

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

2
3 GREGORY WILLIAMS,

) No. 70868

4 Appellant,

5 v.

) Electronically Filed
) Feb 22 2017 08:21 a.m.
) Elizabeth A. Brown
) Clerk of Supreme Court

6
7 THE STATE OF NEVADA,

8 Respondent.

9
10 **APPELLANT'S APPENDIX VOLUME II PAGES 251-500**

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GREG WILLIAMS
Case No. 70868

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1 trial court at any time prior to trial despite any Eighth Judicial District Court rule (e.g. *E.D.C.R.*
2 *3.20*) which the government might attempt to utilize to bar this action. Just as the Nevada Supreme
3 Court may consider, *sua sponte*, Constitutional issues that were not preserved during trial, the
4 district court may also consider issues that would affect the Constitutionality of the trial or
5 criminal proceeding. McCullough v. State, 99 Nev. 72, 74 (1983). A Constitutional issue may be
6 raised at any time. Egan v. Teets, 251 F.2d 571, 576 (9th Cir. 1957); *also see, NV. Const. art. I,*
7 *sec. 18.*
8

9 The United States Supreme Court has held that that it shall "...[continue to apply] the rule
10 to suppress evidence from the prosecution's case where evidence of a Fourth Amendment
11 violation has been substantial and deliberate." Franks v. Delaware, 438 U.S. 154, 98 S.Ct. 2674,
12 2684, 57 L.Ed.2d 667 (1978); Stone v. Powell, 428 U.S. 465, 492, 96 S.Ct. 3037, 3051, 49
13 L.Ed.2d 1067 (1976). Standing to invoke the rule is typically limited to cases in which the
14 prosecution seeks to use the fruits of an illegal search or seizure against the victim of police
15 misconduct, as is clearly true in the instant case. Rakas v. Illinois, 439 U.S. 128, 99 S.Ct. 421, 58
16 L.Ed.2d 387 (1978); Brown v. United States, 411 U.S. 223, 93 S.Ct. 1565, 36 L.Ed.2d 208
17 (1973); Wong Sun v. United States, 371 U.S. 471, 491-492, 83 S.Ct. 407, 419-420, 9 L.Ed.2d
18 441 (1963).
19

20 The Franks case also instructs that even though the finding of probable cause by a
21 magistrate will be given great deference by a reviewing court, said deference should not be taken
22 as a prohibition against questioning the veracity of the statements on which the probable cause
23 determination was based, 438 U.S., at 165, 98 S.Ct., at 2681; and that suppression is the
24 appropriate remedy if the magistrate or judge in issuing a warrant was misled by information in an
25 affidavit that the affiant knew was false or would have known was false except for his reckless
26 disregard of the truth. Id. To exclude evidence under Franks, the defendant must, at a hearing,
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1 meet two requirements: first, the defendant must establish by a preponderance of the evidence that
2 a false statement knowingly and intentionally, or with reckless disregard for the truth, was
3 included by the affiant in the warrant affidavit. Second, with the affidavit's false material set to one
4 side, the affidavit's remaining content must be shown to be insufficient to establish probable cause.

5 ARGUMENT

6 Mr. Williams is confident that upon review by this Court, Your Honor will find that
7 Detective Flink, at best, made statements in her affidavit to obtain a buccal swab from the
8 Defendant that recklessly disregarded the actual circumstances and features of the allegations of
9 abuse that she clearly knew of at the time of the affidavit; or that she, at worst, knowingly lied to
10 Judge Sciscento on 19 September, 2013. **Exhibit A.**

12 First, it is important to note that Detective Flink made no claims in her affidavit that DNA
13 was needed to corroborate the allegations made by the older girl, Amia, as it was clearly noted for
14 the court that Amia's story of alleged abuse involved only sucking her breasts over a year prior.
15 Obviously there exist no exigent circumstances that would require the issuance of a warrant for the
16 collection of DNA from the Defendant going towards any allegations made by Amia as any
17 suspected biological evidence stemming from any such far-past incident(s) would be long gone.
18 Therefore, all parts of the affidavit having to do with not only Amia, but also with the other
19 children in the house who either: 1) made no allegations of abuse or 2) claimed that they were
20 unable to see anything when they "...looked under the door" to see what was going on with Tyana,
21 can be easily excised and set aside as having no bearing on the justice court's decision.
22

24 Turning to what was represented in the affidavit as Tyana's alleged claims of anal rape, it
25 is absolutely clear that Detective Flink had been made to understand that Tyana did not make an
26 allegation involving recent anal penetration. When Detective Flink interviewed Anesah at Sunrise
27 Hospital, the women's conversation turned specifically to what words Tyana typically used when
28

1 talking about her genitals. At that point, the detective also asked Anesah directly, "...and are you
2 taking 'butthole' to mean, 'vagina,' or are you taking it to mean, 'anus'?" when questioning the
3 children's mother about the allegation of abuse that was supposedly the most recent-in-time, or
4 more importantly, that which prompted Anesah to alert the police on 7 September, 2013. Ms.
5 Hasan's response was to say, "...I'm thinking it means...I'm...I think she means vagina." This,
6 however, was not how the allegation of the latest abuse was described to Judge Sciscento, in that
7 the detective totally skipped over the mother's critical point of clarification. Detective Flink failed
8 to provide those much needed details in the beginning of the affidavit where she talks about her
9 conversation with Anesah at the hospital with the court, leaving the justice of the peace with the
10 erroneous impression that Mr. Williams "...put his 'thing' in [Tyana's] 'butthole' last night when
11 Anesah was in the bathroom," and that [anal rape] had happened many times before. How
12 Detective Flink's recounting, a knowingly false and purposefully deceptive, of this very specific,
13 extraordinarily egregious and even more profoundly disturbing criminal act – *repeated sodomy*
14 *with a minor child* – would be unfairly inflammatory and overwhelmingly compelling to what
15 should have been an impartial magistrate needs no expatiation.

18 Additionally, Detective Flink also knew that the likelihood of any usable evanescent
19 biological evidence positively linking Mr. Williams to the allegations of abuse being made by
20 Tyana remaining extant was virtually ZERO. At page 4 of the application, the detective clearly and
21 specifically spells out the objective of her affidavit to the justice of the peace, which was: "...to
22 *obtain Williams' DNA to test against the sexual assault kit obtained from Tyana. Based on the*
23 *above, your affiant believes that Williams' DNA may be found in or on Tyana.*" However, any
24 DNA that may have been left "...in or on Tyana" had to have been of the highly fleeting
25 "...touch" variety, and Detective Flink knew this because Tyana had clearly stated, during her
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27
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1 interview with Flink on 7 September, 2013, at Sunrise Hospital, that nothing ever came out of the
2 Defendant's penis.

3 JF: ...and then, so, what happens? Does something happen at the end?

4 TH: Yes.

5 JF: What happens?

6 TH: ...and then, he lift (sic) up his underwear...I mean his pants...

7 JF: He...he zips up his [pan]...does anything ever come out of his penis?

8 TH: No.

9 JF: No. OK.

10
11 Based on this clear exchange that the detective had with a very calm Tyana, who was encouraged
12 to provide as much detail in describing her story of abuse as she could – twelve days before the
13 application for the search warrant was made – we can fairly ascertain that Detective Flink knew
14 full well that there would likely be no remnant semen "...in or on Tyana," seeing how the
15 detective was clearly fishing for a response from the child that would have indicated that
16 ejaculation occurred. But again, as was with the glossing over of the details that would have made
17 the allegations of anal rape incredible, here, Detective Flick chose to leave out the part where the
18 alleged-victim child made it clear that there had not been any times in her story of on-going sexual
19 abuse where anything came out of the Defendant's penis. Certainly, this would have been an
20 important fact for a magistrate to consider in weighing on the decision whether to issue the search
21 warrant. Unfortunately, Judge Sciscento was not provided with even that minimal level of candor.
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CONCLUSION

By knowingly and purposefully omitting crucial details in her application for telephonic search warrant, Detective Flink manipulated Judge Sciscento into having issued a warrant, which, if said wrongful application therefor is allowed to go unpunished, will serve to allow the government to utilize "poisoned fruit" at trial and gain an unfair advantage in the determination of guilt, thereby robbing Mr. Williams of his protections under not only the Fourth Amendment, but also of his Sixth Amendment right to a fair trial. As such, the Defendant asks that all the evidence concerning the DNA analysis that was conducted under LVMPD event number 130907-2553 be excluded following an evidentiary hearing.

DATED this 25 day of March, 2016.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

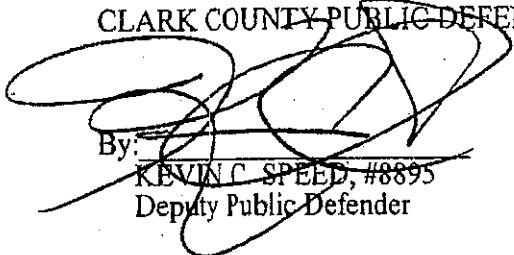
By: 
KEVIN C. SPEED, #8895
Deputy Public Defender

Exhibit A

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
APPLICATION FOR TELEPHONIC SEARCH WARRANT
PAGE 1

EV# 130907-2553

The following is the transcription of the recorded Application for Search Warrant between affiant, Detective J. Flink, (JF) and Judge J. Sciscento (JS).

JF: Judge, I'm sorry, how do you pronounce your last name?

JS: Sciscento.

JF: Sciscento. Okay. Judge Sciscento, for the record this line is being recorded. Do I have your permission to continue?

JS: Yes you do.

JF: This is Detective Jessica Flink, P#6272 of the Sexual Assault Section. I am making an application for a Telephonic Search Warrant pursuant to N.R.S. 179.054. I am talking to Judge Sciscento and the date is 09-19-2013 and the time of this call is 1552 hours. Judge, could you please swear me in?

JS: Uh yes. Is your right hand raised?

JF: Yes it is.

JS: Are you sure the information you're about to give me is true and correct to the best of your knowledge?

JF: Yes it is.

JS: Okay, you may proceed.

JF: Judge, my application is as follows: I, Detective Flink, P#6272, am employed by the Las Vegas Metropolitan Police Department and have been so employed for a period of 14 ½ years. I am currently assigned to the Sexual Assault Section. I've been assigned to this detail for 5 ½ years. I am presently investigating the crime of Sexual Assault Victim Under 14 which occurred at—oh shoot, sorry. Judge, I'm sorry. I don't have the home address. It occurred at the suspect's home address and I don't have it in my notes. May I proceed? It's just a DNA and he's in custody.

JS: Oh yeah if he's in custody that's okay--

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JF: Okay, all right.

JS: --but _____

JF: Got—yeah, I gotcha. Which occurred in Las Vegas, Clark County, Nevada on or about 2200 hours on the 6th day of 2013. That there is probable cause to believe that certain property hereinafter described will be found at the following described premise at to wit: The person of Greg Williams, ID#1593456 who is currently in custody and located at 330 S. Casino Center Boulevard, Las Vegas, Nevada 89106.

The property referred to and sought to be seized consists of the following:

1. Buccal swabs for DNA laboratory analysis collected from the suspect.

The items sought to be seized constitute evidence which would tend to show the identity of persons responsible for the crimes of Sexual Assault Victim Under 14. As set forth in this affidavit and support of the assertion to constitute the existence of probable cause, the following facts are offered:

On 09-07 of 2013, a 12 year old Amia Hasan and 10 ten year old Tyana Hasan, 7 year old James Moody and 11 year old Demarius Hasan came to their mother, Aneesah Hasan and told her that they needed to talk to her and asked her to come to another bedroom. James told his mother yest—that the, that on the 6th they were playing in the bedroom when Aneesah's boyfriend, Gregory Williams came in the room and told Tyana to come with him. He closed the door behind them and told them not to come out of the room. James said that he was trying to look under the door in the living room to see what they were doing but could not see. James had asked his sister later what had happened and Tyana told him that Gregory was touching her. Amia also admitted that a year ago Gregory had touched her breast and they all decided to go tell their mother. Aneesah would later tell me that Tyana had admitted to her that Gregory put his "thing" in her "butthole" last night when Aneesah was in the bathroom. Tyana also told her that he has—this has happened many times before. Gregory was in the apartment at the time of this disclosure. Rather than confront him Aneesah secretly called the police because she said that Gregory is abusive and she did not want to get hit. Police officers arrived, Gregory was taken into custody. All of the children were transported to Sunrise Hospital. Your affiant along with Detective Tennant, P#6763 responded to Sunrise to speak with the children. Your affiant first spoke with Amia. Amia was visibly scared and was tearing up before we even started

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talking. You affiant asked her to tell me what had happened and she said that a year ago Gregory had put her in the corner. He told her to lift her shirt which she did. She said he began sucking on her breast. She said that she was very scared and started cry. She said that it went on for a few minutes and then he stopped and told her to go back into the bedroom. She said that the next day he lifted her shirt on his own exposing her breast. She said he stopped, looked at her and asked her, what? She told him that she was scared and he dropped her shirt and walked away. Amia said that was the last time that anything had happened. At the end of the interview she asked if Gregory was going to jail. You affiant asked she wanted him to go to jail or did she want him to come home. She started crying and said she wanted him to go to jail because she was very afraid of him. Your affiant then spoke with Tyana. Tyana told me last night when she was in the bedroom with all the kids and her mother was in the bathtub, she said Gregory came into the room and told her to come with him. He told the other kids to stay in the room. She said they went into the living room and he motioned with his finger for her to pull down her underwear. Your affiant asked her how she knew the hand gesture meant to pull down her underwear and she says that he has done it many times before. She said he told her to sit on the edge of the couch which she did. Once there she said he removed his penis from his zipper and knelt down on the floor in front of her. She demonstrated this to me by getting up from her chair and kneeling in front of it. She said that he put his penis into her vagina, the area between her legs and that it hurt. Your affiant asked her if he did anything else and she said that he stroked his penis with his hand back and forth. She demonstrated this to me by simulating male masturbation with her own hand in front of her. Tyana said that this has been happening two to three times a week for the past two years. She said with the exception of the first time it has only, it has only ever been penis to vagina. She said that the first time it happened he rubbed his penis between her butt cheeks causing her pain. Detective interviewed brother, James Moody, and James told him that Gregory came into the bedroom last night and told Tyana to come with him and close the door behind them. He said that he looked under the door to see what they were doing and he said they were in the living room and he saw them sit on the couch. He said he could not see anything else. You affiant interviewed Kayla Moody who also corroborated that Gregory had come into the room and took Tyana out. She said that she tried to look under the door also but could not see anything. Tyana said that she asked Tyana what had, what they had done and that Tyana had told her that they had eaten cake. Brother Demarius also said that Gregory came and took Tyana and that he tried to follow to go to the bathroom but that Gregory told him to go away. Demarius said he has seen Gregory kiss Tyana on the cheek near the mouth on another occasion. Tyana was provided with an exam which

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
APPLICATION FOR TELEPHONIC SEARCH WARRANT

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had negative physical findings but swabs were taken. An attempt was made to interview after Miranda, there were a few minutes of denials and then he asked for an attorney and the interview was concluded.

Your affiant request this search warrant to obtain William's DNA to test against the sexual assault kit obtained from Tyana. Based on the above, your affiant believes that William's DNA may be found in or on Tyana. Your affiant is therefore seeking court authorization to obtain a Buccal swab samples from the presence of saliva in a medically acceptable manner for testing and analysis, specifically two cotton swabbings from the cheek areas inside the mouse, inside the mouth from the body of Gregory Williams, ID #1593456.

In my experience it is possible though rare that the subject of this search may refuse to cooperate in the manner necessary to collect the biological evidence pursuant to this warrant. I therefore request that if necessary, myself or other officers may use the minimum amount of force necessary to restrain the subject to obtain the samples in the safest and most humane manner possible.

Where, uh, sorry. Your affiant further request that this affidavit be sealed by the court for the following reason: That this is a sexual assault case with sensitive potentially embarrassing information of the victim who is a juvenile. Williams is in custody and would have no safe means of securing an affidavit which could potentially result in Tyana's information being revealed. It would be intentionally, it could be intentionally or accidentally shared or left out where other inmates may access it. Therefore, you affiant request this document to be sealed until the time of this honorable court sees fit to make it available to defense council.

Judge, this ends the probable cause detail. Do you want me to read the duplicate original search warrant?

JS: No, you don't need to.

JF: Judge, do you find that probable cause exist for the issuance of this search warrant?

JS: Yes I do.

JF: Do you authorize the search warrant to be sealed pending further order of this honorable court?

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JS: Yes I do.

JF: Do I have your permission to fix the duplicate, to affix your name to the duplicate search warrant?

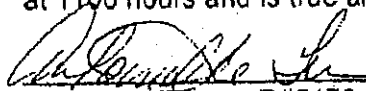
JS: Yes you do.

JF: The application and the signing of the search warrant were witnessed Detective Santarossa, P#6930. Thank you, sir.

JS: All right. Thank you very much.

JF: Bye, bye.

This transcription has been typed by Antoinette Turner, P#5173, on September 20, 2013 at 1100 hours and is true and accurate.

 5173
Antoinette Turner, P#5173

I, having reviewed this transcription, affirm that it is true and correct.

Detective J. Flink, P#6272

Certification:

Having read the transcription of the recorded application for the telephonic search warrant issued by this Court on September 19, 2013, under Event #130907-2553 with Detective J. Flink, P#6272, as affiant, and having reviewed the application, it appears that the transcription is accurate.

Judge Sciscento

JF:at

LVMPD EVENT #

130907-2553

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
DUPLICATE ORIGINAL SEARCH WARRANT

STATE OF NEVADA)

COUNTY OF CLARK)

SS:

GREG WILLIAMS ID# 1593456

The State of Nevada, to any Peace Officer in the County of Clark. Proof having been made before me by DET. FRANK, by oral statement given under oath, incorporated by reference, that there is probable cause to believe that certain evidence, to wit:

1. ~~Bedding to include but not be limited to Sheets, bedding, pillows, mattresses.~~
2. ~~Blood, body fluids, body parts, hairs, fibers, fingerprints, and other trace evidence that the recovery of which requires a complete crime scene analysis with measurements.~~
1. 8. Buccal Swabs for DNA Laboratory Analysis collected from the suspect
4. ~~Penial Swabs for DNA Laboratory Analysis collected from the suspect.~~
5. ~~Hand and finger swabs for DNA Laboratory Analysis collected from the suspect.~~

~~Articles of personal property which would tend to establish the identity of persons in control of said premises or in control of specific areas within the premises where items set forth above are located such as; canceled mail envelopes, rental agreements and receipts, utility and telephone bills, prescription bottles, vehicle registration, vehicle repairs, insurance and gas receipts. Items which tend to show a possessory interest in the items sought such as photographs and undeveloped film, diaries or letters.~~

Is presently located at:

330 S. CASINO CENTER BLVD.

LAS VEGAS, NV 89101

CLARK COUNTY JAIL DETENTION CENTER

2 The person of GREG WILLIAMS ID# 1593456

and as I am satisfied that there is probable cause to believe that said property is located as set forth above and

LVMPD EVENT # 130907-2553

that based upon the oral statement of DET FLANK that there is sufficient grounds for the issuance of the Search Warrant.

You are hereby commanded to search forthwith said premises for said property, serving this warrant at any hour of the day or night, and if the property is there to seize it, prepare a written inventory of the property seized and make a return to me within ten days.

DATED this 19 day of SEPTEMBER 2013 at 1600 hours.

Judge's name (affixed by officer) JUDGE SCIASCENIA

Signed by DET. FLANK P# 60272 acting upon oral authorization of Judge SCIASCENIA

Witnessed by DET. SANTAROSA P# 6930

Endorsed this _____ day of _____, 200__.

Judge

138907-2553

RETURN

(Must be made within 10 days of issuance of Warrant)

The Search and Seizure Warrant authorizing a search and seizure at the following described location(s):

GREG WILLIAMS ID# 1593458

was executed on

9/19/13

(month, day, year)

A copy of this inventory was left with

GREG WILLIAMS

(name of person or "at the place of search")

The following is an inventory of property taken pursuant to the warrant:

Buccal SWAB

This inventory was made by:

J. FRANK 60272

SHANE 60727

(at least two officers including affiant if present. If person from whom property is taken is present include that person.)

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NOTICE OF MOTION

TO: CLARK COUNTY DISTRICT ATTORNEY, Attorney for Plaintiff:

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 28th day of March, 2016, at 8:00 AM

DATED this ____ day of March, 2016.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By: _____
KEVIN C. SPEED, #8895
Deputy Public Defender

RECEIPT OF COPY

RECEIPT OF COPY of the above and foregoing Motion to Suppress is hereby acknowledged this ____ day of March, 2016.

CLARK COUNTY DISTRICT ATTORNEY

read but
do not acknowledge.
order short time

By: _____
3/22

ORIGINAL

AINF
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
MARY KAY HOLTHUS
Chief Deputy District Attorney
Nevada Bar #003814
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

MAR 29 2016

BY Tena M. Jolley
TENA JOLLEY, DEPUTY

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

GREGORY ANTHONY WILLIAMS,
#1593456

Defendant.

Case No: C-13-294607-1

Dept No: VIII

SECOND AMENDED
INFORMATION

STATE OF NEVADA }
COUNTY OF CLARK } ss.

STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

That GREGORY ANTHONY WILLIAMS, the Defendant above named, having committed the crimes of LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (Category A Felony - NRS 201.230) and SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (Category A Felony - NRS 200.364, 200.366) in the manner following, to-wit: That the said Defendant, on or between January 1, 2011 and September 6, 2013, at and within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada,

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C-13-294607-1
AINF
Amended Information
4535247



W:\2013\2013PA\14720\13F\4720-AINF-(WILLIAMS_GREG)-001.DOCX

Le

1 COUNT 1 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

2 did, then and there, wilfully, lewdly, unlawfully, and feloniously commit a lewd or
3 lascivious act upon or with the body, or any part or member thereof, a child, to-wit: AMIA
4 HASAN, said child being under the age of fourteen years, by said Defendant using his mouth
5 and/or tongue to kiss and/or lick and/or suck the breast(s) of the said AMIA HASAN, with the
6 intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said
7 Defendant, or said child.

8 COUNT 2 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

9 did, then and there, wilfully, lewdly, unlawfully, and feloniously commit a lewd or
10 lascivious act upon or with the body, or any part or member thereof, a child, to-wit: AMIA
11 HASAN, said child being under the age of fourteen years, by said Defendant lifting the shirt
12 of the said AMIA HASAN exposing her breast(s), with the intent of arousing, appealing to, or
13 gratifying the lust, passions, or sexual desires of said Defendant, or said child.

14 COUNT 3 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

15 did, then and there, wilfully, lewdly, unlawfully, and feloniously commit a lewd or
16 lascivious act upon or with the body, or any part or member thereof, a child, to-wit: TYANA
17 HASAN, said child being under the age of fourteen years, by said Defendant using his penis
18 to touch and/or rub and/or fondle the buttock(s) of the said TYANA HASAN, with the intent
19 of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said Defendant,
20 or said child.

21 COUNT 4 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
22 AGE

23 did, then and there, willfully, unlawfully, and feloniously sexually assault and subject
24 HASAN, a child under fourteen years of age, to sexual penetration, to-wit: sexual intercourse,
25 by said Defendant inserting his penis into the genital opening of the said TYANA HASAN,
26 against her will, or under conditions in which Defendant knew, or should have known, that the
27 said TYANA HASAN was mentally or physically incapable of resisting or understanding the
28 nature of Defendant's conduct.

1 COUNT 5 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

2 did, then and there, wilfully, lewdly, unlawfully, and feloniously commit a lewd or
3 lascivious act upon or with the body, or any part or member thereof, a child, to-wit: TYANA
4 HASAN, said child being under the age of fourteen years, by said Defendant using his penis
5 to touch and/or rub and/or fondle the genital area of the said TYANA HASAN, with the intent
6 of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said Defendant,
7 or said child.

8 COUNT 6 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
9 AGE

10 did, then and there, willfully, unlawfully, and feloniously sexually assault and subject
11 HASAN, a child under fourteen years of age, to sexual penetration, to-wit: sexual intercourse,
12 by said Defendant inserting his penis into the genital opening of the said TYANA HASAN,
13 against her will, or under conditions in which Defendant knew, or should have known, that the
14 said TYANA HASAN was mentally or physically incapable of resisting or understanding the
15 nature of Defendant's conduct.

16 COUNT 7 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

17 did, then and there, wilfully, lewdly, unlawfully, and feloniously commit a lewd or
18 lascivious act upon or with the body, or any part or member thereof, a child, to-wit: TYANA
19 HASAN, said child being under the age of fourteen years, by said Defendant using his penis
20 to touch and/or rub and/or fondle the genital area of the said TYANA HASAN, with the intent
21 of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said Defendant,
22 or said child.

23 COUNT 8 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
24 AGE

25 did, then and there, willfully, unlawfully, and feloniously sexually assault and subject
26 HASAN, a child under fourteen years of age, to sexual penetration, to-wit: sexual intercourse,
27 by said Defendant inserting his penis into the genital opening of the said TYANA HASAN,
28 against her will, or under conditions in which Defendant knew, or should have known, that the

1 said TYANA HASAN was mentally or physically incapable of resisting or understanding the
2 nature of Defendant's conduct.

3 COUNT 9 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

4 did, then and there, wilfully, lewdly, unlawfully, and feloniously commit a lewd or
5 lascivious act upon or with the body, or any part or member thereof, a child, to-wit: TYANA
6 HASAN, said child being under the age of fourteen years, by said Defendant using his penis
7 to touch and/or rub and/or fondle the genital area of the said TYANA HASAN, with the intent
8 of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said Defendant,
9 or said child.

10 COUNT 10 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
11 AGE

12 did, then and there, willfully, unlawfully, and feloniously sexually assault and subject
13 HASAN, a child under fourteen years of age, to sexual penetration, to-wit: sexual intercourse,
14 by said Defendant inserting his penis into the genital opening of the said TYANA HASAN,
15 against her will, or under conditions in which Defendant knew, or should have known, that the
16 said TYANA HASAN was mentally or physically incapable of resisting or understanding the
17 nature of Defendant's conduct.

18 COUNT 11 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

19 did, then and there, wilfully, lewdly, unlawfully, and feloniously commit a lewd or
20 lascivious act upon or with the body, or any part or member thereof, a child, to-wit: TYANA
21 HASAN, said child being under the age of fourteen years, by said Defendant using his penis
22 to touch and/or rub and/or fondle the genital area of the said TYANA HASAN, with the intent
23 of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said Defendant,
24 or said child.

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1 COUNT 12 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
2 AGE

3 did, then and there, willfully, unlawfully, and feloniously sexually assault and subject
4 HASAN, a child under fourteen years of age, to sexual penetration, to-wit: sexual intercourse,
5 by said Defendant inserting his penis into the genital opening of the said TYANA HASAN,
6 against her will, or under conditions in which Defendant knew, or should have known, that the
7 said TYANA HASAN was mentally or physically incapable of resisting or understanding the
8 nature of Defendant's conduct.

9 COUNT 13 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

10 did, then and there, wilfully, lewdly, unlawfully, and feloniously commit a lewd or
11 lascivious act upon or with the body, or any part or member thereof, a child, to-wit: TYANA
12 HASAN, said child being under the age of fourteen years, by said Defendant using his penis
13 to touch and/or rub and/or fondle the genital area of the said TYANA HASAN, with the intent
14 of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said Defendant,
15 or said child.

16 COUNT 14 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
17 AGE

18 did, then and there, willfully, unlawfully, and feloniously sexually assault and subject
19 HASAN, a child under fourteen years of age, to sexual penetration, to-wit: sexual intercourse,
20 by said Defendant inserting his penis into the genital opening of the said TYANA HASAN,
21 against her will, or under conditions in which Defendant knew, or should have known, that the
22 said TYANA HASAN was mentally or physically incapable of resisting or understanding the
23 nature of Defendant's conduct.

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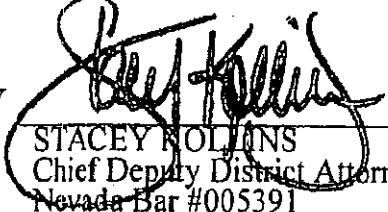
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1 COUNT 15 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

2 did, then and there, wilfully, lewdly, unlawfully, and feloniously commit a lewd or
3 lascivious act upon or with the body, or any part or member thereof, a child, to-wit: TYANA
4 HASAN, said child being under the age of fourteen years, by said Defendant using his penis
5 to touch and/or rub and/or fondle the genital area of the said TYANA HASAN, with the intent
6 of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said Defendant,
7 or said child.

8 STEVEN B. WOLFSON
9 Clark County District Attorney
Nevada Bar #001565

10
11 BY


12 STACEY HOLLINS
13 Chief Deputy District Attorney
Nevada Bar #005391

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27 DA#13F14720X/hjc/SVU
28 LVMPD EV#1309072553
(TK11)

MEMO
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
STACEY L. KOLLINS
Chief Deputy District Attorney
Nevada Bar #005391
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

ORIGINAL

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

APR 01 2016

BY *Tena M. Jolley*
TENA JOLLEY, DEPUTY

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

GREGORY ANTHONY WILLIAMS,
#1593456

Defendant.

CASE NO: C-13-294607-1

DEPT NO: VIII

**STATE'S BENCH MEMORANDUM IN SUPPORT OF PRECLUDING HEARSAY
PURSUANT TO NRS 51.255**

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, District Attorney, through STACEY L. KOLLINS, Chief Deputy District Attorney, and hereby submits the attached Points and Authorities in Support of Precluding Hearsay Pursuant to NRS 51.255.

This opposition is made and based upon all the papers and pleadings on file herein, the attached points and authorities in support hereof, and oral argument at the time of hearing, if deemed necessary by this Honorable Court.

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C-13-294607-1
MEMO
Memorandum
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1 POINTS AND AUTHORITIES

2 LEGAL ARGUMENT

3 NRS 51.255 states:

4 **51.255 Learned treatises**

5 To the extent called to the attention of an expert witness upon
6 cross-examination or relied upon by the expert witness in direct
7 examination, a statement contained in a published treatise,
8 periodical or pamphlet on a subject of history, medicine or other
9 science or art, is not inadmissible under the hearsay rule if such
book is established as a reliable authority by the testimony or
admission of the witness or by other expert testimony or by
judicial notice.

10 CONCLUSION

11 Based upon the Memorandum of Points and Authorities above, the State moves for an
12 order by the Court precluding the admission of any expert testimony based upon unreliable
13 authority as inadmissible hearsay pursuant to NRS 51.255.

14 DATED this ____ day of April, 2016.

15 Respectfully submitted,

16 STEVEN B. WOLFSON
17 Clark County District Attorney
Nevada Bar #001565

18
19 BY 

20 STACEY L. KOLLINS
21 Chief Deputy District Attorney
22 Nevada Bar #003814
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CERTIFICATE OF SERVICE

I hereby certify that service of the above and foregoing, was made this ____ day of
March, 2016, in person, in OPEN COURT, to:

KEVIN C. SPEED, DPD

BY _____
Employee of the District Attorney's Office

/SVU

APR 04 2016

BY Keri Cromer 3:57pm
KERI CROMER, DEPUTY

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

GREGORY ANTHONY WILLIAMS,

Defendant.

CASE NO: C-13-294607-1

DEPT NO: VIII

INSTRUCTIONS TO THE JURY (INSTRUCTION NO. I)

MEMBERS OF THE JURY:

It is now my duty as judge to instruct you in the law that applies to this case. It is your duty as jurors to follow these instructions and to apply the rules of law to the facts as you find them from the evidence.

You must not be concerned with the wisdom of any rule of law stated in these instructions. Regardless of any opinion you may have as to what the law ought to be, it would be a violation of your oath to base a verdict upon any other view of the law than that given in the instructions of the Court.

C-13-294607-1
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Instructions to the Jury
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If, in these instructions, any rule, direction or idea is repeated or stated in different ways, no emphasis thereon is intended by me and none may be inferred by you. For that reason, you are not to single out any certain sentence or any individual point or instruction and ignore the others, but you are to consider all the instructions as a whole and regard each in the light of all the others.

The order in which the instructions are given has no significance as to their relative importance.

1
2 An information is but a formal method of accusing a person of a crime and is not of
3 itself any evidence of his guilt.

4 In this case, it is charged in a Second Amended Information that the Defendant, on or
5 between January 1, 2011 and September 6, 2013, at and within the County of Clark, State of
6 Nevada, contrary to the form, force and effect of statutes in such cases made and provided,
7 and against the peace and dignity of the State of Nevada,

8 COUNT 1 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

9 did, then and there, wilfully, lewdly, unlawfully, and feloniously commit a lewd or
10 lascivious act upon or with the body, or any part or member thereof, a child, to-wit: AMIA
11 HASAN, said child being under the age of fourteen years, by said Defendant using his mouth
12 and/or tongue to kiss and/or lick and/or suck the breast(s) of the said AMIA HASAN, with
13 the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said
14 Defendant, or said child.

15 COUNT 2 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

16 did, then and there, wilfully, lewdly, unlawfully, and feloniously commit a lewd or
17 lascivious act upon or with the body, or any part or member thereof, a child, to-wit: AMIA
18 HASAN, said child being under the age of fourteen years, by said Defendant lifting the shirt
19 of the said AMIA HASAN exposing her breast(s), with the intent of arousing, appealing to,
20 or gratifying the lust, passions, or sexual desires of said Defendant, or said child.

21 COUNT 3 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

22 did, then and there, wilfully, lewdly, unlawfully, and feloniously commit a lewd or
23 lascivious act upon or with the body, or any part or member thereof, a child, to-wit: TYANA
24 HASAN, said child being under the age of fourteen years, by said Defendant using his penis
25 to touch and/or rub and/or fondle the buttock(s) of the said TYANA HASAN, with the intent
26 of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said Defendant,
27 or said child.

1 COUNT 4 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
2 AGE

3 did, then and there, willfully, unlawfully, and feloniously sexually assault and subject
4 HASAN, a child under fourteen years of age, to sexual penetration, to-wit: sexual
5 intercourse, by said Defendant inserting his penis into the genital opening of the said
6 TYANA HASAN, against her will, or under conditions in which Defendant knew, or should
7 have known, that the said TYANA HASAN was mentally or physically incapable of
8 resisting or understanding the nature of Defendant's conduct.

9 COUNT 5 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

10 did, then and there, wilfully, lewdly, unlawfully, and feloniously commit a lewd or
11 lascivious act upon or with the body, or any part or member thereof, a child, to-wit: TYANA
12 HASAN, said child being under the age of fourteen years, by said Defendant using his penis
13 to touch and/or rub and/or fondle the genital area of the said TYANA HASAN, with the
14 intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said
15 Defendant, or said child.

16 COUNT 6 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
17 AGE

18 did, then and there, willfully, unlawfully, and feloniously sexually assault and subject
19 HASAN, a child under fourteen years of age, to sexual penetration, to-wit: sexual
20 intercourse, by said Defendant inserting his penis into the genital opening of the said
21 TYANA HASAN, against her will, or under conditions in which Defendant knew, or should
22 have known, that the said TYANA HASAN was mentally or physically incapable of
23 resisting or understanding the nature of Defendant's conduct.

