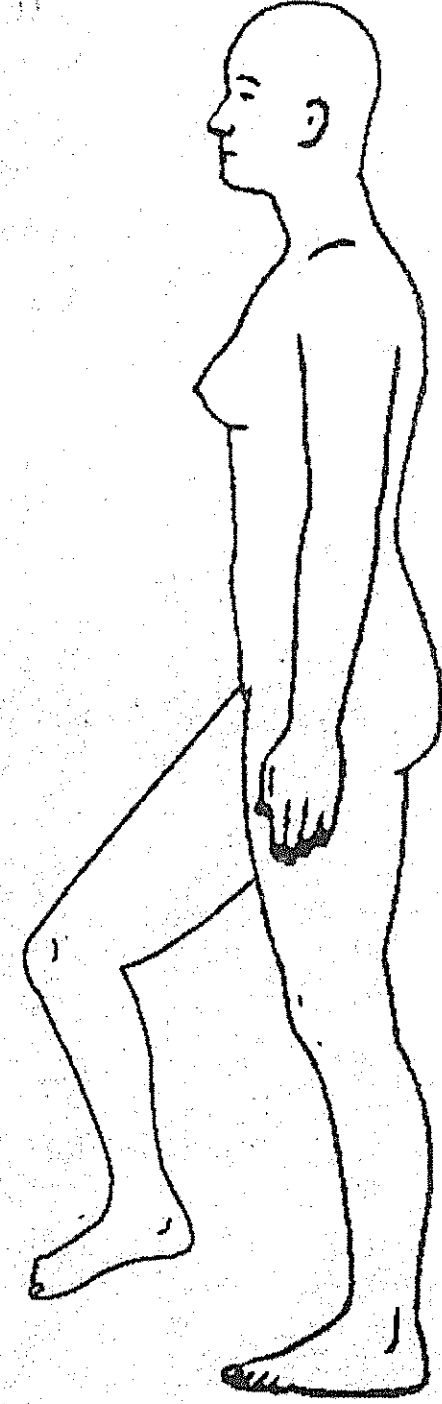
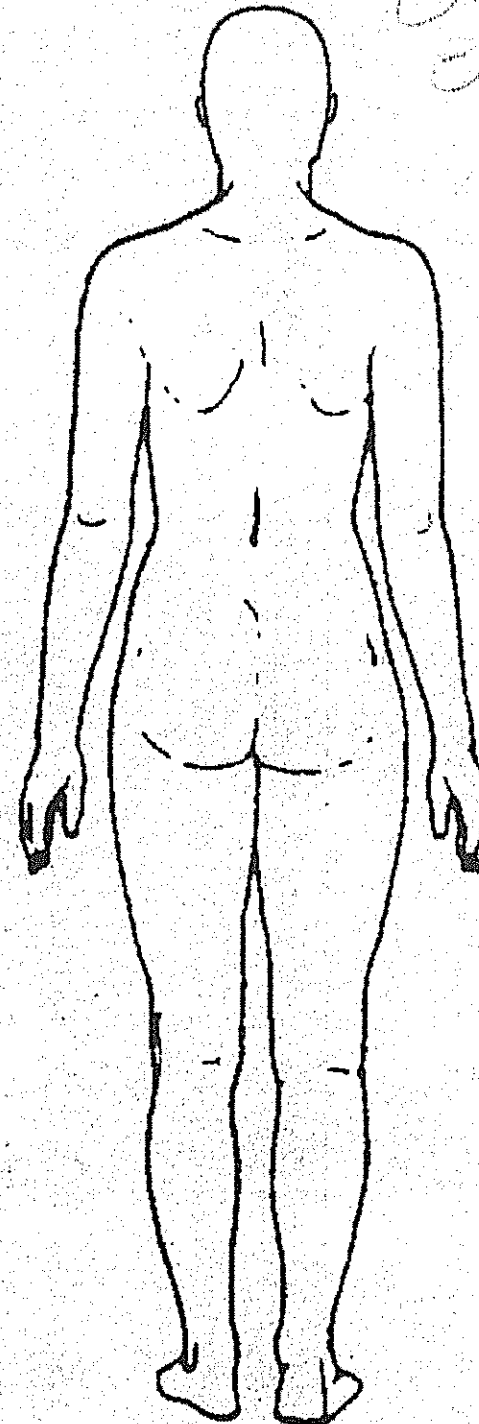
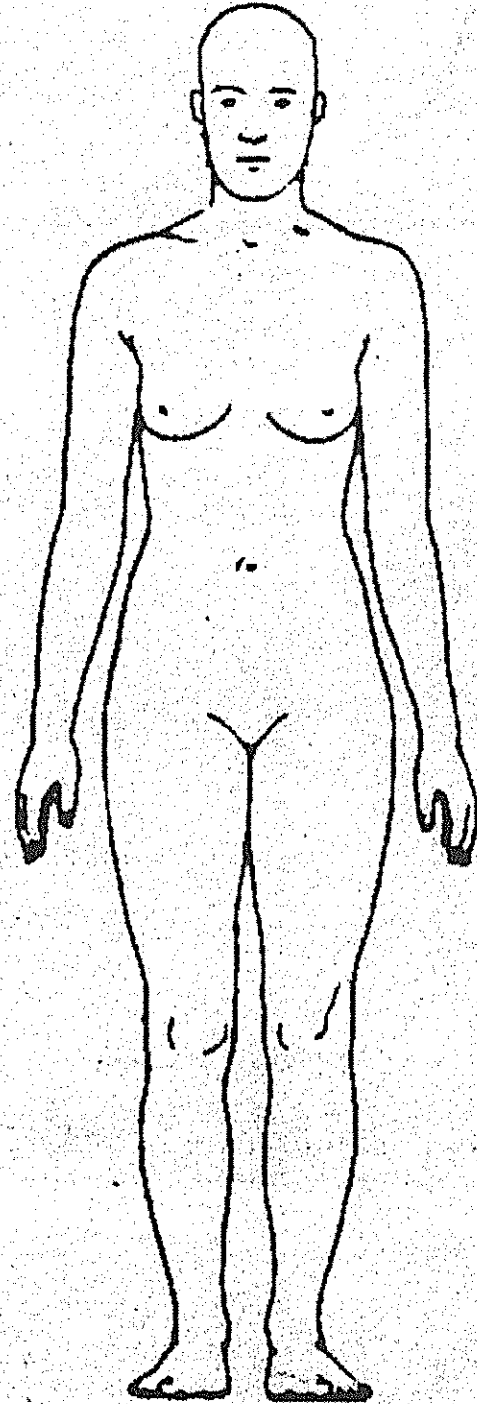
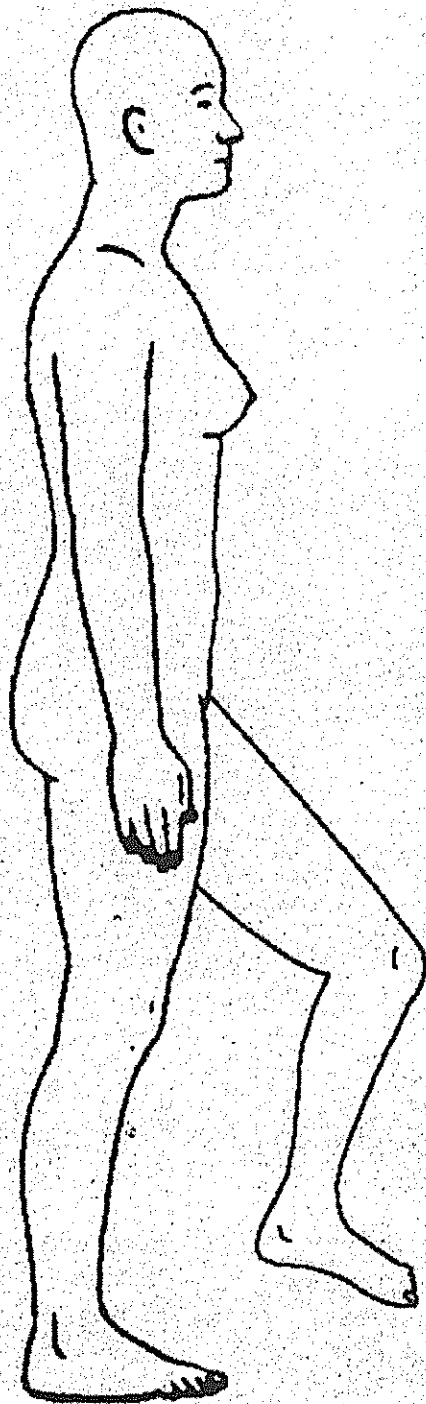


STEP 7A

ANATOMICAL DRAWINGS

Using the appropriate drawing(s), describe all bruises, scratches, lacerations, bite marks, etc.



*Scratch
on back of head*

Were photographs taken? YES ☐ NO ☒

Examined By: _____

(SIGNATURE)

(PRINT)

Date

5/14

WHITE COPY PLACE IN KIT

YELLOW COPY RETAIN FOR PATIENT'S CHART

PINK COPY TO DETECTIVE

NURSE'S NOTES

Lined area for nurse's notes, crossed out with a diagonal line.

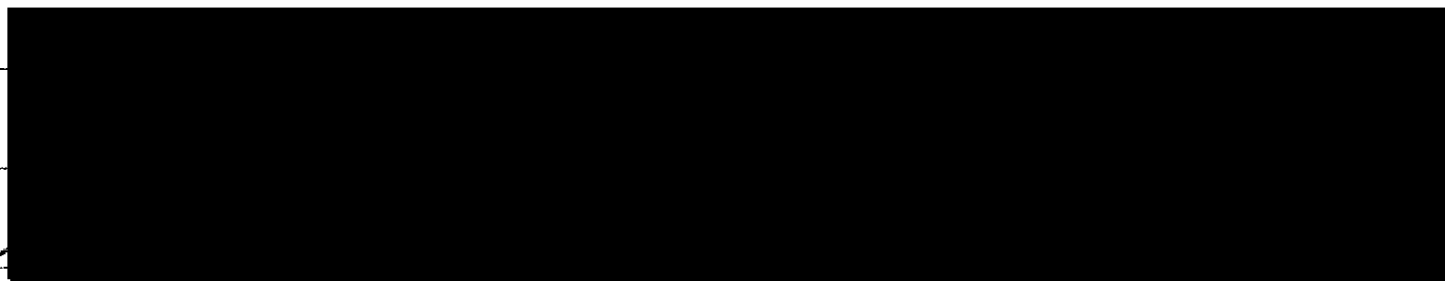
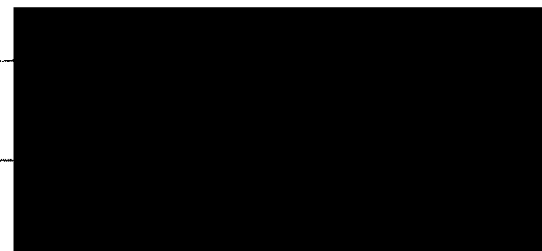
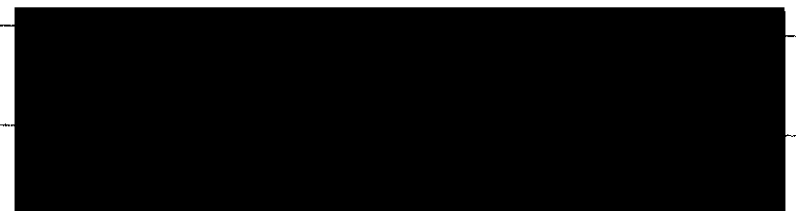
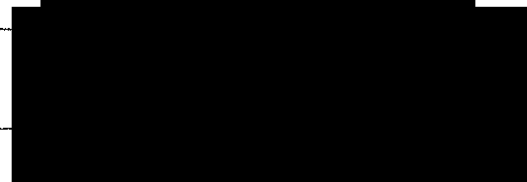
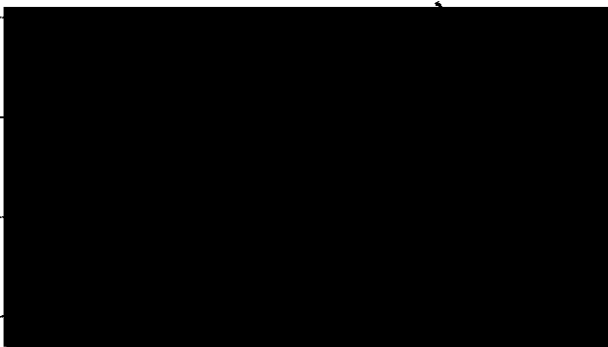
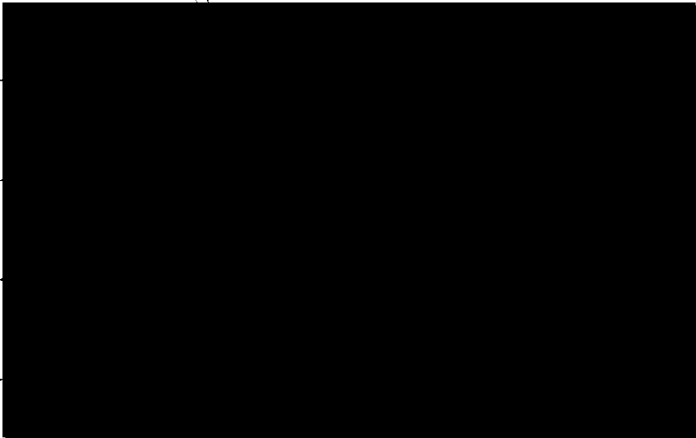
Pamela DuRoux Pamela DuRoux 05/14/10
Signature Name (please print) Date

White Copy—place in kit

Yellow Copy—retain for patient's chart

Pink Copy—to detective

LVS200NN
JAMES0070
PA100



[REDACTED]

[REDACTED]

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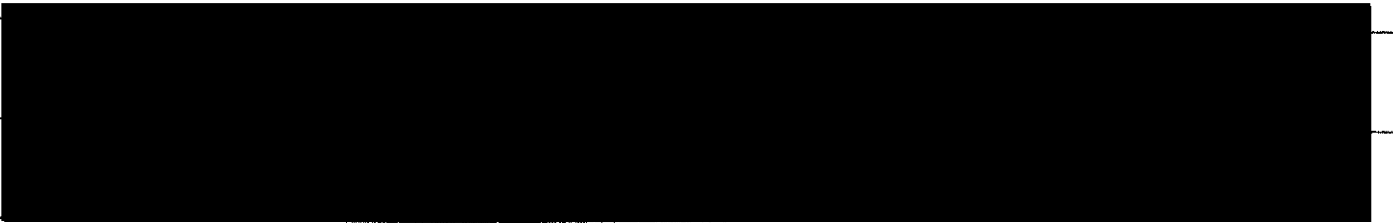
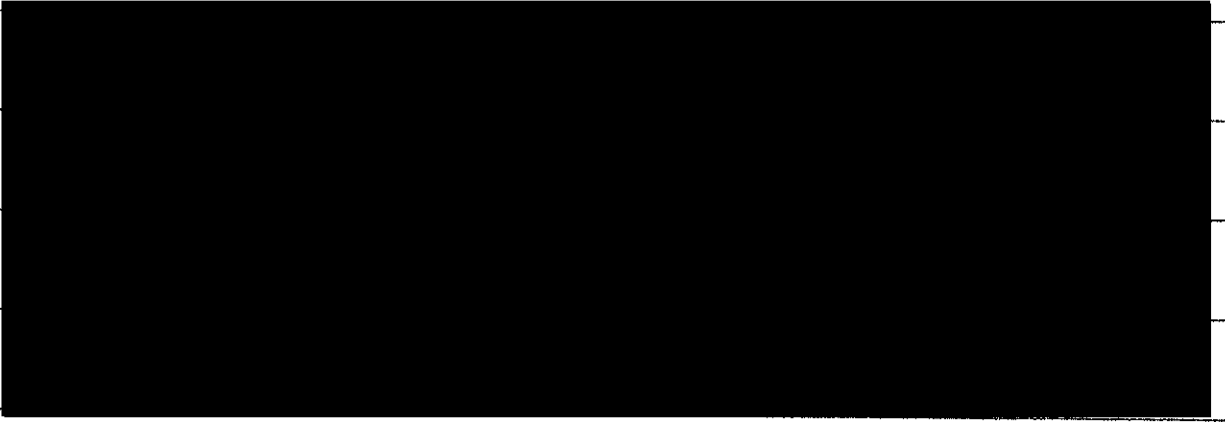
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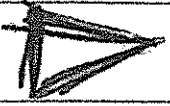
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EXHIBIT 6

Case: 1362538 - A [REDACTED] T [REDACTED]

Contact Date: 05-14-2010

Time: 14:10

In Placement Contact: NO

Contact Type: INPERSON

Note Type(s)

LAW ENFORCEMENT

SPVSYCONTACT

Contact About

A [REDACTED], T [REDACTED]

H [REDACTED], T [REDACTED]

JAMES, TYRONE, D.

Author: COOLEY, CHERYL, W.

Title: FAMILY SERVICES SPEC SUPV

This spvr staffed case with Det Tomaino. Det has a disclosure from a child and he called the hotline. Sp Woods is on duty today and will respond with Det Tomaino.

Contact Date: 05-14-2010

Time: 14:30

In Placement Contact: NO

Contact Type: INPERSON

Note Type(s)

CHILDCONTACT

Contact With

H [REDACTED], T [REDACTED]

Contact About

A [REDACTED], T [REDACTED]

H [REDACTED], T [REDACTED]

JAMES, TYRONE, D.

Author: WOODS, LISETTE

Title: SR FAMILY SERVICES SPEC

The following is a summary of the interview and is not verbatim

Alleged Child Victim

Date: 5/14/10 Start: 2:30 PM End : 3:00 PM

Location: Sunrise Hospital, Pediatric Emergency Room

Persons present conducting interview: Det Dan Tomaino and Lisette Woods

Introduction

Det Dan and Specialist Woods met with subject minor T [REDACTED] D [REDACTED] H [REDACTED]. Both introduced selves to introduced self to T [REDACTED] and provided her with a simple description of their jobs. Det. Tomaino explained to T [REDACTED] the purpose of taking notes and recording the interview via tape recorder. T [REDACTED] demonstrated a comprehension of the rules as explained by Det. Tomaino. T [REDACTED] was able to illicit free narrative. T [REDACTED] agreed to tell the truth

Developmental Assessment

T [REDACTED] D [REDACTED] H [REDACTED] is a [REDACTED] year-old, African American female. She attends the [REDACTED]. She describes herself a good student. Her favorite class is health. She wants to be a doctor when she grows up but has not chosen a specialty. T [REDACTED] appeared to be physically healthy. She was dressed and well groomed. During the assault T [REDACTED] disclosure she was physically assaulted as well but Specialist observed no immediate mark or bruises on her body. T [REDACTED] appeared to be functioning with no indications of emotional, physical or developmental delays.

T [REDACTED] reports she lives at home with his mother T [REDACTED], her sister D [REDACTED] and her brother D [REDACTED]. Tyrone, her mother's boyfriend lives there as well but he is not there a lot because he knows they don't. Her biological father's name is C [REDACTED] H [REDACTED]

Child description of the allegations:

T [REDACTED] disclosed sexual abuse by Tyrone James, her mother boyfriend. T [REDACTED] disclosed this morning Tyrone came into her room and got on top of her. She grabbed her phone but he took it out of her hand. She tried to fight him off but he was too strong. He took her panties off and pulled her into the living room where he pushed her on the ground and digitally penetrated her vagina while he was wearing rubber gloves. She further reported Tyrone rubbed the lips of her vagina with his penis. During the assault he threatened to hit her and snap her neck.

After the assault he took her to school. She promised to not tell anyone but she reported the information to her friend S [REDACTED] (last name unknown but she is Mexican) and texted her sister D [REDACTED]. D [REDACTED] texted their mother who called T [REDACTED]. Her mother came to pick her up from school. They went to the house, confronted Tyrone and then Nm called the police. Tyrone denied the allegations.

T [REDACTED] reported she did not like Tyrone because last summer his children, T [REDACTED] and T [REDACTED] and their cousin S [REDACTED] told her and her sister that he likes to mess with kids and that he raped their sister N [REDACTED].

Closure

Det Tomaino recapped T [REDACTED] statement in her words regarding the reported allegations to ensure accuracy. Specialist asked if T [REDACTED] if she had any questions for Detective or Specialist prior to concluding the interview. Detective and Specialist thanked T [REDACTED] for allowing Interviewers to speak with her. The interview was concluded at this time.

Contact Date: 05-14-2010

Time: 15:00

In Placement Contact: NO

Contact Type: PHONE

Note Type(s)

SPVSYCONTACT

Contact About

A [REDACTED], T [REDACTED]

H [REDACTED], T [REDACTED]

JAMES, TYRONE, D.

Author: COOLEY, CHERYL, W.

Title: FAMILY SERVICES SPEC SUPV

This spvr received a call from Sp Woods. She was inquiring about history. Mr. James has been named a perpetrator in connection with two other families however, this spvr was unable to pull these records (by name and by number) up to review history.

Contact Date: 05-14-2010

Time: 15:00

In Placement Contact: NO

Contact Type: INPERSON

Note Type(s)

PARENT CONTACT

Contact With

A [REDACTED], T [REDACTED]

Contact About

A [REDACTED], T [REDACTED]

H [REDACTED], T [REDACTED]

Contact About

JAMES, TYRONE, D.

[REDACTED], D [REDACTED], L.

[REDACTED], D [REDACTED], L.

Author: WOODS, LISETTE

Title: SR FAMILY SERVICES SPEC

introductory meeting with Nm, T [REDACTED] A [REDACTED]

Specialist introduce self and advised of involvement with case
Nm called law enforcement and advised this worker and LE that she is supportive e of her daughter
Schedueld Hv on 5/15 @ 3:00 Pm

Contact Date: 05-14-2010

Time: 15:13

In Placement Contact: NO

Contact Type: OTHER

Note Type(s)

CLOSING SUMMARY

Author: COOLEY, CHERYL, W.

Title: FAMILY SERVICES SPEC SUPV

1. NATURE: What surrounding circumstances accompany the alleged maltreatment?
Documentation must include the caregiver's explanation of circumstances even if the finding is no maltreatment.
Report 1507291 received 5/14/10

Source states the following: that the mother filed a report with metro police today regarding sm T [REDACTED] being sexually penetrated by her mother's boyfriend, Tyrone James. That after the mother left for work today, sm T [REDACTED] stated that she woke up in her room and saw Tyrone standing in her doorway with no clothes on. That she was wearing a tank top and panties. That Tyrone dragged her downstairs and put her on the couch. That he digitally penetrated her and rubbed his penis on her vagina under her panties. That afterwards she went to school and texted one of her friends about the incident. That her mother was informed and she returned home and filed a police report. That sm T [REDACTED] is being taken to Sunrise hospital for an exam. That the mother was very upset about the assault and appears supportive of sm T [REDACTED]

2. CHILD FUNCTIONING: HOW DOES THE CHILD FUNCTION ON A DAILY BASIS? INCLUDE BEHAVIORS, FEELINGS, INTELLECT, PHYSICAL CAPACITY AND TEMPERAMENT. ALWAYS INCLUDE MENTAL HEALTH; PHYSICAL HEALTH; EDUCATION NEEDS; PEER RELATIONS, SOCIAL AND PERSONAL DEVELOPMENT.

H [REDACTED], T [REDACTED] - T [REDACTED] D [REDACTED] H [REDACTED] is a [REDACTED] year-old, African American female. She attends the [REDACTED] School. She describes herself a good student. Her favorite class is health. She wants to be a doctor when she grows up but has not chosen a specialty. T [REDACTED] appeared to be physically healthy. She was dressed and well groomed. During the assault T [REDACTED] disclosure she was physically assaulted as well but Specialist observed no immediate mark or bruises on her body. T [REDACTED] appeared to be functioning with no indications of emotional, physical or developmental delays.

J [REDACTED], D [REDACTED], L. - Denise Jordan is a [REDACTED] year-old, African American female. She attends the [REDACTED] School. She describes herself a good student.
J [REDACTED], D [REDACTED], L. - D [REDACTED] J [REDACTED] is a [REDACTED] year-old, African American male. He attends the [REDACTED] School. He says he #kinda sorta# likes school but he cannot wait for the summer. For fun he likes to box. His favorite boxer is Muhammad Ali. He watches a lot of movie about Muhammad Ali.

3. PARENTING - DISCIPLINE: WHAT ARE THE DISCIPLINARY APPROACHES USED BY THE CAREGIVER, AND UNDER WHAT CIRCUMSTANCES?

JAMES, TYRONE, D. - Tyrone did not discipline the children.
A [REDACTED], T [REDACTED] - D [REDACTED] says her mother just yells at her when she gets in trouble. D [REDACTED] says she feels safe at home with her mother now that Tyrone is gone.

D [REDACTED] reported he is not scared of Tyrone or his mother. D [REDACTED] says his mother just yells at him when he gets in trouble

4. PARENTING - General: What are the overall, typical, parenting practices used by the caregiver? (Do not include discipline.)

JAMES, TYRONE, D. - T [REDACTED] A [REDACTED] has known Mr. James since high school, but was reacquainted with him through friend about 2 years ago. He seemed nice. He did not drink or smoke and took a special interest in her son D [REDACTED]. D [REDACTED] father is D [REDACTED]. He lives in Maryland. D [REDACTED] has seen his father a few times but they do not have a real relationship. D [REDACTED] knows her husband as his father. I [REDACTED] M [REDACTED] was difficult for D [REDACTED] so when Tyrone started taking her son fishing, to play basketball and to the movies, she thought Tyrone was a positive male role model for her son to hang around. D [REDACTED] seemed to enjoy the attention as well.

A [REDACTED], T [REDACTED] - T [REDACTED] A [REDACTED] says her children are her world. She would never do anything to intentionally hurt them nor would she have anyone around them she though may be a danger to them. Even though she works full time, she cannot give her children a lot of extras. She is close to them and they know if she could she would give them more. What she cannot provide, her parents F [REDACTED] and A [REDACTED] E [REDACTED] will give to the children. She also has a strong support system in her siblings and extended family members. They have a lot of family activities on the weekends, When not with family, she and her children will watch movies together or play games at home.

5. ADULT FUNCTIONING: How does the adult caregiver function with respect to daily life management and general adaptation? Always include mental health; physical health; substance use; social and domestic relations.

JAMES, TYRONE, D. - Tyrone David James is a 35 year old african american male. he has an extensicve criminal history. Ms. A [REDACTED] reports she dated Tyrone for over 1 year. He would give her money to help out financially. She was able to help him get a job in the where house at [REDACTED]

Ms. A [REDACTED] denied any domestic violence issues between her and Tyrone (or her husband). A [REDACTED], T [REDACTED] - T [REDACTED] A [REDACTED] is a 34 year old, African American female. She works full time at [REDACTED] as a status board operator. She is the single mother of three children, T [REDACTED], D [REDACTED] and D [REDACTED]. D [REDACTED] father is D [REDACTED] J [REDACTED]. He lives in Maryland. T [REDACTED] father is C [REDACTED] H [REDACTED]. He was just released from prison and is trying to reacquist himself with his daughter. D [REDACTED] father is M [REDACTED] S [REDACTED]. None of her children's father pay child support.

Ms. A [REDACTED] is married to M [REDACTED] L [REDACTED]. Mr. L [REDACTED] is not the father of any of her children but she has been in a relationship with Mr. L [REDACTED] for 9 years. Mr. L [REDACTED] has always been the father to her children until he was sent to prison. Mr. L [REDACTED] has been incarcerated in Pioche Nevada for 2 years. He is serving 4 to 20 years for DUI with death.

Ms. A [REDACTED] says she misses her husband dearly and the separation has been difficult, financially and emotionally. He husband did not know she has been seeing Tyrone David James for over one year.

6. MALTREATMENT: WHAT IS THE EXTENT OF THE MALTREATMENT? DESCRIBE THE EXTENT OF THE MALTREATMENT. WHAT IS YOUR FINDING? DESCRIBE THE EVIDENCE TO SUPPORT YOUR FINDING.

maltreatment was found against Tyrone D. James

Report 1507291 received 5/14/10

Source states the following: that the mother filed a report with metro police today regarding SM T [REDACTED] being sexually penetrated by her mother's boyfriend, Tyrone James. That after the mother left for work today, SM T [REDACTED] stated that she woke up in her room and saw Tyrone standing in her doorway with no clothes on. That she was wearing a tank top and panties. That Tyrone dragged her downstairs and put her on the couch. That he digitally penetrated her and rubbed his penis on her vagina under her panties. That afterwards she went to school and texted one of her friends about the incident. That her mother was informed and she returned home and filed a police report. That sm T [REDACTED] is being taken to Sunrise hospital for an exam. That the mother was very upset about the assault and appears supportive of SM T [REDACTED]

Minor children D [REDACTED] and D [REDACTED] made no disclosure of sexual abuse. T [REDACTED] disclosed sexual abuse by Tyrone James, her mother boyfriend. Although the medical examination do not indicate specific findings to sexual abuse, it did note general swelling and redness. The overall impression was probable abuse as the child gave a clear, spontaneous detailed description to a neutral fact finder.

Her girls did tell their mother that they know some kids who knew Tyrone. The kids reported that allegedly he had raped his previous girlfriend's daughter. NM says she confronted him and the mother of the alleged child victim. The mother T [REDACTED] H [REDACTED] (not related) denied the allegations and said it did not happen. Nm confronted Tyrone who reported he was accused of rape and went to jail but he got off because it was not true. She felt as though she had sufficiently dealt with the rumors because she asked the child's mother. She expected for that mother to be truthful. She spoke to T [REDACTED] again who admitted she did not tell Ms. A [REDACTED] the truth because Tyrone had threatened her.

T [REDACTED] A [REDACTED], mother, is protective. Upon learning of the sexual assault from her daughter D [REDACTED], Ms. A [REDACTED] immediately called the police. She has responded appropriately to her daughter's physical, emotional and mental health needs by verbally acknowledging she believes the allegations, by staying with family members with her children so she her daughter does not have to relive the trauma of the assault and has indicated to her family that she wants to move from the apartment where the abuse occurred .

Mr. James denied the allegations against him. He is currently detained in the Clark County Detention Center for sexual assault- victim under 16, Battery and Coersion and Force. Mr. James plead not guilty and is scheduled for a preliminary hearing on June 1, 2010.

SUMMARY: INDICATE THE REASON(S) BELOW WHY THE FAMILY IS OR IS NOT BEING OPENED FOR ONGOING CPS. JUSTIFY WHY THE CASE WILL BE OPENED OR CLOSED, SPECIFY IN DETAIL ANY IMMEDIATE NEEDS THAT WERE ADDRESSED DURING OR AT THE CONCLUSION OF THE NEVADA INITIAL ASSESSMENT (IF APPLICABLE) AND EFFORTS THAT WERE MADE TO CONNECT THE FAMILY WITH AGENCY AND/OR COMMUNITY BASED RESOURCES AND SERVICES. DOCUMENT THE FAMILY'S RESPONSE TO THE RECEIPT OF COMMUNITY CONNECTIONS AND WHAT LEVEL OF INTERVENTION THE AGENCY IS SEEKING.

Report 1507291 received 5/14/10

Source states the following: that the mother filed a report with metro police today regarding SM T [REDACTED] being sexually penetrated by her mother's boyfriend, Tyrone James. That after the mother left for work today, SM T [REDACTED] stated that she woke up in her room and saw Tyrone standing in her doorway with no clothes on. That she was wearing a tank top and panties. That Tyrone dragged her downstairs and put her on the couch. That he digitally penetrated her and rubbed his penis on her vagina under her panties. That afterwards she went to school and texted one of her friends about the incident. That her mother was informed and she returned home and filed a police report. That sm T [REDACTED] is being taken to Sunrise hospital for an exam. That the mother was very upset about the assault and appears supportive of SM T [REDACTED]

Minor children D [REDACTED] and D [REDACTED] made no disclosure of sexual abuse. T [REDACTED] disclosed sexual abuse by Tyrone James, her mother boyfriend. Although the medical examination do not indicate specific findings to sexual abuse, it did note general swelling and redness. The overall impression was probable abuse as the child gave a clear, spontaneous detailed description to a neutral fact finder.

T [REDACTED] A [REDACTED] mother, is protective. Upon learning of the sexual assault from her daughter D [REDACTED]. Ms. A [REDACTED] immediately called the police. She has responded appropriately to her daughter's physical, emotional and mental health needs by verbally acknowledging she believes the allegations, by staying with family members with her children so she her daughter does not have to relive the trauma of the assault and has indicated to her family that she wants to move from the apartment where the abuse occurred.

Mr. James denied the allegations against him. He is currently detained in the Clark County Detention Center for sexual assault- victim under 16, Battery and Coersion and Force. Mr. James plead not guilty and is scheduled for a preliminary hearing on June 1, 2010.

T [REDACTED] A [REDACTED] meet with the Family Advocate on May 19, 2010. She completed the packet for VOC funds and enrolled in NOP classes. Nm has been completely cooperative with the law enforcement investigation.

There is no indication that Nm was neglectful in her response to the situation. She has demonstrated protective capacities by verbalizing she believes her daughter, cooperation with CPS and law enforcement by meeting with victim's advocates and pursuing alternative living arrangement so her daughter do not have to re-live the trauma.

This Specialist also made contact with C [REDACTED] H [REDACTED], T [REDACTED] biological father at Sunrise Hospital. he has also expressed support of his daughter and willingness to assist Nm in ensuring his daughter's emotional and physical needs are met.

Matter will be submitted for closure with the allegations of Sexual Abuse (abuse) - 29A Sexual Penetration against Tyrone D James substantiated.

Contact Date: 05-14-2010

Time: 15:30

In Placement Contact: NO

Contact Type: INPERSON

Note Type(s)

RELATIVECONTACT

Contact About

A [REDACTED] T [REDACTED]
H [REDACTED] T [REDACTED]
J [REDACTED] T [REDACTED] D.

Author: WOODS, LISETTE

Title: SR FAMILY SERVICES SPEC

Specialist meet with [REDACTED] H [REDACTED] biological father of T [REDACTED] H [REDACTED]

Specialist introduce self and advised of involvement with case. NF was advised of the allegations contained in report 1507291 and provided a copy of the brochure # A Child Protective Services Guide for Parents Guardians.

NM called him and advised him of the assault. At first he heard Tyrone was going to meet the police at the 7-11. He was going to "meet" Tyrone there as well but his girlfriend, N [REDACTED] D [REDACTED] stopped him and convinced him to let the police handle it. He was just released from prison about a month ago and does not need another reason to go back to jail.

He is very supportive of his daughter and will cooperate in any way he can with the investigation

He can be reached at 399 1622

Contact Date: 05-15-2010

Time: 09:47

In Placement Contact: NO

Contact Type: INPERSON

Note Type(s)

PARENT CONTACT

Contact With

A [REDACTED], T [REDACTED]

Contact About

A [REDACTED], T [REDACTED]
H [REDACTED] T [REDACTED]
J [REDACTED], T [REDACTED], D.
J [REDACTED] D [REDACTED], L.
J [REDACTED], D [REDACTED] L.

Author: WOODS, LISETTE

Title: SR FAMILY SERVICES SPEC

This is a summary of the interview and not verbatim

Alleged Perpetrator T [REDACTED] A [REDACTED]

Date: 5/15/10 Start Time: 3:44 End Time: 5:00 PM

Location: [REDACTED] maternal grandparents# home

Contact type: in person

Persons present conducting interview: Lisette Woods

Statement that caretaker was informed of allegations: Specialist Woods reviewed the information contained in report 1507291

Statement that caretaker was informed of rights and given an agency brochure: ms. A [REDACTED] was provided a copy of the brochure # A Child Protective Services Guide for Parents Guardians# on 5/14 at the introductory meeting.

Caretaker#s explanation of circumstances leading to maltreatment:

Caretaker#s description of discipline:

She disciplines her children by taking their personal items such as their cell phone or not letting them go outside.

T [REDACTED] A [REDACTED] is a 34 year old, African American female. She works full time at [REDACTED] as a status board operator. She is the single mother of three children, T [REDACTED], D [REDACTED] and D [REDACTED].

Ms. A [REDACTED] is married to M [REDACTED] L [REDACTED] Mr. L [REDACTED] is not the father of any of her children but she has been in a relationship with Mr. L [REDACTED] for 9 years. Mr. L [REDACTED] has been incarcerated in Pioche Nevada for 2 years. He is serving 4 to 20 years for DUI with death.

Ms. A [REDACTED] says she misses her husband dearly and the separation has been difficult, financially and emotionally. He husband did not know she has been seeing Tyrone David James for over one year.

She has known Mr. James since high school, but was reacquainted with him through friend about 2 years ago. He seemed nice. He did not drink or smoke and took a special interest in her son D [REDACTED]. D [REDACTED] father is D [REDACTED] J [REDACTED]. He lives in Maryland. D [REDACTED] has seen his father a few times but they do not have a real relationship. D [REDACTED] knows her husband as his father. Losing M [REDACTED] was difficult for D [REDACTED] so when Tyrone started taking her son fishing, to play basketball and to the movies, she thought Tyrone was a positive male role model for her son to hang around. D [REDACTED] seemed to enjoy the attention as well.

Eventually she and Tyrone began dating. He would stay with both them and his grandmother. They had a dog and she worked so he would come to the house and walk the dog. He would give her money to help out financially. She was able to help him get a job in the where house at [REDACTED]

The girls did tell her that they know some kids who knew Tyrone. They reported that allegedly had raped his previous girlfriend's daughter. NM says she confronted him and the mother of the alleged child victim. The mother T [REDACTED] H [REDACTED] (not related) denied the allegations and said it did not happen. Nm confronted Tyrone who reported he was accused of rape and went to jail but he got off because e it was not true.

NM says her children are her world. She would never do anything to intentionally hurt them nor would she have anyone around them she though may be a danger to them. Even though she works full time, she cannot give her children a lot of extras. She is close to them and they know if she could she would give them more. What she cannot provide, her parents P [REDACTED] and A [REDACTED] E [REDACTED], will give to the children. She also has a strong support system in her siblings and extended family members. They have a lot of family activities on the weekends. When not with family, she and her children will watch movies together or play games at home. Now she is struggling with the though now that she allowed this person around her children. She is depressed about her husband being in jail and now this. She cries a lot but she tries not to cry in front of the children because she needs to be strong for them

NM says she was not aware of Tyrone extensive criminal history. The person she thought she was dating is not the person the police told her about. >>>>>>>>>

She denied any domestic violence issues between her and Tyrone (or her husband). She felt as though she had sufficiently dealt with the rumors because she asked the child's mother. She expected for that mother to be truthful. She spoke to T [REDACTED] last night. T [REDACTED] admitted to Nm she did not tell her the truth because Tyrone had threatened her.

Contact Date: 05-15-2010

Time: 14:19

In Placement Contact: YES

Contact Type: INPERSON

Note Type(s)

CHILDCONTACT

Contact With

J [REDACTED] D [REDACTED], L.

Contact About

A [REDACTED], T [REDACTED]
H [REDACTED], T [REDACTED]
JAMES, TYRONE, D.
J [REDACTED] D [REDACTED], L.
J [REDACTED], D [REDACTED], L.

Author: WOODS, LISETTE

Title: SR FAMILY SERVICES SPEC

The following is a summary of the interview and is not verbatim

Alleged Chiid Victim

Date: 5/15/10 Start: 2:19 PM End: 2:33 PM

Location: [REDACTED]

Persons present conducting interview: Lisette Woods

Introduction

Specialist Woods met with subject minor D [REDACTED] L [REDACTED] J [REDACTED]. Specialist introduced self to D [REDACTED] and provided him with a simple description of the job. Specialist Woods explained to D [REDACTED] the purpose of taking notes and recording the interview via tape recorder. D [REDACTED] demonstrated a comprehension of the rules as explained by Specialist D [REDACTED]. D [REDACTED] was able to illicit free narrative. D [REDACTED] agreed to tell the truth

Developmental Assessment

D [REDACTED] J [REDACTED] is a 11 year-old, African American male. He attends the [REDACTED]. He says he #kinda sorta# likes school but he cannot wait for the summer. For fun he likes to box. His favorite boxer is Muhammad Ali. He watches a lot of movie about Muhammad Ali.

D [REDACTED] reports he lives at home with her mother T [REDACTED], and his sisters T [REDACTED] and D [REDACTED] Tyrone, his mother#s boyfriend lives there as well.

He doesn't know his biological father#s name but he calls him dad. His father lives in Maryland and he visits him in the summer. He doesn't really see a lot of difference between Maryland and Las Vegas except they eat a lot of Sea Food. His favorite seafood is shrimp.

Child description of the allegations:

D [REDACTED] reported he doesn't really know what is going on but he knows some of it. His sister D [REDACTED] told him that Tyrone dropped by, dropped the dog off and had rubber gloved and tried to #do something to her#

D [REDACTED] described the places on his body that are private are his chest, his butt, his face and his testicles. D [REDACTED] made no disclosure of sexual abuse.

D [REDACTED] reported he doesn't really know Tyrone but his sister s keep telling him that his kids said he did something to his girlfriend#s daughter N [REDACTED] and his daughter told his sister. His kids told his Tyrone what his sisters were saying and he got mad, they were going back and forth

D [REDACTED] reported he is not scared of Tyrone or his mother. He enjoys talking with his mother and watching movies. His mother works at [REDACTED] She is a manager. Her mother does not drinks or use drugs.

She never observed any domestic violence between his mother and Tyrone in the home. They would argue over little things.

D [REDACTED] says her mother just yells at her when she gets in trouble

Closure

Specialist recapped D [REDACTED]'s statement in his words regarding the reported allegations to ensure accuracy. Specialist asked if D [REDACTED] if he had any questions Specialist prior to concluding the interview. Specialist thanked D [REDACTED] for allowing Interviewers to speak with him. The interview was concluded at this time

Contact Date: 05-15-2010

Time: 17:53

In Placement Contact: YES

Contact Type: INPERSON

Note Type(s)

CHILDCONTACT

Contact With

[REDACTED], D [REDACTED], L.

Contact About

A [REDACTED], T [REDACTED]

H [REDACTED], T [REDACTED]

JAMES, TYRONE, D.

J [REDACTED], D [REDACTED], L.

Contact About

JOYNES, DEJUAN, L.

Author: WOODS, LISETTE

Title: SR FAMILY SERVICES SPEC

The following is a summary of the interview and is not verbatim

Alleged Child Victim

Date: 5/15/10 Start: 1:56 PM End: 2:17 PM

Location: [REDACTED]

Persons present conducting interview: Lisette Woods

Introduction

Specialist Woods met with subject minor D [REDACTED] S [REDACTED] J [REDACTED]. Specialist introduced self to D [REDACTED] and provided her with a simple description of the jobs. Specialist Woods explained to D [REDACTED] the purpose of taking notes and recording the interview via tape recorder. D [REDACTED] demonstrated a comprehension of the rules as explained by Specialist D [REDACTED] D [REDACTED] was able to illicit free narrative. D [REDACTED] agreed to tell the truth

Developmental Assessment

D [REDACTED] J [REDACTED] is a 13 year-old, African American female. She attends the [REDACTED]. She describes herself a good student.

D [REDACTED] reports she lives at home with her mother T [REDACTED] her sister T [REDACTED] and her brother D [REDACTED]. Tyrone, her mother's boyfriend lives there as well but he is not there a lot because he knows they don't like him.

Her biological father's name is M [REDACTED]. She does not know his last name. She sees him every now and then. M [REDACTED] last name is not J [REDACTED]. The last name J [REDACTED] came from the person that raised her.

Child description of the allegations:

D [REDACTED] reported she received a text from her sister T [REDACTED] that said Tyrone came in her room, grabbed her phone, threw it on the floor and choked. He also dragged her down the hall, put her in the floor and tried to stick something up in her#. D [REDACTED] described the something as his stuff, his thing or his penis # and #up in her as her cooch# as her private.

T [REDACTED] also reported it to her friend N [REDACTED]. N [REDACTED]'s aunt is like a detective and she said she was going to call somebody

She called her mother and told her what T [REDACTED] text said.

D [REDACTED] described the places that are private that no one is suppose to touch as her chest, her butt and her cooch. D [REDACTED] made no disclosure of sexual abuse.

D [REDACTED] reported she never liked Tyrone because he would come in their room #too much# he would say he was checking on us but it was too much. And people kept saying that he did something to his daughter N [REDACTED]. Her mother T [REDACTED] called her mother and N [REDACTED] mother said it didn't happen. His kids told him what T [REDACTED] and D [REDACTED] were saying about him and he got mad.

D [REDACTED] says she feels safe at home with her mother now that Tyrone is gone. Her mother is a good mother but sometimes she gets stressed out. Her mother works at [REDACTED]. She is a manager. Her mother does not drink or use drugs. She never observed any domestic violence between her mother and Tyrone in the home.

D [REDACTED] says her mother just yells at her when she gets in trouble

Closure

Specialist recapped D [REDACTED] statement in her words regarding the reported allegations to ensure accuracy. Specialist asked if D [REDACTED] if she had any questions Specialist prior to concluding the interview. Specialist thanked D [REDACTED] for allowing Interviewers to speak with her. The interview was concluded at this time

Contact Date: 05-18-2010

Time: 06:10

In Placement Contact: NO

Contact Type: FAX

Note Type(s)

MEDICAL CONTACT

Contact About

H [REDACTED], T [REDACTED]

Author: WOODS, LISETTE

Title: SR FAMILY SERVICES SPEC
received T [REDACTED] SCAN information

Contact Date: 05-19-2010

Time: 14:31

In Placement Contact: NO

Contact Type: E-MAIL

Note Type(s)

COLLATERAL

Contact About

H [REDACTED], T [REDACTED]

Author: WOODS, LISETTE

Title: SR FAMILY SERVICES SPEC

From: Lisette Woods

Sent: Wednesday, May 19, 2010 2:31 PM

To: Valerie Wilcox

Cc: Jesus Colon-Arellano

Subject: T [REDACTED] A [REDACTED]

Hi guys, I asked this mother to meet with one of you to assist in filling out the VW packet and to refer her for non offending parenting classes.

case 1362538

Mother is T [REDACTED] A [REDACTED], cell [REDACTED]

The case is NOT formal. NM called the police when she was advised of the rape and physical assault of her daughter by NM's boyfriend. Perp is in jail.

Det Dan Tomaino of Metro assigned. evt# 100514-2011

NM is distraught but trying to hold it together for her children. She has a lot of family support

thanks

Contact Date: 05-19-2010

Time: 14:40

In Placement Contact: NO

Contact Type: INPERSON

Note Type(s)

COLLATERAL

Contact With

A [REDACTED], T [REDACTED]
J [REDACTED], D [REDACTED], L.

