

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAVIER RIGHETTI,
Appellant,

v.
THE STATE OF NEVADA,
Respondent.

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Case No. 70591

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RESPONDENT'S APPENDIX

CHRISTY L. CRAIG
Deputy Public Defender
Nevada Bar #006262
309 S. Third Street, #226
Las Vegas, Nevada 89155
(702) 455-4685

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar # 001565
Regional Justice Center
200 Lewis Avenue
Post Office Box 552212
Las Vegas, Nevada 89155-2212
(702) 671-2500
State of Nevada

ADAM PAUL LAXALT
Nevada Attorney General
Nevada Bar #012426
100 North Carson Street
Carson City, Nevada 89701-4717
(775) 684-1265

Counsel for Appellant

Counsel for Respondent

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CERTIFICATE OF SERVICE

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ADAM PAUL LAXALT
Nevada Attorney General

CHRISTY L. CRAIG
Deputy Public Defender

CHRIS BURTON
Deputy District Attorney

BY /s/ E.Davis
Employee, District Attorney's Office

CB//ed

1 EIGHTH JUDICIAL DISTRICT COURT
2 CLARK COUNTY, NEVADA
3
4 BEFORE THE GRAND JURY IMPANELED BY THE AFORESAID
5 DISTRICT COURT

7 THE STATE OF NEVADA,
8 Plaintiff,
9 vs.
10 JAVIER RIGHETTI,
11 Defendant.

ORIGINAL

No. 10BGJ132X

12
13
14 Taken at Las Vegas, Nevada
15 Thursday, October 6, 2011
16 8:44 a.m.

17
18
19
20 REPORTER'S TRANSCRIPT OF PROCEEDINGS
21
22
23
24

25 Reported by: Danette L. Antonacci, C.C.R. No. 222

1 GRAND JURORS PRESENT ON OCTOBER 6, 2011

2
3 ROGER FOTCH, Foreperson
4 MICHAEL SANFORD, Deputy Foreperson
5 LARAE STOLTZFUS, Secretary
6 GUADALUPE MARTINEZ, Assistant Secretary
7 JOCELYN COTTON
8 MARTIN DUPALO
9 MARY CRICKSON
10 FRANKIE HOLTZ-DAVIS
11 JAMAAL JOHNSON
12 DENNIS KUZMA
13 LUCILLE MOSCA
14 ROBERT PROCTOR
15 ALISON RACHIELL-HAUGH
16 JUAN REATEGUI
17 PAMELA VOS
18 ZERRICK WALKER
19

20 Also present at the request of the Grand Jury:
21 Christopher Lalli & Giancarlo Pesci,
22 Chief Deputy District Attorneys
23
24
25

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17 C-11-276713-1
18 TRAN
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20 1664319



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CLERK OF THE COURT

OCT 20 2011

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1 assault by strangulation, first degree kidnapping,

2 attempted sexual assault with a child under 16 years of

3 age, sexual assault of a child under 16 years of age,

4 robbery with use of a deadly weapon, sexual assault with

5 a child under 16 years of age with use of a deadly

6 weapon, and murder with use of a deadly weapon.

7 Now this case involves a Grand Jury target

8 by the name of Javier Righetti. You will hear evidence

9 pertaining to a 15 year old student of Arbor View High

10 School named Alyssa Otremba. A forensic pathologist

11 will testify that her body was stabbed and that she was

12 burned.

13 Is there anyone who has heard information

14 about this case reported in the media? Is there anyone

15 who has heard it?

16 Okay. For the record I am seeing a number

17 of hands raised. For those of you who raised your

18 hands, you are instructed to ignore anything that you

19 may have heard about this case in the media including

20 what I just told you and base your deliberations solely

21 upon what you hear from witnesses and see from the

22 exhibits marked during the course of these Grand Jury

23 proceedings.

24 Is there anyone who raised their hand who

25 cannot follow that admonition?

6

1 LAS VEGAS, NEVADA, OCTOBER 6, 2011

2 * * * * *

3

4 DANETTE L. ANTONACCI,

5 having been first duly sworn to faithfully

6 and accurately transcribe the following

7 proceedings to the best of her ability.

8

9 THE FOREPERSON: Let the record reflect

10 that I have canvassed the waiting area and no one has

11 appeared in response to Notice of Intent to Seek

12 Indictment.

13 MR. LALLI: Good morning ladies and

14 gentlemen. My name is Christopher Lalli. This is

15 Giancarlo Pesci. We are chief deputy district attorneys

16 in and for the County of Clark, State of Nevada.

17 This morning we will be presenting to you

18 Grand Jury Case Number 10BGJ132X styled State of Nevada

19 versus Javier Righetti.

20 The record should reflect that I have

21 marked a copy of the proposed Indictment as Exhibit

22 Number 1 and that all members of the Grand Jury have a

23 copy of it.

24 In this case the defendant is charged with

25 attempted robbery, battery with intent to commit sexual

8

1 Okay. The record should reflect that no

2 hands are raised. Thank you, ladies and gentlemen.

3 I am required by law to advise you of the

4 elements of the charges at issue in this case.

5 Robbery. Robbery is the unlawful taking of

6 personal property from the person of another, or in his

7 presence, against his will, by means of force or

8 violence or fear of injury, immediate or future, to his

9 person or property, or the person or property of a

10 member of his family, or of anyone in his company at any

11 time during the robbery.

12 Such force or fear must be used to: (1)

13 Obtain or retain possession of the property; (2) To

14 prevent or overcome resistance to the taking of the

15 property, or (3) To facilitate escape with the property.

16 In any case the degree of force is

17 immaterial if used to compel acquiescence to the taking

18 of or escaping with the property. Such taking

19 constitutes robbery whenever it appears that, although

20 the taking was fully completed without the knowledge of

21 the person from whom taken, such knowledge was prevented

22 by use of the force or fear.

23 The value of property or money taken is not

24 an element of the crime of robbery, and it is only

25 necessary that the State show the taking of some money

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<p>1 or property.</p> <p>2 Attempt. An act done with intent to commit</p> <p>3 a crime, intending but failing to accomplish it, is an</p> <p>4 attempt to commit that crime.</p> <p>5 Battery with intent to commit sexual</p> <p>6 assault by strangulation. Battery means any willful and</p> <p>7 unlawful use of force or violence upon the person of</p> <p>8 another.</p> <p>9 Any person who commits a battery upon</p> <p>10 another person with the specific intent to commit a</p> <p>11 sexual assault is guilty of the offense of battery with</p> <p>12 the intent to commit sexual assault.</p> <p>13 Strangulation means intentionally impeding</p> <p>14 the normal breathing or circulation of the blood by</p> <p>15 applying pressure on the throat or neck or by blocking</p> <p>16 the nose or mouth of another person in a manner that</p> <p>17 creates a risk of death or substantial bodily harm.</p> <p>18 First degree kidnapping. Every person who</p> <p>19 willfully seizes, confines, inveigles, entices, decoys,</p> <p>20 abducts, conceals, kidnaps or carries away any person by</p> <p>21 any means whatsoever with the intent to hold or detain,</p> <p>22 or who holds or detains, the person for the purpose of</p> <p>23 committing robbery and/or sexual assault and/or to kill</p> <p>24 and/or to inflict substantial bodily harm is guilty of</p> <p>25 first degree kidnapping.</p>	<p>10</p> <p>1 The law does not require that the person</p> <p>2 being kidnapped be carried away for any minimal</p> <p>3 distance.</p> <p>4 Sexual assault with a child under 16 years</p> <p>5 of age. A person who subjects another person under 16</p> <p>6 years of age to sexual penetration against the victim's</p> <p>7 will or under conditions in which the perpetrator knows</p> <p>8 or should know that the victim is mentally or physically</p> <p>9 incapable of resisting or understanding the nature of</p> <p>10 his conduct, is guilty of sexual assault with a child</p> <p>11 under 16 years of age.</p> <p>12 As used in these instructions, sexual</p> <p>13 penetration means any intrusion, however slight, of any</p> <p>14 part of a person's body or any object manipulated or</p> <p>15 inserted by a person into the genital or anal openings</p> <p>16 of the body of another.</p> <p>17 Sexual penetration includes any intrusion,</p> <p>18 however slight, of any part of a person's body or any</p> <p>19 object manipulated or inserted by a person into the</p> <p>20 genital or anal openings of the body of another,</p> <p>21 including sexual intercourse in its ordinary meaning.</p> <p>22 Sexual intercourse is the placing of the</p> <p>23 penis of the perpetrator into the vagina of the victim.</p> <p>24 Sexual penetration also includes fellatio.</p> <p>25 Fellatio means the male penis entering the</p>
<p>11</p> <p>1 mouth of another person. Any penetration of the penis</p> <p>2 into the mouth, however slight, is sufficient to</p> <p>3 complete the crime of sexual assault if done against the</p> <p>4 victim's will; evidence of emission is not necessary.</p> <p>5 Deadly weapon. Deadly weapon means any</p> <p>6 instrument which, if used in the ordinary manner</p> <p>7 contemplated by its design and construction, will or is</p> <p>8 likely to cause substantial bodily harm or death; any</p> <p>9 weapon, device, instrument, material or substance which,</p> <p>10 under the circumstance in which it is used, attempted to</p> <p>11 be used or threatened to be used, is readily capable of</p> <p>12 causing substantial bodily harm or death is also a</p> <p>13 deadly weapon.</p> <p>14 Murder. Murder is the unlawful killing of</p> <p>15 a human being with malice aforethought, either express</p> <p>16 or implied. The unlawful killing may be effected by any</p> <p>17 of the various means by which death may be occasioned.</p> <p>18 Malice aforethought means the intentional</p> <p>19 doing of a wrongful act without legal cause or excuse or</p> <p>20 what the law considers adequate provocation. The</p> <p>21 condition of the mind described as malice aforethought</p> <p>22 may arise, from anger, hatred, revenge or from</p> <p>23 particular ill will, spite or grudge toward the person</p> <p>24 killed. It may also arise from any unjustifiable or</p> <p>25 unlawful motive or purpose to injure another, proceeding</p>	<p>12</p> <p>1 from a heart fatally bent on mischief, or with reckless</p> <p>2 disregard of consequences and social duty. Malice</p> <p>3 aforethought does not imply deliberation or the lapse of</p> <p>4 any considerable time between the malicious intention to</p> <p>5 injure another and the actual execution of the intent</p> <p>6 but denotes an unlawful purpose and design as opposed to</p> <p>7 accident and mischance.</p> <p>8 Express malice is that deliberate intention</p> <p>9 unlawfully to take away the life of a human, which is</p> <p>10 manifested by external circumstances capable of proof.</p> <p>11 Malice may be implied when no considerable</p> <p>12 provocation appears, or when all the circumstances of</p> <p>13 the killing show an abandoned and malignant heart.</p> <p>14 Murder of the first degree which is</p> <p>15 perpetrated by any means of willful, deliberate and</p> <p>16 premeditated killing. All three elements -- willfulness</p> <p>17 deliberation and premeditation -- must be proven before</p> <p>18 an accused can be convicted of first degree murder.</p> <p>19 Willfulness is the intention to kill.</p> <p>20 There need be no appreciable space of time between the</p> <p>21 formation of the intent to kill and the act of killing.</p> <p>22 Deliberation is the process of determining</p> <p>23 upon a course of action to kill as a result of thought,</p> <p>24 including weighing the reasons for and against the</p> <p>25 action and considering the consequences of the actions.</p>

1 A deliberate determination may be arrived
2 at in a short period of time. But in all cases the
3 determination must not be formed in passion, or if
4 formed in passion, it must be carried out after there
5 has been time for the passion to subside and
6 deliberation to occur. A mere unconsidered and rash
7 impulse is not deliberate, even though it includes the
8 intention to kill.

9 Premeditation is a design, a determination
10 to kill, distinctly formed in the mind by the time of
11 the killing.

12 Premeditation need not be for a day, an
13 hour, or even a minute. It may be as instantaneous as
14 successive thoughts of the mind. For if the jury
15 believes from the evidence that the act constituting the
16 killing has been preceded by and has been the result of
17 premeditation, no matter how rapidly the act follows the
18 premeditation, it is premeditated.

19 The law does not undertake to measure in
20 units of time the length of the period during which the
21 thought must be pondered before it can ripen into an
22 intent to kill which is truly deliberate and
23 premeditated. The time will vary with different
24 individuals and under varying circumstances.

25 The true test is not the duration of time,

1 but rather the extent of the reflexion. A cold,
2 calculated judgment and decision may be arrived at in a
3 short period of time, but a mere unconsidered and rash
4 impulse, even though it includes an intent to kill, is
5 not deliberation and premeditation as will fix an
6 unlawful killing as murder of the first degree.

7 A killing by torture is done with a
8 calculated intent to inflict pain for revenge,
9 extortion, persuasion or for any sadistic purpose and
10 the intent to inflict pain beyond the act of killing
11 itself.

12 Felony murder. There are certain kinds of
13 murder which carry with them conclusive evidence of
14 malice aforethought. One of these classes of murder is
15 murder committed in the perpetration or attempted
16 perpetration of kidnapping and/or robbery and/or sexual
17 assault.

18 Therefore, a killing which is committed in
19 the perpetration of robbery and/or kidnapping and/or
20 sexual assault is deemed to be murder of the first
21 degree, whether the killing was intentional or
22 unintentional or accidental. This is called the Felony
23 Murder Rule.

24 In order for the Felony Murder Rule to
25 apply under a robbery theory, the intent to take the

1 property must be formed prior to the act of the killing.

2 Are there any questions with regard to any
3 of the legal instructions I just provided to you?

4 The record should reflect that there are no
5 questions.

6 And I take it that all of you have been
7 instructed on these crimes before; is that correct?

8 A JUROR: Yes.

9 MR. LALLI: The record should reflect that
10 the grand jurors are indicating in the affirmative.

11 All right. Ladies and gentlemen, with
12 that, we'll call our first witness. Mikaela Kitchen.

13 THE FOREPERSON: Please stand and raise
14 your right hand.

15 You do solemnly swear the testimony you are
16 about to give upon the investigation now pending before
17 this Grand Jury shall be the truth, the whole truth, and
18 nothing but the truth, so help you God?

19 THE WITNESS: I do.

20 THE FOREPERSON: Please be seated.

21 You are advised that you are here today to
22 give testimony in the investigation pertaining to the
23 offenses of attempted robbery, battery with intent to
24 commit sexual assault by strangulation, first degree
25 kidnapping, attempted sexual assault with a child under

1 16 years of age, sexual assault with a child under 16
2 years of age, robbery with use of a deadly weapon, first
3 degree kidnapping with use of a deadly weapon, sexual
4 assault with a child under 16 years of age with use of a
5 deadly weapon, and murder with use of a deadly weapon,
6 involving Javier Righetti.

7 Do you understand this advisement?

8 THE WITNESS: Yes.

9 THE FOREPERSON: Please give your name and
10 spell it.

11 THE WITNESS: Mikaela Kitchen.

12 M-I-K-A-E-L-A, K-I-T-C-H-E-N.

13 MIKAELA KITCHEN,

14 having been first duly sworn by the Foreperson of the
15 Grand Jury to testify to the truth, the whole truth,
16 and nothing but the truth, testified as follows:

17

18 EXAMINATION

19

20 BY MR. LALLI:

21 Q. Mikaela, can you tell us how old you are?

22 A. I'm 16 now.

23 Q. What is your birthday?

24 A. September 13th.

25 Q. Back in March of this year how old were

1 you?
 2 A. Fifteen.
 3 Q. Do you work?
 4 A. No.
 5 Q. What do you do?
 6 A. I'm a cheerleader. Well, I was a
 7 cheerleader.
 8 Q. Where?
 9 A. At my high school.
 10 Q. What's your high school's name?
 11 A. Arbor View High School.
 12 Q. And so what grade are you in now?
 13 A. I'm a junior, in eleventh grade.
 14 Q. I want to direct your attention back to
 15 March 8th of this year 2011. Were you at one point
 16 walking to meet some friends?
 17 A. Yes.
 18 Q. Who were you walking to meet?
 19 A. My two friends Randi and Brittany.
 20 Q. Okay. Can you spell Randi's name? Is it
 21 R-A-N-D-I?
 22 A. Yes.
 23 Q. And is Randi a boy or a girl?
 24 A. A girl.
 25 Q. And who is your other friend?

1 hand indicate on Grand Jury Exhibit Number 2 where those
 2 tunnels are.
 3 A. The tunnels start here and then run along
 4 down here and end right here.
 5 Q. And you're indicating, you just traced your
 6 hand right across the freeway that's marked as Gran
 7 Gragson Veterans Memorial Highway; is that correct?
 8 A. Yes.
 9 Q. Okay. Now I'm going to show you Grand Jury
 10 Exhibit Number 4. Is this a closeup of the actual
 11 tunnels as they run underneath the highway?
 12 A. Yes.
 13 Q. I'm going to publish that for the Grand
 14 Jury as well.
 15 And then we're going to, right over the top
 16 of Grand Jury Exhibit Number 4 I'm going to place Grand
 17 Jury Exhibit Number 5. Is that essentially the same
 18 photograph of the tunnels with some red dotted lines
 19 running along one of the roads?
 20 A. Yes.
 21 Q. Can you explain for the Grand Jury what is
 22 underneath those red dotted lines?
 23 A. Another tunnel runs along the left side of
 24 the main tunnel.
 25 Q. Okay. So you have the one tunnel that's

1 A. Brittany.
 2 Q. Brittany. And where were you going to meet
 3 them?
 4 A. On the other side of the tunnel on Grand
 5 Teton.
 6 Q. On the other side of a tunnel. Can you
 7 describe the tunnel that you're talking about?
 8 A. It runs under the freeway and it runs along
 9 Grand Teton.
 10 Q. Would it help you to see some photos?
 11 A. Yeah.
 12 Q. Okay. We'll go through these one at a
 13 time.
 14 I'm going to first show you what we've
 15 marked as Grand Jury Exhibit Number 1. Is that a fair
 16 and accurate depiction of the area of the freeway in
 17 Grand Teton where the tunnels are?
 18 A. Yes.
 19 Q. This is Exhibit Number 2. If I said I I
 20 apologize. This is Grand Jury Exhibit Number 2.
 21 Now what I'm going to do, I'm going to
 22 throw this up here. Can you see it up there?
 23 A. Yes.
 24 Q. Mikaela, if you could just walk up there,
 25 don't trip over these cords, and just kind of using your

1 kind of in view, is not covered on top; is that true?
 2 A. Yes.
 3 Q. And then you have the one tunnel that
 4 actually runs underground.
 5 A. Yes.
 6 Q. Is that true?
 7 Okay. So now you said that you were
 8 meeting friends somewhere. Where were you going to meet
 9 your friends?
 10 A. At the other side of the tunnel.
 11 Q. When you say the other side, as we're
 12 looking at Grand Jury Exhibit Number 5, were you going
 13 to meet them on the left side of this photo or the right
 14 side?
 15 A. The right side.
 16 Q. Okay. Who were you with?
 17 A. I was by myself at first.
 18 Q. I just stole your water. I shouldn't do
 19 that at the Grand Jury. I'm sorry.
 20 Who were you with?
 21 A. I was by myself at first.
 22 Q. Okay. Now at some point do you get down
 23 into the tunnels and begin to walk across the freeway?
 24 A. Yes. Walk under the freeway.
 25 Q. Under the freeway.

1 A. Yes.
 2 Q. Explain for us what happens as you're doing
 3 that.
 4 A. I was walking through and I was texting on
 5 my phone and then he came into the tunnel and I was
 6 walking across him and he asked if he could use my
 7 phone.
 8 Q. When you say he, can you describe that
 9 person for us?
 10 A. Javier?
 11 Q. Yes.
 12 A. I have to describe him?
 13 Q. What did he look like?
 14 A. He had black hair, he was wearing a black
 15 hat, he had a gray sweatshirt on.
 16 Q. Okay. And I take it from your use of the
 17 word him and he, this was a male individual?
 18 A. Yes.
 19 Q. Where do you see him? Where do you first
 20 see him?
 21 A. I was almost to the other end of the
 22 tunnel.
 23 Q. So you're almost on the far right side now
 24 of Grand Jury Exhibit Number 5?
 25 A. Yes.

1 Q. And did he touch you in any way?
 2 A. Yes, he grabbed me by my neck.
 3 Q. What part of his body went around your
 4 neck?
 5 A. His arms.
 6 Q. Describe for us what happened at that
 7 point.
 8 A. I started yelling my friend Randi's name
 9 and then he reached for my phone so I threw that on the
 10 floor and then he continued to push me towards the left
 11 side of the tunnel.
 12 Q. Let me ask you a couple of things. When
 13 you say you were screaming for your friend Randi, could
 14 you see her?
 15 A. No.
 16 Q. Did you believe that she was close by?
 17 A. Yeah, because I got off the phone with her
 18 right before I walked through the tunnel.
 19 Q. I want to talk about your cell phone. What
 20 happened with your cell phone?
 21 A. I threw it.
 22 Q. Why did you throw it?
 23 A. So he couldn't get it.
 24 Q. Did he make any movement to suggest that he
 25 was trying to get your cell phone?

