

IN THE SUPREME COURT OF THE STATE OF NEVADA

RALPH ALEXANDER,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

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Elizabeth A. Brown
Clerk of Supreme Court
Docket No. 70214

APPELLANT'S APPENDIX – VOLUME 4 OF 7

Appellant Ralph Alexander, by and through the undersigned counsel,
submits this appendix to his Fast Track Statement.

DATED this 11th of October, 2016.

/s/ John Parris

JOHN P. PARRIS, ESQ.

Nevada Bar No. 7479

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Verdict	7	109-13	12/7/2015

CERTIFICATE OF SERVICE

I hereby certify that on the 11th of October, 2016, I served this document on the following:

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AFFIRMATION

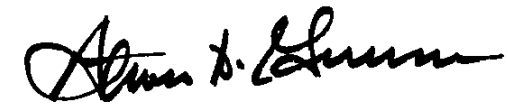
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/s/ John Parris

John P. Parris, Esq.

10-11-16

Date



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 2**

WEDNESDAY, DECEMBER 2, 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.
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ALSO PRESENT:

Jimmy Tong Nguyen
Vietnamese Interpreter

COURT RECORDER:

KRISTINE CORNELIUS
District Court

TRANSCRIPTION BY:

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Englewood, CO 80110
(303) 798-0890

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WITNESSES

<u>NAME</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
<u>STATE'S WITNESSES:</u>				
Anuttiya Painschab	116	124/---		
Karl Lorson	127	138/---	151	
Craig Tunnell	152	170/179	187	
Douglas Salter	190	194/---		
Noelle Herring	201	207/---	209	210/---
Angelina Espinoza	212	222/---		
Lien Nguyen*	229	234/---		
Iracema Montes-Cervantes	235	239/241		
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Angelica Miranda	252	259/264		

****Testimony with Vietnamese interpreter***EXHIBITS

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ROUGH DRAFT TRANSCRIPT

1 LAS VEGAS, NEVADA, WEDNESDAY, DECEMBER 2, 2015, 9:52 A.M.

2 (Outside the presence of the prospective jurors)

3 THE COURT: When Mr. Parris comes in, we can go on.
4 Good morning, gentlemen. Okay, we're back on the record,
5 just so everyone knows.

6 MR. PESCI: Thank you.

7 THE COURT: State vs. Alexander and Parker. Mr.
8 Alexander and Mr. Parker are both present; their attorneys;
9 the State is present.

10 This morning, Juror number 11 handed the court
11 marshal a note, which he brought back to me. It will be
12 marked as Court's Exhibit number 2. It's -- basically, the
13 gist of it, I'll let both parties read it, is that she has
14 massive anxiety. Last night, she had a complete anxiety
15 attack, took two Xanax, made her husband drive her here today
16 because she couldn't think clearly, nor drive, I guess, after
17 taking two Xanax. And then she tells me what it does to her.
18 Makes her drowsy, alters her judgment, thinking. "I'm so
19 sorry, I thought I could handle it."

20 So, Juror number 11, based on what she put down
21 here, I think I have to let her go, but here's the -- I have
22 a couple of options. I haven't sworn the jury in, so
23 jeopardy hasn't attached. Jury service can send me ten
24 people. We can pick another. She's a juror -- she's
25 actually on the panel.

ROUGH DRAFT TRANSCRIPT

1 MR. PARRIS: She is.

2 THE COURT: We could pick another Juror number 11,
3 or I picked two alternates; we can go forward with one
4 alternate.

5 MR. SANFT: I just think because of the length of
6 the potential case here that it would be prudent for us to
7 pick another juror, but that's just my gut feeling. I just
8 don't --

9 THE COURT: Well, see, I --

10 MR. SANFT: -- like the idea of only having one.

11 THE COURT: That's why I never swear them in.

12 MR. PARRIS: And I would be leaning towards that,
13 unless -- I would be requesting that as well. Not even
14 leaning towards it; I would be requesting it in an abundance
15 of caution. We do not want to have -- you know, we lost one
16 overnight. This is probably going to go -- this trial will
17 probably go into next week.

18 THE COURT: Well, for sure it is now.

19 MR. PARRIS: Yes. So, I would prefer to have the,
20 for lack of a better term, safety net of the second juror --
21 excuse me, second alternate like we had intended originally.

22 THE COURT: Okay.

23 MR. PARRIS: I don't think there would be a need to
24 necessarily bring her in and require her to speak.

25 THE COURT: Oh, no, I got enough here.

ROUGH DRAFT TRANSCRIPT

1 MR. PARRIS: So -- and we would -- obviously, we
2 would have no objection to her being dismissed at this point
3 in time under those circumstances.

4 MR. PESCI: State has no objection to her removal,
5 and the State has no objection to the defense's request to
6 have another juror. We would just ask before we start if we
7 know if she's -- the next person's going to go into seat 11
8 or if we're moving alternates up.

9 THE COURT: Okay, this is what I would normally do.
10 If I lost Juror number 11, and it was in this position, I
11 would pick a new Juror number 11. Okay? I mean, that's what
12 I consistently do, so we would be picking somebody who would
13 actually be on the panel. Any objection to that? I never do
14 that move down. I never do that.

15 MR. PARRIS: We --

16 MR. PESCI: No objection from the State.

17 MR. PARRIS: No objection, Your Honor.

18 THE COURT: Okay, so we'll be picking a new Juror
19 number 11.

20 MR. SANFT: That's fine, Your Honor.

21 THE COURT: And so, this will be marked as Court's
22 Exhibit number 2. Officer Hawks, will you tell her, thank
23 her, and excuse her?

24 THE MARSHAL: Yes, ma'am.

25 MR. PARRIS: And Your Honor, from a procedural

ROUGH DRAFT TRANSCRIPT

1 matter regarding peremptory challenges, I would assume each
2 side would have one extra peremptory --

3 MR. SANFT: Yes.

4 MR. PARRIS: -- under the circumstances?

5 MR. PESCI: Well, we both waived, which is
6 interesting. We could argue that we kept it.

7 MR. PARRIS: Well, we waived for -- in fairness, we
8 waived for purposes of the alternates only.

9 THE COURT: Of the alternate.

10 MR. PESCI: Right.

11 MR. PARRIS: We did -- we each used all four
12 preempts for purposes of the top 12.

13 THE COURT: This did happen before, and Mr. Pesci
14 was with me when this happened before, and didn't I give you
15 all an extra peremptory challenge?

16 MR. PESCI: I think so, yes. We'll do whatever you
17 want.

18 THE COURT: Did that hold up?

19 MR. PESCI: You know, Judge, I --

20 THE COURT: Was that even issue?

21 MR. PESCI: I can't -- that was not -- I don't
22 believe that was an issue, no.

23 THE COURT: Okay, that was not raised on appeal?
24 Okay.

25 MR. PARRIS: It would probably be more of an issue

ROUGH DRAFT TRANSCRIPT

1 if we did not receive an extra preempt than if we did. So,
2 if we want to just be thorough and clean things up --

3 THE COURT: Okay.

4 MR. PARRIS: -- I would request an additional
5 peremptory for each side at this juncture.

6 THE COURT: Okay. Jury Services told me they had
7 ten people for me, so I'm going to go now and instruct Pam
8 to --

9 MR. PESCI: Thank you.

10 THE MARSHAL: I just called Jury Services, and she
11 already talked to --

12 THE COURT: -- send the ten up. No, it's okay.
13 You can go excuse Juror number 11, and I'll take care of the
14 new jurors.

15 THE MARSHAL: Okay.

16 THE COURT: And then you're going to have to go get
17 them, unfortunately.

18 THE MARSHAL: That's why I was going to call Mariah
19 (phonetic) and have her get them ready.

20 THE COURT: I'll have Pam get them ready.

21 MR. PARRIS: Thank you, Your Honor.

22 (Court recessed at 9:56 A.M. until 10:11 A.M.)

23 (Within the presence of the prospective jurors)

24 THE MARSHAL: Go ahead and have a seat. Thank you,
25 please be seated.

ROUGH DRAFT TRANSCRIPT

1 (Pause in the proceedings)

2 THE MARSHAL: Please remain seated and come back to
3 order. Court is now back in session.

4 THE COURT: Does the State stipulate to the
5 presence of our venire of ten?

6 MR. PESCI: Yes, Your Honor.

7 THE COURT: Mr. Sanft?

8 MR. SANFT: Yes, Your Honor.

9 THE COURT: Mr. Parris?

10 MR. PARRIS: Yes, Your Honor.

11 THE COURT: Okay. Good morning, ladies and
12 gentlemen, and welcome to Department 12. You've been
13 summonsed here today to serve as jurors in a criminal trial
14 entitled State of Nevada vs. Alexander and Parker. My name
15 is Michelle Leavitt, and I'm the presiding judge in
16 Department 12.

17 Before I allow the parties to address you, I'm
18 going to introduce some of the members of my staff and give
19 you a brief description of what they do. You've already met
20 Officer Hawks. He is the marshal in Department 12. He is
21 the person that you'll have the most contact with.

22 Throughout this process of selecting a jury and
23 after we do have a jury selected, he will be the person that
24 will have the most contact with you. He's the one that will
25 meet you, bring you in during recesses at the end of the day

ROUGH DRAFT TRANSCRIPT

1 and the beginning of the day. He can't talk to you about the
2 case, but he is the one that will have the most contact with
3 you. If there's something that you need to address with the
4 Court, you do so in the courtroom on the record with both
5 sides present, or you can let the court marshal know that
6 there's something you need to communicate with the Court.

7 In front of me is Kris. Kris is the court
8 recorder. She is taking down everything that's being said in
9 the courtroom, so I'd just ask that before you speak and
10 address the Court or the lawyers that you state your name and
11 the badge number that's been provided to you by the jury
12 commissioner, and you just need to give us the last four
13 digits. So, like Ms. Jensen, you would do 0580.

14 At some point, she'll be called upon by myself to
15 prepare what we call a written transcript, so she's going to
16 type everything. She'll listen to the recording and type
17 everything verbatim, so she has to have a clear record of who
18 is speaking at all times, and that's why I'm going to ask you
19 before you respond to state your name and your badge number.

20 To my right is Susan. Susan is the court clerk in
21 Department 12. It's her job to keep the official record.
22 She takes charge of all the evidence that's introduced at the
23 time of trial. And to her right is Andrew, and Andrew is the
24 law clerk in Department 12. He's a licensed attorney in
25 Nevada, and he helps the Court with legal issues.

ROUGH DRAFT TRANSCRIPT

1 With that, I'm going to allow the State of Nevada
2 to introduce themselves. They're going to give you a list of
3 witnesses. I'm going to ask you to pay close attention to
4 those names on that witness list, because at some point, I'll
5 ask if you're familiar with any of the witnesses who will be
6 called to testify. Thank you.

7 MS. KILLER: Thank you, Your Honor. Good morning,
8 ladies and gentlemen. My name is Sarah Killer, and this is
9 Chief Deputy District Attorney Giancarlo Pesci. We're the
10 prosecutors assigned to prosecute this case, State vs. Ralph
11 Alexander and James Parker.

12 The defendants are charged with the following
13 crimes: burglary while in possession of a firearm, robbery
14 with use of a deadly weapon, conspiracy to commit robbery,
15 attempt robbery with use of a deadly weapon, assault with a
16 deadly weapon.

17 Those crimes are charged for events that occurred
18 on the following dates and at the following locations: June
19 15th, 2015 at Boulder Station Hotel and Casino at 4111
20 Boulder Highway, Las Vegas, Clark County, Nevada. On June
21 19th, 2015 at Kwik-E Market at 6055 East Lake Mead here in
22 Las Vegas, Clark County, Nevada. On June 26th at LV Nail Spa
23 at 4430 East Charleston here in Las Vegas, Clark County,
24 Nevada. On June 30th, 2015 at Rainbow Market at 5075 East
25 Washington, Las Vegas, Clark County, Nevada. On July 9th,

ROUGH DRAFT TRANSCRIPT

1 2015 at Family Dollar at 4365 East Lake Mead here in Las
2 Vegas, Clark County, Nevada.

3 The State may call and/or you may hear of some of
4 the following witnesses: Jazmayne Alexander, Ralph Bellis
5 (phonetic), Gabriel Carrera, Elana Chavarria-Ojeda, Cameron
6 Duvall, Regina Duvall, Angelina Espinoza, Alma Gutierrez,
7 Basil Hamika, Ronald Main, Tonya Martin, Angelica Miranda,
8 Iracema Montes-Cervantes, Iraiis Montes-Cervantes, Lien
9 Nguyen, James Minchey, Anuttiya Painschab, Rafael Ramirez,
10 Armando Ramirez, Keshawn Richardson, Douglas Salter, Sean
11 Shawl, Cang Tran, Craig Tunnell, Kyle Toomer, Ramon or Ramon
12 Vasquez, Briauna Williams, Chad Williams, Laray Williams,
13 Raymond Wold.

14 An investigator with the Clark County District
15 Attorney's Office, Jamie Honaker, and the following witnesses
16 associated with the Las Vegas Metropolitan Police Department:
17 Douglas Bishop, Michael Brinkley, Joshua Carbone, Ryan
18 Courtney, the custodian of records, Anthony Diaz, James
19 Easterling, Chad Embry, Heather Gouldthorpe, Jeffery Guyer,
20 Noelle Herring, Sean Hubbard, Gayle Johnson, Scott Kavon,
21 Kaitlin King, James Krylo, Karl Lorson, Alice Maceo, Eric
22 Mancao, Julie Marschner, Blaine Martell, Kristen Meckler
23 Tucker, David Miller, Marc Moses, Keith Parker, Kenneth
24 Parker, Vito Pasqualicchio, Allison Rubino, Donald Sutton,
25 Stephanie Thi, and Damian Walburn. Thank you.

ROUGH DRAFT TRANSCRIPT

1 THE COURT: Thank you very much. Mr. Sanft?

2 MR. SANFT: Good morning. My name's Michael Sanft.
3 I represent James Parker. James, can you stand up for a
4 second? That's James Parker, and he's pled not guilty to the
5 charges that you've heard here today. We intend on proving
6 our case in chief -- or not proving, but we intend of
7 defending Mr. Parker through cross-examination of the State's
8 witnesses, so we don't intend on calling anybody else. Thank
9 you.

10 THE COURT: Thank you, Mr. Sanft. Mr. Parris?

11 MR. PARRIS: Thank you, Your Honor. Ladies and
12 gentlemen, my name is John Parris, and I represent Mr. Ralph
13 Alexander. Mr. Alexander has entered pleas of not guilty to
14 all crimes charged in this particular case. Thank you.

15 THE COURT: Thank you, Mr. Parris. At this time,
16 the clerk is going to call the panel of prospective jurors.
17 When your name is called, if you'll please say "present" or
18 "here."

19 (Roll of prospective jury panel called by the clerk)

20 THE CLERK: Thank you.

21 THE COURT: Okay, is there anyone whose name was
22 not called by the clerk? The record will reflect no
23 response. If you'll all please stand and raise your right
24 hand so the clerk can administer the oath of service.

25 THE CLERK: Please raise your right hands.

ROUGH DRAFT TRANSCRIPT

1 PROSPECTIVE JURORS SWORN

2 THE CLERK: Thank you.

3 THE COURT: Okay, thank you. Ladies and gentlemen,
4 we're about to commence what is called voir dire examination.
5 The term "voir dire" means to tell the truth. During this
6 process, you'll be asked questions bearing upon your ability
7 to sit as fair and impartial jurors. To accomplish this
8 result, various questions will be asked of you by myself or
9 counsel for the parties.

10 On occasion, some of these questions will seem
11 somewhat personal. While we do not wish to unnecessarily pry
12 into your personal lives, the questions are necessary so that
13 counsel and the Court can make an intelligent determination
14 as to your capabilities to serve fairly and impartially. I
15 want you to know that myself, and the attorneys, and all
16 other persons involved in this case are concerned with having
17 this matter tried by jurors who are completely open-minded,
18 neutral, objective, and unbiased in their thinking.

19 Wide discretion is vested in the trial judge as to
20 the method of examination of jurors. As I stated previously,
21 I'll personally conduct the voir dire, but I will give the
22 attorneys the opportunity to participate in the questioning.
23 It is important that you know the significance of full,
24 complete, and honest answers to all the questions we're about
25 to ask you.

ROUGH DRAFT TRANSCRIPT

1 I caution you not to try to hide or withhold
2 anything which might indicate bias or prejudice of any sort
3 by any of you. Should you fail to answer truthfully, or if
4 you hide or withhold anything touching upon your
5 qualifications, that fact may tend to contaminate your
6 verdict and subject you to further inquiry, even after you're
7 discharged as jurors. Your decision should be based upon all
8 of the evidence presented during the trial, and not based
9 upon preconceived prejudice or bias.

10 I will conduct a general voir dire examination of
11 all of you while you're seated in the audience. After those
12 general questions, the clerk will call the first three names
13 using the order provided to us by the jury commissioner to
14 fill the jury box.

15 At some point during the process of selecting a
16 jury, the attorneys for both sides will have the right to ask
17 that a particular person not serve as a juror. These
18 requests are called challenges. There are two types of
19 challenges; challenges for cause and peremptory challenges.
20 A challenge for cause means that a juror's been excused
21 because his or her answers to some of the voir dire questions
22 indicate that he or she would have a difficult time in giving
23 a fair and impartial hearing to the case.

24 I will ask the attorneys to pass or waive the
25 prospective jurors for a cause challenge when they are done

ROUGH DRAFT TRANSCRIPT

1 questioning the prospective jurors. A peremptory challenge
2 means that a juror can be excused from duty without counsel
3 having to give a reason for the excusal. Please do not be
4 offended should you be excused by either of the challenge
5 procedures. They are simply a part of the procedures
6 designed to protect the rights of the parties under our
7 system of government.

8 If you wish to respond to a question individually
9 and in the affirmative, please raise your hand, state your
10 name, and indicate the number that's been provided to you by
11 the jury commissioner.

12 Anyone on the panel who's ever been convicted of a
13 felony? The record will reflect no response from the panel.
14 Anyone on the panel who is not a citizen of the United
15 States? The record will reflect no response from the panel.
16 Anyone on the panel who is not a resident of Clark County,
17 Nevada? The record will reflect no response from the panel.

18 Is there anyone on the panel who has such a
19 sympathy, prejudice, or bias relating to age, religion, race,
20 gender, or national origin that they feel would affect their
21 ability to be open-minded, fair, and impartial jurors? The
22 record will reflect no response from the panel.

23 Are there any of you on the panel who are
24 acquainted with any of the defendants, Mr. -- we'll start
25 with Mr. Alexander. Anyone familiar with Mr. Alexander? The

ROUGH DRAFT TRANSCRIPT

1 record will reflect no response. Anyone familiar with Mr.
2 Parker? The record will reflect no response. Anyone
3 familiar with the attorneys, Mr. Parris or Mr. Sanft, the
4 defense attorneys? The record will reflect no response. Is
5 there anyone familiar with the deputy district attorneys that
6 have been assigned to prosecute this matter? The record will
7 reflect no response.

8 The district attorney's office employees many
9 deputies and other personnel. Is there anyone who has such a
10 close relationship with either the district attorney, Mr.
11 Steve Wolfson, his deputies, or other members of his staff
12 that you feel might affect your ability to serve as a fair
13 and impartial juror in this particular case? The record will
14 reflect no response.

15 Are there any of you on the panel today that are
16 acquainted with any of the witnesses whose names were
17 previously mentioned by the deputy district attorney? The
18 record will reflect no response from the panel.

19 This case is -- will last throughout the rest of
20 the week, and based upon the events that led us here today,
21 I'm pretty positive we'll go into next week. So it could go
22 in -- it will probably go into at least Monday, but we could
23 go into next Tuesday, so I like to let you know that up
24 front. Today's Wednesday, so it would be asking you to
25 serve, you know, for four or five days.

ROUGH DRAFT TRANSCRIPT

1 Is there anyone on the panel that serving for that
2 amount of time would present such an undue hardship or burden
3 such that it would make it impossible for you to be here? Oh
4 my gosh, nobody? That's never happened. Okay. I was going
5 to say, what a great panel.

6 THE MARSHAL: Name and badge number.

7 PROSPECTIVE JUROR NO. 582: Sarah Polacek, and my
8 badge number is 0582.

9 THE COURT: Okay, go ahead.

10 PROSPECTIVE JUROR NO. 582: I have work the
11 following week, and I wouldn't be able to pay my bills if I
12 were to sit here for five days.

13 THE COURT: Okay, where do you work?

14 PROSPECTIVE JUROR NO. 582: At Albertson's.

15 THE COURT: All right, and does Albertson's pay you
16 if you're here?

17 PROSPECTIVE JUROR NO. 582: No.

18 THE COURT: Okay, you checked on that before you
19 came to serve?

20 PROSPECTIVE JUROR NO. 582: That's correct.

21 THE COURT: What do you do at Albertson's?

22 PROSPECTIVE JUROR NO. 582: I'm a courtesy clerk.

23 THE COURT: Okay. And if you were asked to be here
24 and you missed those, I guess, days of pay, you wouldn't be
25 able to pay your bills?

ROUGH DRAFT TRANSCRIPT

1 PROSPECTIVE JUROR NO. 582: Yes.

2 THE COURT: Okay, thank you. Thank you for being
3 here. Anyone else?

4 PROSPECTIVE JUROR NO. 607: My name is Cheryl, and
5 it's 0607. I don't have a vehicle. I donated it to
6 Opportunity Village.

7 THE COURT: Oh, that was nice.

8 PROSPECTIVE JUROR NO. 607: Well, I'm retired, and
9 I don't have bills so I don't have credit, so my insurance
10 was like 700-and-some dollars every six months, so the only
11 income I have is my social security. I took a cab, and after
12 here, I have to take a cab home. And I --

13 THE COURT: Do you know about Uber?

14 PROSPECTIVE JUROR NO. 607: I'm sorry?

15 THE COURT: Do you know about Uber?

16 PROSPECTIVE JUROR NO. 607: Yeah, I'm just -- I
17 just felt safer in a cab.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 607: And I'm at Fort Apache
20 between Gowan and Cheyenne, so I don't know if I could really
21 --

22 THE COURT: You live right around the corner from
23 me.

24 PROSPECTIVE JUROR NO. 607: Oh, if I could right
25 with you --

ROUGH DRAFT TRANSCRIPT

1 THE COURT: No, no, you can't ride with me.

2 PROSPECTIVE JUROR NO. 607: I'm sorry, I'm sorry.

3 THE COURT: You can't ride with me.

4 PROSPECTIVE JUROR NO. 607: So, you know where I'm
5 at. I don't --

6 THE COURT: You're far.

7 PROSPECTIVE JUROR NO. 607: I don't think I have --

8 THE COURT: How did you get here today? You took a
9 cab? That was -- how much was that, a \$50 cab ride?

10 PROSPECTIVE JUROR NO. 607: 72. Yeah.

11 THE COURT: \$72? Okay, and that --

12 PROSPECTIVE JUROR NO. 607: That's one -- yeah. I
13 mean, that's okay, but I don't know if I could do that for --

14 THE COURT: For five days? Okay, thank you. But
15 thank you for being here today.

16 PROSPECTIVE JUROR NO. 607: You're welcome.

17 THE COURT: Anyone else? The record will reflect
18 no further response from the panel.

19 Are there any of you on the panel who believe that
20 for any other reason, you would be unable to serve as a juror
21 in this particular case? The record will reflect no response
22 from the panel.

23 Has anyone on the panel ever been engaged in law
24 enforcement work, or have a spouse or close relative who's
25 ever been engaged in law enforcement work? Go ahead.

ROUGH DRAFT TRANSCRIPT

1 PROSPECTIVE JUROR NO. 600: My name is Erica
2 Stimpson, badge number 0600. Oh, sorry.

3 THE COURT: Thank you.

4 PROSPECTIVE JUROR NO. 600: My brother-in-law is
5 Sammie Mendoza (phonetic). He is the sergeant of the
6 correctional facility of Metropolitan Police Department, and
7 his wife also works for Metro.

8 THE COURT: Okay, who is he -- who is he to you?

9 PROSPECTIVE JUROR NO. 600: He's my brother-in-law.

10 THE COURT: And he's the lieutenant at the
11 detention center?

12 PROSPECTIVE JUROR NO. 600: Yes.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 600: Yes, as well as his
15 wife, she works in the evidence vault for --

16 THE COURT: So, is his wife your sister, or your
17 husband's sister?

18 PROSPECTIVE JUROR NO. 600: It would be my
19 husband's sister.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NO. 600: And then --

22 THE COURT: So you're not related to either of them
23 by blood; just through marriage?

24 PROSPECTIVE JUROR NO. 600: All through marriage,
25 yes.

ROUGH DRAFT TRANSCRIPT

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 600: But we're all one big
3 happy family, and we're still --

4 THE COURT: Well, that's good to hear.

5 PROSPECTIVE JUROR NO. 600: -- all connected
6 together, and have family functions and everything together.

7 THE COURT: Okay. Anything about their employment
8 that would affect your ability to be fair and impartial if
9 you're selected to be on this panel?

10 PROSPECTIVE JUROR NO. 600: No.

11 THE COURT: Okay. You understand that you would
12 not be able to discuss this case with them? You won't be
13 able --

14 PROSPECTIVE JUROR NO. 600: Yes, I understand.

15 THE COURT: Okay, while you're on the jury panel.
16 At some point, you would be discharged, and you could talk
17 about it to whoever you wanted to.

18 PROSPECTIVE JUROR NO. 600: Okay.

19 THE COURT: But while you were impaneled, and while
20 you were sworn, and until you reach a verdict, you're not
21 permitted to discuss with anyone. So, you couldn't call up
22 your brother-in-law or sister-in-law in the evidence vault
23 and say, hey, why don't you pull some evidence for me, I want
24 to do some extra work -- homework.

25 PROSPECTIVE JUROR NO. 600: Okay.

ROUGH DRAFT TRANSCRIPT

1 THE COURT: You couldn't do any of that.

2 PROSPECTIVE JUROR NO. 600: Of course.

3 THE COURT: Do you understand that?

4 PROSPECTIVE JUROR NO. 600: I understand.

5 THE COURT: Okay. Would you comply with that
6 order?

PROSPECTIVE JUROR NO. 600: Yes.

7 THE COURT: Okay. You could tell them that you're
8 a juror in a criminal trial, but you can't tell them anything
9 else.

10 PROSPECTIVE JUROR NO. 600: Of course.

11 THE COURT: Do you understand that?

12 PROSPECTIVE JUROR NO. 600: I understand.

13 THE COURT: Okay. Anything about their employment
14 that will affect your ability to be fair and impartial?

15 PROSPECTIVE JUROR NO. 600: No.

16 THE COURT: Okay, thank you.

17 PROSPECTIVE JUROR NO. 600: Thank you.

18 THE COURT: Anyone else? The record will reflect
19 no response from the panel.

20 Is there anyone on the panel who may not be able to
21 follow all the instructions of the Court on the law, even if
22 the instructions differ from your personal conceptions of
23 what the law ought to be? Is there anyone who believes they
24 can't follow the law as given to you by myself, even if you
25 don't agree with the law? Okay, the record will reflect no

ROUGH DRAFT TRANSCRIPT

1 response from the panel.

2 As a follow up to the previous question, in any
3 criminal trial, the members of the jury sitting collectively
4 are the judges of the questions of fact in this case. As the
5 judge in the case, I'm the judge of the questions of law, and
6 it's my responsibility to be sure that I give instructions on
7 the law that apply to this particular case. It would be a
8 violation of a juror's duty if he or she tried to render a
9 judgment based upon what he or she believed the law to be if
10 that differed from my instructions.

11 With that in mind, is there anyone who feels that
12 they cannot be fact finders and follow my instructions on the
13 applicable law in this case? The record will reflect no
14 response from the panel.

15 Under our system, there are certain principles of
16 law that apply in every criminal trial. They are that the
17 Information filed in this case is a mere accusation, and is
18 not evidence of guilt. As the defendants sit here today,
19 they are presumed innocent, and the State must prove that the
20 defendants are guilty by proof beyond a reasonable doubt.
21 Does anyone not understand or believe in these basic precepts
22 of American justice? The record will reflect no response
23 from the panel.

24 Does anybody know anything about this case, other
25 than what has been stated in the courtroom here today? The

ROUGH DRAFT TRANSCRIPT

1 record will reflect no response from the panel. At this
2 time, can I just have the attorneys approach for one moment?
3 Could I have the noise?

4 (Bench conference)

5 THE COURT: We only need to qualify three --

6 MR. SANFT: Yeah.

7 THE COURT: -- because you each have a challenge.

8 So, I was going to put Jensen in seat 1. I'm not going to
9 call Sarah Polacek, so number 2 will be Goodwin, and number 3
10 is Haynes. And I won't -- I won't make this lady --

11 MR. PARRIS: Yeah.

12 THE COURT: I can't believe from my house to here
13 is 72 bucks.

14 MR. PESCI: That's crazy.

15 MR. PARRIS: That's not surprising.

16 THE COURT: She really lives literally -- that's
17 what I would say where I live. She might like live like
18 next-door to me.

19 MR. PESCI: So, she's not going to be -- right?

20 THE COURT: No, that poor lady. \$72?

21 MR. PESCI: I'm with you. Judge, I'm with you, I
22 just --

23 THE COURT: That's crazy.

24 MR. SANFT: [Inaudible].

25 THE COURT: She's going to be in the hole \$30

ROUGH DRAFT TRANSCRIPT

1 even --

2 MR. PESCI: Right.

3 THE COURT: Because you only get \$40 a day. She'll
4 be in the hole \$30 every day.

5 MS. KILLER: [Inaudible].

6 MR. PARRIS: No, \$100.

7 MS. KILLER: -- [inaudible].

8 MR. SANFT: Because it's one way.

9 MR. PARRIS: It's 70 one way. It's 140.

10 THE COURT: Oh, you're right.

11 MR. SANFT: It's 140.

12 THE COURT: That's like -- she'll be -- that's too
13 much.

14 MR. SANFT: Yeah.

15 THE COURT: So, those will be the three. Any
16 objection?

17 MR. PESCI: No. Judge, while we're up here, if we
18 could, we had witnesses stacked up, starting at 10:30. So,
19 we just -- we just --

20 MS. KILLER: [Inaudible].

21 MR. PESCI: [Inaudible].

22 THE COURT: That's what I figured.

23 MR. PESCI: And we pushed her to 1:00.

24 THE COURT: Okay.

25 MR. PESCI: We're just trying to guestimate with

ROUGH DRAFT TRANSCRIPT

1 finishing this, doing openings, and a lunch break. So, we
2 got witnesses hopefully starting at 1:00.

3 THE COURT: Okay.

4 MR. PESCI: So --

5 THE COURT: Okay.

6 MR. PARRIS: And we think that's accurate.

7 MS. KILLER: [Inaudible].

8 THE COURT: Okay, this seems like it's going pretty
9 smooth.

10 MR. PESCI: Don't jinx it.

11 THE COURT: I know, why did I say that for? Dang
12 it.

13 MR. PARRIS: Thanks, Your Honor.

14 THE COURT: I'm the most superstitious person ever.

15 (End of bench conference)

16 THE COURT: Okay. At this time, the clerk's going
17 to call the first three names. When your name is called, if
18 you'll please take your seat in the jury box.

19 THE CLERK: Thank you, Your Honor. Stephanie
20 Jensen, seat number 1; Christopher Goodwin, seat number 2;
21 and Jennie Haynes, seat number 3.

22 THE COURT: Okay. Ms. Jensen?

23 PROSPECTIVE JUROR NO. 580: Yes.

24 THE COURT: I'm just going to ask you a few
25 questions. How long have you lived in Clark County?

ROUGH DRAFT TRANSCRIPT

1 PROSPECTIVE JUROR NO. 580: 20 years, about.

2 THE COURT: Your employment, training, education
3 background?

4 PROSPECTIVE JUROR NO. 580: Some college,
5 cosmetology license, yoga teacher training.

6 THE COURT: Yoga teacher training?

7 PROSPECTIVE JUROR NO. 580: Yeah, I'm a yoga
8 instructor.

9 THE COURT: Oh, okay.

10 PROSPECTIVE JUROR NO. 580: Yeah.

11 THE COURT: And that's what you currently do for a
12 living?

13 PROSPECTIVE JUROR NO. 580: Yes.

14 THE COURT: Okay. Your marital status?

15 PROSPECTIVE JUROR NO. 580: Single.

16 THE COURT: Do you have any children?

17 PROSPECTIVE JUROR NO. 580: No.

18 THE COURT: Any reason why you could not be a
19 completely fair and impartial juror if you were selected to
20 serve?

21 PROSPECTIVE JUROR NO. 580: No.

22 THE COURT: Thank you. Thank you for being here.
23 Mr. Goodwin?

24 PROSPECTIVE JUROR NO. 585: Yes.

25 THE COURT: How long have you lived in Clark

ROUGH DRAFT TRANSCRIPT

1 County?

2 PROSPECTIVE JUROR NO. 585: About 20 years.

3 THE COURT: Your education background?

4 PROSPECTIVE JUROR NO. 585: High school; some
5 college.

6 THE COURT: What do you do for a living?

7 PROSPECTIVE JUROR NO. 585: I work for the phone
8 company CenturyLink.

9 THE COURT: I'm sorry, say that again.

10 PROSPECTIVE JUROR NO. 585: I work for CenturyLink,
11 the phone company.

12 THE COURT: Okay. What do you do?

13 PROSPECTIVE JUROR NO. 585: I'm just a technician,
14 install and repair.

15 THE COURT: Okay. How long have you done that?

16 PROSPECTIVE JUROR NO. 585: Going on ten years.

17 THE COURT: Okay. Your marital status?

18 PROSPECTIVE JUROR NO. 585: Married.

19 THE COURT: Is your spouse employed?

20 PROSPECTIVE JUROR NO. 585: Yes.

21 THE COURT: What does your spouse do for a living?

22 PROSPECTIVE JUROR NO. 585: She's a teacher, Clark
23 County School District.

24 THE COURT: What does she teach?

25 PROSPECTIVE JUROR NO. 585: First grade.

ROUGH DRAFT TRANSCRIPT

1 THE COURT: Do you have any children?

2 PROSPECTIVE JUROR NO. 585: Yes, I have two.

3 THE COURT: I assume they're too young to work?

4 PROSPECTIVE JUROR NO. 585: Too young to work.

5 THE COURT: Okay. Any reason why you could not be
6 a completely fair and impartial juror if you were selected to
7 serve?

8 PROSPECTIVE JUROR NO. 585: No.

9 THE COURT: Thank you. Thank you for being here.

10 PROSPECTIVE JUROR NO. 585: Thank you.

11 THE COURT: Ms. Haynes, how long have you lived in
12 Clark County?

13 PROSPECTIVE JUROR NO. 593: About eight years.

14 THE COURT: Okay. Your education background?

15 PROSPECTIVE JUROR NO. 593: High school and a
16 community college.

17 THE COURT: High school and some community college?
18 What do you do for a living?

19 PROSPECTIVE JUROR NO. 593: I'm a teacher at 9th
20 Bridge School downtown.

21 THE COURT: I'm sorry, you're a teacher where?

22 PROSPECTIVE JUROR NO. 593: 9th Bridge School.
23 It's on Bridger and Lewis.

24 THE COURT: What do you teach?

25 PROSPECTIVE JUROR NO. 593: Toddlers.

ROUGH DRAFT TRANSCRIPT

1 THE COURT: I'm sorry?

2 PROSPECTIVE JUROR NO. 593: Toddlers.

3 THE COURT: Oh, so like a preschool teacher?

4 PROSPECTIVE JUROR NO. 593: Yeah.

5 THE COURT: Okay. Your marital status?

6 PROSPECTIVE JUROR NO. 593: Single.

7 THE COURT: Do you have any children?

8 PROSPECTIVE JUROR NO. 593: No.

9 THE COURT: Any reason why you could not be a
10 completely fair and impartial juror --

11 PROSPECTIVE JUROR NO. 593: No.

12 THE COURT: -- if you were selected to serve on
13 this panel?

14 PROSPECTIVE JUROR NO. 593: No.

15 THE COURT: Thank you. Thank you for being here.

16 Okay. The three people that are in front of me, have any of
17 you ever done jury duty before where you've come, been sworn
18 in, and been impaneled?