Contact About

A [REDACTED], T [REDACTED]
H [REDACTED], T [REDACTED]

Author: COLON-ARELLANO, JESUS

Title: CHILD DEVELOPMENT ASSISTANT

This Advocate met with T [REDACTED] H [REDACTED] per request of case worker and explained the importance of Mental Health Counseling. This Advocate also provided referrals to mental health providers and explained and added T [REDACTED] H [REDACTED] to NOP wait list. This advocate assisted with victim compensation paperwork as well.

Contact Date: 05-19-2010

Time: 14:45

In Placement Contact: NO

Contact Type: INPERSON

Note Type(s)

CHILDCONTACT

PARENT CONTACT

Contact With

A [REDACTED], T [REDACTED]
J [REDACTED], D [REDACTED], L.

Contact About

A [REDACTED], T [REDACTED]
H [REDACTED], T [REDACTED]
J [REDACTED], T [REDACTED] D.
J [REDACTED], D [REDACTED], L.
J [REDACTED], D [REDACTED], L.

Author: WOODS, LISETTE

Title: SR FAMILY SERVICES SPEC

Met with NM T [REDACTED] A [REDACTED] briefly and SM D [REDACTED] at the SNCAC

Specialist commended D [REDACTED] for reporting the sexual abuse of her sister immediately to her mother. She saved her sister and her self from further sexual abuse

NM reported she had not been home since the incident. She went home to get some clothes for her and her children and found a box of gloves under her bed. She reported the information to Det Tomaino already. She also received a letter from Victim's witness stating she and T [REDACTED] may be called as a witness.

T [REDACTED] said she went to his court hearing and he plead not guilty. His next court appearance in on 6/1. She said no matter what time his appearance and she will be there every time to be sure he pays for what he did.

Specialist introduced Family Advocate Jesus Ariellano and explained his role in the process

Contact Date: 05-23-2010

Time: 10:03

In Placement Contact: NO

Contact Type: PHONE

Note Type(s)

RELATIVECONTACT

Contact About

A [REDACTED], T [REDACTED]
H [REDACTED], T [REDACTED]

Author: WOODS, LISETTE

Title: SR FAMILY SERVICES SPEC

Attempted to contact C [REDACTED] H [REDACTED] at 399 1622. Left a message

Contact Date: 05-23-2010

Time: 10:15

In Placement Contact: NO

Contact Type:

Note Type(s)

CLOSING SUMMARY

Author: WOODS, LISETTE

Title: SR FAMILY SERVICES SPEC

Report 1507291 received 5/14/10

Source states the following: that the mother filed a report with metro police today regarding SM T [REDACTED] being sexually penetrated by her mother's boyfriend, Tyrone James. That after the mother left for work today, SM T [REDACTED] stated that she woke up in her room and saw Tyrone standing in her doorway with no clothes on. That she was wearing a tank top and panties. That Tyrone dragged her downstairs and put her on the couch. That he digitally penetrated her and rubbed his penis on her vagina under her panties. That afterwards she went to school and texted one of her friends about the incident. That her mother was informed and she returned home and filed a police report. That sm T [REDACTED] is being taken to Sunrise hospital for an exam. That the mother was very upset about the assault and appears supportive of SM T [REDACTED].

Minor children D [REDACTED] and D [REDACTED] made no disclosure of sexual abuse. T [REDACTED] disclosed sexual abuse by Tyrone James, her mother boyfriend. Although the medical examination do not indicate specific findings to sexual abuse, it did note general swelling and redness. The overall impression was probable abuse as the child gave a clear, spontaneous detailed description to a neutral fact finder.

T [REDACTED] A [REDACTED] mother, is protective. Upon learning of the sexual assault from her daughter D [REDACTED], Ms. A [REDACTED] immediately called the police. She has responded appropriately to her daughter's physical, emotional and mental health needs by verbally acknowledging she believes the allegations, by staying with family members with her children so she her daughter does not have to relive the trauma of the assault and has indicated to her family that she wants to move from the apartment where the abuse occurred .

Mr. James denied the allegations against him. He is currently detained in the Clark County Detention Center for sexual assault- victim under 16, Battery and Coersion and Force. Mr. James plead not guilty and is scheduled for a preliminary hearing on June 1, 2010.

T [REDACTED] A [REDACTED] meet with the Family Advocate on May 19, 2010. She completed the packet for VOC funds and enrolled in NOP classes. Nm has been completely cooperative with the law enforcement investigation.

There is no indication that Nm was neglectful in her response to the situation. She has demonstrated protective capacities by verbalizing she believes her daughter, cooperation with CPS and law enforcement by meeting with victim's advocates and pursuing alternative living arrangement so her daughter do not have to re-live the trauma.

This Specialist also made contact with C [REDACTED] H [REDACTED], T [REDACTED] biological father at Sunrise Hospital. he has also expressed support of his daughter and willingness to assist Nm in ensuring his daughter's emotional and physical needs are met.

Matter will be submitted for closure with the allegations of Sexual Abuse (abuse) - 29A Sexual Penetration against Tyrone D James substantiated.

EXHIBIT 7

10-11511 James Investigation

(X)= Done; (-) = Pending; ()= Nothing Done; (?) = Need More Information

	Date Received	Date Return	Date Complete	Nature of Request & Investigative Progress
X	7/22/2010 1:22 PM	080210	8/4/2010 8:59 AM	Also, please sub the 911 call 7/22/2010 1:23 PM Prepared a subpoena and faxed to Metro Com 8/4/2010 9:00 AM Received 911 materials and delivered to Mr. Cox Om080410com
X	7/22/2010 1:22 PM	080210	8/3/2010 3:03 PM	Tyrone is accused of wearing a cleaning glove when he is said to have assaulted T [REDACTED] H [REDACTED] I think this glove is key for several reasons. Based on the allegation, the glove had to be something that was already in the home. Please go to the allged victim's home and talk to T [REDACTED] H [REDACTED]' mom. Ask her if, at the time of the alleged assault, she kept any latex, or other, cleaning gloves in her home. 8/3/2010 3:03 PM Visited with AV mother who advised Mr. James obtained white gloves from working a Cesar's Palace Om080310gloves
X	5/26/2010 3:00 PM	NG	5/26/2010 3:00 PM	CCDC Visit with Mr. James 5/26/2010 3:00 PM This morning Mr. Cox and I visited with Mr. James Om052610ccdc

JAMES0089

EXHIBIT 8

MEMORANDUM

OFFICE OF THE CLARK COUNTY PUBLIC DEFENDER

Public Defender
Philip J. Kohn
Assistant Public Defender
Daren B. Richards

INVESTIGATION DIVISION

May 26, 2010

TO: BRYAN A. COX CLIENT: TYRONE DAVID JAMES
FROM: BRUCE E. MCALLISTER CASE NO.: 10F09328X
SUBJECT: INITIAL CLIENT CONTACT

This morning Mr. Cox and I visited with Mr. James at CCDC. Mr. James stated he had been living with the alleged victim and her mother for a time. He recently moved out leaving his dog with the AV and her mother. On the day of the alleged incident Mr. James and his grandmother were slated to go to Sunset Park, fishing. Mr. James visited his former residence to feed and visit with his dog. While at the residence he found the AV getting ready for school. When she was ready he drove her to school. According to Mr. James AV arrived at school on time, he insists nothing happened between he and AV. Later Mr. James received a call from AV mother and a meeting occurred between Mr. James, his grandmother, the AV and her mother. Mr. James gave no details regarding the meeting stating AV said he did things to her and he said he did not. Mr. James states he and his grandmother went fishing until he was contacted by AV mother stating she was in the process of making a police report. Mr. James later visited with Metro Detectives where he gave a statement resulting in his arrest. Mr. James talked about being accused of sexual assault involving an eleven year old girl. Mr. James states it was investigated and the charges were dropped because he had an alibi witness. Mr. James thinks the AV in his current case knew about the old accusations and feels this may be why the AV is making false accusations. He feels AV has never liked him and is using this story to get him out of their lives.

JAMES0090

EXHIBIT 9

MEMORANDUM

OFFICE OF THE CLARK COUNTY PUBLIC DEFENDER

Public Defender
Philip J. Kohn
Assistant Public Defender
Daren B. Richards

INVESTIGATION DIVISION

August 3, 2010

TO: BRYAN A. COX CLIENT: TYRONE DAVID JAMES
FROM: BRUCE E. MCALLISTER CASE NO.: C265506
SUBJECT: GLOVES

Mr. Cox requested the following:

Tyrone is accused of wearing a cleaning glove when he is said to have assaulted T [REDACTED] H [REDACTED].

I think this glove is key for several reasons. Based on the allegation, the glove had to be something that was already in the home.

Please go to the alleged victim's home and talk to T [REDACTED] H [REDACTED]' mom. Ask her if, at the time of the alleged assault, she kept any latex, or other, cleaning gloves in her home.

This afternoon at approximately 1430hrs I visited with T [REDACTED]'s mother at 207 N. Lamb Blvd Unit E. T [REDACTED]'s mother said Mr. James worked for Cesar's Palace at the time and routinely brought home white gloves from work. She said police seized a box of white latex gloves from under her bathroom sink.

JAMES0091

EXHIBIT 10

OFFICE OF THE CLARK COUNTY PUBLIC DEFENDER

Public Defender
Philip J. Kohn
Assistant Public Defender
Daren B. Richards

INVESTIGATION DIVISION

August 4, 2010

TO: BRYAN A. COX **CLIENT:** TYRONE DAVID JAMES

FROM: BRUCE E. MCALLISTER **CASE NO.:** C265506

SUBJECT: 911 MATERIALS

Mr. Cox requested the following:

Also, please sub the 911 call

Today I received the requested materials and delivered to Mr. Cox.

JAMES0092

EXHIBIT 11

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7

FILED

ORIGINAL

APR 29 1 21 PM '11

1 TRAN

2
3 EIGHTH JUDICIAL DISTRICT COURT
4 CIVIL/CRIMINAL DIVISION
5 CLARK COUNTY, NEVADA

Ann L. Shuman
CLERK OF THE COURT

6 STATE OF NEVADA,

7 Plaintiff,

8 vs.

9 TYRONE D. JAMES,

10 Defendant.

CASE NO. C265506

DEPT. NO. VII

10C265506
TRAN
Reporters Transcript
1383265


11 BEFORE THE HONORABLE LINDA M. BELL, DISTRICT COURT JUDGE

12 TUESDAY, SEPTEMBER 21, 2010

13
14 **TRANSCRIPT RE:**
15 DEFENDANT'S MOTION TO RECONSIDER MOTION TO ADMIT
16 EVIDENCE OF OTHER CRIMES, WRONGS OR ACTS

17
18 TRIAL BY JURY
19 DAY 1 - VOLUME I

20 APPEARANCES:

21 For the State:

22 STACY L. KOLLINS, ESQ.
23 CHRISTOPHER P. PANDELIS, ESQ.
24 Deputy District Attorneys

For the Defendant:

BRYAN A. COX, ESQ.
DANIEL R. PAGE, ESQ.
Deputy Public Defenders

RECORDED BY: Renee Vincent, Court Recorder

RECEIVED
APR 29 2011
CLERK OF THE COURT

JAMES0093

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INDEX OF WITNESSES

	<u>Direct</u>	<u>Cross</u>	<u>Redirect</u>	<u>Recross</u>
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STATE'S WITNESSES:

Detective Daniel Tomaino	251	262	273	276
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DEFENDANT'S WITNESSES:

None

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INDEX OF EXHIBITS

		<u>Identified</u>	<u>Admitted</u>
<u>STATE'S EXHIBITS:</u>			
1	Evidence envelope with latex gloves	260	260
2	Evidence envelope with night shirt and Consent to Search card	255	255

DEFENDANT'S EXHIBITS:
None

1 MR. COX: Thank you, Judge. Thanks, Ms. Kollins.

2 Just a couple brief questions, Ms. Barr. It's getting late in the day.
3 Are you prepared to weigh the testimony of two witnesses, irrespective of age or
4 gender? In other words, not let age or gender play an influence?

5 PROSPECTIVE JUROR BARR: Absolutely not.

6 MR. COX: Okay. Do you feel you'd be a fair juror if impaneled on this trial?

7 PROSPECTIVE JUROR BARR: Yes.

8 MR. COX: As you sit there now and having not heard any evidence or
9 testimony, do you view Mr. James as innocent or view him as being not guilty?

10 PROSPECTIVE JUROR BARR: Yes, he is.

11 MR. COX: Okay. I'll pass for cause, Judge.

12 THE COURT: Thank you. It's the Defense 9th and final.

13 MR. COX: Judge, we'll waive our challenge.

14 THE COURT: Okay. Folks, if you would all please stand and raise your right
15 hand. We have our jury. The clerk is going to administer the oath to you.

16 (The clerk administers the oath to the jury)

17 THE COURT: And to the last few of you out there, thank you so much.

18 As you can tell, we never know exactly how many people it's going to take to get our
19 jury. In fact, I was a little concerned we were going to have to get some more of
20 you, but I appreciate you hanging in there. I know it seems like a long day of just
21 listening to questions, but we absolutely couldn't do it without you because we never
22 know how many people it's going to take. So I really appreciate your time here
23 today. If you could just return back to Jury Services. Thank you all.

24 (Remaining prospective jurors exit the courtroom)

1 THE COURT: Okay. And I'm just going to read through some brief
2 preliminary instructions with you. We're going to take a very short break just so
3 everyone can use the restroom and the lawyers can get set up for their opening
4 statements. We're going to hear openings. We may do a little – get into a little
5 bit of testimony, but we'll wrap it up right at 5:00 today and then we'll come back
6 tomorrow at ten o'clock.

7 This is a criminal case commenced by the State of Nevada, which I
8 may sometimes refer to as the State, against Tyrone James, the defendant. The
9 case is based on an Information. The clerk will now read the Information to you
10 and state the plea of Mr. James to the Information.

11 (The clerk reads the Information aloud)

12 THE COURT: Ladies and gentlemen, please understand that the Information
13 is simply a charge and that it is not in any sense evidence of the allegations it
14 contains. Mr. James has pled not guilty to the Information. The State therefore
15 has the burden of proving each of the essential elements of the counts in the
16 Information beyond a reasonable doubt. As Mr. James sits there now, he is not
17 guilty. The purpose of this trial is to determine whether the State will meet their
18 burden.

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

24 You must base your verdict solely on the evidence presented in the

1 courtroom. You may not do any outside investigation during the course of the trial.
2 It is very important for the integrity of the jury process that until the jury has reached
3 a final decision that you do not consult any reference works like dictionaries, don't
4 Google anything. I know if you're like me you pull out your phone and you're looking
5 up anything that you don't know right then and there on the spot, but I need you to
6 wait until the case is over and I tell you that you can. Don't go to any places that
7 are mentioned during the course of the trial. Don't post updates on your Facebook
8 account about how the trial is going. If you could just please wait.

9 When the trial is over and you've been excused as jurors, you can
10 do all of those things to your heart's content, but trials are very expensive and very
11 time-consuming. We're taking all of your time right now, and I would hate to have
12 to do a trial over again because somebody was not able to follow those rules.
13 So please, it's very important to not do any sort of outside research or any sort of
14 outside communication about the trial until the case is completely done and I've told
15 you that it's okay to do that.

16 You may not declare to your fellow jurors any facts relating to this
17 case of your own knowledge, and if you discover during the trial or after the jury
18 has retired that you or any other juror has personal knowledge of any witness or
19 fact in controversy in this case, you must disclose that information to me outside
20 the presence of the other jurors. So I read a list of witnesses, and it may be that a
21 witness comes in here and you realize that it's a parent of somebody that your kid
22 plays on the same soccer team with, or you just didn't know their name and when
23 they get in here you realize, oh, I know that person, I just didn't know it. If that
24 happens, don't tell all of the other jurors, just had a note to Officer Moon and he'll

1 get it to me and then we'll take it from there. The same thing if you start hearing
2 about the facts of the case and you realize, oh, you know, for some reason that
3 you know something about it, just let us know and then we'll take it from there.

4 In every case there are two types of evidence, direct and
5 circumstantial. Direct evidence is testimony by a witness about what that person
6 saw or heard or did. Circumstantial evidence is testimony or exhibits which are
7 proof of a particular fact from which if that fact is proven you can infer the existence
8 of a second fact.

9 Let me explain that in English. Direct evidence would be if you walked
10 outside, you see snowflakes falling down onto the ground. That's direct evidence
11 that it is snowing. Circumstantial evidence would be if you went to sleep tonight and
12 it would be quite shocking, but if you woke up tomorrow morning and there was
13 snow laying on the ground, that would be circumstantial evidence that snow had
14 fallen in the night. So you didn't see it, but you can infer that snow fell on the
15 ground because that's probably the most likely way that it would have gotten onto
16 your lawn during the course of the evening.

17 You can consider both direct and circumstantial evidence in deciding
18 this case. The law permits you to give equal weight to both types of evidence, but
19 it is up to you to decide how much weight to give a particular piece of evidence.

20 The parties may sometimes present objections to some of the
21 testimony or other evidence. It is the duty of a lawyer to object to evidence which
22 he or she believes may not be properly offered, and you should not be prejudiced
23 in any way against the lawyer who makes objections on behalf of the party he or she
24 represents. They are just doing their job. At times I may sustain objections or direct

1 that you disregard certain testimony or exhibits. You must not consider any
2 evidence to which an objection has been sustained or which I have instructed you
3 to disregard.

4 You also must not consider anything which you may have seen or
5 heard when court is not in session, even if what you see or hear is said or done
6 by one of the parties or one of the witnesses. And just as a reminder, the parties,
7 lawyers, court staff, we're all not allowed to talk to you, so if you see us and we just
8 walk right by you, please don't take that as any sort of slight. It's just that the rules,
9 again, for the integrity of the jury process don't permit us to talk to you while the trial
10 is going on.

11 In considering the weight and value of the testimony of any witness,
12 you may take into consideration the appearance, attitude and behavior of the
13 witness, the interest of the witness in the outcome of the case, if any, the relation
14 of the witness to the defendant or the State, the inclination of the witness to speak
15 truthfully or not, and the probability or improbability of the witness' statements, and
16 all of the facts and circumstances in evidence. Thus you may give the testimony of
17 any witness just such weight and value as you believe the testimony of the witness
18 is entitled to receive.

19 After I finish these instructions and we have a short break, we will have
20 opening statement by the State, maybe opening by the Defense, State's evidence,
21 possibly Defense evidence, jury instructions and closing arguments. Opening
22 statements and closing argument are intended to help you in understanding the
23 evidence and applying the law, but please understand that what the attorneys tell
24 you is not evidence.

1 At the conclusion of all evidence, I will instruct you on the law.
2 You must not be concerned with the wisdom of any rule of law stated in these
3 instructions, or the instructions which I will read to you after the evidence is in.
4 Regardless of any opinion you may have as to what the law ought to be, It would
5 be a violation of your oath to base a verdict upon any other view of the law than
6 that given you by the Court.

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

12 Again, if you discover during the course of the trial that you have
13 personal knowledge of the facts of the case or that you know one of the witnesses,
14 please give a note to the marshal, who will present it to me.

15 Next to your seat you will find paper and pens for your use, as well as
16 a red badge that we request you wear at all times during your jury service while
17 you're in the courtroom. Since we can't talk to you, that readily identifies you as a
18 juror and it just makes it a little bit easier so nobody accidentally speaks to you, not
19 realizing that you're a juror. The paper and pens that are there for your use, you are
20 free to take notes during the trial if you wish, but please keep the notes to yourself
21 until you and your fellow jurors go to the jury room to decide the case. Do not let
22 note taking distract you. You should also rely on your own memory of what was said
23 and not be overly influenced by the notes of other jurors. If jurors have conflicting
24 notes, you should not rely on the notes because the Court Recorder's record

1 contains the complete and authentic record of the trial.

2 I will probably type a lot of notes during the trial. Please do not take
3 this into consideration. If I begin to type during a witness' testimony, some portions
4 and not others, that doesn't mean that I consider the testimony more important than
5 something else, it may just mean my hand is tired. I just do it simply to track along.
6 Sometimes I am communicating with my staff in the back just to let them know how
7 close we are to taking a break, or we were concerned about how many jurors we
8 had, so sometimes there's issues like that that I'm taking care of as well. So please
9 don't take into consideration anything – you know, that I'm typing during one part
10 and not during another part because it doesn't mean anything.

11 If you cannot hear a witness, please raise your hand as an indication.
12 If you don't feel well or if you're having any other problem, please let us know.
13 We'll try to make you as comfortable as possible. We know you have to sit here for
14 extended periods of time and it's not always very comfortable, so if there's anything
15 that we can do to help make you more comfortable, please let us know. Everything
16 that's on that little white table at the end of the jury box is there for your convenience,
17 so there's usually water, tissue, cough drops, sometimes a little bit of candy. Please
18 help yourself to anything that is down there.

19 Jurors are allowed to ask questions. This procedure requires that you
20 write your juror number. Now your juror number is not going to be the number on
21 your badge, it's going to be the number that's on your notebook. Write your juror
22 number and the question on a full sheet of paper and tear the sheet of paper out.
23 We have to keep those, so if we get small pieces they're really hard to keep track of.
24 And then give it to the marshal while the witness is still in the courtroom.

1 I will ask you to hold your questions until the attorneys have had the
2 opportunity to ask the witness questions. Often times they will ask the question that
3 you are thinking of and it makes the process go a little smoother if we wait until the
4 end. When the witness is done, I will ask you if the jury has any questions. If for
5 some reason I forget to do that – I'm usually pretty good about it but if I forget,
6 please raise your hand before the witness leaves, because once the witness has
7 left then we can't – obviously can't ask them a question if they're not here. If the
8 question is a proper question under the court rules, I will ask it. If not, I'll hold on to
9 the question and then at the end of the trial I'll explain to you what the rule was that
10 prevented me from asking the question.

11 With that, we're going to just take just a really quick like five minute
12 break for everybody just to run to the restroom and then we're going to have
13 openings.

14 During this recess you are admonished not to talk or converse among
15 yourselves or with anyone else on any subject connected with this trial, or read,
16 watch or listen to any report of or commentary on the trial or any person connected
17 with this trial by any medium of information, including without limitation newspapers,
18 television, the Internet and radio, or form or express any opinion on any subject
19 connected with the trial until the case is finally submitted to you.

20 So if you could all just be back here at 4:05 and then we'll get started
21 with openings.

22 (Court recessed from 3:54:10 p.m. until 4:03:20 p.m.)

23 (Whereupon the following proceedings were held
24 in the presence of the jury)

1 THE COURT: We're back on the record in Case No. C265506, State of
2 Nevada versus Tyrone James. Let the record reflect the presence of all of the
3 jurors, Mr. James with his counsel, the representatives of the District Attorney's
4 Office and all of the court staff.

5 Ms. Kollins.

6 MS. KOLLINS: Thank you, Judge.

7 OPENING STATEMENT

8 BY MS. KOLLINS:

9 For the last time today, ladies and gentlemen, good afternoon. On
10 behalf of the Clark County District Attorney's Office, more specifically the Special
11 Victim's Unit, I want to thank you in advance for the attention that you gave us today
12 and for the time that you're going to give us over the next couple days. We know
13 that you have lives and obligations that you're setting aside to be here, so for that,
14 thank you.

15 This case is about 15-year-old T■■■■ H■■■■. Back in May of 2010
16 T■■■■ lived here in Las Vegas with her mother and her siblings. Her mom's
17 name is Theresa Allen. Theresa Allen has known the defendant since she was
18 eleven or twelve years old, met him here in Las Vegas, but between about 1994 and
19 2008 they didn't see each other. Theresa Allen was married to another individual.
20 That individual was incarcerated. At a chance meeting in 2008 with the defendant
21 at a mutual friend's house, Theresa began to speak to Tyrone; befriended him.
22 That friendship turned romantic and he began to spend time around her and her
23 children. The couple lived together from sometime around August of 2008 until
24 January 2010, and that's when – these dates are approximate – that's when the

1 defendant moved in with a family member.

2 From January 2010 through April, May of 2010, he was barely around.
3 He didn't live there. Their relationship as it had been had come to an end. No
4 longer responsible for anything to do with the kids, disciplining them or anything
5 else. In April of 2010, Theresa had a car accident – that's the victim's mom – and
6 they began to communicate again. He did some things for her, gave her rides
7 places, helped her with errands, and they began to communicate a little bit again.

8 On May 14th, the school year was not yet over. T [REDACTED] goes to
9 a school where they start about 10:00 o'clock in the morning. And the defendant
10 in a philanthropic gesture offers to pay an electric bill for mom, and he tells mom
11 he's going to pay the electric bill and he's going to take his grandmother fishing.
12 And he stops by their residence and T [REDACTED] is asleep, and she hears the
13 defendant come in her room. He takes off her top, he puts his hands around her
14 neck. She tries to get to her cell phone. She drops it; he takes it away from her
15 and puts it in his pocket. She's able to get up and she moves to her sister's bed.
16 The defendant then comes and drags her into the living room, puts her on the floor,
17 puts his fingers in her vagina, puts his penis in her vagina, and eventually stops.
18 He does not ejaculate. Why are you doing this, she asks him. Shut up or I'll snap
19 your fucking neck, is what he tells her.

20 It's time for her to go to school. He's going to take her to school, but
21 he says to her, I'm afraid of who you're going to tell. Who are you going to call?
22 He gives her her phone back. He takes her to school. Until she gets to a point of
23 safety at school, she has no adult to talk to. She texts her little sister. Her little
24 sister, Denise, sends her mom a text message this very day, this very morning

1 within just a couple hours of the assault. And mom gets T [REDACTED] on the phone
2 because in most middle schools you can't talk on your cellular phone, you can't text
3 or you'll get your phone taken away. But when mom gets her child on the phone,
4 her child is crying. And she makes her child give the phone to the teacher and get
5 her to the principal's office or to somewhere where she can get some help and her
6 mom can come get her.

7 So her mother comes to get her at school. She's upset, she's crying.
8 Metro is called. Patrol comes out to the home. Detectives come out to the home.
9 The child is taken by a patrol officer with her mother to Sunrise Hospital where
10 she is seen by a nurse practitioner and by Dr. Vergara. And Dr. Vergara does a –
11 kind of a three stage exam, if you will. They take a history to find out why the child
12 is there. They do a triage to make sure there is no acute injury, bleeding, broken
13 bones, something that needs immediate attention, take her respiration, then
14 ultimately they do a sexual assault examination on this child. And when they look
15 at her genitalia, there is swelling at the introitus of her vagina, her genital opening,
16 which we anticipate Dr. Vergara will tell you is consistent with some penetrating
17 trauma, penetrating – not necessarily an injury because there was not bleeding,
18 but there was swelling and redness.

19 Thereafter Detectives Tomaino and Hatchett are contacted. They
20 contact T [REDACTED] in the E.R. They take her statement. Detective Tomaino
21 eventually makes contact with Mr. James, who corroborates the fact that he was at
22 the house and he was there and he did drive the child to the school. So he admits
23 his presence in that home at that time, at that location with that child. And she's
24 a teenager, and she'll tell you that when he was with mom she didn't like him.

1 One of the details I did not recount for you – excuse me, it's late in the
2 day – is when she notices him that day when he's putting his fingers in her vagina,
3 he has gloves on his hands, the kind of gloves that you would see in a medical
4 office or the kind of gloves that some people might use to clean the house. About
5 seven or eight days after this incident, mom is cleaning house. She looks under the
6 bed and there's an Air Jordan shoe box that's filled with rubber gloves, something
7 foreign to that location. I mean, there might have been rubber gloves in the house
8 under the sink, but not under the bed in a shoe box, and she turns those over to
9 the detectives.

10 You're going to hear about another girl in this case, and her name is
11 Nefertia Charles. Nefertia's name does not appear in the Information as offenses
12 for which this defendant stands charged before you today. But her testimony is
13 relevant to you in a very limited way, as ruled on by this Court. You may look at
14 what this other young woman has to tell you to measure this defendant's intent,
15 motive, opportunity and lack of mistake or accident in the immediate offense.

16 In 2005 the defendant was married to Tahisha James. She had a
17 stepdaughter, Nefertia Charles. The defendant shared two children with Tahisha
18 James. They shared a residence here in Las Vegas. And in March of 2005, the
19 first time Mr. James successfully got his hands on Nefertia Charles, he entered
20 her bedroom, took her to a vacant room in that home, said he needed to check her
21 vagina and proceeded to digitally penetrate that girl. At that time Nefertia Charles
22 was twelve years old. The second occasion Mr. James perpetrated on Nefertia
23 was later in March of 2005. He woke her up, took her clothes off, attempted to
24 get his penis in her vagina, and inartfully ended up putting it in her anal opening.

1 She was twelve years old.

2 The third time Mr. James got his hands on Nefertia Charles, he
3 wrestled her until he got her clothes off. She successfully got away from him, got
4 to the bathroom. She locked the door. He picked the door lock. And against this
5 child's will, put his penis in her vagina. The last and final time, before she told, he
6 crawled into bed with her, she began to scream and hit on him. Again, in the middle
7 of the night, she was asleep on this occasion and he tried to get her underwear off,
8 and her grandmother caught them and the conduct stopped. Those acts against
9 Nefertia Charles that the State will present to you, again, are for your consideration
10 as to Mr. James' intent, his opportunity, his motive in touching and sexually
11 assaulting T [REDACTED], as well as that that sexual assault was not the product of some
12 type of mistake or accident.

13 That is the substance of the evidence that you will hear in this case.
14 And again, on behalf of the Clark County District Attorney's Office, the Special
15 Victim's Unit and myself and Mr. Pandelis, we thank you for your attention.

16 THE COURT: Thank you, Ms. Kollins.

17 Mr. Cox – or I'm sorry, Mr. Page.

18 OPENING STATEMENT

19 BY MR. PAGE:

20 Good afternoon, ladies and gentlemen. I thank you for bearing with us
21 for a few more minutes of your attention. This is a case – this is a case where the
22 State is trying to prove zero plus zero equals one, but the evidence will show that
23 zero plus zero still equals zero.

24 On May 14th, Tyrone James had his day all planned out for him. He

1 was going to run an errand for a good friend of his, Theresa Allen, and then he was
2 going to go fishing with his grandma. The errand consisted of dropping off a dog
3 and getting some food, and then also picking up a bill, a power bill so he could go
4 and pay it for her. Then after that he was going to go pick up his grandma and they
5 were going to go fishing at Sunset Park the remainder of the day.

6 He arrived at the home of Theresa Allen, 207 North Lamb, and not
7 expecting anybody to be there, Mr. James planned to quickly run in, drop of the
8 dog, feed it, grab the bill and get out. However, upon entering the apartment, Mr.
9 James is surprised to find T [REDACTED] H [REDACTED] there at home, the 15-year-old daughter
10 of his friend, Theresa. He first takes care of his business, feeds the dog, grabs the
11 bill, and as he arrived it was 9:40. He asked her why she wasn't at school and did
12 she need a ride to go to school. She said yes. She (sic) picked him (sic) up and
13 he took her to school.

14 Mr. James drops off T [REDACTED] at school and continues his day as he
15 planned, to go pick up his grandma. He goes home and gets ready for the fishing
16 day, and then he receives a call. He receives a call from Theresa. And this is when
17 Theresa makes him aware of the allegation that T [REDACTED] is making against him,
18 sexual assault. He then agrees to immediately turn around, and he goes back and
19 meets with Theresa. At that point he explained exactly what he did and he denies
20 the allegation.

21 He then begins again to go on the fishing trip with his grandma. While
22 he goes out, he's en route to go to Sunset Park, he receives another phone call,
23 this time from Metro, from the Las Vegas Police Department, and they are asking
24 him if they can speak with him. And immediately he turns -- he stops, turns around,

1 drops off his grandma and goes and meets with Metro.

2 The evidence will show that Mr. James did not commit sexual assault
3 on T [REDACTED] H [REDACTED]. There are several things to – the evidence will show. First
4 of all, the evidence will show that Mr. James fully cooperated. He stopped what
5 he was doing and immediately when down there and spoke with the officers. He
6 offered to give them any help that they needed. He offered to give them DNA. The
7 evidence will show that his behavior was consistent with that of an innocent man.

8 You will also hear that T [REDACTED] openly – (sorry for my writing) –
9 openly disliked Mr. James prior to making this allegation. You will also not hear
10 a shred of evidence – physical evidence against Mr. James. You will see no
11 scratches, no bruises, no abrasions or any marks that would be consistent to what
12 T [REDACTED] testified to, or will testify to. You will not hear of any medical findings
13 or DNA. You will not hearing anything that will corroborate her story and her
14 allegations. And you will also hear that her story changes. The evidence you will
15 hear will show that the State's case is weak. In an attempt to hide the weaknesses
16 of these cases, the State will have Nefertia Charles testify.

17 MS. KOLLINS: I'm going to object as to argument.

18 THE COURT: Sustained. The jury is to disregard that last comment.

19 BY MR. PAGE:

20 The State will have Nefertia Charles testify. Nefertia will – Nefertia
21 will talk about allegations that she made against Mr. James approximately five years
22 ago. That these allegations -- immediately upon making these allegations that she
23 became uncooperative and no longer wanted to pursue these allegations against
24 Mr. James. The testimony that you will hear as to Nefertia is also that you will not

1 hear a single shred of evidence as to any of the testimony that Nefertia brings
2 against Mr. James. Furthermore, her testimony changes from the time that she
3 makes her initial report to the report that she makes now five years later. These –
4 This is what you will hear, is what you will hear testify from the two girls that the
5 State would put on for evidence.

6 Now, you heard in the jury – when we were selecting the jury there
7 were numerous questions that you can – if you believe the testimony of a witness,
8 you can find guilt just by believing the testimony of that witness. We ask you to
9 listen to the testimonies that are provided with an open mind. We ask you to
10 hold the State to their burden. And that these are the reasons why we ask you to
11 demand more than just uncorroborated testimony because, ladies and gentlemen,
12 zero plus zero does not equal one, it equals zero. And accordingly, we ask you to
13 return a verdict of not guilty against our client, Mr. James.

14 THE COURT: Thank you. Mr. Page, would you mind just moving the white
15 board out of the way.

16 MR. PAGE: Of course.

17 THE COURT: And State, call your first witness.

18 MS. KOLLINS: The State calls Detective Daniel Tomaino.

19 THE COURT: This is a good time for everyone to stand up and stretch if you
20 want to.

21 DETECTIVE DANIEL TOMAINO

22 Having been called as a witness and being first duly sworn, testified as follows:

23 THE CLERK: Thank you, you may be seated.

24 MS. KOLLINS: Good afternoon, sir. How are you?

1 THE WITNESS: Very good.

2 THE COURT: Ms. Kollins, could you wait just one second?

3 MS. KOLLINS: Oh, I'm sorry.

4 THE COURT: Good afternoon, sir. Could you please state your name or
5 spell – state your name and then spell the whole thing for the record.

6 THE WITNESS: Yes. Daniel Tomaino. D-a-n-i-e-l T-o-m-a-i-n-o.

7 THE COURT: Thank you. Go ahead.

8 MS. KOLLINS: My apologies. I was going to have him spell his name.

9 THE COURT: No problem.

10 MS. KOLLINS: May I approach your clerk very briefly?

11 THE COURT: You may.

12 DIRECT EXAMINATION

13 BY MS. KOLLINS:

14 Q Sir, how are you employed?

15 A With Las Vegas Metro.

16 Q How long have you been so employed?

17 A Six and a half years.

18 Q In what capacity are you employed now?

19 A I'm a detective with Child Sex Abuse.

20 Q How long have you been a detective with Child Sex Abuse?

21 A Nine months.

22 Q Prior to being a detective with Child Sex Abuse, what was your
23 assignment?

24 A Property crimes detective.

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1 Q And prior to that?

2 A Patrol.

3 Q Turning your attention to May of 2010, were you assigned as a
4 detective in the Child Sexual Abuse Bureau?

5 A Yes, I was.

6 Q And in May of 2010, how long had you been there?

7 A Five months.

8 Q Did you receive a call out involving a child by the name of T [REDACTED]
9 H [REDACTED]?

10 A Yes, I did.

11 Q Tell me how you received that information?

12 A It was a same day call, called into the CPS hotline. It identified that
13 a victim was at I believe home right at that point in time. A patrol was out with the
14 victim at the time, and they stated that she had been a victim of sexual assault
15 possibly by a Tyrone James.

16 Q So part of protocol, if you will, with Metro is if a patrol officer responds
17 and it's a crime that's subject to some kind of specialization like sex assault or
18 homicide, then a detective bureau is called?

19 A Yes.

20 Q Is that what happened on this occasion?

21 A Yes.

22 Q Did you give any directives to the patrol officer that was at the
23 residence regarding the child victim?

24 A She needed to be transported to Sunrise Hospital so the SCAN exam

1 could be conducted by the nurses.

2 Q Did that in fact happen?

3 A Yes.

4 Q Do you know the name of the officer that transported her?

5 A I do not.

6 Q Did you eventually also go to Sunrise Hospital?

7 A Yes.

8 Q With whom and when did you go there?

9 A Almost immediately, which would have been about 1:30, 1:45 that

10 I met with T [REDACTED] at the hospital.

11 Q And we're talking in the afternoon of May 14th, 2010?

12 A Yes.

13 Q And what did you do when you got there?

14 A I spoke with T [REDACTED] and spoke with the nurses that were there
15 that were attending her to identify exactly what it was that we were going to need
16 samples from, and then conducted an interview with T [REDACTED].

17 Q Where was T [REDACTED] within the hospital when you arrived?

18 A I believe she was back in the -- one of the little side rooms with the
19 nurse and her mother.

20 Q Is that also known as a Quiet Room?

21 A No, they weren't in the Quiet Room yet. They were actually in the
22 examination room.

23 Q Were you able to interview T [REDACTED] at Sunrise?

24 A Yes, I was.

1 Q And did you record and have that interview translated (sic)?

2 A Yes, I did.

3 Q After your interview concluded with T [REDACTED], what did you do vis-a-vis
4 this investigation?

5 A Made contact with the nurse and let her know exactly what it was that
6 I was looking for. She conducted her SCAN exam and then I made contact with my
7 fellow detective, who was already trying to make contact with Tyrone.

8 Q And who was the other detective that was trying to make contact with
9 Tyrone?

10 A Detective Hatchett.

11 Q Did Detective Hatchett also go to the residence that day?

12 A Yes, he did.

13 Q After you made contact with Detective Hatchett, what did you direct
14 him to do?

15 A Try to locate any of the items that should have been in there, which
16 would have been part of a cell phone and any other items possibly locating a crime
17 scene.

18 Q Did you recover anything from Sunrise?

19 A Yes. It was a shirt, a nightshirt.

20 Q And what was the relevance of those clothing items?

21 A It was the one that she was supposed to have been wearing during
22 the morning.

23 MS. KOLLINS: May I approach your clerk, Your Honor?

24 THE COURT: You may.

1 MS. KOLLINS: May I approach the witness?

2 THE COURT: You may.

3 BY MS. KOLLINS:

4 Q Showing you what's been marked for purposes of identification State's
5 Proposed Exhibit 2, and previously shown to defense counsel, do you recognize
6 State's Proposed 2?

7 A Yes.

8 Q What is that?

9 A It should be the nightshirt and a consent to search card of the suspect
10 vehicle when he arrived at 7-11.

11 Q Okay. How is it that you recognize State's Proposed 2?

12 A It's the evidence that I impounded.

13 Q Okay. Substantially in the same condition as the last time you saw it?

14 A Exactly.

15 MS. KOLLINS: Okay. Move for the admission of 2 and its contents.

16 THE COURT: Mr. Cox?

17 MR. COX: No opposition.

18 THE COURT: Two will be admitted.

19 MS. KOLLINS: Thank you.

20 BY MS. KOLLINS:

21 Q You mentioned a secondary item beyond the nightshirt that's
22 contained within State's Admitted 2. Can you tell me about that item?

23 A It's a consent to search card by a Tahisha Scott, which was the
24 secondary individual that had driven to the 7-11, which was the meet spot for

1 Tyrone and my partner.

2 Q And you did not actually obtain that consent to search card, that was
3 obtained by who?

4 A Detective Hatchett.

5 Q Okay. After you spoke to T [REDACTED] at the hospital, what did you do
6 the very next thing?

7 A After —

8 Q After the nurse. After you left the hospital, is what I'm trying to get to.

9 A I hadn't left yet. I was in contact with my partner, who was trying to
10 make contact with Tyrone. When Tyrone showed up, he was given the opportunity
11 to look through the vehicle that he had driven there in for any other evidence, if that
12 was even possible, and then instructed him to have the patrol officer transport
13 Tyrone to CCDC, Clark County Detention Center.

14 Q So Detective Hatchett, pursuant to that consent card that's contained
15 within Two searched Tyrone James' vehicle, but you were not present for that
16 search?

17 A I was not there.

18 Q After you gave instructions to have Mr. James transported, what if
19 anything did you do next?

20 A He was transported to Clark County Detention Center. I basically left
21 Sunrise Hospital and went and met the patrol officer at Clark County Detention
22 Center.

23 Q And thereafter did you meet with Mr. James?

24 A Yes, I did.

1 Q And did you have a conversation?

2 A Yes, I did.

3 Q And prior to that conversation taking place, did you read him his rights
4 pursuant to the Miranda decision?

5 A Yes, I did.

6 Q And what are those rights as you read to him, as you know them
7 today?

8 A You have the right to remain silent. Anything you say can and will
9 be used against you in a court of law. You have the right to the presence of an
10 attorney. If you cannot afford an attorney, one will be afforded for you.

11 Q Did Mr. James indicate to you that he understood those rights?

12 A Yes.

13 Q Did he indicate to you his willingness and ability to waive those rights
14 and continue to speak to you?

15 A Yes, he did.

16 Q And we're not going to go through his entire statement, but did you
17 ask him where he was that morning?

18 A Yes, I did.

19 Q And what if anything did he tell you?

20 A He stated he had been over at T [REDACTED] H [REDACTED]' home in the morning
21 and had taken her to school.

22 Q So he did not dispute being at the residence that morning?

23 A No.

24 Q Did he tell you what his plans were for after he took T [REDACTED] to

1 school?

2 A I believe it was to go fishing with his grandma, but I'm not sure that
3 his grandma was actually his grandma.

4 Q Did he mention something to you about paying of some bills or
5 anything like that?

6 A He might have.

7 Q What if anything did you learn about where in the residence, T [REDACTED]
8 H [REDACTED]' residence this conduct took place?

9 A It was supposed to be in the living room in front of the TV, her room,
10 and I believe her mother's room.

11 Q Did you learn if there was any personal property damaged during this
12 incident?

13 A A cell phone.

14 Q And whose cell phone was that?

15 A T [REDACTED]'s.

16 Q And how was it damaged? If you know.

17 A It was I believe like an I-phone or a Blackberry, and it had a plastic
18 case surrounding it that was a protective case, and it was basically – a third of it
19 was like broken off of it.

20 Q After May 14th, 2005 (sic), and when you had an occasion to be able
21 to look around the residence and you impounded these items, did you have another
22 day that you did some investigative work in this case?

23 A Yes, I did.

24 Q And when was that and what did you do?

1 A It was on the 19th, which would have been about four or five days
2 later. I was called by T [REDACTED] H [REDACTED] mother and she stated that she had found
3 a box of Michael Air Jordans that were sitting under her bed that had some rubber
4 gloves inside.

5 Q And with that information, what did you do?

6 A Contacted the D.A.'s Office and asked for whether or not this would be
7 evidentiary; then made contact back with T [REDACTED] H [REDACTED] mother and went over
8 to her home and went right into her home with T [REDACTED] H [REDACTED] mother to where
9 the evidence was supposed to be located, removed the box and emptied out its
10 contents, which happened to be a bunch of rubber gloves.

11 Q Where in the home did you see the gloves first? Would that be under
12 the bed, or were they removed for you?

13 A Under the head of the bed in her room. But they had pulled them out
14 and put them on top of the bed.

15 Q Why did gloves have any significance to you regarding this
16 investigation?

17 A T [REDACTED] had stated during her interview, in her disclosure she had
18 stated that the suspect was supposed to have been wearing gloves during the
19 incident.

20 Q Did you in fact take possession of those gloves?

21 A I did.

22 Q And what if anything did you do with them?

23 A I impounded them, and they are now sitting over there.

24 MS. KOLLINS: Permission to approach?

1 THE COURT: All right.

2 MS. KOLLINS: Showing defense counsel what's been marked for purposes
3 of identification as State's Proposed 1. If I may approach the witness?

4 THE COURT: You may.

5 BY MS. KOLLINS:

6 Q Showing you what's been marked as State's Proposed 1 for purposes
7 of identification, do you recognize State's 1?

8 A I do.

9 Q What is State's 1?

10 A Multiple rubber gloves impounded by me.

11 Q Okay. How is it that you recognize that envelope as that particular
12 item?

13 A It's the same packaging that I impounded.

14 Q Does it also have an Event Number unique to this case, as well as
15 your P number, which is your personnel number?

16 A Yes, it does.

17 Q Remain in substantially the same condition as the last time you saw it?

18 A Exactly.

19 MS. KOLLINS: I would move for the admission of State's 1.

20 THE COURT: Mr. Cox?

21 MR. COX: No objection.

22 THE COURT: State's 1 will be admitted.

23 BY MS. KOLLINS:

24 Q And I'm not going to open this. What kind of rubber gloves are we

1 talking about here?

2 A Medical gloves.

3 Q Latex; just regular medical gloves?

4 A Latex, powdered.

5 Q Okay. Now, the particular gloves that were in this box, you could not
6 identify any of them as being new, used, anything like that?

7 A They looked like they were relatively new, like they were fresh out of
8 the box. I couldn't really determine.

9 Q And within the Nike box, the Nike shoe box, was the glove box, if you
10 will, inside there, or was it just loose gloves within the shoe box?

11 A Loose gloves.

12 Q Now, you had a previous consent to search the house, correct?

13 A Yes, verbal.

14 Q On May 14th, 2010?

15 A Yes.

16 Q And you did not find the gloves on that date?

17 A No.

18 Q On that date, given the information you knew, was there any reason
19 for you to look in mom's bedroom?

20 A Not to my knowledge. It was to the knowledge of Detective Hatchett.
21 Hatchett was the one who was doing the –

22 Q But you were directing Detective Hatchett –

23 A Yes.

24 Q – correct? So based on the information you had back on May 14th,

1 was there any reason to go within mom's room under the bed?

2 A No.

3 Q Because none of the activity happened in there, is that correct?

4 A Some of it did, but that wasn't where the primary event occurred.

5 MS. KOLLINS: Indulge me for just one moment, Detective. It's been a long
6 day and I'm double-checking myself here. Okay?