1 Q. What are you doing at the point in time
 2 when you see him?
 3 A. I was texting my friend Randi.
 4 Q. What is he doing?
 5 A. Walking through.
 6 Q. Does he engage you in some sort of
 7 conversation or does he ask you something?
 8 A. Yes, he asked me if he could use my phone.
 9 Q. What happens?
 10 A. I told him no and I was meeting my friends
 11 at the other side of the tunnel.
 12 Q. And then what happened?
 13 A. And then he continued to walk the other way
 14 and I walked my way.
 15 Q. Did something else happen after that?
 16 A. Yes.
 17 Q. Describe that for us.
 18 A. I was almost out of the tunnel and my back
 19 was turned, my back was turned, and he was on the other
 20 side of me and he came after me.
 21 Q. He came after you?
 22 A. Yeah.
 23 Q. When he came after you was he in front of
 24 you or behind you?
 25 A. Behind me.

1 A. He was reaching for it because it was still
 2 in my hand when he grabbed me.
 3 Q. Did he say anything about your cell phone
 4 at that time?
 5 A. No.
 6 Q. But based upon his reaching for it you
 7 thought he was going to take it?
 8 A. Yes.
 9 Q. What did you do with your cell phone?
 10 A. I threw it to the floor.
 11 Q. When your cell phone fell to the floor did
 12 the battery come out of it?
 13 A. I didn't see it.
 14 Q. Did he say anything in response to you
 15 yelling for your friend Randi?
 16 A. Yeah, he told me to shut up.
 17 Q. Did he do anything to you with respect to
 18 your yelling for your friend Randi?
 19 A. He started squeezing my neck harder because
 20 I wouldn't stop yelling her name.
 21 Q. What did he do to you at that point?
 22 A. What do you mean?
 23 Q. Did he ever threaten you with any objects
 24 at that point?
 25 A. He said he had a knife but he never pulled

1 it out.

2 Q. He told you he had a knife?

3 A. Yes.

4 Q. Is this happening in the area of tunnels

5 that we're seeing in Grand Jury Exhibit Number 5 that is

6 not the underground tunnel? Where is all of this

7 happening that you just described?

8 A. In the ones that, in broad daylight, like

9 you can see clearly through.

10 Q. The actual tunnels that we can see as

11 they're running across Grand Jury Exhibit Number 5?

12 A. Yes.

13 Q. Okay. Now at some point does he move you

14 somewhere else?

15 A. Yes.

16 Q. Where does he move you to?

17 A. He pushed me towards where the dotted lines

18 are, the tunnel that was on the left side.

19 Q. How did he achieve that? How was he able

20 to get you to do that?

21 A. Because he was behind me so he was pushing

22 me forward.

23 Q. He was pushing you. Did he have his hands

24 on you in any other way?

25 A. No, his hands were still around my neck.

1 passed out?

2 A. It wasn't long.

3 Q. And so you were passed out for some period

4 of time?

5 A. Yes.

6 Q. Is that a fair statement?

7 A. Yes.

8 Q. Would it also be true because you're passed

9 out you don't know exactly how long that was?

10 A. Yes.

11 Q. At some point do you wake up or come to?

12 A. Yes.

13 Q. Is this person, this suspect who you

14 referred to as Javier, is he still there with you right

15 next to you?

16 A. No, he was at the beginning of the dotted

17 line tunnel. He was coming back into where I was.

18 Q. So he was towards the entrance of the dark

19 part of the tunnel?

20 A. Yes.

21 Q. Did you see what he was doing there?

22 A. No.

23 Q. And describe for us what he does at that

24 point. Does he come back toward you?

25 A. Yes.

1 Q. Now the area where the dotted lines are,

2 that's an underground tunnel?

3 A. Yes.

4 Q. Describe what it looks like down there.

5 A. It's dark. After you go like I would say

6 50 feet or so it starts getting darker.

7 Q. Can you see anything on the walls?

8 A. Yeah, there was a lot of graffiti.

9 Q. How, at least at first, how far into that

10 dark tunnel do you go? Do you go way back into the

11 tunnel? Do you go just into the tunnel a little bit?

12 Can you describe that for us?

13 A. We didn't go that far into the tunnel yet.

14 Q. What happens once he gets you into the dark

15 tunnel?

16 A. He began to choke me harder.

17 Q. How did he do that? Describe how he did

18 that for us.

19 A. Well, I fell to the ground and I was on my

20 knees and he was on my back and then he turned so that I

21 was on top of him and he was on the floor and then he

22 began choking me hard with his arms and then I passed

23 out.

24 Q. Do you remember how long it took you to be

25 there with his arm around your throat until you actually

1 Q. What happens when he comes back toward you?

2 A. I don't understand what you mean.

3 Q. Okay. Let me ask you this. When you come

4 to and you see him away from you at the mouth of this

5 dark tunnel, are your clothes still on?

6 A. Yes.

7 Q. Your top is still on?

8 A. Yes.

9 Q. Are your pants on?

10 A. Yes, but my shoes weren't on.

11 Q. Your shoes were off?

12 A. Yes.

13 Q. Does he walk over to where you are?

14 A. Yes.

15 Q. Does he ask you to do something to him?

16 A. Well, he didn't really ask me, he just

17 forced me.

18 Q. Tell us what happened. Describe that for

19 us. Did he remove his pants in any way?

20 A. Yes.

21 Q. Did you see any parts of his body exposed?

22 A. Yes.

23 Q. Were you able to see his penis at that

24 point?

25 A. Yes.

1 Q. What did he do with his penis?
 2 A. He grabbed the back of my head and ...
 3 Q. And put his penis somewhere?
 4 A. Yes.
 5 Q. Where did he put it?
 6 A. My mouth.
 7 Q. How long did that last?
 8 A. Just a few seconds.
 9 Q. At some point did he stop doing that?
 10 A. Yes.
 11 Q. Do you know why he stopped?
 12 A. Because two of my friends, two of my guy
 13 friends were outside the tunnel too and they were
 14 yelling my name.
 15 Q. They were yelling your name?
 16 A. Yes.
 17 Q. They were yelling Mikaela?
 18 A. Yes.
 19 Q. You heard them?
 20 A. Yes.
 21 Q. When you heard your guy friends yelling
 22 your name, did it appear to you, based upon how the
 23 suspect was acting, that he heard them just based upon
 24 what he was doing?
 25 A. Yes.

1 A. David.
 2 Q. What is David's last name?
 3 A. Guerrero.
 4 Q. Can you spell that for us?
 5 A. G-U-E-R-R-E-R-O.
 6 Q. Now is David Guerrero involved in any
 7 sporting activities?
 8 A. Yes.
 9 Q. What does he do?
 10 A. He's a fighter.
 11 Q. What kind of a fighter?
 12 A. A UFC fighter.
 13 Q. All right. Now what happens to you when
 14 the suspect, this individual you've described, hears
 15 your guy friends? Does he get up and take you somewhere
 16 else?
 17 A. Yes, he made me stand up and then we walked
 18 further into the tunnel to where there was a ladder and
 19 then above the ladder there was a manhole covering.
 20 Q. All right. Now these are not very good
 21 pictures at all but we'll do the best we can with them.
 22 I'm going to show you Grand Jury Exhibit
 23 Number 6. Do you recognize that? Can you see that?
 24 A. Yes.
 25 Q. What is that?

1 Q. What changed about him when he heard, or
 2 when you heard your name Mikaela being yelled by your
 3 guy friends?
 4 A. It seemed like he was kind of scared and
 5 like worried that they were down there.
 6 Q. So he stopped what he was doing to you?
 7 A. Yes.
 8 Q. Did he put his pants back on?
 9 A. Yes.
 10 Q. Does he say anything to you about your guy
 11 friends at the entrance to the tunnel area?
 12 A. He told me not to yell for them and that he
 13 would pull his knife out on them too if I yelled.
 14 Q. Did he say he would do anything to you with
 15 respect to his knife at that point?
 16 A. No.
 17 Q. He just told you he would use the knife
 18 against your guy friends?
 19 A. Yes.
 20 Q. Who were your guy friends?
 21 A. Anthony and David.
 22 Q. Is one of those two or was one of those two
 23 also your boyfriend at the time?
 24 A. Yes.
 25 Q. Which one?

1 A. The ladder.
 2 Q. Okay. Really difficult to see, isn't it?
 3 I'm going to publish that for the jury.
 4 All right. I've zoomed way in. Tell us
 5 what we're seeing there in Grand Jury Exhibit Number 6.
 6 A. That's the ladder that you need to climb to
 7 go up to the manhole.
 8 Q. So there is rungs that are right into the
 9 cement?
 10 A. Yes.
 11 Q. And then you climb up to something else?
 12 A. Yes.
 13 Q. What's at the top?
 14 A. A manhole covering.
 15 Q. I'm going to show you Grand Jury Exhibit
 16 Number 7. What is that?
 17 A. Where the manhole covering is.
 18 Q. Okay. So now showing the manhole cover to
 19 the members of the Grand Jury.
 20 Does the ladder appear to continue all the
 21 way up to the top there?
 22 A. Yes.
 23 Q. Okay. Does this individual direct you to
 24 do something with respect to the manhole and the manhole
 25 cover?

1 A. Yes, he told me to go up the ladder and
2 then open the manhole covering, but I wasn't able to
3 open it.
4 Q. So did you actually climb up there?
5 A. Yes.
6 Q. How did you try to open the manhole cover?
7 A. With one of my hands. I tried to push it.
8 Q. What happened? Why were you not able to
9 remove it?
10 A. I don't know.
11 Q. Was it too heavy?
12 A. Yeah.
13 Q. What do you do at that point?
14 A. Then he told me to climb back down the
15 ladder.
16 Q. And then what happened when you got down?
17 A. Well, my two friends were still at the
18 beginning of the tunnel and then I basically begged him
19 to let me go.
20 Q. What did you say to him; do you remember?
21 A. I told him that I wouldn't run to them or
22 tell them that he was down there.
23 Q. And then what happens?
24 A. Then he let me go and he went further into
25 the tunnel.

1 A. No.
2 Q. Did you tell them about that at that time?
3 A. No.
4 Q. Okay. Now sometime later, specifically in
5 September of this year, September 6th of this year, did
6 a police detective come to your house?
7 A. Yes.
8 Q. And did he talk to you?
9 A. Yes.
10 Q. While he was talking to you did he show you
11 something?
12 A. Yes.
13 Q. What did he show you?
14 A. He showed me six pictures of six different
15 guys.
16 Q. All right. I'm going to show you Grand
17 Jury Exhibit Number 12. Have you seen this before?
18 A. Yes.
19 Q. What is it?
20 A. That's the statement I made after seeing
21 the pictures.
22 Q. And are there actually for the record two
23 documents associated with this exhibit?
24 A. Yes.
25 Q. And is one at the top does it say photo

1 Q. So when you say he let you go, where did
2 you go?
3 A. Towards my friends.
4 Q. Toward the mouth of the dark tunnel?
5 A. Yes.
6 Q. Where does he go?
7 A. Further into the dark part of the tunnel.
8 Q. Back the other way. So you basically go in
9 two different directions?
10 A. Yes.
11 Q. At any point during the encounter did you
12 ever see a knife?
13 A. No.
14 Q. After this event occurs back in March of
15 this year, do the police respond?
16 A. Yes.
17 Q. Do you talk to the police?
18 A. Yes.
19 Q. Do they actually take a recorded interview
20 from you?
21 A. Yes.
22 Q. Did you tell them what happened?
23 A. Yes.
24 Q. Did you include the part about the
25 defendant placing his penis into your mouth?

1 line-up witness instructions?
2 A. Yes.
3 Q. Is that what it says here?
4 And page 2 of that document, it appears to
5 be six different photographs; is that true?
6 A. Yes.
7 Q. Okay. Do you remember the name of the
8 detective who came and showed this to you?
9 A. Detective Lorson.
10 Q. And is that spelled L-O-R-S-O-N?
11 A. Yes.
12 Q. Now did Detective Lorson read for you the
13 instructions that are contained on page 1 of this
14 exhibit?
15 A. Yes.
16 Q. And then did he show you the series of
17 photographs?
18 A. Yes.
19 Q. Did you circle one of the photographs?
20 A. Yes.
21 Q. And I'm going to put this up so the grand
22 jurors can see it.
23 That might be hard for you to see there,
24 but did you actually circle the photograph that is shown
25 in position number 2?

1 A. Yes.
 2 Q. And there appears to be some markings on
 3 that. Describe for us what those markings are.
 4 A. My signature.
 5 Q. That's your signature there?
 6 A. Yes.
 7 Q. And what else, what's the other marking,
 8 the round marking?
 9 A. I had to circle which picture I believed
 10 was him.
 11 Q. And so you circled that as well?
 12 A. Yes.
 13 Q. You circled it and you signed it?
 14 A. Yes.
 15 Q. You also wrote a statement on the
 16 photographic line-up witness instructions; is that
 17 correct?
 18 A. Yes.
 19 Q. Read for us what you actually wrote on the
 20 photographic line-up.
 21 A. My statement says, "I believe number 2
 22 appears to be the closest match."
 23 Q. Okay. Did that appear to be the individual
 24 who did those things to you back in March of this year?
 25 A. Yes.

1 A. My eyes.
 2 Q. Describe what we're seeing particularly in
 3 your eyes.
 4 A. I couldn't breath so then the blood vessels
 5 in my face didn't have enough air so they popped and
 6 that's what happened to my eyes.
 7 Q. So the redness that we're seeing there,
 8 your eyes did not look like that before this attack
 9 happened?
 10 A. No.
 11 Q. And Grand Jury Exhibit Number 10, is that
 12 just a closeup of your eye?
 13 A. Yes.
 14 Q. And are we also seeing some of those popped
 15 blood vessels in your face there right around your eye?
 16 A. Yes.
 17 Q. Are we seeing the same thing in Grand Jury
 18 Exhibit Number 11?
 19 A. Yes.
 20 Q. Are those all fair and accurate photographs
 21 of how you looked after this attack?
 22 A. Yes.
 23 Q. The two photographs that I showed you in
 24 the tunnel of the manhole and the ladder leading up to
 25 the manhole, were those fair and accurate pictures of

1 Q. Now I'm going to jump back to March again.
 2 Right after this incident occurred, did the police take
 3 photographs of you?
 4 A. Yes.
 5 Q. Okay. I'm going to just put these up here
 6 just to go a little quicker.
 7 I'm going to show you Grand Jury Exhibit
 8 Number 8. Do you recognize this person?
 9 A. Yes.
 10 Q. Who is that?
 11 A. That's me.
 12 Q. Describe what we're seeing on your forehead
 13 which is probably the easiest part to see in this
 14 photograph.
 15 A. I had red spots all over my face after the
 16 attack.
 17 Q. Before the attack did you have those red
 18 marks on your face?
 19 A. No.
 20 Q. Do you know what those red marks were?
 21 A. The blood vessels in my face popped.
 22 Q. As a result of being choked?
 23 A. Yes.
 24 Q. I'm going to show you Grand Jury Exhibit
 25 Number 9, what are we seeing there?

1 the inside of that tunnel?
 2 A. Yes.
 3 Q. Okay. This individual who did these things
 4 to you, was he shorter than you or taller than you?
 5 A. Taller.
 6 Q. How tall are you?
 7 A. I'm 5'3", 5-foot 3.
 8 Q. Inches?
 9 A. Yes.
 10 Q. How tall would you say he was?
 11 A. Around 6-foot.
 12 MR. LALLI: Thank you.
 13 Ladies and gentlemen, I do not have any
 14 additional questions of this witness and would invite
 15 you to ask any questions you might have.
 16 BY A JUROR:
 17 Q. I have one question. Did you know this
 18 individual prior to this? Had you ever seen him before?
 19 A. No, I never saw him before.
 20 MR. LALLI: Can I ask a follow-up to that?
 21 Q. Mikaela, you used the name Javier. How did
 22 you know that his name was Javier?
 23 A. Because the news, I recognized him on the
 24 news when his, what he did to the other girl happened.
 25 Q. So you saw this case on the news?

1 A. Yes.
 2 Q. Or you saw a case involving this individual
 3 on the news?
 4 A. Yes.
 5 Q. And you learned through the news that his
 6 name was Javier?
 7 A. Yes.
 8 Q. Did you know him before this?
 9 A. No.
 10 MR. LALLI: All right.
 11 THE FOREPERSON: Any other questions?
 12 BY A JUROR:
 13 Q. And he did not also try sexual intercourse
 14 with you?
 15 A. No.
 16 BY MR. LALLI:
 17 Q. Let me ask you one additional question.
 18 You mention you saw Javier on the news. Was that before
 19 or after Detective Lorson showed you the photographic
 20 line-up?
 21 A. Before.
 22 Q. So did you see him on the news first or did
 23 Detective Lorson show you the photographic line-up
 24 first?
 25 A. I saw him on the news first.

1 THE FOREPERSON: Does anybody need a break?
 2 Please stand and raise your right hand.
 3 You do solemnly swear the testimony you are
 4 about to give upon the investigation now pending before
 5 this Grand Jury shall be the truth, the whole truth, and
 6 nothing but the truth, so help you God?
 7 THE WITNESS: Yes.
 8 THE FOREPERSON: Please be seated.
 9 You are advised that you are here today to
 10 give testimony in the investigation pertaining to the
 11 offenses of attempted robbery, battery with intent to
 12 commit sexual assault by strangulation, first degree
 13 kidnapping, attempted sexual assault with a child under
 14 16 years of age, sexual assault with a child under 16
 15 years of age, robbery with use of a deadly weapon, first
 16 degree kidnapping with use of a deadly weapon, sexual
 17 assault with a child under 16 years of age with use of a
 18 deadly weapon, and murder with use of a deadly weapon,
 19 involving Javier Righetti.
 20 Do you understand this advisement?
 21 THE WITNESS: Yes.
 22 THE FOREPERSON: Please give your name and
 23 spell it.
 24 THE WITNESS: My name is Jennifer Otremba.
 25 A JUROR: You're going to have to speak

1 MR. LALLI: Okay. Very good.
 2 Any other questions?
 3 BY A JUROR:
 4 Q. Do you usually travel through this tunnel
 5 alone?
 6 A. No, I'm usually not alone but that's just a
 7 shortcut so kids don't have to cross the freeway.
 8 THE FOREPERSON: Any other questions?
 9 One more thing to read you.
 10 By law, these proceedings are secret and
 11 you are prohibited from disclosing to anyone anything
 12 that has transpired before us, including evidence and
 13 statements presented to the Grand Jury, any event
 14 occurring or statement made in the presence of the Grand
 15 Jury, and information obtained by the Grand Jury.
 16 Failure to comply with this admonition is a
 17 gross misdemeanor punishable by a year in the Clark
 18 County Detention Center and a \$2,000 fine. In addition,
 19 you may be held in contempt of court punishable by an
 20 additional \$500 fine and 25 days in the Clark County
 21 Detention Center.
 22 Do you understand this admonition?
 23 THE WITNESS: Yes.
 24 THE FOREPERSON: Thank you.
 25 MR. LALLI: All done.

1 louder.
 2 THE WITNESS: Jennifer Otremba.
 3 J-E-N-N-I-F-E-R, O-T-R-E-M-B-A.
 4 JENNIFER OTREMBA,
 5 having been first duly sworn by the Foreperson of the
 6 Grand Jury to testify to the truth, the whole truth,
 7 and nothing but the truth, testified as follows:
 8
 9 EXAMINATION
 10
 11 BY MR. PESCI:
 12 Q. Mrs. Otremba, are you ready?
 13 A. Yes.
 14 Q. There is an air conditioning unit right
 15 above your head which is hopefully cooling you down but
 16 it's rather loud so I'm going to stand back here so
 17 hopefully us trying to hear each other will make it that
 18 everyone else can hear. Is that okay with you?
 19 A. Yes.
 20 Q. Ma'am, I want to ask you about your
 21 daughter Alyssa.
 22 A. Yes.
 23 Q. Can you tell us her full name?
 24 A. Alyssa Page Otremba.
 25 Q. Could you spell that for the woman in front

1 of you?

2 A. A-L-Y-S-S-A, P-A-G-E, O-T-R-E-M-B-A.

3 Q. What was Alyssa's birthday?

4 A. May 16, 1996.

5 Q. Ladies and gentlemen of the Grand Jury, if

6 you cannot hear her please continue to indicate to us.

7 Jennifer, I apologize. You were describing

8 your daughter's date of birth.

9 A. May 16, 1996.

10 Q. As of September of this year how old,

11 specifically September 2nd, how old was your daughter?

12 A. Fifteen years old.

13 Q. Focusing on September 2nd, was that Friday?

14 A. Yes.

15 Q. On that Friday did your daughter go to

16 school?

17 A. No, she did not.

18 Q. Where was she attending school at that

19 time?

20 A. Arbor View High School.

21 Q. What grade was she in?

22 A. Tenth grade.

23 Q. Was she excited about going to school this

24 year?

25 A. Very excited. Ridiculously excited.

1 Q. Did you say ridiculously excited?

2 A. Yes.

3 Q. To put that in context, had your daughter,

4 had she home schooled the year before?

5 A. She had home schooled for a whole year so

6 she had been away from kids and just, you know, all the

7 excitement of high school.

8 Q. Speaking of the excitement of high school,

9 what was she involved in in high school that first week?

10 I'm not loud enough either apparently. I

11 apologize.

12 A. She had joined the marching band.

13 Q. And in the marching band did she perform at

14 football games?

15 A. She would have. She didn't have the

16 opportunity.

17 Q. Okay. Was there a football game however on

18 Thursday night, the night before September the 2nd,

19 2011?

20 A. There was an away game at Palo Verde and

21 the band went just to play in the stands, they didn't

22 perform.

23 Q. Did Alyssa go to that game?

24 A. She did.

25 Q. And did she return home from that game

1 rather late?