24 COUNT 7 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

25 did, then and there, wilfully, lewdly, unlawfully, and feloniously commit a lewd or
26 lascivious act upon or with the body, or any part or member thereof, a child, to-wit: TYANA
27 HASAN, said child being under the age of fourteen years, by said Defendant using his penis
28 to touch and/or rub and/or fondle the genital area of the said TYANA HASAN, with the

1 intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said
2 Defendant, or said child.

3 COUNT 8 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
4 AGE

5 did, then and there, willfully, unlawfully, and feloniously sexually assault and subject
6 HASAN, a child under fourteen years of age, to sexual penetration, to-wit: sexual
7 intercourse, by said Defendant inserting his penis into the genital opening of the said
8 TYANA HASAN, against her will, or under conditions in which Defendant knew, or should
9 have known, that the said TYANA HASAN was mentally or physically incapable of
10 resisting or understanding the nature of Defendant's conduct.

11 COUNT 9 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

12 did, then and there, wilfully, lewdly, unlawfully, and feloniously commit a lewd or
13 lascivious act upon or with the body, or any part or member thereof, a child, to-wit: TYANA
14 HASAN, said child being under the age of fourteen years, by said Defendant using his penis
15 to touch and/or rub and/or fondle the genital area of the said TYANA HASAN, with the
16 intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said
17 Defendant, or said child.

18 COUNT 10 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
19 AGE

20 did, then and there, willfully, unlawfully, and feloniously sexually assault and subject
21 HASAN, a child under fourteen years of age, to sexual penetration, to-wit: sexual
22 intercourse, by said Defendant inserting his penis into the genital opening of the said
23 TYANA HASAN, against her will, or under conditions in which Defendant knew, or should
24 have known, that the said TYANA HASAN was mentally or physically incapable of
25 resisting or understanding the nature of Defendant's conduct.

26 COUNT 11 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

27 did, then and there, wilfully, lewdly, unlawfully, and feloniously commit a lewd or
28 lascivious act upon or with the body, or any part or member thereof, a child, to-wit: TYANA

1 HASAN, said child being under the age of fourteen years, by said Defendant using his penis
2 to touch and/or rub and/or fondle the genital area of the said TYANA HASAN, with the
3 intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said
4 Defendant, or said child.

5 COUNT 12 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
6 AGE

7 did, then and there, willfully, unlawfully, and feloniously sexually assault and subject
8 HASAN, a child under fourteen years of age, to sexual penetration, to-wit: sexual
9 intercourse, by said Defendant inserting his penis into the genital opening of the said
10 TYANA HASAN, against her will, or under conditions in which Defendant knew, or should
11 have known, that the said TYANA HASAN was mentally or physically incapable of
12 resisting or understanding the nature of Defendant's conduct.

13 COUNT 13 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

14 did, then and there, wilfully, lewdly, unlawfully, and feloniously commit a lewd or
15 lascivious act upon or with the body, or any part or member thereof, a child, to-wit: TYANA
16 HASAN, said child being under the age of fourteen years, by said Defendant using his penis
17 to touch and/or rub and/or fondle the genital area of the said TYANA HASAN, with the
18 intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said
19 Defendant, or said child.

20 COUNT 14 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
21 AGE

22 did, then and there, willfully, unlawfully, and feloniously sexually assault and subject
23 HASAN, a child under fourteen years of age, to sexual penetration, to-wit: sexual
24 intercourse, by said Defendant inserting his penis into the genital opening of the said
25 TYANA HASAN, against her will, or under conditions in which Defendant knew, or should
26 have known, that the said TYANA HASAN was mentally or physically incapable of
27 resisting or understanding the nature of Defendant's conduct.

28

1 COUNT 15 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

2 did, then and there, wilfully, lewdly, unlawfully, and feloniously commit a lewd or
3 lascivious act upon or with the body, or any part or member thereof, a child, to-wit: TYANA
4 HASAN, said child being under the age of fourteen years, by said Defendant using his penis
5 to touch and/or rub and/or fondle the genital area of the said TYANA HASAN, with the
6 intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said
7 Defendant, or said child.

8 It is the duty of the jury to apply the rules of law contained in these instructions to the
9 facts of the case and determine whether or not the Defendant is guilty of one or more of the
10 offenses charged.

11 Each charge and the evidence pertaining to it should be considered separately. The
12 fact that you may find a defendant guilty or not guilty as to one of the offenses charged
13 should not control your verdict as to any other offense charged.

1
2 To constitute the crime charged, there must exist a union or joint operation of an act
3 forbidden by law and an intent to do the act.

4 The intent with which an act is done is shown by the facts and circumstances
5 surrounding the case.

6 Do not confuse intent with motive. Motive is what prompts a person to act. Intent
7 refers only to the state of mind with which the act is done.

8 Motive is not an element of the crime charged and the State is not required to prove a
9 motive on the part of the Defendant in order to convict. However, you may consider
10 evidence of motive or lack of motive as a circumstance in the case.

1
2 The Defendant is presumed innocent until the contrary is proved. This presumption
3 places upon the State the burden of proving beyond a reasonable doubt every element of the
4 crime charged and that the Defendant is the person who committed the offense.

5 A reasonable doubt is one based on reason. It is not mere possible doubt but is such a
6 doubt as would govern or control a person in the more weighty affairs of life. If the minds of
7 the jurors, after the entire comparison and consideration of all the evidence, are in such a
8 condition that they can say they feel an abiding conviction of the truth of the charge, there is
9 not a reasonable doubt. Doubt to be reasonable must be actual, not mere possibility or
10 speculation.

11 If you have a reasonable doubt as to the guilt of the Defendant, he is entitled to a
12 verdict of not guilty.
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You are here to determine the guilt or innocence of the Defendant from the evidence in the case. You are not called upon to return a verdict as to the guilt or innocence of any other person. So, if the evidence in the case convinces you beyond a reasonable doubt of the guilt of the Defendant, you should so find, even though you may believe one or more persons are also guilty.

INSTRUCTION NO. 7

It is a constitutional right of a defendant in a criminal trial that he may not be compelled to testify. Thus, the decision as to whether he should testify is left to Gregory Williams on the advice and counsel of his attorney. You must not draw any inference of guilt from the fact that he does not testify, nor should this fact be discussed by you or enter into your deliberations in any way.

1
2 The evidence which you are to consider in this case consists of the testimony of the
3 witnesses, the exhibits, and any facts admitted or agreed to by counsel.

4 There are two types of evidence; direct and circumstantial. Direct evidence is the
5 testimony of a person who claims to have personal knowledge of the commission of the
6 crime which has been charged, such as an eyewitness. Circumstantial evidence is the proof
7 of a chain of facts and circumstances which tend to show whether the Defendant is guilty or
8 not guilty. The law makes no distinction between the weight to be given either direct or
9 circumstantial evidence. Therefore, all of the evidence in the case, including the
10 circumstantial evidence, should be considered by you in arriving at your verdict.

11 Statements, arguments and opinions of counsel are not evidence in the case.
12 However, if the attorneys stipulate to the existence of a fact, you must accept the stipulation
13 as evidence and regard that fact as proved.

14 You must not speculate to be true any insinuations suggested by a question asked a
15 witness. A question is not evidence and may be considered only as it supplies meaning to
16 the answer.

17 You must disregard any evidence to which an objection was sustained by the court
18 and any evidence ordered stricken by the court.

19 Anything you may have seen or heard outside the courtroom is not evidence and must
20 also be disregarded.

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2 The credibility or believability of a witness should be determined by his manner upon
3 the stand, his relationship to the parties, his fears, motives, interests or feelings, his
4 opportunity to have observed the matter to which he testified, the reasonableness of his
5 statements and the strength or weakness of his recollections.

6 If you believe that a witness has lied about any material fact in the case, you may
7 disregard the entire testimony of that witness or any portion of his testimony which is not
8 proved by other evidence.

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2 A witness who has special knowledge, skill, experience, training or education in a
3 particular science, profession or occupation is an expert witness. An expert witness may
4 give his opinion as to any matter in which he is skilled.

5 You should consider such expert opinion and weigh the reasons, if any, given for it.
6 You are not bound, however, by such an opinion. Give it the weight to which you deem it
7 entitled, whether that be great or slight, and you may reject it, if, in your judgment, the
8 reasons given for it are unsound.

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2 A person who subjects a minor under fourteen to sexual penetration, against the
3 minor's will or under conditions in which the perpetrator knows or should know that the
4 minor is mentally or physically incapable of resisting or understanding the nature of his/her
5 conduct, is guilty of sexual assault with a minor under fourteen.

6 "Sexual penetration" includes penetration however slight. Sexual penetration includes
7 sexual intercourse, in its ordinary meaning, by placing the penis in the genital opening.
8 Evidence of ejaculation is not necessary.

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Physical force is not necessary in the commission of sexual assault. The crucial question is not whether a person was physically forced to engage in a sexual assault but whether the act was committed under conditions in which the defendant knew or should have known, the person was incapable of understanding the nature of the act.

INSTRUCTION NO. 13

A person is not required to do more than her age, strength, surrounding facts and attending circumstances make it reasonable for her to do to manifest opposition to a sexual assault or lewdness.

INSTRUCTION NO. 14

There is no requirement that the testimony of a victim of sexual assault or lewdness be corroborated, and her testimony standing alone, if believed beyond a reasonable doubt, is sufficient to sustain a verdict of guilty.

Where multiple sexual acts occur as part of a single criminal encounter a defendant may be found guilty for each separate or different act of sexual assault and/or lewdness.

Where a defendant commits a specific type of act constituting sexual assault and/or lewdness, he may be found guilty of more than one count of that specific type of act of sexual assault and/or lewdness if:

1. There is an interruption between the acts which are of the same specific type,
2. Where the acts of the same specific type are interrupted by a different specific type of sexual assault/lewdness, or
3. For each separate object manipulated or inserted into the genital or anal opening of another.

Only one sexual assault and/or lewdness occurs when a defendant's actions were of one specific type of sexual assault and/or lewdness and those acts were continuous and did not stop between the acts of that specific type.

INSTRUCTION NO. 16

Any person who willfully commits any lewd or lascivious act, other than acts constituting the crime of sexual assault, upon or with any part of the body of a child under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of that person or of that child, is guilty of lewdness with a minor.

INSTRUCTION NO. 17

The law does not require that the lust, passions or sexual desires of either of such persons actually be aroused, appealed to, or gratified.

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INSTRUCTION NO. 18

To constitute a lewdness with a minor under the age of 14 it is not necessary that the bare skin be touched. The touching may be through the clothing of the child.

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INSTRUCTION NO. 19

Lewdness with a child under the age of 14 years requires an act upon or with the body of a child under the age of 14 years, but does not require physical contact between the perpetrator and the victim.

INSTRUCTION NO. 20

Where a child has been the victim of sexual assault with a minor under the age of 14 and/or lewdness with a minor under the age of 14, and does not remember the exact date of the act, the State is not required prove a specific date, but may prove a time frame within which the act took place.

INSTRUCTION NO. 21

Consent in fact of a minor child under fourteen years of age to sexual activity is not a defense to a charge of Lewdness with a Child Under the Age of 14.

1
2 Although you are to consider only the evidence in the case in reaching a verdict, you
3 must bring to the consideration of the evidence your everyday common sense and judgment
4 as reasonable men and women. Thus, you are not limited solely to what you see and hear as
5 the witnesses testify. You may draw reasonable inferences from the evidence which you feel
6 are justified in the light of common experience, keeping in mind that such inferences should
7 not be based on speculation or guess.

8 A verdict may never be influenced by sympathy, prejudice or public opinion. Your
9 decision should be the product of sincere judgment and sound discretion in accordance with
10 these rules of law.
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In your deliberation you may not discuss or consider the subject of punishment, as that is a matter which lies solely with the court. Your duty is confined to the determination of the guilt or innocence of the Defendant.

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When you retire to consider your verdict, you must select one of your member to act as foreperson who will preside over your deliberation and will be your spokesperson here in court.

During your deliberation, you will have all the exhibits which were admitted into evidence, these written instructions and forms of verdict which have been prepared for your convenience.

Your verdict must be unanimous. As soon as you have agreed upon a verdict, have it signed and dated by your foreperson and then return with it to this room.

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If, during your deliberation, you should desire to be further informed on any point of law or hear again portions of the testimony, you must reduce your request to writing signed by the foreperson. The officer will then return you to court where the information sought will be given you in the presence of, and after notice to, the district attorney and the Defendant and his/her counsel.

Playbacks of testimony are time-consuming and are not encouraged unless you deem it a necessity. Should you require a playback, you must carefully describe the testimony to be played back so that the court recorder can arrange his/her notes. Remember, the court is not at liberty to supplement the evidence.

INSTRUCTION NO. 26

Now you will listen to the arguments of counsel who will endeavor to aid you to reach a proper verdict by refreshing in your minds the evidence and by showing the application thereof to the law; but, whatever counsel may say, you will bear in mind that it is your duty to be governed in your deliberation by the evidence as you understand it and remember it to be and by the law as given to you in these instructions, with the sole, fixed and steadfast purpose of doing equal and exact justice between the Defendant and the State of Nevada.

GIVEN:


DISTRICT JUDGE

DISTRICT COURT
CLARK COUNTY, NEVADA

APR 04 2016

THE STATE OF NEVADA,

Plaintiff,

v.

GREG WILLIAMS,

Defendant.

BY, Keri Cromer
KERI CROMER, DEPUTY

CASE NO. C-13-294607-1

DEPT. NO. VIII

3:57 PM

VERDICT

We, the jury in the above entitled case, find the Defendant GREGORY ANTHONY WILLIAMS, as follows:

COUNT 1 – Lewdness with a Child Under the Age of 14

☐ Not Guilty

☒ Guilty

COUNT 2 – Lewdness with a Child Under the Age of 14

☐ Not Guilty

☒ Guilty

COUNT 3 – Lewdness with a Child Under the Age of 14

☐ Not Guilty

☒ Guilty

COUNT 4 – Sexual Assault with a Minor Under Fourteen Years of Age

☐ Not Guilty

☒ Guilty

C-13-294607-1
VER
Verdict
4538584



3

1 **COUNT 5 – Lewdness with a Child Under the Age of 14**

2 ☐ Not Guilty

3 ☒ Guilty

4 **COUNT 6 – Sexual Assault with a Minor Under Fourteen Years of Age**

5 ~~error~~ ☒ Not Guilty

6 ☒ Guilty

7 **COUNT 7 – Lewdness with a Child Under the Age of 14**

8 ☐ Not Guilty

9 ☒ Guilty

10 **COUNT 8 – Sexual Assault with a Minor Under Fourteen Years of Age**

11 ☐ Not Guilty

12 ☒ Guilty

13 **COUNT 9 – Lewdness with a Child Under the Age of 14**

14 ☐ Not Guilty

15 ☒ Guilty

16 **COUNT 10 – Sexual Assault with a Minor Under Fourteen Years of Age**

17 ☒ Not Guilty

18 ☐ Guilty

19 **COUNT 11 – Lewdness with a Child Under the Age of 14**

20 ☒ Not Guilty

21 ☐ Guilty

22 **COUNT 12 – Sexual Assault with a Minor Under Fourteen Years of Age**

23 ☒ Not Guilty

24 ☐ Guilty

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COUNT 13 – Lewdness with a Child Under the Age of 14

☒ Not Guilty

☐ Guilty

COUNT 14 – Sexual Assault with a Minor Under Fourteen Years of Age

☒ Not Guilty

☐ Guilty

COUNT 15 – Lewdness with a Child Under the Age of 14

☒ Not Guilty

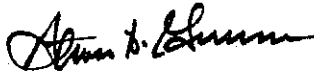
☐ Guilty

Dated this 4 day of April, 20016


FOREPERSON

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CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-VS-

GREGORY ANTHONY WILLIAMS
#1593456

Defendant.

CASE NO. C294607-1

DEPT. NO. VIII

JUDGMENT OF CONVICTION
(JURY TRIAL)

The Defendant previously entered a plea of not guilty to the crimes of
COUNTS 1, 2, 3, 5, 7, 9, 11, 13 & 15 – LEWDNESS WITH A CHILD UNDER THE AGE
OF 14 (Category A Felony) in violation of NRS 201.230; and COUNTS 4, 6, 8, 10, 12 &
14 – SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE
(Category A Felony) in violation of NRS 200.364, 200.366; and the matter having been
tried before a jury and the Defendant having been found guilty of the crimes of
COUNTS 1, 2, 3, 5, 7 & 9 – LEWDNESS WITH A CHILD UNDER THE AGE OF 14
(Category A Felony) in violation of NRS 201.230; and COUNTS 4, 6 & 8 – SEXUAL

//

20-06-16 A03:15 IN

1 ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (Category A Felony)
2 in violation of NRS 200.364, 200.366; thereafter, on the 13TH day of June, 2016, the
3 Defendant was present in court for sentencing with his counsel, KEVIN SPEED, Deputy
4 Public Defender, and good cause appearing,
5

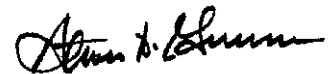
6 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offense(s) and, in
7 addition to the \$25.00 Administrative Assessment Fee, \$250.00 Indigent Defense Civil
8 Assessment Fee, Restitution in the amount of \$3,976.80, and a \$150.00 DNA Analysis
9 Fee including testing to determine genetic markers, plus a \$3.00 DNA Collection Fee,
10 the Defendant is sentenced to the Nevada Department of Corrections (NDC) as
11 follows: AS TO **COUNT 1** - LIFE with a MINIMUM Parole Eligibility of ONE HUNDRED
12 TWENTY (120) MONTHS; AS TO **COUNT 2** - LIFE with a MINIMUM Parole Eligibility of
13 ONE HUNDRED TWENTY (120) MONTHS, Count 2 to run CONCURRENT with Count
14 1; AS TO **COUNT 3** - LIFE with a MINIMUM Parole Eligibility of ONE HUNDRED
15 TWENTY (120) MONTHS, Count 3 to run CONCURRENT with Counts 1 and 2; AS TO
16 **COUNT 4** - LIFE with a MINIMUM Parole Eligibility of FOUR HUNDRED TWENTY
17 (420) MONTHS, Count 4 to run CONSECUTIVE to Counts 1, 2 and 3; AS TO **COUNT 6**
18 - LIFE with a MINIMUM Parole Eligibility of FOUR HUNDRED TWENTY (420)
19 MONTHS, Count 6 to run CONSECUTIVE to Counts 1, 2, 3 and 4; AS TO **COUNT 8** -
20 LIFE with a MINIMUM Parole Eligibility of FOUR HUNDRED TWENTY (420) MONTHS,
21 Count 8 to run CONSECUTIVE to Counts 1, 2, 3, 4 and 6; with ONE THOUSAND TEN
22 (1,010) DAYS credit for time served. COUNTS 5, 7 and 9 - DISMISSED. Defendant's
23 AGGREGATE TOTAL sentence is LIFE with a MINIMUM of ONE THOUSAND THREE
24 HUNDRED EIGHTY (1,380) MONTHS.
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1 FURTHER ORDERED, a SPECIAL SENTENCE OF LIFETIME SUPERVISION is
2 imposed to commence upon release from any term of imprisonment, probation of
3 parole. In addition, before the Defendant is eligible for parole, a panel consisting of the
4 Administrator of the Mental Health and Development Services of the Department of
5 Human Resources or his designee; and a psychologist licensed to practice in this state;
6 or a psychiatrist licensed to practice medicine in Nevada must certify that the Defendant
7 does not represent a high risk to re-offend based on current accepted standards of
8 assessment.
9

10
11 ADDITIONALLY, the Defendant is ORDERED to REGISTER as a sex offender in
12 accordance with NRS 179D.460 within FORTY-EIGHT (48) HOURS after any release
13 from custody.
14

15 DATED this 21ST day of June, 2016.
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19 DOUG SMITH
20 DISTRICT COURT JUDGE *smj*
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CLERK OF THE COURT

1 NOAS

2 PHILIP J. KOHN, PUBLIC DEFENDER
3 NEVADA BAR No. 0556
4 309 South Third Street, Suite 226
5 Las Vegas, Nevada 89155
6 (702) 455-4685
7 Attorney for Defendant

8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

10 THE STATE OF NEVADA,

11 Plaintiff,

12 v.

13 GREGORY ANTHONY WILLIAMS,

14 Defendant.

CASE NO. C-13-294607-1

DEPT. NO. VIII

NOTICE OF APPEAL

15 TO: THE STATE OF NEVADA

16 STEVEN B. WOLFSON, DISTRICT ATTORNEY, CLARK COUNTY,
17 NEVADA and DEPARTMENT NO. VIII OF THE EIGHTH JUDICIAL
18 DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE
19 COUNTY OF CLARK.

20 NOTICE is hereby given that Defendant, Greg Williams,
21 presently incarcerated in the Nevada State Prison, appeals to the
22 Supreme Court of the State of Nevada from the judgment entered
23 against said Defendant on the 23rd day of June, 2016, whereby he
24 was convicted of Cts. 1, 2, 3, 5, 7 & 9 - Lewdness With a Child
25 Under the Age of 14 (Category A Felony) and Cts. 4, 6 & 8 - Sexual
26 Assault With a Minor Under Fourteen Years of Age (Category A
27 Felony) and sentenced to \$25 Admin. Fee; \$250 Indigent Defense
28 Civil Assessment fee; restitution of \$3,976.80; \$150 DNA analysis
fee; \$3 DNA collection fee; Ct. 1 - 120 months to Life in prison;
Ct. 2 - 120 months to Life in prison; Ct. 2 to run concurrent with
Ct. 1; Ct. 3 - 120 months to Life in prison; Ct. 3 to run

1 concurrent with Cts. 1 and 2; Ct. 4 - 420 months to Life in
2 prison; Ct. 4 to run consecutive to Cts. 1 2, and 3; Ct. 6 - 420
3 months to Life in prison; Ct. 6 to run consecutive to Cts. 1, 2,
4 3, and 4; Ct. 8 - 420 months to Life in prison; Ct. 8 to run
5 consecutive to Cts. 1, 2, 3, 4 and 6; 1,010 days CTS. Cts. 5, 7
6 and 9 dismissed. Aggregate total sentence is Life with a minimum
7 of one thousand three hundred eight (1,380) months. Special
8 sentence of Lifetime Supervision is imposed to commence upon
9 release from any term of imprisonment, probation or parole. In
10 addition, before the Defendant is eligible for parole, a panel
11 consisting of the Administrator of the Mental Health and
12 Development Services of the Dept. of Human Resources or his
13 designee, and a Nevada State licensed psychologist or psychiatrist
14 must certify that the Defendant does not represent a high risk to
15 re-offend based on current accepted standards of assessment.
16 Additionally, the Defendant is ordered to register as a sex
17 offender in accordance with NRS 179D.460 within 48 hours after any
18 release from custody.

19 DATED this 15th day of July, 2016.

20 PHILIP J. KOHN
21 CLARK COUNTY PUBLIC DEFENDER

22 By: /s/ Audrey M. Conway
23 AUDREY M. CONWAY, #5611
24 Deputy Public Defender
25 309 S. Third Street, Ste. 226
26 Las Vegas, Nevada 89155
27 (702) 455-4685
28

DECLARATION OF MAILING

Carrie Connolly, an employee with the Clark County Public Defender's Office, hereby declares that she is, and was when the herein described mailing took place, a citizen of the United States, over 21 years of age, and not a party to, nor interested in, the within action; that on the 15th day of July, 2016, declarant deposited in the United States mail at Las Vegas, Nevada, a copy of the Notice of Appeal in the case of the State of Nevada v. Gregory Anthony Williams, Case No. C-13-294607-1, enclosed in a sealed envelope upon which first class postage was fully prepaid, addressed to Gregory Anthony Williams, c/o High Desert State Prison, P.O. Box 650, Indian Springs, NV 89070. That there is a regular communication by mail between the place of mailing and the place so addressed.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on the 15th day of July, 2016.

/s/ Carrie M. Connolly
An employee of the Clark County
Public Defender's Office

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that service of the above and foregoing
was made this 15th day of July, 2016, by Electronic Filing to:

District Attorneys Office
E-Mail Address:

PDMotions@clarkcountyda.com

Jennifer.Garcia@clarkcountyda.com

Eileen.Davis@clarkcountyda.com

/s/ Carrie M. Connolly
Secretary for the
Public Defender's Office

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor COURT MINUTES December 16, 2013

C-13-294607-1 State of Nevada
vs
Greg Williams

December 16, 2013 10:30 AM Initial Arraignment

HEARD BY: De La Garza, Melisa

COURTROOM: RJC Lower Level
Arraignment

COURT CLERK: Monique Alberto

RECORDER: Kiara Schmidt

PARTIES

PRESENT:

Speed, Kevin
Walsh, Jessica A.
Williams, Greg Anthony

Attorney for Defendant
Attorney for State of Nevada
Defendant

JOURNAL ENTRIES

- Mr. Speed requested matter be continued to the special calendar. COURT SO ORDERED.

CUSTODY

12/27/13 10:30 A.M. ARRAIGNMENT CONTINUED (LLA)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 27, 2013

C-13-294607-1 State of Nevada
 vs
 Greg Williams

December 27, 2013 10:30 AM Arraignment Continued

HEARD BY: De La Garza, Melisa

COURTROOM: RJC Lower Level
Arraignment

COURT CLERK: Keri Cromer

RECORDER: Kiara Schmidt

PARTIES	Luzaich, Elissa	Attorney for the State of Nevada
PRESENT:	Speed, Kevin	Public Defender
	State of Nevada	Plaintiff
	Williams, Greg Anthony	Defendant

JOURNAL ENTRIES

- Mr. Speed advised Deft. changed his mind about accepting the negotiations and would plead not guilty. COURT ORDERED, matter CONTINUED.

CUSTODY

CONTINUED TO: 1/2/14 9:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 02, 2014

C-13-294606-1

State of Nevada

VS

Drego Arce-Camargo

January 02, 2014

9:30 AM

Arraignment Continued

HEARD BY: De La Garza, Melisa

COURTROOM: RJC Lower Level
Arraignment

COURT CLERK: Roshonda Mayfield

RECORDER: Kiara Schmidt

REPORTER:

PARTIES

PRESENT:

Abbatangelo, Anthony L

Arce-Camargo, Drego

Campbell, Cara L.

Attorney for the Defendant

Defendant

Attorney for the State

JOURNAL ENTRIES

- Following representations made by counsel, COURT ORDERED, matter CONTINUED as requested by defense. Further, the state is to have an amended information prepared for the next court date issued.

BOND

1/16/14 9:30 A.M. ARRAIGNMENT CONTINUED (LLA)

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

January 22, 2014

C-13-294607-1 State of Nevada
 vs
 Greg Williams

January 22, 2014 8:00 AM Request

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 16D

COURT CLERK: Louisa Garcia; Keri Cromer/lg

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT:	Fattig, John T	Attorney
	Speed, Kevin	Attorney
	State of Nevada	Plaintiff
	Williams, Greg Anthony	Defendant

JOURNAL ENTRIES

- Defendant's presence WAIVED.

Upon the request of State and there being no opposition from Mr. Speed, COURT ORDERED, trial date VACATED and RESET.

CUSTODY

10/15/14 8:00 A.M. CALENDAR CALL

10/20/14 9:30 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 15, 2014

C-13-294607-1 State of Nevada
 vs
 Greg Williams

October 15, 2014 8:00 AM Calendar Call

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 16D

COURT CLERK: Louisa Garcia

RECORDER: Jill Jacoby

PARTIES

PRESENT:	Holthus, Mary Kay	Attorney
	Speed, Kevin	Attorney
	State of Nevada	Plaintiff
	Williams, Greg Anthony	Defendant

JOURNAL ENTRIES

- Mr. Speed advised not ready for trial due to a conflict and stated Defendant waived his speedy trial right. COURT ORDERED, trial date VACATED and RESET.

CUSTODY

5/27/15 8:00 AM CALENDAR CALL

6/1/15 9:30 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 27, 2014

C-13-294607-1 State of Nevada
 vs
 Greg Williams

October 27, 2014 8:00 AM All Pending Motions

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 16D

COURT CLERK: Louisa Garcia

RECORDER: Jill Jacoby

PARTIES

PRESENT:	Jones, Tierra D.	Attorney
	Speed, Kevin	Attorney
	State of Nevada	Plaintiff
	Williams, Greg Anthony	Defendant

JOURNAL ENTRIES

- DEFT'S MOTION TO ADMIT EVIDENCE OF ALLEGED VICTIM'S ABILITY TO CONTRIVE A SEXUAL ASSAULT ALLEGATION AND THEORY OF DEFENSE EVIDENCE...DEFT'S MOTION FOR DISCOVERY

Mr. Speed stated Ms. Holthus would like to request additional time to respond his motions and he had no opposition to a continuance. COURT ORDERED, matter CONTINUED.

CUSTODY

11/24/14 8:00 AM DEFT'S MOTION TO ADMIT EVIDENCE OF ALLEGED VICTIM'S ABILITY TO CONTRIVE A SEXUAL ASSAULT ALLEGATION AND THEORY OF DEFENSE EVIDENCE...DEFT'S MOTION FOR DISCOVERY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 01, 2014

C-13-294607-1 State of Nevada
 vs
 Greg Williams

December 01, 2014 8:00 AM All Pending Motions

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 16D

COURT CLERK: Louisa Garcia

RECORDER: Jill Jacoby

PARTIES

PRESENT:

Hojjat, Nadia

Attorney

Holthus, Mary Kay

Attorney

State of Nevada

Plaintiff

Williams, Greg Anthony

Defendant

JOURNAL ENTRIES

- COURT ORDERED, matter CONTINUED for the presence of Mr. Speed.

12/3/14 8:00 AM DEFT'S MOTION TO ADMIT EVIDENCE OF ALLEGED VICTIMS' ABILITY TO
CONTRIVE A SEXUAL ASSAULT ALLEGATION AND THEORY OF DEFENSE
EVIDENCE...DEFT'S MOTION FOR DISCOVERY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 03, 2014

C-13-294607-1 State of Nevada
 vs
 Greg Williams

December 03, 2014 8:00 AM All Pending Motions

HEARD BY: Smith, Douglas E. **COURTROOM:** RJC Courtroom 16D

COURT CLERK: Louisa Garcia

RECORDER: Jill Jacoby

PARTIES

PRESENT:	Holthus, Mary Kay	Attorney
	Speed, Kevin	Attorney
	State of Nevada	Plaintiff
	Williams, Greg Anthony	Defendant

JOURNAL ENTRIES

- DEFT'S MOTION TO ADMIT EVIDENCE OF ALLEGED VICTIM'S ABILITY TO CONTRIVE A SEXUAL ASSAULT ALLEGATION AND THEORY OF DEFENSE EVIDENCE...DEFT'S MOTION FOR DISCOVERY

As to Deft's Motion to Admit Evidence, COURT ORDERED, Motion GRANTED as to Brady and Statutory discovery issues.

Court ruled upon the Specific Requests as follows:

1. The complete Clark County School District Student files for Tyana Hasan, COURT ORDERED, motion GRANTED.
2. The complete Clark County School District student files for Amia Hasan, COURT ORDERED, motion GRANTED.
3. The complete Clark County School District student files for James Moody, COURT ORDERED, motion GRANTED.

PRINT DATE: 12/09/2014

Page 1 of 2

Minutes Date: December 03, 2014

4. The complete Clark County School District student files for Kaylah Moody, COURT ORDERED, motion GRANTED.
5. The complete Clark County School District student files for Demarious Hasan, COURT ORDERED, motion GRANTED.
6. Any and all information from the Clark County Department of Family Services, The complete Clark County School District student files for James Moody, COURT ORDERED, motion GRANTED.
7. Any medical, mental health or school counseling records, COURT ORDERED, motion GRANTED.
8. Any LVMPD records, COURT ORDERED, motion GRANTED; DENIED as to notes.
9. Any and all records or information concerning financial benefits, COURT ORDERED, motion GRANTED.
10. Information concerning the criminal history in this or any other federal or state jurisdiction, COURT ORDERED, DENIED as OVERBROAD; counsel may review file.
11. Evidence to include any DNA analyses and or medial reports, COURT ORDERED, motion GRANTED.
12. Recordings of any intercepted telephone communications (jail calls) between the Defendant and any party, COURT ORDERED, motion GRANTED; counsel may subpoena records.
13. Copies of any intercepted written communication alleged to have been made by Mr. Williams, COURT ORDERED, GRANTED.

COURT ORDERED, Requests 1-7 to be submitted to the court for in-camera review.

As to Motion to Admit Evidence, following arguments by counsel, COURT ORDERED, matter CONTINUED for decision; Court to review Summit case.

CUSTODY

12/10/14 8:00 AM DEFT'S MOTION TO ADMIT EVIDENCE OF ALLEGED VICTIM'S ABILITY TO CONTRIVE A SEXUAL ASSAULT ALLEGATION AND THEORY OF DEFENSE EVIDENCE

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****December 10, 2014**

C-13-294607-1 State of Nevada
 vs
 Greg Williams

December 10, 2014 8:00 AM Motion to Admit Evidence

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 16D

COURT CLERK: Louisa Garcia

RECORDER: Jill Jacoby

PARTIES

PRESENT:	Holthus, Mary Kay	Attorney
	Speed, Kevin	Attorney
	State of Nevada	Plaintiff
	Williams, Greg Anthony	Defendant

JOURNAL ENTRIES

- Court advised Summitt was informative and goes against counsel's argument. The testimony in Summitt entered around the child's prior similar sexual experience. Court noted we are not in that situation; in Summitt the child had no prior sexual experience and the purpose of testimony in Summitt was to challenge the victim's credibility. Upon Court's inquiry, Mr. Speed advised he merely wanted to retain the right to argue about the mother's sexual activity if presented these complaining witnesses as girls who are too young to have any idea about the things they are describing, unless the acts alleged in this case actually happened to them. Mr. Speed stated that if the State argued this, he would inquire as to the children seeing their mother participate in certain activities; there would be few questions. Counsel stated in a sexual assault case, the only thing they have to show is the word of the complaining witness and trying to get to the truth. Ms. Holthus stated the mother's sexual activities only becomes relevant if the children were aware and if it contributed to the allegations in this case; otherwise it was impermissible character evidence. Ms. Holthus requested a hearing outside the presence of the jury to determine if there was any relevance. Court advised in balancing the probability versus the prejudicial effect the Court believes a hearing is necessary. COURT ORDERED, matter SET for hearing. Court instructed counsel to meet to secure

the witnesses and SET matter for a status check regarding the availability of those witnesses. Ms. Holthus stated she will be filing a second brief regarding the hearing comparing it to Miller.