7 THE WITNESS: Um-hm.

8 MS. KOLLINS: Judge, at this time I'll pass the witness.

9 THE COURT: Thank you. Mr. Cox?

10 MR. COX: Thank you, Judge. One moment, Judge, I'm going to pull the
11 podium back.

12 THE COURT: That's fine.

13 CROSS-EXAMINATION

14 BY MR. COX:

15 Q Good afternoon.

16 A Good afternoon.

17 Q Now, you interviewed Tyrone James on May 14th?

18 A Yes.

19 Q You read him his Miranda rights?

20 A Yes, I did.

21 Q And he was given the opportunity not to speak to you?

22 A Yes.

23 Q But he chose to waive those warnings and speak to you nonetheless?

24 A Yes.

1 Q Even though he was advised that his words would be used against
2 him?

3 A Yes.

4 Q Anything that was incriminating?

5 A Yes.

6 Q And you told him that he was being very cooperative?

7 A Yes.

8 Q Was that a lie or was that the truth?

9 A That was the truth.

10 Q Okay. Did you lie to Mr. James during the interview?

11 A No.

12 Q Are you sure?

13 A Pretty certain.

14 MS. KOLLINS: Objection. Argumentative and foundation.

15 MR. COX: Absolutely.

16 THE COURT: Sustained. Mr. Cox, if you could just lay a foundation, please.

17 MR. COX: Certainly.

18 BY MR. COX:

19 Q Have you had an opportunity to review the interview you conducted
20 with Mr. James?

21 A I have not looked at it, no.

22 Q Okay. So in all fairness, there was no – Going back a little bit, you
23 were with the CPS worker when you interviewed T [REDACTED] H [REDACTED], correct?

24 A I believe Lizette Woods, yes.

1 Q Okay. Lizette – you are correct, Lizette Woods. And you looked at
2 T [REDACTED] H [REDACTED] to look for bruises or scratches, correct?

3 A Yes.

4 Q And none was found?

5 A Yes.

6 Q And you were looking for that?

7 A Yes.

8 Q But you told Mr. James that in fact you had found bruises and
9 scratches. Do you recall that?

10 A I do not.

11 Q Okay.

12 MR. COX: Court's indulgence. We're getting his statement now.

13 I would refer Court and counsel to page 13. May I approach, Judge?

14 THE COURT: You may.

15 BY MR. COX:

16 Q Did you bring a copy with you, by any chance?

17 A I did not.

18 Q Okay. I'd ask you to refer to page 13.

19 A Okay.

20 Q Have you had a chance to read it?

21 A I have.

22 Q Okay. I'm going to retrieve the statement, if I can.

23 A No problem.

24 Q Now, you in fact told him that you did find marks and bruises on

1 T [REDACTED] H [REDACTED], correct?

2 A Yes, I did.

3 Q So that was a lie?

4 A Yes.

5 Q Because it didn't occur, right?

6 A Correct.

7 Q Okay. And that was a ploy you used to try and get Mr. James to make
8 an incriminating statement?

9 A Yes.

10 Q Did it work?

11 A No.

12 Q He maintained his innocence, didn't he?

13 A Yes, he did.

14 Q Even though you told him there was evidence that wasn't there?

15 A Yes.

16 Q Now, later in the interview did Mr. James volunteer that he would give
17 you DNA?

18 A I don't remember.

19 Q Okay.

20 A He might have.

21 Q All right.

22 MR. COX: May I refer Court and counsel to page 18. May I approach,
23 Judge?

24 THE COURT: You may.

1 BY MR. COX:

2 Q Page 18.

3 A Got it.

4 Q It says DNA (pointing to document).

5 A Right there (witness reading).

6 Q Okay?

7 A Okay. (Witness hands document to Mr. Cox)

8 Q Did he in fact volunteer to you DNA if you wanted to take any?

9 A Yes, he did.

10 Q Okay. Now, is there a reason why when Ms. Kollins talks to you

11 you have a really good memory, but when I talk to you, you don't?

12 MS. KOLLINS: Objection, argumentative. Move to strike that.

13 MR. COX: Okay.

14 THE COURT: Counsel approach.

15 (Bench conference begins)

16 MR. COX: I think it goes to bias, Judge.

17 MS. KOLLINS: Your interpretation (indiscernible) is absolutely irrelevant.

18 MR. COX: This is a very short statement. It's not -- (indiscernible).

19 THE COURT: Mr. Cox, I don't think we need to get into a confrontation with

20 the witness over this. Certainly if you feel that that's the case, that's something that

21 you could point out in your closing.

22 MR. COX: Okay. I'll with-- I'll strike it, Judge. I'm sorry.

23 THE COURT: Okay.

24 (Bench conference concluded)

1 BY MR. COX:

2 Q Detective, I'll strike that question, okay?

3 A Okay.

4 Q Okay. Now, you mentioned a broken cell phone in this case, a broken
5 cell phone case?

6 A Yes.

7 Q Okay. Now, forensically are you able to determine when a break
8 occurred?

9 A No.

10 Q Okay. So you're relying on T [REDACTED] to tell you when this occurred?

11 A Yes.

12 Q Okay. Because you really don't know exactly when it occurred with
13 any real certainty, do you?

14 A No.

15 Q Okay. So that evidence came from T [REDACTED] H [REDACTED] telling you?

16 A Yes.

17 Q And the reliability goes to T [REDACTED] H [REDACTED]?

18 A Yes.

19 Q Now, in this case did you monitor the police dispatch, the 9-1-1 calls,
20 or did you review it?

21 A I did not review it and I wasn't monitoring.

22 Q You didn't. Okay. But you did talk to – Did you have an opportunity
23 to review the SANE or SAINT report after it was completed at the hospital?

24 A Yes.

1 Q Okay. And that was before you interviewed either T [REDACTED] H [REDACTED]
2 or Tyrone James?

3 A No. It was after. It was way after. It wouldn't have been at the
4 interview of T [REDACTED], and it wasn't at the interview of Tyrone because it wasn't
5 given to me until later.

6 Q Okay. But you did have a chance to talk to the nurses?

7 A Yes.

8 Q And the doctor, or no?

9 A Not the doctor.

10 Q Okay. Did you ask them whether or not she reported that she had
11 been penetrated?

12 A Say that one more time.

13 Q Did you ask the nurses whether or not T [REDACTED] H [REDACTED] had reported
14 to them that she had been penetrated?

15 MS. KOLLINS: Objection, double hearsay as to what T [REDACTED] said to the
16 nurse and what the nurse reported to the detective.

17 THE COURT: Sustained.

18 BY MR. COX:

19 Q Now, you had got involved around two o'clock in the afternoon on the
20 day in question?

21 A Yes.

22 Q Now, it's my understanding that she got to school around ten o'clock.

23 A Yes.

24 Q Why the delay in contacting you or getting you involved, or the

1 Metropolitan Police Department involved?

2 A I think it was supposed to have happened sometime around ten
3 o'clock. She had gone to school. She was in school for about forty-five minutes
4 to an hour. She texted a friend or a cousin, and the cousin told the mother and the
5 mother went and picked her up. The mother picked her up and brought her home.
6 By then it was sometime around noon. They had some kind of a meet and greet
7 between Tyrone, mom and T [REDACTED] at home. Tyrone left sometime around noon.
8 Mom decided to call the police. The police showed up, and patrol advised CPS
9 and myself and we eventually responded.

10 Q Okay. So this isn't a case where T [REDACTED] called the police immediately,
11 that you're aware of?

12 A Correct.

13 Q Okay. In fact – Now, did you document the text messages that were
14 received between the friends?

15 A No.

16 Q No. So we don't really know what was said between T [REDACTED] H [REDACTED]
17 and her friends that sparked her mother to come to school and pick her up?

18 A Do not.

19 Q Now, her mother – Are you aware whether or not the mother called the
20 police immediately?

21 A Say that –

22 Q The mother did not call the police immediately, did she?

23 A No, she did not.

24 Q She did not. In fact, notwithstanding this allegation that you've heard

1 of, she did not call the police, she chose to meet with Mr. James?

2 A Correct.

3 Q And they had a deliberation, as you mentioned in your report?

4 A Um-hm. Yes.

5 Q After you interviewed T [REDACTED] H [REDACTED], she mentioned gloves?

6 A Yes.

7 Q Did you send somebody to the house to look for gloves?

8 A Yes.

9 Q But they didn't find any gloves?

10 A No.

11 Q But somebody discovered gloves in the house approximately five
12 days later?

13 A Yes.

14 Q Okay. So the police come into the home to look for a piece of
15 evidence that would be consistent with her story and it's not there. Five days later
16 you're called; come get the gloves, we found them.

17 A Yes.

18 Q Is that correct?

19 A Yes.

20 Q Okay. Did you look for lubricant?

21 A I believe I instructed them to. I don't remember the extent of our
22 conversation.

23 Q You don't remember? Do you have notes you want to review to
24 double-check that?

1 A I don't have notes for that, no. .

2 Q Have you reviewed your report prior to today?

3 A Yes, I have.

4 Q Did you instruct – Did you mention anything in your report about
5 lubricant?

6 A No.

7 Q Okay. Are you aware that later on T [REDACTED] changed her story to
8 include lubricant?

9 A No, I did not.

10 Q Okay. Because if she would have mentioned that early on, you would
11 have put that in your report, correct?

12 A Correct.

13 MS. KOLLINS: Objection. Foundation –

14 MR. COX: Okay.

15 MS. KOLLINS: – and argumentative as to changed story.

16 MR. COX: Well, okay.

17 MS. KOLLINS: Well –

18 THE COURT: Just a second.

19 MR. COX: I'm sorry. Go ahead.

20 THE COURT: Sustained. If you would just rephrase the question, Mr. Cox.

21 MR. COX: Okay.

22 THE COURT: Let's just move on.

23 BY MR. COX:

24 Q Is it fair to say that if T [REDACTED] H [REDACTED] would have mentioned anything

1 about lubricant on May 14th, you would have put it in your report?

2 A Yes.

3 Q Okay. Was it in your report?

4 A No.

5 Q Thank you. And in all fairness, you doubted T [REDACTED] H [REDACTED]' story,
6 didn't you?

7 MS. KOLLINS: Objection as – objection as to his commenting on credibility
8 of a witness.

9 THE COURT: Sustained.

10 BY MR. COX:

11 Q Okay. Well, let me ask you this. Did you confront T [REDACTED] H [REDACTED]
12 regarding the fact that she did not have marks or bruises on her body that would be
13 consistent with her story?

14 A Yes.

15 Q Okay. So you asked her about that?

16 A Yes.

17 Q Okay. And you were looking for an explanation?

18 A Yes.

19 Q Okay. In fact, you went as far as even asking her to take a polygraph?

20 A Yes.

21 MS. KOLLINS: Objection. Move to strike.

22 THE COURT: The jury is to disregard that.

23 MR. COX: Court's indulgence.

24 THE COURT: That last answer is stricken.

1 MR. COX: I'll pass the witness, Judge.

2 THE COURT: Okay, thank you.

3 REDIRECT EXAMINATION

4 BY MS. KOLLINS:

5 Q Detective, when you spoke to the defendant about DNA, there wasn't
6 any specific reference to the source of that DNA, was there?

7 A No.

8 Q So he could have been talking about saliva, semen, epithelial, touch
9 DNA?

10 A Yes.

11 Q I mean, as far as he knew. You didn't talk to him specifically about
12 what kind of DNA you were looking for?

13 A No.

14 Q Okay. So he had already admitted physical contact or at least being
15 in the proximity of that child that day?

16 A Proximity, yes.

17 Q Okay. So Mr. Cox asked you if you lied to him. Have you conducted
18 a lot of interviews as a detective?

19 A Yes, I have.

20 Q What are one of the techniques that you employ in order to elicit
21 information from suspects?

22 A Taking specific information from the victims and throwing that back at
23 the suspect, identifying the fact that even if we have not found the item we basically
24 state that we have.

1 Q Also known as a ruse?

2 A Yes.

3 Q In your experience if you confront somebody with a piece of evidence

4 that will implicate them, are you more than likely or more often to get responsive

5 information or information you're seeking?

6 A Fifty-fifty.

7 Q But you do it for a reason. You don't do it just to lie to them?

8 A No.

9 Q You don't do it to trick them?

10 A No.

11 Q And you don't do it to show them that you're smarter than them?

12 A No.

13 Q You do it in order that they will give you information that inculcates

14 them in the crime that you're investigating?

15 A Yes.

16 Q Okay. You arrested Tyrone James that day, correct?

17 A Yes.

18 Q Based on what?

19 A Probable cause.

20 Q And probable cause is your standard for what?

21 A For whether or not a reasonable person would believe that the person

22 had committed the crime.

23 Q Okay. And that's your standard to make an arrest?

24 A Yes.

1 Q So based on your discussions with T [REDACTED] and your discussions
2 with the nurses and your discussions with Mr. James, you determined that you had
3 enough to make an arrest?

4 MR. COX: Objection.

5 THE WITNESS: Yes.

6 MR. COX: His determination is not conclusive. It's up to the jury to
7 determine whether or not –

8 THE COURT: Sustained.

9 BY MS. KOLLINS:

10 Q Mr. Cox mentioned lubricant somewhere. Is that anywhere in your
11 report?

12 A No.

13 Q Do you have any recollection of that being made an evidentiary topic
14 anywhere in this case?

15 A No. Simply rubber gloves.

16 Q And again, you did not conduct the search at T [REDACTED]'s residence,
17 correct?

18 A No. That was detective Hatchett.

19 Q He asked you whether you instructed Detective Hatchett to look for
20 lube. If lube was nowhere in this case, why would you even instruct him to do that?
21 Or maybe I misunderstood your answer on cross-examination.

22 A Based on sexual assaults, that would be one of the things that would
23 potentially be used; Vaseline or K-Y jelly or something.

24 Q Was that information that you had gleaned from the victim or

1 something that you thought in and of yourself would have been relevant?

2 A Experience.

3 MS. KOLLINS: Okay. No more redirect, Judge.

4 THE COURT: Okay. Mr. Cox?

5 MR. COX: Briefly, Judge. Just two questions – almost.

6 RECROSS EXAMINATION

7 BY MR. COX:

8 Q Now, it is possible to lift DNA from any surface of a person's skin,
9 correct?

10 MS. KOLLINS: Objection. Beyond the scope of his expertise.

11 BY MR. COX:

12 Q As a sexual assault detective, are you aware –

13 THE COURT: Sust– Counsel approach.

14 MR. COX: I'll rephrase, Judge.

15 BY MR. COX:

16 Q Are you aware as to whether or not it's possible to lift DNA from
17 someone's body when they've had contact with somebody?

18 A Yes.

19 Q Okay. It is possible?

20 A Yes.

21 Q Are you aware in your investigation whether or not DNA was lifted from

22 T [REDACTED] H [REDACTED]?

23 A If it was, it was during the SCAN exam.

24 Q Okay. Are you aware as to whether or not any evidence of Tyrone

1 James was lifted off of T [REDACTED] H [REDACTED]?

2 A Nothing that I've been made aware of.

3 Q Okay. And in fact, Mr. James offered his DNA?

4 A Yes.

5 MR. COX: Thanks. I'm sorry, one more question, Judge.

6 BY MR. COX:

7 Q Now, so you're not – are you aware or not that later on in your
8 investigation that T [REDACTED] H [REDACTED] mentioned lubrication?

9 A I was not aware.

10 MR. COX: Okay. Thank you.

11 THE COURT: Okay. Do we have any questions from the jurors? No? Okay.

12 Thank you, Detective. You are free to go.

13 THE WITNESS: Thank you.

14 THE COURT: Okay. Ladies and gentlemen, we're going to go ahead and
15 break for the evening.

16 During this recess you are admonished not to talk or converse among
17 yourselves or with anyone else on any subject connected with this trial, or read,
18 watch or listen to any report of or commentary on the trial or any person connected
19 with this trial by any medium of information, including without limitations newspapers,
20 television, the Internet and radio, or form or express any opinion on any subject
21 connected with the trial until the case is finally submitted to you.

22 Everyone have a good evening. We'll see you back here tomorrow
23 morning at ten o'clock.

24 (The jury exits the courtroom)

1 (Whereupon the following proceedings were held

2 outside the presence of the jury)

3 MS. KOLLINS: Judge, I have a record for outside the presence, if I may.

4 THE COURT: Sure. Hold on just a second. Okay.

5 MS. KOLLINS: I objected on cross-examination to the reference to lubricant
6 without a foundation. That was sustained. We went back there again. He cross-
7 examined on it again, still without foundation. And unfortunately, the detective left
8 the stand before I could try to make some ability to repair that. The only reference
9 about lubrication is prelim testimony where she talks about a lubricated glove,
10 not lubrication as a separate and distinct item. That's why I asked for foundation
11 a couple times. Mr. Cox didn't afford that foundation but then went back with a
12 question, and now I may have a couple more questions for the detective based on
13 that.

14 THE COURT: The only questions that Mr. Cox asked on his recross had to
15 do with DNA.

16 MR. COX: No, I did.

17 MS. KOLLINS: He asked about lubrication.

18 MR. COX: Actually I did ask about lubricant briefly. And the reality is is that
19 that was testified by —

20 THE COURT: But you did on —

21 MR. COX: — T [REDACTED] at the Preliminary Hearing. And I was basically
22 asking to see if he investigated regarding lubrication.

23 MS. KOLLINS: Well, and in my mind there's a distinction between a
24 lubricated glove and a lubricant that is a separate and distinct item or a bottle or

1 a tube of something that exists. And that's why I asked for foundation on cross-
2 examination because I've read this file, and other than calling a glove lubricated at
3 Prelim, there was never anything testified to or put in a statement that refers to a
4 separate and distinct item. Now they're left with the impression that that item exists
5 or the child lied about it and it was not collected by investigators. So I'm going to
6 probably be asking for permission – I don't know if I can do it through the kid or not,
7 but I may re-call the detective at this point.

8 MR. COX: That's fine.

9 THE COURT: Okay.

10 MR. COX: The reality is is that, you know, at Prelim –

11 MS. KOLLINS: It may not be that big of a –

12 THE COURT: Hold on just – wait a minute. Only one person can talk here
13 at a time. Okay. What I have is that the detective said it wasn't in his report. He
14 doesn't recall it ever being an issue in the case. It is – he asked for it – If he asked
15 for it, which I don't even think was entirely clear. But that was something he would
16 have requested based on his experience, and he wasn't aware of anything –

17 MS. KOLLINS: And I agree with all that.

18 THE COURT: Okay.

19 MS. KOLLINS: But then the follow-up question was, would it surprise you
20 that T [REDACTED] discussed lubricant, and lubricant isn't even the verbatim way it's
21 discussed in the Prelim transcript. I didn't know what he was referring to, so I'm
22 flipping through stuff trying to find it.

23 THE COURT: Okay.

24 MS. KOLLINS: But because he didn't lay a foundation for it, it was too late.

1 So that's -- I mean --

2 MR. COX: Well, I remember a long delay. I mean --

3 THE COURT: Okay, well, two things. First of all, there wasn't an objection
4 when it was asked. But second, I mean, I don't even think he would be the witness
5 to clear that up with anyway because it had to do with what T [REDACTED] said, not
6 anything the detective said. He made it pretty clear that that was never in his report.

7 MS. KOLLINS: Well, to be -- Well, okay.

8 THE COURT: So --

9 MS. KOLLINS: Actually it was objected to.

10 THE COURT: I'm sorry? Ms. Kollins?

11 MS. KOLLINS: Well -- No, it's fine.

12 THE COURT: Am I misunderstanding it? It's just --

13 MS. KOLLINS: No, it's fine. We'll try to fix it through someone else or else
14 I'll just re-call him. I mean, I assume he's under my subpoena. I can re-call him
15 on a very limited issue and ask permission to re-open if we feel it's necessary at
16 some point.

17 THE COURT: That's absolutely --

18 MS. KOLLINS: I just think that the impression is left that the detective
19 ignored that piece of evidence and that the child later talked about it and that
20 something should have been -- the implication is Metro should have done something
21 based on that new piece of knowledge, and it's a non-existent fact. That's all I'm
22 saying.

23 MR. COX: Okay. I asked if it was part of his investigation, and I'm inferring
24 that he was not told about any sort of lube. Now, she can argue whether it's

1 lubricant, lubrication, you know, whatever form it's in. I was asking to see if it was
2 part of his investigation. Now, I don't know what there is to clean it up – what there
3 is to clean up, but if she wants to re-call him, so be it. I'll cross-examine him again.

4 THE COURT: Okay. Anything else anybody wants to make a record of?

5 MS. KOLLINS: No, it's late. I'm tired.

6 THE COURT: Okay.

7 (Court recessed at 5:05:10 p.m. until the following day,

8 Wednesday, September 22, 2010 at 10:00 a.m.)

9 * * * * *

10

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

12

13 Liz Garcia
14 Liz Garcia, Transcriber
LGM Transcription Service

Date 4/28/11

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

2
3 TYRONE JAMES SR.,

4 Appellant,

5 vs.

6
7 THE STATE OF NEVADA,

8 Respondent.

Electronically Filed
May 18 2017 09:22 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

Case No. 71935

9
10 **APPELLANT'S APPENDIX VOLUME I**

11 Appeal from Eighth Judicial District Court, Clark County

12 The Honorable Elizabeth Gonzalez, District Judge

13 District Court Case No. 10C265506

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19 MCLEATCHIE SHELL LLC

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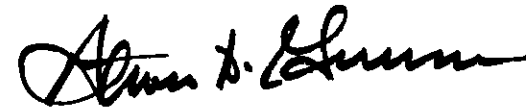
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List as follows:

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I hereby further certify that the foregoing APPELLANT’S APPENDIX VOLUME I was served by first class U.S. mail on May 17, 2017 to the following:

/s/ Pharan Burchfield
Employee, McLetchie Shell LLC



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DISTRICT COURT

CLARK COUNTY, NEVADA

TYRONE JAMES,

Petitioner,

vs.

THE STATE OF NEVADA,

Respondent.

CASE NO.: 10C265506

DEPT. NO.: XI

SUPPLEMENTAL
PETITION FOR POST-
CONVICTION WRIT OF
HABEAS CORPUS

Comes now Petitioner Tyrone James, by and through his counsel of record, Margaret A. McLetchie of McLetchie Shell LLC, and hereby submits this Supplemental Petition for Post-Conviction Writ of Habeas Corpus, supplementing his previously filed Petition for Writ of Habeas Corpus, pursuant to Nev. Rev. Stat. § 44.270 et seq., and order of this honorable Court.

Respectfully submitted this 4th day of September, 2015.



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1 **I. INTRODUCTION**

2 Petitioner Tyrone James's prior counsel, Bryan Cox, provided ineffective
3 assistance of counsel during Mr. James' trial for sexual assault of a minor. Trial counsel's
4 representation of Mr. James at trial fell below an objective standard of reasonableness for
5 several reasons. First, trial counsel failed to retain an expert to rebut testimony from the
6 State's expert witness that her medical examination of T.H., the victim in this case,
7 demonstrated Mr. James had sexually assaulted T.H.¹ Second, trial counsel failed to file
8 any pretrial motions to exclude critical—but highly questionable—evidence from being
9 introduced at trial. Third, trial counsel failed to conduct reasonable investigation prior to
10 trial. Fourth, trial counsel failed to object to the State's use of a highly prejudicial
11 PowerPoint presentation during its closing argument. As described below, these failings by
12 trial counsel—individually and collectively—deprived Mr. James of his Sixth Amendment
13 right to adequate representation.

14 **II. PROCEDURAL HISTORY**

15 On June 23, 2010, the State filed a five-count information charging Mr. James
16 with two counts of Sexual Assault With a Minor Under Sixteen Years of Age, in violation
17 of Nev. Rev. Stat. §§ 200.364 and 200.366 (Counts One and Three); two counts of Open
18 and Gross Lewdness, in violation of Nev. Rev. Stat. § 201.210 (Counts Two and Four); and
19 one count of Battery With Intent to Commit a Crime, in violation of Nev. Rev. Stat. §
20 200.400 (Count Five). (See Exh. 4; JAMES0013 (Criminal Information).) Counts One and
21 Three carried a mandatory minimum sentence of twenty-five years to life. See Nev. Rev.
22 Stat. § 200.366(3)(b). Mr. James elected to proceed to a jury trial. Trial commenced on
23 September 21, 2010, and lasted three days. (See Exh. 1; JAMES0003 (Register of
24 Actions).) On September 23, 2010, the jury entered a verdict finding Mr. James guilty of all
25

26 ¹ Pursuant to Nev. Rev. Stat. § 200.3771(1), court records which reveal the identity of a
27 victim of a sexual offense are considered confidential. Thus, to protect the confidentiality
28 of the victim in this case, Mr. James refers to the victim only by her initials. Additionally,
to comply with § 200.3771, Mr. James also submits the appendix to this supplemental
petition under seal.

1 five counts contained in the criminal information. (*See* Exh. 14; JAMES0454 (verdict
2 form).)

3 Sentencing occurred on January 19, 2011. (*See* Exh. 16; JAMES0462 (minutes of
4 sentencing).) At sentencing, the district court dismissed Counts Two and Four, which were
5 intended as lesser-included offenses of Counts One and Three. (*Id.*) The Court then
6 sentenced Mr. James to twenty-five years to life on Counts One and Three, and two years
7 to life on Count Five, all to run concurrent. (*Id.*) The court entered a judgment of
8 conviction on February 9, 2011. (*See* Exh. 17; JAMES0464.)

9 Mr. James filed a timely notice of appeal on March 7, 2011. (*See* Exh. 1;
10 JAMES0003.) On December 9, 2011, Mr. James filed an opening brief with the Supreme
11 Court of the State of Nevada. (*See* Exh. 18; JAMES0475 (opening brief).) On October 31,
12 2012, the Supreme Court entered an order affirming Mr. James' convictions. (*See* Exh. 19;
13 JAMES0530 (Order of Affirmance & Remittitur).)

14 On March 14, 2013, Mr. James filed a pro se petition for a writ of habeas corpus.
15 (*See* Exh. 20; JAMES0551.) This Court subsequently appointed undersigned counsel to
16 represent Mr. James. This Supplemental Petition for Post-Conviction Writ of Habeas
17 Corpus follows.

18 **III. STATEMENT OF FACTS**

19 **A. The Alleged Sexual Assault**

20 In late 2008, Mr. James began dating Theresa Allen, a long-time acquaintance.
21 (*See* Exh. 12, JAMES0223 (Jury Trial Day Two; testimony of Theresa Allen).) Ms. Allen
22 had three minor children at the time, including the alleged victim in this case, T.H. (Exh.
23 12; JAMES00218.) For a time, Mr. James lived with Ms. Allen and her children. (Exh. 12;
24 JAMES0226.) In either late January or early February of 2010, Mr. James moved out of
25 Ms. Allen's residence and began living with his grandmother. (Exh. 12; JAMES0227.)
26 Even after he moved out, Mr. James and Ms. Allen maintained some sort of romantic
27 relationship. (*Id.*) In April 2010, Ms. Allen was in a car accident. (Exh. 12; JAMES0228.)
28

1 As Ms. Allen was recovering from the accident, Mr. James assisted her by driving her to
2 appointments and running errands. (*Id.*)

3 On or about May 14, 2010, Mr. James agreed to help Ms. Allen pay her power
4 bill. (Exh. 12; JAMES0230.) According to Ms. Allen, Mr. James agreed to pawn his laptop
5 to pay the bill; Ms. Allen intended to get Mr. James' laptop out of pawn when she received
6 her paycheck. (*Id.*) On the morning of May 14, 2010, Ms. Allen spoke to Mr. James on the
7 phone as she was getting ready for work. (*Id.*) Ms. Allen testified that Mr. James told her
8 he was planning to pay her power bill that morning, and then take his grandmother fishing.
9 (*Id.*)

10 Sometime after that conversation, Ms. Allen took her two younger children to
11 school and went to work. (*Id.*) T.H., who was a high school sophomore at the time, planned
12 to walk to school that morning. (Exh. 12; JAMES0149; JAMES0157-JAMES0159.)
13 According to T.H., she had planned on waking up at 9:20 a.m. that morning to allow
14 herself enough time to get to school. (Exh. 12; JAMES0159.) However, according to T.H.,
15 she heard a noise that woke up before her alarm went off. (Exh. 12; JAMES0158-
16 JAMES0159.) That noise, T.H. testified, was made by Mr. James, who was standing in her
17 room. (*Id.*)

18 T.H. testified Mr. James jumped on to her bed. (Exh. 12; JAMES0161.) She
19 reached for her cell phone to call her mother, but the phone fell and Mr. James took it from
20 her. (Exh. 12; JAMES0162.) T.H. testified she tried to escape Mr. James, but he jumped on
21 her and grabbed her by the neck. (*Id.*) Mr. James then allegedly pulled down the shirt T.H.
22 was wearing, and took off her underwear. (*Id.*) T.H. stated Mr. James pulled her into the
23 living room by her arm. (Exh. 12; JAMES0162-JAMES0163.) T.H. testified Mr. James
24 forced her to lie on the floor, and then penetrated her vagina with his finger for a few
25 seconds. (Exh. 12; JAMES0163-JAMES0164; JAMES0166.) According to T.H., Mr.
26 James was wearing latex gloves. (Exh. 12; JAMES0164-JAMES0166.) T.H. testified that
27 Mr. James then "pulled out his penis and rubbed it inside [her] vagina like between the
28

1 lips.” (Exh. 12; JAMES0166.) T.H. testified Mr. James had his hand on her neck during the
2 entire encounter. (*Id.*)

3 Mr. James then stopped, and directed T.H. to sit on a couch in the living room.
4 (Exh. 12; JAMES0168.) After a brief conversation, T.H. got dressed for school. (Exh. 12;
5 JAMES069.) Mr. James then returned her cell phone, and drove her to school. (*Id.*) Shortly
6 after getting to school, T.H. stated she texted her sister and a friend about what had
7 happened. (Exh. 12; JAMES0172; JAMES0188.) T.H.’s sister forwarded the text message
8 to their mother, Ms. Allen. (*Id.*) Ms. Allen left work and went to T.H.’s school to pick T.H.
9 up. (Exh. 12; JAMES0238.)

10 Ms. Allen later called 911 to report the alleged assault. (Exh. 12; JAMES0244.)
11 911 dispatched Las Vegas Metropolitan Police Department (LVMPD) officers to Ms.
12 Allen’s house. (Exh. 11; JAMES0112-JAMES0013.) After the officers took a police report,
13 they drove Ms. Allen and T.H. to Sunrise Children’s Hospital for a sexual assault
14 examination. (Exh. 11; JAMES0113-JAMES0114.)

15 **B. The State’s Expert Witness**

16 At the hospital, T.H. was examined by Dr. Theresa Vergara, an attending
17 physician at Sunrise Children’s Hospital. (Exh. 12; JAMES0292.) Dr. Vergara conducted a
18 Suspected Child Abuse and Neglect (SCAN) examination on T.H. to determine whether
19 she had been sexually assaulted. (Exh. 12; JAMES0293; JAMES0296.) Dr. Vergara
20 testified that, consistent with a typical SCAN examination, she examined T.H. “from head
21 to toe,” and then examined her genital area. (Exh. 12; JAMES0298.) As part of her
22 examination, Dr. Vergara used a colposcope—a lighted magnifying instrument used to
23 examine and photograph the tissue of the vagina and cervix—to examine T.H. for signs of
24 sexual assault and collect photographic evidence. (Exh. 12; JAMES0299.) Dr. Vergara also
25 swabbed T.H.’s genitalia to test for other evidence, including DNA.² (*Id.*; *see also* Exh. 11;
26 JAMES0137 (Det. Tamaino testifies that DNA samples were taken during SCAN

27 _____
28 ² The police did not find Mr. James’ DNA in the samples Dr. Vergara obtained. (Exh. 11;
JAMES0137-JAMES0138.)

1 examination.) Dr. Vergara prepared a lengthy report documenting the findings of her
2 examination. (Exh. 5; JAMES0016.)

3 During her examination, Dr. Vergara found no bruising, tearing, or bleeding in
4 T.H.'s vaginal area, but did find some generalized swelling to the introitus of T.H.'s
5 vagina. (Exh. 12; JAMES0300; JAMES0302.) Although Dr. Vergara testified the
6 generalized swelling she observed could be caused by trauma, she admitted it could be
7 caused by other things. (Exh. 12; JAMES0301; JAMES0307.) Dr. Vergara testified that she
8 discovered T.H. had a urinary tract infection, as well as a vaginal bacterial infection called
9 strep agalactiae, as well as another strep infection. (Exh. 12; JAMES0306-JAMES0309.)

10 During her direct examination, Dr. Vergara testified the swelling she found was
11 consistent with trauma. (Exh. 12; JAMES0300-JAMES0301.) On cross-examination,
12 however, Dr. Vergara admitted her findings were too non-specific to definitively conclude
13 that the swelling was caused by the alleged assault. (Exh. 12; JAMES0306-JAMES0307.)
14 Despite the inconclusive results of Dr. Vergara's SCAN examination, Mr. James' trial
15 counsel did not hire an expert to conduct an independent examination of Dr. Vergara's
16 report, and did not conduct any other sort of investigation regarding the SCAN report.

18 C. The Latex Gloves

19 As noted above, T.H. testified Mr. James was wearing gloves on the morning of
20 the assault. While Ms. Allen and T.H. were at the hospital, LVMPD Detective Hatchett
21 searched Ms. Allen's residence for evidence related to the alleged assault. (Exh. 11;
22 JAMES00115.) The detective did not find any gloves during his search. However, on May
23 19, 2010—five days after the alleged assault—Ms. Allen called the lead detective assigned
24 to the case, Daniel Tomaino, because she had allegedly found “a box of Michael Air
25 Jordans [sic] that were sitting under her bed that had some rubber gloves inside.” (Exh. 11;
26 JAMES0120.) According to Detective Tomaino, the box was sitting on Ms. Allen's bed
27 when he arrived at her residence to retrieve them. (*Id.*)

1 The State introduced the gloves as evidence during Mr. James' trial. (Exh. 11;
2 JAMES0121.) Although the evidentiary value of the gloves was highly suspect given the
3 five-day delay between the alleged assault and Ms. Allen's purported discovery of the
4 gloves, trial counsel did not file any motions to preclude the introduction of the gloves at
5 trial. Trial counsel also did not object to their introduction during Mr. James' trial. (Exh.
6 11; JAMES0121.) Both Detective Tomaino and Ms. Allen testified about the latex gloves.
7 (*Id.*; *see also* Exh. 12; JAMES0248-JAMES0249; JAMES0261-JAMES0262.)

8 Trial counsel's failure to oppose the introduction of the gloves is troubling, given
9 that on July 22, 2010, Mr. James' counsel had written that he believed "the glove is key for
10 several reasons," and directed his investigator to contact Ms. Allen to determine whether
11 "she kept any latex, or other, cleaning gloves in her home." (Exh. 7; JAMES0089
12 (investigative task list).) On August 3, 2010, trial counsel's investigator visited with Ms.
13 Allen at her apartment. (Exh. 9; JAMES0091 (August 3, 2010 investigative
14 memorandum).) According to the investigator, Ms. Allen stated "police seized a box of
15 white latex gloves from under her bathroom sink." (*Id.*)³ Despite his statement that the
16 gloves were "key" evidence, however, and trial counsel conducted no further investigation.

17 **D. Trial Counsel's Failure to Conduct Adequate Investigation**

18 In addition to failing to adequately investigate the issue regarding the latex
19 gloves, the record in this case demonstrates trial counsel did virtually no investigation in
20 the nearly four months leading up to Mr. James's trial. Aside from asking his investigator
21 to ask Ms. Allen about the gloves, the investigative task list in this case indicates trial
22 counsel conducted only two other investigative tasks: subpoenaing the 911 call Ms. Allen
23 made on the day of the incident, and visiting Mr. James while he was in custody at the
24 Clark County Detention Center. (Exhs. 8, 9, 10, 11; JAMES0089-JAMES0092; *see also*
25 Exh. 21; JAMES0569 Exh. 23; JAMES0573 (declarations from relatives that trial counsel
26 did not contact them prior to trial).)

27 ³ This statement conflicted with Ms. Allen's and Detective Tomaino's testimony at trial
28 that Ms. Allen had found the gloves in a shoe box under her bed, but trial counsel did not
explore this conflict.

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1 **E. Trial Counsel Failed to Object to the State’s Use of a Highly Prejudicial**
2 **PowerPoint During its Closing Argument**

3 Closing arguments in this case occurred on September 23, 2010. (Exh. 13;
4 JAMES0409 (transcripts of closing arguments; Jury Trial Day 3).) During its closing
5 argument, the State used a PowerPoint presentation that was displayed to the jury. (Exh.
6 15; JAMES0456-JAMES0461.) The PowerPoint served to emphasize certain points in the
7 State’s Closing argument, including the alleged crimes outlined the criminal information
8 (Exh. 15; JAMES0456-JAMES0457), the definitions of certain terms the district court had
9 included in its instructions to the jury (Exh. 15; JAMES0457-JAMES0458), and the State’s
10 summation of its evidence against Mr. James. (Exh. 15; JAMES0459-JAMES460.)

11 At the end of this presentation, the State told the jury: “Ladies and gentlemen,
12 after you consider the evidence in this case, the State is confident you will return a verdict
13 of guilty.” (Exh. 13; JAMES0420.) As the State was saying this to the jury, it was also
14 displaying its final PowerPoint slide to the jury: a photograph of Mr. James with the word
15 “GUILTY” emblazoned across his face. (Exh. 15; JAMES0461.) Mr. James’ trial counsel
16 did not object to the State’s use of this highly suggestive slide. Additionally, there is no
17 indication trial counsel lodged any objection to the State’s use of the PowerPoint
18 presentation prior to trial.

19 **IV. ARGUMENT**

20 A claim of ineffective assistance of counsel is evaluated pursuant to the two part
21 test set forth in *Strickland v. Washington*, 466 U.S. 668, 687 (1984); accord *Warden v.*
22 *Lyons*, 100 Nev. 430 (1984). First, a petitioner must demonstrate deficient performance and
23 second, resulting prejudice. *Strickland*, 466 U.S. at 687. Deficient performance is that
24 which falls below an objective standard of reasonableness. *Id.* Second, prejudice is found
25 where “there is a reasonable probability that, but for counsel’s unprofessional errors, the
26 result of the proceeding would have been different.” *Id.* at 694.

27 The Nevada Supreme Court has held that, in order to prevail in a habeas petition,
28 a petitioner must “present relevant authority and cogent argument; issues not so presented

1 need not be addressed by this court.” *Maresca v. State*, 103 Nev. 669, 673 (1987). While
2 judicial review of a lawyer’s representation is deferential, a defendant may overcome the
3 presumption that the challenged action should be considered sound strategy by identifying
4 the acts or omissions of counsel that the defendant alleges were not the result of reasonable
5 professional judgment. *Larson v. State*, 104 Nev. 691, 689-90 (1988).

6 Counsel must make a sufficient inquiry into the relevant facts of his client’s case
7 and then make reasonable strategy decisions on how to proceed. *Doleman v. State*, 112
8 Nev. 843, 848 (1996). In evaluating habeas claims, a court thus determines whether, in
9 light of all the circumstances, the identified acts or omissions were outside the range of
10 professionally competent assistance. *Id.* at 690. The reviewing court must evaluate the
11 complained of conduct under the circumstances and from counsel’s perspective at the time.
12 *Kirksey v. State*, 112 Nev. 980, 987-88 (1996).

13 A defendant not need to show that counsel’s deficient conduct more likely than
14 not altered the outcome in the case. *Strickland*, 466 U.S. at 693. A claim for ineffective
15 assistance of counsel asserts the absence of one of the crucial assurances that the result of
16 the proceeding was reliable. *Id.* at 694. As a result, the outcome of a proceeding can be
17 rendered unreliable, and the proceeding itself unfair, “even if the errors of counsel cannot
18 be shown by a preponderance of the evidence to have determined the outcome.” *Id.*

19 Typically, courts accord deference to trial counsel’s performance. *Lambright v.*
20 *Schriro*, 490 F.3d 1103, 1116 (9th Cir. 2007) (citing *Strickland*, 466 U.S. at 689).
21 “[S]trategic choices made after *thorough investigation* of [the relevant] law and facts
22 relevant to plausible options are virtually unchallengeable.” *Strickland*, 466 U.S. at 690
23 (emphasis added). However,

24 strategic choices made after less than complete investigation are
25 reasonable precisely to the extent that reasonable professional judgments
26 support the limitations on investigation. In other words, counsel has a duty
27 to make reasonable investigations or to make a reasonable decision that
28 makes particular investigations unnecessary. In any ineffectiveness case, a
particular decision not to investigate must be directly assessed for
reasonableness in all the circumstances . . .

1 Id. at 690-91; *see also* *Wiggins v. Smith*, 539 U.S. 510, 521 (2003) (quoting *Strickland*, 466
2 U.S. at 690-91). Similarly, a decision not to present a particular defense or not to offer
3 particular mitigating evidence is unreasonable unless counsel has explored the issue
4 sufficiently to discover the facts that might be relevant to his making an informed decision.
5 *Wiggins*, 539 U.S. at 522-23; *Stankewitz v. Woodford*, 365 F.3d 706, 719 (9th Cir. 2004).

6 Although the Supreme Court has declined to articulate specific guidelines for
7 appropriate attorney conduct, “general principles have emerged regarding the duties of
8 criminal defense attorneys that inform our view as to the ‘objective standard of
9 reasonableness’ by which we assess attorney performance, particularly with respect to the
10 duty to investigate.” *Summerlin v. Schriro*, 427 F.3d 623, 629 (9th Cir. 2005) (en banc). As
11 described below, trial counsel’s performance in this case was deficient for several reasons.

12 **A. Trial Counsel Provided Ineffective Assistance of Counsel by Failing to**
13 **Retain an Expert Witness to Review Dr. Vergara’s Examination of T.H.**
14 **and Rebut Her Testimony that Her Examination Indicated T.H. Was**
15 **Sexually Assaulted.**

16 Trial counsel provided ineffective assistance of counsel by failing to hire an
17 expert to review and rebut Dr. Vergara’s finding that T.H. was sexually assaulted. The
18 failure to hire an expert was objectively unreasonable in this case, particularly given the
19 inconclusive results of Dr. Vergara’s SCAN examination. The failure to retain an expert
20 deprived Mr. James of his right to a fair trial.

21 Trial counsel’s failure to retain an expert witness is particularly troubling in this
22 case given the scant and inconclusive physical evidence indicating Mr. James sexually
23 assaulted T.H. As noted above, Dr. Vergara testified she found no bruising, tearing, or
24 bleeding in T.H.’s vaginal area. (Exh. 12; JAMES0300; JAMES0302.) Dr. Vergara did find
25 some generalized swelling to the introitus of T.H.’s vagina, (JAMES302), but that could be
26 caused by other things. For example, Dr. Vergara testified that she discovered T.H. had a
27 urinary tract infection, as well as a vaginal bacterial infection called strep agalactiae, as
28 well as another strep infection. (Exh. 12; JAMES0306-JAMES0309.) Dr. Vergara also

1 testified “generalize swelling” could be caused by digital and penile penetration, and that
2 the swelling was consistent with trauma. (Exh. 12; JAMES0300-JAMES0301.) On cross-
3 examination, however, Dr. Vergara admitted her findings were too non-specific to
4 conclude that the swelling was caused by the alleged assault. (Exh. 12; JAMES0301;
5 JAMES0306-JAMES0307.)

6 After appointment to this case, undersigned counsel moved this Court for an order
7 permitting Mr. James to retain an expert witness to conduct an independent examination of
8 Dr. Vergara’s SCAN examination report. The Court entered an order granting that motion
9 on January 15, 2015. Mr. James then retained Dr. Joyce Adams to evaluate the records in
10 this case. On February 6, 2015, the Court issued an order to Sunrise Hospital directing it to
11 release all medical records pertaining to T.H.⁴ On March 18, 2015, Mia Ji, a paralegal
12 employed by undersigned counsel, spoke with Dr. Adams regarding her preliminary review
13 of Dr. Vergara’s report, as well as other medical records obtained from Sunrise Hospital.⁵
14 (See Exh. 24; JAMES0574 (Declaration of Mia Ji).)

15 Dr. Adams’ initial review of the available medical records indicate T.H. had a
16 urinary tract infection (hereinafter “UTI”), a bacterial strep infection in the vagina, and
17

18 ⁴ As this Court is aware, the records Sunrise Hospital released did not include
19 photographs. On April 7, 2015, after efforts to obtain the photos or videos from Sunrise
20 Hospital, Mr. James filed a motion requesting this Court enter an order directing the Las
21 Vegas Metropolitan Police Department (LVMPD) and the Clark County Department of
22 Family Services/Child Protective Services (DFS/CPS) to release all medical records
23 pertaining to the medical examination of Triaunna Holmes to counsel. On June 8, 2015,
24 the Court entered an order directing the Department of Family Services to release the
25 requested medical examination records, under seal, to the Court for *in camera* inspection.
26 The Court entered another order that same day also directing LVMPD to release all
27 records pertaining to Ms. Holmes’ medical examination to the Court, under seal, for *in*
28 *camera* inspection. The Court then released the records to undersigned counsel. Once
again, however, the records did not contain photographs or video. Thus, Dr. Adams has
not been able to complete a full examination of the record. Accordingly, Mr. James is
filing a renewed motion requesting the release of photographs concurrent with this
petition.

⁵ Dr. Adams is out of the district until September 5, 2015, and thus is unable to submit a
preliminary report of findings. Mr. James will supplement this petition with Dr. Adams
completed preliminary report as soon as it is available.

1 Chlamydia. (Exh. 24; JAMES0575.) Although Dr. Vergara discussed the UTI and the
2 bacterial strep infection during her testimony, there was no discussion of Chlamydia. (Exh.
3 24; JAMES0575.) Usually, Chlamydia must be present for at least two weeks prior to
4 showing up positive on a test. (Exh. 24; JAMES0576.) According to Dr. Adams, a bacterial
5 strep infection in the vagina is commonly found in sexually active women. (*Id.*)

6 Dr. Adams' preliminary findings directly rebut Dr. Vergara's testimony. First, Dr.
7 Adams expressed skepticism that T.H. had any "generalized swelling," although she
8 indicated she needs to see the photographs to confirm this impression. (*Id.*) Dr. Adams
9 bases this opinion on past experience and statements she has seen about "generalized
10 swelling" in other records/cases. (*Id.*) Dr. Adams explained it is usually difficult to
11 determine whether there is "generalized" swelling" upon one examination. (*Id.*) Usually,
12 there would need to be a second examination a few days later to determine whether
13 "generalized swelling" is present. (*Id.*) Dr. Adams also explained that "generalized
14 swelling" could occur from a yeast infection. (*Id.*) There is no indication from the reports
15 that the hospital tested Holmes for a yeast infection. (*Id.*)

16 Second, Dr. Adams explained that a person typically would not have "generalized
17 swelling" from a UTI. (*Id.*) This directly Dr. Vergara's testimony. Third, Dr. Adams
18 explained a person would not have "generalized swelling" from a bacterial strep infection.
19 (*Id.*) This also directly rebuts Dr. Vergara's testimony.

