

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRANDON STARR,)
#1165964,)
Appellant,)
v.)
STATE OF NEVADA,)
Respondent.)
_____)

CASE NO.: 71401 Electronically Filed
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D.C. Case: C-14-305022-2 Elizabeth A. Brown
Dept.: XIX Clerk of Supreme Court

APPELLANT'S APPENDIX VOLUME XII

Appeal from a Denial of Post Conviction Relief
Eighth Judicial District Court, Clark County

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MASTER INDEX

Case No.: 71401

Document (File stamp date in parenthesis)	Vol.	Page No.
Amended Judgment of Conviction [Jury Trial] (10/19/16)	3	556-00567
Case Appeal Statement [Terrence M. Jackson] (9/23/16)	3	548-00550
Case Appeal Statement [clerk of court] (10/4/16)	3	551-00552
Cert. of Service: Motion to Sever: Hobson (6/3/15)	1	142-00143
Defendant's Joint Memorandum in Support of Proposed Jury Instructions (5/19/2016)	2	359-00370
Defendant's Notice of Witnesses (4/22/2016)	2	326-00327
Findings of Fact, Conclusions of Law, Order (4/13/16)	2	315-00323
Indictment: (December 12, 2014)	1	01-00006
Instructions to the Jury (5/23/2016)	2	371-00472
Joinder in Hobson's Motion to Sever: Starr: (6/5/2015)	1	144-00146
Judgment of Conviction [Jury Trial] (9/20/16)	3	532-00542
Jury Trial - Day 13 - heard 5/23/16 @ 1:44 p (7/22/16)	3	504-00531
Jury Trial - Day 1 - heard 5/4/2016 (1/3/17)	3	568-00686
Jury Trial - Day 1 - heard 5/4/2016 (1/3/17)	3	687-00750
Jury Trial - Day 2 - heard 5/5/2016 (1/3/17)	4	751-00978
Jury Trial - Day 3 - heard 5/6/16 (1/3/17)	5	979-01133
Jury Trial - Day 4 - heard 5/9/16 (1/3/17)	5	1134-1225
Jury Trial - Day 4 - heard 5/9/16 (1/3/17)	6	1226-1362
Jury Trial - Day 5 - heard 5/10/16 (1/3/17)	6	1363-1426
Jury Trial - Day 5 - heard 5/10/16 (1/3/17)	6	1427-1476
Jury Trial - Day 6 - heard 5/11/16 (1/3/17)	7	1477-1622
Jury Trial - Day 7 - heard 5/12/16 (1/3/17)	7	1623-1720
Jury Trial - Day 7 - heard 5/12/16 (1/3/17)	8	1721-1879

MASTER INDEX

Case No.: 71401

Document (File stamp date in parenthesis)	Vol.	Page No.
Jury Trial - Day 8 - heard 5/16/16 (1/3/17)	8	1880-1960
Jury Trial - Day 8 - heard 5/16/16 (1/3/17)	9	1961-2115
Jury Trial - Day 9 - heard 5/17/16 (1/3/17)	9	2116-2210
Jury Trial - Day 9 - heard 5/17/16 (1/3/17)	10	2211-2304
Jury Trial - Day 10 - heard 5/18/16 (1/3/17)	10	2305-2455
Jury Trial - Day 10 - heard 5/18/16 (1/3/17)	11	2456-2610
Jury Trial - Day 11 - heard 5/19/16 (1/3/17)	11	2611-2714
Jury Trial - Day 12 - heard 5/20/16 (1/3/17)	12	2715-2858
Motion to Continue Trial: Starr: (4/6/2016)	2	299-00303
Motion for Discovery & Alt. Motion in Limine (4/27/16)	2	328-00358
Motion to Sever from Co-Defendant's: Hobson: (6/1/15)	1	107-00129
Motion to Sever by Defendant: Starr: (June 2, 2015)	1	130-00141
Motion to Withdraw Counsel & Motion to Appoint Appellant Counsel [<i>pro per</i>] (9/21/2016)	3	543-00545
Notice of Alibi Witnesses: Starr: (4/22/2016)	2	324-00325
Notice of Appeal [Terrence M. Jackson] (9/23/16)	3	546-00547
Notice of Appeal [<i>pro per</i>] Defendant Starr (10/10/16)	3	554-00555
Notice of Witnesses and/or Expert Witnesses (8/4/2015)	2	264-00298
Order Appointing Terrence M. Jackson, Esquire (10/7/16)	3	00553
Order Denying Defendant's Motion to Sever (7/21/2015)	2	262-00263
Second Superseding Indictment (April 24, 2015)	1	57-00106
Sentencing - heard 9/8/16 (1/3/17)	12	2859-2895
State's Opposition to Motion to Sever: (6/19/2015)	1	147-00250
State's Opposition to Motion to Sever: (6/19/2015)	2	251-00261
State's Opposition to Motion to Continue (4/7/2016)	2	304-00306

MASTER INDEX

Case No.: 71401

Document (File stamp date in parenthesis)	Vol.	Page No.
State's Supplemental Notice of Witnesses &/or Expert	2	307-00314
Superseding Indictment: (February 20, 2016)	1	007-00056
Verdict: Defendant Starr (5/23/2016)	2	473-00503

CERTIFICATE OF SERVICE

I hereby certify that I am an assistant to Terrence M. Jackson, Esq., am a person competent to serve papers and not a party to the above-entitled action and on the 19th day of June, 2017, I served a copy of the foregoing: Appellant's Appendix and Index, Volumes I - XII, as follows:

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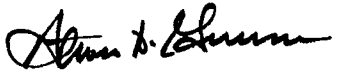
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CLERK OF THE COURT

TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

THE STATE OF NEVADA,	.	CASE NO. C-14-303022-1
	.	CASE NO. C-14-303022-2
Plaintiff,	.	
	.	DEPT. NO. XIX
vs.	.	
	.	TRANSCRIPT OF
TONY LEE HOBSON,	.	PROCEEDINGS
and BRANDON STARR,	.	
	.	
Defendants.	.	
.	.	

BEFORE THE HONORABLE WILLIAM D. KEPHART, DISTRICT COURT JUDGE

JURY TRIAL - DAY 12

FRIDAY, MAY 20, 2016

APPEARANCES:

FOR THE STATE:	ELIZABETH A. MERCER, ESQ. KENNETH PORTZ, ESQ. <i>Deputy District Attorneys</i>
FOR DEFENDANT HOBSON:	RICHARD E. TANASI, ESQ.
FOR DEFENDANT STARR:	LANCE A. MANINGO, ESQ. ADRIAN LOBO, ESQ.

COURT RECORDER:

CHRISTINE ERICKSON
District Court

TRANSCRIPTION BY:

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INDEX

STATE'S CLOSING ARGUMENT BY MR. PORTZ.. . . .	24
DEFENDANT HOBSON'S CLOSING ARGUMENT BY MR. TANASI.. . . .	88
DEFENDANT STARR'S CLOSING ARGUMENT BY MR. LOBO.	108
STATE'S REBUTTAL CLOSING ARGUMENT BY MS. MERCER.. . . .	129

WITNESSES

<u>NAME</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
<u>DEFENDANT STARR'S WITNESS:</u>				
Murray Todd Tobiasson	6	10	11, 14	-- 14
Elizabeth Cruz*	16	21	--	22

****With Spanish Interpreter***

* * * * *

EXHIBITS

<u>DESCRIPTION</u>	<u>ADMITTED</u>
<u>DEFENDANT STARR'S EXHIBITS:</u>	
Exhibit A.. . . .	17
Exhibit B.. . . .	9

1 LAS VEGAS, NEVADA, FRIDAY, MAY 20, 2016, 9:49 A.M.

2 (Outside the presence of the jury)

3 (Pause in the proceedings)

4 THE COURT: All right. We're on the record in Case
5 No. C-303022, State of Nevada versus Tony Hobson and Brandon
6 Starr. I'd like the record to reflect the presence of the
7 defendants and their counsel as well as State and their
8 counsel.

9 Is there anything that we need to address before we
10 bring the jury back?

11 MS. LOBO: No, Your Honor.

12 MS. MERCER: No, Your Honor.

13 MR. TANASI: No, Your Honor.

14 MS. LOBO: No, Your Honor.

15 THE COURT: All right.

16 MR. TANASI: Good morning.

17 THE COURT: Good morning, everybody. So why don't
18 we see -- where did Jim go? Does anyone know?

19 MS. LOBO: He might be outside. Let me just check.

20 THE COURT: Ms. Lobo, do you mind just maybe just
21 telling him to have -- say I want him to bring the jury in?

22 MS. LOBO: Sure.

23 THE COURT: Okay, thank you.

24 MS. LOBO: Okay.

25 THE COURT: Thank you, Officer.

1 (Pause in the proceedings)

2 THE COURT: Do you want to go out and bring the
3 jury in?

4 THE MARSHAL: Yeah.

5 (In the presence of the jury)

6 THE MARSHAL: Please be seated. Department 19 is
7 back in session.

8 THE COURT: Okay. This is the continuation of the
9 Jury Trial in C-303022. The Jury has returned to the room.
10 Vissa Noquez.

11 JUROR NO. 1: I'm here.

12 THE COURT: Robert Bass.

13 JUROR NO. 2: Here.

14 THE COURT: Vince Gaeta.

15 JUROR NO. 3: Present.

16 THE COURT: Lin-Belle Addington.

17 JUROR NO. 4: Here.

18 THE COURT: Daniel Boggs.

19 JUROR NO. 5: Here.

20 THE COURT: Nicholas Kozlowski.

21 JUROR NO. 6: Present.

22 THE COURT: William Burns.

23 JUROR NO. 7: Here.

24 THE COURT: David Synder.

25 JUROR NO. 9: Present.

1 THE COURT: Glynis Bernard.
2 JUROR NO. 10: Here.
3 THE COURT: Daniel Powers.
4 JUROR NO. 11: Here.
5 THE COURT: Charles Worth.
6 JUROR NO. 12: Here.
7 THE COURT: Heather Hedrick.
8 JUROR NO. 14: Here.
9 THE COURT: And Dustin Bigelow.
10 JUROR NO. 15: Here.
11 THE COURT: Will the parties stipulate to the
12 presence of the jury?
13 MS. MERCER: Yes, Your Honor.
14 MR. TANASI: Yes, Your Honor.
15 MS. LOBO: Yes, Your Honor.
16 THE COURT: Okay. When we took our evening break,
17 the State had finished with some witnesses and had rested
18 their case. Does the defense wish to present any further
19 evidence?
20 MS. LOBO: Yes, Your Honor.
21 THE COURT: You did present a couple witnesses.
22 Did you have any further ones?
23 MS. LOBO: Yes, Your Honor.
24 THE COURT: Okay.
25 MS. LOBO: We would be calling Toby Tobiasson.

1 THE COURT: Okay.

2 MURRAY TODD TOBIASSON, DEFENDANT'S WITNESS, SWORN

3 THE CLERK: Thank you. Please be seated. If you
4 could please state your full name, spelling your first and
5 last name for the record.

6 THE WITNESS: It's Murray Todd Tobiasson. First
7 name's M-u-r-r-a-y. Last name is T-o-b-i-a-s-s-o-n.

8 THE COURT: Your witness, Ms. Lobo.

9 MS. LOBO: Thank you, Judge.

10 DIRECT EXAMINATION

11 BY MS. LOBO:

12 Q Mr. Tobiasson, where are you currently employed?

13 A Currently I'm a private investigator licensed
14 through the State of Nevada.

15 Q Okay. Before becoming a private investigator, can
16 you tell the jury a little bit about your training and
17 experience to investigate cases?

18 A I was hired on with Las Vegas Metropolitan Police
19 Department in September of 2009 -- I'm sorry, September of
20 1989. I worked various positions from patrol to line
21 Solution Policing Team, Gang Investigations, promoted to
22 Sergeant in 2001. Went back to patrol, worked
23 Problem-Solving Unit. I worked in the Detective Bureau, in
24 the Property Crimes Unit. Worked Community Oriented Policing
25 and then in the Manage Unit.

1 Q Were you retained in this case to investigate the
2 State of Nevada versus Brandon Starr?

3 A Yes, I was.

4 Q Okay. As part of your job, did you receive a from
5 Mr. Maningo and myself to investigate a possible bus ticket
6 purchase on November 2nd of 2014?

7 A Yes.

8 Q What did you do with that request?

9 A I went to Tufesa Bus Line Service at 99 South MLK
10 and spoke to the manager, Elizabeth.

11 Q Okay. And when -- you said you spoke to the
12 manager, Elizabeth. Did you find out if they kept records
13 about who rode a bus on any given day?

14 A I obtained a passenger list for November 2nd of
15 2014.

16 Q Okay.

17 MS. LOBO: May I approach your clerk, Judge?

18 THE COURT: Yes.

19 (Pause in the proceedings)

20 MS. LOBO: May I approach?

21 THE COURT: Yes.

22 BY MS. LOBO:

23 Q I am approaching with what has been marked for
24 identification purposes as Proposed Defense Exhibit A. What
25 is that, Mr. Tobiasson?

1 A That is the passenger list that I obtained from
2 Tufesa Bus Lines.

3 Q Okay. And is that the date that is at the top over
4 there? What does it read?

5 A It reads, excuse me, November 2nd of 2014.

6 MR. PORTZ: Your Honor, I'm going to object at this
7 point. This is a hearsay statement coming off of an item
8 that hasn't been admitted into evidence.

9 THE COURT: Sustained.

10 MS. LOBO: Okay. So I'll -- we'll call the
11 custodian of records.

12 BY MS. LOBO:

13 Q So when you received the passenger list, did you see
14 the defendant, Brandon Starr's name on that list?

15 A No.

16 Q What name did you see?

17 A I saw a name that said Brandon Reauxdan.

18 Q Okay. What did you do next after you saw that name
19 of a Brandon?

20 A I obtained a copy of Mr. Starr's California driver's
21 license.

22 Q Okay.

23 MS. LOBO: And may I approach?

24 THE COURT: Yes.

25 BY MS. LOBO:

1 Q I am approaching what's been marked for
2 identification purposes as Defense Proposed Exhibit B. What
3 is that?

4 A That is the copy of the driver's license that I
5 obtained from Mr. Starr.

6 Q Okay. Is it a fair and accurate depiction of the
7 driver's license?

8 A It appears to be, yes.

9 MS. LOBO: Defense would move into evidence Defense
10 Proposed B.

11 MR. PORTZ: No objection, Your Honor.

12 THE COURT: It will be admitted.

13 (Defendant Starr's Exhibit B admitted)

14 BY MS. LOBO:

15 Q And what name reads on that driver's license?

16 A It reads Brandon Reauxdan Aaron Starr-Goins.

17 Q Okay. And so with that information that you saw the
18 name -- or you saw the name on the driver's license, did you
19 find out where that bus was ultimately going?

20 A I believe, it was going to Victorville.

21 Q And did you make a phone call to determine whether
22 or not a person was visited in California?

23 A Yes.

24 Q Okay.

25 MS. LOBO: I'll pass the witness.

1 THE COURT: Cross.

2 MR. PORTZ: Yes, Your Honor.

3 CROSS-EXAMINATION

4 BY MR. PORTZ:

5 Q Good morning, Mr. Tobiasson.

6 A Good morning, sir.

7 Q Just a couple quick questions for you. You said the
8 bus was going to Victorville, at least to your understanding?

9 A That was my understanding, yes, sir.

10 Q Okay. Fair to say Victorville is less than four
11 hours away by car?

12 A I would say so, yes.

13 Q Okay. And as you testified here today, beyond this
14 manifold you looked at with, I guess, a list of names, you
15 have no physical evidence that would indicate that Brandon
16 Starr actually got onto a bus; is that correct?

17 A No, sir.

18 Q Okay. You have no physical evidence that would
19 indicate that -- whether or not Brandon Starr actually went
20 to Victorville?

21 A No, sir.

22 Q Assuming that he did go to Victorville, you have no
23 evidence that would tell you -- physical evidence that would
24 tell you when Mr. Starr returned to Las Vegas?

25 A I talked to someone that gave me information about

1 that. I don't know if you'd call it --

2 Q Okay, but I don't want to -- I --

3 A -- physical evidence.

4 Q -- want to talk to you about physical evidence --

5 A Okay.

6 Q -- not a hearsay statement.

7 A Okay.

8 Q So you don't have say bank statements showing a
9 purchase of a bus ticket back to Las Vegas?

10 A No, sir.

11 Q You don't have bank statements or credit card
12 statements showing purchase of gas to fill up a car on the
13 way home from California to Las Vegas?

14 A No, sir.

15 Q You don't have any evidence that would indicate that
16 Brandon Starr traveled at any point in time from Victorville
17 back to Las Vegas, physical evidence?

18 A No, sir.

19 MR. PORTZ: Court's indulgence. Thank you,
20 Mr. Tobiasson.

21 THE WITNESS: You bet.

22 THE COURT: Redirect?

23 REDIRECT EXAMINATION

24 BY MS. LOBO:

25 Q Was a person identified who you spoke to in

1 Victorville, California?

2 A Yes.

3 Q You had testimonial evidence that --

4 MR. PORTZ: Your Honor, I'm going to object.

5 MS. LOBO: I'm not going into the statement.

6 THE COURT: Hold on, hold on. She has -- object to
7 what?

8 MR. PORTZ: Well, I think the question's going to
9 elicit a hearsay statement.

10 THE COURT: Well, let's see.

11 BY MS. LOBO:

12 Q Did you receive testimonial evidence that Brandon
13 traveled to California?

14 MR. PORTZ: Okay, Your Honor, now reraise my
15 objection.

16 THE COURT: Sustained.

17 MS. LOBO: Thank you, Judge. Pass the witness.

18 MR. PORTZ: Nothing for the State, Your Honor.

19 THE COURT: Okay. All right, Mr. Tobiasson, thank
20 you so much for your testimony.

21 THE WITNESS: Thank you.

22 THE COURT: You may step down.

23 THE WITNESS: Thank you.

24 THE COURT: Okay?

25 MS. LOBO: Oh, they have a question.

1 THE WITNESS: Oh, I'm sorry.

2 THE COURT: Oh, wait. Oh, I'm sorry, I guess not.
3 Okay. Let's see. Sorry about that, guys.

4 THE WITNESS: No problem.

5 (Off-record bench conference)

6 THE COURT: Okay. Okay, Mr. Tobiasson, did you
7 cross check the California driver's license with the
8 California DMV?

9 THE WITNESS: I tried, but I don't have access with
10 the databases I use to obtain California driver's license
11 information.

12 THE COURT: Second part of that question is, to
13 make sure it was not a fake ID driver's license?

14 THE WITNESS: Again, I -- I have access to
15 databases to try and check or cross check certain documents.
16 I'm not a police officer anymore. I can't access DMV for
17 different states, but I can get information from databases
18 that most public have access to, but I could not get access
19 to California Department of Motor Vehicles.

20 THE COURT: Okay. And the last part of the
21 question is, question: Certify the authenticity?

22 THE WITNESS: Of the license?

23 THE COURT: Um-h'm.

24 THE WITNESS: It appears to be authentic and
25 legitimate to me. I'm not an expert in identifying

1 documents, but it appears to be an accurate copy of a
2 California driver's license, to me.

3 THE COURT: Okay. Any questions as a result of
4 that question -- to any of those questions, Ms. Lobo?

5 MS. LOBO: Just briefly.

6 FURTHER REDIRECT EXAMINATION

7 BY MS. LOBO:

8 Q Mr. Tobiasson, did you review all the documents in
9 this case before preparing to come and testify, or in your
10 investigation?

11 A I reviewed the discovery that I was given, which
12 include arrest report, crime reports and video, those type of
13 things.

14 Q Did the address listed on that driver's license
15 match the temporary custody records of Metropolitan Police
16 Department?

17 A It did.

18 Q Okay.

19 MS. LOBO: I'll pass the witness.

20 THE COURT: Recross?

21 (Pause in the proceedings)

22 RECROSS-EXAMINATION

23 BY MR. PORTZ:

24 Q Mr. Tobiasson, it's true that you could have
25 subpoenaed and requested a certified copy from the California

1 DMV of Mr. Starr's license; is that correct?

2 A I'm sure it's possible, yes.

3 Q Thank you.

4 MR. PORTZ: Your Honor, no further questions.

5 MS. LOBO: No other questions.

6 THE COURT: No questions? Okay, all right. Now
7 you're excused.

8 THE WITNESS: Thank you, sir.

9 THE COURT: Thank you so much. It was nice seeing
10 you. Okay. Ms. Lobo, did you have --

11 MS. LOBO: Yes?

12 THE COURT: -- any additional witness?

13 MS. LOBO: I do have. I have one additional
14 witness. Elizabeth Cruz.

15 THE CLERK: Ms. Interpreter, I'm going to swear you
16 in first.

17 THE INTERPRETER: Okay.

18 IRMA SANCHEZ-GASTALAN, SPANISH INTERPRETER, SWORN

19 THE COURT: Can you state your name so I can put it
20 on the record.

21 THE INTERPRETER: Irma Sanchez-Gastalan (phonetic),
22 court certified interpreter in Spanish.

23 THE COURT: Okay.

24 ELIZABETH CRUZ, DEFENDANT'S WITNESS, SWORN

25 THE CLERK: Thank you. Please be seated. If you

1 can please state your full name, spelling your first and last
2 name for the record.

3 THE WITNESS: Elizabeth Cruz, E-l-i-z-a-b-e-t-h,
4 C-r-u-z.

5 THE COURT: Your witness, Ms. Lobo.

6 MS. LOBO: Thank you.

7 DIRECT EXAMINATION

8 BY MS. LOBO:

9 Q Ms. Cruz, where do you work?

10 A In Tufesa USA.

11 Q What does that company do?

12 A It's a bus company that transports passengers.

13 Q Okay. What is your position with the bus company?

14 A I'm a manager assistant.

15 Q Okay. And does your bus company maintain records of
16 passengers that have traveled?

17 A Yes.

18 Q Okay.

19 MS. LOBO: May I approach?

20 THE COURT: Yes.

21 BY MS. LOBO:

22 Q I'm going to show you what's been marked for
23 identification purposes as Defense Proposed Exhibit A. What
24 is that?

25 A It's a list of passengers.

1 Q And is this a normal business record that you would
2 keep in your business for passengers that travel with your
3 bus line?

4 A Yes.

5 Q What is the process used to make that list?

6 A When a person buys a ticket, automatically it's
7 registered in the computer.

8 Q Okay. And that list is generated as a result?

9 A Yes.

10 Q Okay. What is the date on that list?

11 A November 2nd, 2014.

12 Q Okay.

13 MS. LOBO: And the defense would move for Defense
14 Exhibit A into evidence.

15 MS. MERCER: No objection, Your Honor.

16 THE COURT: Okay. Exhibit A will be admitted.

17 (Defendant Starr's Exhibit A admitted)

18 MS. LOBO: Okay. And if I can just take it back.
19 I am going to put this on the Elmo, if I can.

20 (Pause in the proceedings)

21 BY MS. LOBO:

22 Q All right. Ms. Cruz, can you tell us -- can you
23 read the second to last bottom name on the list.

24 A Brandon Reauxdan.

25 Q Okay. And can you explain what the number 33 means.

1 A It's the seat number.

2 Q Okay. And then what is the rest of the information
3 that we see in that line?

4 A Client is the name of the passenger. Where it says
5 BLT is the ticket number. It says price, that's how much he
6 paid for the ticket. And the type of ticket means that if
7 it's just a regular type of ticket, student ticket or a
8 child.

9 Q Okay.

10 A And the other letters like SYS or VTO is the
11 destination.

12 Q Okay. And VTO stands for what?

13 A Victorville.

14 Q Okay. And at the top, this information right here,
15 it appears to be in Spanish. Can you tell us what that is,
16 the date and then the time.

17 A The branch is the first one and it's Las Vegas. The
18 bus number was 807. Time of departure was 10:00 o'clock at
19 night. And the date. But in Mexico we'll use first the day
20 and then the month.

21 Q Okay. If someone is riding a bus, does this
22 guarantees about the ticket, how do you make sure that the
23 person who purchased the ticket is actually on the bus?

24 A Because the person that buys the ticket at the time
25 of purchase shows us their ID.

1 Q Okay. Does this bus make stops along the way?

2 A Yes, it does.

3 Q Is it possible for somebody to get off of a bus
4 before their destination?

5 A Well, if a person happens to get out of the bus, the
6 driver will immediately notify us.

7 Q Okay. Is that kept in the form of a record also in
8 your company?

9 A No. If he gets off the bus, we'll get notified and
10 then he will not be any longer in the passenger list.

11 Q Okay. Did you receive any such notification
12 pertaining to this date with this passenger?

13 A No.

14 MS. LOBO: All right. I'll pass the witness.

15 THE COURT: Cross.

16 MS. MERCER: Thank you, Your Honor.

17 CROSS-EXAMINATION

18 BY MS. MERCER:

19 Q Okay. Ma'am, I'm going to put Exhibit A back up on
20 the overhead. You indicated that this column means the seat
21 number?

22 A Yes.

23 Q How many seats is your bus equipped with?

24 A Forty-six.

25 Q And so is this a complete list of all the

1 passengers?

2 A Yes.

3 Q You indicated that at the time the ticket is
4 purchased, the name goes on this list?

5 A Yes.

6 Q And at the time the ticket is purchased, the ID is
7 shown?

8 A Yes.

9 Q Is it shown again when the person gets on the bus?

10 A No.

11 Q And when are these tickets purchased?

12 THE INTERPRETER: I'm sorry?

13 BY MS. MERCER:

14 Q Specifically with regards to the passenger in the
15 33rd seat, can you tell when his ticket was purchased?

16 A Well, I need to request that information to the main
17 office because we don't have that information.

18 Q Okay. But it doesn't necessarily indicate that it
19 was purchased right before the bus left, right?

20 A Excuse me?

21 Q I'll rephrase. How far in advance can a passenger
22 purchase a bus ticket?

23 A Well, this one was like the first day of the month
24 so it could have been one day before or one hour before.

25 Q And again, you don't verify identity when someone

1 boards the bus?

2 A No.

3 Q And there's no return ticket for this passenger
4 listed in the 33rd seat?

5 A I don't have that information here. It doesn't say
6 if he bought a return ticket.

7 Q Okay. You weren't asked to look into that?

8 A No.

9 Q And this indicates that the bus left at 10:00 p.m.?

10 A Yes.

11 Q On November 2nd of 2014?

12 A Yes.

13 Q Which would be almost 24 hours after November 1st of
14 2014 at 10:00 p.m. -- or at 11:00 p.m., I'm sorry?

15 A Yes.

16 MS. MERCER: No further questions, Your Honor.

17 THE COURT: Redirect?

18 MS. LOBO: Nothing else.

19 THE COURT: All right. Any questions? You have a
20 question? All right, Jim, we have a question.

21 (Off-record bench conference)

22 THE COURT: Okay. Does the bus departure terminal
23 have security cameras?

24 THE WITNESS: Yes.

25 THE COURT: Does the terminal record video?

1 THE WITNESS: Yes.

2 THE COURT: Does the bus company know for sure
3 Mr. Starr boarded the bus?

4 THE WITNESS: Well, he's in the list so when the
5 passenger does not travel, we take him off the passenger
6 list.

7 THE COURT: Do you have any questions?

8 MS. LOBO: Nothing else, Judge.

9 FURTHER RECROSS-EXAMINATION

10 BY MS. MERCER:

11 Q But again, you don't do anything to confirm the
12 identity if someone was boarding the bus representing himself
13 to be Brandon Starr? The passenger 33.

14 A No, because at the time of purchase is when they
15 show us their ID.

16 Q Okay. So he could have purchased this ticket a day
17 before and given it to someone else and they could have
18 boarded the bus?

19 MS. LOBO: Objection. Calls for speculation.

20 THE COURT: I'm going to allow the -- I -- I'm
21 going to allow it.

22 THE INTERPRETER: Okay. Can you rephrase or re --

23 MS. MERCER: Sure.

24 BY MS. MERCER:

25 Q He could have purchased this ticket 24 hours in

1 advance, shown his ID at that time, given the ticket to
2 someone else, and that person could have boarded the bus
3 representing himself to be that person?

4 A I cannot know that.

5 MS. MERCER: No further questions, Your Honor.

6 MS. LOBO: Nothing else, Judge.

7 THE COURT: Okay. All right. Ms. Cruz, thank you
8 so much for your testimony. You can step down. You're
9 excused.

10 (Pause in the proceedings)

11 THE COURT: Okay. All right, Ms. Lobo, do you have
12 any further witnesses?

13 MS. LOBO: The defense would rest. No, Judge. The
14 defense would rest. So Mr. Starr is resting, and just for
15 the record, is -- do you have any further witnesses for
16 Mr. Hobson?

