

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

DARION MUHAMMAD-COLEMAN  
aka Darion Muhammadcoleman

Appellant,

vs

THE STATE OF NEVADA,

Respondent

Electronically Filed  
Oct 09 2017 02:18 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court  
**CASE NO.: 72867**

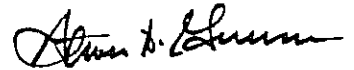
**APPELLANT'S APPENDIX**

**VOLUME 1**

**1-174**

**APPELLANT'S INDEX**

<b>Volume</b>	<b>Content</b>	<b>Page</b>
<b>1</b>	Notice of Appeal Judgment of Conviction Grand Jury Transcripts; (Vol 1) 9/19/2013 Grand Jury Transcripts; (Vol 2) 9/26/2013 Grand Jury Transcripts; (Vol 3) 10/10/2013 Amended Indictment	1-2 3-5 6-99 100-153 154-170 171-174
<b>2</b>	Case Summary Court Minutes 10/11/2013 through 3/28/2017	175-183 184-254
<b>3</b>	Deft. Motion to Continue Trial ExParte Motion for Order Shortening Time Calendar Call/Deft. Motion -Transcript Jury Trial Day 1- Transcript Jury Trial Day 2- Transcript Jury Trial Day 3- 1st Day of Testimony Transcript	255-280 281-283 284-292 293-296 297-307 308-418
<b>4</b>	Jury Trial Day 4- Transcript	419-614
<b>5</b>	Jury Trial Day 5- Transcript	615-819
<b>6</b>	Jury Trial Day 6- Transcript Jury Instructions Jury Trial Day 7- Transcript, Verdict, Sentencing	820-876 877-930 931-958



CLERK OF THE COURT

1 MICHAEL H. SCHWARZ, ESQ.  
2 Nevada Bar No. 5126  
3 630 South 7<sup>th</sup> Street  
4 Las Vegas, NV 89101  
5 702- 598-3909  
6 702-366-0280 f  
7 michaelhschwarz@gmail.com

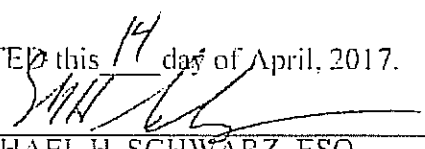
DISTRICT COURT  
CLARK COUNTY, NEVADA

8 THE STATE OF NEVADA	)	CASE NO: C-13-293296-2
9 Plaintiff,	)	
10 vs.	)	DEPT. NO.: 11
11 DARION MUHAMMAD-COLEMAN	)	
12 1144228	)	
Defendant.	)	

NOTICE OF APPEAL

15 TO: THE STATE OF NEVADA, Plaintiff.  
16 TO: CLARK COUNTY DISTRICT ATTORNEY, Attorney for Plaintiff; and  
17 DARION MUHAMMAD- COLEMAN by and through his attorney, MICHAEL H. SCHWARZ,  
18 ESQ., hereby appeals to the Supreme Court of Nevada from the Judgment of Conviction (Jury Trial)  
19 entered in this action on the 29<sup>th</sup> day of March, 2017.

20 DATED this 14 day of April, 2017.

21   
22 MICHAEL H. SCHWARZ, ESQ.  
23 Nevada Bar No. 5126  
24 630 South 7th Street  
25 Las Vegas, Nevada 89101  
26 702-598-3909  
27 Attorney for Defendant  
28 Darion Muhammad-Coleman

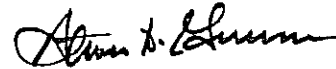
1  
2 CERTIFICATE OF MAILING

3 I, the undersigned, hereby acknowledge that on the 14 day of April, 2017  
4 that I personally deposited the above and foregoing NOTICE OF APPEAL in a postage prepaid  
5 envelope, in the United States Mail and by electronic service.

6 Steven B. Wolfson  
7 Clark County District Attorney  
8 200 E. Lewis, 3<sup>rd</sup> Floor  
9 Las Vegas, Nevada 89101  
10 motions@clarkcountynvda.com

Darion Muhammad-Coleman #1144228  
HDSP  
P.O. Box 650  
Indian Springs, Nevada 89070

11 Michael H. Schwarz  
12 Michael H. Schwarz, Esq.  
13  
14  
15  
16  
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CLERK OF THE COURT

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

DARION MUHAMMAD-COLEMAN,  
#2880725  
Aka Darion Muhammadcoleman

Defendant.

CASE NO. C293296-2

DEPT. NO. III

JUDGMENT OF CONVICTION  
(JURY TRIAL)

The Defendant previously entered a plea of not guilty to the crimes of COUNT 1 – CONSPIRACY TO COMMIT ROBBERY (Category B Felony – NRS 200.380, 199.480); COUNT 2 – ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony – NRS 200.380, 193.330, 193.165); COUNT 3 – MURDER WITH USE OF A DEADLY WEAPON (Category A Felony – NRS 200.010, 200.030, 193.165); COUNT 4 – BATTERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.481); COUNT 5 – ASSAULT WITH A DEADLY WEAPON (Category B Felony – NRS 200.471); COUNT 6 – CONSPIRACY TO VIOLATE UNIFORM CONTROLLED SUBSTANCES ACT (Category C Felony – NRS 453.401) and COUNT 7 – ATTEMPT TO POSSESS CONTROLLED SUBSTANCE (Category E Felony/Gross Misdemeanor – NRS 453.336, 193.330); and the matter having been tried before a jury and the Defendant having been found guilty of the crimes of COUNT 3 – MURDER WITH USE

☐ Jury Trial  
☐ Dismissed (during trial)  
☐ Acquittal  
☐ Guilty Plea with Sent. (during trial)  
☒ Conviction

1 OF A DEADLY WEAPON (Category A Felony – NRS 200.010, 200.030, 193.165);  
2 COUNT 4 – BATTERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS  
3 200.481); COUNT 6 – CONSPIRACY TO VIOLATE UNIFORM CONTROLLED  
4 SUBSTANCES ACT (Category C Felony – NRS 453.401) and COUNT 7 – ATTEMPT  
5 TO POSSESS CONTROLLED SUBSTANCE (Category E Felony/Gross Misdemeanor -  
6 - NRS 453.336, 193.330); thereafter, on the 28<sup>th</sup> day of March, 2017, the Defendant was  
7 present in court for sentencing with his counsel MICHAEL H. SCHWARZ, Esq., and  
8 good cause appearing,

9 THE DEFENDANT IS HEREBY ADJUDGED guilty of said crime as set forth in  
10 the jury's verdict and, in addition to the \$25.00 Administrative Assessment Fee, \$150.00  
11 DNA Analysis Fee; \$750.00 Indigent Defense Civil Assessment Fee, and a \$250.00  
12 Fine, the Defendant is SENTENCED as follows:

13 COUNT 3 - TO LIFE with a MINIMUM parole eligibility of TWO HUNDRED  
14 FORTY (240) MONTHS in the Nevada Department of Corrections (NDC), plus a  
15 CONSECUTIVE sentence of a MINIMUM of SIXTY (60) MONTHS and a MAXIMUM of  
16 TWO HUNDRED AND FORTY (240) MONTHS for the Deadly Weapon Enhancement,  
17 for a total AGGREGATE sentence of LIFE with the possibility of parole after a  
18 MINIMUM of THREE HUNDRED (300) MONTHS has been served;

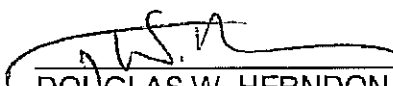
19 COUNT 4 – a MINIMUM of FORTY-EIGHT (48) MONTHS and a MAXIMUM of  
20 ONE HUNDRED TWENTY (120) MONTHS in the Nevada Department of Corrections  
21 (NDC), CONCURRENT with COUNT 3;

22 COUNT 6 – a MINIMUM of TWENTY-FOUR (24) MONTHS and a MAXIMUM of  
23 SIXTY (60) MONTHS in the Nevada Department of Corrections (NDC), CONCURRENT  
24 with COUNT 3; and

25 COUNT 7 – Defendant is adjudicated guilty of the **Felony** and is sentence to a  
26 MINIMUM of NINETEEN (19) MONTHS and a MAXIMUM of FORTY-EIGHT (48)  
27 MONTHS in the Nevada Department of Corrections (NDC) to run CONCURRENT with  
28 COUNT 3, and CONSECUTIVE to Case C299066.

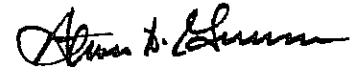
1 IT IS FURTHER ORDERED that the Defendant shall receive SEVEN HUNDRED  
2 TWENTY (720) DAYS credit for time served.

3  
4 DATED this 29<sup>th</sup> day of March, 2017.

5  
6  
7   
8 DOUGLAS W. HERNDON  
9 DISTRICT JUDGE  
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*DM*

EIGHTH JUDICIAL DISTRICT COURT  
CLARK COUNTY, NEVADA

  
CLERK OF THE COURT

THE STATE OF NEVADA, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
DUSTIN BLEAK, aka Dustin Charles )  
Bleak, DARION MUHAMMAD-COLEMAN, )  
aka Darion Muhammadcoleman, )  
 )  
Defendants. )

GJ No. 12BGJ159A-B  
DC No. C293296

Taken at Las Vegas, Nevada  
Thursday, September 19, 2013  
1:44 p.m.

REPORTER'S TRANSCRIPT OF PROCEEDINGS

VOLUME 1

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



1 GRAND JURORS PRESENT ON SEPTEMBER 19, 2013

2

3 ELGIN SIMON, Deputy Foreperson

4 SHARON HOWARD, Secretary

5 LINDA NITZ, Assistant Secretary

6 KATHY ACEVEDO

7 JEFFREY CARSON

8 TERESA GOSS

9 KAREN GRAVLIN

10 EVA HENDERSON

11 RICHARD HOWE

12 TEMPLE KINYON

13 LOIS KLEVELAND

14 KARL MEISENHEIMER

15 NANETTE OAKLEAF

16 MICHELLE SANTIAGO

17 LINDA TRECHTER

18

19 Also present at the request of the Grand Jury:

20 Patrick Burns & Caroline Bateman,  
21 Deputy District Attorneys

22

23

24

25

INDEX OF WITNESSESExamined

LISA GAVIN

7

RICHARD MCCAMPBELL

19

MICHAEL HERROD

67

INDEX OF EXHIBITSGrand Jury ExhibitsIdentified

1 - PROPOSED INDICTMENT	5
2 - PHOTOGRAPH	13
3 - PHOTOGRAPH	14
4 - PHOTOGRAPH	10
5 - PHOTOGRAPH	13
8 - PHOTOGRAPH	67
9 - PHOTOGRAPH	69
10 - PHOTOGRAPH	77
11 - MAP	33
12 - PHOTOGRAPH	20
13 - PHOTOGRAPH	20
14 - 16 - PHOTOGRAPHS	41
17 - PHOTO LINE-UP & WITNESS INSTRUCTIONS	24
18 - PHOTO LINE-UP & WITNESS INSTRUCTIONS	28
19 - PHOTO LINE-UP & WITNESS INSTRUCTIONS	29
22 - VIDEO	42

1 LAS VEGAS, NEVADA, SEPTEMBER 19, 2013

2 \* \* \* \* \*

3  
4 DANETTE L. ANTONACCI,

5 having been first duly sworn to faithfully  
6 and accurately transcribe the following  
7 proceedings to the best of her ability.  
8

9 MR. BURNS: Ladies and gentlemen of the  
10 Grand Jury, my name is Patrick Burns. I'm a deputy DA  
11 in the Clark County District Attorney's Office. I'm  
12 joined by my colleague Caroline Bateman who is in the  
13 other room and will be in here shortly. She's also a  
14 deputy in our office. We're going to be presenting the  
15 case Grand Jury Case Number 12BGJ159AB, State of Nevada  
16 versus Charles Bleak and Darion Muhammad-Coleman.

17 The record will reflect that we have marked  
18 a copy of the Indictment as Exhibit 1 and that the grand  
19 jurors have a copy of it. The defendant in this case  
20 are charged with the following crimes: Count 1,  
21 conspiracy to commit robbery; Count 2, attempt robbery  
22 with use of a deadly weapon; Count 3, murder with use of  
23 a deadly weapon; Count 4, battery with use of a deadly  
24 weapon; Count 5s through 7, assault with a deadly weapon  
25 relating to defendant Darion Muhammad-Coleman only;

1 Count 8, conspiracy to violate the Uniform Controlled  
2 Substances Act; Count 9, attempt to possess controlled  
3 substance.

4 I just want to inform the ladies and  
5 gentlemen of the Grand Jury that this will be a  
6 bifurcated presentation. We'll not be asking you to  
7 deliberate today and before you do deliberate we'll  
8 provide you an extensive set of jury instructions for  
9 you to be aided in your deliberations.

10 Do the ladies and gentlemen of the Grand  
11 Jury have any questions at this point?

12 Okay. Our first witness is going to be  
13 Dr. Lisa Gavin.

14 THE FOREPERSON: Please raise your right  
15 hand.

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

20 THE WITNESS: I do.

21 THE FOREPERSON: Please be seated.

22 You are advised that you are here today to  
23 give testimony in the investigation pertaining to the  
24 offenses of one count conspiracy to commit robbery, one  
25 count attempted robbery with use of a deadly weapon, one

1 count murder with use of a deadly weapon, one count  
2 battery with use of a deadly weapon, three counts of  
3 assault with a deadly weapon, one count conspiracy to  
4 violate Uniform Controlled Substance Act, and one count  
5 attempt to possess controlled substance, involving  
6 Dustin Bleak and Darion Coleman.

7 Do you understand this advisement?

8 THE WITNESS: Yes.

9 THE FOREPERSON: Please state your first  
10 and last name and spell both for the record.

11 THE WITNESS: Good afternoon everyone. I'm  
12 Dr. Lisa Gavin. L-I-S-A, G-A-V-I-N.

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

17  
18 EXAMINATION

19  
20 BY MS. BATEMAN:

21 Q. Ma'am, how are you employed?

22 A. I'm currently employed as a medical  
23 examiner or a forensic pathologist at the Clark County  
24 Coroner's Office here in Las Vegas.

25 Q. And how long have you been so employed?

1 A. Almost four years now.

2 Q. Will you please briefly describe the  
3 education and training that you've undergone to perform  
4 your job as a medical examiner?

5 A. I did my medical school at the University  
6 of Connecticut School of Medicine in Connecticut. I  
7 went onto a pathology residency program in Hartford  
8 Hospital in Connecticut. I did a surgical pathology  
9 fellowship in Hartford Hospital in Connecticut. Then I  
10 went onto New Mexico where I was trained in forensic  
11 pathology. And then I came to be employed here in Las  
12 Vegas. I have a medical license to practice here in the  
13 State of Nevada.

14 Q. And have you previously testified in front  
15 of the Grand Jury as a medical examiner here in Clark  
16 County?

17 A. Yes, I have.

18 Q. And have you also previously testified in  
19 the Eighth Judicial District Court as a medical  
20 examiner?

21 A. Yes, I have.

22 Q. Is part of your job duty as a medical  
23 examiner to perform autopsies?

24 A. Yes, it is.

25 Q. And can you describe the purpose of an

1 autopsy?

2 A. The autopsy can help us generate the cause  
3 of death for an individual and help us with the manner  
4 of death as well.

5 Q. Are there other medical examiners in the  
6 Clark County Coroner's Office with whom you work?

7 A. Yes, there are.

8 Q. Is one of those medical examiners a Dr.  
9 Lary Simms?

10 A. Yes, he is.

11 Q. Are you familiar with Dr. Simms as an  
12 examiner at the Clark County Coroner's Office?

13 A. Yes, I am.

14 Q. And are you here today to testify as to the  
15 results from an autopsy that Dr. Simms performed?

16 A. Yes, I am.

17 Q. Is that in reference to autopsy coroner  
18 case number 1303901?

19 A. Yes.

20 Q. Have you had the opportunity to review the  
21 autopsy report as well as any photographs associated to  
22 that coroner case number?

23 A. Yes, I have.

24 Q. And is autopsy coroner case number 1303901  
25 related to an individual by the name of Dale Borero?



1 A. Yes.

2 Q. After viewing the autopsy report and  
3 photographs, can you describe any major external  
4 injuries there were to Mr. Borero?

5 A. Yes. Mr. Borero had a gunshot wound of his  
6 upper abdomen and a gunshot wound of his right leg that  
7 went in kind of behind the knee. In addition he had  
8 some minor abrasions, scrapes too.

9 Q. Ma'am, showing you what has previously been  
10 marked as Grand Jury Exhibits 2 through 5. Do you  
11 recognize Grand Jury Exhibits 2 through 5?

12 A. Yes.

13 Q. And specifically in reference to Grand Jury  
14 Exhibit Number 4, what do you recognize that to be?

15 A. Exhibit Number 4 contains a very closeup  
16 shot of the sutures for attempted medical intervention  
17 adjacent to an entrance gunshot wound. This entrance  
18 gunshot wound happens to be located on the abdomen  
19 although you can't interpret it based on this closeup  
20 shot. I know because I reviewed the pictures  
21 beforehand.

22 Q. And ladies and gentlemen, this is just a  
23 brief view of Grand Jury Exhibit 4.

24 A. May I?

25 Q. Yes.

1           A.       Let's see. This area was the area of  
2 suture. The incision that was made, they had done  
3 what's called a thoracotomy where they literally cut the  
4 side of the chest and attempt to put their hand in and  
5 try to get the heart massaged to get it pumping some  
6 more. It's kind of a last ditch effort to try to save  
7 someone.

8                   Can everybody hear me?

9           A JUROR: Yes.

10           THE WITNESS: Okay. Below that right here  
11 is a circular injury and that's an entrance gunshot  
12 wound. What makes that an entrance gunshot wound is  
13 because there is an abraded edge to it, so like when the  
14 missile or bullet goes into the body it pushes the skin  
15 inward and causes a scrape, essentially which we call an  
16 abrasion. So it makes this abraded cuff around the  
17 defect in the center as it enters in and those are  
18 characteristics of an entrance gunshot wound.

19                   Of note, things that are missing here that  
20 we sometimes look for, would be the example of soot  
21 present on the wound or stippling around and adjacent to  
22 the wound. Those would represent elements of range of  
23 fire. For example, if you have soot present it suggests  
24 that you're dealing with a contact or a close range. If  
25 you have stippling present, which is from the gun powder

1 as it goes out and burns into the skin, that's kind of a  
2 little further away but not right adjacent to the skin  
3 in terms of the range of fire. In this case we have  
4 neither of those. So the range becomes indeterminate.  
5 We don't know how far back the weapon is, but we can say  
6 based on this interpretation of the skin wound that it's  
7 not close and adjacent to it. Of course that changes a  
8 little bit if you have somebody that has clothing on or  
9 something like that that may have absorbed that soot or  
10 something like that. So this is indeterminate entrance  
11 gunshot wound, indeterminate range.

12 A JUROR: May I ask a question?

13 MS. BATEMAN: I think at the end --

14 MR. BURNS: Sure.

15 MS. BATEMAN: Oh sure. Yes, sir.

16 BY A JUROR:

17 Q. Is the entrance wound significantly  
18 different from say a hollow point to a regular  
19 projectile?

20 A. The differences that we can see in terms of  
21 weapons tend to be related more to the larger caliber  
22 weapons versus the medium and small caliber weapons.  
23 Like, for example, a shotgun would give a very different  
24 impression on the body than a handgun for example. A  
25 high powered military rifle the same. When you start to

1 get into more of these medium caliber ammunitions and  
2 these medium caliber weapons the skin doesn't really  
3 change too much in relationship to that. The skin is  
4 very elastic so once that projectile makes its entry  
5 point, it really has a similar appearance each time to,  
6 the damage has a similar appearance each time.

7 Q. Thank you.

8 BY MS. BATEMAN:

9 Q. And ma'am, showing you Grand Jury Exhibit  
10 Number 5, what do you recognize that to be?

11 A. These are the back of the decedent's legs.  
12 This one isn't quite cleaned up yet. But in this area  
13 you can see an element of injury. There is some blood  
14 around it, but in the center, I'm hoping some of you can  
15 see it, there is another entrance gunshot wound that has  
16 similar characteristics and then it has that abraded  
17 pattern around the outside of the defect. It does not  
18 have the soot and it does not have the stippling so  
19 again we're dealing with an entrance gunshot wound, this  
20 time of the back of the leg, and it's indeterminate  
21 range.

22 Q. Thank you.

23 And showing you Grand Jury Exhibit 2, what  
24 does that depict?

25 A. This is the anterior torso of the decedent

1 and it shows evidence of the medical intervention where  
2 we talked about where they tried to enter in the chest  
3 to try to massage the heart and they also had done an  
4 incision in the center of the abdomen to try to get in  
5 there and see what damage was caused by the missile, the  
6 bullet going through the body. And if you look really  
7 closely near here, the entrance wound is present there  
8 on the abdomen that we talked about. So it's  
9 adjacent -- actually, my apologies -- it's adjacent to  
10 the abdominal incision, not the thoracotomy like I said  
11 before. It was my error. It's in the abdomen adjacent  
12 to the abdominal incision.

13 Q. And finally showing you Grand Jury Exhibit  
14 Number 3, what do you recognize that to be?

15 A. This is an overall picture of the  
16 decedent's face as well to help you with identification  
17 and then giving the overall picture again of where the  
18 medical intervention occurred on the side of the chest  
19 and down the center of the abdomen. And again over  
20 here, it's harder to see because obviously it's further  
21 away, is where the entrance wound for the abdomen is  
22 located. You can't quite see the one that's present  
23 down on the right leg here because it's at the back.

24 Q. Thank you.

25 A. You're welcome.

1 Q. Ma'am, can you tell us how these pictures  
2 correspond to the autopsy report?

3 A. These particular photos don't have the  
4 identifier in them. I'm not sure if these were taken by  
5 law enforcement. Normally what we do with our cases is  
6 we have, once the number to the case is provided we will  
7 write that on the toe tag and then that toe tag will be  
8 put onto the body and then at that point in time our  
9 autopsy reports will correspond to that. During the  
10 processing period with the photographs we usually have a  
11 little gray card that's present and we'll basically  
12 rubber stamp on there the autopsy number and then put  
13 that in each of the pictures. While we're taking our  
14 pictures that have the gray card present in them,  
15 simultaneously law enforcement is taking theirs during  
16 the processing part. I believe these are done by law  
17 enforcement because I don't see the gray card in them.  
18 But I can tell you having reviewed them that this is in  
19 fact the decedent and these are in fact his injuries.

20 Q. Ma'am, do you know if any bullets were  
21 recovered from Mr. Borero's body?

22 A. Yes.

23 Q. From where were they recovered?

24 A. The entrance wound to the abdomen ended up  
25 going through the diaphragm, through the liver, through

1 what's known as the inferior vena cava which is one of  
2 the big vessels located in your body that carries blood  
3 back from the body to the heart. So the bullet went  
4 through that and then also damaged the aorta and then  
5 ended up becoming lodged in the spine. So the bullet  
6 essentially traversed that entire area. Consequently  
7 there was blood present within the abdomen as well as  
8 within the chest cavity. So one bullet was recovered  
9 there from the spine.

10           Regarding the shot that occurred to the  
11 back of the leg, it went through some of the tissue that  
12 was present back there, and again the missile, I call it  
13 missiles, but bullets were recovered, one bullet was  
14 recovered from that area as well.

15           Q.     Other than the gunshot wounds, were there  
16 any other significant external injuries to Mr. Borero?

17           A.     As I said there were minor abrasions.

18           Q.     And based on your review of the autopsy  
19 report as well as the photographs associated with this  
20 case, do you have an opinion as to the cause of death of  
21 Dale Borero?

22           A.     Yes, I do.

23           Q.     What is that opinion?

24           A.     He died of multiple gunshot wounds.

25           Q.     And do you have an opinion as to the manner

1 of death of Mr. Borero?

2 A. Yes, I do.

3 Q. What is that opinion?

4 A. Homicide.

5 MS. BATEMAN: I have no further questions  
6 of this witness. Do any members of the Grand Jury have  
7 any questions?

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

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

20 Do you understand this admonition?

21 THE WITNESS: I do.

22 THE FOREPERSON: Thank you. You're  
23 excused.

24 THE WITNESS: Thank you.

25 MR. BURNS: Ladies and gentlemen, the



1 State's next witness is going to be Richard McCampbell.

2 THE FOREPERSON: Please raise your right  
3 hand.

4 You do solemnly swear the testimony you are  
5 about to give upon the investigation now pending before  
6 this Grand Jury shall be the truth, the whole truth, and  
7 nothing but the truth, so help you God?

8 THE WITNESS: I do.

9 THE FOREPERSON: Please be seated.

10 You are advised that you are here today to  
11 give testimony in the investigation pertaining to the  
12 offenses of one count conspiracy to commit robbery, one  
13 count attempt robbery with use of a deadly weapon, one  
14 count murder with use of a deadly weapon, one count  
15 battery with the use of a deadly weapon, three counts  
16 assault with a deadly weapon, one count conspiracy to  
17 violate Uniform Controlled Substance Act, one count  
18 attempt to possess a controlled substance, involving  
19 Dustin Bleak and Darion Mohammad.

20 Do you understand this advisement?

21 THE WITNESS: Yes, sir.

22 THE FOREPERSON: Please state your first  
23 and last name and spell both for the record.

24 THE WITNESS: Richard McCampbell.

25 R-I-C-H-A-R-D, M-C-C-A-M-P-B-E-L-L.

1 THE FOREPERSON: Thank you.

2 RICHARD MCCAMPBELL,

3 having been first duly sworn by the Foreperson of the  
4 Grand Jury to testify to the truth, the whole truth,  
5 and nothing but the truth, testified as follows:

6  
7 EXAMINATION

8  
9 BY MR. BURNS:

10 Q. Good afternoon Mr. McCampbell. Do you mind  
11 if I call you Richard?

12 A. Yes, sir.

13 Q. Okay. Richard, what do you do for work?

14 A. I do mechanic work.

15 Q. And do people sometimes refer to you as  
16 Mechanic?

17 A. Yes, sir.

18 Q. I want to draw your attention specifically  
19 to April 19, 2013, around 6:00 to 7:00 p.m. Had you  
20 been doing some mechanic work before that on that day?

21 A. Yes, sir.

22 Q. And after you finished your work -- well,  
23 let me ask you this. What kind of car were you using to  
24 drive around that day?

25 A. Sky blue 1990 Cadillac Fleetwood Brougham.

1 Q. A Brougham?

2 A. Yes, sir.

3 Q. Did that have a license number 441YVU?

4 A. Yes, sir.

5 Q. Now Richard, I want to show you what has  
6 been marked as Grand Jury Exhibits 12 and 13. Just let  
7 me know if you recognize what those, what's in those  
8 pictures.

9 A. That's my Cadillac.

10 Q. Is that the one you were driving on  
11 April 19th?

12 A. Yes, sir.

13 Q. Is that a fair and accurate depiction of  
14 your car about that time?

15 A. Yes, sir.

16 Q. These pictures are actually taken a couple  
17 days after that; correct?

18 A. Right.

19 Q. Now publishing for the Grand Jury just  
20 Number 13, the Cadillac Brougham.

21 Now Richard, after you finish your work,  
22 where do you go around 6:00 to 7:00 p.m.?

23 A. To the 7-Eleven.

24 Q. Okay. And when you're at the 7-Eleven do  
25 you go in and buy something?

1           A.     Yes, sir.

2           Q.     What's that?

3           A.     Two bottles of MD 20/20. And a Loko.

4           Q.     Getting some drinks after work kind of

5 deal?

6           A.     Right.

7           Q.     Once you got your drinks at the -- and the

8 7-Eleven, where is it located?

9           A.     Right behind the Stratosphere.

10          Q.     Is that near an area called, people refer

11 to as the Naked City?

12          A.     Yes, sir.

13          Q.     Now once you finished getting your

14 drinks -- and is that area all located in Clark County,

15 Nevada?

16          A.     Yes, sir.

17          Q.     And Richard, after you get the drinks, do

18 you go and hang out somewhere?

19          A.     Yes, I do.

20          Q.     Where did you go?

21          A.     I went to Philadelphia.

22          Q.     Is that Philadelphia Avenue?

23          A.     Street.

24          Q.     That's a street?

25          A.     Yes.

1 Q. Is that located in the Naked City?

2 A. Yes, it is.

3 Q. Richard, do you park your vehicle?

4 A. Yes, I do.

5 Q. Where did you park it?

6 A. Right next to the curb.

7 Q. And as you're sitting there are you  
8 relaxing?

9 A. Yes, I am.

10 Q. And at some point does someone that you  
11 know come up and ask you something?

12 A. Yes, sir.

13 Q. What happened. Tell the Grand Jury about  
14 that.

15 A. Well, I'm just sitting there kind of having  
16 a little drink and a gentleman comes up and taps on my  
17 window and asks me to give him a ride. And you know, I  
18 asked him where to and how long are you going to be and  
19 how long is it going to take.

20 Q. Let me stop you there. This guy that came  
21 up, had you ever met him before?

22 A. Yes, I have.

23 Q. And what did you know him by?

24 A. Money.

25 Q. And can you describe for us his age and

1 race and --

2 A. Well, he's African American. Probably he's  
3 a little taller than I was, but maybe about 5'11", maybe  
4 6-foot. Kind of thin built.

5 Q. Is he a young guy or an old guy?

6 A. Young guy, about 20.

7 Q. About 20?

8 A. Yeah.

9 Q. How did you know Money?

10 A. Well, I had given him, he has a little girl  
11 about two years old and I guess a girlfriend and I've  
12 given them rides to get some food or the laundry mat or  
13 the grocery store.

14 Q. So he's got a family and you've given the  
15 family rides places?

16 A. Right, exactly.

17 Q. And Richard, you're in the car business;  
18 correct?

19 A. Yes, sir.

20 Q. So is it the case that sometimes people ask  
21 you for rides to places?

22 A. Yes, sir.

23 Q. And when that happens what do they usually  
24 give you?

25 A. I usually ask for gas money.

1 Q. So when -- I want to show you first before  
2 we go on Grand Jury Exhibit Number 17. Did you on  
3 April 25th, did you meet with detectives and were you  
4 shown a photographic line-up?

5 A. Yes, I was.

6 Q. I'll show you Grand Jury Exhibit Number 17.  
7 Richard, do you recognize that exhibit?

8 A. Yes, sir, I do.

9 Q. How do you recognize it?

10 A. That's what the detective showed me.

11 Q. Is your signature on there?

12 A. Yes, sir.

13 Q. And are there some instructions for this  
14 photo line-up?

15 A. Yes, sir.

16 Q. And were those instructions read to you?

17 A. Yes, sir.

18 Q. And after they were read to you, you signed  
19 your name?

20 A. Yes, sir.

21 Q. And were you shown some pictures on the  
22 back page of it?

23 A. Yes, sir.

24 Q. And are there six pictures there?

25 A. Yes, sir.

1 Q. Is there a number under each position?

2 A. Yes, sir.

3 Q. And were you able to identify someone as  
4 being Money?

5 A. Yes, sir.

6 Q. And which position did you see a picture of  
7 Money?

8 A. Number 5.

9 Q. Going back to the first page, did you write  
10 out a statement also?

11 A. Yes, sir.

12 Q. What did you write?

13 A. I said number 5 is Money.

14 Q. And did you also sign after that?

15 A. Yes, I did.

16 Q. And did you provide the date and time?

17 A. Yes, sir.

18 Q. Richard, is this a fair and accurate copy  
19 of the photo ID line-up you did with detectives?

20 A. Yes, sir.

21 Q. I'll briefly publish this for the Grand  
22 Jury.

23 First page. Second page.

24 And Richard, what I'm pointing to, is that  
25 the person you selected?



1 A. Yes, sir.

2 Q. Is that your signature by his face?

3 A. Yes, sir.

4 Q. Now Richard, Money, did he want a ride  
5 somewhere?

6 A. Yes, sir, he did.

7 Q. And where did he want to go?

8 A. Sahara and Boulder Highway.

9 Q. And did you ask him kind of like what's the  
10 purpose of the trip, like what am I getting into?

11 A. Yes, exactly.

12 Q. What were you told?

13 A. He told me it would take five minutes, he's  
14 going to run in, run out, and I told him some gas, I  
15 told him \$10 for gas, and that was it.

16 Q. Did you think at that point like in the  
17 past you were going to take Money someplace for  
18 something he needed to do?

19 A. Right, exactly.

20 Q. About how many times have you done that  
21 with Money before?

22 A. About three or four times maybe.

23 Q. So at some point does Money get in the car?

24 A. Yes, he does.

25 Q. And at that point does anyone else join

1 you?

2 A. Yes, sir.

3 Q. And can you describe just briefly those  
4 gentlemen? Were they white, black, young or old?

5 A. They were light skinned. And they proceed  
6 to get in the car, in the back seat.

7 Q. Now on April 22nd did you do some photo ID  
8 line-ups with Detective Sam Smith?

9 A. Yes, sir.

10 Q. I'm going to be showing you first Grand  
11 Jury Exhibit Number 18. Let me ask you this first.

12 You have these two men. Were they white  
13 guys?

14 A. Yeah.

15 Q. Were they kind of different looking from  
16 each other?

17 A. Yes.

18 Q. Can you describe one, what was distinctive  
19 about one, what was distinctive about the other?

20 A. One had a ponytail and the other one kind  
21 of had a round like Elmer Fudge (sic) face; round, big  
22 ears, fat.