20 Fourth, and most significantly, Dr. Adams disputes Dr. Vergara's testimony that the
21 "generalized swelling" Dr. Vergara observed was caused by digital or penile penetration. In
22 general, Dr. Adams explains, a person will not "generalized swelling" from digital
23 penetration with a Latex glove unless the person was allergic to Latex. (Exh. 24;
24 JAMES0576.) Additionally, Dr. Adams stated that a person would not have "generalized
25 swelling" from penetration by a penis during a sexual assault, unless it was a particularly
26 bad assault involving extreme factors such as bruising, bleeding, or multiple assailants.
27 (*Id.*)
28

1 Thus, Dr. Adams' findings all contradict the testimony from Dr. Vergara. Had trial
2 counsel retained an expert, he could have at the very least used the expert's findings to
3 effectively cross-examine Dr. Vergara. Trial counsel could also have introduced testimony
4 from his own expert to present the jury with alternative explanations for the generalized
5 swelling Dr. Vergara observed. However, because trial counsel did not retain an expert, his
6 examination of Dr. Vergara was demonstrably inadequate, and the jury was left with the
7 impression that Dr. Vergara's findings were accurate and reliable.

8 Significantly, because trial counsel had not retained an expert, he took for granted
9 Dr. Vergara's assertion that the digital and penile penetration T.H. described could have
10 caused the swelling she observed. However, as Dr. Adams' preliminary findings indicate,
11 generalized swelling would not be present unless the penetration was particularly violent,
12 or included multiple assailants. Trial counsel did cross-examine Dr. Vergara about strep
13 agalactiae and other possible causes of the swelling she observed. (Exh. 12; JAMES0308-
14 JAMES0310.) Dr. Vergara testified that strep agalactiae could have caused the swelling she
15 found during her examination, and that a UTI or other bacterial infections could cause
16 generalized swelling. (Exh. 12; JAMES0307; JAMES0309.) However, Dr. Adams'
17 preliminary findings directly contradict this assertion.

18 A defense expert would have helped trial counsel rebut these claims. Moreover, an
19 expert witness would have assisted Mr. James in presenting his theory of innocence. This
20 was a case that was largely circumstantial. Aside from T.H.'s testimony, and Ms. Allen's
21 belated "discovery" of latex gloves which were never directly tied to the incident, there is
22 virtually no evidence demonstrating beyond a reasonable doubt that Mr. James assaulted
23 T.H. Thus, the State had to rely very heavily on Dr. Vergara's assertions that the
24 generalized vaginal swelling she observed was the direct result of a sexual assault in
25 meeting its burden of proof. Even then, Dr. Vergara's testimony was inconsistent. She
26 testified the swelling could have been caused by a number of other things, including a UTI,
27 bacterial infections. A defense expert could have rebutted this testimony, and given the jury
28 adequate information to determine the State had failed to prove beyond a reasonable doubt

1 that Mr. James sexually assaulted T.H. Defense counsel's failure to retain an expert was
2 therefore objectively unreasonable, and deprived Mr. James of his right to a fair trial.

3 **B. Trial Counsel's Failure to Challenge the State's Admission of the Latex**
4 **Gloves Renders His Performance Deficient.**

5 Trial counsel's performance also fell below an objective standard of
6 reasonableness because he failed to challenge the admission of the latex gloves. *See*
7 *Strickland*, 466 U.S. at 687. The State's introduction of evidence—and trial counsel's
8 failure to challenge it—also prejudiced Mr. James because it likely confused the issues,
9 misled the jury and was more prejudicial than probative of any material fact. *Id.*; *see also*
10 Nev. Rev. Stat. § 48.035. "To show prejudice under *Strickland* from failure to file a
11 motion, petitioner must show, in part, that "had his counsel filed the motion, it is
12 reasonable that the trial court would have granted it as meritorious." *Wilson v. Henry*, 185
13 F.3d 986, 990 (9th Cir. 1999).

14 Initially, trial counsel appeared to recognize that the gloves were potentially
15 significant evidence. (*See* Exh. 7; JAMES0089.) However, trial counsel failed to
16 investigate the issue beyond one visit to Ms. Allen's home, and then failed move the court
17 prior to trial to exclude the gloves.

18 It is highly probably the court would have granted a motion to exclude the gloves.
19 As noted above, police did not find any latex gloves during the search of Ms. Allen's
20 residence on May 14, 2010. Instead, the gloves were "discovered" five days later by Ms.
21 Allen. There was no evidence—aside from Ms. Allen's statement that she found them in a
22 shoe box belonging to Mr. James—that Mr. James ever possessed the gloves. There is also
23 no evidence that the gloves were used in the alleged assault of T.H. Moreover, the fact that
24 the gloves were turned over to the police five days after the alleged assault raises
25 substantial questions about chain of custody, potential contamination, and other issues.

26 Thus, the gloves served only as highly attenuated and prejudicial evidence. They
27 did nothing to prove Mr. James sexually assaulted T.H. At most, they demonstrated that
28 someone in the Allen household at some indeterminate point in time purchased and

1 possessed latex gloves. Trial counsel's failure to move to exclude this piece of evidence
2 prior to trial was therefore objectively unreasonable. Additionally, trial counsel also
3 provided ineffective assistance by failing to object to the admission of the gloves at trial.
4 Although a motion to exclude would have been the best vehicle for excluding this highly
5 prejudicial evidence, trial counsel could have objected when the State introduced them. The
6 failure to object to the gloves' admission in any way was patently ineffective.

7 **C. Trial Counsel Provided Ineffective Assistance by Failing to Conduct**
8 **Adequate Investigation.**

9 The two claims presented *supra* are the most egregious examples of trial
10 counsel's general failure to conduct adequate investigation in this case. As discussed
11 above, trial counsel conducted virtually no investigation in this case. He asked his
12 investigator to talk to Ms. Allen about the latex gloves, but did nothing to follow up on the
13 investigator's report.⁶ The other investigation consisted of subpoenaing Ms. Allen's 911
14 call, and an initial interview with Mr. James. (See Exhs. 8 and 10.) Given the twenty-five
15 mandatory minimum sentence Mr. James faced on the sexual assault counts, this complete
16 absence of any meaningful investigation is particularly troubling.

17 Trial counsel has a duty to make reasonable investigations or to make a
18 reasonable decision that makes particular investigations unnecessary. *Strickland*, 466 U.S.
19 at 690-91. "[S]trategic choices made after thorough investigation of law and facts relevant
20 to plausible options are virtually unchallengeable; and strategic choices made after less
21 than complete investigation are reasonable precisely to the extent that reasonable
22 professional judgments support the limitations on investigation. In other words, counsel has
23 a duty to make reasonable investigations or to make a reasonable decision that makes
24 particular investigations unnecessary. In any ineffectiveness case, a particular decision not

25 _____
26 ⁶ At a bare minimum, trial counsel could have cross-examined Ms. Allen about where
27 she found the gloves. When she spoke to trial counsel's investigator, she stated she found
28 them under her kitchen sink. (Exh. 9; JAMES0091.) During trial, however, she stated she
found them under her bed. (Exh. 12; JAMES0248.) Had trial counsel adequately
reviewed the scant investigation in this case prior to trial, he could have questioned Ms.
Allen about this apparent inconsistency.

1 to investigate must be directly assessed for reasonableness in all the circumstances,
2 applying a heavy measure of deference to counsel's judgments." *Strickland*, 466 U.S. at
3 690-91.

4 In this case, the Court should grant no deference to counsel's judgments, as the
5 absence of meaningful investigation contradicts any presumption that trial counsel made
6 reasonable strategic decisions regarding investigation. In Nevada, attorneys in felony cases
7 should:

8 conduct, or secure the resources to conduct, a prompt
9 investigation of the circumstances of the case and explore all
10 avenues leading to facts relevant to the merits of the case and
11 the penalty in the event of conviction. The duty to investigate
exists regardless of the client's admissions or statements to
defense counsel of facts constituting guilt or the client's stated
desire to plead guilty

12 (Exh.25; JAMES0615 (ADKT 411 Standard 7(a): Case Preparation and Investigation).)

13 Investigation is necessary to make an informed decision about whether to counsel a client
14 to take a plea. *Strickland*, 466 U.S. 690-91 ("counsel has a duty to make reasonable
15 investigations or to make a reasonable decision that makes particular investigations
16 unnecessary.").

17 As noted above, there was virtually no investigation in this case. Trial counsel had a
18 duty to make reasonable investigations or to make a reasonable decision that makes
19 particular investigations unnecessary. By doing neither, his performance fell below an
20 objective standard of reasonableness. *Kirksey*, 112 Nev. at 987, 923 P.2d at 1107;
21 *Strickland*, 466 U.S. at 687.

22 **D. Trial Counsel Provided Ineffective Assistance by Failing to Object to the**
23 **State's Use of a Highly Prejudicial PowerPoint During Closing**
24 **Argument.**

25 As noted above, the last slide in the PowerPoint presentation the State used to
26 augment its closing argument included a photograph of Mr. James with the word
27 "GUILTY" plastered across his face. (Exh. 15; JAMES0461.) The Nevada Supreme Court
28 explicitly disapproved of an identical PowerPoint slide used in the State's opening

1 argument in *Watters v. State*, 313 P.3d 243, 129 Nev. Adv. Op. 94 (Nev. 2013). In that
2 case, the prosecutor used a PowerPoint presentation to support its opening statement to the
3 jury. 313 P.3d at 245. The presentation included Watters' booking photograph with the
4 word "GUILTY" plastered across his face. Unlike here, defense counsel reviewed and
5 objected to the PowerPoint slide before arguments began. *Id.* at 246.

6 The Supreme Court vacated Watters new trial because the use of the "GUILTY"
7 slide "undermined the presumption of innocence." *Id.* at 248 (citations omitted). The Court
8 concluded the slide "declared Watters guilty before the first witness was called and should
9 not have been allowed." *Id.* at 247. The Court further found that the prosecutor use of the
10 slide to indicate guilt was even more prejudicial than if the prosecutor had simply stated
11 Watters was guilty:

12 The prosecution could not orally declare the defendant guilty in opening
13 statement. Doing so would amount to improper argument and the
14 expression of personal opinion on the defendant's guilt, which is
15 forbidden. *See Collier v. State*, 101 Nev. 473, 480, 705 P.2d 1126, 1130
16 (1985) (a prosecutor should not express her personal opinion on the
17 defendant's guilt; "[b]y stepping out of the prosecutor's role, which is to
18 seek justice, and by invoking the authority of ... her own supposedly
19 greater experience and knowledge, a prosecutor invites undue jury reliance
20 on the conclusions personally endorsed by the prosecuting attorney"
21 (citation omitted)). Making this improper argument "visually through use
22 of slides showing [Watters's] battered face and superimposing ... capital
23 letters" spelling out GUILTY "is even more prejudicial" than doing so
24 orally. [*In re*] *Glasmann*, 286 P.3d [673] at 680. "[W]ith visual
information, people believe what they see and will not step back and
critically examine the conclusions they reach, unless they are explicitly
motivated to do so. Thus, the alacrity by which we process and make
decisions based on visual information conflicts with a bedrock principle of
our legal system—that reasoned deliberation is necessary for a fair justice
system.'" *Id.* (quoting Lucille A. Jewell, *Through a Glass Darkly: Using
Brain Science and Visual Rhetoric to Gain a Professional Perspective on
Visual Advocacy*, 19 S. Cal. Interdisc. L.J. 237, 293 (2010))

25 *Id.* at 248.

26 In reaching this conclusion, the Nevada Supreme Court relied on an en banc
27 opinion from the Washington Supreme Court, *In re Glasmann*, 286 P.3d 673 (Wash. 2012).
28 In that case, as here, the prosecutor utilized an inflammatory PowerPoint presentation

1 during its closing argument. *Id.* at 702. In addition to many other prejudicial, improper, and
2 inflammatory slides, the final slides of the presentation prominently featured the
3 defendant's image with the word "GUILTY" superimposed over it. *Id.* at 702. Also as here,
4 defense counsel did not object to the slides. (*Id.*)

5 The Washington Supreme Court vacated and remanded Glasmann's case, holding
6 that "[h]ighly prejudicial images may sway a jury in ways that words cannot. Such
7 imagery, then, may be very difficult to overcome with an instruction." *Id.* at 707 (citations
8 omitted). Moreover, the Court cautioned that "[p]rejudicial imagery may become all the
9 more problematic when displayed in the closing arguments of a trial, when the jury
10 members may be particularly aware of, and susceptible to, the arguments being presented."
11 *Id.* at 707-08. The Court concluded there was substantial likelihood the "improper visual
12 'shouts' of GUILTY" affected the jury's verdict. *Id.* at 710.

13 In this case, as in *Glasmann*, there is a strong likelihood that the prosecutor's
14 visual proclamation of guilt affected the jury's verdict. The evidence in this case, as
15 discussed above, was highly circumstantial, and what little physical evidence the
16 prosecution was able to muster—such as Dr. Vergara's inconclusive SCAN examination—
17 was insufficient to meet the State's burden of proof. By visually prompting the jury to
18 conclude Mr. James was guilty, however, the State improperly influenced the jury's
19 decisionmaking process. Thus, it was incumbent on trial counsel to object to this improper
20 closing argument. The failure to do therefore deprived Mr. James of a fair trial.

21 E. Cumulative Error

22 In some cases, although no single trial error examined in isolation is sufficiently
23 prejudicial to warrant reversal, the cumulative effect of multiple errors may still prejudice a
24 defendant." *United States v. Frederick*, 78 F.3d 1370, 1381 (citing *United States v. Green*,
25 648 F.2d 587 (9th Cir.1981)); see also *Hernandez v. State*, 118 Nev. 513, 534, 50 P.3d
26 1100 (2002); *Sipsas v. State*, 102 Nev. 119, 716 P.2d 231 (1986); *Big Pond v. State*, 101
27 Nev. 1, 3, 692 P.2d 1288, 1289 (1985). "Under traditional due process principles,
28 cumulative error warrants habeas relief only where the errors have 'so infected the trial

1 with unfairness as to make the resulting conviction a denial of due process.” *Parle v.*
2 *Runnels*, 505 F.3d at 927 (quoting *Donnelly v. DeChristoforo*, 416 U.S. 637, 643 (1974);
3 *see also Chambers v. Mississippi*, 410 U.S. 284, 302–03 (1973) (combined effect of
4 individual errors “denied [Chambers] a trial in accord with traditional and fundamental
5 standards of due process” and “deprived Chambers of a fair trial”).

6 “Cumulative error applies where, ‘although no single trial error examined in
7 isolation is sufficiently prejudicial to warrant reversal, the cumulative effect of multiple
8 errors may still prejudice a defendant.’” *Mancuso v. Olivarez*, 292 F.3d 939, 957 (9th Cir.
9 2002) (quoting *United States v. Frederick*, 78 F.3d 1370, 1381 (9th Cir.1996)). “In
10 evaluating a due process challenge based on the cumulative effect of multiple trial errors, a
11 reviewing court must determine the relative harm caused by the errors.” *Parle*, 505 F.3d at
12 927–28.

13 The record in this case is replete with examples of trial counsel’s deficient
14 performance. Trial counsel failed to retain an expert witness. Trial counsel also failed to
15 object to the introduction of highly questionable and prejudicial physical evidence, and
16 failed to conduct adequate investigation prior to trial. Finally, trial counsel failed to object
17 to the State’s improper use of a PowerPoint slide which visually exhorted the jury to find
18 Mr. James “GUILTY.” Each one of these failings, standing alone, is enough to merit
19 habeas relief. However, even if this Court finds that no single error merits relief, the
20 multiple errors committed by trial counsel have “so infected the trial with unfairness as to
21 make the resulting conviction a denial of due process.” *Parle v. Runnels*, 505 F.3d at 927
22 (quoting *Donnelly v. DeChristoforo*, 416 U.S. 637, 643 (1974).

23 **F. Mr. James is Entitled to An Evidentiary Hearing**

24 A petitioner for post-conviction relief is entitled to an evidentiary hearing if he is
25 able to support his claims with specific factual allegations that, if true, would entitle him to
26 relief. *Hargrove v. State*, 100 Nev. 498, 502 (1984). He is not entitled to such a hearing if
27 the factual allegations are belied or repelled by the record. *Id.* at 503. A petitioner has the
28 burden of establishing the factual allegations in support of the petition. *Bejarano v.*

1 *Warden*, 112 Nev. 1466, 1471 (1996). Here, Mr. James has presented factual allegations,
2 not belied by the record, which would warrant relief if true. Therefore, an evidentiary
3 hearing is appropriate.

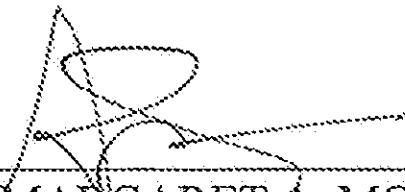
4 Additionally, Mr. James is entitled to an expansion of the record. When an
5 evidentiary hearing is granted, the record may be expanded by inclusion of additional
6 materials relevant to the determination of the merits of the petition including
7 ...without limitation, letters which predate the filing of the
8 petition in the district court, documents, exhibits and answers
9 under oath to written interrogatories propounded by the
judge. Affidavits may be submitted and considered as a part
of the record.

10 Nev. Rev. Stat. § 34.790. Mr. James therefore requests that this Court grant an expansion of
11 the record after an evidentiary hearing is set.

12
13 **V. CONCLUSION**

14 Mr. James was denied effective assistance of counsel in violation of his Sixth
15 Amendment rights. Trial counsel failed to retain an expert to rebut critical evidence and
16 testimony, failed to object to the introduction of evidence that was more prejudicial than
17 probative, failed to conduct adequate investigation, and failed to object to a prosecutor's
18 improper closing argument. Taken individually and collectively, these failings of trial
19 counsel rendered Mr. James' trial fundamentally unfair. Accordingly, Mr. James
20 respectfully requests this Court grant his petition for a writ of habeas corpus.

21
22 Respectfully submitted this 4th day of September, 2015.

23
24  NV Bar # 11711
25 MARGARET A. MCLETCHIE, Nevada Bar No. 10931
26 MCLETCHIE SHELL LLC
27 701 East Bridger Ave., Suite 520
28 Las Vegas, Nevada 89101
Telephone: (702) 728-5300
Attorney for Petitioner

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b)(2)(B) I hereby certify that on the 4th day of September, 2015, I mailed a true and correct copy of the foregoing SUPPLEMENTAL PETITION FOR POST-CONVICTION WRIT OF HABEAS CORPUS by depositing the same in the United States mail, first-class postage pre-paid, to the following address:

ADAM LAXALT, ESQ., Attorney General
100 North Carson Street
Carson City, NV 89701

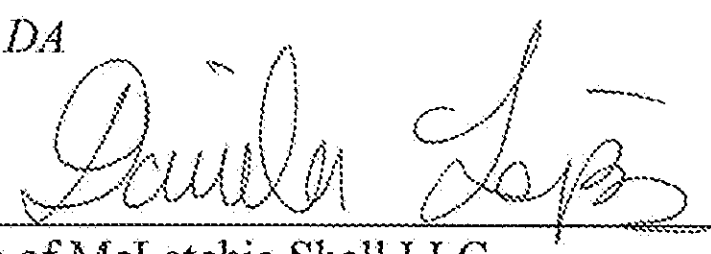
Attorney for Respondent, STATE OF NEVADA

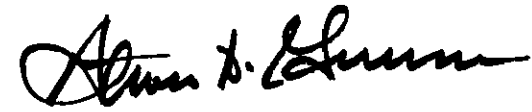
TYRONE JAMES, ID # 1063523
High Desert State Prison
P.O. Box 650
Indian Springs, Nevada 89070
Petitioner

Pursuant to NRCP 5(b)(2)(A)(i) I hereby certify that on the 4th day of September, 2015, I hand-delivered a true and correct copy of the foregoing SUPPLEMENTAL PETITION FOR POST-CONVICTION WRIT OF HABEAS CORPUS to the following addresses:

RYAN MACDONALD, ESQ., Deputy District Attorney
200 Lewis Avenue
P.O. Box 552212
Las Vegas, Nevada 89155

Attorney for Respondent, STATE OF NEVADA

Certified by: 
An Employee of McLetchie Shell LLC



CLERK OF THE COURT

APEN

MARGARET A. MCLEATCHIE, Nevada Bar No. 10931

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Facsimile: (702) 425-8220

Email: maggie@nvlitigation.com

Attorney for Petitioner

DISTRICT COURT

CLARK COUNTY, NEVADA

TYRONE JAMES,

Petitioner,

vs.

THE STATE OF NEVADA,

Respondent.

CASE NO.: 10C265506

DEPT. NO.: XI

SECOND AMENDED
APPENDIX OF EXHIBITS
TO PETITIONER'S
SUPPLEMENT TO
PETITION FOR WRIT OF
HABEAS CORPUS

This appendix contains the following exhibits to the Petitioner's Supplemental
Petition for Writ of Habeas Corpus:

Exhibit No.	Exhibit Title	Bates No.
1	Register of Actions as of August 31, 2015.	JAMES0001 – JAMES0005
2	Incident Report dated May 14, 2010.	JAMES0006 – JAMES0009
3	Declaration of Arrest dated May 14, 2010.	JAMES0010 – JAMES0012

Exhibit No.	Exhibit Title	Bates No.
4	Information dated June 23, 2010.	JAMES0013 – JAMES0015
5	Sunrise Hospital Report from Dr. Theresa Vergara, MD with Certificate of the Custodian of Medical Records affidavit dated June 10, 2010.	JAMES0016 – JAMES0076
6	UNITY Case Notes dated July 28, 2010.	JAMES0077 – JAMES0088
7	Investigation Task List updated August 4, 2010.	JAMES0089
8	Investigation Memorandum from Bruce McAllister to Bryan Cox, Esq. dated May 26, 2010.	JAMES0090
9	Investigation Memorandum from Bruce McAllister to Bryan Cox, Esq. dated August 3, 2010.	JAMES0091
10	Investigation Memorandum from Bruce McAllister to Bryan Cox, Esq. dated August 4, 2010.	JAMES0092
11	Pertinent Portions from the Reporter's Transcript: Jury Trial Day 1 on September 21, 2010.	JAMES0093 – JAMES0142
12	Reporter's Transcript: Jury Trial Day 2 on September 22, 2010.	JAMES0143 – JAMES0372
13	Reporter's Transcript: Jury Trial Day 3 on September 23, 2010.	JAMES0373 – JAMES0453
14	Verdict dated September 23, 2010.	JAMES0454 – JAMES0455
15	PowerPoint Presentation from State's Closing Argument at Jury Trial.	JAMES0456 – JAMES0461
16	Minutes of Sentencing dated December 1, 2010 and January 19, 2011.	JAMES0462 – JAMES0463

Exhibit No.	Exhibit Title	Bates No.
17	Judgment of Conviction (Jury Trial) dated February 9, 2011.	JAMES0464 – JAMES0466
18	Appellant’s Opening Brief (Appeal from Judgment of Conviction) dated December 9, 2011.	JAMES0467 – JAMES0529
19	Judgment, Order of Affirmance and Remittitur dated November 30, 2012.	JAMES0530 – JAMES0550
20	Pro Se Petition for Writ of Habeas Corpus (Post-Conviction) dated March 14, 2013.	JAMES0551 – JAMES0567
21	Declaration of Carol Dickson, Petitioner’s mother, dated September 1, 2015.	JAMES0568 – JAMES0569
22	Declaration of Brenda James, Petitioner’s maternal aunt, dated August 31, 2015.	JAMES0570 – JAMES0571
23	Declaration of Tahisha Scott, Petitioner’s ex-wife, dated September 1, 2015.	JAMES0572 – JAMES0573
24	Declaration of Mia Ji, Paralegal to Margaret A. McLetchie, dated September 2, 2015.	JAMES0574 – JAMES0577
25	Nevada Guidelines ADKT 411 dated January 4, 2008.	JAMES0578 – JAMES0649

DATED this 2nd day of November, 2015.

/s/ Margaret A. McLetchie
MARGARET A. MCLETCHIE, Nevada Bar No. 10931
MCLETCHIE SHELL LLC
701 East Bridger Ave., Suite 520
Las Vegas, Nevada 89101
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Facsimile: (702) 425-8220
Email: maggie@nvlitigation.com
Attorney for Petitioner

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b)(2)(B) I hereby certify that on the 2nd day of October, 2015, I mailed a true and correct copy of the foregoing SECOND AMENDED APPENDIX OF EXHIBITS TO PETITIONER'S SUPPLEMENT TO PETITION FOR WRIT OF HABEAS CORPUS by depositing the same in the United States mail, first-class postage pre-paid, to the following address:

ADAM LAXALT, ESQ., Attorney General
100 North Carson Street
Carson City, NV 89701
Attorney for Respondent, STATE OF NEVADA

TYRONE JAMES, ID # 1063523
High Desert State Prison
P.O. Box 650
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Petitioner

Pursuant to NRCP 5(b)(2)(A)(i) I hereby certify that on the 2nd day of November, 2015, I hand-delivered a true and correct copy of the foregoing SECOND AMENDED APPENDIX OF EXHIBITS TO PETITIONER'S SUPPLEMENT TO PETITION FOR WRIT OF HABEAS CORPUS to the following addresses:

RYAN MACDONALD, ESQ., Deputy District Attorney
200 Lewis Avenue
P.O. Box 552212
Las Vegas, Nevada 89155
Attorney for Respondent, STATE OF NEVADA

Certified by: /s/ Daniela Lopez
An Employee of McLetchie Shell LLC

EXHIBIT 1

State of Nevada vs Tyrone James

www.ck12.org

Supreme Court No.: 57178

10F09328X (Bind Over Related Case)

Steven B Wolfson
702-671-2700(W)

Charge/Status, if any	Statute	Level	Date
1. SEXUAL ASSAULT	200.366	Felony	01/01/1900
1. SEXUAL ASSAULT	200.364	Felony	01/01/1900
2. OPEN OR GROSS LEWDNESS	201.210	Gross Misdemeanor	01/01/1900
3. SEXUAL ASSAULT	200.366	Felony	01/01/1900
3. SEXUAL ASSAULT	200.364	Felony	01/01/1900
4. OPEN OR GROSS LEWDNESS	201.210	Gross Misdemeanor	01/01/1900
5. ASSAULT AND BATTERY	200.400	Felony	01/01/1900

1. SEXUAL ASSAULT
Guilty

1. SEXUAL ASSAULT
Guilty

2. OPEN OR GROSS LEWDNESS
Dismissed

3. SEXUAL ASSAULT
Guilty

3. SEXUAL ASSAULT
Guilty

4. OPEN OR GROSS LEWDNESS
Dismissed

5. ASSAULT AND BATTERY
Guilty

PA027

8/31/2015

https://www.clarkcountycourts.us/Anonymous/CaseDetail.aspx?CaseID=7578924

01/19/2011 **Adult Adjudication** (Judicial Officer: Bell, Linda Marie)
1. SEXUAL ASSAULT

01/19/2011 **Adult Adjudication** (Judicial Officer: Bell, Linda Marie)
1. SEXUAL ASSAULT

01/19/2011 **Adult Adjudication** (Judicial Officer: Bell, Linda Marie)
3. SEXUAL ASSAULT

01/19/2011 **Adult Adjudication** (Judicial Officer: Bell, Linda Marie)
3. SEXUAL ASSAULT

01/19/2011 **Adult Adjudication** (Judicial Officer: Bell, Linda Marie)
5. ASSAULT AND BATTERY

Fee Totals:

Administrative

Assessment Fee ---

\$25.00

Crim fee sch

DNA Analysis Fee ---

\$150.00

Crim fee sch - \$150

Fee Totals \$

\$175.00

OTHER EVENTS AND HEARINGS

06/21/2010 **Criminal Bindover**
CRIMINAL BINDOVER Fee \$0.00
10C2655060001.tif pages

06/21/2010 **Hearing**
INITIAL ARRAIGNMENT
10C2655060002.tif pages

06/23/2010 **Information**
INFORMATION
10C2655060004.tif pages

06/24/2010 **Initial Arraignment** (1:30 PM) ()
INITIAL ARRAIGNMENT Court Clerk: Sandra Harrell Relief Clerk: Nicole McDevitt /nm Reporter/Recorder: Kiara Schmidt Heard By: Randall Weed

Parties Present

Minutes

Result: Matter Heard

06/29/2010 **Notice of Witnesses and/or Expert Witnesses**
NOTICE OF WITNESSES AND/OR EXPERT WITNESSES
10C2655060007.tif pages

07/08/2010 **Order**
ORDER RELEASING ALL CONFIDENTIAL RECORDS FOR IN-CAMERA INSPECTION BY COURT COURT
10C2655060008.tif pages

07/27/2010 **Reporters Transcript**
Reporter's Transcript of Preliminary Hearing - Heard 06-17-10

08/05/2010 **Motion**
Discovery Motion

08/12/2010 **Motion for Discovery** (8:30 AM) (Judicial Officer Glass, Jackie)
Discovery Motion

Parties Present

Minutes

08/17/2010 Reset by Court to 08/12/2010

Result: Granted

08/16/2010 **Notice of Motion**
Notice of Motion and Motion to Admit Evidence of other Crimes, Wrongs or Acts

08/16/2010 **Notice of Witnesses**
Supplemental Notice of Witnesses and/or Expert Witnesses (NRS 174.231)

08/17/2010 **CANCELED Calendar Call** (8:30 AM) (Judicial Officer Glass, Jackie)
Vacated - per Judge

08/17/2010 Reset by Court to 08/17/2010

08/23/2010 **CANCELED Jury Trial** (10:00 AM) (Judicial Officer Glass, Jackie)
Vacated - per Judge

08/23/2010 Reset by Court to 08/23/2010

08/25/2010 **Opposition**
Opposition to State's Motion to Admit Evidence of Other Acts

08/26/2010 **Motion to Admit Evidence** (8:30 AM) (Judicial Officer Glass, Jackie)
08/26/2010, 09/10/2010

Motion for Clarification of Sentence

Minutes

Result: Granted

09/08/2010 **Motion in Limine**
Defendants Motion In Limine To Preclude Lay Opinion Testimony That The Complaining Witness' Behavior Is Consistent With That Of A Victim Of Sexual Abuse

09/10/2010 **CANCELED Hearing** (1:30 PM) (Judicial Officer Villani, Michael)
Vacated - On In Error

09/10/2010 **Hearing** (1:30 PM) (Judicial Officer Glass, Jackie)
PETROCELLI HEARING: STATE'S NOTICE OF MOTION AND MOTION TO ADMIT EVIDENCE OF OTHER CRIMES, WRONGS OR ACTS
Result: Matter Heard

JAMES0002

8/31/2015

<https://www.clarkcountycourts.us/Anonymous/CaseDetail.aspx?CaseID=7578924>

09/10/2010 **Motion in Limine** (1:30 PM) (Judicial Officer Glass, Jackie)
Defendants Motion In Limine To Preclude Lay Opinion Testimony That The Complaining Witness' Behavior Is Consistent With That Of A Victim Of Sexual Abuse
09/21/2010 Reset by Court to 09/10/2010
Result: Granted

09/10/2010 **CANCELED All Pending Motions** (1:30 PM) (Judicial Officer Glass, Jackie)
Vacated

09/10/2010 **All Pending Motions** (1:30 PM) (Judicial Officer Glass, Jackie)
ALL PENDING MOTIONS 9/10/10
Parties Present
Minutes
Result: Matter Heard

09/10/2010 **Opposition to Motion**
State's Opposition to Defendant's Motion in Limine to Preclude lay Opinion Testimony that the Complainign Witness Behavior is Consistent with that of a Victim of Sexual Abuse

09/14/2010 **Calendar Call** (8:30 AM) (Judicial Officer Glass, Jackie)
Parties Present
Minutes
Result: Matter Heard

09/16/2010 **Transcript of Proceedings**
Transcript of Proceedings: Petrocelli hearing: State's Notice of Motion and Motion to Admit Evidence of other Crimes, Wrongs or Acts September 10, 2010

09/17/2010 **Overflow** (9:00 AM) (Judicial Officer Barker, David)
Overflow (5) | C. Pandelis / B. Cox | 2-3 Days | 8-10 Witnesses / No Out Of State Witnesses
Parties Present
Minutes
Result: Hearing Set

09/17/2010 **Motion to Reconsider**
Defendant's Motion to Reconsider Motion To Admit Evidence of Other Crimes, Wrongs or Acts

09/20/2010 **CANCELED Jury Trial** (10:00 AM) (Judicial Officer Glass, Jackie)
Vacated

09/21/2010 **Jury Trial** (9:30 AM) (Judicial Officer Bell, Linda Marie)
09/21/2010, 09/22/2010, 09/23/2010
Minutes
09/20/2010 Reset by Court to 09/21/2010
Result: Trial Continues

09/21/2010 **Motion to Reconsider** (9:00 AM) (Judicial Officer Bell, Linda Marie)
Defendant's Motion To Reconsider Motion To Admit Evidence Of Other Crimes, Wrongs Or Acts
Minutes
09/21/2010 Reset by Court to 09/21/2010
Result: Denied

09/21/2010 **Jury List**

09/23/2010 **Amended Jury List**

09/23/2010 **Verdict**

09/23/2010 **Instructions to the Jury**

10/22/2010 **Notice of Appeal (criminal)**

11/16/2010 **Case Appeal Statement**
Case Appeal Statement

12/01/2010 **Sentencing** (8:45 AM) (Judicial Officer Bell, Linda Marie)
12/01/2010, 01/19/2011
Minutes
Result: Continued

01/07/2011 **PSI**
Supplemental PSI

02/09/2011 **Judgment of Conviction**
Judgment Of Conviction (Jury Trial)

03/07/2011 **Notice of Appeal (criminal)**

03/07/2011 **Case Appeal Statement**

03/29/2011 **Reporters Transcript**
Recorder's Transcript RE: Overflow Calendar Call - Heard 09/17/2010

04/06/2011 **Transcript of Proceedings**
Transcript of Proceedings: Calendar Call - Heard September 14, 2010

04/06/2011 **Transcript of Proceedings**
Transcript of Proceedings: Plaintiff's Notice of Motion and Motion to Admit Evidence of Other Crimes, Wrongs or Acts - Heard August 26, 2010

04/06/2011 **Transcript of Proceedings**
Transcript of Proceedings: Defendant's Motion for Discovery - Heard August 12, 2010

04/22/2011 **Recorders Transcript of Hearing**
Recorder's Transcript of Hearing Re: Arraignment - Heard Thursday, June 24, 2010

04/29/2011 **Reporters Transcript**
Transcript Re: Trial by Jury Day 2 - Volume II - Heard 09/22/2010

04/29/2011 **Reporters Transcript**
Transcript Re: Trial by Jury Day 3 - Volume III - Heard 09/23/2010

04/29/2011 **Reporters Transcript**
Transcript Re: Defendant's Motion to Reconsider Motion to Admit Evidence of Other Crimes, Wrong or Acts Trial by Jury Day 1 - Volume I - Heard 09/21/2010

04/29/2011 **Reporters Transcript**
Recorder's Transcript of Sentencing - Heard 01/19/2011

04/29/2011 **Reporters Transcript**

JAMES0003

8/31/2015

<https://www.clarkcountycourts.us/Anonymous/CaseDetail.aspx?CaseID=7578924>

08/06/2012 **Recorder's Transcript of Sentencing - Heard 12/01/2010**
Case Reassigned to Department 9
Case reassigned from Judge Bell

11/30/2012 **NV Supreme Court Clerks Certificate/Judgment - Affirmed**
Nevada Supreme Court Clerk's Certificate Judgment - Affirmed

01/22/2013 **Case Reassigned to Department 11**
Case reassigned from Judge Jennifer Togliatti Dept 9

03/14/2013 **Petition for Writ of Habeas Corpus**
Petition for Writ of Habeas Corpus (Post - Conviction)

03/14/2013 **Motion**
Motion to Appoint Counsel

03/20/2013 **Order for Petition for Writ of Habeas Corpus**

05/07/2013 **Response**
Response to Defendant's Petition for Writ of Habeas Corpus

05/13/2013 **Petition for Writ of Habeas Corpus (9:00 AM) (Judicial Officer Gonzalez, Elizabeth)**
05/13/2013, 05/20/2013, 06/17/2013, 11/18/2015
Parties Present
Minutes
07/19/2013 Reset by Court to 04/14/2014
04/14/2014 Reset by Court to 06/18/2014
06/18/2014 Reset by Court to 11/12/2014
11/12/2014 Reset by Court to 01/21/2015
01/21/2015 Reset by Court to 03/09/2015
03/09/2015 Reset by Court to 07/20/2015
07/20/2015 Reset by Court to 11/18/2015

07/18/2013 **Result: Matter Continued**
Stipulation and Order
Stipulation and Order

07/23/2013 **Notice of Entry of Order**
Notice of Entry of Order

11/05/2013 **Filed Under Seal**
Ex Parte Motion for Expert-Motion for Supplemental fees.

11/05/2013 **Ex Parte Order**
Ex Parte Motion and Order to File Under Seal

12/03/2013 **Notice of Entry of Order**
Notice of Entry of Order

12/03/2013 **Order**
Stipulated Extension of Habeas Petition Dates and Propsed Order

02/26/2014 **Stipulation and Order**
Stipulated Extension of Habeas Petition Dates and Proposed Order

03/03/2014 **Notice of Entry**
Notice of Entry and Stipulation and Order

06/18/2014 **CANCELED Status Check (9:00 AM) (Judicial Officer Togliatti, Jennifer)**
Vacated - per Stipulation and Order
Status Check: Briefing Schedule
07/19/2013 Reset by Court to 04/14/2014
04/14/2014 Reset by Court to 06/18/2014

07/09/2014 **Stipulation and Order**
Stipulated Extension of Habeas Petition Dates and Proposed Order

07/09/2014 **Notice of Entry of Order**
Notice of Entry of Order

10/13/2014 **Stipulation and Order**
Stipulated Extension of Habeas Petition Dates and Proposed Order

10/24/2014 **Notice of Entry of Order**
Notice of Entry of Order

11/24/2014 **Stipulation and Order**
Stipulated Extension of Habeas Petition Dates and Proposed Order

11/24/2014 **Notice of Entry of Order**
Notice of Entry of Order

01/15/2015 **Filed Under Seal**
Ex-Parte Motion for Expert- Motion for Supplemental Fees

01/15/2015 **Filed Under Seal**
Ex Parte Motion and Order to File Under Seal

01/15/2015 **Filed Under Seal**
Proposed Order for Ex Parte Motion for Expert-Motion for Supplemental Fees

01/26/2015 **Notice**
Notice of Appearance

02/12/2015 **Order to Release Medical Records**
Proposed Order for Ex Parte Motion to Release Medical Records

02/12/2015 **Notice of Entry of Order**
Notice of Entry of Order

03/12/2015 **Filed Under Seal**
Ex Parte Motion and Order to File Under Seal

03/12/2015 **Filed Under Seal**
Ex parte Motion for Paralegal Services-Motion for Supplemental Fees

03/12/2015 **Filed Under Seal**
Proposed Order for Ex Parte Motion for Paralegal Services Motion for Supplemental Fees

03/12/2015 **Motion**
Petitioner's Request for the Extension of Time to File Supplemental Petition (Seventh Request)

03/13/2015 **Notice**

JAMES0004

Notice of Change of Hearing

03/20/2015 **Opposition**
Opposition to Defendant's Request For Extension Of Time To File Supplemental Petition (Seventh Request)

03/23/2015 **Motion** (9:00 AM) (Judicial Officer Gonzalez, Elizabeth)
Petitioner's Request for Extension of Time to File Supplemental Petition (Seventh Request)
Parties Present
Minutes
04/17/2015 Reset by Court to 03/23/2015

04/06/2015 **Order for Production of Inmate**
Order for Production of Inmate

04/07/2015 **Motion**
Motion for Order to Release Medical Records and LVMPD Reports

04/16/2015 **Response**
Response to Defendant's Motion For Order To Release Medical Records And Lvmpd Records

04/20/2015 **Motion** (9:00 AM) (Judicial Officer Gonzalez, Elizabeth)
04/20/2015, 05/27/2015
Defendant's Motion for Order to Release Medical Records and LVMPD Reports
Parties Present
Minutes
05/04/2015 Reset by Court to 05/27/2015

04/22/2015 **Amended Certificate of Mailing**
Amended Certificate of Service

04/24/2015 **Reply**
Reply to State's Response in Opposition to Petitioner's Motion for Order to Release Medical Records and LVMPD Reports

05/04/2015 **Response**
Department of Family Services Response to Defendant's Motion for Order to Release Medical Records and LVMPD Records

05/20/2015 **Reply**
Reply to Department of Family Service's Response to Petitioner's Motion for Order to Release Medical Records

06/08/2015 **Order**
Order Releasing Records For In Camera Inspection By Court

06/08/2015 **Notice of Entry of Order**
Notice of Entry of Order

06/09/2015 **Order**
Order Releasing Records for in Camera Inspection by Court

06/09/2015 **Notice of Entry of Order**
Notice of Entry of Order

06/19/2015 **Status Check** (3:00 AM) (Judicial Officer Gonzalez, Elizabeth)
06/19/2015, 06/26/2015
Status Check: In Camera Review
Minutes
Result: Matter Continued

07/02/2015 **Minute Order** (3:00 PM) (Judicial Officer Gonzalez, Elizabeth)
Minute Order re In Camera Review of Records from LVMPD
Minutes
Result: Minute Order - No Hearing Held

07/07/2015 **Notice of Change of Firm Name**
Notice of Change of Law Firm Affiliation

08/04/2015 **Notice of Change of Address**
Notice of Change of Address

FINANCIAL INFORMATION

Defendant James , Tyrone D	
Total Financial Assessment	175.00
Total Payments and Credits	0.00
Balance Due as of 08/31/2015	175.00
03/28/2012 Transaction Assessment	175.00

EXHIBIT 2

LAS VEGAS METROPOLITAN POLICE DEPARTMENT INCIDENT REPORT

Page 1 of 4

Event # 100514-2100

Specific Crime(s) <u>POSS SEXUAL ASSAULT</u>										Attempt ☐		☒ City ☐ County		☐ FLD ☐ TELE ☐ STA		Sec/Best <u>61</u>						
Location of Incident: (Number & Street) <u>207 N. Lamb</u>										Bldg. # <u>—</u> Apt. # <u>E</u>		City <u>LV</u>		State <u>NV</u>		Zip Code <u>89101</u>						
Occurred	Month	Day	Year	Day/Wk	Time	Report Taken	Month	Day	Year	Time	Bias Crime	Gang Related	Substance Abuse									
	<u>05</u>	<u>14</u>	<u>10</u>	<u>FRI</u>	<u>0900</u>		<u>05</u>	<u>14</u>	<u>10</u>	<u>1400</u>	<u>Y</u> <u>(U)</u>	<u>Y</u> <u>(U)</u>	<u>Y</u> <u>(U)</u>									
On / Shift	<u>05</u>	<u>14</u>	<u>10</u>	<u>FRI</u>	<u>1000</u>	Citizen Advd Follow-Up	Connecting Reports															
						<u>(U)</u> <u>N</u> <u>NIP</u>	<u>NONE</u>															
If Arrest was made, name Arrestee(s) on appropriate page and place # of Arrestees in box															P # <u>13460</u>		Reporting Officer <u>E. MELTZER</u>		Squad <u>1622</u>		Follow-Up <u>(U)</u> <u>N</u>	
Was there a witness? ☒ Victim ☐ Other ☒															P # <u>8278</u>		Reporting Officer <u>D. TOMAUO</u>		Squad <u>SAJ</u>			
Can suspect be named?															☒		Is stolen property traceable? (Identifiable?)		☒			
Can suspect be located?															☒		Is there physical evidence present?		☒			
Can suspect be described?															☒		Is there significant M.O.?		☒			
Can suspect be identified?															☒		Criministics work performed?		☒			

☒ V ☐ Contact ☐ W ☐ P/R ☐ Missing/Injury Veh. # <u>—</u> Statement <u>Y</u> Can I.D. <u>(U)</u> Name (Last / First / Middle) OR Business Name <u>H. T. [REDACTED]</u>														
Date of Birth		Social Security #		Race	Sex	Ht.	Wt.	Hair	Eyes	Work Schd. (Hrs / Days Off)	Business / School			
		<u>N/A</u>		<u>B</u>	<u>F</u>	<u>5'00</u>	<u>100</u>	<u>BLK</u>	<u>BRO</u>	<u>8:55 to 16:00</u>	<u>5/3rd</u>			
Residence Address: (Number & Street)				Bldg./Apt. #		City		State		Zip Code		Res. Phone: <u>[REDACTED]</u>		
												Bus. Phone: <u>N/A</u>		
Cellular Phone				International Phone				Email Address						
Bus. (Local) Address: (Number & Street)				Bldg./Apt. #		City		State		Zip Code		Occupation ☐ Tourist: Depart Date		

☐ V ☐ Contact ☐ W ☒ P/R ☐ Missing/Injury Veh. # <u>—</u> Statement <u>Y</u> Can I.D. <u>Y</u> Name (Last / First / Middle) OR Business Name <u>A. T. [REDACTED]</u>														
Date of Birth		Social Security #		Race	Sex	Ht.	Wt.	Hair	Eyes	Work Schd. (Hrs / Days Off)	Business / School			
				<u>B</u>	<u>F</u>	<u>5'02</u>	<u>152</u>	<u>BLK</u>	<u>BRO</u>	<u>5:00 to 5:30</u>	<u>new</u>			
Residence Address: (Number & Street)				Bldg./Apt. #		City		State		Zip Code		Res. Phone: <u>[REDACTED]</u>		
												Bus. Phone: <u>N/A</u>		
Cellular Phone				International Phone				Email Address						
Bus. (Local) Address: (Number & Street)				Bldg./Apt. #		City		State		Zip Code		Occupation ☐ Tourist: Depart Date		

# <u>1</u>	☐ Suspect ☒ Victim	Year <u>06</u>	Make <u>TOY</u>	Model <u>SEAN</u>	Value <u>unk</u>	DESCRIPTION													
License # <u>848 VVJ</u> State <u>NV</u> LIC Type <u>PC</u> Mo/Yr <u>3/11</u>						1 2-door 7 Hatchback 12 Off-Road 18 Trailer 2 4-door 8 Mini Trk/Camper 13 Pickup 19 Utility Truck 3 Bicycle 9 Mini Trk/Utility 14 Plug w/Camper 20 Van/Mini Van 4 Convertible 10 Moped 15 RV 26 Other (describe) _____ 5 Dirt Bike 11 Motorcycle 17 Station Wagon													
VIN # <u>5T K K T 1624116101311765</u>						FEATURES 4 Ft-Bumper 20 4-Wheel Drive 34 Extra Antenna 43 Door Panels Gone 5 B-Bumper 21 Sunroof 35 Primer 44 Broken Windows 12 Bucket Seats 23 Special Tires 36 Rust 45 Loud Muffler 13 Bench Seats 25 Special Firms 37 Decorative Paint 46 Trailer Hitch/Towbar 15 T-Top 27 Roll Bar 38 Metallic Paint 49 Damage to Front 16 Vinyl Top 28 Spotlights 39 Painted Inscription 50 Damage to Rear 17 Hubcaps 29 Level Altered 40 Sticker on Body 51 Damage to Side 30 Tinted Windows 41 Sticker on Window													
COLOR 1 (top) <u>16</u> COLOR 2 (bottom) <u>16</u> COLOR 3 (middle) <u>16</u> 25 Yellow 1 Unknown 7 Bronze 13 Lt. Green 19 Purple 26 Primer/Rust 2 Beige 8 Brown 14 Green 20 Red 27 Primer/Gray 3 Black 9 Copper 15 Dk. Green 21 Silver 28 Chrome 4 Lt. Blue 10 Cream 16 Maroon 22 Tan 29 Lavender 5 Blue 11 Gold 17 Orange 23 Turquoise 30 Mtd 6 Dk. Blue 12 Gray 18 Pink 24 White 39 Other						Lost/Stolen ☐ # of Plates ☐ Front ☐ Rear ☐ Where is Other Plate? <u>NVS</u> P # / Date / Time _____ Plates Only Missing													
Registered: Owner's Name (Last, First, Middle) or Firm Name <u>JAMES, TYRONE</u> Legal: <u>JAMES, TYRONE</u>						Date of Birth <u>[REDACTED]</u> Social Security # <u>[REDACTED]</u> Address: (Number & Street) <u>207 N. Lamb</u> Bldg./Apt. # <u>E</u> City <u>LV</u> State <u>NV</u> Zip Code <u>89101</u> Res. Phone: <u>[REDACTED]</u> Bus. Phone: <u>[REDACTED]</u>													

☒ S = Stolen ☐ D = Damaged ☐ L = Lost ☐ E = Stolen, but Retained by Security										Property Listing Complete? ☐ Y ☐ N ☐ U	
Pers #	SDLE Status	UCR Code	Make or Brand / Model	Color(s)	Caliber Size	Barrel Length	S-Seq # Or OAN M-Seq	Serial Number / OAN	Qty.	Description (Include other Marks of I.D.)	Value

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
INCIDENT REPORT

Event #

100514-2102

#3	☒ Susp. ☐ Arrest ☐ Cited ☐ Sum.	Veh. #	Statement Y Obtained? (N)	Name (Last, First, Middle) JAMES, TYRONE				Monikers TY		ID # 1303556
Age or DOB	Social Security #	Race B	Sex F	Ht. 5'09	Wt. 135	Hair Blk	Eyes Grn	Business / School N/A	Occupation N/A	
Address: (Number & Street) 207 N. LAMB		Bldg./Apt. # E		City LV		State NV		Zip Code 89101		Res. Phone: Bus. Phone:
Last Seen Wearing BLACK LONG SLEEVE SHIRT / BLACK TIGHTS / BLACK SLEAZER SHOES				Citation #		P# Taking ATC		Date		Time

SUSPECT

NARRATIVE

UCR

GENERAL M.O.

