

IN THE SUPREME COURT OF THE STATE OF NEVADA

RYAN SCOTT ANDREWS,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

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No. 71214 Elizabeth A. Brown
Clerk of Supreme Court

Appeal from a Judgment of Conviction in Case Number CR16-0323
The Second Judicial District Court of the State of Nevada
Honorable Janet J. Berry, District Judge

JOINT APPENDIX VOLUME TWO

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Code No. 4190

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IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

BEFORE THE HONORABLE JANET J. BERRY, DISTRICT JUDGE

THE STATE OF NEVADA,

Plaintiff,

-vs-

RYAN SCOTT ANDREWS,

Defendant.

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Case No. CR16-0323

Dept. No. 1

TRIAL

June 13, 2016

Reno, Nevada

Reported by: Lesley A. Clarkson, CCR #182

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3
4 THE COURT: All right. Any other matters we need to
5 take up outside the presence of the venire?

6 MS. CAMERON: Just briefly, Your Honor. The defense
7 did file an amended notice of witnesses Friday afternoon. It
8 added an additional witness. His name is Eric Maki. Based on
9 the late notice and the State having no understanding or
10 information as to what his testimony would be, the State would be
11 objecting to Mr. Maki being allowed to testify. I have no idea.
12 He's not a percipient witness. I do know that. I have no
13 information as to the relevance, and due to the late notice the
14 State would be objecting.

15 MR. WHITE: I can do a proffer, Your Honor, as far as
16 what we expect him to talk about.

17 THE COURT: That's fine.

18 MR. WHITE: He's known Mr. Andrews for approximately
19 six years. And I can give her his phone number, and she can call
20 him any time. He's known Mr. Andrews for about six years.
21 There's going to be some testimony about money owed during this
22 alleged buy from the CI. The CI owed Mr. Andrews some money. In
23 fact it's in the police reports from Detective Rasmussen that he
24 gave him extra buy money to include a debt owed to Mr. Andrews.
25 That was paid to Mr. Andrews. There's actually talk on the wire

1 recording also about it a little bit. A little hard to hear, but
2 there's a little bit of talk in there about that.

3 Like I said, Mr. Maki has known Mr. Andrews for about
4 six years. Mr. Maki is going to testify that he was trying to
5 help Mr. Andrews with his, trying to give him some incentives to
6 get over his addiction to drugs and to, and he told him if you
7 can get a vehicle, we are going to go into business together.
8 Mr. Maki --

9 THE COURT: Is Mr. Maki a painter?

10 MR. WHITE: He is a painter. Maki Painting.

11 THE COURT: I know Mr. Maki. I have sentenced him
12 before.

13 MR. WHITE: Okay. Yes, he has a record. He apparently
14 is doing pretty well now. And he would testify that he was
15 trying to go into business with Ryan Andrews, in addition to what
16 he does, but having Ryan go set up a business at the Alamo Truck
17 Stop to polish chrome rims on the large semi trucks that haul
18 gasoline, the ones that are usually either chrome or aluminum,
19 and they were going to set up a business to do that. And
20 Mr. Maki is aware that he was trying to obtain a vehicle for
21 that.

22 THE COURT: But how is that relevant? I mean I don't
23 know the facts of this case. Is that relevant?

24 MS. CAMERON: It's attenuated, Your Honor. The CI is
25 going to be testifying as to the money that was brought into the

1 defendant's apartment, the additional money, albeit a debt owed.
2 The defense can certainly go into I guess why there was extra
3 money, because that was provided by the law enforcement as part
4 of the deal. I think it's probably relevant. But having a
5 third-party witness to why the defendant needed a car I would see
6 as entirely irrelevant to these proceedings. The fact that the
7 CI brought extra money, can discuss whatever debt was owed, but
8 what he planned on doing with the truck has no probative value as
9 to whether he did or didn't sell drugs or was in possession of
10 drugs.

11 THE COURT: Is Mr. Maki, was he friends with or working
12 with the CI?

13 MR. WHITE: No. He doesn't know the CI, Your Honor.

14 THE COURT: So I really am not sure, I don't see the
15 relevance of Mr. Maki's testimony to say, I mean it sounds like
16 you are trying to bring in character testimony.

17 MR. WHITE: No, Your Honor. No. I mean --

18 THE COURT: So how is it relevant to the immediate
19 charge? If he doesn't know the CI and he wasn't involved
20 directly in the debt between the CI and the defendant, then
21 basically, as I understand it, what you want to call and testify
22 is Mr. Andrews needed this debt repaid so he could get a car or
23 truck to go and work out at Alamo Truck Stop to shine chrome and
24 to start his business with Mr. Maki.

25 MR. WHITE: Maybe I didn't totally cover everything,

1 Your Honor. Let me back up again.

2 So what had happened was, at least according to what I
3 know of the facts, is that Mr. Andrews purchased a van from the
4 CI, who was Mr. Nicholas Daughtery. He never received it. It
5 was about six weeks, about five or six weeks, and he still never
6 received the vehicle. And then at that point he said well,
7 either give me my money back -- and it was all cash transaction,
8 there's nothing to go on as far as it was just a handshake deal
9 and cash -- give me my money back or give me the van. And
10 nothing ever happened.

11 So I would at least like to, I don't know if
12 Mr. Daughtery is going to admit to, first of all, owing money,
13 or, I mean it's in the police reports, but owing money and for
14 what. So I suppose he could be eventually a rebuttal witness if
15 Mr. Daughtery says no, I didn't owe him any money or a van, I
16 didn't purchase a van.

17 THE COURT: Let's wait and see what transpires. At
18 this juncture I'm not seeing the relevance of Mr. Maki's
19 testimony. Depending on what Mr. Daughtery testifies to.

20 Now, if the facts are that, and if you are going to
21 argue look, he bought a van, all cash, on a handshake, do we have
22 a Petrocelli issue? Do I need to, because that may put your
23 client in a bad light. I don't know if it's legal in the state
24 of Nevada to do a handshake all cash deal with no bill of sale.

25 And also when you say, I mean maybe it was like 500

1 bucks?

2 MR. WHITE: It was.

3 THE COURT: So then maybe that's not so unusual. But,
4 and I think maybe rather than all cash, just say my client paid
5 \$500 for a van that was never delivered.

6 MR. WHITE: What is unusual, actually, in regards to
7 that is that it sounds like it was either a 2009 or 2010 van,
8 according to Mr. Andrews. I don't know. I have not seen the
9 van. I don't know.

10 THE COURT: How could you buy, what kind of van?

11 THE DEFENDANT: Like an Astro van, where I could put
12 all the tools of the trade inside the back, set up shop on the
13 lot there. He was going to help me get the licensing. I trusted
14 him, and I was just going off his word what it was.

15 THE COURT: That's fine, Mr. Andrews. Again, these
16 people who don't know you, and the charge is trafficking, which
17 generally involves lots of cash deals. So when you start telling
18 them about how you bought something for cash, particularly a
19 2010, 2011 van for 500 bucks, you know, there are going to be
20 people over here who are like whoa.

21 So I just want to make sure that there's, that doesn't
22 sound so good for you, so I want to make sure we don't need to
23 say ladies and gentlemen, this vehicular business transaction is
24 being presented to you just so you have context of what's going
25 on, but not for the truth of the matter asserted, or it's not

1 relevant to your decision making here.

2 I mean it's up to you. I have no idea. I wasn't
3 there. But can you see, Mr. Andrews, that the jury might think
4 it's a little hinky?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: So you tell me. Do you want me, as this
7 comes up, and if it's part of your defense, or Mr. White's going
8 to argue that, do you want me at some point to say ladies and
9 gentlemen of the jury, the business transaction, the alleged
10 business transaction between Mr. Andrews and Mr. Daughtery is for
11 your information to give you context, but is not relevant to your
12 decision as to the two charges that you are considering? Because
13 I don't know. I mean --

14 MR. WHITE: May I confer with him for just a moment,
15 Your Honor?

16 THE COURT: Sure. Is that what it was, it was a 2011
17 van?

18 MS. CAMERON: I don't know. I don't know, Your Honor.

19 THE DEFENDANT: It was a few years older than that.

20 MR. WHITE: An '09 or '10.

21 THE DEFENDANT: It was in rough shape but running, like
22 physically inside and out, so I thought it would be great for a
23 work van.

24 THE COURT: That's fine. I don't know the facts, so
25 you just tell me.

1 MR. WHITE: Your Honor, go ahead and ask him again if
2 he would like a Petrocelli. I think he understands what it means
3 now.

4 THE COURT: So Mr. Andrews, if this issue comes up
5 regarding the car, the cash transaction, the value of the car, do
6 you want the Court to instruct the jury that the transaction
7 between you and Mr. Daughtery is to give context to the case, and
8 it not should not be considered as it relates to the charges?

9 Why don't we do, do you have any thoughts on it,
10 Mr. Andrews? I'm trying to get the context of what these
11 transactions are --

12 THE DEFENDANT: Yes.

13 THE COURT: -- and how it's relevant. Who cares
14 about --

15 THE DEFENDANT: Well, the money that he was paying me,
16 he was paying me back for this van that I bought from him.

17 THE COURT: So the money that you got was not to buy
18 drugs.

19 THE DEFENDANT: No.

20 THE COURT: Okay. So that's your defense. Is that
21 what we are talking about?

22 MR. WHITE: Yes, Your Honor.

23 THE COURT: So the money that he paid you was not to
24 buy any drugs, even though he came out of your apartment with the
25 drugs. That was, those were drugs that he already had or

1 something. You don't know.

2 THE DEFENDANT: No, I --

3 THE COURT: Okay.

4 MR. WHITE: I'm going to instruct him not to answer.

5 THE COURT: So then it just goes to the credibility and
6 the believability of the witnesses. So unless, Mr. White, you
7 believe that creates a prior bad act or potential prejudice to
8 your client, I will give no instructions. The jury will hear all
9 of the testimony and evidence, and they will make the final
10 decision.

11 MR. WHITE: Okay.

12 THE COURT: Okay?

13 MR. WHITE: Yes.

14 THE COURT: But, and as to Mr. Maki, my primary concern
15 is that he wasn't noticed to the State, and it sounds like his
16 testimony may be attenuated. So let's see, let me understand the
17 entire case, he would be called after the case in chief, so I'll
18 have a better understanding.

19 And then likewise the defense, and you can give his
20 number to the State, and if she wants to speak to him at some
21 point during the trial before the State rests, that's fine. And
22 then I can make my ruling to determine whether it's prejudicial
23 and whether it's relevant or irrelevant once I hear more of the
24 case.

25 MS. CAMERON: Yes, Your Honor.

1 MR. WHITE: That sounds fine, Your Honor. Thank you.
2 Your Honor, I do also have --

3 MS. CAMERON: That's fine.

4 MR. WHITE: Your Honor, I do also have some other
5 housekeeping stuff to do. Miss Sambrano is I believe on both
6 parties' witnesses list. Our office also subpoenaed her. I
7 don't know if the DA's office subpoenaed her or not.

8 Christina Sambrano is, just to kind of give you a
9 little context, she is Mr. Andrews' ex-girlfriend. She was
10 present in the apartment when this alleged buy happened. So she
11 does have some, she's a witness, to what she saw anyway, in
12 there.

13 She now has a case, well, until Friday afternoon she
14 had a case, a brand new case, I believe it's a possession of a
15 controlled substance, with our office. We subsequently
16 conflicted off the case after staffing it with supervisors, me,
17 the attorney who was assigned to represent her originally, and I
18 think it was Mr. Bosler and Mr. Leslie, and so we staffed it,
19 and, oh, and my investigator. And so we subsequently conflicted
20 off to the APD's office.

21 Mr. Leslie, and the attorney assigned it was Mr. Rich
22 Vilorio, I believe both of them went upstairs to the APD's
23 office, walked that up so they could start working on it right
24 away, we didn't want to have any delay, so they could actually
25 advise their client as to whether she was going to be able to

1 testify in this case. Because at this point now she could be
2 hurting her new case based on her testimony for the defense.

3 MS. CAMERON: It's my understanding, Your Honor, just
4 to cut to the chase, Miss Sambrano possibly is going to take the
5 witness stand and say no, all those drugs were mine, which could
6 open her up to felony charges. So that's why Mr. White and I
7 discussed that she's now got the alternate public defender
8 appointed, and hopefully they'll talk to her today. But we just
9 wanted to bring it to the Court's attention that we don't know if
10 she's going to be invoking the Fifth or not.

11 And I believe at this point she would be a defense
12 witness, and the State has not subpoenaed her.

13 THE COURT: Okay.

14 MR. WHITE: Your Honor, just to give you a little more
15 context. What had happened was, it looks like her case was
16 opened, by records in our office, on May 24 of this year.

17 THE COURT: Wait. The new case?

18 MR. WHITE: The new case. Miss Sambrano's case, yes.

19 THE COURT: It's possession of a controlled substance?

20 MR. WHITE: I think so.

21 MS. CAMERON: Yes, it is, Your Honor. It is.

22 MR. WHITE: Okay. She was arraigned not until June 7.
23 So that would have been I believe Tuesday last week.

24 THE COURT: And who represented her at the arraignment?

25 MR. WHITE: No one. It was a telephonic, I think it

1 was one of those telephonic ones at justice court. And I don't
2 know if Justin Champagne was present. Sometimes he is for those
3 things. But typically the trial attorney that's assigned, we are
4 not there for those initial arraignments.

5 THE COURT: Well, I understand that Mr. Bosler changed
6 that, and they actually are going up to the jail. So you don't
7 know if your office was present at the arraignment.

8 MR. WHITE: No. And I wish I did now, but I don't. I
9 actually don't know if any representative of our office was
10 present there.

11 THE COURT: Okay.

12 MR. WHITE: So we noticed, I think we did a timely
13 notice on her on either 6/6 or 6/7. I think we put it through on
14 6/6, but it didn't get filed until the 7th of June. And we
15 talked about that, Miss Cameron and I, I think we both had the
16 same problem. They both kind of filed the next morning on our
17 notice of witnesses.

18 We served a subpoena on her on the 9th of June, so
19 Thursday. And during verbal discussions at that time is when she
20 brought it up to the attention of my investigator that, because
21 she was asked to be here on the 13th, today, and she, that's when
22 she made it evident to our investigator, well, I have a case, I
23 have a status conference on my own case at 1:30 in Sparks Justice
24 Court on the 13th. And that's when we first figured out all
25 that.

1 He reported back to me. I checked to see if there was
2 a conflict. I found it sometime I think Thursday afternoon.
3 Friday morning I went to my colleague, Rich Vilorio, who I found
4 out was the one set to represent her. And then we, as I said,
5 staffed it with supervisors, and it went to the APD's office.

6 I also called Miss Cameron Friday afternoon, she called
7 me back, and just to kind of alert her to the situation that we
8 had sent it off to the APD.

9 THE COURT: So Mr. White, what is it that you want the
10 Court to do? You have subpoenaed her. You believe her to be an
11 important witness. The State says that she may allegedly testify
12 that all of the drugs that were in the drawer and in the
13 apartment of Mr. Andrews were all owned by her.

14 MR. WHITE: Yes.

15 THE COURT: And so now she has a new case pending,
16 and --

17 MR. WHITE: Her attorney may advise her not to talk and
18 to invoke her Fifth Amendment right. And obviously she wouldn't
19 be a witness at that point.

20 THE COURT: So she has a right to invoke her Fifth
21 Amendment against self-incrimination.

22 MR. WHITE: She absolutely does, Your Honor, as far as
23 I know.

24 THE COURT: And do you have written statements, or does
25 she have anything videoed by, when the police came and she was in

1 the apartment? Did she make statements saying no, no, these are
2 all my drugs?

