was this about 21 pages-long?

2 A Yes, sir.

3 Q All right. So, in this 21-page statement, you told
4 Detective Lorson facts about the incident at the Boulder
5 Station?

6 A Correct.

7 Q And was Detective Lorson asking you about your
8 actions and Ralph Alexander's actions?

9 A Correct.

10 Q Was he asking you specifics about money being taken
11 from somebody inside the casino?

12 A Correct.

13 Q For clarity, you were not inside when anything was
14 taken from a woman; is that correct?

15 A No, I was not.

16 Q All right, but in your conversation with Detective
17 Lorson, he asked you about a woman being robbed inside?

18 A Yes.

19 Q Did you talk to Detective Lorson about the fact
20 that you had been gambling and had an argument that night?

21 A Yes.

22 Q Did he have some photographs of still frames from
23 the surveillance and asked you if you recognized yourself and
24 Ralph Alexander?

25 A I believe so.

1 Q Okay. Do you remember being asked like, do you
2 recognize who it was? I'm not sure if it was a still frame,
3 but you were shown some photos to ask if you could recognize
4 yourself and --

5 A With Detective Lorson, I'm not sure of.

6 Q Okay. If you don't remember, that's fine. Were
7 you asked specifically by Detective Lorson -- or didn't
8 Detective Lorson ask you if Ralph Alexander had told you
9 about robbing a lady?

10 A Yes.

11 Q And you told him that you had not been told by
12 Ralph about robbing a lady?

13 A Correct.

14 Q Okay. He asked you specifically if you had seen a
15 purse that night; not your purse, some other woman's purse,
16 and you said you had not seen a purse?

17 A Correct.

18 Q Okay. Did he then ask you about other robberies,
19 meaning robberies other than the Boulder Station?

20 A Yes.

21 Q All right. Did you talk to him about the Family
22 Dollar robbery?

23 A Yes.

24 Q You brought that up to Detective Lorson?

25 A Yes.

1 Q Did Detective Lorson tell you, I'm not focusing on
2 that; that's another detective's?

3 A Yes.

4 Q Did he say, well, I want to talk about something
5 other than Boulder Station, and other than Family Dollar?

6 A Yes.

7 Q All right. And did you say that there had been
8 another robbery?

9 A Yes.

10 Q Specifically, in Detective Lorson's statement, did
11 you indicate that there was a robbery at what you thought was
12 either a nail or a hair salon?

13 A Yes.

14 Q Okay. Was it accurate that in your statement to
15 the detective, you weren't really sure when that happened?

16 A Correct.

17 Q But you knew it was after the Boulder Station and
18 before the Family Dollar?

19 A Correct.

20 Q Okay. Did the address give you some idea as to
21 where it could have been? Was there conversations about the
22 area of the Lamb and Charleston?

23 A Yes.

24 Q Okay. Now, when that incident occurred -- or when
25 you told the detective about that particular incident, did

1 you explain what Ralph Alexander said or did?

2 A Yes.

3 Q Okay. Did you in fact tell Detective Lorson, this
4 is your first interview, that you dropped off Ralph Alexander
5 outside of the nail salon; that a few minutes later, he came
6 back, and he told you to go home?

7 A Correct.

8 Q All right. Did you indicate that you were not sure
9 how much money was taken?

10 A Yes.

11 Q And that he, Detective Lorson, asked you about
12 seeing a gun, and you said, without a doubt, you never saw a
13 gun?

14 A I've never seen a gun.

15 Q Be it at the Boulder Station, the nail salon,
16 Family Dollar, or anything else in between?

17 A I've never seen a gun.

18 Q Now, at that time, that first statement, Detective
19 Lorson was asking about robberies plural, but you only could
20 think of three?

21 A Correct.

22 Q Boulder Station, nail salon, and Family Dollar?

23 A Correct.

24 Q Okay. Did you make it clear that you never got any
25 money from any of those three that you talked to Detective

1 Lorson about?

2 A Correct.

3 Q But you do acknowledge that your rent got paid
4 after the Boulder Station?

5 A Correct.

6 Q And at that point, Ralph was not working?

7 A No.

8 Q You were the source of income, but your hours had
9 been cut?

10 A Correct.

11 Q Which is why you were arguing with him about
12 gambling at the casino?

13 A Correct.

14 Q Okay. Now, later on, did you -- well, before we
15 get there, I'm sorry, did Detective Lorson tell you, hey, I
16 don't want to talk about the Family Dollar; some other
17 detective is doing that?

18 A Yes.

19 Q And did Detective Lorson say, the other detective
20 will probably want to talk to you?

21 A That he was on vacation and he would call me when
22 he got back.

23 Q Okay. After July 27th of 2015 when your interview
24 ended with Detective Lorson, did you get -- or were you
25 contacted by a Detective Miller?