17 MR. TANASI: I don't, Your Honor. We rest.

18 THE COURT: You rest as well.

19 MR. TANASI: Thank you.

20 THE COURT: State, did you have any rebuttal?

21 MS. MERCER: No, Your Honor.

22 THE COURT: Okay. Could the parties approach real
23 quick.

24 (Off-record bench conference)

25 THE COURT: Okay, ladies and gentlemen, I'm about

1 to instruct you upon what the law is and how it applies in
2 this case. I'd like to be able to instruct you orally
3 without reading it to you; however, these instructions are of
4 such importance that it's necessary for me to read to these
5 carefully prepared written instructions. Do you have a copy
6 of them? And my marshal's handing them out now.

7 The instructions are long and some are quite
8 complicated, but they're not especially clear. When I read
9 them to you, please keep in mind that when you go back to the
10 jury room you'll be able to take them with you and so that
11 you can carefully consider when you're there.

12 Also, I'm going to pass out a copy for each one of
13 now so you can read along with the Court, if you'd like.
14 Okay. Let me know when you all have them. Does everybody
15 have one? Okay. Okay. All right.

16 (Jury Instructions read, not transcribed)

17 THE COURT: Ms. Mercer and Mr. Portz.

18 STATE'S CLOSING ARGUMENT

19 MR. PORTZ: Thank you, Your Honor. Ladies and
20 gentlemen, after you hear arguments today, you're going to
21 walk out that door, you're going to go into the deliberation
22 room and you're going to talk about this case. You're going
23 to talk about the evidence that you've seen in the past few
24 weeks. And you're going to make a decision.

25 When you make that decision, it's going to be a

1 decision accepting one of two very different views on all of
2 the evidence in this case. The first view which is the view
3 that's being promoted by the defense is that all of this
4 evidence, direct and circumstantial, tying Mr. Starr and
5 Mr. Hobson to these crimes is nothing more than a series of
6 unfortunate circumstances that led to a misidentification.

7 That the stars aligned, the heavens opened and fate
8 showered down the most catastrophic series of coincidences on
9 Brandon Starr and Tony Hobson that caused them to be
10 misidentified as the people behind the crimes in these 14
11 separate events.

12 The other view, State's (inaudible) forward and the
13 only reasonable view of the evidence that you have been
14 presented with throughout the course of the last couple weeks
15 is quite simply that these two men committed each and every
16 one of those crimes.

17 Now, in every criminal case, the State's required
18 to prove two things. First, is that the crimes were
19 committed. Second, is that the defendants committed these
20 crimes.

21 Before I get into those two things, I want to point
22 out something that we've already talked about time and again
23 during voir dire and during opening statements. There's two
24 types of evidence, direct and circumstantial.

25 I know you all know what those mean by now. We

1 went through it a lot at the beginning of this trial. I'm
2 not going bore you by reading this entire instruction. But I
3 will point out the segment that I've underlined. The law
4 makes no distinction between the weight to be given either
5 direct or circumstantial, no distinction. Notice direct is
6 not better than circumstantial or vice versa. It's all
7 evidence for you to consider and give the same weight to in
8 your deliberations.

9 Now, let's start with the first of those two
10 things. Have we shown that the crimes were committed? I'm
11 going to start here because it's pretty simple. They're all
12 caught on videotape. A lot of these crimes the defense will
13 not -- will be essentially stipulating occurred. As you
14 heard in the opening statements by the defense, the people in
15 these videos, the victims who came up here and testified
16 before you were victims that they suffered through horrible,
17 traumatic robbery series. That they were victims of these
18 crimes.

19 So let's quickly go through the elements of the
20 crimes. And I'm glad we have this big TV because we have a
21 lot of crimes charged, and I know it's painful reading all of
22 those at the beginning of this case.

23 This is an attempt to try to put it in some way
24 that you can kind of understand each and every one of the
25 crimes that we've charged here. Now, I'll note I wasn't

1 actually able to put all of them all. I only went through 13
2 events. The 14th event, which is the arrest of these
3 individuals, counts 81 and 82, I'll discuss at the end of my
4 presentation.

5 First, I want to start with all the conspiracy
6 counts. Each of these events you have charged conspiracies
7 to commit robbery. You also have conspiracies to commit
8 kidnapping in numbers 11, 12 and 13 events.

9 So first and foremost, what is a conspiracy?
10 Conspiracy is a criminal act. It essentially an agreement to
11 commit a crime. That's it. It's an agreement to commit a
12 crime. The agreement itself is the crime. You don't have to
13 actually fully complete the crime itself for there to be a
14 conspiracy.

15 As long as Ms. Mercer and I decide that we want to
16 take Mr. Tanasi's laptop and we go take it by force, we've
17 made an agreement and we go towards his laptop to take it,
18 we've committed a crime of conspiracy to commit robbery. So
19 that is what a conspiracy is. It's simply a crime.

20 Now, it's often difficult to prove people have come
21 to some sort of an agreement so the law tells that you that
22 you can infer an agreement to commit a crime by looking at
23 the series of acts committed by the defendants in furtherance
24 of accomplishing their goal of robbery, of kidnapping that
25 have been charged in this case.

1 They're not going to necessarily walk in and say
2 we're both agreeing to rob you, give us your money. But
3 they're going to engage in a series of acts that clearly show
4 that they intend to commit a robbery.

5 There's a very -- there's another important point
6 about the crime of conspiracy. It's conspirator liability.
7 And that boils down -- and this is a part from your
8 instructions -- this boils down to essentially that the act
9 of one conspirator is the act of all.

10 So if Ms. Mercer and I decide to take Mr. Maningo's
11 laptop, and I act as a lookout, and she goes and takes the
12 laptop and I make sure that the marshal's not looking as she
13 does that, I'm still just as liable as she is even though
14 she's the one who took the laptop.

15 The law says that if we came to an agreement to
16 commit a crime, then we're both liable for the actions of the
17 other. Even though I stood outside and watched and didn't do
18 anything, technically, that the crime I'm just standing out
19 there looking, I'm doing it as part of an agreement and part
20 of an effort to conceal Ms. Mercer's robbery that we agreed
21 to. So we are both liable.

22 In this case, you have overwhelming evidence that
23 in every single one of those robberies that you looked at,
24 every single one of those events from each of those
25 restaurants and that 7-Eleven there was an agreement to

1 commit a crime. We have the same MO. Both defendants enter
2 into the business. They have coordinated entry and attack.
3 One goes to the front. One goes to the back. One goes to
4 the front and scares the employees while everyone runs to the
5 back and the other waits for them.

6 One goes to the front. One jumps through the
7 drive-thru so that they can surround the employees and take
8 them by surprise. These are all coordinations that indicate
9 an agreement between these two individuals to commit a crime
10 of robbery.

11 When they get inside the restaurant, they collect
12 employees. They put guns on them. They put knives on them.
13 They demand money. Both of them will demand money. They ask
14 for the manager. Everything they are doing together in
15 coordination clearly shows that there was a plan in place to
16 commit the crimes that they committed when they walked into
17 each of those restaurants.

18 Let's move on to all the robbery counts. We have,
19 as you can see, every single one of these events has robbery
20 with deadly weapon. I'm going to get to number 7, which is
21 an attempt robbery in just a moment, okay?

22 So let's start with robbery with deadly weapon.
23 Understanding what robbery is. It's very simple. It's a
24 physical taking of someone's property through use of force or
25 violence or fear. Putting a gun in someone's face and taking

1 their wallet. Beating someone up and taking their cell
2 phone. Storming a Taco Bell and putting guns in girl's faces
3 and yelling, open the fucking safe, and taking their money.
4 That is a robbery.

5 Whether or not the -- the law tells you the degree
6 of force is immaterial. It doesn't matter if they hit them
7 or put a gun in their face or threatened to attack them. The
8 value of what was taken, it doesn't matter, if they got a
9 thousand dollars or \$2,000 out of the safe or they got away
10 with an iPhone or a Samsung Galaxy S5 that someone got for
11 \$10, it doesn't matter. The value is not what matters. What
12 matters is they took personal property.

13 Another thing about personal property, it doesn't
14 have to belong to the victim. It just has to be their
15 presence. It has to be personal property. Just because
16 they're taking the store's money while the employees are
17 there, doesn't mean that the -- it wasn't the employees -- it
18 wasn't personal property in the presence of the employees.

19 Taking items that belong to an individual or items
20 of personal property in other's presence is sufficient to
21 make you a victim of a robbery. If we walked up and if
22 someone were to take your significant other's cell phone in
23 your presence through use of force or violence, it doesn't
24 matter if it's not your cell phone. You're still a victim of
25 a robbery. And the crime of robbery is still committed

1 against you.

2 So what property was taken? You've seen the
3 videos. Clearly, everything that was taken was taken by
4 force. We have testimony of evidence or items that were
5 taken from each of the different events. Cash from the El
6 Pollo Loco, cash from the register in the 7-Eleven, cash from
7 the register at the Pizza Hut.

8 You have cash and a phone taken at the number 4
9 Pizza Hut. You have Ms. Sacba's cell phone at the Little
10 Caesars when they failed to get money from them because she
11 didn't work at that particular restaurant and there was a
12 delivery guy there. Popeye's, cash from the safe. Wendy's,
13 cash from the safe. It goes on and on. You have multiple
14 cell phones taken particularly towards the end of this event.
15 Multiple Samsungs as well as the Galaxy -- or as well as an
16 iPhone or two. And we know from what happens with those
17 iPhones. They got tossed.

18 Another thing you'll have to consider, if you find
19 that a robbery took place -- again, it's really not in
20 dispute that these robberies took place, but you also have to
21 consider -- and I'm going to run through it with you --
22 whether or not a deadly weapon was used in the commission of
23 each of these crimes.

24 Here's the lengthy definition of a deadly weapon,
25 whether it's (inaudible) under the circumstances in which

1 it's used can cause substantial bodily harm or death.

2 Usually items that were used in these crimes, ladies and
3 gentlemen, the items found in the trunk of that Charger when
4 Brandon Starr and Donte Johns were arrested before they
5 committed that 14th robbery at Taco Bell. Those were all
6 used in threatening manners to harm or hurt people inside.

7 Sometimes they actually did harm and hurt people
8 inside with these weapons. But what makes it a little easier
9 is that as the Court just told you, a firearm is a deadly
10 weapon. In every single event, one of these two men had a
11 firearm with them and used it in the commission of their
12 robbery. Here's the pictures of the firearm from the first
13 and second one.

14 Firearm in the third and fourth event. Firearm in
15 the fifth and sixth event. You'll have the videos to confirm
16 all of this. Firearm in the Burger King that's being held by
17 that third suspect who pops up in two of these incidents.
18 That larger person who's in between the height of Brandon
19 Starr and Tony Hobson. There's a firearm in this number 8
20 Wendy's that you can clearly see the revolver down here in
21 the corner. Firearm being put to the head of the manager at
22 the Wendy's. Firearm being held by Mr. Starr in number 10
23 Popeye's on November 22nd. And the number 13 Popeye's on
24 November 24th.

25 Again, we have this notion of co-conspirator

1 liability. Even if one of them was unarmed and, ladies and
2 gentlemen, when these crimes were committed, if they didn't
3 both have a gun, one had a gun and the other had a knife so
4 there's a deadly no matter what. But even if you found that
5 one of them was unarmed, the law still says if they knew
6 about that and that was part of their plan and they used that
7 deadly weapon to commit their crime, then it's as if both of
8 them were using that deadly weapon because they both agreed
9 to do that. That's what the law tells you.

10 So when you find a firearm in every single one of
11 these robberies and a clear plan to commit a robbery in every
12 single one of those instances, you have robbery with deadly
13 weapon as to both defendants.

14 You also have the attempt robbery with deadly
15 weapon. The Court read this to you. What's an attempt to
16 commit a crime? Well, we have to prove a few things. One,
17 that they had the intent to commit a crime. Two, performance
18 of some act toward its commission. And three, failure to
19 consummate a commission.

20 So was there at the number 7 Burger King an intent
21 to commit a robbery? Well, you heard testimony from the
22 victims in this case kicking, open the door and pointing a
23 firearm at this man, Cornell Combs. Sonia, 60-year-old woman
24 who was working there this night, was taken by force by two
25 men with a firearm and asked to go get the money from the

1 safe.

2 Jose, who you heard from as well, escaped out the
3 front before these men get captured. So what do we have?
4 Clearly, looking at the evidence of what occurred, there was
5 an intent to commit a robbery. They were demanding money,
6 they were putting guns in their faces just like they did in
7 every other event in this series.

8 Was there some act towards commission? Same set of
9 facts. They busted in, like they always do, they took --
10 they gathered people up and they asked for money. And then
11 the failure to consummate. Jose was the only one who could
12 open. They didn't have any cell phones to take from anybody
13 so they left without taking any property. That's why this is
14 charged as an attempt robbery with deadly weapon.

15 Burglary with deadly weapon is charged in all 13
16 events. And again, I don't have the 14th event listed up.
17 I'll touch on that at the end.

18 Burglary is essentially entering a location. It
19 could be a house, car, restaurant, store with the intent to
20 commit a crime therein. In this case, the crime alleged is
21 robbery.

22 You don't have to actually break through a window
23 or crack open a door. You can walk into a store that's open
24 for business with the intent to commit a grand larceny and
25 that's a burglary. You don't have to actually break into a

1 place.

2 You look at the conduct of individuals when they
3 enter to determine whether or not there was an intent to
4 commit a crime. Obviously, again, the conduct is beyond
5 clear in this case that when they enter into each of these
6 stores, the video will show you that their intent is to
7 commit a robbery. Guns, demanding the manager, demanding
8 money from the safe, taking items from the store, taking
9 money from the store. That all shows that when they walked
10 into these stores during their closed hours that there was a
11 clear intent to commit robbery.

12 So burglary with deadly weapon clearly satisfied
13 those crimes were committed. You can tell by the
14 surveillance video alone that there was burglaries with
15 deadly weapon at all 13 events.

16 And finally, the kidnapping charges. What is first
17 degree kidnapping? And again, these charges all carry a
18 deadly weapon enhancement on them. There's a deadly weapon
19 involved in every single one of these crimes.

20 Willfully seizing a person or confining that person
21 by any means whatsoever with the intent to hold or detain
22 them for the purpose of committing a robbery.

23 Again, it's not necessary to show that the robbery
24 is committed. It's simply when you took them and confined
25 them, what your intent was, what your purpose was. Were you

1 intending to rob them when you confined this person against
2 their will? Is that your purpose in confining them?

3 Now, the Court read an instruction that tells you
4 -- it talks about essentially incidental movement. And that,
5 for lack of a better way of saying it, is if I'm coming in to
6 commit a robbery and it's necessary for me to move you
7 someplace, to some location, then it's possible that you
8 don't have first degree kidnapping associated because you
9 couldn't commit the robbery without it.

10 Now, the law says that there are a few exceptions
11 or a few ways that you can find both first degree kidnapping
12 and robbery and that the State must prove. There's five
13 separate ways, but I'm going to highlight three of them.
14 First, that any movement or restraint of the victim was not
15 incidental to the robbery. It wasn't necessary to complete
16 the robbery.

17 Second, that the incidental movement or restraint
18 of the victim increased the risk of harm to the victim above
19 that necessary to complete the robbery. Or -- and this is an
20 important or -- you can find any of these three, and there's
21 five total -- any of those five that would allow you to find
22 the first degree kidnapping in this case along with the
23 robbery.

24 The movement or restraint had an independent
25 purpose or significance. So let's look at the events where

1 we've charged first degree kidnapping. The November 23rd,
2 2014 El Pollo Loco. Only one victim listed for first degree
3 kidnapping. Yanais Silva testified before you. She was the
4 victim who said I just got off the clock and thought I was
5 going to go home and it was a perfect day to end my shift --
6 perfect way to end my shift.

7 She's literally walking out the door when she is
8 confronted by Tony Hobson with a firearm and forced back
9 inside the restaurant against her will so that they can
10 commit the robbery.

11 Number 12, we have Vanessa, Holly and Jamie. This
12 is the Taco Bell robbery. All three victims, as you will
13 see, fully exit the store. You can see all the way out.
14 Now, you notice Jamie, who is the first person at the door,
15 and you heard from Holly and you heard from Vanessa. Jamie
16 was actually grabbed by defendant Hobson and slipped his
17 grip, and that's when he caught Holly and brought her back
18 in.

19 So Jamie is charged as an attempt because she's not
20 actually brought back into the store for purposes of
21 committing the robbery. They failed to consummate that
22 particular crime of kidnapping against Jamie so it's an
23 attempt to commit.

24 But they did bring these two women back inside the
25 store for purposes of committing the robbery. And do you

1 remember what Holly said on the stand if she had gotten away,
2 what she would have done? I would have called the police. I
3 would have called 911.

4 I'd also point out that during this particular
5 robbery, there was a cash register. It's wide open, and
6 you'll have a picture of it. That's left on the countertop
7 of the Taco Bell that was just sitting there that they failed
8 to notice or take.

9 This is the number 13 Popeye's. You can see all of
10 the employees rushing to the back to escape when Defendant
11 Starr comes to the front door only to find themselves, like
12 so many others, confronted by a firearm in Tony Hobson's hand
13 forcing them back inside the store so that these men could
14 commit the crime of robbery.

15 So what is in these cases, in these instances that
16 cause us to charge first degree kidnapping? All of these
17 victims were about to exit or had exited the property through
18 the back door when they were confronted at gunpoint and
19 forced back into the store for purposes of a robbery.

20 The movement of these victims was not necessary to
21 complete the robbery. In one of these cases, the money was
22 sitting out on the counter. They didn't need these victims
23 inside the store to take that money that they had come to
24 take. They didn't need to bring these victims back inside
25 the store to take items from the store or to take cash from

1 the store in every instance.

2 Particularly, the employees who don't have access
3 to the safe. Their presence of being there doesn't aid them
4 in any way in committing this robbery. It's not incidental
5 to the robbery itself.

6 Moreover, it substantially increased their risk of
7 harm, anyone who resisted. Anyone who fought back during
8 this movement from outside back into the store would have
9 faced potential injury or violence. And there's an
10 independent purpose in preventing these victims from leaving.
11 Again, going back to your employees, the people who don't
12 even have access to the safe to get them money. There's no
13 need for those people to be there other than to prevent them
14 from notifying the police to prolong their ability to commit
15 the robbery itself so that no one's able to go out and seek
16 help.

17 Now, you might be wondering and the argument might
18 be made that there were other instances throughout the course
19 of this trial where maybe a first degree kidnapping occurred
20 but wasn't charged. Well, the law tells you that you are
21 only to consider each and every charge individually and
22 separately as they apply to defendants.

23 So it is not a point to be made that maybe there
24 was another incident where we could have charged first degree
25 kidnapping but failed to do so, so therefore these shouldn't

1 be charged as first degree kidnappings either.

2 You have to consider the law and the charges that
3 we made in this case specific to those incidents.

4 Now, we have a couple of lesser included offenses
5 on the first degree kidnapping. Second degree kidnapping
6 with use of a deadly weapon. Willfully without authority or
7 law seizes or kidnaps another person in any manner or detains
8 them against their will, guilty of second degree kidnapping.
9 And then there's false imprisonment, which is the violation
10 of (inaudible) of another, confinement and retention without
11 legal authority. Again, you'd have to run through that same
12 analysis whether it was incident to the crime of robbery, but
13 second degree kidnapping and false imprisonment while they
14 occur, first degree kidnapping is simply this with the intent
15 to commit robbery.

16 And in every instance they intended to commit a
17 robbery. So the State would submit to you that it's very
18 clear the first degree kidnappings occur, and while these
19 lesser included offenses of second degree kidnapping with use
20 of a deadly weapon and false imprisonment with use of a
21 deadly weapon also occurred, that the first -- the defendants
22 are culpable and guilty of first degree kidnapping in this
23 case.

24 So we got through the crimes. All the evidence of
25 that is really in the videotapes themselves and it's evident.

1 Now we have to go into whether or not the main question, I
2 told you the two separate views, whether the evidence shows
3 that these are the individuals who committed the crime.

4 So let's look first at what ties all these crimes
5 together that says the same two individuals are committing
6 these crimes. They target the same locations over the course
7 of a month. Every single location except for one is a fast
8 food restaurant.

9 They choose their times between 10:45 p.m. and 1:00
10 a.m., almost unanimously every victim who came in here from
11 one of those restaurants told you the lobby was closed,
12 drive-thru was open or drive-thru was just about to close.
13 What's significant about those times? We're closing down our
14 registers. We're counting out our cash. It's the time when
15 the cash is out and about to go into the safe.

16 It was strategic. Every time they went in, they
17 either took the store's money or employee's belongs. They
18 used the same weapons in each event. They wore the same
19 clothes in each event and it was the same style take over
20 robbery in each event. And I'm going to talk a little bit
21 more about that.

22 Again, we have strategic entrances from different
23 points of the restaurants. You heard from the detective it's
24 very rare that you have someone simply walking in during a
25 robbery and demanding a manager, looking for a manager,

1 rounding employees up. Usually, where what's more common is
2 it's just give me the money. Where is the money?

3 These individuals always come in every time with
4 the same plan. They attack from different points, they round
5 up the employees, they figure out who the manager is, they
6 tell the manager to take me to the safe and then one works at
7 the safe with the manager and the other watches over the
8 employees and plays lookout to make sure nothing else is
9 going on inside the store or outside the store that might
10 cause them to be caught.

11 Same individuals each and every time. And they
12 also were just taking employees' cell phones and destroy the
13 landline phones at the end of the robberies to prolong their
14 ability to escape. Fewer phones, less likely to call the
15 police, more time for us to flee the scene of the crime.

16 So there was a common MO in every single one of
17 these. Now, you heard in opening statement a reference by
18 the defense to the film -- and I can't recall the name of it,
19 but it's the one with the presidents, the guys who wear the
20 presidents masks in every single -- Point Break.

21 Look, this is not a movie, ladies and gentlemen.
22 This is real life. We're in the trying to condense down to a
23 month and a half's worth of armed robberies into a hour and a
24 half long movie for your entertainment.

25 It's not simplistic. There's always slight

1 variations. The defendants adapt change as their crime
2 progresses and goes along. They become more efficient. They
3 become better at what they're doing. The first few
4 robberies, they're trying to put money in their pockets.
5 It's not working. Later on you see them taking bags and
6 boxes from stores to carry away the goods.

7 Then they bring their own blue Walmart bag to the
8 store. Just because there's slight variations or little
9 changes going along does not mean there's not a common MO.
10 These crimes were committed by the same people.

11 And let's not forget that the robbery detectives
12 who stood up here, told you that there hasn't been a single
13 robbery since these two men were arrested with the similar MO
14 as the windbreaker series. They stopped magically the night
15 after they're arrested. And they were going almost every day
16 at that point.

17 Let's consider the physical locations of each of
18 the robberies. What I have highlighted in that red dot here
19 is Tony Hobson's apartment where Tony and Brandon were both
20 staying. And you can see each of the bubbles represent one
21 of the different restaurants that were hit up by these two
22 men.

23 It happened to run perfectly along the 95. Quick
24 in and out access and back to Tony's house. Size and build.
25 Tony Hobson, black male, five foot seven, 122, mid 20s.

1 Brandon Starr, black male, six foot four. That's nine inches
2 different, 200 pounds, 78 pounds difference, mid 20s.

3 Now, when I sit down you might hear a lot of
4 comments about how victims gave so many different ranges.
5 Well, mostly you got this same height discrepancy of a little
6 over six feet and more my height, maybe five foot six that
7 some of the victims would say.

8 The same build descriptions. But, of course,
9 there's variations. Of course, when you have a gun in your
10 face, you're not looking to measure the exact height of your
11 attacker. Here's what's nice about this, ladies and
12 gentlemen, you have surveillance video that you can look at
13 from every single one of these events to make your
14 determination that the height and weight physical descriptors
15 of these two individuals match Brandon Starr and Tony Hobson.

16 The 7-Eleven, one of you asked whether or not the
17 detective went back and calibrated the height sticks here it
18 make sure they were right. You have Tony Hobson walking in
19 standing up. Now, one thing I would caution or note -- two
20 things -- the detective told you when there are cameras from
21 above angled down, makes you look a little shorter. Second
22 is this, every time Brandon Starr walks into any
23 establishment that he is robbing, he is ducking down and
24 covering his face. He's always ducking down. The same body
25 style movement. And you actually notice that with both of

1 them.

2 If you watch those videos over and over again, you
3 see they have the same movements in each of those robberies
4 further indicating it's the same exact people in each of
5 those robberies.

6 Brandon Starr is ducking down and he's still
7 hitting that six foot mark. Someone who's five, eleven have
8 to actually rise up as they enter to hit that six foot mark.
9 Someone who's six foot four, my height, has to do this and
10 they're six foot one or six foot, they've dropped four
11 inches. This man's ducking as he walks in the building.

12 You have the Burger King from November 17th.
13 Again, you can just see Brandon Starr is much larger than
14 Tony Hobson. This is the El Pollo Loco from November 23rd on
15 the exit. Look how much taller Brandon Starr is. Look how
16 much bigger is frame is compared to Tony Hobson.

17 The detective told you he went back and measured
18 based on where they were walking by on those tiles and those
19 signs. He said at least seven inches. At least seven inches
20 difference between these two men.

21 It's impossible for someone who is four inches
22 taller than Tony Hobson to appear seven inches taller or to
23 be physically seven inches taller. It's certainly possible
24 for someone who's nine inches taller and likes to duck down
25 all the time when he's committing these robberies to fit

1 within that seven to nine inch range.

2 Let's talk about Brandon Starr. We'll address each
3 of these individual -- each defendant individually. Brandon
4 Starr, we'll start with his clothing. Number 4 Pizza Hut.
5 This is again, you can see the windbreaker that he was
6 arrested in. He's got that very distinctive red zipper, the
7 two toned gray and black windbreaker with the red interior
8 hoodie, the red drawstrings, and the black sleeves.

9 Same hoodie as the one before. That's an
10 interesting coincidence. Same hoodie again, this is
11 two-toned, as in number 5. These occur on the same night.
12 Number 6. Number 7 Burger King. You can actually see in
13 this the red zipper and the red interior of the hood. Number
14 8, Wendy's, the two-toned hoodie. Number 9 Wendy's. Holding
15 a gun to the manager's head. Here's the two-toned same
16 hoodie.

17 And you also see in this video -- and if you watch
18 these videos, you'll catch a lot of different angles, but you
19 see the same red zipper with the little drawstring on the
20 edge of the hood. Number 10, Popeye's. Number 11. Number
21 12, you have probably the highest definition video. The
22 drawstring's right there, red zipper, two-toned hoodie. He
23 just happens to be wearing the identical jacket that the
24 large suspect in every single one of these crimes is wearing
25 on the night that he is arrested walking out of a silver

1 Charger with this hoodie wearing this mask.

2 Number 13, Popeye's. And he's wearing the
3 signature windbreaker of the windbreaker series, ladies and
4 gentlemen, every single time. That's what he's wearing when
5 he's arrested. His gloves. We have evidence first and
6 foremost, and we'll get to that hat in a little bit, a
7 Facebook photo he took a while back wearing the exact same
8 gloves that he's arrested with and that we see in this image.

9 Now, during the initial robberies, he actually had
10 two -- a full pair, both gloves of the gray and red. When
11 he's arrested, it's only the left. We'll talk about that,
12 too. Number 2, 7-Eleven. Remember, always ducking down,
13 always putting his head down in every single one. Same
14 glove. You see the same glove in the number 3 Pizza Hut.

15 Oh, and DNA ties it -- ties that glove to Brandon
16 Starr. One in 87.4 quintillion. 87.4 with 16 zeros after
17 it. That's the world's population billions of times over
18 that this glove used in all these robberies is tied to that
19 man.

20 Now, during the middle portion he changes up to the
21 black and red gloves. Again, happens to be arrested sitting
22 at the trunk with the black and red gloves right by his hands
23 right by the gray and red glove wearing that mask and that
24 hoodie. The same guy wearing the same thing in the number 4
25 Pizza Hut carrying a revolver with the same jacket. You can

1 see it in the number 5 Little Caesars.

2 There's Brandon Starr at the number 6 Popeye's
3 pointing at Cornell Combs, who they just knocked on the
4 ground. You can see the black on his knuckles and the black
5 around the wrist with the red. Putting his hand on the --
6 Tony Hobson's back as they walk towards the exit. You can
7 see the black knuckles and the red glove.

8 The number 9 Wendy's with his gun pointed at the
9 manager. You see the black underside of the glove on his
10 left hand. Again, he's always carrying left-handed. And
11 then the right hand you can clearly see even the logo on the
12 strap is visible in that. And once more, those gloves just
13 happen to come back with DNA indisputably Brandon Starr
14 wearing those gloves.