2 A. Yes, she did.

3 Q. The next morning, that being that Friday,

4 September the 2nd, how was she feeling based on that

5 late night?

6 A. She said she didn't feel very well. She

7 was, we were tired, it was the first week of school so

8 it was just exhausting, and she sounded a little hoarse

9 and so I wasn't sure if she was coming down with

10 something so I told her that she could stay home.

11 Q. And did your daughter Alyssa stay home that

12 day?

13 A. She did.

14 Q. That day being Friday, September the 2nd?

15 A. Yes.

16 Q. And that day were you in and out of the

17 home, your home that day?

18 A. Yes.

19 Q. And where did you live at that time?

20 A. At, on the northwest side, 8124 Satin

21 Carnation Lane.

22 Q. I'm going to show you Grand Jury Exhibit 3

23 and ask you if you recognize what's depicted in this

24 photograph.

25 A. Yes, I do.

1 Q. What do you recognize that to be?

2 A. My house is located, the back of the house

3 is on the lot and it's the third from the left.

4 Q. And let me ask you, is this a fair and

5 accurate depiction of an aerial of the area of your home

6 that you just described?

7 A. Yes.

8 Q. Now I'm going to put it on the projector,

9 and over your left shoulder, can you see that?

10 A. Yes.

11 Q. And ma'am, I'm going to point to the left

12 hand side of the photograph. There is a row of homes at

13 the end of a desert lot. And you indicated, if I

14 understood you correctly, that the third house in from

15 the left is your home?

16 A. That's correct.

17 Q. All right. And if we move to the right of

18 this photograph, Grand Jury Exhibit 3, what are we

19 looking at here?

20 A. Oso Blanca running parallel to the 95.

21 Q. Oso Blanca runs, is that on the edge of the

22 desert area?

23 A. Yes.

24 Q. And you said parallel to 95?

25 A. Yes, that's southbound 95.

1 Q. So on the far right hand side we can see
2 the southbound lanes of 95?

3 A. Uh-huh. Yes. That's correct.

4 Q. And I'm going to show you Grand Jury
5 Exhibit Number 2 and ask you if you recognize what's
6 depicted there.

7 A. Yes, I do.

8 Q. And what do you recognize that to be?

9 A. The intersection of Oso Blanca and Grand
10 Teton where the tunnels run underneath the highway.

11 Q. I'm going to put this up to your left
12 again, Grand Jury Exhibit 2. You just spoke of the
13 tunnels and you made a motion with your hand. Is that
14 in the area that I'm pointing to now?

15 A. Yes.

16 Q. Are these the tunnels that run underneath?

17 A. Yes.

18 Q. All right. Now here is Oso Blanca on the
19 left hand side of the photograph and running parallel to
20 95. Is that correct?

21 A. Yes.

22 Q. If we move in a northwest direction on Oso
23 Blanca, is that going to take us in essence to the area
24 we looked at in Grand Jury Exhibit Number 3?

25 A. Yes.

1 Q. Okay. So if we were to go forward from the
2 tunnels, northwest from the tunnels along Oso Blanca,
3 would that take us up to the area of your home?

4 A. Yes.

5 Q. Okay. Thank you.

6 On the day of that Friday the 2nd, you said
7 if I understood correctly that you were kind of in and
8 out of the house?

9 A. Yes.

10 Q. Were you running kids to and from school?

11 A. That morning I had to and then I had to go
12 to school myself.

13 Q. You had to -- I'm sorry. I apologize. Go
14 ahead.

15 A. Oh. I had to go to school myself and
16 change my schedule.

17 Q. Do you have two other children beside
18 Alyssa?

19 A. I do.

20 Q. Okay. Is that who you were running to and
21 from school?

22 A. Yes.

23 Q. What's your child's name just younger than
24 Alyssa?

25 A. Megan Renee.

1 Q. How old is Megan?

2 A. She's 14.

3 Q. Does Megan also attend Arbor View?

4 A. Yes, she does.

5 Q. Did she go to school that Friday?

6 A. Yes, she did.

7 Q. Did you pick her up from that day of
8 school?

9 A. Yes, I did.

10 Q. Had she obtained something at school that
11 day, some article that she was excited about?

12 A. Yes. She had picked up her and Alyssa's
13 dance uniforms. It was a red tank top that said Arbor
14 View Dance on it.

15 Q. So if I understand correctly, they were in
16 a dance class together?

17 A. Yes, their first period class, instead of
18 having PE they got to dance and they were really excited
19 about that.

20 Q. So was this part of the uniform, a red tank
21 top?

22 A. Yes.

23 Q. And was that brought home by Megan?

24 A. It was.

25 Q. Was there a tank top for Alyssa as well?

1 A. That was Alyssa's that she had brought home
2 to Alyssa.

3 Q. And then you talked about having to go to
4 school yourself that day?

5 A. Yes.

6 Q. What were you doing at school?

7 A. I had to change my physics class. I needed
8 it to be an earlier class rather than in the afternoon
9 because I had another class that I needed. It wasn't
10 working my schedule so I just needed to flip the class.

11 Q. What schooling are you attending?

12 A. CSN, College of Southern Nevada.

13 Q. When you went to go work on your schedule,
14 about what time was it?

15 A. It was about 1 o'clock whenever I left.

16 Q. Was that 1:00 p.m.?

17 A. Yes.

18 Q. And when you left did you drive there? How
19 did you get there?

20 A. I drove there.

21 Q. Were you by yourself?

22 A. I was by myself.

23 Q. Where were your children?

24 A. Alyssa was at home and Megan and Hayden
25 were both at school.

1 Q. You just mentioned Hayden. Is that another
2 daughter?
3 A. Yes.
4 Q. And how old is Hayden?
5 A. She's six.
6 Q. Continuing on that afternoon. At some
7 point when you were working on your schedule, your
8 schedule at school, did you receive some sort of contact
9 from your daughter Alyssa?
10 A. Later that night I did. I had gone to
11 school and the line was, it was going to be like an hour
12 and a half wait and I had to get the girls from school,
13 so I went and paid rent and went back and picked Megan
14 up from the high school and then went and picked Hayden
15 up from the elementary school and took them back home.
16 Q. Is that when that red tank top made its way
17 home?
18 A. Yes.
19 Q. And what happened after that?
20 A. And I was at home for about 30 minutes and
21 then needed to go back to school to finish my schedule
22 before they closed for the night, or for the weekend,
23 because it was a long weekend.
24 Q. Did you have to go to CSN?
25 A. I did. I drove back down to CSN and --

1 Q. To the campus?
2 A. To wait in line, yes.
3 Q. At that point did you receive some contact
4 from Alyssa?
5 A. Yes. At 5:07 she text me and said she
6 needed to go get a text book from a friend and she was
7 going to be gone for a while and she didn't know when
8 she was going to get back.
9 Q. As a parent and your relationship with
10 Alyssa, how did that go over with you?
11 A. I called her immediately and said I don't
12 know what you think you're doing but you don't just call
13 me and tell me that you're going to leave and you don't
14 know when you're coming back.
15 Q. Is this something that you have to do with
16 teenagers?
17 A. Unfortunately, yeah.
18 Q. And then what happened in your
19 conversation? Was there another discussion about that?
20 A. Yes. I said who is it that you're going to
21 meet and where are you meeting them and then I told her
22 that I'll be home in a couple of hours, I'll just take
23 you to get your book, and she's like no, no, I'll get
24 the information, I'll call you back. And so we hung up
25 and then she called me back about five or ten minutes

1 later and she had the information that she was meeting
2 with Cody at Cadwallader Middle school.
3 Q. Do you know how that middle school name is
4 spelled?
5 A. C-A-D-A -- no, I'm sorry.
6 Q. That's okay.
7 So you mentioned the name Cody.
8 A. Yes.
9 Q. Did you know that name?
10 A. I had not heard, not that I recollect that
11 I had heard much about him, but she had been in school
12 for four days so there were lots of names thrown at me.
13 Q. With this added information with specifics
14 about who she was going to meet and where, what did you
15 say?
16 A. Well, I continued to just tell her that I
17 would, that was kind of a walk and she didn't go to
18 school, and she goes I feel fine, I just needed some
19 rest, and so reluctantly, you know, with the
20 information, I said that's fine, go straight there, get
21 the book, come straight back.
22 Q. Okay. Did she make kind of arguments or
23 points to you as to why she should be able to go?
24 A. Well yeah, she said that she could use the
25 walk, she could use some exercise and get out and have

1 some fresh air. And she had put on a few pounds and so
2 she was like I really could start to exercise and so she
3 was just adamant about it.
4 Q. And at the end of that you told her that it
5 was okay?
6 A. So I said that's fine. I wasn't really
7 happy about it but she was going to, you know, continue,
8 and I said that's fine, just go straight there, get the
9 book, come straight home.
10 Q. And had you tried to present an alternate
11 plan of just waiting awhile for you to get back and give
12 her a ride?
13 A. Right. I told her by the time that she
14 would walk over there, get the book and come back I
15 would be home and be able to take her over there and get
16 it anyways. And she said that she would just go ahead
17 and go get it, she would be as quickly as she could,
18 that way she could get started on the homework. And I
19 said well you have all weekend, it's three days, and she
20 goes I don't want to spend my three-day weekend doing
21 school work, I want to get it done now so that I have my
22 weekend available to me.
23 Q. Did you stay at the school to work on your
24 schedule?
25 A. I was standing in line so I still had like

1 another 45 minutes that I was waiting before I could get
 2 my class changed.
 3 Q. As you were waiting did you have further
 4 contact with your daughter?
 5 A. Not at that point.
 6 Q. Okay. What happened as far as the next
 7 time you had contact with her?
 8 A. She text me at 6:38 saying, my phone is
 9 about to die, I'm walking down Grand Teton, I will be
 10 home in about a half an hour.
 11 Q. Where were you when you received that text?
 12 A. I was in my car and I had a friend of mine
 13 that I had picked up that was struggling with her, in
 14 her own relationship, so I was trying to help her.
 15 Q. Had you finished at CSN?
 16 A. I had.
 17 Q. And had you gone onto help your friend?
 18 A. Yes, I went to pick her up at the Sun
 19 Coast.
 20 Q. The Sun Coast?
 21 A. Yes.
 22 Q. Casino here in Las Vegas?
 23 A. Yes.
 24 Q. And speaking earlier, I apologize, your
 25 address that you gave us, that's here in Las Vegas?

1 Q. And did you get a reply?
 2 A. I did not.
 3 Q. You seem very specific about the time
 4 frame. Did you keep all of these texts?
 5 A. I do have them.
 6 Q. Did you in fact show them to the police
 7 later on?
 8 A. I did.
 9 Q. And did they preserve them by photograph
 10 and otherwise?
 11 A. Yes, they did take a picture.
 12 Q. Is that how you have these specifics in
 13 your mind?
 14 A. Yes, it's all very vivid.
 15 Q. After those 30 minutes you called and you
 16 got no contact, what did you do?
 17 A. I was still dealing with my friend, but I
 18 had called Megan and I said is Alyssa home and she said
 19 no, and I said call me as soon as she does or have her
 20 call me the minute that she comes through that door.
 21 And because I was giving her, you know, a few minutes
 22 extra, it's not -- and so I helped my friend and then I
 23 just started to kind of feel uneasy that she hadn't been
 24 home and it was still 30 minutes, it was at least 30
 25 minutes after she was supposed to have been home. So I

1 A. Yes.
 2 Q. Clark County, Nevada?
 3 A. Yes.
 4 Q. When you were with your friend in your car
 5 and you got this text, what did you do based on
 6 receiving that text?
 7 A. I said okay, I am dealing with Olivia so
 8 I'm not exactly sure when I'll be home.
 9 Q. Was that a reply that you sent to your
 10 daughter?
 11 A. That was a reply.
 12 Q. Now you mentioned in her text she said
 13 something about her phone. What did she say about her
 14 phone?
 15 A. That her phone was dying.
 16 Q. Was that strange for her phone to be dying?
 17 A. That was extremely typical. She could not
 18 keep a charge because she would have 10,000 texts every
 19 month like most teenagers do. So she just, that was not
 20 shocking to me at all.
 21 Q. You replied back to her and then what did
 22 you do?
 23 A. Then I just helped with my friend and then
 24 30 minutes exactly after she had text me I text her back
 25 and I said are you home yet.

1 went home.
 2 Q. Speaking of that uneasiness, this
 3 interaction with your daughter as far as her not being
 4 home on time, was that something that had occurred in
 5 the past?
 6 A. Never.
 7 Q. Was she rather obedient as far as keeping
 8 time frames and things of that nature?
 9 A. Yes.
 10 Q. Was that what led to your, partially to
 11 your uneasiness?
 12 A. Yes.
 13 Q. You said you went home. What happened when
 14 you went home?
 15 A. I went home and she still wasn't there and
 16 so I left and I started driving the neighborhood. I
 17 went to all of the parks in the neighborhood that they
 18 would go hang out with friends, I talked to other kids
 19 asking them if they had seen her and nobody had.
 20 Q. Let me stop you. This is still Friday?
 21 A. This is Friday evening.
 22 Q. About what time in the evening if you could
 23 give --
 24 A. I got home between 8:00 and 8:15.
 25 Q. That night?

1 A. Yes.
 2 Q. And so when you went and looked around the
 3 parks, was that in that time frame?
 4 A. From 8:15 until 10 o'clock I was driving
 5 around looking at parks, calling her, calling Megan
 6 trying to see if, you know, if Megan could contact this
 7 boy and --
 8 Q. When you say this boy, are you referring to
 9 Cody?
 10 A. To Cody, yes.
 11 Q. Were you able to gather any information
 12 from or about Cody?
 13 A. Megan was able to contact him and he hadn't
 14 seen Alyssa and he told Megan that the last thing that
 15 he knew she was at the City Stop convenience store
 16 waiting for him and he said my dad's still not home so I
 17 can't leave, just go home and we'll get the book to you
 18 another time.
 19 Q. Let me stop you there for a second.
 20 Ladies and gentlemen of the Grand Jury,
 21 what was said by Cody is technically hearsay so it's not
 22 being offered for the truth of the matter asserted so
 23 it's not to be considered in that regard. What is being
 24 presented and can be considered for what she did next,
 25 to her state of mind, this witness, as to why she went

1 and did the things she did.
 2 So you gathered some information about City
 3 Stop?
 4 A. Yes.
 5 Q. Is that a gas station?
 6 A. It is a convenience store, a Shell gas
 7 station.
 8 Q. Where is it located?
 9 A. It is at the corner of Farm and Cimarron.
 10 Q. Did you go there?
 11 A. I did.
 12 Q. And what did you do there?
 13 A. I talked to the gentleman that was working
 14 to see if he had seen Alyssa or talked to her and she --
 15 Q. Did you give a description to him of your
 16 daughter?
 17 A. I did.
 18 Q. Okay. Now had you gathered information at
 19 this point about specifically what you believed your
 20 daughter was wearing?
 21 A. Yes.
 22 Q. What information did you have as far as
 23 what she was wearing?
 24 A. Megan said that she had walked out with her
 25 Arbor View tank top on, the red tank top, and a pair of

1 jeans and she has some bright, bright green shoes.
 2 Q. So let me --
 3 A. Tennis shoes.
 4 Q. Let me speak to you about that. Had you
 5 personally seen that Arbor View tank top?
 6 A. I had.
 7 Q. That's the one that came home that day with
 8 Megan?
 9 A. It was.
 10 Q. You just spoke about some green shoes.
 11 A. Yes.
 12 Q. Describe those again for the ladies and
 13 gentlemen of the Grand Jury.
 14 A. They were brighter than this post-it stamp.
 15 They were just like neon green, just ridiculously bright
 16 shoes.
 17 Q. Okay. Had you been involved in the
 18 purchase of those shoes?
 19 A. I did buy them for her.
 20 Q. So you knew those shoes as your daughter's
 21 shoes?
 22 A. Yes.
 23 Q. Was this some of the information that you
 24 were passing along to the person at City Stop?
 25 A. Yes.

1 Q. And then you were not able to find your
 2 daughter at that time?
 3 A. No.
 4 Q. Without saying what the individual working
 5 at City Stop said, did you give some information to him
 6 and did he give some information to you?
 7 A. Yes.
 8 Q. After that where did you go and what did
 9 you do?
 10 A. I got back into my car and I called the
 11 police.
 12 Q. When you called the police what was the
 13 purpose for calling?
 14 A. To ask them what, I guess what steps to
 15 take and what the criteria was for a missing person's
 16 report.
 17 Q. Without saying what they said, did they
 18 give you some instructions of things to do?
 19 A. Yes.
 20 Q. Did you follow those instructions?
 21 A. I did.
 22 Q. What did you do?
 23 A. I called a juvenile detention center to see
 24 if she had been picked up and I called some hospitals to
 25 see if something had happened and she ended up there.

1 Q. Were you able to find her at any of those
2 places?

3 A. No, I was not.

4 Q. After making those reports or making those
5 phone calls what did you do?

6 A. I was in the car and I was heading home to
7 meet with a police officer. And so whenever I got home
8 I went through her call logs, I pulled up our bill for
9 her cell phone.

10 Q. Is this something you can access on your
11 own?

12 A. Online, yes.

13 Q. So you said you pulled up the call detail
14 for your daughter's cell phone?

15 A. Yes.

16 Q. And what did you do with the information
17 you were able to obtain from that call detail?

18 A. I was just calling all of the numbers that
19 she had been calling and texting that evening.

20 Q. Was that in an effort to try to find your
21 daughter?

22 A. Yes.

23 Q. Did you speak with some people?

24 A. I was able to contact some.

25 Q. Did you leave messages with others?

1 A. Yes.

2 Q. And in all of these efforts you were not
3 able to find your daughter?

4 A. No.

5 Q. After that what did you do?

6 A. The police officer arrived and I just kind
7 of went over what I had done, what was typical, what was
8 in character, and that I was very concerned that she
9 wasn't home and we couldn't find her.

10 Q. Did you provide that officer with a
11 description of your daughter, a physical description?

12 A. I did.

13 Q. And also some of the clothing that you had
14 come to understand that she had on?

15 A. That's correct.

16 Q. Speaking of a physical description of your
17 daughter, was your daughter fond of biting her
18 fingernails?

19 A. Yes.

20 Q. The parts that still remained, did you know
21 her to have certain fingernail polish?

22 A. Yes. We had gotten some new blue finger
23 polish and so I know that she had put some of that on,
24 so but it had been a couple of weeks so there is a good
25 chance that it wasn't, you know, it wasn't a fresh, it

1 wasn't freshly done.

2 Q. But you knew of her wearing blue fingernail
3 polish?

4 A. I did.

5 Q. You talked to this officer and did this
6 officer give you different ideas of things to do?

7 A. Yes. And he was just saying that maybe she
8 was out with friends, maybe she -- just trying to I
9 think calm me and give me other alternatives as to why
10 she wasn't home.

11 Q. Okay. Do you know roughly about what time
12 it was when the officer was at your home?

13 A. It was approximately 11:00 p.m.

14 Q. So it's still Friday?

15 A. Yes.

16 Q. September the 2nd?

17 A. Yes.

18 Q. Okay. At some point did the officer leave?

19 A. Yes.

20 Q. Then after the officer left what did you
21 do?

22 A. I had a friend at my house that was with me
23 all evening and I took her home and then I returned back
24 to my house.

25 Q. Were you eventually able to fall asleep

1 that evening?

2 A. Yes. It was probably about 3:30 or
3 4 o'clock Saturday morning that I slept for a couple of
4 hours.

5 Q. And at the end of those couple of hours did
6 you wake up?

7 A. I woke up in even more of a panic because
8 she still wasn't there and I ran downstairs and, you
9 know, there was nothing.

10 Q. So now this was Saturday the 3rd?

11 A. Yes.

12 Q. And did you take efforts to try to find
13 your daughter on Saturday?

14 A. Yes.

15 Q. Did you drive the area again?

16 A. I did.

17 Q. In an effort to look for her?

18 A. I did.

19 Q. Were some fliers generated or created with
20 a picture of her?

21 A. Yes, they were.

22 Q. And did you ask friends to come and assist
23 you in distributing those?

24 A. Yes.

25 Q. Did you and those friends distribute those?

1 A. I had friends that were doing that. I
2 wasn't out there with the fliers.
3 Q. Going back a little bit. We were talking
4 about some clothing of your daughter. We talked about
5 the tank top, the shoes. I want to ask you if you knew
6 whether your daughter had any pants that were of the
7 brand Mossimo?
8 A. Yes, she did have a pair of jeans.
9 Q. And were you involved in those, in the
10 purchase of those jeans?
11 A. Yes, I was.
12 Q. On that Saturday when these efforts were
13 being made, at some point did you actually leave your
14 home and were you driving around with someone to try to
15 find your daughter?
16 A. Yes. Well, I was in one car and they were
17 in another.
18 Q. At some point were you told that there
19 might be some information about your daughter?
20 A. Yes. I, well, somebody had called me off
21 of the flier and said that they had seen her.
22 Q. We won't go into what anybody said.
23 You got a call. Based on that call you
24 pursued an avenue of search and that did not pan out?
25 A. Right, that's correct.