FOLLOW-UP

Narrative 6038 must be completed, whether suspect is in custody or not.

H. STATED THAT SHE WAS SLEEPING IN HER ROOM AND Woke UP AND SAW TYRONE JAMES, WHO IS HER BROTHER'S FRIEND OF 2 YRS STANDING IN HER BEDROOM. H. ASKED HIM TO LEAVE AND TRIED TO CALL HER MOM. TYRONE GRABBED THE PHONE AWAY FROM HER AND PULLED DOWN HER TOP. TYRONE WAS WEARING GLOVES AND GRABBED H. BY HER ARM AND PULLED HER OUT OF THE BEDROOM AND BROUGHT HER INTO THE LIVING ROOM. TYRONE PULLED DOWN H. TO THE GROUND AND TOOK OFF HER PANTS. TYRONE PUT ONE OF HIS FINGERS INSIDE OF H. VAGINA. TYRONE ALSO PULLED OUT HIS PENCE AND RUBBED IT ON THE OUTSIDE OF HER VAGINA BUT DID NOT PUT IT INSIDE. H. TOLD TYRONE SEVERAL TIMES TO STOP AND TO GET OFF OF HER. H. ALSO SAID SHE WAS SCREAMING BUT NOBODY HEARD HER. TYRONE GOT OFF OF H. AND THEN CALLED HER A RIDE TO SCHOOL. PIR WHO IS V-I MOTHER WAS TOLD BY OTHER DAUGHTER ABOUT INCIDENT. PIR CONTACTED DHS AND PICKED UP VICTIM FROM THERE AND BROUGHT BACK HOME. PIR AND THEN CALLED ALL PARTIES LIVE AT SAME RESIDENCE FOR PAST 2 YEARS.

ASSAULT DATA 1 Hands, Fist, Feet (with substantial injury) ☒ 2 Hands, Fist, Feet (without substantial injury)		LARCENY CLASSIFICATION A Pocket-Picking B Purse-Scratching C Shoplifting D From Any Coin Oper Machine E From Building (Exc. Shopping & Coin Oper. Machine) F From Autos (Exc. Parts & Access.) G Other		BURGLARY DATA 1 Residence 3 Night (6 pm-6 am) 6 Force 2 Non-Residence 4 Day (6 am-6 pm) 7 No Force 5 Unknown					
PREMISE (general) Occupied? ☒ N 1 Airport ☒ 2 Apartment 3 Bank/Savings/Credit Union 4 Bar/Lounge 5 Bus Station/Bus 6 Casino 7 Church 8 Condo/Townhouse 9 Construction Site 10 Convenience Store 11 Convention Facility 12 Desert 13 Dormitory		14 Fast Food Restaurant 15 Fenced Yard 16 Garage/Carport 17 Gas/Service Station 18 Grocery Store 19 Hospital 20 Hotel/Motel 21 Industrial Complex 22 Jail/Prison 23 Lake/Waterway 24 Liquor Store 25 Medical Office 26 Mobile Home 27 Mountain Area 28 Movie Theater		29 Office 30 Park 31 Public Building 32 Rental Storage 33 Restaurant 34 Retail Business 35 School/Child Care 36 Shopping Mall ☒ 37 Single Family Residence 38 Sports Complex 39 Store Room/Shed 40 Street/Roadway/Alley 41 Vehicle 42 Warehouse 99 Other		PREMISE (specific) 1 Elevator 2 Driveway 3 Parking Lot 4 Rest room ☒ 5 Room 6 Sporting Event 99 Other SURROUNDING AREA 1 Alley 2 Adjacent Open Field ☒ 3 Middle of Block 4 Corner 5 Cul-de-Sac 99 Other		RELATIONSHIP TO SUSPECT 1 None 2 Co-Worker/Partner 3 Former Co-Worker/Partner 4 Flantor 5 Spouse 6 Former Spouse ☒ 7 Roommate 8 Former Roommate ☒ 9 Friend/Acquaintance 10 Immediate Family 11 Neighbor 12 Relative by Marriage 13 Rival Gang Member 99 Other MRS. BOYFRIEND	

Patrol Follow-Up

DET TOMAINO CONTACTED AT S/A AND CAME TO HOSPITAL.

VICTIM TRANSPORTED TO SUNSHINE HOSPITAL.

SHOT WITH A 3 ON PHONE WHO IS ENROUTE TO BE PICKED UP BY JUV. AT 7-11 STEWART/LAMB.

CPS NOTIFIED (LISSETTE WOODS) WHO CAME TO THE HOSPITAL.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
INCIDENT REPORT

Event #

10054-2100

SEE COLOR LIST ON P.1A	FACIAL HAIR	TEETH	TATTOOS (describe in narrative)	PRIMARY MEANS OF ATTACK
CLOTHING COLOR Headwear Coat Shirt Pants Shorts Skirt Shoes	1 1 Clean Shaven 2 2 Unshaven 3 3 Full Beard 4 4 Goatee 5 5 Moustache 6 6 Sideburns 99 99 Other _____	1 1 Normal 2 2 Missing/Gaps 3 3 Protrude/Overbite 4 4 Decayed 5 5 Crooked 6 6 Broken 7 7 Gold Design/Cap 8 8 Silver Design/Cap 9 9 Braces 99 99 Other _____	1 1 Name 2 2 Initials 3 3 Words 4 4 Picture 5 5 Number/s 6 6 Symbol/s	1 1 Handgun 2 2 Shotgun 3 3 Rifle 4 4 Simulated Gun 5 5 Unknown Gun 6 6 Strongarm 7 7 Threats 8 8 Drugs/Poison 9 9 Knife 10 10 Explosives 11 11 Vehicle 12 12 Club/Tire Iron 13 13 Blunt Object 14 14 Fire/Incendiary Devices 99 99 Other _____
BUILD 1 1 Thin 2 2 Medium 3 3 Heavy 4 4 Muscular	SPEECH MANNER 1 1 Not Heard 2 2 Not Unusual 3 3 Apologetic 4 4 Articulate 5 5 Bad Grammar 6 6 Polite 7 7 Profane/Abusive 99 99 Other _____	EYES 1 1 Normal 2 2 Crossed 3 3 Small 4 4 Large 5 5 Afflicted Eye 6 6 Glasses 7 7 Contact Lenses 8 8 Different Colors 99 99 Other _____	SCARS / MARKS / TATTOOS & INJURIES (Location Identifiers) S = Scar M = Mark T = Tattoo I = Injury 1 None Observed 2 Head 3 Left Cheek 4 Right Cheek 5 Chin 6 Forehead 7 Lip 8 Nose 9 Left Ear 10 Right Ear 11 Eyebrow/Eyes 12 Neck 13 Left Upper Arm 14 Right Upper Arm 15 Left Forearm 16 Right Forearm 17 Left Hand 18 Right Hand 19 Finger(s) 20 Chest 21 Back 22 Left Leg 23 Right Leg 99 Other _____	WEAPON FEATURES 1 1 Chrome/Nickel/Stainless 2 2 Blue Steel 3 3 Distinctive Grips 4 4 Automatic 5 5 Revolver 6 6 Large Frame 7 7 Small Frame 8 8 Short Barrel 9 9 Long Barrel 10 10 Double Barrel 11 11 Over/Under 12 12 Sawed Off 13 13 Bolt Action 14 14 Lever Action 15 15 Pump Action 99 99 Other _____ (Make/Model/etc.)
HANDEDNESS 1 1 Left 2 2 Right	SPEECH CHARACTERISTICS 1 1 Accent 2 2 Stutter 3 3 Lisp 4 4 Slurred 5 5 Loud 6 6 Soft 7 7 Slow 8 8 Rapid 9 9 Not Unusual 99 99 Other _____	COMPLEXION 1 1 Fair 2 2 Medium 3 3 Dark 4 4 Suntanned 5 5 Acne 6 6 Pock Marks 7 7 Freckled 99 99 Other _____		
HAIR LENGTH 1 1 Over Ears 2 2 Short 3 3 Bald/Shaved 4 4 Balding 5 5 Varied Length 6 6 Shoulder Length 99 99 Other _____	APPEARANCE 1 1 Stocking Mask 2 2 Ski Mask 3 3 Bandana Mask 4 4 Costume Mask 5 5 Facial Disguise 6 6 Ragged/Transient 7 7 Business Clothes 8 8 Casual Clothes 9 9 Uniform 10 10 Coat/Jacket 11 11 Dressed as Opp. Sex 12 12 Distinctive Jewelry 99 99 Other _____	INJURY/CONDITION 1 1 None Observed 2 2 Cast 3 3 Crutches 4 4 Cane 5 5 Limping 6 6 Bandages 7 7 Bleeding/Blood Stains 8 8 Appeared Sick 9 9 Appeared Intoxicated/UICS 99 99 Other _____		
HAIR STYLE 1 1 Afro 2 2 Curly 3 3 Jerri Curls 4 4 Straight 5 5 Braided 6 6 Thin 7 7 Ponytail 8 8 Flat Top 9 9 Shaved Design 99 99 Other _____				

LIST THE PERSON MISSING IN THE SPACE PROVIDED BELOW

CHECK ONE		Voluntary	Involuntary	Unknown	Missing Y	Last Seen by Whom?	Last Seen with Whom?	
CHECK ONE		Abducted by Stranger	Voluntary		Where Last Seen?	Date	Time	Probable Destination
CHECK ONE		Abducted by Parent	Cause Unknown					
How Long at Present Address?	Previous Address (Number & Street)		Bldg./Apt.# City		State		Zip Code	Place of Birth
Last Seen Wearing		Description of Jewelry		Scars, Tattoos, Teeth Info, etc.				
Blood Type	Fingerprints Available?	Footprints Available?	Body X-Rays?	Dental Records?	Corrected Vision?	Circumcision?	Photo Attached?	
	Y N	Y N	F P N	Y N	Y N	Y N N/A	Y N	
Cust. Parent / Lgl. Guardian (if juv.) - Relative (if adult)		Relationship		Natural		Medical Info (medicines used, etc.)		
				Step				
Address (Number & Street)		Bldg./Apt.# City / State / Zip		Res. Phone:		Work Schdt. (Hrs / Days Off)		
				Bus. Phone:				
Parent / Legal Guardian (If juvenile) - Relative (if adult)		Relationship		Address (Number & Street)		Bldg./Apt.# City / State / Zip		
Year	Make	Brand (model)		Hull Identification # (HIN)		State Registration #		State / Year Reg.
VESSEL TYPE		HULL MATERIAL		TYPE PROPULSION		Boat Length		Boat Color
Runabout Canoe		Wood Rubber		Outboard In/Out				Primary
Cruiser Housbl		Metal Other		Inboard Sail				Secondary
Jet Ski Other		Fiberglass		Oars/Pad Jet				
Engine Serial #		Propulsion Serial #		Value		Marks of Identification		
TRAILER INFORMATION								
Year	Trailer Brand	Trailer License #		State	Year	Style	Trailer Length	# of Axles
								Trailer Color
Trailer VIN #		Value		Marks of Identification				

INCIDENT REPORT

Event #

100574-2100

ANY INFORMATION GIVEN SHOULD BE DETAILED IN NARRATIVE

ENTRY/EXIT POINT (Include Attempt) 1 Unknown 2 Adjacent Building 3 Attic/Crawl Space 4 Balcony 5 Coin Operated Machine 6 Doggie Door 7 Door 8 Duct/Vent 9 Fence 10 Fire Escape 11 Floor 12 French Door 13 Garage/Carport 14 Roof 15 Skylight 16 Sliding Door 17 Wall 18 Window 99 Other _____	ENTRY ☒ EXIT ☒	ENTRY OR ATTEMPT METHOD 1 Admitted - No Force 2 Bodily Force 3 Broke Hole in Wall 4 Climbed In/Over/Thru 5 Concealment 6 Cut 7 Explosion/Burned 8 Fraud/Hoax 9 Kicked In 10 Knob Twist 11 Lock Punch 12 Open for Business 13 Pried/Jimmied 14 Smash & Grab 15 Unlocked 99 Other _____	ENTRY TOOL 1 Bolt Cutters 2 Chisels 3 Club Type Object 4 Coat Hanger/Wire 5 Cutting Torch 6 Drill/Saw 7 Explosives	VEHICLE ENTRY P = Passenger Side D = Driver Side 1 Front Door/Window 2 Rear Door/Window 3 Vent/Wing Window 4 Cargo Window 5 Windshield/Back Glass 6 Trunk/Hood 7 Roof/Top 8 Open Bed/Trailer 9 Camper Shell 10 Unlocked 99 Other _____	SAFE ENTRY 1 Drill 2 Explosives 3 Hammered	8 Glass Cutter 9 Key 10 Knife 11 Lock Pick/Card 12 Lock Puller 13 Pry Bar 14 Rock/Brick 15 Screwdriver 16 Vehicle 17 Vice Grips/Pliers 99 Other _____	4 Key/Combination 5 Pry/Peel 6 Removed from Premises 7 Torch 8 Unlocked 99 Other _____	SUSPECT ACTIONS 1 Ate/Drank on Premises 2 Attempted to Defeat Alarm 3 Covered Hands (Gloves, etc) 4 Cut Self/Bled at Scene 5 Cut/Discon. Phone Cord 6 Defeated Alarm 7 Defecated/Urinated 8 Disabled Vehicle 9 Gang Graffiti/Markings 10 Hid Property Close to Scene 11 Knew Loc./Hidden Valuables 12 Left Note or Message 13 Left Tools at Scene 14 Lived/Stayed on Premises 15 Malicious Damage 16 Ransacked 17 Selective in Loot 18 Suspect Left Personal Property 19 Took Keys 20 Took Time/Methodical 21 Tripped Alarm, Returned Later	22 Turned Lights On/Off 23 Used Lookout/Accomplice 24 Used Matches 25 Used Tools Found at Scene 26 Wiped/Removed Prints 27 Shoplifting 99 Other (See Narrative)	VICTIM LOCATION 1 Home 2 Church 3 In Hospital 4 Moving 5 On the Premises 6 Out of Town 7 Place of Entertainment 8 Shopping 9 Work/School 99 Other _____	ADDITIONAL FACTORS 1 Alarm Inoperative 2 Horse Invasion 3 Key Hidden On/By Premises 4 Premises Under Construction 5 Premises Vacant 6 Similar Crimes in Neighborhood 7 Victim of Similar Crime 99 Other _____
Maid _____		Inspectress _____		Electronic Locks ☒		Video Surveillance ☒					

N/A

N/A

ANY INFORMATION GIVEN SHOULD BE DETAILED IN NARRATIVE

PRE-INCIDENT CONTACT 1 None 2 Gambling 3 Making Arrest 4 Opening/Closing - Business 5 Party 6 Shopping 7 Sleeping 8 Traffic Related 9 Walking 99 Other _____	SUSP(S) SOLICITED/OFFERED 1 Aid For Vehicle 2 Assistance 3 Con Game/Scam 4 Drugs 5 Information 6 Merchandise 7 Money 8 Ride 9 Sex 10 Use Phone 11 Work/Repair 99 Other _____	8 Seeking Someone 9 Sick 10 Survey/Census 99 Other _____	SUSPECT(S) ACTIONS 1 Choked/Strangled Victim 2 Covered Victim's Face 3 Cut/Stabbed Victim 4 Fired Shots 5 Forced Entry 6 Grabbed Purse 7 Had Victim Bag Property 8 Had Victim Lie Down 9 Handcuffed/Tied Victim 10 Hit/Assaulted After Act 11 Hit/Assaulted During Act 12 Hit/Assaulted Prior to Act 13 Locked Victim in Room/Area 14 Moved Victim's Location 15 Multiple Suspects 16 Picked Pocket	17 Presented Note 18 Pulled/Held/Grabbed Victim 19 Ritual/Occult Related 20 Shot Victim 21 Suspect's Face Concealed 22 Yelled Gang/Club Name 99 Other Unusual/MO Behavior	SEXUAL ACTS 1 Anal Intercourse 2 Ejaculated 3 Fondled/ Sexual Abuse 4 Had Victim Bathe/Shower 5 Had Victim Disrobe 6 Had Victim Masturbate Subject 7 Homosexual Assault/Acts 8 Indecent Exposure 9 Masturbated Victim 10 Oral Sex 11 Showed Photos - Magazines / Movies	12 Used Sexual Paraphernalia 13 Vaginal Intercourse 99 Other _____ INJECTED FINGER FINGER	VEHICLE INVOLVEMENT 1 Suspect A Pedestrian 2 Suspect Disabled - Victim's Vehicle 3 Suspect Forced - Victim to Curb/Stop 4 Suspect Forced Way - Into Victim's Vehicle 5 Suspect Hid In Victim's Vehicle 6 Suspect In Vehicle 7 Suspect Took Victim's Vehicle 8 Victim A Pedestrian 9 Vict. Forced Into Susp. Vehicle 10 Victim In Vehicle 99 Other _____
VICTIM CONDITION 1 Under 18 2 Over 65 3 Alone 4 Intoxicated/UICS 5 Physically/Mentally -Challenged 6 Tourist 99 Other _____	SUSPECT(S) PRETENDED TO BE 1 Customer 2 Job Applicant 3 Military Person 4 Police Officer 5 Renter/Buyer 6 Repair/Service Man 7 Salesman						

EXHIBIT 3

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
DECLARATION OF ARREST

ID#: 1303556

EVENT: 100514-2100

TRUE NAME:	DATE OF ARREST:	TIME OF ARREST:
Tyrone James	5-14-10	1600

OTHER CHARGES RECOMMENDED FOR CONSIDERATION:

M13105J

THE UNDERSIGNED MAKES THE FOLLOWING DECLARATIONS SUBJECT TO THE PENALTY FOR PERJURY AND SAYS: That I am a peace officer with the Las Vegas Metropolitan Police Department, Clark County, Nevada, being so employed for a period of 6 years.

That I learned the following facts and circumstances which lead me to believe that Tyrone James, DOB [REDACTED] committed (or was committing) the offense of Sexual Assault Victim under 16 (2 counts), Battery with Intent to Commit Sexual Assault (1 count), and Coersion with Force (1 count) at the location of 207 N Lamb, Apt E, Las Vegas, NV 89101.

That the offenses occurred from May 14th, 2010.

1. On 5-14-10, T [REDACTED] H [REDACTED] DOB [REDACTED] became the victim of Sexual Assault Victim under 16 (2 counts), Battery with Intent to Commit Sexual Assault (1 count), and Coercion with Force (1 count). H [REDACTED] resides, at [REDACTED], where the incidents occurred.

2. On 5-14-10 LVMPD dispatch received the following information from T [REDACTED] A [REDACTED]. Victim H [REDACTED] disclosed the following to her mother A [REDACTED] on 5-14-10 at about 1100: that H [REDACTED] was sexually abused by A [REDACTED] boyfriend Tyrone James. H [REDACTED] stated that James held her down and put his finger in her vagina twice while wearing gloves, earlier in the morning before school

A [REDACTED] then had a sit down with H [REDACTED] and James over the incident. They discussed the incident, with James denying, and H [REDACTED] accusing. James then went fishing and A [REDACTED] called police after some deliberation.

3. On 5-14-10 at approximately 1345, I Detective D. Tomaino P#8278, was contacted by responding Patrol Officer E Meltzer P# 13460. I directed him to transport the victim to Sunrise Hospital for a scan exam, and an interview by myself.

4. On 5-14-10 at approximately 1500 hours, I Detective D. Tomaino conducted the following interview with T [REDACTED] H [REDACTED]. The interview was recorded audibly at Sunrise Hospital. H [REDACTED] demonstrated the difference between a truth and a lie, and agreed to be truthful over the course of the interview, and disclosed the following to myself.

H [REDACTED] states she was awoke this morning at about 0900 wearing a spaghetti strapped shirt and panties. She observed James in her room wearing a black shirt and pants or shorts. She asked him to leave but he did not. He began talking about the dog and something. She states she was aware that no one else was home and thought it was odd he was in her room for the dog. She asked him to leave which he would not. She then attempted to call her mom and he took the phone from her

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
DECLARATION OF ARREST CONTINUATION
Page 2

ID#: 1303556

EVENT: 100514-2100

M13105J

and through it on the floor chipping it (1 count Coercion with Force). Then he got on top of her as she lay on her back and they fought over her trying to get the phone back after he picked it up. She then tried to get to her moms room but ended up in her sisters room. Where got on top of her again. She told him to move and let her call her mom but he did not. He removed her panties. She said "let me call my mamma" and began to cry. He said no you better shut up before I hit you. He then put his hand around her neck and told her to "shut up before I crack your neck" (1 count Battery with Intent to Commit Sexual Assault). H[REDACTED] was wanting to go to her moms room, but he said no. He then dragged her to the living room and put her on the floor. She said what are you doing, he said "shut the fuck up" "before I snap your neck" "you better shut up before I hit you". He then wore rubber gloves and put his finger inside her Vagina(1st count Sexual Assault Victim under 16). He pulled his finger out but H[REDACTED] was unable to see if he used his penis or his finger again and rubbed her Vagina between the lips(Second count Sexual Assault Victim under 16). He then got off of her and had her sit on the couch. They talked and she said she needed to get to school. She went to get dressed and he watched her. He then took her to school. At school she told one girl and then text her sister D[REDACTED] J[REDACTED] who then told their mother A[REDACTED]. A[REDACTED] left work contacted the school and removed her child.

As of this report Tyrone James is no longer allowed over at victims residence and is living with his grandmother or Auntie.

5. On 5-14-10 at 1652, I Detective D. Tomaino P#8278, conducted an interview, taped audibly, with Tyrone James and I mirandized him at 1655. James stated he understood his rights and still wished to talk with me. James stated the following:

That he did not commit the actions as described by H[REDACTED]. That she simply does not like him and does not wish for him to be around her family. He states that in his history he has been accused but never proven. He is willing to complete a ploy graph for his innocence. He states he went over this morning to drop off a dog and to take care of a bill. He says that H[REDACTED] was there ironing, and he noticed it was near her time to be at school. He drove H[REDACTED] to school. He then went to his grandmothers to get ready for fishing at Sunset Park. James and his grandmother went over to H[REDACTED] home when A[REDACTED] called him about the described incident. They discussed it and he denied all actions then and continues till now. He then went to Sunset park with his grandmother to fish. On the way a patrol officer contacted him to return for an interview, to which he agreed. James dropped off his grandmother and returned to a pre determined location and met with patrol and Det T. Hatchett P#8250. At this time my interview with H[REDACTED] was complete and had James transported to CCDC for an interview and booking.

6. The phone was located and photographed in the possession of H[REDACTED] by myself at Sunrise Hospital. The other half was found and pictured in H[REDACTED] room at the foot of her bed by Det T. Hatchett P#8250. Victim is not aware when or how James put the rubber gloves on or what was done with them after. She further states it was difficult to look down with his hand around her throat.

6. Due to the above information described by victim T[REDACTED] H[REDACTED], the following details are understood. James committed the following actions against his girlfriend A[REDACTED] daughter H[REDACTED]: She then attempted to call her mom and he took the phone from her and through it on the floor chipping it (1 count Coercion with Force). He removed her panties. She said "let me call my mamma" and began to cry. He said no you better shut up before I hit you. He then put his hand around her neck and told her to "shut up before I crack your neck" (1 count Battery with Intent to Commit Sexual Assault). He then wore rubber gloves and put his finger inside her Vagina(1st

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
DECLARATION OF ARREST CONTINUATION
Page 3

ID#: 130 3556

EVENT: 100514-2100

count Sexual Assault Victim under 16). He pulled his finger out but H[REDACTED] was unable to see if he used his penis or his finger again and rubbed her Vagina between the lips(Second count Sexual Assault Victim under 16). James denied all actions, and agreed to meet to prove his innocence. James was met at Stewart and Lamb, taken into custody, transported to CCDC and booked accordingly.

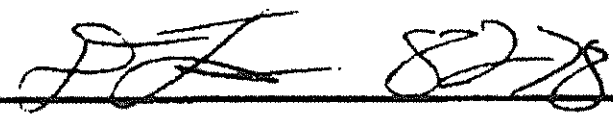
Victim and Suspect Interviews to be transcribed and submitted at later date.

Scan exam was conducted at Sunrise Hospital results to be determined.

Victims shirt was located and impounded.

Wherefore, Declarant prays that a finding be made by a magistrate that probable cause exists to hold said person for preliminary hearing (if charges are a felony or gross misdemeanor) or for trial (if charges are misdemeanor).

Declarant


D. TOMAINO

M13105.I

EXHIBIT 4



CLERK OF THE COURT

1 **INFO**

2 DAVID ROGER
3 Clark County District Attorney
4 Nevada Bar #002781
5 CHRISTOPHER PANDELIS
6 Deputy District Attorney
7 Nevada Bar #009143
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

12 I.A. 06/24/10
13 1:30 P.M.
14 PD

DISTRICT COURT
CLARK COUNTY, NEVADA

15 THE STATE OF NEVADA,

16 Plaintiff,

17 -vs-

18 TYRONE D. JAMES,
19 #1303556

20 Defendant.

Case No: C265506
Dept No: V

INFORMATION

21 STATE OF NEVADA }
22 COUNTY OF CLARK } ss.

23 DAVID ROGER, District Attorney within and for the County of Clark, State of
24 Nevada, in the name and by the authority of the State of Nevada, informs the Court:

25 That TYRONE D. JAMES, the Defendant(s) above named, having committed the
26 crimes of **SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE**
27 **(Felony - NRS 200.364, 200.366), OPEN OR GROSS LEWDNESS (Gross**
28 **Misdemeanor - NRS 201.210) and BATTERY WITH INTENT TO COMMIT A**
CRIME (Felony - NRS 200.400), on or about the 14th day of May, 2010, within the County
of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases
made and provided, and against the peace and dignity of the State of Nevada,

//

//

1 COUNT 1 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

2 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
3 T [REDACTED] H [REDACTED], a female child under sixteen years of age, to sexual penetration, to-
4 wit: digital penetration, by inserting his finger(s) into the genital opening of the said
5 T [REDACTED] H [REDACTED], against her will, or under conditions in which Defendant knew, or
6 should have known, that the said T [REDACTED] H [REDACTED] was mentally or physically
7 incapable of resisting or understanding the nature of Defendant's conduct.

8 COUNT 2 - OPEN OR GROSS LEWDNESS

9 did, then and there, willfully and unlawfully commit an act of open or gross lewdness
10 by said Defendant using his penis and/or finger(s) and/or hand(s) and/or an unknown object
11 to touch and/or rub and/or fondle the genital area of the said T [REDACTED] H [REDACTED].

12 COUNT 3 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

13 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
14 T [REDACTED] H [REDACTED], a female child under sixteen years of age, to sexual penetration, by
15 Defendant inserting his penis and/or finger(s) and/or unknown object into the genital
16 opening of the said T [REDACTED] H [REDACTED], against her will, or under conditions in which
17 Defendant knew, or should have known, that the said T [REDACTED] H [REDACTED] was mentally
18 or physically incapable of resisting or understanding the nature of Defendant's conduct.

19 COUNT 4 - OPEN OR GROSS LEWDNESS

20 did, then and there, willfully and unlawfully commit an act of open or gross lewdness
21 by said Defendant using his penis and/or finger(s) and/or hand(s) and/or an unknown object
22 to touch and/or rub and/or fondle the genital area of the said T [REDACTED] H [REDACTED].

23 //

24 //

25 //

26 //

27 //

28 //

1 COUNT 5 - BATTERY WITH INTENT TO COMMIT A CRIME

2 did then and there wilfully, unlawfully, and feloniously use force or violence upon the
3 person of another, to-wit: T [REDACTED] H [REDACTED], with intent to commit sexual assault, by
4 digital and/or penile penetration, by grabbing the said T [REDACTED] H [REDACTED] by the neck.

5 DAVID ROGER
6 DISTRICT ATTORNEY
Nevada Bar #002781

7
8 BY /s//CHRISTOPHER PANDELIS
9 CHRISTOPHER PANDELIS
10 Deputy District Attorney
11 Nevada Bar #009143

12 Names of witnesses known to the District Attorney's Office at the time of filing this
13 Information are as follows:

14	<u>NAME</u>	<u>ADDRESS</u>
15	ALLEN, THERESA – 207 N. LAMB BLVD., #E, LVN 89101	
16	HATCHETT, TIMOTHY – LVMPD P#8250	
17	JORDAN, DENISE – 207 N. LAMB BLVD., #E, LVN 89101	
18	MELTZER, ERIK – LVMPD P#13460	
19	TOMAINO, DANIEL – LVMPD P#8278	

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27 DA#10F09328X/mmw/SVU
28 LVMPD EV#1005142100
(TK1)

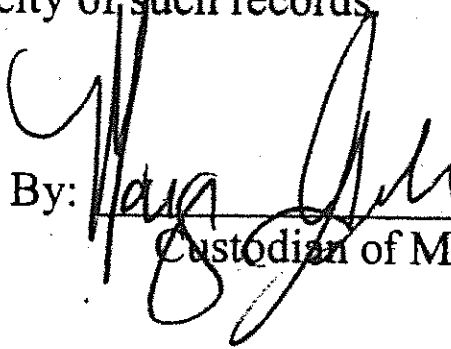
EXHIBIT 5



CERTIFICATE OF THE CUSTODIAN OF MEDICAL RECORDS

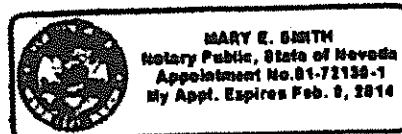
I, **MARJORIE GEHRKE**, after being duly sworn, depose and state as follows:

1. I am the Custodian of Medical Records for **Sunrise Hospital and Medical Center**, and **Sunrise Children's Hospital**.
2. On the **10th** of **June 2010**, I was served with a request/Subpoena Duces Tecum seeking production of a copy of the medical records pertaining to:
Name: T [REDACTED] H [REDACTED] DOB: [REDACTED]
3. I have examined the original medical records and have caused a true and exact copy of them to be made, and that the reproduction of them as attached hereto is true and complete.
4. To the best of my knowledge, the original medical records were made at or near the time of the acts, events, conditions, opinions, or diagnoses recited therein by or from information transmitted by a person with knowledge in the course of a regularly conducted activity at Sunrise Hospital and Medical Center, and Sunrise Children's Hospital.
5. To the extent that the medical records being provided herewith contain medical records received from a different provider of health care, I am unable to make any representations as to the authenticity of such records.

By: 

Custodian of Medical Records

Subscribed and sworn to before me
This 10th day of June, 2010.



Sunrise Hospital and Medical Center Acct Number: D00101331130 Priority: EM
Sunrise Children's Hospital Unit Number: D001919766 Admit Date: 05/14/10
3186 Maryland Parkway Service/Loc: D.ERPSCAN Admit Time: 1405
Las Vegas, Nevada 89109 Room Number: Admit By: RBB

Patient Information

SS#: [REDACTED]

Admit Status: REG ER

H [REDACTED], T [REDACTED]
[REDACTED]
USA
Home: [REDACTED]
Other: [REDACTED]
DOB: [REDACTED]
Sex: F Age: [REDACTED]
Religion: NON
Marital Status: S
Race: B
Maiden/Other Name: H [REDACTED], [REDACTED]
Employer: NONE
NONE
NONE, NV 89109
MINOR CHILD

Newborn Info - Weight: lb oz gm/ Length: in cm/ Apgar at 1 min:

Guarantor Information

SS#: [REDACTED]

[REDACTED], T [REDACTED]
[REDACTED]
USA
[REDACTED] Rel to Pt: MO
Guarantor's Employer: [REDACTED]
SUPERVISOR

Next of Kin Information

Person to Notify

Advanced Directives

A [REDACTED], T [REDACTED]
[REDACTED]
Rel to Patient: MO
E [REDACTED] P [REDACTED]
[REDACTED]
Rel to Patient: GP
Living Will: N
Durable POA: N
Copy on File: N
Comp Bar Code Acct#

Insurance Information

Financial Class: 10



SCAN SCAN
1600 PINTO LN
LAS VEGAS
NV 89106-4196
(702) 455-4077
Insured Name: H [REDACTED], T [REDACTED] Rel: SA
Policy #: [REDACTED]
Group Name: NONE
Group Number: 99999 Eff Date:
Auth#: 10514-2100 Auth Phone:

CUL014 CULINARY
PO BOX 94469
SEATTLE
WA 98124
(702) 733-9938
Insured Name: A [REDACTED] T [REDACTED] Rel: MO
Policy #: [REDACTED]
Group Name: [REDACTED]
Group Number: 150 Eff Date:
Auth#: Auth Phone:

Insured Name: Rel:
Policy #:
Group Name:
Group Number: Eff Date:
Auth#: Auth Phone:

Reason for Visit Occurences Conditions ER Arr Date/Time
SCAN 05/14/10-05 05/14/10/1405

Admitting Physician

Attending Physician

VERGARA, THERESA



B
JAMES0017

PA047

RUN DATE: 05/16/10
RUN TIME: 1454
RUN USER: DHIS.KEH

Sunrise Hospital Abstracting *LIVE*
CODING SUMMARY

PAGE 1

NAME: H. T. ACCT#: D00101331130
FORM:
ADM DATE: 05/14/10 1405
ATTEND PHYS: VERGARA, THERESA
DIS DT/TM: 05/14/10
DIS DISP: ROUTINE HOME/SELF CARE (01)
LOS: 1
PT CLASS: ER, OTH
UNIT#: D001919766
SEX: F
AGE:
DOB:
FIN CLASS: 10
ABS STATUS: FINAL

DIAGNOSES

POA INDICATOR

ADMIT
PRINC V71.5 OBSERV FOLLOWING RAPE
599.0 URIN TRACT INFECTION NOS

REASON FOR VISIT DX
V71.5 OBSERV FOLLOWING RAPE

OPERATIONS

DATE PROC CODE & NAME SURGEON ANESTHESIOLOGIST

CPTs:

DRG:

STATUS	\$REIMB	MIN-LOS	STD-LOS	COST WT	GRP VERS	GRP FC
					27	10

DRG STATUS DATE:
CODER: DHIS.KEH

ABS STATUS DATE: 05/16/10
ABSTRACTOR: DHIS.KEH

This form will be maintained as a permanent part of the medical record

Name	DOB	Date of Visit	PMD
Chief Complaint	RN	Arrival Time	Allergies
Assessment	Rapid Score	Weight	

TEST	MD	HUC	RN	INTERVENTIONS	MD	HUC	RN
	Time	Init	Time	Init	Time	Init	Time
☐ ABG ☐ VBG				NS Bolus #1 _____ cc			
☐ I-stat ☐ Accuchk				NS Bolus #2 _____ cc			
☐ CBC/diff ☐ Bld Cx				Maint. fluids:			
☐ Retic ☐ Coags				NPO			
Type and screen				Zofran _____ mg ☐ PO ☐ IV ☐ PO Challenge			
☐ ESR ☐ CRP				Albuterol 2.5mg/3ccNS x _____ ☐ with 1 unit dose atrovent			
☐ BMP ☐ CMP ☐ LFT				Albuterol _____ mg in 30cc NS(1h)SVN ☐ with 1 unit dose atrovent			
☐ Ca ☐ Mg ☐ Phos				Albuterol _____ mg in 30cc NS(1h)SVN ☐ with 1 unit dose atrovent			
☐ Amylase ☐ Lipase				Albuterol _____ mg in 30cc NS(1h)SVN ☐ with 1 unit dose atrovent			
Admit Panel				☐ Peak flows pre and post treatments			
Trauma Panel				☐ Aerochamber teaching			
☐ ASA ☐ ETOH ☐ UDS				Racemic epinephrine SVN ☐ 0.25cc/2.5ccNS ☐ 0.5cc/2.5ccNS			
☐ Acetaminophen				Racemic epinephrine SVN ☐ 0.25cc/2.5ccNS ☐ 0.5cc/2.5ccNS			
Levels: ☐ Valproate				Decadron _____ mg ☐ PO ☐ IM ☐ IV			
☐ Phenobrb ☐ Phenytoin				Prednisolone _____ mg PO			
☐ Carbamazepine				Solumedrol _____ mg IV			
Urine ☐ CC ☐ Cath				☐ Orthostatic VS Set up: ☐ LP Tray ☐ Pelvic Exam			
☐ Dip ☐ UA				Laceration Setup ☐ Suture ☐ Staple ☐ Dermabond ☐ Apply LET			
Urine Culture				Contact: ☐ Animal Control ☐ Poison Control			
HCG ☐ Urine ☐ Quant				☐ Social Work ☐ Metro PD ☐ CPS			
☐ GC/Chlamydia				OTHER ORDERS			
☐ Wet Mnt ☐ Vag Cx							
CSF Studies				1 GC, chlamydia wet mount, vgy			
☐ Culture ☐ Glu/Prt				2 Repe kit			
☐ Cell Cnt ☐ Hold				3 Ounal 2 tzs p.o x 1			
☐ RSV ☐ Influenza				4 Raxghev 250mg IM			
☐ RapidStrep ☐ ThroatCx				5 Zithromax 1 gram p.o x 1			
☐ Monospot ☐ EBV				6 HIV, RPR, hepatitis			
Stool ☐ Cx ☐ Rota							
☐ C Diff ☐ O&P							
Wound Cx							
EKG							
☐ Trop-I ☐ CK-MB ☐ BNP							
CXR ☐ PA/LAT ☐ Port							
KUB views: ☐ 1 ☐ 2 ☐ 3							
Soft Tissue Neck							
Spine ☐ C ☐ T ☐ LS							
Shunt Series							
Skull 2 views							
CT Head ☐ with contrast							
CT Orbits ☐ with contrast							
CT Neck ☐ with contrast							
CT Abd/Pelvis							
contrast ☐ IV ☐ PO							
CT Spine ☐ C ☐ T ☐ LS							
Ultrasound ☐ Pelvic							
☐ Testicular ☐ Pyloric							
☐ Hepatic							

H _____, T _____
D00101331130 05/14/10
05/14/10 VERGARA, THERESA
DOB: _____ F/ _____ MR#D001919766
Sunrise Hospital & Med Center



Pediatric Emergency Department Patient Sign-in Sheet

Child's Name T [REDACTED] H [REDACTED]

(FIRST NAME)

(LAST NAME)

Please Check Box: Boy ☐ Girl ☒ Born or been here before? Yes ☐ No ☒

Date of Birth [REDACTED] Phone [REDACTED]

Address [REDACTED]

City/State/Zip [REDACTED]

Mother's Name [REDACTED] A [REDACTED] Pediatrician [REDACTED]

Reason for Visit Today [REDACTED]

Does your child have any allergies to medications or foods? Yes ☐ No ☒

If yes, please list: 105-14 1005-14-200

For the following questions, please write **Y** for yes or **N** for no.

Within the last 10 days (including today), has your child experienced:

Fever N

Night Sweats N

Cough N

Unexplained weight loss N

Cough lasting longer than 3 weeks N

Fatigue N

Cough with bloody sputum N

Body Aches N

Sore Throat N

Rash N

Nasal Congestion (not related to allergies or a sinus infection) N

Past history of tuberculosis or a positive TB test N

Close contact with a person who has TB Y

Contact with a person who has a flu-like illness N

Today's Date 5/14/10 Arrival time 2:10 am or pm

FOR FACILITY USE ONLY

Meets Criteria for Isolation: Contact ☐ Respiratory ☐

1st call for Triage: [REDACTED] 1st call for Room: [REDACTED]

2nd call for Triage: [REDACTED] 2nd call for Room: [REDACTED]

3rd call for Triage: [REDACTED] 3rd call for Triage: [REDACTED]

H [REDACTED] T [REDACTED]
D00101331130 05/14/10
05/14/10 PHYSICIAN, PEDIATRIC ER
DOB: [REDACTED] F [REDACTED] MR#D001919766
Sunrise Hospital & Med Center

JAMES0020

PA050

Clinical Report - Nurses
Sunrise Childrens Hospital
Emergency Department
3186 Maryland Parkway, Las Vegas, NV 89109 702-731-8000
05/14/2010 14:05

Patient: H [REDACTED] T [REDACTED]
MRN: D001919766 Acct#: D00101331130
Sex: F DOB: [REDACTED] Age: [REDACTED]

TRIAGE

Triage time 14:26. Acuity: LEVEL 4.
Chief Complaint: ALLEGED SEXUAL ASSAULT.
O2 saturation: 100%. BP: 120 / 64 sitting. HR: 105. RR: 18. Temp: 98.9. Alert. Glasgow Coma Scale: 15- eyes open spontaneously (4); best verbal response- oriented x 3 (5); best motor response- obeys commands (6). No acute distress. Weight = 49 kg. (measured). --14:31 LHOLT, RN.

Medications

None. --1427 (05/14/10) LINDA M HOLT, RN.

Allergies

NKA.

NKDA. --1427 (05/14/10) LINDA M HOLT, RN.

History

Alleged assailant (tyrone james sr- friend). This occurred today. Occurred at home. Pain level now: 0/10.
Treatment PTA: None.

PAST MEDICAL HX: Diabetes mellitus (borderline). Tetanus status: up-to-date. Immunizations: up-to-date. Last normal menstrual period- 04 / 10 / 10.

SURGERY HX: No history of previous surgery.

SOCIAL HX: Nonsmoker. No alcohol use or drug use. Functional assessment: no impairments noted.

The nutritional risk assessment revealed no deficiencies. No report of abuse. The patient has not traveled outside the U.S. in the last 3 weeks. The patient was exposed to tuberculosis. The patient was not exposed to influenza, chicken pox, meningitis, SARS, Avian flu or H1N1 flu.

Arrived by private vehicle and accompanied by family and mother. Historian: patient and family and mother. --14:31 LHOLT, RN.

Assessment

The patient states feels the same. Alert. Appears in no acute distress. Oriented X 3. Patient appears calm and cooperative. Respirations not labored. Chest nontender. Breath sounds within normal limits. Abdomen soft and nontender. Capillary refill less than 2 seconds. Mucous membranes are pink. Skin warm and dry. --14:31 LHOLT, RN.

Interventions

ID band on patient. Fall risk assessment completed. No fall risk identified. --14:31 LHOLT, RN.

PHYSICAL ASSESSMENT

Alert. Appears in no acute distress. No respiratory distress. Respirations not labored. Breath sounds

within normal limits. Abdomen soft and nontender. GU area (Positive white substance on Wood's lamp exam (obtain specimen for kit)). Capillary refill less than 2 seconds. Extremities exhibit normal ROM. Neuro-vascular status intact to the extremity. (No abrasions, lacerations noted.). Mucous membranes are pink. Skin is warm and dry. --17:55 Douglass, Pamela, R.N..

NURSING PROGRESS NOTES

14:35. The initial plan of care for this patient includes an assessment with efforts to address the psychosocial status of the patient; therapeutic needs of the patient as indicated by complaint specific guidelines. This plan of care was discussed with the patient and family. (LVMPD arrived. Detective Tomaino (Badge # 8278) present. SCAN event # 1005142011. CPS social worker Lisette Woods present.). Call light placed in reach. Side rails up. Bed placed in lowest position. Brakes of bed on. --14:48 Douglass, Pamela, R.N.

14:49. (Interview of patient by Detective Tomaino and CPS social worker Lisette Woods began in quiet room.). --14:49 Douglass, Pamela, R.N.

15:03. (Consent obtained for release of medical information to CPS and LVMPD by mother of patient. Detectives continues to interview patient and officer speaking to mother of patient at present time.). --15:03 Douglass, Pamela, R.N.