15 Now, here's the gloves that is found at the time of
16 his arrest sitting next to that firearm. At the number 10
17 Popeye's on Brandon Starr's wearing on his left hand the gray
18 and red glove and on his right hand the black and red glove
19 with the black numbers.

20 You see the number 10 event in Henderson. The
21 number 11 event in El Pollo Loco. Now, this is Tony Hobson,
22 but down here Brandon Starr comes in with a gun in the
23 victim's face. Of course, you see a lot of other video in
24 this showing that this is Brandon Starr, but from this angle
25 you actually get to see his gloves. Here's the gray and red

1 glove in this hand, and on his right hand is the black and
2 red.

3 The number 12 Taco Bell, you can make out the R on
4 the gray and red glove. Again, the same jacket. The number
5 13 Popeye's, when he's holding that hatchet, which is not in
6 this particular image here, but you can see on this hand the
7 gray glove, on this right hand the black and red glove.
8 Right hand, left hand.

9 There's a better image of his left hand as he makes
10 his way into the manager's office, put that money in the blue
11 Walmart bag. You can make out clearly that's that same
12 glove. So he's arrested with the exact gloves used in every
13 single crime. The DNA comes back to him, assumed identity.

14 Let's look at his other clothing, this baseball
15 cap. The red Cincinnati's -- Cincinnati Reds baseball hat.
16 You see it in the very first robbery in the series. You can
17 see the C. And if you want to go play the video over and over
18 again, there's probably a better still frame I could have
19 caught, but you can make out the C in this, and you make out
20 the C in this robbery. Because clearly he just happens to
21 have at his house the same hat used in the first robbery
22 wearing the same gloves that he's arrested in at the time of
23 his arrest.

24 And there he is wearing the same exact hat in that
25 Facebook photo and the same exact glove that you can see on

1 his left as he points the gun at that young girl.

2 Red brimmed hat seen on him at the number 4 Pizza
3 Hut. Now, this could be the Pirates hat, too. Red brimmed
4 hat at the number 5 Little Caesars. Red brimmed hat
5 underneath his gray and black -- all these are underneath
6 that gray and black two-toned hoodie, the windbreaker from
7 the windbreaker series. He's always wearing or oftentimes
8 wearing a hat underneath his hoodie.

9 He also happens to have at his house a Pirates ball
10 cap, which the man with his gloves on in the number 3 Pizza
11 Hut is also wearing. Isn't that a strange coincidence? The
12 evidence just keeps piling on. That they happen to find this
13 exact hat that's used in another robbery.

14 Oh, and when he's arrested, he just happens to be
15 wearing a Red Sox ball cap. How unfortunate this man has
16 three separate hats that the man in every single event is
17 wearing or happens to wear during the commission of these
18 robberies?

19 You watch this video through, and you look at this
20 blue ball cap, that's a Red Sox ball cap. He just happens to
21 be arrested in it. You can see the back of the head, too.
22 And this is the same number 10 Popeye's, the Henderson
23 Popeye's. There's that blue ball cap with a little white on
24 the back, too.

25 What about the boots that he's wearing when he's

1 arrested? Black boots every single one of these events that
2 we can see his shoes, the larger suspect. The suspect who
3 fits Brandon type descriptors. The suspect wearing Brandon's
4 gloves. The suspect's wearing Brandon's hats. The suspect's
5 wearing Brandon's windbreaker, is wearing the black boots
6 every single time. Five through seven, nine through 11, 12
7 and 13, black boots every single time.

8 You had a footwear analyst who took the shoes that
9 Brandon Starr was arrested in and analyzed them to the lifts
10 from each of those robberies. This is the number 3 Pizza Hut
11 on November 1st. Conclusion, the footwear impression on the
12 item number three corresponds in physical size and design
13 with their respective portions of the left boot. Therefore,
14 the item could have made this impression.

15 Now, could have made this impression. Let's talk
16 about what that means for a moment because Tony Hobson
17 (inaudible) is identified with those shoes 100 percent.
18 Could have made the impression. The same exact size and the
19 same exact design. Now, he's not using a computer program to
20 stretch images. Remember, that was for your ability to see
21 what he was doing on the Power Point.

22 He's literally taking those boots and making a
23 print and setting them on top of the prints that were lifted
24 in the crime scene. So it just so happens that on November
25 1st, in addition to wearing everything that he was wearing on

1 the night that he was arrested, Brandon Starr happened to
2 also be wearing boots that were the exact same size and with
3 the exact same design as the person who robbed the number 3
4 Pizza Hut, wearing everything that he was wearing and the
5 clothes that he owned.

6 You had the same thing with his right
7 (indiscernible). Same conclusion. Same size, same
8 impression. And we also had footprints from the Henderson
9 robbery, El Pollo Loco. Those weren't submitted. There was
10 a, what was that, BICIA thing between Henderson and Metro
11 apparently. But you still have a CSA photographing of
12 prints.

13 You can see clearly. And remember, when we watch
14 the video of the El Pollo Loco in Henderson, this is where
15 the defendants actually exit out of the drive-thru window.
16 You see Brandon Starr step over the entire window itself and
17 walk out on the street. And you see Tony Hobson actually
18 step up and put his foot on the ledge, and you can rewatch
19 the video to confirm that.

20 But you can see clearly the same designs that
21 Mr. Gilkerson was pointing out, the little crosses. The
22 lines up here at the toe. The same heel and footprint
23 design. Zooming in on the toe, you can see again, here are
24 the little indentations on the side or edge of the hoop.
25 It's the same footprint. There's a cleaner picture.

1 So now his shoe print, the shoe he's wearing is
2 found at the three of the separate robberies ranging from the
3 beginning of the series to the end of the series. Again,
4 here you can actually see a little clearer that cross design
5 and the imprintation (sic) that Mr. Gilkerson pointed out
6 when he was testifying about his analysis.

7 You can draw that comparison by yourselves. You
8 can use your common sense and look at that and determine
9 whether or not you think they fit or match.

10 Then on November 23rd, the El Pollo Loco robbery.
11 You have, again, imprints. He said similar design but he had
12 limited ridge detail to make a comparison. But fortunately,
13 people typically tend to wear the same shoes and this man
14 left two footprints on the counter. And again, we have at
15 the same location the conclusion of the footwear from the
16 impression analyst is that we have the same boot.

17 Let's turn to Tony Hobson. We know Tony Hobson
18 owns this is gray hoodie with the plaid interior that's found
19 in his house, his apartment that has an energy bill in his
20 name. He's wearing it in the first two robberies, the El
21 Pollo Loco (inaudible). We get a better feel for it when
22 he's holding the knife. We get a better feel for it on the
23 number 2 7-Eleven on October 29th. There's that gray hoodie.
24 There's the plaid striped interior.

25 Unfortunately that this man's arrested and at his

1 house with the exact same hoodie that used in the first two
2 robberies. You actually can see the detail of the interior
3 of that hoodie and it matches up with the hoodie found at his
4 house.

5 At the same time, so I don't repeat myself too
6 much, I've been circling also that you'll note that Tony
7 Hobson always wears the red gloves with the white lettering
8 on them, the Snap Ons that were recovered again from the
9 vehicle that these two men were arrested in.

10 But Hobson's windbreaker. So we changed from the
11 hoodie in the first two. He then wears a windbreaker similar
12 to the one that Brandon Starr wears in almost every single
13 event. Again, same size, same build, same hands, same
14 gloves.

15 And then for the last events after that, I note
16 what he was arrested in. He's wearing all black pants and a
17 black hoodie. So the remaining events, the number 7 Burger
18 King, black hoodie, black pants. Number 9 Wendy's, black
19 hoodie, black pants. Again, the red gloves with the white
20 lettering on them.

21 And if these stills don't appear sufficient to you,
22 you can go watch those videos and you will see the red
23 gloves. There's ample opportunity to see in every single one
24 of those red gloves with white lettering.

25 The number 10 Popeye's and the number 11 El Pollo

1 Loco, black hoodie. Crazy that it's the same thing he's
2 arrested in. Black pants. Again, just one of those
3 incredibly unfortunate circumstances. Same gloves that's
4 found in the car that he was arrested in holding the
5 revolver. Black -- or red and white gloves.

6 Number 12 Taco Bell and the number 13 Popeye's,
7 same black hoodie, same black pants, same red and white
8 gloves. Those red and white gloves. DNA, once again, 1 in
9 39.5 billion. That's, what, five, six times the earth's
10 population, the left glove. One in 400 quintillion. I'm not
11 going to try to calculate it. Identity assumed Tony Hobson
12 to these gloves. The red and white Snap On gloves you see
13 him wearing every single robbery.

14 Let's talk about his shoes, the gray Reeboks. You
15 have them in evidence. This is a photograph of the evidence,
16 the physical evidence you'll be taking back with you. You
17 see the gray Reeboks. And again, I'll circle the red and
18 white gloves, but you see gray Reeboks in the 7-Eleven, the
19 number 3 Pizza Hut, number 7 Burger King and make out the
20 gray Reeboks. And you'll note every time there's kind of
21 this darker gray area on the outside of the top of the sole
22 and this light area on the top of the foot. And when you get
23 that side profile, you can see the white lining on the sole.
24 Again, gray Reeboks in every single one of these events.

25 Now, the number 8 Wendy's, this was -- there's only

1 one video angle that we have of this number 8 Wendy's that's
2 inside the manager's office, and it's that very difficult
3 angle. It's the where it had like -- you just barely see the
4 revolver down in the bottom right corner. I'm highlighting a
5 shoe here because there's a scuffle with the victim in this
6 case on the ground by the safe.

7 And when Tony Hobson is on top of him and he kicks
8 his foot out, you actually can see it. Flip through those
9 frame by frame, there's a gray shoe on his foot with the
10 white lining. The gray Reeboks, gray Reeboks.

11 Just unfortunately, Mr. Hobson's arrested wearing
12 these exact same Reeboks. Number 12 Taco Bell. Number 11 El
13 Pollo Loco. Again, you can see the red and white gloves.

14 Here's another thing that maybe some of you caught
15 and you'll definitely be able to catch when you go back
16 there. Look at the condition of these shoes. That certainly
17 helps us with identifying the shoe prints because they were
18 very worn and had those randomly acquired characteristics.
19 What can't we see on the footprint, though? This tear in his
20 shoe. That's not going to show up when he steps on the
21 ground. Does it show up in some of our video? That -- you
22 zoom in on that 7-Eleven, and he's got his left foot up, and
23 this is always his left foot, ladies and gentlemen, it's the
24 left shoe, you can see this little edge coming off, little
25 pixilated edge, and it might be easier for you when you're

1 back there to play the video and zoom in, whatever you need
2 to do with those stills.

3 The number 3 Pizza Hut, where we actually have his
4 footprint identified to him, which we'll talk about in a
5 moment. You can see on his left foot when he's lifting the
6 cash register, a little portion of the tear in the shoe
7 that's coming out there. It's not this straight edge shoe.
8 He has a tear.

9 The number 12 Taco Bell with that good video. This
10 is Tony Hobson on his way out. Left foot, look at the
11 Reebok. It's not this clean cut edge. There's the tear
12 every single time you can make it out he's wearing those
13 shoes.

14 And then we have identity assumed on the footwear
15 left at the number 3 Pizza Hut. So many randomly acquired
16 characteristics. You'll have Mr. Gilkerson's report back
17 there. Feel free to flip through it. It's very detailed.
18 It's very thorough. Tony Hobson's shoes are at a robbery
19 that took place on November 1st. Same shoes that are being
20 worn in all those subsequent robberies. Same shoes that he's
21 wearing the night he's arrested as they attempt to rob the
22 Taco Bell at the same time of night that all the other
23 robberies take place.

24 And then we have the El Pollo Loco in Henderson.
25 Again, you have this in evidence. Take your time. You do

1 watch and see the man identified as Tony Hobson wearing the
2 all black with the gray shoes and the red and white gloves
3 step out of that drive-thru window and put his foot on the
4 ledge. Zoom in on that exhibit. You'll have these exhibits
5 back there. Look at that design detail. It just happens to
6 match what Tony Hobson's wearing the night of his arrest.

7 Let's talk about the mask that they use during the
8 commission of each of these crimes. From October 28th to
9 November 17th of 2014, they are wearing bandanas around their
10 face. Tony likes to wear the red bandana. Starr typically
11 is wearing a black bandana, but that changes up sometimes.
12 There's Tony with the black bandana. This is Tony,
13 obviously, with the gray shoes and his gray hoodie at the
14 number 2 7-Eleven. I believe Starr in the same video walking
15 behind him has a red bandana around his face, too. They're
16 wearing bandanas.

17 Then all of a sudden, November 21st comes around,
18 and things switch up. What happened? Do we have a new MO?
19 Is this a different -- there's like the red bandana
20 windbreaker series and then the white surgical masks or are
21 these the same people? What happens that's in Tony Hobson's
22 life between those dates, November 17th and November 21st
23 that lead to this switch up?

24 Not one to miss an opportunity. Birth of his
25 daughter at Sunrise Hospital. And what do they hand out at

1 Sunrise Hospital? The exact same surgical masks that they're
2 arrested with. That they're seen wearing in every robbery
3 after his daughter is born. Don't pass up that opportunity.

4 Oh, and here's something interesting. The DNA that
5 we do recover from one of the masks that we were able to
6 recover tied to Brandon Starr, 1 in 87.4 quintillion. Tony's
7 daughter, Brandon's wearing one of the masks.

8 Let's talk about where they're at at the time of
9 their arrests. Remember, Brandon Starr literally walks out
10 of the car wearing the signature windbreaker, wearing the
11 surgical mask and is arrested, right? So we've got Brandon
12 Starr almost all the robberies, we always see him or we
13 usually see him wearing, especially at the end, that white
14 mask, the left red and gray glove, the right black and red
15 glove, revolver and a hatchet.

16 He's arrested at the trunk where the officer has
17 his gun drawn on him telling him to raise his hands, and he
18 keeps his hands concealed inside that trunk and says what are
19 you going to do, shoot me? And when he finally complies,
20 what do we find in that exact area? Hatchet. And there's
21 that left-handed glove, red and gray, right-handed glove,
22 black and red right where Tony's hands are sitting, right?
23 Here's the latch of the trunk, right where Tony's hands are
24 sitting when he tells the cop what are you going to do, shoot
25 me? Oh, and the revolver.

1 Tony Hobson, he's taken out of where? The front
2 passenger seat of that Dodge Charger. What do we know Tony
3 Hobson wears? Well, he wears a white mask, too, when he
4 commits these robberies. He's got the red and white Snap On
5 gloves. We know that from the video. We know that from the
6 DNA. And he uses knives (inaudible).

7 What's in the front passenger seat? Tony just
8 happens to be sitting there with the exact same gloves and a
9 white mask. What are they doing? They're preparing to rob
10 the Taco Bell. He's got his gear. That's what he always
11 uses. That's where he's arrested from. He's got the same
12 items that we see on him in every single video. It tells you
13 this is Tony Hobson.

14 Zooming in on those gloves, you can clearly tell
15 that they are the gloves that come back to him, the Snap Ons
16 that say mechanic on the wrist (inaudible).

17 He's also got the knives right by his feet before
18 he gets out and surrenders to police. That's interesting.
19 Let's talk about some of the items that we find during the
20 arrest. The hatchet, obviously, used in the last robbery.
21 You can clearly make out that orange and black handle that
22 Brandon Starr is holding with those black and red gloves and
23 his signature windbreaker and black boots.

24 Knives by Tony. Here's Tony with his knives.
25 Pizza Hut. I think that's the very first robbery. Revolver

1 happens to be found in the back trunk. It has a wood handle.
2 There's a revolver used in the first robbery. A revolver we
3 can see in the second robbery. Revolver in the third and
4 fourth being held by Brandon Starr in this case.

5 In the fifth and sixth, again, Brandon Starr. And
6 the ninth, we have the Wendy's. In the tenth we have the
7 Henderson Popeye's. And Skyler Cox sat up here and testified
8 to you that he remembered that the revolver had a wooden
9 handle. The eleventh and twelve, revolver in Tony Hobson's
10 hand. This is when Brandon gets his Ruger. The DNA on the
11 revolver also used in the number 13 Popeye's, that's Brandon
12 holding the revolver.

13 Brandon Starr, 1 in 193 million happens to be a
14 match to a black revolver with a wooden handle that's seen by
15 all the victims that's caught in the video. That's at the
16 trunk where his hands are when he's arrested wearing wall the
17 items that are used in every single one of these robberies.

18 Let's talk a little bit about the CSI effect. We
19 discussed this during voir dire. We talked about the
20 difference between TV and -- or fiction and reality. Now,
21 many of you, and it's a absolutely fair question, I don't
22 take it away, for asking whether or not there was time or
23 opportunity or why we didn't test blood evidence on that
24 pistol that was used for pistol whipping people in this case
25 causing one of them to bleed.

1 The last time there was a pistol whip was eight or
2 nine days prior to their arrest. Juan Mendoza. The time and
3 opportunity to remove blood over eight days just to wipe it
4 off is -- the mere fact that they use it in every single
5 robbery. This is number 8. They use it for seven more
6 incidents, including the one that they're arrested at. Every
7 time they put it in their waistband, every time they put in
8 their pocket, every time they throw it in the trunk, DNA
9 evidence is going to be compromised. It's going to come off.
10 And then you have -- I'm sorry, I said seven, there's six.
11 The crime scene analyst who looked at the gun and said, well,
12 there was no blood evidence. We wouldn't know to test for
13 DNA on that particular revolver.

14 You still have that revolver seen in any every
15 single one of those robberies. You still have witnesses
16 testifying to that exact revolver being used. And again, all
17 the circumstances, ladies and gentlemen, everything they're
18 wearing seen in every single crime and they happen to have
19 that revolver as well.

20 The Ruger, you see it at the number 6 Popeye's, the
21 number 7 Burger King. This is that third suspect holding the
22 firearm training it at Cornell Combs while Brandon and Tony
23 come in and commit their robbery. Again, remember, it
24 doesn't matter if Brandon and Tony don't have at that Ruger
25 in this case, and I don't think they -- one of them has the

1 other gun, but they're still a conspiracy with this third
2 unknown individual, the large potentially female suspect who
3 was between their heights and much, much heavier than the two
4 of them. Her using the gun is the same as them using the
5 gun.

6 You see in the number 6 Popeye's, you see Brandon
7 Starr walking around with the Ruger in his hand. The El
8 Pollo Loco, Brandon Starr reaching in with that gray and red
9 glove pointing it at his victim. The number 12 Taco Bell,
10 Brandon Starr, left hand, left gray and red glove, Ruger, in
11 the face of Vanessa.

12 The blue Walmart bag is found in Tony Hobson's
13 waistband when he's arrested right before he goes in to
14 commit a robbery at Taco Bell. Remember, that's in his
15 waistband. He's wearing the same clothes he's worn in every
16 other robbery. He's got it with him in the front passenger
17 seat that mask and those gloves and knives.

18 Blue Walmart bag found in his waistband. Watch the
19 video. They're not running in with the blue waistband in
20 hand. It's concealed. It's tucked in areas like such as the
21 waistband where his sweater or hoodie might conceal it. This
22 all fits.

23 We have a blue Walmart bag used starting on the
24 17th, the number 8 Wendy's. That's when we first start
25 seeing the blue Walmart bag introduced. Now, they wizened up

1 and at least brought something with them to help them take
2 away the stuff they're trying to take.

3 The number 10 Popeye's. You see Brandon Starr with
4 his Red Sox hat and his black boots and his trademark
5 windbreaker handing the victims the blue bag and then
6 stepping out of that drive-thru window with the blue bag.
7 Brandon Starr handing the blue bag to the victim at the
8 number 11 El Pollo Loco. Brandon Starr walking out of that
9 Taco Bell. They didn't get money, they took Vanessa's phone.
10 So he's got the empty blue bag.

11 And yet, you all notice when he walks in, they come
12 in, he has not got it on. He can't see it. They carry it in
13 a waistband to conceal it somewhere they can easily grab it
14 and pull it out once they've sufficiently subdued their
15 victims with use of their deadly weapons, these firearms that
16 they carry with them.

17 Again, you can see his left hand. He's using the
18 gray and red glove to hand her that bag. The number 13
19 Popeye's you can clearly see Brandon Starr, two-toned hoodie.
20 He's holding the hatchet there handing blue bag to the
21 manager telling her to go fill up the money and there she is
22 walking towards the safe.

23 And then that's them walking out. Tony Hobson now,
24 the shorter, gray sneakers, white soles, blue bag in his
25 hand, all black. And you can see this is them inside the

1 room. The manager with the blue Walmart bag.

2 Let's talk about the apartment. Search warrant the
3 apartment after they were arrested. Well, what do they
4 happen to have? There's another blue reusable Walmart bag in
5 the house. I mean, not uncommon for people to shop at
6 Walmart, but gee, when it's all the other circumstances tied
7 up together look at this. More evidence. Shopping bags from
8 Walmart as if they were recently at Walmart sitting all
9 around the apartment.

10 What else do we find there? The suggestion by the
11 defense that these two defendants don't stay or reside at
12 this house. Tony Hobson has the energy in his name. Tony
13 Hobson has a letter from his employer addressed to 3955 East
14 Charleston, Apartment 250. Tony Hobson has his picture
15 hanging up on the wall.

16 Brandon Starr, 5801 West Lake Mead. Someone came
17 in and testified on behalf of Brandon Starr and gave a
18 different address. I had her repeat it when she was on the
19 stand. She claimed to be helping Brandon a lot out here and
20 helping him move around and knowing his whereabouts, but she
21 gave a different address from 5801 West Lake Mead. So, you
22 know, she's incorrect there, but he's got his -- an NV Energy
23 name, this address, the bill made out to him. His checkbook,
24 there's other documents with Brandon Starr's name all over
25 it.

1 And then there's a bedroom with Brandon Starr's
2 photograph with his famous Cincinnati Reds hat sitting right
3 on top of his head. Sitting in one of the bedrooms. There it
4 is. Found at the house. Seen at the first robbery. Found
5 on Facebook, and found in the apartment.

6 We also happened to find that Pirates hat at the
7 apartment that we can so clearly see in that Pizza Hut
8 robbery. Again, the gray sweater that Tony Hobson wears is
9 found inside the apartment with the interior, the plaid
10 interior. We heard testimony about a number of cell phones
11 being taken. A lot of white Samsung Galaxy phones that were
12 taken from the victims. The detectives were unable to trace
13 them back to their victims because the victims didn't have
14 those identification numbers at hand for them to be able to
15 trace it back. You can't legally turn it on and search it
16 without a warrant and probable cause to search it and wanting
17 to see if this is a victim's phone is not probable cause to
18 do a search.

19 But another factor to consider, they happen to have
20 all these white Samsung Galaxy phones in the apartment. No
21 iPhones. iPhones get tossed. Cash, a thousand dollars all
22 in 20s. The surgical mask at the bottom of the trash bin.
23 Now, there were a lot of photos taken at this crime scene --
24 or at this house. We didn't present the best photo of that
25 surgical mask, and for that I apologize, but you can see it.

1 It was referenced by the detective. And you can see it.
2 Obviously, we're zooming in on the receipt and the Loomis
3 wrappers here, but you can see it down here underneath that
4 chip, little band of the -- the end of the surgical mask.
5 Same type of surgical mask.

6 Again, I want to go back to that CSI effect. We
7 have to consider why DNA testing wasn't done on that mask.
8 And that was asked by you, fair enough. But remember this;
9 one, it was found inside the subject's house. You expect to
10 find their DNA on items inside their house, just as we would
11 expect to find your DNA on items inside your house.

12 Two, it was at the bottom of a trash can with dirty
13 diapers, food and saliva on them, and other liquids. These
14 liquid secretions are DNA rich. They would overwhelm any
15 sort of touch DNA you might get off of that mask. It's
16 sitting at the bottom of an unknown number of contaminants.
17 You have to consider resources and the value, the probative
18 value of testing that mask and the resources and use your
19 resources efficiently.

20 You're not going to pull DNA off of that mask.
21 There's too many items that have corrupted it for potential
22 DNA evidence. And it's found inside the subject's house. So
23 it wasn't tested for DNA.

24 But we still have Brandon Starr's DNA on the mask
25 in the Charger at the last robbery scene when they were

1 arrested in the act.

2 Let talk about other items found at the house. We
3 have these boxes of different denominations. Quarters and
4 pennies. \$250.25. Kind of a commercial establishment box.
5 Not something you'd find in someone's house.

6 We actually see one of those boxes. Those are
7 quarters, 250 left behind at the number 11 El Pollo Loco.
8 All the Loomis wrappers. You probably caught on that we were
9 zooming in at the businesses that have been robbed, how many
10 of them have these Loomis wrappers in the locations?

11 El Pollo Loco, number 6 Popeye's, and this is just
12 that they didn't happen to get away with every single wrapped
13 coin at the particular location that they robbed. Sometimes
14 they left some behind or failed to see them such as here at
15 the Popeye's. Loomis wrappers. Loomis wrappers at the
16 number 10 Popeye's. Loomis at the number 12 Taco Bell.
17 Loomis at the number 13 Popeye's.

18 All these establishments use the Loomis security
19 company to wrap and transport their coins. Zoom in so you
20 can read it. Loomis. Loomis. Now, I don't know, maybe Tony
21 Hobson and Brandon Starr use Loomis, too, I don't know, on a
22 personal day-to-day banking. They keep the thousand dollars
23 in 20s in the drawer, but they bank with Loomis for coins.
24 If that's the case, ask yourselves this, why on God's green
25 earth when you have all these nicely wrapped quarters and

1 dimes and nickels would you unwrap them only to rewrap them
2 with monitorized coin set?

3 They're already so nicely wrapped for you. Why do
4 you need to do that? Are you trying to conceal evidence of a
5 crime you committed? Or do you just like wrapping coins and
6 inconveniences? And then here's this, ladies and gentlemen,
7 receipts from the number 13 Popeye's that took place on
8 November 24th.

9 You heard from the victim, the manager, that's my
10 writing. These are my receipts. On the night that I was
11 robbed, November 24th, you can see Rafael, he's one of the
12 named victims as a cashier, the manager tells you --
13 Angelica's one of the named victims -- and the manager tells
14 you Karen was there earlier but left. Those are all from the
15 night I was robbed. They just happened to end up in Brandon
16 Starr and Tony Hobson's trash can underneath all those Loomis
17 wrappers?

18 Direct evidence of the crime found inside their
19 house. Everything I've gone through, ladies and gentlemen,
20 this mountain of evidence, footwear impressions, DNA,
21 everything they're caught with, everything at the their
22 house, everything that they're wearing in every single one of
23 those surveillance videos, their size differences, all of
24 that is a mountain of evidence, direct and circumstantial,
25 establishing the guilt beyond any reasonable doubt.

1 This man literally gets out of the car wearing a
2 mask and the windbreaker when the police stop him. Now, I
3 know we've gone through a lot of evidence. Some of you might
4 have noticed there's one name I haven't even mentioned yet.
5 One source of evidence that we sat through for almost a full
6 day, Donte Johns.

7 If in that analogy I gave you at the beginning of
8 voir dire about knowing when it's raining, looking outside
9 and seeing the clouds get dark and maybe a few sprinkles hit
10 your car on your way home and you take a nap and you walk
11 outside and it's drenched as far as you can see and you can
12 see the storm clouds in a distance soaking another area in
13 the Valley, you know beyond any reasonable doubt it's
14 raining.

15 Donte Johns is the man sitting outside without an
16 umbrella looking at you in the eye and telling you it rained,
17 ladies and gentlemen. That's what Donte Johns is.

18 And let's go back for a moment on doubt and looking
19 at all that evidence that we presented. Your doubt must be
20 one based upon reason, okay? And that same analogy with the
21 rain, maybe I thought during my ten-minute nap, I guess it's
22 merely possible that a film studio crew drove by my house and
23 thought, well, this would be a great scene for the end of our
24 movie where the romantic lead gets the girl and kisses her in
25 the rain, and we set up our movie magic and we make a fake --

1 you know, we make it rain outside and we shot the scene and
2 then we left and you woke up and came out and oh, it rained.
3 Is that a mere possibility? Is that a doubt that it actually
4 rained when you've seen all the other evidence that came
5 before and after? The rain clouds approaching, the rain
6 clouds (inaudible), the rain starting to drop on your car as
7 you get to your house?

8 That's what we're talking about here, ladies and
9 gentlemen. Your doubt is not mere possibility or mere
10 speculation. Have you to look for reasonable doubt. There's
11 no reasonable doubt. All that evidence that you've seen so
12 far without Donte Johns saying a single word on this stand
13 establishes that these men arrested with those items tied to
14 every single crime scene and those same items at their house
15 committed every single one of these crimes that we've
16 alleged.