23 Q. Was he a tall guy?

24 A. No, he was short.

25 Q. Would you describe him as medium or

1 heavyset?

2 A. Heavyset.

3 Q. Now I want to show you Grand Jury Exhibit  
4 Number 18. Now is this a similar photo ID line-up form  
5 to the one we just talked about?

6 A. Yes, sir.

7 Q. Richard, there were some instructions on  
8 there?

9 A. Yes, sir.

10 Q. Were those read to you by the detective?

11 A. Yes, sir.

12 Q. Did you sign those?

13 A. Yes, sir.

14 Q. And turning to the back page, were you  
15 shown six pictures?

16 A. Yes.

17 Q. Were you able to identify anyone in that  
18 picture as being the heavyset guy?

19 A. Yes, sir.

20 Q. Which position picture did you locate?

21 A. Number 5.

22 Q. Is that the heavyset guy or the ponytail  
23 guy?

24 A. That's the heavyset.

25 Q. Briefly publishing this for the Grand Jury.

1 Did you circle anyone?

2 A. Yes, sir.

3 Q. Is that your circle?

4 A. Yes, sir.

5 Q. And did you sign that?

6 A. Yes, sir.

7 Q. Now Richard, after you signed that did you  
8 write a statement?

9 A. Yes, sir.

10 Q. Can you read that for the ladies and  
11 gentlemen of the Grand Jury?

12 A. I said number 5 looks like him because his  
13 ears stick out and a fat face and also out of the six  
14 people number 5 looks like the guy that was in my car.

15 Q. And did you also sign at the bottom of  
16 that?

17 A. Yes, sir.

18 Q. Now moving onto Grand Jury Exhibit  
19 Number 19. Were you shown -- what is Number 19. What's  
20 this exhibit?

21 A. Oh, just the same form.

22 Q. Is this another photo ID line-up?

23 A. Right. Yes.

24 Q. And again on this one -- I know I ask you  
25 these repetitive questions but it's just a legal thing

1 I've got to do. There are some instructions here. Were  
2 those read to you?

3 A. Yes, sir.

4 Q. Did you sign?

5 A. Yes, sir.

6 Q. Were you shown six pictures on the second  
7 page?

8 A. Yes, sir.

9 Q. Were you able to identify someone who had  
10 been in your car on April 19th?

11 A. Yes, sir.

12 Q. Which position did you pick?

13 A. Number 4.

14 Q. All right. And who is that person?

15 A. That was the guy with the ponytail.

16 Q. Publishing that for the Grand Jury.

17 Richard, the person in number 4, did you  
18 circle that?

19 A. Yes, sir.

20 Q. Did you sign it?

21 A. Yes, sir.

22 Q. And in that picture he's got his ponytail,  
23 it's not bound up, but does he appear to have long hair?

24 A. Right. Yes.

25 Q. And then Richard, did you write out a

1 statement?

2 A. Yes, sir.

3 Q. What was that?

4 A. I said I pick number 4 with the ponytail,  
5 that's the guy that was in my car.

6 Q. Did you sign at the end of that?

7 A. Yes, sir.

8 Q. And both of these exhibits, are they fair  
9 and accurate depictions, copies of the photo line-ups  
10 you did with Detective Sam Smith on April 22nd?

11 A. Yes, sir.

12 Q. Now at that point are you a little  
13 surprised there are additional people in your car?

14 A. Yes, I was.

15 Q. Did you nevertheless agree to take them  
16 where they wanted to go?

17 A. Yes, I did.

18 Q. Where's Money sitting?

19 A. In the front seat passenger side.

20 Q. So he entered on the right side of the  
21 vehicle?

22 A. Yes, sir.

23 Q. And where is pony, and I guess we'll just  
24 call the heavysset guy and then ponytail.

25 A. Okay.

1 Q. Ponytail being the guy in Exhibit 19 and  
2 the heavyset guy being the guy in Exhibit 18 if that's  
3 okay.

4 Where was the heavyset guy sitting?

5 A. In the passenger rear.

6 Q. Which side of the vehicle?

7 A. To the right.

8 Q. Is he sitting behind Money?

9 A. Right. Yes.

10 Q. Where is ponytail sitting?

11 A. Sitting right behind me, driver's side  
12 rear.

13 Q. And at some point do you guys drive to  
14 Eastern Avenue?

15 A. Yes, sir.

16 Q. And as you guys are driving around, does  
17 ponytail tell you to go somewhere?

18 A. He said he wanted to get a beer for his  
19 brother.

20 Q. And at some point do you find yourself in  
21 the area of kind of Fremont and Charleston area near  
22 Eastern as well?

23 A. Yeah.

24 Q. So you pull in somewhere to get the beers?

25 A. Right. Yes, sir.

1 Q. And this is ponytail who wants to get the  
2 beer?

3 A. Right.

4 Q. Does he says who he wants to get the beer  
5 for?

6 A. His brother.

7 Q. Who did you understand his brother to be?

8 A. The heavyset guy in the back seat.

9 Q. Now Richard, I'm going to show you, I'm  
10 going to put it on the overhead, Number 11. If you  
11 could please look at the screen. This is Grand Jury  
12 Exhibit 11. Richard, do you recognize that map and the  
13 area that's depicted?

14 A. Yes, sir.

15 Q. Richard, inside of this map is there the  
16 area where you guys end up pulling in for the beer?

17 A. Yes, sir.

18 Q. Let me ask you a few questions first  
19 setting the scene.

20 This big store here in the middle, what is  
21 that big structure?

22 A. Lowe's.

23 Q. All right. And down here in this area is  
24 there a hotel here or a motel?

25 A. Yes, sir.



1 Q. Do you know the name of that?

2 A. The Travelers I think it was.

3 Q. Is there a Travelers in the Lamplighter?

4 A. Yes, sir.

5 Q. And is this the Lamplighter or -- that's  
6 okay if you can't tell.

7 Where do you guys go to buy the beer?

8 A. We went through Lowe's parking lot and  
9 right on the left side is a little Dotty's and a little  
10 7-Eleven like store.

11 Q. Is that this area?

12 A. Yes, sir.

13 Q. So there's a 7-Eleven and a Dotty's there.  
14 What happens when you get there? How do you park?

15 A. Well, at first we pull in, I pulled in  
16 straight ahead, and he said no, don't park right there.

17 Q. Let me stop you there. Who said no don't  
18 park there?

19 A. It was either Money or ponytail, one of  
20 them said don't park there.

21 Q. Let me just ask you a legal question. That  
22 picture that's up there is a fair and accurate depiction  
23 of the area you were driving in on April 19th?

24 A. Yes.

25 Q. Thanks.

1                   How did they want you to park?

2           A.     They told me to pull around the side and  
3 park.

4           Q.     And what do you say?

5           A.     I'm saying why, why should I do that, I  
6 mean why do I have to do that. I didn't understand it,  
7 you know, what's the difference parking in front than  
8 parking on the side.

9           Q.     Did you ask them what they planned to do?

10          A.     I said well, what's your plan. I mean, I  
11 don't feel comfortable parking on the side. Why, why.  
12 Are you guys trying to hide something or something.

13          Q.     Are you getting a little anxious at that  
14 point?

15          A.     Yes, I am yes, I am suspicious.

16          Q.     Does ponytail try to reassure you or  
17 anyone?

18          A.     Yeah, they said it's all right. They call  
19 me old school mechanic and they're saying it's all  
20 right. And I'm saying don't feel comfortable doing  
21 this, parking on the side.

22          Q.     At some point do, what do you think is  
23 potentially going to happen that's bad?

24          A.     Well, you know if anything, I don't know,  
25 maybe fixin' to run in there and grab some beer or

1 something and run out and try to jump in my car. I mean  
2 what's the reason for me parking on the side to be able  
3 versus parking in front of the store, you know.

4 Q. Okay. Now at some point do people exit the  
5 vehicle?

6 A. Yes, they did.

7 Q. Who exits the vehicle?

8 A. All of them.

9 Q. Does a particular person go into the store  
10 or --

11 A. I believe ponytail went into the store.

12 Q. At this point what are Money and the  
13 heavyset guy doing?

14 A. They were standing in front of my car and  
15 they were just standing there kind of talking.

16 Q. Do they seem like they're talking about  
17 something important?

18 A. Well, I guess just general conversation.

19 Q. Can you hear them or not?

20 A. No, I can't hear them.

21 Q. So you're just judging just based on the  
22 body language?

23 A. Yes, sir.

24 Q. But you can tell they're speaking to each  
25 other?

1 A. Yes, they are.

2 Q. Do you recall telling detectives that you  
3 thought it was kind of a pow wow?

4 A. Yeah, I said, you know, what you all having  
5 a pow wow about, you know, what's really going on.

6 Q. Do you recall ever telling them "I really  
7 don't like the pow wow"?

8 A. Right, exactly, you know, what's...

9 Q. Why didn't you like the pow wow?

10 A. Well you know it's like it was a secret,  
11 secret conversation going on, and I'm like what's going  
12 on, what's up, you know.

13 Q. At this point had you made it clear that  
14 you just wanted to give him a ride for legit stuff?

15 A. That's it. That's it. That's all.

16 Q. Did you say that to them?

17 A. I did. I did. I said, you know, you asked  
18 for a ride to point A to point B, 5 minutes, and I said  
19 this is turning into something else, I don't like it and  
20 don't appreciate it.

21 Q. Let me stop you there. At some point does  
22 ponytail come out of the store?

23 A. Yes, they do.

24 Q. Does he have anything with him?

25 A. He have a beer.

1 Q. Do you remember just a description of the  
2 beer, kind of what it looked like?

3 A. It was in a bag.

4 Q. Did you ever see the beers?

5 A. No, I didn't.

6 Q. Now at that point do the heavysset guy and  
7 Money get back in the car?

8 A. Yes, sir. Everybody does.

9 Q. Then what is the direction at that point?

10 A. We go back through Lowe's parking lot  
11 and -- they didn't tell me which way to go.

12 Q. Okay. Did you tell them anything about how  
13 you're feeling about giving the ride at this point?

14 A. Well yeah, I'm voicing my opinion. I said  
15 I didn't ask to take you to all these different places,  
16 it's taking too long and I really don't like it,  
17 whatever your business is let's go do it or whatever.

18 Q. Do you remember telling detectives that you  
19 really didn't like the feeling you all are giving me?

20 A. You're right, exactly.

21 Q. "I don't like the feeling you're all giving  
22 me." You did say that?

23 A. Yes, I did.

24 Q. Now did they say anything to try to make  
25 you think everything was okay?

1           A.     Yeah, they kept calling me Mechanic, it's  
2 all right, it's going to be all right Mechanic, it's  
3 going to be all right.

4           Q.     And who calls you Mechanic?

5           A.     Money.

6           Q.     Okay. Let's go back to the map. My pen  
7 being north, what direction do you drive through the  
8 Lowe's parking lot?

9           A.     Back to the south I guess it would be,  
10 coming this way, south.

11          Q.     So you're driving south through the parking  
12 lot?

13          A.     Right.

14          Q.     I'm not asking you to get up. You have a  
15 bad knee, right?

16          A.     Right.

17          Q.     So if I point to something wrong just tell  
18 me if I've got it wrong.

19                   So you say you're going south through the  
20 parking lot?

21          A.     Yes.

22          Q.     Is that along the Lowe's store?

23          A.     Yes, sir.

24          Q.     Where do you end up in this area?

25          A.     Right there at the stoplight, right there.

1 Q. Okay. And when you're at the stoplight  
2 what lane are you in at first?

3 A. First I'm in the right lane.

4 Q. Do you ever get any instructions?

5 A. He tells me no, get in the left lane.

6 Q. Who tells you that?

7 A. Money.

8 Q. So getting in the left lane. Do you at  
9 that point, so this is just the exit to Fremont Street;  
10 correct? Is that right?

11 A. Yes.

12 Q. So you're in the left lane. Do you pull  
13 out onto Fremont Street?

14 A. Yes, we do.

15 Q. And are you going north or south at that  
16 point?

17 A. South.

18 Q. And about how far do you go?

19 A. We go down to where you can U-turn to go to  
20 the hotel.

21 Q. All right. So you go south on Fremont, you  
22 make a U-turn?

23 A. Right.

24 Q. And then are you going north at that point?

25 A. Right. Exactly.

1 Q. You said something about a hotel. Tell us  
2 about that.

3 A. Well, it was like a one way in and one way  
4 out hotel.

5 Q. And do you see it depicted in this picture?

6 A. Yes, sir, I see it.

7 Q. And is this the area?

8 A. Yes, sir.

9 Q. And so you pull in there. What are you  
10 being told at this point?

11 A. Told me to pull in there and park.

12 Q. I'm going to show you some exhibits real  
13 quick. So let me be clear. Are you in, you're in the  
14 hotel parking lot at this point?

15 A. Yes, sir.

16 Q. Richard, I'm going to show you Grand Jury  
17 Exhibits 14 through 16. Do you recognize those?

18 A. Yes, sir.

19 Q. And what are those pictures of?

20 A. It's me pulling into the parking lot and at  
21 first I'm parking.

22 Q. And is this the hotel that we've been  
23 talking about?

24 A. Yes, sir.

25 Q. April 19, 2013?



1 A. Yes, sir.

2 Q. And these are all fair and accurate  
3 depictions?

4 A. Yes, sir.

5 Q. Richard, have you watched some video of  
6 that night in the parking lot at the hotel?

7 A. Yes, sir.

8 Q. If I could just have the Grand Jury's  
9 indulgence while I turn our screen over.

10 And for the record this will be Grand Jury  
11 Exhibit 22.

12 Richard, on this screen do you see a number  
13 of little camera angles?

14 A. Yes, sir.

15 Q. But just one of them is lit up right now?

16 A. Right.

17 Q. In the one that you can see, do you  
18 recognize that area?

19 A. Yes, sir.

20 Q. And what is that?

21 A. That's the parking lot of the hotel.

22 Q. All right. And is that on the evening  
23 we've been talking about?

24 A. Yes, sir.

25 Q. And that's a fair and accurate depiction?

1 A. Yes, sir.

2 Q. And I apologize for not fast forwarding  
3 through some of this. The controls on this are a little  
4 bit unwieldy.

5 All right. Richard, up on the screen we  
6 see a vehicle. Do you recognize that vehicle?

7 A. Yes, sir.

8 Q. What's that?

9 A. My car.

10 Q. Now are you pulling into the parking lot?

11 A. Yes, sir.

12 Q. Now in this frame, it's camera 4 for the  
13 record on Exhibit 22, just describe what's going on  
14 here.

15 A. I was told to park by the white car.

16 Q. Who told you to do that?

17 A. Money.

18 Q. Money told you to do that?

19 A. Yeah.

20 Q. At some point does someone tell you to park  
21 somewhere else?

22 A. Then ponytail tells me to back in.

23 Q. Ponytail wants you to back into the spot?

24 A. Yeah.

25 Q. Let me ask you a question. In this parking

1 lot, besides your car, how many cars are parked in  
2 there?

3 A. Four.

4 Q. And are there a number of open parking  
5 spaces in there?

6 A. Yes, sir.

7 Q. Are you told to park, to back into a  
8 specific slot?

9 A. Yes, sir.

10 Q. Which one is that?

11 A. The one at the bottom here.

12 Q. Okay. And is it the one just above the  
13 date and the time?

14 A. Yes, sir.

15 Q. How are you feeling right now when you're  
16 parking?

17 A. Well, I asked them why, why should I do  
18 that, and it was real tight for me to turn, I was  
19 getting frustrated because I couldn't see.

20 Q. Is it safe to say before this point that  
21 you actually back into something?

22 A. Yeah, I backed into a wall and I really got  
23 upset.

24 Q. And you're backing into something else  
25 here, right?

1           A.     I scraped the side of my Cadillac.

2           Q.     Richard, what are you telling these guys  
3 when this was going on?

4           A.     I was really voicing my opinion now. I was  
5 upset because I scraped the wall with my car and I  
6 didn't like that at all. I was very upset.

7           Q.     And are you anxious about what's going to  
8 happen?

9           A.     Well, you know I'm telling them whatever  
10 your business is you need to hurry up because I'm upset  
11 now. You know.

12          Q.     Now back on the video. Is this a pretty  
13 tight spot for this Brougham to be backed into?

14          A.     Yes, it is.

15          Q.     And for the record is it safe to say you  
16 had to back in, like this parking took some time?

17          A.     It did.

18          Q.     Did it take over a minute?

19          A.     At least.

20          Q.     At least a minute.

21                 Now you see two people getting out of the  
22 front and rear passenger side of the vehicle?

23          A.     Right.

24          Q.     And does one of them appear to be African  
25 American and one of them appear to be Caucasian or light

1     skinned?

2             A.     Yes, sir.

3             Q.     Who are those two people?

4             A.     It's Money in the front seat and the  
5     heavyset guy in the back seat.

6             Q.     And do they get out right away when you  
7     park?

8             A.     Well, they waited a few minutes, made a  
9     phone call.

10            Q.     Who made a phone call?

11            A.     The heavyset guy.

12            Q.     And is ponytail still in the car?

13            A.     Ponytail is still sitting in the car.

14            Q.     Did you ever have a discussion with him  
15     about, you know, what they were doing, like if there's  
16     going to be trouble?

17            A.     Well you know, before we even started this,  
18     you know I always ask them, you know, you're not fixin'  
19     to go do something wrong, rob, kill, steal or do  
20     something stupid.

21            Q.     Richard, let me ask you specifically. Did  
22     you give them any warnings when you guys got there?

23            A.     I told them I'd leave them. I told them  
24     I'd drive off and leave you here.

25            Q.     Did you ever say anything, do you remember

1 saying anything about cameras?

2 A. I told them, I said I know you all can't be  
3 planning to do something stupid cause there's cameras in  
4 the hotel so you know, that's stupid.

5 Q. Now starting the video again.

6 Do they say anything to you when you told  
7 them don't do anything stupid?

8 A. No, they just said Mechanic, it's all  
9 right, it's all right. You know.

10 Q. Now at this point what does the heavysset  
11 guy appear to be doing?

12 A. Well, they both got out and were standing  
13 in the back of my car.

14 Q. And the hotel, how many stories is it?

15 A. Two stories.

16 Q. And are you guys next to some stairs?

17 A. Yes, sir.

18 Q. Can you hear any of the conversation that  
19 the heavysset guy and Money are having?

20 A. No, sir.

21 Q. Now does the heavysset guy appear to be  
22 looking somewhere at this point?

23 A. I think he was looking upstairs.

24 Q. Can you tell a conversation is going on?

25 A. Well, I guess him and Money was back there

1 talking.

2 Q. All right. Now do you see someone coming  
3 down the stairs?

4 A. Yes, sir.

5 Q. Okay. Had you ever seen that guy before?

6 A. No, sir.

7 Q. And are there two African American  
8 gentlemen walking down the stairs now?

9 A. Yes, sir.

10 Q. Did you know them either?

11 A. No, sir.

12 Q. Do those gentlemen appear to be getting  
13 into a car?

14 A. Yes, sir.

15 Q. Is that the one parked next to you?

16 A. Yes.

17 Q. Let me ask you this, Richard. During all  
18 of this do you ever hear anyone talk about doing a  
19 robbery?

20 A. No, sir.

21 Q. And on the way over you didn't hear that?

22 A. No, sir.

23 Q. And kind of where are you looking at this  
24 point?

25 A. Well, kind of looking at the guys right

1 next to me, what are they doing.

2 Q. And for the record is the guy who, before  
3 the two African American gentlemen came down, the guy  
4 who came, do you know what kind of shirt is he wearing?

5 A. A white T-shirt.

6 Q. Is it like a tank top?

7 A. Tank top.

8 Q. Who is he talking to?

9 A. He's talking to Money and the heavysset guy.

10 Q. Is Money kind of off a little bit near the  
11 car?

12 A. Right.

13 Q. Now the two gentlemen who came down, do  
14 they go somewhere?

15 A. They drove out of the parking lot.

16 Q. At some point do you hear, do you get  
17 concerned about what's going on outside the car in terms  
18 of like conversation?

19 A. Yeah, the voices started getting louder.

20 Q. Can you recognize the voices?

21 A. Well, not really, but I know just voices  
22 getting loud.

23 Q. You start getting concerned?

24 A. Right, exactly, what's going on.

25 Q. At this time is Money moving away from the



1 car?

2 A. Yes, sir.

3 Q. What did you just see there?

4 A. It looks like he had pulled a gun on him.

5 Q. When you say he, who do you mean?

6 A. Money.

7 Q. And the heavyset guy, at this point is he  
8 running off or anything like that?

9 A. I can't see him in the picture.

10 Q. All right. He's off the screen now kind  
11 of; is that right?

12 A. Yes, sir.

13 Q. And is Money reaching -- what's he doing  
14 with his hand without the firearm?

15 A. It looks like he's reaching for his hand or  
16 his arm or something.

17 Q. Whose arm?

18 A. The other guy in the white T-shirt.

19 Q. What just happened there?

20 A. Shoot out.

21 Q. Okay. Did you see someone shoot?

22 A. Yeah.

23 Q. Who did you see?

24 A. Money shot.

25 Q. And you know that, you recognize him

1 because you were with him that night?

2 A. Yes, sir.

3 Q. Tell me, when you hear the shots, what do  
4 you do?

5 A. I ducked my head and started my car and  
6 just drive off, speed off.

7 Q. Were you concerned about whether or not  
8 Money and the heavysset guy could get into the car?

9 A. I didn't care. I was just trying to drive  
10 off and get away and leave them there really.

11 Q. Now let me back up a little bit. I missed  
12 a couple things I wanted to ask you about.

13 Do you remember when you're in the car  
14 ponytail saying anything about like a problem with  
15 someone?

16 A. Yes, sir.

17 Q. Do you remember what was said?

18 A. He said something to the effect somebody,  
19 he don't want to mess with me, I can whoop him.  
20 Something like that.

21 Q. Do you remember whether, before the  
22 shooting when the voices get raised, do you remember any  
23 kind of statements?

24 A. Yes, sir.

25 Q. What do you remember?

1           A.     Well, I heard, I heard one of them holler  
2 "show me the money."

3           Q.     Do you know who said that?

4           A.     No, I don't know. I just kind of heard it.

5           Q.     Did you ever hear anyone say, oh no, what  
6 are you doing?

7           A.     No. I heard "show me the money" real loud.

8           Q.     Okay. So in that video, you're driving off  
9 and people are trying to get in the car. Is Money  
10 trying to get in the car?

11          A.     Yes, sir.

12          Q.     And how does he try to get in the car?

13          A.     Well, he, he opened the door and I was  
14 just, I just smashed the gas real hard just trying to  
15 get out of there.

16          Q.     Which door was he trying to get in?

17          A.     Passenger side.

18          Q.     And is he successful in doing that?

19          A.     Eventually. I was kind of dragging him.

20          Q.     Does anything happen to your car?

21          A.     Yeah, he tore the, right on the, where the  
22 window control is, it's a little wood paneling cover, he  
23 tore that off.

24          Q.     You saw that happen?

25          A.     Yes.

1           Q.     Now the heavysset guy, is he able to get  
2 back in the car?

3           A.     Yes, sir.

4           Q.     How does he do that?

5           A.     He, I really didn't see him but he got back  
6 in there. I don't know how.

7           Q.     Fair enough. But he does get back in the  
8 car?

9           A.     He does get back in there.

10          Q.     And do you recall, at this point what are  
11 you thinking?

12          A.     Well, I'm highly upset and I'm saying I'm  
13 fixin' to pull over and everybody get out of my car.

14          Q.     Does anybody give you directions about if  
15 you need to drive?

16          A.     Well, they're just telling me to drive.  
17 I'm ready to pull over on the side of the road and they  
18 said no, drive.

19          Q.     Okay. One second.

20                   And I'm going to flip back over to the  
21 overhead so we're back on our map.

22                   For the record that's Exhibit 11. So you  
23 guys were here?

24          A.     Right.

25          Q.     And you're driving. Where do you go?

1 A. We pull out and go to the right.

2 Q. You pull out onto Fremont?

3 A. Yes.

4 Q. Going right?

5 A. Right.

6 Q. Is that north?

7 A. North, yes.

8 Q. In the direction of Charleston?

9 A. Yes.

10 Q. Okay. What's the conversation like at that  
11 point when you're on Fremont?

12 A. Well, they're telling me to drive and I'm  
13 telling them I'm going to pull over. You know. And  
14 they, they're telling me to keep driving. And I speed  
15 up and run through a red light and they're still  
16 hollering telling me to drive right, drive right, and  
17 I'm saying no, I'm going to have an accident or what so  
18 the police can come. I'm going to pull over. You know.  
19 And they started hollering at me, you need to drive  
20 right, and I'm like I don't need to drive at all really.  
21 At this point I'm really upset.

22 Q. And do you tell, at some point do you tell  
23 them what you're going to do?

24 A. Yeah, I mentioned out loud, I said "I'm  
25 going to tell it."

1 Q. "I'm going to tell it"?

2 A. Yeah, I'm going to tell what happened.

3 Q. At the hotel?

4 A. Yeah, everything.

5 Q. And what's the reaction to that?

6 A. Well, Money was in the front seat and he  
7 hollered at me "what's you going to tell?" And he kept  
8 hollering and I kept saying "I'm going to tell it, I'm  
9 going to tell it."

10 Q. And did Money do anything besides ask you  
11 questions?

12 A. Well, he kept reaching in his jacket and  
13 kind of turning towards me and he kept lunging at me  
14 like, and the more I said it the more he kept saying  
15 "What are you going to do? You're going to do what?  
16 You're going to do what."

17 Q. And Richard, for the record you're kind of  
18 indicating reaching across your body. Is that to show  
19 kind of what Money was doing?

20 A. Yes, exactly. To me it's showing like he's  
21 reaching for something. You know.

22 Q. And was that in the area, was it like his  
23 shoulder or his waist?

24 A. Well, it was kind of like his waist.

25 Q. Did you see anything that concerned you in

1 that area that he was reaching?

2 A. Well, it was black. It was black.

3 Q. You saw a black object?

4 A. Yes, I did.

5 Q. And at this point do you believe that Money  
6 has a firearm?

7 A. Yes, sir, I do.

8 Q. Do you recall telling detectives that you  
9 saw a barrel?

10 A. Well, I didn't, he didn't pull it all the  
11 way out and point it at me. I just seen him kept  
12 reaching and the more I kept seeing it the more, you  
13 know, he kept just kind of turning it towards me saying  
14 "What's you going to say? You're going to do what?  
15 You're going to do what?"

16 Q. Richard, what did you think -- what was  
17 your reaction when Money did that?

18 A. Well, you know when I said the first time,  
19 you know I'm driving, then when I said the second time,  
20 he said turn, turn right here. And then he kept saying  
21 "What's you going to do?" And I said "I'm going to tell  
22 it." And he said turn right here again.

23 Q. Did you do that?

24 A. I did.

25 Q. Where did you turn to?

1           A.     Well, on that second turn it was like a  
2 dead-end street. It was totally dark, dead end.

3           Q.     What was the conversation like at that  
4 point?

5           A.     I stopped talking then. I really got  
6 scared for my life then.

7           Q.     What did you think was going to happen to  
8 you?

9           A.     Well, by him telling me to turn real  
10 sudden, the more I kept saying "I'm going to tell it,  
11 I'm going to tell it," he said "turn right here, turn  
12 right here," and then it got totally dark and it was a  
13 dead end, I stopped talking. I just said, I just  
14 stopped talking.

15          Q.     Were you going to be cooperative at that  
16 point?

17          A.     At that point I just, yeah, where do you  
18 want to go, what you want to do, just get out my car.

19          Q.     Let's back up. When Money's saying you're  
20 going to do what, I'm paraphrasing you but, you're going  
21 to do what, and he's reaching to that area and you see  
22 that object, were you in fear of potentially being shot?

23          A.     Yes, I was, and being pushed out of my car.

24          Q.     Now you've gotten real cooperative. Do you  
25 guys drive somewhere?



1           A.     Yes, sir.

2           Q.     Where do you go?

3           A.     Back to Philadelphia.

4           Q.     And that's back in the Naked City?

5           A.     Back in the Naked City, yes.

6           Q.     That's back where this all started?

7           A.     Yes.

8           Q.     And that's where you first met Money?

9           A.     Yes, sir.

10          Q.     For that day.

11                 So what happens back at Philadelphia?

12          A.     Well, I park and they all get out.

13          Q.     All right. And do you stay there?

14          A.     Yes, I do, I sit there.

15          Q.     Do you move your car somewhere?

16          A.     I park, it's a little, in the shade parking

17 there. I back in all the way in the back of it.

18          Q.     What do you do then?

19          A.     I just put my head on the steering wheel.

20          Q.     Are you really worried at this point?

21          A.     Yes, sir.

22          Q.     And what do you do for the rest of the

23 night?

24          A.     I had a bottle of MD 20/20 in my trunk so I

25 got it out.

1 Q. And you drank there?

2 A. I sat there and I drunk it.

3 Q. Did you go home that night?

4 A. No, I didn't. I didn't know where to go.

5 Q. So you stay in the car the entire night?

6 A. Yes, sir.

7 Q. Let's go to April 20th, the next day. What  
8 do you do in the earlier part of that day?

9 A. I have a scheduled brake job to go do.

10 Q. Did you do that?

11 A. Yes, I did.

12 Q. At some point do you go home?

13 A. Yes, I do, that evening.

14 Q. And Richard, you have a wife?

15 A. Yes, I do.

16 Q. And does your wife, do you guys have a  
17 conversation about these events?

18 A. Yes, sir. When I walked in she told me she  
19 saw it on the news and she knew that was my car.

20 Q. And I'll just have the Grand Jury consider  
21 the wife's statements for context for what  
22 Mr. McCampbell does, not for the truth of any of the  
23 assertions in there.

24 So at some point do you decide to contact  
25 law enforcement?

1           A.     Yes. In the conversation I had with her  
2 she said did you know the gentleman died.

3           Q.     And same admonition here you know, as to  
4 whether or not anyone died. It's just to show what  
5 Mr. McCampbell did.

6           A.     I started crying.

7           Q.     And did you at some point call --

8           A.     Yeah, I called 911.

9           Q.     And did you get an additional number after  
10 you called 911?

11          A.     Yes, she gave me a detective.

12          Q.     You got a detective's number?

13          A.     Right.

14          Q.     Did you try to call that number?

15          A.     Yes, I did.

16          Q.     Did you get a response?

17          A.     No one ever called me back.

18          Q.     Did you leave a message or something?

19          A.     Yes, I did.

20          Q.     Let's turn to April 21, 2013. So this  
21 would be two days after the events of April, the evening  
22 of April 19th. Did you at some point decide to turn  
23 yourself in to law enforcement?

24          A.     Yes, sir.

25          Q.     How did you go about doing that?

1           A.     I drove my car I guess to the police  
2 station and I sit there and waited for a officer to  
3 come.

4           Q.     Did you at some point get in contact with  
5 an officer?

6           A.     Yes, I did.

7           Q.     And did he investigate your claims about --  
8 well, what did you tell him?

9           A.     Well, I told him, I walked up to him and  
10 told him that that car was in on a homicide on Friday  
11 night. And he didn't believe me. He just looked at me  
12 and he just kept saying what, what, what. And I kept  
13 trying to explain it to him. And he finally got on the  
14 radio again and called somebody and they said is it a  
15 blue Cadillac and he said yes and then he said, I guess  
16 they told him to hold me or whatever and he jumped out.

17          Q.     Let me stop you there.

18                   And same admonition goes as to the hearsay  
19 that whatever the officer is saying, that information is  
20 just to show what Mr. McCampbell did next and what  
21 happened in the course of it, but as to any assertions  
22 about, in the statements then, you wouldn't consider  
23 them for their truth.

24                   Now Richard, at some point you're taken  
25 into custody?

1 A. Yes, sir.

2 Q. And is that pretty brief or --

3 A. Yes, sir. Well, he tells me up against the  
4 wall, you know, spread your legs, and put handcuffs on  
5 me and stuff like that.

6 Q. And did detectives show up at some point?

7 A. Yes, sir.

8 Q. And do you decide to give an interview to  
9 detectives?

10 A. Yes, sir, I do.

11 Q. Now after you give that interview on the  
12 21st, is there a second interview?

13 A. Yes, sir.

14 Q. And is that April 25th?

15 A. Yes, sir.

16 Q. And is that the same day you did the  
17 line-up regarding Money?

18 A. Yes, sir.

19 Q. Do you recall how quick it took you to  
20 identify Money?

21 A. As soon as I saw him.

22 Q. What did you say when you saw him?

23 A. I said something to the effect oh Lord, you  
24 caught him, that's him.

25 Q. Do you remember saying "bingo"?

1 A. "Bingo," yes, sir, something like that.

2 Q. Now did you also give detectives some  
3 information about a trip that some months before, some  
4 help that you gave to Money?

5 A. Yes, sir, I did.

6 Q. What was that? What did you tell them?

7 A. Well, he had asked me to move him and his  
8 girl, to move a stove and a refrigerator to an appliance  
9 store.

10 Q. And did you do that?

11 A. Yes, we did.

12 Q. Do you remember the name of the appliance  
13 store?

14 A. I don't remember the name of it but I told  
15 him the location of it.

16 Q. You remember the location?

17 A. Yeah, I remember the location.

18 Q. What kind of appliances were taken there?

19 A. It was a stove and a refrigerator.

20 Q. And do you understand that there was some  
21 kind of transaction going on in relation to these  
22 appliances?

23 A. Well, the way I understood it they had to  
24 drop it off there and then they was going to bring them  
25 some new, some more after.