CUSTODY

2/4/15 8:00 STATUS CHECK: AVAILABILITY OF WITNESSES FOR 3/5/15 HEARING

3/5/15 8:00 AM HEARING: DEFT'S MOTION TO ADMIT EVIDENCE OF ALLEGE VICTIM'S
ABILITY TO CONTRIVE A SEXUAL ASSAULT

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 04, 2015

C-13-294607-1 State of Nevada
 vs
 Greg Williams

February 04, 2015 8:00 AM Status Check

HEARD BY: Smith, Douglas E. **COURTROOM:** RJC Courtroom 11B

COURT CLERK: Louisa Garcia

RECORDER: Jill Jacoby

PARTIES

PRESENT:	Glasgow, Justin	Attorney
	State of Nevada	Plaintiff
	Sweetin, James R	Attorney
	Williams, Greg Anthony	Defendant

JOURNAL ENTRIES

- Pursuant to representations of Mr. Sweetin, COURT ORDERED, hearing date of March 5, 2015 STANDS. Mr. Glasgow stated he will notify Mr. Speed.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 05, 2015**

C-13-294607-1 State of Nevada
vs
Greg Williams

March 05, 2015 8:00 AM Hearing

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 11B

COURT CLERK: Louisa Garcia

RECORDER: Jill Jacoby

PARTIES

PRESENT:	Holthus, Mary Kay	Attorney
	Speed, Kevin	Attorney
	State of Nevada	Plaintiff
	Williams, Greg Anthony	Defendant

JOURNAL ENTRIES

- Ms. Holthus stated she spoke with Mr. Speed yesterday to figure out what the issues were and where they were going with today's hearing. State advised her investigator contacted the mother a couple of months ago to confirm her availability for today's hearing. Upon inquiry, mom informed her investigator she worked at an ice cream shop. Counsel stated it was her understanding from mom's statement she had not worked in the industry; therefore, that was enough of a witness. Ms. Holthus stated she spoke with mom again a couple of days ago and asked if she had ever worked in the sex industry and she stated she used to; however, the children were never aware of it. State advised that was the only relevance if the kids were aware of anything. At that time it was their position to bring the kids in to see what they knew, if anything, and then for the court to determine if a Petrocelli hearing was necessary. State advised she contacted mom again last night regarding today's hearing and at that time she was informed Mr. Speed and his investigator went to the school yesterday and pulled the children out of class, without her permission and interviewed them, and according to the email from the school Mr. Speed was also provided with their school records. Mr. Holthus argued this was borderline custody interference. Mr. Holthus provided emails to the Court. Court admonished Mr. Speed and advised he cannot do that; the Court will have to speak with Chief Judge. Court expressed concerns that counsel misrepresented himself to the school. Mr. Speed stated he signed in at the administration desk identifying that he was with the Public Defender's Office.

PRINT DATE: 03/19/2015

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Minutes Date: March 05, 2015

Discussions between court and counsel. Upon Court's inquiry, Mr. Speed stated he did not have any witnesses. COURT ADVISED, if there were no witnesses Motion DENIED. Mr. Speed requested an opportunity to present a defense that would show these children had prior sexual knowledge.

Court referenced school emails and stated it appears from the email counsel represented that he was from Metro. Mr. Speed advised he presented his badge and nowhere on that badge does it say Metropolitan Police Department. BRIEF RECESS.

Ms. Speed advised there are members of Mr. Williams' extended family in court this morning and the Defendant has asked that the exclusionary rule be invoked. Court advised it would consider it. Court advised it was a little troubled that Mr. Speed's investigator just spoke to the people he just asked to remove. Investigator McAllister SWORN and TESTIFIED as to what he told the family members in the courtroom.

Statements between Court and counsel regarding second email. Court advised it appears from the email the school assumed counsel was a Metro officer. If counsel led them to believe he was an officer and allowed this to go forward without clearly stating he was a public defender, that would be wrong. Court advised if it had more evidence it would go to the State Bar; the way this was handled was not correct. However, does not believe it rises to a level where it thinks there is an ethics violation. Colloquy regarding the office of the public defender and their investigative methods. State advised the primary reason for bringing this to the Court's attention was the girls thought they were speaking with an officer. Colloquy regarding policies and procedures of the public defender's office. Mr. Richards present from the Public Defender's Office. Statement by Mr. Richards. Ms. Holthus expressed concerns regarding policies. Mr. Richards stated this issue has come up before and has been addressed it, and they will continue to address it.

Mr. Speed provided the Court with the school records which the court previously granted for in camera review. Mr. Speed advised he instructed the administration to seal the records for the Court's review. Court reviewed records in camera and stated they were attendance records and grades and advised they were not relevant. Colloquy. COURT ORDERED, based on previous motion, records are not relevant and ORDERED, Motion DENIED. As to CPS records, Ms. Holthus will follow up with requested records.

Court advised this was a cautionary motion to cross examine the children; a Petrocelli hearing was not required. Mr. Speed stated this was not a bad acts motion only to ask what the children had access to in the home; if they witnessed the mother working in the sex industry. Court believes the hearing needs to go forward with children. Colloquy.

Upon court's inquiry, Mr. Speed's Investigator stated the interview was recorded. Court instructed Investigator McAllister to make a copy and provide it to the State. Statement by Investigator McAllister. Upon Court's inquiry, Mr. Speed stated there were questions asked specifically about sexual business and what they knew about their mother and this type of activity Ms. Holthus stated she had a hugh problem with that. Court advised that affects the whole hearing and does know how

this can be fixed. Mr. Speed requested the court rule in their a favor allowing them to present a defense in how the children obtained their knowledge. Ms. Holthus argued if the recording of the children was not relevant then does not know if it would be necessary to put the kids up. Opposition by Mr. Speed. COURT ORDERED, Motion to go into sexual content with children, DENIED. Mr. Speed requested the Court withhold its ruling until it hears the recording. COURT ADVISED, counsel may file a motion.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 27, 2015

C-13-294607-1 State of Nevada
 vs
 Greg Williams

May 27, 2015 8:00 AM Calendar Call

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 16D

COURT CLERK: Louisa Garcia

RECORDER: Jill Jacoby

PARTIES

PRESENT:	Kollins, Stacy L.	Attorney
	Speed, Kevin	Attorney
	State of Nevada	Plaintiff
	Williams, Greg Anthony	Defendant

JOURNAL ENTRIES

- Mr. Speed advised not ready to proceed as they just received DNA discovery that needs to be reviewed by an expert. Upon inquiry, Defendant waived his speedy trial rights. COURT ORDERED, trial date VACATED and RESET.

CUSTODY

10/7/15 8:00 AM CALENDAR CALL

10/12/15 9:30 AM JURY TRIAL

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

October 07, 2015

C-13-294607-1 State of Nevada
vs
Greg Williams

October 07, 2015 8:00 AM Calendar Call

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 11B

COURT CLERK: April Watkins

RECORDER: Jill Jacoby

PARTIES

PRESENT:	Kollins, Stacy L.	Attorney for Pltf.
	Speed, Kevin	Attorney for Deft.
	State of Nevada	Plaintiff
	Williams, Greg Anthony	Defendant

JOURNAL ENTRIES

- Upon Court's inquiry, Mr. Speed advised matter is not overflow eligible, counsel is not ready to proceed and will need a later start time than October 12, 2015. Further, Mr. Speed advised there are new witnesses that need to be interviewed.

MATTER RECALLED:

Ms. Kollins advised offer at this time is withdrawn. State offered attempt lewdness and attempt sexual assault with the State retaining the right to argue. COURT ORDERED, trial date VACATED and RESET.

CUSTODY

12/30/15 8:00 AM CALENDAR CALL

1/11/16 9:30 AM JURY TRIAL

PRINT DATE: 10/13/2015

Page 1 of 2

Minutes Date: October 07, 2015

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 30, 2015

C-13-294607-1 State of Nevada
 vs
 Greg Williams

December 30, 2015 8:00 AM Calendar Call

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 11B

COURT CLERK: Tena Jolley (tmj)
Jennifer Kimmel

RECORDER: Jill Jacoby

PARTIES

PRESENT:	Kollins, Stacy L.	DA/Attorney for State of Nevada
	Speed, Kevin C.	PD/Attorney for Defendant
	Williams, Greg Anthony	Defendant

JOURNAL ENTRIES

- Ms. Kollins advised that Mr. Speed contacted her last week requesting underlying DNA data, which was provided as soon as she got it; that recalculations were provided at the last calendar call; and expects Mr. Speed will need a continuance of the trial. Mr. Speed requested a continuance of the trial in order to have an expert to review the DNA data. COURT ORDERED, Trial dates VACATED and RESET in the ordinary course. COURT FURTHER ORDERED, Status Check SET regarding trial readiness.

CUSTODY

2/17/16 8:00 AM STATUS CHECK: TRIAL READINESS

3/16/16 8:00 AM CALENDAR CALL

3/28/16 9:30 AM JURY TRIAL

PRINT DATE: 12/31/2015

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Minutes Date: December 30, 2015

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 17, 2016

C-13-294607-1 State of Nevada
 vs
 Greg Williams

February 17, 2016 8:00 AM Status Check: Trial Readiness

HEARD BY: Smith, Douglas E. **COURTROOM:** RJC Courtroom 11B

COURT CLERK: Keri Cromer

RECORDER: Jill Jacoby

PARTIES	Kollins, Stacy L.	Attorney for State
PRESENT:	Speed, Kevin C.	Attorney for Deft.
	State of Nevada	Plaintiff
	Williams, Greg Anthony	Defendant

JOURNAL ENTRIES

- Mr. Speed announced ready for trial. State advised it should be ready and that it had not received expert notice from Mr. Speed yet.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****March 16, 2016**

C-13-294607-1 State of Nevada
 vs
 Greg Williams

March 16, 2016 8:00 AM Calendar Call

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 11B

COURT CLERK: Tena Jolley

RECORDER: Jill Jacoby

PARTIES**PRESENT:**

Kollins, Stacy L.
Speed, Kevin C.
Williams, Greg Anthony

DA/ Attorney for State of Nevada
PD/ Attorney for Defendant
Defendant

JOURNAL ENTRIES

- Ms. Kollins indicated she received a call from Mr. Speed last week regarding the Clark County School Records he had requested, which Ms. Kollins just received those records, that during a previous hearing March 5, 2016 the Court took the school records acquired by Mr. Speed and his investigator and deemed those irrelevant. She also learned that when this Court denied a motion for the childrens' basis of sexual knowledge, a hearing was had where Mr. Speed and his investigator interviewed those kids out at their schools and those interviews were recorded and have never been produced to the State. Additionally the Child Protective Services (CPS) records were recently dropped off to Chambers for an in-camera review.

Ms. Kollins announced ready for trial, however wanted to make all concerned aware that she is set already for trial in another case in Department 20 the week prior to this trial setting which may continue into the Monday start date of this trial and requested a start date of March 29, 2016. Mr. Speed stated the audio of those two interviews were sent to Ms. Kollins' office yesterday. Court noted it had not had an opportunity to review the CPS records. COURT ORDERED, Trial RESET to March 29, 2016, and DIRECTED Mr. Speed to make sure the copies of the audio recordings had been delivered to Ms. Kollins. Mr. Speed acknowledged and indicated he would confirm the delivery.

PRINT DATE: 03/17/2016

Page 1 of 2

Minutes Date: March 16, 2016

C-13-294607-1

CUSTODY

3/29/16 9:30 AM JURY TRIAL (FIRM)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 23, 2016

C-13-294607-1 State of Nevada
 vs
 Greg Williams

March 23, 2016 8:00 AM Status Check: Transcript

HEARD BY: Smith, Douglas E. **COURTROOM:** RJC Courtroom 11B

COURT CLERK: Shelley Boyle

RECORDER: Jill Jacoby

PARTIES

PRESENT:	Kollins, Stacy L.	Attorney for State
	Rhoades, Kristina A.	Attorney for State
	Speed, Kevin C.	Attorney for Deft.
	Williams, Greg Anthony	Defendant

JOURNAL ENTRIES

- Following extensive colloquy and argument regarding transcripts outstanding from both the Deft. and State, at the Court's suggestion, the parties agreed to meet for a trial review to exchange the required transcripts. Colloquy regarding the upcoming Motions. Following argument and colloquy regarding constitutional issues, COURT DENIED Mr. Speed's oral request to file a Motion to Suppress on an Order Shortening Time in open court; the State can file an opposition, Mr. Speed can submit the Motion to Chambers with an Affidavit explaining why the Motion is so late.

CUSTODY

PRINT DATE: 03/28/2016

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Minutes Date: March 23, 2016

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 28, 2016**

C-13-294607-1 State of Nevada
 vs
 Greg Williams

March 28, 2016 8:00 AM All Pending Motions

HEARD BY: Smith, Douglas E.**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** Shelley Boyle**RECORDER:** Jill Jacoby**PARTIES**

PRESENT:	Kollins, Stacy L.	Attorney for State
	Rhoades, Kristina A.	Attorney for State
	Speed, Kevin C.	Attorney for Deft.
	Williams, Greg Anthony	Defendant

JOURNAL ENTRIES

- DEFENDANT'S MOTION IN LIMINE (FOR AN ORDER EXCLUDING IMPERMISSIBLE EVIDENCE)...DEFT'S MOTION TO SEVER COUNTS RELATING TO DIFFERENT VICTIMS...DEFT'S RENEWED MOTION TO ADMIT EVIDENCE OF ALLEGED VICTIMS' ABILITY TO CONTRIVE A SEXUAL ASSAULT ALLEGATION AND THEORY OF DEFENSE EVIDENCE

Deft s Motion to Discharge Mr. Kevin Speed as Attorney of Record Pursuant to Nevada RPC 1.16. and Deft's Motion to Suppress Evidence Related to DNA Analysis FILED IN OPEN COURT

DEFT'S MOTION TO DISCHARGE MR. KEVIN SPEED AS ATTORNEY OF RECORD PURSUANT TO NEVADA RPC 1.16

COURT NOTED, Deft's Motion is late. Statement by Deft. COURT ADMONISHED Deft. anything he says may be used against him. Deft. ACKNOWLEDGED Court's admonishment, and continued his statement. Deft. advised he did not wish for Mr. Speed represent him any further, noted issues in receiving discovery, and argued his perceived issues. COURT NOTED Deft. can submit the Motion, though it is late. Ms. Kollins argued Deft. tried to negotiate the deal offered by the State, then declined the State's offer. COURT reviewed Deft's Motion, ORDERED Motion DENIED, and

PRINT DATE: 04/05/2016

Page 1 of 2

Minutes Date: March 28, 2016

ADVISED the trial will start tomorrow at 9:30 a.m. Colloquy regarding the State's offer to Deft, and the possible sentence imposed if Deft. is found guilty; the State put their current offer on the record. MATTER TRAILED, for Deft. to discuss the offer with counsel.

MATTER RECALLED, Deft's. father, Elder Melvin Samuels present. All parties present as before. Mr. Speed advised following discussions regarding the State's current offer, Deft's best option is to proceed to trial. COURT NOTED, trial begins tomorrow at 9:30 a.m. Upon Court's inquiry, Mr. Speed advised the trial is expected to last 5 days, Ms. Kollins advised the State has 10 witnesses, Mr. Speed advised he expects a minimum of 3 witnesses. Colloquy regarding the filing of expert witness notices.

DEFENDANT'S MOTION IN LIMINE (FOR AN ORDER EXCLUDING IMPERMISSIBLE EVIDENCE)

Mr. Speed argued in favor of the Motion. Argument by Ms. Kollins. COURT ORDERED, Motion GRANTED IN PART, DENIED IN PART; GRANTED, as to the domestic violence. DENIED, as to suspicious behavior.

DEFT'S MOTION TO SEVER COUNTS RELATING TO DIFFERENT VICTIMS

Mr. Speed argued in favor of the Motion. Argument by Ms. Kollins. COURT ORDERED, Motion DENIED.

DEFT'S MOTION TO SUPPRESS EVIDENCE RELATED TO DNA ANALYSIS

Mr. Speed argued in favor of the Motion. Argument by Ms. Kollins. COURT ORDERED, Motion DENIED as to both victims; if something comes up that appears relevant, the parties are to approach the bench first.

COURT INFORMED counsel Jury Instructions are due no later than 1 p.m. Wednesday.

DEFT'S MOTION TO SUPPRESS EVIDENCE RELATED TO DNA ANALYSIS

Mr. Speed argued in favor of the Motion. Argument by Ms. Kollins. Mr. Speed provided a copy to the Court. COURT ORDERED, RULING DEFERRED, pending review.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 29, 2016

C-13-294607-1 State of Nevada
 vs
 Greg Williams

March 29, 2016 9:30 AM Jury Trial

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 11B

COURT CLERK: Tena Jolley (tmj)
Shelley Boyle

RECORDER: Jill Jacoby

PARTIES

PRESENT:	Kollins, Stacy L.	DA/Attorney for State of Nevada
	Rhoades, Kristina A.	DA/Attorney for State of Nevada
	Ross, Katrina	PD/Attorney for Defendant
	Speed, Kevin C.	PD/Attorney for Defendant
	Williams, Greg Anthony	Defendant

JOURNAL ENTRIES

- Second Amended Information FILED IN OPEN COURT.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS:

Mr. Speed requested suppression of the DNA evidence. Court DENIED Mr. Speed's request.

PROSPECTIVE JURORS PRESENT and SWORN. Introductions and opening remarks presented by the Court, followed by introductions of counsel. Voir dire oath administered. Voir Dire of panel commenced.

Tena Jolley no longer present. Shelley Boyle present. Jury Admonished and excused for recess.

OUTSIDE THE PRESENCE OF THE JURY:

Colloquy regarding Voir Dire of the Venire panel and the Court's procedures. Mr. Speed argued for the dismissal of potential juror's badge #69 and badge #18. Argument by Ms. Kollins. Court DENIED Mr. Speed's request. Colloquy regarding the Venire panel representing a cross section of the

PRINT DATE: 05/10/2016

Page 1 of 2

Minutes Date: March 29, 2016

C-13-294607-1

community.

JURY PRESENT.

Void Dire resumed. COURT ADMONISHED and EXCUSED the Venire Panel for the EVENING RECESS, and ORDERED, Trial CONTINUES.

CUSTODY

03/30/16 9:30 AM TRIAL CONTINUES

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 30, 2016

C-13-294607-1 State of Nevada
vs
Greg Williams

March 30, 2016 9:30 AM Jury Trial

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 11B

COURT CLERK: Tena Jolley

RECORDER: Jill Jacoby

PARTIES

PRESENT:	Kollins, Stacy L.	DA/Attorney for State of Nevada
	Rhoades, Kristina A.	DA/Attorney for State of Nevada
	Ross, Katrina	PD/Attorney for Defendant
	Speed, Kevin C.	PD/Attorney for Defendant
	Williams, Greg Anthony	Defendant

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS:

Ms. Kollins indicated there were portions of the 9-1-1 tape that Mr. Speed had raised an objection to and the State had agreed to redact portions of the transcript. Mr. Speed indicated he had not been able to review it and when he did, any objections would be brought to the Court attention. Mr. Speed further raised an objection on the State's Peremptory Challenge was race based per Batson. Ms. Kollins indicated it was Mr. Speed who removed the first African American and that there was no pattern exhibited by the State. Court reminded counsel to be careful in the future.

PROSPECTIVE JURORS PRESENT:

General Voir Dire continued with peremptory challenges and excusals for case. Jury panel selected and sworn; balance of the jury panel thanked and excused. COURT ADMONISHED and EXCUSED the jury for LUNCH RECESS.

JURORS PRESENT:

Second Amended Information read to the jury. Opening Statements by counsel. Testimony and Exhibits presented. (See Worksheets).

PRINT DATE: 05/10/2016

Page 1 of 2

Minutes Date: March 30, 2016

C-13-294607-1

COURT ADMONISHED and EXCUSED the jury for the EVENING RECESS. COURT ORDERED,
Trial CONTINUED.

CUSTODY

03/31/16 9:30 AM TRIAL CONTINUES

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 31, 2016

C-13-294607-1 State of Nevada
 vs
 Greg Williams

March 31, 2016 9:30 AM Jury Trial

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 11B

COURT CLERK: Tena Jolley

RECORDER: Jill Jacoby

PARTIES

PRESENT:	Kollins, Stacy L.	DA/Attorney for State of Nevada
	Rhoades, Kristina A.	DA/Attorney for State of Nevada
	Ross, Katrina	PD/Attorney for Defendant
	Speed, Kevin C.	PD/Attorney for Defendant
	Williams, Greg Anthony	Defendant

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY: Exclusionary Rule INVOKED.

JURY PRESENT:

Testimony and exhibits presented. (See Worksheets.) COURT ADMONISHED and EXCUSED the jury for the EVENING RECESS.

OUTSIDE THE PRESENCE OF THE JURY: Objections put on the record by counsel. Mr. Speed argued the State's expert conflates two different values, the random match and source probability; the State's reference to skin cells, not the epithelial; and requested a curative instruction. COURT DENIED request. COURT ORDERED, trial CONTINUED.

CUSTODY

04/01/16 9:00 AM TRIAL CONTINUES

PRINT DATE: 05/10/2016

Page 1 of 1

Minutes Date: March 31, 2016

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 01, 2016

C-13-294607-1 State of Nevada
 vs
 Greg Williams

April 01, 2016 9:00 AM Jury Trial

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 11B

COURT CLERK: Tena Jolley

RECORDER: Jill Jacoby
Debbie Winn

PARTIES

PRESENT:	Kollins, Stacy L.	DA/Attorney for State of Nevada
	Rhoades, Kristina A.	DA/Attorney for State of Nevada
	Ross, Katrina	PD/Attorney for Defendant
	Speed, Kevin C.	PD/Attorney for Defendant
	Williams, Greg Anthony	Defendant

JOURNAL ENTRIES

- State's Bench Memorandum in Support of Precluding Hearsay Pursuant to NRS 51.255 FILED IN OPEN COURT.

OUTSIDE THE PRESENCE OF THE JURY:

Court advised Defendant of his right not to testify. Juror #10 questioned outside the presence of the other jurors then left the courtroom to join the rest of the jurors. Arguments by counsel put on the record. COURT FOUND Ms. Robertson is an expert in her field and will be allowed to testify.

JURY PRESENT:

Mr. Speed requested that a witness in the courtroom be removed pursuant to the exclusionary rule; witness removed. Further testimony and exhibits presented. (See Worksheets.) State RESTED. Defense RESTED. Court ADMONISHED and EXCUSED the Jury for the EVENING RECESS. COURT ORDERED, Trial CONTINUED.

CUSTODY

PRINT DATE: 05/10/2016

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Minutes Date: April 01, 2016

C-13-294607-1

04/04/16 9:30 AM TRIAL CONTINUES

PRINT DATE: 05/10/2016

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Minutes Date: April 01, 2016

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 04, 2016

C-13-294607-1 State of Nevada
vs
Greg Williams

April 04, 2016 9:30 AM Jury Trial

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 11B

COURT CLERK: Keri Cromer

RECORDER: Jill Jacoby

PARTIES	Kollins, Stacy L.	Attorney for State
PRESENT:	Rhoades, Kristina A.	Attorney for State
	Ross, Katrina	Attorney for Deft.
	Speed, Kevin C.	Attorney for Deft.
	State of Nevada	Plaintiff
	Williams, Greg Anthony	Defendant

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY

Jury Instructions and Verdict Form settled on the record.

JURY PRESENT

Counsel stipulated to the presence of the jury. Court instructed the jury. Closing arguments by Ms. Rhoades and Mr. Speed. Court admonished and excused the jury for recess. Closing arguments by Ms. Kollins. Clerk administered oath to Marshal and Department Judicial Executive Assistant. Alternates #13 and 14 revealed, thanked, and excused by the Court. At the hour of 1:31 PM, the jury retired to deliberate. At the hour of 3:57 PM the jury returned with the following verdict:

COUNT 1 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14: GUILTY
COUNT 2 LEWDNESS WITH A CHILD UNDER THE AGE OF 14: GUILTY
COUNT 3 LEWDNESS WITH A CHILD UNDER THE AGE OF 14: GUILTY
COUNT 4 SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE: GUILTY

PRINT DATE: 04/04/2016

Page 1 of 2

Minutes Date: April 04, 2016

COUNT 5 LEWDNESS WITH A CHILD UNDER THE AGE OF 14: GUILTY
COUNT 6 SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE: GUILTY
COUNT 7 LEWDNESS WITH A CHILD UNDER THE AGE OF 14: GUILTY
COUNT 8 SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE: GUILTY
COUNT 9 LEWDNESS WITH A CHILD UNDER THE AGE OF 14: GUILTY
COUNT 10 SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE: NOT
GUILTY
COUNT 11 LEWDNESS WITH A CHILD UNDER THE AGE OF 14: NOT GUILTY
COUNT 12 SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE: NOT
GUILTY
COUNT 13 LEWDNESS WITH A CHILD UNDER THE AGE OF 14: NOT GUILTY
COUNT 14 SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE: NOT
GUILTY
COUNT 15 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14: NOT GUILTY

Jury polled. Court thanked and excused the jury. COURT ORDERED, matter SET for sentencing;
Deft. REMANDED into the custody of the Clark County Detention Center (CCDC) WITHOUT BAIL.

CUSTODY

5/23/2016 - 8:00 AM - SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 23, 2016

C-13-294607-1 State of Nevada
vs
Greg Williams

May 23, 2016 8:00 AM Sentencing

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 11B

COURT CLERK: Tena Jolley

RECORDER: Jill Jacoby

PARTIES

PRESENT:

Kollins, Stacy L.
Speed, Kevin C.
Williams, Greg Anthony

DA/ Attorney for State of Nevada
PD/ Attorney for Defendant
Defendant

JOURNAL ENTRIES

- Mr. Speed requested the matter be continued one week to give him an opportunity to review letters written by family members. There being no objection by the State, COURT ORDERED, matter CONTINUED.

CUSTODY

CONTINUED TO: 6/13/16 8:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 13, 2016

C-13-294607-1 State of Nevada
vs
Greg Williams

June 13, 2016 8:00 AM Sentencing

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 11B

COURT CLERK: Tena Jolley

RECORDER: Jill Jacoby

PARTIES

PRESENT:	Kollins, Stacey L.	DA/ Attorney for State of Nevada
	Rhoades, Kristina A.	DA/ Attorney for State of Nevada
	Speed, Kevin C.	Attorney for Defendant
	Williams, Greg Anthony	Defendant

JOURNAL ENTRIES

- DEFT. WILLIAMS ADJUDGED GUILTY of COUNTS 1, 2, 3, 5, 7 and 9 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (F) and COUNTS 4, 6 and 8 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (F). Court noted it had received more letters of support than any other case in his 22 years on the bench. Mr. Speed presented additional letters. All letters of support were marked as Court's Exhibit 1 (see worksheet). Matter argued and submitted. Statement by Defendant. Court stated there were limitations on what a judge can do as far as minimum and maximum sentences and ORDERED, in addition to the \$25.00 Administrative Assessment fee, a \$150.00 DNA Analysis fee including testing to determine genetic markers, a \$3.00 DNA Collection fee, a \$250.00 Indigent Defense Civil Assessment fee, and RESTITUTION in the amount of \$3,976.80, Deft. SENTENCED to the Nevada Department of Corrections (NDC) as to COUNT 1 to a MINIMUM of ONE HUNDRED TWENTY (120) MONTHS and a MAXIMUM of LIFE; as to COUNT 2 to a MINIMUM of ONE HUNDRED TWENTY (120) MONTHS and a MAXIMUM of LIFE, to run CONCURRENT with COUNT 1; as to COUNT 3 to a MINIMUM of ONE HUNDRED TWENTY (120) MONTHS and a MAXIMUM of LIFE, to run CONCURRENT with COUNTS 1 and 2; and with RESTITUTION as to COUNTS 1, 2 and 3, in the amount of \$3,976.80; as to COUNT 4 to a MINIMUM of FOUR HUNDRED AND TWENTY (120) MONTHS and a MAXIMUM of LIFE, to run CONSECUTIVE to COUNTS 1, 2 and 3; as to COUNT 6 to a MINIMUM of FOUR HUNDRED AND

PRINT DATE: 06/20/2016

Page 1 of 2

Minutes Date: June 13, 2016

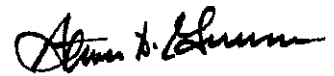
TWENTY (120) MONTHS and a MAXIMUM of LIFE, to run CONSECUTIVE to COUNTS 1, 2, 3 and 4, as to COUNT 8 to a MINOR HUNDRED AND TWENTY (120) MONTHS and a MAXIMUM of LIFE, to run CONSECUTIVE to COUNTS 1, 2, 3, 4 and 6; with ONE THOUSAND TEN (1,010) DAYS credit for time served; COUNTS 5, 7 and 9 are DISMISSED. Defendant's AGGREGATE TOTAL SENTENCE is a MINIMUM of ONE THOUSAND THREE HUNDRED EIGHTY (1,380) MONTHS and a MAXIMUM of LIFE in the NDC.

COURT FURTHER ORDERED Defendant to register as a sex offender in accordance with NRS 179D.460 within 48 hours after sentencing. ADDITIONALLY COURT ORDERED, a special SENTENCE OF LIFETIME SUPERVISION IMPOSED to commence upon release from any term of probation, parole or imprisonment.

BOND, if any, EXONERATED.

NDC

CLERK'S NOTE: Following the hearing Court clarified that the above statutory fees are to be included.



CLERK OF THE COURT

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA
7

8 THE STATE OF NEVADA,

9 Plaintiff,

10 vs.

11 GREGORY ANTHONY WILLIAMS,

12 Defendant.
13

CASE NO. C-13-294607-1

DEPT. VIII

(ARRAIGNMENT HELD IN DEPT. LLA)

14
15 BEFORE THE HONORABLE MELISA DE LA GARZA, HEARING MASTER
16 MONDAY, DECEMBER 16, 2013

17 **RECORDER'S TRANSCRIPT OF HEARING RE:**
18 **INITIAL ARRAIGNMENT**

19 APPEARANCES:

20 For the State:

JESSICA WALSH, ESQ.,
Deputy District Attorney

21
22 For the Defendant:

KEVIN C. SPEED, ESQ.,
Deputy Public Defender

23
24
25 RECORDED BY: KIARA SCHMIDT, COURT RECORDER

1 MONDAY, DECEMBER 16, 2013

2 * * * * *

3 PROCEEDINGS

4
5 THE COURT: State of Nevada versus Greg Williams, C294607.

6 Are you going to be here on the 27th?

7 MR. SPEED: Yes.

8 THE COURT: All right. December 27th, 10:30. All right. Thank you,
9 sir.

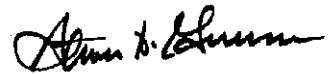
10 (Whereupon, the proceedings concluded.)

11 * * * * *

12 ATTEST: I do hereby certify that I have truly and correctly transcribed the
13 audio/video proceedings in the above-entitled case to the best of my ability.

14 

15 Kiara Schmidt, Court Recorder/Transcriber



CLERK OF THE COURT

TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

GREGORY ANTHONY WILLIAMS,

Defendant.

CASE NO. C-13-294607-1

DEPT. VIII

(ARRAIGNMENT HELD IN DEPT. LLA)

BEFORE THE HONORABLE MELISA DE LA GARZA, HEARING MASTER
FRIDAY, DECEMBER 27, 2013

**RECORDER'S TRANSCRIPT OF HEARING RE:
ARRAIGNMENT CONTINUED**

APPEARANCES:

For the State:

ELISSA LUZAICH, ESQ.,
Chief Deputy District Attorney

For the Defendant:

KEVIN C. SPEED, ESQ.,
Deputy Public Defender

RECORDED BY: KIARA SCHMIDT, COURT RECORDER

1 FRIDAY, DECEMBER 27, 2013

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3 P R O C E E D I N G S

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5 THE COURT: State of Nevada versus Greg Williams, C294607. He
6 is present in custody. Mr. Speed is here on his behalf. Good morning, counsel.

7 MR. SPEED: Good morning, your Honor. Kevin Speed for
8 Mr. Williams who is present in custody. This was the time set for the entry of his
9 guilty plea, however, Mr. Williams has informed us that he is deciding to plead not
10 guilty and proceed to trial.

11 THE COURT: Okay. So we can just set this for anytime next week.
12 Since it's a not-guilty it really doesn't need to be on the special calendar. So do
13 you want me to still --

14 MR. SPEED: Thursday, the 2nd.

15 THE COURT: Because of the holidays you want me to give it like --

16 MR. SPEED: I'll be in court on the 2nd.

17 THE COURT: -- two weeks?

18 MR. SPEED: I'll be in court on the 2nd.

19 THE COURT: Okay. Let's do the 2nd, then.

20 THE CLERK: At 9:30?

21 THE COURT: 9:30.

22 THE CLERK: January 2nd, at 9:30.

23 THE COURT: All right. Thank you, Mr. Speed.

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MR. SPEED: Thank you, your Honor.

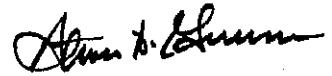
(Whereupon, the proceedings concluded.)

* * * * *

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.



Kiara Schmidt, Court Recorder/Transcriber



CLERK OF THE COURT

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DISTRICT COURT
CLARK COUNTY, NEVADA

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THE STATE OF NEVADA,

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Plaintiff,

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vs.

11

GREGORY ANTHONY WILLIAMS,

12

Defendant.

13

14

BEFORE THE HONORABLE MELISA DE LA GARZA, HEARING MASTER
THURSDAY, JANUARY 02, 2014

15

16

**RECORDER'S TRANSCRIPT OF HEARING RE:
ARRAIGNMENT CONTINUED**

17

18

19

APPEARANCES:

20

For the State:

CARA LEA CAMPBELL, ESQ.,
Chief Deputy District Attorney

21

22

For the Defendant:

KEVIN C. SPEED, ESQ.,
Deputy Public Defender

23

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RECORDED BY: KIARA SCHMIDT, COURT RECORDER

1 THURSDAY, JANUARY 02, 2014

2 * * * * *

3 P R O C E E D I N G S

4
5 THE COURT: State of Nevada versus Greg Williams, C294607-1.
6 He is present in custody. Mr. Speed is here on his behalf. Counsel?

7 MR. SPEED: Good morning, your Honor. Kevin Speed for
8 Mr. Williams. This was the time set for arraignment. The State was in the
9 process of preparing and filing an amended Information.