17 Their identity is tied to it beyond a reasonable
18 doubt. But let's get into Donte Johns. We talked about this
19 at the beginning as well. What sort of factors you knew you
20 were going to hear from someone who participated in some of
21 these crimes. What sort of factors would you all consider in
22 determining the credibility? Each of you promised that you
23 would not, simply because a person is associated with a
24 crime, completely disregard their testimony. You would weigh
25 it in accordance with the instructions and the law that the

1 Court gives you. That's the oath that you swore to.

2 So let's talk about some of the things that you
3 wanted -- or you wanted to consider and should be considered
4 in all fairness about Donte Johns' credibility.

5 Donte Johns was given a Plea Agreement, an
6 inducement to testify is what it's listed as in your
7 instructions. That Plea Agreement Donte Johns, who was the
8 getaway driver, never went into those stores with those
9 weapons, never pistol whipped those people, never put a gun
10 in anyone's face, sat in the car, drove to a restaurant and
11 home. Just like we said before, he was part of that
12 conspiracy. He was guilty of every single one of those
13 crimes he confessed to and was tied to that the defendants
14 were and are stand charged with today. As a conspirator and
15 accomplice liability.

16 He's pleading guilty to five separate felonies,
17 four of which carry up to six to 15 years in prison. This is
18 not a slap on the wrist. He is not guaranteed probation.
19 The State did not say Donte, in exchange for you getting up
20 here, you will get probation if you testify against your
21 brother and against Brandon.

22 He faces a substantial amount of prison time in
23 addition to it's up to the judge to determine what sort of
24 sentence Brandon gets, and the Court is informed and will
25 know and is aware of all the violent robberies -- not

1 Brandon, I'm sorry, Donte -- Donte is associated with in his
2 Plea Agreement, and it named every victim and every count he
3 participated in and every location.

4 It's not -- it is not a slap on the wrist. You
5 will see the own recognizance release for which he has had to
6 pay every single month since the date of his release. His
7 release was in part due to his concern about safety while in
8 CCDC in custody with an Agreement to Testify on behalf of the
9 State surrounded by the people who he will incriminate.

10 There was this suggestion during cross-examination
11 that Donte was just going to say whatever he could because he
12 wants to make the State happy. Because he wants to hopefully
13 the end goal is to get probation.

14 If that argument is to be accepted, then let's look
15 at Donte's testimony. First of all, it was substantially
16 similar without any addition to -- or with little addition to
17 his confession on the night of the arrest. He filled in a
18 few additional details that were asked of him, but he didn't
19 give more. If he wants to keep us happy, why didn't he stand
20 up here and knock it out of the park?

21 Why didn't he look you in the eyes instead of
22 covering his mouth and mumbling and looking away from
23 everyone? Why didn't he tell us that Red Sox cap, that's
24 Brandon Starr's, he was wearing that the night he was
25 arrested? Why didn't he say maybe that Taco Bell robbery

1 where he parks on the side of the abandoned building? He
2 said, I don't think they got anything. They were in and out
3 so fast that I don't think they even went in. Why didn't he
4 say they came out and they told me they went in and there
5 were two girls and put guns in their faces and X, Y and Z?

6 If he wants to keep us happy, he could have stood
7 up here and said oh, yeah, Brandon and Tony told me about a
8 7-Eleven they hit on November such and such or they did this
9 Pizza Hut. They were talking about it. He could have got up
10 here and incriminated them on every single count by simply
11 saying they told him about it.

12 So if he's sitting up here wanting to make us
13 happy, wanting to say anything, then why didn't you take that
14 into consideration when you're judging Donte's credibility?
15 He was testifying just to make us stay happy or if he was
16 testifying as to what he recalled happening in his
17 participation in those six robberies and that seventh event
18 when they were finally arrested.

19 Mr. Tanasi pointed out on cross, Donte, this is the
20 hardest thing you've ever had to do, isn't it? Testify
21 against your own brother. The relationships of the party.
22 His older brother. The younger brother testifying against
23 his older brother, hardest thing I've ever had to do.
24 Couldn't look at them. Only identified them through
25 photographs.

1 Consider that when you think about whether or not
2 Donte's just up here for a sweetheart deal and this is the
3 best thing that's ever happened to him. Again, the testimony
4 this week that you heard is the same as his confession on the
5 night of his arrest.

6 You also have a corroboration rule. You have to
7 look for corroboration of Donte Johns' testimony. You can't
8 go off of Donte's testimony alone. We have tons of
9 corroboration in this case of Donte's testimony. First of
10 all, he confesses to six separate robberies. He just
11 happened to confess to four of those six where we know his
12 Charger is linked to because we have his Charger at two
13 separate events, the number 4 Pizza Hut and I believe, the
14 number 11 El Pollo Loco.

15 What do we know about this? Right after the Pizza
16 Hut, they drive to Little Caesars and quickly thereafter
17 commit another crime. Right after the El Pollo Loco, they
18 drive to that Taco Bell and quickly thereafter commit another
19 crime. Donte puts himself at all four of those events
20 without knowing that his car's spotted on surveillance at
21 these particular locations.

22 So assess his credibility and genuineness when he
23 confessed to that fact and it happens to be corroborated by
24 physical evidence that we have in this case. He testified
25 about the blue Walmart bag. That's corroborated by the video

1 evidence. We know they didn't use it at the beginning. He
2 said they didn't use it at the beginning. They used it
3 towards the end when I joined back up.

4 The surgical masks. He said they must have got
5 them at the hospital. He corroborates that Tony's daughter
6 was born on the 18th. We see the surgical masks matching up
7 with the dates after Tony's daughter's born and the robberies
8 that take place.

9 He identifies the Pirates hat as belonging to
10 Brandon, Brandon Starr. The Pirates hat found in Brandon's
11 residence. And we see it on the video at the Pizza Hut. He
12 discusses that they were using a .38 revolver and a knife at
13 the beginning and then later promoted to a .38 revolver and a
14 Ruger towards the end.

15 Well, that happens to match the video evidence of
16 every single crime scene that took place. We notice at the
17 beginning it's the revolver and a knife and then at the end
18 it turns into two firearms, a revolver and the Ruger.

19 They kept the Samsungs. They tossed the iPhones.
20 We know iPhones were taken. How would Donte know that if he
21 didn't go inside? We know Samsungs were taken. We know he
22 -- they told Donte they were tossing iPhones because of the
23 Find My Phone app. At the house we find Samsungs, we don't
24 find iPhones.

25 He identifies the Reeboks and the black boots that

1 we see in every video. Let's do the corroboration on each of
2 the events he testified to. November 3rd, 2014, Pizza Hut.
3 This is Donte's first involvement. This is the number 4
4 event. He identified the Pizza Hut. He said I pulled into
5 the We Care, dropped them off and then drove around and
6 parked by the Pizza Hut to act unsuspecting as if I was
7 parking to go in before I drove around -- reversed out and
8 drove around behind the building to pick them up.

9 You see that in the video. And this shows you the
10 length of the parking lot and where you could go behind the
11 building to pick them up.

12 We also know what? Brandon and Tony come in
13 through the front of the Pizza Hut and then when they're done
14 beating or robbing these people, they exit out the back of
15 the Pizza Hut. That's corroborated by witness testimony, the
16 victims. That's corroborated by the video evidence that you
17 have. It all corroborates Donte Johns' testimony that I
18 dropped them off out front, picked them up out back. It's
19 also match being the video evidence of the Charger that we
20 have.

21 He said Starr went in with the revolver, Hobson
22 went in with a knife, and they didn't get enough and they
23 wanted to hit another place. Starr with the revolver. He
24 identifies him. Hobson with a knife. They did the Little
25 Caesars the same night as the Pizza Hut. Little Caesars by

1 Tony's apartment. There's the Little Caesars, ladies and
2 gentlemen. There's the Pizza Hut. Six minute drive, 11
3 minute drive, 10 minute drive. And that's Charleston and
4 Lamb is right by Tony's apartment.

5 So here's the Little Caesars that same night. It
6 actually leads into the 4th because it's just after midnight.
7 What did Donte tell us? I parked on the side. There was a
8 delivery guy out front making a delivery. How did he know
9 there was a delivery guy when he gave his interview with the
10 detectives and when he testified up here? He doesn't have
11 crime scene photos. He didn't at the time he was arrested,
12 that's for sure.

13 But he knew there was a delivery guy. There just
14 so happened to be a delivery guy, Jesus (inaudible). We have
15 a photograph of the delivery in front of the Pizza Hut and
16 the Little Caesars. This all corroborates what Donte Johns
17 was telling you about what happened.

18 He told us that they didn't change. They were
19 wearing the same clothes that's shown in the video
20 surveillance. Number 5 Little Caesars and number 4 Pizza
21 Hut, same clothes. Came back with no money. We know that's
22 true because Idania Sacba got up here and said it's not my
23 store. I told them I couldn't open it so they took my phone.

24 What did Donte say to the detectives and to you on
25 the stand on the night of his arrest and today -- or this

1 week? They had a lady's white Samsung Galaxy phone. Did he
2 just pull that out of thin air? No, ladies and gentlemen, he
3 was sitting there in the driver's seat while they're
4 committing the robbery and he's telling you what happens when
5 they get back in. All they got was a phone.

6 There's a break in his participation in the 4th
7 through the 22nd. He tells you why. He said it was stupid
8 to keep going. Well, that makes sense. They weren't making
9 any money. Little Caesars was a bust and apparently Pizza
10 Hut was (inaudible). Why take all that risk for such little
11 reward?

12 He tells us again Hobson's daughter was being born.
13 They're seen wearing surgical masks from the same hospital
14 after the daughter's born.

15 He gets back into the robberies with Hobson and
16 Starr after they come and tell him we've been getting lucky
17 when you're not going. And the very next robbery they do is
18 a Popeye's. Why does he say? Because they're the one where
19 they made so much money. Popeye's at 11:15 that's hit before
20 Donte Johns joins back up. They make over a thousand
21 dollars, according to Jeronimo Urbina, the victim there.

22 Here's another thing, on that November 15th date,
23 when they hit that Popeye's, this is Donte Johns on military
24 leave November 15th and 16th for a drill out of town, which
25 he testified to. And that's an exhibit that you have that

1 corroborates that he's out of town on that drill, as he
2 testified to during the number 6 Popeye's.

3 And then they come to him and say you're missing
4 out, we're making a lot of money, let's go do a Popeye's,
5 they have all the money. So they go to the Popeye's. What
6 does Donte Johns tell the detectives on the night of his
7 arrest? Without the detectives maybe even being aware of a
8 Henderson event. We did one by an RC Willey. He told you
9 this week that it was off the highway.

10 You have victim testimony about it being by an RC
11 Willey. You have a satellite shot of Stephanie and the 215,
12 RC Willey and the exact Popeye's that was robbed on the 22nd.
13 This is all corroborated in Donte Johns' testimony.

14 He tells you how they entered. One went through
15 the front door. One went through the drive-thru. Both came
16 out of the drive-thru. I and drove down that hill to pick
17 them up. That's corroborated by the video. You've seen
18 that.

19 Hobson exits the drive-thru first. That's
20 corroborated by the video. He picks up Hobson and wait, and
21 then then Brandon exits and comes out of the drive-thru
22 window and gets in the car. You see Brandon exit after Tony.
23 Actually, about -- it's a good time after, 10, 15, 20 seconds
24 after. So they use the blue Walmart bag, but they have cash
25 and wrapped coins. And that it was the only robbery that

1 they did that day. This is all corroborated by the video
2 evidence and the only robbery we did that night.

3 Remember on the other events that he says we did
4 two that night? Two were done that night. This time it's
5 the only one we did that night. No other robberies reported
6 that evening with anything similar to a windbreaker series
7 (inaudible). So that's additional corroboration.

8 Then the next day, November 23rd, the El Pollo
9 Loco. He said it was by a Magoo's Bar. He actually
10 remembered exactly how he pulled up, turned around and parked
11 here on this side of the median while they committed the
12 robbery.

13 He throws out a Magoo's Bar out of nowhere.
14 They're just so happens to be a Popeye's robbed by a Magoo's
15 Bar on the night that he says. Is this corroboration of
16 Donte Johns' testimony or he is making stuff up? That's what
17 you're here to judge, ladies and gentlemen.

18 The U-turn part is corroborated by the Charger
19 video. How they approach the store, he said he noticed
20 Brandon going to the front and Tony holding the back door,
21 corroborated by the surveillance video of the robbery itself.

22 He said both of them had firearms. Brandon broke
23 the glass with a rock. They used a blue Walmart bag and they
24 got money. All this is corroborated by the victims, the
25 surveillance video and your CSA footage.

1 And we have the Taco Bell, which Donte hold you was
2 the same exact night. Taco Bell -- El Pollo Loco robbery
3 took place November 23rd at 11:07 p.m. At 11:20 p.m., the
4 Taco Bell robbery takes place on November 23rd, 13 minutes
5 apart, 7 minute drive.

6 Tony and Brandon wearing the same clothing.
7 Obviously, a 7 minute drive, they didn't have time to get
8 changed. Surveillance store from the two videos corroborates
9 that. And Donte tells us he didn't even think they entered
10 and that they came -- because they came back without any
11 money or any property and were gone for such a short time.

12 Again, he could have given you everything you
13 needed to know about that robbery, but he told you what he
14 recalled. He didn't give you every detail. We, in fact,
15 know because the surveillance video that they did enter. We
16 do know that they didn't come back with money because they
17 were unable to open the safe. We do know that they took an
18 iPhone from Vanessa, but they didn't come back with it. Why?
19 Because what do we do with iPhones? We toss iPhones. All of
20 this, again, goes to corroboration of Donte's testimony.

21 The November 24th Popeye's before their arrests.
22 He tells you where he parks. He tells you how he drives out
23 after they leave. He tells you that they used handguns and
24 an axe. You see that in the video. He tells you that
25 Brandon cut his hand attempting to get in. That they got

1 some money and that they went over afterwards. There were no
2 other robberies this night. They did get money and that
3 Brandon hurt his hand.

4 Well, look at that; the next day during his arrest,
5 he's got bandages on his hand, his right hand. No evidence
6 that Donte Johns entered any of the stores. You have the
7 height differences. Again, everyone testified to these seven
8 inches. It's impossible for someone who's four inches taller
9 than Tony Hobson to appear to be seven inches taller than
10 Tony Hobson at these robberies.

11 But it's not impossible for someone who always
12 ducks down and is nine inches taller to appear seven inches
13 at least, at least seven inches. The build differences. We
14 had them stand side by side for you. Brandon Starr is a much
15 bigger build than both Donte Johns and Donte's brother, Tony.

16 Tony and Brandon are significantly different and
17 much easier to spot in video. Donte's right-handed. The
18 larger suspect -- and one of you caught that, one of you
19 asked that question -- Donte's right-handed. The larger
20 suspect, Brandon Starr, always used his left hand.

21 Donte at the night of their arrest was not wearing
22 any of the clothing in the robbery. He was wearing a dress
23 shirt, slacks and dress shoes and a pea coat. These two were
24 wearing the exact items you see in every single robbery in
25 this event series.

1 He gave you -- he was clearly the getaway driver.
2 You can see in the Pizza Hut robbery it's his car. He can't
3 go in if he's driving around back and picking them up out
4 back. You see him at the El Pollo Loco robbery. And watch
5 that video. You have it, ladies and gentlemen. It's
6 difficult to see, but you'll see when he u-turns and parks
7 there, you can actually see figures walk into the store and
8 then a few minutes later, you see figures walk out of the
9 store. The second they hit that car, those brake lights go
10 on. Not someone walking around and getting in and turning
11 the car on. The car's ready to go the second those two come
12 out of that Popeye's and jump in that car.

13 And then he's on military leave for one of the
14 robberies. Why not search Donte's residence? That was one
15 of the questions that was posed. Fair question. First of
16 all, let's look for one piece of evidence that wasn't found
17 inside that car or inside the residence where Tony Hobson and
18 Brandon Starr stayed, that wasn't associated with these
19 crimes.

20 We found everything in the car and in their house
21 that ties them to every single crime committed in this
22 robbery series, from the clothing, to the gloves, to the
23 weapons, to the shoes, to the hats. Donte was not wearing
24 suspect clothing. He confessed to being a getaway driver.
25 There was no -- the detectives did not have PC, according to

1 the detective, to search Donte's house. And he took
2 responsibility for his action on the night of his arrest.

3 So now we're done with Donte. We've talked about
4 all the crimes. We've talked about all the evidence. Let's
5 just briefly cover counts 81 and 82. You have a conspiracy
6 to commit robbery and an attempt robbery. ID's not in
7 question. They were literally arrested in the car right
8 before they go in to commit the robbery. The crime is not in
9 question. Donte told us, we planned the robbery while we
10 were on the way to Taco Bell. We said why don't we just do
11 it? That's your conspiracy. Let's conspire to commit the
12 crime of robbery.

13 Did they take an act in furtherance of that
14 conspiracy? Yes. Brandon is seen by detectives getting out
15 of the car with the jacket and the mask and the boots and the
16 pants and the gloves at the trunk with the gun and the axe,
17 everything that you've seen in all of these crimes. He's
18 getting out wearing the mask ready to go and rob it. Tony's
19 sitting in the front seat with a blue Walmart bag in his
20 waistband, the same gloves that we've seen in every single
21 one, and his white surgical mask as well just waiting.
22 They're acting in furtherance of planning to enter the store
23 to commit a robbery. Everything was present. ID's not in
24 question. There's a conspiracy and an attempt.

25 The fact that they were thwarted by the police,

1 thank God, does not eliminate their liability. They are
2 liable and culpable for attempt to commit a robbery because
3 they took steps towards committing that crime the second
4 Brandon Starr stepped out of that car with his mask on.

5 They say the best laid plans often go awry. Tony
6 Hobson and Brandon Starr had a plan and it worked for a very
7 long time. It was a good plan. They were able to cover and
8 conceal their identity from their victims and the police for
9 a very long period of time. What's ironic is that it's all
10 those steps that they took to conceal their identity, and
11 cover them up that did them in in the end. That clothing,
12 those masks, those gloves, the weapons they used. Everything
13 that they did to try to hide their identity and get away with
14 their crimes found on them on the night of their arrest and
15 at their apartment thereafter and based on Donte Johns'
16 testimony did them in in the end.

17 There's 43 victims. And then sometimes we forget
18 to plan. We forget to put our mask on. There's Tony Hobson,
19 ladies and gentlemen, at the very beginning of the series
20 with the gray Reeboks. There's 43 victims in this case; from
21 17 years old to 60 years old, black, white, Hispanic,
22 pregnant. Justice is asking for a verdict of guilty in this
23 case, ladies and gentlemen.

24 The evidence that we presented is overwhelming and
25 it points towards the guilt of these two men for each and

1 every one of those crimes. I ask that you please find them
2 guilty at the end of your deliberations. I thank you all for
3 your time these past few weeks.

4 THE COURT: Thank you, Mr. Portz. At this time,
5 ladies and gentlemen, I'm going to give you a quick break
6 before we get started on the next arguments.

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

15 Ladies and gentlemen, I'm going to give you 15
16 minutes. It's 12:30. Be back by a quarter to 1:00, okay?
17 We'll be at -- we'll be at ease while the jury leaves the
18 room.

19 (Outside the presence of the jury)

20 THE COURT: All right. We're off the record.

21 (Court recessed at 12:30 p.m. until 12:51 p.m.)

22 (In the presence of the jury)

23 (Pause in the proceedings)

24 THE MARSHAL: Please be seated. Department 19 is
25 back in session.

1 THE COURT: Okay. This is the continuation of
2 closing arguments in Case No. C-303022, the State of Nevada
3 versus Tony Hobson and Brandon Starr. I'd like the record to
4 reflect the presence of the defendants and their counsel as
5 well as the State and their counsel, all members of the jury.
6 Will the parties stipulate to the presence of the jury?

7 MS. MERCER: Yes, Your Honor.

8 MR. TANASI: Yes, Your Honor.

9 THE COURT: Okay. Mr. Tanasi --

10 MR. TANASI: Yes, sir.

11 THE COURT: -- did you want to -- okay.

12 DEFENDANT HOBSON'S CLOSING ARGUMENT

13 MR. TANASI: Thank you. Good afternoon, folks.
14 This has been a very, very long process. I am fully aware of
15 that. My client, Mr. Hobson, is fully aware of that. Both
16 my client and myself thank you for riding this thing out for
17 as long as you have.

18 And you've been spoken to a lot by lawyers,
19 witnesses. You've heard a lot in this case. And the last
20 thing that I want to do is stand up here and lecture you.
21 But there is one thing I want to go over, and I want to make
22 sure that everybody is on the same page as we move through
23 the final day in this case, okay?

24 Your oath. An oath, that's a very, very important
25 one. Your oath, as the first jury instruction tells you,

1 it's your duty by taking this oath as jurors to follow these
2 instructions and to apply the rules of law to the facts as
3 you find them from the evidence.

4 More about your duty in this case, folks. Examine
5 each charge and the evidence pertaining to it should be
6 considered separately. The fact that you may find a
7 defendant guilty or not guilty as to one of the offenses
8 charged should not control your verdict as to any of the
9 other offenses charged.

10 In order to find the defendants guilty in one or
11 more offenses, you've got to find the defendants are the ones
12 who committed the acts. So two things, one, were there
13 crimes committed and two, are these the folks who committed
14 the crimes?

15 In this case, ladies and gentlemen, there's just
16 too many pieces and too many questions to put all of that
17 together. Thirteen events across the Valley. Are they
18 really related? Do you have an abiding conviction as you sit
19 here that they're all related?

20 Are they really all in the same location or are
21 they across the Valley in the northwest all the way down to
22 Henderson? Does their location really tie them all together?
23 And if they're so similar, why are similar events still
24 occurring? Detective Matlock, you heard from him in this
25 case. What did he tell you? Seventy-five burglaries in the

1 northwest still going on. Broken glass at the drive-thru
2 windows. Two black males, hoodies.

3 He's investigated 60 robberies since this series.
4 And he's continued to investigate them after this series and
5 they've included suspects wearing gloves, bandanas, dark
6 clothing, using firearms. Here's a picture from one of
7 those. Two suspects. The first suspect, the gloves were
8 yellow. Do you remember Shanon Poole? She told you she saw
9 a glove with a yellow cuff in one of the robberies.

10 And then pay special attention to the suspect
11 behind the suspect with the yellow. Dark clothing, a mixture
12 of gray and black. Look at his sweatshirt, black. Who are
13 the suspects in this so-called series, folks? Here's what we
14 know. Not one of them, not one victim came into this
15 courtroom and identified Mr. Hobson or Mr. Starr, not one.

16 Here's what we don't know. Are there three
17 suspects? Are there four suspects? If there's a fourth, who
18 is it? Where is he or she? If there's a female, where is
19 she? And who's the suspect with the small dreadlocks that
20 Mr. Butler came in and told you about?

21 Their heights. Is one suspect five, ten; five,
22 eleven or six foot? Is the other suspect six foot to six,
23 four, potentially seven, two? Are all their heights really
24 as clear as the State wants you to believe? Folks, you have
25 the video in this case. We've seen lots of it. And you get

1 to go back and watch all of it.

2 Judge for yourself. Are the height discrepancies
3 as open and obvious in every single event as the State would
4 have you believe? Can it be measured, as State would have
5 you believe? Look at each and every one of these videos and
6 make that determination for yourself.

7 The weapons, a knife, an axe, a revolver, semi-all,
8 a pipe one witness told you. Is that something that's so
9 common to this series or is it something that's common to
10 almost every robbery?

11 The clothing. Black pants, red -- black, red hood
12 sweatshirts and hoodies. A blue hooded sweatshirt Skyler Cox
13 told you. Gray Reeboks. And let's talk about the Reeboks.
14 Can you see in the video gray Reeboks? Can you see really
15 identify a gray Reebok shoe in every single one of those
16 videos when you watch them for yourself?

17 Sneakers with an N mark and (inaudible). Where are
18 the sneakers with an N mark? Hands in this case. Covered
19 with red gloves. Juan Mendoza, he told you he saw blue
20 gloves. Again, watch the videos for yourself, ladies and
21 gentlemen.

22 Face of the suspects. Always covered except for
23 7-Eleven. Always covered. Ask yourself, is the 7-Eleven
24 photo, is that Mr. Hobson? Do you have an abiding conviction
25 that that is Mr. Hobson when you look at that photo? Abiding

1 conviction, ladies and gentlemen.

2 Can you do what the eyewitness in the case,
3 Mr. Butler, could not? Can you identify that person with an
4 abiding conviction is Mr. Hobson?

5 The bags in this case. A blue bag, a blue Walmart
6 bag, a blue cloth sack, Cardenas bag, a cardboard box. Do
7 the bags in this case actually prove a signature in a series?

8 Folks, where are all the victims in this case?
9 Because you didn't hear from all of them. You heard from a
10 lot, but you didn't hear from all. Why? Why not? With no
11 witnesses, ladies and gentlemen, witnesses that you didn't
12 hear from, how can you determine a crime was committed upon
13 that person if you didn't hear from them? How can you make
14 that determination?

15 Looking at just a portion of the robbery, jury
16 instruction number 11, identifies personal property. How do
17 you know whose property was whose? If they didn't come in
18 here and even tell you that, you just -- the State would have
19 you just make that leap when you haven't even heard from the
20 witness to identified an item of property that was actually
21 his or hers.

22 And that's important because in order to find the
23 robbery and identifying this personal property component you
24 have to then make the jump to kidnapping to say that the
25 robbery occurred and things were taken. And again, if you

1 don't know what those things are and who those things are
2 owned by, you can't even get to the kidnapping.

3 This slide just shows the first -- or shows the El
4 Pollo Loco event. And I've got the seven counts associated
5 with that, that I listed. In yellow are the witnesses that
6 you heard from. In the red are the witnesses that you
7 didn't. Didn't hear from David Caballero, count 7, or
8 Jennifer Hernandez, count 6.

9 The Pizza Hut case, same thing. Where was Daniel
10 Heffner and where was Mr. (Inaudible). Count 14 and count
11 15? How do you know that they were robbed and kidnapped when
12 you didn't hear from them?

13 The November Pizza Hut, count 16 through 21, where
14 was Ashley Charmichael and Thomas Bagwell? The Little Caesar
15 event, where was Jesus Dorame, count 25? Popeye's, counts 26
16 through 32, where was Johana Vasquez, Angelica Cornelias and
17 Juan Taingo? Counts 31, 30 and counts 29.

18 Where was Mr. Combs, count 35, at Burger King?
19 Heard his name often, but never heard once from him. In the
20 Wendy's counts, 37 through 43. Counts 41, 40 and 42, Jesus
21 Lopez, Ms. Fannon, and Anthony Maddaford. Didn't hear from
22 them. Why? In the Wendy's count, 44 through 47, three
23 witnesses you didn't hear from. Two of them with last names
24 unknown, but you heard from Jessica Hubbard. Why?

25 Popeye's counts, count 48 contains a whole slew of

1 witnesses you didn't hear from. Why? In the El Pollo Loco
2 count, counts 52 through 59, why didn't we hear from Luis
3 Lopez or Sergio Batista (phonetic)? Counts 59 and
4 (inaudible)?

5 Taco Bell, never heard from Jamie Ward, count 67.
6 Her own count, count 67, attempt first degree kidnapping with
7 use of a deadly weapon. How do you know she was kidnapped if
8 she doesn't come in here and tell you about it, folks? How
9 do you know what was going through her head when she doesn't
10 come in here and tell you about it?

11 Popeye's, this is where we see a bunch of
12 kidnappings. November 24th, 2014, except you don't hear from
13 the witnesses in count 73, 75, 76, 79 or 80. Why? Folks,
14 the other question in this case is what crimes were
15 committed? And in this case, there's no dispute there were
16 robberies committed. Nobody's disputing that in this
17 courtroom, okay?

18 But the crimes that are in hot dispute in this case
19 are the kidnappings. Do you have an abiding conviction these
20 folks were all kidnapped? Twelve counts, one question. Was
21 it any different from the robberies? Was what happened in
22 the case any different from the robberies? Any different?
23 Or are the two just the same?

24 Count 53 down to count 79, those are all the
25 kidnapping counts in this case. Do those really stand alone?

1 Are you convinced of that? You have an abiding conviction
2 that those counts all standalone and all those kidnappings
3 actually occurred in addition to robberies?

4 The kidnapping jury instruction is kind of lengthy
5 so I had to break it down into a couple parts. I'm not going
6 to read the whole thing for you. I did highlight a couple
7 portions, important portions. Defendant may not be convicted
8 of kidnapping. The movement and/or the confinement of the
9 victims merely incidental to be unlawful.