1 Q. So this was a business that dealt in  
2 appliances?

3 A. Yes.

4 Q. And people could potentially obtain stuff  
5 from there?

6 A. Yes.

7 Q. Do you remember giving a phone number for  
8 Money to detectives?

9 A. I told them if I had one in there I would,  
10 yes.

11 Q. Do you remember giving them a phone number  
12 (702) 488-5138?

13 A. If I did then I probably did, yes, sir.

14 Q. Did you give them a number that you thought  
15 was --

16 A. Thought, yes, sir.

17 Q. Let me finish. Did you give them a number  
18 that you were positive was associated with Money?

19 A. Yes, sir.

20 Q. Grand Jury's indulgence.

21 Richard, let's be clear. You haven't been  
22 charged in this case; correct?

23 A. Yes, sir.

24 Q. And you're just a witness here?

25 A. Yes, sir.

1 MR. BURNS: That concludes my examination  
2 of Mr. McCampbell. Do the ladies and gentlemen of the  
3 Grand Jury have any questions?

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

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

16 Do you understand this admonition?

17 THE WITNESS: Yes, sir.

18 THE FOREPERSON: Thank you. You're  
19 excused.

20 Can we get a five minute break?

21 MR. BURNS: Yes.

22 (Recess.)

23 MR. BURNS: Ready to go back on the record  
24 in 12BGJ159AB, State of Nevada versus Darion  
25 Muhammad-Coleman and Dustin Bleak. State's next witness



1 is going to be Michael Herrod.

2 You'll be sworn in first, Michael.

3 THE FOREPERSON: Please raise your right  
4 hand.

5 You do solemnly swear the testimony you are  
6 about to give upon the investigation now pending before  
7 this Grand Jury shall be the truth, the whole truth, and  
8 nothing but the truth, so help you God?

9 THE WITNESS: Yes.

10 THE FOREPERSON: Please be seated.

11 You are advised that you are here today to  
12 give testimony in the investigation pertaining to the  
13 offenses of one count conspiracy to commit robbery, one  
14 count attempt robbery with use of a deadly weapon, one  
15 count murder with use of a deadly weapon, one count  
16 battery with use of a deadly weapon, three counts  
17 assault with a deadly weapon, one count conspiracy to  
18 violate the Uniform Controlled Substance Act, one count  
19 attempt to possess controlled substance, involving  
20 Dustin Bleak and Darion Coleman.

21 Do you understand this advisement?

22 THE WITNESS: Yes, sir.

23 THE FOREPERSON: Please state your first  
24 and last name and spell both for the record.

25 THE WITNESS: My name is Michael Herrod.

1 M-I-C-H-A-E-L, H-E-R-R-O-D.

2 MR. BURNS: Would the officers provide  
3 their names.

4 A CORRECTIONS OFFICER: Officer Weir.  
5 James Weir. W-E-I-R. P number 7378.

6 A CORRECTIONS OFFICER: Officer Jerry  
7 Council, C-O-U-N-C-I-L. P number 5369.

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

12  
13 EXAMINATION

14  
15 BY MR. BURNS:

16 Q. Mr. Herrod, you're here in custody today;  
17 correct?

18 A. Correct.

19 Q. That's not because of this case?

20 A. No, sir.

21 Q. Do you know a person named Dale Borero?

22 A. Yes.

23 Q. I want to show you what's been marked as  
24 Grand Jury Exhibit Number 8. Mr. Herrod, do you  
25 recognize the person in that exhibit?

1 A. Yeah, that's my best friend.

2 Q. What's his name?

3 A. Dale Borero. Spooky.

4 Q. His nickname is Spooky?

5 A. Yeah.

6 Q. Just publishing that to the Grand Jury  
7 briefly.

8 Now Mr. Herrod, is Dale still alive?

9 A. No, he's not.

10 Q. And when he was alive did you know Dale to  
11 be engaged in selling drugs?

12 A. Yes.

13 Q. What kind of drugs did he sell?

14 A. Methamphetamine.

15 Q. And did he carry cash on him?

16 A. Yeah, he carried a lot of cash and a lot of  
17 dope.

18 Q. And when you say dope, you mean meth?

19 A. Yeah, I meant meth.

20 Q. All right. Did you know Dale to also carry  
21 like a firearm for personal protection?

22 A. Yes. About 80 percent of the time, whoever  
23 the girl was riding with him would hold it for him so,  
24 but yes, it was easy access for him.

25 Q. And was he pretty open about that lifestyle

1 and what his business was?

2 A. Yes.

3 Q. Now Mr. Herrod, do you know a person named  
4 Dustin Charles Bleak?

5 A. Yes.

6 Q. Showing you what's been marked as Grand  
7 Jury Exhibit Number 9. Do you recognize who's depicted  
8 in that?

9 A. Yeah, that's Dustin Criminal Bleak.

10 Q. And just publishing that for the Grand  
11 Jury.

12 And his name is Dustin Bleak; correct?

13 A. Yes.

14 Q. And we'll just refer to him as that.

15 To the extent the grand jurors have heard  
16 any nicknames or anything like that, I ask you to  
17 disregard that in your deliberations. Is anyone going  
18 to have an issue with that?

19 Seeing no affirmative response I'll move  
20 on.

21 Now I want to draw your attention,  
22 Mr. Herrod, to about April of 2013, this year. Were you  
23 living at 7116 Rain Cloud?

24 A. Yes.

25 Q. And did you have somebody else living there

1 with you who's important today?

2 A. Dustin Bleak.

3 Q. Dustin Bleak was living there. Did there  
4 come a time when you had a conversation, Mr. Bleak made  
5 statements about things that were happening between him  
6 and Dale Borero?

7 A. Yeah. He was, it was an altercation over  
8 some girl. I guess Spooky started messing with his girl  
9 so Dustin ended up basically punking him for some dope  
10 almost on a daily basis.

11 Q. Let me stop you there. And to the extent  
12 that you know, those were statements that Dustin made to  
13 you?

14 A. Yeah.

15 Q. And you don't know if they actually  
16 happened, correct, but he said that?

17 A. I know for a fact he was punking him for  
18 dope, yes. And I know, Dustin told me about his  
19 girlfriend Sara so.

20 Q. All right. Sounds good.

21 Now I just instruct the grand jurors to the  
22 extent that there's information in the record about  
23 Mr. Bleak, quote unquote, punking Dale Borero for drugs,  
24 don't consider it necessarily for its truth, but also  
25 just to show the complete story of the events presented

1 to you. Also only consider them as to potentially the  
2 motive or intent for later conduct and not at all to  
3 infer any kind of propensity, criminal propensity on the  
4 part of Mr. Bleak or that he may have committed, because  
5 of that could have committed the acts charged in the  
6 Indictment.

7           Anyone need any clarification on that or  
8 have any issues with that? And you can all consider it  
9 for those very limited purposes?

10           All right. Now did you have a conversation  
11 with, a telephone conversation with Dustin Bleak shortly  
12 after April 19th?

13           A. Was that before the murder? Yeah.

14           Q. Correct. Before you found out that --  
15 well, let me ask you this. Did you have a conversation  
16 in which Dustin Bleak talked about things he might do?

17           A. Yes.

18           Q. What did he describe, did he describe  
19 anything specific?

20           A. That he, he just basically said I'd be the  
21 first one to find out about it and I'll be the next one.  
22 I kicked Dustin out of my house.

23           Q. Let me stop you there. So you had issue  
24 with Dustin, you had to get him out of the house?

25           A. Yes, I got him out of my house. I don't

1 know which date it was.

2 Q. Do you think it was in April?

3 A. Yes, it was a couple of days before the  
4 things with Dale.

5 Q. Mr. Herrod, how long did Dustin Bleak live  
6 at your home?

7 A. Probably like two, two and a half weeks,  
8 three weeks. I known --

9 Q. Let me stop you there and ask you a better  
10 question. You said something that I would be next. I  
11 meaning him or you?

12 A. That I was going to be next after I heard  
13 about it.

14 Q. Let me ask you this. At that time were you  
15 using or selling dope?

16 A. Yes, I was selling dope.

17 Q. And when that comment was made to you, what  
18 was your feeling about that?

19 A. I didn't know anything happened to Dale yet  
20 at that point in time so I was, we was threatening each  
21 other over the phone, you know, so.

22 Q. Let me stop you there. During that  
23 conversation was there any -- well, let me move on.

24 When Mr. Bleak was living with you, did you  
25 know him to have like an operating vehicle, car he could

1 drive around?

2 A. No.

3 Q. Did you have a conversation subsequently  
4 after the time that Dale had died?

5 A. Yes, I had a, he had a, me and him had a  
6 stolen car parked --

7 Q. Let me stop you there.

8 A. Oh.

9 Q. You had a conversation. Let's just  
10 clarify. Did you have a conversation with Dustin Bleak  
11 after, after Dale was dead, and what did Dustin Bleak  
12 say to you in the conversation?

13 And you can just keep it confined to  
14 events.

15 A. First it was I'm next, that he's, he was  
16 going to come after me. Then he called me crying saying  
17 this shouldn't have went down like that.

18 Q. And let me stop you there. It shouldn't  
19 have went down like that. Is that in response to  
20 something you asked him about?

21 A. No. About him and, cause him and Dale were  
22 friends too. I mean they, I mean we was all in the same  
23 penitentiary.

24 Q. Let me stop you right there.

25 To the extent that that information is out



1 there, can the grand jurors make sure that they  
2 disregard that and not consider it in their  
3 deliberations whatsoever? Anyone going to have a  
4 problem with that?

5                   Seeing no affirmative responses we'll move  
6 on.

7                   Let me ask you a little more pointed  
8 question.

9           A.     All right.

10          Q.     Did you ask him at some point "did you do  
11 it"?

12          A.     Yeah.

13          Q.     What were you referring to?

14          A.     Killing him.

15          Q.     Him meaning?

16          A.     Dale.

17          Q.     And what was his response to that?

18          A.     "Yep."

19          Q.     Do you remember him saying or telling  
20 someone that, he said to you, "he pulled a gun on me  
21 first, I had to do him before he did me"?

22          A.     Yep.

23          Q.     And did you have a discussion with him  
24 about what he got out of doing all of that?

25          A.     He didn't get nothing.

1 Q. Do you remember telling detectives that you  
2 said to him "all you got was a car stereo"?

3 A. Yeah, because it's come to find out that --

4 Q. Let me stop you there. I'm sorry.

5 Do you remember telling detectives that  
6 Dustin Bleak responded to you "it didn't go down like  
7 that"?

8 A. Like getting, going down like, like --

9 Q. In terms of like the car stereo.

10 A. No, that's the only thing they got out of  
11 it was this car stereo. They didn't get no dope, they  
12 didn't get no money. They got two chains and a car  
13 stereo.

14 Q. Do you remember telling detectives that he  
15 said at some point "it didn't go down like that"?

16 A. I can't recall. I mean that was --

17 Q. If I showed you a transcript of your  
18 statement would that refresh your recollection?

19 A. Yes.

20 Q. Okay. Thanks.

21 A. Yeah, it says right here, it says I said,  
22 "oh, you did all that shit for a fucking car stereo."  
23 So I kind of tripped on him. Yeah, that's what I said.

24 Q. You remember saying that. But do you  
25 remember him saying "it didn't go down like that"? Or

1 you told detectives that?

2 A. I don't know what's pertaining to this  
3 cause I thought --

4 Q. Okay. That's fine if you don't remember.

5 A. Because I, cause at first I thought they  
6 got two ounces of dope and like \$4000 from, cause the  
7 original rumor was --

8 Q. Let me stop you there. And I'm sorry, I  
9 just I have to make sure certain evidentiary rules are  
10 observed.

11 So Grand Jury will please disregard the  
12 statement about what other people said about what was  
13 gotten in the robbery.

14 Okay. So when you have this conversation,  
15 Mr. Herrod, with Dustin Bleak, does he ever deny that  
16 something was taken?

17 A. Yeah, he denied that there was dope or  
18 money taken. He told me a car stereo and two chains.  
19 So eventually that's what he told me so.

20 Q. All right. Have you ever seen Dustin Bleak  
21 in this time frame, in April of 2013, did you ever see  
22 him with a BB gun?

23 A. Yes. I was there when he bought it, when  
24 him and his girlfriend bought it.

25 Q. Which girlfriend, do you remember?

1           A.     She goes by J-Lee but her name is Shandin  
2 Wilson I believe.

3           Q.     Shandin Wilson?

4           A.     Shandin Wilson.

5           Q.     I want to show you one more exhibit. We're  
6 almost done here.

7                     Grand Jury Exhibit Number 10. Do you  
8 recognize who is depicted in that picture?

9           A.     That's Travis Costa.

10          Q.     Does he have a particular nickname?

11          A.     PT, C Note.

12          Q.     That's good. Do you know him to have a  
13 brother?

14          A.     Yeah, his brother is Dustin Bleak.

15          Q.     Just one final question. I have to ask  
16 this, present this information.

17                     Sir, have you ever been convicted of a  
18 felony?

19          A.     Yes, I have.

20          Q.     What were you convicted of and what year  
21 and when?

22          A.     I ain't going to lie to you, I've been  
23 convicted of ex-felon in possession of firearms,  
24 possession with the intent to sell, burglaries,  
25 forgeries.

1 Q. Is it true that you were convicted of  
2 battery domestic violence with a deadly weapon?

3 A. Yes, with a deadly weapon, yes. Like I  
4 ain't going to lie to you right now, I'm out on bail on  
5 like --

6 Q. That's fine. We just want to know about  
7 your felonies. But you're in custody right now?

8 A. Yeah.

9 MR. BURNS: At this point that's going to  
10 conclude my examination of Mr. Herrod if the ladies and  
11 gentlemen of the Grand Jury have any questions for him.

12 THE FOREPERSON: Karl.

13 BY A JUROR:

14 Q. Is it your understanding that Dustin Bleak  
15 was trying to rob Dale Borero?

16 A. Uh-huh.

17 MR. BURNS: And I just, it's okay to answer  
18 that but just to the extent that you have personal  
19 knowledge.

20 THE WITNESS: Yes.

21 BY A JUROR:

22 Q. He told you that he was, that was --

23 A. No. I mean he was, his intentions were to  
24 rob him, yes, to punk him.

25 Q. Because he had money and drugs?

1           A.     Yeah.

2           MR. BURNS:   Okay.   And as far as the  
3   witness talking about what Mr. Bleak's intention is, to  
4   the extent that that's speculative the Grand Jury would  
5   disregard it.   To the extent that it's based on  
6   statements that were made to Mr. Herrod by Mr. Bleak,  
7   then you could consider it.

8   BY A JUROR:

9           Q.     But wasn't Mr. Borero providing these, the  
10   drugs to him anyway?

11          MR. BURNS:   I'm going to direct the witness  
12   not to answer that question.   And the Grand Jury is  
13   instructed not to speculate about that.

14          THE FOREPERSON:   By law, these --

15          A JUROR:   Wait.

16          MR. BURNS:   I'm sorry, we have one.

17   BY A JUROR:

18          Q.     Did you just say that defendant Bleak is  
19   Travis Costa's brother?   Yes?

20          A.     Yes, Bleak and Travis Costa are brothers.

21          Q.     Okay.   Thank you.

22          A.     Same mother, different fathers.

23          Q.     Okay.   Thank you.

24          THE FOREPERSON:   Any other questions?

25          A JUROR:   Sorry.

1 THE FOREPERSON: By law, these proceedings  
2 are secret and you are prohibited from disclosing to  
3 anyone anything that has transpired before us, including  
4 evidence and statements presented to the Grand Jury, any  
5 event occurring or statement made in the presence of the  
6 Grand Jury, and information obtained by the Grand Jury.

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

13 Do you understand this admonition?

14 THE WITNESS: No. Hold on. That's for me?

15 THE FOREPERSON: Yes. Do you understand  
16 this admonition?

17 THE WITNESS: So I can't say nothing?

18 MR. BURNS: These proceedings are secret.

19 THE WITNESS: Okay. So I can't say nothing  
20 to like my wife?

21 MR. BURNS: No. Please follow the  
22 admonition.

23 THE WITNESS: Yeah, I'll follow it.

24 THE FOREPERSON: Do you understand the  
25 admonition?

1 THE WITNESS: Yeah, I understand.

2 THE FOREPERSON: Okay. Thank you. You are  
3 excused.

4 MR. BURNS: Ladies and gentlemen, that's  
5 going to conclude our presentation for today. As I told  
6 you earlier this is going to be a bifurcated  
7 presentation. Later we'll present more evidence to you  
8 in addition to some instructions.

9 As to the last witness, I just admonish you  
10 again, a blanket admonition, there's a lot of stuff that  
11 I pointed out to you that you are not permitted or you  
12 shouldn't consider in your deliberations. I just ask  
13 that you be very careful not to consider any of that  
14 information.

15 (Proceedings adjourned, to reconvene

16 At a later, undetermined time.)

17 --oo0oo--

18

19

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25



## REPORTER'S CERTIFICATE

STATE OF NEVADA       )  
                              :   Ss  
COUNTY OF CLARK       )

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

Dated at Las Vegas, Nevada,  
September 26, 2013

/s/ Danette L. Antonacci

\_\_\_\_\_  
Danette L. Antonacci, C.C.R. 222

## AFFIRMATION

Pursuant to NRS 239B.030

The undersigned does hereby affirm that the  
preceding TRANSCRIPT filed in GRAND JURY CASE NUMBER  
12BGJ159AB:

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

-OR-

\_\_\_ Contains the social security number of a person as  
required by:

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

-OR-

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

/s/ Danette L. Antonacci

Signature

9-26-13  
Date

Danette L. Antonacci  
Print Name

Official Court Reporter  
Title

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12BGJ159A-B [1] 1/7	about [57]	another [2] 13/15 29/22
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83/5	abraded [3] 11/13 11/16 13/16	anterior [1] 13/25
13 [3] 20/6 20/20 83/18	abrasion [1] 11/16	Antonacci [7] 1/25 5/4 82/6
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14 [1] 41/17	absorbed [1] 12/9	anxious [2] 35/13 45/7
16 [1] 41/17	access [1] 68/24	any [26] 6/11 9/21 10/3
17 [2] 24/2 24/6	accident [1] 54/17	15/20 16/16 17/6 17/7 17/11
18 [3] 27/11 28/4 32/2	accurate [7] 20/13 25/18 31/9	40/4 46/22 47/18 51/22 59/22
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2013 [9] 1/14 2/1 5/1 19/19	80/9 81/8	47/6 47/7 50/8 51/14 52/20
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21st [1] 62/12	adjourned [1] 81/15	apologies [1] 14/9
22 [2] 42/11 43/13	administration [1] 83/15	apologize [1] 43/2
222 [3] 1/25 82/6 82/18	admonish [1] 81/9	appear [6] 30/23 45/24 45/25
22nd [2] 27/7 31/10	admonition [12] 17/14 17/20	47/11 47/21 48/12
239B.030 [1] 83/2	60/3 61/18 65/10 65/16 80/7	appearance [2] 13/5 13/6
25 [3] 17/18 65/14 80/11	80/13 80/16 80/22 80/25	appliance [2] 63/8 63/12
25th [2] 24/3 62/14	81/10	appliances [3] 63/18 63/22
26 [1] 82/15	advised [3] 6/22 18/10 66/11	64/2
4	advisement [3] 7/7 18/20	application [1] 83/15
441YVU [1] 20/3	66/21	appreciate [1] 37/20
488-5138 [1] 64/12	affirm [1] 83/4	April [17] 19/19 20/11 24/3
5	AFFIRMATION [1] 83/1	27/7 30/10 31/10 34/23 41/25
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		23/20 23/25 26/9 27/11 29/24
		33/18 34/21 35/9 38/15 43/25

<b>A</b> ask... [13] 46/18 46/21 48/17 51/12 55/10 69/16 71/15 72/9 72/14 74/7 74/10 77/15 81/12 asked [5] 22/18 37/17 44/17 63/7 73/20 asking [2] 6/6 39/14 asks [1] 22/17 assault [4] 5/24 7/3 18/16 66/17 assertions [2] 59/23 61/21 Assistant [1] 2/5 associated [3] 9/21 16/19 64/18 attempt [8] 5/21 6/2 7/5 11/4 18/13 18/18 66/14 66/19 attempted [2] 6/25 10/16 attention [2] 19/18 69/21 Attorney's [1] 5/11 Attorneys [1] 2/20 autopsies [1] 8/23 autopsy [11] 9/1 9/2 9/15 9/17 9/21 9/24 10/2 15/2 15/9 15/12 16/18 Avenue [2] 21/22 32/14 away [5] 12/2 14/21 46/6 49/25 51/10	Below [1] 11/10 besides [2] 44/1 55/10 best [2] 5/7 68/1 better [1] 72/9 between [1] 70/5 bifurcated [2] 6/6 81/6 big [4] 16/2 27/21 33/20 33/21 bingo [2] 62/25 63/1 bit [4] 12/8 43/4 49/10 51/11 black [4] 27/4 56/2 56/2 56/3 blanket [1] 81/10 BLEAK [29] Bleak's [1] 79/3 blood [3] 13/13 16/2 16/7 blue [2] 19/25 61/15 body [9] 11/14 12/24 14/6 15/8 15/21 16/2 16/3 36/22 55/18 Borero [12] 9/25 10/4 10/5 16/16 16/21 17/1 67/21 68/3 70/6 70/23 78/15 79/9 Borero's [1] 15/21 both [5] 7/10 18/23 31/8 47/12 66/24 bottle [1] 58/24 bottles [1] 21/3 bottom [2] 29/15 44/11 bought [2] 76/23 76/24 Boulder [1] 26/8 bound [1] 30/23 brake [1] 59/9 break [1] 65/20 brief [2] 10/23 62/2 briefly [5] 8/2 25/21 27/3 28/25 68/7 bring [1] 63/24 brother [6] 32/19 33/6 33/7 77/13 77/14 79/19 brothers [1] 79/20 Brougham [4] 19/25 20/1 20/20 45/13 built [1] 23/4 bullet [6] 11/14 14/6 16/3 16/5 16/8 16/13 bullets [2] 15/20 16/13 burglaries [1] 77/24 burns [3] 2/20 5/10 12/1 business [5] 23/17 38/17 45/10 64/1 69/1 buy [2] 20/25 34/7	cameras [2] 47/1 47/3 can [27] 8/25 9/2 10/3 11/8 12/5 12/20 13/13 13/14 15/1 15/18 22/25 27/3 27/18 29/10 36/19 36/24 40/19 42/17 47/18 47/24 49/20 51/19 54/18 65/20 71/8 73/13 74/1 can't [9] 10/19 14/22 34/6 36/20 47/2 50/9 75/16 80/17 80/19 car [48] card [3] 15/11 15/14 15/17 care [1] 51/9 careful [1] 81/13 Caroline [2] 2/20 5/12 carried [1] 68/16 carries [1] 16/2 carry [2] 68/15 68/20 cars [1] 44/1 CARSON [1] 2/7 case [13] 5/15 5/15 5/19 9/18 9/22 9/24 12/3 15/6 16/20 23/20 64/22 67/19 83/4 cases [1] 15/5 cash [2] 68/15 68/16 Caucasian [1] 45/25 caught [1] 62/24 cause [7] 9/2 16/20 47/3 73/21 76/3 76/5 76/6 caused [1] 14/5 causes [1] 11/15 cava [1] 16/1 cavity [1] 16/8 center [10] 11/17 13/14 14/4 14/19 17/16 17/19 65/12 65/15 80/9 80/12 certain [1] 76/9 CERTIFICATE [1] 82/1 certify [1] 82/7 chains [2] 75/12 76/18 change [1] 13/3 changes [1] 12/7 characteristics [2] 11/18 13/16 charged [3] 5/20 64/22 71/5 Charles [3] 1/8 5/16 69/4 Charleston [2] 32/21 54/8 chest [4] 11/4 14/2 14/18 16/8 circle [3] 29/1 29/3 30/18 circular [1] 11/11 City [4] 21/11 22/1 58/4 58/5 claims [1] 61/7 clarification [1] 71/7 clarify [1] 73/10 CLARK [14] 1/2 5/11 7/23 8/15 9/6 9/12 17/15 17/18 21/14 65/11 65/14 80/8 80/11 82/4 cleaned [1] 13/12 clear [3] 37/13 41/13 64/21 close [2] 11/24 12/7 closely [1] 14/7 closeup [2] 10/15 10/19 clothing [1] 12/8 Cloud [1] 69/23 COLEMAN [6] 1/8 5/16 5/25 7/6 65/25 66/20 colleague [1] 5/12 come [7] 22/11 37/22 54/18 61/3 70/4 73/16 75/3
<b>B</b> back [42] backed [2] 44/22 45/13 backing [1] 44/24 bad [2] 35/23 39/15 bag [1] 38/3 bail [1] 78/4 barrel [1] 56/9 based [5] 10/19 12/6 16/18 36/21 79/5 basically [3] 15/11 70/9 71/20 basis [1] 70/10 Bateman [2] 2/20 5/12 battery [5] 5/23 7/2 18/15 66/16 78/2 BB [1] 76/22 be [53] because [15] 10/20 11/13 14/20 14/23 15/17 29/12 44/19 45/5 45/10 51/1 67/19 71/4 75/3 76/5 78/25 becomes [1] 12/4 becoming [1] 16/5 been [16] 5/5 7/14 7/25 10/9 19/3 19/20 20/6 30/10 41/22 42/23 64/21 67/9 67/23 69/6 77/17 77/22 beer [8] 32/18 33/2 33/4 33/16 34/7 35/25 37/25 38/2 beers [2] 32/24 38/4 before [23] 6/7 6/17 14/11 17/10 18/5 19/20 22/21 24/1 26/21 44/20 46/17 48/5 49/2 51/21 63/3 65/6 66/6 71/13 71/14 72/3 74/21 80/3 82/8 before-entitled [1] 82/8 beforehand [1] 10/21 behind [4] 10/7 21/9 32/8 32/11 being [8] 25/4 28/18 32/1 32/2 39/7 41/10 57/22 57/23 believe [5] 15/16 36/11 56/5 61/11 77/2	<b>C</b> C-O-U-N-C-I-L [1] 67/7 C.C.R [3] 1/25 82/6 82/18 C293296 [1] 1/7 Cadillac [5] 19/25 20/9 20/20 45/1 61/15 caliber [4] 12/21 12/22 13/1 13/2 call [9] 11/15 16/12 19/11 31/24 35/18 46/9 46/10 60/7 60/14 called [7] 11/3 21/10 60/8 60/10 60/17 61/14 73/16 calling [1] 39/1 calls [1] 39/4 came [5] 8/11 22/20 49/3 49/4 49/13 camera [2] 42/13 43/12	

<b>C</b>	8/16 9/6 9/12 17/16 17/18 21/14 65/12 65/14 80/9 80/ 82/4	description [1] 38/1 detective [5] 24/10 27/8 28/10 31/10 60/11 detective's [1] 60/12 detectives [13] 24/3 25/19 37/2 38/18 56/8 62/6 62/9 63/2 64/8 75/1 75/5 75/14 76/1 Detention [6] 17/16 17/19 65/12 65/15 80/9 80/12 diaphragm [1] 15/25 did [121] didn't [22] 35/6 37/9 38/5 38/11 38/15 38/19 45/6 48/21 51/9 53/5 56/10 56/10 59/4 59/4 61/11 72/19 74/25 75/6 75/11 75/12 75/15 75/25 died [4] 16/24 60/2 60/4 73/4 difference [1] 35/7 differences [1] 12/20 different [5] 12/18 12/23 27/15 38/15 79/22 direct [1] 79/11 direction [4] 38/9 39/7 54/8 82/11 directions [1] 53/14 disclosing [3] 17/9 65/5 80/2 discussion [2] 46/14 74/23 disregard [4] 69/17 74/2 76/11 79/5 distinctive [2] 27/18 27/19 DISTRICT [4] 1/1 2/20 5/11 8/19 ditch [1] 11/6 do [171] does [31] doesn't [1] 13/2 doing [13] 19/20 35/20 36/13 46/15 47/11 48/18 49/1 50/13 52/6 52/18 55/19 60/25 74/24 domestic [1] 78/2 don't [25] 12/5 15/3 15/17 34/16 34/17 34/20 35/11 35/20 35/24 37/7 37/19 37/20 38/16 38/21 47/7 51/19 52/4 53/6 54/20 63/14 70/15 70/24 71/25 76/2 76/4 done [5] 11/2 14/3 15/16 26/20 77/6 door [2] 52/13 52/16 dope [9] 68/17 68/18 70/9 70/18 72/15 72/16 75/11 76/6 76/17 Dotty's [2] 34/9 34/13 down [15] 14/19 14/23 33/23 40/19 48/3 48/8 49/3 49/13 73/17 73/19 75/6 75/8 75/15 75/25 82/7 Dr [3] 9/8 9/11 9/15 Dr. [2] 6/13 7/12 Dr. Lisa [2] 6/13 7/12 dragging [1] 52/19 drank [1] 59/1 draw [2] 19/18 69/21 drink [1] 22/16 drinks [4] 21/4 21/7 21/14 21/17 drive [16] 19/24 32/13 39/7 46/24 51/6 51/9 53/15 53/16 53/18 54/12 54/16 54/16 54/19 54/20 57/25 73/1
comes [1] 22/16 comfortable [2] 35/11 35/20 coming [2] 39/10 48/2 comment [1] 72/17 commit [4] 5/21 6/24 18/12 66/13 committed [2] 71/4 71/5 complete [1] 70/25 comply [3] 17/14 65/10 80/7 concerned [4] 49/17 49/23 51/7 55/25 conclude [2] 78/10 81/5 concludes [1] 65/1 conduct [1] 71/2 confined [1] 73/13 Connecticut [4] 8/6 8/6 8/8 8/9 Consequently [1] 16/6 consider [9] 59/20 61/22 70/24 71/1 71/8 74/2 79/7 81/12 81/13 conspiracy [8] 5/21 6/1 6/24 7/3 18/12 18/16 66/13 66/17 constitutes [1] 82/12 contact [3] 11/24 59/24 61/4 contain [1] 83/8 contains [2] 10/15 83/11 contempt [3] 17/17 65/13 80/10 context [1] 59/21 control [1] 52/22 controlled [8] 6/1 6/2 7/4 7/5 18/17 18/18 66/18 66/19 controls [1] 43/3 conversation [19] 36/18 37/11 47/18 47/24 49/18 54/10 57/3 59/17 60/1 70/4 71/10 71/11 71/15 72/23 73/3 73/9 73/10 73/12 76/14 convicted [4] 77/17 77/20 77/23 78/1 cooperative [2] 57/15 57/24 copies [1] 31/9 copy [3] 5/18 5/19 25/18 coroner [3] 9/17 9/22 9/24 Coroner's [3] 7/24 9/6 9/12 correct [9] 20/17 23/18 40/10 64/22 67/17 67/18 69/12 70/16 71/14 correspond [2] 15/2 15/9 Costa [2] 77/9 79/20 Costa's [1] 79/19 could [7] 33/11 42/8 51/8 64/4 71/5 72/25 79/7 couldn't [1] 44/19 Council [1] 67/7 count [25] 5/20 5/21 5/22 5/23 5/24 6/1 6/2 6/24 6/25 7/1 7/1 7/3 7/4 18/12 18/13 18/14 18/14 18/16 18/17 66/13 66/14 66/15 66/15 66/17 66/18 Count 1 [1] 5/20 Count 2 [1] 5/21 Count 3 [1] 5/22 Count 5s [1] 5/24 Count 8 [1] 6/1 Count 9 [1] 6/2 counts [3] 7/2 18/15 66/16 COUNTY [14] 1/2 5/11 7/23	couple [3] 20/16 51/12 72/3 course [2] 12/7 61/21 court [6] 1/1 8/19 17/17 65/13 80/10 83/23 cover [1] 52/22 crimes [1] 5/20 criminal [2] 69/9 71/3 crying [2] 60/6 73/16 cuff [1] 11/16 curb [1] 22/6 currently [1] 7/22 custody [3] 61/25 67/16 78/7 cut [1] 11/3 <b>D</b> DA [1] 5/10 daily [1] 70/10 Dale [16] 9/25 16/21 67/21 68/3 68/8 68/10 68/20 70/6 70/23 72/4 72/19 73/4 73/11 73/21 74/16 78/15 damage [2] 13/6 14/5 damaged [1] 16/4 Danette [7] 1/25 5/4 82/6 82/17 82/18 83/18 83/21 DARION [8] 1/8 1/9 5/16 5/25 7/6 18/19 65/24 66/20 dark [2] 57/2 57/12 date [4] 25/16 44/13 72/1 83/19 Dated [1] 82/14 day [6] 19/20 19/24 58/10 59/7 59/8 62/16 days [6] 17/18 20/17 60/21 65/14 72/3 80/11 DC [1] 1/7 dead [4] 57/2 57/2 57/13 73/11 dead-end [1] 57/2 deadly [18] 5/22 5/23 5/23 5/24 6/25 7/1 7/2 7/3 18/13 18/14 18/15 18/16 66/14 66/15 66/16 66/17 78/2 78/3 deal [1] 21/5 dealing [2] 11/24 13/19 dealt [1] 64/1 death [4] 9/3 9/4 16/20 17/1 decedent [2] 13/25 15/19 decedent's [2] 13/11 14/16 decide [3] 59/24 60/22 62/8 defect [2] 11/17 13/17 defendant [3] 5/19 5/25 79/18 Defendants [1] 1/10 deliberate [2] 6/7 6/7 deliberations [4] 6/9 69/17 74/3 81/12 denied [1] 76/17 deny [1] 76/15 depict [1] 13/24 depicted [4] 33/13 41/5 69/7 77/8 depiction [3] 20/13 34/22 42/25 depictions [2] 31/9 42/3 deputy [4] 2/3 2/20 5/10 5/14 describe [10] 8/2 8/25 10/3 22/25 27/3 27/18 27/25 43/13 71/18 71/18	