10 MS. CAMPBELL: Looks like we did file it already. I will hand
11 Mr. Speed two copies of it.

12 MR. SPEED: If the Court will give me just a moment.

13 THE COURT: Sure. You want to go through that with your client? I
14 can trail it for a minute.

15 MR. SPEED: Just making sure that the number is correct, and it is.

16 THE COURT: Okay.

17 MR. SPEED: I've received a copy of the amended Information.
18 We'd waive reading.

19 THE COURT: All right, sir. You understand the charges against
20 you?

21 THE DEFENDANT: Yes.

22 THE COURT: How do you plead?

23 THE DEFENDANT: Not guilty, your Honor.

24 THE COURT: You do have a right to a trial within 60 days. Do you
25 want to waive or invoke that right?

1 THE DEFENDANT: Waive.

2 THE COURT: Ordinary course.

3 THE CLERK: Calendar call is April 9th, 8:00 a.m. Trial date,
4 April 14th, 9:30 a.m., Department 8.

5 THE COURT: All right. Thank you, sir.

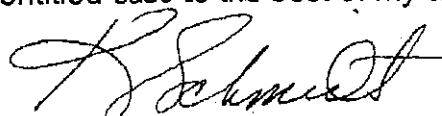
6 MR. SPEED: Thank you, your Honor.

7 THE COURT: Thank you, Mr. Speed.

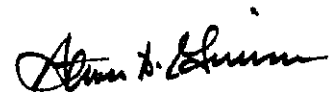
8 (Whereupon, the proceedings concluded.)

9 * * * * *

10 ATTEST: I do hereby certify that I have truly and correctly transcribed the
11 audio/video proceedings in the above-entitled case to the best of my ability.

12 

13 Kiara Schmidt, Court Recorder/Transcriber


CLERK OF THE COURT

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DISTRICT COURT
CLARK COUNTY, NEVADA

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8 STATE OF NEVADA,

CASE NO. C294607

9

Plaintiff,

DEPT. VIII

10 vs.

11

12 GREGORY ANTHONY WILLIAMS,

13

Defendant.

14

BEFORE THE HONORABLE DOUGLAS E. SMITH, DISTRICT COURT JUDGE

15

WEDNESDAY, JANUARY 22, 2014

16

**TRANSCRIPT OF PROCEEDINGS
REQUEST**

17

18 APPEARANCES:

19

For the State:

JOHN FATTIG, ESQ.
Chief Deputy District Attorney

20

21

For the Defendant:

KEVIN C. SPEED, ESQ.
Deputy Public Defender

22

23

24

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RECORDED BY: JILL JACOBY, COURT RECORDER

1 WEDNESDAY, JANUARY 22, 2014 AT 8:30 A.M.

2
3 MR. SPEED: Your Honor, I have one other, State v Greg Williams.

4 THE COURT: What page?

5 MR. SPEED: I'm not sure, it doesn't appear.

6 THE MARSHAL: I didn't see it on calendar.

7 MR. SPEED: It doesn't appear on calendar. I received a setting slip from the
8 District Attorney's office.

9 THE CLERK: It just didn't make it on the calendar.

10 THE COURT: Okay.

11 MR. FATTIG: Looks like it was like a late add, maybe, but it didn't make the
12 calendar.

13 MR. SPEED: You got it.

14 MR. FATTIG: I do have the file.

15 THE COURT: C294607, Greg Williams.

16 MR. SPEED: He may not be present, Your Honor. We ask the Court to set
17 this on its calendar to continue the trial date.

18 THE COURT: Any objection by the State?

19 MR. SPEED: This was the State's request, Your Honor.

20 MR. FATTIG: Yeah. No --

21 MR. SPEED: And we have no objection to it.

22 THE COURT: Oh, you have no objection?

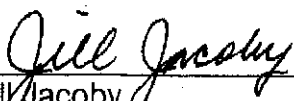
23 MR. FATTIG: We would just ask for a written acknowledgment from the
24 Defendant.

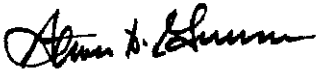
25 THE COURT: All right. Reset the trial date. Ordinary course, out of custody.

1 THE CLERK: June 2nd at 9:30.
2 MR. SPEED: He's actually in custody, Your Honor.
3 THE COURT: Oh, I thought you said he was out of custody.
4 MR. SPEED: No, no, no. He is not here in court today --
5 THE COURT: Oh, okay.
6 MR. SPEED: -- this was a late add to the calendar.
7 THE COURT: In custody.
8 MR. SPEED: Sometime in September or October is when Ms. Holthus said
9 that she was free.
10 THE CLERK: October 20th at 9:30. Calendar call is October 15th at 8 a.m.
11 MR. SPEED: Thank you.
12 [Proceeding concluded at 8:31 a.m.]

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ATTEST: I hereby certify that I have truly and correctly transcribed the audio/visual recording in the above-entitled case.


Jill Jacoby
Court Recorder


CLERK OF THE COURT

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DISTRICT COURT
CLARK COUNTY, NEVADA

8 STATE OF NEVADA,

9 Plaintiff,

10 vs.

11
12 GREGORY ANTHONY WILLIAMS,

13 Defendant.

CASE NO. C294607

DEPT. VIII

14 BEFORE THE HONORABLE DOUGLAS E. SMITH, DISTRICT COURT JUDGE

15 WEDNESDAY, OCTOBER 15, 2014

16 **TRANSCRIPT OF PROCEEDINGS**
17 **CALENDAR CALL**

18 APPEARANCES:

19 For the State:

MARY KAY HOLTHUS, ESQ.
Chief Deputy District Attorney

20
21 For the Defendant:

KEVIN C. SPEED, ESQ.
Deputy Public Defender

22
23
24
25 RECORDED BY: JILL JACOBY, COURT RECORDER

1 WEDNESDAY, OCTOBER 15, 2014 AT 8:10 A.M.

2
3 THE COURT: C294607, Gregory Williams. Gregory Williams.

4 You ready to go to trial?

5 MS. JONES: And, Your Honor, we're waiting for Ms. Holthus from our office
6 on this case.

7 MR. O'BRIEN: Similar for us, we have a specialty attorney.

8 THE COURT: You're waiting for Holthus to come in and defend it?

9 MR. O'BRIEN: Similar, not the same.

10 THE COURT: Okay. Well, then we can't go through overflows because that
11 one -- that's the one that's going. We'll pass up the rest of calendar calls.

12 [Matter trailed at 8:10 a.m.]

13 [Matter recalled at 9:27 a.m.]

14 THE COURT: C294607, Gregory Williams.

15 MR. SPEED: Good morning, Your Honor. Kevin Speed for Mr. Williams who
16 is present, in custody. This is the time set for calendar call and the announcement
17 of readiness here. Unfortunately, I am not ready to proceed to trial in Mr. Williams'
18 case. I have another trial pending in Department 3 that was sent to overflow last
19 Friday. We couldn't find an available courtroom so we're going back to
20 Department 3 tomorrow to see if we can have better luck in Department 17 on
21 Friday.

22 And in addition to that, I have two motions to file.

23 THE COURT: I don't -- I don't show that he waived his right, but did he waive
24 his right to a speedy --

25 MR. SPEED: He has.

1 THE COURT: Okay. Any objection by the State?
2 MS. HOLTHUS: No, Judge.
3 THE COURT: Matter is reset. And then file your motions.
4 MR. SPEED: Ms. Holthus has seen both of these, Your Honor.
5 THE COURT: Okay.
6 MS. HOLTHUS: I signed them, Kevin.
7 MR. SPEED: Has seen and signed. I wanted to have a file-stamped copy to
8 provide to her.
9 THE CLERK: We're resetting it?
10 THE COURT: Yes.
11 THE CLERK: Okay. Calendar call is June 3rd at 8 a.m. Trial is June 8th at
12 9:30.
13 MR. SPEED: Can we have that June 1st date? You said Ms. Radosta is on
14 the 8th.
15 THE CLERK: The first of June -- you want the first date?
16 MR. SPEED: The trial date June 1st. I remember the calendar call being --
17 THE CLERK: Okay.
18 MR. SPEED: -- sometime in May.
19 THE CLERK: So June 1st. And then calendar call would be the 27th of May.
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MS. HOLTHUS: What is it, May 27th?

THE CLERK: Correct.

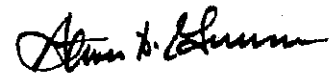
MS. HOLTHUS: Thanks.

[Proceeding concluded at 9:29 a.m.]

ATTEST: I hereby certify that I have truly and correctly transcribed the audio/visual recording in the above-entitled case.



Jill Jacoby
Court Recorder



CLERK OF THE COURT

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4 DISTRICT COURT
5 CLARK COUNTY, NEVADA

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7 STATE OF NEVADA,

8 Plaintiff,

CASE NO. C294607

DEPT. VIII

9 vs.

10
11 GREGORY ANTHONY WILLIAMS,

12 Defendant.

13 BEFORE THE HONORABLE DOUGLAS E. SMITH, DISTRICT COURT JUDGE
14 MONDAY, OCTOBER 27, 2014

15 **TRANSCRIPT OF PROCEEDINGS**
16 **DEFENDANT'S MOTION TO ADMIT EVIDENCE OF ALLEGED VICTIM'S**
17 **ABILITY TO CONTRIVE A SEXUAL ASSAULT ALLEGATION**
18 **AND THEORY OF DEFENSE EVIDENCE**
19 **DEFENDANT'S MOTION FOR DISCOVERY**

20 APPEARANCES:

21 For the State:

TIERRA D. JONES, ESQ.
Deputy District Attorney

22 For the Defendant:

KEVIN C. SPEED, ESQ.
Deputy Public Defender

23
24
25 RECORDED BY: JILL JACOBY, COURT RECORDER

1 MONDAY, OCTOBER 27, 2014 AT 9:11 A.M.

2
3 THE COURT: C294607, Gregory Williams.

4 MR. SPEED: Good morning, Your Honor, Kevin Speed with the Public
5 Defender's office. We represent Mr. Williams who is present, in custody.

6 These are both Mr. Williams' motions for discovery and a motion in
7 limine to present evidence of the alleged victim's ability to contrive a sexual assault
8 allegation. I understand that Ms. Holthus is going to be the prosecuting attorney in
9 this case, and she's asked for a little bit more time --

10 THE COURT: All right.

11 MR. SPEED: -- to respond to both of these. So we don't have any problem
12 with resetting this hearing for a couple of weeks, unless the Court is --

13 THE COURT: Two weeks or three weeks?

14 MR. SPEED: -- ready to rule on the discovery motion.

15 Two weeks is fine.

16 THE COURT: Two weeks.

17 MR. SPEED: If the Court's ready to rule on the discovery motion, I don't see
18 too much opposition to that one.

19 THE COURT: Let's pass it two weeks.

20 MR. SPEED: That's fine.

21 THE COURT: All right.

22 THE CLERK: November 10th at 8 a.m.

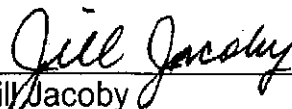
23 MS. JONES: And, Your Honor, just for clarification, is the two-week date for
24 the hearing or is that when you want or response?

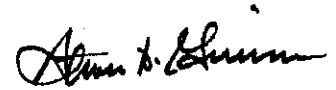
25 THE COURT: I want your response before that.

1 MS. JONES: Okay.
2 THE COURT: And then we can argue it in two weeks.
3 MS. JONES: Okay.
4 THE COURT: The trial's not till May.
5 MR. SPEED: That's correct.
6 THE COURT: Let's do this. Let's pass it 30 days and then your -- your
7 opposition is due in two weeks, that'll give you an opportunity to respond to it.
8 MR. SPEED: That sounds good. Thank you.
9 THE COURT: Okay.
10 THE CLERK: November 24th.
11 MS. JONES: Is the hearing?
12 THE CLERK: Yes.
13 MS. JONES: Okay.

14 [Proceeding concluded at 9:12 a.m.]
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21 ATTEST: I hereby certify that I have truly and correctly transcribed the audio/visual
22 recording in the above-entitled case.

23 
24 Jill Jacoby
25 Court Recorder



CLERK OF THE COURT

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DISTRICT COURT
CLARK COUNTY, NEVADA

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STATE OF NEVADA,

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Plaintiff,

9

vs.

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GREGORY ANTHONY WILLIAMS,

12

Defendant.

CASE NO. C294607

DEPT. VIII

13

BEFORE THE HONORABLE DOUGLAS E. SMITH, DISTRICT COURT JUDGE

14

MONDAY, DECEMBER 1, 2014

15

TRANSCRIPT OF PROCEEDINGS

16

DEFENDANT'S MOTION TO ADMIT EVIDENCE OF ALLEGED VICTIM'S

17

ABILITY TO CONTRIVE A SEXUAL ASSAULT ALLEGATION

18

AND THEORY OF DEFENSE EVIDENCE

19

DEFENDANT'S MOTION FOR DISCOVERY

20

APPEARANCES:

21

For the State:

MARY KAY HOLTHUS, ESQ.
Chief Deputy District Attorney

22

For the Defendant:

NADIA HOJJAT, ESQ.
Deputy Public Defender

23

24

25

RECORDED BY: JILL JACOBY, COURT RECORDER

1 MONDAY, DECEMBER 1, 2014 AT 9:01 A.M.

2
3 THE COURT: C294607, Gregory Williams.

4 MS. JONES: And, Your Honor, this is Ms. Holthus's case. She came in but
5 she was waiting for Mr. Speed to get here.

6 MS. HOJJAT: And, Your Honor --

7 THE COURT: And I don't see Speed.

8 MS. HOJJAT: If we could trail this.

9 THE COURT: We'll pass it for Speed.

10 MS. HOJJAT: Thank you.

11 THE COURT: That's fine.

12 [Matter trailed at 9:01 a.m.]

13 [Matter recalled at 9:49 a.m.]

14 THE COURT: And Mr. Speed still hasn't come?

15 MS. JONES: He has not, Your Honor.

16 THE COURT: C294607, Gregory Williams. Present, in custody. Mr. Speed's
17 not here.

18 This is -- we have a motion for discovery.

19 MS. HOJJAT: And, Your Honor, given that Mr. Speed's not here and I'm not
20 the attorney of record, could we possibly pass all these till Wednesday?

21 THE COURT: Yeah.

22 MS. HOJJAT: Thank you very much.

23 THE COURT: But if he's not here then, you'll have to argue them.

24 MS. HOJJAT: Very well, Your Honor.

25 THE COURT: Thanks.

1 MS. HOJJAT: Thank you.

2 THE CLERK: December 3rd, 8 a.m.

3 MS. HOLTHUS: Judge, could we possible do this at 8:30?

4 THE COURT: Yeah, we can do it as soon as you get here. As soon as --
5 well, as long as he's here.

6 MS. HOLTHUS: Well, I just meant instead of 8 o'clock.

7 THE COURT: We'll set it at 8 and we'll do other -- we'll have other things
8 going.

9 MS. HOLTHUS: Okay. Thank you.

10 MS. HOJJAT: Thank you, Your Honor.

11 THE COURT: Thanks.

12 [Proceeding concluded at 9:51 a.m.]

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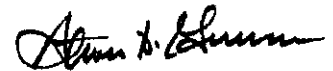
21 ATTEST: I hereby certify that I have truly and correctly transcribed the audio/visual
22 recording in the above-entitled case.

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Jill Jacoby
Court Recorder



CLERK OF THE COURT

TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

STATE OF NEVADA,

Plaintiff,

vs.

GREGORY ANTHONY WILLIAMS,

Defendant.

CASE NO. C294607

DEPT. VIII

BEFORE THE HONORABLE DOUGLAS E. SMITH, DISTRICT COURT JUDGE
WEDNESDAY, DECEMBER 3, 2014

TRANSCRIPT OF PROCEEDINGS:
DEFENDANT'S MOTION TO ADMIT EVIDENCE OF ALLEGED VICTIM'S
ABILITY TO CONTRIVE A SEXUAL ASSAULT ALLEGATION AND THEORY OF
DEFENSE EVIDENCE
DEFENDANT'S MOTION FOR DISCOVERY

APPEARANCES:

For the State:

DANIEL E. WESTMEYER, Esq.
Deputy District Attorney
MARY KAY HOLTHUS ESQ.
Chief Deputy District Attorney

For the Defendant:

KEVIN C. SPEED, ESQ.
Deputy Public Defender

RECORDED BY: JILL JACOBY, Court Recorder

1 WEDNESDAY, DECEMBER 3, 2014, AT 9:00 A.M.

2
3 THE COURT: Are we ready on Williams; Gregory Williams?

4 MR. SPEED: Yes, Your Honor.

5 THE COURT: You ready?

6 MR. SPEED: Yes.

7 THE COURT: C294607, Gregory Williams.

8 MR. WESTMEYER: I'm sorry Your Honor, we're waiting for Ms. Holthus on
9 this.

10 THE COURT: Oh sorry.

11 MR. WESTMEYER: My apologies.

12 [Matter trailed at 9:00 a.m.]

13 [Matter recalled at 9:10 a.m.]

14 THE COURT: C294607, Gregory Williams.

15 MR. SPEED: Good morning Your Honor, Kevin Speed for Mr. Williams, who
16 is present in custody. These are our motions for discovery and our motion to admit
17 evidence to show that the complaining witnesses in this case had the ability to
18 contrive their allegation of sexual abuse. I think it would be easiest for the Court
19 this morning, and if pleases Your Honor, to begin with the motion for discovery.

20 THE COURT: All right, and you're -- of course you'll have *Brady* and
21 statutory will be ordered. Your personal requests are the specific requests will start
22 on page --

23 MR. SPEED: Page eight of our motion.

24 THE COURT: Page eight of your motion. Number one, you want the
25 complete Clark County School District School District student files for Tyana Hasan.

1 MS. HOLTHUS: One through five are all her school records that are not --

2 THE COURT: Pardon?

3 MS. HOLTHUS: One -- his request one through five are all for school
4 records that aren't within our possession. If they become in our possession
5 obviously we'll turn them over, otherwise --

6 THE COURT: How -- why do you need those records?

7 MR. SPEED: We have to be able to cross-examine the complaining
8 witnesses in this case. The two primary complainants are Tyana and Amia Hasan.
9 The third student that I have listed in item number five is Demarious Hasan. He is
10 the girls' brother who claims to have witnessed some of the allegations or incidents
11 of sexual abuse that the two girls complain about in the house.

12 By examining their school records we're able to paint -- and in cross-
13 examination of these complaining witnesses, who are all teenagers at this point I
14 believe except Tyana who may be 12. She's going on her teenage years. They're
15 all middle school aged students. We'd be able to paint a more accurate picture of
16 these complaining witnesses as children who can contrive a sexual assault
17 allegation, who have experienced talking about or discussing the kinds of issues
18 that they will be giving testimony on in front of the jury. The State would probably
19 try, in all likelihood, to paint these complaining witnesses as sexual innocence,
20 people who are unable to describe or talk about the kinds of things that they will talk
21 about in front of the jury unless they actually happen. Our defense to that will be if
22 you look at these children's history from their school records, their interactions with
23 their teachers, with their peers, we can show that these aren't the innocent babes
24 that the State will in all likelihood try to present them as being.

25 THE COURT: It sounds to me like you already have the records --

1 MR. SPEED: I don't.

2 THE COURT: -- if you can make that firm of a statement that we're going to
3 show that.

4 MR. SPEED: Well what happens normally in these kinds of cases, Your
5 Honor, is that after we receive these records from the school district and we see
6 suspensions for fighting or for taking naked pictures and sending them to the boys
7 on the middle school basketball team and things like that, we're able to present the
8 kinds of --

9 THE COURT: You're just generally saying that that's the kind of information
10 you want. Why can't you use subpoena power to go after them and subpoena
11 them?

12 MR. SPEED: Because when we issue --

13 THE COURT: They're really not in the State's control. These aren't like
14 police records or CPS records --

15 MR. SPEED: Well they're not -- but --

16 THE COURT: -- they're from the school district.

17 MR. SPEED: The school district is a government agency and our case law
18 shows -- our case laws reveal that the State, the DAs office, is deemed to be in
19 constructive possession of these kinds of records when they belong to the school
20 district.

21 In addition to that, when we issue subpoenas to agencies like the
22 Department of Family Services or the school district we're usually met with a reply
23 letter from the DAs office, from the district attorney's office, saying that they will not
24 comply with subpoenas issued by the public defender's office or a defendant in a
25 criminal case, and we have to secure a court order demanding that those agencies

1 turn over that information.

2 MS. HOLTHUS: I have never heard of such a thing. I mean we generally do
3 get them, the DFS records and CPS records, we submit them for in camera
4 inspection. I don't see any reason why he couldn't get a court order for in camera
5 inspection of school records if that's what he wants.

6 He's looking for a fishing expedition for impermissible character
7 evidence, I mean everything he's articulated here, but assuming -- I don't
8 necessarily -- but he can do a court order and I would ask that you review them and
9 determine if there's anything that's relevant to this case. I don't think any of that is,
10 but.

11 MR. SPEED: Well how about we do this then. We'll issue a subpoena to the
12 school district. If they return the information to us or if they provide the information
13 to us then the issue is resolved. If they respond with the letter that we've been
14 receiving these last few months then we'll come back to the Court for an order.

15 THE COURT: Yeah.

16 MS. HOLTHUS: And obviously we would get copies of whatever they get.
17 Are you going to do it for in camera inspection or no?

18 MR. SPEED: Well the school records we'll try to get those immediately. The
19 issue of admissibility and discovery I believe are two different issues. If we receive
20 the school records but there's something in them that the Court might find
21 objectionable then obviously we can't just dive head long into the trial and say this
22 is what we're going to present to the jury.

23 THE COURT: Correct.

24 MR. SPEED: There would be an objection and all those things would be
25 resolved before trial.

1 THE COURT: All right, so one through five is denied so that you can seek
2 subpoena through subpoena power to get them, and if there's a problem we'll put --
3 you can put it back on calendar and we'll deal with it.

4 MR. SPEED: That's fair enough.

5 THE COURT: Number six, any and all information from family services.
6 Yeah you can have family services. You'll have to get them to submit to the Court.
7 The Court will review them in camera.

8 MS. HOLTHUS: Okay.

9 MR. SPEED: Let me prepare and order specifically addressing item number
10 six because again I've dealt with the Department of Family Services, with Child
11 Protective Services, hundreds of times in the last decade. I know that they're going
12 to respond with that letter.

13 THE COURT: Run it by the prosecutor --

14 MR. SPEED: Certainly.

15 THE COURT: -- and then get it to me.

16 Seven, any medical or mental health or school counseling records.
17 Okay that's probably part of -- part of five.

18 MR. SPEED: For item number seven I think I can get counseling records in
19 items one through five if they have met with the school counselors, but if the
20 children have been undergoing any counseling, anything that's been provided by
21 the state for example that's part of their victim witness assistance program, that's
22 where item number seven becomes more pertinent.

23 MS. HOLTHUS: And that's all privilege. If that's what he's seeking to get
24 through items one through five then I would ask that we do it by way of court order
25 for in camera inspection because school districts, I don't know if they are, but they

1 should not be spitting out kids' counseling records pursuant to defense attorneys'
2 subpoenas. And so to be cautious then I would ask that the whole thing be done by
3 way of court order. He can just do a series of orders for in camera inspection to the
4 school district and then way if he wants the counseling records then those come in
5 through -- I mean it's just completely unfair that defense attorney gets the kids'
6 counseling records.

7 MR. SPEED: Well the counseling records, school records, disciplinary
8 records are three different items again, Your Honor. So I don't want the State to
9 say --

10 THE COURT: You prepare the order and make them all for in camera
11 inspection and send them directly to the Court.

12 MR. SPEED: For item number seven?

13 THE COURT: All of them. One through five; six is coming to the Court, and
14 seven as well. Yeah they all are granted with those caveats.

15 MR. SPEED: But just so my notes are clear, Your Honor, for one through
16 seven defense will prepare an order, submit a copy to the DA for her review for the
17 agencies in question to submit all of the records to the Court for an in camera
18 review?

19 THE COURT: Yes.

20 MR. SPEED: Number eight, police records, that should be pretty easy. The
21 State can get those from the police department. What we don't have right now in
22 initial discovery I'm certain that Ms. Holthus can obtain from the police department
23 and turn over to us.

24 MS. HOLTHUS: Will do.

25 THE COURT: Everything except the investigative notes unless they want to

1 turn them over I suppose.

2 MR. SPEED: Well we need those investigative notes too, Your Honor.

3 THE COURT: I don't give investigative notes unless you can show me some
4 case law that says why they're important. Generally notes are --

5 MR. SPEED: They're going to be relevant to our investigation here,
6 especially if the detectives have talked to the complaining witnesses and the story
7 that they told on the night that they were interviewed or the afternoon that they were
8 interviewed is different from what we have in the final report that was submitted.

9 THE COURT: Number eight you have is granted, any LVMPD records,
10 photographs, audio recordings and video recordings of event number 1309072553.
11 Thank you.

12 MS. HOLTHUS: And obviously if I find investigative notes that are
13 exculpatory or any impeachment --

14 THE COURT: You'll turn them over.

15 MS. HOLTHUS: -- under *Brady* or *Giglio* I'll turn them over.

16 THE COURT: Number nine, any and all records or information concerning
17 financial benefits, fees or reimbursements, payments for other services for the
18 witnesses are granted.

19 And information concerning the criminal history or any other federal or
20 state jurisdictions for Anesah Hasan, here's the -- that one's a bit overbroad
21 because --

22 MR. SPEED: I know they can't provide the NCICs to me. I've dealt with Ms.
23 Holthus and the other members of the special victim's unit before. If they can have
24 it prepared so that I can review it when we have our file review, that will be
25 sufficient.

1 THE COURT: All right. Granted with that understanding that you don't get a
2 copy but you can look at theirs.

3 Number 11, evidence to include any DNA analysis or medical reports
4 relating to any medical or forensic examinations conducted on the person or
5 defendant of -- by police officers, detective or staff or police department personnel.

6 MR. SPEED: Those are buccal swabs --

7 MS. HOLTHUS: That's fine.

8 MR. SPEED: -- urinalysis, things like that that were conducted in the
9 detention center.

10 THE COURT: That's granted. Now they can get them without a search
11 warrant.

12 Twelve, recordings of any intercepted telephone communications
13 between the Defendant and any party where Mr. Williams is speaking on
14 telephones.

15 MS. HOLTHUS: He can subpoena them as well. If I end up subpoenaing
16 them and get -- have them I will turn them over, but he has the same --

17 THE COURT: He can subpoena them as well.

18 MR. SPEED: Well we can subpoena them, Your Honor, but the police
19 department ignores those if the DAs office --

20 MS. HOLTHUS: The jail won't.

21 MR. SPEED: Or I'm -- the jail, the police department, either one, they're
22 under the offices of the sheriff so if we send a subpoena to the detention center it
23 will be a police department letter that we receive in return.

24 THE COURT: Get what you can, Ms. Holthus, on that if they're using them
25 and provide them to the Mr. Speed.

1 MS. HOLTHUS: Yeah I always provide them if I get them. I just don't want
2 to, with all due respect, have to do his discovery job.

3 MR. SPEED: Well she's not doing my discovery job. We don't have --

4 THE COURT: You have the jail. You'll -- you have to have request them if
5 you're going to use them in trial.

6 MS. HOLTHUS: Right.

7 MR. SPEED: Well even if she's not going to use to them, Your Honor, if
8 they're --

9 THE COURT: Then we have a battle.

10 MR. SPEED: If there are communications where he's talking about the case
11 and the DAs office comes into possession of those, if there are statements made by
12 Mr. Williams I think we're entitled to hear those because whether or not they --

13 THE COURT: If the State gets them, yeah. What if they don't --

14 MR. SPEED: Whether or not they become useable at trial will be a different
15 issue that will probably --

16 THE COURT: But if they don't hear them how are they -- how are they going
17 to know unless they listen to it?

18 MS. HOLTHUS: I guarantee that if he sends --

19 MR. SPEED: Yes, she'll listen to them.

20 MS. HOLTHUS: If he sends a subpoena over there they'll send them to him.

21 THE COURT: Okay, you do the subpoena. If you have a problem then come
22 back and talk to me.

23 Thirteen, copies of any intercepted or written communication listened
24 to or made by Mr. William; granted.

25 MS. HOLTHUS: As to number 13, I'm just asking are -- is defense aware of

1 something? Is there something I should be looking for?

2 THE COURT: Sounds like it to me. I'd be looking at all the written
3 communications.

4 MR. SPEED: I know that letters from the jail are often intercepted. Again,
5 this is based on --

6 MS. HOLTHUS: I don't know of any, I was just wondering if he knew that.

7 MR. SPEED: This is based on over a decade of experience and what
8 happens is when we show up at calendar call or at the eve of trial and we're picking
9 our jury a stack of letters from the jail where my client or a former client is begging
10 the complaining witnesses' parents forgiveness for acts unspoken of before end up
11 on my table.

12 THE COURT: All right.

13 MR. SPEED: I don't want that to happen in this case.

14 THE COURT: All right. All right now the second motion?

15 MR. SPEED: This is out motion to admit evidence of the complainant's ability
16 to contrive their allegation of sexual assault.

17 Again, we have two complaining witnesses, two primary complaining
18 witnesses in this case, Tyana --

19 THE COURT: How old are they?

20 MR. SPEED: Tyana I believe now is 13 and Amia is 12. Who's the older?
21 Amia is older, so she's 13; I believe Tyana is 12 now.

22 MS. HOLTHUS: They were 12 and 10 when they disclosed initially --

23 MR. SPEED: Right.

24 MS. HOLTHUS: -- in 2013.

25 MR. SPEED: The disclosures are over a year old at this time and when the

1 disclosures were made the children were describing incidents that were supposed
2 to have happened at least a year prior to they're finally telling their mother that
3 something has happened. In this case we have an extraordinary set of
4 circumstances in that these are very young children, middle school aged yes, but
5 still children of tender years who but for the State's argument is probably going to
6 be but for the Defendant actually doing the things that he's accused of doing in this
7 case there would be no way for two girls of this age to describe the kinds of species
8 of abuse that they talk about here unless it actually -- unless it actually happened.

9 We believe that because of their mother, Anesah's job as a sex
10 industry worker, she sold sex toys on line from her home. She participated in the
11 production of pornographic and semi pornographic films inside the home all in front
12 of the children in the children's presence, we believe that that is how these two girls
13 are able, and their brother, are able to describe incidence of sexual abuse with
14 such graphic and particularly gross detail. They did not happen. Mr. Williams is
15 innocent of the charges, but we're going to have a trial where two young girls are
16 going to say terrible things happened to them and we're going to probably have a
17 jury who believes, like the State will try to present, that there's no way for these girls
18 to be able to say these kinds of things unless something untoward happened in the
19 house. Well something untoward was happening in the house. Their mother was
20 irresponsible with how she chose to earn her living in front of the children. And we
21 believe that we should be able to present evidence on that fact because it goes to
22 the credibility of the complaining witnesses in a case where there is no physical
23 evidence, no corroborating witnesses other than the brother who has the same
24 motivation for having Mr. Williams ejected from the house as the two girls do and
25 there's nothing to prove that these incidence of touching for the most part

1 happened other than the girls' testimony.

2 MS. HOLTHUS: What he's trying to do is twist impermissible character
3 evidence into a *Summit* argument as to the law. He just wants to throw on that
4 mom is a -- well a slut basically, and she's out there doing all these horrible things.
5 She's a bad person and therefore her kids are bad.

6 There is actually no evidence -- he's not even really offering you any --
7 to show that these kids were exposed to any, that they had ever been previously
8 abused by anyone. The child in *Summit* was six years old and she was describing
9 acts of fellatio. That's a far cry coming into -- it might be one thing you come into a
10 jury and how does a 6-year-old know anything about fellatio? But I am not straight
11 faced, in 2014, and argue to a jury that this 12 and 13, or 11 and 12-year-old kid
12 don't know about boobie lickin' and even intercourse at this point. I mean these
13 kids are old enough to have a million bases of knowledge.

14 There is nothing out there. He's just throwing this out there to say I
15 want paint mom as a bad person. These children have never said we saw anything
16 from mom. These children have never said that this is their basis for knowledge.
17 There's no indication of this anywhere in the record. It's simply him wanting to put
18 on this impermissible character evidence of this mom.

19 MR. SPEED: Well it's not going to be in the record at this point, Your Honor.
20 That's why we're asking the Court to allow us to present the evidence. Obviously
21 the State and the police department don't know about these things yet because
22 they didn't live in the home with Mr. Williams and Anesah, Ms. Hasan. These are
23 things that came to our knowledge on information, and believe, after speaking with
24 our client. We have a clear more accurate picture of what was going on in the
25 house when these girls were making -- made their allegations against our client

1 than the State and the police department do. There's no way for the police
2 department, the detectives who investigated the case, to have known what Ms.
3 Hasan was doing when she showed up at their office saying my ex-boyfriend has
4 been molesting my children.

5 THE COURT: Except for your client which is self-serving statements of
6 course.

7 MR. SPEED: Well it's going to be, Your Honor, but --

8 THE COURT: Except for your client's statements you have no proof. Huh?

9 MR. SPEED: It's going to be, but how else would anyone know what was
10 going on in this house if you don't ask the Defendant, the complaining witnesses, or
11 the complaining witnesses' mother?

12 THE COURT: Well if the witnesses said -- said my parents told me that I had
13 to watch this pornography, there you got witness talking to a counselor or
14 something or somebody, we know about that.

15 MR. SPEED: Right. Those aren't the facts in this case.

16 THE COURT: But you don't know. What you're -- no, what you're saying is
17 this is what happened in the house because the Defendant told me it happened that
18 way. We don't have proof of that.

19 MR. SPEED: Well we're not going to have proof of that, Your Honor. We
20 can't prove something like that in the future unless we're allowed to present
21 evidence of it, and no one knows what happens in the house. No one knows what
22 happened between the complaining witnesses and Mr. Williams except the three of
23 them. What we're trying to do in our defense, and what the Supreme Court has
24 said we're entitled to do, is present as full and complete of a defense as possible
25 under the constitution, under Mr. Williams' right to receive a fair trial, his right to due

1 process of law. And the *Summit* case says that if we're not using a complaining
2 witness or a witness' in the case prior sexual history for a general allegation of
3 chastity or unchastity we can show that the complainants -- child complainants in
4 this case have the ability to contrive their allegation of sexual abuse using the
5 circumstances under which they were growing up, or like in the *Summit* case in
6 particular, a prior incident of sexual abuse that had been suffered by the
7 complainant in that case.

8 Here Ms. Holthus says that she's not going to straight faced present
9 evidence in front of a jury that says children know about fellatio but they have a
10 million bases of knowledge for intercourse and boobie liking. Well I think the
11 distinction between those three acts of sexual conduct are a distinction in degree
12 only. It's not something that we can say well if you know about fellatio but you don't
13 know about intercourse then obviously sexual abuse must have occurred in the
14 house because there's no way for a child to know about one thing as opposed to
15 the other. That's a disingenuous argument from the State and I'm surprised that
16 Ms. Holthus is making it this morning.

17 What we're trying to do is show, again, that these children had the
18 ability to make up these allegations because they are patently untrue and the
19 reason that they could --

20 THE COURT: I want to read the *Summit* case --

21 MR. SPEED: I'm sorry?

22 THE COURT: Give me a week --

23 MS. HOLTHUS: Let me just clarify because he doesn't understand my
24 argument. What I'm saying is in the *Summit* case, when the Supreme Court
25 allowed the evidence of the prior sexual conduct of the victim, it was a 6-year-old

1 child who was alleging that this perpetrator committed the fellatio on her. They
2 sought to introduce evidence that she had previously been molested by someone
3 who also -- well had her commit fellatio on him I guess really is more accurate -- but
4 it was the same thing with the fellatio. And so because -- what they said is because
5 the child -- the similarity of the acts and the age of the child -- six is pretty much --
6 should be a sexual innocence.