3 MR. WHITE: No, Your Honor. But she was there.

4 THE COURT: So she was present, and she was in the back
5 bedroom or something?

6 MS. CAMERON: Correct.

7 MR. WHITE: Yes. And I think out and about in the
8 apartment too a little bit.

9 THE COURT: And he waived prelim, so there's no
10 testimony at any point or no evidence that law enforcement had
11 from her or otherwise at the time of the arrest that, when she
12 implicated herself.

13 MR. WHITE: Correct.

14 THE COURT: But the State indicated there's a
15 possibility but for these new charges she was going to say no,
16 these were all mine.

17 MR. WHITE: Yes.

18 THE COURT: And now because she has new felony charges
19 pending, with a potential of, if she says these are all my drugs,
20 then she would have charges possibly from this case.

21 MR. WHITE: Yes.

22 THE COURT: And so --

23 MR. WHITE: Well, no, I don't know about that. I don't
24 know for sure on that. I just know it would probably not help
25 her case, being in a drug case also.

1 THE COURT: So you have conflicted off, and there's
2 nobody in your office who has said -- so she understands you are
3 representing Mr. Andrews.

4 MR. WHITE: Yes.

5 THE COURT: And you have to aggressively represent him.
6 So APD is now representing her, and they, in all probability,
7 since you have subpoenaed her, they will be in the courtroom, and
8 they will tell her that it is their advice that she invoke her
9 Fifth Amendment privilege against self-incrimination.

10 MR. WHITE: Yes, Your Honor.

11 THE COURT: And your client understands that.

12 MR. WHITE: He does, Your Honor.

13 THE DEFENDANT: Yes, Your Honor.

14 MR. WHITE: He does. And I still, can I give the Court
15 some more information? I'm still waiting to hear back from
16 Krista Meier at the alternate public defender's office just to
17 see what the decision is. So I will be checking emails to see
18 what we get.

19 THE COURT: We will just take it as it comes.

20 MR. WHITE: Originally I thought it might cause a
21 delay, but since she did respond to me Friday night, and we have
22 been corresponding this weekend, Miss Meier and I, we are just
23 waiting for a decision. That's what she's telling me.

24 THE COURT: Is she in custody or out of custody?

25 MR. WHITE: I believe she's out of custody, Your Honor.

1 MS. CAMERON: That's correct. I believe she is out on
2 bond.

3 THE COURT: All right.

4 MS. CAMERON: The last thing, Your Honor, I see that
5 Miss Stevens is here. That's the defendant's mother. She is a
6 listed witness. Just so the record is clear, the State would be
7 invoking the rule of exclusion. She can't sit and watch the
8 pendency of the proceedings.

9 THE COURT: So Miss Stevens -- where is Miss Stevens?
10 Miss Stevens, since you may be called as a witness in
11 this case, you are not allowed to sit in the courtroom. Okay?

12 MS. STEVENS: Now?

13 THE COURT: I think it would be better if you stepped
14 outside, waited outside. Anybody who is in the courtroom who may
15 be called as a witness must stay outside. Okay?

16 And is this gentleman a potential witness, too?

17 MS. CAMERON: He's not, Your Honor. I think that's the
18 defendant's brother.

19 MR. WHITE: It is. It's his brother. He's not a
20 witness.

21 THE COURT: Well, he could stay in if he wants.
22 Anything else?

23 MR. WHITE: I don't think so, Your Honor.

24 MS. CAMERON: Nothing on behalf of the State, Your
25 Honor. Thank you.

1 THE COURT: Well, then, let's get the venire up here
2 and get the jury selection underway. Okay?

3 We will stand in recess.

4 (Recess taken.)

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1 RENO, NEVADA, MONDAY, JUNE 13, 2016, 1:05 P.M.

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4 (10:05 a.m.-1:00 p.m. jury selection
5 conducted.)

6 (Jury excused and the following
7 proceedings held in open court.)

8 THE COURT: So Mr. White, do you -- let's see. We have
9 Miss Salonek.

10 MS. CAMERON: Salonek, yeah.

11 MR. WHITE: Yes.

12 THE COURT: I'm feeling really guilty about telling her
13 don't worry about a subpoena. I think that was illegal on my
14 part.

15 Can you contact, is there any objection to the State
16 contacting Mr. Wilson and seeing if, you know, that trial is
17 going or if we need to accommodate our schedule in some way to
18 deal with her? I mean it's a petty theft. It's a misdemeanor.

19 MR. WHITE: No, Your Honor, I have no objection. Just
20 as long as, I mean, obviously we just don't want to hinder how it
21 got resolved. That would be prejudicial.

22 THE COURT: I need to know if I need to accommodate our
23 trial calendar. That's what I would like to know. I suppose we
24 could call.

25 MR. WHITE: What time did she say?

1 THE COURT: I think she said 8:30. I don't know how
2 they do their calendars, but a lot of, I mean he's charged with
3 petty theft with a previous FTA. So I don't know if he's in
4 custody or if it's going to go or, and usually if he's in custody
5 on an FTA, by now he's done time served on a petty theft.

6 MR. WHITE: You would think, right?

7 THE COURT: You would think. So is that something that
8 the State can inquire, or do you want us to inquire?

9 MR. WHITE: No, that is fine, Your Honor.

10 MS. CAMERON: I have no problem contacting Mr. Wilson
11 just to feel out what's the status, that she's been called as a
12 juror, and if they can either trail their case, or if they are
13 going to be done at nine, then we can trail our case. But I'll
14 speak to Mr. Wilson.

15 THE COURT: That's all I need. Then I told the deputy,
16 he was, I told the deputy, he was worried, he wanted, we have, we
17 are going to have really short breaks, and I think that Deputy
18 Manner, you worry about holding the jury there to move the
19 defendant out of the courtroom?

20 THE BAILIFF: Yes, Your Honor.

21 THE COURT: But we can't do that. So let the jury get
22 going. Or Mr. White can walk down the hall with his client with
23 you guys. Any objection to that?

24 MR. WHITE: No.

25 THE COURT: He's dressed out. They don't know that

1 there's a holding cell down there.

2 MR. WHITE: We will go up on the fourth floor if he has
3 to go to the bathroom.

4 THE BAILIFF: You just need to be with him.

5 MR. WHITE: I will.

6 THE COURT: I can't, you know, with trying to feed 13
7 people, deal with their parking, deal with their needs, I don't
8 want to keep them holding for 20 minutes just because, you
9 know -- we can figure it out. Okay? So, but you need to stay
10 with him.

11 So we will see you back at five after.

12 Are we good? Anything else we have to do?

13 Carry on. We stand in recess.

14 (1:07 p.m., lunch recess taken.)

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1 RENO, NEVADA, MONDAY, JUNE 13, 2016, 2:18 P.M.

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4 THE COURT: The record should reflect our jurors are
5 present and accounted for.

6 Before we begin, Miss Clerk, would you please read the
7 information.

8 THE CLERK: Yes, Your Honor.

9 (Information read by the clerk.)

10 THE COURT: Ladies and gentlemen, we will now begin
11 opening arguments with counsel.

12 But before we do, is either counsel invoking the rule
13 of exclusion?

14 MS. CAMERON: Yes, Your Honor.

15 THE COURT: So if you will make sure that's posted,
16 deputy.

17 Ladies and gentlemen, the rule of exclusion is an
18 evidentiary rule. And what it means is that any person who may
19 be called as a witness in this case is excluded from the
20 courtroom, so that when they are called to testify, they testify
21 to what they actually know and not what they may have heard
22 another witness testify about.

23 And if there's anybody in the courtroom that may be
24 called as a witness, you are excluded.

25 And we will get going. Start with the State.

1 MS. CAMERON: Thank you, Judge.

2 Heroin and methamphetamine. The use, possession,
3 distribution of heroin and methamphetamine. That's what this
4 case is about. It's about the defendant selling about a gram of
5 heroin and three and a half grams of methamphetamine to a
6 confidential informant who was cooperating with Reno Police
7 Department detectives. It's about those detectives then
8 searching his apartment and finding additional drugs, albeit
9 eight and a half grams, I believe it was eight and a half grams
10 of heroin, and five grams of methamphetamine in the apartment.

11 You will hear evidence that on June 19, 2015, Nick
12 Daughtery agreed to cooperate with Reno Police Department
13 detectives in an investigation that was targeting the defendant
14 for possible sales of narcotics. On that day he was searched, he
15 was fitted with a wire, an audio recording device, he was given
16 the \$390 of prerecorded bills, currency, and then he was driven
17 to the defendant's apartment, dropped off, and which is located
18 at 900 I Street, Apartment 218, in Sparks.

19 The defendant, or Mr. Daughtery walks into his
20 apartment. He's observed, monitored the entire time by the
21 detectives. He walks into the defendant's apartment a little bit
22 before six o'clock on that evening, and he walks in with the
23 money. After the deal he walks out about a half hour later with
24 the gram of heroin and the three and a half grams of
25 methamphetamine, which he immediately hands to Detective Derek

1 Jones with the Reno Police Department.

2 Five minutes after Mr. Daughtery walks out, so does the
3 defendant, and he's immediately detained and handcuffed and
4 searched. And in his pants pocket is the \$390 of prerecorded
5 bills, currency that had been given to Mr. Daughtery.

6 Ultimately they request a search warrant and apply for
7 a search warrant with the judge, which is granted. It's based
8 upon information not only from the sale and the discovery of the
9 money and the drugs, but Mr. Daughtery observes more drugs in a
10 kitchen drawer. He tells the detectives this. They apply for
11 the search warrant, and they go into Mr. Andrews' apartment and
12 they search. And lo and behold, they find an additional eight
13 and a half grams of heroin and five grams of methamphetamine in
14 that kitchen drawer where Mr. Daughtery said they would find it.
15 They find on additional gram of methamphetamine in the bedroom
16 where the defendant's girlfriend, Christine Sambrano, was
17 sleeping.

18 So that's what you will hear. That's what this case is
19 about. That's what the evidence will show. It will show that he
20 is guilty of trafficking in a controlled substance by possessing
21 over 14 grams, by possessing over the trafficking amount allowed
22 of the heroin and meth in his apartment. It will show that he's
23 guilty of sale of the controlled substance at or near a park by
24 selling some of that methamphetamine and heroin to Mr. Daughtery
25 out of his apartment, which is located within 1,000 feet of a

1 public park, albeit Ardmore Park there in Sparks.

2 Now, I anticipate the defense may try to focus on the
3 fact that the defendant's girlfriend, Miss Sambrano, was present
4 in the apartment and sleeping in that bedroom to try to cast
5 doubt, whether, well, were these Mr. Andrews' drugs or were these
6 her drugs? Frankly, at the end of the day, I will submit to you
7 that it's the defendant and not Christine who goes into that
8 kitchen drawer, weighs out the drugs, and sells it to
9 Mr. Daughtery.

10 And after the trial is over, you have heard from all of
11 the witnesses, you have seen all of the evidence, I submit that
12 you will agree with me that I have proven both of those charges
13 beyond a reasonable doubt, and I will ask you to return a verdict
14 of guilty as to those both two counts.

15 Thank you.

16 THE COURT: Thank you. Mr. White.

17 MR. WHITE: Thank you, Your Honor.

18 I will be brief, ladies and gentlemen. It's not as
19 easy as it sounds to prove these two charges. You are going to
20 hear plenty of evidence from detectives, from the CI, from
21 Mr. Daughtery, but I want you to take careful consideration of
22 what you hear. That's all you have been asked to do today. And
23 before you took your oath this morning we were talking, and you
24 promised to do your best to listen to everything and make an
25 assessment. And go back to what I was talking about where we

1 have a situation where there's two children, and you are going to
2 take all of the facts, and you might even have two people trying
3 to make a decision on what kind of discipline to give those
4 children.

5 It's the same situation here now, it's sort of with
6 regards to now you are a juror. So I want you to take into
7 account that the State is going to show you all of this evidence
8 from people coming in and talking and testimony and maybe some
9 documents, definitely some documents, but after you see that, I
10 want you to take it into careful consideration and give one
11 another respect and return with not guiltyies on both counts.

12 Thank you.

13 THE COURT: Thank you, Mr. White.

14 MS. CAMERON: The State would call Nick Daughtery.

15
16 NICHOLAS DAUGHTERY,
17 called as a witness on behalf of the State,
18 having been first duly sworn, testified as follows:
19

20 DIRECT EXAMINATION

21 BY MS. CAMERON:

22 Q Mr. Daughtery, once you get comfortable, I'm just going
23 to ask you to state your name, and I need you to spell your last
24 name for me. What's your name?

25 A Daughtery, D-a-u-g-h-t-e-r-y.

1 Q And first name is Nicholas, correct?

2 A Yes. N-i-c-h-o-l-a-s.

3 Q You don't have to lean forward. We can all hear you.

4 A Sorry.

5 Q No worries. Deep breaths. Nothing to be worried
6 about.

7 How old are you, sir?

8 A 31.

9 Q And do you live in the Reno area?

10 A Yes, at the moment.

11 Q How long have you lived here in Reno?

12 A 11 years.

13 Q Do you live by yourself or with anyone?

14 A A wife and two children.

15 Q What are the ages of your children?

16 A 12, 4, 11 months.

17 Q And all those children with your current wife, I
18 believe you said?

19 A No. Only two.

20 Q Two of them. And is it your, which ones are with your
21 wife?

22 A My 11 month and my 4-year-old are with my current wife.

23 Q Your 12-year-old, are you still, what is the status of
24 the mother of the 12-year-old?

25 A She's passed away.

1 Q Are you currently working?

2 A Yes.

3 Q What do you do for a living?

4 A I'm a tattoo artist.

5 Q How long have you been doing that?

6 A Two years in a shop now, almost. And about 10 years
7 altogether.

8 Q So 10 years total, and you said two years in a shop?

9 A Yes, ma'am.

10 Q So Miss Clarkson here is taking down every word we say,
11 so we have to enunciate so she's knows what you saying. Okay?

12 A Okay.

13 Q Thanks. The man sitting in the blue shirt wearing the
14 glasses, do you recognize him?

15 A Yes, ma'am.

16 Q What do you know his name to be?

17 A Andrew.

18 Q You know his name to be Andrew?

19 A Yes.

20 Q Have you heard the name Ryan Andrews?

21 A The first name is Ryan. Sorry.

22 Q Are you nervous?

23 A Yes.

24 Q I need you to take a deep breath. What do you know the
25 defendant's name to be?

1 A Ryan Andrews.

2 Q How long have you known him?

3 A Two and a half years, maybe. A couple of years.

4 Q A couple of years?

5 A A couple of years.

6 Q June of last year, 2015, do you know where he was
7 living?

8 A 900 I Street, Granada Apartments.

9 Q Do you know what apartment number he was in living in?

10 A I cannot recall.

11 Q I'm going to show you what's been marked for
12 identification purposes as Exhibit 2. I want you to take a look
13 at this. Don't show it to the jury. Just look at it to
14 yourself.

15 Do you recognize what that map depicts? Do you
16 recognize that area?

17 A Yes.

18 Q Okay. And does that map appear to be an accurate
19 aerial depiction of that area?

20 A Yes.

21 Q The defendant's address that you just mentioned, 900 I
22 Street, is that shown on that map?

23 A Yes.

24 Q I think there's a green dot. Do you see a green dot?

25 A Yes.

1 Q And that green dot, is that where you recall the
2 specific apartment that he lived in?

3 A Yes.

4 Q Okay. Is that, so then would that dot be accurate?

5 A Yes.

6 MS. CAMERON: Your Honor, I'd move for its admission
7 and permission to publish.

8 THE COURT: Any objection?

9 MR. WHITE: Yes, Your Honor. I object. I don't, I
10 didn't see, first of all, the map that was being shown to him.
11 It wasn't shown to counsel.