15:50. (Interview complete. Full Kit needed. Kit number RS 01089. Detectives and social work updated mother of patient on plan. Family and patient updated on plan of care in hospital.). --16:54 Douglass, Pamela, R.N.

15:55. (Consent obtained from mother of patient for evidence collection.). --16:55 Douglass, Pamela, R.N.

16:35. Two patient identifiers checked. Patient ID band checked for patient name and birthdate: patient confirmed. Clean catch urine collected with return of yellow-colored clear urine; odor is normal. Specimen labeled in the presence of the patient. Urine dipstick, clean catch sample: Sp Gr 1.015; pH 7; trace leukocytes; nitrite positive; trace protein; glucose normal; large ketones; urobilinogen 1 mg/dl; bilirubin negative; blood negative. Urine pregnancy test negative. (POC test reference range: negative). --16:55 Douglass, Pamela, R.N.

17:25. Pelvic exam performed by ED physician. Assisted by one nurse. Preparation: sexual assault evidence kit (applicable consents obtained); patient placed in lithotomy position. Procedure: speculum and sexual assault exam per protocol. Rectal exam performed and noted as within normal limits. Specimens collected and sent to lab: GC, chlamydia, wet prep, DNA probe and sexual assault evidence kit sealed/signed and placed in lockbox*per protocol. No genital lesions noted. No vaginal bleeding noted. Status post-procedure: the patient was stable. Total time of assist / procedure: 15 minutes. (Plan of care discussed with parents and patient by Dr. Vergara with RN present.) --17:56 Douglass, Pamela, R.N.

17:40. Two patient identifiers checked. AZITHROMYCIN 1 gram PO. Allergic reaction warning given to patient and family. ROCEPHIN 250 mg IM right anterior lateral thigh. Allergic reaction warning given to patient and family. (Medications explained to parents and patient. Consent obtained for Ovril from mother of patient. Explained risks/benefits of medication. Mother verbalizes understanding.). --17:58 Douglass, Pamela, R.N.

17:50. (Ovril arrived from pharmacy. 2 Ovril tabs adm po.). --17:58 Douglass, Pamela, R.N.

17:59. (Lab at bedside to obtain blood for RPR, Hepatitis, and HIV. Lab tech took specimens to lab via chain of custody.). --17:59 Douglass, Pamela, R.N..

DISPOSITION / DISCHARGE

BP: 105/64. HR: 89. RR: 18. Temp: 98.4 oral. Condition at departure: stable. Patient reports pain level on departure as 0/10. The goals identified in the patient's plan of care were met. The following issues were addressed: psycho-social issues, comfort issues, educational issues and follow up care. No learning barriers present. Discharge instructions reviewed with the patient and parent. Reviewed medication side effects, precautions, dosing and course; prescription (s) given to the parent (Bactrim; Ovrall). Reviewed referral to a pediatrician for followup (counseling; LVMPD). Patient and parent verbalized understanding. Written instructions provided in English. (Instructed on time for lab results to be back and will notify if anything positive). The patient was discharged home and accompanied by parent. The patient left the Emergency Department ambulatory and via private vehicle. Parent driving. --18:11 Douglass, Pamela, R.N..

The patient's home medications have been reviewed and validated with parent by the ED/UC nurse. The patient's medications are listed below:

None.

The following medications were given to the patient in the Emergency Department:

250 mg Rocephin IM

1 gram Azithromycin po

2 Ovrall tabs po. --18:11 Douglass, Pamela, R.N..

(Electronically signed by Douglass, Pamela, R.N. 05/14/2010 18:11)

Physician Clinical Report
Sunrise Childrens Hospital
Emergency Department
3186 Maryland Parkway, Las Vegas, NV 89109 702-731-8000
05/14/2010 14:05

Patient: H [REDACTED] T [REDACTED]
MRN: D001919766 Acct#: D00101331130
Sex: F DOB: [REDACTED] Age: [REDACTED]

***This is a preliminary document and is subject to change**

Historian- patient.

HISTORY OF PRESENT ILLNESS

Chief Complaint- SCAN (Reportedly at 9am Mom's adult male friend went in pt's bedroom, ripped open her shirt, pt tried to resist, he started choking her, dragged her down. Pulled her pants down. Inserted his gloved finger in her vagina, rub his penis in her vaginal area.). Symptoms are described as moderate. She has had extremity pain (soreness to lower legs). No difficulty breathing, vomiting, diarrhea or abdominal pain. No skin rash (No bruising or swelling noted).

REVIEW OF SYSTEMS

Described in HPI.

PAST HISTORY

See nurses notes. (Borderline DM. NO meds
Admits to consensual sexual active twice over 1 yr ago\
LMP May 10).

Immunization status is up-to-date.

ADDITIONAL NOTES

The nursing notes have been reviewed.

PHYSICAL EXAM

Appearance: Alert. Attentive. (cooperative).

Vital Signs: Have been reviewed.

ENT: (No oral lesions).

Neck: No meningeal signs. (No lesions bruising or subQ emphysema).

CVS: Normal heart rate and rhythm.

Respiratory: No respiratory distress.

Abdomen: Soft.

GU / Rectal: (Performed under digital photo colposcopy).

Skin: No cyanosis. Skin not cool to the touch. (No bruising or suction hematomas).

Extremities: Tenderness present in the right lower leg and left lower leg (No bruising or erythema).

LABS, X-RAYS, AND EKG

Bedside Tests: Urine dipstick; trace leukocytes; nitrite positive; large ketones; blood negative.

PROGRESS AND PROCEDURES

Course of Care: 17:19. Tolerated colposcopy and swabbing for kit and cultures.

GU Tanner 4. Performed under digital photo colposcopy.

NO lesions to external genitalia, no inguinal adenopathy. With gentle retraction of labia majora able to see moist introitus with generalized swelling. Has adequate hymenal tissue, smooth rim, no local redness or transection. No vaginal discharge. Rectal with good sphincter tone, no lesions or tears. Scant stool.

Updated Mom and Dad with results. Questions answered,

Rocephin, Zithromax, Ovral.

Disposition: Condition: stable. Discharged.

CLINICAL IMPRESSION

Urinary tract infection.

SCAN-S.

INSTRUCTIONS

Drink plenty of fluids.

Warnings: Further evaluation is necessary.

Warnings: See your physician or return immediately if your child becomes irritable, difficult to console, listless, sleeps more than usual, has a decreased fluid intake; has decreased urination; or if other concerns arise. Likewise, if your child's condition does not improve as expected, be sure to see your physician or return to the emergency department.

Prescription Medications:

Bactrim DS 800 mg / 160 mg: Take 1 tablet orally every 12 hours for 7 days. Dispense fourteen (14). No refills. Generic substitute OK.

Follow-up:

Return to the emergency department. Follow up with your doctor in two days. Follow up with Doctor PMD and authorities. Follow up with your doctor in one week.

Understanding of the discharge instructions verbalized by parent.

All diagnostic orders, medications, interventions, and other treatment has been authorized and reviewed by the treating physician.

Theresa Vergara, MD

Any laboratory data incorporated in this document has been entered by the emergency clinician and may have been summarized or otherwise modified. The original full report is available in Meditech. Please refer to PCI for the Performing site information.

General Instructions

Sunrise Childrens Hospital

3186 Maryland Parkway, Las Vegas, NV 89109 702-731-8000

05/14/2010 14:05

Patient: H [REDACTED], T [REDACTED]

MRN: D001919766

Acct#: D00101331130

Thank you for visiting the Sunrise Childrens Hospital-Emergency Department.
You have been evaluated today by Theresa Vergara, MD for the following condition(s):

Urinary tract infection. SCAN-S.

INSTRUCTIONS

Drink plenty of fluids.

Warnings: Further evaluation is necessary.

Warnings: See your physician or return immediately If your child becomes irritable, difficult to console, listless, sleeps more than usual, has a decreased fluid intake; has decreased urination; or if other concerns arise. Likewise, if your child's condition does not improve as expected, be sure to see your physician or return to the emergency department.

Prescription Medications:

Bactrim DS 800 mg / 160 mg: Take 1 tablet orally every 12 hours for 7 days. Dispense fourteen (14). No refills. Generic substitute OK.

Follow-up:

Return to the emergency department. Follow up with your doctor in two days. Follow up with Doctor PMD and authorities. Follow up with your doctor in one week.

Understanding of the discharge instructions verbalized by parent.

You have been given the following additional information:

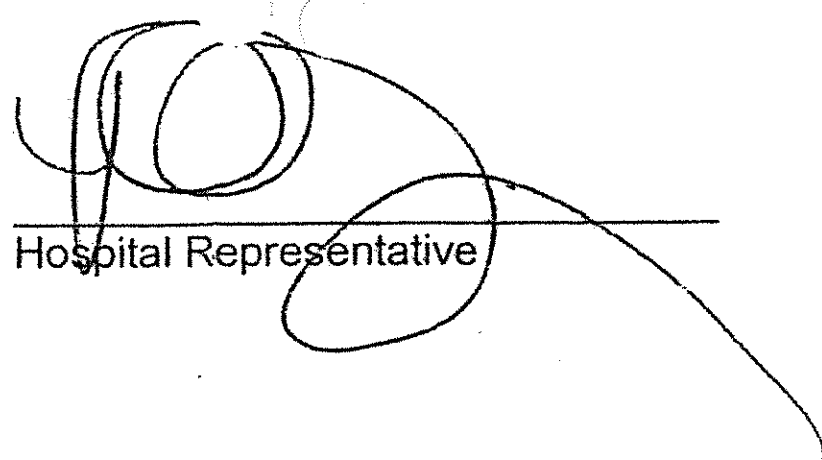
BLADDER INFECTION, Female [Adult]

DEHYDRATION [Adult]



Patient Signature

05/14/2010


Hospital Representative

SCAN REPORT FORM

(Please use a ball point pen and press hard.)

Type of Suspected Abuse:

☐ Physical

☐ Neglect

☒ Sexual Abuse / Assault

☐ Other:

Today's Date: 05/14/10

Time: 1406 AM / PM

Information on Child/Parent/Guardian

Child's Name: [REDACTED] H [REDACTED] Age: [REDACTED] DOB: [REDACTED]

Child's Address: [REDACTED]

Ethnicity of Child: Caucasian African-American Hispanic/Latino Asian Native American
(Circle)

Other Ethnicity: [REDACTED]

Gender: Male Female

Parent/Guardian's Name: [REDACTED] F [REDACTED] Phone Number: [REDACTED]

(or message phone)

Location of Alleged Incident	Date of Alleged Incident	Time of Alleged Incident	SAEC Kit Collected?
207 North Lamb Ave Las Vegas, NV 89101	05/14/10 Unknown	0900 AM PM Unknown	YES NO If yes: ☒ Less than 3 days ☐ Requested by detective
Law Enforcement Agency	Detective/ Officer Name-Badge #	Event Number	
LVMPD NLVPD HPD BCPD CCSD Other: <u>[REDACTED]</u>	Tamaino 2278	100514 2011	
Child Protective Services	CPS Specialist	Report Number	
☒ DFS (Clark County) <u>[REDACTED]</u> Other: <u>[REDACTED]</u>	Lisette Woods	CPS did not have report, numberize present time	

Information on Alleged Perpetrator(s)

Name of alleged perpetrator(s):	Relationship to child:	Age (indicate if adult or juvenile if age unknown)	Address:
Tyrone James Sr	mom's friend	35y/o	207 North Lamb Ave Las Vegas, NV 89101 was staying at P's family

Examining Physician	Nurse	Social Worker or Child Life Specialist
Theresa Vergara	Pamela Douglass, m	<u>[REDACTED]</u>

Printed Name and Title of Person Completing Form	Signature
Pamela Douglass, m	<u>Pamela Douglass</u>

PATIENT IDENTIFICATION

H [REDACTED], T [REDACTED]
D00101331130 05/14/10
05/14/10 VERGARA, THERESA
DOB [REDACTED] F / [REDACTED] MR#D001919766
Sunrise Hospital & Med Center


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HOSPITAL

SCAN REPORT FORM (1 of 3)

WHITE - MEDICAL RECORDS CANARY - LAW ENFORCEMENT PINK - SCAN

Peds 001 JAMES0028

PA058

SCAN REPORT FORM

ALL CASES			
Abuse/Neglect Witnessed? ☐ Yes ☒ No If yes, by whom?		Previous known/suspected abuse/neglect? ☐ Yes ☒ No If yes, specify in narrative section.	
SEXUAL ABUSE / ASSAULT ONLY			
Current Genital Pain?		Current Genital Bleeding?	
Yes ☐ No ☒ Unknown		Yes ☐ No ☒ Unknown	
Previous Genital Trauma?		Drugs / Alcohol Taken or Given?	
Yes/When: _____ Unknown		Yes/When: _____ What kind: _____	
Sexually Active?		Last Consensual Intercourse	
Yes ☒ No ☐ Unknown ☐ N/A		Date: <u>1 yr ago</u>	
		Menses	
		☐ N/A Age of onset: _____ LMP: <u>04/15/10</u>	
☒ Patient prepared for exam using developmentally appropriate language Prepared by: <u>Pamela Douglass, RN</u>			

Type of Genital Examination/Documentation by Physician	Other physical findings photographed by:
☒ Digital photographs ☐ Video	☐ Law Enforcement ☐ CPS ☐ Physician ☒ None

Primary Narrative Historian: <u>T. [REDACTED]</u> <u>H. [REDACTED]</u>	Relationship to child: <u>patient</u>
---	---------------------------------------

Narrative (indicate each historian): States "Tyrone James Sr came into my (T. [REDACTED] H. [REDACTED]) bedroom this morning around 0900 and pulled my (T. [REDACTED] H. [REDACTED]) chest out of shirt & bra. I began to fight back so he (Tyrone) put his hands around

Name and Title of Person Completing Form	Signature
<u>Pamela Douglass, RN</u>	<u>Pamela Douglass</u>

PATIENT IDENTIFICATION

H. [REDACTED] T. [REDACTED]
 D00101331130 05/14/10
 05/14/10 VERGARA, THERESA
 DOB [REDACTED] F/ [REDACTED] MR#D001919766
 Sunrise Hospital & Med Center


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SCAN REPORT FORM (2 of 3)

WHITE - MEDICAL RECORDS CANARY - LAW ENFORCEMENT PINK - SCAN

Peds 002

JAMES0029

PA059

SCAN REPORT FORM

Additional Narrative (if necessary)

Narrative (indicate each historian): my (Tyrone) neck & began to choke me. He (Tyrone) then dragged me (Tyrone) by the wrists to the living room. He (Tyrone) pulled my panties off & put his fingers inside me (Tyrone) (when asked where fingers placed - stated vagina). He (Tyrone) had some kind of rubber glove on his hand. He (Tyrone) then began to rub his penis on the lips of my (Tyrone) vagina for several seconds. I (Tyrone) fought him (Tyrone) the entire time by screaming, hitting, & slapping him (Tyrone). After Tyrone stopped, I (Tyrone) told him (Tyrone) I needed to get ready for school. I (Tyrone) got dressed for school & Tyrone drove me to school. He (Tyrone) asked if I (Tyrone) was going to tell anyone & I (Tyrone) told him (Tyrone) "No". I (Tyrone) was afraid if I said yes, He (Tyrone) might take me somewhere & hurt or kill me."

Printed Name and Title of Person Completing Form	Signature
Pamela Douglas, MD	Pamela Douglas, MD

PLACE PATIENT STICKER HERE

H T
D00101331130 05/14/10
05/14/10 VERGARA, THERESA
DOB F MR#D001919766
Sunrise Hospital & Med Center


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SCAN REPORT FORM (3 of 3)

WHITE - MEDICAL RECORDS CANARY - LAW ENFORCEMENT PINK - SCAN

Peds 003 JAMES0030

PA060

I. HISTORY/SOURCE: _____

Notes from History: _____

here w/ Mom - later DAD arrived
9 AM

Reportedly, Mom's male friend
raped her over her shirt
to expose.

Medication Allergies: _____

Current or Recent Antibiotics: _____

Physical Symptoms: dysuria, enuresis, encopresis, genital discharge bleeding, rectal pain, rectal bleeding

Other: _____

Behavioral Changes: sexualized play, sleep disturbances

Other: _____

II. EXAMINATION:

Females only:

Exam position: ☒ Supine ☐ Knee-chest

Visualization of hymen: ☒ Traction ☐ Saline/Water
☐ Moist swab ☐ Catheter

Speculum used: ☐ Yes ☐ No

Males and Females:

Tanner Genitalia: I II III IV V

Notes from Physical Examination: (behavior during examination, other general physical findings, general appearance, etc.)

III. PHOTODOCUMENTATION:

Genitals: Colposcopy done: ☒ Photo ☐ Video

Body: ☐ Police/Crime Scene Personnel
☐ Physician

IV. LABS ORDERED:

Gonorrhea and Chlamydia cultures:

Cervical ☒ GC ☒ Chlamydia
Vaginal ☐ GC ☐ Chlamydia
Rectal ☐ GC ☐ Chlamydia
Urethral ☐ GC ☐ Chlamydia
Throat ☐ GC

☐ Urine NAAT for GC ☐ Urine NAAT for Chlamydia

Pregnancy tests: ☐ Serum HCG ☒ Urine HCG

Urine studies: ☒ U/A ☒ Urine culture

Other specimens: ☐ Wet Prep/motile sperm
☐ Vaginal C & S ☐ Herpes Cx

Serum/Blood Tests:

☒ HIV ☒ RPR/VDRL ☐ Hep Panel
☐ Other: _____

Toxicology:

☐ ETOH ☐ UDS ☐ TOX II

V. Sexual Assault Evidence Collection Kit:

☒ Kit Collected ☐ N/A

If a kit was collected, indicate approximate time of last alleged inappropriate contact, if known: _____

Fluorescence (describe): _____

VI. Treatment:

☐ Suprax 400 mg PO
☐ Ceftriaxone 250mg IM
☐ Azithromycin 1 gram or 40 mg/kg PO
☐ Flagyl 2 grams or 40/mg/kg PO
☐ OVRAL 2 tabs now, then 2 tabs 12 hours after first 2 tabs (consider Phenergan for nausea)

Other: _____

PATIENT IDENTIFICATION

H [REDACTED], T [REDACTED]
D00101331130 05/14/10
05/14/10 VERGARA, THERESA
DOB [REDACTED] F [REDACTED] MR#D001919766
Sunrise Hospital & Med Center


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HOSPITAL

Child/Adolescent Sexual Abuse/Assault
Forensic Medical Examination Report

Page 1 of 4

Peds 009

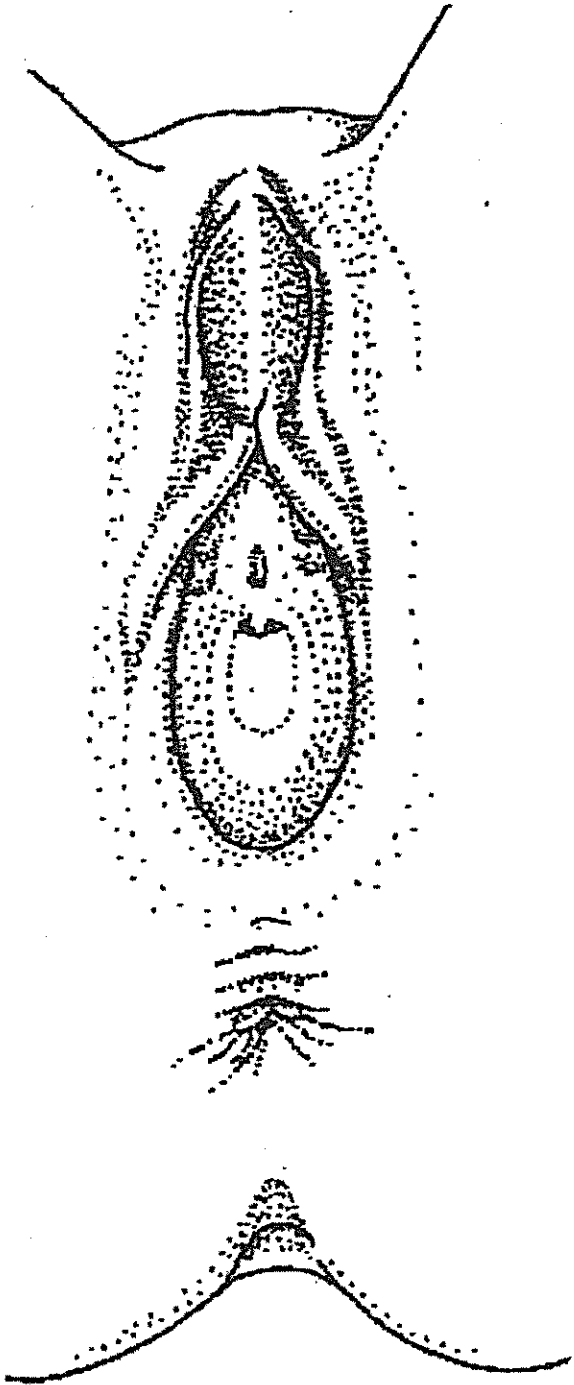
JAMES0031

YELLOW - Law Enforcement PINK - SCAN

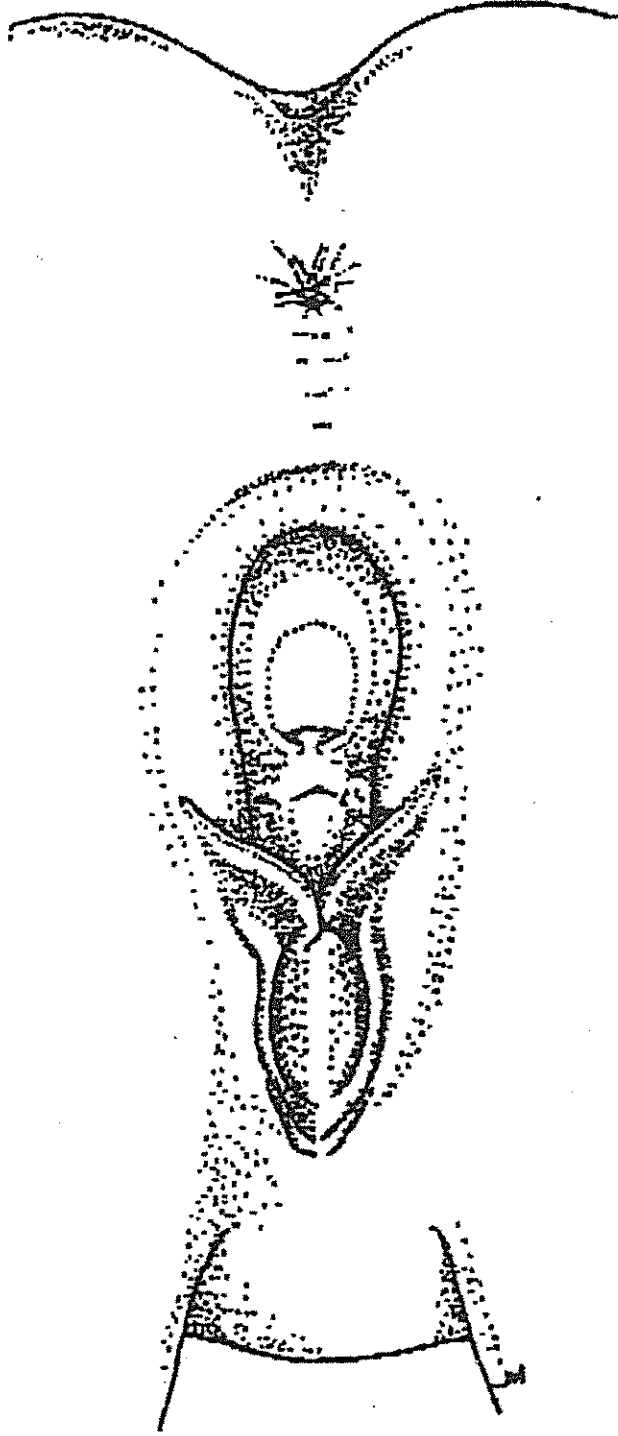
PA061

Examination of the External Genitalia and Perineal Area

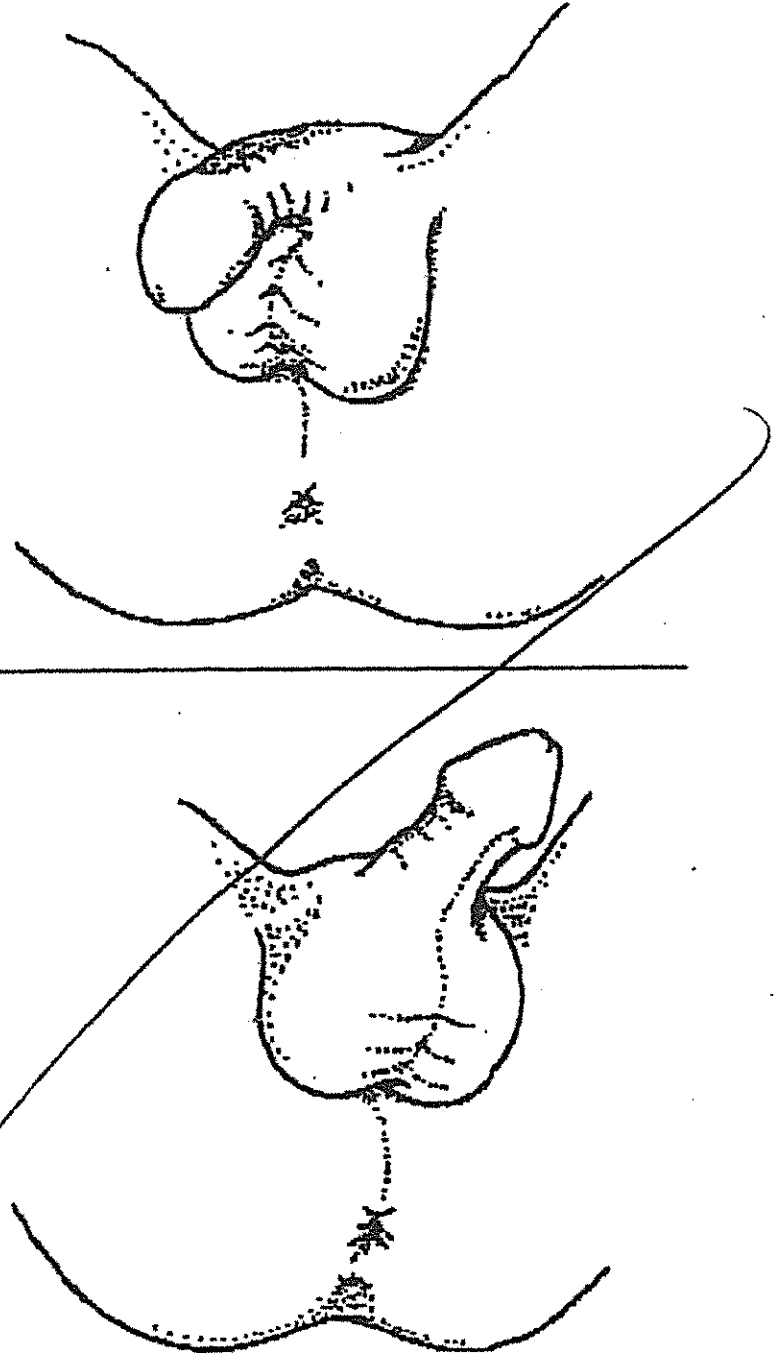
Draw shape of hymen and anus. Draw any lesions of genitalia, perineum or buttocks.



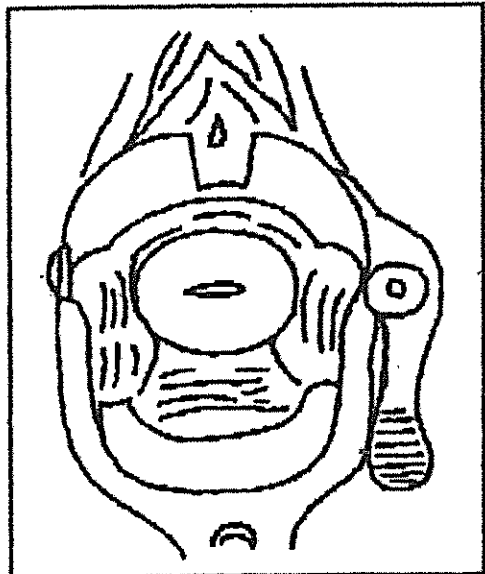
Supine- female



Knee-chest - female



Penis-male



Speculum- female

Comments: (Draw and describe any discharge, lesions, etc.)

Discharge site & description:

Moist, pale, white, generalized swelling
vaginal area, no odor

Other:

Other: No lesions, no redness.
Rectal good sphincter tone, no gas

Signature of Examiner: *[Signature]*

Patient Identification

H [redacted] 05/14/10
D00101331130
05/14/10 VERGARA, THERESA
DOB: [redacted] F MR#0001919766
Sunrise Hospital & Med Center

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Child/Adolescent Sexual Abuse/Assault
Forensic Medical Examination Report

Page 2 of 4

Peds 010

JAMES0032

WHITE - Medical Record YELLOW - Law Enforcement PINK - SCAN

PA062

Genital/Anal Medical Exam Findings: (Refer to dictation and genital drawings)

___ **Normal exam/normal variant:** (i.e. hymenal tags, bumps, ridges): The lack of physical exam findings does not exclude the possibility of sexual abuse.

___ **Non-specific findings:** (i.e. swelling, erythema, labial adhesion, lichen sclerosis, molluscum, anal fissure): these findings may occur in sexually abused children, but may also be from other causes.

___ **Concerning for abuse or trauma:** (i.e. acute bruising of labia or penis, laceration of posterior fourchette, bite marks): these findings have been noted in children with documented sexual abuse and are consistent with, though not conclusive of, sexual abuse.

___ **Specific physical findings are present that indicate abuse/trauma:** (i.e. acute laceration or bruising of the hymen, hymenal transection, deep perianal lacerations): Sexual abuse/contact is very likely.

___ **Other:** Bleeding, genital warts, vesicles (suspected HSV),

Comments/concerns:

Infection:

___ **STD testing done. *Results are pending.*** (Note, These tests are performed at the discretion of the examiner and are not required in all pediatric sexual abuse evaluations)

PATIENT IDENTIFICATION

H [REDACTED], T [REDACTED]
D00101331130 05/14/10
05/14/10 VERGARA, THERESA
DOB [REDACTED] F [REDACTED] MR#D001919766
Sunrise Hospital & Med Center


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**Child/Adolescent Sexual Abuse/Assault
Forensic Medical Examination Report**

Page 3 of 4

Peds 011
JAMES0033

WHITE - Medical Record YELLOW - Law Enforcement PINK - SCAN

PA063

Overall Impression: Mark the category and all subcategories that apply.

 No medical indication of abuse:

- ☐ Normal exam, no history, no behavior change, no witnessed abuse
- ☐ Non-specific findings with no history.
- ☐ Physical findings consistent with a history of an accidental injury
- ☐ Nonspecific behavior change, normal exam
- ☐ Other: _____

 Possible Abuse:

- ☐ Significant behavior change, especially sexualized behavior
- ☐ Infection that may or may not be acquired sexually (HPV, HSV, bacterial vaginosis)
- ☐ Concerning exam findings **without** a history
- ☐ Child has made a concerning statement. *Indicate to whom:* _____
- ☐ Contact with an alleged perpetrator of other children
- ☐ Other: _____

X **Probable Abuse:**

- ☒ Child has given a spontaneous, clear, detailed description to a neutral fact-finder, with or without positive exam findings. *Indicate to whom:* Sister
- ☐ Concerning exam findings in conjunction with history.
- ☐ Infection that is usually acquired sexually (perinatal transmission should also be considered)
- ☐ Witnessed incident. Witnessed by: _____. (Further investigation recommended)
- ☐ Other: _____

 Definite evidence of abuse or sexual contact:

- ☐ Definite physical exam findings indicative of abuse
- ☐ Pregnancy which may be the consequence of sexual abuse
- ☐ Infection that is almost always acquired sexually (perinatal transmission should also be considered)
- ☐ Photographic/ videotaped evidence of a child being abused.
- ☐ Witnessed incident. Witnessed by: _____. (Further investigation recommended.)
- ☐ Other: _____

RESULTS PENDING MEDICAL REVIEW/LAB RESULTS

Recommendations:

- Recommend follow up examination by PMD, ER or SCAN Clinic in ____ days ____ week(s)
- Psychological counseling
- Further investigation by ____ CPS and/or ____ law enforcement
- Recommend STD testing of suspected assailant
- Follow up for STD testing in 3 months
- Other: _____

Examiner Name: (Print) _____
Examiner Signature: _____
Medical Reviewer Signature: _____
Photo Documentation Reviewed - Initials _____
Addendum Completed - Initials _____

IDENTIFICATION

H [REDACTED], T [REDACTED]
DOB: 05/14/10
MR#001919766
Sunrise Hospital & Med Center


SUNRISE
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HOSPITAL

**Child/Adolescent Sexual Abuse/Assault
Forensic Medical Examination Report**

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Peds 01JAMES0034

STEP 1**CONSENT FOR TREATMENT, COLLECTION OF EVIDENCE, AND RELEASE OF INFORMATION**

I, T [REDACTED] H [REDACTED] (victim/patient), request and authorize the attending physician and associates to perform all the necessary examinations for my physical well being and any legal procedures. These may include, but are not limited to, general physical and pelvic examination; collection of specimens and materials, including photographs, for use as legal evidence; prophylactic treatment for venereal disease; and laboratory tests deemed necessary by the physician. The purpose and nature of these examinations and tests have been explained to me, and I understand that certain medications administered to me may not be totally effective in the prevention of disease or other complications.

I understand that I am to contact the County Health Department at the appropriate times for follow-up tests as described in the Follow-Up instructions.

I further authorize and acknowledge that

Sunrise Hospital

(Name of Hospital/Medical Facility)

will supply copies of all medical reports, including laboratory results, to the appropriate law enforcement agency. Copies may also be supplied to the Office of the District Attorney, the Emergency Room personnel, the County Health Department having jurisdiction, and to the Rape Crisis Center.

PATIENT: _____

(SIGNATURE)

(PRINT)

WITNESS: Pamela Durluss

(SIGNATURE)

(PRINT)

DATE: 05/14/10

TIME: 1540

PARENT OR GUARDIAN
(IF APPLICABLE) J [REDACTED] A [REDACTED]

(SIGNATURE)

(PRINT)

RELATIONSHIP: MOTHER ☒ FATHER ☐ OTHER: _____

(DESCRIBE)

NOTE

IF AN AGENCY IS INVESTIGATING A REPORT OF ABUSE OR NEGLECT OF A CHILD, THE REPRESENTATIVE OF THE AGENCY MAY AUTHORIZE IN LIEU OF A PARENT OR GUARDIAN.

REFERRAL AGENCY: _____

REPRESENTATIVE: _____

(SIGNATURE)

(PRINT)

Step 2A

MEDICAL HISTORY AND ASSAULT INFORMATION

Patient's Name: [REDACTED]Date of birth: [REDACTED]Sex: M ☐ F ☒

ASSAULT DATA:

Time of assault: 3900 Date of assault: 05/14/16Number of offenders: 1Sex of offender(s): M ☒ F ☐ M ☐ F ☐ M ☐ F ☐Race of offender(s): African American

Relationship of offender(s) to patient:

friend of mother of patientPost assault sexual activity: Confirms ☐ Denies ☒

If confirms, date of most recent contact: _____

MEDICAL HISTORY:

Current medical problems: Border-lineDiabetes mellitusCurrent medications: NoneAllergies: NoneDescription of patient's outward appearance (e.g. clothes torn, shoe(s) missing, etc.): Clothes intact

EXAM INFORMATION:

Police Agency: Las Vegas Metro Police DeptOfficer/Detective: Detective Tomando (Badge # 8278)Event/Case#: 1005142011Time/Date of arrival: 1406Time/Date exam: 1720Time/Date discharge: 1811Medical record#: D00101321136Rape Kit#: BS01089Sexual Assault Exam ☒ Rape Kit done ☒Colposcope Exam ☒ Photographs taken ☒

POST ASSAULT:

	Yes	No		Yes	No
Changed clothes	☐	☒	Bath/Shower	☐	☒
Urinated	☒	☐	Defecated	☐	☒
Used Mouthwash	☐	☒	Vomited	☐	☒
Smoked	☐	☒	Drank fluids	☒	☐
Ate	☒	☐	Brushed Teeth	☒	☐
Douched	☐	☒			
Removed tampon	☐	☒			
Inserted tampon	☐	☒			
Tampon Collected	☐	☒			
Wore sanitary pad	☐	☒			
Sanitary Pad Collected	☐	☒			

PENETRATION:

Oral Attempted ☐ Yes ☐ No ☒ Unsure ☐By: Penis ☐ Object ☐

Describe Object: _____

Vaginal Attempted ☐ Yes ☒ No ☐ Unsure ☐By: Penis ☒ Finger ☒ Tongue ☐ Object ☐

Describe Object: _____

Rectal Attempted ☐ Yes ☐ No ☒ Unsure ☐By: Penis ☐ Finger ☐ Tongue ☐ Object ☐

Describe Object: _____

Did ejaculation occur:

In the body Yes ☐ No ☒ Unsure ☐

Describe where: _____

Outside the body Yes ☐ No ☒ Unsure ☐

Describe where: _____

Swabs taken of area(s) Yes ☐ No ☒Used during assault: Rubber glove on handsCondom Yes ☐ No ☒ Unsure ☐Diaphragm Yes ☐ No ☒ Unsure ☐Contraceptive foam Yes ☐ No ☒ Unsure ☐Lubricant Yes ☐ No ☒ Unsure ☐Other spermicide Yes ☐ No ☒ Unsure ☐

Step 2B

MEDICAL HISTORY AND ASSAULT INFORMATION

Menstrual Information:

Patient menstruating Yes ☐ No ☒ Unsure ☐

LMP 04/10/10

Pregnant Yes ☐ No ☒ Unsure ☐

Consenting intercourse:

Within the last 7 days Yes ☐ No ☒ Unsure ☐

If Yes, date: _____ time: _____

With someone other than suspect(s)?

Yes ☐ No ☒ Unsure ☐

Was condom used? Yes ☐ No ☒ Unsure ☐

Other activity:

• Was patient licked Yes ☐ No ☒ Unsure ☐

Describe where: _____

Swabs taken of area(s) Yes ☐ No ☒

• Was patient kissed Yes ☐ No ☒ Unsure ☐

Describe where: _____

Swabs taken of area(s) Yes ☐ No ☒

• Was patient bitten Yes ☐ No ☒ Unsure ☐

Describe where: _____

Swabs taken of area(s) Yes ☐ No ☒

• Did patient bite suspect Yes ☐ No ☒ Unsure ☐

Describe where: _____

• Did patient scratch suspect Yes ☐ No ☒ Unsure ☐

Describe where: _____

Fingernail scrapings/clippings taken Yes ☒ No ☐ She scraped

• Did patient pass out Yes ☐ No ☒ Unsure ☐

EVIDENCE:

Alternate Light Source (including Wood's Lamp):

positive ☒ negative ☐ N/A ☐

Areas swabbed:

Perineum

Any additional comments: Particles fluoresced

on perineum/mass pubic wood's

lamp specimens obtained.

Items Collected:

☒ Oral swabs

☒ Floss

☒ Underpants

☐ Clothing

☐ Debris

☒ Fingernail Scrapings

☐ Bite Marks

☐ Secretions

☐ Pubic hair brushing

☐ Reference pubic hair clippings

☒ Vaginal and cervical swabs (or penile swabs)

☒ Rectal swabs

☒ Reference DNA standard (Buccal swabs)

☐ Urine for Toxicology

☐ Blood for Toxicology

Discharge instructions explained and given to patient:

Yes ☒ No ☐ If no, why? _____

Patient discharged: Ambulatory ☒ Wheelchair ☐

Patient discharged to: J [redacted] A [redacted] (mother)

Information collected by:

Pamela Douglass, RN
(SIGNATURE)

Pamela Douglass, RN
(PRINT)

Patient examined by:

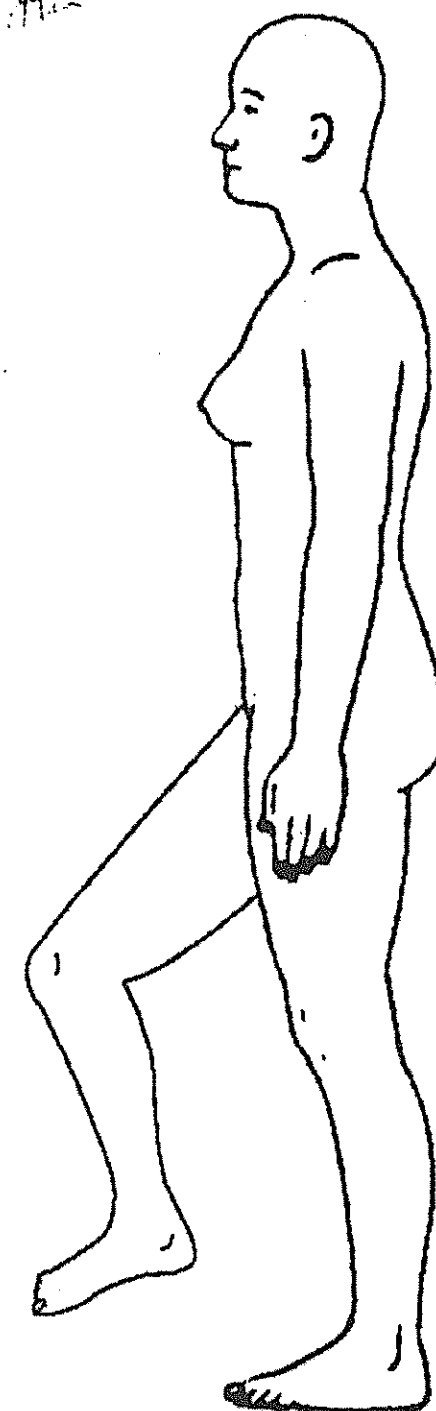
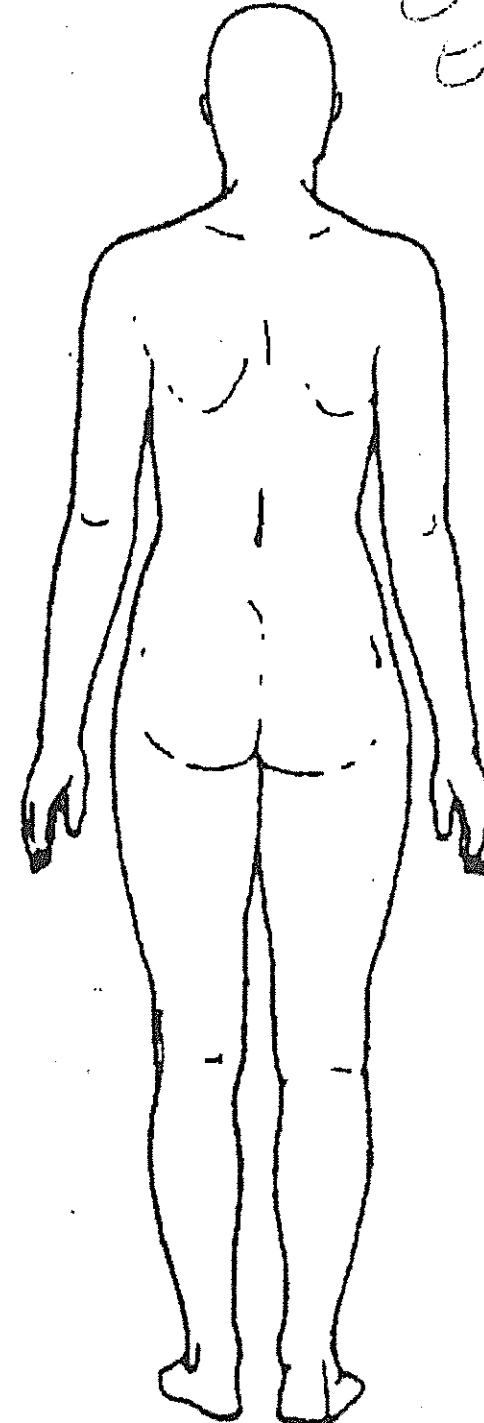
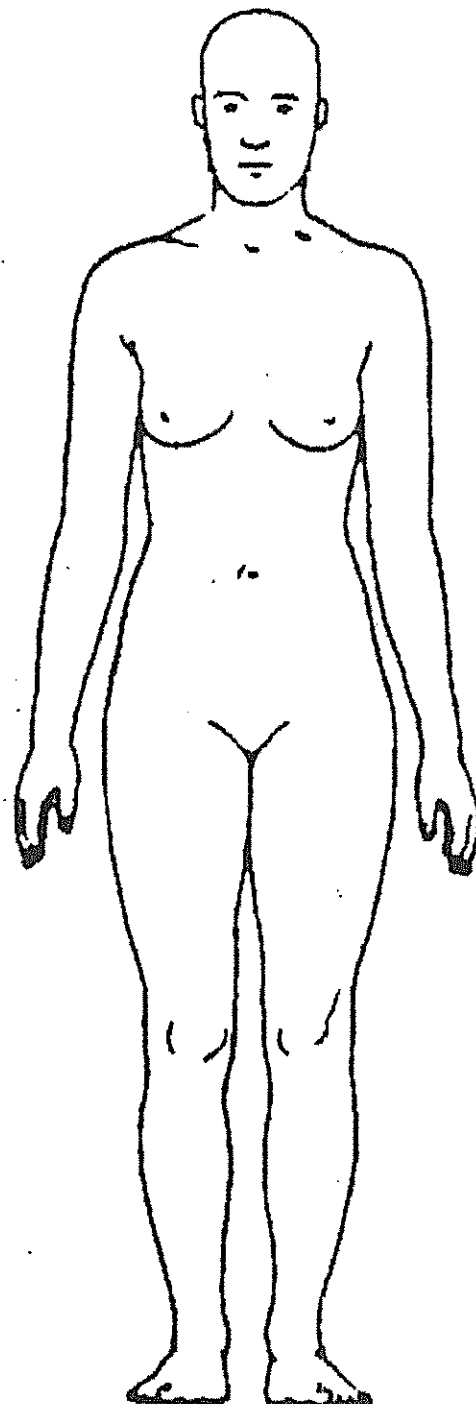
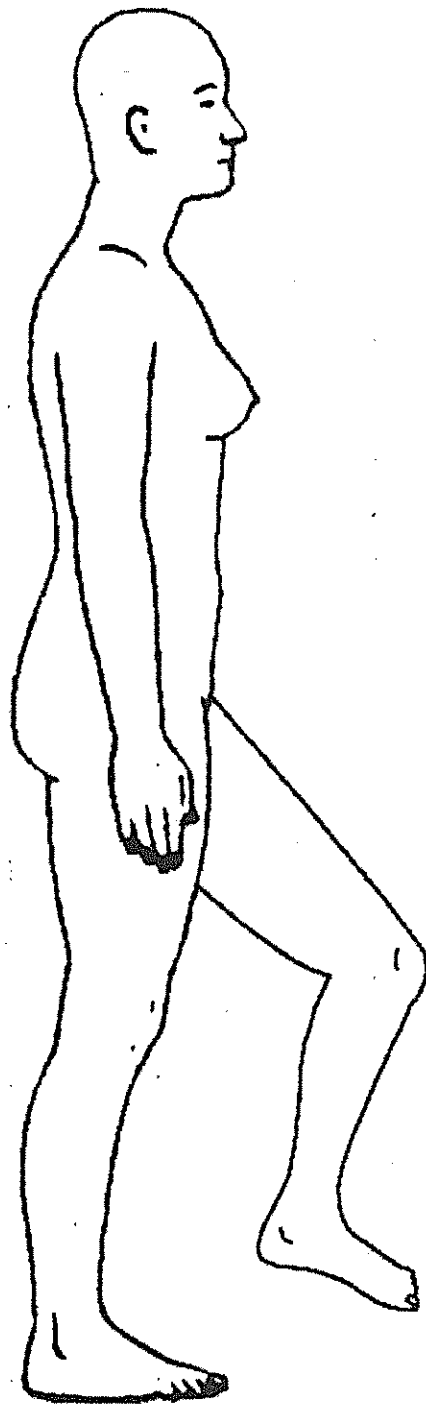
[Signature]
(SIGNATURE)

[Signature]
(PRINT)

STEP 7A

ANATOMICAL DRAWINGS

Using the appropriate drawing(s), describe all bruises, scratches, lacerations, bite marks, etc.