7 MR. SPEED: That's the language that is used in some -- let me direct the
8 Court --

9 THE COURT: I'm going to read *Summit* and I'll have a decision on that in a
10 week.

11 MR. SPEED: Your Honor, 101 Nev. P.159, specifically at page 164: A
12 defendant must be afforded to show by a specific incident of sexual conduct that
13 the prosecutrix has the experience and ability to contrive.

14 MS. HOLTHUS: And --

15 MR. SPEED: And that's from the *Summit* case and it's as clear as anything.

16 MS. HOLTHUS: And just to be clear, Summit was rape shield. I'm also
17 talking about impermissible impeachment evidence. He does not have a nexus at
18 this point --

19 THE COURT: No I understand. I mean --

20 MS. HOLTHUS: -- that anything she did had any impact on the kids. And
21 certainly before any of that went to a jury I think he needs to prove that by some
22 evidence.

23 MR. SPEED: Well let's be clear, Your Honor, this isn't an impeachment
24 issue. I'm not talking about impeaching the complaining witnesses or their mother.
25 To say that this is an impeachment argument or I'm trying to introduce

1 impermissible impeachment evidence is saying that I expect Anesah to take the
2 witness stand and deny that this is how she made her living. That's not where I'm
3 aiming this motion or this particular line of our defense. We're trying to say that the
4 complaining witnesses had the ability to make these things up and the reason that
5 they had that ability is because they see these things happening in the house as
6 they relate to what their mother does for a living.

7 MS. HOLTHUS: And that's what I'm saying. What she does for a living is
8 only relevant if he has some evidence that the children observed it, even arguably
9 relevant.

10 THE COURT: All right.

11 MS. HOLTHUS: Thank you.

12 THE COURT: I'm passing that one one week.

13 MS. HOLTHUS: Until?

14 COURT CLERK: December 10th at 8 a.m.

15 MS. HOLTHUS: What day is that, Wednesday?

16 COURT CLERK: Next Wednesday.

17 MS. HOLTHUS: Okay.

18 THE COURT: Thanks.

19 MS. HOLTHUS: Can we do 8:30?

20 THE COURT: You can be here at 8:30, I don't care.

21 MS. HOLTHUS: Thanks.

22 THE COURT: Thank you.

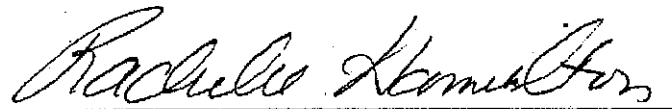
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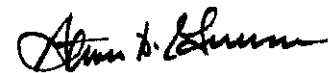
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[Proceeding concluded at 9:33 a.m.]

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video recording in the above-entitled case to the best of my ability.



RACHELLE HAMILTON
Recorder/Transcriber



CLERK OF THE COURT

1 RTRAN

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3
4
5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7
8 STATE OF NEVADA,

9 Plaintiff,

10 vs.

11
12 GREGORY ANTHONY WILLIAMS,

13 Defendant.

CASE NO. C294607

DEPT. VIII

14 BEFORE THE HONORABLE DOUGLAS E. SMITH, DISTRICT COURT JUDGE
15 WEDNESDAY, DECEMBER 10, 2014

16 **TRANSCRIPT OF PROCEEDINGS**
17 **DEFENDANT'S MOTION TO ADMIT EVIDENCE OF ALLEGED VICTIM'S**
18 **ABILITY TO CONTRIVE A SEXUAL ASSAULT ALLEGATION**
19 **AND THEORY OF DEFENSE EVIDENCE**

20 APPEARANCES:

21 For the State:

MARY KAY HOLTHUS, ESQ.
Chief Deputy District Attorney

22 For the Defendant:

KEVIN C. SPEED, ESQ.
Deputy Public Defender

23
24
25 RECORDED BY: JILL JACOBY, COURT RECORDER

1 WEDNESDAY, DECEMBER 10, 2014 AT 8:17 A.M.

2
3 THE COURT: C294607, Gregory Williams.

4 Are we ready on that? I know it's a specialty team.

5 MR. CICHOSKI: Page 4?

6 MS. KILLER: We're waiting for Ms. Holthus.

7 MR. CICHOSKI: Holthus? Not here.

8 MS. KHAMSI: Oh, yeah, Mr. Speed is going to be on his way.

9 THE COURT: Who is? Speed?

10 MS. KHAMSI: Mr. Speed.

11 THE COURT: All right. Have a seat. Thanks.

12 [Matter trailed at 8:17 a.m.]

13 [Matter recalled 8:45 a.m.]

14 THE COURT: C294607, Gregory Williams.

15 Did you have two cases or are you just here on the Williams case?

16 MR. SPEED: Just the one, Your Honor, the Williams case. We're here to
17 hear the Court's ruling on our motion --

18 THE COURT: Well, I --

19 MR. SPEED: -- to admit other evidence.

20 THE COURT: You know *Summit*, *Summit* is pretty informative, actually, it
21 goes against your argument at one point. Testimony centered around a prior similar
22 sexual experience. You see, we're not in that situation. There wasn't a prior sexual
23 experience that a child had, it was the child -- the mother sold sex toys, if you will.
24 The purpose of the testimony in *Summit* was to challenge the victim's credibility by
25 dispelling any inferences which the jury might have drawn from a six year old who

1 was unable to describe occurrences. And the youth in this one is like 12 now; isn't
2 that right?

3 MR. SPEED: That's right.

4 THE COURT: All right. Page -- well, under footnote -- or not footnote,
5 Headnote 4, this Court must balance the probative nature versus the prejudicial
6 effect. Really what the mom sold was, that's -- I think it's admissible. You know, but
7 the question is going to be how far can you go in arguing that that influenced the
8 little girl?

9 MR. SPEED: Only so far -- and my thought about this was along this wise,
10 Your Honor, only so far as the State would be willing to present these complaining
11 witnesses as young girls who wouldn't have any idea about the things that they're
12 describing but for the Defendant's actual guilt. We want to be able to say that, no,
13 no, no, these aren't 10-, 11-, 8-, 9-, 10-year-old little girls who've only been watching
14 Dog with a Blog and My Little Pony for all of their lives. They've actually seen their
15 mother participate in --

16 THE COURT: Dog with a Blog?

17 MR. SPEED: Yeah, I understand it's pretty popular. They've seen their
18 mother participate in these --

19 THE COURT: Never heard of it.

20 MR. SPEED: -- kind of activities and do these kind of things, say these kind
21 of things when she's working on the computer and they've been present to hear it
22 and have absorbed some of it to the point where if a policeman --

23 THE COURT: Well, I think that's your position. You should argue that if that's
24 what you feel like you should argue.

25 MR. SPEED: If we can.

1 THE COURT: I don't think it violates the rape shield law.

2 MS. HOLTHUS: Well, I think more accurate -- the rape shield we gave you
3 more as by analogy that there is protection for a person's sexual history.

4 THE COURT: Right.

5 MS. HOLTHUS: It's more of a relevant inadmissible character evidence.
6 That's where it kind of comes in. It's kind of other bad acts by this witness, if you
7 will, moral or whatever.

8 THE COURT: Moral. But, you know, it is what it is.

9 MS. HOLTHUS: Well, but there's a lot of things that are that we don't get to
10 the jury because of the prejudicial value.

11 THE COURT: I don't --

12 MS. HOLTHUS: What I would at least ask you to do Judge.

13 THE COURT: Go ahead.

14 MS. HOLTHUS: Like we do in *Miller* and *Summit*, have a hearing outside the
15 presence to determine if there's any relevance. I don't disagree on some level that if
16 the mom is doing things in the home and the kids are watching and they have -- get
17 some sexual knowledge from that, that's the only arguable relevance and that's
18 what he's arguing . But if there is no evidence of that, then it's purely thrown to the
19 jury to just make mom look bad and it's impermissible character evidence. So I
20 would ask that prior to --

21 THE COURT: So --

22 MS. HOLTHUS: -- the trial --

23 THE COURT: Let me ask him, Mr. Speed, who do you have you want to put
24 on the stand?

25 MR. SPEED: Well, they're going to have to present the complaining

1 witnesses, he has the right to confront them.

2 THE COURT: You plan --

3 MR. SPEED: So it would be the children themselves.

4 THE COURT: Well, you still have to prove some elements if you're going to
5 go this -- this is like -- and I don't mean at trial, necessarily, but in a hearing, you
6 might have to put somebody on. But it's a lot like self-defense. If you're going to
7 say self-defense, you have to admit you were there and you pulled the trigger. But
8 you were afraid for your life. And if you don't take the stand, I -- you know, they
9 pretty much have to take the stand and admit or you have to admit as defense
10 attorney that he was there.

11 MR. SPEED: No, this is a little bit different from a self-defense type case
12 because the crimes in question are a little bit different. In a sex offense -- or in a
13 self-defense case, we have a complaining witness who has visible signs of some
14 sort of conflict. He was punched, he was shot, he was stabbed by the defendant.
15 And the defendant is claiming yes, I did stab this person, I did punch this person --

16 THE COURT: Right

17 MR. SPEED: -- I did shoot this person but I did so because that person posed
18 a threat to me. In a sex assault case, the only thing that we have to show that the
19 Defendant may or may not have done something is the word of the complaining
20 witness. That's what distinguishes this from that kind of a defense.

21 THE COURT: So are you going to grill the -- is your intent to grill her --

22 MR. SPEED: Grill? Whoa, Your Honor, that's a difficult choice of words. I'm
23 dealing with little children here. I won't be grilling them as much as I would be trying
24 to get to the truth.

25 THE COURT: About the sex toys or do you want to just argue with the

1 mother about that and bring in the evidence through the mother?

2 MR. SPEED: It's not a grilling about the sex toys issue, Your Honor. I don't
3 want the jury to be taken down that kind of a primrose path, this isn't a trial about
4 how good of a mother, the mother of the complaining witnesses is. And I know that
5 the State is very sensitive to that kind of thing. Our only point in introducing
6 anything related to what mom does for a living is to show that these girls can, they
7 are able to contrive a story of sexual abuse. Not because the Defendant did
8 anything but because this is the kind of thing that they see in their home every night.

9 THE COURT: Yeah, but who are you going to talk to about that? Are you
10 going to really talk to the girls about it when they're on the stand or are you going to
11 talk to mom about it?

12 MR. SPEED: It probably wouldn't be too many questions, Your Honor. It's
13 one of those things where if we ask --

14 THE COURT: That you want to argue to the jury, look, mom was selling
15 these toys --

16 MR. SPEED: Right.

17 THE COURT: -- and the kids watched it. Or they didn't, we don't know.

18 MR. SPEED: Right. And -- and --

19 MS. HOLTHUS: That's my take --

20 THE COURT: See, I don't know how you can have a hearing about this.
21 Who are you going to put on?

22 MS. HOLTHUS: We do --

23 MR. SPEED: The witnesses can -- the witnesses can --

24 MS. HOLTHUS: We do it all the time.

25 MR. SPEED: Hold on. Hold on, Mary Kay.

1 The witnesses could be dishonest. This is one of those things where if
2 one of the girls says I've never seen my mom do anything like that, then it would be
3 us trying to impeach her using collateral evidence.

4 THE COURT: Doing selling --

5 MR. SPEED: We wouldn't be allowed to do that.

6 THE COURT: Sell -- see, what I'm concerned with is you're going to get into
7 the sexual acts rather than what mom was doing.

8 MR. SPEED: Right. If the children are dishonest about it, then we would
9 probably be stuck with it at trial. The questions would be: Doesn't your mom do
10 this? Or doesn't your mom do that? Haven't you seen this kind of thing? Haven't
11 you heard --

12 MS. HOLTHUS: See --

13 MR. SPEED: -- this kind of language? If the child says -- or both of the
14 children say no, we haven't, then we're stuck with that.

15 THE COURT: See, and I don't -- I don't know that we can put the kids on for
16 that.

17 MS. HOLTHUS: We absolutely can. Because here's -- like I said --

18 THE COURT: Want to put -- no, I mean at a pretrial hearing.

19 MS. HOLTHUS: We do it. We do it like --

20 THE COURT: Do you want to do it?

21 MS. HOLTHUS: -- in *Miller* and some hearing --

22 MR. SPEED: Well --

23 MS. HOLTHUS: -- well, it could be his --

24 MR. SPEED: It's our call, Your Honor. And --

25 MS. HOLTHUS: It's my turn. I was quiet for your turn, please.

1 MR. SPEED: Well, the Court is asking if we want to do it and this is our
2 motion.

3 THE COURT: I'll come back. I'll --

4 MR. SPEED: I don't think it's necessary to do that.

5 THE COURT: Well, they do.

6 MS. HOLTHUS: Here's what I'm saying is, he's --

7 THE COURT: And the Supreme Court has cautioned us -- is cautioning the
8 courts in these types of cases that you may have to do a hearing. I want to hear
9 from the State.

10 MS. HOLTHUS: He is saying upon information and belief, he's just throwing
11 that -- I don't know. I don't know what mom's engaging, I don't know what's going
12 on in the home. He hasn't presented any evidence, though, to suggest that he
13 wants to show it for their ability to contrive, which is really a credibility. Really what
14 he wants to do is say that mom is a whore and she's exposing these kids to this
15 lifestyle --

16 MR. SPEED: Well, I object to that, that's not what I want to do.

17 MS. HOLTHUS: That --

18 MR. SPEED: And no one would call --

19 MS. HOLTHUS: I'm --

20 MR. SPEED: -- the complaining witness's mother in this case a whore or slut
21 or anything like that.

22 MS. HOLTHUS: Well, I'm telling you --

23 THE COURT: She was selling -- she was selling things. You're going to try
24 to paint a picture of mom that she's selling these things and it has affected these
25 little girls.

1 MS. HOLTHUS: My infor -- my understanding is it's more than just selling sex
2 toys, it's a whole lifestyle that only becomes relevant, if it's relevant at all, if the
3 children were aware of it and if someone contributed to the allegations in this case.
4 Otherwise, it's purely impermissible character evidence, which is definitely left out.
5 So what we do in *Miller* hearings and whatnot is you don't just get to go in front of
6 the jury and say: Isn't it true that your mom was having sex with a strange man and
7 you stood by the edge of the bed? And then -- I mean, that's out there as though
8 there's something there and you can't unring that bell regardless of what the kid
9 says.

10 THE COURT: Balancing the probability versus the prejudicial effect, I believe
11 a hearing is necessary. And we'll have a pretrial hearing. The trial is currently set
12 for June 1st, the hearing could be March or April, your choice.

13 MR. SPEED: Let's go March.

14 THE COURT: March?

15 MR. SPEED: The sooner, the better, Your Honor.

16 THE COURT: Okay.

17 THE CLERK: Do you want it on a regular --

18 THE COURT: No, we'll do it on a Thursday.

19 THE CLERK: On a Thursday?

20 THE COURT: That we don't have a trial.

21 THE CLERK: March 12th at 8 a.m.

22 MS. HOLTHUS: Court's indulgence.

23 MR. SPEED: And it'll be our responsibility to secure these witnesses?

24 THE COURT: No, State will.

25 MR. SPEED: There may be some people, then, that we'll have to call, Your

1 Honor.

2 THE COURT: You meet with Ms. --

3 MS. HOLTHUS: I'll call my people, he calls his people. I mean, I'm going to
4 call -- I've got the --

5 THE COURT: I want you to meet with them.

6 MR. SPEED: Well, all the people are the same --

7 THE COURT: They're all the same people.

8 MR. SPEED: -- that's the thing.

9 THE COURT: Okay.

10 MS. HOLTHUS: Actually, you know what, Judge, I'm going to file a second
11 brief regarding the hearing.

12 THE COURT: Okay.

13 MS. HOLTHUS: Comparing it to *Miller* and what the standards are --

14 THE COURT: All right.

15 MS. HOLTHUS: -- and how it's done. And then we can address at that point,
16 if that's all right with everyone.

17 THE COURT: And meet with Mr. Speed. If you have a conflict on you want
18 somebody subpoenaed and she's not going to subpoena them, then you -- you'll
19 have to put it -- we'll put it back on.

20 The hearing's the 12th?

21 THE CLERK: Actually, it's going to be the 5th, March 5th.

22 THE COURT: March 5th. And then the end of February, in the middle of
23 February, we will have a status check on whether you got the witnesses you want,
24 Mr. Speed. And that you guys have met together and we're ready for the hearing.
25 That will just be a status check and you can come in and say, yeah, we're ready for

1 the hearing on March 5th or no, we're not because we don't have this witness
2 subpoenaed.

3 MR. SPEED: Give us at least 30 days prior, Your Honor, I think that'll give us
4 enough time --

5 THE COURT: That's a couple of weeks. Thirty days is fine.

6 MR. SPEED: February 5th, something like that.

7 THE COURT: That's fine.

8 THE CLERK: Okay. February 4th at 8 a.m.

9 THE COURT: Okay?

10 MS. HOLTHUS: Just for everyone's information, I'm going to file a brief that
11 kind of talks about how it goes because it's my -- going to be --

12 THE COURT: That's fine.

13 MS. HOLTHUS: It's my position that it's going to be similar to a *Denno*
14 hearing.

15 THE COURT: Right.

16 MS. HOLTHUS: That there's going to be -- they've got to show certain things
17 by preponderance, it's their burden.

18 THE COURT: That's fine. That's fine.

19 MS. HOLTHUS: Okay, thanks.

20 THE COURT: File what you need to file.

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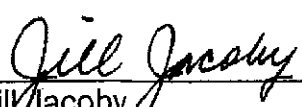
MS. HOLTHUS: Thank you.

MR. SPEED: Thank you, Your Honor.

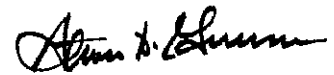
THE COURT: Thanks.

[Proceeding concluded at 8:57 a.m.]

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Jill Jacoby
Court Recorder



CLERK OF THE COURT

1 RTRAN

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

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8 STATE OF NEVADA,

9 Plaintiff,

CASE NO. C294607

DEPT. VIII

10 vs.

11
12 GREGORY ANTHONY WILLIAMS,

13 Defendant.

14 BEFORE THE HONORABLE DOUGLAS E. SMITH, DISTRICT COURT JUDGE
15 WEDNESDAY, FEBRUARY 4, 2015

16 **TRANSCRIPT OF PROCEEDINGS**
17 **STATUS CHECK: AVAILABILITY OF WITNESSES FOR 3/5 HEARING**

18 APPEARANCES:

19 For the State:

JAMES SWEETIN, ESQ.
Chief Deputy District Attorney

21 For the Defendant:

JUSTIN R. GLASGOW, ESQ.
Deputy Public Defender

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23
24
25 RECORDED BY: JILL JACOBY, COURT RECORDER

1 WEDNESDAY, FEBRUARY 4, 2015 AT 8:07 A.M.

2
3 THE COURT: C294607, page 3, Gregory Williams.

4 MS. JONES: Your Honor, that's Ms. Holthus's case.

5 MR. GLASGOW: We have a special PD as well coming down for that case.

6 THE COURT: I think we need to have a meeting with the PD and the DA to
7 get people here on time, mostly with the PD. Your guys are never here.

8 MR. GLASGOW: I'm here, Your Honor.

9 THE COURT: Well, I know you are, but --

10 MR. GLASGOW: I've got a couple of these --

11 THE COURT: -- somebody needs to talk to -- go get me my phone. It's on
12 my desk. I'll call the PD.

13 [Matter trailed at 8:07 a.m.]

14 [Matter recalled at 8:41 a.m.]

15 THE COURT: C294607, Gregory Williams.

16 MR. SWEETIN: I'm not sure who defense counsel on this is, I'm covering this
17 for Ms. Holthus. It was --

18 THE COURT: It's a status check on witnesses that are going to be available
19 for the March 5th hearing.

20 MR. SWEETIN: It's my understanding that our witnesses are available.

21 THE COURT: Okay.

22 MR. GLASGOW: Your Honor, it's Mr. Speed's case, I don't know if he's --
23 he's been notified that we have court this morning, he should be on his way.

24 THE COURT: You know what? I'm going to have to have a talk with Phil. I
25 can't -- it just seems like more and more I'm saying to the PDs, where's your --

1 where's your attorneys? Where's your attorneys? DAs are sitting over there
2 waiting. But I've got attorneys here. And that's how we practice law is showing up
3 in court.

4 MR. GLASGOW: I understand, Your Honor, I mean this is --

5 THE COURT: I'm not trying to be ugly about this.

6 MR. GLASGOW: Yeah. And I know it's --

7 THE COURT: But they've got to -- the specialty teams have got to be here.
8 They know that I start at 8:00. They should come here first.

9 MR. GLASGOW: I understand that, Your Honor, there just might be multiple
10 departments he might have to be at this morning.

11 THE COURT: All right. So the hearing is going forward on March 5th. Just let
12 Mr. Speed know that. They're available. We'll have that March 5th hearing.

13 MR. GLASGOW: I'll let him know. He can put it on calendar if there's any
14 kind of problem he has with it.

15 THE COURT: Thank you.


16 MR. SWEETIN: Thank you, Judge.

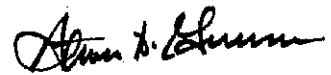
17 THE CORRECTIONS OFFICER: 8:00 still?

18 THE COURT: Yeah.

19 [Proceeding concluded at 8:43 a.m.]

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23 
24 Jill Jacoby
25 Court Recorder



CLERK OF THE COURT

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DISTRICT COURT

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CLARK COUNTY, NEVADA

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STATE OF NEVADA,

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Plaintiff,

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vs.

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GREGORY ANTHONY WILLIAMS,

13

Defendant.

CASE NO. C294607

DEPT. VIII

14

BEFORE THE HONORABLE DOUGLAS E. SMITH, DISTRICT COURT JUDGE

15

WEDNESDAY, MAY 27, 2015

16

**TRANSCRIPT OF PROCEEDINGS
CALENDAR CALL**

17

18

APPEARANCES:

19

For the State:

STACEY L. KOLLINS, ESQ.
Chief Deputy District Attorney

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For the Defendant:

KEVIN C. SPEED, ESQ.
Deputy Public Defender

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23

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RECORDED BY: JILL JACOBY, COURT RECORDER

1 WEDNESDAY, MAY 27, 2015 AT 9:08 A.M.

2
3 THE COURT: C294607, Gregory Williams.

4 MS. KOLLINS: Good morning, Your Honor, Stacey Kollins on behalf of the
5 State.

6 THE COURT: Number 1.

7 MR. SPEED: And Kevin Speed for Mr. Williams, Your Honor.

8 THE COURT: Ready to go to trial. Number 1, Monday, 9:30.

9 MR. SPEED: Can't go, Your Honor. We are not ready to go to trial. We just
10 received some very important DNA discovery that we need to have reviewed by an
11 expert.

12 THE COURT: Okay.

13 MR. SPEED: According to the report that we received initially, there's genetic
14 material that has been found --

15 THE COURT: Okay.

16 MR. SPEED: -- that we cannot explain without the assistance of an expert.

17 THE COURT: All right. Has he waived his right to a speedy trial?

18 MR. SPEED: He has.

19 THE COURT: All right. Ordinary course.

20 MR. SPEED: If it's acceptable with Court, the State and I were looking at the
21 second week in October, I believe it's October 17th.

22 MS. KOLLINS: October 12th.

23 MR. SPEED: October 12th.

24 ///

25 ///

1 THE CLERK: October 12th? October 12th, 9:30.

2 THE COURT: Okay. Good.

3 THE CLERK: Calendar call is October 7th.

4 [Proceeding concluded at 9:09 a.m.]

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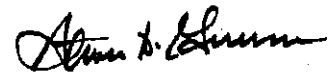
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Jill Jacoby
Court Recorder



CLERK OF THE COURT

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

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8 STATE OF NEVADA,

9 Plaintiff,

CASE NO. C294607

DEPT. VIII

10 vs.

11
12 GREGORY ANTHONY WILLIAMS,

13 Defendant.

14 BEFORE THE HONORABLE DOUGLAS E. SMITH, DISTRICT COURT JUDGE
15 WEDNESDAY, OCTOBER 7, 2015

16 **TRANSCRIPT OF PROCEEDINGS**
17 **CALENDAR CALL**

18 **APPEARANCES:**

19 For the State:

STACEY L. KOLLINS, ESQ.
Chief Deputy District Attorney

20
21 For the Defendant:

KEVIN C. SPEED, ESQ.
Deputy Public Defender

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25 RECORDED BY: JILL JACOBY, COURT RECORDER

1 WEDNESDAY, OCTOBER 7, 2015 AT 7:52 A.M.

2
3 THE COURT: C294607, Gregory Williams.

4 It doesn't appear, Mr. Speed, that this is overflow eligible.

5 MR. SPEED: It is not, Your Honor. That was one of the messages that I
6 received from Ms. Kollins, they are not prepared to go to overflow. And one of the
7 reasons that I am not announcing ready this morning is I will need a start later than
8 the -- I think it's October 12th start that we're originally set for right now. There are
9 some new witnesses that have to be interviewed that Mr. Williams has just made our
10 office aware of.

11 If the Court is going to be in another trial --

12 THE COURT: Yeah, for the next two or three weeks.

13 MR. SPEED: -- that's probably good for us. That's good for us.

14 THE COURT: All right.

15 MR. SPEED: That gives me more time and I'm sure it gives the DA more time
16 also. I believe she's in a trial in another department, in Judge Leavitt's department,
17 beginning of the 19th.

18 THE COURT: When's our next status -- or our next criminal stack?

19 THE CLERK: January.

20 THE COURT: There's got to be one before December, isn't there?

21 THE CLERK: December is your civil.

22 THE COURT: Is there a criminal stack between now and the end of the year?

23 THE CLERK: October 12th through November 13th.

24 THE COURT: January. Yeah, let's set it in January.

25 THE CLERK: Calendar call will be January 13 at 8 a.m. Your jury trial will be

1 January 25th at 9:30.

2 THE COURT: So the calendar call is the 13th?

3 THE CLERK: Yes.

4 THE COURT: And the trial is the?

5 THE CLERK: 25th.

6 THE COURT: Okay.

7 MR. SPEED: And if it's all right with Your Honor, I'll hang out here for a few
8 minutes.

9 THE COURT: Okay.

10 MR. SPEED: I believe Ms. Kollins is coming. I'll make sure that those dates
11 are good with her.

12 THE COURT: If that's a problem with her, we can fix the date.

13 MR. SPEED: All right.

14 MR. FLINN: Thank you, Your Honor.

15 THE COURT: Thank you.

16 [Matter trailed at 7:55 a.m.]

17 [Matter recalled at 8:11 a.m.]

18 THE COURT: C294607, Gregory Williams.

19 MS. KOLLINS: Good morning, Your Honor.

20 THE COURT: You can stay seated. We're just going to change the trial date,
21 Mr. Williams.

22 MS. KOLLINS: That's fine, Your Honor. As well, I needed to put on the
23 record what offer he rejected because that's withdrawn now. He was offered an
24 attempt lewdness with a minor and an attempt sexual assault on a minor. State
25 right to argue. He understands that's withdrawn.

1 THE COURT: There are 53 counts in this this and he's rejected two counts.
2 MS. KOLLINS: That is correct. Two 2 to 20s that has been rejected, Your
3 Honor.

4 THE COURT: All right. And that's no longer available?

5 MS. KOLLINS: No, sir.

6 THE COURT: All right. So when would you like it set for trial?

7 MS. KOLLINS: I can do the 11th of January or I can do end of February.

8 THE COURT: Yeah, we can do it the 11th.

9 MS. KOLLINS: And there's DNA so it'll take the week. Okay.

10 THE CLERK: Your calendar call will be December 30th.

11 THE COURT: Make sure it gets done.

12 THE CLERK: At 8 a.m. Your jury trial is January 11th at 9:30.

13 MS. KOLLINS: Can we move that calendar call till after the first of the year?

14 THE COURT: That's when I'm hearing calendar calls.

15 MS. KOLLINS: Okay. That's fine.

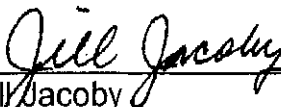
16 THE COURT: Just let me -- just make notes, please.

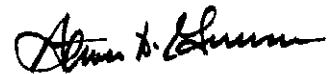
17 MS. KOLLINS: Sure. Thank you.

18 THE COURT: Thanks.

19 [Proceeding concluded at 8:12 a.m.]

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21 ATTEST: I hereby certify that I have truly and correctly transcribed the audio/visual
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25 Court Recorder



CLERK OF THE COURT

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DISTRICT COURT

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CLARK COUNTY, NEVADA

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STATE OF NEVADA,

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Plaintiff,

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vs.

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GREGORY ANTHONY WILLIAMS,

13

Defendant.

CASE NO. C294607

DEPT. VIII

14

BEFORE THE HONORABLE DOUGLAS E. SMITH, DISTRICT COURT JUDGE

15

WEDNESDAY, DECEMBER 30, 2015

16

**TRANSCRIPT OF PROCEEDINGS
CALENDAR CALL**

17

18

APPEARANCES:

19

For the State:

STACEY L. KOLLINS, ESQ.
Chief Deputy District Attorney

20

21

For the Defendant:

KEVIN C. SPEED, ESQ.
Deputy Public Defender

22

23

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RECORDED BY: JILL JACOBY, COURT RECORDER

1 WEDNESDAY, DECEMBER 30, 2015 AT 8:22 A.M.

2
3 THE COURT: C294607, Gregory Williams.

4 MS. KOLLINS: Good morning, Your Honor.

5 MR. SPEED: Good morning, Your Honor. Kevin Speed for Mr. Williams who
6 is present, in custody.

7 MS. KOLLINS: Your Honor, Mr. Speed contacted me last week and told me
8 he wanted the underlying DNA data. We had not had that discussion before. I
9 provided that to him as soon as I could get it. The recalculation was submitted to
10 him last calendar call. I don't think he can be ready if he can't endorse an expert.

11 THE COURT: Okay. Are you asking for a continuance?

12 MR. SPEED: I am, Your Honor.

13 THE COURT: Gosh.

14 MR. SPEED: I have to have one. I don't know DNA from Dutch cleanser. I
15 have to have an expert look at this stuff and tell me --

16 THE COURT: All right. All right.

17 MR. SPEED: -- what we'll be talking about for a week and a half.

18 THE COURT: All right. Ordinary course.

19 THE CLERK: Calendar call March 16 at 8 a.m. Jury trial, March 28 at 9:30.

20 THE COURT: And February -- around the middle of February, we'll have a
21 status check on your trial readiness.

22 THE CLERK: February 17th at 8 a.m.

23 THE COURT: Thanks. And I need Mr. Speed to approach the bench.

24 You can come, too.

25 [Bench Conference Begins]

1 MS. KOLLINS: Can I double check this trial date really quick, please, with my
2 calendar?

3 THE COURT: Yeah.

4 MR. SPEED: This one?

5 [Bench Conference Concludes]

6 [Proceeding concluded at 8:24 a.m.]

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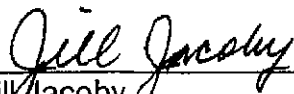
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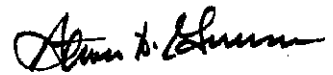
21 ATTEST: I hereby certify that I have truly and correctly transcribed the audio/visual
22 recording in the above-entitled case.

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Jill Jacoby
Court Recorder



CLERK OF THE COURT

1 RTRAN
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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7
8 STATE OF NEVADA,

9 Plaintiff,

CASE NO. C294607

DEPT. VIII

10 vs.

11
12 GREGORY ANTHONY WILLIAMS,

13 Defendant.

14 BEFORE THE HONORABLE DOUGLAS E. SMITH, DISTRICT COURT JUDGE
15 WEDNESDAY, FEBRUARY 17, 2016

16 **TRANSCRIPT OF PROCEEDINGS**
17 **STATUS CHECK: TRIAL READINESS**

18 APPEARANCES:

19 For the State:

STACEY L. KOLLINS, ESQ.
Chief Deputy District Attorney

20
21 For the Defendant:

KEVIN C. SPEED, ESQ.
Deputy Public Defender

22
23
24
25 RECORDED BY: JILL JACOBY, COURT RECORDER

1 WEDNESDAY, FEBRUARY 17, 2016 AT 8:22 A.M.

2
3 THE COURT: C294607, Gregory Williams, page 9.

4 MS. KOLLINS: Good morning, Your Honor, Stacey Kollins on behalf of the
5 State.

6 MR. SPEED: And Kevin Speed for Mr. Williams, Your Honor, who is present,
7 in custody.

8 THE COURT: Are you ready for trial?

9 MR. SPEED: We should be ready by next month.

10 THE COURT: All right.

11 MS. KOLLINS: State --

12 THE COURT: You've got all of discovery, you'll be ready to go. Trial date is
13 March 28th, calendar call March 16th. Thank you.

14 MS. KOLLINS: I should be ready. I've not received his expert notice.

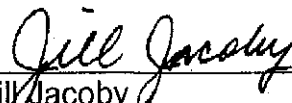
15 THE COURT: He'll provide you whatever is statutory, I'm sure.

16 MR. SPEED: Certainly, Your Honor. Thank you.

17 THE COURT: Thank you.

18 [Proceeding concluded at 8:23 a.m.]

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21 ATTEST: I hereby certify that I have truly and correctly transcribed the audio/visual
22 recording in the above-entitled case.

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24 Jill Jacoby
25 Court Recorder


CLERK OF THE COURT

1 RTRAN
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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

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8 STATE OF NEVADA,

9 Plaintiff,

10 vs.

11
12 GREGORY ANTHONY WILLIAMS,

13 Defendant.

CASE NO. C294607

DEPT. VIII

14 BEFORE THE HONORABLE DOUGLAS E. SMITH, DISTRICT COURT JUDGE
15 WEDNESDAY, MARCH 16, 2016

16 **TRANSCRIPT OF PROCEEDINGS**
17 **CALENDAR CALL**

18 APPEARANCES:

19 For the State:

STACEY L. KOLLINS, ESQ.
Chief Deputy District Attorney

20
21 For the Defendant:

KEVIN C. SPEED, ESQ.
Deputy Public Defender

22
23
24
25 RECORDED BY: JILL JACOBY, COURT RECORDER

1 WEDNESDAY, MARCH 16, 2016 AT 8:26 A.M.

2
3 THE COURT: C294607, Gregory Williams.