1 Q. At that point had a body been found?
2 A. Yes.
3 Q. Did it take some time before there could be
4 an identification?
5 A. Yes.
6 Q. Were you informed it was identified as your
7 daughter?
8 A. Yes.
9 Q. And then eventually did you have a funeral
10 service for your daughter?
11 A. Yes, we did.
12 MR. PESCI: That's the end of the
13 questions. Does the Grand Jury have any questions?
14 THE FOREPERSON: I have just one more thing
15 to read you.
16 By law, these proceedings are secret and
17 you are prohibited from disclosing to anyone anything
18 that has transpired before us, including evidence and
19 statements presented to the Grand Jury, any event
20 occurring or statement made in the presence of the Grand
21 Jury, and information obtained by the Grand Jury.
22 Failure to comply with this admonition is a
23 gross misdemeanor punishable by a year in the Clark
24 County Detention Center and a \$2,000 fine. In addition,
25 you may be held in contempt of court punishable by an

1 Q. When you were trying that did you also
2 receive a call telling you to come back home?
3 A. Not to come back home.
4 Q. Okay.
5 A. It was what was found.
6 Q. At some point did you make your way or try
7 to make your way back to the area of your home?
8 A. Yes.
9 Q. And did you meet someone to help you to
10 actually do that?
11 A. Yes.
12 Q. Looking at that exhibit over your left
13 shoulder, did you make it to the area of this desert?
14 A. Yes, I did.
15 Q. And as you're looking at that specific
16 exhibit, and I apologize, I can't remember if it's 3 so
17 we'll take a look at it really fast.
18 Looking at Exhibit 3, did you come to the,
19 what would be the southern portion of this area?
20 A. Yes.
21 Q. In Exhibit 2, is there a road that runs
22 along the southern portion of that area?
23 A. Grand Teton.
24 Q. Did you get to Grand Teton?
25 A. Yes.

1 additional \$500 fine and 25 days in the Clark County
2 Detention Center.
3 Do you understand this admonition?
4 THE WITNESS: Yes.
5 THE FOREPERSON: Thank you.
6 A JUROR: Could we take a break?
7 THE FOREPERSON: We're going to take a ten
8 minute break.
9 (Recess.)
10 THE FOREPERSON: Please raise your right
11 hand.
12 You do solemnly swear the testimony you are
13 about to give upon the investigation now pending before
14 this Grand Jury shall be the truth, the whole truth, and
15 nothing but the truth, so help you God?
16 THE WITNESS: Yes, I do.
17 THE FOREPERSON: Please be seated.
18 You are advised that you are here today to
19 give testimony in the investigation pertaining to the
20 offenses of attempted robbery, battery with intent to
21 commit sexual assault by strangulation, first degree
22 kidnapping, attempted sexual assault with a child under
23 16 years of age, sexual assault with a child under 16
24 years of age, robbery with use of a deadly weapon, first
25 degree kidnapping with use of a deadly weapon, sexual

1 assault with a child under 16 years of age with use of a
2 deadly weapon, and murder with use of a deadly weapon,
3 involving Javier Righetti.

4 Do you understand this advisement?

5 THE WITNESS: Yes, sir.

6 THE FOREPERSON: Please give your name and
7 it.

8 THE WITNESS: Dan Long, L-O-N-G.

9 DAN LONG,

10 having been first duly sworn by the Foreperson of the
11 Grand Jury to testify to the truth, the whole truth,
12 and nothing but the truth, testified as follows:

14 EXAMINATION

16 BY MR. LALLI:

17 Q. How are you employed?

18 A. Las Vegas Metropolitan Police Department.

19 Q. What do you do for Metro?

20 A. I'm a homicide detective.

21 Q. Were you working as a homicide detective
22 back on September 3rd, 2011?

23 A. Yes, sir.

24 Q. At approximately 6:30 did Metro receive a
25 call with respect to a dead body that had been located

1 in the northwest area of the valley?

2 A. Yes, sir.

3 Q. Based upon Metro receiving that call were
4 you dispatched out to that location?

5 A. Yes, sir.

6 Q. Where approximately were you dispatched to?

7 A. The 8300 block of Oso Blanca Road. It
8 would be right near Durango and 95.

9 Q. Was it a desert area?

10 A. We were on a paved road but there was a
11 desert area to the west of us and it was a big triangle.

12 Q. Detective, I'm going to throw up here Grand
13 Jury Exhibit Number 3. Is that roughly the area that
14 you responded to with respect to the body that had been
15 found?

16 A. Yes, sir. We were parked on the paved
17 road, the body was in one of the washes to the left of
18 the road.

19 Q. As we proceed southbound from that location
20 do we come to the area that is depicted in Grand Jury
21 Exhibit Number 2?

22 A. No, you're -- yeah, right here. Yes.

23 Q. Okay.

24 A. That part.

25 Q. And then we see there's tunnels that go

1 underneath the 95?

2 A. Yes, sir.

3 Q. Both of the areas that are depicted in
4 Grand Jury Exhibits Number 2 and 3, are those in Clark
5 County, Nevada?

6 A. Yes, sir.

7 Q. When you arrived out at this location did
8 you talk to a number of both police witnesses and lay
9 witnesses?

10 Just yes or no.

11 A. Yes, sir.

12 Q. Okay. At some point did you have a
13 responsibility with respect to the body that had been
14 discovered there?

15 A. Yes. The case would ultimately be my case
16 with my partner. I would be the lead. My
17 responsibility as lead would be the scene itself, so I
18 would handle the crime scene investigation with the CSI
19 team.

20 Q. Now you mentioned your partner. Who is
21 your partner?

22 A. Rob Wilson.

23 Q. And Rob Wilson, he's also a homicide
24 detective with you?

25 A. Yes, sir.

1 Q. Did you actually walk out into the area of
2 the scene?

3 A. At one point I finally do, yes.

4 Q. Let's talk about Grand Jury Exhibit
5 Number 13. What is that?

6 A. That is, CSI put together a diagram
7 depicting where the body was located as with respect to
8 Oso Blanca Road and the houses above and where the
9 evidence was located.

10 Q. Does that diagram fairly and accurately
11 depict the scene as you observed it back in September
12 when you were there?

13 A. Yes, sir.

14 Q. Now you said that there's some items on
15 this diagram that indicate houses. Is that true?

16 A. Yes, sir.

17 Q. And if I show you Grand Jury Exhibit
18 Number 3, are we seeing those houses running through
19 about the upper middle portion of that photograph?

20 A. Yes, sir.

21 Q. Did you see any evidence of a blood trail?

22 A. Yes, sir.

23 Q. Can you describe where that went?

24 A. Well, we, I found the blood trail once we
25 got to the body. We then, you work a crime scene from

1 the outside in so you don't destroy evidence. But it
2 was in the middle of the night when we got there, we got
3 to the body, we did a spiral search. We found a blood
4 trail leading back towards the block walls where the
5 houses were. It then curves and leads all the way back
6 to the corner right next to Oso Blanca Road.

7 Q. So you're referring to a photograph that's
8 not published to the jury. Can you just kind of explain
9 where the blood trail went using Grand Jury Exhibit
10 Number 13 that everyone can see?

11 A. Sure. Can I stand?

12 Q. Yes, you can.

13 A. From the body it leads all the way to where
14 this sidewalk is. Just, it's just going to be a little
15 bit west of the sidewalk is where the blood trail
16 starts.

17 Q. Okay. What are we seeing here in Grand
18 Jury Exhibit Number 14?

19 A. That's just a short ways to the north of
20 where the body was and it's, those cones depict the
21 blood trail leading back toward the street and the block
22 wall.

23 Q. And then if I were to show you Grand Jury
24 Exhibit Number 15, is this the blood trail kind of going
25 back in the direction toward the body?

1 A. Yes, sir. That wash is where the body is.

2 Q. All right. I take it ultimately you see a
3 body there?

4 A. Yes, sir.

5 Q. Can you describe what you see for us?

6 Describe the body.

7 A. It is female, white female, younger,
8 obviously had been set on fire. The female was shorter,
9 little thicker. She was wearing a red top that had been
10 pulled up just below the breasts, she had no pants on,
11 no underwear on, she had off-white anklet socks on and
12 there was a green Vans shoe approximately 10 feet from
13 her feet to the west.

14 Q. Okay. I'm going to show you Grand Jury
15 Exhibit Number 16. Describe what we're seeing there,
16 Detective.

17 A. That is the body in the location where we
18 found it. She is wearing the socks. The shoe, there's
19 a rock --

20 Q. We'll get to the shoe in a moment.

21 A. Okay. You can see the red top, the bottom
22 of the shirt is what we're going to be looking at and
23 you can see that it's red. The body has been burned
24 about the, mostly the face and upper chest, her hands
25 have been burnt and then her thighs and pubic region.

1 Q. And does there also appear to be charring
2 in areas around the body?

3 A. Yes.

4 Q. Those black areas?

5 A. Yes, sir.

6 Q. You described the shirt. I'm going to show
7 you Grand Jury Exhibit Number 17. And I'll zoom in
8 here. You talked about a red garment. Is that what
9 we're seeing --

10 A. Yes.

11 Q. -- on the body?

12 A. It appears to be a red tank top. You can
13 only tell the red from the back of the shirt where the
14 flames had not scorched it.

15 Q. Now describe for us, understood that
16 there's a photo up there but to also make a record,
17 describe the position of her arms.

18 A. She's laying on her back, face up, the left
19 leg is curled back underneath her, the thigh area, which
20 is why her body is arched the way it is. Her arms are
21 up above her head and touching the ground.

22 Q. Almost as though she were, well, she's
23 laying on her back, arms kind of outreached above her
24 head?

25 A. Correct.

1 Q. Down on the ground?

2 A. Yes, sir.

3 Q. What is the position of her legs with
4 respect to each other? Are they spread open?

5 A. Yes, sir.

6 Q. And one of them is actually going back
7 underneath her body?

8 A. That's correct.

9 Q. Now down around her right leg, does there
10 appear to be an area of charring?

11 A. Yes, sir.

12 Q. Did you observe any smaller evidentiary
13 items in that area?

14 A. Yes.

15 Q. What did you observe?

16 A. Right near the right knee area, it's
17 actually on the outside or right of her body, we found a
18 zipper button that said Mossimo, as a type of jean, and
19 rivets, which we recovered.

20 Q. Rivets as in what, what kind of rivets?

21 A. Oh, I'm sorry. Blue jean rivets. The
22 rivets you find on blue jeans.

23 Q. Where were those items found? Can you
24 just, if you could Detective, go up there and kind of
25 indicate for us where those items were found.

1 A. Right in this area right here.
 2 Q. Did you observe any items that appeared to
 3 be -- oh, and for the record, you were just indicating
 4 the area by the charred portion of her right upper
 5 thigh; is that correct?
 6 A. Yes.
 7 Q. Okay. Were there any other items there of
 8 a material sort of nature?
 9 A. There was some cloth, it appeared to be
 10 blue jean, but it was very badly burned.
 11 Q. Now I'm going to show you Grand Jury
 12 Exhibit Number 18. Did you observe any items or
 13 portions of an item around her head?
 14 A. Yes, sir.
 15 Q. What did you observe there?
 16 A. It was a shoe that was partially under the
 17 head and it would be this area right here.
 18 Q. And for the record you're indicating just
 19 above her head?
 20 A. Yeah, above and to the left side of her
 21 head. From her perspective. And the shoe appeared to
 22 have a pattern that matched the other shoe that was in
 23 the bush.
 24 Q. Let's talk about that other shoe. I'm
 25 going to show you Grand Jury Exhibit Number 19. And

1 perhaps to orient it I'll put it this way.
 2 First of all what are we seeing at the
 3 bottom of that photo?
 4 A. There's a green Vans shoe. And then the
 5 body would be to the -- above there. There you go.
 6 Q. And we see the body in the top portion of
 7 that?
 8 A. Yes, sir.
 9 Q. And then some distance away you see the
 10 shoe?
 11 A. Yes. And there was, on that rock there was
 12 blood, part of the blood trail.
 13 Q. What are we seeing in Grand Jury Exhibit
 14 Number 20?
 15 A. That's the shoe itself and that's a blood
 16 drop on a rock right next to the shoe.
 17 Q. And if I understood your testimony
 18 correctly, the tread on that shoe that has the number 4
 19 underneath it, was similar to the tread on the shoe or
 20 what was left of a shoe by this young lady's head?
 21 A. Yes, sir.
 22 Q. All of those photos that I showed you of
 23 the crime scene, do they fairly and accurately depict
 24 what you observed back when you were out there?
 25 A. Yes, sir.

1 Q. Now with respect to the clothing. She was
 2 naked from the waist down? And I think you've already
 3 testified to that.
 4 A. Yes, sir.
 5 Q. What was the condition of that shirt?
 6 A. It was pulled up just below her breasts,
 7 she was wearing a bra, exposing her torso all the way
 8 down to her feet.
 9 Q. At some point is that body removed?
 10 A. Yes.
 11 Q. During the process of removing that body do
 12 you smell anything?
 13 A. Yeah. I actually, the body was not in
 14 great shape so when we went to move it I decided to
 15 help. So I was next to the bush on her, it would be her
 16 left side, when we picked the body up I got the odor of
 17 gasoline.
 18 Q. Where was the body taken to?
 19 A. Clark County Coroner's Office.
 20 Q. At some point are you present for an
 21 autopsy?
 22 A. Yes, sir.
 23 Q. Do you recall what day that was?
 24 A. On the 5th.
 25 Q. Of September?

1 A. Yes, sir.
 2 Q. During the course of the autopsy do you
 3 have the occasion to observe this young lady's hands?
 4 A. Yes, sir. We bagged her hands at the
 5 scene, we put bags over the hands hoping to preserve any
 6 possible evidence at the scene. Once we removed them at
 7 the coroner's office is when I saw her hands.
 8 Q. Okay. Do you recall seeing any type of
 9 fingernail polish on her fingernails?
 10 A. Yes. There was blue fingernail polish on
 11 her hands that were chipped and it was something we were
 12 looking specifically for.
 13 Q. I'm going to show you Grand Jury Exhibit
 14 Number 21. Is that a fair and accurate depiction of the
 15 hand that you saw?
 16 A. Yes, sir.
 17 Q. Describe what we're seeing there with
 18 respect to the nail polish.
 19 A. It's blue fingernail polish that is
 20 chipped.
 21 Q. Why were you specifically looking at the
 22 type of fingernail polish this young lady was wearing?
 23 A. We --
 24 Q. Was it to shore up the identification of
 25 the decedent?

1 A. Yes. We had gotten a clothing
2 description --
3 Q. Okay. Very good.
4 A. Okay.
5 Q. Now with respect to the shirt that she was
6 wearing, I'm going to show you Grand Jury Exhibit
7 Number 22. What is that?
8 A. That is the red tank top that the victim
9 was wearing.
10 Q. And obviously it's been removed from her
11 body here?
12 A. Yes, sir.
13 Q. Is that a fair and accurate depiction of
14 how that tank top looked off her body?
15 A. Yes, sir.
16 Q. Now at some point does Javier Righetti
17 become a suspect in this homicide?
18 A. Yes, sir.
19 Q. Was that immediate as in the day that you
20 were out there?
21 A. No, sir.
22 Q. Was there a lot of police investigation
23 going on to identify a suspect?
24 A. Yes, sir.
25 Q. Now at some point during that investigation

1 of that vacant lot. The trunk was open, there was a
2 male outside the vehicle and there was another person
3 standing by the vehicle but they couldn't tell the sex.
4 Q. Were you able to follow up in any way on
5 the information that they had provided you?
6 A. No.
7 Q. Now I want to direct your attention to
8 September 5th of this year at approximately 8:30 in the
9 morning. Did you begin an interview with an individual
10 identified to you as Javier Righetti?
11 A. That would have been in the evening.
12 Q. Oh, it was in the evening?
13 A. Yes.
14 Q. Okay. My apology.
15 A. That's okay.
16 Q. Where did that interview take place?
17 A. It was at our homicide office. I had
18 originally made contact with him elsewhere.
19 Q. Understood. But he's eventually brought to
20 the homicide office by you?
21 A. Yes, sir.
22 Q. And who else was with you?
23 A. My partner Rob Wilson.
24 Q. You bring him into the homicide office and
25 your intention at that point is to interview him?

1 did members of law enforcement identify a family, three
2 individuals, whose last name was Diuguid, spelled
3 D-I-U-G-U-I-D?
4 A. Yes, sir.
5 Q. Ladies and gentlemen, this next little bit
6 of testimony there's going to be some hearsay in it.
7 I'd ask you only to consider this evidence insofar as it
8 might explain away the charge or Javier Righetti's
9 guilt.
10 Okay. So did you talk to the Diuguids?
11 A. Yes, sir.
12 Q. How many Diuguids were there?
13 A. Well, there's a large family. We spoke to
14 three of them, mom, dad and a son.
15 Q. And in essence what did they report to you
16 with respect to your investigation?
17 A. They reported that they were driving on the
18 2nd in the evening, at about 9:30 in the evening after
19 the son got off work. They were going home on Grand
20 Teton. They made a turn from Oso Blanca to Grand Teton
21 when they, they were going north on Oso Blanca and they
22 were going to go west on Grand Teton, when they made
23 that turn right near where the tunnels exit, you saw
24 that other photo, they saw a white car parked on the
25 side of the road. So that would be on the far south end

1 A. Yes, sir.
2 Q. Now Detective, I'm going to show you what
3 we previously marked and had testimony about, Grand Jury
4 Exhibit Number 12. It's a photograph of the line-up.
5 I'm going to throw that up there for the Grand Jury to
6 see.
7 Do you see Javier Righetti in that photo
8 line-up?
9 A. Yes, he's in position number 2.
10 Q. All right.
11 A. And that would be the top middle.
12 Q. Now when you saw him on September 5th for
13 your interview did he look different from the photo
14 that's shown in that photographic line-up?
15 A. Yes, sir.
16 Q. How so?
17 A. He had a mustache and goatee and he
18 appeared to be a little thinner.
19 Q. So he's got kind of a round, pudgy face
20 like mine in that photo line-up there?
21 A. Yes, sir.
22 Q. And when you saw him his face was a little
23 more drawn in and thin?
24 A. Yes, sir.
25 Q. But we're talking about the same person?

1 A. Absolutely.
 2 Q. Prior to I guess talking to him formally
 3 about your investigation, did you advise him of his
 4 rights pursuant to Miranda versus Arizona?
 5 A. Yes, sir.
 6 Q. Did you do that by memory or by card?
 7 A. By card.
 8 Q. Did you read that card to him?
 9 A. Yes, I placed the card in front of him so
 10 that he could read, I asked him if he could read, he
 11 said he did, he could, I then read it over his shoulder
 12 while he read it to make sure he understood it.
 13 Q. Was this interview, was it preserved in any
 14 way?
 15 A. Yes.
 16 Q. How?
 17 A. We preserved it with video and with audio.
 18 Q. Was there a transcription of this interview
 19 made?
 20 A. Yes, sir.
 21 Q. Have you reviewed the transcription?
 22 A. Yes, sir.
 23 Q. Did you check it for accuracy?
 24 A. Yes, sir.
 25 Q. Did you in fact improve its accuracy?

1 Q. At the conclusion of that did you ask him
 2 if he understood his rights?
 3 A. Yes, sir.
 4 Q. What did he tell you?
 5 A. That he understood his rights. He said,
 6 "yes, sir."
 7 Q. Did the card that you were using, did he
 8 actually sign the card?
 9 A. Yes, sir.
 10 Q. Okay. Based upon the things that he had
 11 said to you before you got to your homicide office, did
 12 it indicate to you that he wanted to talk to you?
 13 A. Yes, sir.
 14 Q. What did he say that led you to believe
 15 that he wanted to talk to you?
 16 A. He said, "I'll tell you everything. I'm
 17 a -- excuse me. He said, "I'm a piece of shit. I just
 18 want to tell you everything."
 19 Q. Where did that conversation occur?
 20 A. That was in our vehicle enroute to
 21 homicide.
 22 Q. Was that in response to any questions that
 23 you had posed?
 24 A. No, sir.
 25 Q. Any actions that you had taken to elicit a

1 A. Yes, sir.
 2 Q. Is the portion with respect to the rights
 3 that you advised him of, is that contained in the
 4 transcript?
 5 A. Yes, sir.
 6 Q. Detective, if you could turn to page 2 of
 7 the transcript and read into the record and for the
 8 benefit of our grand jurors the specific rights that you
 9 advised the defendant of?
 10 A. I said: Okay. You have the right to
 11 remain silent. Anything you say can be used against you
 12 in a court of law. You have the right to the presence
 13 of an attorney before or during questioning. And I
 14 asked him if he understood those rights.
 15 Q. What did he say?
 16 A. At first he didn't say anything.
 17 Q. Did he want to read the card?
 18 A. Yes.
 19 Q. Did you give him the opportunity to read
 20 the card?
 21 A. Yes, sir.
 22 Q. Do you advise him of his rights again?
 23 A. Yes, sir.
 24 Q. The same rights that you just read for us?
 25 A. Yes, sir.

1 response?
 2 A. No, sir.
 3 Q. Now did you talk to him about -- well, did
 4 you talk to him about the murder of Alyssa Otremba?
 5 A. Yes.
 6 Q. And who is Alyssa Otremba?
 7 A. She's a little girl that went missing on
 8 September 2nd. The missing report --
 9 Q. Well, let me ask you this. With respect to
 10 the girl who had gone missing, did you have a
 11 conversation with her mother?
 12 A. My partner did.
 13 Q. Have you ever had a conversation with her
 14 mother?
 15 A. Yes.
 16 Q. Have you seen her mother today?
 17 A. Yes.
 18 Q. Where?
 19 A. Outside in the hallway.
 20 Q. What's her mother's name? Jennifer?
 21 A. Yes.
 22 Q. Okay. So you spoke to Javier Righetti
 23 about that young lady?
 24 A. Yes.
 25 Q. Alyssa Otremba?