*Small
Chest Area*

Were photographs taken? YES ☐ NO ☒

Examined By: *TV*

(SIGNATURE)

(PRINT)

Date 5/14

WHITE COPY PLACE IN KIT

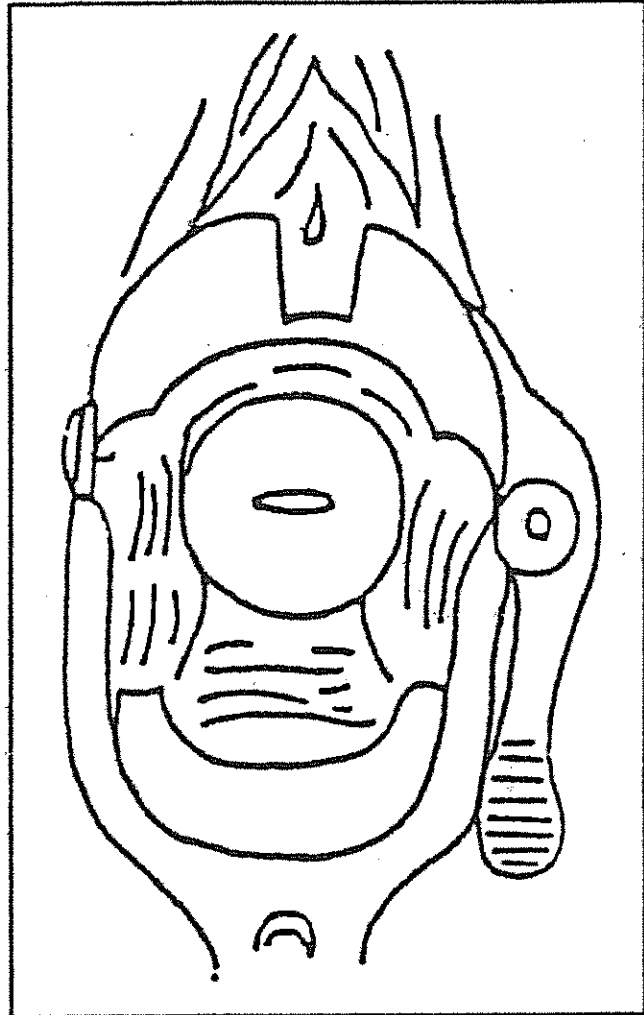
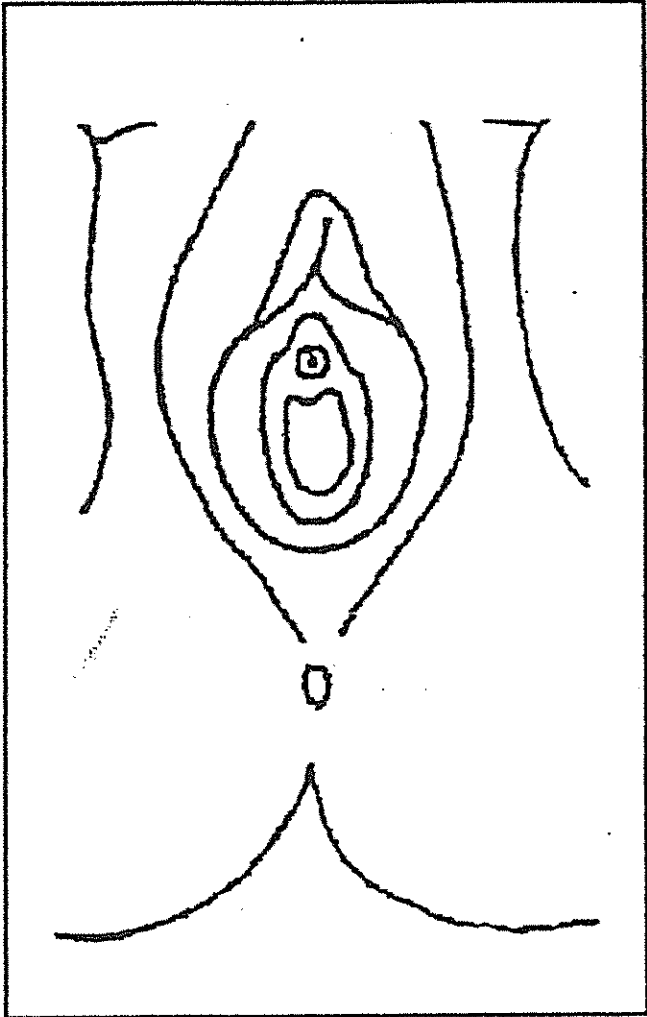
YELLOW COPY RETAIN FOR PATIENT'S CHART

PINK COPY TO DETECTIVE

JAMES00038
PA068

STEP 7B

PELVIC EXAMINATION



PELVIC EXAMINATION—Note and describe all signs of trauma, use water-lubricated speculum only.

VULVA: Good color. Glans. Erythema. Discharge.

INTROITUS: Good color. Glans. Erythema. Discharge.

VAGINA: Good color. Glans. Erythema. Discharge.

CERVIX: Good color. Glans. Erythema. Discharge.

UTERUS: Good color. Glans. Erythema. Discharge.

HYMEN: Good color. Glans. Erythema. Discharge.

OTHER: Good color. Glans. Erythema. Discharge.

RECTUM: Good color. Glans. Erythema. Discharge.

ANUS: Good color. Glans. Erythema. Discharge.

MALE GENITALIA EXAMINATION— Note and describe all signs of trauma, i.e., bruises, petechiae, discharges, sphincter tone. Also note any traces of lubricants or rectal soiling.

PENIS: _____

SCROTUM: _____

MEATUS: _____

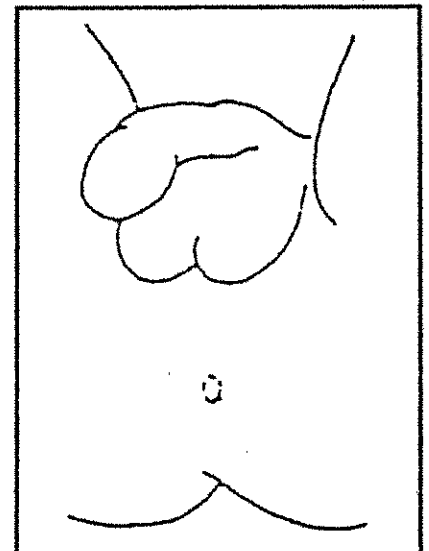
GLANS: _____

TESTICLES: _____

PERINEUM: _____

RECTUM: _____

ANUS: _____



EXAMINED BY: [Signature]
(SIGNATURE)

[Printed Name]
(PRINT)

DATE: 5/14/10

STEP 12

SEXUAL ASSAULT FOLLOW-UP INSTRUCTIONS

**PLEASE READ THIS FORM CAREFULLY AND KEEP IT IN A SAFE PLACE.
VALUABLE INFORMATION ABOUT YOUR HEALTH IS INCLUDED**

Your health is important to us. For that reason, today we ran tests for sexually transmitted diseases—syphilis, gonorrhea, and chlamydia—as well as tests for pregnancy and hepatitis. These are only PRELIMINARY TESTS (base line tests) which will identify pre-existing conditions, and will not give meaningful information unless used with follow-up test results.

We have arranged for the Clark County Health District to do the follow-up tests for you. They will receive information from the preliminary tests so they can give you the best possible care.

IT IS YOUR RESPONSIBILITY TO HAVE TESTS DONE. It is ENTIRELY UP TO YOU. Should you fail to take these tests and contract a venereal disease or are pregnant and do not receive assistance, the results could be harmful to you. PLEASE KEEP THESE INSTRUCTIONS. They will explain when you should report for the tests.

It is also important for you to fill out an affidavit requesting compensation which can be done through the Rape Crisis Center office, Las Vegas Metropolitan Police Department's Sexual Assault Unit, or the Victim Witness Office of the District Attorney's Office. For information, call the Rape Crisis Center at 385-2153. If approved, these funds will pay for your testing. Otherwise, you will be responsible for paying for the tests.

It is necessary for you to have follow-up tests on two (2) different occasions. YOU WILL ONLY BE CONTACTED BY THE HEALTH DISTRICT IF A TEST SHOWS POSITIVE RESULTS. The hospital, Rape Crisis and the police will not have this information immediately so please do not contact them for results. If you are not contacted, you can assume the test results are negative. If the results are positive, treatment and counseling will be provided. If you have symptoms prior to your testing date, please contact the Health District's Family Planning/STD Clinic immediately at 759-0708.

The Health Department's Venereal Disease clinic is located at 625 Shadow Lane, Las Vegas. The entrance to the clinic is on the south side of the main building and the door is marked VD Clinic. All information is kept confidential. (If you are prosecuting the case, results will be provided to the Rape Crisis Center, law enforcement and the District Attorney's Office.) When you arrive, go to the window and inform them you are there. They will know what tests are needed at that time. You will be given a number.

Please be patient. Oftentimes there is a wait and your number may not be called in order. This is because different people require different assistance.

The Venereal Disease Clinic is open Monday through Friday from 8:00 a.m. to 4:00 p.m.

Seven (7) days from the date of today's examination or the next clinic working day after this 7 days, (date on bottom of this sheet) you should go to the Clinic. You will be tested for gonorrhea and chlamydia again. AIDS testing counseling will be available upon request.

Forty-five (45) days from the date of today's examination or the next clinic working day, you should return to the clinic. You will be tested for syphilis, hepatitis, and pregnancy again.

We hope you will take advantage of this additional service. We are concerned about your health and have made it possible for you to receive medical care, but only YOU can take advantage of this service and care for your health.

I have read the above and understand it is my responsibility to have the follow-up tests done. Should I fail to do so, I will not hold the hospital or other medical facility, the Health Department, the Police Department, or Community Action Against Rape responsible. I authorize Clark County Health District to release information about any findings to Community Action Against Rape, the appropriate law enforcement agency, and the office of the District Attorney.

05/14/10 [Signature] Pamela Douglas
DATE PATIENT'S SIGNATURE WITNESS' SIGNATURE

IF AN AGENCY IS INVESTIGATING A REPORT OF ABUSE OR NEGLECT OF A CHILD, THE REPRESENTATIVE OF THE AGENCY MAY AUTHORIZE IN LIEU OF A PARENT OR GUARDIAN.

AGENCY REPRESENTATIVE SIGNATURE

REFERRAL AGENCY

NURSE'S NOTES

Lined area for nurse's notes, crossed out with a diagonal line.

Pamela DeLuss Pamela DeLuss 05/14/10
Signature Name (please print) Date

White Copy—place in kit

Yellow Copy—retain for patient's chart

Pink Copy—to detective

JAMES0041
LVS200NN
PA071

**CONSENT TO TREATMENT WITH OVRAL
AS A POSTCOITAL CONTRACEPTIVE**

PATIENT NAME: [REDACTED] [REDACTED] (the "Patient") MEDICAL RECORD #: D00101331130

I hereby (Initial one box) ☒ consent to ☐ refuse

treatment with Ovral as an attempt to prevent possible pregnancy. I have been advised by my attending physician of the risks and benefits of this treatment, alternative methods of treatment, and hereby acknowledge my understanding of the following:

1. This treatment is not 100% effective in preventing pregnancy;
2. The common side effects of Ovral include: nausea, vomiting, bleeding between menstrual periods, weight gain, and breast tenderness;
3. Ovral may be associated with serious side effects that are very rare but may be fatal. These serious effects include: blood clots, stroke, hemorrhage, liver tumors, high blood pressure, and gallbladder disease;
4. If I now have or have had in the past any of the following conditions, I should not use Ovral:
 - a. Blood clots in the legs or lungs
 - b. Heart attack or stroke
 - c. Known or suspected cancer of the breast or other sex organs
 - d. Unusual vaginal bleeding that has not yet been diagnosed
 - e. Angina pectoris;
5. If I become pregnant from this exposure or if I am already pregnant, I should consult a physician because of the risk to the baby of birth defects; and
6. The morning-after treatment of unprotected midcycle intercourse is meant only for one-time protection.

In addition to the above, I have reviewed and understand the information concerning risk of pregnancy and instructions for use of Ovral danger signals.

DATE: 05/14/10 TIME: 1740

PATIENT SIGNATURE _____
WITNESS SIGNATURE / TITLE Pamela Dayless

IF PATIENT IS A MINOR OR UNABLE TO SIGN, PLEASE COMPLETE THE FOLLOWING:

Patient is a minor of 15 years of age or is unable to sign because _____

DATE: 05/14/10 TIME: 1740

PARENT SIGNATURE _____

LEGAL GUARDIAN SIGNATURE _____

OTHER PERSON SIGNATURE / RELATIONSHIP _____

WITNESS SIGNATURE / TITLE Pamela Dayless

PATIENT IDENTIFICATION ROOM #
[REDACTED], [REDACTED]
D00101331130 05/14/10
05/14/10 VERGARA, THERESA
DOB [REDACTED] F / [REDACTED] MR#D001919766
Sunrise Hospital & Med Center

**Sunrise Hospital and Medical Center
& Sunrise Children's Hospital - Las Vegas
3186 South Maryland Parkway
Las Vegas, Nevada 89109**

Conditions of Admission

1. **Consent to Treatment.** I consent to the procedures which may be performed during this hospitalization or on an outpatient basis, including emergency treatment or services, and which may include but are not limited to laboratory procedures, x-ray examination, diagnostic procedures, medical, nursing or surgical treatment or procedures, anesthesia, or hospital services rendered to me as ordered by my physician or other healthcare professional on the hospital's medical staff. I understand that as part of their training, students in health care education may participate in the delivery of my medical care and treatment or be observers while I receive medical care and treatment at the Hospital, and that these students will be supervised by instructors and hospital staff. I further consent to the hospital conducting blood-borne infectious disease testing, including but not limited to testing for hepatitis, Acquired Immune Deficiency Syndrome (AIDS), and Human Immunodeficiency Virus (HIV), if a physician orders such tests or if ordered by protocol. I understand that the potential side effects and complications of this testing are generally minor and are comparable to the routine collection of blood specimens, including discomfort from the needle stick and/or slight burning, bleeding or soreness at the puncture site. The results of this test will become part of my confidential medical record.

2. **Financial Agreement.** In consideration of the services to be rendered to me, or to the patient for whom I am accepting responsibility, I individually promise to pay the patient's account at the rates stated in the hospital's price list (known as the "Charge Master") effective on the date the charge is processed for the service provided, which rates are hereby expressly incorporated by reference as the price term of this agreement to pay the patient's account. Some special items will be priced separately if there is no price listed on the Charge Master, or if the charge is listed as zero. An estimate of the anticipated charges for services to be provided to the patient is available upon request from the hospital. Estimates may vary significantly from the final charges based on a variety of factors, including but not limited to the course of treatment, intensity of care, physician practices, and the necessity of providing additional goods and services.

The hospital will provide a medical screening examination as required to all patients who are seeking medical services to determine if there is an emergency medical condition, without regard to the patient's ability to pay. If there is an emergency medical condition, the hospital will provide stabilizing treatment within its capacity. However, patients who do not qualify under the hospital's charity care policy or other applicable policy are not relieved of their obligation to pay for these services.

If supplies and services are provided to a patient who has coverage through a governmental program or through certain private health insurance plans, the hospital may accept a discounted payment for those supplies and services. In this event any payment required from the undersigned will be determined by the terms of the governmental program or private health insurance plan. If the patient is uninsured and not covered by a governmental program, the patient may be eligible to have his or her account discounted or forgiven under the hospital's uninsured discount or charity care programs in effect at the time of treatment. I understand that I may request information about these programs from the hospital.

I also understand that, as a courtesy to me, the hospital may bill my insurance company, but is not obligated to do so. Regardless, I agree that except where prohibited by law, the financial responsibility for the services rendered belongs to me, the undersigned. I agree to pay any services that are not covered and covered charges not paid in full by my insurance company. This includes, but is not limited to, coinsurance, deductibles, non covered benefits due to policy limits or policy exclusions as well as failure to comply with insurance plan requirements. I also agree that if the hospital must initiate collection efforts to recover amounts owed by me, then in addition to amounts incurred for the services rendered I will pay, to the extent permitted by law: (a) any and all costs incurred by the hospital in pursuing collection, including, but not limited to, reasonable attorneys' fees, and (b) any court costs or other costs of litigation incurred by the hospital that applicable rules or statutes permit the hospital to recover.

3. **Consent to Wireless Telephone Calls.** If at any time I provide a wireless telephone number at which I may be contacted, I consent to receive calls (including autodialed calls and prerecorded messages) at that wireless number from the hospital, its successors and assigns, and the affiliates, agents and independent contractors, including servicers and collection agents, of each of them regarding the hospitalization, the services rendered, or my related financial obligations.

4. Release of Information. I permit the hospital and the physicians or other health professionals involved in the inpatient or outpatient care to release healthcare information for purposes of treatment, payment or healthcare operations. Healthcare information may be released to any person or entity liable for payment on the patient's behalf in order to verify coverage or payment questions, or for any other purpose related to benefit payment. Healthcare information may also be released to my employer's designee when the services delivered are related to a claim under worker's compensation. If I am covered by Medicare or Medicaid, I authorize the release of healthcare information to the Social Security Administration or its intermediaries or carriers for payment of a Medicare claim or to the appropriate state agency for payment of a Medicaid claim. This information may include, without limitation, history and physical, emergency records, laboratory reports, operative reports, physician progress notes, nurse's notes, consultations, psychological and/or psychiatric reports, drug and alcohol treatment and discharge summary. This consent specifically includes information concerning psychological conditions, psychiatric conditions, chemical dependency conditions and/or infectious diseases including, but not limited to, blood borne diseases, such as Hepatitis, Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS).

5. Assignment of Benefits. In executing this assignment of benefits, I am directing the health insurance carrier or other health benefit plan providing my coverage (including, but not limited to, any employer, employer group or trust sponsored or offered plan) to pay the hospital and/or hospital-based physicians directly for the services the hospital and/or hospital-based physicians provided to the patient during this admission. If the insurance carrier providing my coverage fails to pay the hospital or hospital-based physicians directly, as they are hereby directed to do, I acknowledge that it is my duty and responsibility to immediately pay any such benefits received by me to the hospital or hospital-based physicians. In return for the services rendered and to be rendered by the hospital and/or hospital-based physicians, I hereby irrevocably assign and transfer to the hospital and/or hospital-based physicians all right, title, and interest in all payments for the healthcare rendered, which are paid pursuant to any and all insurance policies and health benefit plans from which I am entitled to services or I am entitled to recover. I understand that any payment received from these policies and/or plans will be applied to the amount that I have agreed to pay for services rendered during this admission, as further described under section 2. I further hereby irrevocably assign and transfer to the hospital and/or hospital based physicians an independent, non-exclusive right of recovery against my insurer or health benefit plan, but this assignment shall not be construed as an obligation of the hospital and/or hospital based physicians to pursue any such right of recovery. I acknowledge and understand that I maintain my right of recovery against my insurer or health benefit plan and the foregoing assignment does not divest me of such right. In no event will the hospital and/or hospital-based physicians retain benefits in excess of the amount owed to the hospital and/or hospital based physicians for the care and treatment rendered during the admission. If a third party payer (such as an insurance company or employer group or trust sponsored or offered plan) may be obligated to pay some or all of these charges, I agree to take all actions necessary to assist the hospital and/or hospital based physicians in collecting payment from any such third party payer should the hospital or hospital based physicians elect to collect such payment. In the event the hospital and/or hospital based physicians elect to exercise its independent, non-exclusive right of recovery against the patient's insurer or health plan, I hereby appoint the hospital as my authorized representative to pursue, any administrative remedies, claims and/or lawsuits on my behalf and at the hospital's election, against any responsible third party, medical insurer, or employer sponsored medical benefit plan for purposes of collecting any and all hospital benefits due me for the payment of the charges referred to in section 2 above. If the hospital elects to pursue a claim or lawsuit against a third party payer as authorized representative, I agree to execute a special power of attorney, if requested, authorizing the hospital to take all actions necessary or appropriate in pursuit of such claim or lawsuit, including allowing the hospital to bring suit against the third party payer in my name. I agree to pay over to the hospital immediately all sums recovered in any claim or lawsuit brought on my behalf by the hospital (up to the amount of the hospital's charges, plus expenses and attorney's fees). I have read and been given the opportunity to ask questions about this assignment of benefits, and I have signed this document freely and without inducement, other than the rendition of services by the hospital and/or hospital based physicians.

**Hospital-based physicians include but are not limited to: Emergency Department Physicians, Pathologists, Radiologists, and Anesthesiologists, Psychiatrists, Psychologists or other Behavioral Health Providers. These services are rendered by independent contractors and are not part of your hospital bill. These services will be billed for separately by each physician's billing company.*

6. **Private Room.** I understand and agree that I or the party responsible for payment for hospital and medical services is responsible for any additional charges associated with the request and/or use of a private room.

7. **Communications About My Healthcare.** I authorize my healthcare information to be disclosed for purposes of communicating results, findings, and care decisions to my family members and others responsible for my care or designated by me. I will provide those individuals with a password or other verification means specified by the hospital.

8. **Medicare Patient Certification and Assignment of Benefit.** I certify that any information I provide in applying for payment under Title XVIII (Medicare) or Title XIX (Medicaid) of the Social Security Act is correct. I request payment of authorized benefits to be made on my behalf to the hospital or hospital-based physician by the Medicare or Medicaid program.

9. **Other Acknowledgements**

- a. **Personal Valuables.** I understand that the hospital maintains a safe for the safekeeping of money and valuables, and the hospital shall not be liable for the loss of or damage to any money, jewelry, documents, furs, fur coats and fur garments, or other articles of unusual value and small size, unless placed in the safe, and shall not be liable for the loss or damage to any other personal property, unless deposited with the hospital for safekeeping. The liability of the hospital for loss of any personal property that is deposited with the hospital for safekeeping is limited to the greater of five hundred dollars (\$500.00) or the maximum required by law, unless a written receipt for a greater amount has been obtained from the hospital by the patient.
- b. **Weapons/Explosives/Drugs.** I understand and agree that if the hospital at any time believes there may be a weapon, explosive device, illegal substance or drug, or any alcoholic beverage in my room or with my belongings, the hospital may search my room and my belongings, confiscate any of the above items that are found, and dispose of them as appropriate, including delivery of any item to law enforcement authorities.
- c. **Additional Provision for Admission of Minors.** I, the undersigned, acknowledge and verify that I am the legal guardian or custodian of the minor/incapacitated patient.
- d. **Legal Relationship Between Hospital and Physicians.** Most or all of the health care professionals performing services in the hospital are independent contractors and are not hospital agents or employees. Independent contractors are responsible for their own actions and the hospital shall not be liable for the acts or omissions of any such independent contractors. I understand that physicians or other health care professionals may be called upon to provide care or services to me or on my behalf, but that I may not actually see, or be examined by, all physicians or health care professionals participating in my care; for example, I may not see physicians providing radiology, pathology, EKG interpretation and anesthesiology services. I understand that, in most instances, there will be a separate charge for professional services rendered by physicians to me or on my behalf, and that I will receive a bill for these professional services that is separate from the bill for hospital services.

101331130
D001919766
D.ERPSCAN
05/14/2010
PHYSICIAN,

SUNRISE HOSPITAL AND MEDICAL CENTER

I have been given the opportunity to read and ask questions about the information contained in this form as well as this section of the form, and I acknowledge that I either have no questions or that my questions have been answered to my satisfaction.

Acknowledge: JA (Initial)

10. Patient Self Determination Act.

I have been furnished information regarding Advance Directives (such as durable power of attorney for healthcare and living wills). I have also been furnished with written information regarding patient rights and responsibilities and other information related to my stay. Please initial or place a mark next to one of the following applicable statements:

☒ I executed an Advance Directive and have been requested to supply a copy to the hospital	☒ I have not executed an Advance Directive, wish to execute one and have received information on how to execute an Advance Directive	☒ I have not executed an Advance Directive and do not wish to execute one at this time
--	--	--

11. Notice of Privacy Practices. I acknowledge that I have received the hospital's Notice of Privacy Practices, which describes the ways in which the hospital may use and disclose my healthcare information for its treatment, payment, healthcare operations and other described and permitted uses and disclosures, I understand that I may contact the hospital Privacy Officer designated on the notice if I have a question or complaint.

Acknowledge: JA (Initial)

Date: <u>5/14/2010</u> Time: <u>11:00 AM</u>	I, the undersigned, as the patient or legal agent of the patient, hereby certify I have read, and fully and completely understand this Conditions of Admission and Authorization for Medical treatment, and that I have signed this Conditions of Admission and Authorization for Medical Treatment knowingly, freely, voluntarily and agree to be bound by its terms. I have received no promises, assurances, or guarantees from anyone as to the results that may be obtained by any medical treatment or services. If insurance coverage is insufficient, denied altogether, or otherwise	
Patient/Authorized Agent: <u>JA</u>	d agrees to pay all charges not paid by the insurer.	
X	Witness Signature and Title: <u>[Signature]</u>	X
If you are not the patient, please identify your Relationship to the patient. (Circle or mark relationship(s) from list below): Spouse ☐ Parent ☒ Legal Guardian Neighbor/Friend ☐ Sibling ☐ Healthcare Power of Attorney Other (please specify):	Additional Witness Signature and Title: (required for patients unable to sign without a representative or patients who refuse to sign) X _____	

Conditions of Admission

Date

Time

Patient



900500

NO SUPPLY CHARGES FOR
PATIENT (Mark here and put X
through paper do not cross the
"None" barcode)

COMMON USE

237315	HEPLOCK (SET T-CONN EXT)	*150139*	HEPLOCK (MALE CLAVE)
----------	--------------------------	----------	----------------------

IV SOLUTIONS

154293	NA CL 0.9% 1000 ML	*152867*	DSW.9 NACL 1000 ML	*152802*	DS.45 NACL 20 MEQ KCL
154291	NA CL 0.9% -500 ML	*571085*	LR 1000 ML	*152841*	DS.45 500 ML
367861	DS.2 NS 500 ML	*152869*	LR 500 ML	*367965*	NS 100 ML (.9 100ML PICU ONLY)
152800	DS% .2 NACL	*152846*	DS.45 NS 1000 ML	*367968*	NS 250 ML (SOD CHL 0.9% 250ML)

IV TUBING NEEDLES

164212	IV SET PRIMARY (2C6537)	*573318*	HUBER NEEDLE 19GA (19X1) LH0033YN	*814800*	IV NEEDLE 22GA (22X1)
358123	IV SET SECONDARY (2C7451- FOR IV PUMPS)	*517428*	NEEDLE GRIPPER 19G 11N	*814798*	IV NEEDLE 24GA (24X.75)
367770	IV SE HI-FLO RATE (FOR IVP LESS 15 MIN)	*056126*	NEEDLE GRIPPER 19G X 19MM	*362081*	NEEDLE SPINAL 22GX1 1/2
007512	IV SET BLOOD 1/0M-260M (1C8459)	*468744*	BLOOD WARMING TUBE HIGH FLOW	*362143*	NEEDLE SPINAL 22GX3 1/2
063927	IV SET BLOOD Y-TYPE (2C6750)	*517312*	STOPCOCK 3WAY W/ LUERLOCK	*362155*	NEEDLE SPINAL 22GX2 1/2
249126	HIGH FLOW MICROBORE TUBING	*771760*	NEEDLE INTRAOSS DIN1518	*771761*	NEEDLE 15G ADULT ADJ LENGTH 15X
517346	MICRO VOLUME EXT SET NON BEHP	*814828*	IV NEEDLE 16GA	*554717*	NEEDLE 18GA INTRAOSS
883190	HUBER NEEDLE 22GA	*814809*	IV NEEDLE 18GA (18X1.25)	*370708*	ET TUBE 6MM NCC UNCUFFED
882726	HUBER NEEDLE 19GA	*814803*	IV NEEDLE 20GA (20X1.25)	*370075*	ET TUBE 6.5 MM NCC UNCUFFED

URINARY SUPPLIES

355240	NEONATAL CATH KIT 5FR	*165311*	FOLEY CATH 12FR ROUND	*533034*	FOLEY CATH 10FR PEDS 3CC
079823	URINE METER WITH BAG	*366325*	FOLEY CATH 14FR ROUND	*371991*	TRAY SUCT CATH 8F (MUCUS TRAP)
005836	FEMALE SPECI CATH	*366326*	FOLEY CATH 16FR ROUND	*493168*	CATHETER 6FR RUSCH
272230	URINARY BAG SMALL	*365110*	CATH PLUG & DRAIN PROTECTOR	*272230*	URINARY LEG BAG
		366327	FOLEY CATH 18FR ROUND	*270742*	URINARY LEG BAG SMALL

TAPE/ DRESSING/ BANDAGES

233094	GAUZE ROLL 4.5 (KERLIX)	*199821*	BANDAGE ACE 3 INCH	*154405*	BANDAGE GAUZE KLING 6 INCH
220799	DRESSING ADAPTIC ST 3X3 IN	*199820*	BANDAGE ACE 2 INCH	*050296*	BANDAGE GAUZE KLING 4 INCH
220840	DRESSING ADAPTIC ST 3X3 IN	*365238*	DRESSING NONAD TELFA 4X3 INCH	*026974*	BANDAGE GAUZE KLING 2 INCH
199823	BANDAGE ACE 6 INCH	*365780*	CCBAN WRAP 4 INCH X 5YD	*365744*	STERI-STRIP CLOSURE 1/4X 1IN
199822	BANDAGE ACE 4 INCH	*365778*	CCBAN WRAP 2 INCH X 5YD		

DELETE

DELETE Last Item

DONE

FOR POINT-OF-USE ONLY
D00101331130

JAMES0047

PA077

Page 2 Pediatrics - SupplyNet Charges

Patient _____

Date _____

NO SUPPLY CHARGES FOR
PATIENT (Mark here and put X
through paper-do not cross the
"None" bar code)

Time _____

OTHER SUPPLIES	
★ 0 2 5 8 5 5 ★ DERMABOND	★ 1 2 3 9 4 1 ★ ACCUTEMP CAUTERY LOOP
★ 3 7 2 6 0 8 ★ TRAY LACERATION	★ 0 2 7 3 2 7 ★ TRAY 5FR 12CM CV DOUBLE LUMEN
★ 1 7 0 3 2 1 ★ TRAY INCISION & DRAINAGE	★ 5 0 7 0 1 9 ★ A-LINE TRAY 3FR 8CM
★ 5 7 8 7 8 7 ★ SKIN STAPLER	★ 4 8 6 3 7 6 ★ RECTAL TUBE
★ 3 6 1 7 9 1 ★ STAPLE REMOVER	★ 5 1 7 1 6 4 ★ TUBE FEEDING MICKEY
★ 3 6 5 3 1 1 ★ SUTURE REMOVAL SET	★ 1 2 7 1 0 3 ★ TUBE MIC "G" GASTRO
★ 7 3 4 9 7 0 ★ TRAY DRESSING CHANGE	★ 1 2 7 1 0 4 ★ TUBE MIC "G" GASTRO 14FR LOW VOL
★ 4 2 0 6 6 5 ★ LUMBAR PUNCTURE INFANT 22	★ 1 4 3 2 3 1 ★ TUBE MIC "G" GASTRO 16FR LOW VOL
★ 4 2 0 6 6 6 ★ LUMBAR PUNCTURE PEDIATRIC SIZE	★ 6 6 7 8 2 7 ★ YANKAUER SUCTION
★ 4 2 0 6 6 4 ★ LUMBAR PUNCTURE ADULT SIZE	★ 1 0 6 3 2 2 ★ CATH THORACIC TROCAR PEDI 10F
★ 6 6 3 1 6 2 ★ FEEDING TUBE VYGON 8FR	★ 3 6 7 5 0 3 ★ CATH THORACIC TROCAR PEDI 12F
★ 6 6 3 1 6 3 ★ FEEDING TUBE VYGON 10FR	★ 3 6 7 5 0 4 ★ CATH THORACIC TROCAR PEDI 16F
★ 0 8 0 8 4 3 ★ FEEDING TUBE VYGON 12FR	★ 3 6 7 5 1 9 ★ CATH THORACIC TROCAR 20F
★ 3 5 7 6 1 7 ★ FEEDING TUBE VYGON 14FR	★ 3 6 7 5 2 0 ★ CATH THORACIC TROCAR 24F
★ 5 1 7 1 6 3 ★ SET SECURE LOC EXT FOR MIC-KEY	★ 4 8 5 4 7 0 ★ SUCTION CATH 10FR
★ 3 9 4 2 6 9 ★ ENEMA PHOSPATE	★ 0 1 3 7 4 3 ★ SUCTION CATH 14FR
★ 3 9 4 2 7 0 ★ ENEMA FLEET MINERAL OIL	★ 3 6 7 2 8 1 ★ SALEM SUMP TUBE 10FR
★ 1 4 1 6 8 7 ★ ENEMA PHOSPATE CHILD	★ 3 6 7 2 8 2 ★ SALEM SUMP TUBE 12FR
★ 3 6 7 2 8 3 ★ SALEM SUMP TUBE 14FR	★ 3 6 7 2 8 4 ★ SALEM SUMP TUBE 16FR
★ 2 1 7 5 0 3 ★ EYE PAD OVAL STERILE	★ 1 5 3 9 7 8 ★ EYE SHIELD PLASTIC
★ 5 1 6 5 4 7 ★ EYE LAVAGE IRRIGATOR	★ 7 0 1 4 6 8 ★ NASAL PACKING 10 CM
★ 7 0 1 4 7 4 ★ NASAL PACKING 1 CM	★ 1 3 0 3 2 6 ★ NASOSTAT SMALL
★ 1 2 6 6 4 5 ★ NASOSTAT REGULAR	★ 6 3 7 9 4 1 ★ NASOSTAT LARGE
★ 2 6 3 6 8 1 ★ CITRATE OF MAGNESIA	★ 6 6 3 1 6 2 ★ FEEDING TUBE VYGON 8FR
★ 6 6 3 1 6 3 ★ FEEDING TUBE VYGON 10FR	★ 0 8 0 8 4 3 ★ FEEDING TUBE VYGON 12FR
★ 3 5 7 6 1 7 ★ FEEDING TUBE VYGON 14FR	★ 4 3 1 0 5 0 ★ NASAL CLIP/NASAL CLAMP

★DELETE★

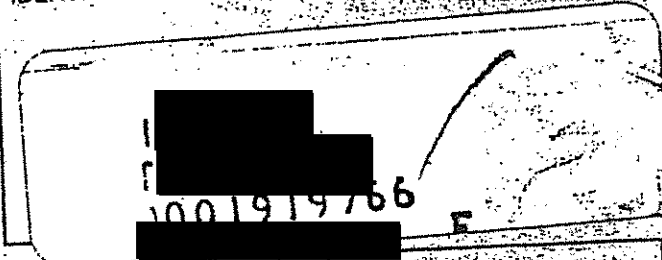
DELETE Last Item

★DONE★

DONE

SUNRISE
HOSPITAL & MEDICAL CENTER

IDENTIPRINT LABEL



DATE 5/14/10	RM# 8	TIME 1635	PERFORMED BY PTD/14/10
-----------------	----------	--------------	---------------------------

COLOR: Yellow APPEARANCE: Clear

SPEC. GRAVITY 1.000 1.005 1.010 1.015 1.020
1.025 1.030

PH 5 6 7 8 9

LEUKOCYTE NEG TRACE MODERATE (1+) LARGE (2+)

NITRITE NEGATIVE POSITIVE

PROTEIN NEG TRACE 30 (1+) 100 (2+) 500 (3+)

GLUCOSE NEG 50 100 250 500 1000

KETONE NEG 15 (1+) 40 (2+) 80 (3+)

UROBILINOGEN NORM 1 4 8 12

BILIRUBIN NEG SMALL (1+) MODERATE (2+) LARGE (3+)

BLOOD NEG TRACE MODERATE about 50 LARGE about 250

PREGNANCY TEST: neg

INTERNAL CONTROL: present

Dip
Only ☐

SR-783 (10/06)

J.H. HUGHES, M.D., Ph.D-DIRECTOR
 J.S. BENTZ, M.D.
 D.R. COON, M.D., Ph.D
 M.A. ERLING, M.D.
 R.J. KNOBLOCK, M.D.
 S.E. KOLKER, M.D.
 D.P. MARMADUKE, M.D.

*** LABORATORY SUMMARY REPORT ***
 06/10/10 0830

P.J. MICHAELS, M.D.
 T.C. MURRY, M.D., Ph.D
 A.C. RIVERA-BEGEMAN, D.O.
 J.D. SIGMAN, M.D.
 J.L. UNGER, M.D.
 N.S. YUMIACO, M.D.

Pt Name: H [REDACTED], T [REDACTED]

*** CHEMISTRY ***

SPECIAL CHEMISTRY

Date Time	05/14/10 1635	Reference	Units
--------------	------------------	-----------	-------

UR HCG QUAL	ABSENT (A)	(ABSENT)	
-------------	------------	----------	--

(A) *TEST PERFORMED AT POINT OF CARE BY THE ER STAFF

*** URINALYSIS ***

Date Time	05/14/10 1635	Reference	Units
--------------	------------------	-----------	-------

UA COLOR	YELLOW	(YELLOW)	
UA APPEARANCE	CLEAR	(CLEAR)	
UA GLUCOSE	NEGATIVE	(NEGATIVE)	MG/DL
UA BILIRUBIN	NEGATIVE	(NEGATIVE)	
UA KETONES	>=80 *	(NEGATIVE)	MG/DL
UA SPECIFIC GRAVITY	1.015	(1.003-1.030)	
UA BLOOD	NEGATIVE	(NEGATIVE)	
UA PH	7.0	(5-9)	
UA PROTEIN	TRACE *	(NEGATIVE)	MG/DL
UA UROBILINOGEN	NORMAL	(NORMAL)	E.U./DL
UA NITRITE	POSITIVE *	(NEGATIVE)	
UA LEUK ESTERASE	TRACE *	(NEGATIVE)	
UA COMMENT	(B)		

(B) THE CHEMSTRIP PORTION OF THE URINALYSIS WAS PERFORMED MANUALLY BY THE EMERGENCY DEPARTMENT NURSING STAFF.

UA RBC	2-5 *	(0-2)	/HPF
UA WBC	5-10 *	(NONE SEEN)	/HPF
UA EPITHELIAL CELLS	2-5	(2-5)	/HPF
UA BACTERIA	4+ *	(NONE SEEN)	
UA CRYSTALS OTHER	(C) *	(NONE SEEN)	

(C) AMORPHOUS URATES TR *

UA CASTS	NONE SEEN	(NONE SEEN)	/LPF
UA OTHER	MUCOUS 1+ *	(NONE SEEN)	

Pt Name: H [REDACTED], T [REDACTED]

Attend Dr: VERGARA, THERESA

Acct#: D00101331130 Age/Sex: [REDACTED]/F

Unit#: D001919766 Status: DEP ER

Adm Date: 05/14/10 Dis Date:

SUNRISE HOSPITAL & MEDICAL CENTER
 3186 Maryland Pkwy
 Las Vegas, Nevada 89109

LABORATORY SUMMARY REPORT

J.H. HUGHES, M.D., Ph.D-DIRECTOR
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Pt Name: H [REDACTED], T [REDACTED]

ROUTINE SEROLOGY

*** IMMUNOLOGY ***

Date Time	05/14/10 1800	Reference	Units
HIV-1/HIV-2/HIV-O ANTIBODY EIA	NON-REACTIVE	(NON-REACTIV)	

Date Time	05/14/10 1800	Reference	Units
HEPATITIS A IGM ANTIBODY	NEGATIVE (a)	(NEGATIVE)	
HEPATITIS B SURFACE ANTIGEN	NEGATIVE (a)	(NEGATIVE)	
HEPATITIS B CORE IGM ANTIBODY	NEGATIVE (a)	(NEGATIVE)	
HEPATITIS C AB S/CO	<1.00 (D)	(())	

(D) No serologic evidence of Hepatitis A, B, C.
 (36501:041229) (AC46:A)

Test performed by: Quest Diagnostics Incorporated
 4230 Burnham Ave.
 Las Vegas, Nv. 89119

See also (a)

HEPATITIS C ANTIBODY	NEGATIVE (a)	(NEGATIVE)
----------------------	--------------	------------

Date Time	05/14/10 1800	Reference	Units
RAPID PLASMA REAGIN	NON-REACTIVE	(NONREACTIVE)	

NOTES: (a) SENT TO REFERENCE LAB

Pt Name: H [REDACTED], T [REDACTED]
 Attend Dr: VERGARA, THERESA
 Acct#: D00101331130 Age/Sex: [REDACTED]/F
 Unit#: D001919766 Status: DEP ER
 Adm Date: 05/14/10 Dis Date:

SUNRISE HOSPITAL & MEDICAL CENTER
 3186 Maryland Pkwy
 Las Vegas, Nevada 89109

LABORATORY SUMMARY REPORT

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*** LABORATORY SUMMARY REPORT ***
 06/10/10 0830

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 J.D. SIGMAN, M.D.
 J.L. UNGER, M.D.
 N.S. YUMIACO, M.D.

Pt Name: H [REDACTED], T [REDACTED]

NONE

Col	Date	Time	Specimen #	Source	Sp Desc	P/F	Organisms ...
>	05/14/10	UNK	10:SZ:B0025790S	VAGINAL		F	S AGALA B
>	05/14/10	1710	10:SZ:V0003217S	CERVIX		F	CHLAM TRAC
>	05/14/10	1635	10:SZ:B0025789S	URINE	CLN CATCH	F	E COLI

*** BACTERIOLOGY ***

SPEC #: 10:SZ:B0025788S COLL: 05/14/10-UNK STATUS: COMP REQ #: 12153984
 RECD: 05/14/10-1740 SUBM DR: VERGARA, THERESA
 SOURCE: CERVIX
 SPDESC:

ORDERED: GC CULT

GC CULTURE Final 05/17/10

CULTURE NEGATIVE FOR NEISSERIA GONORRHOEAE

SPEC #: 10:SZ:B0025790S COLL: 05/14/10-UNK STATUS: COMP REQ #: 12153984
 RECD: 05/14/10-1740 SUBM DR: VERGARA, THERESA
 SOURCE: VAGINAL
 SPDESC:

ORDERED: VAGINAL CULT

VAGINAL CULTURE Final 05/17/10

Organism 1

STREP AGALACTIAE (GROUP B)

GROUP B STREP ARE UNIVERSALLY SUSCEPTIBLE TO PENICILLINS.
 RESISTANCE TO CLINDAMYCIN AND ERYTHROMYCIN CAN OCCUR.
 PLEASE CONTACT MICROBIOLOGY IMMEDIATELY, IF ERYTHROMYCIN
 AND CLINDAMYCIN SUSCEPTIBILITY TESTING IS NEEDED.

QUANTITATION

MODERATE GROWTH

Critical result(s) called on 05/16/10 at 0950 by
 DLAB.MBA have been verbally verified with LINDA HOLT, RN.

Pt Name: H [REDACTED], T [REDACTED]

Attend Dr: VERGARA, THERESA

Acct#: D00101331130 Age/Sex: [REDACTED]/F

Unit#: D001919766 Status: DEP ER

Adm Date: 05/14/10 Dis Date:

SUNRISE HOSPITAL & MEDICAL CENTER
 3186 Maryland Pkwy
 Las Vegas, Nevada 89109

LABORATORY SUMMARY REPORT

Genital/Anal Medical Exam Findings: (Refer to dictation and genital drawings)

___ **Normal exam/normal variant:** (i.e. hymenal tags, bumps, ridges): The lack of physical exam findings does not exclude the possibility of sexual abuse.

___ **Non-specific findings:** (i.e. swelling, erythema, labial adhesion, lichen sclerosis, molluscum, anal fissure): these findings may occur in sexually abused children, but may also be from other causes.

___ **Concerning for abuse or trauma:** (i.e. acute bruising of labia or penis, laceration of posterior fourchette, bite marks): these findings have been noted in children with documented sexual abuse and are consistent with, though not conclusive of, sexual abuse.

___ **Specific physical findings are present that indicate abuse/trauma:** (i.e. acute laceration or bruising of the hymen, hymenal transection, deep perianal lacerations): Sexual abuse/contact is very likely.

___ **Other:** Bleeding, genital warts, vesicles (suspected HSV),

Comments/concerns:

Infection:

___ **STD testing done. Results are pending.** (Note, These tests are performed at the discretion of the examiner and are not required in all pediatric sexual abuse evaluations)

PATIENT IDENTIFICATION

H [REDACTED], T [REDACTED]
D00101331130 05/14/10
05/14/10 VERGARA, THERESA
[REDACTED] F/[REDACTED] MR#D001919766
Sunrise Hospital & Med Center


SUNRISE
HOSPITAL & MEDICAL CENTER


SUNRISE
CHILDREN'S
HOSPITAL

**Child/Adolescent Sexual Abuse/Assault
Forensic Medical Examination Report**

Page 3 of 4

Peds 011

WHITE - Medical Record YELLOW - Law Enforcement PINK - SCAN

JAMES0053

PA083

Overall Impression: Mark the category and all subcategories that apply.