19 PROSPECTIVE JUROR NO. 585: No.

20 THE COURT: Okay, the record will reflect no
21 response from the panel. Have you or anyone close to you,
22 such as a family member or friend, ever been the victim of a
23 crime? Okay, no response from the panel of three.

24 Have you or anyone close to you, such as a family
25 member or friend, ever been accused of a crime? The record

ROUGH DRAFT TRANSCRIPT

1 will reflect no response from the panel.

2 Is there anyone on the panel who'd have a tendency
3 to give more weight or credence or less weight or credence to
4 the testimony of a police officer simply because he or she is
5 a police officer? The record will reflect no response from
6 the panel.

7 At this time, I'm going to allow the State of
8 Nevada to voir dire the three jurors.

9 MR. PESCI: Court's indulgence. Judge, we'll just
10 -- we'll waive asking questions.

11 THE COURT: You'll pass for cause?

12 MR. PESCI: Pass for cause.

13 THE COURT: Mr. Sanft?

14 MR. SANFT: All right. This question is for the
15 single ladies, which [inaudible]. Are either of you in
16 relationships right now with anyone?

17 PROSPECTIVE JUROR NO. 580: Yes.

18 MR. SANFT: Okay. So, we have a no from Ms. Haynes
19 and a yes from Ms. Jensen?

20 PROSPECTIVE JUROR NO. 580: Yes.

21 MR. SANFT: Okay. If I could just have the
22 microphone -- where's the microphone? Give the microphone to
23 Ms. Jensen. State your name and your badge number.

24 PROSPECTIVE JUROR NO. 580: Stephanie Jensen, 0580.

25 MR. SANFT: Okay. Is that particular person

ROUGH DRAFT TRANSCRIPT

1 employed?

2 PROSPECTIVE JUROR NO. 580: Yes.

3 MR. SANFT: What does he do?

4 PROSPECTIVE JUROR NO. 580: He's a photographer.

5 MR. SANFT: Okay. Now, this question goes back to
6 the three of you. You've heard the State's charges in this
7 case. There's a robbery charge; there's burglary charges.
8 Anybody have any problems with the fact that we're dealing
9 with cases that involve that kind of crime, whether it's a
10 burglary or robbery? Anyone have any problems with that?

11 PROSPECTIVE JUROR NO. 580: I do. I just don't
12 condone --

13 MR. SANFT: Just your name and badge number first.

14 PROSPECTIVE JUROR NO. 580: Stephanie Jensen, 0580.

15 MR. SANFT: Okay.

16 PROSPECTIVE JUROR NO. 580: I do feel
17 uncomfortable, just because it's violence, and I don't
18 condone violence.

19 MR. SANFT: All right. And when you say you don't
20 condone violence, is that -- do you have like a really
21 adverse reaction to violence? Meaning, for instance, would
22 you ever go and watch a movie that is an action movie, for
23 instance?

24 PROSPECTIVE JUROR NO. 580: No.

25 MR. SANFT: You would not?

ROUGH DRAFT TRANSCRIPT

1 PROSPECTIVE JUROR NO. 580: I don't, I don't.

2 MR. SANFT: Okay. And is that because of the level
3 of feelings that you have towards violence, or is it just
4 because you don't prefer those kind of movies?

5 PROSPECTIVE JUROR NO. 580: A little bit of both.
6 I get extremely anxious in those kind of movies and stuff. I
7 can't be in a movie theater that has horror or anything
8 violent.

9 MR. SANFT: Okay. And with regard to those kind of
10 movies, you understand if you're selected as a juror in this
11 case that you'll be hearing evidence and testimony from
12 individuals [inaudible] were robbed?

13 PROSPECTIVE JUROR NO. 580: Yes, I understand.

14 MR. SANFT: All right. Now, we're looking for
15 people that are going to be fair and impartial, meaning that
16 you're not going to be the type of person that will come to a
17 conclusion just from hearing the evidence as presented by a
18 person who says that they were robbed.

19 PROSPECTIVE JUROR NO. 580: Yes, I understand.

20 MR. SANFT: Would you be the type of person though
21 that, because someone gets up here and talks about a very
22 traumatic experience, and shares that with you as a juror,
23 would you be the type of person to just, at that particular
24 point, come to a conclusion that that person was robbed and
25 you should do something about it?

ROUGH DRAFT TRANSCRIPT

1 PROSPECTIVE JUROR NO. 580: Not necessarily, but it
2 might -- my emotions -- when I'm put on the spot and I'm
3 anxious, I get a little bit clouded. I'll try my best, my
4 absolute best to be clear-headed, but anxiety is hard for me
5 to deal with.

6 MR. SANFT: Okay. And when you talk about anxiety,
7 is that something that's a clinical level of anxiety, or are
8 we just talking about anxious in general [inaudible]?

9 PROSPECTIVE JUROR NO. 580: Yeah, the normal.

10 MR. SANFT: The normal one?

11 PROSPECTIVE JUROR NO. 580: Yes.

12 MR. SANFT: Okay. But my question, once again,
13 going back to this person -- this individual that may
14 testify, or a series of individuals, are you telling us today
15 that if you're clouded, that you won't be necessarily that
16 fair and impartial?

17 PROSPECTIVE JUROR NO. 580: I'll do my absolute
18 best. I don't feel like I'll be impartial.

19 MR. SANFT: You don't believe that you would be
20 impartial?

21 PROSPECTIVE JUROR NO. 580: No.

22 MR. SANFT: Okay.

23 THE COURT: You don't believe you'll be impartial?

24 PROSPECTIVE JUROR NO. 580: I don't believe.

25 THE COURT: Do you know what --

ROUGH DRAFT TRANSCRIPT

1 PROSPECTIVE JUROR NO. 580: I won't be impartial.

2 THE COURT: Do you know what that means?

3 PROSPECTIVE JUROR NO. 580: That I won't lean
4 towards one way or the other.

5 THE COURT: Right, and you're saying that you will
6 lean towards --

7 PROSPECTIVE JUROR NO. 580: Okay, no, I'm sorry.

8 THE COURT: So, you mean you can be impartial?

9 PROSPECTIVE JUROR NO. 580: Yes. Sorry.

10 THE COURT: Okay, because you were saying you could
11 not.

12 PROSPECTIVE JUROR NO. 580: Sorry.

13 THE COURT: But I felt like -- I don't know, I just
14 felt like you didn't understand.

15 PROSPECTIVE JUROR NO. 580: Yes.

16 THE COURT: Okay, so you remember the questions he
17 asked you. You kept saying, I don't think I can be
18 impartial.

19 PROSPECTIVE JUROR NO. 580: Okay, I apologize. I
20 just had a misunderstanding.

21 MR. SANFT: That's all right. But just to make
22 sure we're clear, once again, you could be fair and
23 impartial?

24 PROSPECTIVE JUROR NO. 580: Yes, I can.

25 MR. SANFT: If you were selected as a juror on this

ROUGH DRAFT TRANSCRIPT

1 case?

2 PROSPECTIVE JUROR NO. 580: Yes.

3 MR. SANFT: Okay. Does anyone here suffer from any
4 type of condition that would require them to either take
5 medication, have a bad back, any type of physical ailment
6 that would prevent them from sitting for long periods of time
7 if they're selected as a juror on this case? Negative --
8 uniform negative response.

9 THE COURT: Thank you.

10 MR. SANFT: The next question I have is -- one of
11 the things that's going to happen if you are selected as a
12 juror in this case is that you'll have an opportunity to
13 listen to all the evidence.

14 Is there anyone here that believes that they could
15 not reserve their judgment as to what you believe the
16 evidence holds until the time that you are actually sent back
17 into a room as a juror with the law that's in what's called
18 jury instructions, and make a decision at that point? Would
19 anyone here rush to a conclusion either in the beginning in
20 the openings, in the middle, during the course of testimony
21 of a particular witness, or in the closings at the end?
22 Would anyone do that in this case? That's a negative
23 response from all three.

24 The reason why I ask that question is very simply
25 this. As jurors, you're going to be expected to listen to

ROUGH DRAFT TRANSCRIPT

1 all of the evidence, and not just make a decision after
2 hearing some of the evidence or none of the evidence. Do you
3 understand the difference? Does anyone here have a problem
4 with that expectation of you as jurors? Negative response
5 again.

6 In addition to that, you'll also have the
7 opportunity to listen to what the evidence is, as well as
8 what the law in the State of Nevada will be at the time of
9 when the Court would instruct you in what's called jury
10 instructions. [Inaudible]. Does anyone here have a problem
11 with applying what the law requires of you, or requires of us
12 as individuals, to what the facts are as you determine them
13 to be at the end of the trial? Does anyone have a problem
14 with that? Negative response.

15 Now, during the time that you'll be back in the
16 room if you're selected as a juror in this case, there may be
17 times in which there will be disagreements between yourself
18 and individuals that are in the room. Some of those
19 disagreements may be because of either what you've heard
20 factually in terms of what you heard the testimony to be,
21 versus what you believe how the law should be applied in one
22 situation or another situation.

23 Are you the type of person that on a Friday
24 afternoon after being in debate for a while as to what you
25 believe is your position versus someone else's position,

ROUGH DRAFT TRANSCRIPT

1 would you be the type of person to capitulate, give up your
2 position, and say, okay, fine, I'll just go with the majority
3 even though I don't agree, because I don't agree with that
4 position for whatever reason? Would you be that person? Mr.
5 Goodwin?

6 PROSPECTIVE JUROR NO. 585: Yes.

7 MR. SANFT: And badge number, please?

8 PROSPECTIVE JUROR NO. 585: My name's Christopher
9 Goodwin, badge 0585.

10 MR. SANFT: Yes, please.

11 PROSPECTIVE JUROR NO. 585: You know, I usually
12 think things through all the way, and the way I'm -- I feel
13 about it, that's how I feel. I don't go with what other
14 people feel; it's on how I feel. So, I know I'm not the type
15 to go towards -- just because the other five people are
16 disagreeing with what I think, I'm not going to go with them;
17 I'm going to go with what I think.

18 MR. SANFT: Okay. Thank you, I appreciate that.

19 PROSPECTIVE JUROR NO. 585: Sure.

20 MR. SANFT: Anyone else who wants to share on that
21 issue? No? In addition to that, the State of Nevada has to
22 show beyond a reasonable doubt that my client, Mr. Parker,
23 and the other co-defendant in this case, Mr. Alexander, did
24 some crime beyond a reasonable doubt, and you've heard what
25 the charges are in this case.

ROUGH DRAFT TRANSCRIPT

1 Does anyone here disagree with my position that as
2 they sit here right now, they haven't been proven guilty of
3 anything? Does anyone have a problem with that? That's a
4 negative -- [inaudible] a negative response, Your Honor.

5 Now, let me ask you this. Has anyone ever heard of
6 the term, "where there's smoke, there's fire"? You've never
7 heard of that time before?

8 THE COURT: Nobody's heard that term before?

9 MR. SANFT: I just dated myself, I think.

10 THE COURT: I guess so.

11 MR. SANFT: I'm now one of the old and wise men.
12 Back in the olden days when there was fire, well, what
13 happened is that if you saw smoke --

14 THE COURT: You're going to explain it?

15 MR. SANFT: I'm going to explain it to them.

16 THE COURT: Okay.

17 MR. SANFT: If -- you probably don't understand
18 what fire is, but --

19 THE COURT: Can't you just move on and use another
20 term?

21 MR. SANFT: No, because I think this is important.

22 THE COURT: Okay.

23 MR. SANFT: In a distance, if you were to see a
24 cloud of smoke coming up off the ground and not see where it
25 was coming from, there would be a presumption, of course,

ROUGH DRAFT TRANSCRIPT

1 that there is a fire that's causing that smoke to rise,
2 right? Can we all agree on that? All right.

3 Just recently, for instance, there was a fire over
4 at the Cosmopolitan pool. Does everyone recall looking out
5 your window or maybe driving down the freeway and seeing a
6 huge plume of black smoke rising up in the air? Did everyone
7 -- do you recall that? Okay, is that a yes?

8 PROSPECTIVE JUROR NO. 585: Yes.

9 MR. SANFT: All right. Now, the presumption of
10 course is that there's -- because there's this plume of
11 smoke, there's what? There's fire that's creating this. So,
12 when I say the presumption -- or the saying, "where there's
13 smoke, there's fire," there's an idea that if you see smoke,
14 you're going to assume that that would be fire.

15 Now, you've got two individuals that have been
16 charged with crimes in this case by the State of Nevada, who
17 have to show you beyond a reasonable doubt that they
18 committed those crimes. But as they sit here right now, do
19 you think in your mind -- being very honest, once again,
20 because we just want you to be honest about this. Because of
21 the fact that they're sitting here, they've been charged,
22 would you believe that, as they're being charged, they
23 obviously must have done something wrong; otherwise, they
24 would not be here today? Do you have any feeling towards
25 that?

ROUGH DRAFT TRANSCRIPT

1 PROSPECTIVE JUROR NO. 580: Stephanie, 0580. I
2 feel like you wouldn't be in a courtroom if there wasn't
3 something leading you towards being -- I don't want to say
4 guilty, but why do you come in a courtroom if you've done
5 nothing wrong?

6 MR. SANFT: Okay, that's fair. Thank you, and I
7 appreciate that. Does any of the other two of you -- either
8 of you have any opinion with regards to what Ms. Jensen said?

9 PROSPECTIVE JUROR NO. 585: I do. Christopher
10 Goodwin, 0585. Right. I feel sometimes at a scene of the
11 chaos, the crime or whatever, sometimes people get mixed in;
12 bad place, right -- wrong place, wrong time. And I feel that
13 sometimes, you know, an innocent person would be taken in
14 because they're getting blamed for something they didn't do.

15 MR. SANFT: Okay.

16 PROSPECTIVE JUROR NO. 585: So, you know, you just
17 never know. That's why you have to hear everything out.

18 MR. SANFT: All right. Now, one of the things that
19 will happen if you are selected as a juror in this case is
20 that you'll be instructed as to what beyond a reasonable
21 doubt means in the State of Nevada, and that's the standard
22 of proof that the State of Nevada has to show you. The
23 charges that have been charged in this crime have what are
24 called elements, and there are little subsections to each
25 charge that they have to prove each individual subsection

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1 beyond a reasonable doubt as well, and each individual charge
2 in and of itself as well.

3 With that being said, would you be the type of
4 person that would give the State a pass if you believe that
5 the State of Nevada has proven four out of five elements of
6 one particular charge beyond a reasonable doubt, but didn't
7 necessarily prove the fifth element? Would you be the type
8 of person that would give the State of Nevada a pass? Is
9 that a negative response from all three?

10 PROSPECTIVE JUROR NO. 585: I didn't really --

11 THE COURT: Is there anyone who believes they would
12 give the State of Nevada a pass if you believe they didn't
13 prove one of the elements of one of the crimes? That's what
14 Mr. Sanft is asking.

15 MR. SANFT: Thank you, Your Honor.

16 PROSPECTIVE JUROR NO. 580: I have a question.

17 MR. SANFT: Sure.

18 PROSPECTIVE JUROR NO. 580: Stephanie, 0580. Is
19 beyond a reasonable doubt -- wouldn't it be -- has to be five
20 out of five, right? Four out of five would be not beyond a
21 reasonable doubt, or am I misunderstanding?

22 MR. SANFT: Well, the standard -- the Court will
23 let you know what that standard means at the appropriate
24 time, but in terms of your question, are you saying about the
25 elements of the charge, or the group of people that have to

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1 agree on [inaudible]?

2 PROSPECTIVE JUROR NO. 580: The elements of the
3 charge.

4 MR. SANFT: The elements of the charge?

5 PROSPECTIVE JUROR NO. 580: Yes.

6 MR. SANFT: Every single element has to be proven
7 by the State of Nevada beyond a reasonable doubt.

8 PROSPECTIVE JUROR NO. 580: Okay.

9 MR. SANFT: Okay. So, going back to the initial
10 question that I think I was fumbling through and the Court
11 illuminated for us, would you be the type of person to say,
12 well, they got four of them beyond a reasonable doubt, we
13 believe, but the fifth one, not so sure, but because they got
14 four, we're just going to go ahead and allow this charge to
15 be proven beyond a reasonable doubt? Would you be that
16 juror?

17 PROSPECTIVE JUROR NO. 580: No.

18 MR. SANFT: Why not?

19 PROSPECTIVE JUROR NO. 580: Well, just because
20 you've done four out of things -- four out of five things
21 wrong doesn't mean you did the fifth thing wrong, if that's
22 the case.

23 MR. SANFT: Okay. One of the things that's going
24 to happen during the course of our time together if you're
25 selected as a juror is that you'll be hearing testimony from

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1 police officers. And they'll get up on the stand, they'll
2 talk about what they did during the course of an
3 investigation, or what they did in terms of their duties as
4 police officers. Would you feel uncomfortable holding police
5 officers to their standards of performance? A negative
6 response by all three. Okay.

7 Now, one of the other things that we've talked a
8 little about what the charges are involve the idea of
9 firearms. Does anyone have any opinions about firearms;
10 about guns? I know that Ms. Goodwin --

11 PROSPECTIVE JUROR NO. 580: Jensen.

12 MR. SANFT: Jensen, I'm sorry, has an issue with
13 violence, but the idea of a firearm being present during the
14 course of a crime, does anyone have any issue with that at
15 all one way or the other? Yes?

16 PROSPECTIVE JUROR NO. 580: It's the same thing as
17 I was -- Stephanie Jensen, 0580. Same thing. I'm a vegan,
18 so I'm just against any kind of violence whatsoever, and
19 firearms, hunting, anything of that sort, I don't care for.

20 MR. SANFT: And if you are presented with evidence
21 during the course of this trial, and you are hearing evidence
22 about a firearm, would that impede or impact your ability to
23 be fair and impartial?

24 PROSPECTIVE JUROR NO. 580: No, because my own
25 personal beliefs shouldn't affect what's going on.

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1 MR. SANFT: Thank you. Does anyone here own
2 firearms? Mr. Goodwin?

3 PROSPECTIVE JUROR NO. 585: Christopher Goodwin,
4 0585.

5 MR. SANFT: What kind of firearms do you own?

6 PROSPECTIVE JUROR NO. 585: I have some rifles,
7 handguns, shotgun.

8 MR. SANFT: Okay, thank you. All right, and I just
9 have one set of questions finally. Anyone ever watched CSI
10 or any of those type of shows on TV? Crime shows? You have?
11 Have you? Okay. Does everyone know about CSI? What's that
12 show about? I don't want to -- since you haven't answered
13 almost any of my questions, I'm going to pick on you for a
14 minute.

15 PROSPECTIVE JUROR NO. 593: Jennie Haynes, 593.

16 MR. SANFT: What is CSI about?

17 PROSPECTIVE JUROR NO. 593: It's about crime.

18 MR. SANFT: Okay, in what way? Are they
19 detectives? Are they police officers? What's going on in
20 CSI?

21 PROSPECTIVE JUROR NO. 593: Detectives, coroner,
22 finding about who killed who, murders.

23 MR. SANFT: Okay. And can you describe a little
24 about each show?

25 PROSPECTIVE JUROR NO. 593: I only watched the

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1 Vegas. I don't know about the other shows.

2 MR. SANFT: Okay. Well, let's focus on the Vegas.
3 That's a good one. Fair to say, of course, that half the
4 time, the crime scenes that they would go to and the places
5 they would investigate were places that maybe you were
6 thinking, we're in Las Vegas Valley; are these crimes being
7 committed, right?

8 PROSPECTIVE JUROR NO. 593: Um-hum.

9 MR. SANFT: Is that a yes?

10 PROSPECTIVE JUROR NO. 593: Yes.

11 MR. SANFT: Okay. And would it be fair to say that
12 CSI on any format or in any location is not necessarily what
13 happens in real life, right?

14 PROSPECTIVE JUROR NO. 593: Um-hum.

15 MR. SANFT: Is that a yes?

16 PROSPECTIVE JUROR NO. 593: Yes.

17 MR. SANFT: Okay. And the reason why I keep asking
18 if that's a yes is just for the record. Is that okay?

19 PROSPECTIVE JUROR NO. 593: Yes.

20 MR. SANFT: Okay. Now, you do understand that what
21 they do on TV is glamorized?

22 PROSPECTIVE JUROR NO. 593: Yes.

23 MR. SANFT: Okay, what does that mean to you?

24 PROSPECTIVE JUROR NO. 593: It's not actually the
25 real thing; they just make it look like it's real.

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1 MR. SANFT: Yeah. So, for instance, the way they
2 go about doing their jobs, for instance, would be different
3 on TV versus what happens in real life, right?

4 PROSPECTIVE JUROR NO. 593: Yes.

5 MR. SANFT: Okay. Now, are you the type of person
6 that would hold the State of Nevada to a burden in which, for
7 instance, they provide some evidence of some crime, physical
8 evidence, and think, okay, well, that's enough for me to
9 believe that a crime was committed and that a particular
10 person committed a crime?

11 PROSPECTIVE JUROR NO. 593: No.

12 MR. SANFT: What would help you to get to a point
13 where you would believe that the State of Nevada has
14 satisfied its burden of proving a case beyond a reasonable
15 doubt?

16 THE COURT: Mr. --

17 MR. PESCI: I apologize, I'm going to object on
18 that.

19 THE COURT: I don't -- the objection's sustained.

20 MR. SANFT: All right. Well, let me ask you this.
21 If you are selected as a juror in this case, would you be the
22 type of person that would expect more evidence in order for
23 you to -- to believe that the State of Nevada has proven
24 their case beyond a reasonable doubt?

25 PROSPECTIVE JUROR NO. 593: Yes.

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1 MR. SANFT: What does that -- what does that mean
2 to you?

3 PROSPECTIVE JUROR NO. 593: If I hear all the
4 evidence, that would make my decision better; clearer.

5 MR. SANFT: Okay. Now, you do understand that it's
6 not about volume, right?

7 PROSPECTIVE JUROR NO. 593: Um-hum. Yes.

8 MR. SANFT: Meaning, for instance, the State of
9 Nevada doesn't have to prove up -- they don't have to put up
10 five people in order for them to prove a case beyond a
11 reasonable doubt.

12 PROSPECTIVE JUROR NO. 593: Um-hum, sure. Yeah.

13 MR. SANFT: It's all about whether or not you
14 believe that the evidence is sufficient.

15 PROSPECTIVE JUROR NO. 593: Yes.

16 MR. SANFT: Now, let me ask you this. As someone
17 who works in a preschool, have there been times when you've
18 had to like separate kids from arguing with one another?

19 PROSPECTIVE JUROR NO. 593: All the time.

20 MR. SANFT: Okay. How do you determine at that
21 point what to do in a scenario if you believe that something
22 has happened between two children?

23 PROSPECTIVE JUROR NO. 593: I get the story between
24 two children; have them work it out.

25 THE COURT: Do they talk? Because you said you

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1 watch toddlers.

2 PROSPECTIVE JUROR NO. 593: Yeah, they do.

3 THE COURT: Okay, they talk?

4 PROSPECTIVE JUROR NO. 593: Yeah.

5 THE COURT: Okay.

6 MR. SANFT: All right. And would it be fair to say
7 that the more evidence that -- or the more information that
8 you have helps you make a decision as to what to do?

9 PROSPECTIVE JUROR NO. 593: Yes.

10 MR. SANFT: Okay, but that -- but you still at some
11 point would still have to make a decision, even if you don't
12 have --

13 PROSPECTIVE JUROR NO. 593: Yes.

14 MR. SANFT: -- more information? Okay. In the
15 course of your teaching at the preschool -- how long have you
16 been doing that for?

17 PROSPECTIVE JUROR NO. 593: A year-and-a-half at
18 that school.

19 MR. SANFT: Okay, and have you been doing that
20 prior to that?

21 PROSPECTIVE JUROR NO. 593: Yes.

22 MR. SANFT: Where did you teach prior to that?

23 PROSPECTIVE JUROR NO. 593: Kids 'R' Kids for five
24 years.

25 MR. SANFT: Okay. Did you have to go to school for

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1 that?

2 PROSPECTIVE JUROR NO. 593: I took classes online.

3 MR. SANFT: All right. A college degree?

4 PROSPECTIVE JUROR NO. 593: No.

5 MR. SANFT: All right. And then, my final question
6 to the group as a whole is this. If you are selected as a
7 juror in this case, and you have an opportunity to listen to
8 all the evidence -- how do I phrase this? Would you be able
9 to parse out each individual crime for what it is? Meaning,
10 the State has given you four different events -- four --
11 five?

12 THE COURT: Five.

13 MR. SANFT: Five different -- thank you. Five
14 different events that occurred over different times. Because
15 of the fact there's multiple events, would you be the type of
16 person to believe that, hey, there's five events, we believe
17 that they satisfied the burden on the first event, maybe the
18 second event, and because of that, we're just going to give
19 them the rest? Or would you be the type of person that would
20 say -- have them -- require the State to prove each
21 individual event separately, individually on its own beyond a
22 reasonable doubt? Anyone have a problem with that?

23 PROSPECTIVE JUROR NO. 585: No.

24 MR. SANFT: No? I have no further questions, Your
25 Honor. I'll pass for cause.

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1 THE COURT: Do you pass for cause? Mr. Parris?

2 MR. PARRIS: Thank you, Your Honor. A few
3 questions for the panel, all three of you, as a whole. My
4 first question is this. In the State of Nevada, there's
5 actually a mechanism where jurors can ask questions of the
6 witnesses. Assuming you're selected as a juror, the Judge
7 will give you the specific instructions, but generally, this
8 is how that process works.

9 Once the district attorneys and the defense
10 attorneys have an opportunity to ask all of the questions of
11 a witness, the Judge will pause before the witness is
12 excused, and she'll look over at the jury, and if anyone has
13 a question that they would like asked of that witness, they
14 would just raise their hand, write that question down, it
15 would be handed to the marshal, who would take it to the
16 Judge, and the Judge would determine if that was an
17 appropriate question to ask, and then would potentially ask
18 it.

19 So, you yourselves wouldn't be, you know, standing
20 up in the witness -- excuse me, in the jury box and saying,
21 you know, Mr. So-and-So or Ms. So-and-So, what about this, or
22 what about that? It would be the Judge who physically does
23 the actual asking of the question.

24 Based upon kind of how I've described how that
25 works, would any of the three of you be too shy or too

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1 reluctant that if you did have a question that you felt that
2 neither one of us asked and you wanted to know the answer,
3 would any of you be too shy to, you know, raise your hand,
4 and actually write that down, and have that question
5 potentially asked?

6 PROSPECTIVE JUROR NO. 585: No.

7 MR. PARRIS: Uniform negative response, Your Honor.

8 THE COURT: Thank you.

9 MR. PARRIS: For the past several months, the
10 police -- numerous police forces have been in the news
11 regarding police-related violence on civilians. We've heard
12 incidents in Ferguson, Missouri, and Baltimore, New York, and
13 recently in Chicago, that's -- there's been -- a recent
14 incident arose from 2014 in Chicago with a video being
15 released within the last few weeks -- last few days, I should
16 say. And we will have many officers testifying in this case,
17 as you heard from the potential witness list.

18 Based upon what you've seen in the news, and read
19 about in newspapers and online, has -- have any of your
20 opinions of police in general changed, either positively or
21 negatively, since all of these incidents have kind of been
22 thrust into the public spotlight? No significant changes in
23 any of your opinions? Your Honor, that's a uniform negative
24 response.

25 THE COURT: Thank you.

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1 MR. PARRIS: Ms. Haynes, you had indicated -- I'm
2 sorry, badge number 9 -- excuse me, 593. You had indicated
3 on your form that you had previously served as a juror; is
4 that correct?

5 PROSPECTIVE JUROR NO. 593: I was in the waiting
6 room. I didn't actually come into the courtroom.

7 MR. PARRIS: Okay. So, you've never, you know, sat
8 in the box and --

9 PROSPECTIVE JUROR NO. 593: No, no.

10 MR. PARRIS: -- deliberated on a jury, correct?

11 PROSPECTIVE JUROR NO. 593: No.

12 MR. PARRIS: Okay. Mr. Goodwin, badge number 585,
13 have you ever been on a jury -- selected to be on a jury and
14 deliberated?

15 PROSPECTIVE JUROR NO. 585: No.

16 MR. PARRIS: Okay. And Ms. Jensen, badge number
17 580?

18 PROSPECTIVE JUROR NO. 580: No.

19 MR. PARRIS: Okay. Ms. Jensen, you had indicated
20 that you have somewhat of an emotional response to scenes of
21 violence at times, or just hearing about violence; is that
22 accurate?

23 PROSPECTIVE JUROR NO. 580: Yes. Um-hum.

24 MR. PARRIS: Okay. By "um-hum," do you mean yes?

25 PROSPECTIVE JUROR NO. 580: Yes.

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1 MR. PARRIS: And I'm sorry to keep following up.
2 If we could pass the microphone down to Ms. Haynes. Thank
3 you. And Ms. Sanft kind of got into this. You know, you had
4 indicated that you wouldn't feel -- while you have some
5 anxiety hearing about violence, you wouldn't necessarily --
6 that wouldn't factor into your ability to deliberate fairly
7 as a juror --

8 PROSPECTIVE JUROR NO. 580: Yes.

9 MR. PARRIS: -- is that fair to say?

10 PROSPECTIVE JUROR NO. 580: Yes.

11 MR. PARRIS: One thing that Mr. Sanft did not
12 mention is that there very well may be -- assuming you're
13 selected as a juror, there's video evidence of certain
14 portions of crimes, or people committing -- or doing certain
15 things.

16 Would knowing that there is -- because I know you
17 said you don't like violent movies just in general. Knowing
18 that you may be witnessing something on the TV screen that's
19 akin to a movie, would that change your position at all with
20 respect to whether or not you'd be able to hold the State to
21 its burden? Will that -- do you think that will cause too
22 much of an emotional response?

23 PROSPECTIVE JUROR NO. 580: I don't know, I can't
24 tell you in the moment. I do get panic attack sometimes as
25 things trigger it. It might, it might not. I can't tell.

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1 THE COURT: What's a panic attack to you?

2 PROSPECTIVE JUROR NO. 580: When I can't breathe,
3 and I can't focus, and I've passed out in the past over it.

4 THE COURT: Have you ever seen a doctor for that?

5 PROSPECTIVE JUROR NO. 580: Yes.

6 THE COURT: And what has the doctor said? Because
7 I know Mr. Sanft asked you if your anxiousness was clinical,
8 if it had been diagnosed, and you said no.

9 PROSPECTIVE JUROR NO. 580: Yeah, it has -- I have
10 gone to a doctor, and I did go to a therapist over it, and
11 they just said that it's nerves and it's stress. So, not on
12 any medication or anything. I guess that's what my yoga's
13 for.

14 THE COURT: Oh, okay. So, does the yoga help?

15 PROSPECTIVE JUROR NO. 580: Yes.

16 THE COURT: Okay. Do you think that if you're
17 asked to sit here and be on this jury panel, and listen to
18 some of the evidence that you know is going to come out, that
19 it's going to provoke some kind of panic attack? I don't
20 want you to pass out in the courtroom.

21 PROSPECTIVE JUROR NO. 580: Yeah, I don't want to
22 either.

23 THE COURT: Right, I don't want that, and I don't
24 want to do anything that would cause that. So, you have to
25 let me know whether something we say or do in here --

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1 because, you know, we hear a lot of stuff in here that isn't
2 -- you know, isn't like what you would talk at the dinner
3 table --

4 PROSPECTIVE JUROR NO. 580: Sure.

5 THE COURT: -- or you would ever -- you would ever
6 even think of talking about. Sometimes there's bad stuff and
7 things you don't want to hear about. Do you understand that?

8 PROSPECTIVE JUROR NO. 580: Yes, I understand.

9 THE COURT: And you may hear some of that evidence
10 in this case, stuff you don't really care to hear about. Is
11 that going to interfere with your health at all?

12 PROSPECTIVE JUROR NO. 580: I hope not.

13 THE COURT: Okay, well, you're the only one who can
14 tell me.

15 PROSPECTIVE JUROR NO. 580: Like I said, I wish I
16 could give you a straight answer, but sometimes I'm
17 triggered, and sometimes I'm not.

18 THE COURT: Okay. When was the last time you had a
19 panic attack, and what was it -- what triggered it?

20 PROSPECTIVE JUROR NO. 580: Probably a couple
21 months ago, and I -- I sound -- I feel silly talking about
22 this, but it can be --

23 THE COURT: No, it's not silly.

24 PROSPECTIVE JUROR NO. 580: -- something as small
25 as me going up to a busy bank and having to deposit a check.

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1 THE COURT: That made you pass out?

2 PROSPECTIVE JUROR NO. 580: Yeah, I've had --

3 THE COURT: I mean, down for the count? Like
4 unconscious?

5 PROSPECTIVE JUROR NO. 580: Yes.

6 THE COURT: Because there was a line at the bank?

7 PROSPECTIVE JUROR NO. 580: Yes.

8 THE COURT: Okay.

9 MR. PARRIS: After that -- and I'm sorry, I don't
10 know if the Court has any follow up, Ms. Jensen. After that
11 incident, did you seek any additional treatment, be it from
12 psychiatrists, psychologists, medical doctors, anything?

13 PROSPECTIVE JUROR NO. 580: Yes, I have gone and
14 done that. Yes.

15 MR. PARRIS: Okay. And I know -- I mean, there's a
16 functional difference between hearing something and then
17 seeing it on TV, and that's why I wanted to bring it up,
18 because we're somewhat attenuated to people who have clinical
19 anxiety. I don't know if that's the actual medical term to
20 use, but I realize you don't have a crystal ball and you
21 can't predict the future. Assuming you are selected -- well,
22 Your Honor, may we approach?

23 THE COURT: Sure.

24 (Bench conference)

25 MR. PARRIS: I mean, she's --

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1 THE COURT: She freaks out over everyday things.

2 She doesn't just get pissed off; she passes out.

3 MR. PARRIS: Yeah. And if standing in line at the
4 bank --

5 THE COURT: Yeah.

6 MR. PARRIS: -- is enough of a trigger -- I just
7 think with the video, that adds -- that's a different layer.
8 John Parris is speaking, by the way.

9 THE COURT: Are you going to ask to take her out of
10 the box?

11 MR. PESCI: No objection.

12 THE COURT: Okay, I kind of --

13 MR. PARRIS: I think --

14 THE COURT: -- want her out of the box, too.

15 MR. PARRIS: Yes, okay.

16 THE COURT: Okay.

17 MR. PARRIS: Thank you, Your Honor.

18 THE COURT: All right.

19 (End of bench conference)

20 THE COURT: Okay. At this time, Ms. Jensen, you
21 can go take your seat back where you were. You can sit --
22 actually, you can sit in the gallery wherever you want. I'm
23 going to ask Erica Stimpson to take seat number 1.

24 THE MARSHAL: Erica.

25 THE COURT: Let me get her up to speed, and then

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1 I'll turn the panel back over to you.