12 May I voir dire the witness, Your Honor, for just a
13 moment?

14 THE COURT: Okay.

15 VOIR DIRE EXAMINATION

16 BY MR. WHITE:

17 Q Have you ever seen this map before?

18 A No, sir.

19 Q Did you take that picture?

20 A No, sir.

21 Q And are you just saying that it's the right address
22 because now you have seen the address written out in --

23 A No, because I lived there.

24 Q But you couldn't remember it just a few minutes ago?

25 A No, I couldn't.

1 Q So now it didn't refresh your recollection, you have
2 now just read from the map what you saw is an address; is that
3 correct?

4 A Yes.

5 Q So you don't know if that's the correct address for the
6 apartment other than looking at that map?

7 A Well, I know it's the correct address, because I lived
8 there at the same time he did.

9 Q You lived there at the time same he did?

10 A Yes. Four doors down.

11 Q For how long?

12 A I was there for about a year.

13 Q Okay.

14 MR. WHITE: No objection, Your Honor.

15 THE COURT: That will be marked and admitted.

16 (Exhibit 2 admitted into evidence.)

17 DIRECT EXAMINATION RESUMED

18 BY MS. CAMERON:

19 Q I'm going to circle on the screen in front of you. You
20 should be able to see it as well. Is that the green dot that we
21 were discussing?

22 A Yes, ma'am.

23 Q And that's where you recall the defendant lived a year
24 ago?

25 A Yes, ma'am.

1 Q I'm going to show you another photograph that's been
2 marked for identification purposes as Exhibit 8. Do you
3 recognize what that is?

4 A Yes.

5 Q What is that a photograph of?

6 A The upstairs of his apartment.

7 Q Is it the exterior of where the defendant lived?

8 A The outside, yes, on the second floor.

9 Q And fair and accurate depiction of the exterior?

10 A Yes, ma'am.

11 MS. CAMERON: I would move to admit and request
12 permission to publish Exhibit 8?

13 MR. WHITE: Which one? Can we have him point to it if
14 that's okay?

15 MS. CAMERON: I'm going to, but I would like to --

16 MR. WHITE: Sure. No objection.

17 THE COURT: That will be marked and admitted.

18 (Exhibit 8 admitted into evidence.)

19 BY MS. CAMERON:

20 Q Mr. Daughtery, if you could mark on your screen, if you
21 touch the screen it's going to leave a green dot. Which one was
22 his door?

23 A (Indicating.)

24 Q So just for the record, it looks like we are looking at
25 the photograph from the right-hand side over, it's the second

1 door. Is that correct?

2 A Yes, ma'am.

3 Q So you mentioned kind of in voir dire by the defense
4 that you have lived at these apartments before.

5 A Uh-huh.

6 Q Is that a yes?

7 A Yes, ma'am.

8 Q Sorry. You have to say yes or no. No nods.

9 A Yes, ma'am.

10 Q You say you lived there for about a year?

11 A About a year, yes, ma'am.

12 Q In June of last year were you still living there, or
13 no?

14 A No.

15 Q Okay. And where did you live? You said you lived four
16 doors down?

17 A Yes.

18 Q I'm going to put up the other map here. Again, if you
19 touch that screen, where kind of is your apartment?

20 A (Indicating.)

21 Q So it's still on that north end of the apartment
22 complex?

23 A (Nods head.)

24 Q Is that a yes?

25 A Yes, ma'am.

1 Q Perfect. How long did you live in that apartment
2 complex?

3 A About 11 months.

4 Q And the defendant was living in that same apartment
5 when you were living there?

6 A For maybe about four months. Maybe. I'm not exactly
7 sure.

8 Q There was some overlap?

9 A Yeah.

10 Q He did live there when you lived there?

11 A Yeah. He moved in there after I did.

12 Q In June of last year, do you know, was the defendant
13 living with anyone else in that apartment?

14 A I don't know if she lived there, but he had someone
15 that was there all the time with him, yes.

16 Q Who was that?

17 A Christina.

18 Q Last name Sambrano?

19 A I'm not a hundred percent sure.

20 Q You don't know her last name?

21 A No.

22 Q You knew her first name was Christina.

23 A Yes, that's it.

24 Q All right, Nick, I'm going to draw your attention to
25 June 19 of last year, 2015. Do you remember that day?

1 A Yes.

2 Q And on that day did you cooperate with detectives in
3 doing a controlled narcotics purchase from the defendant?

4 A Yes, ma'am.

5 Q Where did you first meet up with the detectives on that
6 day?

7 A At the Reno police headquarters, I believe. I'm not
8 sure the address.

9 Q But at the station.

10 A At the station, yes.

11 Q Do you remember what time it was?

12 A I'm not exactly sure. No. It was maybe, it could have
13 been around four or five, maybe. I'm not --

14 Q Afternoon.

15 A Yeah, afternoon time. I'm not sure.

16 Q What was the plan?

17 A Just to go in and buy one gram of heroin and one gram
18 of crystal meth.

19 Q And you say go in. Where were you supposed to go?

20 A Into his house.

21 Q In the apartment we have been talking about?

22 A Yes.

23 Q Before you go to the defendant's apartment, are you
24 fitted with an audio recording device?

25 A Yes. Yes, ma'am.

1 Q And were you searched for any other drugs or money?

2 A I was strip searched.

3 Q Strip searched. Unclothed search.

4 A Yes, ma'am.

5 Q Were you also provided money to use to purchase the
6 drugs?

7 A Yes, ma'am.

8 Q How much money were you provided?

9 A A hundred for the heroin, and I believe -- I can't
10 honestly a hundred percent remember. I think it was a hundred
11 for the heroin and then 50, 40 or 50 for the crystal meth.

12 Q Okay. Were you provided additional money --

13 A Yes. 180 for a debt that I owed him.

14 Q What was the debt for?

15 A It was for a van. It had nothing to do with the drugs.

16 Q A van?

17 A A van. A car.

18 Q Did you sell him a car?

19 A Yeah. We had a deal for, to sell a car, but then he
20 didn't like it, he didn't want it, so I made an agreement to pay
21 him money back. That's what it was for.

22 Q That was \$180 extra above the money for the drugs.

23 A Yes.

24 Q Okay. Before going to his apartment, do you call him?

25 A Yeah, a couple of times. Yes.

1 Q What phone number did you use?

2 A I can't remember.

3 Q If I, if you saw it again, would you, do you think you
4 might remember?

5 A No.

6 Q You have no recollection of the phone number?

7 A No. No, I don't. I have had a car accident since
8 then, so my head, I'm kind of hard to remember some things like
9 that, like numbers and stuff like that. So --

10 Q At the time did you tell the detectives what phone
11 number? Did they see you calling?

12 A Yeah.

13 Q And had you used, had you used that phone number to
14 contact him before?

15 A Yes.

16 Q How many times would you say?

17 A I don't know. A hundred maybe.

18 Q Hundreds?

19 A Plenty.

20 Q How did you ultimately get to the defendant's
21 apartment?

22 A By undercover.

23 Q One of the detectives drove you?

24 A Yes.

25 Q Do you remember which detective drove you?

1 A I do not.

2 Q And where, I still have the map up here and I can zoom
3 in a little bit for you, where did they drop you off or park?

4 A Right there (indicating).

5 Q Try again.

6 A Right there (indicating).

7 Q Right on the southeast corner.

8 A (Nods head.)

9 Q Is that a yes?

10 A That's yes.

11 Q Any idea what time it was when they dropped you off?

12 A No.

13 Q What did you do after they park?

14 A Just walked in. I tried to call, and he didn't answer,
15 so I just went and knocked on the door, and then he answered.

16 Q I think I heard you say you tried to call but he didn't
17 answer?

18 A He didn't answer, so I walked in and knocked on the
19 door.

20 Q And knocking on the door, does anyone answer?

21 A Not at first. I knocked a few more times, and then he
22 answered.

23 Q The defendant answered?

24 A Yeah, the defendant. I think he may have been sleeping
25 at the time.

1 Q Does he let you into the apartment?

2 A Yes, ma'am.

3 Q Did you tell him why you were there?

4 A Yes, ma'am.

5 Q What did you tell him that you were there for?

6 A Just to buy the gram of heroin and the gram of crystal
7 meth.

8 Q And while you are in the apartment, do you in fact buy
9 those drugs from the defendant?

10 A Yes, ma'am.

11 Q How much do you end up buying?

12 A A gram of heroin that I believe they said was just a
13 little over, and then a gram of crystal meth that was just a
14 little bit over.

15 Q So you recall that you bought one gram of each.

16 A Yes, ma'am.

17 Q How much money do you give him?

18 A The 180 that I owed him for the van, and then the
19 hundred for the heroin, I believe, and then the 40 or 50 for the
20 crystal meth.

21 Q Let me ask you this. The cops give you money, right?

22 A Yes.

23 Q All the money that they gave you before you went in
24 there, did you give him all of that money?

25 A Yes.

1 Q So everything they gave you, you gave to the defendant.

2 A Yes.

3 Q Now, when he's giving you these drugs, do you see where
4 he gets the drugs from? Like where did the drugs come from?

5 A Just from out of a drawer in his kitchen.

6 Q Does he use a scale, does he measure it out, what does
7 he do?

8 A He uses a scale, yeah.

9 Q And how did he package it for you?

10 A In the baggie, just a normal simple baggie like --

11 Q Zip lock?

12 A I think it was a sandwich bag, and then tied it into a
13 knot.

14 Q And then tied it?

15 A Like in the corner, tied it into a knot, I believe.

16 MS. CAMERON: May I approach?

17 THE COURT: You may.

18 BY MS. CAMERON:

19 Q Nick, I'm showing you what's been marked for
20 identification purposes as Exhibits 10 through 13. I just need
21 you to look through those photographs just to yourself.

22 A (Reviewing document.)

23 Q Do you recognize what those photographs depict?

24 A Yeah.

25 Q Okay. And what are they photographs of?

1 A The first photograph is a picture of his living room
2 that enters the bedroom. The second picture is of the kitchen
3 with the bar counter right there with the --

4 Q So just generally are they of the defendant's apartment
5 and its contents?

6 A Yes, ma'am.

7 Q Also the kitchen drawer that you previously talked
8 about?

9 A Yes, ma'am.

10 Q And they fairly and accurately show the defendant's
11 apartment.

12 A Yes, ma'am.

13 MS. CAMERON: I'd move for admission and permission to
14 publish.

15 THE COURT: Any objection?

16 MR. WHITE: No objection, Your Honor.

17 THE COURT: Those will be marked and admitted.

18 You may publish.

19 (Exhibits 10-13 admitted into evidence.)

20 BY MS. CAMERON:

21 Q Now we will go through each one. So Exhibit 10, what
22 is this of? His living room?

23 A His living room, yes.

24 Q And viewing through the living room to the bedroom?

25 A To the bedroom, and then the bar right here

1 (indicating). This is a bar right here.

2 Q On the left-hand side?

3 A Yes.

4 Q Is that where the kitchen is?

5 A Yes.

6 Q So showing Exhibit 11. What is this?

7 A The kitchen.

8 Q Where, which kitchen drawer did you see?

9 A It would be right about here (indicating).

10 Q I see -- so the kitchen counter --

11 A There's some drawers along there.

12 Q On the opposite side from the sink.

13 A Yes.

14 Q Exhibit 12, is that that kitchen drawer you were
15 talking about?

16 A Yes.

17 Q Did you see inside this drawer before when you were in
18 the apartment?

19 A Before. Not that day, but yes, before.

20 Q And then Exhibit 13, contents of that same drawer?

21 A Contents of that same drawer?

22 Q Yeah. I'll show you back the other one.

23 A No, that's not the contents of that same drawer. Oh,
24 yes, it is.

25 Q It looks like it's got a little wire basket?

1 A Yes. It's the same contents.

2 Q And then in the back it's got a little scale?

3 A Yes. It's the same contents.

4 Q All right. Now, one of the photographs you see on
5 Exhibit 11, does he use a calculator that we see here on the
6 front of that counter?

7 A He did, but not for drugs. When we talked about it, it
8 wasn't for the drugs.

9 Q What did he use the calculator for?

10 A It was for a vig, as they call it, because I had given
11 him 270 down for a van, so because it took me a month to pay him
12 back, he wanted interest.

13 Q Okay.

14 A So he said --

15 Q So it was the van money he was using the calculator
16 for.

17 A Yeah.

18 Q Once you give the defendant that money, what does he do
19 with it? Did you see where he put it?

20 A No.

21 Q Was there anyone else in the apartment when you were in
22 the apartment with him that day?

23 A I believe just his girlfriend was sleeping.

24 Q That's Christina?

25 A Christina.

1 Q Was she involved --

2 A No, she was not involved.

3 Q Do you remember how long you were in the apartment
4 before you left?

5 A About 15 to 20 minutes. Maybe 25 minutes.

6 Q Where did you go after you left?

7 A I walked out and down and hopped into the officer's
8 truck, and we drove back to the station.

9 Q Was the, where he originally dropped you off right
10 there on the southeast corner, was he still there?

11 A Yes, ma'am.

12 Q And what did you do with the drugs?

13 A I gave them to him.

14 Q The detective that drove you there?

15 A The detective, yes. The detective.

16 Q And where did you go? Back to the station, you said?

17 A Yes.

18 Q When you got back to the station, were you searched
19 again?

20 A Completely. The same thing, clothes off, everywhere
21 looked.

22 Q No money or other drugs found?

23 A No money or other drugs found.

24 Q After leaving the apartment, did you tell the
25 detectives about what you saw in the drawer?

1 A No.

2 Q You didn't mention to the detectives anything about a
3 kitchen drawer?

4 A They asked me if I had seen any more in a kitchen
5 drawer, and I said yeah, there was more in a kitchen drawer. I
6 just didn't understand it when you first asked it.

7 Q No worries. No worries.

8 MS. CAMERON: That's all the questions I have. Thank
9 you.

10 THE COURT: Cross-examine.

11 MR. WHITE: Thank you.

12 CROSS-EXAMINATION

13 BY MR. WHITE:

14 Q You would say, Mr. Daughtery, that you and Mr. Andrews
15 were friends, right?

16 A Yes, sir.

17 Q How would you describe your relationship?

18 A We were pretty good friends.

19 Q Would you say he treated you like a little brother?

20 A Yes, sir.

21 Q Would you agree that he actually helped you out
22 sometimes paying rent?

23 A Not paying rent, but when the van situation, that did
24 help me pay my rent, yes.

25 Q And so he paid you money for the van and didn't demand

1 it right away?

2 A No.

3 Q And so you were able to use that money to make your
4 rent and others things?

5 A Yes.

6 Q Did he ever put groceries on your table?

7 A No.

8 Q Never helped you with that?

9 A No.

10 Q Did he and Christina ever watch your kids so you could
11 have a date night to yourselves with your girlfriend?

12 A Yeah, one time.

13 Q Is that when you guys were living in the same area?

14 A Yes, sir.

15 Q Let me get this clear. There was about a four month
16 overlap, is that you remember?

17 A I remember maybe a little longer.

18 Q When you were living at the same apartment.

19 A Yes.

20 Q Now, if you were pretty close friends, did you go over
21 to Mr. Andrews' apartment a lot?

22 A Yeah.

23 Q What would you say, on a weekly basis how many times?

24 A Once or twice a day we would just hang out.

25 Q So every day once or twice a day?

1 A Well, not every day. A few times week I would go over,
2 maybe four times a week, five times a week, depending.

3 Q What would you guys, what would you do?

4 A We would hang out, we would smoke, you know.

5 Q Smoke?

6 A Yeah, get high.

7 Q You got high?

8 A Yeah. At that time I was using.

9 Q You were?

10 A Yeah.

11 Q And when did you move from the apartment, the one in
12 question here that we have seen?

13 A About almost, almost two years ago.

14 Q Okay. So June of 2014?

15 A Yeah, about.

16 Q And so you used to go over and get high all the time?

17 A No, not at all the time. We'd go over, and sometimes
18 we would just hang out.

19 Q Both just using?

20 A Yeah, just using.

21 Q And he never tried to sell you any drugs during that
22 time, did he?

23 A No.

24 Q Never.

25 A No.

1 Q So you decided to become a confidential informant and
2 work with the police.

3 A Yes, sir.

4 Q And that would be the first time that you have ever
5 tried to buy drugs from Mr. Andrews?

6 A Oh, no. I mean I bought drugs from him before, yes.

7 Q You just said that he's never offered to sell you any
8 drugs.

9 A I misunderstood what you meant. Yeah, I would go over
10 there and buy drugs and stuff, just not every single time.

11 Q Now, this, it was a van, right, we are talking about?

12 A Yes, sir.

13 Q What color was the van?

14 A Just a white van, a white Dodge Caravan.

15 Q What was the year?

16 A '94.

17 Q '94.

18 A '94.

19 Q What was the agreed-upon price?

20 A Just 450 bucks.

21 Q 450?

22 A Yeah.

23 Q Are you sure it wasn't 550?

24 A It was 450.

25 Q It's your testimony today that he only paid \$270 of

1 that?