1 A Yes.

2 Q Did he ask if he could meet with you?

3 A Yes.

4 Q And did you meet with him?

5 A Yes.

6 Q Where did that meeting occur?

7 A My sister's house.

8 Q Did Detective Miller come to you?

9 A Yes.

10 Q When he came to you, was there, again, a recording
11 taken?

12 A I didn't know until afterwards, but yes.

13 Q Okay. Well, let me ask you this way. Did you
14 agree to speak to him?

15 A Yes.

16 Q And even with Detective Lorson, did you agree to
17 speak to him?

18 A Yes.

19 Q With Detective Lorson, you were never put in
20 handcuffs?

21 A No.

22 Q You were never told you were under arrest?

23 A No.

24 Q You were told, you're going to go home?

25 A Yes.

1 Q And you were allowed to go home?

2 A Yes.

3 Q Jumping forward to Detective Miller, were you ever
4 put under arrest?

5 A No.

6 Q Were you put in handcuffs?

7 A No.

8 Q Did he tell you when he came, I'm not going to
9 arrest you?

10 A Yes.

11 Q And that you're going to -- I'm going to leave and
12 I'm not going to take you away?

13 A Yes.

14 Q All right. Did you agree to speak to him?

15 A Yes.

16 Q And then, you didn't know at the time, but there
17 was a recording, and a transcript was created?

18 A Correct.

19 Q Have you reviewed that transcript?

20 A Yes.

21 MR. PESCI: May I approach the witness, Your Honor?

22 THE COURT: You may.

23 BY MR. PESCI:

24 Q Showing you what's not been marked, but what has
25 been provided to defense counsel, do you recognize what that

1 is, ma'am?

2 A Yes.

3 Q Is that a transcript of the statement that you gave
4 to Detective Miller on August the 12th of 2015?

5 A Yes.

6 Q Okay. Now, Detective Miller was the detective,
7 from your understanding, assigned to the Family Dollar
8 incident?

9 A Correct.

10 Q And Detective Miller, unlike Detective Lorson, did
11 want to know about the Family Dollar?

12 A Correct.

13 Q Did he ask you about the Family Dollar?

14 A Yes.

15 Q And did he later actually try to talk to you about
16 other robberies?

17 A Yes.

18 Q Okay. Now, in the conversation or the interview
19 with Detective Miller, did you tell him about more than the
20 three that you told Detective Lorson?

21 A Yes.

22 Q Did Detective Miller have to give you some time
23 estimations and some locations to help you try to remember
24 the other two incidents?

25 A Yes.

1 Q When he did that, were you able to give him
2 specifics or a little more information about those other
3 incidents?

4 A Yes.

5 Q And he actually talked to you about numbers? They
6 numbered the incidents; is that correct?

7 A Correct.

8 Q Making Boulder Station number 1, and proceeding
9 forward?

10 A Correct.

11 Q Okay. But he counted as number 3 the nails; is
12 that correct? If you remember correctly.

13 A I don't remember.

14 Q All right. Well, we'll just -- we'll go with the
15 reference of 1 for Boulder Station.

16 A Okay.

17 Q He, Detective Miller, knew about the fact that you
18 had spoken with Detective Lorson?

19 A Correct.

20 Q Okay, and so he knew about the three that you had
21 spoken about there?

22 A Correct.

23 Q Did he ask you about the Family Dollar as far as
24 when you drove Ralph Alexander to the Family Dollar, was he
25 the only person in the car with you?

1 A Yes.

2 Q In the nail salon, was Ralph Alexander the only
3 person in the car with you?

4 A No.

5 Q Who was the other person in the car with you?

6 A Jay (phonetic).

7 Q Who is Jay?

8 A An acquaintance.

9 Q Okay. Was he an acquaintance of yours, or an
10 acquaintance of yours after being introduced by Ralph?

11 A Being introduced by Ralph.

12 Q Okay. Before this time period, did you know Jay
13 very well?

14 A No.

15 Q All right. Boulder Station, just you and just
16 Ralph, correct?

17 A Correct.

18 Q Nail salon, you driving?

19 A Correct.

20 Q And Ralph and James Parker in the car?

21 A Correct.

22 Q Okay. And then, Family Dollar, as I've understood
23 it, you told the detective that you drove just Ralph
24 Alexander to the Family Dollar?

25 A Correct.

1 Q Okay. Tell us -- well, I shouldn't say it like
2 that. When you drove Ralph Alexander to the Family Dollar,
3 did you drop him off at the corner near the store?

4 A Yes.

5 Q You didn't actually go into the driveway?

6 A No.

7 Q And that you then went to a neighborhood behind the
8 Family Dollar?

9 A Correct.

10 Q And when I say that, you were in your Ford car?

11 A Correct.

12 Q That Ford Taurus that you drove to the nail salon
13 and you drove to Boulder Station?

14 A Correct.

15 Q And you went back there because you were told to go
16 back there?

17 A Correct.

18 Q And you were supposed to wait?

19 A Correct.

20 Q Was that for -- for Ralph?

21 A Correct.

22 Q Okay. In the conversation with Detective Miller,
23 did he ask you about there ending up being a second person
24 besides just Ralph Alexander?