2 MR. PARRIS: Actually, Your Honor, obviously the
3 State would have an opportunity to ask questions, as would
4 Mr. Sanft --

5 THE COURT: If -- sure, if they want to.

6 MR. PARRIS: -- if they feel the need.

7 MR. PESCI: Thank you.

8 THE COURT: Okay, Ms. Stimpson.

9 PROSPECTIVE JUROR NO. 600: Yes.

10 THE COURT: How long have you lived in Clark
11 County?

12 THE MARSHAL: It's on, it's on.

13 PROSPECTIVE JUROR NO. 600: Okay. Do I have to say
14 my badge number again?

15 THE COURT: I said your name, so --

16 PROSPECTIVE JUROR NO. 600: Oh, okay.

17 THE COURT: -- Kris has got it.

18 PROSPECTIVE JUROR NO. 600: About 21 years.

19 THE COURT: Your education background?

20 PROSPECTIVE JUROR NO. 600: High school and some
21 college.

22 THE COURT: What do you do for a living?

23 PROSPECTIVE JUROR NO. 600: I'm a stay-at-home mom.

24 THE COURT: Okay, so you have kids?

25 PROSPECTIVE JUROR NO. 600: Yes, I have five.

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1 THE COURT: Oh, wow.

2 PROSPECTIVE JUROR NO. 600: Yes.

3 THE COURT: Are they all minors? Any over 18?

4 PROSPECTIVE JUROR NO. 600: Only one is over 18,
5 and one will be over 18 on the 10th.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 600: So, two will be over
8 18.

9 THE COURT: Okay, do --

10 PROSPECTIVE JUROR NO. 600: And then the other
11 three are 15 and 11. 11-year-old twins.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 600: Um-hum.

14 THE COURT: And do any of them work?

15 PROSPECTIVE JUROR NO. 600: Do --

16 THE COURT: The older ones.

17 PROSPECTIVE JUROR NO. 600: My oldest one. She's
18 20.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NO. 600: She works.

21 THE COURT: What does she do?

22 PROSPECTIVE JUROR NO. 600: She is a -- what does
23 she do? She does housekeeping for one of the properties
24 here.

25 THE COURT: Like a hotel?

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1 PROSPECTIVE JUROR NO. 600: Yes.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NO. 600: For MGM properties.

4 THE COURT: And you're married?

5 PROSPECTIVE JUROR NO. 600: Yes.

6 THE COURT: Okay, and is your spouse employed?

7 PROSPECTIVE JUROR NO. 600: Yes.

8 THE COURT: What does your spouse do?

9 PROSPECTIVE JUROR NO. 600: He works for Southern
10 Wine and Spirit.

11 THE COURT: What does he do?

12 PROSPECTIVE JUROR NO. 600: He's a shop steward.

13 THE COURT: What does that mean?

14 PROSPECTIVE JUROR NO. 600: Some kind of boss. I
15 don't know.

16 THE COURT: He's a shop --

17 PROSPECTIVE JUROR NO. 600: Shop steward.

18 THE COURT: Shop steward?

19 PROSPECTIVE JUROR NO. 600: Yes.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NO. 600: Yes. I just know
22 that's his title.

23 THE COURT: Okay. And I noticed that you're using
24 a cane. Do you have --

25 PROSPECTIVE JUROR NO. 600: Yes.

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1 THE COURT: Do you have like a medical --

2 PROSPECTIVE JUROR NO. 600: I have lupus.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 600: Uh-huh, and it acts up.

5 Right now, it's cold outside. I've had a knee replacement,
6 and I've had three back surgeries, and I'm waiting for -- to
7 get medically cleared right now as we speak for another
8 surgery coming up, which --

9 THE COURT: A surgery on what?

10 PROSPECTIVE JUROR NO. 600: -- my heart's not doing
11 good, so.

12 THE COURT: A surgery for what?

13 PROSPECTIVE JUROR NO. 600: I have to have my back
14 infused again, and I have to have another knee operation.

15 THE COURT: I'm sorry.

16 PROSPECTIVE JUROR NO. 600: Oh, it's okay.

17 THE COURT: Do you take any daily medication?

18 PROSPECTIVE JUROR NO. 600: I do. I take a lot of
19 medication. I take three different heart pills.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NO. 600: I take a water pill --

22 THE COURT: Okay.

23 PROSPECTIVE JUROR NO. 600: -- for my kidneys. And
24 then I take -- I am on pain medication.

25 THE COURT: All right, that's what I wondered.

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1 PROSPECTIVE JUROR NO. 600: Yep.

2 THE COURT: And you --

3 PROSPECTIVE JUROR NO. 600: Yep.

4 THE COURT: Are you on it today?

5 PROSPECTIVE JUROR NO. 600: Yes, I am.

6 THE COURT: Okay, all right. So, based on the
7 things that you told me, I'm just going to excuse you today.

8 PROSPECTIVE JUROR NO. 600: Okay.

9 THE COURT: Is that okay?

10 PROSPECTIVE JUROR NO. 600: That's fine with me.

11 THE COURT: Okay? Because I want you to be able to
12 take care of your health issues.

13 PROSPECTIVE JUROR NO. 600: Yes.

14 THE COURT: That's probably more important than
15 doing jury duty today. Is that --

16 PROSPECTIVE JUROR NO. 600: Okay.

17 THE COURT: -- probably fair to say?

18 PROSPECTIVE JUROR NO. 600: That's fair to say.

19 THE COURT: Okay, so thank you very much for --

20 PROSPECTIVE JUROR NO. 600: Thank you.

21 THE COURT: I really do appreciate your willingness
22 to be here, especially --

23 PROSPECTIVE JUROR NO. 600: Okay.

24 THE COURT: -- since you have --

25 PROSPECTIVE JUROR NO. 600: Thank you.

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1 THE COURT: -- the health issues that you do. I
2 appreciate that.

3 THE MARSHAL: Thank you, ma'am.

4 THE COURT: And at this time, Mr. -- I'm sorry,
5 Gisele Richard. Ms. Gisele Richard, you're going to take
6 seat number 1. Okay. Ms. Richard, how long have you lived
7 in Clark County?

8 PROSPECTIVE JUROR NO. 619: 22 years, 11 months,
9 and one week.

10 THE COURT: Wow. Were you thinking about it when
11 we asked the question?

12 PROSPECTIVE JUROR NO. 619: I was.

13 THE COURT: Okay. Your education background?

14 PROSPECTIVE JUROR NO. 619: Some college.

15 THE COURT: What do you do for a living?

16 PROSPECTIVE JUROR NO. 619: I'm a flight attendant.

17 THE COURT: Who do you work for?

18 PROSPECTIVE JUROR NO. 619: Allegiant Air.

19 THE COURT: Obviously, you're stationed here in
20 Clark County?

21 PROSPECTIVE JUROR NO. 619: I am based in Las
22 Vegas, yes.

23 THE COURT: Okay. And your marital status?

24 PROSPECTIVE JUROR NO. 619: Divorced.

25 THE COURT: Do you have kids?

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1 PROSPECTIVE JUROR NO. 619: I have a son,
2 27-years-old. He lives in New York City.

3 THE COURT: What does he do?

4 PROSPECTIVE JUROR NO. 619: He's a writer.

5 THE COURT: Do you know of any reason why you could
6 not be a completely fair and impartial juror if you were
7 selected to serve?

8 PROSPECTIVE JUROR NO. 619: No reason.

9 THE COURT: Okay. Have you ever served as a juror
10 before?

11 PROSPECTIVE JUROR NO. 619: I have not.

12 THE COURT: Have you or anyone close to you, such
13 as a family member or friend, ever been the victim of a
14 crime?

15 PROSPECTIVE JUROR NO. 619: No.

16 THE COURT: Have you or anyone close to you, such
17 as a family member or friend, ever been accused of a crime?

18 PROSPECTIVE JUROR NO. 619: No.

19 THE COURT: Would you have a tendency to give more
20 weight or credence or less weight or credence to the
21 testimony of a police officer simply because he or she is a
22 police officer?

23 PROSPECTIVE JUROR NO. 619: No.

24 THE COURT: Okay. At this time, does the State of
25 Nevada have any questions for this particular juror?

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1 MR. PESCI: Yes, please.

2 THE COURT: Okay.

3 MR. PESCI: Thank you. Ma'am, you've heard some
4 conversations during this morning conversation about the
5 burden of proof that the State has. Do you -- what do you
6 think about the concept that the State of Nevada, the
7 prosecutors here, we have the duty to prove the case beyond a
8 reasonable doubt, and that there's no duty at all on the
9 defense? What do you think about that?

10 PROSPECTIVE JUROR NO. 619: Well, like they showed
11 us in the video this morning, they're innocent until proven
12 guilty, so just have to listen and go by that.

13 MR. PESCI: Sure. And are you okay with that
14 concept of the American justice system that everyone is
15 innocent unless we are able to prove someone guilty?

16 PROSPECTIVE JUROR NO. 619: Absolutely.

17 MR. PESCI: Kind of on the converse, if we as the
18 prosecutors, the State of Nevada, bring in the witnesses, we
19 present the evidence, and you feel that we've met our burden
20 of proof beyond a reasonable doubt -- and the Judge is going
21 to explain what that burden is. I'm not asking you that,
22 really. It's just if you think we've proven it, do you have
23 any problem coming back with a guilty verdict?

24 PROSPECTIVE JUROR NO. 619: No, I do not.

25 MR. PESCI: Some people, because of religious or

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1 other personal feelings, just don't want to judge
2 individuals. Do you have any problem making a judgment on
3 the facts; not of the individuals, but of the facts in this
4 case?

5 PROSPECTIVE JUROR NO. 619: No.

6 MR. PESCI: How often do you fly out of town for
7 your job?

8 PROSPECTIVE JUROR NO. 619: Well, the thing about
9 my job is we bid our lines every month. I've been with them
10 for ten years, I am pretty senior, so I bid certain days off,
11 and I try to only work about three or four days a week. And
12 we do out and backs, meaning that if I go to Austin, Texas,
13 I'll go there and come right back. We don't do overnights.
14 I do -- occasionally, if there's a charter, we do a lot of
15 college basketball and football teams, so sometimes, that
16 will entail an overnight, but I don't have any of those trips
17 for December.

18 MR. PESCI: So, you don't have any bids pending;
19 any trips coming up right now?

20 PROSPECTIVE JUROR NO. 619: Yes, I'm scheduled to
21 fly tomorrow, but you know, I'll be released if I'm selected,
22 obviously. My supervisor's aware that I am here today, and
23 I've been released from duty and it's not a problem.

24 MR. PESCI: It's not going to cause any problems?

25 PROSPECTIVE JUROR NO. 619: No.

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1 MR. PESCI: All right, thank you very much. Pass
2 for cause.

3 PROSPECTIVE JUROR NO. 619: You're welcome.

4 THE COURT: Mr. Sanft, do you have any questions of
5 this particular juror?

6 MR. SANFT: No, Your Honor, we'll pass for cause.

7 THE COURT: You'll pass for cause? Mr. Parris,
8 you're back up on the panel.

9 MR. PARRIS: Thank you, Your Honor. Ms. Richard,
10 we had -- we've heard questions earlier. They weren't asked
11 of you; they were asked of other people about holding the
12 State to its burden of proving things beyond a reasonable
13 doubt. One of the questions generally was, if they -- if the
14 State has to prove five separate things, and they only proved
15 four of those separate things on a given charge, would you
16 give the State a pass? And that's the question I have. Do
17 you recall that line of questioning?

18 PROSPECTIVE JUROR NO. 619: Yes, I do. Well, if
19 they can't prove it, then I'd have to say no.

20 MR. PARRIS: Okay, thank you. Same thing. We're
21 dealing with multiple incidents in this case; about five
22 separate incidents, as it were. Will you hold the State to
23 its burden on each of those incidents, treat them all, you
24 know, as one entity, and say, okay, well, just because the
25 State proved incidents 1 and 2, does that necessarily mean

ROUGH DRAFT TRANSCRIPT

1 that 3, 4, and 5 are also proven?

2 PROSPECTIVE JUROR NO. 619: No.

3 MR. PARRIS: I had asked a question earlier that
4 was rather long-winded about jurors being able to ask
5 questions. Do you recall the specifics of that question?

6 PROSPECTIVE JUROR NO. 619: I do, yes.

7 MR. PARRIS: Okay. You would raise your hand, and
8 write down the question --

9 PROSPECTIVE JUROR NO. 619: Yes, I would.

10 MR. PARRIS: -- and then the Judge would ask it?
11 You don't strike me as someone who shies away from public
12 speaking, per se. Would you have any problem, if you had
13 that question, raising your hand and writing it down?

14 PROSPECTIVE JUROR NO. 619: No, I would not.

15 MR. PARRIS: Okay. As a flight attendant, you very
16 -- well, it's a different climate now, and it certainly has
17 been over the last decade or so, almost 14 years now.
18 Obviously, air travel has changed significantly. Either
19 during that time or in your career as a flight attendant,
20 have you ever come across situations where you've had to
21 diffuse a situation between either two patrons, two
22 customers, or a customer and another flight attendant, or
23 something along those lines while you've been in the field?

24 PROSPECTIVE JUROR NO. 619: Yes.

25 MR. PARRIS: How have you handled those situations

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1 in general?

2 PROSPECTIVE JUROR NO. 619: Just try to diffuse it,
3 and not be extreme, but just try to, you know, look at all
4 the different options. If someone doesn't want to sit next
5 to somebody because they're a customer of size and they're
6 taking up too much room, then just very discreetly, we'll try
7 to move people without offending anybody.

8 MR. PARRIS: Is a customer of size the PC term that
9 you are instructed to use?

10 PROSPECTIVE JUROR NO. 619: Yes.

11 MR. PARRIS: I had never heard that.

12 THE COURT: What term did you use?

13 PROSPECTIVE JUROR NO. 619: Customer of size, COS.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 619: We have our own little
16 lingo kind of going on so as not to offend anybody, and yeah,
17 so we do have a lot of acronyms that we use.

18 MR. PARRIS: I had never heard that acronym, or
19 that term.

20 PROSPECTIVE JUROR NO. 619: Yeah.

21 MR. PARRIS: Obviously, the Court hadn't either,
22 so.

23 PROSPECTIVE JUROR NO. 619: Okay.

24 MR. PARRIS: But it did strike me as very PC.
25 Well, in this case, there's some things that are very un-PC.

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1 There's allegations of crimes of violence, and we'll have
2 victims coming in and testifying to what they saw or didn't
3 see, and what they remember or what they don't remember.
4 Will that cause you any undue anxiety hearing these things
5 and potentially seeing things on the video screen regarding
6 these crimes where people are -- feel they're being
7 threatened by the individuals involved?

8 PROSPECTIVE JUROR NO. 619: No.

9 MR. PARRIS: Thank you.

10 PROSPECTIVE JUROR NO. 619: You're welcome.

11 MR. PARRIS: I realize I've more or less been
12 focusing on you, but you're new here, so. I do not have any
13 other questions for Ms. Haynes, but I do have one for Mr.
14 Goodwin, if you could pass the mic over. Badge number 585.
15 Mr. Goodwin, you indicated you have two what I will assume
16 would be smaller, younger children, correct?

17 PROSPECTIVE JUROR NO. 585: Right. Correct.

18 MR. PARRIS: Is there anything that you wouldn't do
19 to protect them?

20 PROSPECTIVE JUROR NO. 585: No.

21 MR. PARRIS: Nothing?

22 PROSPECTIVE JUROR NO. 585: I would do anything.

23 MR. PARRIS: Thank you.

24 PROSPECTIVE JUROR NO. 585: Sure.

25 MR. PARRIS: Your Honor, we pass for cause.

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1 THE COURT: Okay. At this time, the clerk's
2 prepared what's been marked as Court's Exhibit number 3, and
3 the State of Nevada may exercise their first peremptory
4 challenge, as well as the defense.

5 (Pause in the proceedings)

6 THE COURT: Defense may exercise their first.

7 (Pause in the proceedings)

8 THE COURT: Okay, can I have the parties approach
9 for just one moment?

10 (Bench conference)

11 THE COURT: Mr. Goodwin's going to be Juror number
12 11, and so what I'm going to do is I'm just going to excuse
13 everyone except him, and then I'll bring our jury panel in --

14 MR. SANFT: Okay.

15 THE COURT: -- and swear them in.

16 MR. PESCI: All right.

17 THE COURT: Hopefully.

18 MR. PARRIS: And I assume we will finish up
19 openings and then break for lunch?

20 THE COURT: It's 11:21. That's -- I'll do whatever
21 you want.

22 MR. PARRIS: Well, do you -- that's the question.

23 THE COURT: Yeah.

24 MR. PARRIS: Do you want to break for lunch before?

25 MR. PESCI: Whatever the Court wants. Mine's --

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1 it's long.

2 THE COURT: It's long?

3 MR. PESCI: I don't know the exact length, but
4 it's --

5 THE COURT: Okay, well, let's just play it by ear,
6 because remember, we have jurors that have been sitting out
7 there all morning.

8 MR. PESCI: Yeah, yeah.

9 MR. PARRIS: Yeah.

10 MS. KILLER: Yeah.

11 THE COURT: But my staff worked all through the day
12 yesterday, so they're getting a lunch break today.

13 MR. PESCI: Okay.

14 MR. PARRIS: Which is more than fair.

15 THE COURT: Thanks.

16 (End of bench conference)

17 THE COURT: Okay. At this time, Mr. Goodwin, I'm
18 going to ask that you stay. Everyone else, including the two
19 people sitting in the box, you're excused to go with the
20 thanks of the Court. You can go back to -- Mr. Goodwin, you
21 have to stay, so don't go anywhere.

22 Everyone else, you have the thanks of the Court for
23 being here and your willingness to do your civic duty. You
24 are excused. You can go to the third floor, and I believe
25 you can be excused for the day, okay?

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1 THE MARSHAL: Thank you, Jurors.

2 THE COURT: Thank you. Thank you for being here.

3 THE MARSHAL: All rise for the exiting jurors,
4 please. Just return to the third floor and check out with
5 the jury commissioner.

6 THE COURT: Okay. Mr. Goodwin, I'm going to excuse
7 you in just a minute, but I first want to tell you what you
8 are. You have now become Juror number 11. Yesterday, we
9 spent all day picking a juror -- a jury panel, but we had to
10 pick another juror this morning, which is why you got -- we
11 only had about ten people here.

12 So, you've now been selected to be Juror number 11,
13 so Officer Hawks is going to give you a badge. I'm going to
14 excuse you to go out. The rest of the -- the panel is 14 as
15 a whole, so you'll be in seat number 11. Let me see, where's
16 -- where do you have 11?

17 THE MARSHAL: Front row. He'll be the fourth --
18 fourth chair over.

19 THE COURT: The fourth chair over is where you'll
20 sit when you come in, okay? But I just don't want you --
21 you're going to be going to a group that's already been
22 selected, so there will be 13 other people out there. You'll
23 be the 14th person, but you'll be Juror number 11, and you'll
24 be in that fourth seat in the front.

25 And at this time, you're excused, and Officer Hawks

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1 will show you where the rest of the panel is, and we're going
2 to call you back in in just a few minutes. But don't discuss
3 anything that we've done in here with any of the other
4 jurors, okay?

5 PROSPECTIVE JUROR NO. 585: Right, okay.

6 THE COURT: I'll explain to them what happened when
7 they come in.

8 PROSPECTIVE JUROR NO. 585: Thank you.

9 THE COURT: You want to just take like a short,
10 quick bathroom break, and then --

11 THE CLERK: Thank you, Your Honor.

12 MR. PARRIS: Thank you, Your Honor.

13 THE COURT: Okay.

14 MR. SANFT: Thank you.

15 THE COURT: -- we'll bring the jury in.

16 (Court recessed at 11:23 A.M. until 11:31 A.M.)

17 (Outside the presence of the jurors)

18 MR. PARRIS: We do have an outside the presence,
19 Your Honor.

20 THE COURT: Okay.

21 MR. PARRIS: Very brief.

22 (Pause in the proceedings)

23 THE COURT: Are we on?

24 THE COURT RECORDER: We are now, Your Honor.

25 THE COURT: Okay. The record will reflect that

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1 this hearing -- you're good. The record will reflect that
2 this hearing is taking place outside the presence of the jury
3 panel. Who had the outside the presence?

4 MR. PESCI: The State does.

5 THE COURT: Oh, okay.

6 MR. PESCI: Thank you. Judge, last night as Ms.
7 Killer and I were leaving, we saw that the jury was to the
8 left as you exit your courtroom, so we headed to the bank of
9 -- oh, don't worry, everything's fine.

10 THE COURT: Okay.

11 MR. PESCI: As we got to the elevator, no jurors
12 were there, so we pushed the button, we waited to go. By the
13 time the elevator opened, Juror number 2, Vernon Anderson --

14 THE COURT: Okay.

15 MR. PESCI: -- came to the doorway. We stepped
16 back -- Ms. Killer and I stepped back, let him go in. He
17 opened the door, saying, come on in. We just shook our
18 heads, said no, we can't, and we walked off --

19 THE COURT: Okay.

20 MR. PESCI: -- and went to the back elevators. We
21 told defense counsel about that. We just wanted to make a
22 record of that in case anybody has any issues with that.

23 THE COURT: Any objection, Mr. Sanft?

24 MR. SANFT: No, Your Honor.

25 THE COURT: Mr. Parris?

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1 MR. PARRIS: No issues, Your Honor. Thank you.

2 THE COURT: Okay, I appreciate that.

3 MR. PESCI: And we would just request that you
4 maybe tell them again, hey, we can't talk to you. We're not
5 trying to be rude --

6 THE COURT: Okay.

7 MR. PESCI: -- but we just can't talk to you.

8 THE COURT: Okay. We can bring them in and I'll
9 let them know. I'm going to have to introduce them to Mr.
10 Goodwin as well.

11 MR. PESCI: Thanks, Judge.

12 MR. SANFT: Thanks, Your Honor.

13 THE COURT: They're probably going to wonder what
14 happened.

15 (Pause in the proceedings)

16 THE MARSHAL: All rise for the entering jury,
17 please.

18 (Within the presence of the jurors)

19 THE MARSHAL: And jurors, when you get to your
20 seat, please have a seat and --

21 THE COURT: Actually, they need to remain standing
22 so they can be sworn.

23 THE MARSHAL: Oh, that's right. I'm sorry, remain
24 standing. Can you check your electronic devices real quick,
25 make sure they are off?

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1 THE COURT: Do I have a stipulation from the State
2 of Nevada to the jury as now impaneled?

3 MR. PESCI: Yes, Your Honor.

4 THE COURT: Mr. Sanft?

5 MR. SANFT: Yes, Your Honor.

6 THE COURT: Mr. Parris?

7 MR. PARRIS: Yes, Your Honor.

8 THE COURT: If you'll all please raise your right
9 hand so the clerk can administer the oath of service.

10 JURY PANEL SWORN

11 THE CLERK: Thank you.

12 THE COURT: Okay, you can have a seat.

13 THE MARSHAL: Please be seated.

14 THE COURT: Thank you very much. For the panel, I
15 just wanted to make sure you understand -- I know that some
16 of you had to wait a while this morning, and the reason for
17 it is that we had to pick a new juror. So, Mr. Goodwin is
18 now part of our jury panel, and he is going to be Juror
19 number 11. So, I apologize for the delay in getting you in
20 here, but we were actually selecting another juror this
21 morning, and that was the reason for the delay. So, thank
22 you very much, Mr. Goodwin, and thanks for joining us.

23 Like I told you yesterday, there's just a few
24 instructions I have to give to you, and then I'm going to
25 allow the State of Nevada to address you in their opening

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1 statement.

2 Ladies and gentlemen, you're admonished that no
3 juror may declare to a fellow juror any fact relating to this
4 case of his or her own knowledge, and if any juror discovers
5 during the trial or after the jury has retired that he, or
6 she, or any other juror has personal knowledge of any fact in
7 controversy in this case, he or she shall disclose that
8 situation to myself in the absence of the other jurors. This
9 means that if you learn during the course of this trial that
10 you're acquainted with the facts of the case or the
11 witnesses, and you've not previously told me this
12 relationship, you must then declare that fact to me.

13 I do want to remind you, we do have an impaneled
14 jury, so you can only communicate to the Court either in the
15 courtroom in the presence of both sides on the record, or
16 through the court marshal. If there's something you need to
17 communicate to the Court through the court marshal, I just
18 ask that you reduce it to writing, and then the court marshal
19 will provide it to the court, or you do so in the courtroom
20 in the presence of both sides.

21 Again, I want to remind you also that myself, the
22 staff in Department 12, the attorneys, the parties, with the
23 exception of Officer Hawks, are not permitted to have any
24 communication with you whatsoever outside of the courtroom.
25 This means that if we see you in the hallway, in the

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1 elevators, coming in and out of the courthouse, we will
2 probably intentionally try to avoid you. If we see you,
3 we're not going to say hello to you, we're not going to say
4 goodbye to you.

5 I hope that nobody takes any offense to this.
6 Everybody is under court order not to have any communication
7 whatsoever with the jury panel while you are impaneled. So,
8 again, I just want to make sure you understand that nobody's
9 being rude if they don't, for instance, say hello to you in
10 the morning, or good morning when you walk by. Everyone's
11 just trying to maintain their ethical obligation to maintain
12 the integrity of the jury system.

13 What I will now say is intended to serve as an
14 introduction to the trial of this case. It's not a
15 substitute for the detailed instructions on the law, which I
16 will give you at the close of the case and before you retire
17 to consider your verdict.

18 This is a criminal case commenced by the State of
19 Nevada, which I may sometimes refer to as the State, against
20 the defendants, Mr. Alexander and Mr. Parker. The case is
21 based upon the Information. The clerk will now read it to
22 the ladies and gentlemen of the jury, and state the plea of
23 the defendants to that Information.

24 THE CLERK: Thank you, Your Honor.

25 THE COURT: I'm sorry. I apologize, it's an

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1 Indictment. So, the clerk's now going to read the
2 Indictment.

3 THE CLERK: Thank you, Your Honor.

4 (Indictment read by the clerk)

5 THE COURT: Thank you very much. This case is
6 based upon the Indictment which has just been read to you by
7 the clerk of the court. You should distinctly understand
8 that the Indictment is simply a charge, and that it is not in
9 any sense evidence of the allegations it contains.

10 The defendants have entered pleas of not guilty to
11 the Indictment. The State therefore has the burden of
12 proving each of the elements as alleged in their charging
13 document by proof beyond a reasonable doubt. As the
14 defendants sit here today, they are presumed innocent. The
15 purpose of this trial is to determine whether the State of
16 Nevada will meet their burden of proof.

17 It's your primary responsibility as jurors to find
18 and determine the facts. Under our system of criminal
19 procedure, you are the sole judge of the facts. You are to
20 determine the facts from the testimony you hear and the other
21 evidence, including exhibits introduced in court. It is up
22 to you to determine the inferences which you feel may be
23 properly drawn from the evidence.

24 The parties may sometimes present objections to
25 some of the testimony or other evidence. It is the duty of a

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1 lawyer to object to evidence which he or she believes may not
2 be properly be offered, and you should not be prejudiced in
3 any way against a lawyer who makes objections on behalf of
4 the party he or she represents.

5 At times, I may sustain objections or direct that
6 you disregard certain testimony or exhibits. You must not
7 consider any evidence to which an objection has been
8 sustained or which I've instructed you to disregard.
9 Anything you may have seen or heard outside the courtroom is
10 not evidence and must also be disregarded.

11 Remember, statements, arguments, and opinions of
12 counsel are not evidence in the case. However, if the
13 attorneys stipulate as to the existence of a fact, you must
14 accept the stipulation as evidence and regard that fact as
15 proved. You must not speculate to be true any insinuation
16 suggested by a question asked the witness. A question is not
17 evidence and may be considered only as it supplies meaning to
18 the answer.

19 You must not be influenced in any degree by any
20 personal feeling of sympathy for or prejudice against the
21 State of Nevada or the defendants. Both sides are entitled
22 to the same fair and impartial consideration.

23 In considering the weight and value of the
24 testimony of any witness, you may take into consideration the
25 appearance, attitude, and behavior of the witness, the

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1 interest of the witness in the outcome of the case, if any,
2 the relation of the witness to the defendant or the State of
3 Nevada, the inclination of the witness to speak truthfully or
4 not, and the probability or improbability of the witness's
5 statements, and all of the facts and circumstances in
6 evidence. Thus, you may give the testimony of any witness
7 just such weight and value as you believe the testimony of
8 the witness is entitled to receive.

9 There are two kinds of evidence; direct and
10 circumstantial. Direct evidence is testimony by a witness
11 about what that witness personally saw, or heard, or did.
12 Circumstantial evidence is testimony or exhibits which are
13 proof of a particular fact from which, if proven, you may
14 infer the existence of a second fact. You may consider both
15 direct and circumstantial evidence in deciding this case.
16 The law permits you to give equal weight to both, but it is
17 for you to decide how much weight to give to any evidence.

18 Opening statements and closing arguments of the
19 attorneys are intended to help you in understanding the
20 evidence and applying the law, but they are not evidence. No
21 statement, ruling, remark, or comment which I make during the
22 course of this trial is intended to indicate my opinion as to
23 how you should decide the case, or to influence you in any
24 way in your determination of the facts.

25 At times, I may even ask questions of the

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1 witnesses. If I do so, it is for the purpose of bringing out
2 matters which I feel should be brought out, and not in any
3 way to indicate my opinion about the facts, or to indicate
4 the weight I feel you should give to the testimony of the
5 witness. I might also find it necessary to admonish the
6 lawyers, and if I do, you should not show prejudice against a
7 lawyer or his or her client because I have found it necessary
8 to admonish him or her.

9 Until this case is submitted to you, you must not
10 discuss it with anyone, even with your fellow jurors. After
11 it is submitted to you, you must discuss it only in the jury
12 room with your fellow jurors. It is important that you keep
13 an open mind and not decide any issue in the case until the
14 entire case has been submitted to you under instructions from
15 myself.

16 I may during the trial take notes of the witnesses'
17 testimony. You are not to make any inference from that
18 action. I'm required to prepare for legal arguments of
19 counsel during this trial, and for that reason, I may take
20 notes.

21 The jury will not have a transcript to consult at
22 the close of the case. However, you have been provided with
23 notebooks. In the back of your notebooks are blank pieces of
24 paper. You've been given notepads basically so you can take
25 notes. I always like to make sure that juries understand

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1 right from the beginning, when you go back to deliberate,
2 what will prevail in your deliberations are your memories
3 collectively and any notes. So, you'll be able to take those
4 notebooks with you when you go back to deliberate.

5 Also, in the front, all the instructions that I'm
6 reading to you, they're in there as well, and when I give you
7 the legal instructions at the close of the case, you can put
8 them in the notebook.

9 On the inside of the notebook on the left side,
10 there's a piece of paper you can pull out. That's the only
11 thing you can take home. That just tells you where you are
12 and gives you the phone number to my chambers in case anyone
13 has some type of emergency or something and has to contact my
14 chambers. You can take that piece of paper with you, but the
15 notebooks are to remain in the courtroom at all times until
16 you go back to deliberate upon your verdict.

17 The court marshal is under court order at the end
18 of the day to collect those notebooks and to put them in the
19 safe. He'll also be the one that puts them back out on your
20 seats when you come back the next day, so if you'll just make
21 sure you put your name on the first page so he knows which
22 notebook belongs to which juror. He will not read your
23 notes, nor will he allow anyone else to read your notes.
24 Your notes will be kept strictly confidential. And again,
25 remember, it's your memory and your notes that will prevail

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1 during your deliberation.

2 The trial will proceed in the following manner.
3 The deputy district attorney will make an opening statement,
4 which is an outline to help you understand what the State
5 expects to prove. Next, the defense attorney may, but does
6 not have to make an opening statement. Opening statements
7 are an introduction of the evidence which the party making
8 the statement intends to prove.

9 The State will then present its evidence, and
10 counsel for the defense may cross-examine the witnesses.
11 Following the State's case, the defendant may present
12 evidence, and the deputy district attorney may cross-examine
13 the witnesses. However, as I have said, the defendants are
14 not obligated to present any evidence.

15 After all of the evidence has been presented, I
16 will instruct you on the law. After the instructions on the
17 law have been read to you, each side has the opportunity to
18 present oral argument. What is said in closing argument is
19 not evidence. The arguments are designed to summarize and
20 interpret the evidence. Since the State has the burden of
21 proving the defendant guilty beyond a reasonable doubt, the
22 State has the right to open and close the arguments. After
23 the arguments have been completed, you will retire to
24 deliberate upon your verdict.

25 Again, let me remind you that until this case is

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1 submitted to you, do not talk to each other about it, about
2 anyone who has anything to do with it until the end of the
3 case when you go to the jury room to decide upon your
4 verdict. Do not talk with anyone else about this case or
5 about anyone who has anything to do with it until the trial
6 has ended and you have been discharged as jurors. Anyone
7 else includes members of your family and your friends. You
8 may tell them that you are a juror in a criminal case, but
9 don't tell them anything else about it until after you've
10 been discharged by myself.

11 Do not let anyone talk to you about the case or
12 about anyone who has anything to do with it. If someone
13 should try to talk to you, please report that to me
14 immediately by contacting the court marshal. Do not read any
15 news stories or articles, or listen to any radio or
16 television reports about the case or about anyone who has
17 anything to do with it.

18 As jurors, you will be given the opportunity to ask
19 written questions of any of the witnesses called to testify
20 in this case. You are not encouraged to ask large numbers of
21 questions because that is the primary responsibility of the
22 attorneys. After both lawyers have finished questioning the
23 witness, and only at this time, if there are additional
24 questions you would like to ask the witness, you may then
25 seek permission to ask that witness a written question.

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1 Should you desire to ask a question, write your
2 question down with your juror number on a full sheet of clean
3 paper and raise your hand. All questions from jurors must be
4 factual in nature and designed to clarify information already
5 presented.

6 In addition, jurors must not place undue weight on
7 the responses to their questions. The court marshal will
8 pick up your question, present it to the Court. All
9 questions must be directed to the witness, and not to the
10 lawyers or to myself. After consulting with counsel, I will
11 then determine if your question is legally proper. If I
12 determine that your question may properly be asked, I will
13 ask it. No adverse inference should be drawn if the Court
14 does not allow a particular question.

15 I just want to make sure that the jury does
16 understand I do allow jurors to ask questions, but once a
17 witness is excused and I have excused them from their
18 subpoena, I will not ask them to come back to answer a
19 juror's question.

20 So, before I excuse the witness, if you have a
21 question for that witness, make sure you let me know, because
22 if we have a witness that testifies today on Wednesday, I'm
23 going to -- when they're done, I'm going to excuse them from
24 their subpoena. If you decide on Friday you have a question
25 for that witness, I will not require that witness to come

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1 back to the courthouse.

2 So, just make sure you get my attention. I usually
3 instruct the witness that they can leave and that they're
4 going to be excused from their subpoena. Just raise your
5 hand, get my attention, and I'll make -- and I'll have the
6 witness stay so that your question may be asked.

7 Okay. With that, the State of Nevada may address
8 the jury panel in their opening statement.

9 MR. PESCI: Thank you, Your Honor.

10 STATE'S OPENING STATEMENT

11 MR. PESCI: Ladies and gentlemen, in the long
12 process of selecting you as a jury, there were many questions
13 that were asked to jurors, and one of the potential jurors,
14 who's not actually seated here, gave a response which was
15 this to a question: facts are facts, and there's no disputing
16 that. Ladies and gentlemen, these are the facts of this
17 case.

18 The case starts in June of this year, 2015,
19 specifically on June 15th here in Las Vegas. The first
20 incident is at the Boulder Station Casino. This all starts
21 off at 4111 Boulder Highway. Now, you heard all of these
22 addresses, you've heard all these locations, and we're going
23 to go through it incident by incident.