<b>D</b>	40/4 46/14 46/25 48/5 48/7 52/5 60/17 76/15 76/20 76/27 77/17	fine [8] 17/16 17/18 65/12 65/14 76/4 78/6 80/9 80/11 finish [2] 20/21 64/17 finished [2] 19/22 21/13 fire [2] 11/23 12/3 firearm [3] 50/14 56/6 68/21 firearms [1] 77/23 first [25] 5/5 6/12 7/9 7/14 18/22 19/3 24/1 25/9 25/23 27/10 27/11 33/18 34/15 40/2 40/3 41/21 56/18 58/8 66/2 66/23 67/9 71/21 73/15 74/21 76/5 five [2] 26/13 65/20 fixin' [3] 35/25 46/18 53/13 Fleetwood [1] 19/25 flip [1] 53/20 follow [2] 80/21 80/23 following [2] 5/6 5/20 follows [3] 7/16 19/5 67/11 food [1] 23/12 foot [1] 23/4 foregoing [1] 82/11 forensic [2] 7/23 8/10 Foreperson [4] 2/3 7/14 19/3 67/9 forgeries [1] 77/25 form [2] 28/4 29/21 forwarding [1] 43/2 found [1] 71/14 four [3] 8/1 26/22 44/3 frame [2] 43/12 76/21 Fremont [6] 32/21 40/9 40/13 40/21 54/2 54/11 Friday [1] 61/10 friend [1] 68/1 friends [1] 73/22 front [8] 8/14 31/19 35/7 36/3 36/14 45/22 46/4 55/6 frustrated [1] 44/19 fucking [1] 75/22 Fudge [1] 27/21 full [1] 82/12 further [3] 12/2 14/20 17/5
<b>E</b>	each [7] 13/5 13/6 15/13 25/1 27/16 36/24 72/20 earlier [2] 59/8 81/6 ears [2] 27/22 29/13 Eastern [2] 32/14 32/22 easy [1] 68/24 edge [1] 11/13 education [1] 8/3 effect [2] 51/18 62/23 effort [1] 11/6 EIGHTH [2] 1/1 8/19 either [2] 34/19 48/10 elastic [1] 13/4 element [1] 13/13 elements [1] 11/22 Eleven [5] 20/23 20/24 21/8 34/10 34/13 ELGIN [1] 2/3 Elmer [1] 27/21 else [5] 26/25 37/19 43/21 44/24 69/25 employed [4] 7/21 7/22 7/25 8/11 end [7] 12/13 31/6 33/16 39/24 57/2 57/2 57/13 ended [3] 15/24 16/5 70/9 enforcement [5] 15/5 15/15 15/17 59/25 60/23 engaged [1] 68/11 enough [1] 53/7 enter [1] 14/2 entered [1] 31/20 enters [1] 11/17 entire [2] 16/6 59/5 entitled [1] 82/8 entrance [12] 10/17 10/17 11/11 11/12 11/18 12/10 12/17 13/15 13/19 14/7 14/21 15/24 entry [1] 13/4 error [1] 14/11 essentially [2] 11/15 16/6 EVA [1] 2/10 even [1] 46/17 evening [3] 42/22 59/13 60/21 event [3] 17/12 65/8 80/5 events [4] 59/17 60/21 70/25 73/14 eventually [2] 52/19 76/19 ever [14] 22/21 37/6 38/4	everybody [3] 11/8 38/8 53/13 everyone [1] 7/11 everything [2] 38/25 55/4 evidence [5] 14/1 17/11 65/7 80/4 81/7 evidentiary [1] 76/9 ex [1] 77/23 ex-felon [1] 77/23 exactly [8] 23/16 26/11 26/19 37/8 38/20 40/25 49/24 55/20 examination [5] 7/18 19/7 65/1 67/13 78/10 Examined [1] 3/2 examiner [6] 7/23 8/4 8/15 8/20 8/23 9/12 examiners [2] 9/5 9/8 example [4] 11/20 11/23 12/23 12/24 excused [3] 17/23 65/19 81/3 exhibit [25] 5/18 10/14 10/15 10/23 13/9 13/23 14/13 24/2 24/6 24/7 27/11 28/3 29/18 29/20 32/1 32/2 33/12 42/11 43/13 53/22 67/24 67/25 69/7 77/5 77/7 Exhibit 11 [2] 33/12 53/22 Exhibit 18 [1] 32/2 Exhibit 19 [1] 32/1 Exhibit 2 [1] 13/23 Exhibit 22 [2] 42/11 43/13 Exhibit 4 [1] 10/23 exhibits [8] 4/1 4/3 10/10 10/11 20/6 31/8 41/12 41/17 exit [2] 36/4 40/9 exits [1] 36/7 explain [1] 61/13 extensive [1] 6/8 extent [7] 69/15 70/11 70/22 73/25 78/18 79/4 79/5 external [2] 10/3 16/16
<b>F</b>	face [4] 14/16 26/2 27/21 29/13 fact [3] 15/19 15/19 70/17 Failure [3] 17/14 65/10 80/7 fair [7] 20/13 25/18 31/8 34/22 42/2 42/25 53/7 faithfully [1] 5/5 familiar [1] 9/11 family [2] 23/14 23/15 far [3] 12/5 40/18 79/2 fast [1] 43/2 fat [2] 27/22 29/13 fathers [1] 79/22 fear [1] 57/22 federal [2] 83/12 83/15 feel [2] 35/11 35/20 feeling [5] 38/13 38/19 38/21 44/15 72/18 fellowship [1] 8/9 felon [1] 77/23 felonies [1] 78/7 felony [1] 77/18 few [2] 33/18 46/8 filed [1] 83/4 final [1] 77/15 finally [2] 14/13 61/13 find [3] 32/20 71/21 75/3	<b>G</b> G-A-V-I-N [1] 7/12 gas [4] 23/25 26/14 26/15 52/14 gave [2] 60/11 63/4 Gavin [3] 6/13 7/12 7/13 general [1] 36/18 generate [1] 9/2 gentleman [2] 22/16 60/2 gentlemen [14] 5/9 6/5 6/10 10/22 17/25 27/4 29/11 48/8 48/12 49/3 49/13 65/2 78/11 81/4 get [41] getting [12] 21/4 21/13 26/10 35/13 40/8 44/19 45/21 48/12 49/19 49/22 49/23 75/8 girl [5] 23/10 63/8 68/23 70/8 70/8 girlfriend [4] 23/11 70/19 76/24 76/25 give [17] 6/17 6/23 12/23 18/5 18/11 22/17 23/24 37/14 46/22 53/14 62/8 62/11 63/2 64/14 64/17 66/6 66/12 given [3] 23/10 23/12 23/14 giving [6] 14/17 38/13 38/19

<b>G</b> giving... [3] 38/21 64/7 64/11 GJ [1] 1/7 go [34] God [3] 6/19 18/7 66/8 goes [4] 11/14 12/1 61/18 77/1 going [71] good [4] 7/11 19/10 70/20 77/12 GOSS [1] 2/8 got [20] 21/7 23/14 30/1 30/22 39/18 44/22 46/22 47/12 53/5 57/5 57/12 58/25 60/12 61/13 71/25 74/24 75/2 75/10 75/12 76/6 gotten [2] 57/24 76/13 grab [1] 35/25 grand [64] grant [1] 83/16 GRAVLIN [1] 2/9 gray [3] 15/11 15/14 15/17 grocery [1] 23/13 gross [3] 17/15 65/11 80/8 guess [8] 23/11 31/23 36/18 39/9 47/25 61/1 61/15 70/8 gun [4] 11/25 50/4 74/20 76/22 gunshot [12] 10/5 10/6 10/17 10/18 11/11 11/12 11/18 12/11 13/15 13/19 16/15 16/24 guy [32] guys [13] 27/13 32/13 32/16 33/16 34/7 35/12 45/2 46/22 47/16 48/25 53/23 57/25 59/16	47/18 48/18 48/21 49/16 52/5 heard [6] 52/1 52/1 52/4 52/7 69/15 72/12 hearsay [1] 61/18 heart [3] 11/5 14/3 16/3 heavyset [20] 28/1 28/2 28/18 28/22 28/24 31/24 32/2 32/4 33/8 36/13 38/6 46/5 46/11 47/10 47/19 47/21 49/9 50/7 51/8 53/1 held [3] 17/17 65/13 80/10 help [7] 6/19 9/2 9/3 14/16 18/7 63/4 66/8 HENDERSON [1] 2/10 her [3] 5/7 60/1 77/1 here [32] hereby [2] 82/7 83/4 Herrod [12] 66/1 66/25 67/8 67/16 67/24 68/8 69/3 69/22 72/5 76/15 78/10 79/6 hide [1] 35/12 high [1] 12/25 highly [1] 53/12 Highway [1] 26/8 him [67] his [28] hold [3] 61/16 68/23 80/14 holler [1] 52/1 hollered [1] 55/7 hollering [3] 54/16 54/19 55/8 hollow [1] 12/18 home [3] 59/3 59/12 72/6 homicide [2] 17/4 61/10 hoping [1] 13/14 Hospital [2] 8/8 8/9 hotel [11] 33/24 40/20 41/1 41/4 41/14 41/22 42/6 42/21 47/4 47/14 55/3 house [3] 71/22 71/24 71/25 how [22] 7/21 7/25 12/5 15/1 22/18 22/19 23/9 24/9 26/20 34/14 35/1 38/12 40/18 44/1 44/15 47/14 52/12 53/4 53/6 60/25 62/19 72/5 HOWARD [1] 2/4 HOWE [1] 2/11 huh [1] 78/16 hurry [1] 45/10	indicated [1] 82/9 indicating [1] 55/18 INDICTMENT [3] 4/4 5/18 71/6 individual [2] 9/3 9/25 indulgence [2] 42/9 64/20 infer [1] 71/3 inferior [1] 16/1 inform [1] 6/4 information [9] 17/13 61/19 63/3 65/9 70/22 73/25 77/16 80/6 81/14 injuries [3] 10/4 15/19 16/16 injury [2] 11/11 13/13 inside [1] 33/15 instruct [1] 70/21 instructed [1] 79/13 instructions [10] 4/16 4/17 4/18 6/8 24/13 24/16 28/7 30/1 40/4 81/8 intent [2] 71/2 77/24 intention [1] 79/3 intentions [1] 78/23 interpret [1] 10/19 interpretation [1] 12/6 intervention [3] 10/16 14/1 14/18 interview [3] 62/8 62/11 62/12 investigate [1] 61/7 investigation [6] 6/17 6/23 18/5 18/11 66/6 66/12 involving [3] 7/5 18/18 66/19 inward [1] 11/15 is [135] isn't [1] 13/12 issue [2] 69/18 71/23 issues [1] 71/8 it [124] it's [30] its [2] 13/4 70/24
<b>H</b> H-E-R-R-O-D [1] 67/1 had [32] hair [1] 30/23 half [1] 72/7 hand [6] 6/15 11/4 18/3 50/14 50/15 66/4 handcuffs [1] 62/4 handgun [1] 12/24 hang [1] 21/18 happen [5] 35/23 45/8 52/20 52/24 57/7 happened [6] 22/13 50/19 55/2 61/21 70/16 72/19 happening [1] 70/5 happens [4] 10/18 23/23 34/14 58/11 hard [1] 52/14 harder [1] 14/20 Hartford [2] 8/7 8/9 has [12] 10/9 12/8 13/5 13/6 13/15 13/16 17/10 20/5 23/10 56/6 65/6 80/3 have [70] haven't [1] 64/21 having [8] 5/5 7/14 15/18 19/3 22/15 37/4 47/19 67/9 he [102] he's [12] 23/2 23/2 23/14 26/13 30/22 49/9 50/10 50/15 55/20 57/21 68/9 73/15 head [2] 51/5 58/19 hear [9] 11/8 36/19 36/20	<b>I</b> I'd [3] 46/23 46/24 71/20 I'll [6] 24/6 25/21 59/20 69/19 71/21 80/23 I'm [50] I've [4] 23/11 30/1 39/18 77/22 ID [4] 25/19 27/7 28/4 29/22 identification [1] 14/16 Identified [1] 4/3 identifier [1] 15/4 identify [4] 25/3 28/17 30/9 62/20 important [2] 36/17 70/1 impression [1] 12/24 incision [4] 11/2 14/4 14/10 14/12 including [3] 17/10 65/6 80/3 indeterminate [4] 12/4 12/10 12/11 13/20 INDEX [2] 3/1 4/1	<b>J</b> J-Lee [1] 77/1 jacket [1] 55/12 James [1] 67/5 JEFFREY [1] 2/7 Jerry [1] 67/6 job [3] 8/4 8/22 59/9 join [1] 26/25 joined [1] 5/12 judging [1] 36/21 JUDICIAL [2] 1/1 8/19 jump [1] 36/1 jumped [1] 61/16 jurors [5] 2/1 5/19 69/15 70/21 74/1 jury [58] Jury's [2] 42/8 64/20 just [63] <b>K</b> KAREN [1] 2/9 KARL [2] 2/14 78/12 KATHY [1] 2/6 keep [2] 54/14 73/13 kept [13] 39/1 55/7 55/8 55/12 55/13 55/14 56/11 56/12 56/13 56/20 57/10 61/12 61/12 kicked [1] 71/22 kill [1] 46/19 Killing [1] 74/14 kind [32]

<b>K</b>	location [3] 63/15 63/16 63/17	men [1] 27/12
KINYON [1] 2/12	lodged [1] 16/5	mentioned [1] 54/24
KLEVELAND [1] 2/13	LOIS [1] 2/13	mess [1] 51/19
knee [2] 10/7 39/15	Loko [1] 21/3	message [1] 60/18
knew [1] 59/19	long [6] 7/25 22/18 22/19 30/23 38/16 72/5	messaging [1] 70/8
know [61]	look [3] 11/20 14/6 33/11	met [2] 22/21 58/8
knowledge [1] 78/19	looked [2] 38/2 61/11	meth [2] 68/18 68/19
known [2] 16/1 72/8	looking [5] 27/15 47/22 47/23 48/23 48/25	Methamphetamine [1] 68/14
<b>L</b>	looks [4] 29/12 29/14 50/4 50/15	Mexico [1] 8/10
L-I-S-A [1] 7/12	Lord [1] 62/23	Michael [4] 66/1 66/2 66/25 67/8
ladies [9] 5/9 6/4 6/10 10/22 17/25 29/10 65/2 78/10 81/4	lot [15] 34/8 38/10 39/8 39/12 39/20 41/14 41/20 42/6 42/21 43/10 44/1 49/15 68/16 68/16 81/10	MICHELLE [1] 2/16
Lampighter [2] 34/3 34/5	Loud [3] 49/22 52/7 54/24	middle [1] 33/20
lane [5] 40/2 40/3 40/5 40/8 40/12	louder [1] 49/19	might [1] 71/16
language [1] 36/22	Lowe's [5] 33/22 34/8 38/10 39/8 39/22	military [1] 12/25
larger [1] 12/21	lunging [1] 55/13	mind [1] 19/10
Lary [1] 9/9	<b>M</b>	minor [2] 10/8 16/17
Las [5] 1/13 5/1 7/24 8/11 82/14	M-C-C-A-M-P-B-E-L-L [1] 18/25	minute [3] 45/18 45/20 65/20
last [5] 7/10 11/6 18/23 66/24 81/9	M-I-C-H-A-E-L [1] 67/1	minutes [3] 26/13 37/18 46/8
later [3] 71/2 81/7 81/16	ma'am [5] 7/21 10/9 13/9 15/1 15/20	misdemeanor [3] 17/15 65/11 80/8
laundry [1] 23/12	made [11] 11/2 17/12 37/13 46/8 46/10 65/8 70/4 70/12 72/17 79/6 80/5	missed [1] 51/11
law [10] 15/5 15/15 15/16 17/8 59/25 60/23 65/4 79/14 80/1 83/12	major [1] 10/3	missile [3] 11/14 14/5 16/12
least [2] 45/19 45/20	make [4] 38/24 40/22 74/1 76/9	missiles [1] 16/13
leave [4] 46/23 46/24 51/10 60/18	makes [3] 11/12 11/16 13/4	missing [1] 11/19
Lee [1] 77/1	manner [2] 9/3 16/25	Mohammad [1] 18/19
left [4] 34/9 40/5 40/8 40/12	many [3] 26/20 44/1 47/14	money [46]
leg [4] 10/6 13/20 14/23 16/11	map [5] 4/12 33/12 33/15 39/6 53/21	Money's [1] 57/19
legal [2] 29/25 34/21	marked [5] 5/17 10/10 20/6 67/23 69/6	months [1] 63/3
legit [1] 37/14	massage [1] 14/3	more [12] 11/6 12/21 13/1 55/14 55/14 56/12 56/12 57/10 63/25 74/7 77/5 81/7
legs [2] 13/11 62/4	massaged [1] 11/5	motel [1] 33/24
let [28]	mat [1] 23/12	mother [1] 79/22
let's [8] 11/1 38/17 39/6 57/19 59/7 60/20 64/21 73/9	matter [1] 82/8	motive [1] 71/2
license [2] 8/12 20/3	may [7] 10/24 12/9 12/12 17/17 65/13 71/4 80/10	move [6] 58/15 63/7 63/8 69/19 72/23 74/5
lie [2] 77/22 78/4	maybe [4] 23/3 23/3 26/22 35/25	moving [2] 29/18 49/25
life [1] 57/6	McCampbell [8] 18/1 18/24 19/2 19/10 59/22 60/5 61/20 65/2	Mr. [26] 10/4 10/5 15/21 16/16 17/1 19/10 59/22 60/5 61/20 65/2 67/16 67/24 68/8 69/3 69/22 70/4 70/23 71/4 72/5 72/24 76/15 78/10 79/3 79/6 79/6 79/9
lifestyle [1] 68/25	MD [2] 21/3 58/24	Mr. Bleak [5] 70/4 70/23 71/4 72/24 79/6
light [3] 27/5 45/25 54/15	me [81]	Mr. Bleak's [1] 79/3
like [60]	mean [9] 35/6 35/10 36/1 50/5 68/18 73/22 73/22 75/16 78/23	Mr. Borero [5] 10/4 10/5 16/16 17/1 79/9
limited [1] 71/9	meaning [2] 72/11 74/15	Mr. Borero's [1] 15/21
LINDA [2] 2/5 2/17	meant [1] 68/19	Mr. Herrod [9] 67/16 67/24 68/8 69/3 69/22 72/5 76/15 78/10 79/6
line [11] 4/16 4/17 4/18 24/4 24/14 25/19 27/8 28/4 29/22 31/9 62/17	mechanic [8] 19/14 19/16 19/20 35/19 39/1 39/2 39/4 47/8	Mr. McCampbell [5] 19/10 59/22 60/5 61/20 65/2
line-up [9] 4/16 4/17 4/18 24/4 24/14 25/19 28/4 29/22 62/17	medical [12] 7/22 8/4 8/5 8/12 8/15 8/19 8/22 9/5 9/8 10/16 14/1 14/18	much [1] 13/3
line-ups [2] 27/8 31/9	Medicine [1] 8/6	MUHAMMAD [4] 1/8 5/16 5/25 65/25
Lisa [3] 6/13 7/12 7/13	medium [4] 12/22 13/1 13/2 27/25	MUHAMMAD-COLEMAN [4] 1/8 5/16 5/25 65/25
lit [1] 42/15	meet [1] 24/3	Muhammadcoleman [1] 1/9
literally [1] 11/3	MEISENHEIMER [1] 2/14	multiple [1] 16/24
little [17] 12/2 12/8 15/11 22/16 23/3 23/10 31/12 34/9 34/9 35/13 42/13 43/3 49/10 51/11 52/22 58/16 74/7	members [1] 17/6	murder [5] 5/22 7/1 18/14 66/15 71/13
live [1] 72/5		my [36]
liver [1] 15/25		<b>N</b>
living [4] 69/23 69/25 70/3 72/24		Naked [4] 21/11 22/1 58/4 58/5
locate [1] 28/20		name [14] 5/10 7/10 9/25 18/23 24/19 34/1 63/12 63/14 66/24 66/25 68/2 69/12 77/1
located [6] 10/18 14/22 16/2 21/8 21/14 22/1		



<p><b>N</b></p> <p>name... [1] 83/21</p> <p>named [2] 67/21 69/3</p> <p>names [1] 67/3</p> <p>NANETTE [1] 2/15</p> <p>near [4] 14/7 21/10 32/21 49/10</p> <p>necessarily [1] 70/24</p> <p>need [5] 45/10 53/15 54/19 54/20 71/7</p> <p>needed [1] 26/18</p> <p>neither [1] 12/4</p> <p>NEVADA [10] 1/2 1/5 1/13 5/1 5/15 8/13 21/15 65/24 82/3 82/14</p> <p>nevertheless [1] 31/15</p> <p>new [2] 8/10 63/25</p> <p>news [1] 59/19</p> <p>next [12] 18/1 22/6 47/16 48/15 49/1 59/7 61/20 65/25 71/21 72/10 72/12 73/15</p> <p>nickname [2] 68/4 77/10</p> <p>nicknames [1] 69/16</p> <p>night [6] 42/6 51/1 58/23 59/3 59/5 61/11</p> <p>NITZ [1] 2/5</p> <p>no [35]</p> <p>Normally [1] 15/5</p> <p>north [5] 39/7 40/15 40/24 54/6 54/7</p> <p>not [25] 6/6 12/2 12/7 13/17 13/18 14/10 15/4 30/23 36/19 39/14 43/2 46/18 49/21 51/7 59/22 60/4 67/19 68/9 71/2 74/2 79/12 79/13 81/11 81/13 83/8</p> <p>note [2] 11/19 77/11</p> <p>notes [1] 82/10</p> <p>nothing [9] 6/19 7/16 18/7 19/5 66/8 67/11 74/25 80/17 80/19</p> <p>now [47]</p> <p>NRS [2] 83/2 83/13</p> <p>number [45]</p> <p>Number 10 [1] 77/7</p> <p>Number 11 [1] 33/10</p> <p>Number 17 [2] 24/2 24/6</p> <p>Number 18 [2] 27/11 28/4</p> <p>Number 19 [1] 29/19</p> <p>Number 3 [1] 14/14</p> <p>number 4 [4] 10/14 10/15 30/13 30/17</p> <p>number 5 [4] 13/10 25/8 25/13 29/12</p> <p>Number 8 [1] 67/24</p> <p>Number 9 [1] 69/7</p>	<p>officer [5] 61/2 61/5 61/1 67/4 67/6</p> <p>officers [1] 67/2</p> <p>Official [1] 83/23</p> <p>oh [6] 12/15 29/21 52/5 62/23 73/8 75/22</p> <p>okay [27] 6/12 11/10 19/13 20/24 31/25 32/3 34/6 36/4 38/12 38/25 39/6 40/1 44/12 48/5 50/21 52/8 53/19 54/10 75/20 76/4 76/14 78/17 79/2 79/21 79/23 80/19 81/2</p> <p>old [4] 23/5 23/11 27/4 35/19</p> <p>once [4] 13/4 15/6 21/7 21/13</p> <p>one [51]</p> <p>only [3] 5/25 71/1 75/10</p> <p>oo0oo [1] 81/17</p> <p>open [2] 44/4 68/25</p> <p>opened [1] 52/13</p> <p>operating [1] 72/25</p> <p>opinion [6] 16/20 16/23 16/25 17/3 38/14 45/4</p> <p>opportunity [1] 9/20</p> <p>original [1] 76/7</p> <p>other [12] 5/13 9/5 16/15 16/16 27/16 27/19 27/20 36/25 50/18 72/21 76/12 79/24</p> <p>ounces [1] 76/6</p> <p>our [8] 5/14 6/12 15/5 15/8 15/13 42/9 53/21 81/5</p> <p>out [38]</p> <p>outside [2] 13/17 49/17</p> <p>over [11] 14/19 42/9 45/18 48/21 53/13 53/17 53/20 54/13 54/18 70/7 72/21</p> <p>overall [2] 14/15 14/17</p> <p>overhead [2] 33/10 53/21</p> <p><b>P</b></p> <p>p.m [3] 1/15 19/19 20/22</p> <p>page [6] 24/22 25/9 25/23 25/23 28/14 30/7</p> <p>paneling [1] 52/22</p> <p>paraphrasing [1] 57/20</p> <p>park [15] 22/3 22/5 34/14 34/16 34/18 34/20 35/1 35/3 41/11 43/15 43/20 44/7 46/7 58/12 58/16</p> <p>parked [3] 44/1 48/15 73/6</p> <p>parking [23] 34/8 35/7 35/8 35/11 35/21 36/2 36/3 38/10 39/8 39/11 39/20 41/14 41/20 41/21 42/6 42/21 43/10 43/25 44/4 44/16 45/16 49/15 58/16</p> <p>part [4] 8/22 15/16 59/8 71/4</p> <p>particular [3] 15/3 36/9 77/10</p> <p>passenger [4] 31/19 32/5 45/22 52/17</p> <p>past [1] 26/17</p> <p>pathologist [1] 7/23</p> <p>pathology [3] 8/7 8/8 8/11</p> <p>Patrick [2] 2/20 5/10</p> <p>pattern [1] 13/17</p> <p>pen [1] 39/6</p> <p>pending [3] 6/17 18/5 66/6</p> <p>penitentiary [1] 73/23</p> <p>people [11] 19/15 21/10 23/20</p>	<p>29/14 31/13 36/4 45/21 46/3 52/9 64/4 76/12</p> <p>percent [1] 68/22</p> <p>perform [2] 8/3 8/23</p> <p>performed [1] 9/15</p> <p>period [1] 15/10</p> <p>permitted [1] 81/11</p> <p>person [9] 25/25 30/14 30/17 36/9 67/21 67/25 69/3 83/8 83/11</p> <p>personal [2] 68/21 78/18</p> <p>pertaining [4] 6/23 18/11 66/12 76/2</p> <p>Philadelphia [4] 21/21 21/22 58/3 58/11</p> <p>phone [5] 46/9 46/10 64/7 64/11 72/21</p> <p>photo [9] 4/16 4/17 4/18 24/14 25/19 27/7 28/4 29/22 31/9</p> <p>PHOTOGRAPH [9] 4/5 4/6 4/7 4/8 4/9 4/10 4/11 4/13 4/14</p> <p>photographic [1] 24/4</p> <p>photographs [5] 4/15 9/21 10/3 15/10 16/19</p> <p>photos [1] 15/3</p> <p>pick [2] 30/12 31/4</p> <p>picture [10] 14/15 14/17 25/6 28/18 28/20 30/22 34/22 41/5 50/9 77/8</p> <p>pictures [11] 10/20 15/1 15/13 15/14 20/8 20/16 24/21 24/24 28/15 30/6 41/19</p> <p>place [1] 82/9</p> <p>places [3] 23/15 23/21 38/15</p> <p>Plaintiff [1] 1/6</p> <p>plan [1] 35/10</p> <p>planned [1] 35/9</p> <p>planning [1] 47/3</p> <p>please [13] 6/14 6/21 7/9 8/2 18/2 18/9 18/22 33/11 66/3 66/10 66/23 76/11 80/21</p> <p>point [56]</p> <p>pointed [2] 74/7 81/11</p> <p>pointing [1] 25/24</p> <p>police [2] 54/18 61/1</p> <p>pony [1] 31/23</p> <p>ponytail [19] 27/20 28/22 30/15 30/22 31/4 31/24 32/1 32/10 32/17 33/1 34/19 35/16 36/11 37/22 43/22 43/23 46/12 46/13 51/14</p> <p>position [4] 25/1 25/6 28/20 30/12</p> <p>positive [1] 64/18</p> <p>possess [4] 6/2 7/5 18/18 66/19</p> <p>possession [2] 77/23 77/24</p> <p>potentially [4] 35/23 57/22 64/4 71/1</p> <p>pow [4] 37/3 37/5 37/7 37/9</p> <p>powder [1] 11/25</p> <p>powered [1] 12/25</p> <p>practice [1] 8/12</p> <p>preceding [1] 83/4</p> <p>presence [3] 17/12 65/8 80/5</p> <p>present [13] 2/1 2/19 11/21 11/23 11/25 14/7 14/22 15/11 15/14 16/7 16/12 77/16 81/7</p> <p>presentation [3] 6/6 81/5 81/7</p> <p>presented [4] 17/11 65/7</p>
<p><b>O</b></p> <p>OAKLEAF [1] 2/15</p> <p>object [2] 56/3 57/22</p> <p>observed [1] 76/10</p> <p>obtain [1] 64/4</p> <p>obtained [3] 17/13 65/9 80/6</p> <p>obviously [1] 14/20</p> <p>occurred [2] 14/18 16/10</p> <p>occurring [3] 17/12 65/8 80/5</p> <p>off [10] 46/24 49/10 50/8 50/10 51/6 51/6 51/10 52/8 52/23 63/24</p> <p>offenses [3] 6/24 18/12 66/13</p> <p>office [5] 5/11 5/14 7/24 9/6 9/12</p>		