1 A. Yes.
 2 Q. They're probably both young to you, I
 3 understand that.
 4 A. Yes.
 5 Q. With respect to the discussion about
 6 Alyssa's murder, what did the defendant tell you that he
 7 had done to her?
 8 A. Well, at the beginning of the interview I
 9 didn't ask him anything. I said you've been wanting to
 10 talk to us, talk. I didn't bring up anything. He told
 11 me that he saw a little girl, a person walking with a
 12 phone, and that he decided to jack her or rob her. That
 13 he got to the little girl, knocked her on the ground, he
 14 said kidnapped her, took her out there, got her naked,
 15 raped her and then killed her. We weren't talking about
 16 anybody at this point.
 17 Q. At some point do you begin to talk to him
 18 specifically about when he had first seen this girl?
 19 A. Yes, sir.
 20 Q. Does he tell you when he first sees the
 21 girl?
 22 A. Yes. He comes out of his neighborhood
 23 which is right next to Grand Teton and El Capitan and he
 24 sees this girl going westbound on Grand Teton right at
 25 El Capitan. That's the first time he saw her.

1 A. He's trying to psyche himself up, are you
 2 going to do this or are you going to be a bitch. He
 3 wants --
 4 Q. I'm sorry. Go ahead.
 5 A. He wants to rob her and take her things.
 6 He wants to get close enough to her to where he could
 7 get her in the tunnels but she's moving too quick and
 8 she makes it through the tunnels before he can get to
 9 her.
 10 Q. When you're saying he's saying don't be a
 11 bitch --
 12 A. He's talking to himself.
 13 Q. So he's referring to himself in that
 14 manner?
 15 A. Yes. He -- you see this, you've thought
 16 okay, let's do this, don't be a bitch and chicken out,
 17 is the way I took it from him.
 18 Q. Okay. Does he describe having a weapon
 19 with him?
 20 A. Yes, he had taken a kitchen, serrated
 21 kitchen knife with him when he left the house. He
 22 describes it as a white plastic handle, fairly long and
 23 very sharp.
 24 Q. Does he describe for you the point in time
 25 when he actually makes contact with this victim?

1 Q. Did he tell you what he was thinking when
 2 he first saw her?
 3 A. She would be an easy target, an easy
 4 victim.
 5 Q. What did he want to do to her with respect
 6 to her being an easy victim or an easy target?
 7 A. He says first off that he wants to rob her.
 8 Q. Rob her of what?
 9 A. Well, he sees her with an iPhone, a black
 10 iPhone, talking on the phone, and whatever else she may
 11 have.
 12 Q. Did he know her?
 13 A. No, he had never seen her before.
 14 Q. Does he describe for you what he does when
 15 he sees her, what sort of a position does he take with
 16 respect to her?
 17 A. He follows her.
 18 Q. Does he tell you beginning where?
 19 A. It was on Grand Teton before you get to the
 20 tunnels.
 21 Q. The tunnels that we've seen in Grand Jury
 22 Exhibit Number 2?
 23 A. Yes, that lead under the freeway.
 24 Q. Okay. Does he tell you what he's thinking
 25 about as he's following her?

1 A. Yes.
 2 Q. What did he tell you?
 3 A. He said she exits the tunnels and then
 4 goes, he points us the direction, that he goes
 5 northbound on Oso Blanca and that he approaches her just
 6 before she makes it to the houses which would have been
 7 the block wall corner where I showed you that the blood
 8 trail starts.
 9 Q. Was he actually using a piece of paper to
 10 describe this for you?
 11 A. Yes, sir.
 12 Q. Okay. Without -- we won't use his piece of
 13 paper but I'm going to show you Grand Jury Exhibit
 14 Number 3 again. What area is he describing for you?
 15 A. He follows her out of the tunnels and then
 16 up this road to right where this corner block wall is,
 17 right next to the very first house, is where he first
 18 makes, he tells us that he first makes contact with her.
 19 Q. What does he do when he first makes contact
 20 with her?
 21 A. He has some thoughts right before he gets
 22 contact with her but he says that when he makes contact
 23 with her he knocks her to the ground.
 24 Q. And what are those thoughts that he had,
 25 that he told you he had right before he made contact

1 with her?

2 A. That he was going to rape her.

3 Q. So does he describe for you what he does

4 when he first makes contact with her after he knocks her

5 down?

6 A. He knocks her down and then he forces her

7 out into the desert into a wash next to a bush.

8 Q. When he first knocks her down does he

9 describe demanding something from her?

10 A. "Give me what you got, give me everything

11 you have." She gives him the iPhone.

12 Q. Did he describe for you anything else that

13 she had?

14 A. No.

15 Q. So then he describes taking her somewhere

16 at that point?

17 A. Out into the desert area.

18 Q. Does he tell you what he does to her out in

19 the desert?

20 A. Yes, sir.

21 Q. What did he tell you?

22 A. Once they got out there he told her to

23 undress, take her pants off and everything off, that she

24 takes her pants off, that he takes, he doesn't remember

25 anything about panties, that he takes his pants off and

1 Q. With respect to the oral sex, at first does

2 he say to you that there was only vaginal sex?

3 A. Yes, sir.

4 Q. Later on in the interview does he describe

5 receiving what he referred to as a "blow job"?

6 A. Yes, sir.

7 Q. Did he tell you whether or not he had

8 ejaculated at the point in time that he was receiving

9 oral sex?

10 A. He said he did not.

11 Q. You said that, you kind of sanitized it for

12 us. In actuality did he say, quote, "My dick wasn't up

13 so she gave me head"?

14 A. Yes, sir.

15 Q. Those are his words to you?

16 A. Yes, sir.

17 Q. Did he describe for you actually having

18 sexual intercourse with the young girl?

19 A. Yes, sir.

20 Q. Did he specifically tell you that he had

21 placed his penis into her vagina?

22 A. Yes, sir.

23 Q. Did you ask him or have a discussion with

24 him in those very specific terms?

25 A. Yes, sir.

1 then he --

2 Q. Let me ask you this. Does he describe

3 struggling with her or fighting with her to get her

4 clothes off?

5 A. No.

6 Q. How did he describe that as happening?

7 A. That she, that he ordered her to take it

8 off and she didn't hesitate. He then --

9 Q. Well, let me ask you this. Did he describe

10 once her clothes are off doing something with the knife?

11 A. At some point he puts it on the ground or

12 drops it to the ground. He then proceeds to rape her

13 with his penis in her vagina.

14 Q. At some point does he describe for you oral

15 sex?

16 A. Yes, sir.

17 Q. Or fellatio?

18 A. Yes, sir.

19 Q. What does he tell you about that?

20 A. It's a little later on in the interview, he

21 says that when he took his pants off he did not have an

22 erection, I'm saying it a little more polite, he then

23 tells her to suck him up. So she performs oral sex on

24 him so he can get an erection and then he proceeds to

25 rape her vaginally.

1 Q. Did he describe ejaculation?

2 A. Yes, sir.

3 Q. Did that happen?

4 A. Yes, sir.

5 Q. Did he describe for you various sexual

6 positions that the two were in?

7 A. Yes.

8 Q. Tell us about that.

9 A. He said initially she was on her back and

10 he was on top of her. They had sex in that position.

11 He then wanted to change positions and she would change

12 positions to the point where they ended up in what he

13 referred to as doggie style.

14 Q. Now did he describe having to fight with

15 her and struggle with her to get to change positions or

16 how did he describe that for you?

17 A. No. He said that he would tell her to

18 change positions or they would change positions, that

19 she was just trying to stay alive.

20 Q. After he had described having sex with this

21 girl doggie style, does something happen or does he

22 describe something happening with the knife?

23 A. Yes. He said at that point when they're in

24 the position that he described as doggie style that he

25 was behind her and the knife was in front of her and

1 that at one point she reached for the knife and grabbed
2 the knife.

3 Q. And what happened at that point?

4 A. He said he moved quickly and grabbed ahold
5 of the knife and yanked it out of her hands and he cut
6 her hands.

7 Q. Does he tell you that he, what he intended
8 to do at that point with the knife?

9 A. Yes.

10 Q. What did he intend to do?

11 A. He says when he ejaculated that he was, he
12 got the knife and he started stabbing her, that he
13 killed her with the knife.

14 Q. Does he describe the process of stabbing
15 her for you?

16 A. Yes.

17 Q. Tell us what he tells you about stabbing
18 her with the knife.

19 A. He started stabbing her in the face, down
20 her face, in her neck, he describes stabbing her to her
21 thighs, he tells us that he carves initials into her
22 side.

23 Q. What does he carve into her?

24 A. He says it's an LV for Las Vegas, to be
25 gangster, to be a thug.

1 Q. Okay.

2 A. He says that she's still alive, that she's
3 still struggling. He then stabs her stomach and chest
4 area and then he decides to execute her and he stabs her
5 above the heart, left side of the chest, holding the
6 knife and slamming it down with his hand.

7 Q. And for the record you've just indicated
8 with your hands, one balled up in a fist and the other
9 flatly on top of it, pushing in a downward direction.

10 A. Yes, sir.

11 Q. Had you seen that motion before?

12 A. From Javier.

13 Q. When?

14 A. During the interview.

15 Q. He actually physically described doing that
16 for you?

17 A. Yes, sir.

18 Q. Does he describe a point in time where this
19 young lady stops fighting back?

20 A. During the stabbing he said, he actually
21 says that she stops fighting him but she's still moving.
22 Once he does that to her chest she stopped everything.
23 But he then says he doesn't know if she's dead or not at
24 that point but she had stopped moving.

25 Q. At various times during the interview did

1 he describe for you why he killed her?

2 A. Yes.

3 Q. What does he tell you?

4 A. First was he killed her because he had
5 robbed her and she would tell on him. He then said he
6 killed her because he had raped her and that she would
7 tell on him. And then at the end he said he did it
8 because he wanted to know what it felt like, he wanted
9 to feel that, feel that power.

10 Q. The power of killing someone?

11 A. Yes, the power over someone is the way I
12 took it from him. That gangster feeling, he wanted to
13 make it last as long as he could.

14 Q. Does he describe for you what he does after
15 he had killed her?

16 A. Yes.

17 Q. What does he do?

18 A. He says that he leaves, he runs back
19 through the tunnels, he then turns right, there's like a
20 rock area with like posts for like flooding, he runs up
21 through there, he then climbs over a block wall into the
22 backyard of a residence that has a pool, he then goes to
23 the pool, gets in the pool and washes all the blood, he
24 said he's covered in her blood and his blood, he washes
25 off in the pool, takes his shirt off, he wraps the knife

1 which he had in his pocket in the shirt and then he
2 proceeds to go back over the wall, make another right
3 hand turn and then run across the street to his house.

4 Q. What does he do with the knife and the
5 shirt?

6 A. Takes it with him.

7 Q. Does he describe actually getting back to
8 his house?

9 A. Yes.

10 Q. What happens at his house?

11 A. He unlocks the door, goes inside, he says
12 nobody in the family sees him, he goes up to his room,
13 completely undresses, puts the clothing, the shoes and
14 the knife in a black bag, small bag, he then showers,
15 and calls for his friend to come help him.

16 Q. Who is his friend?

17 A. Daniel Ortiz.

18 Q. Spell Ortiz for us.

19 A. O-R-T-I-Z.

20 Q. Does he describe calling Daniel Ortiz?

21 A. Yes, sir.

22 Q. What does he tell you about trying to get
23 ahold, why does he want to get ahold of Daniel Ortiz?

24 A. He needs help. He wants Danny to come and
25 help him. When he first calls Danny, Danny is with a

1 girl out for the evening and he won't come, but Javier
2 says, "I keep calling. I keep bugging him until he
3 finally comes over."

4 Q. Does he describe that Mr. Ortiz did in fact
5 arrive?

6 A. Yes, sir.

7 Q. What did he and Mr. Ortiz do at that point?

8 A. He brings Daniel into his house, Daniel had
9 driven over to his house in Daniel's Honda Civic which
10 is gray in color, he has a conversation with Danny about
11 him needing help, he tells Danny that he had killed
12 somebody but Danny wouldn't believe him. He then says
13 he doesn't want to steal money from his own family and
14 asks Danny for some money. Danny gives him \$20. Then
15 he asks for a ride which Danny obliges and gives him a
16 ride.

17 Q. Where does he tell you he and Dan go?

18 A. They went to 7-Eleven which is on Farm and
19 Durango. Javier then runs across the street to the
20 Albertson's Express, pays \$5 to get a gallon of
21 gasoline, which he had brought a can with him, he had
22 searched the house to find a can, he also brought the
23 black bag with him with his clothing, shoes, knife
24 inside. The can is a Xylene can, empty. He fills it
25 with a gallon of gas which cost him \$5. He then directs

1 Danny to drive him somewhere else.

2 Q. Where does Javier and Dan eventually
3 arrive?

4 A. Right back at, they park --

5 Q. You're referring to a photograph that's
6 displayed for the Grand Jury?

7 A. Yes, same photograph.

8 Q. Just turn that if you would, Detective
9 Long, over and tell us what exhibit number it is.

10 A. Exhibit Number 3.

11 Q. Okay. Grand Jury Exhibit Number 3.
12 Describe for us where he told you he went with
13 Mr. Ortiz.

14 A. All right. He tells us that they drive to
15 this location but they go Grand Teton, Tee Pee, and all
16 the way around, so they're coming south on Oso Blanca
17 and they park on the west side of Oso Blanca just past
18 the corner where the initial attack occurred.

19 Q. Does Mr. Righetti describe for you what
20 occurred between him and Mr. Ortiz at that point?

21 A. Yes.

22 Q. What does he tell you?

23 A. He asked Danny if he would go with him and
24 Danny said no, that he loved him, he loved Javier, he
25 gave Javier a hug, which he's never done before, and

1 Danny then drives away.

2 Q. And is Javier left behind?

3 A. Yes, sir.

4 Q. What does Mr. Righetti tell you he does at
5 that point?

6 A. He still has the black bag and the can of
7 gasoline, he then goes back into the desert where he had
8 left the body, he said that there was blood everywhere,
9 that he puts the gas on the body and on the area around
10 the body where all the blood was, he then lights it on
11 fire.

12 Q. What does he do at that point?

13 A. He then runs home taking the black bag and
14 the can with him. He runs all the way back to his house
15 and then --

16 Q. Does he tell you what he ultimately does
17 with the black bag that contains the items that he told
18 you were in it?

19 A. Yes, sir.

20 Q. What does he do with them?

21 A. He says that there's a bathroom adjacent to
22 his bedroom which would be on the east side of the house
23 and that there is an attic access inside the bathroom
24 and that he had put the bag up in the attic right next
25 to where the door, the access door was. So it would be

1 the gas can inside the bag with his bloody shirt, bloody
2 pants, bloody undershirt, knife and shoes.

3 Q. Was there a search conducted at his
4 residence?

5 A. Yes, sir.

6 Q. Was that duffie bag located?

7 A. Yes, sir.

8 Q. Let's return to the interview, Detective.
9 Does he talk to you about the phone that he had taken
10 from the young lady?

11 A. Yes, sir.

12 Q. What does he tell you he does with that
13 phone?

14 A. He said that it was off, he had no way of
15 charging it, he didn't have a cord, he saw a friend of
16 his who we later identify, and that he goes over to his
17 house to charge it up.

18 Q. So I guess based upon this discussion and
19 his description of what he does, he had taken the phone
20 from the young lady and he actually left the scene with
21 the phone?

22 A. Yes, sir.

23 Q. Okay.

24 A. That was the first trip.

25 Q. The first, when the murder --

1 A. The initial trip, yes.
 2 Q. So what does he do to try to get power to
 3 this phone?
 4 A. He hooks it up to the friend's computer
 5 using a USB port to charge it up. The phone, he turns
 6 the phone on and they get a charge on it. His friend
 7 tells him to turn it on off very, very quickly.
 8 Q. This is what the defendant is telling you
 9 about it?
 10 A. Yes, sir.
 11 Q. Did the defendant tell you what his
 12 concerns were with respect to this phone being on?
 13 A. Yes.
 14 Q. What did he tell you his concerns were?
 15 A. That he knew that the police could track
 16 him once he turned that phone on.
 17 Q. Were members of law enforcement able to
 18 identify this individual that the defendant was with as
 19 he described for you in the interview?
 20 A. Yes, sir.
 21 Q. Who is that individual?
 22 A. His name is Nico Erbella.
 23 Q. Can you spell Erbella for us?
 24 A. E-R-B-E-L-L-A.
 25 Q. During the course of this interview did the

1 that said we could take his DNA. So I sat back for a
 2 minute and let him go. He, Javier was a little nervous
 3 about giving a DNA sample. And then I, in code, was
 4 trying to get my partner to realize that it was in the
 5 search warrant, because I didn't know what he was doing.
 6 Well, when Javier heard me saying things in code he goes
 7 "you think it was me that committed that rape in the
 8 bridge." He kept referring to the tunnels as the
 9 bridge. And I said, "Well, yes, we think it was you."
 10 Q. Did you immediately know what he was
 11 talking about?
 12 A. I had some knowledge of the case he was
 13 talking about, yes.
 14 Q. Okay. So he asks you words to the effect
 15 you think it was me who did that?
 16 A. Yes, sir.
 17 Q. And so what do you say to him?
 18 A. I said, "Yes, we do." And I said, "Was it
 19 you?" He said, "No, it was not." I said, "If we show
 20 the victim your picture she's not going to pick you
 21 out?" He said, "No, it wasn't me, but I know who did
 22 it." I said, "Okay. Well, who did it?" And he took a
 23 second and said, "Okay, it was me."
 24 Q. He said it was him?
 25 A. Yes.

1 defendant -- well, first of all did he appear to be
 2 under the influence of anything during the interview?
 3 A. He did not. His pupils were fine, he was
 4 not sweating, his heartbeat was normal, and then he told
 5 me that he was not on drugs during this, he said, "It
 6 was funny, I wasn't even high."
 7 Q. And he was describing the time that he had
 8 killed this young lady?
 9 A. Yes, sir.
 10 Q. He said it was funny because he wasn't even
 11 high at the time?
 12 A. Yes, sir.
 13 Q. During the course of the interview did the
 14 subject of a sexual assault that had occurred in the
 15 tunnels, that we've heard testimony about, that you've
 16 testified about, did the subject of a sexual assault
 17 that occurred in those tunnels make its way into your
 18 discussions with him?
 19 A. Yes, sir.
 20 Q. How did that come about?
 21 A. My partner Rob Wilson asked Javier Righetti
 22 if he would consent to giving us a DNA sample. And I
 23 believed at that time that my partner was using some
 24 kind of technique to get information. I didn't realize
 25 that he didn't know that we already had a search warrant

1 Q. What did he tell you that he had done to
 2 this victim?
 3 A. His words was that "I kidnapped her and I
 4 raped her." That it was in the tunnels, that he was in
 5 there in his words as a "stalker rapist," and he saw
 6 this girl come in, he had some knowledge of who this
 7 girl was, he said that he grabbed her, he put her in a
 8 chokehold, and he indicated like this, like a headlock.
 9 Q. And for the record you've got kind of one
 10 hand over your other hand and your elbow is kind of in a
 11 chokehold kind of position?
 12 A. Yes, in a V-shape, putting the head in the
 13 V-shape of my arm. He said he choked her.
 14 Q. He said that he knew who she was. Did he
 15 know her by name?
 16 A. Well, he had some knowledge of who she was.
 17 And I don't know whether he got that knowledge before or
 18 after the event.
 19 Q. Okay. Did he describe this girl as having
 20 a boyfriend?
 21 A. Yes.
 22 Q. Did he tell you what the girlfriend's
 23 boyfriend did?
 24 A. Yes, that he was involved in UFC.
 25 Q. UFC fighting?

1 A. Yes, sir.
 2 Q. Okay. And does he describe a phone as part
 3 of the events that he described for you?
 4 A. Yes. He was going to take her phone but
 5 that she threw it to the ground and broke the phone,
 6 that he moved her location, he then chokes her to
 7 unconsciousness, he then removes her pants, he removes
 8 his pants, but again he cannot, he could not get an
 9 erection.
 10 Q. Does he describe for you trying to
 11 vaginally sexually assault her?
 12 A. Yes. In his words he says that he took her
 13 pants off, laid her down and then opened her up,
 14 indicating that he got down between her legs and put her
 15 legs apart and then was trying to insert his penis into
 16 her vagina but he couldn't get the erection.
 17 Q. Did he describe for you how long that
 18 period of time lasted?
 19 At page 49 of the interview does he say
 20 that he tried this for between five to ten minutes?
 21 Page 49.
 22 A. Yes, sir.
 23 Q. Okay.
 24 A. Sorry.
 25 Q. Does he describe this girl pleading with

1 police everywhere. He then calls his mother to come to
 2 him at Horse Park and he tells his mom that he had just
 3 been in a fight and he had blood all over his shirt,
 4 which was an Arbor View Aggies shirt, and he says the
 5 blood came from the fight. Mom was like well, there's
 6 the police right there, why don't we go to the police,
 7 he goes no, no, no, I just want to go home, and so she
 8 takes him home.
 9 Q. Detective Long, we had talked about the
 10 bag, the duffle bag that the defendant had described for
 11 you and you had indicated that that bag was in fact
 12 located in his house.
 13 A. Yes, sir.
 14 Q. Was there at some point prior to the bag
 15 being located a search warrant or judicial authorization
 16 to actually search the house, was that obtained?
 17 A. Yes. Same one that was for Javier's DNA.
 18 MR. LALLI: Very good.
 19 Ladies and gentlemen, I do not have any
 20 additional questions for this witness and would invite
 21 you to ask questions that you might have.
 22 THE WITNESS: Yes, ma'am.
 23 BY A JUROR:
 24 Q. You said that there was blood on his shirt?
 25 I mean he said there was blood on his shirt?