24 This is located here in Las Vegas at Boulder
25 Highway. This casino is where this first incident takes

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1 place. Ladies and gentlemen, not many cases do you actually
2 see the crime happen, but you do in this case.

3 That's Ralph Alexander. That's the first victim.
4 This is a different angle, same location. You know the
5 saying here in Las Vegas, the eye in the sky is always
6 watching in a casino. Pulled from her is her purse, the
7 defendant then exits the casino, runs outside, and takes off.
8 You can see him in the corner here running away. That's the
9 actual crime.

10 You were asked about whether if you saw four out of
11 five things, the elements of the crime, would you just go
12 along with if there are only four. Those are all the
13 elements right there; the force to take property from another
14 individual. The question really just is, is it the defendant
15 here in court, because you just watched the crime happen.

16 Now, Ralph Alexander wasn't alone that day on June
17 the 15th. He was also with Tonya Martin. Tonya Martin is a
18 co-defendant in this case. Tonya Martin is also the mother
19 of Ralph Alexander's child. The two of them went to the
20 Boulder Station that night, and in fact, you'll see here in
21 the video the two of them together getting out of Tonya's
22 Ford Taurus, and they walk together inside this casino.

23 This is footage from the casino prior to the
24 robbery we just saw. The casino put together this video,
25 splicing it to show them traveling, so one camera angle goes

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1 to another camera angle. These are the same two, Ralph
2 Alexander, Tonya Martin coming in out of the parking lot into
3 this entryway, and then entering the casino that you'll see
4 here at the next camera, picking up their whereabouts within
5 the casino.

6 You have a timestamp, June 15, 2015. It's about
7 [inaudible], almost 1:00 o'clock in the morning, and they've
8 arrived at that location. They go back to a familiar site.
9 This is the location -- the camera angle of the robbery that
10 you saw, but if you'll notice, it's June the 15th at 1:08,
11 and there's Ralph Alexander walking by as the victim, who's
12 not yet a victim, has won a jackpot. Look at the light
13 spinning. The employee is paying her. Defendant walks by,
14 sees the jackpot, walks by again.

15 This is preceding the robbery. The defendant has
16 seen that an individual has just won a jackpot. You'll hear
17 from that victim, and English is not her first language.
18 It'll be somewhat difficult, but you can see it. You can see
19 what happened. She won a jackpot of \$2,000.

20 After the jackpot and before the robbery, Tonya
21 Martin is still there with the defendant, who walks by the
22 sign, Ralph Alexander, but Tonya decides she's leaving.
23 Brief conversation, and she steps out. Again, video
24 surveillance picks her up outside of the casino as she's
25 walking back. She actually came out from here, and she's

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1 walked all the way back to her car, the Ford Taurus. That
2 becomes a fact of issue or concern, that Ford Taurus, because
3 it's seen in other surveillance.

4 Here's Tonya going to her car, getting something
5 out of the trunk. And this is the same date, still Boulder
6 Station. It's 3:09 A.M., she's out there by herself. You'll
7 see that she also moves something into the car, and then
8 moves the car.

9 You saw some movement in this video, ladies and
10 gentlemen. That's because the program utilized to capture
11 this video captures everything that's on the screen, and
12 that's why you see that movement. But now the movement of
13 concern or focus on is that Taurus being moved by Tonya
14 Martin to a different parking spot, staying at the casino
15 parking area. The camera just shifted to a camera inside of
16 a surveillance booth in the parking lot. Same car. This is
17 a black and white video, and Tonya Martin parks the vehicle
18 there.

19 Time passes, and you'll see that the car has
20 actually moved. Defendant comes to the car, Ralph Alexander,
21 and Tonya Martin's in the car. And notice what defendant's
22 wearing as far as a shirt.

23 The defendant, Ralph Alexander, then gets in the
24 car, and there's a short clip where you'll see the car move
25 one space forward, and stay parked. After that movement, in

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1 the next video, you'll see Tonya's car leave, and then the
2 camera angle will switch, and you'll see Tonya driving away,
3 seen there, and now the defendant with a different coat on,
4 heading back in. This should look familiar; this is the
5 first video that we watched.

6 You can see him pause, wait for the employee to put
7 down the sign, then move in for the robbery. Tonya Martin,
8 as you saw earlier in the video, has left the parking lot.
9 The defendant is now running out of the parking lot to the
10 area where Tonya drove away.

11 Now, ladies and gentlemen, those are the facts of
12 this case. You're going to hear from that victim, but you're
13 also going to hear from Ms. Martin, because Ms. Martin was
14 charged as well, and she took a deal. She pleaded guilty to
15 a conspiracy to commit robbery, and as a part of that deal,
16 she agreed to come and testify. She's going to come and
17 testify. So, it won't just be the video surveillance that
18 you'll have; you'll also have Tonya to tell you, that's me in
19 the video, and that's Ralph Alexander in the video.

20 You're going to also hear how this incident -- or
21 this series continued. Just four days later, June the 19th,
22 we're switching locations now to the Kwik-E-Mart that's at
23 6055 East Lake Mead, again, still here in Las Vegas. Here's
24 a picture of the Kwik-E-Mart from outside, an aerial showing
25 you in the -- it's in the neighborhood of Lake Mead and

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1 Beesley.

2 Again, we have video surveillance from this.
3 There's Tonya's car, that Ford Taurus. This is black and
4 white, and somewhat grainy, but still you can make things
5 out, ladies and gentlemen. Car stops. And you're seeing
6 some movement of two individuals. Now it's just not Ralph
7 Alexander anymore. James Parker is now on the scene as well.
8 Watch as they approach, and you see a mask, and [inaudible].

9 Tonya Martin was driving. Tonya will tell you
10 that. You saw the video of her car. Ralph Alexander and
11 James Parker are those two individuals. The individuals that
12 you'll see here -- this is the video from the inside of the
13 Kwik-E Market where you just saw the two individuals from the
14 outside video surveillance making their way to the entrance.
15 See some shadows outside the glass. There's the mask, and
16 two individuals working together, going right to the
17 register.

18 There's the clerk. You're going to hear from that
19 clerk as he has a gun pointed at him and he's taken to the
20 back, working together to be able to accomplish the goal of
21 the robbery by getting the clerk out of the way. The
22 register is being emptied. There's a witness -- two
23 individuals who are just in the store run out, and you'll
24 hear from one of those individuals.

25 Two suspects come back. You see a bandana over the

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1 face of one individual, and a skull-looking mask over the
2 other. That will be a reoccurring theme. You'll hear
3 testimony that not only was the register gone through, but
4 there's an office off to the left, and that that area was
5 disturbed as well. And this area where the individual is
6 now, there's some change drawers and there is cigarettes.
7 You saw as the individual just went there. And you'll see
8 and you'll hear from the cashier how the gun was pointed at
9 him. That's how we are alleging the use of a deadly weapon.

10 You're going to see and hear from Craig Tunnell as
11 he was working that night that the register was emptied, and
12 we just saw on the video how the cigarettes were gone
13 through, the evidence how it fell over, the tray, and how the
14 cigarettes toppled onto the ground and one of them was taken.

15 But it didn't end there. Just seven days later,
16 move now to the LV Nails Spa on June 26th here in Las Vegas
17 again. Now, on this one, it's at 4430 East Charleston. Now,
18 there is some video, but not inside of the establishment.
19 There's video from other stores in the location in the
20 outside area. You're going to hear from witnesses inside,
21 but you'll also see video from the outside.

22 So, you again saw Tonya Martin's car. Tonya
23 Martin's going to tell you that that's her car and that she
24 was driving, and Ralph Alexander and James Parker were the
25 individuals that she dropped off. And the video here will

1 show the car, individuals getting out of the car, two
2 individuals, then approaching the area of the LV Nails Salon.
3 There are the two as they're coming out of the car from a
4 still frame from that video surveillance, going inside of the
5 nail salon.

6 You'll see the interior from photographs taken from
7 a crime scene analyst. You'll hear from the witnesses that
8 were inside of that location about how their cell phones,
9 their purses were taken. You'll hear from the workers of the
10 nail salon how money was taken from the salon itself from the
11 register area. Now, after they rob those individuals in the
12 store, they run off, and you're going to see some
13 surveillance where, quickly, two individuals will pass by,
14 running by.

15 You'll hear from those witnesses at the time that
16 the robbery occurred that one of them had a bandana, and one
17 of them had like a skull mask. Surveillance right there,
18 those are off, but you'll hear that when they were inside,
19 they had those items on.

20 You're also going to see surveillance in the same
21 location from a different business establishment. There's
22 Tonya's car approaching the area, and you're going to see her
23 car at that location. Some kids are skateboarding by, and
24 there are the two individuals jumping back into Tonya's
25 vehicle and taking off from the LV Nails. Again, there's the

1 still frames from the surveillance. The two individuals
2 approaching Tonya's car as it's waiting outside as the
3 getaway driver on this incident, that is dropping off in the
4 first incident and in the second incident.

5 Four days later, we've now passed Boulder Station,
6 Kwik-E Market, LV Nails, and we're onto the Rainbow Market,
7 June 30th of the same year, this year, at 5075 East
8 Washington here in Las Vegas. And the Rainbow Market is
9 depicted in this photograph. You'll see photographs that
10 were taken from the scene.

11 Again, you'll hear how Tonya Martin drove to this
12 location as she had Ralph Alexander and James Parker in the
13 car, and then you're going to see video surveillance. It
14 seems familiar, doesn't it? You've got one individual coming
15 in with a bandana, another individual with a skull mask.
16 There's the timestamp, June 30th about 4:26 A.M. Coming
17 inside, greeted by an individual wearing a mask with a skull.

18 And again, you get to watch the actual crime. Two
19 customers -- unsuspecting customers are just coming in,
20 standing there, and watch them move away, because there's the
21 gun, here are the two individuals, and then directions, open
22 the cash register, pointing to the cash register. You can
23 see the victim, the cashier, opening up the register.

24 The surveillance from that particular location
25 created this language on top of the video surveillance. That

1 just is the way we got it, but you can still see what's going
2 on. The register's opened, the tray is taken out, cash is
3 taken, the two suspects working together, and in fact
4 leaving. You'll see a and hear from an unarmed security
5 officer that was in the convenience store. You'll hear from
6 him as to his perspective and what he saw, but you'll see the
7 evidence of what they did also in photographs. There's the
8 tray taken out, put on the counter.

9 But it didn't stop there. Nine days after that, at
10 the Family Dollar located -- it's on July 9th, the Family
11 Dollar at 4365 East Lake Mead, still here in Las Vegas.
12 There's a photograph of the Family Dollar. Inside of the
13 Family Dollar, there's a cash register when you come in as a
14 customer just to the right.

15 Video surveillance is inside the Family Dollar as
16 well. Two individuals come in, Ralph Alexander and James
17 Parker. You see hats, beanies, looks like something in the
18 back pocket, a distinct shirt. Oh, now we've switched. Same
19 individuals, you know that from -- you just saw their
20 clothing before, switched bandana on face, skull mask on
21 face.

22 You're going to hear from the clerk, Keshawn, as
23 she's working and as she's overtaken by these two. You're
24 going to see how, with the use of a weapon to threaten these
25 individuals, attempts were made to take money from the cash

1 register.

2 You're going to see also from a different
3 perspective from a customer just coming up to check out, and
4 all the sudden, she sees somebody running at her. A moment
5 ago, you saw James Parker come across. There's the mask
6 jumping over. This poor woman is down on her knees, and
7 there's the cashier trying to open it. Instructions clearly
8 being given. James Parker approaches. There's a backpack
9 placed on the counter. Item taken off the floor, put in the
10 backpack.

11 If you remember at the beginning of the
12 surveillance footage, the female victim on her knees had a
13 purse on her left shoulder. When she got to her knees, she
14 put the purse down. The purse was picked up and put in that
15 backpack. The suspects then run.

16 Now, you can see from this surveillance there is a
17 firearm in the hands of the individual with the somewhat
18 plaid shirt, the bandana. You see the mask on the other
19 individual. Take a look at the clothing, the backpack, the
20 shoes. Again, this is at 8:27 in the morning on July 9th.

21 But it's come to an end now as far as this robbery
22 series, and here's why. Officers Walburn and Martell were
23 working as plain clothes officers in an unmarked car in the
24 area, and in fact were in the parking lot, as fate would have
25 it. This is an aerial of that location of the Family Dollar.

1 This is Lamb and Lake Mead.

2 Those officers looked, saw some individuals out in
3 front that they were concerned with, they thought were acting
4 somewhat suspicious in front of the store, and then they saw
5 them go in, and saw things going on inside the store. Here's
6 the surveillance from outside. This is not the angle that
7 they saw it from. This is what the officers referred to as
8 far as activity they saw outside that made them kind of
9 pause. They see the two individuals, you saw their clothes,
10 you know who they are, looking around, kind of sizing up the
11 location.

12 Now, those plain clothes officers are in an
13 unmarked vehicle. They're in plain clothes; they don't stand
14 out as police officers. That's what the officer's attention
15 was drawn by. Then, inside, the officers saw some of what
16 was going on, which grabbed their attention, obviously.

17 You saw the defendants running away from the
18 cashier earlier. Inside of this establishment, you can run
19 to the back door. In the back of the Family Dollar, you can
20 see those back doors, there's a desert area. Behind the
21 desert area, there is the beginning of a housing development.
22 There's a wall that closes off that area, and there is in
23 fact -- it's not a very high wall, and there's an opening in
24 the wall as well.

25 So, those officers call for other police officers,

1 and they give chase, and the officers actually catch these
2 individuals. And you can actually tell in this video of
3 what's going on. And again, look, here's the purse of the
4 woman checking out.

5 I want you, as you watch it this time, to watch the
6 defendants looking outside. From your perspective, the right
7 hand side would be the front of the store. See, there's a
8 look to see what's going on outside. Again, a look outside.
9 Another look, another look. Oh, there's some definite
10 attention given to the outside, movement by the defendants,
11 and then you saw the guy with the mask looking outside. The
12 decision is made, time to go, because those officers are
13 approaching. It's becoming aware to the defendants that
14 there's someone looking for them.

15 Now, not only are these two individuals sitting
16 here in this courtroom caught behind the Family Dollar in the
17 area of that residential section of Las Vegas, there's also
18 evidence that's found. Not just them, but also evidence,
19 like a pair of pants, a purse. You saw the victim at the
20 checkout stand with her purse taken from her. Knit gloves.
21 A phone, a black backpack, a do-rag, a button-down shirt, a
22 black beanie, a \$10 bill, a Detroit Lions hat, and that skull
23 mask.

24 So, ladies and gentlemen, it's the actual evidence
25 of the proceeds of the robbery, the things that were taken,

1 or the clothes that were worn in the robbery that you got to
2 watch on video.

3 You saw a backpack. The purse was picked up off
4 the floor and it was put inside of that backpack. The
5 backpack containing the purse is found in the desert area
6 right behind the Family Dollar. You saw as the suspect
7 grabbed that purse off the ground and put it into that
8 backpack. There it is. It's taken out of the backpack to
9 show that there were contents inside of the backpack.

10 You saw also on the video surveillance that the
11 individual wearing this Lions hat has gloves. Don't want to
12 leave any fingerprints. There are gloves found in the area
13 where the police ran after the defendants. The police also
14 found a shirt. That shirt should look very familiar to you.
15 It's from the surveillance footage of the Family Dollar.
16 They also found a Lions football team -- the hat.

17 If you look at the video surveillance, you can see
18 -- now, it's somewhat grainy in the surveillance, but there
19 is the logo Lions. There's the decal that's kept on. You
20 can even see kind of a dark corner. Let's go back. A much
21 clearer picture. Clearly the Lions. There's the sticker and
22 kind of a black area on the lid for the brim of that. That's
23 found in the area where the defendants are taken into
24 custody.

25 Tonya Martin's going to tell you also that she was

1 there. She's going to tell you she was there, and in fact,
2 when they came running out, she drove off, and that was Ralph
3 Alexander and James Parker.

4 Ladies and gentlemen, not only do you have video,
5 not only do you have physical evidence, not only are you
6 going to have testimony from one of the co-defendants, you're
7 also going to have some interesting scientific evidence. So,
8 at the scene of the Family Dollar, the skull mask is found.
9 Remember back at the Kwik-E Market, one of the defendants,
10 assuming Parker, has the skull mask on. Rainbow Market,
11 skull mask on. Family Dollar, skull mask on. The nails
12 salon, we don't have video inside, but you'll hear the
13 testimony from those witnesses, skull mask on. Skull mask
14 found at the scene where James Parker's found at the scene.

15 You're going to hear from the DNA analyst that the
16 probability of randomly selecting an unrelated individual
17 from the general population having a DNA profile that is
18 consistent with the DNA profile obtained from the mask is
19 approximately one in 6.21 quintillion. A DNA sample's taken
20 from James Parker, it's compared to a DNA sample inside of
21 that mask that you just saw in all those incidents that the
22 major contributor -- there's a major and a minor contributor
23 you're going to hear about. The major contributor in the
24 opinion of the analyst is James Parker.

25 And in order to have some -- find somebody else to

1 fit that profile, that DNA profile, there's a one in 6.21
2 quintillion chance. Now, this is Vegas, ladies and
3 gentlemen, but those odds are just astronomical. And to put
4 it in context, what is quintillion? First you have millions,
5 then billions, then trillions, then quadrillions, then
6 quintillions. And by the way, on the planet, there's 7
7 billion, so you'd have to go beyond the planet multiple times
8 over.

9 So, those are the facts, and at the end of the day,
10 ladies and gentlemen, there's really just going to be no way
11 to dispute that, and we're going to ask you to convict the
12 defendants on all counts. Thank you.

13 THE COURT: Thank you very much, Mr. Pesci. At
14 this time, we're going to recess for lunch.

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

24 You're further admonished you may not communicate
25 with anyone, including your fellow jurors, about this case on

1 your cell phone, through email, Blackberry, iPhone, text
2 messaging, Twitter, through any blog or website, through any
3 internet chat room, or by way of any other social networking
4 website, including, but not limited to Facebook, Myspace,
5 Linked In, and You Tube.

6 We'll be in recess until 2:00 o'clock. Thank you
7 very much, and you're excused for lunch.

8 THE MARSHAL: Thank you. All rise for the exiting
9 jury. Jurors, please leave your notebooks on your chairs.

10 (Court recessed at 12:39 P.M. until 2:00 o'clock)

11 (Outside the presence of the jurors)

12 (Pause in the proceedings)

13 THE MARSHAL: All rise for the entering jury.
14 Jurors, please.

15 (Within the presence of the jurors)

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

18 MR. PESCI: Yes, Your Honor.

19 THE MARSHAL: Thank you, please be seated.

20 THE COURT: Mr. Sanft?

21 MR. SANFT: Yes, Your Honor.

22 THE COURT: Mr. Parris?

23 MR. PARRIS: Yes, Your Honor.

24 THE COURT: Okay. Mr. Sanft, are you going to go
25 first?

1 MR. SANFT: Yes, Your Honor.

2 THE COURT: Okay, you may proceed.

3 MR. SANFT: All right.

4 DEFENDANT PARKER'S OPENING STATEMENT

5 MR. SANFT: Ladies and gentlemen, you've had an
6 opportunity to listen to all of the evidence that the State
7 believes that it will use or have the ability to use in its
8 closing to help you meld together what's called the facts in
9 the case and the law.

10 The reason why the 14 of you have been picked for
11 this particular jury is because, both on behalf of the State
12 of Nevada, as well as my client, as well as Mr. Alexander and
13 his counsel, we believe that you will keep an open mind and
14 reserve that judgment, because I think that's really the
15 emphasis of what we want here, the reason being is for this
16 reason, and one reason only.

17 The State has put on what they believe will be
18 their case in chief. You still have to go through the
19 process of determining whether or not they are going to meet
20 the burden of beyond a reasonable doubt. Once again, that
21 definition will come back from the Court at the end of our
22 time together, but in the meantime, the issue will be this:
23 can you separate each individual event for what it is?
24 That's the bottom line, and I think that's some of the
25 questions that we had asked you when we were determining who

1 we were going to pick to be on this jury.

2 Now, one of the things that's going to happen
3 during the course of the time that we spend together is the
4 State will be calling a lot of witnesses to the stand; people
5 that were present during the scene of each of these events
6 that occurred, people that worked as Metropolitan police
7 officers and detectives, people that worked as crime scene
8 analysts and so forth.

9 All these people will be here, and they'll testify
10 as to what they did in the event of each individual thing.
11 And it's your job to parse out what that means, because you
12 can't put it in a conglomerate -- this one big group, this
13 one big mess, and say, okay, we're done with it. You're
14 going to spend a lot of time as jurors parsing out the
15 details.

16 Now, because of time and scheduling, the State of
17 Nevada won't have the ability to go right down the line,
18 meaning the first event that occurred at Boulder Station and
19 all the people that were involved there, there's going to be
20 some skipping around, some jumping around, and the reason for
21 that is just a matter of time and scheduling for these
22 individuals that will come forward, and as a result, we don't
23 want you to be confused.

24 So, pay close attention to who it is that's
25 testifying and how they relate to each individual event, and

1 make sure that you know that it's -- it may be one event from
2 one time, and then all the sudden we're skipping over to
3 another event from another time, and I'm sure the State will
4 do a very good job at differentiating who's who and what's
5 what.

6 But the reason why that's important for us, and on
7 behalf of Mr. Parker, is because we don't want you to fall
8 into the trap of just throwing it all into a pile, and then
9 tying it up in a nice little bow at the end, and say, okay,
10 guilty on all counts, because we believe at the end of this
11 trial and the time that we spend together, you'll have an
12 opportunity to weigh all the evidence and make a
13 determination as to whether or not the State has met its
14 burden of beyond a reasonable doubt with regard to Mr. Parker
15 on each individual event. And as a result of that, we expect
16 that you'll come back with the right verdict in this case.
17 Thank you.

18 THE COURT: Thank you. Mr. Parris?

19 MR. PARRIS: Thank you, Your Honor.

20 THE COURT: You may address the jury panel.

21 DEFENDANT ALEXANDER'S OPENING STATEMENT

22 MR. PARRIS: And ladies and gentlemen, prior to
23 lunch, we heard the State, you know, lay out its roadmap;
24 what it hopes its witnesses will testify to and its evidence
25 will show. Again, as both the State and Mr. Sanft have

1 referenced, in order for the State to prove its case beyond a
2 reasonable doubt, all the definitions of what that means and
3 the elements of the case will certainly be provided to you
4 later on.

5 However, as the trial progresses, certain questions
6 may arise in your mind regarding not only what the witnesses
7 and the evidence does show, but what the witnesses and
8 evidence does not show. For example, as the testimony
9 progresses, we're going to hear testimony from the witnesses,
10 from the actual victims of these particular -- some of these
11 particular crimes who are unable to make any identifications
12 of either Mr. Parker or Mr. Alexander.

13 We're going to hear descriptions of these
14 assailants, of the people who committed these crimes, and
15 sometimes the person who is the State will at least identify,
16 this is -- this individual is supposedly Mr. Alexander, and
17 sometimes Mr. Alexander is described as a 6-foot-tall African
18 American man, and sometimes he's described as a 5-foot-7
19 Hispanic man, yet the State will still be telling you, no,
20 this is definitely Mr. Alexander.

21 Furthermore, we're going to hear at all five of
22 these -- excuse me, at almost -- at four out of these five
23 incidents, analysts from the Las Vegas Metropolitan Police
24 Department were called to the scene to process the scene, and
25 essentially, what that means is gather evidence. Photographs

1 were taken. They were taking samples of fingerprints on some
2 of the locations, looking for DNA on other locations and
3 things of that nature.

4 And we will hear testimony from all of these
5 individuals, and from the experts who analyzed the items that
6 were located from those particular crime scenes, and we'll
7 hear that none of that physical evidence, no fingerprints, no
8 DNA ever came back to Mr. Alexander. So, what ties Mr.
9 Alexander to all of these crimes? Well, what ties Mr.
10 Alexander in is the testimony of Ms. Martin.

11 Now, the State already informed you that Ms. Martin
12 was supposed to be the getaway driver on these incidents and
13 was involved, and the State informed you that she, Ms.
14 Martin, had agreed to testify on behalf of the State.
15 However, there's more to it than that. Ms. Martin has been
16 interviewed on multiple occasions, and you will hear her
17 testimony regarding how when she is interviewed by various
18 detectives, various members of law enforcement, her story
19 continues to change.

20 The first time she was interviewed was July 27th,
21 and the detective interviewed her, called her in, and Ms.
22 Martin came down and met with the detective, and admittedly,
23 Ms. Martin was -- there were truthful aspects to what Ms.
24 Martin said to that detective, but there were also things
25 that were outright lies. And when Ms. Martin was challenged

1 by the detective with some of those lies, sometimes she would
2 change her story, and change it into something else; other
3 times, she would stick with it and say, nope, that's my story
4 and I'm sticking to it.

5 At the conclusion of this interview, this first
6 interview on July 27th, Ms. Martin went home. Now, you'll
7 hear testimony from the detective that he believed that at
8 that juncture, there may have been sufficient evidence based
9 upon the investigation and based upon her own statements to
10 charge her, but again, she was allowed to leave.

11 Two weeks later almost exactly, on August 12th, Ms.
12 Martin was called in for another interview and meets with a
13 different detective. And just like the first time, Ms.
14 Martin is truthful with certain aspects of what she says, and
15 is less than truthful in other aspects, and gives slightly
16 different versions of what did or didn't happen. And just
17 like the first time, the detective who interviews her on
18 August 12th challenges her, and sometimes her story changes,
19 and sometimes it doesn't.

20 And after that interview, two weeks later after
21 this additional investigation, after a second interview,
22 after her own what some might call admissions, again, Ms.
23 Martin is allowed to go home. She's allowed to leave.
24 Actually, this interview was at where she was staying, so she
25 was allowed to stay in her home.

1 Now, ultimately, Ms. Martin was charged. She was
2 charged in 23 different counts, and we heard her name
3 repeatedly referenced when the clerk was reading you all of
4 those charges. 23 different counts, and you'll have a copy
5 of that document provided to you later on if it has not been
6 already.

7 And we heard the State tell you, well, you know,
8 she agreed to plead guilty, but she didn't do it right away.
9 Once she was charged, she was placed in custody, she was
10 locked up, and only then did she say, okay, I'll testify now.
11 And in exchange for that testimony, what does she get? Well,
12 she received an offer where she pleads guilty to one count of
13 conspiracy to commit robbery, as Mr. Pesci had indicated, and
14 the other 22 counts are to be dismissed at the time of
15 sentencing assuming she testifies according to her agreement.
16 Gone.

17 What else? Because there's actually more. In
18 addition to that, we will hear her testify that as another
19 inducement, she was in custody at the time she pled guilty
20 and was allowed to be released on what's called her own
21 recognizance. What that means is she's released for free.
22 There's no bail to be posted; no house arrest or other
23 monitoring. You're free to go. Go ahead and walk out the
24 front door.

25 Now, people obviously cherish their freedom, but

1 she had other reasons that were more important to her that
2 she wanted to be out of the jail, and those reasons were
3 literally crawling around and on her during her interview on
4 August 12th. Her two-year-old and one-year-old children.

5 Now, once she was allowed -- excuse me. Once she
6 was deprived of the ability to take care of her children,
7 only then did she agree, okay, I will now testify. I'm now,
8 you know, sufficiently incentivized to give the State the
9 testimony it needs, because the State, with Ms. Martin,
10 finally has a witness that can supposedly put Mr. Alexander
11 at several of these incidents, which where there are no
12 witnesses to that other than her.

13 However, at the conclusion of the evidence and once
14 argument begins, you will begin to see the inherent weakness
15 of the State's position, and it's complete reliance on Ms.
16 Martin to place Mr. Alexander at some of those locations.
17 So, until then, what I ask of you is just to uphold your oath
18 as jurors, to keep an open mind as the Judge has indicated to
19 you, listen to all the evidence, do your best to parse it
20 out, I think was the term Mr. Sanft used, or compartmentalize
21 it is the term that I usually use.

22 There will be a lot of witnesses, and there's going
23 to be -- they will not necessarily be grouped together by
24 incident, but please do take very careful notes as to what
25 witnesses do and do not say. And only once you are allowed

1 to begin your deliberations, then do right by both the State
2 of Nevada, and Mr. Parker, and Mr. Alexander in determining
3 whether the State has satisfied its burdens in this case.
4 Thank you.

5 THE COURT: Thank you very much, Mr. Parris. The
6 State of Nevada can call their first witness.

7 MR. PESCI: Your Honor, the State calls Anuttiya
8 Painschab.

9 THE MARSHAL: I'm sorry?

10 MR. PESCI: May I approach your clerk?

11 THE COURT: You may.

12 THE MARSHAL: Right this way, ma'am.

13 THE COURT: Right up there, ma'am.

14 THE MARSHAL: If you'd step up into the witness
15 stand, please. Remain standing, raise your right hand, and
16 face the clerk.

17 ANUTTIYA PAINSCHAB, STATE'S WITNESS, SWORN

18 THE CLERK: Thank you. Please be seated. Could
19 you please state your name and spell it for the record?

20 THE WITNESS: Anuttiya Painschab.

21 THE COURT: Could you spell it for us?

22 THE WITNESS: Oh. A-n-u-t-t-i-y-a,
23 P-a-i-n-s-c-h-a-b.

24 THE CLERK: Thank you.

25 THE COURT: You may proceed.

1 MR. PESCI: Thank you very much. Your Honor, I
2 believe we have a stipulation as far as State's Proposed
3 Exhibits 1 and 2, which are video surveillance from the
4 Boulder Station from June the 15th of 2015, and we're asking
5 to move -- to admit those.

6 THE COURT: Any objection?

7 MR. SANFT: That is correct, Your Honor.

8 MR. PARRIS: That's correct, Your Honor. We did so
9 stipulate.

10 THE COURT: They're admitted into evidence.

11 (State's Exhibits 1 and 2 are admitted)

12 MR. PESCI: Thank you, Judge. Also, I've spoken
13 with defense counsel. Instead of cuing these up, I've got
14 some already prepared --

15 THE COURT: Okay.

16 MR. PESCI: -- so we'll just play them on the
17 computer. They have seen those clips; they know which ones
18 those are.

19 THE COURT: Okay.

20 MR. SANFT: That is correct as well.

21 MR. PARRIS: Yes, Your Honor, we did discuss this.

22 THE CLERK: Thank you.

23 MR. PESCI: Thank you.

24 DIRECT EXAMINATION

25 BY MR. PESCI:

1 Q Now, I want to direct your attention to June the
2 15th of this year. Did you go to the Boulder Station Hotel
3 and Casino at 4111 on Boulder Highway here in Las Vegas?

4 A Yes, I do. Yes, I am, yeah.

5 Q Okay. Did you go in the early morning hours to
6 gamble there?

7 A I'd been there like almost all night long. I
8 forgot what time I get there, maybe 8:00 P.M. maybe.

9 Q So, maybe -- on June 14th is when you got there,
10 and you were still there on June 15th?

11 A Yeah, yeah, yeah.

12 Q Okay. Are you a regular customer there?

13 A Since the day they opened, yeah.

14 Q Since the day they opened?

15 A Uh-huh.

16 Q Okay. Were you playing any particular games that
17 night?

18 A Usually, I only play poker -- poker machine.

19 Q Is it video poker?

20 A Yeah, yeah.

21 Q Okay. And on that particular night, did you win
22 some money?

23 A I hit a jackpot for 2,000, yeah.

24 Q You hit a jackpot for 2,000?

25 A Uh-huh.

1 Q Okay.

2 A And I no go home.

3 Q You beat me to it. Did you stay after you won the
4 jackpot?

5 A Oh, yeah.

6 Q Did you keep playing?

7 A Yes, yes.

8 Q Okay.

9 MR. PESCI: Your Honor, if I could, if we could
10 switch over to the computer.

11 THE COURT: You may.

12 MR. PESCI: Thank you very much.

13 BY MR. PESCI:

14 Q Ma'am, prior to coming and testifying, did you meet
15 with us and review some video surveillance? Did you watch
16 some video?

17 A Yesterday, yeah.

18 Q Yes.

19 A First time.

20 Q All right. Did you recognize yourself in that
21 video?

22 A Yes.

23 Q Okay. I'm going to play one of those for you right
24 now, okay?

25 (Pause in the proceedings)

1 BY MR. PESCI:

2 Q Ma'am, is the screen on in front of you on the
3 right hand side?

4 A Oh.

5 Q Is that on?

6 A No. You want me to do something?

7 Q No.

8 A Oh, now on. Now -- on now.

9 Q Okay.

10 THE COURT: It's on.

11 MR. PESCI: Thank you, Judge.

12 BY MR. PESCI:

13 Q Ma'am, do you see yourself in this video?

14 A On that -- now?

15 Q Do you see the jackpot; the light going on?

16 A I don't see nothing yet.

17 Q Okay.

18 MR. PESCI: Can I approach the witness?

19 THE COURT: You may.

20 MR. PESCI: Thank you.

21 MS. KILLER: I'll re-cue it, yeah.

22 MR. PESCI: Mind if I come up here, Your Honor?

23 THE COURT: You may.

24 MR. PESCI: Thank you.

25 BY MR. PESCI:

1 Q Can you see the screen, ma'am?

2 A Yeah, I see it.

3 Q Okay. Do you see the video poker where you were

4 playing?

5 A I think that one. I think.

6 Q Okay.

7 A Right there.

8 Q Do you see some employees that are paying an

9 individual?

10 A What that mean?

11 Q Do you see some people that worked at Boulder

12 Station there next to one of the machines?

13 A No, I don't see it.

14 Q You don't see that? I'm going to play it one more

15 time. I'd ask you to look here.

16 A Oh, oh, I look at the wrong side.

17 Q Okay.

18 A Okay, that's me, yeah.

19 Q All right.

20 A Sorry, it's confusing.

21 Q It's okay.

22 A Yeah.

23 Q Do you see yourself?

24 A Yeah, yeah, yeah. That's me, yeah, right there.

25 Q Is that once you won the jackpot?

ROUGH DRAFT TRANSCRIPT

1 A Yeah, uh-huh.

2 Q Okay. And on the -- on State's Exhibit 1, that
3 same June 15th at about 1:00 o'clock in the morning; is that
4 right?

5 A Probably, yes.

6 Q Okay. So, is that when you were paid the \$2,000?

7 A Uh-huh.

8 Q Okay. And then, after you were paid the \$2,000, I
9 think you said earlier you kept playing?

10 A Yeah, I keep playing --

11 Q Okay.

12 A -- until I get robbed.

13 Q All right, well let's go to that part. Do you
14 remember something happening to you that brings you here to
15 court? Do you remember something happening to you after you
16 got paid?

17 A Not until like I believe about 3:00 in the morning.
18 I don't know, it's so early, you know? And a guy come over
19 me and take my little -- you know, I [inaudible].

20 Q Let me stop you there. Why don't you look at the
21 screen, and I'm going to ask you --

22 MR. PESCI: Can I approach again, Your Honor?

23 THE COURT: You may.

24 BY MR. PESCI:

25 Q Do you see the area where you were before?

1 A Yes, I see.

2 Q Okay.

3 A Exactly, that's what happened. Yes.

4 Q Is that you that just --

5 A Yeah.

6 Q -- fell to the ground?

7 A Yeah, I tried to get my money back.

8 Q You tried to hold onto your purse? This is a
9 different angle of the same incident. Is that you?

10 A Yeah.

11 Q What was taken from you?

12 A My little purse, because I [inaudible] carry a big
13 purse, but when I go inside casino, I have my little bitty
14 one inside, and I take my little bitty one that have my
15 military ID, my social, money, and my car key.