25 A Correct.

1 Q And did you say that you did not know who that
2 person was?

3 A Correct.

4 Q In fact, did you tell the detective at that point
5 that you never found out who that person was?

6 A Correct.

7 Q All right. That wasn't accurate, was it?

8 A No.

9 Q At that time, were you concerned about giving up
10 more information about somebody else besides you and Ralph?

11 A Correct.

12 Q Did you talk about how they were clothed, wearing a
13 black or a blue bandana, or a beanie?

14 A Correct.

15 Q And that there was a beanie with a white face on
16 it?

17 A Correct.

18 Q Now, what did you do when you heard the sirens?

19 A I left.

20 Q Okay. Left, meaning you left that neighborhood of
21 houses behind or to the south of Family Dollar?

22 A Yes, sir.

23 Q Before you left, did Ralph Alexander or the person
24 that you knew as Jay get into the car?

25 A No.

1 Q Did you see them?

2 A I seen two people running.

3 Q Okay, but you didn't stick around?

4 A No.

5 Q And you left?

6 A Correct.

7 Q Okay. Now, when -- you saw more than one person
8 running?

9 A Correct.

10 Q Did you recognize who those people were?

11 A I just seen two guys running.

12 Q Okay. Speaking of recognize, do you recognize
13 Ralph Alexander here in court today?

14 A Yes.

15 Q Would you point to him and describe something he's
16 wearing?

17 A A white shirt.

18 MR. PESCI: Would the record reflect identification
19 of Defendant Ralph Alexander, Your Honor?

20 THE COURT: So reflected.

21 BY MR. PESCI:

22 Q Ma'am, do you see the person that you know as Jay
23 in the courtroom today?

24 A Yes, sir.

25 Q Would you point to him and describe something he's

1 wearing?

2 A A blue shirt.

3 Q A blue shirt? Let me put it to you this way. If
4 this is position 1, position 2, position 3, and position 4,
5 what is the position that James Parker is in?

6 A Position 2.

7 Q Okay.

8 MR. PESCI: Will the record reflect identification
9 of James Parker?

10 THE COURT: So reflected.

11 MR. PESCI: May I approach the witness?

12 THE COURT: You may.

13 BY MR. PESCI:

14 Q When you were talking to Detective Miller, did he
15 show you a photo lineup?

16 A Yes, sir.

17 Q At that time, back in the context of your
18 statement, you originally said you didn't know who the second
19 person was?

20 A Correct.

21 Q He followed up and eventually showed you a lineup?

22 A Correct.

23 Q And you were asked if you could identify someone in
24 the lineup?

25 A Correct.

1 Q Do you recognize State's 93 as being a copy of that
2 lineup that Detective Miller showed you?

3 A Correct.

4 Q And did he read the instructions that you see on
5 that first page to you?

6 A Correct.

7 Q And then did he show you some pictures?

8 A Yes.

9 Q And then, when you looked at the pictures, were you
10 able to identify someone that you recognized?

11 A Yes.

12 Q And did you specifically circle and sign the person
13 that you recognized?

14 A Yes.

15 Q When we talk about a lineup, it's really one page,
16 six pictures of people's heads, and you're asked to see if
17 you can recognize somebody?

18 A Yes.

19 Q And you indicated that you did?

20 A Yes.

21 Q And in fact, you wrote after that photo 2 was the
22 individual, correct?

23 A Correct.

24 Q And that's the person that you knew as Jay?

25 A Correct.

1 Q That's the person you just identified here in
2 court?

3 A Correct.

4 Q Okay.

5 MR. PESCI: Move for the admission of State's 93,
6 Your Honor.

7 MR. SANFT: No objection, Your Honor.

8 MR. PARRIS: No objection.

9 THE COURT: It's admitted.

10 (State's Exhibit 93 is admitted)

11 BY MR. PESCI:

12 Q Now, Jay was present -- or was Jay present at the
13 Family Dollar?

14 A As far as my knowledge, no.

15 Q All right, as far as you know, and that's what you
16 told Detective --

17 A Correct.

18 Q -- Miller, correct?

19 A Correct.

20 Q All right. At some point though after asking you
21 about the Family Dollar, did Detective Miller then try to go
22 to the two incidents that were not the nails, not Boulder
23 Station, or Family Dollar?

24 A Correct.

25 Q And did he try to put them in time frame for you?

1 A Yes.

2 Q And did he actually ask you what kind of stores
3 were they?

4 A Yes.

5 Q And what did you indicate?

6 A It was a liquor store.

7 Q Okay. And did he follow up with whether these
8 stores -- like did he talk about it was maybe a corner store?

9 A Yes.

10 Q Whether one had gas pumps or one did not?

11 A Yes.

12 Q All right, and did that help you kind of put it in
13 context?

14 A Yes.

15 Q Okay. Now, speaking of one of those corner store
16 robberies, did he talk about one being in between the nails
17 and the Family Dollar in time?

18 A Yes.

19 Q And did he talk to you about the area of
20 Washington, and then you said on your own, Washington and
21 Nellis, asking the question of the detective?

22 A Correct.

23 Q Okay. And then that's the one that he was focusing
24 on?

25 A Correct.