4 MS. KOLLINS: Good morning, Your Honor, Stacey Kollins on behalf of the
5 State. Your Honor, if I might --

6 MR. SPEED: Good morning, Your Honor, Kevin Speed for Mr. Williams who
7 is present, in custody.

8 MS. KOLLINS: If I might approach. Mr. Speed contacted me last week and
9 said this Court had ordered Clark County School District records. I just received
10 those. I went back and looked at a previous hearing, however, that was had on
11 March 5th of 2015 where this Court took school records acquired by Mr. Speed and
12 his investigator and deemed those irrelevant. I'm a little confused by the
13 juxtaposition between those two orders.

14 The second thing for today is I learned that when this Court denied a
15 motion for the children's basis of sexual knowledge, a hearing was had where
16 Mr. Speed and his investigator interviewed those kids out at their schools. And
17 those interviews were recorded. Those have never been produced to the State.

18 THE COURT: Mr. Speed.

19 MR. SPEED: Your Honor, we sent the audio disk of our interviews with the
20 two complaining witnesses to Ms. Kollins's office yesterday. They should be either
21 in her mailbox or en route to her office right now.

22 MS. KOLLINS: I also dropped with your office the CPS records which
23 Mr. Speed indicates you ordered.

24 THE COURT: Yeah, I have to look at them. I have not had an opportunity to
25 review those.

1 MS. KOLLINS: Your Honor, I -- I am prepared to go to trial. I don't assume
2 there's much on those disks that will negate my ability to go to trial --

3 THE COURT: How long will it --

4 MS. KOLLINS: -- but I am set already in Department 20 starting on Monday,
5 and that trial is going to go the week if not bleed over into the second week. So
6 what I would ask this Court, if you're inclined to set this trial, I would ask for a
7 Tuesday start because I will be in back-to-back trials.

8 THE COURT: How long will it take to try this case?

9 MR. SPEED: Who's the judge in 20?

10 MS. KOLLINS: Huh?

11 MR. SPEED: Who's the judge in 20?

12 MS. KOLLINS: Eric Johnson.

13 And I can give the Court the case information.

14 THE COURT: How long will it take to try this case? Eric Johnson?

15 MR. SPEED: No, no, no, he's the -- the Court.

16 MS. KOLLINS: He asked me where I was in trial.

17 MR. SPEED: I asked Ms. Kollins who was the Court in Department 20, who
18 was the judge in Department 20.

19 THE COURT: How long will it take to try this case?

20 MR. SPEED: I'm thinking five days, Your Honor. It'll take a full trial week.

21 THE COURT: All right. So you want the 29th to start?

22 MS. KOLLINS: Yes.

23 THE COURT: All right. That's fine.

24 THE CLERK: March 29th at 9:30.

25 THE COURT: And I'll review these documents and get them to you. I'll do

1 that today.

2 MS. KOLLINS: Okay. And if I don't receive the audio tapes by the end of the
3 week, I will just e-mail the department, because I did not receive them yesterday.

4 THE COURT: All right. Make sure that's done, would you?

5 MR. SPEED: I sent them thousand miler, I'll check on them when I return to
6 the office.

7 MS. KOLLINS: And the only other -- the only other thing I need to tell the
8 Court, if for some reason my other trial is going to go longer, I will contact you by
9 Friday.

10 THE COURT: All right.

11 MS. KOLLINS: It's the best I can do.

12 THE COURT: Stay in touch with Mr. Speed as well.

13 MS. KOLLINS: Sure.

14 MR. SPEED: And what the Court has our school records now? These are
15 school district --

16 MS. KOLLINS: These are the ones that you sent me an e-mail saying the
17 Court ordered their dissemination.

18 MR. SPEED: I see.

19 MS. KOLLINS: Those are not in my custody, but as a friend of the court, I
20 obtained them as to not delay this trial any further.

21 You made a ruling previously that the records, the school district
22 records that were obtained by Mr. Speed were irrelevant and you were not going to
23 disseminate them. So.

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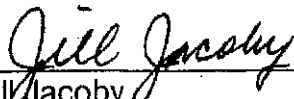
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THE COURT: All right. Thank you.

MS. KOLLINS: Thanks.

[Proceeding concluded at 8:30 a.m.]

ATTEST: I hereby certify that I have truly and correctly transcribed the audio/visual recording in the above-entitled case.



Jill Jacoby
Court Recorder


CLERK OF THE COURT

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DISTRICT COURT

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CLARK COUNTY, NEVADA

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STATE OF NEVADA,

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Plaintiff,

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vs.

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GREGORY ANTHONY WILLIAMS,

13

Defendant.

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BEFORE THE HONORABLE VALERIE ADAIR, DISTRICT COURT JUDGE

15

WEDNESDAY, MARCH 23, 2016

16

TRANSCRIPT OF PROCEEDINGS
STATUS CHECK: TRANSCRIPT

17

18

APPEARANCES:

19

For the State:

20

STACEY L. KOLLINS, ESQ.
Chief Deputy District Attorney

21

KRISTINA A. RHOADES, ESQ.
Deputy District Attorney

22

23

For the Defendant:

24

KEVIN C. SPEED, ESQ.
Deputy Public Defender

25

RECORDED BY: JILL JACOBY, COURT RECORDER

1 WEDNESDAY, MARCH 23, 2016 AT 8:26 A.M.

2
3 THE COURT: And then we put on calendar for Mr. Speed and Ms. Holthus
4 another matter.

5 MS. KOLLINS: Kollins.

6 THE COURT: Oh. Why did I think it was Ms. Holthus?

7 MS. KOLLINS: This --

8 THE COURT: She's in the e-mail chain at some point, I think.

9 MS. KOLLINS: You know, this case was hers previously.

10 THE COURT: All right.

11 MR. SPEED: Good morning, Your Honor, Kevin Speed for Greg Williams, bar
12 number 8895. Mr. Williams is present, in custody.

13 THE COURT: All right.

14 MS. KOLLINS: Stacey Kollins and Kristina Rhoades on behalf of the State.
15 5391.

16 MS. RHOADES: 12480.

17 THE COURT: All right. This was placed on calendar, I believe, to address
18 the issue of the transcripts of the interviews.

19 MR. SPEED: Right.

20 MS. KOLLINS: That's correct. My understanding -- first of all, when I looked
21 back on this case and there was a motion for basically a *Summit* hearing and not
22 knowing that there were other issues surrounding that when we pulled that transcript
23 I learned that there was a whole issue about the children being interviewed at the
24 school, et cetera. We brought that up at calendar call.

25 THE COURT: Right. And I had a chance just to look through the transcript in

1 front of Judge Smith about that.

2 MS. KOLLINS: Right. And back on -- I discovered and I think we addressed
3 this at calendar call a week and a half ago. On March 15th of 2015, Mr. Speed was
4 supposed to have this transcript. Well, I didn't get a copy of this till Friday. I have
5 no transcripts. This is something he's going to use to impeach at trial. And it's
6 virtually --

7 THE COURT: You can't -- I mean, let's face it, I don't think -- I think we can
8 all agree you can't use the disk. It would be difficult to use the disk to impeach
9 somebody at trial.

10 MR. SPEED: Right. Right.

11 THE COURT: So we need a transcript.

12 MS. KOLLINS: Right. So I don't have -- I mean, this is his investigation, his
13 evidence, it should not -- the onus should not be on us to have it transcribed by
14 Monday. I don't have anyone to do that. So that needs to be --

15 THE COURT: How long are these interviews?

16 MS. KOLLINS: An hour and 32 minutes and -- or an hour and 17 minutes and
17 32 minutes.

18 THE COURT: Okay. So Mr. Speed, what's the plan?

19 MR. SPEED: I can probably get our disk transcribed by Monday, that
20 shouldn't be much of a problem.

21 THE COURT: I --

22 MR. SPEED: But we also have three State's witnesses' interviews that need
23 to be transcribed. I only have a CD containing the recorded audio interviews of
24 those. And I need those. So I'm glad the department raised this issue with us
25 because both of us have some work to do.

1 THE COURT: Okay. So, Ms. Kollins, can you get the State's interviews
2 transcribed?

3 And then, Mr. Speed, you need to get the victims' interviews
4 transcribed.

5 MR. SPEED: Right.

6 MS. KOLLINS: I will do my best.

7 THE COURT: I mean --

8 MS. KOLLINS: They're nondisclosure interviews. We have transcribed
9 everything regarding a victim. They -- if there's no disclos --

10 THE COURT: What are these interviews about?

11 MS. KOLLINS: These are interviews of other children in the home where
12 there's no disclosure of sexual abuse.

13 THE COURT: Right.

14 MS. KOLLINS: And they don't transcribe those.

15 THE COURT: Right. So all it would be is they're saying --

16 MS. KOLLINS: Nothing happened.

17 MR. SPEED: Well, we --

18 THE COURT: -- they didn't -- nothing happened.

19 MR. SPEED: We -- that's not exactly true, Your Honor. We still are missing
20 interviews from the mother, Aneesah Hasan and one of the complaining witnesses,
21 Amia Hasan.

22 MS. KOLLINS: We have transcripts of those. So maybe Mister --

23 THE COURT: Okay. Maybe counsel can get together or -- and show him all
24 the transcripts you have.

25 MS. KOLLINS: Certainly.

1 THE COURT: Then, Mr. Speed, make sure those are, you know, you've got
2 everything.
3 MR. SPEED: All right.
4 THE COURT: So Ms. Kollins is representing all the interviews with the
5 mother have been transcribed.
6 MS. KOLLINS: That's my understanding.
7 THE COURT: And all of the interviews with the victim.
8 MS. KOLLINS: That's my understanding.
9 THE COURT: Obviously if there's a problem, start with those, you know, to
10 get those transcribed before these other children in the home --
11 MS. KOLLINS: I can't imagine I would have announced ready with not having
12 the victim transcribed.
13 THE COURT: Okay.
14 MS. KOLLINS: So if Mr. Speed's missing something, I'm more than willing to
15 do a file review with him. I'm in a trial right now.
16 THE COURT: Right.
17 MS. KOLLINS: So I have this morning. I have a couple of hours tomorrow
18 morning, and my jury should be out on Friday so he's also welcome to come by on
19 Friday.
20 THE COURT: Okay.
21 MR. SPEED: I can have that way, that's easy.
22 THE COURT: Okay. So --
23 MR. SPEED: Easy enough.
24 THE COURT: -- we're still set, then, to go forward, I believe it was Tuesday;
25 is that correct?

1 MR. SPEED: Tuesday, yes. We have -- I have a number of motions on
2 calendar for Monday at 8:00.

3 THE COURT: Well, Judge Smith will be back Monday.

4 MR. SPEED: He won't be back Monday?

5 THE COURT: He will be back.

6 MR. SPEED: He will be back Monday.

7 THE COURT: So he'll be able to hear all of those motions. If there's an issue
8 with transcribing or something like that, you can raise that in front of Judge Smith on
9 Monday.

10 MR. SPEED: Okay.

11 THE COURT: But as of right now we'll anticipate that you'll be going forward
12 and everything will be getting transcribed. Obviously, once each thing is done, turn
13 it over to the other side right away.

14 MR. SPEED: Right.

15 THE COURT: And I don't know that there's anything else we needed to go
16 over today.

17 MR. SPEED: I have an additional motion to suppress and since we have
18 three on Monday, this one is of a constitutional dimension. I was going to ask
19 Judge Smith to issue an order shortening time so that we can have that one added
20 to the slate of motions that we have on Monday.

21 Is it possible to have this Court do that or?

22 THE COURT: Well, let me ask you this. Why, I mean, it's way -- it's --

23 MS. KOLLINS: It's past calendar call.

24 THE COURT: -- way outside of the rules to be filing a motion to suppress this
25 late.

1 MR. SPEED: Yes, but --

2 THE COURT: Now, I can't speak for Judge Smith, but I think he probably
3 would say it's untimely.

4 MR. SPEED: Right.

5 THE COURT: So unless it's the result of new discovery or something like
6 that, I don't know why a motion to suppress would just be being filed now after the
7 calendar call, outside of the 15 days.

8 MR. SPEED: We make a point in our motion that it is of a constitutional
9 dimension, and we are allowed to raise those at any time prior to trial.

10 MS. KOLLINS: Well, and my position is this, these last slew of three motions,
11 while I'm responding to them in writing, those were also untimely, those were filed
12 after calendar call, those were not filed with an order shortening time, those were
13 just placed on the Court's calendar without notice to the State that they would be on
14 in five business days. You know, we get 10 days to respond, that's the rule. You
15 don't file motions in limine after calendar call. You don't walk in here and say oh, it's
16 of constitutional dimension so I get to do it at the last minute.

17 THE COURT: Well, I just note all motions to suppress pretty much are of -- I
18 mean, it's going to be the Fifth Amendment, it's going to be the Fourth
19 Amendment --

20 MS. KOLLINS: Right.

21 THE COURT: -- it might be the Sixth Amendment. So they all concern, for
22 the most part, constitutional issues.

23 MR. SPEED: Right.

24 THE COURT: You know, there's nothing unique about a motion to suppress
25 having -- being, you know, of constitutional dimension.

1 MR. SPEED: Well, the fact that we can raise them at any time, Your Honor.

2 THE COURT: Do you know what I'm saying? All of them are, they're all
3 Fourth, Fifth, or Sixth, mainly Fourth and Fifth Amendment issues. So, you know.

4 MS. KOLLINS: And I apologize for interrupting. I can just tell you that this
5 e-mail came out at 11 minutes to 5 p.m. last night. There was no attachment of the
6 motion. I'm objecting to the Court issuing an order shortening time for, you know,
7 two days for us to respond in writing. So, and I agree with the Court that it's
8 untimely. If Judge Smith wants to allow it, though.

9 THE COURT: Well, my inclination is to, you know, again, I can't speak for
10 Judge Smith. I think he would say it was untimely. So here's the deal. Without
11 reviewing it, I'm not going to say you can file it in open court this morning and direct
12 the State to file an opposition. You're certainly welcome to submit it to chambers
13 with your affidavit stating why it's so late and why you need it on an order shortening
14 time. And then that will be reviewed. But just on the spur of the moment to say, oh,
15 yes, you can file it after calendar call on Wednesday, I'm not inclined to do that.
16 Like I said, you know --

17 MR. SPEED: Then we'll prepare the affidavit.

18 THE COURT: And I think that's probably consistent with what Judge Smith
19 would do.

20 MR. SPEED: Like the transcript, that's easy enough, Your Honor, we'll do
21 that.

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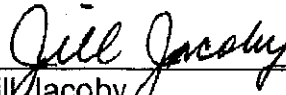
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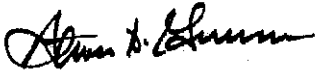
1 THE COURT: Okay. All right. Very good. Judge Smith will see you guys on
2 Monday.

3 MS. RHOADES: Thank you.

4 [Proceeding concluded at 8:34 a.m.]
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24 Jill Jacoby
25 Court Recorder


CLERK OF THE COURT

1 RTRAN
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DISTRICT COURT
CLARK COUNTY, NEVADA

6
7 STATE OF NEVADA,

8 Plaintiff,

9 vs.
10

11 GREGORY ANTHONY WILLIAMS,

12 Defendant.
13

CASE NO. C294607

DEPT. VIII

14 BEFORE THE HONORABLE DOUGLAS E. SMITH, DISTRICT COURT JUDGE

15 MONDAY, MARCH 28, 2016

16 **TRANSCRIPT OF PROCEEDINGS**
17 **DEFENDANT'S MOTION TO SEVER COUNTS**
18 **RELATING TO DIFFERENT VICTIMS**
19 **DEFENDANT'S RENEWED MOTION TO ADMIT EVIDENCE OF**
20 **ALLEGED VICTIMS' ABILITY TO CONTRIVE A SEXUAL ASSAULT**
21 **ALLEGATION AND THEORY OF DEFENSE EVIDENCE**
22 **DEFENDANT'S MOTION IN LIMINE**
23 **(FOR AN ORDER EXCLUDING IMPERMISSIBLE EVIDENCE)**

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25 SEE PAGE 2 FOR APPEARANCES

RECORDED BY: JILL JACOBY, COURT RECORDER

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APPEARANCES:

For the State:

STACEY L. KOLLINS, ESQ.
Chief Deputy District Attorney

KRISTINA A. RHOADES, ESQ.
Deputy District Attorney

For the Defendant:

KEVIN C. SPEED, ESQ.
Deputy Public Defender

1 MONDAY, MARCH 28, 2016 AT 8:09 A.M.

2
3 THE COURT: What about Gregory Williams, are we ready on the Williams
4 case? Page 6.

5 MR. GLASGOW: Your Honor, that's Mr. Speed's case, I apologize.

6 THE COURT: All right, we'll wait till Speed gets here.

7 MS. MISHLER: And, Your Honor, either Ms. Kollins or Ms. Rhoades will be
8 appearing as the DA on that case.

9 THE COURT: All right.

10 MR. GLASGOW: Thank you.

11 [Matter trailed at 8:10 a.m.]

12 [Matter recalled at 8:57 a.m.]

13 MR. SPEED: C294601, Gregory Williams.

14 MS. KOLLINS: Good morning, Your Honor, Stacey Kollins and Kristina
15 Rhoades on behalf of the State.

16 MR. SPEED: Good morning, Kevin Speed for Mr. Williams who is present, in
17 custody. My cocounsel for the trial will be Katrina Ross. I represent her for the
18 record. She will be appearing tomorrow.

19 THE COURT: The motions are a bit late.

20 THE DEFENDANT: Your Honor.

21 THE COURT: Trial's to begin in the morning.

22 THE DEFENDANT: Your Honor.

23 THE COURT: He wants to talk to you, Kevin.

24 MR. SPEED: I believe he wants to talk to the Court, Your Honor.

25 THE DEFENDANT: I'm sorry, Your Honor, but I haven't spoken in 30 months.

1 I haven't spoken at all.

2 Dear Judge Smith, I have scheduled for trial, March -- Tuesday,
3 March 26th --

4 THE COURT: Now, wait. Anything you say may be used against you. Do
5 you understand?

6 THE DEFENDANT: Okay. I understand. I understand that.

7 I have been in custody since September 9th, 2013 --

8 THE COURT: Probably shouldn't be saying this stuff.

9 THE DEFENDANT: Why?

10 THE COURT: This -- because it'll -- why?

11 THE DEFENDANT: Yeah.

12 THE COURT: Because it's bad against you, you're looking at 52 counts.

13 THE DEFENDANT: Okay. I understand that. Okay.

14 And since I've been in custody, Mr. Speed has been my attorney since
15 October 2013. For 29 months, Mr. Speed has refused to give me my discovery. All
16 right. I have -- I've not been given one document of my discovery. All right.
17 Nothing. Anything regarding discovery in this case, he flashes the things at me and
18 then takes them away. He's actually taken away documents from me. This --

19 THE COURT: Do you know why he does that?

20 THE DEFENDANT: Uh-huh.

21 THE COURT: Here's what would happen. I'm a former public defender, I
22 know.

23 THE DEFENDANT: Okay.

24 THE COURT: You would have all of this discovery over there and I know
25 nobody here would do it, but they would go through your stuff when you're not in

1 that cell and they'd say -- and then they call their detective and they say, hey, guess
2 what? Williams just confessed to me. If you'll help me, I will testify against
3 Mr. Williams.

4 THE DEFENDANT: I understand that point.

5 THE COURT: That's why discovery -- I would never let discovery go over to
6 the -- to the prisoners when I was --

7 THE DEFENDANT: Your Honor --

8 THE COURT: -- a public defender because they'd always turn around bite us
9 in the patootie.

10 THE DEFENDANT: Your Honor, everybody else besides anybody has a
11 client as Mr. Speed and one other public defender gets their discovery. And
12 everybody has it in the unit.

13 THE COURT: I'm telling you --

14 THE DEFENDANT: Everybody.

15 THE COURT: -- it is not advisable, but go ahead. Keep going.

16 THE DEFENDANT: All right.

17 THE COURT: If you want.

18 THE DEFENDANT: This is -- this is beyond ineffective counsel. I have never
19 seen an investigator in my case, never talked to an investigator. And if there is one,
20 I've never been told what he has done or done -- and or did or did not do.

21 On Friday, March 25th, 2016, that was just this Friday, at approximately
22 2 p.m., Mr. Speed called me and told -- at my unit on the blue phone, the attorney
23 phone, and told me I have until 3 p.m. that same day to accept the deal that he did
24 not know the details of. He wasn't even sure what the details were on the deal that I
25 had to accept by 3 p.m., one hour later. All right.

1 This goes beyond the scope of ineffective counsel. He -- when I sit
2 there and tell him things of my case, he negates them and tells me straight out, no,
3 you're not going to use this. No, we're not going to investigate this. No.

4 THE COURT: Well the attorney has the right. The -- that's why we have
5 attorneys. Attorneys have the right to control the trial in the courtroom.

6 THE DEFENDANT: The --

7 THE COURT: That's their right. You haven't gone to law school. You don't --
8 you haven't tried other cases. Mr. Speed is one of the most educated trial attorneys
9 we have. One of the better trial attorneys. He's tried more cases than most people
10 have, this type.

11 THE DEFENDANT: Uh-huh.

12 THE COURT: It takes a specialty and he's there.

13 THE DEFENDANT: He refuses everything I've said. Every single thing.
14 Total, in total. Everything. You can't tell me that everything I say is totally negative,
15 not possible. And then you just refuse to even get it or look for it. I've had my
16 people call and he never answers any calls back. Finally, I think he answered one
17 out of the entire two and a half years. Sent him a letter, he ignored that. Sent him
18 evidence, he ignored that. He has a history of this conduct with a lot of inmates and
19 inmates sit there and turn around and terminate him because of this conduct.
20 Because he will not let you participate in your own trial or defense. Basically he just
21 wants you to take a deal or he sells you a case of there's no hope. There's nothing,
22 you're doomed. And that what he has been doing is throwing negative, it's doomed,
23 you're over. Either that or take this deal.

24 THE COURT: Sometimes, Mr. Williams -- I don't know the facts of the case.
25 Sometimes that's all you've got is a defense attorney.

1 THE DEFENDANT: Well I would like a track attorney and him to be
2 dismissed and I have this motion right here to sit there, submit to you today.

3 THE COURT: You can submit whatever you'd like. It's a bit late, but.

4 THE DEFENDANT: I know. I've been trying my best to sit there and work
5 with him, but he will not work with me. He just say keeps telling me no, no, no, to
6 everything.

7 MS. KOLLINS: If I might, Your Honor. Very briefly.

8 THE COURT: Yeah. State.

9 MS. KOLLINS: Mr. Williams waived to take a deal two years ago. He's tried
10 to negotiate that deal to get something better. He backed out of that deal. That
11 deal's not on the table anymore. The deal that they want is not on the table.
12 There's DNA in this case, there's a kid. They've known that. We had calendar call
13 two weeks ago. I'm not obligated to sit on a case for three years, get these kids all
14 ready for trial and give him something better. So that's kind of where we are.

15 MR. SPEED: I'm sorry to interrupt, Your Honor. With the Court's permission,
16 may I be at ease for a moment, I have to make a few notes in the file.

17 THE COURT: Yes.

18 MR. SPEED: Thank you.

19 THE COURT: All right. The motion to discharge Kevin Speed as attorney of
20 record, even though it was filed today, State -- State hasn't seen the motion. It just
21 follows what Mr. Williams just said. But I'm not inclined to do it. I'm inclined to start
22 the trial in the morning at 9 -- 9:30. I hope we can get started at 9:30.

23 MS. KOLLINS: Does that mean --

24 THE COURT: You're entitled to a good lawyer and Mr. Speed's one of the
25 best. You're entitled to a zealous -- a zealous representative and he is a zealous

1 representative. And he has an investigator and we're going to go to trial starting in
2 the morning. I mean, you waived to take a deal couple of years ago and you
3 decided not to and that's your right. They're not going to make a better offer or
4 any -- I don't see any offer.

5 MR. SPEED: While the Court is discussing negotiations on the record, the
6 offer that was conveyed to Mr. Williams at the beginning was to plead guilty to two
7 counts, two Category B offenses with the State stipulating or not opposing
8 concurrent time between the two counts. Afterward, that increased to stipulate to
9 two counts Category B offenses. Stipulate to a term of imprisonment of 8 to 20
10 years with the State asking for consecutive time between the two counts. I believe
11 that that was diminished somewhat after communications with Ms. Kollins and
12 Ms. Rhoades to two counts, stipulate to 8 to 20, right to argue. After our brief
13 exchange of emails on last Friday after Ms. Kollins completed her trial in the other
14 department, I believe it was in Department 20, we started negotiation again. And
15 there was some confusion about the final state of the State's offer.

16 I would ask the State to place that on the record so that Mr. Williams is
17 clear about what it is that we're either rejecting or deciding on between now and
18 9:30 in the morning. Or --

19 THE COURT: All right. And --

20 MR. SPEED: -- if that offer is off the table completely.

21 THE COURT: Let me ask you this. The lewdness with a child under the age
22 of 14, the range of punish of that is?

23 MS. KOLLINS: Ten to life, Your Honor.

24 THE COURT: Ten to life. And sexual assault with a minor under 14?

25 MS. KOLLINS: 35 to life, Your Honor.

1 THE COURT: Okay.

2 MR. SPEED: Those are both correct, Your Honor.

3 THE DEFENDANT: Your Honor, I have a --

4 THE COURT: So he's looking at 28 lewdness counts which would be 280, if
5 convicted, 280 years to life, 280 lifes.

6 And the other, 875 years on the low end.

7 THE DEFENDANT: I --

8 THE COURT: You don't want -- didn't want the 8 to 20. And I understand,
9 you don't -- I'm not trying to talk you into this. I'm just -- let me hear what, if the -- if
10 the State were to offer today, what would you offer today?

11 MS. KOLLINS: Today after gearing these kids up for trial, I'd offer him a 10 to
12 life.

13 THE COURT: One 10 to life?

14 MS. KOLLINS: I mean, here's the situation, Your Honor --

15 THE COURT: And he's looking at -- if -- a thousand years to life.

16 MR. SPEED: Your Honor, my advice to him would be if those are his
17 options --

18 THE COURT: You go talk to him. Don't talk out here.

19 THE DEFENDANT: Can I ask --

20 MS. KOLLINS: I just want to -- I just want to make a record. Because it
21 sounds like we've been disingenuous in our exchange. We have not. He waived up
22 for a deal before the DNA came back. We have DNA in this case all over this kid.
23 So giving him two 8 to 20s was a gift.

24 THE COURT: All right. So right --

25 MS. KOLLINS: So --

1 THE COURT: -- now the state of the negotiation, if he were to accept it is one
2 10 to life.

3 MS. KOLLINS: Probably give him a 10 to life and a 2 to 20. Today. Because
4 we've already got, I mean, we've got --

5 THE COURT: Let me have Mr. Speed speak to him.

6 MR. SPEED: Excuse me, Your Honor --

7 THE DEFENDANT: I have a question.

8 THE COURT: Okay.

9 THE DEFENDANT: Can it -- is it possible to get a sexual assault against a
10 virgin? To be convicted of that.

11 THE COURT: You know, you're going to start arguing things that have
12 nothing to do with this negotiation. If you want to go to trial, I'm ready in the
13 morning. I'm ready.

14 THE DEFENDANT: It's an argument --

15 THE COURT: I am ready.

16 THE DEFENDANT: -- that me and Mr. Speed have been continuously
17 having. I say how can I get convicted of a sexual assault against a virgin?

18 THE COURT: Okay.

19 THE DEFENDANT: He says it's possible. Is it possible?

20 THE COURT: Just -- do you want to talk to Mr. Speed or not? If you don't
21 want to talk to Mr. Speed, then we're going to trial at 9:30 in the morning.

22 MS. KOLLINS: Judge, I have about six places to be. Do you want me to
23 hang out?

24 THE COURT: Just chill. Chill for a second.

25 [Colloquy between the Judge and the Corrections Officer]

1 THE COURT: No, no, no. You just stay here. I'm going to have the rest
2 moved. No, stay right there, Mr. Williams. The rest of them can be moved.

3 [Pause in proceedings]

4 THE COURT: Do you want to talk to your -- is it, are you the father?

5 MR. SANDERS: Yes, sir.

6 THE COURT: Do you want to talk to him?

7 MR. SANDERS: Yes.

8 THE COURT: Okay. Move him over two chairs. Move over two chairs and
9 you can sit in that front chair. You can't touch him. Don't hand anything to him.
10 That officer's very -- very gun-shy. Not very gun-shy. He --

11 Just stand right there.

12 MR. SPEED: Your Honor, while Mr. Sanders and Mr. Williams are conferring
13 with one another, we do have three and perhaps one other motion that we can deal
14 with.

15 THE COURT: He's talking. Let's don't deal with anything --

16 MR. SPEED: Wait --

17 THE COURT: -- until he's done talking to him.

18 MR. SPEED: That's fine.

19 [Proceeding trailed at 9:14 a.m.]

20 [Proceeding recalled at 9:19 a.m.]

21 THE COURT: C294607, Gregory Williams.

22 MR. SPEED: Kevin Speed for Mr. Williams who is present, in custody.

23 Mr. Williams has had an opportunity to speak with his father who is also present, in
24 court this morning. He is Elder Melvin Samuels who is here -- Sanders, who is here.
25 Raise your hand, Mr. Sanders, please.

1 And they have discussed all aspects at least of our understanding of
2 what the State's offer is at this point and the significance of its increase from last
3 week. I was about to mention to the Court that if the offer now is 10 to life with a
4 possible 2 to 20 added on to that, either concurrently or consecutively, then his best
5 option is probably go to trial.

6 MS. KOLLINS: Okay. I'm ready.

7 THE COURT: Okay. Okay, we'll start the trial tomorrow morning at 9:30.

8 MS. KOLLINS: Yes, sir.

9 THE COURT: How long will it take to try this case?

10 MS. KOLLINS: Your Honor --

11 MR. SPEED: At least five days, Your Honor. With Tuesday being jury
12 selection, we'll probably bleed over into Wednesday --

13 THE COURT: All right.

14 MR. SPEED: -- picking our jury. We'll open Wednesday. Thursday, Friday,
15 Monday with witnesses.

16 THE COURT: All right.

17 How many witnesses does the State have?

18 MS. KOLLINS: About 10.

19 THE COURT: Okay.

20 MS. KOLLINS: We might be able to shave a couple.

21 THE COURT: Do you have any witnesses you're contemplating?

22 MR. SPEED: Depending on what we hear from --

23 THE COURT: Yeah.

24 MR. SPEED: -- Ms. Robertson, the DNA Analyst who says and the State has
25 made that representation this morning that there is DNA all over this kid. I would

1 disagree with that, but depending on what she says, I don't see us calling any more
2 than three, potentially.

3 MS. KOLLINS: And they have not filed a witness notice.

4 MR. SPEED: We have filed a witness notice, Your Honor. It's on file --

5 MS. KOLLINS: Your expert --

6 MR. SPEED: -- with the Court.

7 MS. KOLLINS: -- notice you filed?

8 MR. SPEED: I didn't say anything about an expert.

9 MS. KOLLINS: Well.

10 THE COURT: He didn't say anything about expert. We'll deal with that as we
11 get to it.

12 All right. Tomorrow morning at 9:30.

13 MS. KOLLINS: All right.

14 MR. SPEED: All right. Now as far as our pretrial motions, there's a couple of
15 things. The Court is familiar with the interview that I and my investigator conducted
16 with the two complaining witnesses at Roy Martin Middle School. We have been
17 able to have a transcript of that interview produced. The State has been provided
18 with a copy of it. I think it's appropriate at this point to provide Your Honor with one
19 because the contents of this interview have a direct and significant bearing on our
20 renewed motion to allow Mr. Williams to present evidence of the Complainant's
21 ability to contrive a sexual assault allegation. And if I may approach, I do have a
22 copy of that for Your Honor.

23 MS. KOLLINS: And as long as it remains a Court's exhibit and doesn't get
24 marked and get back to a jury --

25 THE COURT: It won't get back.

1 MS. KOLLINS: -- in some fashion.

2 THE COURT: I can't --

3 MR. SPEED: Also during --

4 THE COURT: -- rule on it until I read it, but.

5 MR. SPEED: Also during that interview, I believe it was Tyana was asked to
6 draw her understanding of the floor plan of her apartment. I do have a copy of that.
7 I'll give that to the State now.

8 THE COURT: Okay.

9 MR. SPEED: We can begin with the motion in limine for an order excluding
10 impermissible evidence. I did receive a copy of the State's opposition there. I
11 believe that we're in agreement on one of the two points. That is that the State
12 should not be allowed to introduce any evidence of any allegations of past domestic
13 violence committed against the mother of the Complainant, Aneesah Hasan.

14 As far as Item Number 1, what we're asking the Court for an order
15 excluding any testimony about suspicious conduct occurring some six months or
16 possibly a year before September of 2013, the key incident in this case. In their
17 opposition, they do cite that the charging document has a timeframe that begins in
18 September of, I believe, 2011. And on that, then I do believe that it weakens our
19 motion, the position that we stand on there significantly.

20 But as far as Count 2 -- or Item Number 2 in our motion, the State does
21 concede that any introduction of evidence pertaining to domestic violence or
22 allegations of domestic violence would be inappropriate unless Mr. Williams
23 somehow opens the door to that.

24 MS. KOLLINS: Your Honor, I understand what the parameters are regarding
25 domestic violence. The child is going to say she was scared to tell. And we don't

1 have to delve into why she was scared to tell. As to --

2 THE COURT: How old is she?

3 MS. KOLLINS: She's 12 now.

4 THE COURT: All right.

5 MR. SPEED: One's 12 and one's 14, I believe, Your Honor.

6 THE COURT: Okay.

7 MS. KOLLINS: If I could finish. As to the prior conduct of the Defendant
8 carrying that kid in a room away from the other kids, it made the other children
9 suspicious. I absolutely disagree with that. Because that is conduct that is within
10 our timeframe. Because Mr. Speed's going to come in here and say people were
11 home when this happened. Well, they were home, but he secluded that girl. So,
12 you know, that is part and parcel of our case in chief and our evidence and our
13 burden. So I disagree with the characterization that that can't come in as prejudicial.
14 That is observation of things that happened in the home and he's going to come in
15 here and say, well everybody was home, nothing could have happened. So as to
16 the domestic, I get it, but as to the other, absolutely disagree.

17 THE COURT: All right.

18 MR. SPEED: And perhaps I wasn't clear on that, Your Honor. We are in
19 effect conceding Item Number 1.

20 Item Number 2 I believe that the State made clear in its opposition that
21 they would not delve into any allegations of domestic violence.

22 I would want to -- I want to put the Court on notice here that if the
23 mother, Aneesah Hasan testifies, there is a 9-1-1 call where she makes statements
24 to the dispatcher about him having, he'll kick my ass, or he's been abusive before. If
25 that testimony comes out or if that evidence is played for the jury, we'd ask that

1 those portions be redacted and that this Court, on the heels of this Court entering an
2 order, granting in part and denying in part the motion in limine. Denying as to Item
3 Number 1, granting as to Item Number 2, except if the situation arises where
4 Mr. Williams opens the door.