16 Q They were in that little --

17 A Yeah.

18 Q -- purse?

19 A Little one. It's kind of blue and have a little --
20 I think it's little dolly or something. A doll, you know?
21 It's kind of a cute little purse, you know?

22 Q It's a cute little purse?

23 A Yeah.

24 Q Okay. When the person took that from you, did that
25 person say anything to you?

ROUGH DRAFT TRANSCRIPT

1 A When he come over, he said something, but I cannot
2 get what he said.

3 Q Okay. Did you see anything that he had with him or
4 anything that he did?

5 A [Inaudible] I don't see it, you know, but I tried
6 to get my purse back.

7 Q Okay. You didn't say to him, here, you can have my
8 purse?

9 A Oh, no. Uh-uh.

10 Q And inside your purse is where the money was?

11 A Yes.

12 Q Okay. After the man ran off, did you speak to the
13 police?

14 A No, not [inaudible]. Really, I no want to
15 [inaudible], because I have to go to work. I know going to
16 take long time. I have to go back to work 7:00 in the
17 morning. And after that happens, the [inaudible] come, and
18 the guy pay I think two machine for me. He saw -- he said he
19 saw everything.

20 MR. PARRIS: Your Honor, I'm going to object as
21 to --

22 THE WITNESS: You know, we talking afterwards.

23 MR. PARRIS: I'm sorry, Your Honor --

24 THE COURT: Sustained.

25 MR. PARRIS: Thank you.

1 THE COURT: The objection's sustained.

2 MR. PESCI: So, ma'am --

3 THE COURT: Just wait and listen to the questions,
4 and answer the questions of the attorney. You're doing fine,
5 ma'am.

6 BY MR. PESCI:

7 Q You can't say what somebody else said.

8 A Oh.

9 Q Okay? Just what you saw or what you heard.

10 A Oh, okay, okay.

11 Q Okay? So, my question was, did you talk to the
12 police, and if I heard you correctly, you said not right
13 away --

14 A No.

15 Q -- because you were concerned about going to work?

16 A Yeah.

17 Q Okay. However, eventually, did you speak to the
18 police?

19 A Yeah, like maybe hour later maybe, I think.

20 Q Okay. Sometime after, you talked --

21 A Yeah.

22 Q -- to the police? And you told them what happened?

23 A Exactly what I tell you.

24 Q Same thing that you're telling us?

25 A Uh-huh.

1 Q Okay.

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

3 THE COURT: Mr. Sanft?

4 MR. SANFT: On behalf of Mr. Parker, no questions,
5 Your Honor.

6 THE COURT: Mr. Parris?

7 CROSS-EXAMINATION

8 BY MR. PARRIS:

9 Q Forgive me, I'm going to need you to ask -- I'm
10 going to need to ask you how to pronounce your last name,
11 ma'am.

12 A Uh-huh, Painschab.

13 Q Painschab? Ms. Painschab, you had indicated that
14 on the night in question, your cute little purse was taken,
15 correct?

16 A Yeah.

17 Q Now, you had said that -- words to the effect of
18 you didn't see -- you didn't see anything immediately before
19 your purse was taken, correct?

20 A No, I pay attention with the machine.

21 Q Okay. You were focused straight ahead, not what
22 may have been behind you, correct?

23 A No, no.

24 Q And you didn't see the person who took your purse,
25 correct?

1 A No, but I know some man come over me --

2 Q Okay.

3 A -- and take the purse.

4 Q You know it was a man, but you didn't get a good
5 look at his face, correct?

6 A Oh, no. I know he's black.

7 Q Okay.

8 A You know? And he's taller than me.

9 Q And how tall are you?

10 A 5'4, I think.

11 Q But other than that, no firm description; is that
12 fair to say?

13 A No, you know, uh-huh.

14 Q Okay.

15 A You know, I just tried to take my purse back.

16 Q Okay. Now, you had mentioned that one of the
17 things in your purse or wallet was your car keys, correct?

18 A Yeah.

19 Q Were those car keys ever returned to you?

20 A Nothing come back to me.

21 Q Okay. And regarding your car, I'm assuming you had
22 a second set at home?

23 A Right now, yeah.

24 Q Okay. So, you were able to retrieve your --

25 retrieve that set from home, and drive your car from the

ROUGH DRAFT TRANSCRIPT

1 parking lot either to go home or go to work, correct?

2 A The guy -- the guy sitting next to me, the boy --
3 young man --

4 Q Okay.

5 A -- he take me home.

6 Q Okay, so you got a ride home to get your keys --

7 A And --

8 Q -- so you can come back?

9 A And he bring me back, too.

10 Q Okay.

11 A He really nice man.

12 MR. PARRIS: Okay, perfect. I have no further
13 questions. Thank you.

14 THE COURT: Any redirect?

15 MR. PESCI: No, thank you, Your Honor.

16 THE COURT: Okay. Thank you very much for being
17 here today. Thank you for your testimony. You may step down
18 and you can leave the courthouse.

19 THE WITNESS: Okay.

20 THE COURT: Thank you for being here. You may call
21 your next witness.

22 MR. PESCI: State calls Detective Lorson.

23 THE MARSHAL: And Detective, if you'll stand up in
24 the witness stand please, raise your right hand, and face the
25 clerk.

1 KARL LORSON, STATE'S WITNESS, SWORN

2 THE CLERK: Thank you. Please be seated. Could
3 you please state your name and spell it for the record?

4 THE WITNESS: Yes, it's Karl with a K. Last name
5 is Lorson, that's L-o-r-s-o-n.

6 THE CLERK: Thank you.

7 THE COURT: You may proceed.

8 MR. PESCI: Thank you. May I approach the witness,
9 Your Honor?

10 THE COURT: You may.

11 DIRECT EXAMINATION

12 BY MR. PESCI:

13 Q Showing you what's been marked as State's Proposed
14 Exhibit 3, Detective, do you recognize what that is?

15 A Yes, it's an aerial view of the Boulder Station
16 Casino.

17 Q Is that a fair and accurate depiction of an aerial
18 of that area here in Las Vegas, Clark County, Nevada?

19 A Yes, it is.

20 MR. PESCI: Move for the admission of State's 3,
21 Your Honor.

22 MR. SANFT: No objection, Your Honor.

23 MR. PARRIS: No objection.

24 THE COURT: It's admitted.

25 (State's Exhibit 3 is admitted)

1 BY MR. PESCI:

2 Q Sir, you're a detective with the Metropolitan
3 Police Department; is that correct?

4 A Yes, sir, it is.

5 Q And how long have you been with Metro?

6 A Almost 18 years.

7 Q And back in June, specifically -- well, June and
8 July of 2015, did the Metropolitan Police Department change
9 some of its current makeup as far as how its detective
10 bureaus are divided?

11 A Yes, sir, they did.

12 Q Is decentralization a term that's been used?

13 A Yes, sir, it is.

14 Q All right. Were you in the robbery section in
15 early 2015, and then, as a part of decentralization, you were
16 assigned as a detective to a particular area command?

17 A Yes, sir, that's correct.

18 Q An area command is how the Valley's divided up
19 geographically by Metro?

20 A That's correct.

21 Q Does the Boulder Station fall into your area
22 command?

23 A Yes, it does.

24 Q And were you assigned to investigate a robbery that
25 had occurred at Boulder Station on June the 15th of this

1 year, 2015?

2 A Yes, sir, I was.

3 Q Was it actually the night of the incident, or was
4 it later?

5 A No, it was quite a bit later.

6 Q Was the fact that it was quite a bit later
7 associated with the decentralization?

8 A It was.

9 Q When you got the information or you got the
10 assignment, how does that work out? I've often heard
11 detectives talk about if they get something in their Q
12 (phonetic)?

13 A That's correct.

14 Q What does that mean?

15 A We have a central system called Motorola P1. It's
16 just a database where we get cases assigned to us. Officer
17 goes out, takes a report. Once the report's approved by
18 supervisors, it's then put into, for like of a better term,
19 Q, and that's basically assigned to you as a detective.

20 Q When you got that assignment, what did you do to
21 investigate it?

22 A When I -- obviously, just opening up the case,
23 reviewing it, seeing what information was -- that the case
24 had, saw that there was possibly -- or there was video that
25 was at the Boulder Station. So, at that time, I contacted

1 Boulder Station to get the video -- or get the video
2 surveillance of the incident.

3 Q In the course of your job as a detective, do you
4 often deal with individuals at casinos that handle the
5 surveillance?

6 A Yes, sir.

7 Q Is it common for you to interact with them and
8 obtain surveillance from them?

9 A Yes, sir, it is.

10 Q In this particular case, did you have even a
11 contact that you spoke with to try to get that surveillance?

12 A There was.

13 Q And did you ask that you were looking for a certain
14 time and a certain type of an event?

15 A Yes, sir.

16 Q And were you able to obtain that surveillance?

17 A Yes, sir, I did.

18 Q In fact, that's the surveillance that we've
19 admitted here in court today?

20 A That's correct.

21 Q Okay. Have you reviewed some of that prior to your
22 testimony?

23 A Yes, sir, I have.

24 Q In viewing that video, what did you do from the
25 information you got from the video?

1 A The video had enough quality to it that I was able
2 to obtain still shots from it, and then, in turn, put out
3 what's called a media release of those still shots. So, on
4 that one, I believe there might have been two pictures of the
5 suspect, and then also of a vehicle.

6 Q I'm going to show you a surveillance -- or some
7 video really fast, and Detective, I'm going to ask you if you
8 recognize what's depicted, which is from State's Exhibit 1
9 and 2, but this is particularly from State's 1. Do you
10 recognize these events?

11 A Yes.

12 Q Is this part of the surveillance that you actually
13 obtained in this case?

14 A Yes, sir, it is.

15 Q As it's still playing and you're watching, I'm
16 going to keep bothering you by asking questions. Were there
17 many hours of surveillance that was obtained?

18 A I wouldn't say many hours. There was just -- I
19 couldn't tell you the exact time frame, but it had certain
20 clips in it.

21 Q More than one disc worth of video?

22 A Yes.

23 Q Okay. And we're looking at just the specific clips
24 that you had focused in on; is that correct?

25 A That is correct.

1 Q You talked about the quality and how you were able
2 to do a media release?

3 A That's correct.

4 Q What was the media release, or if you remember,
5 that you put out?

6 A There was -- there was actually more before that.
7 There was where you could see the subject come in, and he was
8 with a heavysset white female, and they were going through the
9 casino. They were very apparent they were together, and then
10 they would split up, and it looked like maybe appearing to
11 gamble at a couple different spots and what not.

12 And then, later on, you could actually see the --
13 where they -- I should say the suspect actually exits the --
14 or, I'm sorry, the property, and then goes to a vehicle,
15 changes up his clothes, and then that's the clip you just saw
16 when he was actually changing his clothes.

17 The -- I want to say on the media release that I
18 did, the very first -- it's very apparent it was the same
19 person that, you know, was there prior and had changed his
20 clothes, so there was a real good still shot that I was able
21 to obtain of that first -- the first clippings.

22 Q And we're looking at a second clip. You talked
23 about entrance into the casino. Is that what we're looking
24 at now?

25 A That's one of the entrances, yes.

1 Q And then so I understand, the release that you
2 gave, was it a still frame?

3 A It was a still -- yeah, it was basically a still
4 shot of one of the video clips.

5 Q So, it wasn't video that you provided to the media;
6 it was a still frame of the video?

7 A That's correct.

8 Q Okay. And was it just of a male, or was it a male
9 and a female?

10 A It was just of a male.

11 Q Okay. And at that point, did you give that to the
12 media to try to get some tips or to try to figure out who the
13 suspect was?

14 A That is correct.

15 Q Okay. When you put out the media release, did you
16 get some tips?

17 A Yes, I had numerous tips.

18 Q Without saying specifically that -- with the
19 information that you got from those tips, did you continue
20 with your investigation?

21 A Yes, I did.

22 Q And did your investigation focus on a particular
23 individual or individuals?

24 A Yes, sir, it did.

25 Q And who were those?

1 A That was Ralph Alexander and a Tonya Martin.

2 MR. PESCI: May I approach your clerk?

3 BY MR. PESCI:

4 Q The information that you got from those tips, is
5 that what led you to those individuals?

6 A That's correct.

7 Q And did you obtain or try to obtain pictures of
8 those individuals?

9 A Yes, sir, I did.

10 MR. PESCI: May I approach?

11 THE COURT: You may.

12 BY MR. PESCI:

13 Q Showing you State's Proposed Exhibits 87 and 86, do
14 you recognize the individuals depicted in those photographs?

15 A Yes, sir. That's Tonya Martin and Ralph Alexander.

16 Q Are those fair and accurate depictions, not the
17 exact photos maybe that you saw, but of the individuals that
18 you researched when you looked for photos?

19 A That is correct.

20 MR. PESCI: Move for the admission of 86 and 87.

21 MR. PARRIS: No objection, Your Honor.

22 MR. SANFT: No objection, Your Honor.

23 THE COURT: They're admitted.

24 (State's Exhibits 86 and 87 are admitted)

25 BY MR. PESCI:

1 Q Now, with those photographs and those names, did
2 you continue with your investigation?

3 A Yes, sir, I did.

4 Q And where did your investigation go to at that
5 point?

6 A It went to -- I'm not sure of the exact location,
7 but I located a possible address for Ms. Martin, which was --
8 I think it was 1213 Palm Terr, or somewhere on Palm Terr.
9 Went there. That ended up being her parents' residence;
10 spoke briefly with her mother and father, or who was
11 identified as her mother and father.

12 Q Did you ask them about where Tonya was?

13 A I did.

14 Q Was she home when you went to the house?

15 A She was not.

16 Q Did you ask them if they had seen anything on TV?

17 A Yes, sir, I did.

18 Q Without saying specifically what they said, did
19 they respond that they had seen something on TV?

20 A Yes, they did.

21 MR. SANFT: Objection, Your Honor, hearsay.

22 THE COURT: Overruled. He's just saying they saw
23 something on TV. You may proceed.

24 MR. PESCI: Thank you.

25 BY MR. PESCI:

1 Q And then, with that information, did you try to get
2 an appointment or an opportunity to speak with Ms. Martin?

3 A Yes, sir, I did.

4 Q And eventually, were you able to meet with her?

5 A Yes, sir, I did.

6 Q How did that happen? Do you go and get her, or
7 does she come to you?

8 A No, I actually left my card with my phone number
9 with the mother, and then she had contacted me by a phone,
10 and then we set up a meeting. I don't have the exact date
11 that I recall, but it was -- I want to say the very next day
12 or day after.

13 Q And when you say "she," are you referring to Ms.
14 Martin?

15 A Yes, sorry about that. Yeah, Ms. Martin. When we
16 talked on the phone, I set up an appointment with her. She
17 came down to the Southeast Area Command station and we spoke
18 about the incident.

19 Q Did you take a statement from her?

20 A Yes, sir, I did.

21 Q Did you ask her about the events that we saw on the
22 video?

23 A Yes, I did.

24 Q And surrounding that event, I should say? Was --
25 was she under arrest?

1 A No, she was not.

2 Q Was she placed in handcuffs?

3 A No, she was not.

4 Q Was she allowed to leave?

5 A Yes, she was.

6 Q Did she give you information about the events of
7 that evening?

8 A Yes, she did.

9 Q Okay. At the end of that interview, did you arrest
10 her?

11 A No, I did not.

12 Q Later on, did another detective get in touch with
13 you, asking you about your particular incident that you had
14 investigated?

15 A Yes.

16 Q Was that a Detective David Miller?

17 A Yes, it was.

18 Q Was he investigating another incident, and the
19 information that he had gathered turned in to you?

20 A Yes, that's correct.

21 MR. PESCI: Court's indulgence. Pass the witness.

22 THE COURT: Mr. Sanft?

23 MR. SANFT: No cross-examination, Your Honor.

24 THE COURT: Mr. Parris?

25 MR. PARRIS: Thank you, Your Honor.

1 CROSS-EXAMINATION

2 BY MR. PARRIS:

3 Q Detective Lorson, you were effectively assigned --
4 you had referenced the Q. You were assigned this Boulder
5 Station incident, correct?

6 A That's correct.

7 Q And in your investigation -- well, let me back up.
8 You indicated you've been on the police force for 18 years?

9 A That's correct.

10 Q How long have you been a detective?

11 A I want to say a little over nine years.

12 Q So, half that time, effectively?

13 A Correct.

14 Q And when you are in training to become a detective,
15 you're given certain techniques that are -- that one should
16 employ in order to do your job more effectively; is that fair
17 to say?

18 A That's fair.

19 Q Okay. And you have many, many different techniques
20 at your disposal, correct?

21 A That's correct.

22 Q Okay. We had indicated earlier that other
23 detectives had contacted you. It sounds like there's some
24 sort of an -- you had referenced a database regarding the
25 various robberies throughout the Valley, correct?

1 A Not -- not necessarily a database.

2 Q Okay.

3 A When I was in the robbery unit, obviously we would
4 be able to converse with each other or know exactly what's
5 going on within that unit, but with the decentralization, not
6 so much.

7 Q Okay, but it sounds like there obviously are ways
8 that other -- that detectives can get in touch with one
9 another if they think their investigations are crossing over,
10 correct?

11 A That is correct.

12 Q Okay. Now, with respect to this Boulder Station
13 incident, when you had received the file, it sounds like
14 there were no suspects developed at that juncture, correct?

15 A Not at that juncture, no.

16 Q Now, you had an opportunity to review the reports
17 that were generated by the officers that actually physically
18 investigated it on June 15th, correct?

19 A That's correct.

20 Q Did you have a chance to speak with them directly,
21 or just review their reports?

22 A Just review their reports.

23 Q Okay. And based upon those reports, you were aware
24 that certain property was taken from Ms. Painschab, correct?

25 A That's correct.

1 Q Okay. And amongst the items that were taken from
2 her was a set of -- for example, a set of car keys, correct?
3 Do you recall that?

4 A I don't recall.

5 Q Would -- now, you did do your own report. In
6 addition to the report generated by the officer who was on
7 site and did the investigation initially, you generated
8 another report on your own, correct?

9 A That's correct.

10 Q And in that report, do you recall listing out
11 things that were taken from that particular individual?

12 A I would have to see the report to --

13 Q Okay.

14 A -- to cite the exacts.

15 MR. PARRIS: Your Honor, may I approach?

16 THE COURT: You may.

17 MR. PARRIS: Okay.

18 BY MR. PARRIS:

19 Q Detective, do you recognize this document?

20 A Yes, that's my arrest report.

21 Q Okay. And when you say that it's your arrest
22 report, what do you mean by that?

23 A It's the arrest report that I generated for the
24 incident.

25 Q Okay. And based -- by looking at this report, can

1 you tell when you actually generated this particular report?

2 A Would have been on the -- July 28th.

3 Q Okay. And after reviewing the report, do you
4 believe that that was -- that -- you generated this report
5 after you had an opportunity to meet with Ms. Martin; is that
6 correct?

7 A That's correct.

8 Q Okay. Now, in this report, you had used
9 information gleaned from the original investigating officer's
10 report in order to -- in order to establish the foundation of
11 the facts, correct?

12 A Some of which, yes.

13 Q Okay, and then you yourself did follow up
14 investigation as well, correct?

15 A That's correct.

16 Q And you outlined essentially in a summary form what
17 you did or didn't do, correct?

18 A Correct.

19 Q Now, in your investigation, certain property was
20 taken from Ms. Painschab, correct?

21 A Correct.

22 Q And I'm drawing your attention to the top paragraph
23 on the second page. Do you recall the fact that her purse
24 was taken from her?

25 A Yes, I do recall that.

1 Q Okay. Now, in your investigation of this
2 particular incident, did you ever --

3 A Oh, I got it.

4 Q I can't let you read from it, but --

5 A Sorry.

6 Q -- if you want to refresh your recollection, you
7 certainly can.

8 A Okay.

9 Q Just ask and I will certainly show it to you again.
10 Now, in your investigation, did you have an opportunity to
11 follow up to see if any of the personal items in that purse;
12 identification, car keys, Visa, or ATM cards, if any -- do
13 you have any indication that any of those items were used
14 fraudulently, meaning not by the victim of this particular
15 crime?

16 A No. According to the victim, nothing was used.

17 Q Okay. And that was based upon your interaction
18 with the victim? You followed up with her, correct?

19 A That's correct.

20 Q And based upon your investigation, it does not
21 appear that her car was ever -- despite the fact that her car
22 keys were in her purse, her car was never stolen or taken
23 from her; is that correct?

24 A No, not that I was aware of.

25 Q Thank you. Now, you had also indicated that at

1 some point in time, you met with Ms. Martin, and that would
2 have been a day or so prior to writing this report, correct?

3 A Give or take.

4 Q Okay. Sometime towards the end of July --

5 A Correct.

6 Q -- for argument's sake? Now, in -- at the time
7 that you interviewed Ms. Martin, based upon your
8 investigation, you had reason to believe she very well may be
9 involved in this particular incident, correct?

10 A Possibly.

11 Q Okay. And after you discussed -- while I do not
12 want to know what she had told you, obviously, during your
13 discussions with Ms. Martin at Southeast Area Command, there
14 was certain information you were provided with that, based
15 upon your investigation, you felt was true, correct?

16 A That's correct.

17 Q Okay. And there was certain information that you
18 were provided with that you felt was false; is that correct?

19 A I don't recall.

20 Q Did you have an -- well, that particular meeting at
21 Southeast Area Command with Ms. Martin, you recorded it,
22 correct?

23 A I did.

24 Q Did you have an opportunity -- excuse me. And
25 after it was recorded, later on, it was transcribed, meaning

1 typed out word for word what was said, correct?

2 A That's correct.

3 Q Did you have an opportunity to review that
4 interview with Ms. Martin prior to testifying today?

5 A I have not.

6 Q Okay. Would seeing that particular statement or
7 that particular transcript perhaps refresh your recollection
8 as to whether or not incorrect -- or, well, false information
9 was given to you?

10 A Yes.

11 Q Okay.

12 MR. PARRIS: Your Honor, may I --

13 THE COURT: You may.

14 MR. PARRIS: -- approach again?

15 BY MR. PARRIS:

16 Q Detective, I'm showing you a 21-page document. Do
17 you recognize this document?

18 A Yes, that is the transcribed statement of -- or the
19 transcribed voluntary statement from Ms. Martin.

20 Q Okay. And how do you know that is the
21 transcription of that particular statement you had with Ms.
22 Martin?

23 A It -- when we record, we obviously give our name,
24 the event number, so on and so forth, and that's what's up
25 top.

1 Q Okay. You used the term "event number." What's an
2 event number for the jury?

3 A Any -- any type of -- if you call into 911, or even
4 311, there -- and there's any type of police response, they
5 will generate what's called an event number. It's a number
6 that's specific to that call for the whole year -- actually,
7 forever. It's -- it's kept in the database as that.

8 Q Okay. And the numbers are given out sequentially,
9 so the first call of the day will be number 1 --

10 A Yes.

11 Q -- and 2, then 3, then 4, and so on, correct?

12 A That's correct.

13 Q And in the event number itself, is it true that the
14 first six digits are actually the date -- or the month, date,
15 and year of that particular -- designating the day when this
16 incident occurred, correct?

17 A Close. It actually goes the year, then the month,
18 and then the day.

19 Q Okay. So, you can -- a person can tell by looking
20 at an event number what exact day that this incident had
21 occurred, correct?

22 A Yes, if it was -- if you knew what you were looking
23 at.

24 Q Okay.

25 A If somebody just looked at those numbers, to them,

1 it would probably just be numbers.

2 Q Okay. So, based upon the event number and glancing
3 at the first page or so, that's a transcript of your
4 interaction with Ms. Martin, correct?

5 A That's correct.

6 Q Now, I had asked you a question, if you felt that
7 in addition to telling truthful statements, Ms. Martin, that
8 you felt based upon your investigation that Ms. Martin was
9 being less than truthful. And I'm going to draw your
10 attention, for example, to the bottom of page 4. Let me back
11 up. There are certain areas of -- on this particular page
12 that are highlighted. Those highlights were not in the
13 original; is that correct?

14 A No.

15 Q Okay. Let's assume for argument's sake I
16 highlighted those, but I'm drawing your attention to the
17 bottom third of the page. After having an opportunity to
18 review that, was that an instance in this discussion where
19 you had challenged Ms. Martin regarding her truthfulness or
20 perhaps lack thereof?

21 A Under a generalization, I couldn't say for sure
22 without talking about the statement. There are certain
23 reasons.

24 Q Okay. And obviously, we cannot get into the
25 statement, but you would agree that at this point in time, in

1 response to a question that you were giving, you personally
2 stated, you know, "But remember what I told you about lying,"
3 right? Those were your words, correct?

4 A Yes, but without -- without going into another part
5 -- can I flip the page?

6 Q Please.

7 A Okay. Without going back into another part,
8 because right here, under this, the way she was speaking may
9 not have been an actual lie.

10 Q Okay, okay. So, you weren't sure if she was
11 necessarily being truthful at that point in time. You were
12 simply giving an admonishment to be truthful in general --

13 A Correct.

14 Q -- is that fair to say?

15 A That is fair.

16 Q Okay. Now, pardon me as I flip through. There
17 were some times, however -- well, you would agree that as her
18 statement went on, her version of events somewhat changed
19 regarding what her responses were to your questions regarding
20 what she did or what others may have done; is that correct?
21 More details --

22 A I couldn't --

23 Q -- came into play?

24 A I couldn't say they exactly changed.

25 Q Okay.

1 A She may have generalized some, but I couldn't say
2 an actual changing.

3 Q Okay. I'm sorry to go through this page by page.

4 A It's all right.

5 Q You do recall confronting her about other
6 incidents, correct? And I'm drawing your attention to page
7 11.

8 A I do. I recall challenging her on it, I guess you
9 could say.

10 Q Okay.

11 A Or asking her, I should say.

12 Q And obviously, we cannot get into what --

13 A Correct.

14 Q -- her responses were. So, at the time that you
15 did this interview, you are aware that there might be
16 something else involving Ms. Martin somewhere out there; is
17 that fair to say?

18 A That's correct.

19 Q Based upon your investigation and your coordination
20 with other law enforcement individuals?

21 A Correct.

22 Q Now, at the time that you released her -- well, I
23 shouldn't say released. At the time that she walked out of
24 the interview after having spoken with you, you yourself
25 prepared a secondary report, and that's the report that I had

1 shown you regarding what she had told you, correct?

2 A That's correct.

3 Q Okay. And maybe secondary report's the wrong term,
4 but a supplemental report regarding the Boulder City
5 incident, correct?

6 A Correct.

7 Q And based upon that supplemental report, you had
8 provided that to -- not only uploaded that in your database,
9 but also given that -- submitted that to the district
10 attorney's office ultimately, correct?

11 A Ultimately, yes.

12 Q Okay. And based upon that report, to the best of
13 your knowledge -- let's back up. You would agree that you
14 don't have the power to charge a person with crimes X, Y, or
15 Z, correct? You personally could not -- maybe that's a bad
16 way to put it. You could arrest somebody if you thought they
17 committed a crime?

18 A Correct.

19 Q And you could choose not to arrest them, even
20 though you thought they may have committed a crime, correct?

21 A That's correct.

22 Q You have that discretion as a detective, correct?

23 A That's correct.

24 Q Now, many times, before formal charges are brought,
25 a packet is put together by the investigating detective and

1 submitted to the district attorney's office; is that one way
2 that that is handled?

3 A That is correct.

4 Q Okay. And ultimately, once that happens, they
5 decide -- the district attorneys decide what, if anything, to
6 charge somebody with, correct?

7 A That's correct.

8 Q And you did submit a packet along those lines in
9 this particular investigation regarding the Boulder City
10 incident, correct?

11 A Boulder Station.

12 Q Boulder -- excuse me, Boulder Station incident.

13 A Yes, I did.

14 Q Okay. And ultimately, you were aware -- or you are
15 aware that Ms. Martin was ultimately charged for some crimes
16 associated with the Boulder Station incident on June 15th,
17 correct?

18 A I actually just found that out Monday.

19 Q Okay, when you were subpoenaed --

20 A That was the first -- yeah, I just found out --

21 Q -- to testify?

22 A -- on Monday. Yes.

23 MR. PARRIS: Okay, thank you. I have nothing
24 further.

25 THE COURT: Any redirect?

1 MR. PESCI: Yes.

2 REDIRECT EXAMINATION

3 BY MR. PESCI:

4 Q You were asked questions about particular items
5 from the victim, whether or not she recovered those or if she
6 got those back. Do you remember those questions?

7 A Yes, sir, I do.

8 Q You were asked specifically if her car was taken
9 because the keys were in the purse. Your information was
10 that the car was not taken?

11 A To my knowledge, no.

12 Q You were asked if there was any fraudulent activity
13 on the credit cards, and your information was that there had
14 not been?

15 A Again, to my knowledge, no.

16 Q And definitively, you do know that she never got
17 the \$2,000 back either?

18 A That I do know she did not get back.

19 MR. PESCI: Thanks.

20 THE COURT: Okay, any recross?

21 MR. PARRIS: No, Your Honor.

22 THE COURT: And Mr. Sanft didn't cross, so --

23 MR. PESCI: No follow up.

24 THE COURT: -- I assume you wouldn't have any re.

25 MR. PARRIS: No follow up, Your Honor.

1 THE COURT: Okay. Thank you very much for your
2 testimony here today. You may step down. You're excused
3 from your subpoena. Thank you for being here.

4 THE WITNESS: Yes, ma'am. Thank you.

5 THE COURT: You may call your next witness.

6 MS. KILLER: The State calls Craig Tunnell.

7 THE MARSHAL: Please step up into the witness
8 stand. Please remain standing and raise your right hand.
9 Face the clerk, please.

10 CRAIG TUNNELL, STATE'S WITNESS, SWORN

11 THE CLERK: Thank you. Please be seated. Could
12 you please state your name and spell it for the record?

13 THE WITNESS: Craig Charles Tunnell.

14 THE COURT: Can you spell it for the record,
15 please?

16 THE WITNESS: T-u-n-n-e-l-l.

17 THE CLERK: Thank you.

18 THE COURT: You may proceed.

19 DIRECT EXAMINATION

20 BY MS. KILLER:

21 Q Good afternoon, Mr. Tunnell.

22 A Good afternoon.

23 Q Do you work at a store called Kwik-E Market at 6055
24 East Lake Mead?

25 A Yes.

1 Q And is that here in Las Vegas, Clark County,
2 Nevada?

3 A Yes.

4 Q Were you working there on the, I guess, early
5 morning hours of June 19th of 2015?

6 A Yes.

7 Q Around 2:45 -- or let me ask you this first.
8 What's your position or title there?

9 A I am a clerk.

10 Q And is that like a cashier?

11 A Exactly. A more politically correct term.

12 Q So, you help customers check out, pay for their
13 items?

14 A Yes.

15 Q I assume you restock the store, that sort of thing?

16 A Um-hum.

17 THE COURT: Is that a yes?

18 THE WITNESS: Yes.

19 THE COURT: Thank you.

20 THE WITNESS: Sorry.

21 BY MS. KILLER:

22 Q Sorry, because she's recording and typing, we have
23 to say yes or no --

24 A Okay.

25 Q -- instead of "um-hum's" and "uh-uh's." What shift

1 do you typically work at Kwik-E Market?

2 A My shift is graveyard, from 11:00 P.M. until 7:00
3 A.M.

4 Q And were you working that shift on the evening of
5 June 18th into the morning of June 19th?

6 A 19th, yes.

7 Q Around 2:45 in the morning, did something occur
8 that causes you to be here in court today?

9 A Yes.

10 MS. KILLER: Court's indulgence. Your Honor, may I
11 approach?

12 THE COURT: You may.

13 MS. KILLER: Oh, no, just to get a video. Sorry,
14 guys.

15 THE COURT: Yeah, I thought she just --

16 MS. KILLER: I phrased that badly.

17 THE COURT: -- wanted to approach the clerk. But
18 thanks for being -- paying attention.

19 MR. PARRIS: I'm sure Mr. Pesci was about to get up
20 also.

21 BY MS. KILLER:

22 Q Mr. Tunnell, does your store have video
23 surveillance?

24 A Yes, it does.

25 Q And are you aware that a copy of that surveillance

1 from that evening or morning was provided to the police after
2 this incident?

3 A Yes.

4 MS. KILLER: And Your Honor, pursuant to
5 stipulation, similar to the last video, the State moves to
6 admit State's Proposed Exhibit 4.

7 MR. SANFT: That is correct, Your Honor, on behalf
8 of Mr. Parker.

9 MR. PARRIS: We do so stipulate, Your Honor, yes.

10 THE COURT: Exhibit 4 is admitted, and you may
11 publish.

12 (State's Exhibit 4 is admitted)

13 MS. KILLER: Thank you. I'll return this to your
14 clerk, and we're going to publish as discussed previously.

15 THE COURT: Okay.

16 MS. KILLER: Thank you.

17 BY MS. KILLER:

18 Q Mr. Tunnell, is there video surveillance on the
19 outside and the inside of your store?

20 A Yes.

21 Q Okay. And in the bottom left corner there, do we
22 see a timestamp indicating June 19th at approximately 2:43
23 A.M.?

24 A Yes.

25 Q Do you recognize what's depicted in the

1 surveillance as the outside of the Kwik-E-Mart where you
2 work?

3 A Yes.

4 MS. KILLER: Give us just a minute on the
5 technology here. Okay. We're going to keep going, and he's
6 going to track down the video for us.

7 BY MS. KILLER:

8 Q On the evening of -- or the morning of June 19th
9 around 2:45 A.M., what were you -- what were you doing when
10 the incident occurred that causes you to be here today?

11 A I was mopping the floor and I heard the door buzzer
12 go off, so I put my mop down and I looked over towards the
13 door like I always do, and I seen two people dressed in black
14 duck under my counter. So, naturally, I'm going to go and
15 confront, you know, what are you doing. And I got probably a
16 good 10 to 12 feet from the counter, and the shorter one of
17 the two jumped up and had a 9 millimeter pointed at me. And
18 he had a bandana from his nose down, and the first thing I
19 did was look towards the ground.

20 Q Before he pointed the gun at you and you looked
21 down, did you have an opportunity to see what the other
22 individual, if anything, had on his face?

23 A He had on a white mask, like a hockey mask type
24 thing. It's a full -- I couldn't see his face. That's all I
25 seen was the white mask.

1 Q And you said the individual with the bandana and
2 the gun was the shorter of the two?

3 A Yes, the gentleman with the gun was the shorter of
4 the two. He was probably about my size, about 5'9, give or
5 take an inch or two.

6 Q I think we have the video cued up now. If you
7 could take a look at that and let us -- and we'll have you
8 watch it, and then I'll ask you another question about it.

9 A Sure.

10 Q So, while it's getting to the right spot in the
11 video, is that your front counter?

12 A Yes, yes.

13 Q Is that the area you saw them duck behind?

14 A Yes.

15 Q Those individuals we're seeing now, are those the
16 people you described for us a moment ago?

17 A I didn't get a real good look, like I said.

18 Q Oh, I'm sorry. Let me rephrase that.

19 A Sure.

20 Q Is the video showing -- is the video fairly and
21 accurately depicting what occurred that evening?

22 A Yes.

23 MS. KILLER: Go ahead and play.

24 BY MS. KILLER:

25 Q And is that you in the green shirt there?

1 A Yes, it is.

2 Q And the individual that came out at you, is that
3 the individual you just described for us as pointing the gun
4 at you?

5 A Yes.

6 Q When he pointed the gun at you and came towards
7 you, we saw you go off screen. Where in the store did he
8 take you?