<p><b>P</b></p> <p>presented... [2] 70/25 80/4</p> <p>presenting [1] 5/14</p> <p>pretty [3] 45/12 62/2 68/25</p> <p>previously [3] 8/14 8/18 10/9</p> <p>Print [1] 83/21</p> <p>probably [3] 23/2 64/13 72/7</p> <p>problem [2] 51/14 74/4</p> <p>proceed [1] 27/5</p> <p>proceedings [9] 1/19 5/7 17/8 65/4 80/1 80/18 81/15 82/8 82/13</p> <p>processing [2] 15/10 15/16</p> <p>program [2] 8/7 83/15</p> <p>prohibited [3] 17/9 65/5 80/2</p> <p>projectile [2] 12/19 13/4</p> <p>propensity [2] 71/3 71/3</p> <p>PROPOSED [1] 4/4</p> <p>protection [1] 68/21</p> <p>provide [3] 6/8 25/16 67/2</p> <p>provided [1] 15/6</p> <p>providing [1] 79/9</p> <p>PT [1] 77/11</p> <p>public [1] 83/15</p> <p>publish [1] 25/21</p> <p>publishing [5] 20/19 28/25 30/16 68/6 69/10</p> <p>pull [13] 32/24 34/15 35/2 40/12 41/9 41/11 53/13 53/17 54/1 54/2 54/13 54/18 56/10</p> <p>pulled [3] 34/15 50/4 74/20</p> <p>pulling [3] 33/16 41/20 43/10</p> <p>pumping [1] 11/5</p> <p>punishable [6] 17/15 17/17 65/11 65/13 80/8 80/10</p> <p>punk [1] 78/24</p> <p>punking [3] 70/9 70/17 70/23</p> <p>purpose [2] 8/25 26/10</p> <p>purposes [1] 71/9</p> <p>Pursuant [1] 83/2</p> <p>pushed [1] 57/23</p> <p>pushes [1] 11/14</p> <p>put [6] 11/4 15/8 15/12 33/10 58/19 62/4</p>	<p>52/14 57/9 57/24</p> <p>really [16] 13/2 13/5 14/6 37/5 37/6 38/16 38/19 44/22 45/4 49/21 51/10 53/5 54/20 54/21 57/5 58/20</p> <p>rear [3] 32/5 32/12 45/22</p> <p>reason [1] 36/2</p> <p>reassure [1] 35/16</p> <p>recall [6] 37/2 37/6 53/10 56/8 62/19 75/16</p> <p>Recess [1] 65/22</p> <p>recognize [16] 10/11 10/14 13/10 14/14 20/7 24/7 24/9 33/12 41/17 42/18 43/6 49/20 50/25 67/25 69/7 77/8</p> <p>recollection [1] 75/18</p> <p>reconvene [1] 81/15</p> <p>record [13] 5/17 7/10 18/23 42/10 43/13 45/15 49/2 53/22 55/17 65/23 66/24 70/22 82/12</p> <p>recovered [5] 15/21 15/23 16/8 16/13 16/14</p> <p>red [1] 54/15</p> <p>refer [3] 19/15 21/10 69/14</p> <p>reference [2] 9/17 10/13</p> <p>referring [1] 74/13</p> <p>reflect [1] 5/17</p> <p>refresh [1] 75/18</p> <p>refrigerator [2] 63/8 63/19</p> <p>regarding [2] 16/10 62/17</p> <p>regular [1] 12/18</p> <p>related [2] 9/25 12/21</p> <p>relating [1] 5/25</p> <p>relation [1] 63/21</p> <p>relationship [1] 13/3</p> <p>relaxing [1] 22/8</p> <p>remember [23] 38/1 38/18 46/25 51/13 51/17 51/21 51/22 51/25 62/25 63/12 63/14 63/16 63/17 64/7 64/11 74/19 75/1 75/5 75/14 75/24 75/25 76/4 76/25</p> <p>repetitive [1] 29/25</p> <p>report [4] 9/21 10/2 15/2 16/19</p> <p>Reported [1] 1/25</p> <p>Reporter [1] 83/23</p> <p>REPORTER'S [2] 1/19 82/1</p> <p>reports [1] 15/9</p> <p>represent [1] 11/22</p> <p>request [1] 2/19</p> <p>required [1] 83/11</p> <p>residency [1] 8/7</p> <p>responded [1] 75/6</p> <p>response [4] 60/16 69/19 73/19 74/17</p> <p>responses [1] 74/5</p> <p>rest [1] 58/22</p> <p>results [1] 9/15</p> <p>review [2] 9/20 16/18</p> <p>reviewed [2] 10/20 15/18</p> <p>RICHARD [34]</p> <p>ride [5] 22/17 26/4 37/14 37/18 38/13</p> <p>rides [3] 23/12 23/15 23/21</p> <p>riding [1] 68/23</p> <p>rifle [1] 12/25</p> <p>right [81]</p> <p>road [1] 53/17</p> <p>rob [3] 46/19 78/15 78/24</p> <p>robbery [10] 5/21 5/21 6/24</p>	<p>6/25 18/12 18/13 48/19 66/13 66/14 76/13</p> <p>room [1] 5/13</p> <p>round [2] 27/21 27/21</p> <p>rubber [1] 15/12</p> <p>rules [1] 76/9</p> <p>rumor [1] 76/7</p> <p>run [5] 26/14 26/14 35/25 36/1 54/15</p> <p>running [1] 50/8</p> <p><b>S</b></p> <p>safe [2] 44/20 45/15</p> <p>Sahara [1] 26/8</p> <p>said [46]</p> <p>Sam [2] 27/8 31/10</p> <p>same [7] 12/25 29/21 60/3 61/18 62/16 73/22 79/22</p> <p>SANTIAGO [1] 2/16</p> <p>Sara [1] 70/19</p> <p>sat [1] 59/2</p> <p>save [1] 11/6</p> <p>saw [6] 52/24 56/3 56/9 59/19 62/21 62/22</p> <p>say [20] 12/5 12/18 35/4 37/16 38/22 38/24 39/19 44/20 45/15 46/25 47/6 50/5 52/5 56/14 62/22 68/18 73/12 79/18 80/17 80/19</p> <p>saying [20] 35/5 35/19 35/20 47/1 51/14 53/12 54/17 55/8 55/14 56/13 56/20 57/10 57/19 61/12 61/19 62/25 73/16 74/19 75/24 75/25</p> <p>says [3] 33/4 75/21 75/21</p> <p>scared [1] 57/6</p> <p>scene [1] 33/19</p> <p>scheduled [1] 59/9</p> <p>school [3] 8/5 8/6 35/19</p> <p>scrape [1] 11/15</p> <p>scraped [2] 45/1 45/5</p> <p>scrapes [1] 10/8</p> <p>screen [5] 33/11 42/9 42/12 43/5 50/10</p> <p>seat [6] 27/6 31/19 33/8 46/4 46/5 55/6</p> <p>seated [3] 6/21 18/9 66/10</p> <p>second [6] 25/23 30/6 53/19 56/19 57/1 62/12</p> <p>secret [6] 17/9 37/10 37/11 65/5 80/2 80/18</p> <p>Secretary [2] 2/4 2/5</p> <p>security [2] 83/8 83/11</p> <p>see [26] 11/1 12/20 13/13 13/15 14/5 14/20 14/22 15/17 25/6 38/4 41/5 41/6 42/12 42/17 43/6 44/19 45/21 48/2 50/3 50/9 50/21 50/23 53/5 55/25 57/21 76/21</p> <p>seeing [3] 56/12 69/19 74/5</p> <p>seem [1] 36/16</p> <p>seen [3] 48/5 56/11 76/20</p> <p>selected [1] 25/25</p> <p>sell [2] 68/13 77/24</p> <p>selling [3] 68/11 72/15 72/16</p> <p>September [4] 1/14 2/1 5/1 82/15</p> <p>set [1] 6/8</p> <p>setting [1] 33/19</p> <p>shade [1] 58/16</p> <p>shall [3] 6/18 18/6 66/7</p> <p>Shandin [3] 77/1 77/3 77/4</p>
<p><b>Q</b></p> <p>question [7] 12/12 34/21 43/25 72/10 74/8 77/15 79/12</p> <p>questions [9] 6/11 17/5 17/7 29/25 33/18 55/11 65/3 78/11 79/24</p> <p>quick [2] 41/13 62/19</p> <p>quite [2] 13/12 14/22</p> <p>quote [1] 70/23</p> <p><b>R</b></p> <p>R-I-C-H-A-R-D [1] 18/25</p> <p>race [1] 23/1</p> <p>radio [1] 61/14</p> <p>Rain [1] 69/23</p> <p>raise [3] 6/14 18/2 66/3</p> <p>raised [1] 51/22</p> <p>range [6] 11/22 11/24 12/3 12/4 12/11 13/21</p> <p>reaching [8] 50/13 50/15 55/12 55/18 55/21 56/1 56/12 57/21</p> <p>reaction [2] 55/5 56/17</p> <p>read [5] 24/16 24/18 28/10 29/10 30/2</p> <p>ready [2] 53/17 65/23</p> <p>real [6] 41/12 44/18 52/7</p>		

## S

SHARON [1] 2/4  
 she [6] 59/18 59/18 59/19  
 60/2 60/11 77/1  
 She's [1] 5/13  
 shirt [3] 49/4 49/5 50/18  
 shit [1] 75/22  
 shoot [2] 50/20 50/21  
 shooting [1] 51/22  
 short [1] 27/24  
 shorthand [2] 82/7 82/10  
 shortly [2] 5/13 71/11  
 shot [5] 10/16 10/20 16/10  
 50/24 57/22  
 shotgun [1] 12/23  
 shots [1] 51/3  
 should [2] 35/5 44/17  
 shoulder [1] 55/23  
 shouldn't [3] 73/17 73/18  
 81/12  
 show [16] 20/5 24/1 24/6  
 28/3 33/9 41/12 41/16 52/2  
 52/7 55/18 60/4 61/20 62/6  
 67/23 70/25 77/5  
 showed [2] 24/10 75/17  
 showing [7] 10/9 13/9 13/23  
 14/13 27/10 55/20 69/6  
 shown [5] 24/4 24/21 28/15  
 29/19 30/6  
 shows [1] 14/1  
 sic [1] 27/21  
 side [16] 11/4 14/18 31/19  
 31/20 32/6 32/11 34/9 35/2  
 35/8 35/11 35/21 36/2 45/1  
 45/22 52/17 53/17  
 sign [7] 25/14 28/12 29/5  
 29/15 30/4 30/20 31/6  
 signature [3] 24/11 26/2  
 83/19  
 signed [2] 24/18 29/7  
 significant [1] 16/16  
 significantly [1] 12/17  
 similar [4] 13/5 13/6 13/16  
 28/4  
 Simms [3] 9/9 9/11 9/15  
 SIMON [1] 2/3  
 simultaneously [1] 15/15  
 sir [121]  
 sit [2] 58/14 61/2  
 sitting [8] 22/7 22/15 31/18  
 32/4 32/8 32/10 32/11 46/13  
 six [4] 24/24 28/15 29/13  
 30/6  
 skin [6] 11/14 12/1 12/2  
 12/6 13/2 13/3  
 skinned [2] 27/5 46/1  
 Sky [1] 19/25  
 slot [1] 44/8  
 small [1] 12/22  
 smashed [1] 52/14  
 Smith [2] 27/8 31/10  
 so [55]  
 social [2] 83/8 83/11  
 solemnly [3] 6/16 18/4 66/5  
 some [48]  
 somebody [4] 12/8 51/18 61/14  
 69/25  
 someone [9] 11/7 22/10 25/3  
 30/9 43/20 48/2 50/21 51/15  
 74/20  
 someplace [1] 26/17

something [27] 12/9 12/10  
 20/25 22/11 26/18 35/12  
 35/12 36/1 36/17 37/19 39/17  
 41/1 44/21 44/24 46/19 46/20  
 47/3 50/16 51/18 51/20 55/21  
 60/18 62/23 63/1 72/10 73/20  
 76/16  
 sometimes [3] 11/20 19/15  
 23/20  
 somewhere [9] 21/18 26/5  
 32/17 32/24 43/21 47/22  
 49/14 57/25 58/15  
 soon [1] 62/21  
 soot [4] 11/20 11/23 12/9  
 13/18  
 sorry [4] 75/4 76/8 79/16  
 79/25  
 Sounds [1] 70/20  
 south [7] 39/9 39/10 39/11  
 39/19 40/15 40/17 40/21  
 spaces [1] 44/5  
 speaking [1] 36/24  
 specific [3] 44/8 71/19 83/12  
 specifically [3] 10/13 19/18  
 46/21  
 speculate [1] 79/13  
 speculative [1] 79/4  
 speed [2] 51/6 54/14  
 spell [3] 7/10 18/23 66/24  
 spine [2] 16/5 16/9  
 Spooky [3] 68/3 68/4 70/8  
 spot [2] 43/23 45/13  
 spread [1] 62/4  
 Ss [1] 82/3  
 stairs [3] 47/16 48/3 48/8  
 stamp [1] 15/12  
 standing [3] 36/14 36/15  
 47/12  
 start [2] 12/25 49/23  
 started [7] 46/17 49/19 51/5  
 54/19 58/6 60/6 70/8  
 starting [1] 47/5  
 state [10] 1/5 5/15 7/9 8/13  
 18/22 65/24 66/23 82/3 83/12  
 83/16  
 State's [2] 18/1 65/25  
 statement [8] 17/12 25/10  
 29/8 31/1 65/8 75/18 76/12  
 80/5  
 statements [9] 17/11 51/23  
 59/21 61/22 65/7 70/5 70/12  
 79/6 80/4  
 station [1] 61/2  
 stay [2] 58/13 59/5  
 steal [1] 46/19  
 steering [1] 58/19  
 Stenotype [1] 82/7  
 stereo [6] 75/2 75/9 75/11  
 75/13 75/22 76/18  
 stick [1] 29/13  
 still [4] 46/12 46/13 54/15  
 68/8  
 stippling [3] 11/21 11/25  
 13/18  
 stolen [1] 73/6  
 stop [13] 22/20 34/17 37/21  
 61/17 70/11 71/23 72/9 72/22  
 73/7 73/18 73/24 75/4 76/8  
 stoplight [2] 39/25 40/1  
 stopped [3] 57/5 57/13 57/14  
 store [10] 23/13 33/20 34/10  
 36/3 36/9 36/11 37/22 39/22

63/9 63/13  
 stories [2] 47/14 47/15  
 story [1] 70/25  
 stove [2] 63/8 63/19  
 straight [1] 34/16  
 Stratosphere [1] 21/9  
 street [5] 21/23 21/24 40/9  
 40/13 57/2  
 structure [1] 33/21  
 stuff [4] 37/14 62/5 64/4  
 81/10  
 stupid [4] 46/20 47/3 47/4  
 47/7  
 subsequently [1] 73/3  
 substance [7] 6/3 7/4 7/5  
 18/17 18/18 66/18 66/19  
 Substances [1] 6/2  
 successful [1] 52/18  
 sudden [1] 57/10  
 suggests [1] 11/23  
 supervision [1] 82/11  
 sure [5] 12/14 12/15 15/4  
 74/1 76/9  
 surgical [1] 8/8  
 surprised [1] 31/13  
 suspicious [1] 35/15  
 suture [1] 11/2  
 sutures [1] 10/16  
 swear [3] 6/16 18/4 66/5  
 sworn [5] 5/5 7/14 19/3 66/2  
 67/9

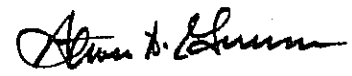
## T

T-shirt [2] 49/5 50/18  
 tag [2] 15/7 15/7  
 take [6] 22/19 26/13 26/17  
 31/15 38/15 45/18  
 taken [7] 1/13 15/4 20/16  
 61/24 63/18 76/16 76/18  
 taking [3] 15/13 15/15 38/16  
 talk [1] 48/18  
 talked [4] 14/2 14/8 28/5  
 71/16  
 talking [11] 36/15 36/16  
 41/23 42/23 48/1 49/8 49/9  
 57/5 57/13 57/14 79/3  
 tall [1] 27/23  
 taller [1] 23/3  
 tank [2] 49/6 49/7  
 taps [1] 22/16  
 telephone [1] 71/11  
 tell [26] 15/1 15/18 22/13  
 32/17 34/6 36/24 38/11 38/12  
 39/17 41/1 43/20 47/24 51/3  
 54/22 54/22 54/25 55/1 55/2  
 55/7 55/8 55/9 56/21 57/10  
 57/11 61/8 63/6  
 telling [16] 37/2 37/6 38/18  
 45/2 45/9 53/16 54/12 54/13  
 54/14 54/16 56/8 57/9 74/19  
 75/1 75/5 75/14  
 tells [4] 40/5 40/6 43/22  
 62/3  
 TEMPLE [1] 2/12  
 tend [1] 12/21  
 TERESA [1] 2/8  
 terms [4] 12/3 12/20 49/17  
 75/9  
 testified [5] 7/16 8/14 8/18  
 19/5 67/11  
 testify [4] 7/15 9/14 19/4  
 67/10

<b>T</b>	43/16 43/18 44/7 46/23 46/24 47/2 47/6 59/18 61/9 61/10 61/16 63/14 64/9 70/18 76/1 76/18 76/19 78/22 81/5	upon [3] 6/17 18/5 66/6 upper [1] 10/6 ups [2] 27/8 31/9 upset [6] 44/23 45/5 45/6 45/10 53/12 54/21 upstairs [1] 47/23 us [8] 9/2 9/3 15/1 17/10 22/25 41/1 65/6 80/3 use [12] 5/22 5/22 5/23 6/25 7/1 7/2 18/13 18/14 18/15 66/14 66/15 66/16 using [2] 19/23 72/15 usually [3] 15/10 23/23 23/25
testimony [6] 6/16 6/23 18/4 18/11 66/5 66/12	too [4] 10/8 13/3 38/16 73/22	<b>V</b>
than [4] 12/24 16/15 23/3 35/7	took [3] 45/16 62/19 82/7	Vegas [5] 1/13 5/1 7/24 8/12 82/14
Thank [10] 13/7 13/22 14/24 17/22 17/24 19/1 65/18 79/21 79/23 81/2	top [2] 49/6 49/7	vehicle [9] 22/3 31/21 32/6 36/5 36/7 43/6 43/6 45/22 72/25
Thanks [2] 34/25 75/20	tore [2] 52/21 52/23	vena [1] 16/1
that [266]	torso [1] 13/25	versus [4] 5/16 12/22 36/3 65/24
that's [39]	totally [2] 57/2 57/12	very [6] 10/15 12/23 13/4 45/6 71/9 81/13
their [4] 11/4 61/23 67/3 74/2	towards [2] 55/13 56/13	vessels [1] 16/2
theirs [1] 15/15	trained [1] 8/10	video [5] 4/19 42/5 45/12 47/5 52/8
them [39]	training [1] 8/3	view [1] 10/23
then [26] 8/9 8/11 13/16 14/17 15/7 15/8 15/12 16/4 16/4 30/25 31/24 38/9 40/24 43/22 56/19 56/20 57/5 57/6 57/12 58/18 61/15 61/22 63/24 64/13 73/16 79/7	transaction [1] 63/21	viewing [1] 10/2
there [85]	transcribe [1] 5/6	violate [4] 6/1 7/4 18/17 66/18
there's [5] 34/13 46/15 47/3 70/22 81/10	transcribed [1] 82/10	violence [1] 78/2
thereafter [1] 82/9	transcript [4] 1/19 75/17 82/12 83/4	voices [4] 49/19 49/20 49/21 51/22
these [23] 13/1 13/2 13/11 15/1 15/3 15/4 15/16 15/19 17/8 20/16 27/12 29/25 31/8 38/15 42/2 45/2 59/17 63/21 65/4 79/9 79/14 80/1 80/18	transpired [3] 17/10 65/6 80/3	voicing [2] 38/14 45/4
they [53]	Travelers [2] 34/2 34/3	<b>VOLUME [1] 1/21</b>
they're [7] 35/19 36/16 36/24 53/16 54/12 54/14 54/15	traversed [1] 16/6	<b>W</b>
thin [1] 23/4	Travis [3] 77/9 79/19 79/20	W-E-I-R [1] 67/5
thing [2] 29/25 75/10	TRECHTER [1] 2/17	waist [2] 55/23 55/24
things [5] 11/19 51/12 70/5 71/16 72/4	tried [1] 14/2	Wait [1] 79/15
think [9] 12/13 26/16 34/2 35/22 38/25 47/23 56/16 57/7 72/2	trip [2] 26/10 63/3	waited [2] 46/8 61/2
thinking [1] 53/11	tripped [1] 75/23	walked [2] 59/18 61/9
this [103]	trouble [1] 46/16	walking [1] 48/8
thoracotomy [2] 11/3 14/10	true [2] 78/1 82/12	wall [3] 44/22 45/5 62/4
those [17] 9/8 11/17 11/22 12/4 20/7 20/7 24/16 27/3 28/10 28/12 30/2 41/17 41/19 46/3 48/12 70/12 71/9	trunk [1] 58/24	want [15] 6/4 19/18 20/5 24/1 26/4 26/7 28/3 35/1 51/19 57/18 57/18 67/23 69/21 77/5 78/6
thought [5] 37/3 64/14 64/16 76/3 76/5	truth [21] 6/18 6/18 6/19 7/15 7/15 7/16 18/6 18/6 18/7 19/4 19/4 19/5 59/22 61/23 66/7 66/7 66/8 67/10 67/10 67/11 70/24	wanted [4] 31/16 32/18 37/14 51/12
threatening [1] 72/20	try [9] 11/5 11/6 14/3 14/4 35/16 36/1 38/24 52/12 60/14	wants [3] 33/1 33/4 43/23
three [5] 7/2 18/15 26/22 66/16 72/8	trying [8] 35/12 51/9 52/9 52/10 52/14 52/16 61/13 78/15	warnings [1] 46/22
through [17] 5/24 10/10 10/11 14/6 15/25 15/25 15/25 16/4 16/11 34/8 38/10 39/7 39/11 39/19 41/17 43/3 54/15	turn [14] 40/19 40/22 42/9 44/18 56/20 56/20 56/22 56/25 57/1 57/9 57/11 57/11 60/20 60/22	was [105]
Thursday [1] 1/14	turning [4] 28/14 37/19 55/13 56/13	wasn't [1] 79/9
tight [2] 44/18 45/13	two [15] 21/3 23/11 27/12 45/21 46/3 47/15 48/7 49/3 49/13 60/21 72/7 72/7 75/12 76/6 76/18	watched [1] 42/5
time [19] 13/5 13/6 13/20 15/8 20/14 25/16 44/13 45/16 49/25 56/18 56/19 68/22 70/4 72/14 72/20 73/4 76/21 81/16 82/9	two ounces [1] 76/6	way [8] 38/11 39/10 41/3 41/3 48/21 56/11 58/17 63/23
times [2] 26/20 26/22	<b>U</b>	we [29]
tissue [1] 16/11	U-turn [2] 40/19 40/22	we'll [7] 6/6 6/7 15/11 31/23 69/14 74/5 81/7
Title [1] 83/23	Uh [1] 78/16	we're [5] 5/14 13/19 15/13 53/21 77/5
today [8] 6/7 6/22 9/14 18/10 66/11 67/16 70/1 81/5	Uh-huh [1] 78/16	we've [2] 41/22 42/23
toe [2] 15/7 15/7	under [2] 25/1 82/10	weapon [19] 5/22 5/23 5/24 5/24 6/25 7/1 7/2 7/3 12/5 18/13 18/14 18/15 18/16 66/14 66/15 66/16 66/17 78/2 78/3
told [27] 26/12 26/13 26/14 26/15 35/2 41/10 41/11 43/15	undergone [1] 8/3	weapons [4] 12/21 12/22 12/22 13/2
	undersigned [1] 83/4	wearing [1] 49/4
	understand [12] 7/7 17/20 18/20 33/7 35/6 63/20 65/16 66/21 80/13 80/15 80/24 81/1	
	understanding [1] 78/14	
	understood [1] 63/23	
	undetermined [1] 81/16	
	Uniform [4] 6/1 7/4 18/17 66/18	
	University [1] 8/5	
	unquote [1] 70/23	
	unwieldy [1] 43/4	
	up [31]	

<b>W</b>	<b>year [5]</b> 17/15 65/11 69/23 77/20 80/8
<b>weeks [2]</b> 72/7 72/8	<b>years [2]</b> 8/1 23/11
<b>Weir [2]</b> 67/4 67/5	<b>Yep [2]</b> 74/18 74/22
<b>welcome [1]</b> 14/25	<b>yes [210]</b>
<b>well [47]</b>	<b>yet [2]</b> 13/12 72/19
<b>went [10]</b> 8/7 8/10 10/7 16/3 16/11 21/21 34/8 36/11 73/17 73/19	<b>you [512]</b>
<b>were [51]</b>	<b>You'll [1]</b> 66/2
<b>what [99]</b>	<b>you're [35]</b>
<b>what's [28]</b>	<b>you've [3]</b> 8/3 23/14 57/24
<b>whatever [5]</b> 38/17 38/17 45/9 61/16 61/19	<b>young [3]</b> 23/5 23/6 27/4
<b>whatsoever [1]</b> 74/3	<b>your [44]</b>
<b>wheel [1]</b> 58/19	<b>yourself [2]</b> 32/20 60/23
<b>when [32]</b>	
<b>where [30]</b>	
<b>Where's [1]</b> 31/18	
<b>whether [3]</b> 51/7 51/21 60/4	
<b>which [13]</b> 11/15 11/25 16/1 25/6 28/20 30/12 32/6 38/11 44/10 52/16 71/16 72/1 76/25	
<b>while [2]</b> 15/13 42/9	
<b>white [5]</b> 27/4 27/12 43/15 49/5 50/18	
<b>who [21]</b> 5/12 30/9 30/14 33/1 33/4 33/7 34/17 36/7 39/4 40/6 43/16 46/3 46/10 49/2 49/4 49/8 49/13 50/5 50/23 52/3 77/8	
<b>who's [2]</b> 69/7 70/1	
<b>whoever [1]</b> 68/22	
<b>whole [6]</b> 6/18 7/15 18/6 19/4 66/7 67/10	
<b>whom [1]</b> 9/6	
<b>whoop [1]</b> 51/19	
<b>Whose [1]</b> 50/17	
<b>why [8]</b> 35/5 35/5 35/6 35/11 35/11 37/9 44/17 44/17	
<b>wife [3]</b> 59/14 59/16 80/20	
<b>wife's [1]</b> 59/21	
<b>will [9]</b> 5/13 5/17 6/5 8/2 15/6 15/7 15/9 42/10 76/11	
<b>Wilson [3]</b> 77/2 77/3 77/4	
<b>window [2]</b> 22/17 52/22	
<b>wit [1]</b> 83/13	
<b>within [2]</b> 16/7 16/8	
<b>without [1]</b> 50/14	
<b>witness [11]</b> 4/16 4/17 4/18 6/12 17/6 18/1 64/24 65/25 79/3 79/11 81/9	
<b>WITNESSES [1]</b> 3/1	
<b>wood [1]</b> 52/22	
<b>work [7]</b> 9/6 19/13 19/14 19/20 19/22 20/21 21/4	
<b>worried [1]</b> 58/20	
<b>would [13]</b> 11/20 11/22 12/23 26/13 27/25 39/9 60/21 64/9 67/2 68/23 72/10 75/18 79/4	
<b>wouldn't [1]</b> 61/22	
<b>wound [17]</b> 10/5 10/6 10/17 10/18 11/12 11/12 11/18 11/21 11/22 12/6 12/11 12/17 13/15 13/19 14/7 14/21 15/24	
<b>wounds [2]</b> 16/15 16/24	
<b>wow [4]</b> 37/3 37/5 37/7 37/9	
<b>write [5]</b> 15/7 25/9 25/12 29/8 30/25	
<b>wrong [3]</b> 39/17 39/18 46/19	
<b>Y</b>	
<b>yeah [37]</b>	

EIGHTH JUDICIAL DISTRICT COURT  
CLARK COUNTY, NEVADA

  
CLERK OF THE COURT

THE STATE OF NEVADA,

Plaintiff,

vs.

DUSTIN BLEAK, aka Dustin Charles  
Bleak, DARION MUHAMMAD-COLEMAN,  
aka Darion Muhammadcoleman,

Defendants.

GJ No. 12BGJ159AB  
DC No. C293296

Taken at Las Vegas, Nevada  
Thursday, September 26, 2013  
1:52 p.m.

REPORTER'S TRANSCRIPT OF PROCEEDINGS

VOLUME 2

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

1 GRAND JURORS PRESENT ON SEPTEMBER 26, 2013

2

3 CLARE O'BRIEN, Foreperson

4 ELGIN SIMON, Deputy Foreperson

5 SHARON HOWARD, Secretary

6 KATHY ACEVEDO

7 JEFFREY CARSON

8 TERESA GOSS

9 KAREN GRAVLIN

10 EVA HENDERSON

11 RICHARD HOWE

12 TEMPLE KINYON

13 LOIS KLEVELAND

14 KARL MEISENHEIMER

15 NANETTE OAKLEAF

16 MICHELLE SANTIAGO

17 LINDA TRECHTER

18

19 Also present at the request of the Grand Jury:

20 Patrick Burns & Caroline Bateman,  
21 Deputy District Attorneys

22

23

24

25

INDEX OF WITNESSESExamined

ERIC COLLINS

7

CLIFFORD MOGG

14

TERRI MILLER

21



INDEX OF EXHIBITS

<u>Grand Jury Exhibits</u>	<u>Identified</u>
6 - PHOTOGRAPH	26
7 - PHOTOGRAPH	26
9 - PHOTOGRAPH	11
13 - PHOTOGRAPH	16
15 - PHOTOGRAPH	42
20 - PHOTO LINE-UP KEY	39
21 - PHOTO LINE-UP KEY	18
24, 25 - PHOTOGRAPHS	35
28 - PHOTOGRAPH	35
29, 30 & 31 - PHOTOGRAPHS	36
32, 33 & 34 - PHOTOGRAPHS	10

1 LAS VEGAS, NEVADA, SEPTEMBER 26, 2013

2 \* \* \* \* \*

3  
4 DANETTE L. ANTONACCI,

5 having been first duly sworn to faithfully  
6 and accurately transcribe the following  
7 proceedings to the best of her ability.  
8

9 MR. BURNS: Back on the record in  
10 12BGJ159AB, State of Nevada versus Darion  
11 Muhammad-Coleman and Dustin Bleak.

12 Ladies and gentlemen, you obviously know  
13 that this is the second part of a presentation in this  
14 case. Today we're going to be presenting some more  
15 evidence to you. You will not be asked to deliberate.  
16 You will be provided jury instructions before you're  
17 asked to do so.

18 We have one person who was not present for  
19 the last proceeding but there will be a transcript  
20 provided before you deliberate so you can review that.

21 And with that -- it's Patrick Burns, deputy  
22 district attorney, and Caroline Bateman is going to be  
23 presenting today.

24 MS. BATEMAN: And the first witness today  
25 will be Detective Eric Collins, C-O-L-L-I-N-S.

1 THE FOREPERSON: Please raise your right  
2 hand.

3 You do solemnly swear the testimony you are  
4 about to give upon the investigation now pending before  
5 this Grand Jury shall be the truth, the whole truth, and  
6 nothing but the truth, so help you God?

7 THE WITNESS: Yes, ma'am.

8 THE FOREPERSON: Please be seated.

9 THE WITNESS: Thank you.

10 THE FOREPERSON: You are advised that you  
11 are here today to give testimony in the investigation  
12 pertaining to the offenses of conspiracy to commit  
13 robbery, attempt robbery with use of a deadly weapon,  
14 murder with use of a deadly weapon, battery with use of  
15 a deadly weapon, assault with a deadly weapon,  
16 conspiracy to violate Uniform Controlled Substance Act,  
17 attempt to possess controlled substance, involving  
18 Dustin Bleak and Darion Muhammad-Coleman.

19 Do you understand this advisement?

20 THE WITNESS: Yes, ma'am.

21 THE FOREPERSON: Please state your first  
22 and last name, spell both for the record.

23 THE WITNESS: Eric, E-R-I-C, Collins,  
24 C-O-L-L-I-N-S.

25 THE FOREPERSON: Thank you.

1 THE WITNESS: Yes, ma'am.

2 ERIC COLLINS,

3 having been first duly sworn by the Foreperson of the  
4 Grand Jury to testify to the truth, the whole truth,  
5 and nothing but the truth, testified as follows:

6  
7 EXAMINATION

8  
9 BY MS. BATEMAN:

10 Q. Sir, how are you employed?

11 A. As a detective with the Las Vegas  
12 Metropolitan Police Department.

13 Q. And how long have you been so employed?

14 A. Twenty-four years, two months and a couple  
15 of days.

16 Q. On April 22nd of this year, did you have  
17 occasion to respond to 4823 Boulder Highway in Las  
18 Vegas, Clark County, Nevada?

19 A. Yes, ma'am.

20 Q. What was the reason for your response?

21 A. I'm assigned to the Criminal Apprehension  
22 Team, CAT team for short. Our job is to go out and look  
23 for violent offenders -- murder, sexual assault and  
24 armed robbery -- and on that day we were assigned to go  
25 look for a murder suspect.

1 Q. And when you responded to that scene were  
2 there other officers who had already arrived?

3 A. Yes, ma'am.

4 Q. Upon your arrival did you observe a white  
5 Buick?

6 A. Yes, ma'am, I did.

7 Q. Did you observe any occupants inside the  
8 vehicle?

9 A. Five occupants in the vehicle.

10 Q. And what if anything were the occupants  
11 doing upon your arrival?

12 A. We were conducting a felony car stop.  
13 Technically we were doing what's called a pinch  
14 maneuver. We had an undercover vehicle in the front of  
15 the suspect vehicle, we had several to the rear of the  
16 suspect vehicle immobilizing it so it can't go forward  
17 or backward and we were calling the people out of the  
18 vehicle.

19 Q. And prior to calling them out of the  
20 vehicle were they all seated inside?

21 A. Yes, ma'am.

22 Q. And were they doing anything with their  
23 hands at that point?

24 A. We were giving verbal commands from the  
25 rear, shut off the vehicle, everybody's hands in the air

1 so we could see them, the driver and front passenger, a  
2 male driver, female passenger, had their hands in the  
3 air, in the rear there was two females and a male, the  
4 two females had their hands in the air but the male did  
5 not.

6 Q. What was the male doing?

7 A. We couldn't see what his hands were doing  
8 but he was fidgeting with his hands down, which would be  
9 below the trunk in the rear seat level, so we couldn't  
10 actually see what he was doing but his hands were down  
11 where everyone else's were up.

12 Q. At some point did you approach the vehicle?

13 A. After taking all five people out of the  
14 vehicle we approached to clear the vehicle, yes.

15 Q. And when they were still inside the vehicle  
16 did you see the position of each individual?

17 A. Yes, ma'am.

18 Q. And do you recall who was seated in the  
19 back middle seat of the vehicle?

20 A. Mr. Bleak.

21 Q. And would that be Dustin Bleak?

22 A. Yes, ma'am.

23 Q. And after the individuals exited the  
24 vehicle did you have a chance to look inside?

25 A. Yes, ma'am.

1           Q.     And did you observe anything of  
2 significance at that point?

3           A.     At the time what I thought was a blue  
4 framed handgun, semi-automatic handgun. Later turned  
5 out to be a BB gun.

6           Q.     Where in the vehicle was that BB gun  
7 located upon your observation?

8           A.     The back seat is a bench style and so if  
9 Mr. Bleak was sitting in the middle seat right on what I  
10 guess would be his right hip, his right buttocks area.

11          Q.     Would it be correct to say that the BB gun  
12 was located in the middle area of the back seat?

13          A.     Middle, little bit towards the passenger  
14 side.

15          Q.     Okay. Showing you what has previously been  
16 marked as Grand Jury Exhibits 34, 32 and 33. Do you  
17 recognize these exhibits?

18          A.     Yes, ma'am.

19          Q.     How do you recognize them?

20          A.     The white vehicle is the vehicle that we  
21 were stopping. The vehicles behind it are some of the  
22 undercover vehicles that my squad drives.

23          Q.     And for the record was that Exhibit 33?

24          A.     34, ma'am.

25          Q.     34, I apologize.

1 And let me --

2 A. And some of my partners in the picture.

3 Q. Just briefly for the Grand Jury I'll  
4 publish Exhibit 34.

5 And as to Exhibit 33. Or 32.

6 A. Yes, ma'am.

7 Q. Yes. What do you recognize Exhibit 32 to  
8 be?

9 A. The passenger rear seat of the vehicle that  
10 we were pinching and the BB gun.

11 Q. Okay. And briefly publishing for the Grand  
12 Jury.

13 And finally Exhibit 34.

14 A. 33.

15 Q. Oh 33. What do you recognize Exhibit 33 to  
16 be?

17 A. The BB gun that's in the other picture.

18 Q. Okay. And briefly publishing for the Grand  
19 Jury.

20 A. That would have been after it was already  
21 removed from the vehicle by the crime scene analyst and  
22 he's got a piece of brown paper bag that it's sitting  
23 on.