10 Mr. Portz went over this with you as well. You
11 must find beyond a reasonable doubt that any movement or
12 restraint of the victim was not incidental to the robbery or
13 that it substantially increased the risk of harm or that the
14 victim substantially exceeded -- that the movement or
15 restraint of the victim substantially exceeded that required
16 to complete the robbery or that the victim was physically
17 restrained in such restraint substantially increased the risk
18 of harm. And lastly, or the movement or restraint had an
19 independent purpose or significance.

20 Likewise, you may not convict the defendants of one
21 of the lesser included offenses of kidnapping, second degree
22 or false imprisonment and the associated offenses of robbery
23 if the moment and/or the confinement of the victim was merely
24 incidental to the unlawful act.

25 So if you find that it was merely incidental to the

1 unlawful act of robbery, you cannot come back with a guilty
2 verdict on kidnapping. Second degree kidnapping, folks.
3 Does the evidence really suggest that any of these victims,
4 as horrible as it was for them -- and I don't mean to sound
5 like I'm discounting it because I'm not -- but as horrible as
6 it was for them, were they secretly imprisoned within the
7 State of Nevada? Do you have an abiding conviction that that
8 occurred?

9 False imprisonment, alternatively, ladies and
10 gentlemen, is an unlawful violation of the personal liberty
11 of another and consists of confinement or detention without
12 legal authority. Compare that to the kidnapping counts,
13 ladies and gentlemen. Compare that to what the State would
14 have you believe was a kidnapping incident. Twelve counts,
15 complicated law, still just one question. What was what
16 happened in the kidnapping counts any different from the
17 robberies? The answer is, no, ladies and gentlemen.

18 Just to recap. Suspects stormed in, suspects took
19 stuff, suspects left. And I don't mean to boil it down to
20 sound cheap or anything like that, but the point is, that's
21 as simple as what happened in every one of the robberies.
22 The robberies. Not bleeding over and turning into
23 kidnappings as well.

24 No increased harm, nothing independent or different
25 from the robbery actions, no kidnappings in this case, ladies

1 and gentlemen. None. Did Mr. Hobson commit the remaining
2 crimes? No. There's too many unanswered questions.

3 Let's talk about the blue bag. We'll do -- let's
4 talk about the blue bag. This blue bag, ladies and
5 gentlemen, this blue bag here, okay? Was this blue bag
6 actually on Mr. Hobson's person? This blue bag. How is this
7 missed by the patrol officers in this case? Their job is to
8 do a pat down search. Their job is to search for contraband,
9 which would be in bags. Their job in doing a pat down search
10 is to look for weapons. How is this missed? This bag?

11 Surely, there would be video of this key piece of
12 evidence, right? You'd see a video of the bag on Mr. Hobson.
13 You'd see a picture of the bag on Mr. Hobson. It's a big
14 piece of evidence. You'd see that in this case, right? And
15 you didn't. There is no picture of that bag on Mr. Hobson's
16 person. Why not?

17 Reports, ladies and gentlemen. Why didn't Officer
18 Moore prepare a report in this case? He's the officer who
19 did the pat down search, looking for firearms, looking for
20 contraband. No report. Why?

21 Where was Officer Mohler and Officer Myrold?
22 Didn't hear from them in this case. They're one of the three
23 officers who arrived at the scene to take into custody
24 Mr. Hobson and Mr. Starr. Why weren't they here?

25 Why didn't Detective Weirauch, why did he not

1 prepare a report in this case? His answer is that nothing I
2 did to -- you did nothing to require a report. That's what
3 his answer was, that I heard in this case. Really? Nothing?
4 You didn't stop the Dodge that you had been searching for?
5 And you didn't arrest the suspects that you had been
6 searching for to tie together this series? That didn't
7 happen? You did nothing of significance in case to prepare a
8 report?

9 Let's talk about the apartment, 3955 East
10 Charleston. Okay, that's the apartment in this case. That's
11 a critical, critical house of evidence in this case. Why
12 does Detective Abell assume that the 3955 East Charleston
13 apartment was Tony's address? Why does he assume that? Did
14 he talk to Lynette Hobson, who you told you all that he
15 wasn't living there in October and November of 2014? No.
16 Why not?

17 Why did he ignore the envelope with the address,
18 outgoing mail, the center part of the envelope showing Tony
19 Hobson's name and a different address than 3955 East
20 Charleston? Why?

21 How about the lockout authorization on the lease --
22 or on the lease, rather? That clearly demonstrates that
23 Mr. Hobson's not living at that apartment. Why would you
24 give lockout authority to somebody who's living there? The
25 point of lockout authority is that, is if you don't live at

1 the apartment and you need to get in for some urgent purpose
2 like to see your kids, you get into the apartment. You have
3 the authority to go see the manager and get a key. Clear
4 piece of evidence that demonstrates that not Mr. Hobson's
5 apartment.

6 The Pep Boys letter. Pep Boys letter in this case
7 has that address, but it's dated July of 2014. July of 2014.
8 Is it so unreasonable that somebody would move several months
9 before October and November of 2014?

10 Then the apartment itself and the search. These
11 receipts. Critical pieces of evidence. Agreed. Where were
12 they found? Did the detectives find those receipts in the
13 nightstand or did they find them in the waste garbage can in
14 the kitchen? Where was it found?

15 You were told that was just a mistake. Critical
16 piece of evidence, mistake. Walmart bag, just missed that.
17 Again, good police work. You heard from the CSAs in this
18 case, crime scene analysts, good police work. Document
19 evidence where you find it. Take pictures of evidence where
20 you find it. That's not what happened here. Find receipts.
21 You only see a picture of one receipt in the actual garbage
22 can. Then you see the other three all nicely depicted on the
23 countertop.

24 Further question to this receipt, where it was
25 found and how it was found, is the search warrant return.

1 The bottom right corner of the pink paper, ladies and
2 gentlemen, shows that the receipts, they're listed here.
3 It's a little blurry in this picture, but it's a piece of
4 evidence that you saw throughout the course of the trial.
5 And those receipts are just like written after the fact.
6 Why? Stumbled upon them and then decided to write them in
7 after the fact? Critical pieces of evidence handled poorly.
8 Why?

9 Why was there no forensic connection made between
10 the coin wrappers at 3955 East Charleston and the stores?
11 Why was there no attempt? Just because it was too messy?
12 Why even try, it's too messy, right? That was the reason, I
13 think, we were given.

14 Why was there no effort to connect the victims'
15 phones to the phones recovered? Why? And critical pieces of
16 evidence that those phones are actually the phones that are
17 owned by the people who were in those stores. Why wasn't the
18 effort made to get the warrant? They got a search warrant in
19 order to get into the apartment. It's not that hard. Get a
20 search warrant and go look at those phones. Why wasn't that
21 done in this case?

22 And why was this only apartment that was searched?
23 I still don't know the answer to that, ladies and gentlemen.
24 Do you?

25 The DNA in this case. Item 6 is the glove.

1 Connected to Mr. Hobson. Then after retested and
2 reinterpreted, not connected to Mr. Hobson. Item 8,
3 connected to Mr. Hobson, but are you sure --

4 MS. MERCER: I would object to that. That
5 mischaracterizes the testimony. It wasn't retested. It was
6 reinterpreted.

7 THE COURT: Okay. I'll leave it to the jury to --
8 you're the finders of fact here so the determination --
9 you'll have to make that determination based on that. Okay.

10 MR. TANASI: Reinterpreted, retested, no
11 difference, ladies and gentlemen.

12 MS. MERCER: Objection.

13 MR. TANASI: We looked at --

14 MS. MERCER: That's actually --

15 THE COURT: Yeah.

16 MS. MERCER: -- not true.

17 THE COURT: I'll sustain that objection. There is
18 a difference between reinterpreted and retested.

19 MR. TANASI: The point that I'm trying to make,
20 ladies and gentlemen, is that it was relooked at. However,
21 you want to call it. And the result came back different.

22 Item 8, still connected to Mr. Hobson, but are you
23 sure? It's a mixture, ladies and gentlemen. A mixture. One
24 of which including Mr. Hobson.

25 And what does that tell you? Remember, you heard

1 from the DNA specialist that any one of your DNA could wind
2 up on an item that you don't ever touch. Above all, ladies
3 and gentlemen, where was the glove found? Donte Johns' car.
4 Donte Johns' car. Donte Johns' seat. Donte Johns' trunk.

5 Reinterpreted, we talked about it already. Why?
6 Why do things have to be reinterpreted in this case? Because
7 the lab's rules, their own rules, their own protocols
8 changed. And so after it got reinterpreted, we know what the
9 results came back as. But you were also told that in 2017
10 they're going to be changing the rules again and the results
11 could change then as well. You don't convict people, ladies
12 and gentlemen, on could's and maybe's. An abiding
13 conviction.

14 Where's the blood DNA in this case? Why did law
15 enforcement wipe the blood from the revolver? Why? Again,
16 an answer I don't know.

17 MS. MERCER: Objection. That -- I don't believe
18 that's been testified to.

19 MR. TANASI: It absolutely was.

20 THE COURT: I'm going to leave that to the jury to
21 make that determination, so it's argument.

22 MR. TANASI: Officer came in here and he told you
23 that he wiped the blood off because they were testing for
24 fingerprints. Not saying he went in and just wiped it off
25 for no apparent reason. He says he wiped them off because

1 they were testing, putting chemicals on for fingerprints.

2 You heard that.

3 Footwear, ladies and gentlemen. You've seen
4 pictures of Reebok shoes in this case associated with
5 Mr. Hobson. Now, the question is what really goes on in that
6 photograph studio? The FBI's photograph studio. That he,
7 Mr. Gilkerson, came in and testified there's no computer
8 imaging, there's no computer photo work of any kind that
9 takes place. How does it go from a print to that high
10 contrast result? Common sense ladies and gentlemen. It's a
11 computer.

12 You see that result, you get that result by
13 involving a computer. High contrast. Again, there's
14 identification in this case, right? Mr. Portz used the word
15 100 percent. Except it's not 100 percent. You heard from
16 Mr. Gilkerson, he told you it's not 100 percent.

17 And again, the Reebok shoes; if you believe they
18 were identified, does that really tie together all the events
19 in the case? Can you look at the videos and identify those
20 Reebok shoes in every single one of the videos?

21 Jury instruction 47. You're not bound, however, by
22 such an opinion in this case of an expert. Give it the
23 weight to which you deem it's entitled. Whether that weight
24 be great or slight, and you may reject it if in your judgment
25 the reasons given for it are unsound.

1 The point of that jury instruction, ladies and
2 gentlemen, is that you get to decide. Your oath, your duty,
3 you get to decide, not Mr. Gilkerson.

4 The Dodge. What we don't know. How many events
5 was the Dodge really associated in? Did we really know that?
6 Donte Johns in his volunteer statement first says two. Then
7 Detective Abell in his search warrant application, he says
8 three. And then Donte Johns, he in his guilty Plea Agreement
9 says six. How many? Do you really know the answer to that
10 question? Because I don't.

11 Where's the white Dodge charger? Where's the
12 champagne four-door Ford? And again, the only thing we know
13 for certain about this Dodge is that it was owned by Donte
14 Johns. That's it. Why wasn't Donte Johns' apartment
15 searched? He lived with Ernest Mopkins. Where was he, by
16 the way?

17 Donte Johns told you that he was bigger. Ernest
18 Mopkins is bigger than him. Did you ever hear from this
19 bigger person? No. Is it so unreasonable Detective Abell to
20 suspect, and this would give him the reason, the probable
21 cause he would need to go search; is it so unreasonable for
22 him to suspect that Donte is the smaller suspect in the
23 videos and Ernest Mopkins, his roommate's the bigger suspect?
24 Is that so unreasonable to just dismiss the probable cause
25 and not even make an attempt to go search that apartment?

1 Is it so unreasonable that there's no probable
2 cause to look at the notion that the military tactician,
3 Donte Johns, the military intelligence guy, Donte Johns, was
4 actually in these videos that you've seen? Is that such an
5 unreasonable possibly to not even look into?

6 Again, Donte Johns is -- also, when you go back to
7 this apartment and the importance of the apartment, the State
8 has proffered to you, and the evidence that's found in the
9 apartment, Donte Johns was at that apartment often. He told
10 you, often.

11 Let's talk more about Donte Johns, and why I'd
12 submit you can't believe a word that he's told you. Donte
13 Johns' voluntary statement, November 26th, 2014. He admits
14 two robberies. Then he's shown six inches of pictures and
15 reports. He's told about how the judge and the DA will be
16 told about his testimony in the case and now he testified.

17 Then he gets a call from a JAG officer, and then he
18 denies all the allegations. So he's, at first, part of it,
19 then now he's not a part of it at all. Then he goes to court
20 and he denies all the charges again. A \$400,000 bail is set
21 in district court again, denies all the charges. Ultimately,
22 in district court he takes a deal.

23 A deal is a give and get, right? What does he
24 give? He gives six events. Pleads guilty to six robbery
25 events. Conspiracy, three robberies, one burglary, and he's

1 got to give truthful testimony now, truthful after his
2 repeated lies, he's going to now be truthful.

3 Of course, his truth is dependent upon his shot now
4 at probation, shot at probation now, his chance to avoid a
5 possible life sentence. He gets to go home. He gets to save
6 \$400,000. Do you really believe Donte Johns? Again, jury
7 instruction number 41, that testimony, Donte Johns, was given
8 in exchange for an inducement in connection with this case.
9 That's one of the factors for you to figure in determining
10 whether or not you believe him.

11 He told you that they're making him do, they,
12 State, they're making him do the hardest thing any F'ing
13 brother can do, and if I don't both of us go to jail. He's
14 being made to do this, ladies and gentlemen. He told you,
15 that's his own words.

16 He wants to try to work this out as best as
17 possible for him. He tells you he's at the apartment often,
18 the 3955 apartment often. He admits to being nine-tenths the
19 owner of the guns. He knows that if he testifies against
20 Mr. Hobson and Mr. Starr, it will benefit him.

21 I point these out, ladies and gentlemen, because
22 credibility is an important factor in this case. Very
23 important. If you believe that a witness has lied about a
24 material fact in the case, you may disregard the entire
25 testimony of that witness or any portion of his testimony

1 which was not proved by other evidence.

2 If you don't believe a word in this case, not a
3 word of what he said, one thing, you can toss all the rest of
4 it out the door. And that's what I submit you do in this
5 case, ladies and gentlemen.

6 Reasonable doubt. We talked about it a little bit
7 already. Jury instruction 36. The presumption places upon
8 the State the burden of proving beyond a reasonable doubt.
9 And what else I've highlighted is a word I've used a couple
10 times already which is that you must have an abiding
11 conviction of the truth of the charge. An abiding
12 conviction. An abiding conviction that you apply to
13 weightier affairs in your life. Decisions that are important
14 decisions in your life.

15 Not just whether or not you're going to have a
16 salad for lunch over some chicken, right? A very, very
17 important decision in your life, weighty affairs. You have
18 to have an abiding conviction to make that decision, ladies
19 and gentlemen.

20 In this case, there are just too many pieces that
21 don't fit together. Too many questions that have an abiding
22 conviction of all the counts, each and every one, 82 of them
23 in this case. One question that matters the most, will you
24 proudly uphold your oath in this case? Proudly uphold your
25 oath to apply the facts of the law on every count, every

1 count?

2 When you do, ladies and gentlemen, I'm confident
3 that you can proudly come back into this courtroom and you
4 can check every single one of the boxes "not guilty". Thank
5 you.

6 THE COURT: Mr. Tanasi, is that --

7 MR. TANASI: That's it.

8 THE COURT: -- is that it? Okay. Thank you so
9 much, Mr. Tanasi. Ms. Lobo or Mr. Maningo?

10 MR. MANINGO: It will be me, Your Honor. We're
11 just going to get hooked up.

12 THE COURT: Okay. All right.

13 MR. MANINGO: Thank you.

14 THE COURT: We'll be at ease while they plug in.

15 (Pause in the proceedings)

16 DEFENDANT STARR'S CLOSING ARGUMENT

17 MR. MANINGO: Thank you, Your Honor. Thank you,
18 everyone. Do what is right, not just what is easy. That's
19 all we're asking you to do. Ms. Lobo in opening statements
20 addressed all of you. She told you that this was going to be
21 a case about taking the easy way. She was right.

22 Now, who took the easy way out? Prosecutors in
23 this case took the easy way out.

24 MS. MERCER: Objection. That's disparaging.

25 MR. MANINGO: Much respect for Ms. Mercer and

1 Mr. Portz. Much respect for both of them, fine attorneys,
2 but the State took the easy way out.

3 MS. MERCER: Objection.

4 MR. MANINGO: Law enforcement, took the easy --

5 MS. MERCER: Your Honor --

6 THE COURT: Yes. I'm sustaining that, and don't
7 disparage the -- the party. All right.

8 MR. MANINGO: It's not disparaging, Your Honor. I
9 mean no disrespect to these two and they both know that.

10 THE COURT: Okay. Well, sustained.

11 MR. MANINGO: Very, good, Your Honor. Law
12 enforcement took the easy way out. Detectives, crime scene
13 analysts, forensic examiners, they took the easy way out.
14 The Government stitch, Donte Johns, so did he.

15 Brandon trusts you. You were all handpicked during
16 jury selection because you all agreed to be fair, impartial
17 jurors. You were selected because you could be trusted.

18 Now, during voir dire, we spoke at length on many
19 subjects. Everybody in the gamut what we talked about. Each
20 and every one of you were concerned about false accusations.
21 Some of you talked to us about wanting layers of proof.
22 Others wanted more than just mere video surveillance.

23 During jury selection we talked about demanding
24 more. One of you, I don't recall who specifically, wanted
25 stitches that would sew up the case.

1 We also talked about the burden of proof and the
2 presumption of innocence. You told us that you would presume
3 Brandon to be innocent until otherwise proven guilty. You
4 promised us you'd make the State prove their case beyond a
5 reasonable doubt.

6 I'm going to pause here for just a moment. The
7 United States Constitution and our system of justice protects
8 you, protects me, protects everyone, protects all of us.
9 It's fundamental. It protects us in a way that we are all
10 presumed innocent until proven guilty.

11 The State is accusing Brandon of 82 counts, 82
12 felonies. They have the burden to prove each and every one
13 of those. Now, I know this is the third time you're seeing
14 this, but this is instruction number 36, and it's so
15 important it warrants being seen three times.

16 The State presented to you, Mr. Tanasi did as well.
17 The first line is underlined. The defendant is presumed
18 innocent. We talked about that in jury selection. You've
19 heard about it all day today.

20 The State needs to prove that the defendant is the
21 person who committed the offense. There must be an abiding
22 conviction. Without that, there's reasonable doubt. And the
23 very last part, if you have a reasonable doubt as to the
24 guilt of the defendant, he is entitled to a verdict of not
25 guilty. That's the law.

1 The Government has to prove that Brandon committed
2 these crimes beyond a reasonable doubt. Now, how did the
3 prosecution, how did the State take the easy way out?

4 MS. MERCER: Objection again. Disparaging.

5 MR. MANINGO: What they --

6 THE COURT: Just rephrase your argument.

7 MR. MANINGO: How did they not do what they could
8 have done? How did the State not do what they could have
9 done? Brandon was charged with 82 felonies. They stemmed
10 from 13 separate robberies. Now, we don't contend that these
11 robberies didn't occur. We sat here with you. We watched
12 the videos. We heard the witness testimony from the victims.

13 But as Mr. Tanasi pointed out, many of the victim
14 witnesses never came to court today. You didn't even meet
15 those witnesses. These are the counts, if anyone wants to
16 write those down or just remember those, and you'll have the
17 indictment with you. But counts 6, counts 14, 15, 19, 20,
18 25, 29, 30, 31, 35, 40, 41, 42, 58, 67, 73, 75, 76, 79, for
19 the reasons Mr. Tanasi told you about and because you never
20 meet these victims, those have to be not guiltyies.

21 Now, how else did the prosecution not do what they
22 could have done? In this regard, they brought a few
23 witnesses. Witnesses that you'll recall never even
24 identified Brandon or Tony and tried to bootstrap all of
25 these counts to the testimony of a few.

1 Let's convict these two men on all these counts but
2 only bring in some of the witnesses. Can you have an abiding
3 conviction with respect to the truth of the charges and you
4 never met the victims? Has the State met that high standard
5 of beyond a reasonable doubt with respect to these counts?

6 Now, how else did the State not do what they could
7 have done? Through proper investigation, complete forensic
8 analysis, witness identification, they could have presented
9 this case. But instead, they made a deal with Donte Johns.
10 They made a deal with Donte Johns because they needed him.
11 Do you think the State goes around offering probation versus
12 life when they don't need their snitch?

13 You're going to have a common sense instruction.
14 As jurors, you're invited, you're welcome, you're instructed
15 to bring into this deliberation your everyday common sense.
16 Ask yourselves, if the State had complete investigation,
17 thorough forensic analysis, witness identifications, would
18 they have gone for their snitch?

19 They went there because they needed him because
20 they didn't have what they needed otherwise. Now remember
21 also going back to our conversations in jury selection about
22 corroborating witnesses, snitches. One amongst you said it
23 would be troubling if a snitch got probation. That's exactly
24 what happened in this case.

25 MS. MERCER: Objection. Mischaracterizes --

1 THE COURT: Sustained.

2 MS. MERCER: -- the testimony and evidence.

3 MR. MANINGO: Others of you said -- and I can't
4 remember who it was, and you might not either, but during
5 jury selection, that the greatest capital in the world is
6 freedom.

7 That's what the State offered Donte Johns in
8 exchange for his testimony, freedom.

9 Now, we also talked about law enforcement during
10 jury selection. I had conversations with many of you about
11 that. We talked about whether you had family that were law
12 enforcement, and we talked about what would happen if law
13 enforcement, whether it be officers or detectives, but they
14 took the stand.

15 We start that had dialogue agreeing police work's
16 difficult. It's a tough job. Sometimes the police,
17 especially in today's social media environment, are under
18 constant ridicule. I think we all agreed that that's tough.
19 It makes their job even tougher.

20 But we also agreed that no one would take offense
21 if we were critical of the police and no one would favor
22 police testimony just because they were law enforcement
23 officers. And we went a step further and it was agreed
24 between all of us that you hold the police accountable. We
25 talked about consistency. We talked about if something could

1 be done with respect to police work, you expected it to be
2 done.

3 Now, Detective Weirauch was the first of the
4 detectives to testify. And you'll recall he was a detective,
5 but on this night, on November 25th, he went on patrol. He
6 happened upon the Dodge Charger, Donte Johns' Dodge Charger.
7 Followed it to the Taco Bell where it parked. He sat there
8 for several minutes. I'll refer to your recollection, but I
9 believe it was six or seven and then it was more like 30
10 minutes that he sat there surveilling the Dodge Charger.

11 He, in his mind, he testified, thought, I have the
12 windbreaker series robbers. He's a detective. He has the
13 capability to video surveil whatever he wants. He had his
14 whole squad in the area ready to come in. He had his police
15 department issued cell phone that he could have turned on.

16 Did he videotape any of this? This whole case,
17 remember, is based upon all of these surveillance videos that
18 have happened at all these different fast food restaurants.
19 He didn't think to videotape this?

20 Well, at least he wrote us a report. But no, he
21 didn't. His testimony was I didn't do anything significant
22 enough to warrant a report. Not really that big of a deal.

23 It wasn't important enough. Fates hang in the
24 balance, and it's not important enough to somehow record the
25 events? Two years pass, almost two years, and we're left to

1 rely on memory alone.

2 Officer Moore was the next officer to testify.
3 Same thing. He had the capability, he had his entire squad
4 there, he had others there, he had his cell phone there. He
5 could have had a body cam. No video surveillance of the
6 arrest. No report. And he said, nothing significant
7 happened so why would I bother to do a report?

8 Detective Matlock was next. He spoke to us about
9 the fact that after November 25th, 2014 there was a series of
10 75 burglaries. You'll remember that testimony. It's come
11 up. Mr. Portz, Mr. Tanasi, they both talked about it, too.
12 It was out of northwest area command. That's where Detective
13 Matlock was.

14 So after the arrests in this case, there were 75
15 similar burglaries, included two to three suspects, black,
16 20s, fast food restaurants, nighttime, gloves, hoodies. They
17 would gain entry through breaking glass or climbing through a
18 drive-thru window.

19 Detective Matlock also testified to the 60 or more
20 similar robberies. Begs the question, were the suspects
21 still at large at that point?

22 Now, Detective Abell. He was the lead detective.
23 The State's last witness. He named the windbreaker series.
24 He was the guy, he was the shot caller in all of this. He
25 testified that he would interface with other police officers,

1 other detectives. He would direct and instruct with respect
2 to the CSAs, the forensic examiners. He's the one that
3 worked with the footwear examiner.

4 And when asked about the pressure of solving this
5 crime, and when asked about the fact that there were 13
6 violent robberies, and when I mentioned that there were 43
7 victims in this case, you'll recall his testimony was,
8 robberies happen every day. It's Not really that big of a
9 deal.

10 And dang, you know, his demeanor on the stand
11 reflected this throughout, throughout. It was shrugs of the
12 shoulders and yeah, yeah, I don't know. I have to assume
13 that his approach at this investigation was the same.

14 Now, Detective Abell, he developed the MO and the
15 windbreaker series. Remember, it was his.

16 MS. MERCER: Objection. That mischaracterizes the
17 evidence as well.

18 MR. MANINGO: I don't know how.

19 THE COURT: That he developed the -- he developed
20 the windbreaker. I don't know if he developed the MO. Is
21 that what your objection is?

22 MS. MERCER: Correct.

23 THE COURT: Well, I'll leave it to the jury to make
24 -- it's up to them to make the decision what the facts are.

25 MR. MANINGO: Thank you, Your Honor. There was a

1 signature MO within the windbreaker series, which was
2 Detective Abell's. Two to three suspects, black, 20s, fast
3 food restaurants, nighttime, gloves, hoodies, they would gain
4 entry through breaking glass or climbing through the
5 drive-thru window, take money from a register or a safe, have
6 employees get on the ground. I know you've heard that dozens
7 of times, and I'm going through it fast.

8 But isn't that disturbingly the same MO as the
9 night owl series that was testified to? Happened after. On
10 the left column everything with respect to the night owl
11 series. On the right, Detective Abell series.

12 Detective Abell. We talked about the suspects he
13 had developed in this case. And he identified four suspects.
14 And this is where, I guess, my pulse got up. I got a little
15 frustrated. We had an exchange. I hope you were a little
16 frustrated, too, at that point in the testimony.

17 He testified that he had four suspects. That he
18 had arrested three. Sometimes one -- or two of the three of
19 the suspects are still at large. They had Donte Johns. They
20 told sometimes it was two of the suspects out of the four.
21 Sometimes it was three of the four. Sometimes it was just
22 one of the four.

23 And then we talked about the events. He could only
24 specifically identify which suspects were at which events for
25 two of the events. That was his testimony. Two out of the

1 13 events.

2 MS. MERCER: Objection. That mischaracterizes his
3 testimony.

4 THE COURT: This is argument. I'll leave it to the
5 jury.

6 MR. MANINGO: He thought that was good enough for
7 Detective Abell, so it seems. I mean, when pressed and
8 questioned about shouldn't there have been more done, it was
9 no, not -- no, I don't think so.

10 What about his interactions with Crystal May?
11 Let's go to Donte Johns. He interviewed Donte Johns. And
12 during that interview, they developed alternate suspects.
13 Remember that? He testified to talking about a heavy set
14 person, a woman, his roommate, Ernest Mopkins. And when
15 Detective Abell testified about following up on those
16 suspects, he took the position that there was no need to
17 follow up on those alternate suspects.

18 He did say that he looked into Ernest Mopkins'
19 stuff. He said I looked into stuff. And then he testified
20 that I think he looked at maybe his driver's license or some
21 records. He just completely ruled him out knowing that
22 height-wise, he was right in the ballpark between all these
23 guys. Ruled him out.

24 And then he talked about following up with Donte
25 Johns, even though Donte Johns admitted to several of these

1 robberies. Even though Donte Johns was the driver and owner
2 of the Dodge Charger. Even though all of the materials that
3 are ultimately processed by the forensic labs were found in
4 Donte Johns' car, his testimony under oath on the stand was I
5 don't think I had probable cause to get a search warrant to
6 search Donte Johns' apartment.

7 If I was better at Power Point, I would refer back
8 to the common sense slide. Bring to this deliberation your
9 common sense. He didn't have probable cause to go further in
10 the investigation?

11 Now, with Crystal May. She did the forensic
12 testing. She was the witness on the stand that talked about
13 the DNA. She told us about limits on processing. Detective
14 Abell also testified about that. And she also when asked
15 about processing other materials, said it's not worth the
16 time.

17 Now, I won't beat up on her too bad because in
18 further -- it was either redirect from the State or maybe
19 cross-examine -- recross, she said oh, that was probably a
20 bad worse choice. So I get that she tried to correct the
21 words. But her sentiment didn't change.