9 A He took me -- that isle right there is the candy
10 isle. He had me face-down on the floor, and he started
11 searching my pockets. He got to my left front pocket where
12 my wallet was, and he stole that.

13 Q Did you have anything in that wallet?

14 A Yes, I had about 100 and -- I'd say about 140 to
15 160 dollars in it. I had my health card, my ATM card, my ID,
16 and my social security card.

17 Q Any photographs?

18 A And a photograph of my grandson.

19 Q This is going to sound like a silly legal question,
20 but that \$140, I assume it was U.S. currency or cash?

21 A Yes, cash.

22 Q Did you get any of that back?

23 A No. Well, my owner reimbursed me, so I guess, yes,
24 I did get it back.

25 Q But the police never said, we found your wallet --

1 A No, no. The police never said, no, we found your
2 wallet. No, that never happened.

3 Q Hopefully, you were able to get another photo
4 though?

5 A Yeah, an updated one.

6 Q While you were in the candy isle with the defendant
7 with the bandana, could you tell in some way where the other
8 defendant was going in your store?

9 A When I was going to the isle, he was going towards
10 the office right -- you can't see it on this picture, but
11 probably another -- where this other ice cream machine is,
12 probably another five to eight feet is our office.

13 Q And I believe if you touch on the screen there, you
14 can actually draw kind of a line. If you could show us the
15 direction where the office is.

16 A Okay. The office is going that way.

17 Q Okay, so off to the left of where [inaudible] --

18 A Off to the left, yes.

19 Q -- from this view? Could you hear if the second --
20 the person with, as you described it, the hockey -- the white
21 mask --

22 A Yeah.

23 Q -- was able to get in your office?

24 A Yes, because our door at that time did not lock.

25 Q The door to the office?

1 A The door to the office, correct.

2 Q Do you personally know whether they successfully
3 took anything from the office?

4 A No. No, they did not.

5 Q We're going to change over to photos, but before I
6 do, once you were in that isle, we have seen in the video
7 that the suspect with the bandana went back up to the front?

8 A Yeah.

9 Q And then let me just play the very end of the video
10 for you here. Is he going back to where you were on the
11 ground there?

12 A Yes.

13 Q Okay. And then, at some point, are you able to
14 tell if they leave the store?

15 A Yes. Right after he got done frisking me, I heard
16 the other one say, come on, let's go. And he had the last
17 pocket to search; that's when he grabbed my wallet. And I
18 heard the door buzzer go off once -- or the motion sensor go
19 off once, and so I knew to stay where I was at because it's
20 got to go off one more time because there's two people going
21 out. That's when I got up --

22 Q Did you hear it a second time?

23 A Yes, I did.

24 Q And then you got up?

25 A That's when I got up, and the first thing I did was

1 grab the store phone to call 911. And they had already set
2 off the silent alarm, so within I'd say 15 to 20 seconds, if
3 that, the first cop was there, and I was still on the phone
4 to 911. And that's when everything -- you know, he had the
5 gun on me, naturally, and I told him I was on the phone to
6 911, and another cop came up behind me with a shotgun and
7 told the other guy it was okay because --

8 MR. PARRIS: I'm going to object --

9 THE WITNESS: -- he knew me.

10 MR. PARRIS: I'm going to object as to what other
11 officers were saying.

12 THE COURT: Sustained.

13 MR. PARRIS: Thank you.

14 BY MS. KILLER:

15 Q We just can't have you testify about what they said
16 to you.

17 A Oh, okay, okay.

18 Q But --

19 A Anyways --

20 Q But they responded --

21 A Anyways, they knew I was the good guy. Let's put
22 it that way.

23 Q And then did you speak to them about what had
24 occurred?

25 A Yeah.

1 Q Okay. And were you able to determine how much
2 money, if any, was taken from your store after the suspects
3 left?

4 A From the store, I was estimating, because I keep my
5 drawer kind of low, just for such purposes. I'm thinking
6 they took about -- anywhere from 130 to 140 dollars from the
7 store.

8 Q Did they also take some change?

9 A Yes, they did. That's total. About 30, 40 dollars
10 in change, I think, something like that.

11 Q And just for the ladies and gentlemen of the jury,
12 can you kind of explain where that change was located? Was
13 it in the drawer in the register or was it somewhere else?

14 A No. Actually, there's a little change in the
15 drawer, but the majority -- all the change they took was
16 right underneath the cash register. If you was to see the
17 picture where I was standing where the cash register is, the
18 money's right below there.

19 Q All righty. Speaking of photos, I'm going to
20 put --

21 MS. KILLER: Your Honor, if I can approach?

22 THE COURT: You can.

23 MS. KILLER: For the record, defense counsel's
24 reviewed these.

25 BY MS. KILLER:

1 Q I'm just going to show these to you, and then ask
2 in a group a question about them, so we'll just flip through
3 them one by one real quick.

4 A Oh, okay, I see. Yeah. That's where the money is
5 right there.

6 Q Yep, and I'll ask you that --

7 A Okay, okay.

8 Q -- in front of the jury in a second.

9 A Oh, okay. Um-hum. Yep.

10 Q Having shown you State's Proposed 5 through 19, do
11 the photographs and maps that you've reviewed fairly and
12 accurately depict your store on -- and the location of your
13 store on the morning of June 19th --

14 A Yes.

15 Q -- 2015?

16 A Yes.

17 MS. KILLER: Your Honor, the State moves to admit 5
18 through 19.

19 MR. SANFT: No objection, Your Honor.

20 MR. PARRIS: No objection, Your Honor.

21 THE COURT: 5 through 19 are admitted, and you may
22 publish.

23 (State's Exhibits 5 through 19 are admitted)

24 MS. KILLER: Thank you, Your Honor. Oh, it's right
25 here.

1 BY MS. KILLER:

2 Q Mr. Tunnell, you had told us your store is located
3 at 6055 East Lake Mead, correct?

4 A Yes.

5 Q And so, this is Lake Mead running through the
6 middle of this map, and your store is on the south side of
7 that?

8 A Yes.

9 Q And what is the nearest cross-street to your store?

10 A The nearest cross-streets are Beesley and
11 Ludington.

12 Q Okay. And then, just to give the ladies and
13 gentlemen of the jury kind of a picture of what area of town
14 this is, over here on the edge, do you see this street on the
15 map? Let me zoom-in for you. Oh, that's brightness. Is
16 that Nellis Boulevard on the west edge of the map there?

17 A Yes.

18 Q And for the record, that was State's 5. Showing
19 you State's 6, is that the front of your store?

20 A Yes.

21 Q Presumably after the police had arrived, given the
22 crime tape?

23 A Yes.

24 Q State's 7, is that kind of the marquis or the sign
25 out in front on the road?

1 A Yes.

2 Q Showing you State's 8, is that the same counter we
3 were looking at in the video?

4 A Yes.

5 Q And this is the counter area where the people
6 robbing your store had ducked behind?

7 A Yeah. Yes.

8 Q This is State's 9. What -- can you describe for us
9 what angle that photograph is taken from?

10 A This angle is coming from the east.

11 Q So, if I had walked in the front door and looked to
12 my right?

13 A Yes.

14 Q Okay. And this is the area behind that front
15 counter?

16 A Yes.

17 Q Okay. And can -- you had just described that there
18 were change drawers under the counter. Can we see them in
19 this photograph, or where they would have been?

20 A You can just barely see one.

21 Q Can you draw a circle or a line for us?

22 A That's -- it's a clear plastic -- it's called a jug
23 that used to have candy in it, and now we put change in it.

24 Q And then on the ground here in the bottom right
25 corner of the photo, we see some cigarettes?

ROUGH DRAFT TRANSCRIPT

1 A Yes.

2 Q Were those in that condition before the two men
3 came in your store?

4 A No.

5 Q It appeared like that after the robbery?

6 A Yes.

7 Q Let me pull it down in the light a little better.
8 Down here, this area with the red, and it looks like green,
9 and a big window, is that the office?

10 A Yes, it is.

11 Q State's 10. Better photo of the office?

12 A Yes.

13 Q State's 11. Is this taken from the office side
14 looking back towards the entrance?

15 A Yes.

16 Q Okay.

17 A That's from the west point of view.

18 Q And this glass area, is that gaming?

19 A That's our gaming, yes.

20 Q And do you know if someone was in there when the
21 individuals who robbed the store came in?

22 A Yes. There was our handyman, and there was another
23 young lady in there.

24 Q Do you know his name?

25 A Doug is --

ROUGH DRAFT TRANSCRIPT

1 Q Doug?

2 A -- his name. Yes.

3 Q State's 12, just a closer-up photo of the
4 cigarettes?

5 A Yes.

6 Q State's 13. Is that your cash register?

7 A Yes.

8 Q Okay. And is that the one that the money was taken
9 from?

10 A This one here was the one they did not touch.

11 Q Okay. And then, where -- in relation to this one,
12 where is the one they did?

13 A The ones they did were like right here, right here,
14 and there's one right behind the bag.

15 Q Oh, okay. Are we talking about cash registers or
16 change drawers?

17 A That's the change -- those were --

18 Q Change drawers?

19 A -- my change.

20 Q Okay.

21 A My quarters, dimes, nickels, and pennies.

22 Q Is this your only cash register, or did you have
23 more than one of --

24 A No. At that time, that was the only one.

25 Q Okay, and that's the one that the actual cash money

ROUGH DRAFT TRANSCRIPT

1 was taken --

2 A Was in, yes.

3 Q -- out of? Okay.

4 A Yes.

5 Q Showing you State's 14, is that how the drawer
6 appeared after the robbery?

7 A Yes.

8 Q And prior to that, were there more bills of various
9 denominations in here?

10 A Yes.

11 Q State's 15. Cashier drawer under the, I guess,
12 money sorter, for lack of a better term?

13 A Yes.

14 Q State's 16. Just -- is that another photo of the
15 counter --

16 A Yes.

17 Q -- after the robbery?

18 A Yes.

19 Q And this one's a better photo, so I'll use this one
20 to ask you. State's 17, are those the change drawers?

21 A Yes.

22 Q And we see a little bit of change on the counter,
23 but did they have more change than that before the robbery?

24 A Oh, yes.

25 Q State's 18. Is that money that was left on the

1 floor of the store after the men ran out?

2 A Yes.

3 Q And last photograph, 19. Is that a photo of you on
4 that evening?

5 A Yes.

6 Q Okay, and that's the same clothes we saw in the
7 video?

8 A Yes.

9 MS. KILLER: Court's indulgence.

10 BY MS. KILLER:

11 Q Mr. Tunnell, are you aware if cigarettes were taken
12 from the store?

13 A No. We don't count them, so I would have no
14 accurate knowledge of any single packs being taken.

15 Q Okay, but the ones we saw on the ground were not --
16 they were up on the wall and in the regular place before?

17 A They were -- yes, they were in their proper spot.

18 Q Okay. And then, after the robbery, the remaining
19 ones of that type were scattered on the ground?

20 A Yes, yes.

21 MS. KILLER: No further questions from this
22 witness.

23 THE COURT: Mr. Sanft?

24 MR. SANFT: Thank you, Your Honor.

25 CROSS-EXAMINATION

1 BY MR. SANFT:

2 Q Mr. Tunnell, how long have you been working for
3 Kwik-E Market?

4 A This past Halloween was exactly a year.

5 Q Okay. And at the time this event occurred, it
6 would have been -- you'd been working there for maybe about
7 five, six months, something like that?

8 A Something like that, yeah.

9 Q Okay. You said that there was an owner that owned
10 the Kwik-E Market?

11 A Yes.

12 Q You are in communication with that owner I'm
13 assuming quite a bit?

14 A When I need to be.

15 Q All right. When you first were hired by Kwik-E
16 Market, did you have to go through any type of training as a
17 clerk?

18 A No. I've been a convenience store clerk for about
19 ten years now.

20 Q Okay.

21 A So, I know what to do and what not to do.

22 Q All right. In your experience as a convenience
23 store clerk, I'm sure one of the things is there is some
24 discussion at least about potentially being robbed or a crime
25 being committed --

1 A Yeah.

2 Q -- on your premises?

3 A Yes.

4 Q All right. When that occurs, and based upon your
5 experience, what are you told to do or what are you supposed
6 to do?

7 A The main thing is not to look them in the eyes or
8 try and study them, because that makes them nervous and
9 you're likely to get hurt.

10 Q So, would it be fair to say that your understanding
11 is to -- if you're in that situation, is to try to diffuse
12 the situation from escalating --

13 A Yes.

14 Q -- by not engaging them?

15 A Cooperate in any way possible. Whatever they want
16 to do, let them do it, and hope to God you don't get hurt.

17 Q Okay. So, in this case, you were directed at some
18 point to lay down in an isle; is that right?

19 A Yes, yes.

20 Q I'm going to show you again State's Exhibit number
21 16. I apologize. This is State's Exhibit number 16, and you
22 had testified earlier that you recognize this particular
23 photograph; is that right?

24 A Yes.

25 Q Can you point out for the members of the jury where

1 exactly you were laying down -- which isle you were in when
2 you were asked to lay down -- or told to lay down?

3 A Actually, it's not -- it's not the isle that's
4 straight in front, the one that you can see. See where the
5 candies are on the left there?

6 Q If you could just touch it with --

7 A Okay.

8 Q -- the screen.

9 A This is the second isle.

10 Q Okay.

11 A There is another isle that's right here.

12 Q I see.

13 A That's the isle that I was in.

14 Q All right. And from your review of all the
15 photographs that we've had today, that isle is not depicted
16 in any photograph; is that correct?

17 A Correct.

18 Q Okay, but at least in State's Exhibit number 16, it
19 would be to the left of this particular photograph?

20 A Or to the right, I mean. I'm sorry.

21 Q Or to the right of this photograph?

22 A To the right of this mark here, yes.

23 Q Okay. Now, you were asked or told to lay down on
24 the ground?

25 A Yes.

1 Q With your face towards the ground?

2 A Yes.

3 Q Okay. Did you keep your face on the ground the
4 entire time the robbery was occurring?

5 A Yes, I did.

6 Q Okay. Did you at any point have an opportunity to
7 observe the clothing of any of the two individuals that were
8 in the store that time?

9 A When I -- when I first heard the bells ring, all's
10 I could see was black clothing going behind my counter.

11 Q Okay.

12 A And then, when I got up to them, it looked like
13 some kind of -- how do I say it? Some kind of martial art
14 type of clothing. It was baggy clothing.

15 Q Okay.

16 A And it was -- the shirts were long-sleeved, and
17 they weren't pullovers. They looked like they were like a
18 wrap type of thing, or they could have been pullover. I
19 don't know, I didn't take a close -- I didn't want to get --
20 like I said, I didn't want to study them.

21 Q Right.

22 A I just wanted them to get out.

23 Q That's fine. Did you have an opportunity to
24 observe their shoes?

25 A No, I did not.

1 Q So, you couldn't tell us here today the color of
2 shoes, the type of shoes that they were wearing, or anything
3 like that?

4 A No.

5 Q And that's even from the angle in which you're
6 actually on the ground --

7 A When I -- yeah, when I was -- when he had the gun
8 at me at the beginning, I was looking at the ground, but I
9 wasn't paying attention to his shoes. I was just more
10 worried about me not getting hurt.

11 Q That's fair enough. Thank you, sir, for that.
12 Now, your -- did you at any point have an opportunity -- you
13 said before about the height of the two individuals, one
14 being roughly shorter than the other?

15 A The tall one was probably about 6'2, maybe 6'3,
16 give or take an inch --

17 Q Okay.

18 A -- or so. And the other one with the gun was --
19 like I said, was about my height, about 5'9, give or take,
20 because when I pointed down -- when I pointed my head towards
21 the ground, I kind of looked over my glasses, and I could see
22 his eyes from -- you know, and that's all I -- that's all I
23 seen of him.

24 Q All right. And your glasses that you're wearing,
25 since we've talked about that and you brought that up, are

1 they for short-sightedness, far-sightedness?

2 A I'm far-sighted.

3 Q You're far-sighted, so what does that mean?

4 A I can't see close. Well, I can see close to a
5 point.

6 Q Okay.

7 A If I was to take them off now, I couldn't read the
8 time and the date on the picture in front of me.

9 Q All right. And just for the record, what you've
10 done is you removed your glasses and you looked down towards
11 the --

12 A Yeah.

13 Q -- court reporter's screen that's right here; is
14 that correct?

15 A Towards the screen in front of me, yes.

16 Q Would it be fair to say that that's roughly about
17 seven feet, eight feet?

18 A From here to there?

19 MS. KILLER: Like four.

20 THE WITNESS: From here to her screen?

21 MR. SANFT: Yes.

22 THE WITNESS: It's about seven -- about six or
23 seven feet, maybe.

24 MR. SANFT: Okay, all right. Your Honor, if --

25 THE COURT: Whatever he says.

1 MR. SANFT: All right.

2 BY MR. SANFT:

3 Q So, like I said though, this table's not moving
4 anytime soon, so it's from --

5 A No.

6 Q -- the screen that the court reporter's at to where
7 you're sitting on the witness stand, correct?

8 A Yeah, I'd say about six, seven. Yeah.

9 Q Thank you.

10 A Um-hum.

11 Q Now, your testimony as well is that you were doing
12 -- you were working, and you were tending to a floor. You
13 were mopping a floor or cleaning a floor?

14 A Yes, I was mopping the floor.

15 Q All right. At some point, did you ever have an
16 opportunity to review the video that you saw here today prior
17 to your testimony here today?

18 A They were bringing it up on the system that we had,
19 and they were trying to -- you know, I seen a little bit of
20 it when the cops were bringing it up, because they brought to
21 my attention the one had a -- how to -- he had on a unique
22 pair of shoes, let's put it that way.

23 Q Okay. Who brought that to your attention?

24 A The police officer.

25 Q All right. Now, and when you say "he," who are we

1 talking about? Which one?

2 A I'm not positive.

3 Q All right. And that was a comment that -- an
4 observation not from you, but from somebody else, right?

5 A Yes.

6 Q Okay.

7 A Yes.

8 Q In addition to that, your testimony was that you
9 were there. Did you see a firearm at any point?

10 A Pardon me?

11 Q A gun? Did you see a gun?

12 A Oh, yes.

13 Q Okay. Can you describe for us what kind of gun it
14 was?

15 A It was a black 9 millimeter.

16 Q All right.

17 A Automatic.

18 Q Semi-automatic? How do you know it's an automatic?

19 A I used to have a revolver, so I know what --

20 Q Meaning it's a gun that ejects a --

21 A Yes.

22 Q -- cartridge out when it's fired?

23 A Yes.

24 Q Okay. Now, in addition to that, at some point,
25 your testimony was you heard two bells being rung as you

1 assumed that two individuals ran out the front door, and then
2 you got up after?

3 A Yes.

4 Q And you immediately made a phone call?

5 A Yes.

6 Q Did you touch any of the items -- any of the area
7 after the two individuals left? Meaning cigarettes on the
8 ground, counter top area, the --

9 A No.

10 Q -- cash register, or anything like that?

11 A I -- the only thing I grabbed was the phone, and I
12 had 911 on the phone when I saw the cop outside. That's why
13 I went outside to let him know what had happened.

14 Q Okay, and just one final question. In your
15 experience as a convenience store clerk over the time that
16 you've been a convenience store clerk, are there markings
17 usually put on doors to help you determine the height of the
18 individual as they're going in or out of a store?

19 A Yes, most stores have them.

20 Q Do you have this on this particular store?

21 A No.

22 Q Okay. And what we're talking about with this jury
23 specifically is that, typically, right by the door of a
24 convenience store, there's usually a multi-strip coloring
25 that has a 6, and a 5, and a 4 on it; is that correct?

1 A Yes.

2 Q And that helps people determine the height of an
3 individual as they're coming in or out of the store; is that
4 right?

5 A Yes.

6 Q Okay. And in this particular case, your -- the
7 Kwik-E Market does not have that?

8 A No.

9 MR. SANFT: No further questions, Your Honor.

10 THE COURT: Mr. Parris?

11 MR. PARRIS: Thank you, Your Honor.

12 CROSS-EXAMINATION

13 BY MR. PARRIS:

14 Q Mr. Tunnell, up on the screen right now, we have --

15 MR. PARRIS: I believe it's State's Exhibit 16, Mr.
16 Sanft?

17 MR. SANFT: Yeah.

18 BY MR. PARRIS:

19 Q And in that photo, on the counter to the -- in the
20 center of the photo, a little bit to the lefthand side,
21 there's a telephone. Do you see that?

22 A Yes.

23 Q Is that the telephone you used to call 911?

24 A Yes, it is.

25 Q Okay. You didn't use your own personal cell, you

1 used --

2 A No, I used the store phone. Yes.

3 Q The store phone. And dovetailing off of what Mr.
4 Sanft had asked you, it sounds like, excuse me, other than
5 that phone, you really did not touch anything that we see
6 depicted in this photograph between when the incident
7 occurred and when the police essentially locked down the
8 store, correct?

9 A Yes.

10 Q And that includes, in some of the other
11 photographs, the cigarettes on the floor, things like that?

12 A Yes.

13 Q Of all of the items that were in and around the
14 counter area, cashier area, clerk area where you primarily
15 work, the only thing you really touched was -- after the
16 incident, was that cell -- excuse me, that cordless phone,
17 correct?

18 A Yes.

19 Q Okay. Now, on the night in question, you indicated
20 that the police arrived almost immediately, right?

21 A Yes.

22 Q And after they arrived, obviously, you stayed
23 around in order to talk to the police to assist with whatever
24 information you could have, correct?

25 A Yes.

1 Q And that night, you had given them information --
2 descriptions of the two people as best as your memory
3 allowed; is that fair to say?

4 A Yes.

5 Q Okay. And when you were talking to the police,
6 that was within literally minutes of when this occurred,
7 fair?

8 A Yes.

9 Q Okay. Now, at some point in time that night, you -
10 - do you recall filling out -- handwriting a statement for
11 the police?

12 A Yes.

13 Q Okay. And it was about a one-page -- you pretty
14 much wrote one paragraph; is that fair to say?

15 A Yeah, about a paragraph-and-a-half, something like
16 that.

17 Q Okay. And do you recall writing -- when you wrote
18 that statement in relation to when the incident occurred?
19 Within an hour; within two hours? Was it a week later?

20 A Well, I want to say it was within about 15 minutes.

21 Q Okay. If I showed you a copy of that statement,
22 might that refresh your recollection as to when you wrote
23 that statement?

24 THE COURT: Well, I don't think he needs his -- he
25 said within 15 minutes.

1 MR. PARRIS: Okay.

2 THE COURT: I don't think he needs his memory
3 refreshed.

4 BY MR. PARRIS:

5 Q So, within those 15 minutes or so that you wrote
6 out that statement --

7 A Yes.

8 Q -- you recall, at the bottom of that statement, you
9 signed your name to it, saying it was accurate to the best of
10 your recollection, correct?

11 A Yes.

12 Q Okay. Now, in that statement, you -- do you recall
13 writing out the items that were taken from you?

14 A Yes.

15 Q Okay. Now, you had mentioned that your wallet was
16 taken, and in your wallet, you had various identification,
17 correct?

18 A Yes.

19 Q You had a social security card?

20 A Yes.

21 Q Okay. You had your Nevada State Bank Visa?

22 A Yes.

23 Q Is that an ATM card?

24 A Yes, ATM card.

25 Q Okay. You had other identification cards, health

1 cards, things like that, correct?

2 A Yes.

3 Q Now, when you were interviewed by the police, were
4 you given contact information to follow up with the
5 authorities if you remembered anything new, or if something
6 else happened that you wanted to be in communication with an
7 officer or a detective?

8 A Yes.

9 Q Okay, and were you given that information the same
10 technically morning that this incident occurred?

11 A Yes.

12 Q Okay. At any point in time, is it fair to say that
13 you didn't feel the need then to contact that officer or
14 detective about new developments, correct?

15 A Yes.

16 Q Okay. Now, you did have an opportunity to speak
17 with law enforcement individuals immediately prior to coming
18 to court, correct? And by law enforcement, I mean the
19 district attorneys, correct?

20 A Yes.

21 Q Okay. And other than testimony associated with
22 this incident, and then your preparation for today, it sounds
23 like you really haven't had any interaction with law
24 enforcement to update them or to change any information in
25 your voluntary statement, correct?

1 A Yes.

2 Q Okay. You've never felt the need to say, hey, my
3 ATM card was used, I just wanted to report that, correct?

4 A Yeah.

5 Q Okay, and that's the kind of thing you would notify
6 the detectives of?

7 A Yeah. I notified the bank that morning, and to
8 this day, I still have a warning thing on it, so.

9 Q And by warning thing, you mean your account with
10 the Nevada State Bank --

11 A Yes.

12 Q -- correct?

13 A Since then, I've obviously had a new one, so I've
14 got a new account. And the way they explained it to me, that
15 if that card was to be used after I had told them it was
16 stolen, it would show up somehow.

17 Q Okay. Somebody would be notified?

18 A Somebody would know that that card was trying to be
19 used.

20 Q Okay. And it sounds as if that you've never been
21 notified that someone has tried to use that card, correct?

22 A Yes.

23 Q Okay. And you're not aware if anyone else has been
24 notified, correct?

25 A No, because I did check a couple weeks later with

1 the bank after I got my new card, and they said nothing was
2 ever transacted on that after that day.

3 Q You said you checked a couple weeks after. Would
4 that be -- this incident happened on June 19th -- the morning
5 of June 19th. When you say a couple weeks later, do you mean
6 mid-July? Was it into August?

7 A No, it was -- actually, it was the next payday. I
8 can't remember right now when the paydays were, because we
9 get paid every two weeks, but I take my check directly to the
10 bank. And that's -- the next time I went to the bank with my
11 check is when I checked.

12 Q Okay, and --

13 A And I already had my new card, and they said
14 nothing was -- my account was just fine.

15 Q Okay. I'm going to draw your attention to the
16 video. During the video itself, do you recall that at some
17 point in time, two people -- for lack of a better term,
18 civilians, went out the front door? Do you recall seeing
19 that on the --

20 A Yes.

21 Q -- video that was played?

22 A Yes.

23 Q You had mentioned that there were two people in
24 the, I guess, gaming lounge area?

25 A Gaming area, yes. We call it room -- gaming room,

1 yeah.

2 Q One of them you referenced as a person named Doug,
3 correct?

4 A Yes.

5 Q And I'm sorry, you had mentioned he was --

6 THE COURT: Handyman.

7 BY MR. PARRIS:

8 Q Handyman?

9 A He was our handyman, yes.

10 Q Was he working on one of the games in there, or was
11 he just playing?

12 A He was just playing.

13 Q Okay.

14 A Yeah.

15 Q Regarding the female that was in the gaming area as
16 well, do you have any idea who she was?

17 A No. She comes around every once in a while.

18 Q Okay.

19 A But since that incident, I have seen her once.

20 Q Okay. Have you ever discussed the incidents of
21 June 19th with Doug?

22 A Only that night.

23 Q Okay. And regarding the woman who ran out, do you
24 know her name?

25 A No.

1 Q Regarding her, have you had any discussions with
2 her regarding what did or didn't happen?

3 A No. The only thing I told her, the cops -- or the
4 detective wanted to talk to her.

5 Q Okay.

6 A So, I gave her the number and let her --

7 Q Make her decision?

8 A Exactly.

9 Q Fair enough.

10 MR. PARRIS: Okay, thank you. I have nothing
11 further.

12 THE COURT: Any redirect?

13 MS. KILLER: Just a brief question.

14 REDIRECT EXAMINATION

15 BY MS. KILLER:

16 Q You -- you're wearing your glasses today, yes?

17 A Yes.

18 Q You had them on at the time of the robbery?

19 A Yes.

20 Q And Mr. Parris just asked you if you had talked to
21 Doug, and you said the night of. Whatever that conversation
22 was, did it change -- I assume -- are you testifying today
23 based on your own memory rather than that conversation?

24 A Yes, yes.

25 MS. KILLER: No further questions.

1 THE COURT: Mr. Sanft?

2 MR. SANFT: No further questions, Your Honor.
3 Thank you.

4 THE COURT: Mr. Parris?

5 MR. PARRIS: No, Your Honor. Thank you.

6 THE COURT: Okay. Thank you very much for your
7 testimony here today. You may step down. You are excused
8 from your subpoena. Thank you for being here. At this time,
9 we're going to take a recess.

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

19 We'll be in recess for the next 15 minutes.

20 MR. PESCI: Thank you, Your Honor.

21 THE MARSHAL: Thank you. All rise for the exiting
22 jury, please. Jurors.

23 (Court recessed at 3:34 P.M. until 3:41 P.M.)

24 (Outside the presence of the jurors)

25 (Pause in the proceedings)

1 THE MARSHAL: All rise for the entering jury.

2 (Within the presence of the jurors)

3 THE MARSHAL: Thank you. Please be seated.

4 (Pause in the proceedings)

5 THE MARSHAL: Please remain seated and come back to
6 order. Court is now back in session.

7 THE COURT: Does the State stipulate to the
8 presence?

9 MR. PESCI: Yes, Your Honor.

10 THE COURT: Mr. Sanft?

11 MR. SANFT: Yes, Your Honor.

12 THE COURT: Do I have a stipulation?

13 MR. SANFT: Yes, Your Honor.

14 THE COURT: Mr. Parris?

15 MR. PARRIS: Yes, Your Honor.

16 THE COURT: Thank you. The State may call their
17 next witness.

18 MR. PESCI: State calls Doug Salter.

19 THE MARSHAL: And if you'll please step up in the
20 witness stand. Step up in the witness stand. Thank you.
21 Please remain standing, raise your right hand, and face the
22 clerk.

23 DOUGLAS SALTER, STATE'S WITNESS, SWORN

24 THE CLERK: Thank you. Please be seated. And
25 could you please state your name and spell it for the record?

1 THE WITNESS: My name is Douglas Wayne Salter with
2 an S. Whole name? Spell that?

3 THE COURT: Can you spell it? Uh-huh.

4 THE WITNESS: Yeah. D-o-u-g-l-a-s, W-a-y-n-e, S as
5 in Sam, a-l-t-e-r.

6 THE CLERK: Thank you.

7 THE COURT: Thank you. You may proceed.

8 MR. PESCI: Thank you.

9 DIRECT EXAMINATION

10 BY MR. PESCI:

11 Q Sir, I want to direct your attention to the early
12 morning hours of June the 19th of this year. Were you at the
13 Kwik-E Market at 6055 East Lake Mead?

14 A Yes.

15 Q Were you a customer at that time?

16 A Yes. At that time, I was a customer.

17 Q All right. At other times, have you been a
18 handyman for that establishment?

19 A Basically, whenever I'm in there, I take care of
20 [inaudible] I do it. That night, I was just playing a little
21 bit and looking around while I was there, you know, sort of
22 helped with security a little bit.

23 Q And were you playing a machine that night?

24 A Yes, sir.

25 Q What were you playing?

1 A I was playing Deuces Wild Bonus on machine number
2 7, which is the far east machine.

3 Q Okay. And was there someone else with you in the
4 gaming area?

5 A She was there also, not actually with me, but
6 playing next to me.

7 Q And then did something happen that night that made
8 you leave quickly?

9 A Yes, sir.

10 Q What happened?

11 A Well, I was facing the outer window, playing the
12 machine, and I'm sort of at the last one so I can see the
13 counter and the door at the same time. And I noticed some --
14 somebody came in the door, it's all glass, and the cash
15 register's right -- right as you go in the door to the right.
16 And he was down on his knees, and he went into the cash -- as
17 he's going towards the cash register, I see him open it. At
18 that time, the gentleman who just left, Craig, the clerk, he
19 was stocking behind me sodas and stuff. He seen it about the
20 same time, because he ran right by me.

21 Q Okay.

22 A As he ran over there, I'm watching this. The guy
23 turned around right as he was getting there, and put the gun
24 to him and grabbed him, walked him to the middle of the
25 store, and put him down on the ground. As he was doing that,

1 he had the gun in his left hand, and he got behind like the
2 potato chip rack. I was on the side. At that time, I
3 grabbed the girl behind me, went out the door of the gaming
4 area, around this way, out the front door, because if he
5 swung, he would hit the potato chips [inaudible] swing the
6 gun that way.

7 Q So, did -- you saw a gun?

8 A Yes, I did. I'm pretty sure it was in his left
9 hand.

10 Q Okay. And was it a handgun?

11 A Yes, it was.

12 Q Okay. And then you said that you got the woman
13 that was there near you, and did the two of you leave?

14 A Yes. I previously told her right when they came in
15 -- I grabbed her and hid her in the corner, because the way
16 the [inaudible] as soon as I tell you to go, we're going, I'm
17 dragging you out of here.

18 Q Okay.

19 A And it must have been three seconds when he turned
20 enough for me to get the angle to where I could get 20 feet.

21 Q Having been somewhat of a regular at that store and
22 also working as kind of a handyman, are you familiar with the
23 store having video surveillance?

24 A Yes, I've installed probably at least six or seven
25 of them myself.

1 Q Okay. And are you aware that there was video
2 surveillance from the scene there?

3 A Yes.

4 Q Looking to your right, do you see that TV screen in
5 front of you?

6 A Yes, I do.

7 Q I'm going to play the video from this event and ask
8 you if you recognize what just appeared in the video.

9 A Well, I see the gentleman behind the counter, which
10 I could not see at the time because I just ran out the door
11 with the girl right behind me. I had her by the hand, and
12 then she let go, and then I outside grabbed her again.

13 Q Okay. So, there was an individual on the video
14 that exited the store quickly, and then a female that
15 followed?

16 A Yes, sir.

17 Q Were you the individual that went out first?

18 A Yes, I was.

19 Q And the female that followed was the person that
20 was with you in the gaming area?

21 A Previously that I pulled out of the door, yes.

22 Q Okay.

23 MR. PESCI: Pass the witness, Your Honor.

24 THE COURT: Mr. Sanft?

25 MR. SANFT: No questions, Your Honor.

1 THE COURT: Mr. Parris, any questions?

2 MR. PARRIS: Yes, Your Honor.

3 CROSS-EXAMINATION

4 BY MR. PARRIS:

5 Q Mr. Salter, on the night in question, police
6 arrived rather quickly after this incident occurred, correct?
7 And at that time, you talked to them -- and "them" meaning
8 just police officers in general. You talked to them a lot
9 what happened, right?

10 A Not right away, no.

11 Q Okay. Did they just keep you around in the area?

12 A They kept me -- actually, I sat on the curb of Lake
13 Mead and Yellowstone for about 30 minutes after the incident
14 because they were chasing somebody they thought were the
15 people that did the crime.

16 Q Okay. After you waited that 30 minutes though, you
17 did speak to an officer -- or multiple officers, correct?

18 A An officer -- a different officer came by and
19 picked me up in a SUV police vehicle and went searching for
20 this girl that went ahead and went home or whatever she did.
21 Made it about -- went around the block, about two blocks up
22 and around this square -- you know, circle, whatever you want
23 to call it, back to the store, and we didn't discuss the case
24 at all until about an hour later, I did a police report.

25 Q Okay. I'm going to back you up a little bit. You

1 had said that after about a half-hour, an SUV came up, and
2 you got in the SUV with the officer, correct?

3 A Yes.

4 Q And that's when you were driving around the block,
5 looking for the female?

6 A One time.

7 Q Okay. You just did a lap and could not find her,
8 correct?

9 A Right. I didn't even know her name.

10 Q Okay. Then, I believe you said about an hour
11 later, you did a statement?

12 A Well, because they were down the street, you know,
13 trying to arrest somebody or whatever they were doing. They
14 didn't tell me what they were doing. They told me just to
15 wait right there until the -- one of them had -- could talk
16 to me, because they all left.