24 Q. Sir, now showing you Exhibit Number 9. Do  
25 you recognize Exhibit Number 9?



1 A. Yes, ma'am, I do.

2 Q. And how do you recognize it?

3 A. That's the suspect in question, Mr. Bleak.

4 Q. Okay. Again was that Dustin Bleak?

5 A. Dustin Bleak, excuse me, yes, ma'am.

6 Q. Briefly publishing for the Grand Jury.

7 At this time I have no further questions  
8 for this witness. Are there any members of the Grand  
9 Jury who have any questions for him?

10 BY A JUROR:

11 Q. How did you know it was a BB gun?

12 A. I didn't until the CSA gentleman removed  
13 it, told us it was a BB gun. At the time when you look  
14 into the vehicle it looked like a real firearm to me.

15 Q. But if you looked at the barrel can you  
16 pretty much tell it's a BB gun?

17 A. If you look at the picture it was barrel  
18 down towards the break in the seat in the back and we  
19 couldn't touch it so I couldn't just pull it out and  
20 look at it and put it back in. So we found out a few  
21 minutes later.

22 Q. So anyone who it was pointed to could tell  
23 it was a BB gun?

24 A. I can't answer for anyone else but I guess  
25 if you were close enough that you could see it was a

1 small little hole, sure. Yes, sir.

2 THE FOREPERSON: By law, these proceedings  
3 are secret and you are prohibited from disclosing to  
4 anyone anything that has transpired before us, including  
5 evidence and statements presented to the Grand Jury, any  
6 event occurring or statement made in the presence of the  
7 Grand Jury, and information obtained by the Grand Jury.

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

14 Do you understand this admonition?

15 THE WITNESS: Yes, ma'am.

16 THE FOREPERSON: Thank you. You are  
17 excused.

18 THE WITNESS: Thank you.

19 MS. BATEMAN: The next witness is Detective  
20 Cliff Mogg.

21 THE FOREPERSON: Please raise your right  
22 hand.

23 You do solemnly swear the testimony you are  
24 about to give upon the investigation now pending before  
25 this Grand Jury shall be the truth, the whole truth, and

1 nothing but the truth, so help you God?

2 THE WITNESS: I do.

3 THE FOREPERSON: Please be seated.

4 You are advised that you are here today to  
5 give testimony in the investigation pertaining to the  
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7 robbery with use of a deadly weapon, murder with use of  
8 a deadly weapon, battery with use of a deadly weapon,  
9 assault with a deadly weapon, conspiracy to violate  
10 Uniform Controlled Substance Act, and attempt to possess  
11 controlled substance, involving Dustin Bleak and Darion  
12 Muhammad-Coleman.

13 Do you understand this advisement?

14 THE WITNESS: Yes.

15 THE FOREPERSON: Please state your first  
16 and last name, spell both for the record.

17 THE WITNESS: Clifford, C-L-I-F-F-O-R-D,  
18 Mogg, M-O-G-G.

19 THE FOREPERSON: Thank you.

20 CLIFFORD MOGG,

21 having been first duly sworn by the Foreperson of the  
22 Grand Jury to testify to the truth, the whole truth,  
23 and nothing but the truth, testified as follows:

24

25 ///

EXAMINATION

BY MS. BATEMAN:

Q. Sir, how are you employed?

A. I'm a detective with Las Vegas Metropolitan Police Department homicide section.

Q. And how long have you been so employed?

A. I've been a police officer for 30 years, 17 with Metro, and I've been assigned to the homicide section for over 10 years.

Q. On April 19th of this year did you have cause to respond to 2855 East Fremont Street in Las Vegas, Clark County, Nevada?

A. That's correct.

Q. And what is located at that address?

A. I'm sorry?

Q. Is there anything located at that address?

A. I believe it's a Travelers Inn motel.

Q. And what was the purpose of your response?

A. My initial response was to UMC Hospital to deal with the victim who had been transported there. After that I went out to the Travelers Inn to assist with follow-up investigation.

Q. And what was that investigation in regards to?

1 A. I can't hear what you're saying.

2 Q. What was that investigation in regards to?

3 A. The murder of Dale Borerero.

4 Q. Now on April 22nd of last year, or this  
5 year, I apologize; did you respond to the area regarding  
6 the Clark County Detention Center pursuant to your  
7 investigation?

8 A. Yes.

9 Q. And did you meet with someone name Richard  
10 McCampbell?

11 A. That's correct.

12 Q. Upon your arrival did you observe a white  
13 and blue Cadillac bearing Nevada plate 441YVU?

14 A. Correct, it was parked on First Street near  
15 the southwest corner of the Clark County Detention  
16 Center.

17 Q. Showing you what has been marked as Grand  
18 Jury Exhibit Number 13, do you recognize Grand Jury  
19 Exhibit Number 13?

20 A. I do.

21 Q. How do you recognize it?

22 A. This is Mr. McCampbell's, I believe it was  
23 a '90's model Cadillac Brougham four door, white landau  
24 top over baby blue.

25 Q. And briefly publishing for the Grand Jury.

1                   And did you have occasion to observe the  
2 vehicle?

3           A.     I did.

4           Q.     And what if anything stood out to you?

5           A.     There appeared to be a impact point from a  
6 bullet strike on the, what's the C pillar. If you look  
7 at the front of the car where the windshield is, those  
8 are the A pillars. The one between the passenger door  
9 and the rear, or the driver's door and the rear driver's  
10 side passenger door would be the B pillar. And then on  
11 the back of the car where the rear window is the C  
12 pillar. On the driver's side of the C pillar, just a  
13 couple inches above where the trunk would be, was a  
14 bullet impact point.

15          Q.     And pursuant to your investigation in the  
16 case, including your interview with Mr. McCampbell, did  
17 you identify someone named Darion Muhammad-Coleman as a  
18 potential suspect?

19          A.     During my interview with Mr. McCampbell he  
20 identified the suspect as a person he knew by the name  
21 of Money. He described him as a young African American  
22 male, gave me height, weight, basic physical description  
23 on him, and at the end of that interview he told me that  
24 he had a phone number for Money and then later on that  
25 evening he called me with that phone number which was

1 488-5138.

2 Q. And based on all that information,  
3 including that he identified someone by the name of  
4 Money, did you identify Darion Muhammad-Coleman as a  
5 potential suspect?

6 A. Yes.

7 Q. And at that time did you have occasion to  
8 construct a photo ID line-up regarding, including Darion  
9 Muhammad-Coleman?

10 A. I did.

11 Q. And Detective, when you create a photo  
12 line-up, do you also create a version for your law  
13 enforcement purpose that includes the names and the  
14 positions of the individuals included in that line-up?

15 A. That's correct.

16 Q. And is that called a line-up key?

17 A. Yes.

18 Q. Did you create a line-up key in this case?

19 A. I did.

20 Q. And is a line-up key identical to the  
21 version shown to witnesses save the names included on  
22 that?

23 A. That's correct. In place of the names it's  
24 just a blank line.

25 Q. Showing you Grand Jury Exhibit Number 21,

1 do you recognize Exhibit 21?

2 A. I do.

3 Q. And how do you recognize it?

4 A. This is the line-up that I constructed  
5 using Darion Muhammad-Coleman's photograph and five  
6 similar looking African Americans, this is the key that  
7 has the identification of each of the persons on this  
8 line-up.

9 Q. Thank you.

10 I'm briefly publishing for the Grand Jury.

11 And Detective, in what position on the  
12 line-up did you place Darion Muhammad-Coleman?

13 A. Number 5.

14 MS. BATEMAN: I have no further questions  
15 for this witness. Are there any members of the Grand  
16 Jury who would like to ask him a question?

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

23 Failure to comply with this admonition is a  
24 gross misdemeanor punishable by a year in the Clark  
25 County Detention Center and a \$2,000 fine. In addition,



1 you may be held in contempt of court punishable by an  
2 additional \$500 fine and 25 days in the Clark County  
3 Detention Center.

4 Do you understand this admonition?

5 THE WITNESS: I do.

6 THE FOREPERSON: Thank you. You are  
7 excused.

8 THE WITNESS: Thank you.

9 MS. BATEMAN: And ladies and gentlemen of  
10 the Grand Jury, I'm going to admonish you, in regards to  
11 Detective Mogg's testimony about Mr. McCampbell's  
12 statements to him, that you're just to consider that for  
13 the purpose of showing his further investigation in the  
14 case and not the truth contained therein. In terms of  
15 that type of consideration I'd like you to look to  
16 Mr. McCampbell's testimony itself.

17 And the State's next witness is Detective  
18 Terri Miller.

19 THE FOREPERSON: Please raise your right  
20 hand.

21 You do solemnly swear the testimony you are  
22 about to give upon the investigation now pending before  
23 this Grand Jury shall be the truth, the whole truth, and  
24 nothing but the truth, so help you God?

25 THE WITNESS: Yes.

1 THE FOREPERSON: Please be seated.

2 You are advised that you are here today to  
3 give testimony in the investigation pertaining to the  
4 offenses of conspiracy to commit robbery, attempt  
5 robbery with use of a deadly weapon, murder with use of  
6 a deadly weapon, battery with use of a deadly weapon,  
7 assault with a deadly weapon, conspiracy to violate  
8 Uniform Controlled Substance Act, and attempt to possess  
9 controlled substance, involving Dustin Bleak and Darion  
10 Muhammad-Coleman.

11 Do you understand this advisement?

12 THE WITNESS: Yes, I do.

13 THE FOREPERSON: Please state your first  
14 and last name, spell both for the record.

15 THE WITNESS: It's Terri, T-E-R-R-I,  
16 Miller, M-I-L-L-E-R.

17 THE FOREPERSON: Thank you.

18 TERRI MILLER,  
19 having been first duly sworn by the Foreperson of the  
20 Grand Jury to testify to the truth, the whole truth,  
21 and nothing but the truth, testified as follows:

22 EXAMINATION

23

24 BY MS. BATEMAN:

25 Q. Ma'am, how are you employed?

1           A.     I'm employed with the Las Vegas  
2 Metropolitan Police Department as a homicide detective.

3           Q.     And how long have you been employed with  
4 the Las Vegas Metropolitan Police Department?

5           A.     Well, I became a police officer in '91 when  
6 I started with Highway Patrol and I moved over to Metro  
7 in '96.

8           Q.     And on April 19th of this year did you have  
9 cause to respond to 2855 East Fremont Street in Las  
10 Vegas, Clark County, Nevada?

11          A.     Yes, I did.

12          Q.     And what was the reason for your response?

13          A.     We had received a call out that a male had,  
14 saying gunshot wounds at that location and was not  
15 expected to survive.

16          Q.     And upon your arrival at the location what  
17 was your duty?

18          A.     I was case agent which means that I'm  
19 responsible for the scene and I'm also responsible for  
20 the direction that the investigation takes.

21          Q.     And as you were responsible for the  
22 investigation of the crime scene, what does that entail?

23          A.     Basically the collection of evidence,  
24 making sure all our witnesses are identified and that we  
25 try to speak with them, and basically deciding which

1 next steps we were going to take in the investigation.

2 Q. Does it also include documentation of the  
3 evidence found on the scene?

4 A. Yes, that's what I meant by collection of  
5 the evidence.

6 Q. Okay. Thank you.

7 And what's located at 2855 East Fremont?

8 A. 2855 is the Travelers Inn which is a two  
9 story like motel and it's located off of Boulder Highway  
10 in between Sahara and Charleston. A lot of you may know  
11 it as the Five Points area. And it's right behind the  
12 Lowe's that's there. It's surrounded by a fence and  
13 there's various fencing, some of it is chain link, some  
14 of it is a cinderblock wall, some of it is part of  
15 another building, but it's basically surrounded with the  
16 only opening being on the southwest side of the property  
17 right off Boulder Highway. There is a long narrow drive  
18 area for parking. Basically the building faces south  
19 and south of there is just a dirt lot. The manager's  
20 office is located on the first floor on the far west  
21 side of the building and there's a small little parking  
22 area there when you're checking in you just park and go  
23 in. There's two staircases, one on the far west end of  
24 the building and one on the far east end of the  
25 building. And attached to the building are surveillance

1 cameras.

2 Q. Upon your arrival at the Travelers Inn can  
3 you describe the scene?

4 A. Upon my arrival the whole area from the  
5 entrance way into the property was crime scene tape and  
6 police officers had it blocked off. There was an inner  
7 perimeter also that had been established and it was  
8 marked with another bunch of crime scene tape and a  
9 patrol car sat inside there. Inside that inner  
10 perimeter was basically where our evidence was located.

11 Q. And was the victim present on scene upon  
12 your arrival?

13 A. No, he had already been transported by  
14 ambulance to UMC Trauma.

15 Q. And at some point did you learn the  
16 identity of the victim?

17 A. I did.

18 Q. And what was his name?

19 A. Dale Borero.

20 Q. And did you have cause to investigate Dale  
21 Borero's criminal background if any?

22 A. Yes, I ran a records check on him.

23 Q. What if anything was your finding?

24 A. Borero was a five-time registered felon for  
25 possession of controlled substance, trafficking charges

1 and ex-felon in possession of a firearm twice I believe,  
2 and PSP which is possession of stolen property. He also  
3 had some traffic violations, some other minor stuff.

4 Q. And in investigating the crime scene at the  
5 Travelers Inn, what evidentiary items, if any, did you  
6 discover?

7 A. Located on that far east end of the parking  
8 lot there was four or five dedicated parking stalls.  
9 There is a raised cement sidewalk and on that far east  
10 cinderblock wall, which was really tall, like 15 to  
11 20 feet tall, was one of those red metal shipping  
12 containers that say Matson on it. Right in front of  
13 that area were, in the designated parking stalls on the  
14 ground, was a .40 caliber Ruger handgun, ten .40 caliber  
15 cartridge casings which were RP Smith and Wesson 40, and  
16 also were four, in that same vicinity were four  
17 9-millimeter Speer ammo cases that had been expended.  
18 There was a small Zip lock clear baggy with a off-white  
19 powdery substance suspected to be methamphetamine.  
20 Located to the northeast end of that parking lot up  
21 where the building would be was a BB gun magazine, just  
22 the magazine alone. And then in the far corner was a  
23 Hurricane beer can. And then if you move westbound back  
24 towards the entrance of the property, closer to the  
25 west, far west staircase that I told you about, there

1 was a wooden like car molding laying on the ground  
2 there.

3 Q. Showing you what has been marked as Grand  
4 Jury Exhibit Number 6. Do you recognize Exhibit  
5 Number 6?

6 A. Yes.

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

8 A. That's the suspected methamphetamine that  
9 was on the ground.

10 Q. And does it fairly and accurately depict  
11 the bag that you observed that day?

12 A. Yes.

13 Q. Briefly publishing for the Grand Jury.  
14 That is Exhibit 6.

15 And ma'am, showing you Exhibit Number 7, do  
16 you recognize Exhibit Number 7?

17 A. That's the BB gun magazine that was closest  
18 to the building.

19 Q. And does it fairly and accurately depict  
20 the magazine that you observed that night?

21 A. Yes.

22 Q. Briefly publishing for the Grand Jury  
23 Exhibit Number 7.

24 And Detective, during your investigation at  
25 the Travelers Inn did you observe anything of

1 significance to the structure at the Travelers Inn?

2           A.     We recovered some bullet fragment. One was  
3 about three feet above that raised sidewalk on that far  
4 east wall where the Matson shipping container was. It  
5 was embedded in the wall. Also back towards the west  
6 side of the building there was a, on the second level  
7 designated room 12, a window had been shot out. We made  
8 entry into the room, it was empty, and embedded in the  
9 upper part of the wall was another bullet fragment that  
10 had struck the wall and then lost enough force and fell  
11 down onto the ground. So we recovered that fragment.  
12 Out on the raised sidewalk, all in front of the building  
13 there was a raised curb that was painted red for no  
14 parking for fire personnel and police personnel, was a  
15 fragment, and then throughout the building there were  
16 several strikes that had been noted the fascia of the  
17 building.

18           Q.     Detective, at some point did you learn that  
19 Dale Borero had died?

20           A.     I did. Detective Mogg contacted me.

21           Q.     And on April 20th did you have occasion to  
22 attend the autopsy of Dale Borero?

23           A.     I did attend autopsy.

24           Q.     And during that autopsy did you observe any  
25 wounds on Dale Borero's body?



1           A.     He had what appeared to be a gunshot wound  
2 to the abdomen area and then behind the right knee just  
3 below that was another gunshot wound.

4           Q.     And through your investigation or -- strike  
5 that.

6                     Did you learn through your investigation or  
7 obtain information at some point regarding any jewelry  
8 or cash that was recovered from the victim's person?

9           A.     Yes. The coroner's investigator responds  
10 out to UMC Trauma which is where Mr. Borero was  
11 pronounced deceased at and the coroner's investigator  
12 takes possession of the decedent's property. He had  
13 several pieces of jewelry on his person, and I believe  
14 they also took possession of his clothing too from the  
15 hospital. But at the scene one of the first arriving  
16 officers when they were attending to Mr. Borero upon  
17 their arrival, he removed two cell phones and  
18 approximately \$3300 and change, cash, from Mr. Borero's  
19 front pocket and all of that was put up onto one of the  
20 patrol cars and secured for us.

21           Q.     On April 21st did you learn that officers  
22 had made contact with someone named Richard McCampbell?

23           A.     Yes, LVMPD dispatch had received a phone  
24 call stating that there was a male at Clark County  
25 Detention Center that wanted to self surrender.

1 Detectives Mogg and Wilson, who are also on my team,  
2 they responded down to CCDC and upon arrival they  
3 observed a white over blue Cadillac and a male who  
4 identified himself as Richard McCampbell standing there.  
5 Also in the C post, the rear left of the car, they noted  
6 a bullet, what appeared to be a bullet hole in the car.

7 Q. And moving forward to April 24th. Did you  
8 learn that officers again had made contact with  
9 Mr. McCampbell?

10 A. Yes. Mr. McCampbell had, he only knew the  
11 male as Money which is a moniker that Darion  
12 Muhammad-Coleman used, he only knew him by that name.  
13 So I, in order to try to identify who Money was we were  
14 asking him, you know, various questions and he  
15 remembered that he had helped Coleman move some  
16 appliances to a store called A&R Appliance where they  
17 had sold these appliances and he had helped him move  
18 them in his truck. When they were at the store and sold  
19 these things they got a receipt. So we went to A&R  
20 Appliance and we actually found the clerk that helped  
21 them and her name was Val Jensen. Val Jensen was able  
22 to provide us with the receipt and on that receipt was  
23 the name Keara, K-E-A-R-A, Terrell, T-E-R-R-E-L-L, and  
24 on that receipt was a phone number.

25 Q. And ladies and gentlemen, I'm just going to

1 admonish you that all the information that Detective  
2 Miller has just testified to, I'd like you to consider  
3 it in terms of the investigative steps she took based on  
4 that information, not the truth contained therein.

5 Did you learn that Mr. McCampbell had also  
6 provided a phone number for this person he knew as  
7 Money?

8 A. Yes, he provided a (702) 488 number to us  
9 that he had in his phone.

10 Q. And in regards to your testimony just a  
11 minute ago about the A&R Appliance transaction and all  
12 of that, did you determine a phone number for Miss Keara  
13 Terrell?

14 A. Yes.

15 Q. Was that (562) 528-2322?

16 A. Yes.

17 Q. And based on that information did you have  
18 occasion to perform a records check on the phone number?

19 A. Yes. What we did is we took that phone  
20 number and checked it through CCDC records to see if any  
21 inmates had called that number.

22 Q. And did you learn of anyone of significance  
23 who made a phone call to that number?

24 A. Yes.

25 Q. Did the person on that call identify

1 himself or herself?

2 A. The call we were able to obtain a copy of,  
3 the person was referring to themselves as Money's mama.

4 Q. And did your investigation regarding that  
5 phone call lead you to someone named Kamilah Muhammad?

6 A. Yes. And through that we were able to  
7 learn that the person making that call to that number  
8 was Kamilah.

9 Q. And based on that did you have reason to  
10 perform a records search through the Family Court system  
11 Kamilah Muhammad?

12 A. Yes, we checked Family Court's and through  
13 Metro's records and learned that she had a, she had a  
14 son by the name of Darion Muhammad-Coleman and she also  
15 had a boyfriend, a person she identified as a boyfriend  
16 as Richard Gimbel.

17 Q. And based on the information you obtained  
18 about a Darion Muhammad-Coleman, did you perform a  
19 records search through Clark County Juvenile Hall?

20 A. Detective Mogg did.

21 Q. And Detective, you just previously  
22 testified as to learning that Darion Muhammad-Coleman  
23 also went by an alias by the name of Money?

24 A. Yes.

25 Q. Was that through your records search and

1 the investigation of the case?

2 A. Yes.

3 Q. And using the phone number that Mr. Richard  
4 McCampbell provided to you regarding Money, did you  
5 learn through your investigation that someone named  
6 Richard Gimbél was also a subscriber to that number?

7 A. Yes, we did a subscriber check and learned  
8 that a Richard Gimbél, I believe it was misspelled, was  
9 the subscriber to that number.

10 Q. And through your investigation did you  
11 learn if there was a relationship at all between Richard  
12 Gimbél and Kamilah Muhammad?

13 A. Yes, through Metro records and through  
14 Family Court records.

15 Q. What did you determine that relationship to  
16 be again?

17 A. Boyfriend or possible fiancée.

18 Q. Now on April 29th did you have occasion to  
19 respond to 1712 Fairfield in Las Vegas, Clark County,  
20 Nevada?

21 A. I did.

22 Q. And what was the purpose of your response  
23 to that scene?

24 A. Well, trying to locate Coleman we have what  
25 is known as a patrol briefing which means that I can

1 disseminate information out to all our area commands and  
2 let them know that I'm looking for somebody specifically  
3 and I can put as many details as I have in that in order  
4 to help locate and it's basically used as a tool for  
5 dissemination. We had put on there that we were looking  
6 for Coleman with the aka of Money and a physical  
7 descriptor of him. We knew that he had been hanging out  
8 in what's termed the Naked City, it's right there behind  
9 the Stratosphere, so we really concentrated on that  
10 area. Patrol officers ended up being called out to  
11 Fairfield because they had received a call from some  
12 owners of the property at Fairfield. Fairfield is a  
13 multi-family apartment complex. They apparently lived  
14 in Southern California. They had reason to believe that  
15 whoever they had hired as their manager was not sending  
16 them rent monies so they decided that they were going to  
17 drive up to the Las Vegas area and confront her as to,  
18 you know, where's the rent money at. When they arrived  
19 there was an altercation with the manager, the manager  
20 took off on them, so basically by the end of the day  
21 they decide they're going to just start cleaning up the  
22 property so they can get it ready for a new manager to  
23 come in and they start going through the property.  
24 They --

25 Q. I'm going to stop you right there. I'm

1     sorry, Detective.

2                 Ladies and gentlemen, just in terms of the  
3     information that Detective Miller has just provided,  
4     again just for you to consider that as the reasons  
5     behind her investigation as well as the overall  
6     investigation of that scene and not the truth contained  
7     therein.

8                 Detective, based on all the information  
9     that officers received, including yourself, did you then  
10    respond to that Fairfield address?

11                A.     We did.

12                Q.     What if anything did you discover at that  
13    location upon your investigation?

14                A.     They had began to clean out apartment  
15    number, designated number 7, and when they lifted a  
16    toaster oven it felt heavy to them so they opened it up  
17    to look to see what was inside and they saw a brown  
18    leather belt with a black holster and a handgun inside  
19    the holster. They had already moved it out of the  
20    apartment and had it outside by the time patrol officers  
21    responded which patrol having that information contacted  
22    us and had us come out there.

23                Q.     Upon your arrival at the scene did you  
24    enter that apartment itself?

25                A.     Yes.

1 Q. And did you have cause to investigate the  
2 apartment?

3 A. Yes.

4 Q. And did you observe any evidence with  
5 Darion Muhammad-Coleman's name on it?

6 A. There was a composition notebook and there  
7 was some paperwork with his name on it.

8 Q. Showing you Grand Jury Exhibits 24, 25, and  
9 28. Do you recognize these exhibits?

10 A. Yes, that's the composition notebook, some  
11 writing on the inside, and then the mail with the name  
12 Muhammad-Coleman, Darion J. with a date of birth.

13 Q. Briefly publishing for the Grand Jury  
14 Number 24. Exhibit Number 25. And Exhibit Number 28.

15 Detective, in your observation of the scene  
16 did you also see any items identifying a different  
17 individual?

18 A. Yes. There was a pink bucket which we had  
19 information was going to be in there that belonged to a  
20 female, yes.

21 Q. And were there any other identifying items  
22 included near or at that bucket?

23 A. Just what she had described which was a  
24 pink bucket with I believe some kids clothes or toys or  
25 something like that in it. Exactly as she told me.



1 Q. And Detective, showing you Grand Jury  
2 Exhibits 29, 30, and 31. Do you recognize Exhibits 29  
3 through 31?

4 A. Yes. This is the pink bucket.

5 Q. And just for the record that is Exhibit 29.

6 A. And it's also got the name Tatiana Lee in  
7 there on a prescription bottle and some mail.

8 Q. And very briefly, ladies and gentlemen,  
9 publishing for your review Exhibit Number 29. Exhibit  
10 Number 30. And Exhibit Number 31.

11 Now Detective, you previously testified  
12 regarding a handgun that was discovered I believe in a  
13 toaster oven.

14 A. Yes.

15 Q. Did you then have occasion to examine that  
16 firearm?

17 A. I saw the firearm, yes. Our CSA tech came  
18 out to recover the firearm.

19 Q. And did the firearm have a cartridge  
20 inside?

21 A. Yes.

22 Q. And can you describe that cartridge for us?

23 A. It was 9-millimeter Speer.

24 Q. Based on your overall investigation, on May  
25 3rd did you obtain a warrant for the arrest of Darion

1 Muhammad-Coleman?

2 A. I did, signed by the Honorable Judge Tao.

3 Q. And on July 3rd did you learn that officers  
4 had made contact with Darion Muhammad-Coleman?

5 A. I did. I was notified by the CAT team.

6 Q. And did you learn that he had also been  
7 arrested?

8 A. Yes.

9 Q. At some point did you have occasion to  
10 conduct an interview with Darion Muhammad-Coleman?

11 A. I did.

12 Q. Where did that occur?

13 A. That was at LVMPD headquarters.

14 Q. And in performing the interview did you  
15 advise Darion Muhammad-Coleman of his right to remain  
16 silent pursuant to Miranda?

17 A. Yes, I did.

18 Q. Did he acknowledge that he understood his  
19 rights?

20 A. Yes, not only verbally but he also signed a  
21 rights of acknowledgment card.

22 Q. What if anything did he say regarding a  
23 potential plan to rob or commit any other crimes on  
24 April 19th from a Dale Borero?

25 A. He denied knowing where the Travelers Inn

1 was, he denied any robbery, he denied being there with  
2 any persons, he denied everything.

3 Q. And did you have occasion to show him some  
4 photographs?

5 A. I did.

6 Q. And who were the photographs of?

7 A. Richard McCampbell, Travis Costa, Dustin  
8 Bleak.

9 Q. And did he acknowledge knowing any of those  
10 individuals?

11 A. No, he denied knowing them all.

12 Q. Did you ever ask Darion Muhammad-Coleman if  
13 he had ever had any interaction with Richard McCampbell  
14 in terms of selling him drugs?

15 A. He denied even knowing him.

16 Q. Now at some point in your investigation did  
17 you also pinpoint someone by the name of Dustin Bleak as  
18 a possible suspect?

19 A. I did.

20 Q. And on June 26th did you have cause to  
21 conduct an interview with him?

22 A. Yes, I did.

23 Q. And what if anything did he say regarding  
24 the incident on the night of April 19th?

25 A. He basically denied that the point of going

1 to the Travelers Inn was to rob Borero of his drugs and  
2 money.

3 Q. Now in regards to Dustin Bleak as a  
4 possible suspect, are you familiar with a photo line-up  
5 containing his photograph?

6 A. Yes.

7 Q. And have you observed that photo line-up?

8 A. Yes.

9 Q. Showing you what's been marked as Grand  
10 Jury Exhibit Number 20. Do you recognize Grand Jury  
11 Exhibit Number 20?

12 A. Yes.

13 Q. How do you recognize it?

14 A. Well, this is the photo line-up that we  
15 prepared in regards to Dustin Bleak and it also has his  
16 name printed on here.

17 Q. So would it be correct to say that this is  
18 something called a line-up key?

19 A. Yes.

20 Q. And this is not the version that you would  
21 show the witnesses; correct?

22 A. No, it doesn't have their names on it.

23 Q. So the version you would show the witnesses  
24 wouldn't have their names, this is just for your  
25 personal law enforcement use?

1 A. Yes.

2 Q. And again what position is Dustin Bleak in?

3 A. He's in number 5.

4 Q. And briefly publishing Exhibit Number 20.

5 Detective, you previously testified

6 regarding the cartridge that was discovered inside the

7 handgun at the Fairfield address.

8 A. Yes.

9 Q. And you testified that was a Speer

10 cartridge. What do you mean by that?

11 A. That's the maker. Speer 9-millimeter is on

12 the head stamp of the cartridge casing.

13 Q. And do you recall, going back to the

14 Travelers Inn location, what the casings were regarding

15 the firearm that was discovered there?

16 A. I had two sets of casings there. I had

17 .40 caliber RP and I also had 9-millimeter Speer.

18 MS. BATEMAN: Ladies and gentlemen, I have

19 no further questions for this witness. Do any members

20 of the -- please.

21 THE FOREPERSON: Richard.

22 BY A JUROR:

23 Q. You said the CSA took possession of the

24 9-millimeter. Did you get a report back on fingerprints

25 or anything else?

1 A. Do you want me to answer?

2 I requested for processing. I don't  
3 believe forensics are done yet.

4 Q. Pardon?

5 A. I requested for processing, forensics  
6 hasn't come back yet.

7 Q. Oh, okay.

8 A. But yes, I did.

9 THE FOREPERSON: Karl.

10 BY A JUROR:

11 Q. Where at the Travelers Inn was Dale Borero  
12 shot or where was he found?

13 A. He was at the far east end of the parking  
14 lot where the handgun was located, the .40 cal, in the  
15 same vicinity down there right in front of the Matson  
16 shipping container.

17 Q. How do you explain or what do you think  
18 transpired with respect to the broken glass in the  
19 apartments up above the second floor or whatever?

20 MS. BATEMAN: And I'm going to advise the  
21 witness not to answer that question at this time. It  
22 would be speculation.

23 BY A JUROR:

24 Q. The bullet fragments and everything? Was  
25 there just a gun fight down in the parking lot or was

1 there one upstairs?

2 MS. BATEMAN: And again I'm going to advise  
3 the witness not to answer that question. It would be  
4 speculation.

5 And just in regards to, sir, your question  
6 regarding the area. If it would clarify for the members  
7 of the Grand Jury, this is Exhibit Number 15.

8 Q. Detective, do you recognize Exhibit  
9 Number 15?

10 A. Yes.

11 Q. How do you recognize it?

12 A. This is from the video surveillance camera  
13 that was located on the far east end of the building.

14 Q. And does it fairly and accurately depict  
15 the scene of the Travelers Inn and the parking lot  
16 there?

17 A. On the east end, yes.

18 Q. So I'm going to publish Exhibit Number 15.

19 And to clarify the question, if you could  
20 just identify where you believe the shooting took place.

21 A. Okay. Can I get up?

22 Q. Yes.

23 A. Okay. So the shooting is right in here.

24 Here's the -- it's dark I know. But this is the fence  
25 line, the empty parking area south that I talked about.

1 And the shooting is going to be right in here. This  
2 area right here. All my cart cases, blood evidence was  
3 located there, the dope, the gun, all in that vicinity  
4 right there.

5 And right here is that, you can barely see  
6 it, but this is the shipping container that we talked  
7 about. And then this is a sidewalk area.

8 BY A JUROR:

9 Q. And you found both .40 and 9-millimeter?

10 A. In that vicinity, yes, sir, cart cases.

11 Q. Right.

12 MS. BATEMAN: Are there any other  
13 questions?

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

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



1 Do you understand this admonition?

2 THE WITNESS: Yes, I do.

3 THE FOREPERSON: Thank you. You are  
4 excused.

5 THE WITNESS: Thank you for your time.

6 THE FOREPERSON: Thank you. And we would  
7 like a ten minute break.

8 MS. BATEMAN: Ladies and gentlemen, that's  
9 going to conclude our presentation for today. We have  
10 not concluded, and I know you want a break but I don't  
11 believe there is anyone behind us in terms of presenting  
12 to you if I'm correct. So at this time I believe you're  
13 free to go and then we'll be continuing our presentation  
14 at a later date.