5 MS. KOLLINS: Well, and as to the 9-1-1 tape. I don't think that that
6 necessarily implies prior domestic violence. Just he's going to be so pissed, he's
7 going to act out and he's going to react. So I don't think that implies previous
8 domestic issues.

9 MR. SPEED: I believe the statement is something to the effect, if he's done
10 this before, he's been abusive, is there anyway somebody can come here because I
11 know he's going to beat my ass. Or something like that.

12 MS. KOLLINS: I'll listen to it again.

13 THE COURT: You listen to it, but it is what it is. The jury has the right to hear
14 the entire case. Unless --

15 MR. SPEED: Except if -- except if there is a prior bad act mentioned.

16 THE COURT: Unless the prior bad act has nothing to do with it and has been
17 ruled on.

18 MR. SPEED: And it does not. Any allegations of domestic violence against
19 the mother of the Complainants doesn't have anything to do with our case.

20 THE COURT: All right. Anything else?

21 MS. KOLLINS: No, sir.

22 MR. SPEED: That's it on that one.

23 THE COURT: Okay. Now what?

24 MS. KOLLINS: So is it granted as --

25 MR. SPEED: Granted in --

1 MS. KOLLINS: -- to domestic violence --

2 THE COURT: Granted. Granted.

3 MS. KOLLINS: -- or denied as to the suspicious behavior?

4 THE COURT: Yes, the suspicious behavior is admissible.

5 MR. SPEED: The second is our motion to sever counts relating to the two
6 complaining witnesses, Your Honor. We believe that these allegations do not form a
7 common plan of scheme and that the allegations made by Amia are not or would not
8 be cross-admissible with the allegations that were made by Tyana. And we would
9 submit it on our filing there.

10 MS. KOLLINS: And the State absolutely disagrees. We have new legislation
11 where other sexual conduct is admissible for propensity. Moreover, these two kids
12 were in the same house, same residence, same offender. And as Mr. Speed knows
13 by the information he elicited in his own interviews that the same conduct was
14 committed on both Tyana and Amia. However, because that -- the touching the
15 breasts was not disclosed regarding Tyana earlier, that's not charged in the
16 information. But they would absolutely be cross-admissible.

17 MR. SPEED: Well because, and just briefly in opposition to that, Your Honor,
18 because there is new legislation, the Supreme Court has not overruled *Petrocelli*.
19 We still have controlling case law with respect to the admission of prior bad acts and
20 whether or not two acts, even though they're similar, they may bear some
21 similarities to one other, whether or not they constitute a common plan or scheme.
22 And in this case it's clear that the two acts do not. In order for the State to show that
23 these are a common plan or these acts constitute a common plan or scheme, they
24 have to give proof or show proof that in the commission of one act, the Defendant
25 had the specific intent to commit the other act at some later point in time. And

1 there's no way that they can show that based on what we've heard from in our
2 interviews with the two complaining witnesses. So we would ask the Court to grant
3 our motion.

4 MS. KOLLINS: Our response to that is that's an absolute convolution of the
5 law. There's no requirement that I prove that if I have sex acts committed on one
6 kid, I have to prove that at that time he has the intent to commit or create a common
7 scheme and plan regarding a second victim. That is not the law. That's a
8 convolution of the state of the law, honestly. I'm moreover disappointed that we're
9 entertaining these after calendar call --

10 THE COURT: They're not timely, but I was off last week. And so that's why I
11 made sure they were on today. And I agree with the State that they will be allowed.
12 I'm not going to sever the victims. I'm denying the -- that motion.

13 MR. SPEED: Third, Your Honor, we've asked the Court to allow us to admit
14 evidence of the Complainant's ability to contrive a sexual assault allegation under
15 *Summit*.

16 The Court indicated earlier that it had not had an opportunity to read the
17 transcripts or listen to the audio CD that we submitted earlier. It is clear, however,
18 that the two girls did know, or at least one. The older child did know -- had first-hand
19 knowledge of her mother's employment as a sex worker. She knew that her mother
20 was a porn star. In fact, she said as much in our interview with my investigator in
21 front of the vice principal of her middle school. We asked what mommy does for
22 work. Her answer was, she's a porn star. And she told us what porn star meant.

23 So we believe that based on that, based on the children having
24 knowledge what their mother does or did at the time, we believe that they would
25 have the ability to contrive something like this.

1 We want to prevent the State from making a sexual innocent argument
2 which is actually what Detective Flink did when she was investigating the case in her
3 interrogation of Mr. Williams. She tried to use the idea of, well, how could an 11
4 year old make up something like this if it didn't happen? An 11-year-old girl doesn't
5 know about these kinds of things. Our argument in opposition to that is, yes, they
6 do. These particular 11 year olds do know about this kind of thing.

7 THE COURT: You've argued this before.

8 MR. SPEED: Right.

9 THE COURT: And I --

10 MR. SPEED: And the Court said that we could raise a motion after it's seen
11 the interview.

12 THE COURT: All right.

13 MS. KOLLINS: And my position is this, you had ten days to revisit this for a
14 motion to reconsider back in March of '15. There's no way we should be
15 entertaining this now. The child that he speaks about that knew that the mother was
16 involved in some pornography, she's the one without the DNA. So she's not the one
17 with the DNA. So we're talking about two counts of lewdness for sucking her
18 breasts and that just undermines the whole case. I mean, it's not relevant. We
19 haven't had a hearing. The first -- the child with the DNA on her body does not
20 know anything about what mom does. And, again, we've already heard this motion
21 and it's been previously denied.

22 THE COURT: All right.

23 MR. SPEED: Then perhaps we should revisit the motion to sever if the State
24 is conceding that the child who makes the allegations who does not have what the
25 State believes is DNA all over, but does have knowledge of mom's history in the sex

1 industry or her employment in the sex industry, these two cases, the two allegations
2 should not be tried together because we have two significantly different -- differently
3 situated complaining witnesses.

4 THE COURT: Okay.

5 MS. KOLLINS: And I disagree. They are close in time and place --

6 THE COURT: You know, it's close in time and place and I'm going to allow
7 that in. Thanks. See you in the morning at 9:30.

8 MS. KOLLINS: You're going to allow the pornography questioning in? Or
9 you're going to keep the cases together?

10 THE COURT: I'm keeping the cases together.

11 MS. KOLLINS: Okay. Are you going to allow him to question on the second
12 victim having a basis of knowledge of sexual -- I mean, we haven't even really had a
13 hearing. We haven't had this kid in here to talk about what she knows. This --

14 THE COURT: All right.

15 MR. SPEED: We have the transcript from the interview, Your Honor. It's very
16 clear what the children know.

17 THE COURT: This is the one -- is that the one where you snuck into the
18 school?

19 MR. SPEED: I didn't -- hold on. I see the Court's laughing about that one.
20 We didn't sneak --

21 THE COURT: They thought you were --

22 MR. SPEED: -- into the school.

23 THE COURT: Not necessarily, but they thought you were a police officer
24 because you showed a badge.

25 MR. SPEED: They should not have thought that, and we went through --

1 THE COURT: Shouldn't have but --

2 MR. SPEED: -- that with Ms. Holthus.

3 THE COURT: -- you didn't do anything to clear it up.

4 MR. SPEED: I presented my badge that says Deputy Public Defender. They
5 made a copy of it. I spoke to not only the assistant principal but the principal as well
6 with my investigator. Both of us had badges. They made copies of both and we
7 showed those to Your Honor.

8 And to get back to the pressing issue here, we aren't asking to be
9 allowed to just ask questions willy-nilly about what these girls know. The way that
10 we were left after our hearing last year was that we were not allowed to question
11 these young ladies about their ability to contrive. And the Court denied our motion
12 on that.

13 Seeing now that we know that they did have knowledge of mom's
14 employment in the sex industry --

15 THE COURT: You say they. You keep saying they. And --

16 MR. SPEED: At least one. At least one of the children had knowledge of
17 mom's employment in the sex industry. We should be allowed to question them
18 about that in order to present the most complete --

19 THE COURT: Not them. That's --

20 MR. SPEED: One of them. At least one of them about that to present the
21 most complete defense that's available to us under *Summit*. Or at least the State
22 should be prevented from making a sexual innocent argument.

23 MS. KOLLINS: Okay. He did that interview prior to coming into Court last
24 time so nothing has changed. The only thing that's changed is he's been forced to
25 transcribe it. The child had the same knowledge and it was previously denied on

1 exactly the facts we have here. Nothing is --

2 MR. SPEED: Because the Court hadn't heard the transcript.

3 MS. KOLLINS: I didn't interrupt you, Mr. Speed. It's going to be a long four
4 days.

5 THE COURT: He tried to.

6 MR. SPEED: Right.

7 MS. KOLLINS: Really?

8 He had this information the last hearing. He knew that it was only one
9 kid. And Your Honor denied it because it's inappropriate. There is no causal
10 connection between seeing pornography and reporting getting your breasts licked.

11 MR. SPEED: The causal connection that we're trying to bring to the Court's
12 attention is the complaining witnesses, or at least one, to be specific, their ability to
13 contrive a sexual assault allegation. Or to prevent, inversely, to prevent the State
14 from saying or witnesses from the State from saying that these girls are -- were 11
15 and 12 years old at the time. There's no way that they could describe incidents of
16 sexual abuse this way unless the defendant actually did these things to them.
17 Children of these tender years are sexually innocent. They don't know about this
18 kind of thing unless they're describing something that happened to them. Under --

19 MS. KOLLINS: Again --

20 MR. SPEED: -- *Summit*, the Supreme Court had said that a Defendant has
21 the right not to introduce evidence that speaks to their chastity or their sexual
22 character, but to introduce evidence of their ability to contrive something like this so
23 that the State doesn't present a case to the jury that says, well, ladies and
24 gentlemen, the only way that an 11- or a 12-year-old girl would know about
25 something like this is if it actually happened. Our defense to that is, no, that's not

1 true. Because at least one of these children knew that their mother worked as a sex
2 worker, producing adult films and pornographic videos in the house, in their
3 presence.

4 MS. KOLLINS: And my response, again, is this was addressed in March of
5 2015. It was denied.

6 THE COURT: No, I'm going --

7 MS. KOLLINS: Ten days for motion to rehear. Now after calendar call
8 procedurally inappropriately we're addressing them again.

9 MR. SPEED: In the minutes --

10 MS. KOLLINS: And nothing -- and nothing --

11 THE COURT: I did say --

12 MS. KOLLINS: -- has changed.

13 THE COURT: -- I would look at the -- what they presented.

14 MR. SPEED: That was -- that was the only thing that --

15 THE COURT: So I --

16 MR. SPEED: -- I was pointing out.

17 THE COURT: I gave him the right to bring it up. But I still don't think it's
18 relevant unless it comes up. Before you ask any questions, approach the bench.

19 MS. KOLLINS: And I'm sorry, Your Honor. So you don't think it's relevant,
20 but --

21 THE COURT: But if something comes up and he wants to ask a question,
22 then you'll approach the bench and we'll talk about it.

23 MS. KOLLINS: What would Your Honor consider opening the door where that
24 might be appropriate?

25 THE COURT: I don't know. That's why I say.

1 MS. KOLLINS: Okay.

2 THE COURT: I'm not opposed to holding that off to listen to what is being
3 said. Because 52 counts, there's going to be a lot of testimony.

4 MR. SPEED: If the Court would allow me to point its antenna in this direction,
5 the State would probably try to make some sort of sexual innocent argument here.
6 And, again, I know that in her interrogation of Mr. Williams, Detective Flink asked
7 him questions in order to elicit a confession from him that made lots of hay about
8 these wouldn't know how to do something like this. How can you deny these things
9 have happened when I've got an interview with an 11-year-old girl who says that this
10 happened, and that happened, and that happened? Eleven-year-old girls don't
11 know how to describe things like that unless you're guilty of doing it. And it's part
12 and parcel of a detective's investigation into a suspect, or interview with a suspect.

13 What we're trying to prevent is the State from making that kind of
14 interrogation technique the underlying theme of the trial here by presenting Tyana
15 and Amia, or at least in the situation, Amia -- Amia, sexual innocence. People who
16 don't know how to make up an allegation like this unless it actually happened to
17 them.

18 MS. KOLLINS: And, Your Honor, I would point you to one Tyana doesn't
19 know anything about it. And when you read the statement by Amia, she knows her
20 mom does pornography, but she also says, if you read her statement, that
21 everything she knows about body parts that don't get touched is from fifth grade. So
22 she's had Sex Ed already.

23 THE COURT: Okay.

24 MS. KOLLINS: So that is also an equal explanation for her basis of
25 knowledge under *Summit*.

1 THE COURT: Okay. If something should come up and you think the door's
2 open, do not ask the question without coming to the Court.

3 MR. SPEED: We will do that, Your Honor.

4 THE COURT: But at this time, it's denied.

5 MS. KOLLINS: Is it denied specifically as to Tyana --

6 THE COURT: No. To both.

7 MS. KOLLINS: -- as well for all purposes.

8 THE COURT: Yes.

9 MS. KOLLINS: Okay.

10 MR. SPEED: Just so that I'm clear, Your Honor. The motion is denied if a
11 situation arises where this may become relevant to our proceedings, then --

12 THE COURT: Yes.

13 MR. SPEED: -- both state and defense should approach the bench.

14 THE COURT: Approach the bench and we'll talk .

15 MR. SPEED: All right.

16 MS. KOLLINS: And I guess I'll --

17 THE COURT: Jury instructions should be here no later than Wednesday.

18 MR. SPEED: One more, Your Honor. One today or one tomorrow?

19 THE COURT: Wednesday.

20 MR. SPEED: One Wednesday. Hold on.

21 THE COURT: How come the special public defender didn't show?

22 MR. SPEED: Your Honor, I have one more motion. I apologize.

23 THE COURT: That's all right.

24 MR. SPEED: This one is a motion to suppress evidence related to the DNA
25 analysis. We believe that this motion touches and concerns a constitutional right, a

1 very important constitutional right that Mr. Williams has. I believe that Detective
2 Flink was at least misleading, at worst outright dishonest with Judge Sciscento when
3 she applied for the warrant to secure his buccal swab or secure his DNA sample in
4 the detention center. I would have filed it last week during our calendar call. Judge
5 Adair was sitting in for the Court and did not allow us to file it at that time. Because,
6 again, this is a motion that touches and concerns a constitutional issue, we believe
7 that we are on firm footing with our case law in that we can file it at any time prior to
8 trial or during trial when we realize that something like this is happening. And --

9 THE COURT: File it.

10 MR. SPEED: -- if I may approach,

11 THE COURT: File it and I'll --

12 MR. SPEED: -- I do have it.

13 THE COURT: -- look at it.

14 MR. SPEED: The State has received a copy of it and Ms. Kollins signed off
15 on the receipt of copy, but acknowledged in --

16 THE COURT: File it and I'll --

17 MR. SPEED: -- signing it, that she would disagree with the --

18 THE COURT: -- look at it.

19 MR. SPEED: -- any order shortening time.

20 MS. KOLLINS: Yeah.

21 THE COURT: File it and I'll look at it.

22 MS. KOLLINS: Mr. Speed never applied for an order shortening time, even
23 though we were here last week.

24 THE COURT: All right. Just file it and I'll look at it.

25 MS. KOLLINS: I -- did -- Mr. Speed, did you also provide the Court a copy of

1 the search warrant that you were --

2 MR. SPEED: Yes.

3 MS. KOLLINS: -- attacking?

4 MR. SPEED: The application for the search warrant.

5 MS. KOLLINS: Well the application, the warrant that was signed, and the
6 return, I think would probably be appropriate.

7 MR. SPEED: You got, included in the motion, Your Honor, as an exhibit is the
8 application and the return.

9 THE COURT: All right.

10 MR. SPEED: I believe it would be unnecessary to include the warrant
11 because obviously Detective Flink did receive the buccal swab.

12 THE COURT: All right.

13 [Colloquy on a separate case, Case Number C290115]

14 MS. KOLLINS: And, Your Honor, you heard that we may need through
15 Monday, right?

16 THE COURT: Yeah.

17 MS. KOLLINS: Okay. Thank you.

18 THE COURT: We'll get through it.

19 MR. SPEED: I will send the Court -- before you guys leave, I'll send the Court
20 another copy of the questions that the Court asked us the last time that we
21 appeared here for trial with Ms. Ross, coincidentally, if we had questions that we
22 would like the Court to ask the venire panel before we begin.

23 THE COURT: Yes.

24 MR. SPEED: I do have a copy of that. I'll email it to the Court's law clerk.

25 THE COURT: Thank you.

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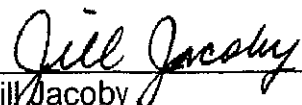
MS. KOLLINS: Are you going to share that with me, Mr. Speed?

THE COURT: The State has that as well, if you want to submit questions.

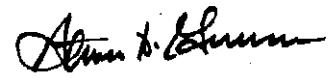
MS. KOLLINS: Okay. Thank you, Your Honor.

[Proceeding concluded at 9:43 a.m.]

ATTEST: I hereby certify that I have truly and correctly transcribed the audio/visual recording in the above-entitled case.



Jill Jacoby
Court Recorder



CLERK OF THE COURT

1 TRAN

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DISTRICT COURT

4

CLARK COUNTY, NEVADA

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THE STATE OF NEVADA,

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Plaintiff,

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CASE NO. C294607

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vs.

DEPT. VIII

9

GREG ANTHONY WILLIAMS,

10

Defendant.

11

12

BEFORE THE HONORABLE DOUGLAS E. SMITH, DISTRICT COURT JUDGE

13

14

TUESDAY, MARCH 29, 2016

TRANSCRIPT OF PROCEEDINGS

15

JURY TRIAL - DAY 1

16

VOLUME I

17

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18

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19

Chief Deputy District Attorney

20

KRISTINA A. RHOADES, ESQ.

21

Deputy District Attorney

22

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KEVIN C. SPEED, ESQ.

23

KATRINA M. ROSS, ESQ.

Deputy Public Defenders

24

RECORDED BY: SANDRA PRUCHNIC, COURT RECORDER

25

TRANSCRIBED BY: BRITTANY MANGELSON, INDEPENDENT TRANSCRIBER

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1 TUESDAY, MARCH 29, 2016 AT 9:50 A.M.

2
3 [Outside the presence of the prospective jury]

4 THE COURT: All right. Since this was re -- there's a second amended
5 information, will that reduce the amount of time?

6 MR. SPEED: If he is convicted at trial.

7 THE COURT: Yeah. If he's convict -- not of that. I mean, to put the trial on?

8 MR. SPEED: Oh, no, no, no. No. It will not.

9 THE COURT: It'll still go into next week?

10 MR. SPEED: Yes.

11 THE COURT: All right. Go get the jury, Tom.

12 You'll each have nine peremptories. 13 and 14 will be the alternates.
13 And I guess for the record I need to ask, Mr. Williams, you don't want to accept a
14 negotiation, is that right?

15 MS. ROSS: Sorry, Your Honor, I was talking to him.

16 THE COURT: You don't want to accept a negotiation?

17 THE DEFENDANT: I don't think I do.

18 THE COURT: Pardon? I can't hear you.

19 THE DEFENDANT: I don't think I do.

20 THE COURT: Okay. But your attorneys have talked to you about. They're
21 obligated to talk to you when an offer is made and so I'm just protecting the record.

22 What was the offer made, Mr. Speed?

23 MR. SPEED: Your Honor, the State proposed that our client plead guilty
24 pursuant to the *Alfred* decision to one count of either -- one count of lewdness with a
25 child under the age of 14 that carries a ten to life term in the Department of

1 Corrections, plus an additional count of perhaps attempt lewdness, a Category B
2 offense that carries a two to twenty year term.

3 THE COURT: All right. And you don't want to accept those, is that correct?

4 THE DEFENDANT: Yes.

5 THE COURT: All right. Your attorneys have answered all your questions
6 regarding negotiations to your satisfaction? You're satisfied with their services to
7 this point?

8 THE DEFENDANT: Yes.

9 THE COURT: Okay. Oh, is there anything you want to argue about that DNA
10 issue?

11 MR. SPEED: We do have that final motion. I'm glad the Court reminded us
12 of that. We will submit it on what we have. The State has received a copy. I don't
13 know if Ms. Kollins or Ms. Rhoades has prepared a written opposition to that or not,
14 but I believe that our position is pretty clear -- clearly set out in the motion.

15 THE COURT: I've read through it. I read the application by Detective Flink to
16 Judge Sciscento. Based upon what I have read, I believe that it is -- it was
17 allowable. I was not -- I didn't find any difficulty in her seeking a local swab search
18 warrant, getting it, and go from there. So your motion to suppress is denied. And
19 it's probably late in any event.

20 Mr. Williams, you don't have to stand. You can sit down if you want.

21 THE DEFENDANT: Me?

22 THE COURT: Yeah, if you want.

23 MR. SPEED: And, Your Honor, after the marshal brings in the venire panel,
24 would the Court give us a few minutes to do some mathematical calculations?
25 Howard Brooks, the Court knows him very well, will have our hides if certain

1 procedures aren't followed with respect to making possible Batson challenges.

2 THE COURT: Yes.

3 [Pause in proceedings]

4 THE COURT: There's a jury instruction that I give. It's pretty new and I've
5 only used it once but you can look at it. It's about implicit bias.

6 If either of you have an objection you can voice it.

7 MR. SPEED: Thank you, Your Honor.

8 THE COURT: Yeah. We don't have to worry about that until we do jury
9 instructions, but that was proposed at a judicial conference I went to and it's pretty
10 much on the edge of providing this type of an instruction.

11 [Pause in proceedings]

12 MS. KOLLINS: Your Honor --

13 THE COURT: Charlotte Bible?

14 MS. KOLLINS: I know her.

15 THE COURT: Is the --

16 MS. KOLLINS: Metro.

17 THE COURT: Isn't she the attorney for --

18 MS. KOLLINS: For Metro.

19 THE COURT: -- Metro?

20 MS. KOLLINS: Yes, sir.

21 Can we just talk a couple moments about scheduling?

22 I'm talking to myself.

23 MR. SPEED: I'm sorry, honey, what happened?

24 MS. KOLLINS: I just wanted to discuss scheduling a little bit. Like what hours
25 we were going to be here, what we had going on --

1 MR. SPEED: Okay.

2 MS. KOLLINS: -- so we can plan witnesses.

3 THE COURT: We'll be here until 4:30 or 5:00.

4 MR. SPEED: Okay.

5 THE COURT: When I take an hour break, it's generally 55 minutes.

6 MS. KOLLINS: Okay.

7 MR. SPEED: The Court has a calendar tomorrow morning, yes?

8 THE COURT: Yeah.

9 MR. SPEED: Expecting to be finished at?

10 THE COURT: 9:30.

11 MR. SPEED: Okay. That's what we thought.

12 THE COURT: So we'll -- other question. Thursday, we can go from 8:00
13 because I don't have anything Thursday and Friday.

14 MS. KOLLINS: Okay. Well I know from speaking to my witnesses yesterday
15 that Mr. Speed has them subpoenaed for the following week. So, I will be happy to
16 do that --

17 THE COURT: Well if they -- if you're calling them I'll give him extra time --

18 MR. SPEED: Right.

19 THE COURT: -- I'm not going to call them twice.

20 MR. SPEED: Right. And that was our objective in that too, Your Honor. We
21 don't want to have to call people twice but we wanted to make sure in case we had
22 questions for some of the people who appeared as persons of interest in the police
23 reports or whatever that they were under both parties subpoenas.

24 THE COURT: All right.

25 [Colloquy between Counsel]

1 THE COURT: All right. So what other questions did you have about --

2 MS. KOLLINS: I just -- just it's helpful for me to know when I need to have
3 people here. 8:00 is a little early.

4 THE COURT: I'm here at 5:00.

5 MS. KOLLINS: Well, okay.

6 THE COURT: I know, get a life.

7 MS. KOLLINS: That's crazy.

8 THE COURT: We don't have any decisions though that have not been made.

9 MS. KOLLINS: Would you consider 9:00 on Thursday? Because I have court
10 appearances and so I'm like giving everything away when I do that.

11 THE COURT: Well it depends on how fast we're moving along. If we're
12 moving along good -- if we're going slow -- we'll talk. Yeah, I may --

13 MS. KOLLINS: Okay.

14 THE COURT: Wednesday night, tell me.

15 MS. KOLLINS: Yes, sir.

16 THE COURT: Well the only one I see is Charlotte Bible. And I'm sure you're
17 not going to have any objection to Charlotte. Metro's attorney.

18 MR. SPEED: Right.

19 THE COURT: All right. You guys are ready?

20 MS. KOLLINS: Yes, sir.

21 THE COURT: All right. Bring them in.

22 And if your intern comes in, she can sit in those chairs right behind you.
23 Other than that, these chairs will all be full.

24 [In the presence of the prospective jury]

25 THE MARSHAL: All rise, please.

1 And be seated.

2 THE COURT: Good morning, ladies and gentlemen, this is Case C294607,
3 State of Nevada versus Gregory Anthony Williams. The record will reflect the
4 presence of the State's attorneys, the Defendant, his attorneys, all officers of the
5 Court. Parties have announced ready.

6 Ladies and gentlemen, you're in Department VIII of the Eighth Judicial
7 District Court of the state of Nevada. My name is Doug Smith and I am the
8 presiding judge. I had to borrow somebody else -- somebody borrowed my notes.
9 So I am the presiding judge and you have been summonsed today to serve as jurors
10 in a criminal case.

11 Let me introduce my staff. This is Tina Jolley, she's my court clerk.
12 She will keep track of everything that goes on in court, witnesses and exhibits.
13 Sitting next to her is Sandra Pruchnic. Did I get it -- no, Pruchnic. Pruchnic.

14 THE COURT RECORDER: Pruchnic.

15 THE COURT: Pruchnic. She is helping us out just for today. She's a court
16 recorder and she's recording everything. So we don't say uh-huh or uh-uh or nod
17 our head or shake our head, please. Oh, and the marshal is Tom Lemke. If you
18 want to communicate with the Court you communicate through the marshal, you
19 don't communicate directly with the Court.

20 Let me give you a couple other things. If you're in the hall during a
21 break or when you come in in the morning, only talk to people a blue badge on.
22 That will designate that they are jurors and you won't be messing up somebody
23 else's trial if you talk to somebody that happens to be a witness in the case. So
24 don't talk to anyone.

25 If you see one of us in the hallway, even if it's getting on the elevator,

1 don't ask us to push the buttons. Don't think that we're -- they are instructed by me
2 not to even speak to you so that doesn't mean that the parties are impolite or rude,
3 they're following the Court's order because it may have an appearance of being kind
4 to each other and in the past they've argued that that has tainted the jury. So don't
5 even talk to us if you're there. Reach around us and push the button on the
6 elevator.

7 Is there anyone that knows the individuals that I've introduced in court?
8 Periodically, you'll see my law clerk come in. His name is Alan Miller. Anybody
9 know Alan?

10 This is a trial that will probably last until Monday they tell me. We'll
11 have a full day every day. We'll be done by 4:30 or 5:00 every day. When I take a
12 break, generally it's not an hour -- if I say an hour, it's generally under an hour I'm
13 back on the bench because I feel that your time is important. I believe in our system
14 of government and that is that good citizens have the -- and we expect citizens to sit
15 as jurors and so I try not to waste your time.

16 The State will introduce themselves and they'll give you the names of
17 witnesses that may be called. Not all of them will be called generally. They'll tell
18 you a little bit about the case.

19 MS. RHOADES: Thank you, Your Honor.

20 Good morning. My name is Kristina Rhoades. This is Stacey Kollins.
21 We are Prosecutors. We work for the State of Nevada. And the State of Nevada in
22 this case has brought charges against Gregory Williams. He's charged with several
23 counts of lewdness with a child under the age of 14 and several counts of sexual
24 assault with a minor under 14 years of age. The time period that we're talking about
25 is January 1st, 2011 through September 6th, 2013.

1 And there's two named victims in the lewdness with the child counts
2 that is Amia Hasan and Tyana Hasan. Amia is now 15 years old. She was between
3 10 and 12 at the time of the alleged crimes. Tyana is now 12 years old and she was
4 between 7 and 10 years old at the time of the alleged crimes. Tyana is also the
5 named victim in the sexual assault counts. Amia and Tyana are the daughters of
6 Aneesah Hasan.

7 Aneesah Hasan was in a dating relationship with Mr. Williams during
8 this time period. They were all living together in the location that you're going to
9 hear about is the Juan Garcia Gardens apartment complex. It's at 2851 Sunrise,
10 near 20th Street and Sunrise Avenue. Aneessah's three other children also lived in
11 the apartment; Demarius Hasan, who's now 13 years, Kayla Moody, 11, and James
12 Moody, who is now 9 years old.

13 In order to prove these charges we'll be presenting evidence and
14 testimony of witnesses. You are not going to hear from all of the witnesses that I
15 read, but just listen to the names and pay attention, let us know if you know anybody
16 because you might hear about them if you don't hear from them at the witness
17 stand. And those include Annesah Hasan, Amia Hasan, Tyana Hasan, Demarius,
18 James, and Kayla.

19 From the Las Vegas Metropolitan Police Department, Detective Jessica
20 Flink, Detective Richard Tenant, Officer Tyler Burgess, Cassandra Robertson, Kim
21 Murga, Kellie Gautheir; they are all forensic scientists in the DNA division of Metro.

22 From Sunrise Hospital, Doctor Theresa Vergara and Griselda Campbell
23 who is a registered nurse there. You may hear from a custodian of record of Metro,
24 custodian of record of Sunrise Hospital, from the District Attorney's Office, Craig
25 Faber, who is an investigator with our office, Sonya Lucero, and Katina Sanders-

1 Bowie; they are victim witness representatives from our office.

2 And from Roy Martin Middle School, Mary Hafner who is the principal
3 there and Amada Lebkowicz. I believe that's how you pronounce it. She's the
4 assistant principal there. Thank you all very much.

5 THE COURT: Is there anyone that knows the Prosecutors? Besides you.
6 We'll get to you in a minute. Anybody know?

7 All right. Ms. Bible, you're the attorney for the police department.

8 PROSPECTIVE JUROR NUMBER 015: Correct.

9 THE COURT: You guys -- do you guys want her to be examined? Do you
10 want her to at least stay on?

11 MS. KOLLINS: Your Honor, I prefer that we just release her. She just
12 appeared for me in a case, so.

13 MR. SPEED: We concur with that, Your Honor.

14 THE COURT: Okay.

15 MR. SPEED: Thank you.

16 THE COURT: You're free to go. Thanks. Thank you. Sorry.

17 As she's leaving, what we're doing is we're trying to get 14 people,
18 that's 12 jurors and two alternates, that are unbiased and have the appearance
19 of -- and Mrs. Bible may be unbiased but her appearance would lead one to think.
20 So we need to fill that spot.

21 THE CLERK: Timothy O'Reilly, Badge 0025. Go to Seat Number 8.

22 THE COURT: Somebody knows me? Who knows me?

23 THE MARSHAL: Stand up, tell us your name and the last four of your --

24 PROSPECTIVE JUROR NUMBER 034: My name and the what?

25 THE MARSHAL: Last four of your number.

1 PROSPECTIVE JUROR NUMBER 034: All right. My name is Rebecca
2 Mullen and the last -- my numbers are 34, 0034.

3 THE COURT: How do you know me?

4 PROSPECTIVE JUROR NUMBER 034: You try -- you were the judge on a
5 case involving my son, which is now under appeal.

6 THE COURT: Okay. Does either party have a -- do you want to leave her on
7 and ask questions?

8 MS. KOLLINS: None by the State, Your Honor. Thank you.

9 THE COURT: Defense?

10 MR. SPEED: None by the Defense.

11 THE COURT: You're free to go. Thank you. Thank you for your candidness.
12 If you'll check in with the Jury Commissioner on the third floor, please.

13 THE MARSHAL: Pass that back, please.

14 PROSPECTIVE JUROR NUMBER 013: I'm Juror Number 0013 and I --

15 THE COURT: What's your name?

16 PROSPECTIVE JUROR NUMBER 013: Daphne Brownson.

17 THE COURT: Uh-huh.

18 PROSPECTIVE JUROR NUMBER 013: And I know two of the named
19 witnesses from the prosecuting, Mary Hafner and Amanda Lebkowicz.

20 THE COURT: Okay. Is there anything about that association that would bias
21 you towards or against the Defendant or the State?

22 PROSPECTIVE JUROR NUMBER 013: Not necessarily.

23 THE COURT: You won't call them and say hey, I'm on this jury.

24 PROSPECTIVE JUROR NUMBER 013: No, I'm not --

25 THE COURT: Tell me this.

1 PROSPECTIVE JUROR NUMBER 013: -- personal friends with them. I just
2 have a working relationship with them.

3 THE COURT: Okay. What do you do?

4 PROSPECTIVE JUROR NUMBER 013: I'm an administrator for Clark County
5 School District.

6 THE COURT: Okay. Thanks.

7 MR. SPEED: Your Honor, we would ask that the Court release Ms.
8 Brownson. If she's an administrator with the school district, I believe that her
9 relationship with the two name witnesses --

10 THE COURT: I understand.

11 MR. SPEED: -- might be too close.

12 MS. KOLLINS: I'll submit it.

13 THE COURT: All right. You're free to check in with the Jury Commissioner.
14 Thank you for your answers.

15 THE CLERK: Melissa Yadao, Badge 0026. Seat Number 6.

16 PROSPECTIVE JUROR NUMBER 038: Juror Number --

17 THE COURT: All right.

18 PROSPECTIVE JUROR NUMBER 038: -- 0038, Mike Lichwa and I know --

19 THE COURT: And who do you know?

20 PROSPECTIVE JUROR NUMBER 038: -- one of the witnesses -- one of the
21 nurses, Ms. Campbell.

22 THE COURT: How do you know Ms. Campbell?

23 PROSPECTIVE JUROR NUMBER 038: She helped my father-in-law in the
24 nurse --

25 THE COURT: All right. So you don't -- you're not on a social basis with her?

1 PROSPECTIVE JUROR NUMBER 038: We've seen her a couple times, but
2 no.

3 THE COURT: All right. You wouldn't call her and say hey, what really
4 happened here?

5 PROSPECTIVE JUROR NUMBER 038: No. Not necessarily, no.

6 THE COURT: And you wouldn't -- you will keep an open mind on the
7 evidence -- what we want is everyone to listen to the testimony and look at the
8 exhibits you see inside these four walls. That's all. Don't make a decision on -- so if
9 you bring your everyday common sense with you, but don't bring any evidence in
10 and say --

11 PROSPECTIVE JUROR NUMBER 038: No bias, so.

12 THE COURT: Pardon?

13 PROSPECTIVE JUROR NUMBER 038: No bias.

14 THE COURT: No bias. Okay. Cool, thanks.

15 PROSPECTIVE JUROR NUMBER 049: Hi, good morning. Jeremy Boerner,
16 0049. Also with Clark County School District, I'm a special education administrator.
17 Two of the schools that I consult with and support are Roy Martin and Sunrise Acres
18 Elementary. So I'm familiar with Mary Hafner and --

19 THE COURT: Okay. I'm going to excuse you as well based --

20 PROSPECTIVE JUROR NUMBER 049: Thank you.

21 THE COURT: -- on the same argument before. Do either party have a
22 problem with that?

23 MR. SPEED: No, Your Honor.

24 MS. KOLLINS: No, sir.

25 THE COURT: All right. Check in with the Jury Commissioner.

1 All right. Anybody got airplane tickets to leave town in the next four
2 days? You got to give me your itinerary. I once had someone raise -- say oh, I
3 have a flight out but couldn't give me a copy of the ticket or the itinerary and I had to
4 do an order to show cause. You got it on your phone. She can show you.