17 Q Okay. They were doing other stuff?

18 A They were trying -- supposedly chasing who had did
19 the robbery. I don't know.

20 Q Okay. Now, at some point in time that morning, an
21 officer did come up to you, correct?

22 A Yes.

23 Q Regarding the -- and that's who you gave a -- you
24 said a statement to, right?

25 A A written statement.

1 Q Okay. When you say a written statement, that was
2 about a one-page document, correct?

3 A Yes, I think it was.

4 Q And you handwrote out about a paragraph as to what
5 did or didn't happen that --

6 A Right.

7 Q -- morning, correct? Okay. And do you remember,
8 at the bottom of that document, you signed your name --

9 A Uh-huh.

10 Q -- saying it was truthful to the best of your
11 recollection?

12 A Yes.

13 Q Okay. And do you recall -- well, it sounds like,
14 based upon the timeline you've given us, you would have
15 written that statement about an hour-and-a-half or so after
16 the event?

17 A What would you like me to answer? I wasn't keeping
18 track of the time. I was really tired. It was about 3:00 in
19 the morning, so I really wasn't watching my watch.

20 Q Okay.

21 A But it was a few minutes here and there, you know.
22 At that time, you're not thinking about time, you know?

23 Q Okay, but it was -- it was before daybreak on that
24 day, correct?

25 A Yes, it was.

1 Q Okay. So, it was a few -- within a few hours of
2 the incident occurring?

3 A I'd say within an hour, about.

4 Q Okay.

5 A About an hour total.

6 Q Now, in that statement, do you recall giving a
7 description of the physical height and weight characteristics
8 of one of the individuals?

9 A Yes.

10 Q Okay. And do you recall that you described that
11 person as short and thin?

12 A Well, [inaudible] short and small in stature. Not
13 a big person, but I didn't know [inaudible]. You know, I
14 don't know the exact words. It's been quite a few months,
15 you know?

16 Q Would seeing your statement -- your one-page
17 voluntary statement refresh your recollection as to what you
18 wrote --

19 A Okay.

20 Q -- on it that morning? Would that help?

21 A Well, I can see in my head exactly what happened.
22 I've got it in my head what I seen.

23 Q And I respect that.

24 A Yeah.

25 Q I'm following up on what you wrote on your

1 statement.

2 THE COURT: We want to get what's in your head out.

3 THE WITNESS: Right. It's hard to describe
4 something like that, especially when you see guns and stuff
5 like that. You're actually in a different state of mind when
6 you're writing that.

7 BY MR. PARRIS:

8 Q Certainly, and I'm asking if you recall exactly
9 what you wrote.

10 A Not exactly, no.

11 Q Okay.

12 A I can't tell you exactly what I had for breakfast
13 last week, so.

14 Q All right, well, did you write down what you had
15 for breakfast last week?

16 A Sometimes I do.

17 Q Okay.

18 A Because I have to order it, you know.

19 Q All right. If I showed you --

20 A No, I don't, I don't.

21 Q If I showed you what you wrote down last week for
22 breakfast, would that refresh your recollection as to what
23 you had?

24 A Yeah, it would.

25 Q Okay. Similarly, if I showed you what you wrote

1 down when this incident occurred, would that refresh your
2 recollection?

3 A It would refresh what I wrote --

4 Q Yes.

5 A -- but not my recollection. Yeah.

6 Q Yes, refresh your recollection as to what you wrote
7 down?

8 A Yes, sir.

9 THE COURT: You may --

10 MR. PESCI: Judge, the State would stipulate that
11 he wrote "short and thin."

12 THE COURT: Okay.

13 MR. PARRIS: Okay, well --

14 THE COURT: Thank you.

15 MR. PARRIS: Thank you, Mr. Pesci.

16 MR. PESCI: You're welcome.

17 BY MR. PARRIS:

18 Q So, the State has now stipulated that you wrote
19 "short and thin" on that statement. Do you -- do you trust
20 them with that?

21 A I sure do.

22 Q Okay. Now, and you yourself when you wrote this
23 statement wrote down your height and weight on the document,
24 correct?

25 A Right.

1 Q Is that a yes?

2 A The last time they measured me, yeah.

3 Q Correct. And you wrote down your height as being
4 5'10; do you recall that?

5 A Approximately, yeah.

6 Q And do you recall your weight that you wrote down
7 here as being 180?

8 A The last time I was weighed, yes.

9 Q Okay.

10 MR. PARRIS: Your Honor, I have nothing further.

11 THE COURT: Thank you. Any redirect?

12 MR. PESCI: No, thank you.

13 THE COURT: Okay. Thank you very much for your
14 testimony here today, sir. You may step down. You are
15 excused from your subpoena. The State may call their next
16 witness.

17 MR. PESCI: Judge, the State calls Noelle Herring.
18 May I approach your clerk?

19 THE COURT: You may.

20 THE MARSHAL: And if you'll please step up in the
21 witness stand. Remain standing, raise your right hand, and
22 face the clerk, please.

23 NOELLE HERRING, STATE'S WITNESS, SWORN

24 THE CLERK: Thank you. Please be seated. Could
25 you please state your name and spell it for the record?

1 THE WITNESS: Noelle Herring. N-o-e-l-l-e,
2 H-e-r-r-i-n-g.

3 THE CLERK: Thank you.

4 THE COURT: You may proceed.

5 DIRECT EXAMINATION

6 BY MR. PESCI:

7 Q Ma'am, are you a crime scene analyst with the
8 Metropolitan Police Department?

9 A Yes, that's correct.

10 Q How long have you been in that position?

11 A A little shy of about five years.

12 Q Did you take any courses, or receive any training
13 or any experience that qualifies you for that job?

14 A Yes. I currently hold a bachelor's, as well as a
15 master's degree in criminal justice. Once being hired for
16 the position, we go through a eight-week crime scene
17 investigation academy through LVMPD, followed by 12 weeks of
18 field training. We also complete 240 credit hours through
19 the American Institute of Applied Science and Forensic
20 Science.

21 Q And have you testified in your capacity as a crime
22 scene analyst in both justice courts and district courts here
23 in Clark County?

24 A Yes. Yes, I have.

25 Q If you were to guestimate, about how many times?

1 A Maybe 15 or so.

2 Q How many years that you've been doing this -- how
3 many scenes do you think you've worked?

4 A Between person crimes and property crimes, because
5 we respond to both, I would say I've probably responded to
6 about 1,400 calls.

7 Q When you respond to a scene, is there a methodology
8 that you use to try to document a particular scene?

9 A Yes.

10 Q What are the means by which you can document it?
11 Are some of that by photography?

12 A Yes.

13 Q Is there also sometimes actual physical evidence
14 that you might impound or take into your custody and bring to
15 the Metropolitan Police Department's vault?

16 A That's correct, yes.

17 Q Do you gather information at the scene before you
18 start to work it?

19 A Yes. Typically, when I respond to a scene, I make
20 contact with the primary officer that's there. They give me
21 pertinent information that's involved in the incident. We
22 typically do a walk-through with the officer. We sometimes
23 view video surveillance footage if it's available. It's kind
24 of situational for each scene.

25 Q Okay. And the situation will maybe direct you on

1 how you might document that scene?

2 A That's correct, yes.

3 Q Showing you Court's Exhibit 6, does this appear to
4 be the Kwik-E Market that you responded to?

5 A That's correct, yes.

6 Q This photograph, do you recognize this as being one
7 of your photographs?

8 A Yes, it is.

9 Q And what I mean by that is, at this scene, did you
10 document it by taking photographs?

11 A I did.

12 Q And then are those photographs then provided to the
13 attorneys in the case to be able to utilize?

14 A Yes.

15 Q Is there yellow crime scene tape outside of that
16 establishment?

17 A Yes. When I arrived, there was a uniform patrol
18 officer there on scene, and the area that was involved was
19 secured with yellow crime scene tape.

20 Q Is that to try to keep this area secure until
21 people like yourself can get there to recover evidence and --

22 A Yes, that's correct.

23 Q -- document the scene?

24 A Yes.

25 Q Did you work your way through the inside of this

1 establishment, looking at State's Exhibit 8?

2 A Yes, that's correct. I typically photograph the
3 scene as it is before any evidence is marked or anything like
4 that. We do overall condition photography; general
5 photography.

6 Q And looking at an overall photograph in State's 9,
7 is this the cash register area, or behind the counter where
8 the cash register is?

9 A Yes, that's -- that's correct.

10 Q It looks like there's some cigarettes that have
11 been toppled over?

12 A Yes. There was a disturbed cigarette display case
13 that was there on the ground. Other items in the counter
14 area were disturbed as well.

15 Q Looking at State's 12, do you then follow up after
16 you've done somewhat of an overall, and narrow in on a
17 particular piece of evidence?

18 A Yes.

19 Q As far as your photography?

20 A Yes.

21 Q Is that what we're looking at in State's 12?

22 A Yes. That's a view of that disturbed cigarette
23 display case.

24 Q Okay. Looking at State's 13, did you take
25 photographs of the cash register?

1 A I did, yes.

2 Q And then, State's 14, did you take photographs of
3 the actual drawer as it was opened up?

4 A That's correct.

5 Q And you took more photographs throughout this
6 particular scene; is that correct?

7 A Yes.

8 Q Some of the information that you had received was
9 that money had been taken from the cash register, and there
10 was also some money from the change area; is that correct?

11 A Yes.

12 Q Looking at State's 17, did you then photograph,
13 based on the information that you had, the jars that were
14 associated -- or that you were told were associated with the
15 change drawers?

16 A Yes. It was indicated to me that those change
17 drawers had been disturbed during the incident.

18 Q And then, showing you State's proposed -- or not
19 proposed, but admitted 8, did you take a photograph of what
20 appears to be a \$20 bill that was on the floor?

21 A That's correct, yes.

22 Q Is that inside of the store?

23 A It is. It's near the counter area, behind the
24 counter.

25 Q Now, did you make contact with the employee of

1 Kwik-E Market that night?

2 A I did, yes.

3 Q Showing you State's 19, did you take a picture of
4 him?

5 A I did.

6 Q Okay. Now, earlier, you talked about how in
7 looking at the scene before you start, sometimes you'll
8 review video surveillance; is that correct?

9 A That's correct.

10 Q Did you do that in this case?

11 A I did.

12 Q Based on that video surveillance, did you not try
13 to recover latent prints?

14 A I did not conduct latent print processing based on
15 the -- based on the video that I viewed while I was on scene,
16 it appeared that the individuals in the business had gloves
17 on.

18 Q If an individual has gloves -- if I had some on
19 right now and I grabbed my chair as I just did, would you
20 expect to find any latent prints on the chair?

21 A Not belonging to you, no.

22 Q Based on the appearance of gloves to you in the
23 video, you didn't do the dusting for prints?

24 A Correct.

25 MR. PESCI: Pass the witness, Your Honor.

1 THE COURT: Cross, Mr. Sanft?

2 CROSS-EXAMINATION

3 BY MR. SANFT:

4 Q Ms. Herring?

5 A Yes.

6 Q All right. Ms. Herring, did you do any type of --
7 besides latent prints, do you ever look at, for instance,
8 shoe prints or anything along those lines to determine maybe
9 the size of the foot of the individuals that were there?

10 A If it's available, yes.

11 Q Did you -- did you attempt to do that at all? Was
12 that one of the things that you considered as something that
13 -- to do?

14 A Typically, for the convenience store robberies,
15 sometimes they'll jump over the counter. That didn't -- it
16 wasn't indicated that that occurred to me, so no, I did not
17 look for any footwear evidence.

18 Q Did you ever learn that the individual you took a
19 photograph of, the clerk that was in this case, was actually
20 mopping the floor prior to the individuals coming into the
21 store?

22 A Yes, I believe that was part of the information
23 that he gave to me when I spoke to him.

24 Q Okay. And as a result, you still didn't feel that
25 it was necessary maybe to look for latent prints or shoe

1 prints on the floor around the area to which he had been
2 laying down?

3 A I did not look for footwear evidence, no.

4 Q Okay. Did you at any point consider the uniqueness
5 maybe of the shoes that were being used or worn by these two
6 individuals as -- in furtherance of your job; your duties
7 that night?

8 A Can you repeat the question? I'm sorry.

9 Q I know, it was weird. I'm sorry. Did you at any
10 point consider maybe the uniqueness of the shoes? Because
11 you said you looked at videotape. Was that one of the things
12 that you looked at maybe is -- maybe the make, or brand, or
13 model of the shoes that these individuals potentially were
14 wearing?

15 A That's -- I guess I could have, but I didn't.

16 Q And would it be fair, of course, that in the scope
17 of 1,400 various crime scenes throughout the time that you've
18 been a crime scene analyst that shoe prints are a
19 consideration in terms of evidentiary value?

20 A It depends on the situation, yes.

21 Q Especially when it comes to issues as to who done
22 what, would that be one of the things that you would consider
23 is that kind of prints as well?

24 A As evidence, yes.

25 Q And then, finally, you said that you had reviewed

1 video --

2 A That's correct.

3 Q -- at the scene? Was that in the office area of
4 the store, as far as you can recall?

5 A I don't remember specifically where the video
6 monitors were. As far as when I viewed them, I don't recall.

7 Q Okay.

8 MR. SANFT: No further questions. Thank you.

9 THE COURT: Mr. Parris?

10 MR. PARRIS: No questions, Your Honor.

11 THE COURT: Any redirect?

12 MR. PESCI: Yes.

13 REDIRECT EXAMINATION

14 BY MR. PESCI:

15 Q Shoe prints versus fingerprints. Is it different
16 as far as what gets left behind from a shoe versus what gets
17 left behind from a finger?

18 A As far as quality?

19 Q Yes.

20 A Yeah, I would say that's fair.

21 Q So, I walk across this floor right now, would you
22 expect to be able to find shoe print impressions from my
23 shoes?

24 A Perhaps, but not necessarily.

25 Q All right. Do you think if I put my hands on this

1 wood with my fingerprints, would you more likely be able to
2 pull a print -- a fingerprint as opposed to a shoe print?

3 A Yes. The surface that -- whatever item of evidence
4 that we're considering comes into play. Some surfaces give
5 better results versus others.

6 Q And in this particular case, you said that you
7 didn't do a shoe print impression analysis, but it wasn't
8 that you saw a print and said, yeah, no, I don't want to mess
9 with that?

10 A Right. I didn't -- I didn't search the floor for
11 footwear evidence, no.

12 Q So there wasn't something that stood out to you,
13 and you just said, I'm not going to do that?

14 A Correct.

15 MR. PESCI: Thank you.

16 THE COURT: Any recross?

17 MR. SANFT: Yes.

18 RECROSS-EXAMINATION

19 BY MR. SANFT:

20 Q Ms. Herring, would it be fair to say, of course,
21 based upon what the State just asked you, that latent prints
22 don't show up to the naked eye most times?

23 A A latent print is slightly visible, sometimes
24 invisible friction ridge impressions, so sometimes it does
25 require development, yes.

1 Q Right, meaning that even though you may not see it
2 with the naked eye, you would still do something to that area
3 that you believe would be a fingerprint; for instance, you'd
4 do something to it to allow you to pull the print up; would
5 that be fair to say?

6 A Yes.

7 Q You use some type of dust, for instance, over an
8 area?

9 A Black fingerprint powder typically, yes.

10 Q Okay, and then you remove the fingerprint with some
11 type of adhesive -- some type of tape, for instance?

12 A Latent print tape, yes.

13 Q Okay. So, in this case, for instance, just because
14 there's no footprints to the naked eye on a surface that had
15 just been mopped, you don't know for sure if there would have
16 been prints on that floor, right, because you just never
17 looked for it?

18 A Footwear evidence?

19 Q Yes.

20 A Correct.

21 MR. SANFT: No further questions, Your Honor.

22 THE COURT: Thank you very much for your -- I'm
23 sorry, Mr. Parris?

24 MR. PARRIS: No, no, Your Honor. Thank you.

25 THE COURT: Thank you very much for your testimony

1 here today. You may step down, and you are excused from your
2 subpoena. Thank you for being here. You may call your next
3 witness.

4 MR. PESCI: State calls Angelina Espinoza. May I
5 approach your clerk?

6 THE COURT: Um-hum.

7 THE MARSHAL: Right this way, ma'am. If you'd
8 please step up into the witness stand. Remain standing,
9 raise your right hand, and face the clerk, please.

10 ANGELINA ESPINOZA, STATE'S WITNESS, SWORN

11 THE CLERK: Thank you. Please be seated. Could
12 you please state your name and spell it for the record?

13 THE WITNESS: Angelina Espinoza. E-s-p-i-n-o-z-a.

14 THE CLERK: Thank you.

15 THE COURT: You may proceed.

16 MR. PESCI: Thank you.

17 DIRECT EXAMINATION

18 BY MR. PESCI:

19 Q Ma'am, I want to direct your attention to June the
20 26th of 2015. Were you at the Las Vegas Nail Spa located at
21 4430 East Charleston here in Las Vegas, Clark County, Nevada?

22 A Yes.

23 Q And ma'am, what were you doing there?

24 A I was getting a pedicure done.

25 Q Do you remember about what time of day it was?

1 A Around 6:00. 5:30, 6:00.

2 Q In the evening?

3 A In the evening, yes.

4 Q All right. Were you there with anybody that you
5 knew?

6 A No.

7 Q Did something happen while you were having your
8 pedicure?

9 A Yes.

10 Q Tell the ladies and gentlemen of the jury what
11 happened.

12 A I was sitting there. They were going to do --
13 start -- well, they were actually going to paint my nails
14 when two young men went into the shop. And I just seen one
15 gun, and they said for me to -- for they told all of us to
16 give them our cell phone, our money, and everything; our
17 belongings.

18 Q Could you describe these two individuals, what they
19 looked like?

20 A One of them -- well, both of them had a mask. One
21 of them had a skull mask, and the other one had like a
22 bandana.

23 Q Could you tell -- even with the bandana, could you
24 tell whether these individuals were white, black, Hispanic?

25 A They were black. One of them had like curly hair.

ROUGH DRAFT TRANSCRIPT

1 Q And then you talked about a skull mask; is that
2 correct?

3 A Yes.

4 Q And then a bandana. Do you remember anything else
5 as far as what they were wearing?

6 A No. One of them had like a hoodie sweater.

7 Q Okay. Did they have anything in their hands?

8 A Yes.

9 Q What do you recall?

10 A One of them had a gun. The one -- the one that
11 went into the front that was taking our stuff had a gun.

12 Q Okay. And as far as their heights, do you have any
13 memory roughly about that?

14 A No. Maybe a little bit taller than me.

15 Q How tall are you?

16 A I don't know. I'm like 5'2, 5'3.

17 Q All right, so you thought they were taller than
18 you?

19 A Um-hum.

20 MR. SANFT: Objection, Your Honor, misstates her
21 previous testimony. "A little bit taller than me" is what
22 she had said previously.

23 THE COURT: I think we're getting into semantics,
24 but you can proceed.

25 MR. PESCI: Thank you.

1 BY MR. PESCI:

2 Q Did you say they were taller than you?

3 A Yes.

4 Q Okay. And then did you testify earlier that you
5 thought they were a little bit taller than you?

6 A Yeah, a little bit taller than me.

7 Q Okay.

8 MR. PESCI: Can I approach the witness?

9 THE COURT: You may.

10 BY MR. PESCI:

11 Q Showing you State's Proposed Exhibits 23 and 24, do
12 you recognize what's depicted in State's 23 and 24?

13 A What's that? I'm sorry, what's the -- what?

14 Q Do you -- do you recognize what these pictures are
15 of?

16 A Yes.

17 Q What are they of?

18 A This is the nail salon.

19 Q Okay. And is that how it appeared when you were
20 there that night and this happened to you?

21 A Yes.

22 MR. PESCI: Move for the admission of 23 and 24,
23 Your Honor.

24 THE COURT: Any objection?

25 MR. SANFT: No objection, Your Honor.

1 MR. PARRIS: No, Your Honor.

2 THE COURT: They're admitted.

3 (State's Exhibits 23 and 24 are admitted)

4 MR. PESCI: Thank you.

5 THE COURT: You may publish.

6 MR. PESCI: Thank you.

7 BY MR. PESCI:

8 Q Ma'am, you said a moment ago that one of the
9 individuals went to the front; is that what you said?

10 A Um-hum.

11 Q Is that a yes?

12 THE COURT: Is that a yes?

13 THE WITNESS: Yes. I'm sorry.

14 BY MR. PESCI:

15 Q It's okay. It's all right. Showing you Exhibit
16 24, when you say the front, do you mean from the spot where
17 the person's taking the picture, or in the background where
18 this screen is on the wall?

19 A Well, when he -- he walked in, he went all the way
20 to the -- I remember him like going -- because I was like
21 sitting in the second chair.

22 Q You can touch that screen --

23 A Okay.

24 Q -- and it will make a mark.

25 A In this -- in this chair.

1 Q Okay.

2 A Because there was another young lady here.

3 Q So, on the lefthand side, just for the record,
4 you've touched State's Exhibit 24, and you've made a dot on
5 the second seat from the lefthand side; is that correct?

6 A Yes.

7 Q Okay. So, tell us what happened.

8 A Then, as soon as he walked in with the gun, the
9 other person stayed back here.

10 Q Go ahead and tap the screen where you mean.

11 A Like a little bit backer than that. And the one
12 that had the gun in the front, he went straight to where my
13 cell phone was at, and then he just started walking all the
14 way to the back.

15 Q Okay. Make a spot where in the back he went to.

16 A Oh.

17 Q Okay. You said that one of them went to your cell
18 phone?

19 A Um-hum. Yes. I had my cell phone -- like the
20 chair, and on the little things that they have there, it's --
21 my cell phone was there.

22 Q There's a spot where you can rest --

23 A Yes.

24 Q -- your personal items?

25 A Uh-huh. Your hand, yeah.

1 Q Was your phone taken?

2 A Yes.

3 Q Was anything else taken from you?

4 A My -- yes.

5 Q Was the stuff that was taken in the phone, or was
6 it in a purse?

7 A No, it was inside the phone. The phone is a little
8 -- it's a wallet case.

9 Q What was inside the phone?

10 A My credit cards, my driver's license, and my ATM
11 card.

12 Q Did you have any cash?

13 A Yes, \$40.

14 Q Was that taken as well?

15 A Yes.

16 Q Okay. Was that taken when these individuals were
17 inside and one of them had a gun?

18 A Yes.

19 Q Was that after they had demanded your property?

20 A Yes. They just walked in and took everybody's
21 property.

22 Q And when they took everybody's property -- when
23 they went to the back -- or one of them went to the back, did
24 you see what happened in the back?

25 A Yes. After -- after he was in the back, and then

1 he came to the front, and the lady that was next to me,
2 that's when he pointed the gun at her and told her to open
3 the register. And she opened the register and gave him the
4 money, and then he walked all the way to the back where I
5 pointed, and the -- there was a man doing some nails, or to
6 one of the young ladies that was there, and he told him to go
7 down to the floor.

8 Q So, one of the suspects told a man that was inside
9 the store --

10 A Um-hum.

11 Q -- to get on the floor?

12 A Yes.

13 Q Okay. And that man that was told to go to the
14 floor, was he an employee of the store?

15 A Yeah, he was working there.

16 Q He was working there?

17 A Yes, yes.

18 Q Okay. What did the man do?

19 A He -- like, he didn't understand, so the people
20 there were telling him, just go down, go down, because like
21 how he was trying to point the -- well, he was pointing the
22 gun at him. Uh-huh. So then that's when they just both ran
23 outside.

24 Q So, the two suspects -- the two individuals, the
25 one with the mask and bandana, they ran outside?

1 A Yes, both of them.

2 Q Did they go -- did they go out together?

3 A Yes.

4 Q Okay, and that's after your property was taken,
5 other people's property was taken, and property was taken
6 from the register?

7 A Yes.

8 MR. PESCI: Pass the witness.

9 THE COURT: Mr. Sanft, cross?

10 MR. SANFT: Yes, Your Honor.

11 CROSS-EXAMINATION

12 BY MR. PESCI:

13 Q Ms. Espinoza, how many people were in the salon
14 that day when these two individuals came in?

15 A Six. It was six customers, and then it was 1, 2,
16 3, -- I think it was four employees -- four or five
17 employees.

18 Q All right. And the people that were customers were
19 people that were sitting in the chairs?

20 A Yes.

21 Q Getting their nails done?

22 A Yes.

23 Q And the employees were the ones that were sitting,
24 tending to those nails?

25 A Yes.

1 Q All right. Roughly about the time of day -- we're
2 talking about, what, 6:00 o'clock, 7:00 o'clock in the
3 evening?

4 A Yes. It was -- yes, it was. It was kind of like
5 getting dark.

6 Q All right, but we're talking summertime here?

7 A Yeah.

8 Q So, when you say it's starting to get dark, it's
9 starting to get dark in the summer?

10 A Yeah. Well, when we came out, it was already dark.

11 Q Okay. Now, your testimony as well is that you said
12 you were in the store and that your cell phone was taken; is
13 that correct?

14 A Yes.

15 Q What kind of cell phone do you have?

16 A It's the Galaxy.

17 Q Okay. Did you tell the police officers about that
18 phone being taken from you when they arrived on the scene?

19 A Yes, and I was telling them, because when we all
20 ran outside, like I didn't have my cell phone, so then, next-
21 door, they let me borrow their phone, and I had called my
22 sister to see if she could locate it.

23 Q Okay.

24 A And I did tell the officer that -- you know, that
25 they did speak to my sister, saying that the phone was being

1 located.

2 Q Okay. And as far as you know, that was something
3 that was relayed to police, and then police handled it from
4 that point forward?

5 A Yes, uh-huh.

6 Q Okay, so it does have that feature then to locate
7 the phone?

8 A Yes, uh-huh, yes.

9 Q Okay.

10 A I had just got that phone in November.

11 Q Did you ever get that phone returned to you?

12 A No.

13 MR. SANFT: All right. No further questions, Your
14 Honor.

15 THE COURT: Mr. Parris?

16 MR. PARRIS: Thank you.

17 CROSS-EXAMINATION

18 BY MR. PARRIS:

19 Q Ms. Espinoza, in addition to your phone, you also
20 had several other items taken from you, correct?

21 A Yes.

22 Q And some of those items, for example, were your
23 driver's license?

24 A Yes.

25 Q Okay. As well, you indicated -- well, on the

1 evening -- afternoon/evening in question when this happened,
2 do you recall writing out a one-page statement for the
3 police?

4 A Yes.

5 Q And that was done within an hour or two after the
6 incident happened, correct?

7 A Yes.

8 Q And it's on that statement that you outlined -- or
9 that you listed all the items that were taken from you,
10 correct?

11 A Yes.

12 Q You had referenced your cell phone, right?

13 A Um-hum.

14 Q Is that a yes?

15 A Yes, I'm sorry.

16 Q No worries. And your driver's license, correct?

17 A Yes.

18 Q As well, you had referenced a Chase Bank Card was
19 taken, correct?

20 A Yes.

21 Q Now, was that like an ATM card, or a credit card?

22 A No. It was my Chase -- my ATM Chase, and the two
23 credit cards, they were Citi -- Citi credit cards.

24 Q Okay. So, you had a Chase ATM Card, and then two
25 Citibank credit cards?

1 A Um-hum.

2 Q Is that a yes?

3 A I'm sorry, yes.

4 Q It's okay. Did you also have a Wells Fargo Bank
5 Card taken from you?

6 A I don't -- I don't remember if it was my Wells
7 Fargo or my Sears.

8 Q Okay. Would -- well, do you recall writing down
9 shortly after this happened --

10 A Yes.

11 Q -- exactly what was taken?

12 A Uh-huh. Yes, I did.

13 Q Would seeing that statement refresh your
14 recollection as to what you wrote down --

15 A Um-hum, yes.

16 Q -- was taken?

17 A Yes.

18 Q Thank you.

19 MR. PARRIS: May I approach, Your Honor?

20 THE COURT: You may.

21 BY MR. PARRIS:

22 Q Ms. Espinoza, I'm showing you a document. Do you
23 recognize this document?

24 A Yes.

25 Q What is this?

1 A This is what -- the day that we had to write the
2 stuff -- the stuff that was stolen and what had happened.

3 Q Okay. And you wrote out the statement within a few
4 hours of when the incident occurred, correct?

5 A Yes.

6 Q Okay. Now, I'm drawing your attention to the
7 middle portion of this document. Do you recognize that
8 handwriting?

9 A I didn't write this. The police officer or whoever
10 was taking our -- wrote this.

11 Q Okay. When you say "wrote this," are you just
12 referring to the list of items in the middle, or did the
13 police officer write out everything on this document?

14 A No, just the list -- the part -- this part.

15 Q Okay. So, do you recall then speaking to the
16 officer and telling him or her what to write down?

17 A Yes.

18 Q Okay, and he or she -- was it a man? Was the
19 officer a man, or do you not recall?

20 A No, it was a female I think.

21 Q A female? Okay. And she wrote down all the things
22 you were telling her, correct?

23 A Yes, uh-huh.

24 Q Okay. Now, I'm going to give you a chance to
25 review this statement regarding what was written down either

1 by you or the officer, and then I'll ask you some questions
2 about what was taken from you.

3 A Okay.

4 Q Okay? And before I do that, let me draw your
5 attention to the bottom right hand corner. Is that your
6 signature?

7 A Yes.

8 Q Okay. Now, after having had a chance to review
9 this document, do you recall whether you had a Wells Fargo
10 bank card taken from you?

11 A I don't remember Wells Fargo, because I don't --
12 no, honestly, I don't remember a Wells Fargo.

13 Q Okay. Does this statement indicate that a Wells
14 Fargo card was taken from you?

15 A Yes, it does.

16 Q Okay, as well as other items, such as three other
17 credit cards, correct?

18 A Um-hum. Yes, it does.

19 Q Now, regarding those credit cards or ATM cards, I'm
20 assuming you immediately cancelled or suspended them as
21 quickly as you could, correct?

22 A Yes.

23 Q Now, are you aware if anyone -- excuse me. Were
24 you ever contacted that anyone had tried to use, for example,
25 your Chase ATM Card?

1 A No.

2 Q What about your Wells Fargo Bank Card?

3 A No.

4 Q What about the other credit cards you had in your
5 possession that day?

6 A No.

7 Q Okay. So, no one ever contacted you, be it a bank,
8 be it law enforcement, that someone tried to use your
9 identification or your cards somewhere?

10 A No.

11 Q Okay.

12 MR. PARRIS: Your Honor, I have nothing further.
13 Thank you.

14 THE COURT: Thank you. Anything else?

15 MR. PESCI: No, thank you.

16 THE COURT: Okay. Thank you very much for your
17 testimony here today. You may step down, and you're excused.

18 THE WITNESS: Okay, thank you.

19 THE COURT: Thank you for being here. You may call
20 your next witness.

21 MR. PESCI: State calls Ms. Nguyen. I think she
22 needs the interpreter. I'm going to check and see.

23 THE COURT: We need an interpreter?

24 MR. PESCI: Yes.

25 THE COURT: He's been in here.

1 MR. PESCI: Yes.

2 THE COURT: Yeah, I saw him.

3 MS. KILLER: I believe he's still waiting.

4 THE COURT: Okay, he's just outside?

5 MS. KILLER: He was out there the last time I --

6 THE COURT: Okay.

7 MS. KILLER: -- ran out to check on witnesses who
8 were here.

9 THE MARSHAL: Please step up into the witness
10 stand. Remain standing, raise your right hand, and face the
11 clerk.

12 THE COURT: First, if I could have the interpreter
13 --

14 THE INTERPRETER: Sure. Yes, Your Honor.

15 THE COURT: If you will please state your name for
16 the record.

17 THE INTERPRETER: Yes. My name is Jimmy Tong,
18 T-o-n-g, and last name spelling, N-g-u-y-e-n for the record.

19 THE COURT: Thank you. And will you raise your
20 right hand so the clerk --

21 THE INTERPRETER: Sure.

22 THE COURT: -- can swear you in?

23 THE CLERK: Thank you.

24 JIMMY TONG NGUYEN, INTERPRETER, SWORN

25 THE CLERK: Thank you.

1 THE COURT: Thank you. Now the witness can be
2 sworn.

3 LIEN NGUYEN, STATE'S WITNESS, SWORN

4 THE CLERK: Thank you. Please be seated. Could
5 you please state and spell your name for the record?

6 THE WITNESS: My name is Lien Nguyen. Spelling for
7 the record, L-i-e-n, first name, and last name spelling
8 N-g-u-y-e-n.

9 THE CLERK: Thank you.

10 THE COURT: Thank you. You may proceed.

11 MR. PESCI: Thank you.

12 DIRECT EXAMINATION

13 BY MR. PESCI:

14 Q Ma'am, I want to direct your attention to June the
15 26th of this year. Were you --

16 A Yes.

17 Q Were you working at the LV Nail Spa?

18 A Yes.

19 Q Located at 4430 East Charleston?

20 A Yes.

21 Q Here in Las Vegas, Clark County, Nevada?

22 A Yes.

23 Q Ma'am, what was your job title at that time?

24 A I am the owner.

25 Q And were you working that evening?

1 A Yes.

2 Q Were you helping customers with manicures and
3 pedicures?

4 A Yes.

5 Q Did something happen that night?

6 A There was a robbery.

7 Q Can you describe to the Court what happened?

8 A I was working. There was two individual enter my
9 business with weapon, and instructed us to stay still and
10 give them money.

11 Q What did you do based on that instruction?

12 A All of us give money.

13 Q When you were told to give money, these two people,
14 did any of them have a weapon?

15 A Yes.

16 Q Can you describe the weapon?

17 A I was so scared, I don't -- I couldn't even tell.

18 Q Okay. Was it a handgun or a rifle?

19 A Handgun.

20 Q Okay. Did you give any money to these two
21 individuals?

22 A Yes.

23 Q And where was the money from that you gave to these
24 individuals?

25 A In the drawer.

1 Q I want to show you State's Exhibit 24. Do you
2 recognize what's depicted there?

3 A Depict the environment of my store, but the drawer
4 located in the front of the store.

5 Q Okay. Did you go to the drawer to get the money?

6 A Yes.

7 MR. PESCI: May I approach?

8 THE COURT: You may.

9 BY MR. PESCI:

10 Q Showing you State's Proposed Exhibit 26, do you
11 recognize that?

12 A This is the drawer that I took the money from,
13 located right here.

14 Q Is that an accurate picture of the drawer in your
15 store?

16 A Correct.

17 MR. PESCI: I'd move for the admission of State's
18 26, Your Honor.

19 MR. SANFT: No objection, Your Honor.

20 MR. PARRIS: No objection.

21 THE COURT: It's admitted.

22 (State's Exhibit 26 is admitted)

23 THE COURT: You may publish.

24 MR. PESCI: Thank you.

25 BY MR. PESCI:

1 Q Ma'am, could you describe again where you got the
2 money from?

3 A Right here. Underneath, there was a drawer.

4 Q And did you get money from that drawer and give it
5 to the two suspects?

6 A I just provide the money to one of them.

7 Q Okay. The one that you did not give the money to,
8 what was he doing?

9 A He collect the money from the clients.

10 Q And I apologize, I asked earlier, I think, but do
11 you remember what they were wearing? Can you describe
12 generally what they were wearing?