22 She just wanted to be political correct on the
23 stand and say, well, I didn't mean not worth the time. I
24 meant -- I don't know what she said. I'll leave it to you
25 guys. But that remains she didn't think it was worth the

1 time.

2 So then Detective Abell tells us well, when you're
3 investigating these robberies there are limits on the lab.
4 And I can understand that, and that makes sense, okay? You
5 can't just take truckload full of anything and everything and
6 say process all of this. But there were 13 independent
7 robberies. And per his testimony, five per robbery.

8 We could have had 55, 60 items. He also said he
9 could go back and ask for more. And when asked wouldn't it
10 have been important to do more processing of certain items,
11 it was that same laissez-faire, no, not really. You know, we
12 had our guys.

13 Ms. May and Detective Abell both testified that it
14 really wasn't worth the time and that certain items weren't
15 processed. The interior of the car. The interior of the
16 Dodge Charger where apparently at least some of these, if not
17 all of these robberies, were staged out of, didn't even
18 process it. Nothing but this door handles, the pocket knives
19 that were found. The cell phone in the front seat, no
20 processing there. The valve stem puller, the cell phone in
21 the backseat, the blue backpack, the pry bar, none of that
22 was processed.

23 And per Detective Abell's testimony, it could have
24 been. And remember when we talked in jury selection, you
25 wanted consistency. If it could have been done, you want it

1 had done. Brandon wants it done.

2 Remember when I talked to Detective Abell, and I
3 said, couldn't some of this processing possibly lead to an
4 exoneration? I got the same response, oh, I don't know.

5 I apologize, I'm behind in my Power Point. The
6 issue of blood, that's come up a few times from questions
7 from the State, from defense, from you. There were several
8 photographs of blood at scenes of -- at different crimes.
9 Detective Abell testified that there was one collection of
10 blood. I don't know about that. I don't recall that. But
11 he did at least admit that even if there was one, it was
12 never processed.

13 Then we had the issue with gun and the wiping of
14 the gun. And if there was pistol whipping, wouldn't that
15 have been important? If someone gets hit over the head with
16 a gun, wouldn't you want that processed, too, to see if there
17 was any link between any of these crimes and this weapon?
18 Same response, it didn't need to be done.

19 Now, CSA Charlton, after she left the scene at the
20 Taco Bell went to Las Vegas Metro headquarters on the night
21 of 11/25. This was the windbreaker series, right? It was
22 the windbreaker series. They had seen video of a couple
23 windbreakers in some of the prior events. And now they had
24 Brandon on November 25th wearing a windbreaker.

25 At headquarters, they collected that windbreaker.

1 If you're going to process at least one item in this case,
2 isn't it the namesake to the series? I don't think Detective
3 Abell understood my questions, and so I'll try to -- I assume
4 you do. If he processed it, wouldn't you have been able to
5 find if there was somebody else's DNA on it?

6 Detective Abell's responses to me were, why would
7 we test the windbreaker? We saw Brandon in it. That was his
8 answer to my question, and he looked at me like, duh.

9 And I mentioned this already, but Noreen Charlton,
10 she was at the Dodge Charger on the night at that Taco Bell.
11 She was the one who collected the evidence. And Detective
12 Abell, again, was the detective, lead detective through all
13 of this. I mean, testified and he agreed that out of all 13
14 events, not one time was a fingerprint taken.

15 Now, I can understand that, right? We can
16 understand that. A lot of the videos showed gloves. So
17 would you necessarily expect to see fingerprints? Not
18 necessarily. But not one hair, not one molecule of DNA.
19 There's Detective Abell with the blood. No other trace
20 evidence was collected at all.

21 Now, I believe, it was CSA Meckler, she testified
22 that she took the footwear impression prints from two
23 different events. And those were provided to Mr. Gilkerson,
24 and he examined those. Those were from the events that
25 occurred on November 1st and November 3rd.

1 Mr. Gilkerson's opinions about the boots that were
2 alleged to have been on Brandon, the boots could have made
3 the impression, could not have been determined to made the
4 impression or were eliminated. Like Mr. Tanasi said, you
5 don't convict on could have made. And if you go to the
6 definitions, there's no conclusive findings whatsoever.

7 Could have made, he testified to, included or by
8 further definition means the boots were a possible source.
9 But it also included that other shoes were included in the
10 grouping of could have made.

11 So we're talking about all of this, and we're
12 looking at it through the prism of did they do what they
13 should have done or did they take the easy way out? Now,
14 Mr. Gilkerson worked for the FBI. He had access to
15 databases. He didn't run any of these footwear impressions
16 through the databases. Nor did he take the impressions from
17 November 1st and compare them to November 3rd to even
18 establish whether those were the same.

19 And remember, the Pizza Hut event, that's the event
20 where you have the third individual that comes in, the heavy
21 set guy wearing black boots. November 3rd, it's also during
22 that time that Brandon was in California. You heard
23 testimony from Reshitta Ray. Dropped him off at the bus
24 station on November 2nd, picked him up on November 3rd (sic).

25 You also heard testimony from Elizabeth Cruz from

1 the bus station who said he was on that passenger list, and
2 had he not boarded that bus his name wouldn't be on it. If
3 he didn't show up, it would be taken off, or if he got off
4 anywhere between point A to point B, you'd be taken off the
5 passenger list. Brandon was in California. So there's no
6 surprise that there was no conclusive findings with respect
7 to the boots.

8 This is a good time for me to address this.
9 Obviously, my theme is that more should have been done. That
10 Brandon deserved more from the law enforcement, from the
11 State. We don't expect perfect, by any means. We're all
12 humans before we're jurors or lawyers, judges. But we just
13 want fair and we want what's right.

14 Now let me backtrack just for a moment to Crystal
15 May and DNA. There was DNA found, Brandon's DNA, on a glove
16 and the revolver. But you'll also remember, and I beg you to
17 remember the testimony from Ms. May, I believe it was on
18 examination by Ms. Lobo talking about the binder clip.

19 And I think Mr. Tanasi went into similar dialogue.
20 If you high five and then touch something, this person's DNA
21 could be on this item. If you shake hands, if you hug,
22 secondary transfer is what we were talking about. Secondary
23 transfer. These guys were in near proximity. There was to
24 no disputing that.

25 I mean, Mr. Johns, if you believe anything he says,

1 said that they were together that night, right? And they
2 were arrested at the Taco Bell. They were there in the same
3 area. So we understand that. But remember secondary
4 transfer. Don't hang your hat on this oh, there was mixture
5 of DNA on these materials in the trunk.

6 I think you'd be more surprised in there wasn't
7 some sort of DNA in that car or in that trunk with respect to
8 those guys.

9 You have the residence that was searched. Of
10 course, the State will argue that Brandon lived there, but
11 Reshitta Ray came in and testified that he didn't. Okay?
12 And I guess, I mean, this might be a silly argument, I guess
13 you could say, but do 20-year-old men keep pictures of
14 themselves on their walls? I don't think so. But I'll leave
15 that to up you.

16 Donte Johns. In the land of easy way-outers, this
17 is the king right here. Now, the State's going to try to
18 tell you oh, it's hard. It's so hard to come in and testify
19 and be truthful on the stand and admit to these things. You
20 know what's hard? It's hard to sit in that chair right
21 there, maintain you're not guilty, defend yourself and have
22 someone lie on you.

23 It's not hard. It's hard to take freedom over life
24 in prison? And when you're the snitch, I mean, aren't you
25 always just a lookout or the get away driver? Because

1 snitches live in a world of partial truths. I'm going to
2 offer a little bit, save myself, and bury somebody else.

3 And Detective Abell gave him the complete pass. He
4 worked with the State. His testimony was bought. What would
5 you all think if you learned that I paid Ms. Ray to come in
6 and testify? I said, hey, if you come and say these things
7 for my clients, I'll give you some money. What about if you
8 learned that I told Elizabeth Cruz from the bus station, hey
9 come in, testify, I'll give you some money?

10 The money's one thing. Going back to what we
11 talked about in jury selection, freedom, freedom, that's real
12 capital. Worth more than any of that money.

13 Brandon was in California from 11/2 through 11/5.
14 You heard that from Reshitta. You heard that from Ms. Cruz
15 and Toby Tobiasson. It's important to remember that two
16 robberies occurred in Las Vegas during those dates. Doesn't
17 that have to raise some doubt? They weren't -- if Brandon
18 wasn't in Las Vegas during those two robberies, doesn't that
19 have to raise some doubt as to all of them?

20 I don't know if I did that or somebody else did
21 that. I apologize.

22 (Pause in the proceedings)

23 MR. MANINGO: Okay. When I sit down, that's the
24 last anyone from this table gets to speak. The State, Ms.
25 Mercer and Mr. Portz, they'll have an opportunity to address

1 you. Challenge her. Challenge the State, demand more.
2 District attorneys often say they welcome the burden of
3 proof.

4 Invite her to explain why they bought Donte Johns'
5 testimony. Challenge her to explain to you that Detective
6 Abell's investigation was thorough and competent. That it
7 was complete. See if she can convince you that all the items
8 of evidence that should have been processed were processed.
9 You haven't heard that yet.

10 The State's case. The State's case is like a
11 quilt. Pieces of evidence, testimony from witnesses sewn
12 together with thread. The State's case is like a quilt.
13 This is a stitch ripper. I'll refer you back to jury
14 selection with we talked about wanting stitches to sew up the
15 case.

16 This stitch ripper is a symbol of reasonable doubt.
17 And what stitches can we rip out when sewing this case
18 together? Remember these points, not one eyewitness
19 identification. No DNA collected from any scene. No
20 fingerprints, hair, trace evidence at any scene.

21 After the arrests of Tony and Brandon, 75
22 incredibly similar events occurred, 60 similar robberies.
23 This is all per Detective Matlock. More with the stitch
24 ripper, four suspects per Detective Abell. Sometimes it was
25 three of them. Sometimes it was two of them. Sometimes it

1 was one. He didn't know when it was which of them. And he's
2 the lead detective for the windbreaker series.

3 Inconclusive footwear processing. No blood
4 processing whatsoever. Two identical windbreakers. No one
5 disputes that two identical windbreakers existed. When was
6 one being worn and when was the other being worn? Is there a
7 third or a fourth windbreaker?

8 No investigation of alternate suspects. We'll
9 leave the heavy set guy alone. We'll leave Ernest Mopkins
10 alone. We'll leave Donte Johns alone. We won't look for a
11 woman associated with all of these people. We won't look for
12 the guy with the dreads. We made our arrest and we're good.

13 Limited forensic processing because it wasn't worth
14 the time. Counts charged by the Government with no victims
15 to testify about them. Brandon was in California. These
16 stitches are coming out with each one of these points.

17 It's that important. Bear with me, reasonable
18 doubt. The defendant is proved -- is presumed innocent until
19 the contrary is proved.

20 Read it again when you go back to deliberate. It's
21 that important. An abiding conviction of the truth of the
22 charge.

23 The presumption of innocence, our system of
24 government, it's all interlinked and tied. It's the
25 liberties we all enjoy. It's the liberties and the rights

1 that Mr. Starr enjoys and needs.

2 If you have a reasonable doubt as to the guilt of
3 the defendant, he is entitled to a verdict of not guilty.
4 That's the law. You promised to follow the law.

5 I'm asking you now to break the mold, and if you so
6 decide during your deliberation, do what is right, maybe not
7 what is easy, and find Mr. Starr not guilty on all counts.

8 THE COURT: Thank you, Mr. Maningo.

9 MR. MANINGO: Thank you, sir.

10 THE COURT: Okay. Ms. Mercer.

11 MS. MERCER: Thank you, Your Honor. May I approach
12 your clerk and get some exhibits, Your Honor?

13 THE COURT: Sure. Ms. Mercer.

14 (Pause in the proceedings)

15 MS. MERCER: May I proceed, Your Honor?

16 THE COURT: Yes.

17 STATE'S REBUTTAL CLOSING ARGUMENT

18 MS. MERCER: Ladies and gentlemen, I'm not going to
19 stand up here for two hours and go tit-for-tat with the
20 defense on every minor thing that they pointed out to you all
21 because I know that you've sat here and listened attentively
22 for two weeks and you're intelligent enough to put the pieces
23 of this puzzle together on your own.

24 There is one point that the defense made that
25 actually I do agree with, though. And it's that two people

1 took the easy way out. These two people. Instead of going
2 out and getting a good job and earning their money the hard
3 way, like the people that they robbed, they went out and at
4 gunpoint took money that wasn't theirs. So I agree with that
5 part.

6 And I don't think I need to go over again with you
7 how dissimilar the night owl series is from our series. No
8 red gloves, no masks, no bandanas, no nothing. Completely
9 unrelated.

10 And have you Detective Abell's synopsis back there.
11 When you flip through it, you'll see exactly what he meant
12 when he said -- he didn't say that I identified two suspects
13 in 13 events. What he said was I identified these two men in
14 all 13 events. And he said I did it after watching the
15 surveillance videos over and over and over again.

16 MR. MANINGO: Objection, Your Honor. I think that
17 mischaracterizes the testimony. I understand it's for the
18 jury to decide.

19 THE COURT: It's argument, much like your argument.

20 MR. MANINGO: I understand.

21 THE COURT: The I'll leave the jury to -- that's
22 their decision.

23 MS. MERCER: He arrived at that conclusion after
24 watching the surveillance video over and over and over again.
25 He arrived at that conclusion after recovering all the

1 property linking these two to these robberies in their car
2 and in their home.

3 It wasn't a decision he made lightly. He did his
4 job. And you have all the surveillance video. As my
5 co-counsel told you, please watch it, because when you watch
6 it, you will see that Brandon Starr has a very distinctive
7 manner of carrying himself. Tony Hobson does as well. And
8 in those videos you will see Tony Hobson's tennis shoes at
9 least ten times.

10 You'll also notice when you go through the video
11 that in several of those incidents, when Brandon Starr
12 extends his arm to hold the gun at his victim's head or scare
13 the living daylights out of them, you can see some of his
14 arm. And from the skin that you can see in the video, you
15 can tell it's not Donte Johns holding that again and you can
16 tell it's not Tony Hobson holding that gun. Brandon Starr is
17 the medium complected defendant in this case. Not dark
18 skinned.

19 And you can see the back of his head in several of
20 the videos. And several of the videos he forgets to put his
21 hood up. Look at the pictures of him from the back. You can
22 see his (inaudible). It's him. Those hats are all his. The
23 gloves in the trunk had his DNA on it.

24 When you put the pieces of the puzzle together, the
25 pieces of that puzzle indicate that it's these two committing

1 those armed robberies. The defense told you and I'm going to
2 stand up here and tell you -- try to explain to you why was
3 it is that I gave Donte Johns such a sweet deal. I'm not
4 going to do that. You know why? Because I don't need to.

5 Even without Donte Johns in this case, these two
6 are guilty. Even without a single word having come out of
7 his mouth, you'd still have to convict these two. But when
8 you consider Donte Johns' testimony, I want you to please
9 consider one thing, and use your common sense.

10 Donte Johns is the brother of Tony Hobson. Donte
11 Johns is the childhood friend of Brandon Starr. When he
12 confessed to being the getaway driver, his liability for
13 these crimes became exactly the same as theirs. It didn't
14 matter that he wasn't the gunman. He was still charged with
15 the same offenses.

16 So when he was being interviewed with the
17 detective, if it wasn't Brandon Starr and it wasn't Tony
18 Hobson, wouldn't that have been the perfect time to try to
19 help them out? Say no, it wasn't my brother and it wasn't
20 Brandon Starr.

21 There was no deal in place at that time. The case
22 hadn't even come to the DA's Office. He was telling the
23 truth.

24 And ask yourselves this question, when you go out
25 and you commit 82 violent serious felonies, who are you going

1 to do it with? Are you going to create this large circle of
2 people that alternates in and out doing the robberies or are
3 you going to go do it with your childhood friend that you
4 grew up with in California who moved out here together and
5 your childhood friend's brother because you think that they
6 won't squeal?

7 With regards to the residence, who here leaves
8 their checkbook at someone else's house? Brandon Starr's
9 checkbook was found at that house. Brandon Starr's bills
10 were found in that house. Do you honestly think Tony Hobson
11 let Brandon Starr live at that apartment with his girlfriend
12 and he wasn't there?

13 Not to mention the fact that when you go through
14 the photos of the search warrants, what's on that dresser?
15 Men's Axe deodorant. Unless they started making women's
16 deodorant that I'm not familiar with. Brandon Starr was
17 staying in that room. And Tony Hobson was living in that
18 house.

19 Mr. Tanasi says well, you know what, you need to
20 find them not guilty because they didn't take the photograph
21 of the blue bag. Is the blue bag the deal clincher in this
22 case? Really? The blue bag? Do you really need the blue
23 bag to put it all together and find these two guilty or is it
24 the fact that their DNA is on the gloves that they're wearing
25 in every single robbery? Is it the fact that their caught

1 red handed? That's what makes them guilty.

2 And what about these receipts? Oh, yeah, you have
3 to find them not guilty because Detective Abell didn't
4 photograph all three receipts in the trash can and he only
5 photographed one. Again, receipts aren't the deal clincher
6 in this case.

7 And you heard from both of them, there's no report,
8 there's no video from Detective Weirauch. Is it really in
9 dispute that they were arrested red handed outside of the
10 Taco Bell? You've seen photo after photo after photo. What
11 would that have changed if Detective Weirauch had videotaped
12 with his cell phone from 75 feet away? Could you have made
13 anything out? No.

14 And the DNA, let's talk about the DNA. The DNA was
15 not retested. I'm not going to waste your time trying to
16 find the other copy, but when you compare these -- they're
17 out of order so make sure you pay attention to the labels at
18 the tops of the charts. When you compare them to one another
19 -- and I went over this with Crystal May over and over and
20 over again -- the same DNA profiles are still present. It's
21 just that because of this mixture profile interpretation
22 standard that they adopted, they have to have ten parts of
23 the major profile to one part of the minor profile, which
24 wasn't done -- which wasn't present in this case.

25 But she said, yes, those DNA profiles are still

1 there and I still stand by my original report. And by the
2 way, my original report was done under standards repeatedly
3 subjected to auditing by the FBI, by ASCLAD, et cetera, et
4 cetera, et cetera. Their DNA is still on that.

5 And that's not these items of evidence that you
6 consider separately. It's the piecing of it -- all the
7 evidence together that makes them guilty.

8 And then Mr. Maningo and Mr. Tanasi both blame the
9 State for not hauling in all 40 something witnesses in this
10 case. You have an instruction in your packet, instruction
11 number 16. I'm sorry, not 16. There's an instruction on
12 robbery that tells you that it's not necessary for the State
13 to prove actual fear. That the law will presume it under
14 circumstances in which a normal person would be placed in the
15 fear.

16 In this case, the State was not required to call in
17 every single witness, and you will notice that conspicuously
18 absent from these instructions is an instruction that
19 requires that of the State.

20 You saw all 13 videos. You saw all of the victims
21 present in those 13 videos. You heard testimony from the
22 witnesses identifying those people as being present. You saw
23 videos of them trying to flee out the backyard -- or the back
24 door. You saw the defendants holding them by gunpoint.

25 The law presumes that fear. I don't have to call

1 them in here and have them tell you yes, I was terrified to
2 death. They don't get to walk on those serious felonies and
3 the victimization of those people simply because I didn't
4 call those victims into court.

5 And on the topic of the video, you don't have to
6 rely on the witnesses' descriptions of what the suspects were
7 wearing whether it was blue glove or a yellow glove. You
8 have it on the video yourself.

9 With regards to -- I want to address Mr. Tanasi's
10 issue with the first degree of kidnapping, too, while I'm up
11 here, because he's -- he made it -- his argument was, was the
12 kidnapping really different from the robbery? Well, that's
13 not the standard. And you have them in those instructions,
14 which is number 26. And it tells you that if that kidnapping
15 was done for a significant -- an independent purpose, it's a
16 kidnapping.

17 And my co-counsel touched on it briefly, but when
18 you look at the circumstances of these incidents and the
19 incidents specifically where the kidnapping is charged, it
20 becomes apparent that it was done with the independent
21 purpose of keeping them from calling the police. Because
22 look at what else they did.

23 In every single robbery -- or robbery where a
24 kidnapping is charged, the phones were broken. The landline
25 phones were broken and they took their cell phones. Why do

1 that? So that they can't call the police. That's why it was
2 necessary to detain these victims, to hold these victims
3 against their will. And that's why it's first degree
4 kidnapping.

5 You also have an instruction in there that tells
6 you, you can't even get to second degree kidnapping or false
7 imprisonment until you've decided -- until one of two things
8 happen; you've decided that they're not guilty of the first
9 degree kidnapping or you can't come to an agreement as to
10 whether or not they're guilty on the first degree kidnapping.

11 If all 12 of you agree that they are guilty beyond
12 a reasonable doubt of the first degree kidnapping with a
13 deadly weapon, that's the count -- the conviction you have to
14 return. They don't get a freebie.

15 Let's talk about what evidence wasn't presented in
16 this case. The evidence that wasn't presented in this case
17 is that Tony -- or that Brandon Starr was in California.
18 What you heard was testimony that Brandon Starr bought a
19 ticket sometime between 24 hours and an hour before the bus
20 departed at 10:00 p.m., and that when he purchased that
21 ticket, he showed an ID. He wasn't required to show an ID
22 when he boarded the bus so anybody could have used that
23 ticket. And you don't have any evidence when he returned.

24 Reshitta McCollough, his sister, tried to help him
25 out and say yeah, I picked him up at the bus stop on the 5th,

1 but what evidence do you have that this man was not here in
2 Las Vegas on those dates? None.

3 Reshitta McCollough did offer a few very important
4 pieces of evidence in this case, though. One, that those red
5 and gray gloves are, in fact, her brother's and not Donte
6 Johns or Tony Hobson's. Remember, she said he wears them all
7 the time to work on our cars. And she said, when asked by
8 the judge, does your brother play baseball? Yep, he used to.
9 Guess what that glove is? A batting glove.

10 She also told you where Brandon Starr worked.
11 Brandon Starr worked at Smash Burger. What is Smash Burger?
12 Do you think maybe Brandon Starr was familiar with the
13 closing procedures of fast food restaurants? Do you think
14 maybe Brandon Starr was familiar with the best time to hit
15 those fast food restaurants? Do you think maybe Brandon
16 Starr knew where to look for video cameras so that he could
17 duck out of sight when he's in there?

18 With regards to the things that weren't tested.
19 Ask yourselves what item of evidence would you have liked
20 tested that would have changed the results in this case? Do
21 you really need to have the car that they were arrested in
22 fingerprinted and processed for DNA? No. They were found in
23 the car. You're going to find their DNA and their prints in
24 the car.

25 And my co-counsel went through that extensively.

1 All of the hats used in the robberies were found at their
2 apartment. All of the jackets found on them, the shoes found
3 on them. Every item of evidence was recovered and associated
4 with them.

5 And when you consider the testimony of Reshitta
6 McCollough, please keep in mind that one of the factors used
7 to assess a witness's credibility is the reasonableness of
8 their statements. Well, my co-counsel must have asked her a
9 dozen times would it change your opinion if your brother
10 pistol whipped these people about whether or not your brother
11 was a peaceful, nonviolent person? One time she refused to
12 answer the question. Another time she said, no, because I
13 grew up with him so I don't really think it would change my
14 opinion. Another time she said, well, I'd have to think
15 about it. Are those reasonable statements? No.

16 And then let's talk about Tony Hobson's sister.
17 That's his sister. Both of these witnesses were related to
18 the witnesses. You're supposed to consider the relationship
19 to the parties when you assess credibility. Do they have a
20 motive to come in here and be dishonest? Is there an
21 incentive for them to lie? They both know that their
22 brothers are facing very harsh penalties. Did either one of
23 them ever bother to contact law enforcement or the DA's
24 Office so that further investigation could be done? No.

25 Tony Hobson's sister said, all you had is her

1 testimony. There are no photos of his belongings in her
2 apartment. No lease with his name on it. In fact, the lease
3 had her boyfriend's name and her two children's name, but
4 that was it. Her two children who, by the way, would have
5 been five and six years old at the time.

6 Court's indulgence. Ladies, at the end of the day
7 -- ladies and gentlemen, at the end of the day, all of the
8 evidence in this case proves beyond a reasonable doubt that
9 these two men committed all 82 counts in that Indictment.
10 They know that they committed these crimes. And that when
11 you go back to that jury room, State's going to ask that you
12 let them know that you also know that they committed these
13 crimes and that you hold them accountable for the very
14 serious acts that they committed between October 28th of 2014
15 and November 25th of 2014 and find them guilty on all counts.

16 THE COURT: Thank you, Ms. Mercer. Okay. At this
17 time, I'm going to ask that the clerk swear my officers to
18 take charge of the jurors and the alternate jurors.

19 CLERK SWEARS OFFICERS OF THE COURT

20 THE COURT: Okay. Ladies and gentlemen, when we
21 selected the jury, I always put alternates on the jury, and
22 you saw exactly why. We lost three of you in the process of
23 this. Fortunately, I did put four on the jury because
24 usually we put two on. And we would have been in trouble if
25 I only put two of you here.

1 In the past, we've let the jury know who are the
2 alternates are before the end of the case. It's actually at
3 the beginning. And I found in my experience that I've
4 watched jurors, they aren't attentive, they won't -- they're
5 late, they just don't feel like they are important so they
6 don't appear and we have to chase them.

7 And so what I've done is we do it by secrecy. The
8 parties know who it is, I know who it is, and now I'm going
9 to let you all know who it is. We used to do it by random --
10 like a tub and we'd spin it and a number would come out and
11 then you'd find out right now, but we've changed that
12 process.

13 I want you to understand, though, once I tell you
14 who you are, you're still important to this case until I do
15 release you. I anticipate that there's going to be some
16 lengthy deliberation possibly in this matter, and so I am
17 going to need you to leave me your information where I can
18 get to you immediately. So the if something happens to one
19 of my jurors, I'll need you to come in and then the whole
20 deliberation process starts over again.

21 So Mr. Bigelow, you're my alternate. You probably
22 anticipated that. So but, you know, I will tell you, I
23 watched you and I thought you were very conscientious about
24 this. You paid a lot of attention. So -- but until I
25 release you, the admonishments that I've been informing you

1 all of still stand.

2 And so I am going to inform you again that you're
3 not to converse amongst yourself or with anyone else on any
4 subject connected with this trial. You're not to read, watch
5 or listen to any report or commentary on the trial or any
6 person connected with this trial by any medium of
7 information, including without limitation, newspapers,
8 television, Internet or radio. And you are not to form or
9 express any opinion on any subject connected with this trial
10 until you're asked to deliberate.

11 I am going to ask that you leave your information
12 with my clerk so we can get to you immediately. Okay?
13 Mr. Bigelow, if for some reason I don't see you again, I want
14 to thank you now, and I'm sure on behalf of all the parties,
15 they would be thanking you as well.

16 You cannot talk to anybody about this case until I
17 contact you one way through either my clerk to let you know
18 you've been excused. Okay?

19 JUROR NO. 15: (Inaudible).

20 THE COURT: All right. So all of the jurors, you
21 will be leaving with my marshal. He's going to put you in
22 the deliberation room. We've ordered you some food and
23 drinks. I'm sorry that it went into -- usually I get you
24 about lunchtime, and I know you've been here a long time. So
25 I'll go ahead and -- go ahead and take those instructions

1 with you, your notepads with you, any of your belongings that
2 you have with you, and follow my marshal out. And
3 Mr. Bigelow, go ahead and go with my marshal as well, okay?
4 We'll be at ease while the jury exits the courtroom.

5 (Jury retires to deliberate at 2:37 p.m.)

6 THE COURT: Go ahead and shut it. Okay. I'm going
7 to -- go ahead and shut it, Mr. Bigelow.

8 JUROR NO. 15: Okay.

9 (Outside the presence of the jury)

10 THE COURT: Okay. I'll go ahead and let them
11 deliberate until 5:00 tonight. We're going to feed them now.
12 If there's no verdict by then, I'll them brought back on
13 Monday at 8:30. And I'm going to have them deliberate until
14 5:00 each day.

15 I will be available Monday. After that, I've
16 talked to Judge Barker. He said he'd be willing to continue
17 with the jury process, and if there's a verdict, then he'll
18 accept it.

19 MR. TANASI: Okay.

20 THE COURT: Okay. Make sure you leave your
21 information where we can reach you. And before you leave, I
22 do want to tell you, Mr. Hobson and Mr. Starr, I appreciate
23 your, I guess, your respect for the court here today and
24 throughout this proceeding. I tell anyone that I see that
25 treats themselves as gentlemen or ladies when they're on trial

1 here, and I thought both of you did a great job with that.
2 All right?