1 him?
 2 A. Yes. That she comes to, she regains
 3 consciousness, she pleads with him, she says, "I'm a
 4 virgin, please don't rape me." He then says okay and
 5 tells her to give him oral sex.
 6 Q. Does he say that that actually happens?
 7 A. Yes.
 8 Q. Does he ever describe a period of time when
 9 he perceives that people are looking for this girl?
 10 A. Yes. He says that he can hear her friends
 11 coming into the tunnel, they're calling for her, and he
 12 says her name was something like Kaleigh, Kayla, that he
 13 then, they put their clothing back on and they move
 14 farther back into an off-shoot tunnel, into a tunnel.
 15 Q. Did you know that the victim's name in fact
 16 was Mikaela?
 17 A. Yes, sir.
 18 Q. What happens as he moved back further into
 19 the tunnel?
 20 A. They come to a spot where there's a ladder
 21 going to a manhole above, that he starts to climb up the
 22 manhole and the minute he starts to climb she runs off
 23 screaming for her friends. That's what he believes. He
 24 then climbs out the manhole up to the street above and
 25 he runs towards Horse Park which is nearby. He sees

1 A. On both occasions. The shirt that he wore
 2 to kill Alyssa he said was covered in blood. His shirt,
 3 his pants, his shoes, everything had blood on it. And
 4 he said the blood would have been hers and his.
 5 Q. Okay. No, I'm talking about Mikaela, when
 6 he attacked her.
 7 A. He said that he was wearing a Arbor View
 8 Aggies shirt and it had blood on the front of it.
 9 Q. Did it come from --
 10 A. From her.
 11 Q. -- from her?
 12 A. Yes. He said he thinks he might have
 13 punched her.
 14 Q. Oh. Thank you.
 15 THE WITNESS: Yes, ma'am.
 16 BY A JUROR:
 17 Q. How old is Javier?
 18 A. Nineteen.
 19 Q. Did he attend Arbor View High School?
 20 A. Yes.
 21 Yes.
 22 BY A JUROR:
 23 Q. What time of day did this murder happen?
 24 A. Alyssa text her mother at 6:38 saying that
 25 she would be home within 30 minutes, she was walking on

1 Grand Teton. He says that the sun was still up when he
2 attacked her.

3 BY MR. LALLI:

4 Q. When you say he says that, who are you
5 referring to?

6 A. I'm sorry. Javier Righetti told us the sun
7 was still up when he attacked her. We're estimating
8 that it would have been right at or right after 7
9 o'clock in the evening.

10 BY A JUROR:

11 Q. Did anyone, when he burned this victim's
12 body, did anybody see?

13 A. It would have been somewhere around 1:30,
14 2 o'clock in the morning and nobody saw or heard it. It
15 was --

16 BY MR. LALLI:

17 Q. Is that based upon the information that he
18 told you with respect to time? Is that based upon the
19 information that he provided to you in the interview?

20 A. Yes, among other things.

21 Q. Okay. With respect to anyone else seeing
22 it, let me just reframe that question a little bit. Did
23 you talk to anyone who saw or perceived that there was
24 something burning out in that desert area?

25 A. No, sir.

1 Q. Okay.

2 A. And we spoke to everybody that lived in
3 that housing complex. Well, everybody that we could
4 reach.

5 BY A JUROR:

6 Q. How did you make initial contact with
7 Javier?

8 MR. LALLI: I'm going to just ask that, and
9 I apologize, that at this point that is not relevant to
10 these proceedings so I'm going to just ask that you do
11 not answer that question.

12 THE WITNESS: Okay.

13 BY A JUROR:

14 Q. Is it that group of three individuals from
15 that large family, were they the passer-bys that saw
16 later on this individual and his friend in the car? Is
17 that the nexus?

18 A. No, sir. They would have been in
19 complete -- this is a 32-acre lot. What we're looking
20 at is the very northeast corner of the lot where the
21 attack occurs. When they're talking to us about this
22 Toyota parked, it would have been at the very south end.
23 So it's quite a long ways and it was not the same group,
24 same people.

25 Q. Okay. And so next, so if there's drops of

1 blood going along that small wash trail, so she was
2 dragged or she was initially attacked in one area and
3 then it continued --

4 A. Yes.

5 Q. -- to progress?

6 A. I believe.

7 BY MR. LALLI:

8 Q. Let me ask you this. Do you know whose
9 blood that is at this point?

10 A. At this point I do not.

11 Q. Have you requested that blood be
12 forensically analyzed?

13 A. Yes, sir.

14 Q. You can't tell us for certain whose blood
15 it was?

16 A. No, sir.

17 Q. Thank you.

18 BY A JUROR:

19 Q. The individual, Javier Righetti, he went
20 into a pool at one point?

21 A. Yes, sir.

22 Q. To supposedly wash himself off. How do you
23 know that?

24 A. He told us.

25 Q. He told you. And there is nothing else you

1 could find further than that in the pool itself or
2 clothes or --

3 BY MR. LALLI:

4 Q. Let me ask you this, Detective.
5 And I'm sorry.

6 Based upon the information that you
7 received from Mr. Righetti, did you request that certain
8 detectives go out and attempt to locate the pool that
9 Mr. Righetti described going into?

10 A. Yes, sir.

11 Q. Were you along for that? Did you see that
12 yourself?

13 A. No, sir.

14 Q. But you asked that that be followed up?

15 A. Yes, sir.

16 Q. Okay. Thank you.

17 BY A JUROR:

18 Q. Was it followed up?

19 A. Yes.

20 BY MR. LALLI:

21 Q. There was follow-up on that?

22 A. There was follow-up.

23 Q. Do you know who did it?

24 A. Detective O'Kelley, Detective Raetz.

25

1 BY A JUROR:

2 Q. I have a question. I see he had been
3 stalking the area. Approximately how far away from this
4 lot did he live?

5 A. When you come out the tunnels on the east
6 side he's less than a mile. He's very close to where
7 the tunnels are.

8 BY A JUROR:

9 Q. Were there any other -- what was the time
10 frame between these two instances?

11 A. The rape and the rape murder?

12 Q. Yes.

13 A. The rape would have occurred in --

14 BY MR. LALLI:

15 Q. Was that in March?

16 A JUROR: March?

17 MR. LALLI: March of 2011.

18 THE WITNESS: Yes, March. I was thinking
19 April, but you're right, March. And then the murder
20 occurred in September, first part of September.

21 BY A JUROR:

22 Q. And to the best of your knowledge nothing
23 else involving him during that time frame?

24 MR. LALLI: I'm sorry. I'd ask that you
25 not respond to that question. It's not relevant to

1 these proceedings. I'm sorry.

2 A JUROR: Sure. And the last one, I'm
3 sorry, two more.

4 Q. A rape kit was not accomplished on the
5 first female victim?

6 A. I was not the investigator on that. I
7 couldn't tell you.

8 Q. And then on the underground tunnel area
9 that's been described, there were no bars on the
10 underground tunnel area forbidding people from entering?

11 A. No. It's actually commonly used as a
12 pedestrian walkway underneath the freeway. Very common.

13 Q. The underground part, not the open space?

14 A. No, it's -- yeah, the tunnels are used as a
15 way to make it across the freeway without getting hit.

16 BY MR. LALLI:

17 Q. Let me ask you a couple of follow-ups.

18 I don't think you've seen this, Detective.
19 I'm going to show you Grand Jury Exhibit Number 5.

20 A. Uh-huh.

21 Q. Does this depict the tunnels that you've
22 described?

23 A. Yes, sir.

24 Q. Do you see these dotted, two dotted lines
25 that go back there?

1 A. Yes, sir.

2 Q. Is that also a tunnel that goes back?

3 A. Yes.

4 Q. Now let me just put this up so everybody
5 can see what we're talking about.

6 Grand Jury Exhibit Number 5, I think the
7 question was are there gates here or is there anything
8 that would prevent somebody from going back into this
9 underground portion?

10 A. No, sir.

11 BY A JUROR:

12 Q. So just so I can understand. These
13 tunnels, they're not flood channels, they are
14 specifically built for pedestrian traffic under the
15 freeway?

16 A. No, I believe that they, they're used,
17 they're flood channels, kind of like the flood fields we
18 have where they put soccer fields, and these are
19 extremely easy access for people making their way also
20 and there's no barriers for people going through them.
21 And it is very, very common that kids make their way
22 that way.

23 BY MR. LALLI:

24 Q. Detective, let me ask you. Do you know one
25 way or another whether these tunnels are part of the

1 Nevada Trail System, do you know that?

2 A. I do not know. I'm sorry.

3 Q. Okay.

4 BY A JUROR:

5 Q. The fire that was set by Javier, was that
6 meant to dispose of the evidence, dispose of the body?

7 A. In his words, yes, he was destroying
8 evidence.

9 Q. And how long would that fire have lasted?

10 A. One gallon of gasoline would not burn for a
11 very long time.

12 Q. But it would be visible from, most likely
13 from --

14 A. Yes.

15 Q. -- a distance?

16 A. Okay. The other thing you need to remember
17 is that they walked out into the desert and then dropped
18 down into a wash. So at 2 o'clock in the morning, and
19 this street is very, very dark, it's not a light area,
20 and nobody saw it.

21 BY A JUROR:

22 Q. Did you interview Daniel Ortiz?

23 BY MR. LALLI:

24 Q. Did you interview him?

25 A. Yes. I wanted to make sure --

1 BY A JUROR:

2 Q. How did they find the body? I mean was
3 someone told?

4 BY MR. LALLI:

5 Q. Were you present when the body was located?

6 A. No. We did speak --

7 Q. No?

8 A. No. We did speak to the people who did
9 find it though.

10 Q. I understand that. But you weren't present
11 when the body was located?

12 A. No.

13 Q. Did you during the course of your
14 investigation speak to people who had located the body?

15 A. Yes, sir.

16 Q. Okay.

17 BY A JUROR:

18 Q. Were they looking for her or were they just
19 passing through?

20 MR. LALLI: Without -- I'm sorry. I think
21 that calls for a hearsay response so I apologize.

22 THE FOREPERSON: Any other questions?

23 BY A JUROR:

24 Q. In follow-up to her question. Just like
25 passers-through, walking through the desert located the

1 body or was it like helicopters or something like that
2 over -- do you know how the body was located? Do you
3 know if it was like a helicopter located it or people
4 walking?

5 BY MR. LALLI:

6 Q. You were not present when it was located?

7 A. No, sir.

8 Q. So did you learn how it was located by
9 talking to other people?

10 A. Yes, sir.

11 MR. LALLI: Okay. Then unfortunately
12 that's going to require a hearsay response so I'm going
13 to ask him not to answer that.

14 THE FOREPERSON: Any other questions?

15 By law, these proceedings are secret and
16 you are prohibited from disclosing to anyone anything
17 that has transpired before us, including evidence and
18 statements presented to the Grand Jury, any event
19 occurring or statement made in the presence of the Grand
20 Jury, and information obtained by the Grand Jury.

21 Failure to comply with this admonition is a
22 gross misdemeanor punishable by a year in the Clark
23 County Detention Center and a \$2,000 fine. In addition,
24 you may be held in contempt of court punishable by an
25 additional \$500 fine and 25 days in the Clark County

1 Detention Center.

2 Do you understand this admonition?

3 THE WITNESS: Yes, sir.

4 THE FOREPERSON: Thank you.

5 MR. LALLI: All right. Ladies and
6 gentlemen, that concludes the witnesses that we have
7 this morning. We will reconvene with the foreperson's
8 acquiescence right around 1 o'clock.

9 THE FOREPERSON: Exactly at 1 o'clock.

10 MR. LALLI: Exactly at 1 o'clock. Okay.
11 Thank you. We're off the record.

12 (Recess.)

13 MR. PESCI: The State calls Dr. Lary Simms.

14 THE FOREPERSON: Please raise your right
15 hand.

16 You do solemnly swear the testimony you are
17 about to give upon the investigation now pending before
18 this Grand Jury shall be the truth, the whole truth, and
19 nothing but the truth, so help you God?

20 THE WITNESS: I do.

21 THE FOREPERSON: Please be seated.

22 You are advised that you are here today to
23 give testimony in the investigation pertaining to the
24 offenses of attempted robbery, battery with intent to
25 commit sexual assault by strangulation, first degree

1 kidnapping, attempted sexual assault with a child under
2 16 years of age, sexual assault with a child under 16
3 years of age, robbery with use of a deadly weapon, first
4 degree kidnapping with use of a deadly weapon, sexual
5 assault with a child under 16 years of age with use of a
6 deadly weapon, murder with use of a deadly weapon,
7 involving Javier Righetti.

8 Do you understand this advisement?

9 THE WITNESS: Yes.

10 THE FOREPERSON: Please give your name and
11 spell it.

12 THE WITNESS: My first name is Lary,
13 spelled L-A-R-Y, my last name is Simms, spelled
14 S-I-M-M-S.

15 LARY SIMMS,

16 having been first duly sworn by the Foreperson of the
17 Grand Jury to testify to the truth, the whole truth,
18 and nothing but the truth, testified as follows:

19

20 EXAMINATION

21

22 BY MR. PESCI:

23 Q. Sir, are you a forensic pathologist with
24 the Clark County Coroner's Office?

25 A. Yes.

1 Q. And how long have you been working in that
2 capacity?

3 A. With the Clark County Coroner's Office a
4 little over 13 years.

5 Q. Were you a forensic pathologist in Cook
6 County before being here in Clark County?

7 A. Correct.

8 Q. Do you have training and experience that
9 provides you the opportunity to work in that job?

10 A. Yes.

11 Q. Could you briefly describe that training
12 and experience to this Grand Jury?

13 A. Well, I've been in medicine, I started my
14 thirty-third year. I did pathology residency training
15 at Michigan State University, then I did a fellowship at
16 Cook County Medical Examiner's Office in Chicago. I've
17 done about 6000 autopsies. I'm board certified in
18 anatomic pathology, clinical pathology and forensic
19 pathology, and I'm licensed in the State of Nevada.

20 Q. Have you testified in this field before at
21 Grand Jury, Justice Court and District Court here in the
22 Eighth Judicial District Court?

23 A. Yes.

24 Q. Would you say many, many times you've
25 testified in that regard?

1 A. Probably about 300 times.

2 Q. I want to direct your attention to an
3 autopsy that you performed on September the 5th, 2011 on
4 someone who was identified to you as Alyssa Otremba. Do
5 you remember performing that autopsy, Doctor?

6 A. I remember parts of it, yes.

7 Q. Do you have a report that you generated in
8 anticipation of testifying so that you can refresh your
9 recollection?

10 A. Yes.

11 Q. And did you in fact prepare such a report?

12 A. Yes.

13 Q. And do you perform hundreds of autopsies
14 throughout the years?

15 A. Yes. I usually get assigned about five or
16 600 cases a year.

17 Q. Do these reports help to refresh your
18 recollection to the specific incident?

19 A. Yes.

20 Q. Okay. And in anticipation of testifying
21 did you in fact meet with myself and Mr. Lalli and
22 review some photographs and go over your report?

23 A. Yes.

24 Q. In looking at that report, you performed an
25 autopsy on September the 5th, 2011. Do you first start

1 off with an external examination of the individual?

2 A. Yes.

3 Q. Do you after looking at the body and
4 notating this evidence externally also perform an
5 internal examination?

6 A. Yes.

7 Q. When the body first comes to the coroner's
8 office is it worked on before it gets to you?

9 A. It's processed by the police, correct.

10 Q. And the processing by the police, that's
11 done out at the scene and is it also done to some degree
12 inside the coroner's office?

13 A. That is correct.

14 Q. When you begin your autopsy has the body
15 been removed from what is referred to as a body bag?

16 A. Yes.

17 Q. Is there some cleaning that's done of the
18 body before you look at it?

19 A. Yes.

20 Q. To your right there are Grand Jury Exhibits
21 23 through 34. If would you take a minute just to
22 review those and when you're done let me know if those
23 are in fact photographs from this autopsy that we're
24 referring to and if they fairly and accurately depict
25 the individual that you performed the autopsy on.

1 A. Yes, it's the decedent Miss Otremba and
2 they definitely depict the autopsy as it occurred, yes.

3 Q. And is there something on Grand Jury
4 Exhibit 24 that helps you, or, I'm sorry, 23, that helps
5 you realize which autopsy you're dealing with on the
6 body bag?

7 A. There is. Each decedent is assigned a
8 unique number. In this case it's 11-7734 which is the
9 number assigned to that case.

10 Q. And that's the number that you have also
11 assigned to your report referencing this autopsy?

12 A. Correct.

13 Q. Okay. Thank you.

14 Now you did perform an external and an
15 internal examination on this individual.

16 A. Correct.

17 Q. And you came to a determination as to the
18 cause and manner of death. Is that accurate?

19 A. Yes.

20 Q. What was your determination as to the cause
21 of death?

22 A. Multiple stab wounds.

23 Q. And what was the manner of death?

24 A. Homicide.

25 Q. Now the manner of death just means that

1 this person died at the hand of another human being?
 2 A. Correct.
 3 Q. It's not a legal term, it's more your term
 4 forensically?
 5 A. Correct.
 6 Q. Now let's go specifically into your report
 7 and your documentation that you made to the injuries
 8 that you saw. And before we do that, as kind of an
 9 over-arching assessment of the body in general, did you
 10 see evidence of thermal injury?
 11 A. Correct.
 12 Q. In laymen's term is that burning?
 13 A. Yes.
 14 Q. Was there a focal area in the head and face
 15 area of burning?
 16 A. Yes. The body looked to me like, and you
 17 can see it in, actually one of these pictures is
 18 excellent to show this, there was a significant amount
 19 of thermal injury over the head and neck and upper
 20 chest. Then there was kind of an area that didn't
 21 really have that bad. And then the second injury was in
 22 the crotch area so to speak.
 23 Q. Doctor, if I could impose upon you, that
 24 second one that you have in your hand, I think it's 24.
 25 A. That's correct.

1 A. There's very dense soot and thermal injury
 2 here and then there's a significant amount of tissue
 3 loss there on the inner part.
 4 Q. Okay. Thank you.
 5 Now going through kind of step by step with
 6 your injuries, if we could take that one down if you
 7 wouldn't mind, and did you notate numerically the
 8 specific injuries in your report?
 9 A. Yes.
 10 Q. And do you break it down into subcategories
 11 as far as where on the body?
 12 A. Yes, where they're located on the body,
 13 correct.
 14 Q. And before that actually is done were there
 15 X-rays taken of this individual?
 16 A. Yes.
 17 Q. Is that while the individual is still in
 18 the body bag?
 19 A. Well, with these kind of complex cases
 20 they're done kind of in the body bag, after they're
 21 taken out of the body bag and then after they're
 22 cleaned. There's kind of a series of X-rays just to
 23 make sure that we're not missing anything.
 24 Q. Okay. And in speaking about not missing
 25 anything, are there sometimes very small items that you

1 Q. Can you lean over your left shoulder and
 2 place it on top of the DOAR.
 3 Now you told the ladies and gentlemen of
 4 the Grand Jury that there are areas where there's the
 5 thermal injury or the burning and then there are areas
 6 that are not.
 7 A. Correct.
 8 Q. And this overview shows that for the ladies
 9 and gentlemen?
 10 A. To me it does. You can see how I just
 11 talked about the upper half of the body there's
 12 relatively clear area and then down between the legs and
 13 in the crotch area there's significant thermal injury.
 14 Q. All right. And you speak of the
 15 significant thermal injury. And when we talk about
 16 right and left, we're talking anatomically, meaning from
 17 the decedent's body; correct?
 18 A. Correct.
 19 Q. So with that reference in referring to the
 20 right thigh area of this individual in State's 24, is
 21 there a significant thermal injury?
 22 A. Yes, you can see a large amount of tissue
 23 loss. I think it would be better if I get -- it doesn't
 24 work too well.
 25 Q. Sure.

1 would possibly miss but for the X-rays?
 2 A. Oh, definitely. If they're metallic
 3 related, yes.
 4 Q. Speaking of metallic, in this particular
 5 case, and referring to your second page, in the
 6 inventory you did of the radio --
 7 A. Radiographic.
 8 Q. Radiographic findings, was there a
 9 triangular shaped metal fragment that was found near the
 10 X-rays?
 11 A. Yes.
 12 Q. Where was that found?
 13 A. It was embedded in the left skull, left
 14 side of the skull.
 15 Q. And having seen that in the X-ray did you
 16 note that was something you needed to look for when you
 17 did your internal examination?
 18 A. Correct.
 19 Q. Did you also find via the X-rays injuries
 20 to her lungs?
 21 A. Yes.
 22 Q. What's the terminology? I'm not going to
 23 say it right so I'm going to leave it to you.
 24 A. Well, the lung on the left side was
 25 collapsed.