13 A I don't remember, I don't remember.

14 Q Okay. Do you remember anything about their faces?

15 A One individual covered the whole face, and the
16 other halfway down.

17 Q Okay.

18 A So, I don't recognize the full face.

19 Q Do you remember if they were the same height, or if
20 they had -- they were different heights?

21 A It was so terrifying, I don't remember.

22 Q Okay. After you gave the money from the drawer,
23 what happened?

24 A The person who hold a gun at me asked me to kneel
25 down.

1 Q Did you kneel down?

2 A Yes.

3 Q Was anybody else forced to kneel down?

4 A No.

5 Q Do you -- did you have some other employees there
6 that night?

7 A Yes.

8 Q Was one of them named Cang Tran?

9 A Yes.

10 Q Did you see what happened to him?

11 A I observed they asked him -- he asked him to pull
12 out the money from his pocket and give the money to the other
13 individual.

14 Q What happened?

15 A He just followed the instruction.

16 Q And then did these two individuals leave?

17 A Are you talking about the robbers?

18 Q Yes.

19 A Yes.

20 Q Did you see where they went?

21 A No, sir.

22 Q Okay.

23 MR. PESCI: Pass the witness, Your Honor.

24 THE COURT: Mr. Sanft, cross?

25 MR. SANFT: No cross-examination, Your Honor.

1 THE COURT: Mr. Parris, do you have any cross?

2 MR. PARRIS: Very briefly.

3 CROSS-EXAMINATION

4 BY MR. PARRIS:

5 Q Ms. Nguyen, the interpreter they're using also has
6 the surname Nguyen.

7 THE INTERPRETER: Sorry, counsel, can you --

8 BY MR. PARRIS:

9 Q The interpreter you're using also has the last name
10 of Nguyen. Are the two of you related in any way?

11 A No.

12 MR. PARRIS: Thank you. I just wanted to clarify
13 that for the record, considering their surnames.

14 THE COURT: Thank you.

15 MR. PARRIS: No further questions.

16 THE COURT: I assume there's no redirect?

17 MR. PESCI: Not on that, no.

18 THE COURT: Okay. Thank you very much for your
19 testimony here today. You may step down. You are excused
20 from your subpoena. State may call their --

21 THE INTERPRETER: Thank you.

22 THE COURT: Thank you. State may call their next
23 witness.

24 MS. KILLER: The State calls Iracema
25 Montes-Cervantes.

1 THE MARSHAL: Okay, counselor, I'm sorry --
2 counselor?

3 MS. KILLER: Yes.

4 THE MARSHAL: The first name?

5 MS. KILLER: Iracema.

6 THE MARSHAL: Straight ahead. Straight ahead.
7 Just up by where that white podium is.

8 THE WITNESS: Over there?

9 THE MARSHAL: Yeah, straight ahead. If you will
10 please step up into the witness stand, remain standing, raise
11 your right hand, and face the clerk, please.

12 IRACEMA MONTES-CERVANTES, STATE'S WITNESS, SWORN

13 THE CLERK: Thank you. Please be seated. Could
14 you please state your name and spell it for the record?

15 THE WITNESS: My name is Iracema Montes-Cervantes.
16 Iracema, I-r-a-c-e-m-a. Last name, Montes, M-o-n-t-e-s.
17 Cervantes, C-e-r-v-a-n-t-e-s.

18 THE CLERK: Thank you.

19 THE COURT: You may proceed.

20 DIRECT EXAMINATION

21 BY MS. KILLER:

22 Q Do you mind if I call you Iracema?

23 A Yeah. No, that's fine.

24 Q On the evening of June 26th of 2015, this year,
25 were you at the LV Nail Spa?

1 A Yes.

2 Q And is that at 4430 East Charleston?

3 A Yes.

4 Q Here in Las Vegas, Clark County, Nevada?

5 A Yes.

6 Q Sometime around 6:00 to 7:00 P.M. that evening,
7 were you there getting either a manicure or pedicure?

8 A Yes, pedicure.

9 Q Pedicure? And was someone with you?

10 A My sister was there with me.

11 Q And her name?

12 A Iraiis. Iraiis.

13 Q I can't say it either. While you were getting your
14 pedicures, did an event occur that causes you to be here
15 today?

16 A Yes.

17 Q Can you describe for the jury what happened?

18 A Well, we were getting a pedicure. I was already
19 done, but I was waiting on my sister. And as we were
20 waiting, two black male walked in -- they rushed in with
21 guns, and started demanding cash, and took our belongings.
22 And one was in front of us, just pointing the guns -- well,
23 they were both pointing the guns, but one was like really
24 just close to us, just watching us.

25 And the other one was trying to take the cash from

1 the owner, and I think the owner was like kind of scared,
2 too, or like she didn't really understand, and he was kind of
3 yelling. And then went towards the older man that worked
4 there that did manicures and also told him to get on the
5 ground. And I tried not to look at their face, because I was
6 scared, but they took our stuff, and they robbed the owner,
7 and then they took off, but they both had guns.

8 Q So, you saw two guns?

9 A Um-hum.

10 THE COURT: Is that a yes?

11 THE WITNESS: Yes.

12 THE COURT: Thank you.

13 MS. KILLER: I apologize.

14 BY MS. KILLER:

15 Q She's typing what we're saying, so we have to use
16 "yes" and "no."

17 A Okay, sorry.

18 Q The guns, could you tell us if they were like long
19 rifles or handguns?

20 A I think they were smaller. They weren't rifles,
21 but I didn't -- I didn't look at them, but I know they were
22 small.

23 Q Okay.

24 A Because they weren't like shotguns or anything.
25 They were just one hand.

1 Q So, they were holding them with one hand? Okay.
2 And were you able to see -- or do you remember the clothing
3 or any face coverings if they had those on?

4 A I don't remember clothing. Maybe they were dark
5 clothing, but the one in front of us, he had like a bandana
6 covering his face from like his cheeks and his lower part of
7 his face. And the other one, he was light-skinned. He had
8 also something on his face, but it fell, so I tried not to
9 look at him, just because I was scared and didn't want to get
10 shot for looking at him, and -- but that was pretty much it.
11 Can I describe them? No.

12 Q When you said they took some items from you, can
13 you tell us what was taken?

14 A They took my cell phone, my purse, my wallet in it
15 with all my credit cards, and all my cards, and --

16 Q Did you have a driver's license?

17 A Yes.

18 Q Did you have any cash in your wallet or purse?

19 A I had like a few bucks. 13, 15 dollars. I'm not
20 sure.

21 Q And it might seem like a silly question, but did
22 you give them your items because they were pointing the gun
23 at you?

24 A Yeah.

25 MS. KILLER: No further questions.

1 THE COURT: Mr. Sanft, any cross-examination?

2 MR. SANFT: Yes, Your Honor.

3 CROSS-EXAMINATION

4 BY MR. SANFT:

5 Q Ms. Cervantes, did you ever have an opportunity to
6 look at their shoes?

7 A I was just too afraid to actually try to look at
8 them. I saw them rush in, and I already knew it was going to
9 happen, so I just tried not to give them eye contact, just
10 because I wanted to be done with -- I didn't even try to look
11 at anything, to be honest with you.

12 Q And that's fair. You were sitting in a chair that
13 I'm assuming is slightly elevated?

14 A Yeah.

15 Q Getting your pedicure done?

16 A Um-hum.

17 Q Is that a yes?

18 A Yes.

19 Q Okay.

20 A Sorry.

21 Q Once again, we're just trying to clear the record.

22 A Yes.

23 Q And you're looking basically in a downward
24 direction, right?

25 A Yes.

1 Q All right. Now, at some point, did you ever see
2 any of the individuals wearing gloves, for instance?

3 A I didn't see, because I wasn't trying to.

4 Q All right, that's fine. Now, you said that both
5 people had guns?

6 A Yes.

7 Q And you described the guns as not being rifles, but
8 something you could hold in one hand?

9 A Yeah. Yes.

10 Q All right. Now, you had also said that your phone
11 was taken from you?

12 A Yes.

13 Q Was it an iPhone?

14 A An iPhone.

15 Q All right. Did you at any point try to locate that
16 iPhone after you had it taken from you?

17 A I didn't know how to locate it. I asked my
18 brother, and he said that they had turned it off and he
19 couldn't locate it. And then, after that, I just gave up. I
20 cancelled the line and I got a new one.

21 Q Okay. Did you tell police officers at the scene
22 that you had your iPhone taken from you?

23 A Yes.

24 MR. SANFT: No further questions. Thank you.

25 THE COURT: Mr. Parris?

1 MR. PARRIS: Yes, Your Honor.

2 CROSS-EXAMINATION

3 BY MR. PARRIS:

4 Q May I call you Iracema as well?

5 A Yes.

6 Q Iracema, in addition to your iPhone, you also
7 indicated that -- well, your whole purse was taken, correct?

8 A Yes.

9 Q And in your purse, you had referenced that there
10 were some debit cards in there?

11 A Yes.

12 Q Was it one debit card, or multiple?

13 A It was two debit cards.

14 Q Okay. Any credit cards in addition to those debit
15 cards?

16 A Credit cards, no. I had two debit cards, and all
17 my insurance cards, and my driver's license, and that's
18 pretty much it.

19 Q Regarding those two debit cards, I'm assuming you
20 quickly cancelled or put a hold on those two accounts,
21 correct?

22 A Yes.

23 Q Probably within a few hours of --

24 A Yeah, right away.

25 Q -- the incident? Were you ever notified by your

1 bank that someone had tried to use those cards?

2 A No, I -- I didn't get anything, because I cancelled
3 everything. But just recently, not so long ago, somebody
4 tried to get a T-Mobile phone under my name.

5 Q Okay. Now, this incident happened back in June,
6 correct? About --

7 A What happened?

8 Q The nail salon --

9 A Yes.

10 Q -- incident happened back in June? And you're
11 saying just recently, someone tried to get a T-Mobile
12 account?

13 A Yeah, like a -- maybe like a month ago.

14 Q Okay. I'm assuming they were --

15 A Probably my ID or something.

16 Q -- prevented, to your knowledge?

17 A I don't know.

18 Q Okay. How were you made aware of that? Did
19 T-Mobile contact you?

20 A Well, somebody sent me a letter. One of the -- I
21 can't remember what it was. I think it was an identify theft
22 or something, and they wanted me to enroll to a protection or
23 something, but I didn't get around to do it. My credit's
24 bad, so I just like -- they couldn't get one anyways.

25 Q Okay. So, they were -- whomever tried to get --

1 A Whoever it was.

2 Q -- this T-Mobile phone was denied, as far as you
3 know?

4 A Yes.

5 Q Okay. And you received a letter in the mail to
6 that effect?

7 A Yeah.

8 Q Okay. Did you report that information to law
9 enforcement?

10 A No.

11 Q Okay. But again, just to make it clear, no one --
12 to your knowledge, no one ever tried to use either of those
13 two debit cards, correct?

14 A No, I cancelled it.

15 Q Okay.

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

17 THE COURT: Redirect?

18 MS. KILLER: No, Your Honor.

19 THE COURT: Thank you very much for your testimony
20 here today. You may step down. You're excused from your
21 subpoena. And you may call your next witness.

22 MR. PESCI: I'd like to call the other Ms.
23 Montes-Cervantes.

24 THE COURT: Iraiis?

25 MR. PESCI: I don't think it's pronounced that way.

1 MS. KILLER: Iraiis, I believe.

2 THE COURT: Oh.

3 MS. KILLER: [Inaudible].

4 THE COURT: That's what she said.

5 THE MARSHAL: And if you'll please step up into the
6 witness stand. Please watch your step. Remain standing,
7 raise your right hand, and face the clerk.

8 IRAIIS MONTES-CERVANTES, STATE'S WITNESS, SWORN

9 THE CLERK: Thank you. Please be seated. Could
10 you please state your name and spell it for the record?

11 THE WITNESS: My name is Iraiis Montes-Cervantes.
12 M-o-n-t-e-s. Iraiis, I-r-a-i-i-s.

13 THE CLERK: Thank you.

14 THE COURT: You may proceed.

15 MR. PESCI: Thank you.

16 DIRECT EXAMINATION

17 BY MR. PESCI:

18 Q Ma'am, I want to direct your attention to June 26th
19 of this year. Were you at the LV Nails Salon with your
20 sister having a pedicure or a manicure?

21 A Yes, I was.

22 Q Did something happen that brings you here to court?

23 A We got robbed at gunpoint.

24 Q Describe that for the ladies and gentlemen of the
25 jury, please.

1 A Well, I was there, almost about to be done getting
2 my pedicures, when these two black men came in with guns,
3 telling us not to move.

4 Q And do you need a moment, ma'am?

5 A They told us not to move. He called over the owner
6 or one of the ladies over to the back.

7 Q Was there anything else said besides not to move?

8 A I don't remember, and I honestly don't want to
9 remember. It was terrifying. He told us not to move; to
10 give our purses.

11 Q Did you have a purse with you?

12 A Yes. I had my purse that my grandmother gave me.

13 Q Did you give the purse?

14 A He -- one of them walked down the isle, collecting
15 our belongings. One of the other ones, I'm not sure exactly
16 what point, he went over to the register with the owner,
17 asking her to give her -- give him the money. And as he's
18 getting a bag out of his pocket, collecting the cash, his gun
19 fell, telling her not to F'ing move.

20 Q Your purse, was it taken?

21 A Yes, it was.

22 Q What was in your purse?

23 A I had my -- all personal belongings. My ID, my
24 son's -- my son's social card, I had my health card, I had my
25 debit cards, I have all the personal belongings, you know, we

1 carry in our wallets. I had 110 in cash. I had my car keys.
2 I had my brand new phone that I had barely bought a month
3 before.

4 Q Were all those items taken from you?

5 A Yes, it was.

6 Q Okay. And you described there were two individuals
7 that did this?

8 A Yes.

9 Q Can you remember what they were wearing?

10 A I couldn't remember, but I wasn't trying to look.
11 I just know that they had their face covered with like a
12 beanie or bandana; I'm not really sure what's it called.

13 Q Okay.

14 A I know that they had hair.

15 Q Do you recall if both individuals had something on
16 their faces?

17 A Yes, I think both of them did. I recall one did --
18 had like a hat or a beanie -- like a hat and a beanie, and
19 had all this covered.

20 Q Did you see any weapons?

21 A I saw both of them carrying a gun.

22 Q Okay. After your purse was taken and the other
23 people in the store's purse was taken, what did these two
24 individuals do?

25 A Telling us not to move, not to go after them, not

1 to call the cops. They were just walking all down the isle,
2 getting all the belongings, except for one woman, they didn't
3 take her belongings. I tried not to look around. I was just
4 concentrating on my sister, looking away. I didn't want them
5 to shoot me if I was to look at their face. I just tried to
6 look away. I just heard a lot of racket.

7 I think one of the guys -- one of the workers was
8 there. When I turned around and looked, he was on the floor.
9 I'm not sure what happened during that part, but I tried to
10 look away. I saw them running out.

11 Q Let me stop you for a second. You said a worker,
12 and you referred to him as a he, so was it an employee of the
13 store?

14 A Yes, one of the workers. One of the employees
15 there; an older man.

16 Q Okay. And then let me stop you, because she can
17 only record us one at a time. If we talk at the same time,
18 she can't get it. Did you say that they then both left?

19 A They both left together. They ran out.

20 Q Did you see where they went?

21 A I saw them going somewhere like south to that
22 parking side. I didn't see what they got into.

23 Q Okay.

24 A I ran outside to see -- try to see. I didn't get
25 to see. I asked one of the people passing by did they saw

1 them get into a vehicle --

2 Q Let me stop you there. We can't have you testify
3 as to what you heard someone else say. It's just what you
4 saw.

5 A Um-hum.

6 Q Did you see them leave the store?

7 A Yes.

8 Q After they left the store, you didn't know where
9 they went?

10 A No, I just saw them going -- running towards south.

11 MR. PESCI: Okay, I'll pass the witness, Your
12 Honor.

13 THE COURT: Mr. Sanft?

14 MR. SANFT: Yes, Your Honor.

15 CROSS-EXAMINATION

16 BY MR. SANFT:

17 Q Ms. Cervantes, your phone -- you said it was a
18 brand new phone, Galaxy 4? Is that a yes?

19 A Yes.

20 Q Okay. Did you tell police about that phone being
21 stolen?

22 A I mentioned everything to them, what I had in
23 there.

24 Q Did you ever try to locate that particular phone
25 remotely?

1 A No, because I had barely got it. I don't -- I
2 didn't know how to do like the -- like when they steal it, to
3 do that location thing.

4 Q Right.

5 A I barely had a month with that phone.

6 MR. SANFT: Okay. No further questions, Your
7 Honor. Thank you.

8 THE COURT: Mr. Parris?

9 CROSS-EXAMINATION

10 BY MR. PARRIS:

11 Q Ma'am, you had also indicated that -- well, inside
12 your purse were your car keys, correct?

13 A Yep.

14 Q Was your car -- were those keys ever returned to
15 you?

16 A No.

17 Q Was your car -- I would assume the keys were to the
18 car that was parked in the vicinity of the nail salon; is
19 that correct?

20 A Um-hum.

21 Q Is that a yes?

22 A Yes.

23 Q Okay. Was that car ever taken or stolen from that
24 parking lot?

25 A I had to pay to get it towed; I had to pay to get

1 new car keys; I had to pay for all that stuff. I had to pay
2 for a new cell phone. I had to pay for basically everything
3 I had in my purse.

4 Q Okay. Regarding the other items in your purse, you
5 had mentioned -- I think you said two debit cards?

6 A I had my child support card, and I had my Chase
7 Card --

8 Q Okay.

9 A -- that I receive my daughter's SSI benefits.

10 Q Okay. Regarding those two cards, did you
11 immediately cancel or put a hold --

12 A Yes, I did.

13 Q Okay, on those accounts?

14 A Yes.

15 Q Okay. And after that hold was placed, were you
16 ever notified regarding either one of those cards that
17 someone had attempted to use those cards -- someone other
18 than you had attempted to use those cards?

19 A After that incident happened, as we were waiting to
20 get everybody's testimony down or written, I asked one of the
21 girls that didn't get robbed to use her phone so I could
22 cancel them. So, I cancelled them right away after that.

23 Q Okay. And after they were cancelled though, were
24 you ever notified by Chase or by some other bank --

25 A No.

1 Q -- that someone had tried to use those --

2 A No.

3 Q -- accounts?

4 MR. PARRIS: Thank you. I have nothing further,
5 Your Honor.

6 THE COURT: Any redirect?

7 REDIRECT EXAMINATION

8 BY MR. PESCI:

9 Q Ma'am, the person that nothing was taken from, can
10 you describe her?

11 A She was a black girl; skinny.

12 MR. PESCI: Thank you.

13 MR. PARRIS: No follow up, Your Honor.

14 THE COURT: Thank you very much for your testimony
15 here today. You may step down. You're excused from your
16 subpoena. Thank you --

17 THE WITNESS: Thank you.

18 THE COURT: -- for being here. You may call your
19 next witness.

20 MS. KILLER: The State calls Angelica Miranda.

21 THE MARSHAL: Please step up into the witness
22 stand. Remain standing, raise your right hand, and face the
23 clerk.

24 ANGELICA MIRANDA, STATE'S WITNESS, SWORN

25 THE CLERK: Thank you. Please be seated. Could

1 you please state your name and spell it for the record?

2 THE WITNESS: Angelica Miranda. A-n-g-e-l-i-c-a,
3 M-i-r-a-n-d-a.

4 THE CLERK: Thank you.

5 THE COURT: You may proceed.

6 MS. KILLER: Thank you, Your Honor.

7 DIRECT EXAMINATION

8 BY MS. KILLER:

9 Q Ms. Miranda, on June 26th of 2015, were you at the
10 LV Nail Spa on 4430 at East Charleston getting a pedicure?

11 A Yes.

12 Q And is that here in Las Vegas, Clark County,
13 Nevada?

14 A Yes.

15 Q Around 6:45 P.M. that evening, did something occur
16 that causes you to be here today?

17 A Yes.

18 Q And can you describe for the ladies and gentlemen
19 of the jury what occurred?

20 A I was getting a pedicure, and two gentlemen came
21 in, and the subjects robbed the nail salon.

22 Q And I'm sorry, I just didn't hear the end of that.

23 A They robbed the nail salon.

24 Q And you said there were two, correct?

25 A Correct.

1 Q Could you tell if they were white, black, Hispanic,
2 Asian?

3 A To me, they looked black.

4 Q And let's start with, I guess, did one stay near
5 the front of the store?

6 A Yes. The two came in. One stayed towards the
7 front of the store; the other stayed towards the back of the
8 store.

9 Q The one that stayed towards the front, can you
10 describe him for us?

11 A The one that was towards the front was slightly
12 shorter than the one that came to the rear. Don't remember
13 the exact clothing. Jeans, dark jeans, dark shirt, two
14 layers of clothing, bandana on the face, hair in a ponytail.
15 The one -- that gentleman was also holding a semi-automatic
16 firearm, black.

17 The gentleman that came to the back, which was the
18 taller of the two, he was wearing a full mask with a skull on
19 it, and he had on double-layered clothing on the shirts, dark
20 pants as well. His hair was a little bit in twists. He was
21 also holding a handgun. His was more of a revolver, and
22 that's the one that stayed towards the back.

23 Q And when you say a revolver, just for the jury,
24 you're a little bit familiar with guns, correct?

25 A A little, a little.

1 Q Do you own them or shoot them on occasion?

2 A I do.

3 Q When we say revolver, are we talking, for lack of a
4 better description, the kind that spin, kind of like you'd --

5 A Correct.

6 Q -- see in a western movie, but smaller?

7 A Correct, correct.

8 Q So, the man that went towards the back with the
9 skull mask, he had the revolver?

10 A Correct.

11 Q Do you remember what color it was?

12 A The handle I remember was kind of like -- I don't -
13 - a brownish color. It was more of -- the gun itself wasn't
14 like silver. It was more of a gray, like a dark gray, kind
15 of older style, sort of.

16 Q So, kind of a metal color, but not excessively
17 shiny?

18 A Correct.

19 Q Let's go back to the first man, the man you said
20 kind of stayed at the front with the bandana. Did he say
21 anything when he came in the store?

22 A He said, this is what's going to happen; you guys
23 are going to give us all your money, your wallets,
24 everything. When he came in, he went to the owner of the
25 shop, and grabbed her and took her to the front where she

1 normally has her cash register or her little box. He pulled
2 her over there, then he told us not to move. And then he was
3 asking her for the money, and she resisted a couple of times,
4 and then he demanded and kept demanding that she open the
5 drawer and give him the money, and so she -- finally, she
6 did.

7 And then the other gentleman came that was in the
8 back. He got a bag out, and like a reusable grocery bag like
9 from Walmart, blue and white, and he started to go by
10 everybody and get everybody's belongings, and was putting
11 them in the bag.

12 Q Okay. And the gentleman who had taken the owner
13 over to the register, did he make any demands? I think you
14 said he made demands for the money from the store?

15 A Correct.

16 Q Did he make any threats about shooting her?

17 A Yeah, because she wasn't doing it, she wasn't doing
18 it, and then she wasn't complying with him, and then he told
19 her not to make -- for her not to make him shoot her over
20 some dumb shit.

21 Q The man who came to the back, the one with the
22 skull mask, you -- did you see him with a weapon as well?

23 A Correct.

24 Q And did he have that weapon while he was taking
25 everyone's belongings?

1 A Yes.

2 Q Specifically from you, what was taken?

3 A Specifically from me was my telephone, which was a
4 Galaxy 6. My wallet, which contained my -- all my IDs, my
5 credit cards, military ID, gas cards, gift cards, social
6 security cards. All of my personal information, everything
7 was in there. He also took the phone charger, because my
8 phone was charging on the chair next to me, and he yanked the
9 charger out of the extension cord and took the whole thing.

10 Q And I believe you said he took your purse or
11 wallet?

12 A It was a wallet, uh-huh.

13 Q It was a wallet? And did you have any cash in
14 there?

15 A I did. I had just cashed my check, and there was
16 about \$1,430, or somewhere around there. 14 -- it was -- I
17 had just cashed my check, and I had made a payment for my
18 cell phone, but other than that, my cash was in there.

19 Q This wallet, had you had it inside a purse when he
20 came to get it, or was it kind of one of those all-in-one
21 things?

22 A It's an all-in-one. It had a zipper and it had
23 multiple compartments inside, and then on the outside, you
24 have where you can put your phone in there.

25 Q Okay.

1 A I just didn't have the phone in there because my
2 phone was charging.

3 Q At some point, did anyone have either the owner or
4 any of the employees get on the ground?

5 A Yes. After she gave the gentleman the money, he
6 demanded that she get on her knees and get on the ground.
7 After that, he came to the back of the store and asked --
8 directly across from me was another worker, and he was doing
9 a lady's nails, and he told that gentleman to get on his --
10 to get on the ground, too.

11 And the worker wasn't complying, kept saying, no,
12 no, and he kind of like balled up a little bit while he was
13 in his chair, and he didn't want to, and he was like afraid,
14 you know, of anything. And then, so it's like -- kind of
15 like a semi-fetal position type. And then, the guy kept
16 telling him to get on the ground, and he wouldn't, he
17 wouldn't, so then he went and he shoved the chair, and the
18 guy -- the worker fell on the floor, still stayed in the
19 fetal position, rolled up and stayed on the ground.

20 And then, at that turn, they turned around and they
21 started to walk, and they told not -- any of us not to move
22 until they were out.

23 Q And when you said he went to the back after getting
24 the money from the owner, were you referring to the first man
25 that stayed at the front with the bandana?

1 A Correct.

2 Q So, at that point, they were both near the rear of
3 the store?

4 A Correct.

5 Q And the person that got pushed onto the ground, was
6 that an older man?

7 A Yes.

8 Q Okay, and he was one of the employees?

9 A Correct.

10 Q Okay. Fair to say they didn't get anything from
11 him?

12 A No.

13 Q After he was on the ground, you said they started
14 to move and they told you all not to move. Did they leave
15 the store at that point?

16 A They were walking out, yes.

17 Q And did you see where they went, and if they walked
18 or ran as they exited the store?

19 A As they were exiting, they -- when they went out
20 the door, they went to the left.

21 Q Did their faces remain covered through the entire
22 robbery?

23 A For the most part. The one with the bandana, it
24 slightly went down. It started on the top, and then it
25 slightly went a little further down. It fell down some.

1 Q Enough that you'd recognize him, or it
2 maintained --

3 A No, probably --

4 Q -- pretty covered?

5 A Yeah.

6 Q Sorry, is that a yes, it stayed covered?

7 A It stayed covered.

8 MS. KILLER: The State has no further questions.

9 THE COURT: Mr. Sanft, any cross?

10 MR. SANFT: Yes, Your Honor.

11 CROSS-EXAMINATION

12 BY MR. SANFT:

13 Q Ms. Miranda, what do you do for work?

14 A A service adviser.

15 Q What is that?

16 A At a car dealership.

17 Q Okay. You seem to be pretty detailed in your
18 recollection of this particular event.

19 A Okay.

20 Q You said you have a military ID. Did you serve in
21 the military?

22 A I did not.

23 Q Okay. Now --

24 THE COURT: Why do you have military ID then?

25 THE WITNESS: Because my husband is retired.

1 THE COURT: Okay.

2 MR. SANFT: All right.

3 BY MR. SANFT:

4 Q So, on this particular night, your testimony was
5 that you had observed the two individuals. You saw one of
6 the individuals with hair in twists. What does that mean?

7 A His hair was like twisted -- it looked like they
8 were twisted together. It wasn't just free-falling hair; it
9 was like they were twisted.

10 Q Okay. So, was that the individual that was wearing
11 the bandana?

12 A That was the individual that was towards the end.
13 That was --

14 Q Okay, so that was the other individual; not the one
15 with the bandana?

16 A Correct.

17 Q And you said you saw his hair in twists?

18 A No. The guy with the skull mask has the twists.
19 The guy with the bandana had a ponytail.

20 Q Okay. How could you know that the guy with the
21 skull mask had the twists?

22 A Because when he turned around.

23 Q Meaning turning away from you?

24 A Yeah, because you could see on the sides. Not all
25 of the hair was covered completely.

1 Q All right. So, the mask was like a regular mask,
2 not like a --

3 A It wasn't a full cover on, no.

4 Q All right. So, it was the type of mask that
5 wouldn't be considered to be like a ski mask; it's more like
6 a Halloween mask you'd put over your face?

7 A Kind of. That's what it looked like.

8 Q Okay. And because of that, you were able to see
9 the back of his head?

10 A Yeah, more of this area right here.

11 Q Okay, that's fine. Now, when you said that there
12 were people that were working in the shop, the employees,
13 were they wearing uniforms?

14 A No.

15 Q They weren't wearing like, say, polo shirts that
16 had the name of the salon on it?

17 A No.

18 Q All right. The individual that was the owner of
19 the shop, how did -- how did they pick this particular woman
20 over the man to assume that she owned the shop?

21 THE COURT: How is she --

22 THE WITNESS: You'd have to ask them.

23 THE COURT: Yeah.

24 MR. SANFT: I missed that.

25 THE WITNESS: You'd have to ask them, because I

1 don't know.

2 THE COURT: Maybe you need to --

3 MR. SANFT: Was there any question --

4 THE COURT: -- restate it.

5 MR. SANFT: Let me just restate it.

6 THE COURT: Probably just strike the question and
7 answer, and restate it.

8 MR. SANFT: Yeah, let me ask it this way.

9 BY MR. SANFT:

10 Q Did they ask the individual that was the owner of
11 the shop if she was the owner of the shop?

12 A No.

13 Q All right. Did they ask anyone in the store, hey,
14 who's the owner of the shop as they walked into the store?

15 A No.

16 Q All right, they just --

17 A Came in -- he just came in, he grabbed her, and
18 took her --

19 Q Okay.

20 A -- as if he knew who she was.

21 Q Okay. As if she knew who she was?

22 A As if he knew who the owner was when he grabbed
23 her, because he didn't ask anything. All he did was come in,
24 grab her, and took her, and asked her to give him the money.

25 Q Okay, so the two individuals that walked in, the

1 one individual had no hesitation in approaching her, grabbing
2 her, and taking her to the back of the shop?

3 A No, that's not -- one went to the back.

4 Q Okay.

5 A The other one grabbed her. She was in the front
6 giving -- doing eyebrows, and he grabbed her and took her to
7 the front. He never took the owner to the back. The owner
8 was in the front. He took her to the front and told her to
9 give him the money.

10 Q Okay, but I just want to make sure you're clear for
11 this jury, and I need to be clear for this jury as well. But
12 the -- but the person that came into the store and grabbed
13 this woman, without hesitation, grabbed this woman and took
14 her to the area of --

15 A Correct.

16 Q -- the cashier's area?

17 A Correct.

18 Q Okay. And your Galaxy phone, your Galaxy 6, are
19 you able to locate that phone?

20 A Was -- I wasn't, because it was off.

21 Q Oh, it was turned off completely because you were
22 charging it?

23 A Because I was charging it, um-hum.

24 Q Do you know if the individuals were wearing gloves
25 at all? Did you observe them wearing gloves that day?

1 A Did not see gloves on him.

2 Q On either the person that was at the front of the
3 store or the person that was in the back of the store?

4 A The one in the back of the store, I know he did not
5 because he grabbed my stuff and he did not have gloves on.

6 Q Okay. And then, the other individual that was in
7 the front of the store --

8 A He didn't. I don't -- I don't -- I remember the
9 gun. I remember seeing the gun in his hands. I can't say
10 100 percent he didn't have gloves, but I -- I can remember
11 the gun, and I don't remember seeing gloves on that hand.

12 MR. SANFT: Fair enough. Thank you. No further
13 questions.

14 THE WITNESS: Um-hum.

15 MR. SANFT: Thanks, Your Honor.

16 THE COURT: Mr. Parris?

17 MR. PARRIS: Thank you.

18 CROSS-EXAMINATION

19 BY MR. PARRIS:

20 Q Ms. Miranda, did you -- in addition to the cell
21 phone that was taken, you had also referenced that some
22 credit cards were in your purse or wallet, correct?

23 A Correct.

24 Q How many credit cards?

25 A Three.

1 Q And did you have any separate ATM cards that
2 were --

3 A I did.

4 Q Okay, how many ATM cards?

5 A I had two. I had two of those as well.

6 Q Okay. Regarding the three credit cards --

7 A Um-hum.

8 Q -- were those cancelled within a few hours of this
9 incident occurring?

10 A Yes.

11 Q Okay.

12 A Oh my god, sorry. Yes.

13 Q Is that your phone?

14 A It is.

15 Q Not a problem.

16 THE COURT: Well, yeah, it's kind of a problem.

17 THE WITNESS: It is. I had it off, and I had to --

18 THE COURT: Just -- if you could just turn it off.

19 BY MR. PARRIS:

20 Q For the record, what song was that?

21 THE COURT: Yeah, that was kind of -- we were all
22 kind of enjoying it.

23 MR. PARRIS: Yeah.

24 THE WITNESS: Sorry. Okay.

25 MR. PARRIS: No worries.

1 BY MR. PARRIS:

2 Q So, you had cancelled the three credit cards almost
3 immediately after this incident occurred, correct?

4 A Correct.

5 Q Same thing with the ATM cards?

6 A The ATMs I didn't do right away.

7 Q Okay. At some point in time, you did cancel those
8 ATM cards?

9 A Correct.

10 Q Okay. Regarding the credit cards, were you ever
11 notified by the credit card companies themselves that someone
12 had tried to use those credit cards after they were taken
13 from you?

14 A No.

15 Q Regarding the ATM cards, were you ever notified
16 that someone had tried to use either of those cards after
17 they were taken from you?

18 A On one of my cards, there was a charge on there,
19 but -- and I did dispute that.

20 Q Okay. Did you notify law enforcement regarding
21 that charge?

22 A No, the credit card company put it back on my card.
23 They gave me provisional credit, they did their
24 investigation, and they left my credit on my card.

25 Q Okay, so they didn't deduct the monies from you?

1 A Correct.

2 Q And approximately when did that happen in relation
3 to this incident? A few days, a few weeks, a few months?

4 A Probably -- probably maybe a week or two.

5 Q Okay. And were you given any other specifics or
6 information regarding that attempted usage or that usage of
7 your card?

8 A No, no.

9 Q Did you ever notify law enforcement that the card
10 had been used?

11 A No.

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

13 THE COURT: Any redirect?

14 MS. KILLER: No, Your Honor.

15 THE COURT: Thank you very much for your testimony
16 here today. You may step down. You are excused from your
17 subpoena.

18 THE WITNESS: Thank you.

19 THE COURT: Thank you for being here. At this
20 time, ladies and gentlemen, we're going to conclude for the
21 day.

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

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 You're further admonished you may not communicate
7 with anyone, including your fellow jurors, about this case on
8 your cell phone, through email, Blackberry, iPhone, text
9 messaging, Twitter, through any blog or website, through any
10 internet chat room, over way of any of the social networking
11 website, including, but not limited to Facebook, Myspace,
12 Linked In, and You Tube.

13 We'll start tomorrow morning at 10:30. Just come
14 up to the 14th floor at 10:30 tomorrow morning. I will be in
15 session. This court starts at 8:30 in the morning, and so I
16 just ask that you don't come in the courtroom unless Officer
17 Hawks comes out and gets you. Thank you very much, and we'll
18 see you tomorrow morning.

19 THE MARSHAL: Thank you. All rise for the exiting
20 jury. Jurors, please.

21 (Outside the presence of the jurors)

22 THE MARSHAL: Thank you. Please be seated.

23 THE COURT: Anything? Are we good?

24 MR. SANFT: We're good, Your Honor.

25 MR. PARRIS: We're good, Your Honor. Thank you.

1 THE COURT: See you tomorrow morning.
2 MR. SANFT: Thank you.
3 MR. PARRIS: Thank you.
4 (Court recessed at 5:08 P.M., until Thursday,
5 December 3, 2015, at 11:26 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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