3 THE DEFENDANT: All right, thank you.

4 THE COURT: Okay.

5 MR. MANINGO: Thank you, Your Honor.

6 THE COURT: All right.

7 THE COURT RECORDER: Off the record?

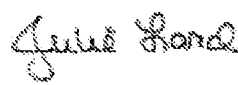
8 THE COURT: Yes, we're off the record.

9 (Court recessed at 2:39 p.m., until Monday,
10 May 23, 2016, at 1:44 p.m.)

11 * * * * *

12 CERTIFICATE

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

16
17 

18
19 _____
JULIE LORD, INDEPENDENT TRANSCRIBER

20

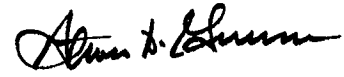
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CLERK OF THE COURT

1 **RTRAN**

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5 **DISTRICT COURT**
6 **CLARK COUNTY, NEVADA**
7

8 **THE STATE OF NEVADA,**

9 **Plaintiff,**

10 **vs.**

11 **TONY LEE HOBSON**
12 **BRANDON STARR,**

13 **Defendants.**

CASE#: C303022-1
C303022-2

DEPT. XIX

14 **BEFORE THE HONORABLE WILLIAM D. KEPHART, DISTRICT COURT JUDGE**
15 **THURSDAY, SEPTEMBER 8, 2016**

16 **RECORDER'S TRANSCRIPT OF PROCEEDINGS**
17 **SENTENCING**

18 **APPEARANCES:**

19 **For the State:**

ELIZABETH A. MERCER, ESQ.
Chief Deputy District Attorney

20 **For Defendant Hobson:**
21 **For Defendant Starr:**

RICHARD E. TANASI, ESQ.
LANCE A. MANINGO, ESQ.

22 **ALSO PRESENT:**

SANDRA STEWART, ESQ.
TERRANCE JACKSON, ESQ.

23
24
25 **RECORDED BY: CHRISTINE ERICKSON, COURT RECORDER**

1 THURSDAY, SEPTEMBER 8, 2016 AT 8:44 A.M.

2
3 THE COURT: Okay. We're on the record in State of Nevada versus Brandon
4 Starr and Tony Lee Hobson. This is case number C303022-1 and 2. This is the
5 time set for sentencing. I'd like the record to reflect the presence of Tony Lee
6 Hobson -- Mr. Tanasi is not present -- and the presence of Brandon Starr with Mr.
7 Maningo. Does anyone know where Mr. Tanasi is?

8 MS. MERCER: Your Honor, I texted him but I --

9 THE COURT: Here he is, he's right here.

10 All right. Mr. Maningo, is there any legal reason why we can't go
11 forward on this today?

12 MR. MANINGO: No, Your Honor.

13 THE COURT: Mr. Tanasi, is there any legal reason why we can't forward in
14 sentencing here today?

15 MR. TANASI: No, Your Honor. I apologize for being late.

16 THE COURT: Okay.

17 Mr. Hobson, I have a copy of a Pre-Sentence Investigation Report
18 dated August 17th 2016; have you reviewed this?

19 DEFENDANT HOBSON: Yes.

20 THE COURT: Also I've been handed a copy of a Defendant's Sentencing
21 Memorandum that Mr. Tanasi had that prepared on your behalf; have you reviewed
22 that as well?

23 DEFENDANT HOBSON: No.

24 THE COURT: Mr. Hobson, why don't you take a minute and read through that
25 and I'll go ahead and go to Mr. Starr, okay, and then when you're done I'll come

1 back to you.

2 DEFENDANT HOBSON: All right.

3 THE COURT: Okay. Mr. Starr.

4 DEFENDANT STARR: Yes, sir.

5 THE COURT: Good morning. I have a copy of a Pre-Sentence Investigation
6 Report dated August 18th 2016; have you received that?

7 DEFENDANT STARR: Yes, I have.

8 THE COURT: Did you read it?

9 DEFENDANT STARR: Yes, I have.

10 THE COURT: Is there anything in that report that you think is incorrect that I
11 need to correct at this time?

12 DEFENDANT STARR: Yes. It says that I have no kids, but I have a five year
13 old.

14 THE COURT: You have a five year old?

15 DEFENDANT STARR: Yes, sir.

16 THE COURT: Okay. Also, Mr. Maningo, something -- I want to think in the --
17 it says Victim Information Statement, It goes through the restitution and in both
18 cases the Department of Parole and Probation is recommending restitution in the
19 amount of \$12,279.45. That is a culmination of all of the counts, but in reading
20 through it I remembered that Mr. Starr was found not guilty of the 7-Eleven count.

21 MR. MANINGO: Correct.

22 THE COURT: And they're asking for \$100 financial loss there; do you agree
23 with me?

24 MR. MANINGO: I do, your Honor.

25 THE COURT: Okay. And then I'm not sure, I know that Mr. Hobson was

1 found not guilty of one of the Popeyes. They draw attention in the report to three
2 different Popeyes, and I'm not cognizant of the numbers that they assign to victims.
3 They had the victims' numbers here. I don't get those numbers. So, I don't know
4 which one applies to who on that. So, you might want to think about that, Mr.
5 Tanasi. I think it's the Popeyes with the \$2,000 loss but I'm not sure. There's three
6 different Popeyes. All right.

7 Okay. So, as a result of a jury verdict in this matter, Mr. Starr, I am
8 adjudicating you guilty of counts 1 -- let me go through these -- counts -- count 1,
9 burglary while in possession of a deadly weapon; count 2, conspiracy to commit
10 robbery; count 3, robbery with use of a deadly weapon; count 4, robbery with use of
11 a deadly weapon; count 5, robbery with use of a deadly weapon; count 6, robbery
12 with use of a deadly weapon; count 7, robbery with use of a deadly weapon that
13 pertain to the October 28, 2014 El Pollo Loco event.

14 You also will be adjudicated guilty of count 11, burglary while in
15 possession of a deadly weapon; count 12, conspiracy to commit robbery; count 13,
16 robbery with use of a deadly weapon; count 14, robbery with use of a deadly
17 weapon; count 15, robbery with use of a deadly weapon that pertain to the
18 November 1st 2014 Pizza Hut event.

19 You will also be adjudicated guilty of count 16, burglary while in
20 possession of a deadly weapon; count 17, conspiracy to commit robbery; count 18,
21 robbery with use of a deadly weapon; count 19, robbery with use of a deadly
22 weapon; count 20, robbery with use of a deadly weapon; count 21, robbery with use
23 of a deadly weapon that pertain to the November 3rd 2014 Pizza Hut event.

24 You will also will adjudicated guilty of count 22, burglary with use of --
25 I'm sorry -- burglary while in possession of a deadly weapon; count 23, conspiracy to

1 commit robbery; count 24, robbery with use of a deadly weapon; count 25, robbery
2 with use of a deadly weapon that pertain to the November 4th 2014 Little Caesars
3 event.

4 You will also be adjudicated guilty of count 26, burglary with -- while in
5 possession of a deadly weapon; count 27, conspiracy to commit robbery; count 28,
6 robbery with use of a deadly weapon; count 29, robbery with use of a deadly
7 weapon; count 30, robbery with use of a deadly weapon; count 31, robbery with use
8 of a deadly weapon; count 32, robbery with use of a deadly weapon that pertain to
9 the November 15th 2014 Popeyes event.

10 You will also be adjudicated guilty of count 33, burglary while in
11 possession of a deadly weapon; count 34, conspiracy to commit robbery; count 35,
12 attempt robbery with use of a deadly weapon; count 36, attempt robbery with use of
13 a deadly weapon that all pertain to a November 17th 2014 Burger King event.

14 You will also be adjudicated guilty of count 37, burglary while in
15 possession of a deadly weapon; count 38, conspiracy to commit robbery; count 39,
16 robbery with use of a deadly weapon; count 40, robbery with use of a deadly
17 weapon; count 41, robbery with use of a deadly weapon; count 41, robbery with use
18 of a deadly weapon; count 42, robbery with use of a deadly weapon; count 43,
19 robbery with use of a deadly weapon that all pertain to the November 17th 2014
20 Wendy's event.

21 You will also be adjudicated guilty of count 44, burglary while in
22 possession of a deadly weapon; count 45, conspiracy to commit robbery; count 46,
23 robbery with use of a deadly weapon; count 47, robbery with use of a deadly
24 weapon that all pertain to the November 21st 2014 Wendy's event.

25 You will also be adjudicated guilty of count 48, burglary while in

1 possession of a deadly weapon; count 49, conspiracy to commit robbery; count 50,
2 robbery with use of a deadly weapon; count 51, robbery with use of a deadly
3 weapon that all pertain to the November 22nd 2014 Popeyes event.

4 You will be adjudicated guilty of count 52, burglary while in possession
5 of a deadly weapon; count 54, conspiracy to commit robbery; count 56, robbery with
6 use of a deadly weapon; count 57, robbery with use of a deadly weapon; count 58,
7 robbery with use of a deadly weapon; count 59, robbery with use of a deadly
8 weapon that pertain to the November 23rd 2014 El Pollo Loco event.

9 You'll also be adjudicated guilty of count 60, burglary while in
10 possession of a deadly weapon; count 61, conspiracy to commit robbery; count 63,
11 second degree kidnapping with use of a deadly weapon; count 64, robbery with use
12 of a deadly weapon; count 65, second degree kidnapping with use of a deadly
13 weapon; count 66, robbery with use of a deadly weapon that will all pertain to the
14 November 23rd 2014 Taco Bell.

15 Count 68, burglary while in the possession of a deadly weapon; count
16 69, conspiracy to commit robbery; count 71, false imprisonment with use of a deadly
17 weapon; count 72, robbery with use of a deadly weapon; count 73, false
18 imprisonment with use of a deadly weapon; count 74, robbery with use of a deadly
19 weapon; count 75, false imprisonment with use of a deadly weapon; count 76,
20 robbery with use of a deadly weapon; count 77, false imprisonment with use of a
21 deadly weapon; count 78, robbery with use of a deadly weapon; count 79, false
22 imprisonment with use of a deadly weapon; count 80, robbery with use of a deadly
23 weapon which all pertain to the November 24, 2014 Popeyes event.

24 You will also be adjudicated guilty of count 81, conspiracy to commit
25 robbery and 82, attempt robbery with use of deadly weapon, as it pertains to the

1 November 25th 2014 at Taco Bell.

2 All right. Before I get to -- I'm going to have you argue it all together;
3 okay.

4 MS. MERCER: Okay.

5 THE COURT: All right. Okay. Mr. Hobson, did you have an opportunity to
6 review that sentencing memorandum?

7 DEFENDANT HOBSON: Yes.

8 THE COURT: Okay. Is there anything in the -- I'm sorry -- in the Pre-
9 Sentence Investigation Report that's dated August 17, 2016 that needs to be
10 corrected?

11 DEFENDANT HOBSON: No, not to my knowledge. I didn't see anything in
12 there that needs to be corrected.

13 THE COURT: Is there anything about the sentencing memorandum that's
14 been provided to the Court that you think is incorrect?

15 DEFENDANT HOBSON: No.

16 THE COURT: All right. Did you want me to consider the letters that were
17 attached also --

18 DEFENDANT HOBSON: Yes.

19 THE COURT: -- here? You have a letter from Christina Johnson, Brianna
20 Young, and Beatrice Johnson --

21 DEFENDANT HOBSON: Yes.

22 THE COURT: -- do you want me to consider those as well?

23 DEFENDANT HOBSON: Yes.

24 THE COURT: Okay. All right.

25 Consistent with your -- finding of guilt by the jury in this matter, Mr.

1 Hobson, you are adjudicated guilty of count 1, burglary while in possession of a
2 deadly weapon; count 2, conspiracy to commit robbery; count 3, robbery with use of
3 a deadly weapon; count 4, robbery with use of a deadly weapon; count 5, robbery
4 with use of a deadly weapon; count 6, robbery with use of a deadly weapon; count
5 7, robbery with use of a deadly weapon, all pertaining to the October 28, 2014 El
6 Pollo Loco event.

7 You also are adjudicated guilty of burglary while in possession of a
8 deadly weapon, count 8; count 9, conspiracy to commit robbery; count 10, robbery
9 with use of a deadly weapon, all pertaining to the October 29th 2014 7-Eleven event.
10 If I misspoke as to the previous counts, it's October 28th event.

11 MS. MERCER: Correct.

12 THE COURT: You are also adjudicated guilty as to count 11, burglary while
13 in possession of a deadly weapon; count 12, conspiracy to commit robbery; count
14 13, robbery with use of a deadly weapon; count 14, robbery with use of a deadly
15 weapon; count 15, robbery with use of a deadly weapon, all pertaining to the
16 November 1st 2014 Pizza Hut event.

17 You are also will adjudicated guilty of count 16, burglary while in
18 possession of a deadly weapon; count 17, conspiracy to commit robbery; count 18,
19 robbery with use of a deadly weapon; count 19, robbery with use of a deadly
20 weapon and count 20, robbery with use of a deadly weapon; count 21, robbery with
21 use of a deadly weapon, all pertaining to the November 3rd 2014 Pizza Hut event.

22 You are also adjudicated guilty of count 22, burglary while in
23 possession of a deadly weapon; count 23, conspiracy to commit robbery; count 24,
24 robbery with use of a deadly weapon; count 25, robbery with use of a deadly
25 weapon, all pertaining to November 4th 2014 Little Caesars event.

1 You're also adjudicated guilty of count 33, burglary while in possession
2 of a deadly weapon; 34, conspiracy to commit robbery; count 35, attempt robbery
3 with use of a deadly weapon; count 36, attempt robbery with use of a deadly
4 weapon; count 37 -- I'm sorry -- count 36. Those all pertain to the November 17,
5 2014 Burger King event.

6 You're also adjudicated guilty of count 37, burglary while in possession
7 of a deadly weapon; 38, conspiracy to commit robbery; 39, robbery with use of a
8 deadly weapon; 40, robbery with use of a deadly weapon; 41, robbery with use of a
9 deadly weapon; 42, robbery with use of a deadly weapon; 43, robbery with use of a
10 deadly weapon, all pertain to the November 17, 2014 Wendy's event.

11 You are also adjudicated guilty of count 44, burglary while in
12 possession of a deadly weapon; 45, conspiracy to commit robbery; 46, robbery with
13 use of a deadly weapon; 47, robbery with use of a deadly weapon pertaining to the
14 November 21st 2014 Wendy's event.

15 You are also adjudicated guilty of count 48, burglary while in
16 possession of a deadly weapon; 49, conspiracy to commit robbery; 50, robbery with
17 use of a deadly weapon; 51, robbery with use of a deadly weapon, all pertaining to
18 the November 22nd 2014 Popeyes event.

19 You're also adjudicated guilty of count 52, burglary while in possession
20 of a deadly weapon; 54, conspiracy to commit robbery; 55, false imprisonment with
21 use of a deadly weapon; 56, robbery with use of a deadly weapon; 57, robbery with
22 use of a deadly weapon; 58, robbery with use of a deadly weapon and 59, robbery
23 with use of a deadly weapon, all pertaining to a November 23rd El Pollo Loco event.

24 You're also adjudicated guilty of count 60, burglary while in possession
25 of a deadly weapon; 61, conspiracy to commit robbery; 63, second degree

1 kidnapping with use of a deadly weapon; 64, robbery with use of a deadly weapon;
2 65, second degree kidnapping with use of a deadly weapon; 66, robbery with use of
3 a deadly weapon; 68 -- 67 -- 66, I'm sorry. Those are all pertaining to the November
4 23rd 2014 Taco Bell event.

5 Count 68, burglary while in the possession of a deadly weapon; count
6 69, conspiracy to commit robbery; count 71, false imprisonment; count 72, robbery
7 with use of a deadly weapon; count 73, false imprisonment; count 74, robbery with
8 use of a deadly weapon; count 75, false imprisonment; count 76, robbery with use of
9 a deadly weapon; count 77, false imprisonment; count 78, robbery with use of a
10 deadly weapon; count 79, false imprisonment; count 80, robbery with use of a
11 deadly weapon. Those all pertain to the November 24, 2014 Popeyes event.

12 And count 80, conspiracy to commit robbery and count 82, attempt
13 robbery with use of deadly weapon, all pertaining to the November 25th 2014 Taco
14 Bell event.

15 Mr. Hobson and Mr. Starr, I'm going to hear from the State if they
16 choose to make any further argument in this matter and then I'll hear from you and
17 your attorney; okay.

18 DEFENDANT HOBSON: All right.

19 THE COURT: Ms. Mercer.

20 MS. MERCER: Thank you, Your Honor.

21 Your Honor, before I begin my argument, I just wanted to point out that
22 there were a couple of errors with the recommendations by P and P. As to Mr.
23 Hobson, on page 13 of his Pre-Sentence Investigation Report, P and P actually
24 recommended a sentence of imprisonment as to counts 35 and 36 of 12 to 48 with
25 the enhancement being 12 to 60. That would be an illegal sentence. The Court has

1 to give an equal or lesser sentence on the offense itself than the deadly weapon.

2 So, the State would propose that it be a 12 to 60 with a 12 to 60.

3 In addition, I have to -- Court's indulgence -- page 21 --

4 THE COURT: On Mr. Hobson's?

5 MS. MERCER: Yes. As to count 82, they didn't -- they neglected to
6 recommend a consecutive sentence on the attempt robbery with use. A consecutive
7 sentence is required by statute. The State would just propose it be a 12 to 60 on
8 attempt robbery and 12 to 60 with the -- as to the weapons enhancement.

9 THE COURT: Okay.

10 MS. MERCER: I am asking that the Court follow the recommendation of P
11 and P with those adjustments. By my calculations, it works out to 45 years to 152
12 years aggregated and a total of 540 months to 1,824 months. I believe that that is
13 an appropriate sentence in this case. As the Court recalls, they victimized a total of
14 43 victims and committed 13 separate robberies and then attempted a 14th.

15 The fact that their counter offer to the State before trial was a four to ten
16 tells the State that they don't appreciate the gravity of their conduct during that
17 approximately one month long period of time which causes the State concern
18 because then what incentive is there not to do it in the future.

19 The Court sat through the trial so I'm not going to belabor the facts.
20 You're well aware that this is more than a mild level of violence. They were holding
21 guns to female's heads, striking people with the firearms, punching a pregnant
22 woman. These are people who went to work to earn a living the way that you
23 should be earning a living and not committing armed robbery at businesses where
24 young teenagers and 20 something year olds are working.

25 I would also, as to Defendant Hobson -- Your Honor, P and P actually

1 provided me a breakdown of the restitution and which victim is which. As to
2 Hobson, the total amount of restitution should be \$10,279.45, \$3,050 of that goes to
3 El Pollo Loco, \$360 goes to Pizza Hut, a hundred to the 7-Eleven, 200 to Wendy's,
4 \$6,569.45 to Popeyes. That should be \$10,179.45 jointly and severally with
5 Defendant Starr. He has 654 days credit.

6 THE COURT: How many?

7 MS. MERCER: Six hundred and fifty-four days credit, Your Honor.

8 As to Defendant Brandon Starr, the total amount of restitution should be
9 \$12,179.45; again, the joint and several should be \$10,179.45. The only one that he
10 was not found liable for at trial was the \$100 7-Eleven event as the Court pointed
11 out. He also has 654 days credit.

12 As to his Pre-Sentence Investigation Report, there are also errors with
13 regards to the recommendations of P and P. On page 14, counts 35 and 36, same
14 error. They recommended a lower sentence on the underlying offence than the
15 deadly weapon. Again, the State would propose a 12 to 60 with 12 to 60
16 consecutive for each of those counts. And then on pages 20 and 21 with regards to
17 count 71, count 73, count 77, and count 79, the P and P officer failed to account for
18 the fact that the deadly weapon in that case is actually what elevates it from a gross
19 misdemeanor to a felony; it's not an enhancement. So, as to those counts, the
20 State would just recommend that the Court go with the underlying sentence
21 recommended by P and P and strike the deadly weapon enhancement.

22 There is also an error as to count 82 which is the same error that was
23 Mr. Hobson's. They forgot to recommend a consecutive sentence for the
24 enhancement, the deadly weapon enhancement. The State would --

25 THE COURT: Which one?

1 MS. MERCER: Count 82 on page 22.

2 THE COURT: They did, but they did it the numbers of 12 to 60 versus 12 to
3 48.

4 MS. MERCER: Right; yes. That's there.

5 THE COURT: Okay.

6 MS. MERCER: With regards to Defendant Starr's sentence -- the sentence
7 recommended by P and P is more than appropriate. In fact, I thought that P and P
8 was rather fair to both of them. They could have recommended much higher
9 sentences given the number of robberies that they committed and the number of
10 people that they victimized. But, again, his aggregate sentence with those
11 adjustments that I recommended to the Court is 540 months to 1,824 months
12 aggregate and 45 years to 152 years aggregated.

13 THE COURT: One-fifty two?

14 MS. MERCER: Yes.

15 THE COURT: What was it on Mr. Hobson again?

16 MS. MERCER: It was the exact same, Your Honor.

17 THE COURT: Forty-five to 1 --

18 MS. MERCER: The way that P and P structured the --

19 THE COURT: One-fifty two; right?

20 MS. MERCER: Correct.

21 THE COURT: Okay.

22 MS. MERCER: And that's because of the way that P and P structured their
23 sentence recommendations.

24 THE COURT: Okay. All right. Thank you, Ms. Mercer.

25 Mr. Tanasi, did you want to -- I mean, just of because the way we have

1 them numbered, do you want it first or --

2 MR. TANASI: Sure.

3 THE COURT: Okay.

4 MR. TANASI: I have no problem, Your Honor.

5 THE COURT: Okay. I'll hear from you and your client.

6 MR. TANASI: Just to kind of clarify and I don't want to belabor of the facts of
7 the trial either, but just one fact that kind of continuously comes up is the punching
8 of a pregnant lady. I think that kind of mischaracterizes things and kind of
9 overstates it. The video spoke for itself. There wasn't actually, you know, the
10 mechanism of punching and striking. It was more of a kind of pushing and ushering
11 through the robbery process. That's not at all too necessarily minimize the events,
12 but I think punching a pregnant lady is a much more kind of grievous way of
13 describing what occurred than what actually occurred.

14 And with respect to the negotiations, you know, my recollection of them
15 are a little bit different as far as what we were willing -- my client was willing to
16 accept and it wasn't the four to ten prior to trial in this case; it was actually as high
17 as ten, ten years on the bottom.

18 In this case what I'm -- what Mr. Hobson is requesting from Your Honor
19 is a sentence of ten to 25, aggregate sentence of ten to 25. That sentence, Your
20 Honor, could be accomplished by my calculation legally through a sentence on
21 count 3 of robbery of six to 15 with the deadly weapon enhancement of four to ten to
22 run consecutive thereto, and then taking every other count and run it essentially
23 concurrent to that primary sentence. That's kind of legally the way that I see the --
24 that this Court could get to the ten to 25 that we're requesting.

25 In this case, Your Honor, Mr. Hobson is a 27 year old young man. He

1 has no felony or misdemeanor prior convictions. He's father of three young children.
2 His fiancé is actually in the courtroom here today showing her support and love for
3 him and his importance to their family. As Your Honor knows and has seen with the
4 sentencing memorandum, there are several other family members who speak very
5 highly of Mr. Hobson and Mr. Hobson's character.

6 In this case, prior to being arrested, Mr. Hobson was gainfully employed
7 with Pep Boys actually close to getting a promotion, and prior to that he had several
8 other employment -- gainful employment opportunities. He also went as far as the
9 12th grade and he almost completed his diploma showing his ability to get through
10 the education system and not necessarily complete it but go to school for a long
11 time.

12 The request essentially of ten to 25, when you compare it to a first
13 degree murder case where an available sentence is 20 to life is a proportional
14 sentence in this case. And the reason I say that it's not to at all minimize what
15 occurred in this case and the fear that these folks must have had while they were
16 being robbed and ushered through the robbery process, it's not to minimize that in
17 any way. But when Your Honor is fashioning a sentence, the P and P sentence, the
18 recommendation, is solely hinging on component and that's punishment. It doesn't
19 seem at all to factor in any other components of sentencing, deterrents,
20 rehabilitation. It basically is saying that let's just put Mr. Hobson in a box for a long,
21 long time, there's no chance the parole system's going to work, there's no chance
22 that he can be rehabilitated. A ten to 25 sentence is quite the opposite.

23 Ten years is a long time. Even -- ten years is ten years away from his
24 family and ten years away from his children. Ten years is nothing to sneeze at. It's
25 a very long time for a 27 year old man; it's a long time for any person of any age. At

1 the end of that 20 years, Your Honor, as you know he'll have to prove to the parole
2 board that he should be released. And, again, sentencing him to essentially a life
3 sentence, the 45 year sentence that P and P is recommending when you do the
4 increases that State has mentioned, is longer than a sentence for somebody who
5 murders someone, for an available sentence for someone who murders someone.
6 As Your Honor knows, 20 to life is an available murder sentence. Forty-five years
7 doubles that and then some.

8 And so based on that, Your Honor, I would submit that the ten to 25
9 year sentence that we're requesting is a proportionate sentence in this case and it's
10 a sentence available to Your Honor and it's a sentence that we ask Your Honor to
11 impose in this case. Thank you.

12 THE COURT: Thank you. Mr. Hobson, did you want to say anything? I read
13 the statement in here that on advice of counsel you didn't want to address the Court
14 anymore. I mean, it's really up to you.

15 DEFENDANT HOBSON: I mean, I just want to say basically that I feel as
16 though, you know, there's a lot more that I could have done for my defense, you
17 know, and trial and stuff like that. I feel as though there's a lot of stuff that wasn't
18 really brought to the light, you know, that I'm not sure if the District Attorney knew
19 about, but I'm sure the detective and other people know about but they didn't want
20 to bring up. You know, that definitely would have helped me and I'm sure that you
21 would have seen some of the stuff you would have possibly and I strongly note
22 highly that you would have granted other motions and stuff like that on our behalf,
23 you know.

24 I believe though, you know, the District Attorney she, you know, I'm not
25 going to speak to her personally but I feel as though, you know, she put a lot of

1 extras on stuff that, you know, obviously was saying like the punching of the lady
2 when she got on the stand and said that, you know, she was never punched, that
3 somebody just brushed up against her and stuff like that. I feel as though we was
4 guilty until proven innocent not innocent until proven guilty, you know. But other
5 than that, that's all I really wanted to say, you know. If you do sentence me to
6 something like my lawyer said, you know, ten to 25 years is a long time already
7 away from my kids and away from my family. I feel as though that that's a
8 appropriate sentence, you know, for me right now if you was going to sentence me
9 to anything.

10 THE COURT: All right. Okay. Thank you, Mr. Hobson. Did you want to
11 address the Court?

12 MR. MANINGO: Thank you, Your Honor.

13 This case has been in front of this courtroom for a long time.
14 Unfortunately, the Court never really got the full benefit of being able to meet
15 Brandon Starr and know and learn who he is and what he's all about.

16 I think the Court will recognize that throughout the trial and even before
17 the trial, Brandon was always a gentleman and was always respectful to this Court,
18 to the State, to his counsel, co-counsel, the Court staff, and everyone involved. And
19 that's who Brandon is. You can see from the PSI a lot of the things that speak to
20 who Brandon is; I mean, namely he has no criminal record really whatsoever, a
21 misdemeanor offense dating back to 2007, and that's it. That's it.

22 Since the time Brandon was 16 years old in California, he was fully
23 employed, working full time since he was 16. He also graduated high school while
24 being fully employed. He worked and saved up his money, saved up enough to try
25 to have a new life in Las Vegas. And when he came to Las Vegas he was

1 employed at Smashburger. He also took a second job when the opportunity arose
2 and worked full time at Polo Ralph Lauren at the outlet mall. He was also fully
3 employed at Pep Boys, so trying to make a better life for himself, his girlfriend
4 fiancé. And the PSI didn't address the fact that he does have a five year old
5 daughter. He wanted to care for her as well.

6 So, he's a young man, he gets his high school diploma, he works full
7 time, and then finds himself in this trial. I don't want the representations or the
8 statements made by the State to misguide this Court. It's true that there were
9 counter offers during the course of negotiations, but I don't want this Court to hear
10 that and think that that's any sort of acquiescence to the allegations in this case or
11 any sort of admissions of any guilt in this case. As this Court knows and sat through
12 a long trial, Brandon maintained his innocence throughout and maintains his
13 innocence today. Unfortunately but respectfully Brandon and I disagree with the
14 verdict returned by the jury.