2 A He gave me 270 down, yeah.

3 Q Where is this van?

4 A It was at my house.

5 Q At your new apartment?

6 A Yes.

7 Q Did Mr. Andrews ever go over and take a look at it?

8 A Yeah.

9 Q And you showed it to him?

10 A Yeah.

11 Q Was it running?

12 A No.

13 Q It was not?

14 A Before I told him I needed to do some work to it, and I
15 didn't get the work done in time, so he came over and didn't want
16 it, so I agreed to pay him back.

17 Q Let's explore how long that time span was.

18 A A month.

19 Q Okay. And in relation to this alleged buy that we are
20 talking about on the 19th of June 2015.

21 A Yes, sir.

22 Q What was the timeline there? When did you decide that
23 you were going to pay him back his money?

24 A I don't understand what you mean. Like.

25 Q Well, the van wasn't working about a month after he

1 paid you \$270.

2 A Yeah. He came over after that, and then right when he
3 came over and seen the van and decided he didn't want it, and I
4 told him right there I'd start paying him back, and I started
5 kind of paying him back.

6 Q My question was when. Do you remember the month?

7 A I don't remember the month or the day.

8 Q Was it within a month --

9 A It was --

10 Q -- of June 15?

11 A About a month after he gave me the 270, it was about a
12 month and maybe a week after.

13 Q And then another month until June 15.

14 A Yes, sir.

15 Q June 19.

16 A Yes.

17 Q Where did you get that van?

18 A It was given to me.

19 Q It was given to you? Just to clear it up, it was part
20 of the agreement to have that van in working condition, right?

21 A Yes.

22 Q I'm going to go back to the beginning of your testimony
23 a little bit. You were asked his name at the very beginning of
24 your testimony when you walked in, and you said his name was
25 Drew?

1 A I just got confused.

2 Q Are you sure, or did you correct it because the
3 district attorney asked you to correct it or told you what his
4 name was?

5 A No, it has nothing to do with that. His nickname was
6 Rhino, and that's what he always called him.

7 Q Is that a nickname?

8 A Yeah.

9 Q But you didn't say Rhino, you said Andrew.

10 A Yeah, I know. Like I said, I was confused.

11 Q Let's talk about the alleged buy as a confidential
12 informant. So the testimony that you -- you showed up at the
13 police department? How did you get there?

14 A I rode a bike.

15 Q You rode your bike to the police department?

16 A No. Sorry. I was picked up by the CI. I mean picked
17 up by the two officers.

18 Q You were picked up by two detectives?

19 A Yes.

20 Q And brought to their station?

21 A Yes, sir.

22 Q Where?

23 A To the police station.

24 Q Which one?

25 A The one where the Reno cars are all in downtown.

1 Q The Second Street location?

2 A I think so, by the Aces baseball stadium.

3 Q So they bring you over there and they do a full search,
4 an unclothed search?

5 A Yes.

6 Q But they don't drug test you, right?

7 A No.

8 Q That was about 1705. 5:05 p.m.?

9 A About right.

10 Q And you say that you have called him hundreds of times,
11 right?

12 A Over time I have called him.

13 Q A number of times, but you can't recall his number,
14 right?

15 A Yeah. I just had it saved in my phone as Rhino.
16 That's it. So it's not like I'm dialing in his phone number each
17 time.

18 Q So you are searched, they place a wire on you?

19 A Yes, sir.

20 Q Where was it?

21 A It was in a cigarette packet in my back pocket.

22 Q Have you ever heard it?

23 A No.

24 Q And you go in saying that you want to buy a gram of
25 meth and a gram of heroin; is that correct?

1 A Yes, sir.

2 Q And that's all you got, right, is that what you are
3 saying?

4 A That's all I got, so yes.

5 Q And you are talking there for a while, because you said
6 about 25 minutes?

7 A Yes. Maybe that, 25 minutes to a half hour maybe.

8 Q So you are there for a while. Where are you in the
9 apartment building?

10 A When you guys were looking at the picture, there's a
11 bar, he's in the kitchen, I'm on the opposite side where the two,
12 where the chairs are sitting in the chair.

13 Q Is there bar stools?

14 A Yes, sir.

15 Q So you are sitting across from each other?

16 A Yes.

17 Q And you are just talking for a while?

18 A Just talking, bullshitting.

19 Q You, did you ask him to buy drugs?

20 A Yeah.

21 Q Who were you buying them for?

22 A I told him I was buying them for a coworker.

23 Q Okay. Did you talk about anything else?

24 A Probably talked about a lot of stuff. Probably talked
25 about puppies and pit bulls and guns and other things.

1 Q At this time in your life you were using still, right?

2 A Actually I was not using at that time. I was on
3 Suboxone and at the clinic in Sparks.

4 Q You were on Suboxone?

5 A Yes.

6 Q What is Suboxone?

7 A Suboxone is a drug that allows you not to use enough
8 any opiates. It's a pill you take. you put it under your tongue
9 it dissolves, you take it every day, you go to the clinic, and
10 what it does, it allows you not to take any opiates because it
11 will make you withdraw, puke, throw up everywhere.

12 Q So it's sort of an anti-- I can't figure the word right
13 now.

14 A Yeah. If you --

15 Q If you were to take something like that, you would --

16 A Yeah. If I were smoke heroin or take any type of
17 Oxycontin or any type of, I would puke and go into a withdrawal
18 type symptom.

19 Q You were out of it, weren't you?

20 A Huh?

21 Q You were out of the Suboxone, weren't you?

22 A Me?

23 Q No, during that time, weren't you?

24 A I get it every single morning at the clinic.

25 Q You go to the clinic every morning?

1 A Every morning.

2 Q They give you doses every morning?

3 A You go in, you tell them our name, you sit down like in
4 a doctors' office. They call you, you go back to a room, a nurse
5 is right there, through a window, she hands you your pills, she
6 watches you dissolve them under your tongue, and then you leave.

7 Q And it's just one dose a day?

8 A One dose a day, 16 milligrams.

9 Q But it's your testimony today that you were not out of
10 it. You were not out of the Suboxone.

11 A I was not out of Suboxone, no.

12 MR. WHITE: Court's indulgence, Your Honor.

13 BY MR. WHITE:

14 Q Now, so it's your testimony, I would assume, that based
15 on what you have told us today, that you didn't smoke any drugs
16 that day during, when you were in his apartment --

17 A No, sir, I did no.

18 Q On the 19th of June.

19 A No, sir, I did not.

20 MR. WHITE: Court's indulgence, Your Honor.

21 BY MR. WHITE:

22 Q But you were there for a half an hour.

23 A Uh-huh.

24 Q So you had said that you knew that there were other
25 drugs in a drawer that you were just looking at in the picture,

1 right?

2 A Yeah.

3 Q Previously?

4 A Yes.

5 Q But you didn't report to the police that you saw them
6 in there that day.

7 A What do you mean?

8 Q That was your testimony before.

9 A When I came, after I came out I told them that there
10 was more in there.

11 Q But you had said to Miss Cameron under direct
12 examination that you didn't see them that day in the drawer, you
13 had seen them prior to that day.

14 A No. I seen him pull out the bags they were both in,
15 bigger bags, and take them out of those bags and put them into
16 what he weighed me out, and then put them back into the bag.

17 Q Are you sure about that?

18 A Yes.

19 Q And you weren't drug tested after you went back to see
20 police, right?

21 A No.

22 Q And it's your testimony you paid a hundred dollars for
23 heroin.

24 A Yes.

25 Q And \$40 to \$50 for meth.

1 A Yes.

2 Q Do you remember whether it was 40 or 50?

3 A No, I don't.

4 Q So that's 140 or 150 bucks total.

5 A Uh-huh.

6 Q And you said that you also paid back some of the debt?

7 A Yeah, 180.

8 Q So did you tell detectives that you owed money on a
9 debt?

10 A Yeah.

11 Q And they were willing to supply you with extra money?

12 A Yes.

13 Q So you weren't really paying back a debt, right?

14 A Yeah, I was paying back a debt.

15 Q Well, how is that?

16 A That's what he thought I was paying back, the debt.

17 That's what's the CI wanted to me do, that's what I did.

18 Q Do you know what your job was that day?

19 A Buy drugs. But they thought it would be easier for me
20 to pay them all off and pay back the debt and stuff like that and
21 get the drugs, too.

22 Q Well, was it your understanding that in the situation
23 you were in, working with the police, that they were going to let
24 him keep the money?

25 A I don't know. That's their job. I don't know what

1 they were going to do with that.

2 Q So you still have at least, from your testimony, you
3 still have at least \$270 of --

4 A No, I paid him money for that. That 180 was even debt.

5 Q You have \$270 of Mr. Andrews' money still, don't you?

6 A No. Because I paid him 80 before and 20 here and
7 there. So. And technically after all that was over I still had
8 owed interest of another \$250 according to him. After I was paid
9 off.

10 Q Where did you see Christina at the apartment?

11 A She was just sleeping in the bedroom.

12 Q Did she ever come out?

13 A No, she didn't.

14 Q No?

15 A Huh-uh.

16 Q How far was the bedroom from where you were?

17 A Like maybe from me to the third juror down.

18 Q Was the door open to the bedroom?

19 A I think maybe when he got there. And then it was
20 closed. I can't really remember.

21 Q Did she ever come out?

22 A No, not that I recall.

23 Q Not even to sit the couch or get a drink of water or
24 anything?

25 A No. I'm pretty sure she was still sleeping or

1 something.

2 Q Did you get a drink of water?

3 A Yeah.

4 Q You did?

5 A Yeah. I think I got Kool-Aid or something like that.

6 Q Did you in fact have a new job that, when you said you
7 were buying drugs for your coworker or somebody?

8 A I was working at Century Landscaping.

9 Q And you had told Mr. Andrews you were buying for a
10 coworker?

11 A Uh-huh.

12 Q Or possibly your boss?

13 A Yeah, coworker, possibly a boss.

14 Q Now, Mr. Andrews, at some point during this visit by
15 you as a confidential informant, he's not there the entire time,
16 is he?

17 A Andrew?

18 Q Not Andrew. His name is not Andrew, right?

19 A I know.

20 Q Mr. Andrews.

21 A He went into the bedroom a couple of times.

22 Q Went in the bedroom a couple of times? In fact that's
23 where the bathroom is, right?

24 A Yes.

25 Q And you are pretty familiar with the apartment, because

1 you said you had been over there several times.

2 A We had the exact same setup.

3 Q It was one bedroom, one bathroom, correct?

4 A Yes.

5 Q And the only access to the bathroom is to go through
6 the bedroom, correct?

7 A Yeah.

8 Q Did also maybe go downstairs and walk his dog?

9 A I did.

10 Q You did? You walked his dog for him?

11 A Uh-huh. I sold him the dog.

12 Q Oh, you did. Was it a puppy when you sold it to him?

13 A Yeah.

14 Q Now, you had said you called a couple of times and
15 didn't get an answer; is that correct?

16 A Yeah. But we had talked earlier that day, and I
17 already knew that I would be coming over and stuff after, around
18 after I got off work and everything like that.

19 Q You kind of crinkled up your face a little bit when you
20 said earlier that day. Are you sure about that?

21 A Text message earlier that day when I was at work that
22 he knew I would be coming over. So when the detective asked me
23 to call him, I called him a couple of times at the station, he
24 didn't pick up. They said so you assume he's still over there.
25 I said yeah, he said to come over, it was cool, he would be home.

1 So we went over there, and he was home.

2 Q Did you try setting something up like this earlier than
3 the day of?

4 A No.

5 Q Just the day of?

6 A Uh-huh.

7 Q When was the last time you had talked to Mr. Andrews
8 prior to that?

9 A Maybe a couple, a week or two before that.

10 Q And just as friends at that point?

11 A No, not really.

12 Q Was it more having to do with the vehicle?

13 A Yeah. He came over to my house with someone.

14 Q So approximately 5:50 p.m. you make the call, you get
15 no answer, right?

16 A Uh-huh.

17 Q You entered the apartment at about 5:50 p.m.

18 A About, yeah.

19 Q Were you in route? What's 20 minutes? Can you recall
20 what happened in those 20 minutes?

21 A (Shakes head.)

22 Q No? Okay. You remember a lot about the apartment and
23 what went on for those 30 minutes, but yet you can't remember
24 what happened in those 20 minutes?

25 A 20 minutes of driving from the station?

1 Q I don't know. That's what I am asking. From 5:30
2 until 5:50 you place a call, you get no answer. Then at 5:50 --

3 A Well, we sit at the police station for a while because
4 they wanted me to make another call. So we sat there for a few
5 minutes and make another call. I placed three phone calls in a
6 period of about 20 minutes to a half hour. So when I didn't get
7 no answer, that's when I went over. Because I texted him earlier
8 that day, and he said it was okay that I came over. Like that.

9 Q Then at approximately 6:31, so 41 minutes later, you
10 exit the apartment?

11 A Uh-huh.

12 Q Where were you when, where did you go right after you
13 exited the apartment? Did you go back to the southeast corner?

14 A Yeah. Right to the officer's truck.

15 Q Could you see the, can you see the apartment from
16 there?

17 A Not from where the truck was, no.

18 Q Can you see the parking lot of the apartment from
19 there?

20 A Yeah. Not like, not where his car is or nothing. Like
21 you could only see about half of the parking lot from where the
22 officer was parked at.

23 MR. WHITE: Court's indulgence, Your Honor. I'll wrap
24 this up in a few more questions here.

25 //

1 BY MR. WHITE:

2 Q Your testimony today, you stated that you handed the
3 drugs to detectives as soon as you got to the southeast corner.

4 A When I got in the truck.

5 Q When you got in the truck?

6 A Yes, sir.

7 Q Before going, did you go back to the police station?

8 A Yes.

9 Q So you are saying that you handed the drugs that you --

10 A Purchased.

11 Q Allegedly purchased right to the detective?

12 A Yes, in the truck.

13 Q And then you were brought back to the station.

14 A Yes.

15 Q And searched again?

16 A Yes.

17 Q So searched for everything?

18 A Everything.

19 Q Drugs -- okay. And I think we did, I just want to make
20 sure everything is clear. But no, they did not drug test you?

21 A No.

22 MR. WHITE: Nothing further, Your Honor.

23 THE COURT: Redirect.

24 //

25 //

REDIRECT EXAMINATION

BY MS. CAMERON:

Q Mr. Daughtery, when you were using drugs, were you using both heroin and meth? What was your drug of choice?

A No, I never used meth.

Q So you were a heroin user?

A And sometimes Oxycontin.

Q When you did use heroin, if you were given a gram, how long would that last, that one dose?

A Sometimes it would last like sometimes two days, two or three days, depending on how much I used. But yeah, before I was using, that would be about a two-day supply.

Q And then with each -- well, how much would you use per use I guess my question is?