No medical indication of abuse:

- ☐ Normal exam, no history, no behavior change, no witnessed abuse
- ☐ Non-specific findings with no history.
- ☐ Physical findings consistent with a history of an accidental injury
- ☐ Nonspecific behavior change, normal exam
- ☐ Other: _____

Possible Abuse:

- ☐ Significant behavior change, especially sexualized behavior
- ☐ Infection that may or may not be acquired sexually (HPV, HSV, bacterial vaginosis)
- ☐ Concerning exam findings **without** a history
- ☐ Child has made a concerning statement. *Indicate to whom:* _____
- ☐ Contact with an alleged perpetrator of other children
- ☐ Other: _____

Probable Abuse:

- ☒ Child has given a spontaneous, clear, detailed description to a neutral fact-finder, with or without positive exam findings. *Indicate to whom:* Sister
- ☐ Concerning exam findings in conjunction with history.
- ☐ Infection that is usually acquired sexually (perinatal transmission should also be considered)
- ☐ Witnessed incident. Witnessed by: _____. (Further investigation recommended)
- ☐ Other: _____

Definite evidence of abuse or sexual contact:

- ☐ Definite physical exam findings indicative of abuse
- ☐ Pregnancy which may be the consequence of sexual abuse
- ☐ Infection that is almost always acquired sexually (perinatal transmission should also be considered)
- ☐ Photographic/ videotaped evidence of a child being abused.
- ☐ Witnessed incident. Witnessed by: _____. (Further investigation recommended.)
- ☐ Other: _____

RESULTS PENDING MEDICAL REVIEW/LAB RESULTS

Recommendations:

- ___ Recommend follow up examination by PMD, ER or SCAN Clinic in ____ days ____ week(s)
- ___ Psychological counseling
- ___ Further investigation by ____ CPS and/or ____ law enforcement
- ___ Recommend STD testing of suspected assailant
- ___ Follow up for STD testing in 3 months
- ___ Other: _____

Examiner Name: (Print) _____

Examiner Signature: _____

Medical Reviewer Signature: _____

Photo Documentation Reviewed - Initials _____

Addendum Completed - Initials _____

IDENTIFICATION

H [REDACTED], T [REDACTED]
D00101331130 05/14/10
05/14/10 VERGARA, THERESA
DOB: [REDACTED] F [REDACTED] MR#D001919766
Sunrise Hospital & Med Center

**SUNRISE**
HOSPITAL & MEDICAL CENTER

**SUNRISE**
CHILDREN'S
HOSPITAL

**Child/Adolescent Sexual Abuse/Assault
Forensic Medical Examination Report**

Page 4 of 4

Peds 012

WHITE - Medical Record YELLOW - Law Enforcement PINK - SCAN

JAMES0054

PA084

Name	DOB	Date of Visit	PMD
Chief Complaint	RN	Arrival Time	Allergies
Assessment	Rapid Score	Weight	

TEST	MD		HUC		RN	INTERVENTIONS	MD		HUC		RN
	Time	Init	Time	Init	Init		Time	Init	Time	Init	Init
Chemistry/Hematology	☐ ABG					Hydration	NS Bolus #1 _____ cc				
	☐ I-stat						NS Bolus #2 _____ cc				
	☐ CBC/diff						Maint. fluids:				
	☐ Retic					Respiratory	NPO				
	☐ Coags						Zofran _____ mg ☐ PO ☐ IV ☐ PO Challenge				
	Type and screen						Albuterol 2.5mg/3ccNS x _____ with 1 unit dose atrovent				
	☐ ESR						Albuterol _____ mg in 30cc NS(1h)SVN ☐ with 1 unit dose atrovent				
	☐ BMP						Albuterol _____ mg in 30cc NS(1h)SVN ☐ with 1 unit dose atrovent				
	☐ Ca						Albuterol _____ mg in 30cc NS(1h)SVN ☐ with 1 unit dose atrovent				
	☐ Mg						☐ Peak flows pre and post treatments				
☐ Phos					☐ Aerochamber teaching						
☐ Amylase					Nursing	Racemic epinephrine SVN ☐ 0.25cc/2.5ccNS ☐ 0.5cc/2.5ccNS					
☐ Lipase						Racemic epinephrine SVN ☐ 0.25cc/2.5ccNS ☐ 0.5cc/2.5ccNS					
Admit Panel						Decadron _____ mg ☐ PO ☐ IM ☐ IV					
Trauma Panel						Prednisolone _____ mg PO					
						Solumedrol _____ mg IV					
Toxicology	☐ ASA						☐ Orthostatic VS				
	☐ ETOH						Set up: ☐ LP Tray ☐ Pelvic Exam				
	☐ UDS						Laceration Setup ☐ Suture ☐ Staple ☐ Dermabond ☐ Apply LET				
GU/OB	☐ Acetaminophen						Contact: ☐ Animal Control				
	Levels: ☐ Valproate						☐ Poison Control				
	☐ Phenobrb						☐ Social Work				
Microbiology	☐ Carbamazepine						☐ Metro PD				
	Urine ☐ CC						☐ CPS				
	☐ Cath										
Radiology	☐ Dip										
	☐ UA										
	☐ Culture										
CT	HCG										
	☐ Urine										
	☐ Quant										
US	☐ GC/Chlamydia										
	☐ Wet Mnt										
	☐ Vag Cx										
Other Orders											
Disposition											
Signature											
MD											
NPN											
RN											
HUC											

H [redacted], T [redacted]
 DOB: [redacted] 05/14/10
 VERGARA, THERESA
 MR#0001919766
 Sunrise Hospital & Med Center

STEP 1

CONSENT FOR TREATMENT, COLLECTION OF
EVIDENCE, AND RELEASE OF INFORMATION

I, [REDACTED] H [REDACTED] (victim/patient), request and authorize the attending physician and associates to perform all the necessary examinations for my physical well being and any legal procedures. These may include, but are not limited to, general physical and pelvic examination; collection of specimens and materials, including photographs, for use as legal evidence; prophylactic treatment for venereal disease; and laboratory tests deemed necessary by the physician. The purpose and nature of these examinations and tests have been explained to me, and I understand that certain medications administered to me may not be totally effective in the prevention of disease or other complications.

I understand that I am to contact the County Health Department at the appropriate times for follow-up tests as described in the Follow-Up instructions.

I further authorize and acknowledge that

Sunrise Hospital

(Name of Hospital/Medical Facility)

will supply copies of all medical reports, including laboratory results, to the appropriate law enforcement agency. Copies may also be supplied to the Office of the District Attorney, the Emergency Room personnel, the County Health Department having jurisdiction, and to the Rape Crisis Center.

PATIENT: _____

(SIGNATURE)

(PRINT)

WITNESS: Pamela Douglas

(SIGNATURE)

Pamela Douglas

(PRINT)

DATE: 05/14/10 TIME: 1540

PARENT OR GUARDIAN
(IF APPLICABLE) _____

(SIGNATURE)

[REDACTED]

(PRINT)

RELATIONSHIP: MOTHER ☒ FATHER ☐ OTHER: _____

(DESCRIBE)

NOTE

IF AN AGENCY IS INVESTIGATING A REPORT OF ABUSE OR NEGLECT OF A CHILD, THE REPRESENTATIVE OF THE AGENCY MAY AUTHORIZE IN LIEU OF A PARENT OR GUARDIAN.

REFERRAL AGENCY: _____

REPRESENTATIVE: _____

(SIGNATURE)

(PRINT)

White Copy—place in kit

Yellow Copy—retain for patient's chart

Pink Copy—to detective

JAMES0056 LVS201
PA086

Step 2A

MEDICAL HISTORY AND ASSAULT INFORMATION

Patient's Name: [REDACTED]

Date of birth: [REDACTED]

Sex: M ☐ F ☒

ASSAULT DATA:

Time of assault: 9:00 Date of assault: 05/14/10

Number of offenders: 1

Sex of offender(s): M ☒ F ☐ M ☐ F ☐ M ☐ F ☐

Race of offender(s): African American

Relationship of offender(s) to patient:

Friend & mother of patient

Post assault sexual activity: Confirms ☐ Denies ☒

If confirms, date of most recent contact: [REDACTED]

MEDICAL HISTORY:

Current medical problems: Border-line

Diabetes mellitus

Current medications: None

Allergies: None

Description of patient's outward appearance (e.g. clothes torn, shoe(s) missing, etc.): Clothes intact

EXAM INFORMATION:

Police Agency: Las Vegas Metro Police Dept

Officer/Detective: Detective Tomaine (Base # 8278)

Event/Case#: 100514201

Time/Date of arrival: 1406

Time/Date exam: 1720

Time/Date discharge: 1811

Medical record#: D0010133136

Rape Kit#: BS01089

Sexual Assault Exam ☒ Rape Kit done ☒Colposcope Exam ☒ Photographs taken ☒

POST ASSAULT:

	Yes	No		Yes	No
Changed clothes	☐	☒	Bath/Shower	☐	☒
Urinated	☒	☐	Defecated	☐	☒
Used Mouthwash	☐	☒	Vomited	☐	☒
Smoked	☐	☒	Drank fluids	☐	☒
Ate	☒	☐	Brushed Teeth	☒	☐
Douched	☐	☒			
Removed tampon	☐	☒			
Inserted tampon	☐	☒			
Tampon Collected	☐	☒			
Wore sanitary pad	☐	☒			
Sanitary Pad Collected	☐	☒			

PENETRATION:

Oral Attempted ☐ Yes ☐ No ☒ Unsure ☐By: Penis ☐ Object ☐

Describe Object: [REDACTED]

Vaginal Attempted ☐ Yes ☒ No ☐ Unsure ☐By: Penis ☒ Finger ☒ Tongue ☐ Object ☐

Describe Object: [REDACTED]

Rectal Attempted ☐ Yes ☐ No ☒ Unsure ☐By: Penis ☐ Finger ☐ Tongue ☐ Object ☐

Describe Object: [REDACTED]

Did ejaculation occur:

In the body Yes ☐ No ☒ Unsure ☐

Describe where: [REDACTED]

Outside the body Yes ☐ No ☒ Unsure ☐

Describe where: [REDACTED]

Swabs taken of area(s) Yes ☐ No ☒

Used during assault:

Condom	Yes ☐	No ☒	Unsure ☐
Diaphragm	Yes ☐	No ☒	Unsure ☐
Contraceptive foam	Yes ☐	No ☒	Unsure ☐
Lubricant	Yes ☐	No ☒	Unsure ☐
Other spermicide	Yes ☐	No ☒	Unsure ☐

Step 2B

MEDICAL HISTORY AND ASSAULT INFORMATION

Menstrual Information:

Patient menstruating Yes ☐ No ☒ Unsure ☐

LMP 04/10/11

Pregnant Yes ☐ No ☒ Unsure ☐

Consenting intercourse:

Within the last 7 days Yes ☐ No ☒ Unsure ☐

If Yes, date: _____ time: _____

With someone other than suspect(s)?

Yes ☐ No ☒ Unsure ☐

Was condom used? Yes ☐ No ☒ Unsure ☐

Other activity:

• Was patient licked Yes ☐ No ☒ Unsure ☐

Describe where: _____

Swabs taken of area(s) Yes ☐ No ☒

• Was patient kissed Yes ☐ No ☒ Unsure ☐

Describe where: _____

Swabs taken of area(s) Yes ☐ No ☒

• Was patient bitten Yes ☐ No ☒ Unsure ☐

Describe where: _____

Swabs taken of area(s) Yes ☐ No ☒

• Did patient bite suspect Yes ☐ No ☒ Unsure ☐

Describe where: _____

• Did patient scratch suspect Yes ☐ No ☒ Unsure ☐

Describe where: _____

Fingernail scrapings/clippings taken Yes ☒ No ☐

• Did patient pass out Yes ☐ No ☒ Unsure ☐

EVIDENCE:

Alternate Light Source (including Wood's Lamp):

positive ☒ negative ☐ N/A ☐

Areas swabbed:

perineum

Any additional comments: Particles found

on perineum/inner thigh & usual

100% samples done.

Items Collected:

☒ Oral swabs

☒ Floss

☒ Underpants

☐ Clothing

☐ Debris

☒ Fingernail Scrapings

☐ Bite Marks

☐ Secretions

☐ Pubic hair brushing

☐ Reference pubic hair clippings

☒ Vaginal and cervical swabs (or penile swabs)

☒ Rectal swabs

☒ Reference DNA standard (Buccal swabs)

☐ Urine for Toxicology

☐ Blood for Toxicology

Discharge instructions explained and given to patient:

Yes ☒ No ☐ If no, why? _____

Patient discharged: Ambulatory ☒ Wheelchair ☐

Patient discharged to: T. [redacted] A. [redacted] (mother)

Information collected by:

Pamela Douglass, RN

(SIGNATURE)

Pamela Douglass, RN

(PRINT)

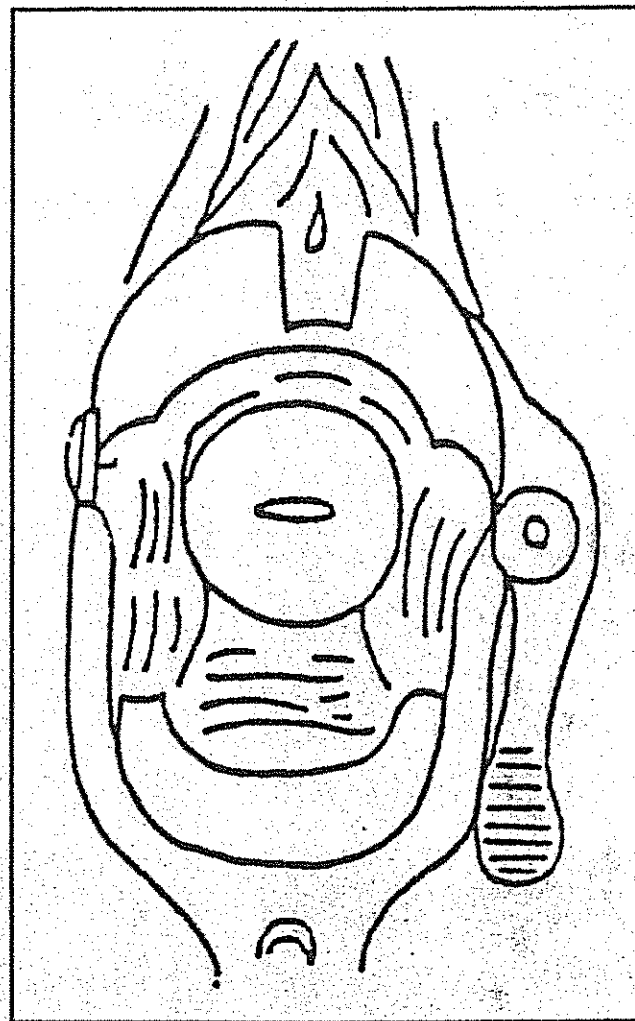
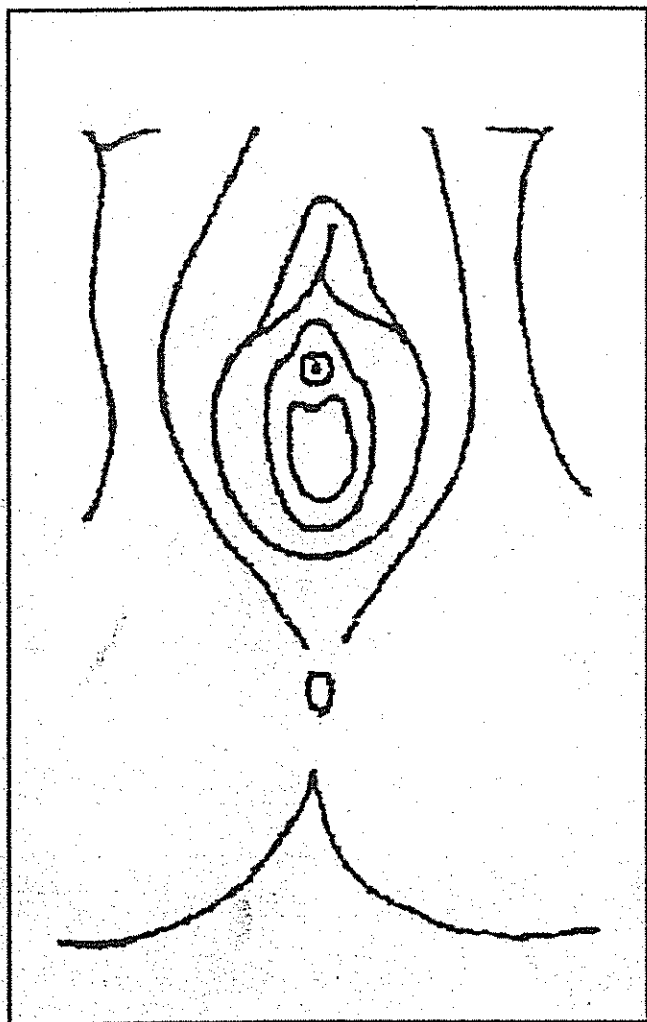
Patient examined by:

(SIGNATURE)

(PRINT)

STEP 7B

PELVIC EXAMINATION



PELVIC EXAMINATION—Note and describe all signs of trauma, use water-lubricated speculum only.

VULVA: Good moisture. Erythema. Erosion. (1) Inguinal abrasion

INTROITUS: Good moisture. Erythema. Erosion. (1) Inguinal abrasion

VAGINA: Good D/C

CERVIX: Good moist.

UTERUS: Good

HYMEN: Good. Small. Smooth. (1) Inguinal abrasion

OTHER: Good. (1) Inguinal abrasion.

RECTUM: Good. (1) Inguinal abrasion. (1) Inguinal abrasion

ANUS: Good. (1) Inguinal abrasion. (1) Inguinal abrasion

MALE GENITALIA EXAMINATION— Note and describe all signs of trauma, i.e., bruises, petechiae, discharges, sphincter tone. Also note any traces of lubricants or rectal soiling.

PENIS: _____

SCROTUM: _____

MEATUS: _____

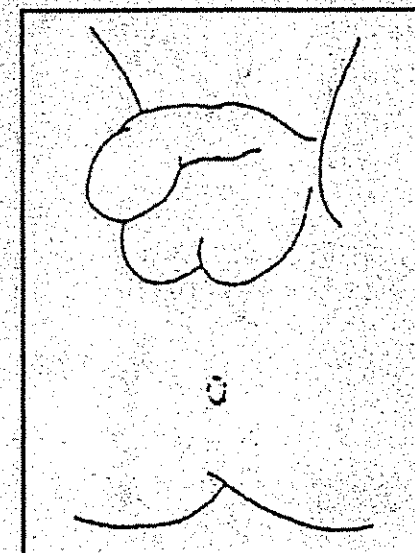
GLANS: _____

TESTICLES: _____

PERINEUM: _____

RECTUM: _____

ANUS: _____



EXAMINED BY: _____

(SIGNATURE)

(PRINT)

DATE: 5/14/13

J.H. HUGHES, M.D., Ph.D-DIRECTOR

J.S. BENTZ, M.D.

D.R. COON, M.D., Ph.D

M.A. ERLING, M.D.

R.J. KNOBLOCK, M.D.

S.E. KOLKER, M.D.

D.P. MARMADUKE, M.D.

*** LABORATORY SUMMARY REPORT ***

06/10/10 0830

P.J. MICHAELS, M.D.

T.C. MURRY, M.D., Ph.D

A.C. RIVERA-BEGEMAN, D.O.

J.D. SIGMAN, M.D.

J.L. UNGER, M.D.

N.S. YUMIACO, M.D.

Pt Name: H [REDACTED], T [REDACTED]

*** URINE CULTURE ***

SPEC #: 10:SZ:B0025789S

COLL: 05/14/10-1635

STATUS: COMP

REQ #: 12153984

RECD: 05/14/10-1740

SUBM DR: VERGARA, THERESA

SOURCE: URINE

SPDESC: CLN CATCH

ORDERED: URINE CULT

CULTURE URINE W/COLONY COUNT Final 05/16/10

COLONY COUNT ORGANISM #1 >100,000 COL/ML

Organism 1

ESCHERICHIA COLI

1. ESCHERICHIA COLI

	MIC	INTERP
AMIKACIN	<=16	S
AMPICILLIN	<=8	S
AMP/SULBACTAM	<=8/4	S
AMOX/CLAVULAN	<=8/4	S
AZTREONAM	<=8	S
CEFAZOLIN	<=8	S
CIPROFLOXACIN	<=1	S
ERTAPENEM	<=1	S
GENTAMICIN	<=4	S
IMIPENEM	<=4	S
LEVOFLOXACIN	<=2	S
NITROFURANTOIN	<=32	S
PIPERACIL/TAZO	<=16	S
TETRACYCLINE	<=4	S
TOBRAMYCIN	<=4	S
TRIMETH/SULFA	<=2/38	S

MIC = LOWEST CONCENTRATION (MCG/ML) OF ANTIBIOTIC WHICH INHIBITS ORGANISMS IN VITRO.

SENSITIVE OR RESISTANCE IS BASED ON ACHIEVABLE BLOOD LEVEL, USUALLY 2 TO 4 TIMES THE MIC.

ABL= (ACHIEVABLE BLOOD LEVEL) - THE APPROXIMATE PEAK CONCENTRATION LEVEL (MCG/ML) IN AVERAGE SIZE ADULTS USING THE RECOMMENDED DOSAGE.

-UR- INDICATES LOWER URINARY TRACT ONLY.

Pt Name: H [REDACTED], T [REDACTED]

Attend Dr: VERGARA, THERESA

Acct#: D00101331130

Age/Sex: [REDACTED]/F

Unit#: D001919766

Status: DEP ER

Adm Date: 05/14/10

Dis Date:

SUNRISE HOSPITAL & MEDICAL CENTER

3186 Maryland Pkwy

Las Vegas, Nevada 89109

LABORATORY SUMMARY REPORT

JAMES0060

PA090

J.H. HUGHES, M.D., Ph.D-DIRECTOR
J.S. BENTZ, M.D.
D.R. COON, M.D., Ph.D
M.A. ERLING, M.D.
R.J. KNOBLOCK, M.D.
S.E. KOLKER, M.D.
D.P. MARMADUKE, M.D.

*** LABORATORY SUMMARY REPORT ***
06/10/10 0830

P.J. MICHAELS, M.D.
T.C. MURRY, M.D., Ph.D
A.C. RIVERA-BEGEMAN, D.O.
J.D. SIGMAN, M.D.
J.L. UNGER, M.D.
N.S. YUMIACO, M.D.

Pt Name: H [REDACTED], T [REDACTED]

*** MISCELLANEOUS MICROBIOLOGY ***

SPEC #: 10:SZ:F0001217S COLL: 05/14/10-1718 STATUS: COMP REQ #: 12153984
RECD: 05/14/10-1740 SUBM DR: VERGARA, THERESA
SOURCE: CERVIX
SPDESC:
ORDERED: WET MOUNT

WET MOUNT Final 05/14/10
WET PREP RESULTS

FEW WHITE BLOOD CELLS SEEN
SPERMATOZOA NOT SEEN
TRICHOMONAS NOT SEEN
YEAST CELLS NOT SEEN
NO CLUE CELLS SEEN

*** VIROLOGY ***

SPEC #: 10:SZ:V0003217S COLL: 05/14/10-1710 STATUS: COMP REQ #: 12153984
RECD: 05/14/10-1740 SUBM DR: VERGARA, THERESA
SOURCE: CERVIX
SPDESC:
ORDERED: CHLAMT

CHLAMYDIA TRACHOMITIS CULTURE (b) Final 05/20/10
Organism 1 CHLAMYDIA TRACHOMATIS

WHEN ORDERING A CHLAMYDIA FROM THE GENITAL TRACT, AN
ENDOCERVICAL (EXCLUDES PREPUBESCENT GIRLS) OR ENDourethral
SAMPLE SHOULD BE SUBMITTED. SPECIMENS FROM OTHER GENITAL
SITES ARE NOT RECOMMENDED AND MAY YIELD FALSE NEGATIVE
RESULTS.

Critical result(s) called on 05/20/10 at 1517 by
DLAB.GLR have been verbally verified with PEGGY MCCOY RN IN
PEDS ER.

NOTES: (b) *TEST PERFORMED BY: QUEST DIAGNOSTICS
14225 NEWBROOK DR - CHANTILLY, VA 20153

Pt Name: H [REDACTED], T [REDACTED]
Attend Dr: VERGARA, THERESA
Acct#: D00101331130 Age/Sex: [REDACTED]/F
Unit#: D001919766 Status: DEP ER
Adm Date: 05/14/10 Dis Date:

SUNRISE HOSPITAL & MEDICAL CENTER
3186 Maryland Pkwy
Las Vegas, Nevada 89109

LABORATORY SUMMARY REPORT

Tomando

MEDICAL RECORDS RELEASE (SCAN)

In accordance with NRS 432B 290, the undersigned, in connection with an investigation of or prosecution for abuse or neglect of a child, hereby requests a copy of the medical records of:

T [REDACTED] H [REDACTED] [REDACTED] # 001919766
Patient Name Date of Birth Medical Record Number

Date: _____ Time: _____

Name Agency Title

Badge Witness

For Hospital Use Only

The requested medical records contain the following documents (total # of pages _____):

4 # of SCAN Medical Forms
3 # of SCAN Report Forms
_____ # of Face Sheets

- ☐ Copies of Medical Records personally given to individual who made request
☐ Copies of Medical Records personally given to _____
(Name)

☒ Copies of Medical Records sent by courier to _____
(Name)

Sarah Abuse Detail
(Name)

Event # 100514-2100
188514-2811

Date: _____ Time: _____

Agency LV MPD

Signature _____

PATIENT IDENTIFICATION

[REDACTED] T [REDACTED] 785
5/14/0

MR# 001919766

Sunrise Hospital & Medical Center
Sunrise Children's Hospital
3186 South Maryland Parkway
Las Vegas, NV 89109

Sunrise Hospital and Medical Center Acct Number: D00101331130 Sunrise Children's Hospital 3186 Maryland Parkway Las Vegas, Nevada 89109		Unit Number: D001919766 Service/Loc: D.ERPSCAN Room Number:		Priority: EM Admit Date: 05/14/10 Admit Time: 1405 Admit By: RBB	
Patient Information		SS#: [REDACTED]		Admit Status: REG ER	
H [REDACTED], T [REDACTED] [REDACTED] USA Home: [REDACTED] Other:		DOB: [REDACTED] Sex: F Age: [REDACTED] Religion: NON Marital Status: S Race: B Maiden/Other Name: H [REDACTED], T [REDACTED]		Employer NONE NONE NONE, NV 89109 MINOR CHILD	
Newborn Info - Weight: lb oz gm/ Length: in cm/ Apgar at 1 min:					
Guarantor Information		SS#: [REDACTED]			
A [REDACTED], T [REDACTED] [REDACTED] USA [REDACTED]		Guarantor's Employer [REDACTED] Rel to Pt: MO SUPERVISOR			
Next of Kin Information		Person to Notify		Advanced Directives	
A [REDACTED], T [REDACTED] [REDACTED] Rel to Patient: MO		E [REDACTED], P [REDACTED] [REDACTED] Rel to Patient: GP		Living Will: N Durable POA: N Copy on File: N Comp Bar Code Acct#	
Insurance Information		Financial Class: 10			
SCAN SCAN 1600 PINTO LN LAS VEGAS NV 89106-4196 (702)455-4077		Insured Name: H [REDACTED], T [REDACTED] Policy #: [REDACTED] Group Name: NONE Group Number: 99999 Auth#: 10514-2100		Rel: SA Eff Date: Auth Phone:	
CUL014 CULINARY PO BOX 94469 SEATTLE WA 98124 (702)733-9938		Insured Name: A [REDACTED], T [REDACTED] Policy #: 530820772 Group Name: [REDACTED] Group Number: 150 Auth#:		Rel: MO Eff Date: Auth Phone:	
		Insured Name: Policy #: Group Name: Group Number: Auth#:		Rel: Eff Date: Auth Phone:	
Reason for Visit		Occurences		Conditions ER Arr Date/Time	
SCAN		05/14/10-05		05/14/10/1405	
Admitting Physician		Attending Physician			
VERGARA, THERESA					




 JAMES0063
 PA093

SCAN REPORT FORM

(Please use a ball point pen and press hard.)

Type of Suspected Abuse:

- ☐ Physical
- ☐ Neglect
- ☒ Sexual Abuse / Assault
- ☐ Other:

Today's Date: 05/14/10

Time: 1406 AM / PM

Information on Child/Parent/Guardian

Child's Name: T [REDACTED] H [REDACTED] Age: [REDACTED] DOB: [REDACTED]

Child's Address: [REDACTED]

Ethnicity of Child: **Caucasian** **African-American** **Hispanic/Latino** **Asian** **Native American**
(Circle)

Other Ethnicity: [REDACTED] Gender: **Male** **Female**

Parent/Guardian's Name: T [REDACTED] H [REDACTED] Phone Number: [REDACTED]
(or message phone)

Location of Alleged Incident	Date of Alleged Incident	Time of Alleged Incident	SAEC Kit Collected?
207 North Lamb Ave Las Vegas, NV 89101	05/14/10 Unknown	0900 AM PM Unknown	YES NO If yes: ☒ Less than 3 days ☐ Requested by detective
Law Enforcement Agency	Detective/ Officer Name-Badge #	Event Number	
LVMPD NLVPD HPD BCPD CCSD Other: <u>[REDACTED]</u>	Tamblingo 2278	100514 2011	
Child Protective Services	CPS Specialist	Report Number	
☒ DFS (Clark County) <u>[REDACTED]</u> Other: <u>[REDACTED]</u>	Lisette Woods	CPS did not have report, numberize present time.	

Information on Alleged Perpetrator(s)

Name of alleged perpetrator(s):	Relationship to child:	Age (indicate if adult or juvenile if age unknown):	Address:
Tyrone James Sr	mom's friend	35y/o	207 North Lamb Ave Las Vegas, NV 89101 was staying at his family

Examining Physician	Nurse	Social Worker or Child Life Specialist
Theresa Vergara	Pamela Douglass, M	[REDACTED]

Printed Name and Title of Person Completing Form	Signature
Pamela Douglass, M	Pamela Douglass

PATIENT IDENTIFICATION

H [REDACTED], T [REDACTED]
D00101331130 05/14/10
05/14/10 VERGARA, THERESA
DOB [REDACTED] F [REDACTED] MR#D001919766
Sunrise Hospital & Med Center


SUNRISE
HOSPITAL & MEDICAL CENTER


SUNRISE
CHILDREN'S
HOSPITAL

SCAN REPORT FORM (1 of 3)

WHITE - MEDICAL RECORDS CANARY - LAW ENFORCEMENT PINK - SCAN

Peds 001

JAMES0064

PA094

SCAN REPORT FORM

ALL CASES			
Abuse/Neglect Witnessed? ☐ Yes ☒ No If yes, by whom?		Previous known/suspected abuse/neglect? ☐ Yes ☒ No If yes, specify in narrative section.	
SEXUAL ABUSE / ASSAULT ONLY			
Current Genital Pain?		Current Genital Bleeding?	
Yes ☐ No ☒ Unknown ☐		Yes ☐ No ☒ Unknown ☐	
Previous Genital Trauma?		Drugs / Alcohol Taken or Given?	
Yes/When: _____ Unknown ☐ No ☒		Yes/When: _____ What kind: _____ No ☒ Unknown ☐	
Sexually Active?		Last Consensual Intercourse	
Yes ☒ No ☐ Unknown ☐ N/A ☐		Date: <u>14R 200</u>	
		Menses	
		☐ N/A Age of onset: _____ LMP: <u>04/10/10</u>	
☒ Patient prepared for exam using developmentally appropriate language Prepared by: <u>Pamela Douglass, RN</u>			

Type of Genital Examination/Documentation by Physician	Other physical findings photographed by:
☒ Digital photographs ☐ Video	☐ Law Enforcement ☐ CPS ☐ Physician ☒ None

Primary Narrative Historian: <u>[REDACTED]</u>	Relationship to child: <u>patient</u>
--	---------------------------------------

Narrative (indicate each historian): States "Tyrone James Sr. came into my (T [REDACTED] H [REDACTED]) bedroom this morning around 0900 & pulled my (T [REDACTED] H [REDACTED]) chest out of shirt & bra. I began to fight back so he (Tyrone) put his hands around

Name and Title of Person Completing Form	Signature
<u>Pamela Douglass, RN</u>	<u>Pamela Douglass</u>

PATIENT IDENTIFICATION

H [REDACTED], T [REDACTED]
 D00101331130 05/14/10
 05/14/10 VERGARA, THERESA
 DOB [REDACTED] F MR#D001919766
 Sunrise Hospital & Med Center


 SUNRISE
 HOSPITAL & MEDICAL CENTER


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 CHILDREN'S
 HOSPITAL

SCAN REPORT FORM (2 of 3)

WHITE - MEDICAL RECORDS CANARY - LAW ENFORCEMENT PINK - SCAN

Peds 002

JAMES0065

PA095

SCAN REPORT FORM
Additional Narrative (if necessary)

Narrative (indicate each historian): my (T [REDACTED]) new & began to choke me. He (Tyrone) then dragged me (T [REDACTED]) by the wrists to the living room. He (Tyrone) pulled my pants off & put his fingers inside me (T [REDACTED]) (when asked where fingers placed - stated vagina). He (Tyrone) had some kind of rubber glove on his hand. He (Tyrone) then began to rub his penis on the lips of my (T [REDACTED]) vagina for several seconds. I (T [REDACTED]) fought him (Tyrone) the entire time by screaming, hitting, & slapping him (Tyrone). After Tyrone stopped, I (T [REDACTED]) told him (Tyrone) I needed to get ready for school. I (T [REDACTED]) got dressed for school & Tyrone drove me to school. He (Tyrone) asked if I (T [REDACTED]) was going to tell anyone & I (T [REDACTED]) told him (Tyrone) "No". I (T [REDACTED]) was afraid if I said yes, He (Tyrone) might take me somewhere & hurt or kill me."

Printed Name and Title of Person Completing Form	Signature
Pamela Douglass, M	Pamela Douglass, M

PLACE PATIENT STICKER HERE

H [REDACTED], T [REDACTED]
D00101331130 05/14/10
05/14/10 VERGARA, THERESA
DOB: [REDACTED] F/ [REDACTED] MR#D001919766
Sunrise Hospital & Med Center


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HOSPITAL

SCAN REPORT FORM (3 of 3)

WHITE - MEDICAL RECORDS CANARY - LAW ENFORCEMENT PINK - SCAN

Peds 003

JAMES0066

PA096

I. HISTORY/SOURCE: _____

Notes from History: _____

Live up to her - 1st time sexual
9am

1st time sexual - 1st time sexual

Reported her her shirt

2nd time sexual

Medication Allergies: _____

Current or Recent Antibiotics: _____

Physical Symptoms: dysuria, enuresis, encopresis, genital discharge bleeding, rectal pain, rectal bleeding

Other: _____

Behavioral Changes: sexualized play, sleep disturbances

Other: _____

II. EXAMINATION:

Females only:

Exam position: ☒ Supine ☐ Knee-chest

Visualization of hymen: ☒ Traction ☐ Saline/Water
☐ Moist swab ☐ Catheter

Speculum used: ☐ Yes ☐ No

Males and Females:

Tanner Genitalia: I II III IV V

Notes from Physical Examination: (behavior during examination, other general physical findings, general appearance, etc.)

III. PHOTODOCUMENTATION:

Genitals: Colposcopy done: ☒ Photo ☐ Video

Body: ☐ Police/Crime Scene Personnel
☐ Physician

IV. LABS ORDERED:

Gonorrhea and Chlamydia cultures:

Cervical ☒ GC ☒ Chlamydia
Vaginal ☐ GC ☐ Chlamydia
Rectal ☐ GC ☐ Chlamydia
Urethral ☐ GC ☐ Chlamydia
Throat ☐ GC

☐ Urine NAAT for GC ☐ Urine NAAT for Chlamydia

Pregnancy tests: ☐ Serum HCG ☒ Urine HCG

Urine studies: ☒ U/A ☒ Urine culture

Other specimens: ☐ Wet Prep/motile sperm
☐ Vaginal C & S ☐ Herpes Cx

Serum/Blood Tests: ☒ HIV ☒ RPR/VDRL ☐ Hep Panel
☐ Other: _____

Toxicology: ☒ ETOH ☐ UDS ☐ TOX II

V. Sexual Assault Evidence Collection Kit:

☒ Kit Collected ☐ N/A

If a kit was collected, indicate approximate time of last alleged inappropriate contact, if known: _____

Fluorescence (describe): _____

VI. Treatment:

☐ Suprax 400 mg PO
☐ Ceftriaxone 250mg IM
☐ Azithromycin 1 gram or 40 mg/kg PO
☐ Flagyl 2 grams or 40/mg/kg PO
☐ OVRAL 2 tabs now, then 2 tabs 12 hours after first 2 tabs (consider Phenergan for nausea)

Other: _____

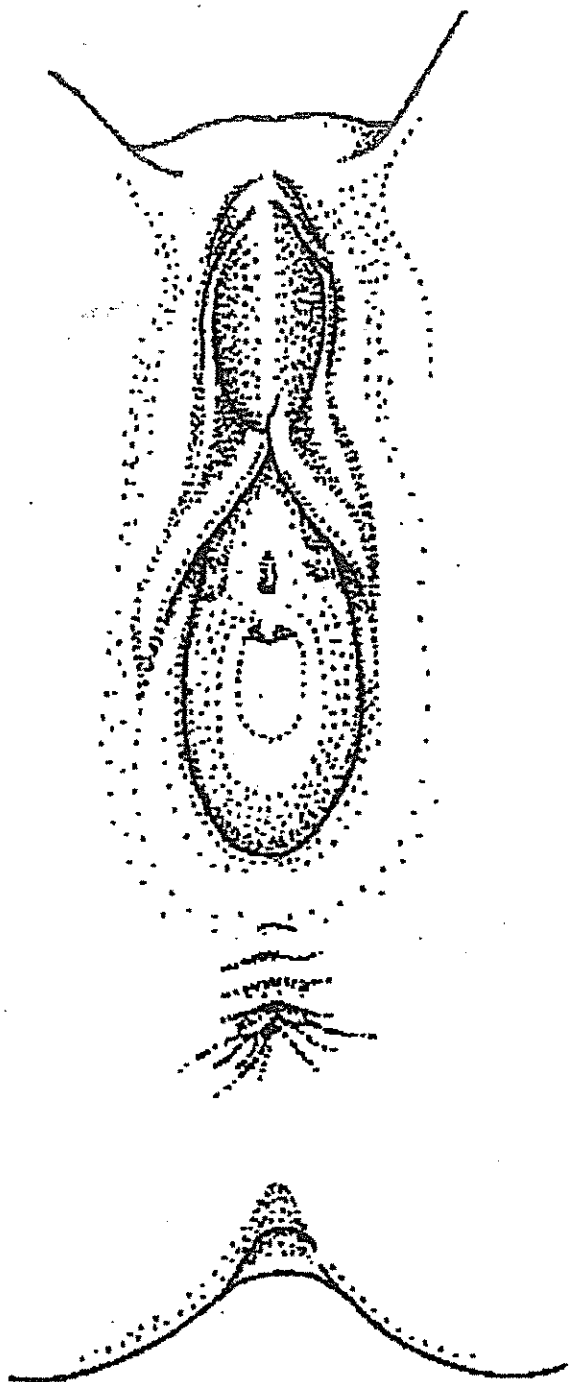
PATIENT IDENTIFICATION

H [redacted]
DOB 05/14/10
MR#0001919766
Sunrise Hospital & Med Center

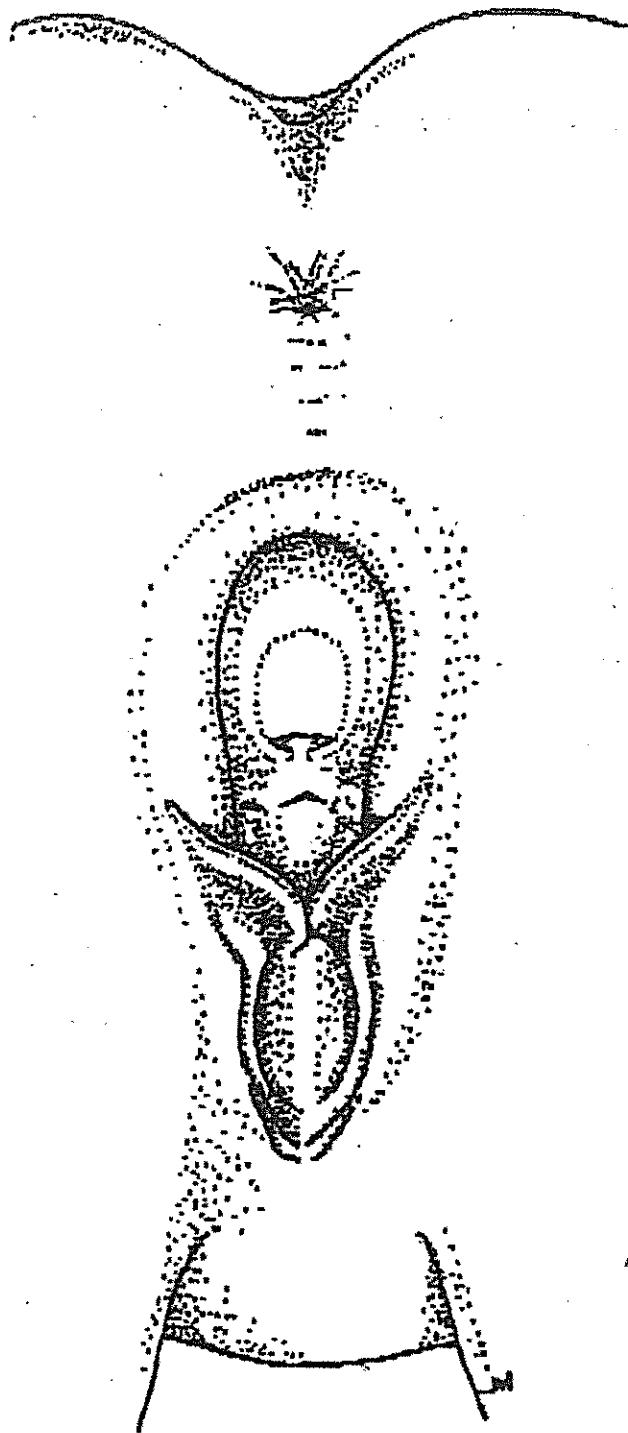


Child/Adolescent Sexual Abuse/Assault Forensic Medical Examination Report

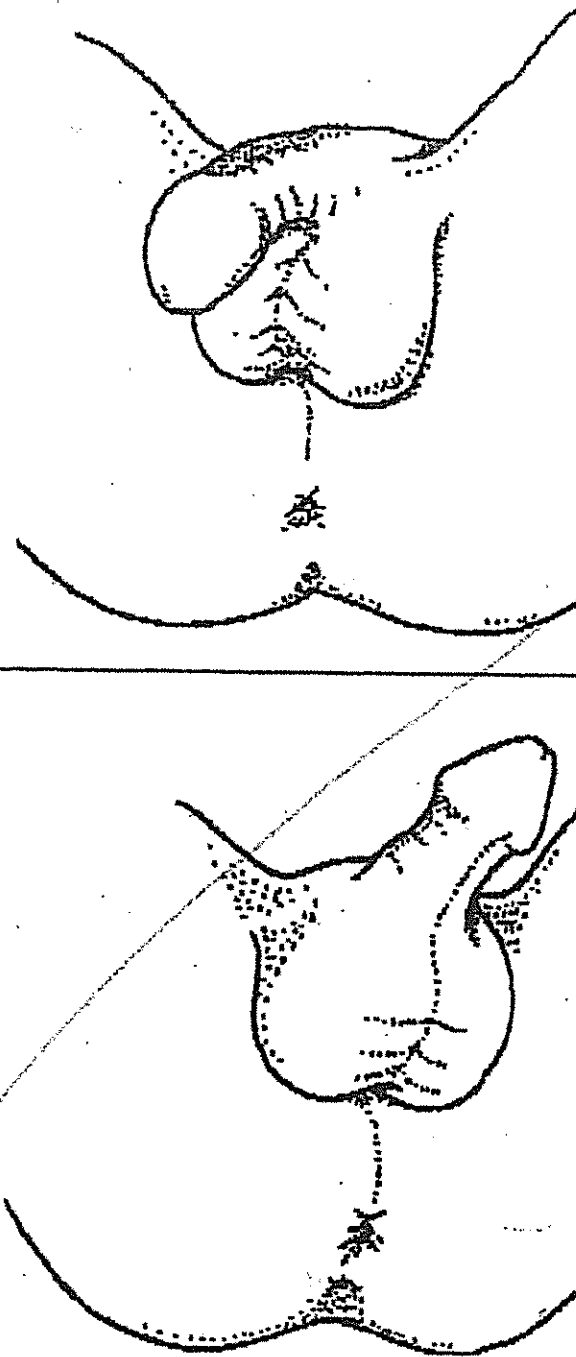
Examination of the External Genitalia and Perineal Area
 Draw shape of hymen and anus. Draw any lesions of genitalia, perineum or buttocks.



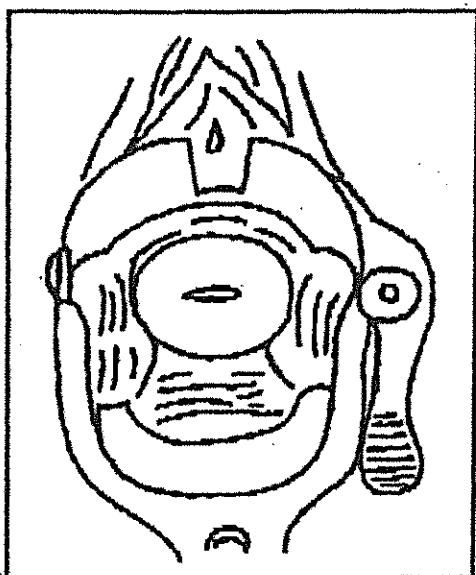
Supine- female



Knee-chest - female



Penis-male



Speculum- female

Comments: (Draw and describe any discharge, lesions, etc.)

Discharge site & description:

*generalized swelling
 most intense at vaginal introitus*

Other:

*no lesions
 no lesions
 no lesions*

Signature of Examiner: *W. Garcia*

PATIENT IDENTIFICATION

H [redacted] T [redacted]
 D00101331130 05/14/10
 05/14/10 VERGARA THERESA
 DOB [redacted] F/ [redacted] MR#D001919766
 Sunrise Hospital & Med Center

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 HOSPITAL

**Child/Adolescent Sexual Abuse/Assault
 Forensic Medical Examination Report**

Page 2 of 4

Peds 010

WHITE - Medical Record YELLOW - Law Enforcement PINK - SCAN

JAMES0068

PA098