15 Now Brandon has support from family, friends, employers in the
16 community. His mother, Karen Starr, I've spoken to her. She would tell you what a
17 good boy Brandon is, how he loves her and she loves him. His sister, Rashitta
18 McCollough [phonetic], she was in the courtroom during the trial and fully supports
19 Brandon. His girlfriend, Britney Rouse [phonetic], I've been in contact with her from
20 the first day that I was appointed to represent Brandon. She fully supports him and
21 wants him back in her life and wants him back in their daughter's life. I've spoken to
22 several of Brandon's employers. They all would say the same thing to this Court.
23 Brandon's a quality standup guy and always came to work on time, worked hard,
24 helped cover my shifts. Anything that we needed Brandon was there to help. He
25 just wanted to make money, earn a honest living, do what he could to support

1 himself and his family.

2 Just some quick touches on some mitigation, Your Honor, and the PSI
3 reflects on this really briefly, but he was born and raised in California. He was born
4 there but, unfortunately, his mother was addicted to drugs. At that point he was put
5 into foster care where unfortunately he was both physically and emotionally and
6 mentally abused. It was documented; I read about it. But despite that -- and I'm not
7 using that as any sort of excuse or explanation for doing bad things because if you
8 look at his record he overcame that. He didn't do bad things. He worked; he stayed
9 out of trouble other than the one arrest, a misdemeanor, in 2007.

10 The allegations in this case just don't speak to who Brandon is, but yet I
11 know the jury returned a verdict and I know now the Court is bound to sentence
12 Brandon. If you look at all of the charges and I know there's a lot of 'em, Your
13 Honor, but if you look at 'em and you look cumulatively in a sentence and for the
14 State to say that 45 years is -- and I don't want to miss -- what Ms. Mercer said, if it's
15 P and P was fair or that it was light, not even close on this.

16 As Mr. Tanasi argued to the Court, a sentence at the bottom of 45
17 years is the equivalent sentence you would give for multiple homicides. I mean, it's
18 off the charts in terms of how many years that they'd be sentenced to. This Court,
19 by my calculation, could sentence Brandon on the low end to three to eight, three to
20 eight years. I think that -- I believe that's an available sentence to the Court if you
21 ran the predicate offenses concurrent with one another and you ran the
22 enhancements at the minimum also concurrent with one another.

23 All I would do is suggest to the Court that that is an available sentence
24 as low as three to eight and if you take that -- and I know, Your Honor, you've done
25 these types of cases as a lawyer and a judge for years, but I just ask you to be fair

1 to Brandon in this situation and not go -- and not go anywhere near what P and P is
2 recommending because that, as I said, it's just off the charts.

3 I've advised my client of his rights. I'm not sure whether he wishes to
4 address the Court or not, Your Honor, but I would please beg for my client's mercy
5 as if this was homicide case because the years are so much I'd beg for his mercy
6 and ask the Court to consider a sentence in the three to eight year range. Then I'll
7 yield to Brandon as to what he wants to do now in addressing the Court. Thank you.

8 THE COURT: Mr. Starr, did you want to address the Court at all?

9 DEFENDANT STARR: Yes, sir.

10 MR. MANINGO: Court's indulgence, just one moment.

11 DEFENDANT STARR: With all due respect to the Court, Your Honor, like my
12 attorney said, I've always respected the Court but mostly I've always respected the
13 law. I did have an obstructing of justice. Me and an officer didn't agree on
14 something and I was arrested. Ultimately the DA didn't even chase the case. It
15 says there something about I had 36 months probation. I never was on probation.

16 As my lawyer said before I've had a steady paycheck since I was 16
17 years old. I moved out of Compton, California basically where I was raised to get
18 away from them -- to get away from it all. I grew up around gang bangers, drug
19 dealers, you name it, and I was never involved in any of that because I felt that I
20 needed to overcome that.

21 My mother was drug addict. I was adopted into a family who I was
22 emotionally and physically abused, but I'm not going to sit there and dwell on that
23 because right now it's really irrelevant. I just ask that you judge me fairly; I ask that
24 you judge me and my co-Defendant as if it was you standing up here and being
25 judged. I understand that it was a speculation that came to the light that should

1 have never come to the light and a lot of truth that didn't come to the light in this
2 case. I just asked to be judged fairly. I ask that you not take my life as the DA is
3 asking you to. I just want to see my daughter graduate high school. I appreciate it.

4 THE COURT: Thank you, Mr. Starr.

5 Mr. Hobson, Mr. Starr, you know, sometimes when we -- judges are, I
6 would say for the most part, when judges are involved in cases where individuals
7 take a deal and they negotiate we don't get the opportunity to see the full case. We
8 get bits and pieces of it from reports or whatever has been presented to us and
9 what's ever been said to us by the parties.

10 In this case, I sat through and watched a full trial. I have to tell you from
11 what I saw I thought it was a pretty compelling case. The evidence was pretty
12 damning against both of you. I think -- I'm pretty confident the jury got this one right
13 based on -- when you look at it you can see that they didn't take it lightly with the
14 verdicts that they came back with. They had to study the instructions and reached
15 the point that they did.

16 The concern that I have here in -- and I take your attorneys' arguments
17 wholeheartedly with respect to the way we treat homicides in the state of Nevada
18 and I understand that. And I understand both of you are young men and it's hard for
19 me to look out there amongst individuals that are young such as you two are and
20 realize that I'm sending you to prison. You both are going to prison for a
21 considerable amount of time. I'm not necessarily persuaded by the State with the
22 amount that they're asking for or the department what they're asking for. You know,
23 I can't get around the fact that there was 48 plus victims involved in this case. I
24 consider all of them of concern to me, and it didn't seem from watching the videos
25 and what I saw that it was of concern at all to you two, the way that they were

1 treated, the way that they were moved around as if they were just in your way to get
2 to the point which you wanted.

3 So, what I'm telling you now is that with respect to each victim, my first
4 inclination was is to run everything consecutive because I think each victim should
5 have a say here. But then that puts you into hundreds of years and I'm not going to
6 do that. I do believe thought, however, it took attention and thought before you went
7 to each different crime scene at different restaurants that you were addressing. So,
8 I will tell you that I agree with the Department of Parole and Probation with
9 consecutive time for each one of them.

10 So, with that being said, I'll address Mr. Hobson first. As to count 1,
11 burglary while in possession of a deadly weapon -- actually I'll do this with both of
12 you that way you'll understand -- I truly believe that you are both equally culpable
13 here. I know that there's certain discrepancies as to what individual -- which you
14 were found guilty and not guilty of and I completely accept that from the jury.

15 Count 1, burglary while in possession of a deadly weapon with both Mr.
16 Hobson and Mr. Starr, I'm sentencing you to 12 months minimum 84 months
17 maximum in Nevada Department of Corrections. I'll go ahead and do the restitution
18 on that now. With respect to Mr. Starr, I'm going to order \$12,179.45. With respect
19 to Mr. Hobson, it will be \$10,279.45.

20 Count 2, conspiracy to commit robbery; it will be 12 months minimum
21 36 months maximum. That will run concurrent with count 1, and that's as to both
22 Defendants.

23 Count 3, robbery with use of a deadly weapon; 24 months minimum 84
24 months maximum Nevada Department of Corrections with a consecutive 12 months
25 minimum 60 months maximum Nevada Department of Corrections for use of the

1 deadly weapon as to both Defendants.

2 To count 4, robbery with use of a deadly weapon; 12 months minimum
3 -- I'm sorry -- 24 months minimum 84 months maximum Nevada Department of
4 Corrections with a consecutive 12 months minimum 60 months maximum for use of
5 the deadly weapon as to both Defendants.

6 Count 5, 24 months minimum 84 months maximum with a consecutive
7 12 months minimum and 60 months maximum for use of the deadly weapon.

8 Count 6, 24 months minimum 84 months maximum with a consecutive
9 minimum of 12 months and 60 months maximum for use of the deadly weapon.

10 Count 7, robbery with use of a deadly weapon; 24 months minimum 84
11 months maximum with a consecutive 12 months minimum and 60 months maximum
12 for use of the deadly weapon. That applies to both Defendants on all those counts.

13 As to count 8, this only applies to Mr. Hobson, he'll be 12 months
14 minimum 84 months maximum Nevada Department of Corrections.

15 Count 9, only applies to Mr. Hobson, conspiracy to commit robbery; 12
16 months minimum 36 months maximum Nevada Department of Corrections.

17 Count 10, only applies to Mr. Hobson, 24 months minimum 84 months
18 maximum Nevada Department of Corrections plus a consecutive 12 months
19 minimum 60 months maximum for use of a deadly weapon.

20 MS. MERCER: And, Your Honor, I'm sorry. As to count 8 is that running
21 consecutive to count 7?

22 THE COURT: Yes. Eight, 9 and 10 will all run consecutive to -- well let me
23 make it clear. Eight, 9 and 10 are concurrent with each other but they run
24 consecutive to counts 1 through 7.

25 MR. TANASI: And then, Your Honor, counts 1 through 7, are those running

1 concurrent to each other?

2 THE COURT: Concurrent, yes, yes. Okay.

3 Count 11 applies to both Defendants, Mr. Hobson as well as Mr. Starr,
4 burglary on possession of deadly weapon will be 12 months minimum 84 months
5 maximum Nevada Department of Corrections.

6 As to count 12, conspiracy to commit robbery, 12 months minimum 36
7 months maximum Nevada Department of Corrections.

8 As to counts 13, robbery with use of a deadly weapon, 24 months
9 minimum 84 months maximum Nevada Department of Corrections plus a
10 consecutive 12 months minimum 60 months maximum for use of the deadly
11 weapon.

12 Count 14, 24 months minimum 84 months maximum Nevada
13 Department of Corrections plus a consecutive 12 months minimum 60 months
14 maximum in Nevada Department of Corrections for use of a deadly weapon.

15 Count 15, 24 months minimum 84 months maximum plus a consecutive
16 12 months minimum 60 months maximum Nevada Department of Corrections.

17 Eleven, 12, 13, 14 and 15 will all run concurrent with one another, however, they will
18 be consecutive to -- in Mr. Starr's position it would be consecutive to counts 1
19 through 7, and Mr. Hobson's will be consecutive to, I believe, it's count --

20 MS. MERCER: Eight, 9 and 10.

21 THE COURT: Eight, 9 and 10. Okay.

22 Count 16 applies to both Defendants, burglary while in possession of a
23 deadly weapon, 12 months minimum 84 months maximum Nevada Department of
24 Corrections.

25 Count 17, conspiracy to commit robbery; 12 months minimum 36

1 months maximum.

2 Count 18, robbery with use of a deadly weapon; 24 months minimum
3 84 months maximum plus a consecutive 12 months minimum 60 months Nevada
4 Department of Corrections.

5 Count 19, robbery with use of a deadly weapon; 24 months minimum
6 84 months maximum plus a consecutive 12 months minimum and 60 months
7 maximum Nevada Department of Corrections.

8 Number 20; 24 months minimum plus 84 months maximum for robbery
9 with use of a deadly weapon and also 12 months minimum and 60 months
10 maximum consecutive for use of the deadly weapon.

11 Count 21, robbery with use of a deadly weapon; 32 months maximum
12 84 months -- I'm sorry -- 24 months minimum 84 months maximum plus a
13 consecutive 12 months minimum plus 60 months maximum for use of the deadly
14 weapon.

15 Twenty-two applies to -- 22 on these counts also apply to both
16 Defendants. Count 22, burglary while in possession of a deadly weapon; 12 months
17 minimum 84 months maximum Nevada Department of Corrections.

18 MS. MERCER: I'm sorry, Your Honor. As to Count 16 through 21, are those
19 running consecutive?

20 THE COURT: Oh, I'm sorry, yes. I want it clear that each event that I
21 separated when I first read the client, that I want each event is going to run
22 consecutive. So, counts --

23 MS. MERCER: Sixteen through 21.

24 THE COURT: Sixteen through 21 will run consecutive to counts -- count 15 in
25 both occasions. Okay.

1 Count 22, once again, burglary while in possession of a deadly weapon,
2 will be 12 months minimum 84 months maximum.

3 Count 23, 12 months minimum 36 months maximum.

4 Count 24, 32 months -- 12 months minimum 84 months maximum plus
5 a consecutive 12 months minimum 60 months maximum for use of the deadly
6 weapon.

7 Count 25 will be 24 months minimum 84 months maximum Nevada
8 Department of Corrections plus a consecutive 12 months minimum 60 months
9 maximum for use of a deadly weapon.

10 Counts 22 through 25 will run consecutive to count 21 in both situations
11 and will run concurrent with each other consecutive to count 21.

12 Count 33 -- I'm sorry -- count 26 only applies to Mr. Starr. This is
13 burglary while in possession of deadly weapon; 12 months minimum 84 months
14 maximum. For conspiracy to commit robbery, count 27, 12 months minimum 36
15 months maximum. Robbery with use of a deadly weapon in count 28 will be 24
16 months minimum 84 months maximum plus a consecutive 12 months minimum and
17 60 months maximum for use of a deadly weapon.

18 Count 29 is 24 months minimum 84 months maximum plus a
19 consecutive 12 months minimum and 60 months maximum for use of a deadly
20 weapon.

21 Count 30, 24 months minimum 84 months maximum plus a consecutive
22 12 months minimum and 60 months maximum.

23 Count 31, 24 months minimum 84 months maximum plus a consecutive
24 12 months minimum and 60 months maximum for use of a deadly weapon.

25 Count 32, 24 months minimum 84 months maximum plus a consecutive

1 12 months minimum and 60 months maximum for use of a deadly weapon.

2 MS. MERCER: And 26 through 30 to run consecutive to 25.

3 THE COURT: Yes, 26 through -- 26 through 32 will run consecutive to count
4 25 on Mr. Starr's situation, however, they will run concurrent with each other. Okay.
5 Counts 26 through 32.

6 Counts 33 apply to both Defendants, burglary while in possession of
7 deadly weapon; 12 months minimum 84 months maximum.

8 Count 34, 12 months minimum 36 maximum.

9 Count 35, 12 months minimum 60 months maximum plus a
10 consecutive 12 months minimum plus 60 months maximum for use of a deadly
11 weapon.

12 Count 36, 12 months minimum 60 maximum plus a consecutive 12
13 months minimum 60 months maximum for use of a deadly weapon. Okay.

14 MS. MERCER: It's 33 through 36.

15 THE COURT: They will all run concurrent; 33 through 36 will run concurrent
16 with one another but consecutive to count 25 for Mr. Hobson and count 32 for Mr.
17 Starr.

18 Count 37 applies to both -- these apply to both Defendants, burglary
19 while in possession of a deadly weapon, will be 12 months minimum 84 months
20 maximum; 38, conspiracy to commit robbery, 12 months minimum 36 months
21 maximum; 39, robbery with use of a deadly weapon, 24 months minimum 84 months
22 maximum plus a consecutive 12 months minimum 60 months maximum for use of a
23 deadly weapon.

24 Count 40, 24 months minimum 84 months maximum plus the
25 consecutive 12 months minimum and 60 months maximum for use of a deadly

1 weapon; 41, robbery with use of a deadly weapon, 24 months minimum 84
2 maximum plus a consecutive 12 months minimum plus 60 months maximum for use
3 of a deadly weapon.

4 Count 42 is 24 months minimum 84 months maximum plus a
5 consecutive 12 months minimum and 60 months maximum for use of a deadly
6 weapon.

7 Count 43, 24 months minimum 84 maximum plus a consecutive 12
8 months minimum and 60 months maximum for use of a deadly weapon. Those
9 counts of --

10 MS. MERCER: Thirty-seven to 43.

11 THE COURT: Yeah, 37 through 43 will all run concurrent with one another
12 but consecutive to count 36 on Mr. Hobson as well as I think as Mr. Starr as well.

13 Count 44 applies to both individuals, burglary while in possession of a
14 deadly weapon; 12 months minimum 84 months maximum.

15 Count 45, 12 months minimum 36 months maximum.

16 Count 46, robbery with use of a deadly weapon; 24 months minimum
17 84 months maximum plus a consecutive 12 months minimum and 60 months
18 maximum for use of a deadly weapon.

19 Count 47, robbery with use of a deadly weapon; 24 months minimum
20 84 months maximum plus a consecutive 12 months minimum 60 months maximum
21 for use of a deadly weapon.

22 Counts 44 through 47 will run concurrent with each other but
23 consecutive to count 43; 48 applies to both individuals, burglary while in possession
24 of a deadly weapon; 12 months minimum and 84 months maximum.

25 Count 49 will be conspiracy to commit robbery, 12 months minimum

1 and 36 months maximum.

2 Count 50, robbery with use of a deadly weapon; 24 months minimum
3 84 months maximum in Nevada Department of Corrections plus a consecutive 12
4 months minimum and 60 months maximum for use of a deadly weapon.

5 Count 51, 24 months minimum 84 months maximum plus a consecutive
6 12 months minimum and 60 months maximum for use of a deadly weapon.

7 Counts 48 through 51 will run concurrent with one another but
8 consecutive to count 47.

9 Count 52 applies to both individuals, burglary while in possession of a
10 deadly weapon; 12 months minimum 84 months maximum.

11 Count 54, conspiracy to commit robbery, 12 months minimum and 36
12 months maximum.

13 Count 55 does not apply to Mr. Starr but to Mr. Hobson, will be a 12
14 months minimum and 36 months maximum for false imprisonment with use of a
15 deadly weapon.

16 Count 56 applies to both individuals, robbery with use of a deadly
17 weapon; 24 months minimum 84 months maximum Nevada Department of
18 Corrections plus a consecutive 12 months minimum and 60 months maximum for
19 use for a deadly weapon.

20 Fifty-seven applies to both individuals, robbery with use of a deadly
21 weapon; 24 months minimum 84 months maximum plus a consecutive 12 months
22 minimum 60 months maximum for use of a deadly weapon.

23 Fifty-eight applies to both individuals, robbery with use of a deadly
24 weapon; 24 months minimum 84 months maximum plus a consecutive 12 months
25 minimum and 60 months maximum for use of a deadly weapon.

1 Fifty-nine, robbery with use of a deadly weapon, applies to both
2 individuals; 24 months minimum 84 months maximum plus a consecutive 12 months
3 minimum and 60 maximum for use of a deadly weapon.

4 Counts 52 through 59 is applied to both individuals and will run
5 concurrent with each other but consecutive to counts 51.

6 Count 60 applies to both individuals, it would be burglary while in
7 possession of deadly weapon; 12 months minimum 84 months maximum.

8 Count 61, conspiracy to commit robbery, applies to both individuals, will
9 be 12 months minimum and 36 months maximum.

10 Count 63 applies to both individuals, second degree kidnapping with
11 use of deadly weapon; 24 months minimum 84 months maximum plus a consecutive
12 12 months minimum plus 60 months maximum for use of a deadly weapon.

13 Count 64 applies to both individuals, robbery with use of a deadly
14 weapon; 24 months minimum 84 months maximum plus a consecutive 12 months
15 minimum and 60 months maximum for use of a deadly weapon.

16 Count 65 applies to both individuals, second degree kidnapping with
17 use of a deadly weapon; 24 months minimum 84 months maximum plus a
18 consecutive 12 months minimum and 60 months maximum for use of a deadly
19 weapon.

20 Count 66 applies to both individuals, robbery with use of a deadly
21 weapon; 24 months minimum 84 months maximum plus a consecutive 12 months
22 minimum and 60 months maximum for use of a deadly weapon.

23 Those counts 60 through 66 will run concurrent with one another but
24 will be consecutive to count 59.

25 Count 68 applies to both individuals, burglary while in possession of a

1 deadly weapon; 12 months minimum 84 months maximum.

2 Sixty-nine, conspiracy to commit robbery; 12 months minimum and 36
3 months maximum.

4 Seventy-one applies to Mr. Hobson as a gross misdemeanor. He'll be
5 sentenced to 364 days in the Clark County Detention Center.

6 Count 71, as it applies to Mr. Starr, 12 months minimum plus 36 months
7 maximum.

8 Count 72 applies to both individuals; 24 months minimum 84 months
9 maximum plus a consecutive 12 months minimum 60 months maximum for use of a
10 deadly weapon.

11 Count 73 as to Mr. Hobson, false imprisonment, a gross misdemeanor,
12 he'll be ordered to spend 364 days in the Clark County Detention Center. Count 73
13 as it applies to Mr. Starr, 12 months minimum and 36 months maximum Nevada
14 Department of Corrections.

15 Count 74 applies to both individuals, robbery with use of a deadly
16 weapon; 24 months minimum 84 months maximum plus a consecutive 12 months
17 minimum 60 months maximum for use of a deadly weapon.

18 Count 75 as it applies to Mr. Hobson, a gross misdemeanor, 364 days
19 in the Clark County Detention Center. As it applies to Mr. Starr, 12 months
20 minimum 36 months Nevada Department of Corrections.

21 Count 76 applies to both individuals, robbery with use of a deadly
22 weapon; 24 months minimum 84 months maximum plus a consecutive 12 months
23 minimum and 60 months maximum for use of a deadly weapon.

24 Count 77, false imprisonment, a gross misdemeanor as it applies to Mr.
25 Hobson, 364 days in the Clark County Detention Center. As it applies to Mr. Starr,

1 12 months minimum and 36 months maximum Nevada Department of Corrections.

2 Count 78 applies to both individuals, robbery with use of a deadly
3 weapon; 24 months minimum 84 months maximum Nevada Department of
4 Corrections plus a consecutive 12 months minimum and 60 months maximum
5 Nevada Department of Corrections for use of a deadly weapon.

6 Count 79 as it applies to Mr. Hobson, 364 days in the Clark County
7 Detention Center; as it applies to Mr. Starr, 12 months minimum and 36 months
8 maximum Nevada Department of Corrections.

9 MS. MERCER: I think there's a count 80 too.

10 THE COURT: I know. Oh, I'm sorry.

11 Count 80 applies to both individuals, robbery with use of a deadly
12 weapon; 24 months minimum 84 months maximum plus a consecutive 12 months
13 minimum 60 months maximum for use of a deadly weapon.

14 Counts 68 through 80 will run concurrent with one another but
15 consecutive with 66.

16 And Count 81, conspiracy to commit robbery; 12 months minimum 36
17 months maximum, and 82, attempt robbery with use of a deadly weapon; 12 months
18 minimum 60 months maximum plus a consecutive 12 months minimum and 60
19 months maximum for use of a deadly weapon. That will run 81 and 82 will run
20 concurrent with one another but will run consecutive to count 80.

21 I have an aggregate total, if I added it right, I believe it's 39 years on the
22 bottom and 152 years on the top. I may be wrong with that. If I had been better in
23 math I wouldn't have been doing this.

24 MR. MANINGO: Was that calculation, Your Honor, for both Defendants?

25 THE COURT: I did. I tried to do them where they're both -- there may be

1 some discrepancies there, Mr. Maningo, but once I go through the actual Judgment
2 of Conviction and before I sign it, I'll make sure I go through and add it up with what
3 my notes are. So, I want you all to as well. I know you guys were taking notes as I
4 went along and I know Dave was. So, if you have something different than that, let
5 me know. Okay.

6 MR. TANASI: That's probably the fairest. I appreciate that, Your Honor;
7 probably the fairest way to --

8 THE COURT: Well I want you to look at it too and if I miss it I'll go back
9 through it, but there's so many that I want to make sure that I keep them straight.

10 The high end, I stayed with the high end.

11 MS. MERCER: Right; I caught that.

12 THE COURT: So, that should be, but I didn't go with the calculation that the
13 department came up with 32 months where -- I didn't see that.

14 You know, I really don't know, Mr. Hobson and Mr. Starr, I really don't
15 know what you have in the future for you. You know, I'd like -- I try to tell everybody,
16 I give you a vote of encouragement. Hopefully, you know, something comes of this
17 and, you know, that's an awful long time, I understand that, but I think it's
18 appropriate under the circumstances here. You guys -- you two were just a crime
19 spree going on. I feel like you wasted your life and I do have some feelings for you
20 about it, but I also have a tremendous amount of feelings for the victims of this case.

21 So, with that being said, is there anything further from the parties?

22 MS. MERCER: Your Honor, just because of a recent decision by one of the
23 appellate courts, I can't remember which one, that reversed a sentencing because
24 the Court didn't make specific findings under 193.165, could you state your
25 considerations for the deadly weapon enhancement so we don't have to do a re-

1 sentencing later.

2 THE COURT: My consideration for it?

3 MS. MERCER: Yeah, the things that you considered in reaching the
4 determinations on both the consecutive sentences.

5 THE COURT: Well my reasoning is because in each case -- first of all, I
6 found that there was different events. So, I felt that that was why I went consecutive
7 with that. Certainly I think it was appropriate that even each victim would be
8 addressed individually could be consecutive, but I tried to keep them together taking
9 into consideration the age of the Defendants and basically the manner in which they
10 were all together at one time when they were doing it. So, that's why I'm going
11 consecutive between --

12 MS. MERCER: I'm sorry, I was not clear, consecutive sentence on
13 enhancement, the deadly weapon enhancement.

14 THE COURT: I know. And then the deadly weapons, I find that because a
15 deadly weapon was used in these matters and it was appropriate that -- I believe
16 that it is appropriate that there be consecutive sentences under the statute.

17 MS. MERCER: Okay. Thank you, Your Honor.

18 THE COURT: All right.

19 MR. TANASI: Sorry. I would move at this time to withdraw, and I'm happy to
20 stay on and make sure we sort out this Judgment of Conviction first.

21 THE COURT: This is what I want to do. Until I sign -- I talked to Drew this
22 morning --

23 MR. TANASI: Okay.

24 THE COURT: -- and I know that Mr. Jackson and Ms. Stewart are here to
25 accept appointments in that. I'm not going to assign an appointment until I have the

1 JOC done.

2 MR. TANASI: Understood.

3 THE COURT: Because I want to make that I have -- and you two are on that
4 and I want to create another issue.

5 MR. TANASI: Understood.

6 THE COURT: So -- but I will -- if you have your orders now I'll go ahead and
7 take them but I'm going to hold them until I sign the JOC.

8 MR. TANASI: Okay.

9 THE COURT: I'll sign them -- because, quite honestly, if you serve that to be
10 filed because the JOC's not filed yet, it still have Mr. Tanasi and Mr. Maningo on
11 there until the JOC is final.

12 MS. STEWART: So then would Your Honor just mail it to me once it's
13 signed?

14 THE COURT: Yeah, that's fine. Do you have one, Terry?

15 MR. JACKSON: I didn't prepare an order. I just assume that when I showed
16 up I'll --

17 THE COURT: Okay.

18 MR. JACKSON: You know, I'm not worried about it.

19 THE COURT: All right. Okay, that's fine.

20 MR. JACKSON: When I start working on it, I'll send something over.

21 All right. So, I'm going to allow Mr. Tanasi to withdraw. Mr. Maningo,
22 do you have the same request?

23 MR. MANINGO: The same thing, Your Honor.

24 THE COURT: Okay. I'll hold on to these.

25 [Colloquy between the Court and Ms. Stewart]

1 MR. JACKSON: Once I get a JOC I'll just send it over appointing me and
2 send a letter and then get the file and start the ball rolling.

3 THE COURT: Perfect.

4 MS. MERCER: Your Honor, you also forgot to state the credit and the fees.

5 THE COURT: Oh,yeah.

6 MR. TANASI: I can tell you the credit for Mr. Hobson. I calculate it at 654
7 days.

8 THE COURT: Okay.

9 MS. MERCER: It's the same for both.

10 THE COURT: Both Defendants, 654 days credit for time served. A \$25
11 administrative assessment. I am going to order they undergo genetic testing and
12 pay \$150 fee for that as well as a \$3.00 DNA administrative assessment fee.

13 I order Mr. Brandon Starr to pay \$12,179.45 in restitution, and Mr.
14 Hobson to pay \$10,279.45 in restitution.

15 THE COURT CLERK: And is any amount of that joint and severally with each
16 other?

17 THE COURT: Joint and severally with each other. The \$10,279.45 is joint
18 and severally with both of them.

19 MR. TANASI: And one last thing. How do you -- how would you like us to
20 handle the JOC, just through email informally if you want us to submit anything?

21 THE COURT: Yeah. Just send me an email telling me what you've come up
22 with.

23 MR. TANASI: Okay.

24 THE COURT: Maybe if you don't mind, maybe just one of them.

25 THE COURT CLERK: How about when I receive it I'll forward it on.

1 THE COURT: How about we do that? We'll get the JOC, I send it to you, and
2 you guys tell me whether or not it's right.

3 MR. TANASI: Sounds good.

4 MS. MERCER: Thank you.

5 MR. TANASI: Thank you.

6 THE COURT: Yes, we're off the record.

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8 [Proceedings concluded at 9:49 a.m.]
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21 ATTEST: I do hereby certify that I have truly and correctly transcribed the
22 audio/video proceedings in the above-entitled case to the best of my ability.

23 
24 PATRICIA SLATTERY
25 Court Transcriber