A I guess a point, maybe. Sometimes --

Q So a gram is maybe like 10 uses?

A 10 points, yeah. Last you about five to six hours.

Q One use lasts five to six hours?

A Depending. Depending on your tolerance.

Q Okay.

MS. CAMERON: That's all I have. Thank you.

MR. WHITE: Your Honor, I didn't understand. I was a little confused.

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RECROSS-EXAMINATION

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BY MR. WHITE:

Q So does a gram last three days, or does it last six hours?

A A gram of heroin would last me two days. When you use one point, there's 10 points in a gram of heroin, but when you use one point, it's lasts about five to six hours.

Q So is a point, I'm not familiar with this. Is a point a use?

A Yeah. That's what most people use, is a point.

Q So if you are averaging it out, you need to use about five times a day, or 10 points would last you two days?

A I don't use five times a day.

Q I'm not saying you actually. I just want to get an idea what you're talking about.

A Right around there.

Q So every four hours or something?

A Yeah. Some people are four hours, some are every couple of hours. Just every person is --

Q How did you use?

A I smoked it. I never used needles.

Q Never did that?

A Never used needles.

Q So would you say, I'll give you the benefit of the doubt, if you were using less than five times a day, what were

1 you using in a day? Three or four times a day?

2 A I would say about that, yeah. About three or four
3 times a day. I still used it, I used it when I start to feel
4 sick, you know, start to get body aches, start to puke, stuff
5 like that.

6 Q Okay. So you would use -- it's typical for one to use
7 a gram every two do days?

8 A Some people can go through a couple of grams a day.

9 Q A couple of grams in one day?

10 A Yeah. Some people, it's all about who the person is
11 and how high their tolerance is. Everyone is different.

12 Q You did see the -- let me back up. Sorry. I haven't
13 even asked a question.

14 How did you smoke heroin?

15 A Just on a piece of tinfoil with a lighter and a straw.

16 Q So you light it?

17 A And you put it on the side, you have a straw in your
18 mouth, and you light it, the smoke comes off the tinfoil as it
19 burns, and you just inhale the smoke.

20 Q You did see in the pictures that there was some of that
21 laying around, right?

22 A Yeah.

23 MR. WHITE: Court's indulgence, Your Honor.

24 BY MR. WHITE:

25 Q What effect does heroin have on you when you use?

1 A It just makes me relaxed. You know, sometimes you get
2 sleepy, sometimes you fall asleep. But mainly just relax. I
3 wasn't big time on nodding off and falling asleep. I wasn't that
4 heavy. Some people use it and they do the, you can't understand
5 them, you know.

6 Q Do some people become more talkative or excited, is
7 that possible?

8 A No. Not unless they're maybe mixing it with crystal
9 meth or something.

10 Q Crystal meth. You said before that you had never, ever
11 used meth, right?

12 A I never used meth.

13 Q By itself, or never?

14 A Never.

15 Q Not even with another drug.

16 A Never.

17 MS. CAMERON: No redirect, Your Honor.

18 THE COURT: Thank you, sir. You may step down.

19 Call your next witness.

20 MS. CAMERON: Gary Zaepfel.

21

22 GARY ZAEPFEL,

23 called as a witness on behalf of the State,

24 having been first duly sworn, testified as follows:

25

DIRECT EXAMINATION

BY MS. CAMERON:

Q Mr. Zaepfel, make yourself comfortable, and once you are, I need you to state your name for the record and spelling your last name.

A It's Gary William Zaepfel. Last name is Z-a-e-p-f-e-l.

Q And are you employed, sir?

A Yes, with Washoe County.

Q And do you do for Washoe County?

A I work in the technology services department in the regional services division, the GIS group.

Q And what do you for them? What are your job duties, responsibilities?

A I'm a, GIS stands for geographic information systems. So we deal with a lot of data, maps, social media, make maps, I do system administration, GIS desktop software and installation, web mapping, application, information.

Q So pretty much when anybody in Washoe County needs a map, they can go to you?

A They can, yes.

Q Good. So in your position at Washoe County tech services, do you have, then you have specific knowledge and experience with GIS mapping system that the county uses.

A Yes.

Q Familiar with the software used and the program and how

1 to make maps and the measurement tools?

2 A Yes.

3 Q Using that system, can you map specific distances
4 between two specified locations?

5 A Yes.

6 Q Can you also make, I think you call it a buffer circle,
7 but a circle around a designated location of a specific distance?

8 A Yes.

9 Q And in this case were you asked to do those two things,
10 a specified distance between two distances and a buffer circle?

11 A Yes.

12 Q And were you able to do both of those tasks?

13 A Yes.

14 Q Fantastic. I'm going to show you what's actually
15 already been marked and admitted as Exhibit 25. I'll be able to
16 show it up here.

17 Do you recognize this map?

18 A Yes.

19 Q And did you make it?

20 A I did.

21 Q I'm going to show you one more. Let's go with Exhibit
22 26, take a look at this for me. Leave it right here for you.

23 Do you recognize that map?

24 A I do.

25 Q Did you also make that map?

1 A Yes.

2 Q And what's the difference between that map and the map
3 that we see right here?

4 A The map that's on the screen just shows, there's a
5 point, it's an address point from an address data base, and the
6 upper left is boundary lines for that parcel. It's the recorded
7 legal boundaries that we use from our parcel data set.

8 And this one here with the red line is sort of straight
9 as the crow flies from that point to the southwest corner of that
10 parcel that's indicating Ardmore Park.

11 Q So the map --

12 A Southeast. Excuse me.

13 Q So the map that you have in front of you, I'll move
14 this down, is the same map but with a distance measurement. Is
15 that fair?

16 A Yes.

17 Q And that distance measurement that's articulated on the
18 map in front of you in Exhibit 26, is it accurate?

19 A Yes.

20 MS. CAMERON: I'd move to admit, and permission to
21 publish.

22 MR. WHITE: No objection.

23 THE COURT: It will be marked and admitted.

24 (Exhibit 26 admitted into evidence.)

25 //

1 BY MS. CAMERON:

2 Q So what then was the distance between that address
3 point and the southeast boundary of Ardmore Park?

4 A I measured it to 650 feet.

5 Q You said that boundary was determined using parcel
6 data?

7 A We have a parcel, it's called a parcel data base, and
8 it's a representation of all the legal boundaries in the county
9 with all the parcel data. And that's Ardmore Park, that's the
10 legal boundary for that.

11 Q Okay. I'm going to show you one more map. Exhibit 27.
12 Did you recognize that map?

13 A I do.

14 MS. CAMERON: I apologize, Mr. White. Getting ahead of
15 myself.

16 BY MS. CAMERON:

17 Q You made that map?

18 A I did.

19 Q And how then is this map different from the two maps we
20 have already looked at?

21 A That map shows a 1,000-foot we call buffers or zone
22 around that address point, the 900 I Street address point.

23 Q Is the measurement application that you used to create
24 that buffer circle, is that accurate in your opinion?

25 A Yes.

1 MS. CAMERON: I'd move to admit Exhibit 27.

2 THE COURT: Any objection?

3 MR. WHITE: Your Honor, I do have an objection to the
4 question. In his opinion. I don't think he's been subpoenaed as
5 an expert. So I don't think we can ask for his opinion. I think
6 he just needs to -- that's my objection.

7 THE COURT: So I'm a little bit confused about what the
8 objection is.

9 MR. WHITE: He's not been subpoenaed here as an expert.
10 And so usually experts are giving opinions based on things. He's
11 not giving an opinion. I think he's just supposed to be able to
12 testify to what he knows.

13 THE COURT: Again --

14 MR. WHITE: He's not an expert, Your Honor.

15 THE COURT: So you are objecting --

16 MR. WHITE: To the question.

17 THE COURT: I understand, but you've got to give me an
18 objection as a matter of law. You are objecting that it's
19 opinion testimony?

20 MR. WHITE: Yes.

21 MS. CAMERON: I asked him the same question on the
22 previous map. It has to do with accuracy and his knowledge. He
23 has specialized knowledge, but so does everybody, so do officers.
24 It's not an expert question. He made the map, and I asked him in
25 his profession is it accurate, and he answered the question

1 previously.

2 THE COURT: Okay. The objection is noted and
3 overruled.

4 Ladies and gentlemen, you can give whatever weight you
5 deem appropriate to all witnesses.

6 And it's overruled. You may proceed.

7 MS. CAMERON: Again I would renew my motion to admit.

8 MR. WHITE: No objection.

9 THE COURT: That will be marked and admitted.

10 (Exhibit 27 admitted into evidence.)

11 BY MS. CAMERON:

12 Q So what we are looking at here on Exhibit 27 then is
13 1,000 feet from that specific address, albeit 900 I Street,
14 Apartment 217, 1,000 feet in all directions.

15 A Correct.

16 Q And are all of these areas here in Washoe County? Are
17 these located in Washoe County?

18 A Yes.

19 MS. CAMERON: No further questions. Thank you.

20 THE COURT: Cross-examine.

21 MR. WHITE: I have no questions for this witness, Your
22 Honor.

23 THE COURT: You may stand down.

24 Call your next witness.

25 MS. CAMERON: Detective Scott Rasmussen.

1 SCOTT RASMUSSEN,
2 called as a witness on behalf of the State,
3 having been first duly sworn, testified as follows:
4

5 DIRECT EXAMINATION

6 BY MS. CAMERON:

7 Q Good afternoon. I need you to state your name for the
8 record spell your last name for me.

9 A It's Scott Rasmussen, R-a-s-m-u-s-s-e-n.

10 Q Are you employed?

11 A Yes, I am.

12 Q Who do you work for?

13 A I'm currently assigned to Reno Police Department.

14 Q And in what capacity do you work for the Reno Police
15 Department?

16 A I work for Street Enforcement Team. We're called SET.

17 Q What is the Street Enforcement Team?

18 A A group of guys and gals that our main target is
19 street-level narcotics, along with prostitution and underage
20 alcohol.

21 Q How long have you been a detective with SET?

22 A Just over four and a half years now.

23 Q And how many years have you been a police officer,
24 total law enforcement experience?

25 A Just almost eleven years now.

1 Q All with Reno Police Department?

2 A Yes.

3 Q All right, detective, I'm going to draw your attention
4 to June of last year, 2015. Were you involved with an
5 investigation targeting Ryan Andrews involving possible sales of
6 narcotics?

7 A Yes.

8 Q Is that individual currently in the courtroom today?

9 A Yes, he is.

10 Q Please describe what that individual is wearing and
11 where they are seated.

12 A He's seated to my right, blue top, tannish-type pant.

13 Q Glasses?

14 A Yes.

15 MS. CAMERON: May the record reflect identification of
16 the defendant?

17 THE COURT: So noted.

18 BY MS. CAMERON:

19 Q Now, specifically on June 19, 2015, were you involved
20 in a controlled narcotics purchase targeting the defendant?

21 A Yes, I was.

22 Q Did that particular controlled narcotics purchase
23 utilize a confidential informant?

24 A Yes, it did.

25 Q How do these types of controlled narcotics purchases or

1 buys generally work?

2 A It, there's several different ways. It's either we
3 would do them ourselves, by we call them, be introduced into
4 targets, or we utilize confidential informants. Or we will do
5 like cold hits, just call people out of the blue. So it just
6 depends on how it's generated in the beginning.

7 Q When you use a confidential informant like you did in
8 this case, they had prior knowledge of the target, how do those
9 kinds of purchases or investigations work? What do you have to
10 do?

11 A What we have to do is we have a confidential informant,
12 they would come into the station, they would provide us what
13 information that they had on the target that they would be
14 willing to purchase from or give us the information from. From
15 there it just depends on what type of operation we would use.

16 There's a series of operations. You could buy/bust
17 them, where you buy it right there, arrest them. You could buy,
18 let the money go, which we call a buy/walk operation, to further
19 the investigation. There's several different ones.

20 But what we generally do is get all the information
21 from the CI, and we would go forward from there. We provide them
22 with prerecorded buy money prior to going to the deal. They are
23 searched prior to leaving our office to make sure no money or
24 drugs are on them. And they are fitted with a wireless
25 transmitter allowing us to listen and record the conversation for

1 their safety and to solidify what they are telling us is the
2 truth.

3 Q During any given controlled buy, how many detectives
4 are generally involved?

5 A There's upwards of nine or ten. As few as probably
6 around six is the least we would use.

7 Q And you said they are fitted with a wire or audio
8 recording. Is there a detective assigned to monitoring that
9 audio while the buy is taking place?

10 A We assign one person, they are called the wire, and
11 they record anything that we believe would be pertinent for the
12 investigation throughout the operation. However, all detectives
13 are assigned with a little radio, and we all can monitor and
14 listen to what's going on in case something happens, for the
15 safety of everybody in the scenario.

16 Q So everyone involved is listening, but there's one
17 designated wire, we will call, officer that's taking notes. Is
18 that fair?

19 A That is correct.

20 Q And then following these buys, then whoever is used,
21 the CI is again searched and debriefed afterwards.

22 A That is correct.

23 Q This particular buy, what was your involvement and role
24 in the controlled narcotics purchase targeting the defendant?

25 A I was the case detective. I was pretty much the person

1 that was going to kind of be the conductor, tell people what to
2 do, how it's going to be ran. I kind of oversaw the entire
3 operation.

4 Q Call you lead detective on this one?

5 A Sure. That works.

6 Q Okay. How many other detectives were involved on this
7 particular operation?

8 A I don't know offhand. I would say at least six, if not
9 more.

10 Q Do you remember who was assigned to do what?

11 A I do.

12 Q Who did what on this case?

13 A I was assigned as case detective, and then I was in the
14 parking lot to watch our CI go into the room. Detective Jones
15 was my wire. He was the one that was going to transcribe notes
16 for me and search the CI prior to leaving. And then I had a few
17 other detectives stationed around. I can't exactly remember.
18 But they would be like a rescue team in case something went bad.
19 Their main job is to get to the safety of the CI, but I don't
20 remember exactly.

21 Q Okay. Now, so Nick Daughtery was the confidential
22 informant used in this case, correct?

23 A Yes, it was.

24 Q Where did you first meet up with Nick on that day?

25 A At the RPD station.

1 Q Which one?

2 A The one at 455 East Second Street downtown.

3 Q Do you recall what time it was that you met up with
4 him?

5 A I'd say probably around 4:00, 4:30, right around that
6 time.

7 Q What was the plan for this particular operation?

8 A I was set up to, or we were set to purchase, it was
9 about \$120 worth of methamphetamine and \$90 worth of heroin from
10 our target.

11 Q What kind of weights are we talking about with that
12 kind of money?

13 A It would be about, it just depends on how close the
14 person is to their, who they are getting it from, but it would be
15 a quarter, or four grams of meth, and just over a gram of heroin
16 would be roughly what we would get.

17 Q But different prices for different sellers. It's not
18 always the same. Like one gram is always going to be \$90?

19 A No, you can't go with that. It just depends on how
20 close they are, how much they go through it. They talk about how
21 good it is. I mean it's, there's a window gap that you would
22 know well, that's way too high and start throwing up a red flag.
23 But if there's kind of a window and it's within that, it sounds
24 like it would be okay.

25 Q And these prices were within that window?

1 A Yes, they are.

2 Q And how much money total, then, you are talking \$90
3 heroin, \$120 methamphetamine, how much money was Nick provided?

4 A He was provided with \$390.

5 Q What was the extra money for?

6 A There was \$180 of additional money provided to the CI.
7 I was under the impression there was a vehicle purchased and
8 there was a disagreement on that, and there was a debt owed to
9 our targe, so it was provided to him to pay it off.