1 Q. And when you speak of the left, just to
2 remind everyone you're referring to the victim's left?
3 A. Correct.
4 Q. And the left lung is in the area around the
5 heart?
6 A. Well yes, it actually abuts, the heart is
7 adjacent to it.
8 Q. So you could see that there were problems
9 with the left lung via the X-rays?
10 A. Yes.
11 Q. Now you also refer to, I think it's your
12 number 4 under the radiographic findings, some injury to
13 the tissue in the right upper thigh. Is that what you
14 just showed the ladies and gentlemen of the Grand Jury a
15 moment ago?
16 A. Yes.
17 Q. And was there also injury in the right arm
18 in the soft tissue area?
19 A. Yes.
20 Q. Now what can that tell you when there are
21 injuries in the arms?
22 A. Well, in relation to thermal injury it was
23 just the thermal injury, but in this bigger case of
24 course there were some sharp force defense wounds also.
25 Q. We'll go through those in specific and

1 that's what we're going towards.
2 With the thermal injuries, do they
3 sometimes, or can they block your ability to, or impede
4 your ability to see some injuries?
5 A. Well, of course. I mean I think you can
6 see it very well in that photograph. For instance if
7 there was some kind of stab wounds or injuries in that
8 area prior to the burning, it would have burned the
9 flesh away so I wouldn't know whether they're there or
10 not.
11 Q. Okay. Focusing in on the head and neck
12 area, do you have listed within that subcategory
13 injuries 1 through 13, and so the ladies and gentlemen
14 know, that's just a number that you associate with the
15 injuries; is that correct?
16 A. Yes, it's just an organizational method.
17 Q. It's nothing relating to the sequence of
18 injuries?
19 A. No.
20 Q. You don't know per say which injury came
21 before another?
22 A. Well, on any individual injury I might be
23 able to tell whether it's antemortem, while they're
24 alive, or postmortem, but as far as the temporal
25 sequence of the injuries, no.

1 Q. So the antemortem means that that injury
2 would have occurred before death?
3 A. Correct.
4 Q. And postmortem is after death?
5 A. Correct.
6 Q. And some of these injuries there is
7 evidence to help us in that regard; is that correct?
8 A. Yes, some of the injuries exhibit an
9 antemortem appearance and then others do not so they're
10 postmortem.
11 Q. We're going to go through those one at a
12 time. Before we do that, do you in fact assign a number
13 to sometimes a group of injuries?
14 A. Yes.
15 Q. So all told on this victim's body were
16 there over 80 stab wounds?
17 A. That is correct.
18 Q. Now going to your number 1 on the right
19 forehead, was there an oval stab wound?
20 A. Yes.
21 Q. Was there thermal injury in that area?
22 A. Yes.
23 Q. And again thermal injury, can that mask or
24 make difficult to see other injuries that could have
25 been there?

1 A. Yes.
2 Q. All right. And then your number 2, on the
3 right side of the bridge of the nose, was there an oval
4 stab wound?
5 A. Yes.
6 Q. Now there is some notation of focal
7 hemorrhage. So in the context of this right stab wound
8 to the bridge of the nose there's focal hemorrhage.
9 What does that mean?
10 A. That would mean it's an antemortem wound.
11 Q. How do you know it's an antemortem? What
12 does that tell you, the hemorrhage?
13 A. Well, if it's a postmortem wound you're not
14 going to get any significant hemorrhage in the edges of
15 the wound. But if it's an antemortem wound and the
16 heart is still pumping then you're going to get some
17 areas of hemorrhage in the wound.
18 Q. In laymen's term is hemorrhaging bruising?
19 A. Correct.
20 Q. So if the heart stopped pumping we're not
21 going to show a bruise even if there's an injury to the
22 area?
23 A. As a general rule, no. So, you know,
24 there's no doubt that blood can, after you're dead, it
25 can pool in an area and it can give you some hemorrhage,

1 but that as a general rule is if you don't see
2 hemorrhage, any hemorrhage at all in there, it's more
3 than likely postmortem.

4 Q. And did you have multiple injuries in this
5 particular case that were postmortem, those that did not
6 show signs of hemorrhage?

7 A. Correct.

8 Q. So to the nose we know at least that that
9 stab wound is ante or pre-death?

10 A. Correct, there was focal hemorrhage.

11 Q. Was there also a linear stab wound to the
12 left side of the head?

13 A. Yes.

14 Q. And do you notate a triangular shaped
15 metallic fragment that was found in relation to this
16 injury?

17 A. In the skull, correct, right underneath the
18 wound in the skull we located that triangular piece of
19 metal that we saw in the X-rays.

20 Q. Is that during your internal examination?

21 A. Correct.

22 Q. This is somewhat graphic, but Doctor, was
23 it difficult to retrieve that piece of metal?

24 A. Yes, it was embedded so deeply in the skull
25 and just had a little bit protruding, we wound up having

1 to saw cut and fracture the skull in order just to free
2 it up.

3 Q. And was there a wound on the skull itself
4 associated with the area that you found that metallic
5 item?

6 A. Correct, that's what I describe here.
7 There's a stab wound right over that area.

8 Q. And do some of these injuries, are they
9 reflected in the photos we have in front of you?

10 A. Yes.

11 Q. That's obviously not all 80 plus injuries?

12 A. No. Of course on the head there is one
13 photograph that shows at least, you know, a large
14 quantity of the injuries, but not all of them, no.

15 Q. And then going on into your number 4 under
16 this head and neck area, how would you pronounce this?
17 Is it the parieto-occipital?

18 A. Parieto-occipital.

19 Q. Is there a flat incised wound in that area?

20 A. Correct.

21 Q. Is there any evidence of hemorrhage?

22 A. No, there was no evidence of hemorrhage on
23 that. And there is, that relates to your Exhibit
24 Number 31.

25 Q. Could you put that on the DOAR, Doctor.

1 And I appreciate that.

2 Grand Jury Exhibit 31, is that the injury
3 that you have listed as number 4?

4 A. Correct. It's not, it's more of an
5 incised, of an incised wound rather than a stab wound.
6 And the difference is, and it's common sense, it's not
7 really scientific, is if a stab wound is deeper than it
8 is long and an incised wound is longer than it is deep,
9 and hopefully you say to yourself well I've got to know
10 there's some kind of in the middle, and you go yeah,
11 you're right. And sometimes you just have to kind of
12 make the best call you can. But this is definitely much
13 longer than it is deep so that's why it's an incised
14 wound.

15 Q. Incised wound. So that's the distinction?

16 A. Right. And if I can just to emphasize the
17 one point you're making. When I always talk about focal
18 hemorrhage, so I'm looking at the, this is the edge of
19 the wound, so I'm looking underneath in the subcutaneous
20 tissue. That's when I say focal hemorrhage, then there
21 is hemorrhage there, and when there isn't focal
22 hemorrhage, which is in this case there is no focal
23 hemorrhage, so this is postmortem.

24 Q. So that's after the heart has stopped
25 beating?

1 A. Correct.

2 Q. For just for those of us who are not up to
3 speed medically, where is the occipital?

4 A. The occipital is the side of the head above
5 the ear. And the occipital is the back. So this is
6 kind of right at the border between the left side of the
7 head and the back.

8 Q. All right. Did you also find 11 stab
9 wounds in the right cheek area?

10 A. Correct.

11 Q. And I think you referenced a photograph
12 earlier that showed a lot of injuries.

13 A. Correct, this is your Number 34.

14 Q. Could you show that to the ladies and
15 gentlemen of the Grand Jury.

16 Are we looking at the right side of the
17 decedent's face?

18 A. That is correct.

19 Q. Okay. And speaking of these 11 stab
20 wounds, was there focal hemorrhage?

21 A. Some of the wounds did resemble focal
22 hemorrhage. And just to be a little bit more clear
23 about this, this is just this group right here.

24 Q. Okay. And you're indicating on the picture
25 the right cheek area?

1 A. Right. And it does not include these or
2 those.
3 Q. Okay. And if you could take that one down,
4 Doctor.
5 We're looking at that photograph, it
6 appears as if the hair of Alyssa is no longer long; is
7 that accurate?
8 A. Correct, we have to shave it in order to
9 assess for injury.
10 Q. Okay. So when she came in the body bag her
11 hair was still longer?
12 A. Correct.
13 Q. And then in order for you to perform this
14 autopsy that's why it's shaved off?
15 A. In order to most accurately assess all the
16 injuries that's why I had to shave it.
17 Q. And in fact we can see that on that
18 particular picture there are some injuries that the hair
19 would cover?
20 A. That's correct actually.
21 Q. Looking at your number 6, in the area of
22 the right ear, and you made the distinction on the last
23 photograph, this is going to that second group you were
24 just speaking of, were there 13 stab wounds in the area
25 of the right ear?

1 were there two sharp force wounds to the right jaw that
2 demonstrated focal hemorrhaging?
3 A. Correct. And these were kind of in that
4 between incised stab wound and I kind of talk about
5 that, one looked more like an incised wound, one looked
6 a little bit more like a stab wound.
7 Q. Is that really just how deep that
8 particular injury was?
9 A. In relation to how long it is.
10 Q. So some of these were not very deep?
11 A. Correct. That would be more of the incised
12 type.
13 Q. All right. Now were there a group of five
14 stab wounds in the neck area?
15 A. Correct.
16 Q. Can you describe that neck area? Because I
17 don't know how to pronounce that.
18 A. That's on the front and side of the neck.
19 The anterolateral's on the front and side, on the right
20 side in this particular number.
21 Q. In this particular grouping did it not
22 demonstrate hemorrhage?
23 A. No, in that, there was hemorrhage cause it
24 had damaged a major blood vessel here in the neck.
25 There was definitely hemorrhage in the neck.

1 A. Correct.
2 Q. And did they in fact demonstrate focal
3 hemorrhage?
4 A. Again some of them did.
5 Q. Okay. And then you indicated the direction
6 of where one of these injuries went. Could you let the
7 ladies and gentlemen of the jury know about that?
8 A. Well, one of these stab wounds actually
9 penetrate through the skull. This is actually, the side
10 of your head is where the skull is the thinnest, in
11 males and females both. It actually penetrated through
12 and into the brain.
13 Q. Later on we see internal examination and
14 evidence of hemorrhaging in the brain area. Can that be
15 associated with this particular wound?
16 A. Yes.
17 Q. And some of the other wounds as well?
18 A. Well, that was the only one that penetrated
19 into the brain so I would say that that would be the
20 main one.
21 Q. Okay. In looking in the right upper lip
22 area, did you find a stab wound that had a demonstration
23 of hemorrhaging?
24 A. Yes.
25 Q. And staying on the right side of her face,

1 Q. So for some of those injuries, Doctor, did
2 they not demonstrate and in others it did demonstrate?
3 A. Correct.
4 Q. And then you talked about, was it the
5 jugular vein?
6 A. Correct.
7 Q. Was that included in this group?
8 A. Correct.
9 Q. What does the jugular vein do?
10 A. It's a large blood vessel, it's probably, I
11 would say it's about three quarters of the size of my
12 little finger. It's a pencil size, fairly large blood
13 vessel, that takes all the blood that goes to the brain
14 and brings it back to the heart.
15 Q. Okay. Will someone bleed profusely if that
16 is in fact wounded?
17 A. Definitely.
18 Q. The anterior portion of the neck, were
19 there two transversely oriented incised wounds?
20 A. Yes.
21 Q. Did they demonstrate focal hemorrhage?
22 A. Yes.
23 Q. What did you find in the back of the neck?
24 A. There was a single stab wound that did
25 demonstrate focal hemorrhage.

1 Q. Was there also evidence of a blunt tip?
 2 A. Yes. So far that we've talked about, this
 3 is the first one where I could actually differentiate at
 4 the edges of the wound a difference. One of them was
 5 blunt, in other words it was flat, the other one is
 6 sharp, which that's consistent with a single edged
 7 weapon.
 8 Q. So let's take a normal steak knife. When
 9 it has kind of a flat end and then a serrated edge, is
 10 that what you're describing as a situation could come
 11 about from a knife like that?
 12 A. Correct. Most knives are single edge which
 13 means they are flat on one side and sharp on the other
 14 and that's the kind of pattern it gives when it's
 15 stabbed into the body.
 16 Q. And that's what you saw in this case?
 17 A. Correct.
 18 Q. How about the left lateral neck?
 19 A. Well, there was a single stab wound, there
 20 was some hemorrhage, and that didn't go deep enough to
 21 damage the underlying blood vessels on that side.
 22 Q. So this is the head and neck area that you
 23 have inventoried?
 24 A. Yes.
 25 Q. Moving onto the chest and the abdomen.

1 quickly lethal.
 2 Q. Okay. Now did you notate the depth of some
 3 of these wounds?
 4 A. I took -- of course the chest cage is
 5 pliable, it can move back and forth when force is
 6 applied to it. I thought that the minimum depth would
 7 be about 2.5 inches and then the maximum depth of some
 8 of the deeper wounds was 6.25 inches.
 9 Q. This is a grouping of 15 overall injuries?
 10 A. Correct.
 11 Q. And does this correlate to the X-ray
 12 showing that the one lung was collapsed?
 13 A. Yes.
 14 Q. Now in the photographs in front of you, is
 15 there one there that shows some of the injuries to the
 16 chest area?
 17 A. No. There's one that has a large number of
 18 stab wounds -- oh, I take that back. No, you're right,
 19 there is one.
 20 Q. What number is that?
 21 A. I had it upside down. That would be 30,
 22 Number 30.
 23 Q. All right. Could you show that to the
 24 ladies and gentlemen of the Grand Jury?
 25 A. And I'll try, I'll orient it because I got

1 Looking at the right upper chest, did you find an oval
 2 stab wound there that did demonstrate focal hemorrhage?
 3 A. Yes.
 4 Q. Did you also find a similar oval stab wound
 5 to the right breast of the female that did demonstrate
 6 focal hemorrhage?
 7 A. Yes.
 8 Q. All right. Now focusing on the left upper
 9 chest, tell the ladies and gentlemen of the jury what
 10 you saw there and how you notated it.
 11 A. There was a grouping, this was in the left
 12 upper chest, of 15 stab wounds and they actually
 13 fractured some of the underlying ribs as they coursed
 14 into the chest, the organs of the chest. There was
 15 multiple stab wounds in the left lung, there was
 16 multiple stab wounds in the heart, there was a stab
 17 wound in the aorta, the left lung had collapsed, there
 18 was a large amount of blood in the chest cavity and the
 19 surrounding tissues.
 20 Q. And you just explained a lot of internal
 21 organs. What do those organs do and how are they
 22 necessary for sustaining life?
 23 A. Well, any time you get a stab wound in the
 24 lung or the heart you're going to, it's going to bleed
 25 significantly and it's, you know, potentially fairly

1 confused myself here.
 2 This is the neck. So this is the left
 3 chest and you can see this grouping of stab wounds right
 4 here in the left chest.
 5 Q. Now Doctor, thank you. If you could remain
 6 standing for just one minute, there's something I wanted
 7 to demonstrate with this photograph.
 8 You've just circled the left area of her
 9 breast. You talked about a grouping.
 10 A. Right.
 11 Q. However there's what appears to be an open
 12 wound right in the area of that hand in that blue tag.
 13 A. Right.
 14 Q. Now that's not reflective of the injuries
 15 you're telling about; is that correct?
 16 A. No, no. That's due to, after thermal
 17 injury, after the skin is exposed to severe heat it gets
 18 very dry and it can crack, especially with any kind of
 19 movement of the body after they're dead, so this is just
 20 a cracking of the skin.
 21 Q. So that's not a stab wound, that's from the
 22 burning of the body?
 23 A. Well, it's from, after the burning gets it
 24 very, very, loss of water and loss of pliability it's
 25 very easy to crack it open when you move the body or

1 when the body's moved at all and that's what happened.
 2 Q. Thank you very much. Could you remove that
 3 photograph?
 4 And then continuing on with your inventory.
 5 In the central upper abdomen, did you find an oval stab
 6 wound and that there was in fact focal areas of
 7 hemorrhage on that?
 8 A. Yes.
 9 Q. And moving down in the body, the central
 10 abdomen, did you find two stab wounds?
 11 A. Yes.
 12 Q. What did you find in the central lower
 13 abdomen?
 14 A. That was just a single stab wound.
 15 Q. And no evidence of hemorrhage?
 16 A. And no evidence of hemorrhage in it. It
 17 also didn't go into any, it wasn't very deep.
 18 Q. Okay. And that concluded your inventory in
 19 the area of the chest and abdomen; is that correct?
 20 A. Correct.
 21 Q. And then you moved on, at least in your
 22 report, to the back and the buttocks?
 23 A. Correct.
 24 Q. And focusing on that, did you find in the
 25 area of the right hip a patterned group of incised

1 wounds?
 2 A. Yes.
 3 Q. What do you mean by a patterned group?
 4 A. Well, there was actually a geometric
 5 pattern to them.
 6 Q. Are there some photographs that would
 7 assist in explaining that to the ladies and gentlemen of
 8 the Grand Jury?
 9 A. That would be Number 26.
 10 Q. And I think there is another one, Doctor,
 11 if you don't mind, it's more of an outward shot to kind
 12 of orient.
 13 A. 25.
 14 Q. Could you show 25 and then we'll go with
 15 the next one.
 16 So we know where this is, what you just
 17 described, could you point that out to the ladies and
 18 gentlemen?
 19 A. Well, here's the pattern injury. This is
 20 her buttocks. She's on her stomach. This is the legs
 21 coming down this way. And this is these patterned
 22 incised wounds.
 23 Q. Okay. And then the follow-up photograph,
 24 just to kind of show the distinction between these
 25 wounds and the other incised wounds that you saw on the

1 body.
 2 A. Yeah, those are, you know, purpose, some
 3 type of pattern trying to be made.
 4 Q. Those are very different from the other
 5 incised wounds you spoke of?
 6 A. Oh definitely.
 7 Q. Could you take that one down, Doctor.
 8 Thank you.
 9 Now the superior right buttock, did you
 10 find an oval stab wound that had focal hemorrhage?
 11 A. Yes.
 12 Q. And then moving on to your number 22, the
 13 right lateral buttock, did you also find an oval stab
 14 wound there?
 15 A. Yes.
 16 Q. Was there focal hemorrhaging?
 17 A. Yes.
 18 Q. In fact, moving to the superior right
 19 buttock, was there an oval stab wound with focal
 20 hemorrhaging?
 21 A. Yes.
 22 Q. What did you find in the right lateral
 23 buttock?
 24 A. Single stab wound with focal hemorrhage.
 25 Q. And then lastly in this subcategory on the

1 right buttock, did you find an oval stab wound?
 2 A. Yes. And in that particular one I didn't
 3 see any hemorrhage.
 4 Q. All right. So the earlier ones there was
 5 hemorrhage so the person's heart was still beating?
 6 A. Correct.
 7 Q. And the last one it was postmortem?
 8 A. Correct.
 9 Q. Did you look at the upper extremities of
 10 Alyssa?
 11 A. Yes.
 12 Q. Specifically the ulnar surface of the right
 13 lower arm. Where is the ulnar on the right arm?
 14 A. That's, I can point it out on my, I guess
 15 it would be kind of the outside of your right lower arm.
 16 Q. And earlier when we talked about defensive
 17 wounds, are these the area that you find them on?
 18 A. Yes.
 19 Q. Okay. And specifically what did you find
 20 on the ulnar surface of the right lower arm?
 21 A. There was a stab wound that did have focal
 22 hemorrhage.
 23 Q. All right. Now why is it that they're
 24 described as defensive wounds?
 25 A. They're the classic wounds that occur, that

1 you receive if you're the victim trying to fend off
 2 somebody who's stabbing at you.
 3 Q. So if the arms are brought up to try to
 4 block or fend off, will they receive the injury often?
 5 A. They will receive, the hands can receive
 6 it, the fingers can receive it, just any of those
 7 defensive areas.
 8 Q. We'll go through those. On the volar
 9 surface of the right lower arm, did you find an oval
 10 stab wound?
 11 A. Correct, that's the inner surface, not the
 12 outside but the inner surface.
 13 Q. Do we have some photos on those?
 14 A. Yes, you do. You've got a severe closeup
 15 and then kind of a far away one.
 16 Q. Could we go to the far away first and then
 17 we'll do the closeup?
 18 A. The far away one is 27.
 19 Q. Thank you, Doctor.
 20 A. I don't know whether you can see it very
 21 well or not there.
 22 Q. Well, that just kind of orients us. We
 23 know it's the right arm?
 24 A. Right.
 25 Q. And then if you could do the closeup which

1 A. Yes.
 2 Q. Where is that, the dorsal surface?
 3 A. That would be on the back of the right
 4 wrist.
 5 Q. And was there a focal hemorrhage?
 6 A. Yes.
 7 Q. Now switching over to the left arm, on the
 8 ulnar surface of the left lower arm, was there an oval
 9 stab wound?
 10 A. Correct. So that's again on the outside of
 11 the lower of the left arm.
 12 Q. And there was hemorrhage?
 13 A. Yes.
 14 Q. And then the proximal central left palm,
 15 was there a stab wound?
 16 A. Yes.
 17 Q. And I believe you have a photograph,
 18 Doctor, and it's Number --
 19 A. That is Number 29.
 20 Q. Thank you. What are we looking at?
 21 A. So this is the palm -- this is the wrist
 22 and then this is the palm. You can see this wound.
 23 Q. Okay. And that one was, you had thermal
 24 injury?
 25 A. There was thermal injury in it, yes.