15 THE FOREPERSON: Thank you.

16 (Proceedings adjourned, to reconvene

17 At a later, undetermined time.)

18 --oo0oo--

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25

STATE OF NEVADA                    )  
  :    Ss  
COUNTY OF CLARK                   )

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

Dated at Las Vegas, Nevada,  
October 8, 2013

/s/ Danette L. Antonacci

Danette L. Antonacci, C.C.R. 222

## AFFIRMATION

Pursuant to NRS 239B.030

The undersigned does hereby affirm that the  
preceding TRANSCRIPT filed in GRAND JURY CASE NUMBER  
12BGJ159AB:

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

-OR-

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

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

-OR-

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

/s/ Danette L. Antonacci

Signature

10-8-13

Date

Danette L. Antonacci  
Print Name

Official Court Reporter  
Title

\$	4823 [1] 7/17	Americans [1] 19/6
\$2,000 [3] 13/10 19/25 43/22	488 [1] 30/8	ammo [1] 25/17
\$3300 [1] 28/18	488-5138 [1] 18/1	analyst [1] 11/21
\$500 [3] 13/12 20/2 43/24	5	another [4] 23/15 24/8 27/9 28/3
'	5138 [1] 18/1	answer [4] 12/24 41/1 41/21 42/3
'90's [1] 16/23	528-2322 [1] 30/15	Antonacchi [7] 1/25 5/4 45/6 45/17 45/18 46/18 46/21
'91 [1] 22/5	562 [1] 30/15	any [23]
'96 [1] 22/7	6	anyone [7] 12/22 12/24 13/4 19/19 30/22 43/16 44/11
-	656.250 [1] 46/13	anything [14] 8/10 8/22 10/1 13/4 15/17 17/4 19/19 24/23 26/25 34/12 37/22 38/23 40/25 43/16
--oo0oo [1] 44/18	7	apartment [5] 33/13 34/14 34/20 34/24 35/2
-OR [2] 46/10 46/14	702 [1] 30/8	apartments [1] 41/19
.	9	apologize [2] 10/25 16/5
.40 [5] 25/14 25/14 40/17 41/14 43/9	9-millimeter [6] 25/17 36/23 40/11 40/17 40/24 43/9	apparently [1] 33/13
.40 caliber [3] 25/14 25/14 40/17	A	appeared [3] 17/5 28/1 29/6
/	abdomen [1] 28/2	Appliance [3] 29/16 29/20 30/11
/s [2] 45/17 46/18	ability [1] 5/7	appliances [2] 29/16 29/17
1	able [3] 29/21 31/2 31/6	application [1] 46/15
10 [1] 15/10	about [10] 6/4 13/24 20/11 20/22 25/25 27/3 30/11 31/18 42/25 43/7	Apprehension [1] 7/21
10-8-13 [1] 46/18	above [3] 17/13 27/3 41/19	approach [1] 9/12
12 [1] 27/7	accurate [1] 45/12	approached [1] 9/14
12BGJ159AB [3] 1/7 5/10 46/5	accurately [4] 5/6 26/10 26/19 42/14	approximately [1] 28/18
13 [3] 16/18 16/19 46/18	ACEVEDO [1] 2/6	April [10] 7/16 15/11 16/4 22/8 27/21 28/21 29/7 32/18 37/24 38/24
15 [4] 25/10 42/7 42/9 42/18	acknowledge [2] 37/18 38/9	April 19th [4] 15/11 22/8 37/24 38/24
17 [1] 15/8	acknowledgment [1] 37/21	April 20th [1] 27/21
1712 [1] 32/19	Act [3] 6/16 14/10 21/8	April 21st [1] 28/21
19th [4] 15/11 22/8 37/24 38/24	actually [2] 9/10 29/20	April 22nd [2] 7/16 16/4
1:52 [1] 1/15	addition [3] 13/10 19/25 43/22	April 24th [1] 29/7
2	additional [3] 13/12 20/2 43/24	April 29th [1] 32/18
20 [3] 39/10 39/11 40/4	address [4] 15/15 15/17 34/10 40/7	are [31]
20 feet [1] 25/11	adjourned [1] 44/16	area [16]
2013 [4] 1/14 2/1 5/1 45/15	administration [1] 46/15	armed [1] 7/24
20th [1] 27/21	admonish [2] 20/10 30/1	arrest [1] 36/25
21 [2] 18/25 19/1	admonition [6] 13/8 13/14 19/23 20/4 43/20 44/1	arrested [1] 37/7
21st [1] 28/21	advise [3] 37/15 41/20 42/2	arrival [10] 8/4 8/11 16/12 22/16 24/2 24/4 24/12 28/17 29/2 34/23
222 [3] 1/25 45/6 45/18	advised [3] 6/10 14/4 21/2	arrived [2] 8/2 33/18
22nd [2] 7/16 16/4	advisement [3] 6/19 14/13 21/11	arriving [1] 28/15
2322 [1] 30/15	affirm [1] 46/4	as [36]
239B.030 [1] 46/2	AFFIRMATION [1] 46/1	ask [2] 19/16 38/12
24 [2] 35/8 35/14	African [2] 17/21 19/6	asked [2] 5/15 5/17
24th [1] 29/7	after [4] 9/13 9/23 11/20 15/22	asking [1] 29/14
25 [5] 13/12 20/2 35/8 35/14 43/24	again [6] 12/4 29/8 32/16 34/4 40/2 42/2	assault [4] 6/15 7/23 14/9 21/7
26 [3] 1/14 2/1 5/1	agent [1] 22/18	assigned [3] 7/21 7/24 15/9
26th [1] 38/20	ago [1] 30/11	assist [1] 15/22
28 [2] 35/9 35/14	air [3] 8/25 9/3 9/4	attached [1] 23/25
2855 [4] 15/12 22/9 23/7 23/8	aka [3] 1/8 1/9 33/6	attempt [6] 6/13 6/17 14/6 14/10 21/4 21/8
29 [4] 36/2 36/2 36/5 36/9	alias [1] 31/23	attend [2] 27/22 27/23
29th [1] 32/18	all [15] 8/20 9/13 18/2 22/24 27/12 28/19 30/1 30/11 32/11 33/1 34/8 38/11 43/2 43/3 45/8	attending [1] 28/16
3	alone [1] 25/22	attorney [1] 5/22
30 [3] 15/8 36/2 36/10	already [4] 8/2 11/20 24/13 34/19	Attorneys [1] 2/20
31 [3] 36/2 36/3 36/10	also [22]	automatic [1] 10/4
32 [3] 10/16 11/5 11/7	altercation [1] 33/19	autopsy [3] 27/22 27/23 27/24
33 [6] 10/16 10/23 11/5 11/14 11/15 11/15	ambulance [1] 24/14	B
34 [5] 10/16 10/24 10/25 11/4 11/13	American [1] 17/21	baby [1] 16/24
3rd [2] 36/25 37/3		back [12] 5/9 9/19 10/8 10/12 12/18 12/20 17/11
4		
40 [1] 25/15		
441YVU [1] 16/13		

<b>B</b>	back... [5] 25/23 27/5 40/13 40/24 41/6 background [1] 24/21 backward [1] 8/17 bag [2] 11/22 26/11 baggy [1] 25/18 barely [1] 43/5 barrel [2] 12/15 12/17 based [7] 18/2 30/3 30/17 31/9 31/17 34/8 36/24 basic [1] 17/22 basically [8] 22/23 22/25 23/15 23/18 24/10 33/4 33/20 38/25 Bateman [2] 2/20 5/22 battery [3] 6/14 14/8 21/6 BB [11] 10/5 10/6 10/11 11/10 11/17 12/11 12/13 12/16 12/23 25/21 26/17 be [37] bearing [1] 16/13 became [1] 22/5 because [1] 33/11 been [22] beer [1] 25/23 before [9] 5/16 5/20 6/4 13/4 13/24 19/19 20/22 43/16 45/8 before-entitled [1] 45/8 began [1] 34/14 behind [6] 10/21 23/11 28/2 33/8 34/5 44/11 being [3] 23/16 33/10 38/1 believe [12] 15/18 16/22 25/1 28/13 32/8 33/14 35/24 36/12 41/3 42/20 44/11 44/12 belonged [1] 35/19 below [2] 9/9 28/3 belt [1] 34/18 bench [1] 10/8 best [1] 5/7 between [3] 17/8 23/10 32/11 birth [1] 35/12 bit [1] 10/13 black [1] 34/18 blank [1] 18/24 BLEAK [17] blocked [1] 24/6 blood [1] 43/2 blue [4] 10/3 16/13 16/24 29/3 body [1] 27/25 Borero [10] 16/3 24/19 24/24 27/19 27/22 28/10 28/16 37/24 39/1 41/11 Borero's [3] 24/21 27/25 28/18 both [4] 6/22 14/16 21/14 43/9 bottle [1] 36/7 Boulder [3] 7/17 23/9 23/17 boyfriend [3] 31/15 31/15 32/17 break [3] 12/18 44/7 44/10 briefing [1] 32/25 briefly [11] 11/3 11/11 11/18 12/6 16/25 19/10 26/13 26/22 35/13 36/8 40/4 broken [1] 41/18 Brougham [1] 16/23	brown [2] 11/22 34/17 bucket [4] 35/18 35/22 35/2 36/4 Buick [1] 8/5 building [13] 23/15 23/18 23/21 23/24 23/25 23/25 25/21 26/18 27/6 27/12 27/15 27/17 42/13 bullet [7] 17/6 17/14 27/2 27/9 29/6 29/6 41/24 bunch [1] 24/8 Burns [2] 2/20 5/21 buttocks [1] 10/10	CLARE [1] 2/3 clarify [2] 42/6 42/19 CLARK [16] clean [1] 34/14 cleaning [1] 33/21 clear [2] 9/14 25/18 clerk [1] 29/20 Cliff [1] 13/20 Clifford [2] 14/17 14/20 close [1] 12/25 closer [1] 25/24 closest [1] 26/17 clothes [1] 35/24 clothing [1] 28/14 COLEMAN [22] Coleman's [2] 19/5 35/5 collection [2] 22/23 23/4 Collins [3] 5/25 6/23 7/2 come [3] 33/23 34/22 41/6 commands [2] 8/24 33/1 commit [4] 6/12 14/6 21/4 37/23 complex [1] 33/13 comply [3] 13/8 19/23 43/20 composition [2] 35/6 35/10 concentrated [1] 33/9 conclude [1] 44/9 concluded [1] 44/10 conduct [2] 37/10 38/21 conducting [1] 8/12 confront [1] 33/17 consider [3] 20/12 30/2 34/4 consideration [1] 20/15 conspiracy [6] 6/12 6/16 14/6 14/9 21/4 21/7 constitutes [1] 45/12 construct [1] 18/8 constructed [1] 19/4 contact [3] 28/22 29/8 37/4 contacted [2] 27/20 34/21 contain [1] 46/8 contained [3] 20/14 30/4 34/6 container [3] 27/4 41/16 43/6 containers [1] 25/12 containing [1] 39/5 Contains [1] 46/11 contempt [3] 13/11 20/1 43/23 continuing [1] 44/13 controlled [7] 6/16 6/17 14/10 14/11 21/8 21/9 24/25 copy [1] 31/2 corner [2] 16/15 25/22 coroner's [2] 28/9 28/11 correct [9] 10/11 15/14 16/11 16/14 18/15 18/23 39/17 39/21 44/12 Costa [1] 38/7 could [4] 9/1 12/22 12/25 42/19 couldn't [4] 9/7 9/9 12/19 12/19 COUNTY [16] couple [2] 7/14 17/13 court [7] 1/1 13/11 20/1 31/10 32/14 43/23 46/23 Court's [1] 31/12 create [3] 18/11 18/12 18/18 crime [5] 11/21 22/22 24/5 24/8 25/4 crimes [1] 37/23 criminal [2] 7/21 24/21 CSA [3] 12/12 36/17 40/23
<b>C</b>	C-L-I-F-F-O-R-D [1] 14/17 C-O-L-L-I-N-S [2] 5/25 6/24 C.C.R [3] 1/25 45/6 45/18 C293296 [1] 1/7 Cadillac [3] 16/13 16/23 29/3 cal [1] 41/14 caliber [3] 25/14 25/14 40/17 California [1] 33/14 call [8] 22/13 28/24 30/23 30/25 31/2 31/5 31/7 33/11 called [7] 8/13 17/25 18/16 29/16 30/21 33/10 39/18 calling [2] 8/17 8/19 came [1] 36/17 camera [1] 42/12 cameras [1] 24/1 can [10] 5/20 12/15 24/2 25/23 32/25 33/3 33/22 36/22 42/21 43/5 can't [3] 8/16 12/24 16/1 car [7] 8/12 17/7 17/11 24/9 26/1 29/5 29/6 card [1] 37/21 Caroline [2] 2/20 5/22 cars [1] 28/20 CARSON [1] 2/7 cart [2] 43/2 43/10 cartridge [6] 25/15 36/19 36/22 40/6 40/10 40/12 case [7] 5/14 17/16 18/18 20/14 22/18 32/1 46/4 cases [3] 25/17 43/2 43/10 cash [2] 28/8 28/18 casing [1] 40/12 casings [3] 25/15 40/14 40/16 CAT [2] 7/22 37/5 cause [5] 15/12 22/9 24/20 35/1 38/20 CCDC [2] 29/2 30/20 cell [1] 28/17 cement [1] 25/9 Center [9] 13/10 13/13 16/6 16/16 19/25 20/3 28/25 43/22 43/25 CERTIFICATE [1] 45/1 certify [1] 45/7 chain [1] 23/13 chance [1] 9/24 change [1] 28/18 charges [1] 24/25 Charles [1] 1/8 Charleston [1] 23/10 check [3] 24/22 30/18 32/7 checked [2] 30/20 31/12 checking [1] 23/22 cinderblock [2] 23/14 25/10 City [1] 33/8		

<b>C</b>	door [4] 16/23 17/8 17/9 17/10	Exhibit 6 [1] 26/14
curb [1] 27/13	dope [1] 43/3	exhibits [8] 4/1 4/3 10/16 10/17 35/8 35/9 36/2 36/2
<b>D</b>	down [8] 9/8 9/10 12/18 27/11 29/2 41/15 41/25 45/7	Exhibits 29 [1] 36/2
Dale [8] 16/3 24/19 24/20 27/19 27/22 27/25 37/24 41/11	drive [2] 23/17 33/17	exited [1] 9/23
Danette [7] 1/25 5/4 45/6 45/17 45/18 46/18 46/21	driver [2] 9/1 9/2	expected [1] 22/15
DARION [22]	driver's [3] 17/9 17/9 17/12	expended [1] 25/17
dark [1] 42/24	drives [1] 10/22	explain [1] 41/17
date [3] 35/12 44/14 46/19	drugs [2] 38/14 39/1	<b>F</b>
Dated [1] 45/14	duly [4] 5/5 7/3 14/21 21/19	faces [1] 23/18
day [3] 7/24 26/11 33/20	during [3] 17/19 26/24 27/24	Failure [3] 13/8 19/23 43/20
days [4] 7/15 13/12 20/2 43/24	DUSTIN [14] 1/8 1/8 5/11 6/18 9/21 12/4 12/5 14/11 21/9 38/7 38/17 39/3 39/15 40/2	Fairfield [6] 32/19 33/11 33/12 33/12 34/10 40/7
DC [1] 1/7	duty [1] 22/17	fairly [3] 26/10 26/19 42/14
deadly [12] 6/13 6/14 6/15 6/15 14/7 14/8 14/8 14/9 21/5 21/6 21/6 21/7	<b>E</b>	faithfully [1] 5/5
deal [1] 15/21	E-R-I-C [1] 6/23	familiar [1] 39/4
deceased [1] 28/11	each [2] 9/16 19/7	family [4] 31/10 31/12 32/14 33/13
decendent's [1] 28/12	east [10] 15/12 22/9 23/7 23/24 25/7 25/9 27/4 41/13 42/13 42/17	far [10] 23/20 23/23 23/24 25/7 25/9 25/22 25/25 27/3 41/13 42/13
decide [1] 33/21	EIGHTH [1] 1/1	fascia [1] 27/16
decided [1] 33/16	ELGIN [1] 2/4	federal [2] 46/12 46/15
deciding [1] 22/25	else [2] 12/24 40/25	feet [2] 25/11 27/3
dedicated [1] 25/8	else's [1] 9/11	fell [1] 27/10
Defendants [1] 1/10	embedded [2] 27/5 27/8	felon [2] 24/24 25/1
deliberate [2] 5/15 5/20	employed [7] 7/10 7/13 15/4 15/7 21/25 22/1 22/3	felony [1] 8/12
denied [7] 37/25 38/1 38/1 38/2 38/11 38/15 38/25	empty [2] 27/8 42/25	felt [1] 34/16
Department [4] 7/12 15/6 22/2 22/4	end [9] 17/23 23/23 23/24 25/7 25/20 33/20 41/13 42/13 42/17	female [2] 9/2 35/20
depict [3] 26/10 26/19 42/14	ended [1] 33/10	females [2] 9/3 9/4
deputy [3] 2/4 2/20 5/21	enforcement [2] 18/13 39/25	fence [2] 23/12 42/24
describe [2] 24/3 36/22	enough [2] 12/25 27/10	fencing [1] 23/13
described [2] 17/21 35/23	entail [1] 22/22	few [1] 12/20
description [1] 17/22	enter [1] 34/24	fiancee [1] 32/17
descriptor [1] 33/7	entitled [1] 45/8	fidgeting [1] 9/8
designated [3] 25/13 27/7 34/15	entrance [2] 24/5 25/24	fight [1] 41/25
details [1] 33/3	entry [1] 27/8	filed [1] 46/4
detective [23]	Eric [3] 5/25 6/23 7/2	finally [1] 11/13
Detectives [1] 29/1	established [1] 24/7	finding [1] 24/23
Detention [9] 13/10 13/13 16/6 16/15 19/25 20/3 28/25 43/22 43/25	EVA [1] 2/10	fine [6] 13/10 13/12 19/25 20/2 43/22 43/24
determine [2] 30/12 32/15	even [1] 38/15	fingerprints [1] 40/24
did [86]	evening [1] 17/25	fire [1] 27/14
didn't [1] 12/12	event [3] 13/6 19/21 43/18	firearm [7] 12/14 25/1 36/16 36/17 36/18 36/19 40/15
died [1] 27/19	ever [2] 38/12 38/13	first [11] 5/5 5/24 6/21 7/3 14/15 14/21 16/14 21/13 21/19 23/20 28/15
different [1] 35/16	everybody's [1] 8/25	five [6] 8/9 9/13 19/5 23/11 24/24 25/8
direction [2] 22/20 45/11	everyone [1] 9/11	five-time [1] 24/24
dirt [1] 23/19	everything [2] 38/2 41/24	floor [2] 23/20 41/19
disclosing [3] 13/3 19/18 43/15	evidence [10] 5/15 13/5 19/20 22/23 23/3 23/5 24/10 35/4 43/2 43/17	follow [1] 15/23
discover [2] 25/6 34/12	evidentiary [1] 25/5	follow-up [1] 15/23
discovered [3] 36/12 40/6 40/15	ex [1] 25/1	following [1] 5/6
dispatch [1] 28/23	ex-felon [1] 25/1	follows [3] 7/5 14/23 21/21
disseminate [1] 33/1	Exactly [1] 35/25	force [1] 27/10
dissemination [1] 33/5	EXAMINATION [3] 7/7 15/1 21/22	foregoing [1] 45/11
district [3] 1/1 2/20 5/22	examine [1] 36/15	forensics [2] 41/3 41/5
do [45]	Examined [1] 3/2	Foreperson [5] 2/3 2/4 7/3 14/21 21/19
documentation [1] 23/2	excuse [1] 12/5	forward [2] 8/16 29/7
does [7] 22/22 23/2 26/10 26/19 42/14 46/4 46/8	excused [3] 13/17 20/7 44/4	found [5] 12/20 23/3 29/20 41/12 43/9
doesn't [1] 39/22	Exhibit [30]	four [5] 7/14 16/23 25/8 25/16 25/16
doing [6] 8/11 8/13 8/22 9/6 9/7 9/10	Exhibit 21 [1] 19/1	fragment [4] 27/2 27/9 27/11 27/15
don't [2] 41/2 44/10	Exhibit 29 [1] 36/5	fragments [1] 41/24
done [1] 41/3	Exhibit 32 [1] 11/7	framed [1] 10/4
	Exhibit 33 [3] 10/23 11/5 11/15	free [1] 44/13
	Exhibit 34 [2] 11/4 11/13	

<b>F</b>	hereby [2] 45/7 46/4 herself [1] 31/1 Highway [4] 7/17 22/6 23/9 23/17 him [14] 12/9 17/21 17/23 19/16 20/12 24/22 29/12 29/14 29/17 33/7 38/3 38/14 38/15 38/21 himself [2] 29/4 31/1 hip [1] 10/10 hired [1] 33/15 his [17] hole [2] 13/1 29/6 holster [2] 34/18 34/19 homicide [3] 15/6 15/9 22/2 Honorable [1] 37/2 hospital [2] 15/20 28/15 how [14] 7/10 7/13 10/19 12/2 12/11 15/4 15/7 16/21 19/3 21/25 22/3 39/13 41/17 42/11 HOWARD [1] 2/5 HOWE [1] 2/11 Hurricane [1] 25/23	Investigating [1] 25/4 investigation [27] investigative [1] 30/3 investigator [2] 28/9 28/11 involving [3] 6/17 14/11 21/9 is [52] it [57] it's [14] 5/21 11/22 12/16 15/18 18/23 21/15 23/9 23/11 23/12 23/15 33/4 33/8 36/6 42/24 items [3] 25/5 35/16 35/21 itself [2] 20/16 34/24
<b>G</b>	<b>J</b>	
gave [1] 17/22 gentleman [1] 12/12 gentlemen [7] 5/12 20/9 29/25 34/2 36/8 40/18 44/8 get [3] 33/22 40/24 42/21 Gimbel [2] 31/16 32/6 give [6] 6/4 6/11 13/24 14/5 20/22 21/3 giving [1] 8/24 GJ [1] 1/7 glass [1] 41/18 go [5] 7/22 7/24 8/16 23/22 44/13 God [3] 6/6 14/1 20/24 going [17] GOSS [1] 2/8 got [3] 11/22 29/19 36/6 GRAND [41] grant [1] 46/16 GRAVLIN [1] 2/9 Grimbel [2] 32/8 32/12 gross [3] 13/9 19/24 43/21 ground [4] 25/14 26/1 26/9 27/11 guess [2] 10/10 12/24 gun [13] 10/5 10/6 10/11 11/10 11/17 12/11 12/13 12/16 12/23 25/21 26/17 41/25 43/3 gunshot [2] 28/1 28/3 gunshots [1] 22/14	JEFFREY [1] 2/7 Jensen [2] 29/21 29/21 jewelry [2] 28/7 28/13 job [1] 7/22 Judge [1] 37/2 JUDICIAL [1] 1/1 July [1] 37/3 July 3rd [1] 37/3 June [1] 38/20 June 26th [1] 38/20 JURORS [1] 2/1 jury [41] just [23] Juvenile [1] 31/19	
<b>H</b>	<b>K</b>	
had [53] Hall [1] 31/19 hand [3] 6/2 13/22 20/20 handgun [7] 10/4 10/4 25/14 34/18 36/12 40/7 41/14 hands [7] 8/23 8/25 9/2 9/4 9/7 9/8 9/10 hanging [1] 33/7 has [10] 10/15 13/4 16/17 19/7 19/19 26/3 30/2 34/3 39/15 43/16 hasn't [1] 41/6 have [32] having [5] 5/5 7/3 14/21 21/19 34/21 he [40] he's [2] 11/22 40/3 head [1] 40/12 headquarters [1] 37/13 hear [1] 16/1 heavy [1] 34/16 height [1] 17/22 held [3] 13/11 20/1 43/23 help [4] 6/6 14/1 20/24 33/4 helped [3] 29/15 29/17 29/20 HENDERSON [1] 2/10 her [4] 5/7 29/21 33/17 34/5 here [8] 6/11 14/4 21/2 39/16 42/23 43/1 43/2 43/5 Here's [1] 42/24	K-E-A-R-A [1] 29/23 Kamilah [4] 31/5 31/8 31/11 32/12 KAREN [1] 2/9 KARL [2] 2/14 41/9 KATHY [1] 2/6 Keara [2] 29/23 30/12 key [7] 4/9 4/10 18/16 18/18 18/20 19/6 39/18 kids [1] 35/24 KINYON [1] 2/12 KLEVELAND [1] 2/13 knee [1] 28/2 knew [5] 17/20 29/10 29/12 30/6 33/7 know [8] 5/12 12/11 23/10 29/14 33/2 33/18 42/24 44/10 knowing [4] 37/25 38/9 38/11 38/15 known [1] 32/25	
	<b>L</b>	
	ladies [7] 5/12 20/9 29/25 34/2 36/8 40/18 44/8 landau [1] 16/23 Las [12] 1/13 5/1 7/11 7/17 15/5 15/12 22/1 22/4 22/9 32/19 33/17 45/14 last [5] 5/19 6/22 14/16 16/4 21/14 later [5] 10/4 12/21 17/24 44/14 44/17 law [6] 13/2 18/12 19/17 39/25 43/14 46/12 laying [1] 26/1 lead [1] 31/5 learn [12] 24/15 27/18 28/6 28/21 29/8 30/5 30/22 31/7 32/5 32/11 37/3 37/6 learned [2] 31/13 32/7 learning [1] 31/22 leather [1] 34/18	

<b>L</b>	means [2] 22/18 32/25 meant [1] 23/4 meet [1] 16/9 MEISENHEIMER [1] 2/14 members [4] 12/8 19/15 40/19 42/6 metal [1] 25/11 methamphetamine [2] 25/19 26/8 Metro [3] 15/9 22/6 32/13 Metro's [1] 31/13 Metropolitan [4] 7/12 15/5 22/2 22/4 MICHELLE [1] 2/16 middle [4] 9/19 10/9 10/12 10/13 Miller [5] 20/18 21/16 21/18 30/2 34/3 millimeter [6] 25/17 36/23 40/11 40/17 40/24 43/9 minor [1] 25/3 minute [2] 30/11 44/7 minutes [1] 12/21 Miranda [1] 37/16 misdemeanor [3] 13/9 19/24 43/21 Miss [1] 30/12 Miss Keara [1] 30/12 misspelled [1] 32/8 model [1] 16/23 Mogg [6] 13/20 14/18 14/20 27/20 29/1 31/20 Mogg's [1] 20/11 molding [1] 26/1 money [11] 17/21 17/24 18/4 29/11 29/13 30/7 31/23 32/4 33/6 33/18 39/2 Money's [1] 31/3 monies [1] 33/16 moniker [1] 29/11 months [1] 7/14 more [1] 5/14 motel [2] 15/18 23/9 move [3] 25/23 29/15 29/17 moved [2] 22/6 34/19 moving [1] 29/7 Mr. [15] 9/20 10/9 12/3 16/22 17/16 17/19 20/11 20/16 28/10 28/16 28/18 29/9 29/10 30/5 32/3 Mr. Bleak [3] 9/20 10/9 12/3 Mr. Borero [2] 28/10 28/16 Mr. Borero's [1] 28/18 Mr. McCampbell [5] 17/16 17/19 29/9 29/10 30/5 Mr. McCampbell's [3] 16/22 20/11 20/16 Mr. Richard [1] 32/3 much [1] 12/16 MUHAMMAD [24] MUHAMMAD-COLEMAN [19] Muhammad-Coleman's [2] 19/5 35/5 Muhammadcoleman [1] 1/9 multi [1] 33/13 multi-family [1] 33/13 murder [6] 6/14 7/23 7/25 14/7 16/3 21/5 my [8] 10/22 11/2 15/20 17/19 24/4 29/1 43/2 45/10	name [19] named [4] 17/17 28/22 31/5 32/5 names [5] 18/13 18/21 18/23 39/22 39/24 NANETTE [1] 2/15 narrow [1] 23/17 near [2] 16/14 35/22 NEVADA [12] 1/2 1/5 1/13 5/1 5/10 7/18 15/13 16/13 22/10 32/20 45/3 45/14 new [1] 33/22 next [3] 13/19 20/17 23/1 night [2] 26/20 38/24 no [10] 1/7 1/7 1/25 12/7 19/14 24/13 27/13 38/11 39/22 40/19 northeast [1] 25/20 not [14] 5/15 5/18 9/5 20/14 22/14 30/4 33/15 34/6 37/20 39/20 41/21 42/3 44/10 46/8 notebook [2] 35/6 35/10 noted [2] 27/16 29/5 notes [1] 45/10 nothing [6] 6/6 7/5 14/1 14/23 20/24 21/21 notified [1] 37/5 now [9] 6/4 11/24 13/24 16/4 20/22 32/18 36/11 38/16 39/3 NRS [2] 46/2 46/13 number [43] Number 13 [2] 16/18 16/19 Number 15 [3] 42/7 42/9 42/18 Number 20 [3] 39/10 39/11 40/4 Number 21 [1] 18/25 Number 25 [1] 35/14 Number 28 [1] 35/14 Number 29 [1] 36/9 Number 30 [1] 36/10 Number 31 [1] 36/10 number 5 [2] 19/13 40/3 Number 6 [2] 26/4 26/5 Number 7 [2] 26/16 26/23 Number 9 [2] 11/24 11/25
<b>M</b>	<b>O</b>	
M-I-L-L-E-R [1] 21/16 M-O-G-G [1] 14/18 ma'am [18] made [8] 13/6 19/21 27/7 28/22 29/8 30/23 37/4 43/18 magazine [4] 25/21 25/22 26/17 26/20 mail [2] 35/11 36/7 maker [1] 40/11 making [2] 22/24 31/7 male [9] 9/2 9/3 9/4 9/6 17/22 22/13 28/24 29/3 29/11 mama [1] 31/3 manager [4] 33/15 33/19 33/19 33/22 manager's [1] 23/19 maneuver [1] 8/14 many [1] 33/3 marked [5] 10/16 16/17 24/8 26/3 39/9 Matson [3] 25/12 27/4 41/15 matter [1] 45/8 may [5] 13/11 20/1 23/10 36/24 43/23 McCampbell [11] 16/10 17/16 17/19 28/22 29/4 29/9 29/10 30/5 32/4 38/7 38/13 McCampbell's [3] 16/22 20/11 20/16 me [9] 11/1 12/5 12/14 17/22 17/23 17/25 27/20 35/25 41/1 mean [1] 40/10	O'BRIEN [1] 2/3 OAKLEAF [1] 2/15 observation [2] 10/7 35/15 observe [8] 8/4 8/7 10/1 16/12 17/1 26/25 27/24 35/4 observed [4] 26/11 26/20 29/3 39/7 obtain [3] 28/7 31/2 36/25 obtained [4] 13/7 19/22 31/17 43/19 obviously [1] 5/12 occasion [9] 7/17 17/1 18/7 27/21 30/18 32/18 36/15 37/9 38/3 occupants [3] 8/7 8/9 8/10 occur [1] 37/12 occurring [3] 13/6 19/21 43/18 October [1] 45/15 off [6] 8/25 23/9 23/17 24/6 25/18 33/20 off-white [1] 25/18 offenders [1] 7/23 offenses [3] 6/12 14/6 21/4 office [1] 23/20	
	<b>N</b>	
	Naked [1] 33/8	