10 Q Is that unusual for you guys to provide a CI extra debt
11 money?

12 A No. It's not a constant like everyday thing, but it's
13 not unusual.

14 Q So before the deal is he searched?

15 A Yes, he is.

16 Q Who searches him?

17 A Detective Jones did the search.

18 Q And he's fitted with a wire?

19 A Yes, he was.

20 Q And who did that?

21 A Detective Jones.

22 Q And provided the buy money we will call it. Who was in
23 charge of the buy money?

24 A I initially fill out the voucher. Our sergeants give
25 it to us. It's photocopied. I retain it until I give it to

1 Detective Jones.

2 Q So it was photocopied. Do you know who photocopied it?

3 A I can't remember.

4 Q And then you provided it to Jones, who provided it to
5 Nick.

6 A Yes.

7 Q Before heading to the defendant's apartment, did you
8 have Nick attempt to call the defendant?

9 A Yes, we did.

10 Q And what phone number did he use to call him?

11 A It was 287-3384. Area code 775.

12 Q And he told you that phone number?

13 A Yes, he did.

14 Q And were you present when he was trying to call that
15 phone number?

16 A Yes, I was.

17 Q Did the defendant answer?

18 A He did not.

19 Q What was the address of the apartment that you, where
20 the defendant was supposedly residing?

21 A I was given 900 I Street, number 218, in Sparks.

22 Q And who all went to that location? You, Jones, CI.
23 Anybody else?

24 A It would have been everybody that was on the operation
25 that day.

1 Q Anybody involved in the operation then would have
2 responded to that location?

3 A Yes, it is.

4 Q Okay. How many separate vehicles, do you recall?

5 A I'd say at least six, if not seven or eight.

6 Q All marked or all undercover?

7 A We traditionally keep one marked vehicle in the area
8 down the street in case something goes wrong. So that they, the
9 majority, if not all, would be unmarked, with one marked police
10 unit.

11 Q Do you know who was in the marked vehicle that day?

12 A I don't remember.

13 Q Who did Nick ride with? Who gave him the ride to the
14 apartment?

15 A It was Detective Jones.

16 Q And where did you park when you get there?

17 A I parked in the parking lot, east of the target
18 location, just kind of southeast. I nosed into a building. It
19 was near like the Sparks Florist.

20 Q I'm going to grab a map.

21 A Okay.

22 Q For the record, showing you Exhibit 25. I can zoom in
23 a little bit. Hold on. Oops. I pushed it too hard.

24 So if you push on that screen ahead of you, it's going
25 to leave a green mark.

1 Where were you parked?

2 A Right here (indicating).

3 Q And you said nose in or butt in?

4 A We were nosed in.

5 Q During the deal did you stay in your car, or did you
6 get out of your car?

7 A I stayed in the car.

8 Q Where did Detective Jones park, do you recall?

9 A I don't know the exact spot, but I know he parked
10 somewhere on I Street kind of out of the aisle of the apartment.

11 Q So not in the lot. Out on the street somewhere?

12 A Yeah, on I Street. I don't know where, but on I
13 Street.

14 Q Did you watch Nick walk up to the apartment?

15 A Yes, I did.

16 Q And did he walk straight there from Detective Jones's
17 vehicle?

18 A Yes, he did.

19 Q What time was it when he got to the apartment and knock
20 knock knocking on the door?

21 A It was like ten to 6:00.

22 Q You mentioned earlier, so Detective Jones is monitoring
23 the wire, but you all can hear what's going on inside; is that
24 correct?

25 A I can't speak for other people if they had their radio,

1 but I can hear it.

2 Q You had your radio on and you were listening?

3 A Yes.

4 Q How long was he inside?

5 A Approximately 40 minutes.

6 Q Did you see him exit the apartment?

7 A Yes, I did.

8 Q What time did he exit?

9 A He exited about 6:30.

10 Q Before he walked out at 6:30, had you seen him or
11 anyone else come out of the apartment before then?

12 A No.

13 Q Where did he go once he walked out?

14 A He walked back through the complex straight back to
15 Detective Jones.

16 Q And you watched him the entire time?

17 A Yes, I did, until he got behind the buildings, and then
18 I couldn't see him anymore.

19 Q So you watched until like I Street.

20 A Yes.

21 Q While you are listening while the deal is going on, do
22 you hear, you hear the voices, correct?

23 A Yes, I do.

24 Q How many different voices do you hear?

25 A I heard two.

1 Q Did you ever hear a female voice?

2 A I did not.

3 Q And the two voices you heard, were they the same voices
4 the entire time?

5 A Yes.

6 Q Once Nick walks out, what do you do at that point?

7 A I just stay stationary, stayed in the parking lot. I
8 waited until Detective Jones, he got in Detective Jones's
9 vehicle, and then I wait for what we call a debrief. Detective
10 Jones would talk to him, see if he saw any more or what happened
11 inside. That's something maybe we didn't hear or obviously we
12 can't see. So I kind of waited until the debrief was done and
13 just stayed in the spot.

14 Q At some point does the defendant walk out of that same
15 apartment?

16 A Yes, he did.

17 Q What time does he walk out?

18 A It was about five minutes later. It was like of 6:36,
19 right around that time.

20 Q What happens when he walks out?

21 A He walked into the lot more eastward over to about this
22 area right here (indicating). And I instructed some marked
23 detectives to take him into custody.

24 Q Did you see who took him into custody?

25 A I didn't.

1 Q So then now what do you do at that point?

2 A About that time I was wrapping around this building to
3 help, but I didn't get to see it. I was provided information
4 from Detective Jones that the CI had seen more narcotics inside.
5 Once he was taken into custody, I called the on-call D.A., who we
6 ultimately called a judge and applied for a search warrant.

7 Q And the information that you were provided from Nick,
8 did he provide you with a specific location where you were going
9 to find more drugs?

10 A Yes, he did.

11 Q What was that location?

12 A There was a kitchen drawer on the island portion, one
13 of the small drawers.

14 Q And he described that for you?

15 A Yes, he did.

16 Q And that information then was relayed to the judge in
17 your application for the search warrant, correct?

18 A Yes, it was.

19 Q Was that search warrant ultimately granted?

20 A Yes, it was.

21 Q And what time do you go in and execute that?

22 A I think right around 7:30.

23 Q So from the time that the defendant walks out, 6:36 I
24 believe you said, to when you or other detectives now go into the
25 apartment to serve that search warrant, was one or you or other

1 detectives monitoring that apartment to make sure nobody is
2 coming and going?

3 A Yes, we did.

4 Q Who was doing that?

5 A I can't remember who had the eye on it while I was
6 applying for the search warrant.

7 Q But that's standard protocol.

8 A Yeah. We have to have eyes on it even applying for the
9 search warrant. That's one of the main questions that they ask.

10 Q Did anybody go into or leave the apartment while you
11 were applying for the search warrant?

12 A No, there was not.

13 Q Did you, were you part of the team that went in and
14 executed the search warrant?

15 A I was.

16 Q And upon entering that apartment, was anyone else
17 located inside?

18 A There was.

19 Q Who was in there?

20 A There was a female that was laying on the bed. I can't
21 recall her name offhand.

22 Q Was it a Christine Sambrano, does that sound familiar?

23 A Yes, it was.

24 Q And she was laying on the bed in the bedroom?

25 A Yes.

1 Q Was she just laying there, was she sleeping, do you
2 know?

3 A I'd either say she was sleeping or some sort of a
4 passed out. We were yelling multiple times, probably for a
5 minute or two, before she woke, and then we had her come out of
6 the apartment.

7 Q So then you have her leave the apartment while you are
8 searching.

9 A Yes, we do.

10 Q Where does she go?

11 A We, to my knowledge she was downstairs in the parking
12 lot, and a detective was assigned to her, just on standby.

13 Q Okay. Do you know if she was living there?

14 A I didn't find any indicia showing me that she would
15 have stayed there.

16 Q Female clothing, perfume?

17 A I can't recall anything.

18 Q Didn't see any female accouterment we will call it?

19 A I don't recall if it was there.

20 Q Okay. But during the search of the apartment were any
21 narcotics located?

22 A Yes, they were.

23 Q And where were those drugs found?

24 A In the center, the island portion of the kitchen and in
25 a small drawer just as the CI indicated to me.

1 Q Any other drugs?

2 A Yes. There was a smaller baggie underneath a jewelry
3 container in the sole bedroom of the apartment.

4 Q Detective, I'm going to show you Exhibits 9 through 23.
5 Please take a look at these for me.

6 A (Reviewing documents.)

7 Q Do you recognize those photographs?

8 A I do.

9 Q What are they of?

10 A The interior of 218.

11 Q And do these photographs fairly and accurately show
12 Apartment 218 and its contents as you found it on June 19, 2015?

13 A Yes, it does.

14 MS. CAMERON: I believe at this point State would be
15 moving to admit 14 through 23. 9 and 14 through 23. 10 through
16 13 have already been admitted.

17 THE COURT: Any objection?

18 MR. WHITE: No objection.

19 THE COURT: Those will be marked and admitted.

20 (Exhibits 9 and 14-23 admitted into
21 evidence.)

22 BY MS. CAMERON:

23 Q Showing you Exhibit 9, the front door; is that correct?

24 A Yes, it is.

25 Q And Exhibit 10. The living room?

1 A That's the view from right from the front door, yes.

2 Q As you walk in the front door, that's what somebody
3 would see?

4 A Yes.

5 Q And the bedroom that we see through the hallway, is
6 that where Miss Sambrano was found?

7 A Yes, it is.

8 Q And Exhibit 11, this is the kitchen, correct?

9 A Yes, it is.

10 Q Where was the kitchen drawer that you searched?

11 A See where that calculator is?

12 Q Yes.

13 A Right below that.

14 Q Can you put a little green dot for us?

15 A I can't remember if it's the very first one or the
16 second one, but it's right below. (Indicating.)

17 Q And Exhibit 12, is that the drawer we were just
18 mentioning?

19 A Yes, it is.

20 Q What are we looking at? What's in this drawer?

21 A What I can see is a glass smoking pipe, which is right
22 here (indicating), commonly used to smoke methamphetamine. This
23 would be a bag with I would think looks to be heroin. A small
24 bowl for whatever they may use it for. Bic lighters,
25 methamphetamine right here (indicating), looks like a checkbook

1 right there.

2 Q Oh, on the side?

3 A Yeah.

4 Q Right here (indicating). Okay.

5 And was that checkbook collected?

6 A Yes, it was.

7 Q What other items from that drawer were collected, other
8 than I think you mentioned these are the drugs. What other items
9 would have been collected?

10 A The glass smoking pipe would have been taken. That I
11 remember was taken. That is the checkbook. And then the drugs.

12 Q And whose checkbook, what was the name on it?

13 A It came back to our target's name.

14 Q Ryan Andrews?

15 A Yes, it did.

16 Q And then Exhibit 13, what's this?

17 A Here's a scale up at the top. That's the same bag that
18 we saw earlier. I can't tell what that is, but it looks like it
19 could be paraphernalia of some sort for methamphetamine.
20 Baggies. (Indicating.)

21 Q So here empty baggies?

22 A Yeah, it looks like it to me.

23 MR. WHITE: Objection. I just want, that's
24 speculation. It he says it looks like, and I can't tell if that
25 was an answer.

1 THE COURT: You are killing me here, Mr. White.

2 MR. WHITE: Well, Your Honor, it's not very definite.
3 It sounds like he's speculating. I think they are baggies.

4 THE COURT: Okay. I just need objection, and is it
5 speculation --

6 MR. WHITE: Speculation.

7 THE COURT: -- is it hearsay? You know, I don't want a
8 speaking objection.

9 MR. WHITE: I'll sit down.

10 THE COURT: So the objection is speculation.
11 Sustained.

12 You may carry on.

13 BY MS. CAMERON:

14 Q Detective, did you see these in the drawer?

15 A I did.

16 Q You did?

17 A I did.

18 Q You did, yes?

19 A I did, yes.

20 Q Sorry. I'm not sure if you are saying did or didn't.

21 A Sorry.

22 Q What are those?

23 A Plastic bags.

24 Q Thank you. I'll show you Exhibit 15. What's this
25 photograph of?

1 A A handgun box.

2 Q Where was this located?

3 A In the bedroom, if I remember correctly.

4 Q And Exhibit 16, open view of that same box. Was any
5 firearm located?

6 A There was none.

7 Q Is that ammunition I'm looking at?

8 A Yeah. It looks like, yes, a bullet.

9 Q We will go through these. 17. Living room?

10 A Yes, it is.

11 Q 18. Where was this computer?

12 A If you walk in the front door, and immediately to your
13 left, that was the dining nook area. It was sitting right there.

14 Q Okay. And then 19. Bedroom?

15 A Yes.

16 Q 20. Where is this?

17 A That would be right in front of the bed that's against
18 that wall. Then it would be inside the bedroom, nightstand, TV,
19 or dresser, TV.

20 Q Where was this jewelry box that you located drugs
21 underneath?

22 A It's right in this location (indicating). There's a
23 jewelry box sitting right here.

24 Q So far right-hand side of this photograph.

25 A Yes.

1 Q And then Exhibit 14. What's that?

2 A That's the small bag that was found underneath the
3 jewelry box containing methamphetamine.

4 Q 21. Bathroom?

5 A Bathroom closet area.

6 Q 22. Shower?

7 A Yes.

8 Q And 23. Is this a different closet or the same closet
9 that we just saw from the bathroom?

10 A I think this is the hallway closet.

11 Q Okay.

12 A As you go down from the living room to the bedroom,
13 there's like a closet right there they can hang stuff on.

14 Q Did you see female clothing in either of those two
15 closets?

16 A I don't remember seeing any.

17 Q So also during the search of the apartment, any cell
18 phones located?

19 A Yes. There was a cell phone on top of the kitchen
20 counter.

21 Q Back up here. Look at the kitchen counter. Exhibit
22 10. Did you see, where was the cell phone?

23 A You actually see the cord that it was attached to.
24 It's sitting, that's the cord, and it was sitting right on top of
25 it right where that line is roughly (indicating).

1 Q And were you able to determine whose phone it was?

2 A I did.

3 Q And how did you do that?

4 A I called the phone number that I was previously given
5 by the CI, 287-3384 number, with my work phone, and after dialing
6 that number, my phone number illuminated on that phone that was
7 on the countertop.

8 Q The drugs that you have been talking about we saw
9 photographs of both from the kitchen drawer and the bedroom, what
10 happened to those drugs once they were located?

11 A The detective that located them took custody of them.
12 They take it back to the station, they will weigh it, test it,
13 seal it in an envelope, and they would hand it either to me or
14 the evidence technician.

15 Q When you talk test, we are not talking formal testing.
16 What kind of testing were we talking about?

17 A Correct. It's not the formal. It's a presumptive
18 test. We have small kits that you put the suspected narcotic
19 that you think it's in into a pouch, you break the chemicals that
20 are inside, you know, like a reaction telling you if that type of
21 chemical that you put in there is in that substance that you put
22 in the bag.

23 Q How much do you take from the baggies that you find?
24 How much do you need to test it?

25 A You only need like a grain of sugar size to put it in

1 there, and it will alert and tell you if it's that substance.

2 Q Who was the evidence technician in this case? Who
3 booked everything into evidence?

4 A I asked Detective Gibson to do it.

5 Q Then both the drugs that come out of the house with
6 Nick, those go to Detective Jones, correct?

7 A Yes, they did.

8 Q And then these, the three baggies that you locate in
9 the house, who takes possession of those?

10 A Detective Jones located what was in the drawer, so he
11 took possession of those as well. And then I can't remember who
12 located the one point, it was approximately 1.4 in the bedroom.

13 Q Then what does Jones and that third baggie, where do
14 those go? Do they go to you, do they go straight to Gibson?

15 A Again, they would go back to the station, they would
16 seal them. And then I was going to book all the evidence
17 initially, but I was overwhelmed with my report writing and all
18 of that, so it went to Detective Gibson.

19 Q Then the additional evidence in addition to the drugs,
20 albeit I think you mentioned scales, checkbook, pipes, those were
21 also booked?