1 is Grand Jury Exhibit Number --
 2 A. This is 28.
 3 Q. Thank you.
 4 A. So you can see how it's hard for me just a
 5 lot of times to discern the injuries, but then when you
 6 keep looking and you come to this oval stab wound and
 7 then this all this discoloration in here is
 8 characteristic of hemorrhage.
 9 Q. So this is a good demonstration of how the
 10 burning, lack of a better term, gets in your way?
 11 A. Yes, you can see that you have to kind of
 12 keep scanning until you finally see what the injury.
 13 Q. And you've described the injury and said
 14 that you can see the hemorrhaging around the outside
 15 from the coloration?
 16 A. Correct. When you start looking at this up
 17 close you see everything has kind of a diffuse, or
 18 there's a lot of areas that has a diffuse red. There's
 19 definitely some thermal injury superimposed but you can
 20 see this diffuse redness and you can see it actually all
 21 through there and that's what I'm talking about.
 22 Q. Thank you, Doctor. If you could remove
 23 that one.
 24 Now the dorsal surface of the right wrist,
 25 did it have an oval stab wound?

1 Q. Okay. If you could take that one down.
 2 So those injuries that we've just described
 3 to the arms had evidence of hemorrhaging?
 4 A. Out of the --
 5 Q. 26 through 29.
 6 A. Right. Yes, 26 through 29 had definite
 7 hemorrhage. On this last one there was so much thermal
 8 injury I couldn't be confident I was seeing hemorrhage
 9 though.
 10 Q. But you were confident on 26 through 29?
 11 A. Correct.
 12 Q. Which were the other ones you just
 13 described to us to her arms?
 14 A. Correct.
 15 Q. All right. Now looking at her lower
 16 extremities. To the anterior left thigh, did you find a
 17 group of ten oval stab wounds?
 18 A. Yes.
 19 Q. And was there no evidence of hemorrhage
 20 associated with those ten?
 21 A. Correct, I didn't find any hemorrhage in
 22 any of them.
 23 Q. And if you could help me out with your
 24 number 32, what's the word there?
 25 A. That's posterolateral right thigh.

1 Q. And what did you find there?

2 A. If you remember the right thigh had a lot

3 of tissue loss, large amount of tissue loss. But right

4 at the edge of it there were two oval stab wounds.

5 Q. Now did you also do an inventory of the

6 thermal injury on the external portions of the body?

7 A. Yes.

8 Q. And you went through kind of the same

9 areas, the head and neck and the chest and the abdomen,

10 the back and the buttocks; is that correct?

11 A. Correct.

12 Q. And even went on to the upper extremities?

13 A. Correct.

14 Q. And then the lower extremities?

15 A. Correct.

16 Q. Did you find evidence of skin splitting

17 throughout those areas?

18 A. There were multiple, multiple areas. A lot

19 of times they were in the joints, in the joint areas

20 too, which is where when the body's being moved it can

21 easily split.

22 Q. So those injuries are not caused by a

23 stabbing?

24 A. No.

25 Q. Okay. That's associated again with the

1 burning after the fact what will happen to the body?

2 A. Correct.

3 Q. Now moving on to your page 11, Doctor. And

4 when you were going through those upper extremities, did

5 you also notate what you referred to as a finger being

6 avulsed?

7 A. A fingernail, correct, on the, it was the

8 fourth finger on the left hand, the nail had been almost

9 completely ripped off.

10 Q. Is that what avulsed means?

11 A. Correct.

12 Q. Can you tell what that's from?

13 A. Well, it was traumatic, but no. It didn't

14 look like it was, it didn't have an incised or sharp

15 force component to it, it looked like it was just torn

16 off.

17 Q. Okay. Now we talked earlier about trying

18 to get that triangular piece of metal out. Did you do

19 an internal investigation of her body as far as in the

20 head area?

21 A. Yes.

22 Q. Did you find areas of hemorrhaging

23 internally in her head?

24 A. Yes.

25 Q. Could you describe that generally for the

1 ladies and gentlemen of the jury?

2 A. On the top of her, so this is underneath

3 the skin on the top of the head, there was a large

4 amount of hemorrhage on the right forehead and there was

5 a stab wound very close to that, there was a large

6 amount of hemorrhage.

7 Q. So there were injuries inside of her brain?

8 A. And then, that was underneath the skin but

9 above the skull. Now inside the brain, actually on the

10 brain, there was some hemorrhage on the surface at the

11 very back of the brain and also on the left side of the

12 brain and then there was extensive hemorrhage throughout

13 the internal part of the brain that was related to this

14 stab wound that came in the side.

15 Q. Okay. Now did you also notate whether

16 there was evidence of soot inside of her lungs or her

17 throat?

18 A. Right, there was no evidence of soot in any

19 of the deep airway structures.

20 Q. Okay. And so her airways there was not

21 soot?

22 A. Not soot.

23 Q. What would that indicate to you?

24 A. Well, it would indicate that she had passed

25 away prior to the onset of the fire.

1 Q. Did you also, speaking of the fire, and you

2 showed it earlier, but was there thermal injury to her

3 groin area?

4 A. Yes.

5 Q. In particular to the area of her vagina and

6 her anus?

7 A. Yes.

8 Q. And did you not find evidence of trauma

9 internally in her vagina and in her anus?

10 A. There was thermal injury, but as far as any

11 additional injury, any sharp force injury or blunt

12 trauma or definitive trauma of sexual assault, I

13 couldn't see any. Of course a lot of those areas had

14 been damaged severely by the thermal injury.

15 Q. Now as part of an autopsy is there also a

16 toxicology that's done?

17 A. Yes.

18 Q. What does toxicology mean?

19 A. Looking for any kind of drugs.

20 Q. And in this particular report in this case

21 did you review that toxicology report?

22 A. Yes.

23 Q. Did you find any drugs which this report

24 can speak of?

25 A. There was a very, very small amount of

1 alcohol that was probably not due to her drinking, it
2 was probably due to the decomposition that was present.

3 Q. And help the ladies and gentlemen
4 understand how is it that decomposition can produce
5 alcohol or ethanol.

6 A. Well, bacteria, which actually are used, if
7 you put them in with corn or, I'm not a big drinker so I
8 don't, or barley or things like that, I think, you know,
9 or other things, you can make alcohol. Well they also
10 break down human tissue and also one of the by-products
11 is alcohol. So you can start seeing these kind of low
12 level, very low levels of alcohol.

13 Q. What was her level?

14 A. It was a .018.

15 Q. Is that low or not?

16 A. Well, .08 is, you know, illegal for
17 driving, and this is quite, this is close to .2, so this
18 is like 25 percent of the legal driving limit and this
19 is in, at that low, very low level it would definitely
20 be consistent with decomposition rather than her
21 drinking. If somebody said well, you know, can you rule
22 out that she drank, no, I can't rule it out, but I'm
23 just saying in the context that can also explain why she
24 has the low level.

25 Q. So that number can be consistent with just

1 the natural decomposition of the body?

2 A. Correct.

3 MR. PESCI: That concludes my questioning.

4 Does anyone in the Grand Jury have questions?

5 THE FOREPERSON: One more thing to read
6 you.

7 By law, these proceedings are secret and
8 you are prohibited from disclosing to anyone anything
9 that has transpired before us, including evidence and
10 statements presented to the Grand Jury, any event
11 occurring or statement made in the presence of the Grand
12 Jury, and information obtained by the Grand Jury.

13 Failure to comply with this admonition is a
14 gross misdemeanor punishable by a year in the Clark
15 County Detention Center and a \$2,000 fine. In addition,
16 you may be held in contempt of court punishable by an
17 additional \$500 fine and 25 days in the Clark County
18 Detention Center.

19 Do you understand this admonition?

20 THE WITNESS: Yes.

21 THE FOREPERSON: Thank you.

22 MR. LALLI: Ladies and gentlemen of the
23 Grand Jury, that concludes the evidentiary portion of
24 the presentation. We will submit this case to you for
25 your consideration.

1 A JUROR: Excuse me. Could I have a recap
2 of the instructions of the discussion with Javier and
3 Detective Long?

4 MR. LALLI: The recap of the instructions?

5 A JUROR: Yes.

6 MR. LALLI: Which instruction?

7 A JUROR: That you gave us regarding the
8 interview of what Javier told Detective Long.

9 MR. LALLI: There was not a -- is there a
10 specific instruction? There's not a specific
11 instruction that I read pertaining to --

12 A JUROR: You did not read it but you said
13 that what is said by Javier was supposed to be
14 disregarded except for something.

15 MR. LALLI: With respect to the testimony
16 of Detective Long?

17 A JUROR: Yes.

18 MR. LALLI: At one point Detective Long --
19 it did not pertain to the interview of Mr. Righetti. It
20 had to do with his interview of the Diuguidds and that
21 evidence was to be considered only for the purposes of
22 explaining away the charge or the evidence of Javier
23 Righetti's guilt. That was with respect to the Diuguidds
24 which were the three individuals that he interviewed
25 pertaining to a vehicle that was spotted at the scene.

1 Is that what you were asking?

2 A JUROR: Thank you. Probably.

3 A JUROR: That now leads me to a question
4 of what that means. What do you mean it explains away
5 the guilt of Javier?

6 MR. LALLI: Well, it is incumbent upon the
7 State to present to the Grand Jury anything that could
8 possibly be construed as exculpatory evidence. Some
9 might view that as exculpatory perhaps. What I mean by
10 exculpatory, leading away from the guilt of Javier
11 Righetti. So it's only presented to you insofar as you
12 would consider it for that.

13 A JUROR: Well, what is the relevance of
14 the Diuguidds seeing the truck?

15 MR. LALLI: That is for your, you make that
16 decision. You evaluate the relevance of that in your
17 deliberations.

18 A JUROR: All right.

19 MR. LALLI: Okay. Any other questions?

20 All right. Thank you.

21 (At this time, all persons, other than
22 members of the Grand Jury, exit the room at 1:36 p.m.
23 and return at 1:44 p.m.)

24 THE FOREPERSON: Mr. District Attorney, by
25 a vote of 12 or more grand jurors a true bill has been

1 returned against defendant Javier Righetti charging the
 2 crimes of one count attempted robbery, one count battery
 3 with intent to commit sexual assault by strangulation,
 4 one count first degree kidnapping, one count attempted
 5 sexual assault with a child under 16 years of age, one
 6 count sexual assault with a child under 16 years of age,
 7 one count robbery with use of a deadly weapon, one
 8 count first degree kidnapping with use of a deadly
 9 weapon, two counts sexual assault with a child under 16
 10 years of age with use of a deadly weapon, one count
 11 murder with a deadly weapon, in Grand Jury Case
 12 Number 10BGJ132X. We instruct to you prepare an
 13 Indictment in conformance with the proposed Indictment
 14 previously submitted to us.

15 MR. LALLI: Thank you.

16 (Proceedings concluded.)

17 --oo0oo--
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REPORTER'S CERTIFICATE

3 STATE OF NEVADA)
 4 COUNTY OF CLARK) Ss

5
 6 I, Danette L. Antonacci, C.C.R. 222, do
 7 hereby certify that I took down in Shorthand (Stenotype)
 8 all of the proceedings had in the before-entitled matter
 9 at the time and place indicated and thereafter said
 10 shorthand notes were transcribed at and under my
 11 direction and supervision and that the foregoing
 12 transcript constitutes a full, true, and accurate record
 13 of the proceedings had.

14 Dated at Las Vegas, Nevada,
 15 October 19, 2011.

16 *Danette L. Antonacci*
 17

18 Danette L. Antonacci, C.C.R. 222
 19
 20
 21
 22
 23
 24
 25

AFFIRMATION

2 Pursuant to NRS 239B.030

3
 4 The undersigned does hereby affirm that the
 5 preceding TRANSCRIPT filed in GRAND JURY CASE NUMBER
 6 10BGJ132X:
 7

8 X Does not contain the social security number of any
 9 person,

10 -OR-

11 Contains the social security number of a person as
 12 required by:

13 A. A specific state or federal law, to-
 14 wit: NRS 656.250.

14 -OR-

15 B. For the administration of a public program
 16 or for an application for a federal or
 17 state grant.

18 *Danette L. Antonacci*
 19 signature Date

20
 21 Danette L. Antonacci
 22 Print Name

23 Official Court Reporter
 24 Title
 25

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<p>X-ray [2] 136/15 151/11</p> <p>X-rays [7] 135/15 135/22 136/1 136/10 136/19 137/9 141/19</p> <p>Xylene [1] 105/24</p>														
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<p>yanked [1] 101/5</p> <p>yeah [14] 18/11 22/22 23/17 24/16 26/8 33/12 54/17 55/24 74/22 81/20 83/13 122/14 143/10 155/2</p> <p>year [18] 7/9 16/25 17/15 34/15 35/5 35/5 37/24 42/17 45/10 45/24 46/4 46/5 71/23 87/8 126/22 129/14 130/16 166/14</p> <p>years [24] 7/2 7/3 7/5 10/4 10/6 10/11 16/1 16/2 16/4 43/14 43/15 43/17 45/12 72/23 72/24 73/1 128/2 128/3 128/5 129/4 130/14 169/5 169/6 169/10</p> <p>yell [1] 30/12</p> <p>yelled [2] 30/2 30/13</p> <p>yelling [8] 23/8 24/15 24/18 24/20 29/14 29/15 29/17 29/21</p> <p>yes [420]</p> <p>yet [2] 26/13 58/25</p> <p>you [847]</p> <p>you're [31] 18/7 19/5 21/2 21/23 27/8 43/25 54/12 54/13 54/14 54/20 70/15 74/22 77/7 81/18 95/10 106/5 121/19 131/22 132/5 137/2 140/13 140/16 140/24 143/11 143/17 144/24 149/10 150/24 151/18 152/15 157/1</p> <p>you've [13] 31/14 83/2 93/9 95/15 102/7 110/15 112/9 122/18 122/21 129/24 152/8 157/14 158/13</p> <p>young [10] 82/20 84/3 84/22 92/23 93/2 99/18 102/19 108/10 108/20 110/8</p>														

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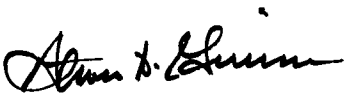
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1 PHILIP J. KOHN, PUBLIC DEFENDER
2 NEVADA BAR NO. 0556
3 309 South Third Street, Suite 226
4 Las Vegas, Nevada 89155
(702) 455-4685
Attorney for Defendant


CLERK OF THE COURT

5 **DISTRICT COURT**
6 **CLARK COUNTY, NEVADA**

7 THE STATE OF NEVADA,)
8)
9 Plaintiff,)
10 v.)
11 JAVIER RIGHETTI,)
12 Defendant.)

CASE NO. C-11-276713-1
DEPT. NO. XII
DATE: 02/09/16
TIME: 8:30 AM

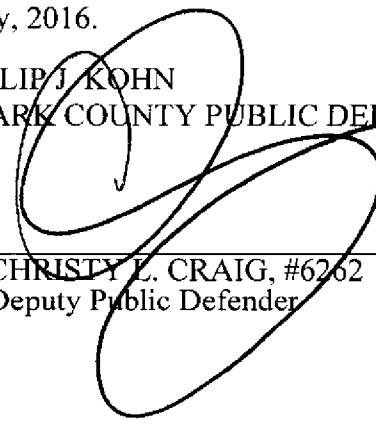
13 **MOTION TO CHANGE PLEA**

14 COMES NOW, the Defendant, JAVIER RIGHETTI, by and through CHRISTY L.
15 CRAIG, Deputy Public Defender and hereby grant this request.

16 This Motion is made and based upon all the papers and pleadings on file herein, the
17 attached Declaration of Counsel, and oral argument at the time set for hearing this Motion.

18 DATED this 22 day of January, 2016.

19 PHILIP J. KOHN
20 CLARK COUNTY PUBLIC DEFENDER

21 By: 
22 CHRISTY L. CRAIG, #6262
23 Deputy Public Defender
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DECLARATION

CHRISTY L. CRAIG makes the following declaration:

1. I am an attorney duly licensed to practice law in the State of Nevada; I am the Deputy Public Defender assigned to represent the Defendant in the instant matter, and the Defendant has represented the following facts and circumstances of this case.

2. That Javier Righetti wishes to change his plea from not guilty to guilty. Mr. Righetti has discussed the reasons for and against a change of plea with his lawyer on many occasions. Mr. Righetti is aware of the consequences of changing his plea from not guilty to guilty.

3. That Mr. Righetti is aware that a capital trial is divided into two parts, the guilt phase and the penalty phase. During the guilt phase, the jury must decide whether the prosecution has proved beyond a reasonable doubt that he is guilty of first degree murder as well as the other counts in the complaint. The state would be required to present witnesses for each element of each offense. That pleading guilty would mean that there would be no guilt phase trial instead the case would proceed directly to penalty phase.

4. That Mr. Righetti is aware that upon pleading guilty and bypassing the guilty phase, that a jury would be selected. That during the penalty phase the jury may select from a variety of possible punishments for 1st degree murder including 1) a term of years, 2) Life with the possibility of parole after 20 years, 3) Life without the possibility of parole or 4) Death.

5. Mr. Righetti is aware that the jury must find the existence of each aggravating circumstance, if any, unanimously and beyond a reasonable doubt. The jurors need not find mitigating circumstances unanimously. In determining the appropriate sentence, each individual juror must consider and weigh any mitigating circumstance or circumstances which that juror finds to be important or compelling to them.

6. Mr. Righetti is aware that he is giving up his constitutional rights afforded to him during trial.

7. That as a result of lengthy and ongoing discussions with counsel, Mr. Righetti is electing to plead guilty to the criminal complaint and move directly to the penalty phase of his trial.

I declare under penalty of perjury that the foregoing is true and correct. (NRS 53.045).

EXECUTED this 22 day of January, 2016,

~~CHRISTY L. CRAIG~~

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YOU WILL PLEASE TAKE NOTICE that the Public Defender's Office will bring the above and foregoing Motion on for hearing before the Court on the Feb. 09, 2016, at 8:30 a.m., in District Court Department XII.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

CERTIFICATE OF ELECTRONIC SERVICE

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

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

DECLARATION

JAVIER RIGHETTI makes the following declaration:

1. I am the defendant in the above entitled case.

2. After discussions with my attorney taking place over the last 9 months, I have decided to plead guilty to the criminal complaint in my case thereby bypassing the guilt phase of my trial and moving directly to the penalty phase.

3. I am aware that this is a serious decision with significant consequences. I have given this much thought over the last 9 months. I have met with my attorney, Christy Craig, and have discussed the consequences of this decision. I have had all of my questions answered and have had the appropriate amount of time to consider this question.

4. I am aware that a capital trial is divided into two parts, the guilt phase and the penalty phase. During the guilt phase, the jury must decide whether the prosecution has proved beyond a reasonable doubt that I am guilty of first degree murder as well as the other counts in the complaint. The state will present witnesses for each element of each offense.

5. If a trial is held and the jury returns a verdict of guilty to the crime of 1st degree murder then the penalty phase of the trial begins. Both state and defense will present witnesses introducing both aggravating and mitigating circumstances.

6. In the event a trial is held the jury that decided guilt, is the same jury that will decide if the death penalty is appropriate punishment. The jury may select from a variety of possible punishments for 1st degree murder including 1) a term of years, 2) Life with the possibility of parole after 20 years, 3) Life without the possibility of parole or 4) Death. In the event I plead guilty to the criminal complaint, the jury will begin with the penalty phase deciding from the same variety of possible punishments.

7. The jury must find the existence of each aggravating circumstance, if any, unanimously and beyond a reasonable doubt. The jurors need not find mitigating circumstances unanimously. In determining the appropriate sentence, each individual juror must consider and weigh any mitigating circumstance or circumstances which that juror finds to be important or compelling to them.

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2 8. If the jury finds unanimously and beyond a reasonable doubt that at least one
3 aggravating circumstance exists and each juror individually determines that no mitigating
4 circumstance outweighs the aggravating circumstance, then I am eligible for a death sentence.

5 9. I am aware that by pleading guilty I am giving up the following constitutional rights
6 and privileges:

- 7 i. The constitutional privilege against self-incrimination, including the right to
8 refuse to testify at trial, in which event the prosecution would not be allowed
9 to comment to the jury about my refusal to testify.
- 10 ii. The constitutional right to a speedy and public trial by an impartial jury, free
11 of excessive pretrial publicity prejudicial to the defense, at which trial I
12 would be entitled to the assistance of an attorney, either appointed or
13 retained. At trial the State would bear the burden of proving beyond a
14 reasonable doubt each element of the offense charged.
- 15 iii. The constitutional right to confront and cross-examine any witnesses who
16 would testify against me.
- 17 iv. The constitutional right to subpoena witnesses to testify on my behalf.
- 18 v. The constitutional right to testify in my own defense.
- 19 vi. The right to appeal the conviction, with the assistance of an attorney, either
20 appointed or retained, unless the appeal is based upon reasonable
21 constitutional jurisdictional or other grounds that challenge the legality of
22 the proceedings. I am aware that I retain the right to pursue post-conviction
23 relief based on ^{my lawyer's} ~~my~~ work.

24 10. I understand and have thoroughly discussed the elements of all of the charges
25 against me. I have discussed and had my questions and concerns addressed by my attorney. That I
26 have discussed any possible defenses, defense strategies and circumstances which might be in my
27 favor at trial and during penalty phase of this case and that you fully understand all of the
28 consequences, your constitutional rights, and waiver of those rights.

11. That as a result of the these ongoing discussions with my attorney, it is my desire to plead guilty to the criminal charges against me and to proceed directly to the penalty phase of the trial.

DATED this 22 day of January, 2016.

By: Javier Righetti.