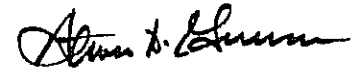


<b>O</b>	officer [2] 15/8 22/5 officers [9] 8/2 24/6 28/16 28/21 29/8 33/10 34/9 34/20 37/3 Official [1] 46/23 Oh [2] 11/15 41/7 okay [8] 10/15 11/11 11/18 12/4 23/6 41/7 42/21 42/23 one [9] 5/18 17/8 23/23 23/24 25/11 27/2 28/15 28/19 42/1 only [4] 23/16 29/10 29/12 37/20 ooOoo [1] 44/18 opened [1] 34/16 opening [1] 23/16 order [2] 29/13 33/3 other [6] 8/2 11/17 25/3 35/21 37/23 43/12 our [7] 7/22 22/24 24/10 33/1 36/17 44/9 44/13 out [20] outside [1] 34/20 oven [2] 34/16 36/13 over [4] 15/10 16/24 22/6 29/3 overall [2] 34/5 36/24 owners [1] 33/12	piece [1] 11/22 pieces [1] 28/13 pillar [4] 17/6 17/10 17/12 17/12 pillars [1] 17/8 pinch [1] 8/13 pinching [1] 11/10 pink [3] 35/18 35/24 36/4 pinpoint [1] 38/17 place [4] 18/23 19/12 42/20 45/9 Plaintiff [1] 1/6 plan [1] 37/23 plate [1] 16/13 please [10] 6/1 6/8 6/21 13/21 14/3 14/15 20/19 21/1 21/13 40/20 pocket [1] 28/19 point [11] 8/23 9/12 10/2 17/5 17/14 24/15 27/18 28/7 37/9 38/16 38/25 pointed [1] 12/22 Points [1] 23/11 police [8] 7/12 15/6 15/8 22/2 22/4 22/5 24/6 27/14 position [3] 9/16 19/11 40/2 positions [1] 18/14 possess [3] 6/17 14/10 21/8 possession [6] 24/25 25/1 25/2 28/12 28/14 40/23 possible [3] 32/17 38/18 39/4 post [1] 29/5 potential [3] 17/18 18/5 37/23 powdery [1] 25/19 preceding [1] 46/4 prepared [1] 39/15 prescription [1] 36/7 presence [3] 13/6 19/21 43/18 present [4] 2/1 2/19 5/18 24/11 presentation [3] 5/13 44/9 44/13 presented [3] 13/5 19/20 43/17 presenting [3] 5/14 5/23 44/11 pretty [1] 12/16 previously [4] 10/15 31/21 36/11 40/5 Print [1] 46/21 printed [1] 39/16 prior [1] 8/19 proceeding [1] 5/19 proceedings [8] 1/19 5/7 13/2 19/17 43/14 44/16 45/8 45/13 processing [2] 41/2 41/5 program [1] 46/15 prohibited [3] 13/3 19/18 43/15 pronounced [1] 28/11 property [8] 23/16 24/5 25/2 25/24 28/12 33/12 33/22 33/23 provide [1] 29/22 provided [6] 5/16 5/20 30/6 30/8 32/4 34/3 PSP [1] 25/2 public [1] 46/15 publish [2] 11/4 42/18 publishing [10] 11/11 11/18 12/6 16/25 19/10 26/13 26/22	35/13 36/9 40/4 pull [1] 12/19 punishable [6] 13/9 13/11 19/24 20/1 43/21 43/23 purpose [4] 15/19 18/13 20/13 32/22 pursuant [4] 16/6 17/15 37/16 46/2 put [4] 12/20 28/19 33/3 33/5
<b>Q</b>		question [6] 12/3 19/16 41/21 42/3 42/5 42/19 questions [6] 12/7 12/9 19/14 29/14 40/19 43/13	
<b>R</b>		raise [3] 6/1 13/21 20/19 raised [4] 25/9 27/3 27/12 27/13 ran [1] 24/22 ready [1] 33/22 real [1] 12/14 really [2] 25/10 33/9 rear [9] 8/15 8/25 9/3 9/9 11/9 17/9 17/9 17/11 29/5 reason [4] 7/20 22/12 31/9 33/14 reasons [1] 34/4 recall [2] 9/18 40/13 receipt [4] 29/19 29/22 29/22 29/24 received [4] 22/13 28/23 33/11 34/9 recognize [19] reconvene [1] 44/16 record [7] 5/9 6/22 10/23 14/16 21/14 36/5 45/12 records [9] 24/22 30/18 30/20 31/10 31/13 31/19 31/25 32/13 32/14 recover [1] 36/18 recovered [3] 27/2 27/11 28/8 red [2] 25/11 27/13 referring [1] 31/3 regarding [11] 16/5 18/8 28/7 31/4 32/4 36/12 37/22 38/23 40/6 40/14 42/6 regards [7] 15/24 16/2 20/10 30/10 39/3 39/15 42/5 registered [1] 24/24 relationship [2] 32/11 32/15 remain [1] 37/15 remembered [1] 29/15 removed [3] 11/21 12/12 28/17 rent [2] 33/16 33/18 report [1] 40/24 Reported [1] 1/25 Reporter [1] 46/23 REPORTER'S [2] 1/19 45/1 request [1] 2/19 requested [2] 41/2 41/5 required [1] 46/11 respect [1] 41/18 respond [6] 7/17 15/12 16/5 22/9 32/19 34/10 responded [3] 8/1 29/2 34/21 responds [1] 28/9 response [5] 7/20 15/19 15/20 22/12 32/22 responsible [3] 22/19 22/19 22/21	
<b>P</b>	p.m [1] 1/15 painted [1] 27/13 paper [1] 11/22 paperwork [1] 35/7 Pardon [1] 41/4 park [1] 23/22 parked [1] 16/14 parking [11] 23/18 23/21 25/7 25/8 25/13 25/20 27/14 41/13 41/25 42/15 42/25 part [3] 5/13 23/14 27/9 partners [1] 11/2 passenger [6] 9/1 9/2 10/13 11/9 17/8 17/10 Patrick [2] 2/20 5/21 patrol [7] 22/6 24/9 28/20 32/25 33/10 34/20 34/21 pending [3] 6/4 13/24 20/22 people [2] 8/17 9/13 perform [3] 30/18 31/10 31/18 performing [1] 37/14 perimeter [2] 24/7 24/10 person [11] 5/18 17/20 28/8 28/13 30/6 30/25 31/3 31/7 31/15 46/8 46/11 personal [1] 39/25 personnel [2] 27/14 27/14 persons [2] 19/7 38/2 pertaining [3] 6/12 14/5 21/3 phone [12] 17/24 17/25 28/23 29/24 30/6 30/9 30/12 30/18 30/19 30/23 31/5 32/3 phones [1] 28/17 photo [7] 4/9 4/10 18/8 18/11 39/4 39/7 39/14 photograph [8] 4/4 4/5 4/6 4/7 4/8 4/12 19/5 39/5 photographs [5] 4/11 4/13 4/14 38/4 38/6 physical [2] 17/22 33/6 picture [3] 11/2 11/17 12/17		

<b>R</b>	review [2] 5/20 36/9 RICHARD [12] 2/11 16/9 28/22 29/4 31/16 32/3 32/6 32/8 32/11 38/7 38/13 40/21 right [20] rights [2] 37/19 37/21 rob [2] 37/23 39/1 robbery [8] 6/13 6/13 7/24 14/6 14/7 21/4 21/5 38/1 room [2] 27/7 27/8 RP [2] 25/15 40/17 Ruger [1] 25/14	silent [1] 37/16 similar [1] 19/6 SIMON [1] 2/4 sir [6] 7/10 11/24 13/1 15/4 42/5 43/10 sitting [2] 10/9 11/22 small [3] 13/1 23/21 25/18 Smith [1] 25/15 so [27] social [2] 46/8 46/11 sold [2] 29/17 29/18 solemnly [3] 6/3 13/23 20/21 some [22] somebody [1] 33/2 someone [7] 16/9 17/17 18/3 28/22 31/5 32/5 38/17 something [2] 35/25 39/18 son [1] 31/14 sorry [2] 15/16 34/1 south [3] 23/18 23/19 42/25 Southern [1] 33/14 southwest [2] 16/15 23/16 speak [1] 22/25 specific [1] 46/12 specifically [1] 33/2 speculation [2] 41/22 42/4 Speer [5] 25/17 36/23 40/9 40/11 40/17 spell [3] 6/22 14/16 21/14 squad [1] 10/22 Ss [1] 45/3 staircase [1] 25/25 staircases [1] 23/23 stalls [2] 25/8 25/13 stamp [1] 40/12 standing [1] 29/4 start [2] 33/21 33/23 state [8] 1/5 5/10 6/21 14/15 21/13 45/3 46/12 46/16 State's [1] 20/17 stated [1] 22/6 statement [3] 13/6 19/21 43/18 statements [4] 13/5 19/20 20/12 43/17 stating [1] 28/24 Stenotype [1] 45/7 steps [2] 23/1 30/3 still [1] 9/15 stolen [1] 25/2 stood [1] 17/4 stop [2] 8/12 33/25 stopping [1] 10/21 store [2] 29/16 29/18 story [1] 23/9 Stratosphere [1] 33/9 Street [3] 15/12 16/14 22/9 strike [2] 17/6 28/4 strikes [1] 27/16 struck [1] 27/10 structure [1] 27/1 stuff [1] 25/3 style [1] 10/8 subscriber [3] 32/6 32/7 32/9 substance [8] 6/16 6/17 14/10 14/11 21/8 21/9 24/25 25/19 supervision [1] 45/11 sure [2] 13/1 22/24 surrender [1] 28/25 surrounded [2] 23/12 23/15 surveillance [2] 23/25 42/12 survive [1] 22/15	suspect [9] 7/25 8/15 8/16 12/3 17/18 17/20 18/5 38/18 39/4 suspected [2] 25/19 26/8 swear [3] 6/3 13/23 20/21 sworn [4] 5/5 7/3 14/21 21/19 system [1] 31/10
<b>S</b>		<b>T</b>	
Sahara [1] 23/10 said [2] 40/23 45/9 same [2] 25/16 41/15 SANTIAGO [1] 2/16 sat [1] 24/9 save [1] 18/21 saw [2] 34/17 36/17 say [5] 10/11 25/12 37/22 38/23 39/17 saying [2] 16/1 22/14 scene [16] search [3] 31/10 31/19 31/25 seat [7] 9/9 9/19 10/8 10/9 10/12 11/9 12/18 seated [5] 6/8 8/20 9/18 14/3 21/1 second [3] 5/13 27/6 41/19 secret [3] 13/3 19/18 43/15 Secretary [1] 2/5 section [2] 15/6 15/10 secured [1] 28/20 security [2] 46/8 46/11 see [9] 9/1 9/7 9/10 9/16 12/25 30/20 34/17 35/16 43/5 self [1] 28/25 selling [1] 38/14 semi [1] 10/4 semi-automatic [1] 10/4 sending [1] 33/15 September [3] 1/14 2/1 5/1 sets [1] 40/16 several [3] 8/15 27/16 28/13 sexual [1] 7/23 shall [3] 6/5 13/25 20/23 SHARON [1] 2/5 she [7] 30/3 31/13 31/13 31/14 31/15 35/23 35/25 shipping [4] 25/11 27/4 41/16 43/6 shooting [3] 42/20 42/23 43/1 short [1] 7/22 shorthand [2] 45/7 45/10 shot [2] 27/7 41/12 show [3] 38/3 39/21 39/23 showing [10] 10/15 11/24 16/17 18/25 20/13 26/3 26/15 35/8 36/1 39/9 shown [1] 18/21 shut [1] 8/25 side [6] 10/14 17/10 17/12 23/16 23/21 27/6 sidewalk [4] 25/9 27/3 27/12 43/7 Signature [1] 46/19 signed [2] 37/2 37/20 significance [3] 10/2 27/1 30/22	T-E-R-R-E-L-L [1] 29/23 T-E-R-R-I [1] 21/15 take [1] 23/1 Taken [1] 1/13 takes [2] 22/20 28/12 taking [1] 9/13 talked [2] 42/25 43/6 tall [2] 25/10 25/11 Tao [1] 37/2 tape [2] 24/5 24/8 Tatiana [1] 36/6 team [4] 7/22 7/22 29/1 37/5 tech [1] 36/17 Technically [1] 8/13 tell [2] 12/16 12/22 TEMPLE [1] 2/12 ten [2] 25/14 44/7 TERESA [1] 2/8 termed [1] 33/8 terms [5] 20/14 30/3 34/2 38/14 44/11 Terrell [2] 29/23 30/13 Terri [3] 20/18 21/15 21/18 testified [8] 7/5 14/23 21/21 30/2 31/22 36/11 40/5 40/9 testify [3] 7/4 14/22 21/20 testimony [9] 6/3 6/11 13/23 14/5 20/11 20/16 20/21 21/3 30/10 Thank [14] 6/9 6/25 13/16 13/18 14/19 19/9 20/6 20/8 21/17 23/6 44/3 44/5 44/6 44/15 that [167] that's [13] 11/17 12/3 15/14 16/11 18/15 18/23 23/4 23/12 26/8 26/17 35/10 40/11 44/8 their [7] 8/22 9/2 9/4 28/17 33/15 39/22 39/24 them [11] 8/19 9/1 10/19 22/25 29/18 29/21 33/2 33/16 33/20 34/16 38/11 themselves [1] 31/3 then [12] 17/10 17/24 25/22 25/23 27/10 27/15 28/2 34/9 35/11 36/15 43/7 44/13 there [47] there's [3] 23/13 23/21 23/23 thereafter [1] 45/9 therein [3] 20/14 30/4 34/7 these [7] 10/17 13/2 19/17 29/17 29/19 35/9 43/14 they [27] they're [1] 33/21 things [1] 29/19 think [1] 41/17 this [41] those [3] 17/7 25/11 38/9 thought [1] 10/3 three [1] 27/3 three feet [1] 27/3 through [14] 28/4 28/6 30/20		

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through... [11] 31/6 31/10 31/12 31/19 31/25 32/5 32/10 32/13 32/13 33/23 36/3 throughout [1] 27/15 Thursday [1] 1/14 time [11] 10/3 12/7 12/13 18/7 24/24 34/20 41/21 44/5 44/12 44/17 45/9 Title [1] 46/23 toaster [2] 34/16 36/13 today [7] 5/14 5/23 5/24 6/11 14/4 21/2 44/9 told [4] 12/13 17/23 25/25 35/25 too [1] 28/14 took [7] 28/14 30/3 30/19 33/20 40/23 42/20 45/7 tool [1] 33/4 top [1] 16/24 touch [1] 12/19 towards [4] 10/13 12/18 25/24 27/5 toys [1] 35/24 traffic [1] 25/3 trafficking [1] 24/25 transaction [1] 30/11 transcribe [1] 5/6 transcribed [1] 45/10 transcript [4] 1/19 5/19 45/12 46/4 transpired [4] 13/4 19/19 41/18 43/16 transported [2] 15/21 24/13 Trauma [2] 24/14 28/10 Travelers [12] 15/18 15/22 23/8 24/2 25/5 26/25 27/1 37/25 39/1 40/14 41/11 42/15 Travis [1] 38/7 TRECHTER [1] 2/17 truck [1] 29/18 true [1] 45/12 trunk [2] 9/9 17/13 truth [21] try [2] 22/25 29/13 trying [1] 32/24 turned [1] 10/4 Twenty [1] 7/14 Twenty-four [1] 7/14 twice [1] 25/1 two [7] 7/14 9/3 9/4 23/8 23/23 28/17 40/16 type [1] 20/15	<b>V</b> Val [2] 29/21 29/21 various [2] 23/13 29/14 Vegas [12] 1/13 5/1 7/11 7/18 15/5 15/13 22/1 22/4 22/10 32/19 33/17 45/14 vehicle [21] vehicles [2] 10/21 10/22 verbal [1] 8/24 verbally [1] 37/20 version [4] 18/12 18/21 39/20 39/23 versus [1] 5/10 very [1] 36/8 vicinity [4] 25/16 41/15 43/3 43/10 victim [3] 15/21 24/11 24/16 victim's [1] 28/8 video [1] 42/12 violate [3] 6/16 14/9 21/7 violations [1] 25/3 violent [1] 7/23 VOLUME [1] 1/21	<b>Y</b> year [8] 7/16 13/9 15/11 16/4 16/5 19/24 22/8 43/21 years [3] 7/14 15/8 15/10 yes [69] yet [2] 41/3 41/6 you [192] you're [5] 5/16 16/1 20/12 23/22 44/12 young [1] 17/21 your [40] yourself [1] 34/9
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EIGHTH JUDICIAL DISTRICT COURT  
CLARK COUNTY, NEVADA

  
CLERK OF THE COURT

THE STATE OF NEVADA,

Plaintiff,

vs.

DUSTIN BLEAK, aka Dustin Charles  
Bleak, DARION MUHAMMAD-COLEMAN,  
aka Darion Muhammadcoleman,

Defendants.

GJ No. 12BGJ159AB  
DC No. C293296

Taken at Las Vegas, Nevada

Thursday, October 10, 2013

1:37 p.m.

REPORTER'S TRANSCRIPT OF PROCEEDINGS

VOLUME 3

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

1 GRAND JURORS PRESENT ON OCTOBER 10, 2013

2

3 ELGIN SIMON, Deputy Foreperson

4 SHARON HOWARD, Secretary

5 LINDA NITZ, Assistant Secretary

6 KATHY ACEVEDO

7 JEFFREY CARSON

8 TERESA GOSS

9 KAREN GRAVLIN

10 EVA HENDERSON

11 RICHARD HOWE

12 TEMPLE KINYON

13 LOIS KLEVELAND

14 NELDA LEFLER

15 NANETTE OAKLEAF

16 MICHELLE SANTIAGO

17 LINDA TRECHTER

18

19 Also present at the request of the Grand Jury:

20 Caroline Bateman,  
21 Deputy District Attorney

22

23

24

25

26

INDEX OF WITNESSESExamined

MICHAEL CROMWELL

7

INDEX OF EXHIBITSGrand Jury ExhibitsIdentified

32 - PHOTOGRAPH	8
33 - PHOTOGRAPH	9
34 - PHOTOGRAPH	10
35 - LAB REPORT	11
38 - INSTRUCTIONS	13

1 LAS VEGAS, NEVADA, OCTOBER 10, 2013

2 \* \* \* \* \*

3  
4 DANETTE L. ANTONACCI,

5 having been first duly sworn to faithfully  
6 and accurately transcribe the following  
7 proceedings to the best of her ability.  
8

9 MS. BATEMAN: Back on the record in Case  
10 12BGJ159AB, State of Nevada versus Darion  
11 Muhammad-Coleman and Dustin Bleak. Ladies and  
12 gentlemen, you have been through two prior days of  
13 testimony on this case and we'll be presenting just a  
14 little bit more evidence today. You will be asked to  
15 deliberate at the end of testimony today and you will  
16 receive some jury instructions that have been marked as  
17 an exhibit that will be provided to you following  
18 testimony and I ask that you review prior to your  
19 deliberation.

20 My name is Caroline Bateman. I'm a deputy  
21 district attorney and I will be presenting the final  
22 witness in this case. That witness is Mr. Michael  
23 Cromwell.

24 THE FOREPERSON: Please raise your right  
25 hand.



1           You do solemnly swear the testimony you are  
2 about to give upon the investigation now pending before  
3 this Grand Jury shall be the truth, the whole truth, and  
4 nothing but the truth, so help you God?

5           THE WITNESS: I do.

6           THE FOREPERSON: Please be seated.

7           THE WITNESS: Thanks.

8           THE FOREPERSON: You are advised that you  
9 are here today to give testimony in the investigation  
10 pertaining to the offenses of one count conspiracy to  
11 commit robbery, one count attempted robbery with use of  
12 a deadly weapon, one count murder with use of a deadly  
13 weapon, one count battery with use of a deadly weapon,  
14 three counts assault with a deadly weapon, one count  
15 conspiracy to violate Uniform Controlled Substance Act,  
16 one count attempt to possess controlled substance,  
17 involving Dustin Bleak and Darion Muhammad.

18           Do you understand this advisement?

19           THE WITNESS: Yes, I do.

20           THE FOREPERSON: Please state your first  
21 and last name and spell both for the record.

22           THE WITNESS: Michael Cromwell.

23 M-I-C-H-A-E-L, C-R-O-M-W-E-L-L.

24           ///

25           ///

1                                    MICHAEL CROMWELL,  
2       having been first duly sworn by the Foreperson of the  
3       Grand Jury to testify to the truth, the whole truth,  
4       and nothing but the truth, testified as follows:

5  
6                                    EXAMINATION

7  
8       BY MS. BATEMAN:

9                    Q.       Sir, how are you employed?

10                  A.       I am a senior crime scene analyst with the  
11       Las Vegas Metropolitan Police Department.

12                  Q.       And how long have you been so employed?

13                  A.       Approximately five and a half years now.

14                  Q.       And can you give us a brief description of  
15       the duties of a crime scene analyst?

16                  A.       Crime scene analyst, at the request of an  
17       officer or detective, we will respond to the scene of a  
18       crime or an incident and upon arrival we will document  
19       that scene using notes, photography and if necessary a  
20       diagram. In certain cases we'll process for latent  
21       prints. And then we'll also identify, collect and  
22       preserve any and all evidence on the scene.

23                  Q.       And in identifying and documenting the  
24       evidence, does that also include impounding any evidence  
25       that you deem necessary?

1 A. Yes.

2 Q. On April 22nd of this year did you have  
3 cause to respond to 4823 Boulder Highway in Las Vegas,  
4 Clark County, Nevada?

5 A. I did.

6 Q. And what was the reason for your response  
7 to that scene?

8 A. As a follow-up to a homicide investigation.

9 Q. And what did you do upon your arrival?

10 A. They had a traffic stop, they had a car  
11 pulled over in the parking lot. Homicide sergeant Matt  
12 Sanford and homicide detective Buddy Embry were on scene  
13 as well as multiple plain clothes officers. When they  
14 pulled the car over and they searched the vehicle they  
15 noticed what appeared to be a gun on the rear seat of  
16 the vehicle and they called me out to collect that.

17 Q. And the vehicle that you were referencing,  
18 was that a white Buick?

19 A. I don't recall the color, but it was a 2000  
20 Buick Park Avenue.

21 Q. Showing you Exhibit 32, do you recognize  
22 Exhibit 32?

23 A. Yes.

24 Q. And how do you recognize it?

25 A. I took this photo and it is an overall shot

1 of the interior rear passenger compartment of the  
2 vehicle.

3 Q. And what is, can you describe something --  
4 strike that.

5 Can you describe the contents of that  
6 vehicle?

7 A. Inside there's tan leather upholstery. On  
8 the top of the rear seat, right center area, there's  
9 what appears to be a firearm. In this photo you can see  
10 the black grip of the firearm.

11 Q. And does the firearm or alleged firearm in  
12 the photograph fairly and accurately depict its position  
13 upon your arrival at the scene?

14 A. Yes.

15 Q. Publishing for the Grand Jury.

16 And showing you Exhibit 33. Do you  
17 recognize Exhibit 33?

18 A. This is a closeup of the firearm that I  
19 pulled from the vehicle which ended up being a BB gun.

20 Q. And do you recall impounding that item?

21 A. I do.

22 Q. And did you impound it under the event  
23 number for this case?

24 A. I did.

25 Q. What was that event number, do you recall?

1 A. It was 130419-4147.

2 Q. And briefly publishing for the Grand Jury.

3 Now in impounding the BB gun, did you have  
4 occasion to examine it to see if it contained a  
5 magazine?

6 A. I did.

7 Q. What were your findings?

8 A. It had no magazine present in the grip and  
9 it had an air canister, the CO2 canister in there. When  
10 I pulled that out it was discharged so there was  
11 actually compressed air still in the air canister inside  
12 the grip.

13 Q. And showing you Exhibit 34. Do you  
14 recognize Exhibit 34?

15 A. I do.

16 Q. How do you recognize it?

17 A. This is the vehicle, this is a photograph  
18 that I took, the vehicle, the front of the vehicle.

19 Q. When you say the front of the vehicle, do  
20 you mean the vehicle in which you found the BB gun?

21 A. Yes.

22 Q. Briefly publishing for the Grand Jury.

23 Now sir, you testified regarding the event  
24 number in this case. Is that event number unique to  
25 this case and this case alone?

1 A. Yes, ma'am, it is.

2 Q. Is that something generated at the start of  
3 an investigation in a case?

4 A. Yes. When the call is originally called in  
5 to 911 they will create a event number corresponding to  
6 the case, after which any follow-up events that are  
7 directly related to that case will use that same event  
8 number.

9 Q. So just to clarify, if there was evidence  
10 impounded from a different scene but related to the same  
11 criminal investigation as this case, that evidence would  
12 maintain that same original event number that Metro  
13 created for that case?

14 A. Yes, ma'am.

15 Q. And just to clarify, that would be  
16 130419-4147?

17 A. Yes.

18 Q. Showing you Grand Jury Exhibit Number 35.  
19 Do you see or do you recognize Grand Jury Exhibit 35?

20 A. It appears to be a forensic laboratory  
21 report.

22 Q. And do you see a case number on that?

23 A. I do, in the upper right.

24 Q. Does that correspond to the same case in  
25 which you performed your analysis?

1 A. Yes, it's the same event number.

2 MS. BATEMAN: Okay. Thank you.

3 I have no further questions for this  
4 witness. Do any members of the Grand Jury have a  
5 question?

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

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

18 Do you understand this admonition?

19 THE WITNESS: I do.

20 THE FOREPERSON: Thank you. You're  
21 excused.

22 THE WITNESS: Thank you very much.

23 MS. BATEMAN: Ladies and gentlemen, Exhibit  
24 Number 35, just to reiterate to you, is a report of  
25 examination from the Las Vegas Metropolitan Police

1 Department forensic laboratory. It is through a  
2 declaration by Miss Khushboo, K-H-U-S-H-B-O-O,  
3 Narechania, N-A-R-E-C-H-A-N-I-A, who is a forensic  
4 scientist employed by the Las Vegas Metropolitan Police  
5 Department. Miss Narechania is qualified in the Eighth  
6 Judicial District Court of Clark County, Nevada as an  
7 expert witness to testify regarding the identity of a  
8 controlled substance. This report is in conjunction  
9 with Case Number 130419-4147. It involves impound  
10 package number 6, impound item number 20 in the above  
11 referenced case. That has a result of positive for  
12 methamphetamine with a net weight of 7.15 grams. Again  
13 that will be Exhibit Number 35 for your review.

14           Additionally, ladies and gentlemen, I will  
15 provide a copy of the jury instructions as I mentioned  
16 earlier. They are marked as Exhibit 38. I again ask  
17 you to review the jury instructions contained therein  
18 prior to your deliberation in this case.

19           Finally, prior to asking you to deliberate  
20 on the case, in reviewing the Indictment the State is  
21 choosing to strike two counts. I'm asking that you  
22 disregard those counts in your deliberation. Those are  
23 Count 6, assault with use of a deadly weapon and the  
24 victim in that case is Dustin Bleak, and Count 7,  
25 assault with use of a deadly weapon in which the named



1 victim is Travis Costa. In regards to the remaining  
2 counts of the Indictment that the State has proposed,  
3 we're asking you to deliberate at this time unless you  
4 have any questions for me.

5 (At this time, all persons, other than  
6 members of the Grand Jury, exit the room at 1:49 p.m.  
7 and return at 1:55 p.m.)

8 THE FOREPERSON: Madame District Attorney,  
9 by a vote of 12 or more grand jurors a true bill has  
10 been returned against Dustin Bleak and Darion Muhammad  
11 on Counts 1, 2, 4, 8 and 9.

12 That's Count 1 through 9 as presented to  
13 us.

14 Okay. And on Mr. Bleak by himself we are,  
15 Count 1, conspiracy to commit robbery; Count 2, attempt  
16 robbery with use of a deadly weapon; Count 3, murder  
17 with use of a deadly weapon; Count 4, battery with use  
18 of a deadly weapon; Count 8, conspiracy to violate  
19 Uniform Controlled Substance Act; Count 9, attempt to  
20 possess a controlled substance.

21 On Darion Coleman, true bill against Darion  
22 Coleman, 1 through 5. Count 1, conspiracy to commit a  
23 robbery; Count 2, attempt robbery with use of a deadly  
24 weapon; Count 3, murder with use of a deadly weapon;  
25 Count 4, battery with use of a deadly weapon; Count 5,

1 assault with use of deadly weapon; Count 8, conspiracy  
2 to violate Uniform Controlled Substance Act; Count 9,  
3 attempt to possess controlled substance.

4 We instruct you to prepare an Indictment in  
5 conformance with the proposed Indictment previously  
6 submitted to us. And make all the necessary  
7 corrections.

8 MS. BATEMAN: I will do that. Thank you.

9 (Proceedings concluded.)

10 --oo0oo--

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## REPORTER'S CERTIFICATE

STATE OF NEVADA       )  
                              :   Ss  
COUNTY OF CLARK       )

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

Dated at Las Vegas, Nevada,  
October 23, 2013

/s/ Danette L. Antonacci

---

Danette L. Antonacci, C.C.R. 222

## AFFIRMATION

Pursuant to NRS 239B.030

The undersigned does hereby affirm that the  
preceding TRANSCRIPT filed in GRAND JURY CASE NUMBER  
12BGJ159AB:

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

-OR-

\_\_\_ Contains the social security number of a person as  
required by:

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

-OR-

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

/s/ Danette L. Antonacci

Signature

10-23-13  
DateDanette L. Antonacci  
Print NameOfficial Court Reporter  
Title

1 **AIND**

2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 MICHAEL J. SCHWARTZER  
6 Chief Deputy District Attorney  
7 Nevada Bar #10747  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

**FILED IN OPEN COURT**

STEVEN D. GRIERSON  
CLERK OF THE COURT

JAN 03 2017

MICHELE TUCKER

BY, \_\_\_\_\_  
MICHELE TUCKER, DEPUTY

7 DISTRICT COURT  
8 CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

11 -vs-

12 DARION MUHAMMAD-COLEMAN,  
13 aka Darion Muhammadcoleman,  
14 #2880725

15 Defendant.

CASE NO: C-13-293296-2

DEPT NO: I

**AMENDED  
INDICTMENT**

16 STATE OF NEVADA }  
17 COUNTY OF CLARK } ss.

18 The Defendant above named, DARION MUHAMMAD-COLEMAN, aka Darion  
19 Muhammadcoleman, accused by the Clark County Grand Jury of the crime(s) of  
20 CONSPIRACY TO COMMIT ROBBERY (Category B Felony - NRS 200.380, 199.480 -  
21 NOC 50147); ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON (Category B  
22 Felony - NRS 200.380, 193.330, 193.165 - NOC 50145); MURDER WITH USE OF A  
23 DEADLY WEAPON (Category A Felony - NRS 200.010, 200.030, 193.165 - NOC 50001);  
24 BATTERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.481 -  
25 NOC 50223); ASSAULT WITH A DEADLY WEAPON (Category B Felony - NRS 200.471  
26 - NOC 50201); CONSPIRACY TO VIOLATE UNIFORM CONTROLLED SUBSTANCES  
27 ACT (Category C Felony - NRS 453.401 - NOC 51306) and ATTEMPT TO POSSESS  
28 CONTROLLED SUBSTANCE (Category E Felony/Gross Misdemeanor - NRS 453.336,

1 193.330 - NOC 51211/51212), committed at and within the County of Clark, State of Nevada,  
2 on or about April 19, 2013, as follows:

3 COUNT 1 - CONSPIRACY TO COMMIT ROBBERY

4 did then and there meet with Dustin Bleak and/or Travis Costa and between themselves,  
5 and each of them with the other, willfully, unlawfully, and feloniously conspire and agree to  
6 commit a crime, to-wit: robbery, and in furtherance of said conspiracy, Defendants did  
7 commit the acts as set forth in Counts 2 and 3, said acts being incorporated by this reference  
8 as though fully set forth herein.

9 COUNT 2 - ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON

10 did then and there willfully, unlawfully and feloniously attempt to take personal  
11 property, to-wit: lawful money of the United States and/or narcotics, from the person of DALE  
12 BORERO, or in his presence, by means of force or violence, or fear of injury to, and without  
13 the consent and against the will of the said DALE BORERO, Defendant using a deadly  
14 weapon, to-wit: a handgun, during the commission of said crime, by pointing said handgun at  
15 the said DALE BORERO and/or striking the said DALE BORERO with a handgun and  
16 attempting to take said lawful money of the United States and/or narcotics from the said DALE  
17 BORERO, the Defendant being responsible under one or more of the following principles of  
18 criminal liability, to-wit: (1) by directly committing the crime; and/or (2) pursuant to a  
19 conspiracy; and/or (3) by aiding or abetting in the commission of the crime by co-conspirator  
20 Dustin Bleak arranging for a meeting with DALE BORERO under the pretext of purchasing  
21 a controlled substance and/or paying an outstanding debt to DALE BORERO and distracted  
22 DALE BORERO while Defendant DARION MUHAMMAD-COLEMAN, aka Darion  
23 Muhammadcoleman attempted to rob DALE BORERO at gunpoint.

24 COUNT 3 - MURDER WITH USE OF A DEADLY WEAPON

25 did then and there wilfully, feloniously, without authority of law, and with  
26 premeditation and deliberation, and with malice aforethought, kill DALE BORERO, a human  
27 being, by shooting at and into the body of the said DALE BORERO, with a deadly weapon,  
28 to-wit: a handgun, the Defendant being responsible under one or more of the following

principles of criminal liability, to-wit: (1) by having premeditation and deliberation in its commission; and/or (2) the killing occurring during the perpetration or attempted perpetration of a robbery.

COUNT 4 - BATTERY WITH USE OF A DEADLY WEAPON

did then and there willfully, unlawfully, and feloniously use force or violence upon the person of another, to-wit: DALE BORERO, with use of a deadly weapon, to-wit: a handgun, by striking the said DALE BORERO in the body and/or head and/or face with said handgun.

COUNT 5 - ASSAULT WITH A DEADLY WEAPON

did then and there willfully, unlawfully, feloniously and intentionally place another person in reasonable apprehension of immediate bodily harm and/or did unlawfully attempt to use physical force against another person, to-wit: RICHARD MCCAMPBELL, with use of a deadly weapon, to-wit: firearm, by pointing and/or brandishing and/or displaying the said firearm at the said RICHARD MCCAMPBELL and threatening to shoot the said RICHARD MCCAMPBELL.

COUNT 6 - CONSPIRACY TO VIOLATE UNIFORM CONTROLLED SUBSTANCES ACT

did willfully, unlawfully, and feloniously conspire with Dustin Bleak and/or Travis Costa and each of them with the other to violate Uniform Controlled Substances Act, and in furtherance of said conspiracy, the Defendants did commit the acts as set forth in Count 7, said acts being incorporated by this reference as though fully set forth herein.

COUNT 7 - ATTEMPT TO POSSESS CONTROLLED SUBSTANCE


did then and there willfully, unlawfully, knowingly, intentionally and feloniously attempt to possess a controlled substance, to-wit: by traveling to 2855 East Fremont Street, Las Vegas, meeting with DALE BORERO and attempting to obtain Methamphetamine and/or Cocaine from the said DALE BORERO and/or by pointing a firearm at the said DALE BORERO and demanding he turn over any Methamphetamine and/or Cocaine on his person, the Defendant being responsible under one or more of the following principles of criminal liability, to-wit: (1) by directly committing the crime; and/or (2) pursuant to a conspiracy;

1 and/or (3) by aiding or abetting in the commission of the crime by co-conspirator Dustin Bleak  
2 arranging for a meeting with DALE BORERO under the pretext of purchasing a controlled  
3 substance and/or paying an outstanding debt to DALE BORERO and distracted DALE  
4 BORERO while Defendant DARION MUHAMMAD-COLEMAN, aka Darion  
5 Muhammadcoleman attempted to rob DALE BORERO at gunpoint.

6 DATED this 3<sup>rd</sup> day of January, 2017.

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

10 BY

  
11 MICHAEL J. SCHWARTZER  
12 Chief Deputy District Attorney  
13 Nevada Bar #10747  
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