22 A The checkbook I know was booked. If it's
23 paraphernalia, the scale or the pipe, traditionally we can photo
24 and destroy them. We did take the scale this time. But the
25 glass smoking pipe is paraphernalia, and per our procedure we

1 will just take a photo of it and destroy it, and then destroy it
2 in the destroy bin at the station.

3 Q Everything that ended up being booked into evidence
4 remained in sole custody of an RPD detective.

5 A That is correct.

6 Q You guys make efforts to make sure that you are keeping
7 track of your evidence?

8 A Yes, we do.

9 Q How then is something booked in evidence? How do you
10 book something in?

11 A You put it in an envelope, you seal it, you will sign
12 the back of it. A piece of tape goes over it, evidence tape.
13 You will initial it or date it, whatever that person or detective
14 does to indicate that they put it in there. And then you put it
15 in the computer, meaning the description of it. Once that's put
16 in, you can print out a label. You put a label to the manila
17 envelope, and then you take it down to evidence.

18 Q Okay. I'm going to show you evidence in this case.

19 MS. CAMERON: May I approach, Your Honor?

20 THE COURT: You may.

21 The record should reflect that Mr. White has reviewed
22 those as well.

23 MS. CAMERON: Yes, he has.

24 BY MS. CAMERON:

25 Q I'm going to show all of these envelopes here. Go

1 ahead and take a look at those for me.

2 A (Reviewing exhibits.)

3 Q And just for the record, I'm showing you Exhibits 3
4 through 7. Actually, 1 through 7. You should have 7 there. Do
5 you have 7 there?

6 A Yes.

7 Q 1 through 7. Do you recognize those seven exhibits?

8 A I do.

9 Q And what are they?

10 A It's evidence taken from 900 I Street, 218. And I can
11 read the exact off.

12 Q Let me ask you this. Do they all contain the case
13 number that was assigned to this particular operation?

14 A Yes, they do.

15 Q What is that case number?

16 A 15-14576.

17 Q And I believe the suspect's name?

18 A No.

19 Q You do case number.

20 A We do the case number, a description of what's in it,
21 and the location it was roughly found.

22 Q Do you recognize those exhibits and the information
23 that's contained thereon?

24 A Yes, I do.

25 Q And is all of those exhibits evidence taken from the

1 search that we have just discussed?

2 A Yes, they are.

3 MS. CAMERON: I'd move to admit all seven exhibits at
4 this time.

5 MR. WHITE: No objection.

6 THE COURT: That will be marked and admitted.

7 (Exhibits 1 and 3-7 admitted into
8 evidence.)

9 MS. CAMERON: I'll take a couple of them from you.

10 For the record, Your Honor, do I have permission to
11 open these exhibits and display them to the jury?

12 THE COURT: Any objection?

13 MR. WHITE: No.

14 THE COURT: That will be permitted for display.

15 BY MS. CAMERON:

16 Q So we will look at the package before I open this one.
17 Description. This is Exhibit 14, purchased. What item is this
18 that is in this envelope?

19 A It shows the 4.0 gross weight presumptive positive meth
20 purchase from our target.

21 Q Was this then the methamphetamine that was handed to
22 Detective Jones from Nick?

23 A Yes, it is.

24 Q And we are talking gross weight, so that's weight with
25 packaging.

1 A That's correct.

2 Q Let's see if I can display it.

3 Rather than display it, I'll just display it to the
4 jury.

5 Looking at this, detective, is it still I guess what
6 you would call in rock form?

7 A We actually call it shards. It's like a shard of
8 crystal. That's why they call it crystal meth.

9 Q What's the different between crystal and different
10 types of crystal meth?

11 A All meths are crystallized substance, like a shard. It
12 just depends on what level you get it at. If you are getting
13 better quality, it's going to be in like a shard of crystal. If
14 you are getting it stepped on, what we call it, that's when they
15 cut into it, or it might be the bottom of the bag, and it's more
16 of like a granulated, almost looks like sugar. But if you look
17 really hard, it will still be a crystal. It's just a lot
18 smaller.

19 Q So this that you just saw is in pretty good shard
20 formation. Is that fair?

21 A Fair to say, yes.

22 Q Exhibit 2 is the, would this be the heroin, then, that
23 was given to Detective Jones from the CI?

24 A Yes.

25 MS. CAMERON: For the record, I'm opening this exhibit

1 for publication to the jury.

2 You guys really make this difficult.

3 THE WITNESS: Sorry.

4 BY MS. CAMERON:

5 Q Moving right along. Exhibit 3, what was this?

6 A This a clear plastic baggie containing approximately
7 1.4 presumptive positive meth. That's going to be the stuff
8 found under the jewelry box.

9 Q In the apartment?

10 A Yes.

11 MS. CAMERON: Again for the record, I'm opening
12 Exhibit 3 for publication to the jury.

13 BY MS. CAMERON:

14 Q Exhibit 4. I think it's self-explanatory. From the
15 kitchen drawer, correct?

16 A Yes, it is.

17 MS. CAMERON: And opening this exhibit for publication
18 to the jury.

19 BY MS. CAMERON:

20 Q Exhibit 5. Heroin from the kitchen drawer?

21 A Yes.

22 MS. CAMERON: Opening this exhibit for publication to
23 the jury.

24 BY MS. CAMERON:

25 Q Why do you guys staple it? You staple it?

1 A Evidence clerks.

2 Q Evidence clerks love their staplers.

3 I'm going to show you the other crumpled-up baggie that
4 we see in there. Is that the same bag it was found with, just
5 taken out of it?

6 A Yes, it is.

7 Q Exhibit 6, what's this?

8 A A Wells Fargo checkbook with the defendant's name
9 written on it in the ledger inside the drawer.

10 Q And that's what we saw in that photograph previously?

11 A Yes.

12 BY MS. CAMERON:

13 Q So opening Exhibit 6. Is this how you found it? It
14 says Ryan's on the front?

15 A Yes.

16 Q And then is that his name written there?

17 A Yes.

18 Q Last one. Exhibit 7. This is the other items
19 collected from the kitchen drawer, correct?

20 A Yes, it is.

21 MS. CAMERON: Opening Exhibit 7 for publication to the
22 jury.

23 BY MS. CAMERON:

24 Q Rather than touching everything, can you tell me what's
25 in here?

1 A Yes. It's a scale, plastic bags, and tin foil with
2 heroin residue.

3 Q And I think we saw it on one of the photographs?

4 A Do you want me to touch?

5 Q You are not scared?

6 A No. Digital scale and additional plastic baggies.

7 Q And empty baggies, correct?

8 A Yes.

9 Q Bigger man than I.

10 After you complete the search of the defendant's room,
11 does that complete the investigation? Does anything happen
12 thereafter?

13 A No. We secured the location and left.

14 Q And defendant arrested and booked into custody.

15 A Yes.

16 MS. CAMERON: No further questions. Thank you.

17 THE COURT: Cross-examine.

18 MR. WHITE: Thank you, Your Honor.

19 CROSS-EXAMINATION

20 BY MR. WHITE:

21 Q Detective, when did Nick Daughtery give you information
22 that led you to target Mr. Andrews?

23 A It was a few days prior to the deal occurred.

24 Q Can you remember how many days a few?

25 A I can't remember offhand.

1 Q Okay. It's your testimony today you can't remember
2 where the rest of the detectives were except for Jones?

3 A Their specific location.

4 Q You are the case detective, right, which is the lead
5 detective?

6 A That's correct.

7 Q Okay. So who is supposed to know if not you?

8 A I can roughly tell you where they are at, but we do
9 operations every day, three, four a day. I can't remember
10 exactly where everybody is on every operation.

11 Q Did you pick up Mr. Daughtery, or did he show up at the
12 police station?

13 A I don't remember. I just remember being at the station
14 with him.

15 Q As you remember it, he was supposed to purchase \$90 of
16 heroin and \$120 of meth?

17 A That's correct.

18 Q Now, as you testified before, this buy took about 40
19 minutes, right? This operation took about 40 minutes?

20 A He was inside the apartment for 40 minutes.

21 Q Right. More specifically, he was inside there for 40
22 minutes. That's a long time, isn't it, typically?

23 A No. That's not.

24 Q Don't your buys normally take just sometimes five
25 minutes tops?

1 A There's operations that take less than that, there's
2 operations that take upward of 15, 20, 30 minutes, 40 minutes.
3 It depends on what's normal for the CI and the target during that
4 deal.

5 Q Now, as you sit here, you are saying that you could see
6 the apartment from where you were parked?

7 A Yes, I could.

8 Q But you nosed in.

9 A That's correct.

10 Q It would be behind you?

11 A Excuse me?

12 Q Would be behind you, right?

13 A That's correct.

14 Q Because you were facing, I guess on that map you would
15 be facing east?

16 A Northwest.

17 Q Northwest. Okay. And you say that no one came out of
18 that apartment during the time that Nick was inside the
19 apartment?

20 A That's correct.

21 Q Not even to walk a dog?

22 A To my knowledge I didn't see anybody come in or out.

23 Q Now, did you know how much money Mr. Daughtery owed to
24 Mr. Andrews for this debt?

25 A I was told \$180.

1 Q By who?

2 A By Mr., or Nick.

3 Q Nick told you he owed Mr. Andrews \$180?

4 A That's correct.

5 Q Okay. You may have been asked this, I don't know,
6 already. Is that uncommon to actually pay off a debt with buy
7 money in a target drug deal?

8 A No.

9 Q It's not? You do that a lot?

10 A I wouldn't say a lot, but it's not something that we do
11 on every operation.

12 Q Probably provides more incentive for somebody to go
13 along with something, right, if they have a debt owed to them?

14 A It helps make the deal so there's no animosity during
15 that time.

16 Q Do you, obviously we know now you were not in the
17 apartment during the buy, right?

18 A That's correct.

19 Q And you weren't listening to the wire, correct?

20 A I was listening to the wire.

21 Q You were listening in real time?

22 A Yes, I was.

23 Q Okay. I thought you had said that was Jones.

24 A No. I said Jones was transcribing, and then I had the
25 wire, and I was listening to it as it was going down.

1 Q So you were listening to it in real time, Detective
2 Jones listened to the recording later on?

3 A I don't know if he listened to the recording later on.

4 Q How did he get his notes, do you know?

5 A I assume he's listening to it live as well as I was.

6 Q All you have to go on to say that drugs were actually
7 purchased in this target in this buy are the words of
8 Mr. Daughtery, right?

9 A That's correct.

10 Q In fact he knew where other drugs were located in the
11 apartment.

12 A Yes, he did.

13 Q Did he tell you that there were drugs in the drawer
14 that he saw that day during the buy?

15 A Yes. To my recollection he saw it in there.

16 Q Because during his testimony there was a little bit of
17 confusion whether he had seen those drugs in the drawer prior to
18 that, because they would hang out once in a while, or are you
19 sure that he told you that he saw those other drugs that we have
20 seen in those pictures in the drawer that day?

21 A That's what I remember him saying, he saw more in that
22 drawer.

23 Q And so without being in that apartment, you don't know
24 where people were located in that apartment, correct?

25 A I don't.

1 Q And so you really can't sit here and say that you know
2 for sure that drugs were purchased and there was a hand-to-hand
3 buy or anything like that, right?

4 A For sure, no.

5 Q And wouldn't you agree that if somebody is supposedly
6 making money or doing drug sales, that it's a weird place to
7 leave drugs out in the open in a common area, kitchen drawer?
8 You have been doing this a long time, right?

9 A I have been doing this a long time.

10 Q And so you have seen all sorts of things out there.

11 A I have.

12 Q Wouldn't you agree that that's kind of a strange area
13 to leave if you are supposedly selling drugs?

14 A No, I wouldn't.

15 Q Where do you usually, wouldn't you normally see things
16 a little bit more secure?

17 A There's really no normality to what we do. We did a
18 search warrant yesterday, the drugs were on the kitchen counter
19 in a shoe box. I have seen them in the freezer, I have seen them
20 in the stove, I have seen them in hidden cans, I have seen them
21 in coat pockets, underneath mattresses, in toilets, showerheads,
22 behind pictures. They could be anywhere.

23 Q Some of those things you mentioned, though, were pretty
24 tricky, behind pictures, in a toilet. I mean that would have to
25 be, that's pretty sophisticated. Putting it in a kitchen drawer

1 is not sophisticated. You have to admit that, right?

2 A I wouldn't call it sophisticated, but they definitely
3 try to hide them.

4 Q But that's not very hidden.

5 A That's correct. The one the other day wasn't hidden
6 either.

7 Q Shoebox?

8 A On a countertop.

9 Q Hidden in plain sight?

10 A What's that?

11 Q Hidden in plain sight?

12 A You never know.

13 Q Where were you when you were applying for the search
14 warrant?

15 A I drove out of the parking lot into an adjacent parking
16 lot. I can't remember the exact location. But I was a little
17 ways away.

18 Q And did anybody else drive into the parking lot where
19 you were to replace you?

20 A Oh, yeah. I had somebody assigned to it. I can't
21 recall who, but I remember asking somebody to keep an eye on the
22 apartment.

23 Q But you don't even remember who it was? We can't even
24 find out?

25 A I apologize. I don't remember. A lot going on.

1 Q So you are just saying that, but you couldn't know, out
2 of six cars possibly, you don't know which detective replaced you
3 to watch anything?

4 A I can't remember who I had asked to do it. I can't.

5 Q You say you can't remember seeing any women's clothing,
6 or you just didn't see any?

7 A I don't recall seeing any.

8 Q I understand that. The jewelry box, did you see that,
9 the jewelry box with the drugs underneath it?

10 A I did not.

11 Q That was Detective Gibson?

12 A My recollection it was Detective Pleich.

13 Q Pleich? Pleich found that.

14 And you did write a report in this case, right?

15 A Yes, I did.

16 Q Your testimony today is that the gun safe, is that what
17 you called the it, a gun safe?

18 A Yes.

19 Q Is that what we saw in the picture with one bullet in
20 it?

21 A Yes.

22 Q One round? It's your testimony today that it was in
23 the bedroom?

24 A That's what I remember.

25 Q Okay. Would it surprise you to know that you put in

1 your report that it was in a bathroom closest?

2 A No. If I made a mistake, I made a mistake.

3 Q Refresh my memory. You said it was you and Detective
4 Jones that were with the CI at the start of this operation?

5 A When?

6 Q Approximately 4:30 when he arrived or he was picked up
7 and brought to the station. Was it just you two?

8 A I don't know who was in the office.

9 Q Who brought him to the department? Jones?

10 A That's what I don't remember. I just remember meeting
11 the CI there. If I picked him up, I don't recall. But I
12 remember at the station.

13 Q Do you ever test confidential informants for drugs
14 before an operation in addition to searching them?

15 A Test as in?

16 Q Doing a drug test on them to make sure they are not
17 under the influence?

18 A No, we don't.

19 Q How about after?

20 A Test them or search them?

21 Q Test them.

22 A We don't test them prior or after.

23 Q No.

24 A Yes.

25 Q Is it a concern that somebody would, I'm not saying

1 this one, but is there a concern in general that somebody might
2 ingest drugs during a buy?

3 A Yes. During, yes.

4 Q That would be something you would be concerned about?

5 A Yes.

6 Q What would it do?

7 A It depends on what drug.

8 Q What if we are talking about heroin and meth?

9 A Both together, or separately?

10 Q Both.

11 A Their eyes would start to, not dilate, but contract.

12 They would be what we call being on the nod. They would almost
13 like be sluggish and lethargic. They would kind of keep their
14 eyes closed. Depending on how big of a user they are, it could
15 happen immediately off the onset. But those would be the signs
16 and symptoms. I would be able to see if somebody had used heroin
17 while inside.