5 MS. KOLLINS: I can't even hear him.

6 THE COURT: You have the itinerary with you?

7 PROSPECTIVE JUROR NUMBER 075: Well, I have -- I'm going to Phoenix
8 Grand Prix. I have tickets for it this Saturday.

9 THE COURT: So when do you leave for that?

10 PROSPECTIVE JUROR NUMBER 075: Friday morning.

11 THE COURT: You got to send me the itinerary you're going down there for or
12 schedule -- or your hotel room or something that shows me that, okay?

13 PROSPECTIVE JUROR NUMBER 075: Tickets?

14 THE COURT: Tickets is good.

15 MS. KOLLINS: I apologize, could we get a badge number? I couldn't hear.

16 THE COURT: Yeah, just a minute. We're getting there.

17 Tell me your badge number.

18 PROSPECTIVE JUROR NUMBER 050: My badge number is --

19 THE COURT: Last three or four numbers.

20 PROSPECTIVE JUROR NUMBER 050: 050.

21 THE COURT: And your name?

22 PROSPECTIVE JUROR NUMBER 050: Jaclyn Hafter.

23 THE COURT: And you have plane tickets?

24 PROSPECTIVE JUROR NUMBER 050: Yes, to New York.

25 THE COURT: New York.

1 PROSPECTIVE JUROR NUMBER 050: Yes.

2 THE COURT: I like New York. Why would you go in this weather? But
3 anyway. You're free to check in with the Jury Commissioner. They may be able to
4 have you on a day or two trial. Okay.

5 All right. None on this side? Tell me your name and your badge
6 number.

7 PROSPECTIVE JUROR NUMBER 075: Mike Liberty, 0075.

8 THE COURT: And you have tickets to the --

9 PROSPECTIVE JUROR NUMBER 075: Well the tickets are waiting for me in
10 Phoenix but I guess I could get a copy.

11 THE COURT: You'll have to send them then when you get there.

12 PROSPECTIVE JUROR NUMBER 075: Okay.

13 THE COURT: Please don't make me do it.

14 PROSPECTIVE JUROR NUMBER 075: Would a copy suffice?

15 THE COURT: A copy's fine.

16 PROSPECTIVE JUROR NUMBER 075: Okay.

17 THE COURT: You got to show me proof, otherwise I get upset. And if you
18 get mad at me I'm Judge Bixler.

19 PROSPECTIVE JUROR NUMBER 075: Okay. And how much time do I have
20 to present that?

21 THE COURT: Just get them to me.

22 PROSPECTIVE JUROR NUMBER 075: Okay.

23 THE COURT: If you get them to me before Wednesday next week is fine.

24 PROSPECTIVE JUROR NUMBER 075: Okay. Thank you, Judge.

25 THE COURT: Otherwise I'll have a place for you.

1 PROSPECTIVE JUROR NUMBER 075: Okay.

2 PROSPECTIVE JUROR NUMBER 062: Hi. My name is Henry. My number
3 is 0062 and I have a doctor appointment tomorrow.

4 THE COURT: Tomorrow you have a doctor's appointment. What time?

5 PROSPECTIVE JUROR NUMBER 062: Tomorrow, 10:00 a.m.

6 THE COURT: What for?

7 PROSPECTIVE JUROR NUMBER 062: My heart is hurts and then the --

8 THE COURT: Your heart?

9 PROSPECTIVE JUROR NUMBER 062: Yeah. And then I got a high blood
10 sugar and blood pressure.

11 THE COURT: All right. Send me a copy of your doctor's report.

12 PROSPECTIVE JUROR NUMBER 062: I got a doctor --

13 THE COURT: You got it. Show it to Tom.

14 PROSPECTIVE JUROR NUMBER 062: -- in my phone.

15 THE MARSHAL: That's fine.

16 THE COURT: What would we do without cell phones?

17 PROSPECTIVE JUROR NUMBER 062: I turned it off so I got to --

18 THE COURT: Okay. That's fine. I wasn't saying that. Make sure they're
19 turned off. I had one go off the other day and who's is -- oh, it was mine.

20 Verizon works better in the courtroom.

21 [Colloquy between The Marshal and Prospective Juror Number 062]

22 THE COURT: Okay. Just send me a copy. Get -- when you get in there
23 have the doctor send me something that you're there for your heart.

24 PROSPECTIVE JUROR NUMBER 062: Okay. So I'm going to ask him
25 for --

1 THE COURT: Yes. If it's just a check-up, I would make you stay, but for
2 heart, you got to go take care of that. Take care of your ticker. You got his name,
3 yes, attorneys? Okay.

4 PROSPECTIVE JUROR NUMBER 060: Melissa Bechtler, 0060. I'm still
5 breastfeeding my child.

6 THE COURT: That's more information than I need.

7 PROSPECTIVE JUROR NUMBER 060: I have a child that relies on my food
8 supply.

9 THE COURT: I hear -- I understand that. That's what that meant.

10 PROSPECTIVE JUROR NUMBER 060: They said to be honest, so I'm
11 just --

12 THE COURT: I know, I know.

13 MS. KOLLINS: Look how red he is.

14 THE COURT: Okay. Go. Does either party have a problem with that?

15 MR. SPEED: No, Your Honor.

16 MS. KOLLINS: No, Your Honor.

17 THE COURT: All right. Thank you.

18 PROSPECTIVE JUROR NUMBER 067: Hi. My name is Valeria Pineda,
19 Badge Number 0067, and I'm a full-time student and I work about 35 hours a week
20 so it's kind of hard to --

21 THE COURT: You know what, I know you're a student, probably true. Don't
22 take that into consideration. Small businessmen have to be here. They get mad at
23 me all the time. This is your right to be -- you tell the professors to write to me --
24 they can text to me and I'll come have a talk with them if they have an issue for
25 sitting as a juror. But thank you for telling us.

1 PROSPECTIVE JUROR NUMBER 067: Okay.

2 THE COURT: And that -- I guess that for everyone, if you think you might say
3 something, you probably should. I don't always follow that -- the directive of kicking
4 you off but at least you've made us known it. Yes?

5 PROSPECTIVE JUROR NUMBER 021: Hello. My name's Ricardo Guerrero,
6 Badge Number 0021. I don't have a plane ticket but I do have plans to go surprise
7 one of my best friends in California for her 30th birthday this weekend. And I'm
8 taking Friday off from work and I'll be gone the whole weekend. I could provide
9 proof of the time --

10 THE COURT: Okay. You provide me proof.

11 PROSPECTIVE JUROR NUMBER 021: -- requested off.

12 THE COURT: Provide me proof.

13 PROSPECTIVE JUROR NUMBER 021: Would I be able to send that to you
14 because I can't access it from my --

15 THE COURT: Yes. Tom will give you a fax number. Understand that this is
16 all recorded and if you don't provide it, then we have an avenue to bring you in and
17 talk to you about it.

18 PROSPECTIVE JUROR NUMBER 021: Yeah, no worries. I'm definitely
19 truthful and --

20 THE COURT: Oh, it's a worry.

21 PROSPECTIVE JUROR NUMBER 021: -- I will provide that to you.

22 THE COURT: Fax it.

23 PROSPECTIVE JUROR NUMBER 021: Thank you, sir.

24 THE CLERK: Deborah Boynes, Badge 0027.

25 THE COURT: Come on up, Ms. Boynes.

1 Okay. Ms. -- oh, one more.

2 PROSPECTIVE JUROR NUMBER 010: Your Honor, My name's Mark
3 Dulaney, Badge Number 010, and my wife is very sick. I'm her caregiver. I do have
4 a doctor's note from Dr. Duke that provide then -- the provider for her.

5 THE COURT: All right. Show -- do you have that note with you?

6 PROSPECTIVE JUROR NUMBER 010: Yes, sir.

7 THE COURT: Okay. Show it to Tom.

8 Okay. Go ahead and check in with the Jury Commissioner.

9 THE CLERK: Gregory Nelson, Badge 0028. Seat Number 4.

10 MR. SPEED: Your Honor, if I may ask the Clerk, what seat did Badge
11 Number 027 replace? I don't have it.

12 THE CLERK: 11.

13 MR. SPEED: 11. Thank you.

14 THE COURT: Tell me your name and your badge number.

15 PROSPECTIVE JUROR NUMBER 008: Your Honor, my name is Rick
16 Perelman, Badge Number 0008.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NUMBER 008: I'm a UPS driver and I work off my
19 overtime. I work like four hours overtime a day and I got a lawsuit several years ago
20 for \$50,000 that I'm trying to pay back and my overtime is pretty detrimental to me
21 being able to survive to get all payments while paying this \$50,000 lawsuit back.

22 THE COURT: Does either party --

23 MS. KOLLINS: The State will submit it, Your Honor.

24 MR. SPEED: As will the Defense.

25 THE COURT: All right. Go ahead and check with the Jury Commissioner. If I

1 owed \$50,000 I would be concerned with that too.

2 THE COURT: Go ahead and call it.

3 THE CLERK: Muluwork Demessie, Badge 0030.

4 THE COURT: Have her move down clear on the end.

5 THE MARSHAL: I'm sorry, you want her on the end. Is that --

6 THE COURT: No, no, no.

7 THE MARSHAL: No.

8 THE COURT: Tom, I'll take care --

9 THE MARSHAL: I'm --

10 THE COURT: -- of things. YOU take care of my --

11 THE MARSHAL: I just want to make sure I do it right.

12 THE COURT: -- jury and I'll take care of this young lady. Thanks. Thank
13 you.

14 All right. Anyone else? You're really trying.

15 PROSPECTIVE JUROR NUMBER 067: I'm sorry. 0067 again. I did -- I'm
16 not sure how long this was going to last. My friend did get me tickets to a festival for
17 this Saturday. I'm not sure if that applies to anything.

18 THE COURT: You won't be in on Saturday.

19 PROSPECTIVE JUROR NUMBER 067: Okay.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NUMBER 067: Okay. And I also have a doctor's
22 appointment next Thursday.

23 THE COURT: You'll be off Thursday.

24 PROSPECTIVE JUROR NUMBER 067: Okay. Thank you.

25 THE COURT: Working it.

1 Okay. Anymore? No hands. Mr. Speed -- oh, goodness gracious, we
2 got two more hands.

3 PROSPECTIVE JUROR NUMBER 012: I'm sorry for the lateness. Roberto
4 Juarez, Badge Number 012. I'm not sure if this applies, I just want to ask.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NUMBER 012: I do have a job interview Thursday
7 and just got laid off Monday. Not yesterday but a week before yesterday. And with
8 rent coming up I'm trying to get employed ASAP.

9 THE COURT: The day after tomorrow.

10 PROSPECTIVE JUROR NUMBER 012: Yeah, Thursday. So I wasn't sure if I
11 should say something about it or -- but I figured better safe than sorry.

12 THE COURT: Where do you work?

13 PROSPECTIVE JUROR NUMBER 012: I don't right now. I got laid off.

14 THE COURT: What kind of jobs do you do?

15 PROSPECTIVE JUROR NUMBER 012: I was bartending. I'm getting
16 interviewed for a call center job.

17 THE COURT: Problem with --

18 MR. SPEED: If the Court could ask what time? What time is your interview,
19 sir?

20 PROSPECTIVE JUROR NUMBER 012: I think it's at 2:00 p.m., Thursday.

21 THE COURT: That's right in the middle of our trial. All right. You're excused.
22 Thank you.

23 PROSPECTIVE JUROR NUMBER 012: Thank you, sir.

24 THE COURT: Check with the Jury Commissioner.

25 THE CLERK: David Risner.

1 THE COURT: There's a couple more over here on the right, Thomas.

2 PROSPECTIVE JUROR NUMBER 074: I don't know if it was just a travel
3 arrangements but my name is David Jacobson, Juror 0074. I'm a former police
4 officer. So I just thought I'd bring that to the Court's light.

5 THE COURT: Okay. With Metro?

6 PROSPECTIVE JUROR NUMBER 074: No, not Las Vegas. Back in Illinois.

7 THE COURT: All right. Thank you.

8 PROSPECTIVE JUROR NUMBER 084: My name is Rita Decelles, 0084. I
9 knew Jeremiah Mazo. He lived right next door to me and he was -- he's in prison
10 now for lewdness as a teacher. And I'm not sure I can be bias.

11 THE COURT: You mean unbiased.

12 PROSPECTIVE JUROR NUMBER 084: I don't know if I can do this.

13 THE COURT: You don't think you can be fair.

14 PROSPECTIVE JUROR NUMBER 084: No, I don't. I saw him -- I mean, it
15 was awful.

16 THE COURT: Mr. Speed, what's your desire on that?

17 MR. SPEED: May we approach, Your Honor?

18 [Bench Conference Begins]

19 MR. SPEED: What's that name she called? Are you familiar with that name?

20 MS. KOLLINS: Yeah, it's mine.

21 THE COURT: No, it's a school teacher.

22 MS. KOLLINS: It was mine.

23 THE COURT: She prosecuted.

24 MR. SPEED: Yeah.

25 THE COURT: And she lived next door to him.

1 MR. SPEED: Okay.

2 THE COURT: Is that all right?

3 MR. SPEED: That's fine.

4 MS. KOLLINS: Yeah.

5 [Bench Conference Concludes]

6 THE COURT: All right. You're excused. Check in with the Jury
7 Commissioner.

8 [Bench Conference Begins]

9 MS. KOLLINS: I kind of need to run through the people that are in the box
10 again because while I was moving the intern you guys put two people up there and I
11 lost track. Please. Thank you.

12 MR. SPEED: I'll let you see my notes.

13 THE COURT: Too bad. Come over and look at his notes.

14 MR. SPEED: I'll let you see mine.

15 [Bench Conference Concludes]

16 THE COURT: All right. Let's see who we got in the box now. Tina will read
17 the names for you.

18 MS. KOLLINS: Thank you.

19 THE CLERK: Seat Number 1 is Dennis Wakakuwa.

20 THE COURT: Okay.

21 THE CLERK: Number 2 is Dante Garcia, Badge 0007. 3 is 0030, Muluwork
22 Demessie.

23 THE COURT: Okay. If this isn't you let us know. A lot of movement's taken
24 place so far.

25 THE CLERK: Seat Number 4 is Gregory Nelson, Badge 0028.

1 THE COURT: Okay.

2 THE CLERK: 5 is David Risner, 0036. 6 is Melissa Yadao, Badge 0026. 7 is
3 Geri Kodey, 0014.

4 THE COURT: Okay.

5 THE CLERK: 8 is Timothy O'Reilly, 0025. 9 is Candace Jorgensen, 0018.
6 10 is Margaret Tyree, 0020. 11, Deborah Boyns, 0027. 12, Cedric Willis, 0022. 13,
7 Ryan Williams, 0023. 14, Laura Garcia, 0024.

8 THE COURT: Okay. I'm all -- did I have you introduce yourselves?

9 MR. SPEED: You have not, Your Honor.

10 THE COURT: Please do.

11 MR. SPEED: Okay. Ladies and gentlemen, this week you're going to work
12 with us in our representation of Mr. Gregory Williams. The State read some pretty
13 terrible things that they're accusing him of doing but we're going to try to show that
14 he is innocent of those charges. My name is Kevin Speed, I'm going to be his
15 attorney. My Co-Counsel is Katrina Ross. In addition to the witnesses that were
16 listed for you by the State we intend to call Mr. and Mrs. Melvin and Linda Sanders.

17 THE COURT: Does anyone here know those names? Those attorneys or
18 any of the names that they've read? Seeing no hands.

19 Now if I could have everybody stand because we're going to start
20 questioning you even more intently, but I need to put you under oath right now. If
21 you'll stand. Either swear or affirm.

22 [The Clerk Swears in the Prospective Jury]

23 THE COURT: Thank you. We're about to commence the examination of the
24 prospective jurors in this case. During the process you'll be asked questions
25 bearing on your ability to sit as a fair and impartial juror. The Court, the lawyers,

1 and all persons involved in this case are deeply interested in having this matter tried
2 by a jury composed of 14 open-minded people who are completely neutral and who
3 have no bias or prejudice towards or against either side.

4 In order to accomplish this, it is necessary for us to ask some
5 questions. The attorneys, if they choose will also be given that opportunity. It's not
6 our desire to unnecessarily pry into your personal lives. Although some of the
7 questioning may at times seem a little personal, our only objective is to determine
8 whether there is any reason why any of you cannot sit as fair and impartial jurors in
9 this case.

10 It is important that you know the significance of full, complete, and
11 honest answers to all questions we are about to ask you. I caution you not to try to
12 hide or withhold anything which might indicate bias or prejudice of any sort by any of
13 you. Should you fail to answer truthfully or if you hide or withhold anything touching
14 upon your qualifications that fact may tend to contaminate your verdict and then
15 subject you to further inquiry even after you're discharged as jurors. Your decision
16 should be based upon all of the evidence presented during the trial and not based
17 upon any preconceived prejudice or bias.

18 And I'm going to start the questioning. Is there anyone in here that is
19 not a citizen of the United States? If you're not a citizen of the United States you
20 cannot sit as a juror. Raise your hand. All right. Thank you.

21 Or if you're convicted felon and your civil rights have not been restored,
22 you can't sit as a juror. Tom, in the back.

23 THE COURT: Tell me your name and the last three numbers of --

24 PROSPECTIVE JUROR NUMBER 108: Oscar Montano, 0108.

25 THE COURT: All right. And you're a convicted felon?

1 PROSPECTIVE JUROR NUMBER 108: Yes.

2 THE COURT: For what?

3 PROSPECTIVE JUROR NUMBER 108: Making a false statement on a
4 federal form with connection to a firearm.

5 THE COURT: And you have not had your civil rights restored?

6 PROSPECTIVE JUROR NUMBER 108: I have no idea.

7 THE COURT: Okay. You should probably check on that if you haven't.
8 You'll want to do that. All right. I'm going to excuse -- since we don't have a
9 positive verification that your civil rights have been restored, I'll excuse you as a
10 juror. Thank you.

11 I'm going to ask some general questions before I start asking
12 individuals. Is there anyone in here that thinks they may be acquainted with the
13 Defendant? Raise your hand. No.

14 Is there anyone here that thinks that they may have read, seen, or
15 heard anything about this case prior to coming into court today, before hearing
16 anything about the evidence? Okay. Seeing no hands.

17 Let me just say this too. There'll be some questioning is about whether
18 you watch CIS [sic] or those kinds of shows. This is real life, this isn't that.
19 Everybody knows you can't solve a crime in 20 minutes, don't you? That's what
20 those shows are based on. They're not real. So Crime Scene Investigation, NCIS, I
21 don't know the -- I don't watch them so -- just understand this is real life here.

22 Is there anyone here who English is not their first language? Seeing --
23 okay. All right.

24 Oh, okay. I'm sorry.

25 PROSPECTIVE JUROR NUMBER 030: Amharic. I speak Amharic. My first

1 language is not English.

2 THE COURT: Is what?

3 PROSPECTIVE JUROR NUMBER 030: Amharic.

4 THE COURT: Pardon?

5 PROSPECTIVE JUROR NUMBER 030: Amharic, it's called.

6 THE COURT: Can you understand what's going on?

7 PROSPECTIVE JUROR NUMBER 030: Yeah.

8 THE COURT: You're okay with that?

9 PROSPECTIVE JUROR NUMBER 030: [No audible response - nods head
10 yes].

11 THE COURT: Is that yes?

12 PROSPECTIVE JUROR NUMBER 030: Yes.

13 THE COURT: Don't nod, don't shake. Got to say -- because she's taking
14 down everything down we say.

15 PROSPECTIVE JUROR NUMBER 030: I mean, I do understand.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NUMBER 030: But there are terms that I can't
18 understand.

19 THE COURT: All right. And, you know, we can work around that as well.

20 PROSPECTIVE JUROR NUMBER 030: Okay.

21 THE COURT: I'll let the attorneys ask some questions should they need to.
22 Thank you. And the lady down the front, the front row. You get exercise for you,
23 Thomas.

24 PROSPECTIVE JUROR NUMBER 045: I'm Korean so my first language is
25 Korean so I don't think I'll understand about the case.

1 THE COURT: But do you understand what's going on so far? And you
2 understand English?

3 PROSPECTIVE JUROR NUMBER 045: Not -- some of them, but not
4 everything.

5 THE COURT: How long have you been in the United States?

6 PROSPECTIVE JUROR NUMBER 045: 25 years.

7 THE COURT: Okay. Tell me your name and your Badge Number. I got a
8 clerk here bugging me.

9 PROSPECTIVE JUROR NUMBER 045: The number is 45.

10 THE COURT: Okay. All right. I'm going to leave you on.

11 PROSPECTIVE JUROR NUMBER 045: Sorry.

12 THE COURT: If you have problems, we'll talk about that later. Badge
13 Number again, Tom. What was her Badge Number?

14 THE MARSHAL: 45.

15 THE COURT: All right. Okay, I'll ask some other questions individually in a
16 minute. Is there anyone here that you or someone close to you by friendship or
17 relation have been a victim of a sex crime? All right.

18 PROSPECTIVE JUROR NUMBER 039: Yes, my name's Ken Burkhardt,
19 Badge Number 39.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NUMBER 039: My sister was raped a while ago and
22 she suffers from anxiety now. She's on disability. I don't know how much that
23 contributed to it.

24 THE COURT: Was that here in Las Vegas?

25 PROSPECTIVE JUROR NUMBER 039: No, it was back in New York but

1 she's been in Las Vegas probably the last 20 years.

2 THE COURT: Was it reported to the police?

3 PROSPECTIVE JUROR NUMBER 039: Yes.

4 THE COURT: Do you feel that the police properly addressed the issue?

5 PROSPECTIVE JUROR NUMBER 039: I was here when it happened so I
6 don't really know what the circumstances were as far as what the police did.

7 THE COURT: All right. So you didn't go to court with her or --

8 PROSPECTIVE JUROR NUMBER 039: No, I -- she was living back in New
9 York and I was here. But she lives here now and I've been dealing with --

10 THE COURT: She does have anxiety, but do you believe she was treated
11 fairly by the criminal system?

12 PROSPECTIVE JUROR NUMBER 039: The person was never apprehended.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NUMBER 039: So I really don't know the details of
15 what happened in the court.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NUMBER 039: I don't know if I can be unbiased in
18 this kind of case.

19 THE COURT: So you would hold what happened to your sister against the
20 Defendant?

21 PROSPECTIVE JUROR NUMBER 039: Well the -- not knowing what this
22 case was, it's possible.

23 THE COURT: Does either party have a question for this potential juror?

24 MS. KOLLINS: Well, Your Honor, I -- you know, the State would just ask if the
25 Court could ask him whether he could separate the facts of this case, knowing that

1 this case that we're going to --

2 THE COURT: Well that's what I -- I sort of asked him and he said no.

3 MS. KOLLINS: Then I'll submit it.

4 THE COURT: Mr. Speed.

5 MR. SPEED: We would ask the Court to excuse Mr. Burkhardt for cause.

6 THE COURT: Thank you. You're excused.

7 PROSPECTIVE JUROR NUMBER 048: Jason Reta, Badge Number 48. I've
8 got a niece and nephew that suffered abuse and sexual abuse from their mother's
9 live-in boyfriend prior to them --

10 THE COURT: Here in Las Vegas?

11 PROSPECTIVE JUROR NUMBER 048: Yes.

12 THE COURT: Was the matter called into the police and reported?

13 PROSPECTIVE JUROR NUMBER 048: That I'm not sure of. It came out
14 after they were taken into CPS custody in Arizona.

15 THE COURT: When was that?

16 PROSPECTIVE JUROR NUMBER 048: When did they go into CPS custody?

17 THE COURT: Yes.

18 PROSPECTIVE JUROR NUMBER 048: Six, seven years ago.

19 THE COURT: So you -- did you -- so it wasn't immediately reported.

20 PROSPECTIVE JUROR NUMBER 048: It was not immediately reported. It
21 wasn't reported until the CPS custody --

22 THE COURT: Has it been reported to the police?

23 PROSPECTIVE JUROR NUMBER 048: Yes.

24 THE COURT: The police investigating or have they?

25 PROSPECTIVE JUROR NUMBER 048: That I'm not sure because they

1 would -- CPS would not give us that information.

2 THE COURT: Can you be fair and impartial to the Defendant in this case?

3 PROSPECTIVE JUROR NUMBER 048: I'd do my best.

4 THE COURT: And separate what happened to your family -- I mean, he
5 didn't --

6 PROSPECTIVE JUROR NUMBER 048: Sure.

7 THE COURT: -- do it. It wasn't him.

8 PROSPECTIVE JUROR NUMBER 048: Sure.

9 THE COURT: And that just kind of segways into this. As Mr. Williams sits
10 here, he's innocent. Does anybody have a problem with that? Nobody's heard any
11 evidence at all. If you were asked to deliberate you would have to vote innocent
12 because as he sits here he's innocent. Understand that? Anybody have a problem
13 with -- that the State -- okay.

14 PROSPECTIVE JUROR NUMBER 027: I have a problem.

15 THE COURT: All right. The State is obligated to prove beyond a reasonable
16 doubt the guilt of a Defendant. All right. Go ahead and have a seat for just a
17 second. Get that mic up here Tom.

18 PROSPECTIVE JUROR NUMBER 027: The number one most despicable
19 thing a person can do is --

20 THE COURT: Oh, absolutely.

21 PROSPECTIVE JUROR NUMBER 027: -- hurt a child. I don't want to look at
22 it, I don't want hear the Prosecutor's side. I could never be unbiased for that. That
23 is my number one thing. I'll serve on another case --

24 THE COURT: Tell me your name and your badge number.

25 PROSPECTIVE JUROR NUMBER 027: -- but I can't do this one.

1 THE COURT: Tell me your name and your badge number.

2 PROSPECTIVE JUROR NUMBER 027: My badge number is 27 and the last
3 name is B-O-Y-N-S.

4 THE COURT: So the -- you're excused. Check in with the Jury
5 Commissioner. Tom, you call down and have her put on a civil case. Preferably a
6 construction defect that will last six months. All right.

7 PROSPECTIVE JUROR NUMBER 036: Your Honor, my badge number is
8 36. Name, David Risner. My wife and I both were sexually abused growing up, but
9 we never actually filed any charges just due to the fact that you get -- it's family
10 members and all that.

11 THE COURT: The police were never called, never turned in?

12 PROSPECTIVE JUROR NUMBER 036: No, sir.

13 THE COURT: Would you hold that against the Defendant?

14 PROSPECTIVE JUROR NUMBER 036: Like you said, he's innocent until
15 proved guilty.

16 THE COURT: Do you have a question Ms. Ross?

17 MS. ROSS: No. Just waiting to fill Seat 11, Your Honor.

18 THE COURT: Fill Seat 11.

19 MS. ROSS: Ready to write.

20 THE CLERK: Michael Lichwa, Badge 0038.

21 THE COURT: All right. Is there anyone else that raised their hand?

22 PROSPECTIVE JUROR NUMBER 042: Scott Richardson, Badge Number
23 42. For a couple years when I was little, I had a babysitter that did things.

24 THE COURT: I'm sorry. I didn't hear you.

25 PROSPECTIVE JUROR NUMBER 042: I had a -- between ages of seven

1 and nine, I had a babysitter that did things to me.

2 THE COURT: Okay. Abuse you. Okay. Were the police called?

3 PROSPECTIVE JUROR NUMBER 042: No, sir. I didn't tell my parents until I
4 was 20.

5 THE COURT: Will you hold that against the Defendant?

6 PROSPECTIVE JUROR NUMBER 042: Possibly.

7 THE COURT: You understand he didn't do it.

8 PROSPECTIVE JUROR NUMBER 042: I understand.

9 THE COURT: All right.

10 PROSPECTIVE JUROR NUMBER 042: I -- it's extremely --

11 THE COURT: You're excused. Thank you.

12 MR. SPEED: That was 67, Your Honor?

13 MS. ROSS: No, 42.

14 THE COURT: No.

15 MR. SPEED: 42.

16 PROSPECTIVE JUROR NUMBER 040: So my badge number is 40, 4-0. My
17 name's Sandra Weaver. I don't know if this applies or not but my husband was
18 continuously abused by a priest growing up.

19 THE COURT: All right. You feel you can separate that from the evidence that
20 you'll hear in this case if you're chosen as a juror?

21 PROSPECTIVE JUROR NUMBER 040: Yes.

22 THE COURT: All right. You understand as he sits here today -- actually they
23 don't have to do anything. These attorneys could sit and read magazines and they
24 don't have to present any evidence, they don't have to ask a question, they don't
25 have to do anything. Does anybody have a problem with that? That if the State

1 can't meet their burden, then he's innocent. You understand? As he sits here today
2 he's innocent.

3 All right. Thank you.

4 PROSPECTIVE JUROR NUMBER 051: Nicole Lipsman, Badge 0051.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NUMBER 051: I was not personally and I would do
7 my best to remain unbiased, but I do feel the need to disclose that I work in
8 children's mental health and our entire practice is foster children that have been
9 abused or taken from their parents most of the time for these reasons.

10 THE COURT: All right. So you have a business where you deal with children
11 that have been abused?

12 PROSPECTIVE JUROR NUMBER 051: It's not my own business, but yes.

13 THE COURT: So you bring foster children into your home that have been
14 abused?

15 PROSPECTIVE JUROR NUMBER 051: No.

16 THE COURT: Trying to figure out what you do.

17 PROSPECTIVE JUROR NUMBER 051: Foster children are brought to our
18 company for mental health services, therapeutic --

19 THE COURT: What's your company?

20 PROSPECTIVE JUROR NUMBER 051: -- and psychiatric. Healthy Minds.

21 THE COURT: So you deal with that on a daily basis?

22 PROSPECTIVE JUROR NUMBER 051: Yeah. We work with the county and
23 the state. I have employees on Child Haven Campus and --

24 MS. KOLLINS: I'll submit it.

25 THE COURT: Speed.

1 MR. SPEED: May I ask Ms. Lipsman a question, Your Honor?

2 THE COURT: Sure.

3 MR. SPEED: Ms. Lipsman, do you believe that because of your employment
4 you cannot be fair and impartial in this case or you were disclosing that for the
5 Court's edification?

6 PROSPECTIVE JUROR NUMBER 051: That's correct.

7 MR. SPEED: We'll submit it, Your Honor.

8 THE COURT: Thank you. Who's the mic go to now? Name and badge
9 number, please.

10 PROSPECTIVE JUROR NUMBER 059: Christine Johnson, 0059.

11 THE COURT: All right. And what did you want to bring to the Court's
12 attention.

13 PROSPECTIVE JUROR NUMBER 059: Well I -- you asked, I have to tell you
14 that I was sexually assaulted?

15 THE COURT: When?

16 PROSPECTIVE JUROR NUMBER 059: A long time ago.

17 THE COURT: Police called?

18 PROSPECTIVE JUROR NUMBER 059: Yes, sir.

19 THE COURT: Were you generally satisfied with how they handled the case?

20 PROSPECTIVE JUROR NUMBER 059: Yes, sir.

21 THE COURT: Was that here in Las Vegas?

22 PROSPECTIVE JUROR NUMBER 059: No, sir.

23 THE COURT: Where was it?

24 PROSPECTIVE JUROR NUMBER 059: It was in another state. I was
25 actually put in protective custody, sir.

1 THE COURT: Will you separate what happened to you -- and I don't mean to
2 be indulging in -- I apologize. But do you -- can you separate what happened to you
3 from the facts of this case?

4 PROSPECTIVE JUROR NUMBER 059: Absolutely.

5 THE COURT: You'll be fair and impartial?

6 PROSPECTIVE JUROR NUMBER 059: Absolutely.

7 PROSPECTIVE JUROR NUMBER 067: Hello. 0067, again. Not me
8 personally, again, but I did have a family member that was allegedly molested when
9 she was very young. I don't know whatever happened with that. I don't know if the
10 police were called. That information was withheld from me because I was very
11 young. I just felt the need to --

12 THE COURT: All right. Thank you.

13 PROSPECTIVE JUROR NUMBER 073: Myrna Spader, 0073. I have a
14 brother who was convicted of sexually molesting a child and spent six years in
15 prison here in Nevada.

16 THE COURT: Would you hold that against the State or the Defendant in this
17 case?

18 PROSPECTIVE JUROR NUMBER 073: No, I would not.

19 THE COURT: You'll be fair and impartial and listen to all of the evidence and
20 make a decision from what you see and hear in this courtroom?

21 PROSPECTIVE JUROR NUMBER 073: Absolutely.

22 THE COURT: Questions by either party?

23 MS. KOLLINS: I'll reserve for later, Your Honor.

24 MR. SPEED: No questions, Your Honor. We'd reserve for later also.

25 THE COURT: All right. Is there anyone here who has been or has a close

1 relationship to someone that has been accused of a sex crime? Other than this
2 young lady here? You're working this one, girl. All right. Tell me.

3 PROSPECTIVE JUROR NUMBER 067: Hello, 0067. I do have a -- kind of a
4 distant uncle that was accused of a crime and is currently serving time in prison in
5 another state.

6 THE COURT: Okay. You have to separate what happened to him with this
7 case, you understand?

8 PROSPECTIVE JUROR NUMBER 067: Yes.

9 THE COURT: All right.

10 PROSPECTIVE JUROR NUMBER 083: Yes. Terence Barnes, Badge
11 Number 0083. Yes, I have a cousin and a brother-in-law, both have been accused
12 of -- well both have been convicted of sexual assault in Texas. Both are in
13 Huntsville Prison right now. So I don't know if that --

14 THE COURT: All right.

15 PROSPECTIVE JUROR NUMBER 083: -- counts as being --

16 THE COURT: Will you hold that against the State or the Defendant in this
17 case?

18 PROSPECTIVE JUROR NUMBER 083: Yeah, I kind of already -- kind of see
19 it as being hard to be impartial because they both were against my little cousins, so I
20 mean, it's kind of --

21 THE COURT: Yeah.

22 PROSPECTIVE JUROR NUMBER 083: -- hard for me to be impartial in this
23 particular case.

24 THE COURT: All right. I'll have the attorneys ask you some questions in a
25 minute.

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GREGORY WILLIAMS,) No. 70868
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 Appellant,)
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 THE STATE OF NEVADA,)
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 Respondent.)

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BY [Signature]
Employee, Clark County Public Defender's Office