18 Q What would it do to your case? Has that ever happened
19 to you?

20 A Has somebody ingested while on my cases?

21 Q Yes.

22 A That has not happened to me.

23 Q I'm going to go through the timeline a little bit here
24 just quickly. I'm taking it out of your report. It was about
25 5:30, or 1730, the CI places a call and gets no answer. Is that

1 correct?

2 A That's correct.

3 Q About 1750 the CI knocks and enters the apartment?

4 A That's correct.

5 Q Do you know what you were doing for those 20 minutes?

6 A Driving to the location.

7 Q So he had tried to make the call from somewhere,
8 another location?

9 A Yes, he did.

10 Q And about 1831 CI exits apartment.

11 A Yes.

12 Q 1836 Andrews exits apartment.

13 A That's correct.

14 Q 1842, approximately six minutes later, SET detectives
15 close in on Andrews in the parking lot of the apartment and
16 arrest him.

17 A Correct.

18 Q But you had said he walked east or something like that?

19 A Yeah. He was walking his dog.

20 Q So from 1842, almost an hour later, is when you served
21 the search warrant.

22 A Roughly, yes.

23 Q At 1937.

24 A Correct.

25 Q Nearly an hour.

1 A Roughly.

2 Q And were you present for that?

3 A The search warrant?

4 Q Yes.

5 A Yes, I was.

6 Q When you served it?

7 A Yes, I was.

8 Q It says you served the search warrant on Apartment 218.

9 Now, we know you can't actually serve a search warrant on an
10 apartment. Did you talk to anybody?

11 A What do you mean not on it?

12 Q That's what your report says. Detectives served the
13 search warrant on Apartment 218 at 900 I Street, Sparks, Nevada,
14 period. It was approximately 1937. So what did you? How did
15 you get in?

16 A I don't get it. On or in, it's kind of the same thing
17 to me. I don't know what you are asking me, honestly.

18 Q Who did you talk to? Did you talk to anybody, or did
19 you bust in?

20 A I called the judge and provided him the information
21 that I had, and he granted me a search warrant. It was Judge
22 Haschef.

23 Q Right. But then you served the search warrant,
24 according to your reports, on Apartment 218. What does that
25 mean? I wasn't there. What did you do?

1 A We get lined up. Somebody that would have a ram,
2 somebody that would have a weap -- lethal, somebody that would
3 have lethal. We don't know what we are going into. We would
4 approach the door. If we didn't have a key to utilize, then it
5 would compromise us to go in. We would ram the door. We would
6 be stationary out at the door, make sure there are no threats,
7 and then we proceed in and serve the search warrant on, or in,
8 whatever apartment we were granted the search warrant.

9 Q What did you do in this -- that sounds kind of like you
10 are speaking in generalities. What did you do here? Did you ram
11 the door?

12 A We lined up, we approached. To my recollection, we had
13 a key.

14 Q Did you get it from the manager?

15 A No, we did not.

16 Q Who did --

17 A We used the key that was off our defendant that we took
18 into custody in the parking lot, to my knowledge. We approached
19 the door, we opened it up, we staged at the door. We saw the
20 female laying on the bed. We police said "police search warrant,
21 police search warrant, police search warrant" for about a minute,
22 two minutes, maybe. She wakes up. She comes outside. And then
23 we go back in.

24 Q So she wakes up, comes, did she stay outside?

25 A To -- yes, to my recollection.

1 Q Outside the apartment?

2 A Yes. We traditionally don't let them go back in after
3 they are out.

4 Q So you took his key when you arrested him, Mr. Andrews?

5 A To my knowledge we did, yes.

6 Q Now, how many people were searching the apartment?
7 Everyone?

8 A I can't remember who. At least five people. Maybe.

9 Q Five people?

10 A Five detectives.

11 Q Pretty small apartment, isn't it?

12 A It is.

13 Q Did you see indicia of anybody else living there?

14 A Living? I don't know if they are living there or not.
15 I saw stuff laying all over.

16 MR. WHITE: Court's indulgence.

17 BY MR. WHITE:

18 Q Detective Rasmussen, you are saying that you needed a
19 key to get in that door; is that correct?

20 A Yeah, that's what I remember.

21 MR. WHITE: That checkbook we saw. May I approach?

22 THE COURT: What exhibit number?

23 MS. CAMERON: It's Exhibit 6, Your Honor.

24 BY MR. WHITE:

25 Q I'm going to show you what's been marked and admitted

1 as Exhibit 6. I think you have already looked at it just now.

2 That's the checkbook you say you saw, right?

3 A Yes, sir.

4 Q And that's, you are familiar with just a blank
5 checkbook, right, where there's just nothing, it's not a signed
6 check? I guess the difference is he didn't order any checks with
7 his name on it, right?

8 A I don't know.

9 Q That just says Ryan's on it, like somebody else wrote
10 that. Do you see what I'm looking at?

11 A I do.

12 Q See what I'm saying? Right below checking it just says
13 Ryan's. I mean we don't know who wrote that. You can't tell?

14 A I don't know who wrote it.

15 Q And here's the checks, or at least it looks like record
16 of a deposit, deposit to the account of, and it just says that.
17 It's not a, it doesn't appear to be where he has, somebody has an
18 address and everything ordered in the name and everything, does
19 it?

20 A I don't see that on that.

21 Q Okay. And flipping through it, this is actually one of
22 the checks. Again nothing, nothing identifying at all. Correct?

23 A I don't see a name on it.

24 Q Thank you. But this was found in the drawer?

25 A Yes, it was.

1 Q Okay. And that's part of what you consider an indicia
2 that Ryan would know that drugs were there, because a checkbook
3 that has his name written on it was there?

4 A I would consider that indicia.

5 Q You would?

6 A I would.

7 MR. WHITE: Your Honor, may we approach?

8 THE COURT: You may.

9 (Conference held at the bench among the
10 Court and counsel and not reported.)

11 THE COURT: The record should reflect that the Court
12 met with counsel at side bar.

13 We are just about done with this witness's testimony.
14 We may take a few more minutes and finish up, and then we will
15 call it a day.

16 MR. WHITE: I have no more questions for this witness.

17 THE COURT: Okay.

18 REDIRECT EXAMINATION

19 BY MS. CAMERON:

20 Q We have been talking about the CI kind of
21 interchangeably, CI, confidential informant. Is that synonymous
22 terms?

23 A Yes, it is.

24 Q Just to make that clear if there was any confusion.

25 When we talked about you not having, the only evidence

1 that you had that a drug deal went down in that room was the word
2 of the CI. I think there was something to that effect. But
3 that's not entirely accurate; is that correct?

4 A That's correct.

5 Q So he had no drugs on his person when he went into the
6 room?

7 A That's correct.

8 Q And when he walked out of the room he had drugs,
9 correct?

10 A That's correct.

11 Q And when he went into the room, he had \$390. And when
12 he walked out, did he still have that money?

13 A He had no money on his possession.

14 Q So he no longer had the money and he had drugs; is that
15 fair to say?

16 A Yes.

17 Q Initially the, Nick, when you first met with him, did
18 he seem under the influence of anything when you first met with
19 him at the station?

20 A I would say no.

21 Q Been doing this a while. Do you feel comfortable being
22 able to tell if people are high?

23 A Yes. I'm actually a drug recognition expert. I went
24 through the classes on telling when somebody is under the
25 influence, how to tell, what their reactions are, the signs and

1 symptoms. And talking to him, he showed no indications before or
2 after that he had ingested or was under the influence of
3 narcotics.

4 MS. CAMERON: Thank you. No further questions.

5 THE COURT: Anything else?

6 MR. WHITE: I have nothing, Your Honor, based on that.

7 THE COURT: Can we thank and excuse this witness?

8 MS. CAMERON: Yes, we will.

9 MR. WHITE: Yes.

10 THE COURT: Thank you, officer. You may stand down.

11 Ladies and gentlemen, we will conclude for the day. I
12 think you received a written schedule for tomorrow. We are going
13 to reconvene at 10:30 in the morning. Is that what everybody
14 has?

15 I have a calendar in the morning. I have reviewed it.
16 I think I'm in good shape. So we should be able to start at
17 10:30, and then we will have our lunch break, and then we will
18 keep things moving.

19 You are instructed not to discuss this case among
20 yourselves or with anyone else or form any ultimate conclusions
21 regarding this case until it's submitted to you.

22 You are not to read, look at, or listen to any media
23 accounts, should there be any.

24 You are -- again, that's all social media. I know I
25 have learned so much today about this Facebook thing. It's just

1 amazing, where you get the news. Twitter. Who knew? I mean I
2 guess you guys knew. Amazing. Amazing.

3 So just go back, I think I have one of those dial TVs,
4 get one of those, watch your local station. You can do that.
5 But don't post anything. Don't go on social media sites posting
6 information, doing things. You can do all that after the trial
7 is done. Okay?

8 Finally, you are not to engage in any form of
9 independent research.

10 And this is an interesting story. It comes from a case
11 involving, there was a trial involving, one of the issues was a
12 burning mattress. So personally, one of the jurors had an extra
13 mattress at home, and went home and set the mattress on fire to
14 experiment and burn it up to see what the burn time would be,
15 because that was an issue in the trial. So then when the jury
16 got to deliberations, and they had heard testimony from various
17 witnesses, the juror said you know, it couldn't have happened the
18 way that witness said it happened, because I did my own
19 experiment and I know that that's not correct.

20 So the supreme court reversed in that case and said the
21 trial judges such as myself, worker bees, must tell you that you
22 are not to engage in investigation or experiment. It would put
23 these attorneys out of business. You got to rely solely and
24 exclusively upon the testimony and the evidence presented here in
25 the courtroom.

1 So you have heard references, you have seen maps to
2 certain locations. You can't go drive by that. You are not
3 Perry Mason. You are a judge, judges of the facts. You go
4 home -- and you should bake, too. We will all bake tonight.
5 Okay?

6 So those are the rules. So we will see you back at
7 10:30. Just come on into the jury room, and we will get snapping
8 and cracking and have a wild and woolly day.

9 So you can go with the deputy.

10 Counsel, if you will please remain.

11 (Jury excused and the following
12 proceedings held in open court.)

13 THE COURT: Counsel, where are we with jury
14 instructions? I need to know how much time we need and when we
15 are doing this.

16 MR. WHITE: Your Honor, I have one to submit, and I'm
17 working on it. So I will get it done and have it ready tomorrow.
18 I just have one.

19 THE COURT: We need to settle these instructions. We
20 will settle them at 5:00 o'clock tomorrow.

21 MR. WHITE: That's what I have on the schedule here,
22 yes.

23 THE COURT: So please have all of your stuff ready,
24 have the Word ready.

25 And does the State anticipate resting before 5:00

1 tomorrow, do you think?

2 MS. CAMERON: Absolutely, Your Honor. Three witnesses.
3 That was the bulk. So short. I would rest before I think lunch.

4 THE COURT: Really.

5 MS. CAMERON: I think so. 10:30 to 12:00 for the three
6 witnesses. I think I'll rest at lunch. Depends on obviously the
7 wire. I don't know that he wants to play the whole thing.

8 THE COURT: How long is the wire?

9 MR. WHITE: 40 minutes. Even given that.

10 THE COURT: So then you need to be ready to go I would
11 say by 1:30.

12 And Mr. Andrews, the Court's going to have to canvass
13 you and go over your constitutional rights as to whether you want
14 to testify or not.

15 THE DEFENDANT: Okay.

16 THE COURT: Did you want to do that tomorrow at
17 lunchtime, Mr. White? Or have you made, has your client made his
18 decision on that?

19 MR. WHITE: Your Honor, I think he has for the most
20 part, but I think we should review it at lunch. I can review it
21 with him a little bit. I think it's better to make that call as
22 we get further down the road in this.

23 THE COURT: As to Mr. Maki, you have heard the
24 testimony of Mr. Daughtery. Are you still thinking you need to
25 call him as a rebuttal witness?

1 MS. CAMERON: Well, there's really no --

2 THE COURT: I don't know that there's something to
3 rebut. Because he said he was selling him a car, it was supposed
4 to work, that kind of stuff.

5 MR. WHITE: Yeah. You know, I'd still like to have him
6 just to kind of solidify there really was that kind of thing.
7 I'm sure the jury must be thinking.

8 THE COURT: The car has nothing to do with the deal,
9 though.

10 MR. WHITE: Well, there was extra money.

11 THE COURT: I know, but that's -- okay. You figure it
12 out, Mr. White. But my question is this. Because what I'm
13 inclined to do tomorrow is if the State is wrapping their case
14 up, I'm going to give them an extended lunch hour, and we are
15 going to get the instructions done and go to close tomorrow.
16 Unless, how many witnesses are you, do you think --

17 MR. WHITE: You know, as far as Miss Sambrano, I'm not
18 getting a clear definite answer from the APD's office. The last
19 thing was kind of like it appears likely that she's going to
20 invoke her Fifth Amendment. I just need to know for sure. And
21 we might have to call her in and outside the presence of the
22 jury, and then she can tell me that, that she is invoking, and
23 I'll be like okay, obviously I'm not going to call her in front
24 of the jury. That's not what we want to do.

25 THE COURT: You talk to your client about that. I

1 doubt he would want her to invoke in the presence of the jury.

2 MR. WHITE: Absolutely not. In fact I think that would
3 be very bad.

4 THE COURT: Well, it's happened before. So all I'm
5 saying is why don't you get all this organized in the morning,
6 and then as soon as we finish our criminal calendar you can kind
7 of let me know. Because what I don't want to do, particularly
8 since I have a witness under subpoena for Wednesday morning, is I
9 don't want, you know, to have them come in here and have two
10 hours of testimony and then have you say well, we have got to do
11 this and we have got to do that. I want everything ready to go.

12 So have you reviewed the jury instructions with the
13 State?

14 MR. WHITE: No, we haven't yet together.

15 THE COURT: Would you please likewise do that as well,
16 either tonight or tomorrow, so that we can work on those matters.

17 MR. WHITE: Absolutely.

18 MS. CAMERON: And I will just let the Court know, I did
19 contact the Sparks City Attorney's Office regarding that
20 subpoena, and they are aware of the situation. I gave them my
21 cell phone number, and they haven't called me. Mr. Wilson was in
22 court. But they explained to me that the court calendar would
23 start at 9:00. It's four stacked cases. The defendant doesn't
24 even have an attorney.

25 So to me, based upon everything that they were saying,

1 the chance of her being needed for testimony, I would, less than
2 50 percent.

3 THE COURT: Well, is he in custody?

4 MS. CAMERON: Out of custody. He showed up late and
5 got a new court date. So that was another aspect. I did clarify
6 that.

7 THE COURT: All right. Well, thank you very much. We
8 will see you back tomorrow then. Okay?

9 MS. CAMERON: Thank you, Judge.

10 MR. WHITE: Thank you, Your Honor.

11 THE COURT: We will stand in recess.

12 (5:08 p.m., proceedings adjourned.)

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1 STATE OF NEVADA)
2) ss
3 COUNTY OF WASHOE)
4

5 I, LESLEY A. CLARKSON, Official Reporter of the
6 Second Judicial District Court of the State of Nevada, in
7 and for the County of Washoe, DO HEREBY CERTIFY:

8 That I was present in Department No. 1 of the
9 within-entitled Court on Monday, June 13, 2016, and took
10 stenotype notes of the proceedings entitled herein and
11 thereafter transcribed them into typewriting as herein appears;

12 That the foregoing transcript is a full, true and
13 correct transcription of my stenotype notes of said hearing.

14 Dated this 25th day of September, 2016.
15
16
17
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19 /s/ Lesley A. Clarkson

20 Lesley A. Clarkson, CCR #182
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CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 6th day of February 2017. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Terrence P. McCarthy, Chief Appellate Deputy
Washoe County District Attorney's Office

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage pre-paid, addressed to:

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John Reese Petty
Washoe County Public Defender's Office